

STATE OF CALIFORNIA
CALIFORNIA STATE AUDITOR'S OFFICE (CSA)

In the matter of:

2020 CITIZENS REDISTRICTING COMMISSION (CRC)
Applicant Review Panel (ARP) Public Meeting

621 Capitol Mall, 10th Floor
Sacramento, California 95814

THURSDAY, MARCH 5, 2020

8:58 A.M.

Reported by:
Jacqueline Denlinger

APPEARANCESMembers Present

Angela Dickison, Chair

Ben Belnap, Vice Chair

Ryan Coe, Panel Member

Staff Present

Christopher Dawson, Panel Counsel

Lisa Molino, Office Technologist

Shauna Pellman, Auditor Specialist II

Applicants

Henry Serra

Neal Fornaciari

Emmanuelle Soichet

Ina Bendich

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PROCEEDINGS

8:58 a.m.

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3 CHAIR DICKISON: The time being 8:58 in the
4 morning, we are calling the Application Review Panel to
5 order.

6 Just to go over the ground rules real quick, if
7 you have your cell phone on please silence all cell phones.
8 If you need to take a call, take it in the hallway or out
9 by the elevators. The restrooms are just outside the door
10 to the left. And in case of an emergency and you're not
11 familiar with the area just follow the CSA staff's
12 instructions.

13 So this morning we have Mr. Henry Serra. Did I
14 say that correctly?

15 MR. SERRA: Serra.

16 CHAIR DICKISON: Serra, welcome.

17 MR. SERRA: Thank you.

18 CHAIR DICKISON: I'm going to turn the meeting
19 over to Mr. Chris Dawson to read the five standard
20 questions.

21 MR. DAWSON: Good morning, Mr. Serra. Thank you
22 for being here. I am going to read you a series of five
23 standard questions that the panel has requested that each
24 applicant answer. Are you ready, sir?

25 MR. SERRA: Yes.

1 MR. DAWSON: First question. What skills and
2 attributes should all Commissioners possess?

3 What skills or competencies should the Commission
4 possess collectively?

5 Of the skills, attributes, and competencies that
6 each Commissioner should possess, which do you possess?

7 In summary, how will you contribute to the
8 success of the Commission?

9 MR. SERRA: I thought about this quite a bit. And
10 I think the most important thing is that individually and
11 collectively the Commissioners are fair-minded, impartial
12 people of goodwill and specifically focused on the mission
13 of the Commission.

14 I know there are questions and a lot of concern
15 about impartiality and so on. But my experience in my
16 practice, and on serving on boards in San Diego, has been
17 that people of goodwill who stay focused on the mission
18 tend to work out what are apparent differences of opinion.
19 So I think everybody should be a careful listener, a
20 careful reader, thinks before he or she speaks, and that
21 they have the ability to drill down on answers or testimony
22 at the various hearings if there are questions about the
23 validity of the position of a community group or individual
24 group.

25 And I just think in general, life experience and

1 some insights into the population of California, the
2 various ethnic groups, economic groups and regional
3 geography groups are an important mosaic background for
4 each of the Commissioners to have.

5 And to answer the second part, I think I have
6 most of those.

7 MR. DAWSON: Question 2. Work on the Commission
8 requires members of different political backgrounds to work
9 together. Since the 2010 Commission was selected and
10 formed the American political conversation has become
11 increasingly polarized, whether in the press, on social
12 media and even in our own families.

13 What characteristics do you possess? And what
14 characteristics should your fellow Commissioners possess
15 that will protect against hyper-partisanship?

16 What will you do to ensure that the work of the
17 Commission is not seen as polarized or hyper-partisan and
18 avoid perceptions of political bias and conflict?

19 MR. SERRA: Well, I think it's an interesting
20 question and there's a structural question. The ultimate
21 Commission is going to be declared partisans to 60 or 75
22 percent okay, so these people that are already declared.
23 So how do we do impartiality in that context? And what can
24 we do to protect the Commission and its work?

25 I think people should learn to think before they

1 speak, sometimes learn to bite their tongue and not just
2 speak off the top of their head. And I think it's very
3 important to listen very carefully. I do think it's very
4 important that we have -- the Commission have a specific
5 spokesperson to the public for the work of the Commission.
6 And that the Commissioners agree not to make individual
7 statements about the work of the Commission, either on
8 social media, to the press, on television or anything of
9 that sort I think, because those things can be easily
10 misconstrued, blown into much larger issues than they
11 really are. And I do think despite First Amendment
12 privilege and so on I think in order to accomplish the work
13 of the Commission properly it's better to speak through a
14 Commission's spokesman about the public work of the
15 Commission.

16 And what will I do? I'll keep my mouth shut and
17 speak through an appointed information officer.

18 MR. DAWSON: Question 3. What is the greatest
19 problem the Commission could encounter?

20 And what actions would you take to avoid or
21 respond to this problem?

22 MR. SERRA: I actually see three problems. I
23 think the worst would be bad press in social media, TV,
24 radio, printed press, which tends to undermine the work of
25 the Commission. I think that in the days of social media

1 today, I think that's a real potential problem. And
2 frankly, it's kind of what the Russians have been trying to
3 do to undermine confidence in our public institutions in
4 this country, so I think it's very important to avoid that.
5 And again, speaking through a public information officer
6 and not making individual statements I think is what the
7 individual Commissioner is to do.

8 Second problem, and this is going to be a
9 difficult one and it relates to the mission of the
10 Commission, for the first time ever California is losing
11 congressional districts if all the projections about our
12 population reduction are correct. The question is loss
13 distribution. How do you absorb the loss of one to three
14 congressional districts amongst the populations and the
15 interest groups of the state and the communities of the
16 state? That could turn partisan but I do think it's just
17 going to be a physically and intellectually hard
18 job to accomplish even if people had no partisan
19 inclinations.

