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Judicial outreach beats COVID: Transitions to virtual platforms

COVID-19 restrictions required adaption in all walks of life, particularly in public forums. The justice system learned to adapt in many ways including in its outreach to the public -- it changed them in ways that will make judicial outreach stronger



Stanley Mosk Courthouse
RICHARD L. FRUIN JR.
Judge, Los Angeles County Superior Court

Independent calendar



DIANE RITCHIE
Judge (ret.), Santa Clara County Superior Court



DOUGLAS CARNAHAN
Commissioner (ret.), Los Angeles County Superior Court



Burbank Courthouse
TIMOTHY R. SAITO
Judge, Los Angeles County Superior Court

Glendale University College of Law



Central Division - Central
Courthouse

RACHEL CANO

Judge, San Diego County
Superior Court

Misd. Arraignments

Harvard Law School, 1991



Juvenile Justice Courthouse

FRANKLIN BONDONNO

Judge, Santa Clara County
Superior Court

Juvenile

COVID-19 restrictions required adaption in all walks of life, particularly in public forums. The justice system learned to adapt in many ways including in its outreach to the public -- it changed them in ways that will make judicial outreach stronger.

Judicial outreach refers to organized efforts by courts to educate the public about the work of judges. It is recognized as an official judicial function. California adopted this standard for judicial administration in 1999: "Judicial participation in community outreach activities should be considered an official judicial function to promote public understanding of and confidence in the administration of justice."

The American Bar Association in revising its Model Code of Judicial Conduct in 2003 added to its Canon 1.2 (defining a judge's personal behavior) this comment: "A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice."

Outreach programs previously were structured so judges met with live audiences. These programs have become defined by their audiences: programs designed for school audiences; programs for adult audiences; and still other programs to acquaint young adults, including minorities, with careers in the justice system.

Courts in learning how to use virtual platforms for judicial outreach programs discovered an upside. Judges are effective presenters to live audiences about the work of the courts, but judicial time is limited. Judges are the most limiting resource needed for successful outreach programs. By appearing remotely, judges will be able to reach larger audiences, and do so more often.

The California Judges Association in 2019 resolved to present every several years a Judicial Outreach Award to identify, recognize and promote judicial outreach programs. The CJA wanted the award to be given for effective judicial outreach to be demonstrated in responses to the selection criteria. The CJA Foundation committed to giving a \$1,000 cash grant to the award-winning program. As fate would have it, the outreach programs that could be considered were those that survived the pandemic restrictions imposed to combat COVID-19 in years 2020 and 2021.

CJA kicked off a competition for the inaugural award in January 2021. CJA asked courts with an award-eligible outreach program to submit an application on the Survey Monkey website. To hurry up the process the award committee also contacted outreach programs to get applications. The application process used a Survey Monkey format to obtain standardized and, therefore, comparable response data. That process also minimized the need for staff time by permitting committee members to view the responses online. The Survey Monkey form requested answers to 17 questions. These were the core questions:

- Audience(s) to which the outreach program is presented;
- Subject Matter that is presented through the outreach program;
- Step-by-step procedure used to "build" an audience for the program;
- Role of court staff in organizing/presenting the program;
- All calendar dates when the program was presented;

- Number of judges/commissioners who participated in the program;
- Surveys from audience participants; ratings received;
- Court resources devoted to the program, and estimated cost.

Materials developed for outreach programs could be submitted to a CJA Dropbox.

The award committee nominated three programs to receive the award. The CJA board is to make the final selection. Each nominated program uses the internet to present a virtual outreach program. Each program addressed a different virtual audience; and each had special strengths. These three programs nominated to the CJA board were:

Teen Court is a youth diversion program in which teenagers charged with a misdemeanor, infraction or rule violation are judged in an evidentiary trial by a peer group. Minors who graduate from Teen Court say they were profoundly affected by the experience and motivated to improve their behavior. Courts learned how to present Teen Court remotely -- by permitting the numerous individual participants to meet and interact over a virtual platform.

Judges in the Classroom is a collaboration between judges and teachers to present standards-based lesson plans to teach the fundamentals of the justice system to students. Judges appear in the classroom remotely and participate with the teacher in presenting the lesson plan and answering questions. The remote capability is critical: if judges are to be available to all schools, that can only be done state-wide over a virtual platform.

Virtual Townhalls is a technology-enabled program that offers courts an opportunity to provide information and to obtain feedback about current justice issues from the community. The courts in one California county used a virtual platform to convene townhalls to discuss bias and racism in the justice system in the aftermath to the murder of George Floyd.

Teen Court

Teen Court functions as an actual court. The minor defendant, advised by a parent/guardian, is given the opportunity to have his/her guilt to a nonviolent offense decided by a jury of peers and to be sentenced to a rehabilitation plan recommended by the peer jury. Judges supervise the proceedings; the defendant's compliance with the rehabilitation plan is supervised by the Probation Department. The minor can have the conviction removed from the public record upon successful completion of the rehabilitation plan.

Teen Court requires a substantial time commitment from students who must be instructed to perform their roles as jury members, clerks, bailiffs and counsel teams and also from judges and attorneys to oversee the Teen Court trials. Students in Teen Court programs learn how to participate in the justice system. They must exercise their critical thinking to decide issues of criminal responsibility, and, if guilt is found, to create a sentencing recommendation to achieve restorative justice. The Teen Court jury must devise a creative sentencing that will lead the defendant to recognize and learn from his/her mistakes. The sentencing options can include participation in academic tutoring, professional counseling, attending after-school programs, mentoring, community service and letters of apology.

