October Special Meeting
Thursday, October 9
Social - 12:30pm, Debate - 1:00pm
Sbranti-Baker Debate
Event Center

October General Meeting
Thursday, October 23
Social hour 1:00pm, Program 2:00pm
Event Center

League of Women Voters Moderates Candidates’ Debate

The Democrats of Rossmoor and the Republican Club of Rossmoor will jointly sponsor a debate featuring the Democratic and Republican candidates for California’s 16th Assembly District on Thursday, October 9 at 1:00pm. Democrat Joan Buchanan has held the Assembly seat since 2008, and terms out this year. The 16th District, which includes Rossmoor, is one of 80 California Assembly Districts.

Campaigning for the seat are Democrat Tim Sbranti and Republican Catharine Baker. Sbranti is a teacher, coach, and former Dublin Mayor. Sbranti was first elected to the Dublin City Council in 2002, and was elected Mayor in 2008 and re-elected in 2010. Catharine Baker is a local attorney with Hoge Fenton Jones & Appel.

Seating will be available beginning at 12:30 in the Event Center. The debate will be moderated by the non-partisan League of Women Voters. The debate will begin promptly at 1 pm and continue until 2:30. It will be structured; responses will be timed.

Continued in right column.

Political analyst and columnist David McCuan is back for DoR’s October membership meeting to share his predictions for November’s midterm election. Dr. McCuan has spoken to DoR before other elections and was enormously popular and entertaining.

McCuan is a political science professor at Sonoma State University, where he joined the faculty in 2003. His expertise is in two broad areas: American politics and international relations. He earned his doctorate from U.C. Riverside in 2002. Dr. McCuan was also a Fulbright Teaching Scholar in 2009-2010 and worked in the Department of International Relations and European Studies, Masaryk University, Czech Republic where he taught courses in U.S. national security policy, terrorism, and U.S. foreign policy.

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The debate will be followed by a wine reception in the Donner Room (also in the Event Center) so that attendees can meet the candidates. Food will not be served.

Questions for the candidates will come from two sources. They will be collected ahead of time by the respective clubs. Questions from Democratic Club members should be emailed to Jane Walter at walterjane4@yahoo.com or Continued on page 4 (debate)
disparities have narrowed since 1970; we can no longer dismiss poverty as a purely racial or ethnic issue.

Looking beyond the income statistics, a study by the Oxford Press defined economic insecurity as a person experiencing unemployment at some point in his working life, relying on government aid for a year or more, or living on an income below 150% of the poverty level. This study showed that economic insecurity will engulf more than 76% of whites by the time they are 60. Poverty in America is now an issue that cuts across racial and ethnic lines, and in some form may affect the majority of us at some point in our lives.

The Republicans tend to explain the persistence of poverty by blaming poverty victims themselves. They believe that if the poor somehow take responsibility for their lives, they could join the ranks of the more prosperous. They blame the problem on laziness, lack of initiative, and poor choices, and claim that poverty and unemployment are choices and character issues that should not be remedied by federal programs. This is the unstated subtext behind Paul Ryan’s recent budget proposal— that if we jettison federal welfare programs to the states (where, presumably, benefits would be less) and restructure them to provide counselors for each poor family, we will motivate the poor to escape their self-imposed poverty. While Ryan may be right that America’s welfare programs need to be re-examined, to eliminate them would increase the ranks of the poor from 50 to 90 million people. Let’s see how Ryan’s assumptions about the poor stack up against the reality of poverty in America.

Contradicting the argument that the poor are lazy and prefer not to work, fully one-third of those officially poor in the U.S. are poor despite the fact that they work full time alongside of nearly 2 million adults who were unemployed but are now victims of entrenched long-term unemployment. Looking at statistics from SNAP, the food-stamp program, we find that 50% of working-age adult participants work full time while receiving food stamps; more than 80% worked both the year prior and after receiving this benefit. The rate is even higher for families with children; over 60% are working while receiving SNAP and 90% were

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DoR's more than 100 volunteers were honored at an ice cream social at Dollar this month. Pianist Gary Neuman entertained with songs from many eras. DoR volunteers work on virtually all Club activities and events throughout the year.
Continued from Page 1, right column (debate) mailed to Jane at 1832 Golden Rain Road, Apt. 3, Walnut Creek, CA 94595. Questions will also be gathered from the audience on note cards and organized by representatives of the League of Women Voters.