20 So that's why I was saying before, if you keep an
21 eye on the mission of the Commission, we've got to do this
22 work in a relatively short period of time and it's got to
23 be fair. And I do think if everybody approaches it with an
24 eye on the ball for the mission, I think that probably will
25 tend to reduce any partisan fighting about this. Because

1 we physically have a difficult job to do with the reduction
2 of, for instance, congressional seats.

3 And the third potential, God forbid but if this
4 pandemic of Coronavirus gets worse I think you ought to
5 have an alternate list of Commissioners, because you don't
6 know what's going to happen with 14 people of varying ages
7 and so on during the year. And maybe even to the point of
8 having to do some teleconferencing instead of the face-to-
9 face public meetings. And I don't know if that's permitted
10 under the law or the regulations.

11 Finally, if it gets really, really bad you may
12 require some judicial intervention to extend timelines of
13 the Commission so it can get its work done if we're
14 burdened by Coronavirus, lockdowns, and things of that
15 sort.

16 MR. DAWSON: Thank you. Question 4: If you are
17 selected you will be one of 14 members of the Commission,
18 which is charged with working together to create maps of
19 the new districts. Please describe a situation where you
20 had to work collaboratively with others on a project to
21 achieve a common goal. Tell us the goal of the project,
22 what your role in the group was, and how the group worked
23 through any conflicts that arose. What lessons would you
24 take from this group experience to the Commission if
25 selected?

1 MR. SERRA: Well, I have several. I actually
2 served as a juror in a criminal trial in San Diego as a
3 lawyer. I'm a practicing lawyer. That's unusual.
4 Typically the lawyers for the parties don't like to have
5 lawyers on juries, because they know too much or they have
6 a different view of things than lay citizens do.

7 First of all, I was surprised I was selected.
8 Secondly, they immediately asked me to be foreman of the
9 jury. And I didn't want to do that I said, "Because look,
10 I've got all this legal training. I'm a former prosecutor.
11 This is supposed to be a jury of peers. And I think I'm a
12 little different than a peer, because of my previous
13 experiences. So I'll do this, but only if I don't drive
14 the jury deliberations." You know it's very easy for
15 lawyers to come into a room and say, "Okay, I'm in charge
16 here and this is what we're going to do" and all this sort
17 of thing. So they agreed to that. I kind of kept quiet.
18 I only spoke if they were way off base on the law or a
19 factual testimony or something like that.

20 We did have some holdouts. There were a couple
21 of people for various reasons that did not want to come
22 along with the majority. But we just took our time, we
23 were patient with them. And most important, we spent
24 quiet, patient time with the holdouts trying to find out
25 exactly what their objections were to the position of the

1 rest of the jury. And in fact it took a couple of hours,
2 but once we drilled down to find out the components of
3 their objection most of them could be taken care of. And
4 we ended up with a unanimous verdict and no hard feelings.

5 I represented the Cambodian American community
6 from Long Beach, California pro bono at the U.S. National
7 Security Council after the UN Peace Agreement in Cambodia
8 was signed. They had solicited information from the ethnic
9 communities, Khmer communities. There's the biggest one, I
10 think, in the country, is in Long Beach. There's one in
11 Stockton also and there's one in Massachusetts somewhere.
12 But the National Security Council subcommittee on this
13 wanted to know what redevelopment efforts the United States
14 should be involved in with rebuilding Cambodia after the
15 Khmer Rouge.

16 So we met, particularly with the Long Beach
17 community. And what we found was that it depended where
18 the people were from in Cambodia. Some of them said, "We
19 wanted a road, so we could get our items to market." Some
20 wanted electricity, some wanted telephones, some wanted
21 clean water and sewage and so on.

22 So anyway we worked through that and talk to
23 everybody. And then the final recommendation we made to
24 the national Security Council was the first thing the
25 United States should do is do an inventory of

1 infrastructure that was damaged or needed to be rebuilt or
2 built originally in Cambodia. And that ended up being --
3 everybody in the group agreed to that. But we had to kind
4 of talk through it to figure out what was the meta-level
5 need for the Cambodian Americans.

6 Oh, and then I served on the Wetlands Advisory
7 Board for the City of San Diego for 12 years. We did
8 pretty well in the beginning, because we had a PhD
9 physicist as our chairman. And he insisted that we work
10 through on issues, development and public construction
11 issues, to make unanimous recommendations to the Mayor and
12 the City Council. And that's something I learned from that
13 experience. I think on boards and commissions like this to
14 the extent possible if you can make unanimous
15 recommendations it carries more weight with those
16 considering the result of the Commission and the product of
17 the Commission.

18 And I've learned some subtext matters too, to the
19 extent that when we had a change of administration in San
20 Diego the new Mayor appointed a partisan as the Chairman of
21 the Board. And just fairly, he was more pro-development
22 and construction than the previous chairman had been.

23 And then they changed some of the environmental
24 sensitive lands rules, so that those matters that we had to
25 vote on would come up for vote at the City Council at time

1 intervals between our meetings, so that we couldn't meet to
2 vote on the things. So it made me very aware of looking at
3 the subtext of fundamental actions and Board and Commission
4 actions.

5 MR. DAWSON: Question 5: A considerable amount of
6 the Commission work will involve meeting with people from
7 all over California who come from very different
8 backgrounds and a wide variety of perspectives. If you are
9 selected as a Commissioner what skills and attributes will
10 make you effective at interacting with people from
11 different backgrounds and who have a variety of
12 perspectives? What experiences have you had that will help
13 you be effective at understanding and appreciating people
14 in communities of different backgrounds and who have a
15 variety of perspectives?