The Los Angeles County Superior Court sponsors Teen Courts in 45 high schools. (Teen Court is offered by many trial courts in California and in other states, too.) Before the

pandemic, over 100 judges presided over live Teen Court sessions, typically hearing two trials in one afternoon each month. Teen Courts are supported by many justice partners. These include the nonprofit (and fund-raising) Parents, Educators & Students in Action, the district attorney's office, the public defender's office, the County Probation Department, and law students and college students who have volunteered to be proctors in the Teen Court trials. Teen Courts, on the school side, are supported by administrators, teachers and staff. PESA provides training for Teen Court to the judges, proctors, advisors and students at each school participating in Teen Court. Teen Court is included in the high school curriculum, and students receive credit for their participation.

When the COVID-19 pandemic closed high schools in March 2020, Teen Court quickly transitioned to a Zoom platform to communicate with students from home. The transition has worked remarkably well. Zoom provides multiple breakout rooms with easy movement between them. Students log in using their personal devices or school computers. Judges log in from their courtroom or personal computers. An advantage of the virtual program is that a judge can "attend" and participate in a high school-based Teen Court anywhere in the County.

The LASC staff or PESA staff act as the Zoom host. The defendant minor, and his/her parent/guardian, and a case worker/probation officer are placed in a breakout room. The student jurors and audience are in another breakout room. At the beginning of the Teen Court session, the host places the minor, parent/guardian, the case worker/probation officer and the judge in a breakout room. The judge informs the minor of the nature of the proceedings and answers any question from the minor or parent/guardian. After this "arraignment" they are moved to the main room to begin the trial.

During the trial, audience members and school personnel are asked to turn their cameras off, thus removing them from the monitor, leaving only the jurors, the minor defendant, and the judge visible on the monitor.

The "chat function" is used so that the proctors can communicate with the student jurors to assist them with legal issues without disrupting the trial itself. With some Teen Court formats the jury members can ask questions of witnesses. A proctor then might respond to a student inquiry by chatting back "what are the elements of this crime?" or "what testimony was relevant to proving the point?"

Once the testimony is received, and all jury questions are answered, the jurors are instructed as to the legal elements applicable to the charges. The student jury is provided with written jury instructions and a special verdict. The jury is then moved into a breakout room to deliberate. While the jury is deliberating, the judicial officers meet with and answer questions from the student audience. When the jury returns with a verdict, each juror is polled on his/her answer to the questions on the verdict form, and the judge keeps track of the answers.

In Los Angeles County 157 Teen Court trials were conducted remotely in the year 2020. Over 100 bench officers participated as Teen Court judges.

Judges in the Classroom

Judges in the Classroom, or JIC, is a joint program of the California chief justice and California's superintendent of education. The superintendent's support ensures the program will be utilized in public schools state-wide.

Under JIC, judges collaborate with the teacher to present a civics lesson. JIC's website serves as a virtual meeting place for teachers and judges. Teachers can use the website to find a judge to visit their classroom. Lesson plans can be downloaded from the website. The lesson plans are standards-based: the scripts have been vetted by teacher committees appointed by the Superintendent. Various lesson plans are available for use from the third through twelfth grades. The lesson plans use scripts, playlets and handouts to educate students about the justice system, covering such topics as: government's three branches; the adoption (and enforcement) of rules of social behavior (laws); the Constitution and Bill of Rights; the use of a trial to test evidence; and the role of judges. Variations in the script may be improvised by the teacher and the judge. Some judges provide their own power points for the class discussion.

The sign-up process is online. Teachers submit a form to request a judge; participating judges indicate their availability. Some courts provide a staff coordinator to scout for judges to respond to a teacher's particular request, for instance, for a Spanish-speaking judge. The judge will contact the teacher to discuss the lesson plan and agree to a date for the judge's participation. The pre-meeting with the teacher, even though by telephone, is important to a successful outreach program. The teachers, after the class, are required to provide an evaluation.

JIC is designed to be offered to schools in the entire state. The chief justice's committee tested the program with in-person judge visits to classrooms in Butte and San Diego Counties. When COVID-19 closed the schools, the program was transitioned to using a virtual platform. Over the past year, all JIC programs have been presented by judges appearing remotely over a virtual platform that made them visible to students (who themselves are attending school over a virtual platform) and to allow them to be able to see and to interact with the students.

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JIC today is being presented in schools in 13 counties. The program has signed up more than 100 judges to make virtual presentations. The program is expected to continue to expand. Teacher responses to the virtual JIC have been favorable. One teacher commented: "Thank you so much to the program and Judge Dhanidina for the awesome opportunity my students had. My students were engaged and actively listening to the information being provided and explained by [the] Judge. It truly was a wonderful experience for my students, so much so that they continue to ask questions on the subject and whether we will receive another visit. The subject matter that was covered ... was aligned to our standards. The visit enhanced my students' understanding of the subject. Students were engaged in critical thinking and were eager participants with thought provoking questions."

Responses from judge participants likewise have been favorable. One San Diego judge wrote: "It was a very positive experience. I started with a virtual tour of the courtroom, which students of all ages seemed to like. The Riley materials are excellent, particularly for seniors, as they lead to wide-ranging discussions about individual rights, how to exercise them respectfully during a police encounter, and understanding the privacy they sacrifice when putting information out on social media. No improvements suggested. This was very well managed in San Diego."

JIC programs offered through remote technology will become a principal means for judicial outreach to California students due to three factors: virtual technology will permit more judges and judges more frequently to participate remotely without interrupting their other judicial responsibilities; the use of pre-approved lesson plans will reduce a judge's preparation time; and many teachers due to the approval of the Superintendent of Education will be encouraged to integrate virtual visits by judges in their civics classes.

