

SFDCCC Candidate Questionnaire

Jeffrey S. Ross

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San Francisco Superior Court Judge Seat # 11

Running for reelection yes

No other elected positions

PART 1

- 1 Yes.
- 2 As a judge, the Judicial Canons of Ethics prohibit my involvement in political parties, endorsement of candidates and support of ballot initiatives. I have not been able to participate in the Democratic Party, other than to vote. My last active engagement was to oppose the recall of Governor Gray Davis.
My earlier engagement in the democratic process included:
 - Opposition to Proposition 8 “the victims’ bill of rights” and efforts through litigation to challenge it, which did not succeed.
 - Working actively to prevent the recall of the California Supreme Court justices, especially Justice Joseph Grodin.
 - As Bar Association of San Francisco (“BASF”) president, I was one of the spokespersons for our efforts to oppose Proposition 209, which, in November 1996, amended the state constitution to prohibit state governmental institutions from considering race, sex or ethnicity, specifically in the areas of public employment, public contracting, and public education. Our particular focus was to either overturn it or limit its effect on admission to the University of California.
 - In later years, I was active in BASF’s efforts to defeat both Proposition 22 and Proposition 8, which were created by opponents of our court’s same-sex marriage decision.
- 3 In 1996 I co-founded BASF’s Law Academy— originally at Mission High School and now at Balboa. We work with San Francisco high school students to prepare them for college and successful careers. Balboa teachers used the social justice mission of the Law Academy as the basis for the June Jordan School for Equity (“JJSE”), San Francisco’s newest public high school. As a judge, I continue to work with students at the Law Academy, JJSE, BASF’s high school mock trial program and Day-in Court in which students visit our court, watch trials and meet with judges. Since 1983, I have been president of the Michelle Platt-Ross Foundation, which supports programs at UCSF to serve hospitalized children. For fifteen years, I was a board member of the National Immune Deficiency Foundation.
- 4 Governor Jerry Brown, Congresswoman Jackie Speier, Senator Scott Wiener, Assemblymembers David Chiu and Phil Ting, State Board of Equalization member Fiona

Ma, Mayor Mark Farrell, City Attorney Dennis Herrera, Assessor Carmen Chu, Board President London Breed, Supervisors Aaron Peskin, Katy Tang, Jane Kim, Norman Yee, and Sandra Lee Fewer, Former Supervisor Angela Alioto, Sheriff Vicki Hennessy, District Attorney George Gascon, Former City Attorney Louise Renne, Commissioner, SF Board of Education Rachel Norton, Vice President, City College Board Alex Randolph, San Francisco Firefighters Local 798, Community Alliance for Jobs and Housing, California Latino Judges, all 50 San Francisco Superior Court judges, and all First District Court of Appeal justices, among many others.

PART 2

- 1) The strength of the San Francisco Superior Court derives from the diversity of its 50 judges and two commissioners which includes: 3 Latinos; 3 Latinas; 2 female African Americans; 6 male African Americans; 3 gay men; 6 Lesbians. We also have 13 former criminal defense lawyers—11 of whom were public defenders. As a result, the court welcomes all and provides a safe, respectful, supportive environment for civil litigants (including those who are self-represented in our family courts), criminal defendants, witnesses, jurors and attorneys.

The court has been an innovator and leader in developing alternatives to incarceration, including the following collaborative courts which provide substance abuse, mental health and physical health treatment, housing and employment training: Drug Court, Behavioral Health Court, Community Justice Center, Young Adult Court, Family Treatment Court and Veterans Justice Court (“VJC”)—where I presided for the last three years.

My goal is to expand our treatment courts to provide more alternatives to prison.

- 2) My first judicial assignment was trying to settle civil cases. As a former mediator for both the United States District Court and the Court of Appeals, I was well prepared to settle cases.

Now I try criminal trials and am assigned to the Intensive Supervision Court which seeks to keep probation violators from going to State Prison. I have been appointed twice by Chief Justice of the Supreme Court Tani Cantil-Sakauye, as the Presiding Judge of our court’s Appellate Division and to the Judicial Council Advisory Committee on Criminal Jury Instructions (CALCRIM) which authors the instructions used in criminal jury trials throughout California.

During the summers in college and law school, I worked at the law firm that was general counsel to Planned Parenthood; the law firm’s work led to the 1973 *Roe v. Wade* decision. Next, I worked at the Santa Clara County Public Defender’s Office followed by an ACLU externship.