16 MR. SERRA: Well first I've lived in California
17 for -- I was an immigrant from New York -- I've lived here
18 51 years. I came here in the Navy during the Vietnam War,
19 all kinds of people on my ship and in Vietnam, ethnicities,
20 Filipino American, Mexican American, Hispanic American. So
21 I've had a lot of experience along those lines.

22 I was a prosecutor, and I picked juries. I've
23 learned a lot about different ethnic and economic groups,
24 outlooks and viewpoints. And that's served to help my
25 background in evaluating these issues.

1 MS. MOLINO: Fifteen minutes.

2 MR. SERRA: In the representing the Cambodian
3 community I learned quite a bit about the way they looked
4 at their former country and what they hoped politically and
5 economically their new country would do in international
6 affairs.

7 I also represented the Vietnamese community in
8 Garden Grove, California for communications with the
9 Department of State California, excuse me, Vietnam was
10 embargoed for quite a while after the war was over. And
11 under the Trading with the Enemy Act and the Emergency
12 Economic Powers Act there couldn't be American lawyers
13 going to Vietnam to service Vietnam as clients and so on,
14 because that was under the embargo. That was prevented
15 under the embargo. I met with the community. And some of
16 them had an interest of getting these issues settled,
17 specifically the war claims that were pending between
18 Vietnam and the United States.

19 So, and I'm an adjunct law professor. I teach
20 international commercial transactions and so on. I knew
21 quite a bit about the embargo. I called up the State
22 Department's head lawyer and I said, "I know this is
23 embargoed, but the Vietnamese have liquidated all their war
24 claims and so have we." That means they had a list of each
25 claim and a dollar amount for each one and they roughly

1 amounted to \$100 million each. "And they're anxious to get
2 this issue settled for banking relationships and other
3 issues. And they've asked if you would allow them to send
4 lawyers from Washington DC, big law firms from Washington
5 D.C., to Vietnam, to Hanoi to do a so-called beauty contest
6 to hire one of the firms. They could, they would have a
7 firm in Washington with experience in claims settlement to
8 go down the street to the Justice Department and the State
9 Department and resolve these claims right within
10 Washington."

11 This was important because after the Iranian
12 hostage crisis and so on we had problems with Iran. There
13 was about 30 years of litigation all over the world trying
14 to settle the claims between the United States and Iran;
15 very expensive, really commercially uncertain and so on.
16 And so if this could be done in Washington up and down the
17 street this would be a big deal.

18 The State Department head lawyer told me, "Well
19 you know, there's the embargo." And so I said, "Well just
20 think about it, because I think it's going to save you a
21 lot of money and time and effort in the country." And so he
22 called me back the next day and agreed. And we were able
23 to send American law firms to Hanoi. They hired one of
24 them. And as I understand, the claims have been largely
25 resolved.

1 MR. DAWSON: Okay. We will now have questions
2 from each of the panel members. Each panel member will
3 have a maximum of 20 minutes. And we'll begin with the
4 Chair, Ms. Dickison.

5 CHAIR DICKISON: Good morning.

6 MR. SERRA: Good morning.

7 CHAIR DICKISON: You may have answered this in
8 part, but I noted that you do have professional experience
9 primarily as an attorney, but also served as a naval
10 intelligence officer in Cambodia and Vietnam. What did you
11 learn from those experiences that you can bring to the work
12 of the Commission?

13 MR. SERRA: You have to examine everything very
14 carefully. And drill down to the subtext and find out what
15 motives are involved and what things that are apparently
16 one thing may have very different consequences.

17 I have to say, and I've told the Navy this and
18 stuff, I was exposed to things that were very unpleasant.
19 Not only about the world in general, but about what is done
20 in war context and political context and so on. But it was
21 kind of a rude awakening. And it's frankly colored my
22 practice and my approach to political matters on boards and
23 so on. You have to find out the complete mosaic background
24 about what's going on and not just the apparent things that
25 are going on. And I think that that kind of awareness,

1 that particularly that year in intelligence work, led me to
2 that.

3 CHAIR DICKISON: You also had experience in
4 changing voter registration law in Arizona?

5 MR. SERRA: Yes.

6 CHAIR DICKISON: How did that experience shape
7 your ideals related to voting rights?

8 MR. SERRA: That was also an eye-opener for me.
9 When I started law school, the State of Arizona had hired a
10 voter registrar from Massachusetts, who suggested to the
11 state and the Legislature that because -- this was the
12 proposition -- Arizona has a lot of retired old people.
13 They tend to die, but they are registered voters. That
14 leaves the opportunity for people to come in and vote under
15 their registry, you know, voter fraud, fraudulent voting.
16 So it's a good idea for the State of Arizona to cancel
17 everybody's voter registration in the state every ten
18 years.

19 That was astonishing, because it really was -- in
20 fact if you drill down on it, it was a voter suppression
21 matter. Because if you cancel everybody's voter
22 registration it's much easier for higher income people and
23 people that have more available time to go and re-register
24 when it's very difficult for lower-income or people with
25 three jobs at the same time to be able to do that.

1 Unfortunately, at that point both the Arizona state courts
2 and the Arizona Supreme Court and the Federal District
3 Court had already approved that law as being valid. They
4 said it was not unconstitutional under equal protection or
5 anything.

6 I researched it that whole first and second
7 semester of law school. I communicated with the Arizona
8 voter -- registrar of voters. And I think two weeks before
9 our law review issue was published with my comment on this
10 that it was -- this was very unfair, the State Legislature
11 went back and repealed the law that terminated everybody's
12 voter registration.

13 Then I wanted to write a second, fuller law
14 review article on redistricting and gerrymandering and so
15 on. And so I started to look into it. And much to my
16 surprise it really wasn't partisan in that state
17 particularly, but it was incumbents protecting the
18 incumbents' districts. Everybody, "Wink, wink, nudge,
19 nudge. And no matter what changes we'll all still be the
20 winner in our district and stuff."