Virtual Townhalls

Virtual Townhalls is a public forum created by the San Bernardino County Superior Court. In the aftermath of the murder of George Floyd, three trial court judges met to imagine a means to address issues of racism raised by the nationwide protests -- at a time the pandemic had closed down group meetings. They conceived Virtual Townhalls as a means to engage the community in a dialogue about the justice system. Within two months, the judges created program timeline and agendas, enlisted participation from the other government bodies, and recruited an online audience for three hour-long Virtual Townhalls on these topics and dates:

- "Civil Unrest and Racism: What Are We Doing?" Thursday, July 30, 2020 at 12 Noon,
- "Civil Unrest and Racism: What Are We Doing? Part II," Thursday, September 17, 2020, at 12 Noon
- "Eliminating Bias: Addressing Mental Health in the Justice System," Thursday, March 25, 2021, at 12 Noon

The Virtual Townhalls provided an opportunity for all justice agencies to describe what it was doing to eliminate bias and racism while providing services to the public. Their format was structured to answer questions about the justice system; and to hear community concerns (feedback) particularly about criminal justice system. The Virtual Townhalls apparently achieved these purposes. The online audience exceeded expectations. One audience member in her survey response said: "These topics are timely and most necessary and there was diversity manifested in the questions and opinions presented here....Thank you for this type of townhall meeting. It is an excellent proactive tool in promoting mutual understanding and respect between the community and the judiciary."

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The judges enlisted court staff under the direction of the public information officer to bring this concept into reality in less than two months. The public information officer set up a schedule with a timeline of events and check off list to ensure objectives were achieved on schedule.

The judges selected Webex to provide the virtual platform because it had a greater audience capacity (up to 1,000 participants) than competing video-conference services. The court technology staff created links for all of the scheduled meetings and rehearsals, and, as the townhall dates approached, they tracked the registrations. The tech staff provided attendance counts and rosters to build listservs for future townhalls.

The challenge was to build an on-line audience to engage in an interactive dialogue about faults -- perceived and real -- in the justice system. The organizers undertook a series of tasks. The first was to identify key outside organizations to ensure that promotion was targeted to their members. A second was to develop a topical agenda and enlist panelists to answer questions from an on-line audience. The third was to build an audience to attend a virtual program presented at lunch time mid-week. The court itself distributed press releases, email blasts and promoted the townhalls on social media. Social media advertising included ad space on Facebook and Twitter. The internet ads displayed a QR code to facilitate registration. A banner ad was posted on the court's homepage. The court also asked its inter-agency contacts to repost the court's flyer on their social media networks. All of these efforts broadened the audience demographics and encouraged public

attendance.

The online audience could see and hear on a split-screen all of the panelists. The panelists who participated in the first two townhalls were the presiding judge, the district attorney, the public defender, a county supervisor, the assembly member, the undersheriff, the county bar president, and the deputy director for the county Health and Human Services Department. The panelists gave an overview of their agency's role in the justice system and spoke about their agency's response to issues of racism and civil unrest in the summer of 2020.

For the first Virtual Townhall 258 persons pre-registered to attend, with 172 attending in the online audience. Those attending could pose questions by using the chat function. The questions were anonymous to encourage the audience to present comments or questions no matter how controversial. The judges acted as moderators and directed the questions to the panelists.

The second Virtual Townhall, "Civil Unrest and Racism, Part II," was a more structured discussion and provided a robust Q and A session. The questions spanned all justice agencies because panelists representing each were visible to the on-line audience. The attendance at the second Virtual Townhall was 98 with 188 persons pre-registered. One hundred percent of those answering the on-line survey said they would be interested in attending later townhall meetings.

The court, through the Virtual Townhalls is reaching out for an interactive dialogue to obtain feedback about its performance and thus to enhance public understanding of and trust in the fair administration of justice. One court employee said in a survey response about the Virtual Townhall: "I feel so proud to be a part of the [San Bernardino] Court and so appreciate you all putting on this townhall, thank you!"

At this writing, we do not know which of three outstanding outreach programs will be selected by the California Judges Association for its inaugural Judicial Outreach Award. However, as this article predicts, virtual communication will continue to be a favored

forum for judicial outreach even after the pandemic runs its course.

San Diego Court back to normal today, other courts opening

In an announcement Monday afternoon, the San Diego County Superior Court said, “Public access will generally revert to prepandemic levels while many of the recently introduced online and remote options will remain available.”

San Diego County Superior Court planned to start getting back to normal Tuesday morning after 15 months of COVID-19 virus restrictions.

In an announcement Monday afternoon, the court said, “Public access will generally revert to prepandemic levels while many of the recently introduced online and remote options will remain available.”

Temperature checks and symptom screening at the courthouse doors will end, though anyone who has COVID-19 symptoms is still asked to stay home.

The court will adopt an honor system for courthouse visitors, with masks optional for anyone who has been fully vaccinated and required only for those who are not.

“Wherever possible, we anticipate maintaining online and virtual service enhancements that were implemented out of necessity,” San Diego County Superior Court Presiding Judge Lorna Alksne said in a statement.

“We also look forward to safely welcoming more people back into the courthouse as we make progress toward normal operations and an increase in the number of trials we can hold,” she added.

The state is moving to relax many of its pandemic restrictions. But each county court is free to take its own actions and most are not making any changes yet, pending a decision later this week by the state’s Occupational Safety and Health Standards Board.

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“Notwithstanding these emergency guidelines, our understanding is that the State [Department of Public Health] allows businesses and government agencies to decide whether or not to continue requiring masks in the public and office workspaces,” San Mateo County Superior Court CEO Neal Taniguchi wrote in a statement Monday.

“The San Mateo Superior Court is planning to continue requiring use of masks by its employees, judicial officers, jurors and the public who access court facilities for at least the next two weeks, which is commensurate with requirements of the County of San Mateo government,” he continued.

