

Title

Equity and Inclusion

Presenters/Bios

Douglas B. Marlowe, J.D., Ph.D. is the Chief of Science, Policy & Law for the National Association of Drug Court Professionals, a Senior Scientist at the Treatment Research Institute, and an Adjunct Associate Professor of Psychiatry at the University of Pennsylvania, School of Medicine. A lawyer and clinical psychologist, Dr. Marlowe has received numerous state and federal research grants to study coercion in drug abuse treatment, the effects of drug courts and other diversion programs for drug abusers involved in the criminal justice system, and behavioral treatments for drug abusers and criminal offenders. He is a Fellow of the American Psychological Association (APA) and has received proficiency certification in the treatment of psychoactive substance use disorders from the APA College of Professional Psychology. Dr. Marlowe has published over 125 professional articles and chapters on the topics of crime and substance abuse. He is the Editor-in-Chief of the Drug Court Review and is on the editorial board of Criminal Justice & Behavior.

Dr. Susan Talamantes Eggman was elected to the State Senate in November of 2020, serving the 5th Senate District which is comprised of San Joaquin County, a significant portion of Stanislaus County and the Sacramento County community of Galt. Susan served in the State Assembly from December of 2012 through November of 2020. Susan joined the U.S. Army out of high school and served four years as a medic. After her service, she attended California State University, Stanislaus, where she completed a bachelor's degree in psychology and a master's degree in social work. She worked as a mental health provider and medical social worker before completing a Ph.D. at Portland State University. Prior to joining the State Assembly, Susan was a Professor of Social Work at CSU, Sacramento. A lifelong learner, Susan passed the Licensed Clinical Social Worker examination shortly after assuming office.

Associate Justice Eileen C. Moore graduated cum laude from University of California Irvine in 1975 with a Bachelor of Arts degree, and she received her Juris Doctor from Pepperdine University School of Law in 1978. In May 2004, she graduated from the University of Virginia with a Master of Laws in the Judicial Process. Justice Moore was admitted to the California State Bar in 1978 and to the United States District Court, Central District of California, in 1984.

Justice Moore was appointed to the Superior Court of California, County of Orange in 1989 by Governor George Deukmejian and to the Fourth District Court of Appeal, Division Three in 2000 by Governor Gray Davis. She has lectured extensively at education programs for lawyers and judges, and, in 1990, she was a lecturer of business law at the University of California Irvine, Graduate School of Management. Justice Moore is a current author for Bancroft Whitney's California Civil Practice series, and she has published numerous articles on a variety of legal issues.

In 1992 Justice Moore was honored as a Distinguished Alumni of the Year by University of California Irvine, in 1993 as Alumna of the Year by Pepperdine University School of Law, in 1993 as Trial Judge of the Year by Orange County Women Lawyers, in 1999 by the Orange County chapter of American Board of Trial Advocates with its annual Judicial Civility Award, and in 2000 as Trial Judge of the Year by Consumer Attorneys Association of Los Angeles. From 1996 to 2000 Justice Moore chaired the Orange County Family Violence Council, leading the community in its response to domestic violence. For her efforts in this area, Justice Moore was twice honored by the Orange County Board of Supervisors.

Justice Moore served as a combat nurse in Vietnam in the Army Nurse Corps. She was awarded the Vietnam Service Medal, the National Defense Service Medal and the Cross of Gallantry with Palm. She is a member of Vietnam Veterans of America. Since 2008, she has chaired the Judicial Council' Veterans and Military Families Subcommittee. She is a member of the Council on Criminal Justice, the Veterans Justice Commission, an advisor to the American Bar Association's Standing Committee on Armed Forces Law, an advisor to the California Lawyers Association's Military and Veterans Committee and the Orange County Veterans & Military Committee as well as a founding member of USVets' Women's Advisory Committee. She is the author of two award-winning books, Race Results and Gender Results.

Hon. Mary Kreber Varipapa is a judge on the Superior Court of Orange County in California. She was appointed by former governor Jerry Brown on November 17, 2015, filling a vacancy created by the retirement of Judge Ronald P. Kreber. Kreber Varipapa received a B.A. from Cal State Long Beach and a J.D. from Western State University College of Law.

She began her legal career as an attorney for the Public Defender Juvenile Court Office in 1996. Kreber Varipapa has also worked as an adjunct professor in the Criminology Department of the University of Phoenix.

Kreber Varipapa was born and raised in Orange County. She is the daughter of the retired judge Ronald P. Kreber. She is married to Mike Varipapa, former Mayor Pro Tem for Seal Beach, California.

Keith Boylan was reappointed November 30, 2020, by Governor Gavin Newsom as Deputy Secretary for the Veterans Services Division at the California Department of Veterans Affairs. Keith served in the US Army from 1989-1992 as a Tactical Fire Specialist and was deployed to Iraq with the 2nd Armored Cavalry Regiment in support of Operations Desert Shield, Desert Storm, and Desert Calm.