21 I was not allowed to publish that article,
22 because it was too -- the issue was too sensitive. And at
23 that point the Legislature provided the funding for the
24 University of Arizona and the law school. So that never
25 got published.

1 CHAIR DICKISON: Let me ask you more questions.
2 Based on some of the information you've provided you've
3 done some work assisting under-represented individuals and
4 groups. I just have a few questions there.

5 First you stated that over objection, you
6 successfully represented a former prostitute whose lawyer
7 was attempting to steal the title to her property. What
8 did you mean by "over objection" in that statement?

9 MR. SERRA: I was in a law firm that represented
10 more stable and traditional economic interests. And it
11 offended some of my partners that I would be involved in
12 something like that. That's what the objection was. I did
13 it anyway.

14 CHAIR DICKISON: Why did you choose to take the
15 case anyway?

16 MR. SERRA: Well, because this lawyer was a bad
17 actor. He made a business of representing the massage
18 parlors and people in the sex-trafficking industry. San
19 Diego had passed; I think they called it a red zone, red-
20 light zoning or something. There was one place in San
21 Diego, El Cajon Boulevard; there had been a lot of these
22 massage parlors and places. And so they said that anybody
23 who had had a prior conviction for sex-related crimes could
24 not hold title in these zones, these red zones.

25 So this particular lawyer went in and said, "Oh,

1 I'll transfer the properties to my name. I'm okay, I don't
2 have any convictions. And I'll hold it for you in trust."
3 And then sometimes wouldn't give them back, transfer the
4 title back to the people that actually owned the property,
5 because they were -- they had been convicted of sex
6 trafficking.

7 And to me that was just plain theft and frankly,
8 not very good for the law profession to behave that way.
9 So I filed a lawsuit. I filed a summary judgement at the
10 same time. He walked into court and agreed to the summary
11 judgment and transferred the property there.

12 CHAIR DICKISON: You talked about representing the
13 Long Beach Cambodian community. You were also the
14 architect of the American Bar Association's Cambodia and
15 Law Review Project. Can you tell us what these experiences
16 -- what you've learned that will relate to the Commission?

17 MR. SERRA: I'm trying to be specific about how it
18 relates to the Commission. What I've learned because of my
19 personal experience in Cambodia, in 1989 when the American
20 government allowed us to go back to visit I was in the
21 first trip. I think there were eight or nine of us that
22 went to Cambodia. It was quite clear to me after the Khmer
23 Rouge debacle and all that the place was really in ruin.
24 And I thought well, you know the American thing to do is we
25 -- not that we caused it, and we didn't cause it. But the

1 trouble they had gone through, the American thing to do is
2 to try to help them get back on their feet.

3 So I came back and tried to start redevelopment
4 projects. I went to UNDP. I went to Asia Foundation, a
5 number of agencies and non-profits. And I was just one guy
6 who had been there. Well they kind of said, "Thanks a lot.
7 We'll be in touch." Nothing happened.

8 So then I had been on and off a member of the
9 American Bar Association. I rejoined. It turned out the
10 Chairman of the International Committee that year was from
11 Los Angeles. He and I got together, and we pitched to the
12 ABA to make the program to, especially for Cambodia but for
13 Vietnam too, to reconstitute the law school in Cambodia and
14 make it a Western-type adversary law school. When the
15 communists come in what they call a law school is an
16 "apparatchik administrative training school." It's got
17 nothing to do with laws. It's got to do with pushing down
18 the dictator's desires and so on. So anyway we did that.
19 It became the ABA program.

20 As a result of that we got \$13 million from USAID
21 and the Asia Foundation to rebuild the law school,
22 reconstitute it. And we trained lawyers at the provincial
23 military courts, which is where all the legal action took
24 place in Cambodia. Khmer Rouge had killed I think all but
25 five lawyers and judges in Cambodia.

1 So what I've learned is that there are bad things
2 that can go on. Individual voices are often not heard even
3 if they are correct on a point and so on. And it showed me
4 the advantage of getting institutional support for good
5 ideas. And I think that that's kind of one of my interests
6 in this Commission is because I think we'll be able to do
7 some good things with the weight of the government behind
8 us.

9 CHAIR DICKISON: So one of the things that the
10 Commission is going to have to do is identify communities
11 of interest. What kind of methods do you think the
12 Commission should employ to identify these communities?

13 MR. SERRA: Well, I think public hearings in the
14 different regions certainly would help and give us some
15 inclinations. I think the use of maybe demographic and
16 economic experts could help to identify economic
17 communities. I think just the experience of the
18 Commissioners themselves might well provide insights into
19 the various interests in communities that we'll be dealing
20 with. But I mean other than that I can't think of
21 anything.

22 CHAIR DICKISON: You stated that in your
23 application that you understand the nature of California,
24 especially San Diego's various ethnic and other-interest
25 communities. Tell us about the community concerns in San

1 Diego. And describe the communities of interest that
2 you're aware of including what binds those communities
3 together.

4 MR. SERRA: If I can put this in perspective a
5 little bit, because I've been there a long time. We, for
6 instance, we used to have at-large city-wide, city council
7 elections -- district elections and stuff. What that ended
8 up doing was watering down the Hispanic population and the
9 African American population, because they were always
10 outvoted by the mass of kind of general white voters in the
11 -- San Diego is a pretty large linear city, out the way out
12 to Rancho Bernardo and down to the Mexican border and so
13 on. So anyway we finally changed that. I didn't do it,
14 but we went to district elections and shaped the districts.

15 So generally now what's changed is it's not
16 mostly just a white city council, but we have -- often have
17 Hispanic Americans. We have regularly African Americans
18 and most recently several LGBTQ Americans who now have an
19 opportunity to be elected to the council. That's one
20 thing.