Taniguchi added the court would continue to evaluate its policy requiring masks while maintaining its social distancing policies for staff, jurors and the public “for the indefinite future.”

Alameda County Superior Court also is keeping its mask requirements, it announced Monday, but planned to open five of its courthouses — in Oakland, Fremont and San Leandro — to the public on Tuesday, with clerk’s offices open from 8:30 a.m. to 3 p.m.

The remaining county courthouses will reopen June 21 for in-person clerk services and drop boxes.

Representatives for Los Angeles, Orange, San Francisco, and Contra Costa County Superior Courts all said no changes were planned to their operations yet.

#363143

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Water bill case report nears release, but city says violates rights

Los Angeles attorney Eric George of Browne George Ross O'Brien Annaguey & Ellis LLP said special master Edward Robbins of Hochman Salkin Toscher Perez PC found individuals named in the report to be guilty of wrongdoing without ever interviewing them, subpoenaing witnesses or taking depositions.

A report that could sully the reputations of several prominent attorneys connected to the Los Angeles City Attorney's Office is expected to be released but the city's lawyer said Monday that the special master who wrote it violated the due process rights of those named.

The special master's report is expected to reveal whether private attorneys, hired by the city to sue consulting firm PricewaterhouseCoopers over a faulty billing system purchased by the Los Angeles Department of Water and Power, secretly recruited other attorneys to

sue their own client, the city of Los Angeles, in a separate class action related to the billing fiasco.

However, representing the city, Eric George of Browne George Ross O'Brien Annaguey & Ellis LLP said special master Edward Robbins of Hochman Salkin Toscher Perez PC found individuals named in the report to be guilty of wrongdoing without ever interviewing them, subpoenaing witnesses or taking depositions.

"Although the special master's report could harm the reputations of numerous individuals who are unsuspecting and completely innocent, the special master deliberately left them in the dark when the true picture was within his reach," George told Superior Court Judge Elihu M. Berle.

The fraud allegations raised by attorneys for PwC led to FBI raids on the city attorney's office, the water utility and a private attorney's office. Berle named the special master to look into the matter and gave him subpoena power. One of the attorneys who could be

named in the report is City Attorney Mike Feuer, who has said under oath he knew nothing about the private counsel's plan to sue the city.

The 2nd District Court of Appeal denied the city's motion to delay release of the report. On Monday, George asked that the people named in the report at least be given advanced copies and sworn to confidentiality just as others were who got advanced copies.

"What a special master did is far from a competent exercise to learn the truth," George said. "The city wants transparency, and wants the report to be released. Let's first, however, provide the report to those individuals who will be affected by the report. ... There are about 14 of them."

Berle ordered the city to file an ex parte application to seal the special master's report including its argument that the special master violated certain attorneys' due process rights. Before the hearing concluded, George again asked Berle if would allow the people named in the report to be given access to it before its public release.

"The order I just read will be the order of the day," Berle responded.

Regardless if people named in the report receive advanced copies, it could be released as early as next month, according to people familiar with the litigation.

#363146

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LA lawyer leads DA opponent in donations to unseat AG Bonta in 2022.

Nathan Hochman, a Republican, has raised \$479,000 as of Monday. Sacramento County District Attorney Anne Marie Schubert, has compiled \$129,300. Democratic incumbent Attorney General Rob Bonta has raised more than \$750,000.



Nathan J. Hochman

How did Nathan J. Hochman raise almost \$500,000 so quickly?

The Republican former assistant U.S. attorney general announced the haul last week, about seven weeks after announcing his candidacy for the state's top prosecutor job. Campaign finance reports on the California Secretary of State's website confirmed Hochman has raised \$479,000 as of Monday. It is not unusual for these reports to lag donations by a few days, meaning the true number could be higher.

"I've been humbled, actually, by the tremendous support I have gotten from numerous individuals with whom my campaign and message has

resonated,” Hochman told the Daily Journal on Monday. “What donors have responded to is that my qualifications show me as someone who has been on all sides of the courtroom.”

A possibly better known candidate, Sacramento County District Attorney Anne Marie Schubert, has compiled \$129,300 since declaring one day after Hochman. Schubert has held the job in California’s eighth largest county for seven years and gained statewide press in 2018 for her role in the arrest of Golden State Killer Joseph DeAngelo.

But something else Schubert did in 2018 may now hurt her ability to raise money. Shortly after winning reelection in the June primary, she left the Republican Party to become an independent. Some saw it as a savvy move in a county increasingly dominated by Democrats, and perhaps a prelude to running for attorney general in a state that hasn’t elevated a Republican to the office since reelecting Dan Lungren by 14 percentage points in 1994.

Hochman appears to have quickly tapped into existing networks of major Republican donors. The money came in via 63 individual donations, for an average donation of \$7,603, with 50 of the donations coming in at the \$8,100 maximum amount allowed by state law. While about 90% of his donations came from within California, his supporters include several well-known GOP benefactors with nationwide profiles. These include investor David Hanna and developer Jeffrey Kaplan.

While Hochman hasn’t held elected office, he is well-connected in the well-heeled Los Angeles legal community in a way Schubert likely is not. He’s raised more money within the City of Los Angeles than Schubert has overall.

He joined Browne George Ross O’Brien Annaguey & Ellis in Century City as a partner in 2019. The firm named him general counsel in April. Before that, he spent about five years as a partner with Morgan Lewis & Bockius in Santa Monica. From 2008 to 2009, he led the tax division of the U.S. Department of Justice under President George W. Bush, a job that included arguing in the tax evasion prosecution of actor Wesley Snipes.

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Hochman touted his breadth of experience, noting the wide range of roles the attorney general plays in civil, criminal and appellate law. He also clerked for Judge Stephen V. Wilson of the U.S. District Court for the Central District of California, was president of the Los Angeles City Ethics Commission, led a team at the Los Angeles Disaster Fraud Task Force, was a federal prosecutor and tried complex civil cases.

