



CENTER FOR JUDICIAL EXCELLENCE

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## **California Judicial Task Force Scrambles to Open Today's Meeting** *Attempts to Restrict Public Access May Be a Violation of Prop 59*

SAN FRANCISCO- At only its second meeting since its creation in May by Chief Justice Ronald George of the California Supreme Court, the Elkins Family Law Task Force is scrambling to open a part of its meeting after citizen complaints that today's closed meeting is a violation of Prop 59's open meeting laws.

"It is outrageous that a task force specifically created to "increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures, would then attempt to meet in private and exclude the public from its process," said Jean Taylor Board President of the Center for Judicial Excellence.

Proposition 59 creates a constitutional right of public access to "the meetings of public bodies," and exempts only those already exempt in 2004 when Prop 59 was passed, or those subsequently created, but then only if the statute or other rule barring access was accompanied by findings stating the interest to be protected and the need for excluding the public to protect it.

"There is no Rule of Court I'm aware of effective prior to Proposition 59 that allows closed sessions of Judicial Council task forces," said Terry Francke, from Sacramento-based Californians Aware.

After calling the Judicial Council yesterday about the apparent violation of Prop 59, Kathleen Russell from the Center for Judicial Excellence received a return call from the Judicial Council today informing her that a portion of today's meeting would now be open to the public.

"Unfortunately, we are finding that the Elkins Family Law Task Force is mirroring the same bias and lack of transparency they are supposed to be correcting. It serves to reduce the public's confidence," said Connie Valentine, from the California Protective Parents Association.

Valentine showed up for the San Francisco meeting this morning and was politely turned away at the door. A meeting agenda being distributed listed Task Force Working Group Closed Session from 10am – 4:40pm.

The new Elkins Task Force is also facing complaints from California NOW and a private citizen from the Pasadena area about an apparent violation of their focus group protocols. Elkins Family Law Task Force Chair Laurie Zelon issued a three-page response to these complaints yesterday that acknowledged the problems.

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The Elkins Family Law Task Force, chaired by Associate Justice Laurie D. Zelon of the Court of Appeal, Second Appellate District (Los Angeles), was appointed in May 2008 to conduct a comprehensive review of family law proceedings and recommend to the Judicial Council of California proposals that will increase access to justice, ensure due process, and provide for more effective and consistent rules, policies, and procedures.

The website for the Task Force states:

“The Elkins Family Law Task Force welcomes your comments by e-mail, fax, or regular mail. Your correspondence may be made available to the members at subsequent meetings, **which are open to the public** so please be aware that your correspondence with the task force is not confidential.” <http://www.courtinfo.ca.gov/jc/tflists/elkins.htm>

Furthermore, the Elkins Family Law Task Force’s Guiding Principles include the following principle:

“The task force will develop its recommendations through an **inclusive** process that relies on **consultation with interested stakeholders and the public, as well as coordination and collaboration with ongoing related projects and efforts to improve family law.**”

#### **PHOTO OPPORTUNITY**

**\*\*\*Public testimony concerning this matter will be heard today from 4:40pm – 5:00pm in the Malcolm M. Lucas Board Room on the 3<sup>rd</sup> floor at 455 Golden Gate Avenue.**

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