There is no charge for the debate and everyone is welcome. If you have questions please contact Jane Walter at 945-1429.

Continued from page 2 (president) working both before and after receiving this aid. Also, over one-third of Americans living in poverty and deep poverty are children, representing 73.7 million or 23.7% of the total U.S. population. These children are not lazy or poor by choice. Indeed, no one lives in comfort on welfare, and the idea that the average food-stamp benefit of $133 a month is enough to stop people from looking for work is nonsense. The problem here is not laziness but lack of jobs with livable wages that would reasonably support the poor and their families.

Another argument blames social practices for poverty, drug addiction among them. In reality, drug use among welfare recipients is only marginally higher than among the population as a whole. Drug addiction does not explain the over 1.6 million, or 1 in 45 children, who are homeless every year, or the estimated 54,879 homeless veterans on any given night.

Single moms are more likely to be poor, so conservative pundits blame absentee fathers. However, statistics show that 60% of low-income dads see at least one of their children daily and another 16% see their kids weekly. Black males who do not live with their children are more apt then Hispanic or Caucasian dads to be a daily presence in their children’s lives. Only 9% of single moms were single during their child’s first year, and 35% were married to or in a relationship with their child’s father during that time. The fact is that most single moms don’t start out or plan to be single during their kids’ childhoods, and many minority non-married fathers do make an effort to be part of their children’s lives. One must therefore ask if the social issues so often blamed for poverty are instead actually the result of poverty itself.

Another Republican claim is that increasing the minimum wage will not reduce poverty because low-wage workers are mostly teenagers. People in these positions should simply go to school to get better jobs. Actually, 87.9% of those who would be affected by a minimum wage increase are 20 years or older, more than a third are married, and over a quarter are parents. Notably, 49% of people earning minimum wage are women. The difficulty of finding the time and money to go to school while working one or two low-income jobs, and also caring for young children, is starkly clear. The fact that so many families are unable to advance themselves points to the lack of affordable child care and financial support for adult education, as well as to a lack of available training programs and decent jobs after that education and training. It is also important to note that education does not always lead to better pay in America. In 2012, about 1.1 million people who made less than $25,000 per year held bachelor’s degrees.

Finally, Republicans argue that poverty is the result of “poor choices.” This again blames the victim and assumes that everybody has the same choices in an America defined by its huge wealth disparity. Disparities in the quality of public education sadly follow the same disparity. Suburban middle-class children have different choices than poor children living in poor neighborhoods. The share of children living in neighborhoods with poverty rates of 30% or more has increased to 1 in 10, putting more children at higher risk of teenage pregnancy and dropping out of school, ultimately facing the economic realities that make it very difficult to ever rise out of poverty.

Public assistance programs, while helpful in the short term, are not long-term solutions. If you include all social benefits available to the poor, those benefits have decreased from 27% in 1967 – the year of the “War on Poverty” – to 16% in 2013. However, if you remove benefits, the poverty rate rises to 28.7% during that period. We have, by any reasonable measure, truly lost America’s “War on Poverty.”

The reason that poverty stubbornly persists on this scale is a by-product of the economic strategy put in place by the Reagan Administration and perpetuated by both Clinton and Bush. It’s a
Another question I am asked frequently is: “So, how does someone get to be an appellate (or supreme) court justice?”

The answer begins by referencing once more Article VI of the California Constitution that gives the governor appointment power on either the Courts of Appeal or the Supreme Court, as vacancies occur. Under our constitution only persons who have been either a member of the State Bar of California for 10 years, or persons who have previously served as a judicial officer may be appointed.

The appointment of someone to the position of appellant justice is often not an act of political patronage. For example, I never met either of the two governors who appointed me, nor did I ever contribute anything to their respective political campaigns when they were running for governor. Instead, like many jobs in both the public and private sectors, the appointment process usually begins by someone applying for it.