Hochman made it clear he would run his campaign against the Democratic incumbent Rob Bonta, who has raised more than \$750,000 since Gov. Gavin Newsom appointed him on March 24.

Of Schubert's candidacy, Hochman said, "Her entering the race only reaffirms the fact that the current attorney general, Rob Bonta, is underqualified compared to Ms. Schubert and myself." He went on to criticize Bonta's approach to criminal justice during a time of rising property and other violent crimes.

Hochman added, "I'm convinced California voters are going to be voting for the person and his or her policies more than the party for this particular election."

Hochman's supporters include several well-known Republican donors, but as a group, they don't appear to have been especially supportive of former President Donald Trump. While it is difficult to quickly determine all the donations a person has made, particularly when two or more donors have the same name, some of Hochman's donors backed other candidates in the 2016 presidential primary and did not donate to Trump in 2020.

So far, Hochman has no donations from law enforcement groups, key backers of Schubert in her district attorney and nascent attorney general campaigns. She's consistently run on a tough-on-crime platform. This raises the possibility that she could run to the right of Hochman despite being an independent.

Two Republican candidates in the 2018 race have publicly discussed running again. Eric P. Early, the managing partner of Early Sullivan Wright Gizer & McRae LLP in Los Angeles, finished fourth in the primary. In 2020, he failed in an attempt to unseat Rep. Adam Schiff, D-Hollywood, for Congress. He's formed a campaign committee but has yet to report any donations. Former El Dorado judge Steven C. Bailey lost to Xavier Becerra in the general election. He has not announced he is running again.

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Campaign representatives for Bonta and Schubert did not respond to calls or emails seeking comment as of press time.

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Malcolm Maclachlan

ANALYSIS

How state meets budget deadline, kind of

BY JOHN MYERS

SACRAMENTO — The California Legislature on Monday approved a \$264-billion state budget blueprint, far-reaching legislation to boost the state's COVID-19 recovery and comply with a state constitutional mandate that lawmakers pass a plan by June 15 or forfeit a portion of their salaries.

But it will not be the final budget of record for the fiscal year that begins July 1.

The most senior member of the Legislature, state Sen. Jim Nielsen (R-Red Bluff), publicly called out what budget analysts and lawmakers knew: The bill is largely a placeholder, not the finished product that voters might have expected.

"This is a fake budget," Nielsen said during Monday's Senate budget hearing. "It's a feel-good budget, a 'let us get paid' budget. But what we're voting on is not going to be the budget."

Nielsen's words were somewhat hyperbolic — the proposal is hardly "fake," as a number of the provisions [in the 920-page bill](#) align with Gov. Gavin Newsom's budget preferences and will almost certainly appear in the final plan. Both the governor and legislative Democrats support record spending for public schools, new stimulus payments for millions of Californians and expanded government services funded by a tax windfall of some \$76 billion.

The underlying point of Nielsen's criticism, however, seemed reasonable: How can the budget meet the deadline if it's not yet completed?

The answer rests with the expectations set by [Proposition 25](#), a 2010 ballot measure approved by voters in the aftermath of arguably the worst decade of governance in California history.

In nine of those years, the state started the fiscal year on July 1 without a budget in place. In 2009, a bitter stalemate in the face of a large projected deficit forced officials to sell IOUs to cover the state government's bills.

The most overdue budget in state history was enacted just three weeks before voters approved Proposition 25.

In doing so, they removed the most obvious impediment to timely passage of the budget: a constitutional provision from 1933 that required approval by a two-thirds vote in each legislative house. Over the decades, that meant at least a handful of Republican lawmakers had to sign on, even as bipartisanship faded in the 1990s and 2000s.

But previous efforts at allowing passage of a state budget on a simple majority vote had failed. And so supporters of the 2010 effort added a political sweetener to "hold legislators accountable for late budgets," as a spokesperson for Proposition 25 said in one TV commercial. In that same advertisement, a slogan later flashed on the screen in bold, capital letters: "NO BUDGET, NO PAY."

Lawmakers would forfeit all salary and expense payments for every day after June 15 that the budget wasn't passed, using a long-standing constitutional deadline that had been routinely ignored.

If punctual budgets were the goal, Proposition 25 has worked.

California has begun every fiscal year since its passage with a budget in place. Because Democrats have maintained sizable legislative majorities and consistently held the governor's office, they've been able to write spending plans without the approval of Republicans. Budget negotiations in Sacramento have become more like family disagreements than the political brawls of the past.

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Perhaps even more importantly, California's economy has consistently produced more than enough tax revenues to pay the bills over most of the last decade. While lawmakers have quarreled over where to spend the money, the debates are less caustic than those in years past over where to cut back.

"What we face today is that we are in an unprecedented position to make transformative investments," state Sen. Nancy Skinner (D-Berkeley) said during the budget debate Monday.

But in some ways, the ballot measure that created a firm deadline for budget passage also made deadlines less meaningful.

In six of the 10 years since Proposition 25 took effect, including this year, legislators failed to finalize the budget by the June 15 deadline. Subsequent details were later passed through the use of budget "trailer bills," a nickname meant to convey that each proposal is legally linked to the main spending plan.

But the link can sometimes be tenuous, with a trailer bill including a meager appropriation that counts as part of the budget.

"For good or for bad, the trailer bills end up making a number of policy changes that may or may not directly be a part of the budget itself," said Chris Micheli, a longtime lobbyist.

Partisan politics is at the heart of one of this year's budget trailer bills, a proposal introduced last week that will allow Democrats to speed up the election in which voters will decide whether to recall Newsom from office. That change to the election process can be made as soon as Newsom signs the bill, probably by the end of the month.