Matthew Stimmel, Ph.D. is the National Training Director for the Veteran Justice Programs (VJP). In his role, Dr. Stimmel is responsible for developing and sustaining the education and training of over 350 VJP field staff, contributing to national VA policy on justice-involved veterans, and cultivating operational partnerships both internal and external to VA that advance VJP's mission of ensuring access

Length: 2 hr

Session Description

There has been a national focus on addressing racial equity and inclusion driven by court data showing racial disparities in retention and graduation rates of African Americans and Latinos from Collaborative Courts. Efforts to address disparities have been led independently and collaboratively by the Center for Court Innovation, National Center for State Courts, American University and NDCI. More recently, a special issue of *Advancing Justice* (edited Doug Marlowe) was dedicated to the topic. That special issue and national efforts to address racial disparities highlight the need for California courts to systemically address disparities the California Association of Collaborative Courts. Since Dr. Marlowe is leading the national effort, we would like him to make plenary remarks focused on National and California data showing racial disparities in Collaborative Courts along with evidence-based solutions to address them at the 2023 California Collaborative Court Conference February 27-March 1, Monterey, CA. Following his remarks court teams would meet in 75 minute breakout session to begin action planning supported by staff from the Judicial Council of California Criminal Justice Services.

Plenary will include discussion of family issues and policy changes concerning veterans and military families by Justice Eileen Moore and Senator Eggman.

Everyday military veterans and active-duty service members appear in court. How they access services through the court from the VA, a county or elsewhere, is crucial to their success. Recent changes in the law (SB 1182 [Family Code

§§ 211.5 and 3040]) will have great impact on veterans appearing in court by expanding access to services and strengthening their families.

This plenary session will place the new legislation in the context of overall concerns regarding veteran and military issues because it is essential that these issues not be placed in silos. Rather, they must be considered from a broad, expansive vantage point. Anyone having to do with veterans and active-duty court users in any part of California's courts will benefit from viewing veteran and military issues from a global perspective.

Learning Objectives

- Identify 3 aspects of treatment court objectives impacted by issues of equity/inclusion.
- Describe strategies to address disparities.
- Identify 3 areas of concern regarding veterans and military families in the courts.
- Identify key elements of the new law(SB 1182 [Family Code §§ 211.5 and 3040]) that shifts how the courts work with veterans;
- Understand how California Veterans Administration (CalVet) will support law the law to improve access to services for veterans and their families; Improve coordination between the court and CalVet

References

Accessibility in the Federal Government, WH.Gov, June 25, 2021

AB 242, October 2, 2019: Add to Section 6070.5 Business and Professions Code;

Amend Section 68088 of the Government Code related to Implicit Bias

CA Rule of Court 10.469, Subdivision (e) Fairness and access education, amended effective January 1, 2021

Canons of Judicial Ethics, Canon 3(b) Adjudicative Responsibilities; Canon 3(c) Administrative Responsibilities (duties regarding prohibiting appearance of bias by judge, attorneys and court staff).

Drug Court Standards Standard II (revised, 2018), National Association of Drug Court Professionals and Inclusion Toolkit (2019),

Fact Sheet: President Biden Signs Executive Order Advancing Diversity, Equity, Inclusion

Kang, J., et al., Implicit Bias in the Courtroom. *UCLA Law Review*, (2012) 59(5): p. 1124–1186.

Marlowe, Douglas, Achieving Racial and Ethnic Fairness in Drug Courts, *Court Review Vol 1*, (2013)

NDCI Equity and Inclusion Toolkit (2019), *Drug Court Journal (Special Issue on Race)*

Justice Eileen Moore, 4th District Court of Appeal, Third Division, ‘Veterans issues come to family law’ www.dailyjournal.com/articles/370501-veterans-issues-come-to-family-law (2022)

State of the Science: Implicit Bias Review, Kirwan Institute (2017)

SB 1182, Eggman. Family law. This bill would require a court, in family law proceedings, to provide self-identified veterans with a list of resources for veterans, including information about how to contact the local office of the Department of Veterans Affairs; authorize a veteran to provide the information about their

veteran status on a Judicial Council military service form, file the form with the court, and serve it on the other parties to the action; require the court to transmit a copy of the form to the Department of Veterans Affairs, and require the department, within a reasonable time of receipt, to contact the person using the information provided on the form. The bill would authorize the Judicial Council to develop the rules and forms needed to implement those provisions on or before January 1, 2024. Existing law governs the determination of child custody and visitation in contested proceedings. Under existing law, custody should be granted in a specified order of preference according to the best interest of the child. This bill would, commencing January 1, 2024, require a court, in granting custody pursuant to the best interest of the child, to provide the parent, legal guardian, or relative with a list of local resources for mental health treatment and state its reasons for the finding in writing or on the record, if the court finds that the effects of a parent's, legal guardian's, or relative's history of or current mental illness are a factor in determining the best interest of the child. The bill would specify that these requirements do not relieve a court from ensuring that the health, safety, and welfare of the child is the court's primary concern in determining the best interests of children when making any order regarding the physical or legal custody, or visitation, of the child. The bill would make related findings and declarations.