21 You know, I lived in Asia for two-and-a-half
22 years. I studied the Vietnamese language, I studied
23 Mandarin Chinese. I have pretty good relations with the
24 Asian communities in San Diego. I was a single parent.
25 When my son would come home from school, and I was still at

1 work, we had a young Vietnamese woman who was an
2 engineering student at UCSD would take care of him until I
3 got home and so on. And I knew one friend who had been the
4 Agriculture Minister of South Vietnam and that was running
5 a restaurant in San Diego, so I've kept up my relationships
6 with him. I've also had these Cambodian community in Long
7 Beach relationships too.

8 So how do I -- I don't know, I just like people.
9 I like people on a very personal, not a formal legal basis
10 and so on. And I just found that people of goodwill kind
11 of ultimately get together no matter how different their
12 viewpoints are.

13 CHAIR DICKISON: Also on your application you
14 mentioned that you traveled throughout California. You
15 represented clients in multiple areas. You also mentioned
16 that you're a licensed amateur radio operator?

17 MR. SERRA: Yes, ma'am.

18 CHAIR DICKISON: All right. Based on these
19 experiences what do you see as factors that drive
20 preferences for representation among the different regions
21 in California?

22 MS. MOLINO: Five minutes.

23 CHAIR DICKISON: Thank you.

24 MR. SERRA: I think I go to Visalia if not every
25 year, every other year. We have our big ham radio

1 convention there in California, the Visalia and Tulare
2 areas. We get to know some of the people and the
3 restaurant owners and the locals that come there and stuff.
4 And it's always amazing to me that first of all economics,
5 the state of economics is important to everybody in
6 whatever region they're in. And if things are done that
7 harm them, big tax increases or inability to do business a
8 certain way because of regulations and stuff, that seems to
9 affect everybody everywhere.

10 I have found within the agricultural areas it
11 seems to me that there are Hispanic Americans who have
12 worked in those areas in a long time, want to be
13 represented and generally are better represented now than
14 they were 50 years ago.

15 I think it's just a question of spending enough
16 time and getting glimpses into their culture, community or
17 whatever it is where you get some insights. You get some
18 meta-level views of what drives people and what kinds of
19 things are important to people. Does that translate
20 entirely into their voting district, what their voting
21 districts are? I don't know necessarily that it does. But
22 I know those are always concerns for at least the places
23 I've visited and represented clients in.

24 CHAIR DICKISON: I have another question, but I
25 wanted to go back to one of your answers. On Question 2

1 you were talking about the Commission only speaking through
2 a spokesperson or a representative. When you are getting
3 public input and comment how would that work?

4 MR. SERRA: I didn't mean at public hearings.

5 CHAIR DICKISON: Okay.

6 MR. SERRA: I meant outside of our formal
7 business, public hearings for instance. Certainly I'd want
8 Commissioners to ask questions. That's part of the
9 drilling down process, so we can better evaluate whether
10 this is really a community of interest that needs to be
11 protected or whether it's something else.

12 CHAIR DICKISON: Okay.

13 MR. SERRA: I meant outside of business.

14 CHAIR DICKISON: Okay.

15 MR. SERRA: That's the thing. And I understand
16 everybody's got a First Amendment right and all that sort
17 of thing, but the mission of the Commission is important.
18 And I think men and women of goodwill will realize it's
19 better not to throw things out there in the public that
20 could be misconstrued.

21 CHAIR DICKISON: Okay. No further questions for
22 me right now.

23 Mr. Belnap?

24 VICE CHAIR BELNAP: Thank you for being here. So
25 after graduating from Princeton you obtained a law degree

1 from Arizona State?

2 MR. SERRA: No.

3 VICE CHAIR BELNAP: What?

4 MR. SERRA: The University of Arizona.

5 VICE CHAIR BELNAP: University of Arizona, thank
6 you.

7 MR. SERRA: Different law school.

8 VICE CHAIR BELNAP: Okay. Why did you decide to
9 go into law?

10 MR. SERRA: I guess some of us are just born that
11 way. I don't know. I come from a law family. I mean like
12 I'm second generation, my son is third generation. It's
13 kind of what we do. And it had always been my -- my
14 grandfather came here from Italy in 1876 or something like
15 that. We still have in the family what I consider an
16 immigrant view of the way people are supposed to lead their
17 lives and stuff. And so to us education has always been a
18 really big deal and getting a college education and
19 graduate education.

20 So in fact I was, because of my naval
21 intelligence job, I was asked to be the second in command
22 of the SEALs in Vietnam in 1970. I'm not SEAL trained or
23 anything like that. I declined I said because I was a
24 citizen sailor, I was doing my three-and-a-half years and
25 really wanted to get out and go back to law school. So

1 it's been a driving thing for me.

2 Also, I think it has been very useful to have a
3 law degree and to think like a lawyer about stuff,
4 especially in the drilling down that I'm talking about;
5 trying to find out what's really going on. It's not just
6 in political and voting matters, in technical cases it's
7 important to drill down and not -- I've had opponents in
8 cases hire fancy experts that said, "Water runs uphill,"
9 you know what I mean? Because they paid him a lot of money
10 you know. It really helps to be further analytical and
11 drill down to find out what's really going on.

12 But that's why I think it's been useful. And I'm
13 also a politics professor. I taught that at Princeton for
14 awhile, urban politics. But the two still kind of mesh to
15 me having the legal background and the interest in the
16 politics.

17 VICE CHAIR BELNAP: So in your career you were a
18 prosecutor, also a civil trial lawyer. So in a courtroom
19 there are opposing sides and you're going to represent your
20 client or the interest of a victim, for instance. So to
21 the issue of impartiality, how do these experiences
22 demonstrate your ability to be impartial though?