For 24 years I defended clients charged with crimes in state and federal court; represented clients in divorce and custody disputes and tried civil cases. I always had a pro bono case, usually for the ACLU.

Next I joined Pillsbury, Madison & Sutro, for ten years—trying complex civil cases and co-leading the white-collar criminal team. At Pillsbury I was the co-leader of the Biotech and Healthcare practice, the co-leader of the White Collar Criminal Defense practice and twice elected to the Nominating Committee which selected the firm's Board of Directors.

- 3) No. At my law firm and at Pillsbury, I never represented a client whose legal position was contrary to my personal or moral beliefs. To the contrary, throughout my 34-year legal practice I represented clients pro bono in a variety of civil rights and constitutional cases. That representation included helping a veteran upgrade his discharge to honorable and securing asylum for a Tibetan refugee. With the ACLU I represented clients in First Amendment cases, including one which led to the Ninth Circuit decision that the State cannot exclude the media from death penalty executions; opening executions to the press led to evidence which has been used in cases challenging capital punishment as cruel and unusual.

Pillsbury gave me the resources to accept appointment by Chief Justice Ronald George to represent a death-row inmate in his habeas challenge to his conviction and death sentence. My client was a 22-year-old African-American charged with killing two white teenagers as part of a Subway Sandwich store robbery in Los Angeles in 1991. I represented him for six years and filed the habeas corpus petition challenging the conviction based on the denial of his right to effective counsel and juror misconduct.

At Pillsbury for ten years I tried complex civil cases and co-lead the white-collar criminal team. I was lead counsel for the Los Angeles Unified School District and worked with Louise Renne, counsel for SFUSD in *Williams et al. vs. State of California*, that addressed a student's constitutional right to a good education.

- 4) As a criminal defense attorney for 34 years and a judge for almost 9, I believe that economic inequality and the lack of sufficient social services contribute to the high rates of incarceration among communities of color.

Many criminal defendants in my court were either in foster care and/or not living with a parent during much of their childhood. I know from my wife, a CASA volunteer, that inadequate housing, support and social work services for children in foster care deprives them of basic needs necessary for success.

Other factors contributing to people entering our criminal justice system are: inadequate housing and healthcare and the failure to address mental health and substance abuse effectively.

Yes, the Court can play—and in San Francisco does play—an important role in finding meaningful alternatives to incarceration. As the Veterans Justice Court judge for the past three years I worked with military veterans charged with criminal offenses to secure housing and mental health, drug treatment, and employment services to help them recover from the challenges stemming from their military service. We graduated 126 veterans who, obtained stable long-term housing, sobriety, reunion with family, and dismissed or reduced charges.

I am working to expand our Intensive Supervision Court to provide additional services to felony probation violators to keep them from returning to prison. As chair our treatment court committee I work with representatives of the city departments to provide effective alternatives to incarceration.

- 5 During law school, in 1975, I worked for the Santa Clara County Superior Court as an Own-Recognizance Release interviewer. When people were arrested in north county, I interviewed them, obtained background information and then conferred with the duty judge to recommend their release. The San Francisco Superior Court has been an innovator in developing pretrial release programs which provide support for those released to increase the likelihood that they will return to court and not commit crimes while out of custody. In VJC, I was able to release participants shortly after their arrest and entry into the court, because the Veterans Administration provided case managers and treatments services.

As a defense lawyer practicing in the federal courts, I was familiar with their pretrial release program, which could provide a model for the California system. It would require the investment of funds to provide trained case workers to support the released defendant and to provide services.

- 6) In 2017 I was the felony settlement judge; the lawyers in virtually every felony case came to me, and I tried to settle the case before trial. The defendants charged with car-break ins fell into two distinct categories, which require different responses. Many were people with serious substance abuse and/or mental health issues. I worked with defense counsel to persuade the assistant district attorneys to agree to resolutions to allow these people to get treatment—which was effective in reducing recidivism. A second group of organized car thieves often come to San Francisco from the suburbs in groups and maraud through the city, systematically going to tourist-popular locations where visitors may have locked their suitcases in their trunks. One person acts as a lookout, another as a get-away driver, and two others break into the car, pop the trunk and take the items. These people should be tried and, if convicted, punished appropriately.

7) Our courts must reflect the diversity of our population, racially, ethnically, and in terms of gender and sexual orientation. As noted above, our court is among the diverse in the State and probably the country.