Every governor in modern times has required someone interested in a judicial position to complete and submit a Judicial Appointment Application. While these lengthy forms (the current governor’s form is 10 pages long and consists of 62 questions) vary somewhat from governor to governor, they all ask for the same basic information—much of it you would expect on any important job application. For example, one question asks how many cases the applicant tried as an attorney, and if a sitting judge, how many cases decided by the applicant were affirmed or reversed on appeal, and the name of each. Teaching and writing experience is explored in detail (both legal and non-legal). Any prior trouble with law enforcement, licensing or disciplinary bodies, or taxing authorities (the current application asks the applicant to confirm that he or she has filed tax returns for the last 10 years) must be described in detail.

Subjectively, the form asks what the applicant considers to be the “three most important qualities required of an appellate judge,” and why the applicant believes he or she possesses them. Some questions might surprise you. For example, the form near its end asks the applicant to “describe your personality,” and also asks what letters the applicant has written to editors of newspapers or other media.

Most judicial applications are first reviewed by a vetting committee. These informal committees have been established in most legal communities around the state by all recent gubernatorial administrations. They largely are comprised of lawyers and judges in those respective legal communities who the governor’s office knows and respects. Their mission is to ask about and vet prospective nominees for judicial office within the local legal community, and to report the results to the governor’s office. In most cases, an application will not advance through the appointment process without a positive assessment by the vetting committee.

In addition, by law, the Governor must submit to the State Bar Commission on Judicial Nominees Evaluation (JNE Commission) the names of all potential appointees or nominees for judicial office for further evaluation of their judicial qualifications. The commission consists of at least 27, and no more than 38 members, all appointed by the State Bar Board of Trustees. Members of the JNE Commission include both lawyers and non-lawyer public members. It is the stated intent of the Legislature that the JNE Commission membership “shall be broadly representative of the ethnic, gender, and racial diversity of the population of California and composed in accordance with sections 11140 and 11141 of the Government Code.”

The purpose of the JNE Commission is described on the State Bar website as follows: “The mission of the of the State Bar of California is to assist the governor in the judicial selection process and thereby promote a California judiciary of quality and integrity by providing independent, comprehensive, accurate and fair evaluations of candidates for judicial appointment and nomination.”

The JNE Commission has 90 days to complete its evaluation and to report to the Governor. The report includes a narrative evaluation of each applicant, and ranks each as being “Extremely Well Qualified,” “Well Qualified,” “Qualified,” or “Not Qualified.”

Once that evaluation has been completed, typically the Governor or his representative...
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strategy based on the deregulation of business and finance, the promotion of “trickle-down” economics, the tax-supported outsourcing of well-paying manufacturing jobs, and the tolerance of 1920’s-scale wealth inequality. Obama’s efforts to raise the minimum wage, support the SNAP program, increase the earned income tax, and support health-care coverage for low-wage workers may ease the pains of the poor; but none of these is a long-term solution.

What is needed is a long-term strategy to reset trade and industrial policy, to revitalize a strong manufacturing sector, to support livable wages, and make full employment the central goal of federal and state fiscal monetary policy. These are all political decisions. Poverty persists and is growing in America not because of choices made by the poor, but by the choices made by the rest of us. It is time to rethink and remake those choices.

Best wishes,

Jane

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personally interviews the finalists.

The path to an appellate judgeship is not complete even after the Governor makes the appointment. Again, under the California Constitution, the appointment does not become effective unless and until confirmed by the separate Commission on Judicial Appointments (CJA). That body consists of the Chief Justice of California, the Attorney General, and the most senior presiding justice of the court to which the appointment has been made. The CJA must conduct its own public, recorded hearing to consider the qualifications of the appointment. At the hearing anyone giving notice may appear and speak for or against the appointment, and a member of the JNE Commission must appear and make that body’s findings public.

But, serving the interests of the public by a careful screening and evaluation process of all candidates for judicial office before appointment does not end with confirmation and the oath of office. Throughout the justice’s career, any complaints about the justice’s conduct are investigated and acted on by a separate, independent disciplinary agency established by the California Constitution. The work of this body will be the subject of Part 3 of this article.

Judging Judges–California Commission on Judicial Performance–Part 3
Ignazio J. Ruvolo

Once someone takes the oath of office and becomes a judge at any level in this state, the judge’s conduct must conform to the California Code of Judicial Ethics (Canons), in addition to other laws. If there are any perceived violations of the Canons, a complaint may be brought by anyone to the Commission on Judicial Performance (the Commission), a body independent of the state’s judiciary, which has constitutional jurisdiction to impose discipline on judges. “The Commission’s mandate is to protect the public, enforce rigorous standards of judicial conduct and maintain public confidence in the integrity and independence of the judicial system.”