23 MR. SERRA: You know, I think to be a good jury
24 trial lawyer you need to be able to think in two separate
25 veins. You think in the advocacy of your case the best you

1 can. But if you want to be effective you have to be able
2 to shut that off and turn it around completely and think
3 about your opponent's case. What are the strengths and
4 weaknesses of his case? If you do that then you're able to
5 see what to say and what not to say. And I do think that's
6 helped me, because it's very easy for me to see both sides
7 of an issue or both sides of a need or, of a requirement.
8 And again, the drilling down to find out more is helpful
9 for that.

10 VICE CHAIR BELNAP: Yeah. So this is later in
11 your career, we haven't talked about this one yet. So
12 after a successful career in law why did you decide to go
13 back and get a Master's degree from the Scripps Institute
14 of Oceanography?

15 MR. SERRA: Because I've always been a science
16 guy. The amateur radio thing, when I was growing up most
17 of the ham radio guys my age did this at 13, 12 or 13 or
18 something, because they were inclined that way. Well I
19 kept up my oar in that for my whole life. And I actually
20 started Princeton as an engineer and then went over to the
21 Politics Department and English Department, because I
22 thought, this is going to sound strange, that the math and
23 science was too easy for me and that there was much harder
24 stuff to learn, how to write and read and learn history and
25 learn English and that sort of thing. And it was very

1 helpful to me to be able to do that.

2 VICE CHAIR BELNAP: So what did you learn in that
3 Master's degree program and any experiences afterward
4 regarding the environment that could be helpful for your
5 time as a Commissioner?

6 MR. SERRA: The science, the degree was a -- they
7 call it a "Masters of Advanced Study in Climate, Science
8 and Policy." I had been very interested. I was on the
9 Wetlands Board for 12 years. It has to do with carbon
10 sequestration and filtration of water and runoff and so on.
11 And I'd always taken the scientific cases when they were
12 available in my firm and stuff. And so I just thought I'd
13 like to get my math skills polished up. There's a whole
14 bunch now, because of digital stuff and GIS mapping and so
15 on.

16 And it was a refresher, it was really quite good.
17 We had the whole month of August before we started we had
18 what they call math boot camp. We had the Chairman of the
19 Math Department in San Diego State come and give us five
20 days a week a big dose of math. And it was very useful.
21 The science courses that we took were the actual PhD
22 science courses in marine chemistry, physical oceanography,
23 environmental economics. I forget some of the others, but
24 anyway it was good to be a student again in a demanding
25 context and so on.

1 And I'd always been interested in -- I was a
2 navigator in the Navy. I've been a sailor all my life. I
3 like the oceans, I like being around the oceans, I like the
4 life in the oceans and so on. And this, I thought was
5 going to be a good opportunity to kind of learn more about
6 that. And it's been very helpful and especially on the
7 math and science and the digital programming and computer
8 programming.

9 VICE CHAIR BELNAP: So in that program or any
10 experiences afterward, how much did you have to deal with
11 big data sets, statistics, or even GIS?

12 MR. SERRA: Virtually everything. Everything --
13 UCSD is a big science and math school. That's the main
14 axis of the school as far as I can tell. All the courses
15 required data analysis. We had to write papers in --
16 sometimes several papers in each of the courses.

17 And looking at trends, rainfall trends, we were
18 in the drought then. We were just getting near the end of
19 the drought. And it was very interesting to go back and
20 look at the data. We have -- in San Diego we have data
21 that goes back to rainfall data, 1860. And you can
22 actually break down to say -- and everybody was saying,
23 "Oh, is this drought going to go on forever? Are we going
24 to be dry, high and dry here?" Well if you look at the
25 cycles you see it never lasts more than five, maybe eight

1 year. I think this last one we had was one of the longest.
2 But always when you get five to eight years of that, in the
3 next year or two you get back to normal rain or slightly
4 higher than normal rain. So they are big, long cycles.

5 Also for these climate debates and so on it was
6 very interesting, because there are what they call
7 Milankovitch cycles. Any cycle, weather cycle let's say,
8 or climate cycle that lasts 1000 years or more they kind of
9 stay away from. There's not a lot of data on that.
10 Probably the Russian Vostok Ice Core has told the most
11 about that going back several 100,000 years. But a lot of
12 the argument now about climate stuff is based on maybe 50
13 years of good detailed, granular data and stuff.

14 There's another thing called -- there are cycles
15 when you look at data. And basically one of the rules is
16 if you have 50 years of data you can't project 100 years
17 ahead. If you have 50 years of data you need a little more
18 than 50 years of data to predict 25 years ahead. You need
19 -- it's called the Nyquist cycle. And now you have people
20 taking 50 years of Co2 data and projecting out 100 years
21 from that. You can do that, but it's not really as
22 effective as really looking carefully at the data cycles
23 and where there could be error in it and stuff.

24 We did also do GIS to a certain degree.
25 Unfortunately I didn't take that course, because I was

1 taking a coastal ecology course for some things I was
2 interested in. But we did that, we used that in many of
3 the courses.

4 VICE CHAIR BELNAP: All right thank you. I have
5 no further questions.

6 CHAIR DICKISON: Mr. Coe?

7 PANEL MEMBER COE: Mr. Serra, good morning.

8 MR. SERRA: Thank you.

9 PANEL MEMBER COE: Thank you for being here. Many
10 of my questions you've already addressed, or my colleagues
11 have already addressed, but I think I kind of understand.
12 I was going to ask what drew you to -- to work on The San
13 Diego Wetlands Advisory Board, but I think we've covered
14 that. So I'll jump right to how do you think, or are there
15 any specific experiences within your service on that Board,
16 that would be of benefit to the Redistricting Commission?

17 MR. SERRA: Probably just be what I keep saying,
18 the drilling down. We had a lot of professionals on that
19 board, veterinarians and doctors and PhD scientists and
20 engineers and stuff like that.

