

THE CENTRAL DISTRICT OF CALIFORNIA'S COURT PROGRAMS*

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Hon. Otis D. Wright†††*

I. INTRODUCTION

AMANDA GOODMAN: Good afternoon. My name is Amanda Goodman. I am the Editor-in-Chief of the Southwestern Journal of International Law. I served as a judicial extern for the Honorable Andrew J. Wistrich at the Central District of California, as well as the Honorable Kim McLane Wardlaw at the Ninth Circuit Court of Appeals.

My time at this Federal District Court and Court of Appeals allowed me to appreciate the essential work done by these courts, which we are honoring today. With more than 16,500 cases filed each year, the Central District handles the highest caseload of any federal court within the United States, and serves about 18.6 million people, nearly half of the population of California.

On behalf of the Southwestern Journal of International Law and Southwestern Law School, I would like to thank the past and present judges of the U.S. District Court for the Central District of California, and the Ninth Circuit Court of Appeals, as well as our esteemed panelists for their presentations today. I am particularly grateful that many of our academic panelists will be submitting their presentations as articles to be published in the Southwestern Journal of International Law.

* The following is an annotated and edited transcript of the live remarks made during the lunchtime reception at Southwestern Journal of International Law's symposium, "The U.S. District Court for the Central District of California, 1966-2016: International Context," on March 18, 2016. An article adaptation of Judge M. Margaret McKeown's remarks appears immediately following this transcript.

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It is both a great pleasure and a great privilege to re-introduce to you, the Honorable George H. King, Chief Judge of the U.S. District Court for the Central District of California. A native of Shanghai, China, Judge King received his undergraduate degree from University of California, Los Angeles, graduating *magna cum laude*, and received his J.D. from the University of Southern California Gould School of Law. Judge King was an Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office for the Central District of California from 1974 to 1979 before entering private practice, where he specialized in civil business litigation.

In the early 1980s, he taught Trial Advocacy at Southwestern Law School. He then served as a Federal Magistrate Judge for the Central District beginning in 1987, until he was appointed as a District Judge by President Bill Clinton in 1995. In September 2012, Judge King was elected by his peers to become the Chief Judge of the U.S. District Court for the Central District of California.

Today's symposium would not have been possible without the support of Judge King and our academic co-sponsors, the Ninth Judicial Circuit Historical Society, and the Huntington-USC Institute on California and the West. Thank you for giving us the opportunity to honor your court, Your Honor.

II. THE DYNAMICS OF THE CENTRAL DISTRICT OF CALIFORNIA'S COURT PROGRAMS

CHIEF JUDGE KING: Amanda, thank you very much. Good afternoon, everyone. I hope you're all enjoying the presentations. I can tell you I certainly enjoyed them. I thought they were just fantastic this morning. Thanks also to all the panelists.

I wanted to say a few words about the magistrate judges and the bankruptcy judges. I don't want to repeat what Judge Real already said in his statements, that in 1966, we had no magistrate judges and we had no bankruptcy judges, as such. But today, we have twenty-four full-time and one part-time magistrate judge, and we have twenty-four bankruptcy judges, assisted by four recall judges.

These are some of the most impressive judicial officers we have in our district today. Together, they're responsible and account for an enormous amount of civil matters and all of the bankruptcy cases. Their impact upon the administration of justice in our district simply cannot be overstated.

As for the magistrate judges, all you need to do is to look east, and see how one of the most important and cutting-edge technological

issues is unfolding before one of our magistrate judges in Riverside.¹ As for the bankruptcy judges, we all know that throughout the years they have handled some of the most important insolvency matters in the country. They are responsible for providing for the financial welfare of not just the individual debtors, or even the corporations, but even the municipalities that have gone through bankruptcy. Because of what they do on an ongoing basis, they have had a much larger impact upon the overall economy in our country.

Frankly, the work of the Central District simply could not be done, and the cause of justice would seriously suffer, if we didn't have our magistrate judges and our bankruptcy judges working with us in this district. I know some of the magistrate judges and bankruptcy judges are here. If you are here, would you please stand to be acknowledged?

Thank you. Professor Miller also wanted me to just say a few words about some of the programs that our district sponsors. These are important programs, both in civil and criminal law. In civil law, we continue to partner with bar associations, community groups, and public interest organizations to operate pro se clinics in all three divisions of our court.

These clinics are particularly vital and important because they help otherwise unrepresented civil litigants, both plaintiff and defendant, with what to do about navigating the difficult process of going through court and trying to put together a case. That brings meaningful access to the court to a segment that otherwise would not have that.

We also have a very vibrant Patent Pilot Program² in our district. We're only one of fourteen districts in the country with such a program. The purpose of this project is to concentrate as many patent cases before as few designated judges as possible so as to increase substantive knowledge of patent law and to develop innovative ways of case management. I am happy to report that our Patent Pilot Program is very successful because our six patent judges now handle up to 70 percent of all the patent cases in our district. That is very significant because, historically, the Central District of California is within the top three in the country in terms of patent filings.

1. *In re Search of an Apple iPhone Seized During Execution of a Search Warrant on a Black Lexus IS300*, Cal. License Plate 35KGD203, No. ED 15-451, 2016 WL 618401 (C.D. Cal. Feb. 16, 2016).

2. See Patent Pilot Program, Pub. L. No. 111-349, 124 Stat. 3674 (2011) (codified at 28 U.S.C. § 137 note (2012)); U.S. Dist. Ct. E.D. Cal., General Order No. 11-11 (Sept. 23, 2011), <http://www.cacd.uscourts.gov/sites/default/files/general-orders/GO-11-11.pdf>.