When I began practicing in 1975, most judges were white men. Governor Brown in his first terms and President Carter began to diversify Bay Area courts. Subsequent gubernatorial administrations—both Republican and Democratic—delayed that progress. A life-long Democrat, I did not apply for judicial appointment by Governor Davis; I understood he rarely appointed criminal defense lawyers, and he had a litmus test on the death penalty, which I could not pass. Governors Schwarznegger and Brown have reversed this practice.

Because most people who come to our court have exposure to only one judge—who may or may not reflect that person's race, ethnicity, gender, sexual orientation—every judge be sensitive to implicit bias and commit to creating a welcoming, safe environment for all. Judge Karnow teaches classes for judges to identify implicit bias. He and I teach a similar class for attorneys who volunteer as pro tem judges in our court.

A court must also have diversity of legal experience. Superior Court Judges do not specialize; we are expected to be able to handle civil trials, family law matters, probate and criminal cases. We are fortunate, not only to have 13 former criminal defense lawyers, but also lawyers who were civil litigators, federal and state government attorneys and family and juvenile lawyers.

8) I have lived in San Francisco since 1976—initially on the border of Chinatown and North Beach and, since 1978 in the Upper Haight. My community activities inform my understanding of the City. My legal practice—especially the first 24 years representing people (mostly African Americans and Latinos) charged with drug possession and sale, bank robbery, rape and murder—provide an intimate understanding of the causes of criminal conduct. I also represented women and men who were getting divorces and contesting child custody issues. These two circumstances—criminal charges and family disputes—are among the two most challenging life events a person can experience. I worked with my clients, not only to address the legal issues and to win the case, but to provide emotional support and insight to assist them in the process. I helped women who were victims of domestic abuse divorce and getting custody of their children. I sued employers who were violating collective bargaining agreements or who unlawfully terminated their employees. I tried a lengthy custody case in which a mother alleged that my gay client had sexual relations with his 5-year old daughter and—when he was diagnosed with AIDS—tried to use his medical condition to prevent him from having custody. We won that case, and the judge awarded him sole custody. My legal and judicial experience and my community work inform my approach to the parties and attorneys who appear in my court.

9) Yes and—as stated above—I take that training regularly and have taught that class along and judicial ethics to lawyers who apply to work as pro tem judges in our court.

10) I described above my role as a Veterans Justice Court judge, the chair of our collaborative courts committee and judge of the Intensive Supervision Court, which works with felony probation violators. I am working with the Chief of Adult Probation Department and our court staff to seek additional funding to provide more services to those on felony probation to avoid their being sent to State prison.

11) I have served as the judge in traffic court. I am also the presiding judge of our Appellate Division, which hears—along with misdemeanor and landlord tenant appeals—appeals from traffic court. Those people represent themselves, in the first instance in trial and then on appeal. Before my appointment, I was a pro tem judge, assigned to hear Small Claims Appeals, which is a retrial. In every instance, I work to explain the process, to describe what they can do to present their case and the different roles of the trial and appellate judge. Frequently, English is not their first language, and because interpreters are not provided, I work to be sure they understand the process. In one instance in a Small Claims Court appeal, because no interpreter was available, I asked the parties to explain their positions in Spanish, which I understand.

But we must do more. The Legislature needs to begin to fund lawyers for civil cases, especially for family disputes. The legal system is too complicated, and the issues are too important, for people to try to represent themselves in divorce and custody cases. I worked with the Bar Association, both before and after my appointment, to support efforts to get funding for “civil Gideon” free lawyers for those who cannot afford represented in civil cases.

12) Having handled and tried civil cases for thirty four years, and as a civil trial judge for 15 months, I know that the cost of litigation is the biggest obstacle. As a lawyer, I worked to help my clients and the adversary to settle cases, saving the cost of attorneys’ fees. Before my appointment, I volunteered both with the United States District Court and the Court of Appeals First Appellate District as a mediator and settled cases, without charge to the parties. As a civil trial judge, I spent every Friday and many evenings, working with counsel and parties to settle cases and avoid trial.

We need to invest more resources to allow judges to work as settlement judges. When given the opportunity, I settled about 90% of the cases. Unfortunately when the current court-funding crisis hit our court in 2010, some civil courtrooms were closed, and judges were no longer available to settle cases. We developed a program where attorneys volunteered, and—because of my experience as a mediator and civil settlement judge—I taught the class for those volunteer attorneys. Happily, our presiding judge has begun to return to having judges settle cases. Two of our civil judges are doing that regularly. I hope that, upon getting full funding from the Legislature, our court will be able to return to the robust civil judicial settlement program in which I participated in 2009-2010.