21 But a lot of times, especially with the city-
22 sponsored projects, San Diego went to a system of
23 enterprise. Departments, for instance, they spun off a
24 Stormwater Department to make it its own department, so now
25 it's its own entity. And they are what they call

1 enterprise departments. That means they're supposed to be
2 self-sustaining, pull in as much money as they spend on
3 their administration and so on.

4 We had the new Stormwater Department fellow come
5 up, their public information officer come up, and tell us
6 that they had a new stormwater program that was going to
7 comply with the Federal Clean Water Act requirements and
8 litigation and so on. And it was going to be great except
9 that it was going to cost \$20 billion over five years or
10 something like that. We can't even get our roads, streets
11 paved in San Diego. And so I asked the guy, "This is all
12 wonderful stuff, but where are you going to get the money
13 for this?" I said, you know, we had had some budget
14 constraints and pension problems for the city and so on.

15 And so what he said was, "Well we'll just have to
16 increase the property tax or the sales tax to make up this
17 difference, you know what I mean?" That was very revealing.
18 You could have a perfect plan for something, but if you
19 drill down you realize it's the numbers are crazy. No way
20 could it be paid for in that context.

21 So somehow it was left to me to drill down on
22 some of these witnesses that came in with various proposals
23 and stuff. And it may be, because I know how to cross-
24 examine people or something, I don't know. But that was
25 very useful.

1 PANEL MEMBER COE: I wanted to ask a question that
2 kind of piggybacks off of something Mr. Belnap was asking
3 in terms of your experiences as an attorney in regards to
4 impartiality. It was an example, I think it was used in
5 the essays Mr. Belnap asked about it earlier. I want to
6 play devil's advocate for a second. I think Mr. Belnap's
7 question was getting at when you're an attorney you're kind
8 of inherently not impartial. You're just defending one
9 side. And his question got to well how does that show
10 impartiality? And you mentioned going and looking at the
11 other side of the argument, your opponent's side.

12 I'm playing devil's advocate. I want to try and
13 if -- I would like you to expand on that a little bit,
14 because the argument could be made well you're looking at
15 the other side, still with the inherent interest of winning
16 your side. And how does that show impartiality? And maybe
17 an example would be helpful in that regard of how does that
18 actually showing impartiality, and then maybe making
19 decisions that would go against your initial first
20 preference.

21 MR. SERRA: Well, you certainly wouldn't do that
22 advocating for a client, giving away -- although sometimes
23 you do. Sometimes you do give things away for the greater
24 purpose and so on. I think my point was the ability to get
25 out of this lane and get into this lane. That's valuable.

1 What you do with it after that depends on if I'm being --
2 if I'm representing you in your case I'm going to do things
3 that are going to go down this lane to advance your
4 interests and so on.

5 But it's a mental ability to get in the other
6 guy's shoes. And I think just the ability to do that gives
7 you some more sensitivity to other people's positions and
8 arguments. That's really my point. It's not advocacy is a
9 weapon, you know what I mean? It can be used one way or
10 the other way.

11 Frankly I'm a little more concerned for
12 impartiality. Like I said what 60, 75 percent of the
13 ultimate Commission are going to be declared partisans,
14 right? And I can sit here and say, "Oh I'm going to be
15 impartial." Well, you're a declared partisan. How do you
16 look past that? Do you know what I mean?

17 PANEL MEMBER COE: I see. Okay. Earlier you
18 mentioned the Commission having a spokesperson that would
19 kind of be the chosen voice of the Commission outside of
20 Commission members participating in some of the public
21 meetings that they have. How would you go about, how do
22 you think the Commission should go about choosing that
23 spokesperson amongst themselves?

24 MR. SERRA: Well first of all you'd have to have
25 some -- I guess you'd put out a request for a proposal or

1 something. You have to have people who are experienced in
2 doing that. And then you interview the people and you
3 listen to them and see what experience they've had. And
4 then try to decide collectively whether that's the person.

5 From what I read the -- what I call the After
6 Action Report of the 2010 Commission, they call it "The
7 Manual," or something. And I think there's an Executive
8 Director who undertakes most of these -- or there was last
9 time anyway -- that undertakes most of these staff detail
10 questions. But I do think all those decisions should be
11 finally approved by the Commission itself even if the
12 Executive Director is involved.

13 But saying what qualities, I don't know what
14 quality -- I mean if they're a truthful spokesperson and
15 not too clever by half.

16 PANEL MEMBER COE: Okay, thank you. One final
17 question, which aspects of being a Commissioner if you were
18 to serve do you think that you would be the best at? And
19 conversely, which aspects of being a Commissioner do you
20 think you might struggle with?

21 MR. SERRA: Probably there was the last Commission
22 had a Legal Advisory Commission Committee, subcommittee or
23 whatever. I think I could serve on that. I think I can
24 drill down to the extent necessary on witnesses and public
25 hearings. I think I'd prefer not to be a Chairman or a

1 Vice Chairman. I like to get focused on the issues rather
2 than maintaining the schedule and arranging hearings and
3 that kind of stuff. I can do it, but I prefer to do the
4 other.

5 PANEL MEMBER COE: Okay, thank you. No further
6 questions.

7 CHAIR DICKISON: Mr. Dawson?

8 MR. DAWSON: Yes, I have a few follow-up
9 questions, Mr. Serra. You, in your answer to the second
10 standard question and then also this, your answer to Mr.
11 Coe, just now you were talking about how the Commission by
12 design is partisan at least in the sense that there will be
13 five Democrats and five Republicans and four persons who
14 are not affiliated with the Democrats or the Republicans.
15 You're registered as an NPP; is that correct? You're a No
16 Party Preference?

17 MR. SERRA: Yes, correct.

18 MR. DAWSON: So you talked about the possibility
19 of -- because there will be stated partisans, do the
20 nonaffiliated members have a special role to play?