Legislative records show that Democratic lawmakers introduced 176 bills between the two houses in January that could be used as trailer bills through next summer.

"The budget process has now become a session-long affair with very little transparency provided to the public," state Sen. Melissa Melendez (R-Lake Elsinore) said.

Chris Hoene, executive director of the California Budget and Policy Center, said it's not surprising that the June 15 deadline did little to flesh out the state's ultimate budget needs for the current fiscal year and the one that begins July 1 — during which resources and needs were complicated by the COVID-19 pandemic.

"The scale of what's not settled is so much larger" than most years, Hoene said. "There just hasn't been as much time to get the details in place."

Even so, legislative leaders know that the only legal requirement is the one they cleared with Monday's vote.

Tuesday marks the 10th anniversary of the first and most substantial test of the Legislature's powers under Proposition 25. In 2011, then-Gov. Jerry Brown [vetoed](#) the budget sent to him by his fellow Democrats, calling the spending plan "unbalanced." One week later, then-Controller John Chiang said he would withhold legislative [pay as a result](#).

The courts ruled that Chiang had overstepped his role and that lawmakers had done exactly what voters had told them to do under Proposition 25.

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L.A. dentist is charged with abusing nine female patients

Emad Fathy Moawad is accused of preying on immigrant and low-income women.

BY RICHARD WINTON

A Los Angeles dentist was charged Monday with sexually abusing nine female patients and accused of preying on women from immigrant and low-income communities.

Emad Fathy Moawad, 50, is accused of targeting the female patients who came to his office on Beverly Boulevard and Normandie Avenue between 2013 and 2018, according to the L.A. County district attorney. His victims during the five-year span ranged in age from 27 to 73, prosecutors say.

Moawad is charged with nine counts of sexual battery by restraint, three counts of sexual penetration by use of force and a single count of attempted sexual penetration by use of force.

“This case is especially concerning because its victims are low-income people and immigrants who are less likely to report crimes due to fear,” Dist. Atty. George Gascón said in a statement announcing the charges. “We are asking other possible victims to come forward and help us keep our community safe.”

Moawad appeared in court on Monday, but his arraignment was continued to Wednesday.

The charges follow a lengthy investigation by LAPD sex crimes detectives with the department’s West Bureau. Moawad did not return calls seeking comment Monday.

In 2019, a female patient sued Moawad in L.A. County Superior Court for sexual battery, sexual harassment and sexual violence. The suit says that he operated a practice with his wife, Katerina, another dentist. The woman, whom The Times is not identifying because she’s a victim of an alleged sexual assault, reported her allegations to Los Angeles police.

The lawsuit alleges that in 2017, while the female patient was under anesthesia, Moawad repeatedly “sexually battered, molested and assaulted her.” The suit alleges the staff heard her yell at him and accuse him of sexual assault.

According to the suit, the incidents began with his brushing against her breast during a visit on Oct. 5, 2017. The patient returned for a deep cleaning under anesthesia on Oct. 30, and the suit alleges that Moawad put his hand up her shirt and touched her breasts. The woman responded by yelling, and she told his dental assistant and secretary moments later about the alleged assault. “We know, but can’t do anything about it,” the secretary replied, according to the suit.

The woman returned to the dentist in August 2018 because of a problem with her veneers. She alleges that while under local anesthesia, Moawad put his hands inside her panties and rubbed her vagina. She resisted, and he held her down until she managed to run from the room, covered in blood, the lawsuit alleges. In December 2018, a dental assistant shot a video of one such assault to bring an end to his alleged attacks, according to the suit.

Durst, 2nd Ld

Durst Murder Trial Resumes; Defense Loses Bid for Adjournment

Eds: UPDATES with video testimony from Lynda Obst, originally recorded in 2017.

INGLEWOOD (CNS) - Trial resumed today for New York real estate scion and accused murderer Robert Durst following his hospitalization last week, despite his defense team's push for an adjournment.

A doctor appointed by the defense said the 78-year-old defendant, who was hospitalized Thursday, was diagnosed with a urinary tract infection and sepsis as a complication of his bladder cancer and malnutrition, according to lead defense lawyer Dick DeGuerin.

Outside the presence of the jury, Durst appeared in court wearing jail clothes and with a catheter bag hanging from his wheelchair.

Los Angeles Superior Court Judge Mark Windham said he was told the defendant was unable to stand to get dressed in street clothes and suggested a blanket be placed over his shoulders to make him more presentable to the jury.

Deputy District Attorney John Lewin argued that Durst's appearance only helped his defense.

"Mr. Durst looks like a very sympathetic character right now," Lewin said. "He's sitting in a wheelchair, he looks very old and feeble, he's got a catheter hanging out. This doesn't look like someone who's murdered three people."

Less than a month ago, Windham rejected an emergency motion from the defense seeking to postpone the trial indefinitely based on what lawyers said were the defendant's "life-threatening" health issues.

In making the case for a continuance, DeGuerin reeled off a list of Durst's serious health concerns, including severe malnourishment, a recurrence of esophageal cancer, atrial fibrillation, chronic kidney disease, coronary disease, chronic obstructive pulmonary disease and spinal disease. He said his

client has gotten "much worse" in the last year.

On Monday, the defense said the defendant was also having trouble tracking time and place, making it difficult for him to participate in his defense.

Despite appearances, Lewin told the court, "Mr. Durst is on tape talking about faking dementia, he's on tape talking about using COVID to get a new jury so he can start over ... he doesn't want to be here, he doesn't want this trial to continue."

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Durst is charged with murder for the December 2000 killing of Susan Berman, a writer with whom he had been close friends for years after the two met at UCLA. The murder charge includes the special circumstance allegation that she was killed because she was a witness to a crime.