The Commission was first formed in 1960 after California voters passed Proposition 10, a constitutional amendment establishing what was then called the Commission on Judicial Qualification (it assumed its modern name in 1976). The Commission was the first permanent judicial disciplinary body of its kind in the United States, and it served as a model for many of the commissions later established in other states.

Since 1960, voters have approved five constitutional amendments changing the form and functioning of the Commission. The most recent such change was Proposition 190 passed by voters in 1994. That amendment made more than a dozen substantial changes to the Commission, including the elimination of the judicial majority of members in favor of a majority of citizens commissioners, the mandating of open hearings in all cases involving formal changes, and the transferring of authority to censure and remove judges in the first instance from the Supreme Court to the Commission.

Now the Commission is composed of 11 members: one justice of a court of appeal and two judges of superior courts appointed by the Supreme Court; two attorneys appointed by the Governor; and six lay citizens, two appointed by the Governor, two appointed by the Senate Committee on Rules, and two appointed by the Speaker of the Assembly. Members are appointed to 4-year terms subject to re-appointment. However Continued on page 7 (law 3)
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no member may serve for more than a total of 10 years. The members of the Commission do not receive a salary but are reimbursed for expenses relating to commission business. The commission members elect a chairperson and vice-chairperson annually.

Approximately 1,200 complaints are submitted to the Commission every year, involving about 900 different judges. By far the greatest source of complaints is litigants, and their families and friends (87%). Lawyers and court staff generate about 7% of the complaints, and the balance comes from other sources such as media reports of potential misconduct.

Ninety percent of complaints involve “on the bench” conduct although the remaining 10% of “off the bench” activities reported generated about 20% of the discipline ultimately imposed.

The Commission employs a staff of about 20, including 12 attorneys who process, investigate, and report to the Commission the results of their initial investigation. At its regularly scheduled meetings (seven, two-day meetings each year) the Commission considers these staff reports, and votes on whether to close the matter or to open a more lengthy preliminary, or staff, investigation. The Commission closes approximately 90% of the complaints without further action.

If the Commission authorizes a preliminary investigation, staff will perform a more in-depth inquiry into the complaint including interviewing potential witnesses and the collection of any documentation that may bear on the complaint. A report on the results of the preliminary investigation is provided to the Commission, which will then vote on whether to ask the involved judge to respond to the allegations, or to close the case with no further action. Approximately 60% of preliminary investigations result in closure with no further action taken.

If the matter is not closed, and after the involved judge has been given an opportunity to respond to the allegations, the case returns to the Commission for further discussion and another vote. At that time the Commission may decide to issue a private “advisory letter” to the judge, to issue a notice of intended private or public admonishment, or to institute formal proceedings. The most severe levels of discipline, public censure or involuntary removal from office, can only occur if formal proceedings have been instituted.

As noted above, formal proceedings are open to the public and conducted just like trials before a panel of three judge referees appointed by the Supreme Court. An attorney, hired by but independent from the Commission, serves as prosecutor, and in almost all cases the involved judge is represented by counsel. Testimony is taken, and other forms of evidence received.

After the conclusion of the formal proceeding a report is issued to the Commission by the referees, which includes their factual findings and conclusions as to whether the judge violated the Canons. The involved judge has an opportunity at another public hearing before the full Commission to challenge any or all of the referees’ report.

The Commission then decides what level of discipline, if any, to impose. A petition to the Supreme Court can be filed by the involved judge challenging the Commission’s determination.

As noted, although about 95% of complaints are closed with no discipline imposed, in the last 10 years (2004-2013) seven judges have been removed from office and 28 additional judges have either resigned or retired with proceedings pending. During that time frame 14 judges were publicly censured, 45 judges received public admonishments, 71 private admonishments were issued, and 212 private advisory letters were sent.

The statistics are consistent with experience that the overwhelming majority of judges in this state do their best to conduct themselves and resolve cases in a fair, impartial, ethical and dignified manner. The few, most egregious, cases of ethical misconduct invariably are publically reported.