On the criminal side, of course, we have the Conviction and Sentence Alternatives (“CASA”)³ and the Substance Abuse Treatment and Reentry (“STAR”)⁴ programs. I’m going to leave STAR for a little bit later because Judge Wright is going to tell us all about STAR. CASA stands for Conviction and Sentence Alternatives. It is a diversion program. We have that program operating most robustly in all three divisions of our court. In fact, they’re so successful that former Attorney General Eric Holder, who came out for one of our graduations, has often cited it as a prime example of the new and smarter approach to ensuring public safety and yet preserving human potential.

Now let me go to Judge Wright. He does not need much of an introduction particularly here because this is a homecoming of sorts for Judge Wright. He is an illustrious graduate of this wonderful law school. After law school, he served the public as a Deputy Attorney General and then he was in private practice as a partner at a major New York law firm. He also served as a Los Angeles County Superior Court Judge before his appointment by President George W. Bush to our court. Ladies and gentlemen, please welcome Judge Wright.

III. PRESENTATION ON THE CENTRAL DISTRICT’S STAR PROGRAM

JUDGE WRIGHT: All right. I’m almost four minutes behind schedule already, so there will be no jokes, there will be no preamble. We are going to talk about some of the things that we are trying to do smarter.

Under the leadership of our former Chief Judge Audrey B. Collins, who is now Associate Justice of the Court of Appeal, we launched STAR,⁵ an acronym for Substance Abuse Treatment and Reentry, to change the way we treat criminal defendants. Our focus is on persons who are essentially career criminals who have spent more than half of their adult lives in and out of prison. Because what we do in this enlightened society is, arrest people for their drug related offense, prosecute and incarcerate them for X number of years, release them; and then we repeat. Nothing changes other than they have added a new felony conviction to their resume, perhaps making them

3. U.S. Attorney’s Office, Cent. Dist. of Cal., *Conviction and Sentence Alternatives Program (CASA)*, <https://www.justice.gov/usao-cdca/conviction-and-sentence-alternatives-program-casa> (last updated Nov. 9, 2015).

4. U.S. Attorney’s Office, Cent. Dist. of Cal., *Substance Abuse Treatment and Reentry Program (STAR)*, <https://www.justice.gov/usao-cdca/substance-abuse-treatment-and-reentry-program-star> (last updated Nov. 9, 2015).

5. *Id.*

even less employable than before. So, why should we be surprised when they re-offend?

What we are trying to do with STAR is to simply interrupt and hopefully end the reoccurring vicious cycle of drug related incarceration. Our clientele have a few things in common. Around the tenth grade, they discovered marijuana. What the adults have been telling them about, "Leave drugs alone," turned out to be wrong. They found marijuana to be good. Then, someone offers them crystal meth, or crack cocaine, or powder cocaine, or heroin. They figure, if the adults were wrong about marijuana, they're probably wrong about this stuff too, so they try it. They find that it is good. And they keep using it.

Now, life becomes just a constant quest for that next high. School is no longer important to them. They also discover that that friend that was getting them that stuff is no longer giving it to them for free. Now they have to pay for it. And of course, they have no money for drugs. After they've depleted mom's purse and granny's loose change, they go out and actually start committing crimes to get the money to buy drugs. Naturally they get caught. They get caught because they suck at being a criminal. As a first offender, the criminal justice system essentially gives them a pass. Just a period of time on probation. I guess that is the way we want it. So begins a trend. Because they suffered no real consequences, they go back to crime as a means of paying for their dope. And, of course since they still suck at it, they get caught again. Within a very short period of time, what we have now is someone with a tenth grade or lower education who has amassed a number of felony convictions, with no marketable skills, and a serious drug addiction. The future is not bright for them. So is it completely unexpected that they return to crime?

One of the first things that we try to do is get a grip on the addiction. Unless they are clean and sober, none of the other programs have a chance of succeeding. Most of the programs in this country use evidence based methodology consisting of immersion in a 12-step program, weekly meetings with the court team comprised of prosecutors, defense attorneys, probation officers, drug counselors, and the supervising bench officer. This is coupled with life skills training, Moral Reconciliation Therapy (MRT), and cognitive behavior therapy—all of which are designed to correct their criminal thinking.

At the end of the day, making them employable is an important goal. The common sense approach employed in the state drug courts has proven to be successful in that regard. Following an arrest on a new drug charge, the offender is offered a deal that requires them to

plead guilty to the new offense. Imposition of sentence is put off for at least a year to permit them time to participate in drug court. If they successfully complete the program, they are permitted to withdraw their guilty plea and the charges against them are dismissed. If they are terminated from drug court, sentence is imposed. That prospect provides some incentive to making a concerted effort to successfully complete the program.

What we do, because we are not quite as enlightened, is that we go ahead and prosecute and incarcerate them. After they're finished with their term of imprisonment, they go on what we call, supervised release, for a number of years. Thus, after all the money, time, and effort has already been spent, we now begin to do something about the root cause of their criminal behavior.

Our participants soon understand we are there to support their efforts and have no interest in seeing them fail, which we would view as our failure. They understand that we recognize that relapse is a part of recovery. And while we are not pleased about relapse, we understand it and will take steps to intensify their treatment. What we will not condone, however, is the commission of a new crime. That will result in termination from the program and return to prison. In any event, what we've done is taken people out of the criminal justice system, especially for those who have been in this endless cycle. We've actually turned some lives around by focusing on the causes of criminality and interrupting that cycle. Thank you.