The prosecutor told jurors last month that the evidence would show that Durst shot and killed the 55-year-old Berman "out of survival" because he feared she would tell authorities about his involvement in the disappearance of his first wife, Kathie.

Once the jury was seated Monday morning, Berman's longtime friend, Susan Harmon, testified that Berman had told her that Durst and his wife Kathie had had a fight and "something terrible had happened."

Harmon said she was absolutely certain in her memory.

"She said that her friend Bobby had had a fight with his wife. She didn't know what she was going to do," Harmon said. "They'd had a fight, there was an accident on the stairs, and that she had to do something."

At the time, Harmon said, she thought Berman meant she had to help the couple, rather than Robert Durst alone, but that Berman never elaborated on what she planned to do.

"She intended to do something to help him," Harmon clarified during cross-examination.

Defense attorney David Chesnoff challenged Harmon's memory, citing conversations with police in which she asked if she could be hypnotized to better recall the facts.

The lawyer also quoted Harmon telling investigators, "I've been influenced by what I've read."

During an updated opening statement last month, Lewin called the cases of Kathie Durst and Susan Berman "interrelated," and told jurors they would hear evidence that Durst killed his wife and used Berman to help cover up his part in the crime, and that he subsequently had to kill another person, Morris Black, in Galveston, Texas, in 2001, because the man figured out who

Durst was and was putting pressure on him.

Durst -- who contended that Black was killed during a struggle over a gun before Durst dismembered his neighbor -- was acquitted in Texas of that killing.

After Harmon's testimony, the prosecutor played jurors a video of Hollywood producer Lynda Obst testifying in 2017. Obst said Berman told her that she had impersonated Kathie Durst, calling in to Albert Einstein College of Medicine to say she was too sick to show up for a new clerkship.

Prosecutors allege that Durst, whose body was never found, was already dead at that point.

Obst, who produced "Interstellar" and "Sleepless in Seattle," among more than dozen other films, said that Berman "told me she did it because that's what love was."

Berman, who was writing a screenplay about her life as the daughter of a Mafioso who worked for the Genovese crime family, told Obst that Durst was her "best friend," according to the producer.

Obst said it was while watching an episode of a six-part HBO series "The Jinx: The Life and Deaths of Robert Durst" that she realized she had information that could be important to the case, but she was reluctant to get involved.

DeGuerin has disputed the idea that Berman made the call, characterizing Berman as a "storyteller" who had a "great imagination" and "made things up."

In May, the lead prosecutor painted a picture of Berman's killing for the jurors.

"Susan Berman never saw what happened. She never knew it was going to happen. She turned around because she trusted him because he was her close friend. He was not someone to fear ... She took a few steps and he basically blew her brains out," Lewin said.

DeGuerin countered that his client had no motive to kill his longtime friend in her home in the Benedict Canyon area of Los Angeles and had nothing to gain from her shooting death.

"Bob Durst did not kill Susan Berman and he does not know who did," DeGuerin told the panel twice, reiterating his opening statement to jurors in

March 2020 shortly before the trial was stalled for more than a year by the COVID-19 pandemic.

Durst's attorney said that the disappearance of Kathie Durst and Berman's killing were "completely dissimilar" to Black's shooting death.

"Whoever killed Susan Berman left no clues. Kathie Durst disappeared without a trace. After Morris Black's death, the police found hundreds of clues," the defense attorney told the jury.

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He said Durst went to Berman's home in December 2000, found his close friend dead and "freaked out," then sent a note to Beverly Hills police about her body.

DeGuerin also told jurors that his client -- whom he said suffered from what has been known as Asperger's syndrome -- has "been considered a little bit weird" and run away all of his life and "doesn't make what we would consider good decisions," reminding jurors that they will hear from the defendant during the trial.

He said Durst "had no motive and nothing to gain" by Berman's death, noting later that there was no forensic evidence linking his client to that killing.

DeGuerin told the panel that "The Jinx" in which the defendant was recorded saying "There it is, you're caught" and "killed them all, of course," was "heavily edited" and "not a documentary."

The defense attorney said Durst "wanted his story out," but chose the wrong people to tell that story and realized by the time the fifth episode aired that it was a "hatchet job."

Durst has been behind bars since March 14, 2015, when he was taken into custody in a New Orleans hotel room hours before the airing of the final episode of the HBO series, which examined Kathie's disappearance and the killings of Berman and Black.

Durst has been long estranged from his real estate-rich family, which is known for ownership of a series of New York City skyscrapers -- including an investment in the World Trade Center. He split with the family when his younger brother was placed in charge of the family business, leading to a drawn-out legal battle, and ultimately reached a settlement under which the family reportedly paid him \$60 million to \$65 million.

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School Stabbing

One of Two Murderers in Reseda Stabbing Resentenced as a Juvenile

Eds: District Attorney's Office Media Relations can be reached at 213-257-2000 or media@da.lacounty.gov; Kathy Cady, attorney for the victim's family, is available for comment at 626-644-8696. Case number PJ53891; coroner's case number 2013-03064. Brother's case number is LA073936.

SYLMAR (CNS) - The killer of an 18-year-old man who was stabbed to death while playing handball at Reseda's Cleveland High School in 2013 was resentenced today as a juvenile -- which may mean his release from confinement is imminent.

Judge Morton Rochman ruled that 25-year-old Anthony Carpio -- who was a 16-year-old gang member when he pulled a knife on Kevin Orellana and stabbed him multiple times -- would be subject to a maximum confinement of 16 years to life.

That mirrors Carpio's original sentence, but as a juvenile, Carpio would be under the jurisdiction of the Division of Juvenile Justice, which typically releases offenders at the age of 25.