Given the careful and thorough investigation (described in Part 2) given to each appellate justice before his or her appointment, and the fact that each of the justices whose names will appear on your ballot are all untarnished by public discipline, they unquestionably deserve retention.

Fun was had by all at the DoR annual Labor Day dinner
What the Heck is DoR’s “Town Square”???

Cindy Ware

Since last spring, during the hour before our membership meeting programs actually begin, DoR’s “Town Square” is held. Like town squares of old, our town squares provide the unique opportunity to meet and speak with local candidates and representatives of ballot measures and other important political issues. During this hour you can ask questions on positions and interests that concern you, see how local campaigns are going, sign petitions, sign up for phone banks, and see what else you can do to help support and promote the Democratic agenda. There are also reps to talk with from ballot issues and initiatives, for instance, to fight climate change or to overturn the devastating effects of the U.S. Supreme Court’s Citizens United decision. So, instead of hurrying to your seats, we on your board invite you to stop for a few minutes on the way to your table to take advantage of this opportunity to get answers to your questions on many issues.

**TURNOUT** is the only path to victory for Democrats in the upcoming midterm election! What can each of us do?

Please talk with your fellow Dems about what is at stake (and the stakes are huge!). Here in our own state Assembly District 16, Tim Sbranti is in a tight race with Republican Catharine Baker. Nearby in U.S. Congressional District 10 (Tracy – Modesto), Michael Eggman is working hard to win that Congressional seat away from Tea Party incumbent and climate-change denier Jeff Denham, who voted to shut down the federal government last fall. There will also be a big-picture opportunity here in Rossmoor to make calls in support of Democratic senators in tight races around the country.

a) Reach out to fellow Dems at a phone bank:

At the phone banks listed below, instructions, talking points and voter lists will be provided. Please bring your own cell phone and charger. Please note: *calls also can be made from home* on all dates but October 17. (Pick up and return call sheets to the phone bank at Dollar Clubhouse.)

See you at the Dollar Clubhouse for:

- Michael Eggman for U.S. Congress in CD10 (Tracy) against Tea Party incumbent 10-12 & 1-3 on Sat. 9/27, Fri. 10/10, Wed. 10/29, Sat. 11/1 Contact: Cindy Ware at 925-956-1743 or cindyware@mac.com

- Keep Senate Blue 2:30-5:00 on **Friday, 10/17** Contact: Sue Hamill at 925-330-3723 or sue4ofa@gmail.com

b) Knock on Democrats’ doors in Tracy to talk with voters about Michael Eggman:

- **Saturday, October 18**, approximately 9 am – 3pm Contact: Cindy Ware at 925-956-1743 or cindyware@mac.com

c) Hang GOTV Dem Door Hangers in Tracy:

- Election Day, Nov 4, approximately 6 am - 11 am Contact: Cindy Ware at 925-956-1743 or cindyware@mac.com

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More Photos from Labor Day
WELCOME FALL

INFORMATION STATEMENT: The Rossmoor Democrat, newsletter of the Democrats of Rossmoor, is distributed six times annually to members and others expressing interest in The Rossmoor Democrat. Mailed from Walnut Creek, CA. Permit Number 595.

2014 MEMBERSHIP DUES

Use this form to join or renew membership in DEMOCRATS OF ROSSMOOR. Dues are $20 per member. Dues cover one calendar year, January 1 through December 31, and include our newsletter.

PLEASE CHECK ONE: [ ] New member [ ] Returning member

Please print

Name(s)_______________________________________________________________ Date_____________

Address_________________________________________________________________________________

Phone number____________________ E-mail________________________________________

Can you be an occasional volunteer? From time to time the Democrats of Rossmoor could use help with various tasks such as serving on committees or the Board of Directors, or helping with: 1) mailings, 2) voter registration, 3) social events, or 4) service groups. Please circle any item where you can devote some time.

Place your check (payable to Democrats of Rossmoor) and this form in an envelope and:

(1) leave it in the Democrats’ mailbox during office hours at Gateway,
(2) mail it to Emily Ehm, 2324 Ptarmigan Drive, Apt. 2, Walnut Creek, CA 94595 or
(3) bring your check and this form to the membership table at any meeting.

We thank you for joining / rejoining the Democrats of Rossmoor.