A retired deputy district attorney and pro bono victims' rights lawyer representing Orellana's family told City News Service, "He will likely be out very soon."

As an adult, Carpio wouldn't have been eligible for parole earlier than 2026, according to state prison records.

Carpio, of Panorama City, and his older brother, Michael Steve Carpio of Pacoima -- both gang members -- were convicted on Oct. 31, 2015, of second-degree murder in Orellana's killing.

Michael, who was an adult at the time of the April 24, 2013, killing and was apparently unarmed during the attack, was sentenced to 15 years to life behind bars.

According to trial testimony, the Carpio brothers approached Orellana - who was not a gang member -- as he played handball and issued a gang challenge.

A lawyer for the victim's family said the older brother was fighting Orellana when Anthony approached from behind and stabbed the victim 10 times in the head, neck and upper body.

Under Proposition 57, passed in 2016, prosecutors must seek the court's approval to try minors as adults. Attorneys for Anthony Carpio filed a writ of habeas corpus arguing that he should have originally been convicted as a juvenile offender.

Last year, **Los Angeles Superior Court** Judge Martin Herscovitz -- who presided over the Carpio trial -- granted Anthony a transfer hearing in juvenile court to determine whether he should have been treated as a juvenile or an adult.

Last week, however, Rochman declined to hold such a hearing, instead ruling outright that the case would be handled in juvenile court.

Cady filed a motion seeking to uphold Herscovitz' original order for a hearing and accused the prosecution last week of working in tandem with defense attorneys.

She said the resentencing was driven by District Attorney George Gascon's youth justice policy, which dictates that minors will no longer be tried in adult court.

Orellana's brother read a statement from his family in court Monday.

``Anthony Carpio murdered my brother Kevin. He murdered my mom and dad's son. He murdered my sister's big brother. I hope that every day he is haunted by the knowledge that he took away someone so precious to us," his brother said.

Now, he and his family are now being forced to relive this loss, he said, taking aim at the District Attorney's Office.

``Many years ago, the justice system did what it was intended to do and put this murderer away for the crime he committed," the brother said.

``While I do understand that everyone is entitled to be defended, I will never understand the motivation of `The People,' who no longer represent the people, for not caring about all of us that live in Los Angeles.

``If this murderer is released because of some blanket `Youth Justice' policy without serving justice for a crime he committed, I will never

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understand how Alisa Blair, her management, and you, Judge Rochman, will be able to sleep soundly and calmly every night. I know that my family and I never will."

Blair is a longtime public defender who is now a special adviser to Gascon on juvenile court cases and diversion. The District Attorney's Office did not respond to a request for comment on the case last week and failed to immediately respond to a second request Monday.

Michael Carpio has also petitioned the court for reconsideration of his sentence. A hearing is set for July 12.

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Museum Director

Judge Gives Plaintiffs OK To Amend Suit's Claims Against State, Science Center

Eds: Attorneys Nancy Abrolat and Jessica Flores, for the plaintiffs, can be reached at 310-615-0008 or nancy@employlawla.com; Deputy Attorney General Victoria N. Jalili at 213-269-6107 or victoria.jalili@doj.ca.gov.

LOS ANGELES (CNS) - One former and one current employee of the California African American Museum in Exposition Park who filed a lawsuit alleging the executive director sexually harassed them and said he preferred to date uneducated women will have to shore up their claims against the state of California and the California Science Center if they want those defendants to remain in the case, a judge ruled today.

Los Angeles Superior Court Judge Michael P. Linfield had issued a tentative ruling dismissing those two entities from the suit brought by plaintiffs Charlene Powell and Kennedy Mims, who also sued the museum and its executive director, George O. Davis. However, after hearing arguments, the judge granted the plaintiffs 15 days to amend their complaint.

Deputy Attorney General Victoria N. Jalili opposed giving Powell and Mims a chance to fix the lawsuit, telling the judge the plaintiffs had already amended it once before and that it differed little from the original complaint filed Jan. 15.

The suit's allegations include gender harassment and discrimination, retaliation and false promise/intentional representation.

"The state of California openly permitted ... Davis to run the (museum) as if it were his own kingdom, where employment laws and the California Fair Employment and Housing Act did not apply to him," the suit alleges.

However, Jalili argued in her court papers that the state and the California Science Center were not the plaintiffs' employers and that both are immune from some of the plaintiffs' claims.

Powell was hired in April 2018 as an administrative assistant, according to the suit, which does not say what position was held by Mims. Powell agreed to accept a part-time role with the understanding that it would eventually become a full-time job, the suit states.

Throughout the plaintiffs' employment, Davis subjected them to ongoing gender harassment, creating a hostile, intimidating and illegal work atmosphere, the suit states.

Davis made "highly improper and obviously unwelcome comments" about the two women's appearances, attire and belongings, the suit states. He told Mims that she was not "business minded" and that women were better at taking care of food and not as good making large-scale financial decisions, according to the suit.

Davis referred to the plaintiffs and other women as "missy" or "dear" over their objections, given that they are both Black and the words have negative historical meanings, the suit states.

When coronavirus social distancing protocols took effect, Davis said he preferred to date uneducated women because the smarter ones he wanted to date during the pandemic would not visit with him, the suit states.

When Mims complained about Davis, he allegedly sent an email telling her she was fired while on vacation, the suit states.

Powell contacted the museum's whistleblower hotline and filed a complaint about Davis, who found out about her action and "made clear to Powell that he was very angry with her for complaining about him and that she would pay the price," the suit states.

Davis stripped Powell of her job duties, excluded her from staff meetings and did not give her a full-time position as he promised the suit states. She also was not fully paid for the hours she worked, the suit states.

The stress on Powell prompted her doctor to eventually place her on medical leave, the suit states.

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