21 MR. SERRA: I would think so.

22 MR. DAWSON: And can you expand on what that role
23 would be?

24 MR. SERRA: Maybe mediators between stiff debates
25 between the big-party partisans. That could be one way.

1 And I'm not -- I don't mean to dismiss the
2 declared partisans, but I'm just saying they are declared
3 partisans. They probably think the way that party or the
4 other party thinks.

5 But again, I'm trying to say in thinking about
6 this I do think if the Commissioners keep, all the
7 Commissioners keep their eye on the ball in terms of the
8 mission of the Commission, especially this time when it's
9 going to be hard distributing losses throughout the state
10 rather than creating new districts, new congressional
11 districts or whatever, I think we can get past that.

12 My experience with people on boards and anywhere,
13 clients and meetings and with disputes is that if people
14 are of goodwill and they keep their eye on the ball you get
15 to the end of the mission and don't get locked down in what
16 appear to be loggerhead disputes. And I think the
17 nonpartisan Commissioners can mediate those things. That
18 could be a role in discussions.

19 MR. DAWSON: Okay, thank you. You --

20 MR. SERRA: And if I could just say too --

21 MR. DAWSON: Oh, sure.

22 MR. SERRA: -- I don't care. I vote. I've voted
23 every time since I was allowed to vote. I don't really
24 care about the Republicans winning or the Democrats winning
25 or the Green. The reason I'm nonpartisan is I just like to

1 look at the individual issues. I voted for Republicans, I
2 voted for Democrats, I voted for Independents. And I just
3 think it's really important to candidly assess any issues
4 that come up. And I think particularly on the Commission
5 that's going to be important too. And my experience has
6 been I do think people can do that even if they're declared
7 partisans one way or the other.

8 MR. DAWSON: I wanted to ask you about you had
9 said that you were a data guy. I think that was the term
10 you used. And you talked about learning how to evaluate
11 data and assess the reliability of it. There have been
12 reports that there is a concern that some folks in
13 California may not be as willing to open the door to a
14 census taker for various reasons. The Commission will be
15 relying upon census data. Is that a concern?

16 MR. SERRA: It's a big concern. I don't know if I
17 brought them, but there's been articles, open-source
18 articles all over about voter suppression, implicit voter
19 suppression. And I'll just say honestly the
20 Administration, some of the comments that the President has
21 made over the last several years, "Mexican American,
22 Mexican American, Mexican American," and trying to get the
23 census question about the citizenship.

24 By the way I have -- I think I brought it with
25 me. Anyway I worked for Gallup Poll when I was in college,

1 okay? I know how these things work. I know there can be
2 subtle influencing campaigns that are just beating the drum
3 on a certain issue whether it's true or it's not true or
4 whatever. This can affect people's behavior.

5 I also understand that the state, our state has
6 spent \$185 million on outreach programs to try to make sure
7 that particularly ethnic communities, Mexican American
8 communities, participate in the census this time. And it's
9 to be seen how that's going to work and if it's going to
10 work. I go back to my law review thing with the voter --

11 MS. MOLINO: Five minutes.

12 MR. SERRA: -- the voter suppression notion that
13 getting rid of people's registrations, things like that
14 that tend to tilt the underlying demographics and the
15 participation are things that really have to be watched
16 very carefully.

17 MR. DAWSON: Sort of staying on the data theme,
18 you talked about assessing water data. I don't think it's
19 any secret that water is a big deal in California. What
20 can your experience studying water, how can you use that
21 knowledge or would you be able to use that knowledge in
22 your role as a Commissioner? Would it help you, for
23 example, in determining communities of interest?

24 MR. SERRA: I think so. I wrote my thesis at
25 Scripps Oceanography on the Region 9 Wetlands Advisory

1 Board, the Water Quality Assurance Board. If you know how
2 our state water system works the Federal Clean Water Act is
3 delegated to the states. The states have delegated to the
4 State Water Board and then we have nine -- I think nine
5 regions or so on.

6 I was interested in, because I was on the
7 Wetlands Board, I was interested in how our Region 9 has
8 dealt with our wetlands. California has lost 96 percent of
9 its coastal wetlands already. And so I drilled down in the
10 Region 9 Board and found out that they were not enforcing
11 the law. As a matter of fact, the Auditor's Office had
12 concluded the same thing in an investigation earlier,
13 because they have -- they issued permits, which are 401 sea
14 permits -- and they have mandatory reporting requirements
15 after the permit is granted and the project is built.

16 Our Region 9 Board was not requiring any of the
17 follow-up wetland health reports that had to be made
18 annually. So anyway it was a drill down thing to find out
19 what was really going on there. And I think I gained an
20 appreciation for water as a resource in the state, water as
21 important in different regions for different reasons,
22 whether it's agricultural or residential or commercial use
23 and so on. And to me that's one of the things that is of
24 interest in any physical region that we're going to be
25 looking at.

1 MR. DAWSON: I have about two minutes left in my
2 time. I will just ask you a quick question. The
3 Commission is intended to be reasonably representative of
4 the state's diversity. And of the remaining applicants the
5 South Coastal Region is not underrepresented to use a
6 lawyer's word. Males of European descent are not
7 underrepresented. The legal profession is not
8 underrepresented. How do you respond to that issue, in the
9 sense of those seem to be your demographics. And how would
10 a Commission that is reasonably representative of
11 California's diversity look if you were a member of it?

12 MR. SERRA: Well first I've got to say, and I
13 don't mean to be a wise guy but Popeye I am what I am, you
14 know what I mean? There's not much I can do about that.

15 I think, I'll tell you something that's concerned
16 me a little bit. I think, and you all have mentioned you
17 have lots of people with lots of good academic and
18 experienced credentials and so on. I did look at the --
19 your list of the 120 with the Form 700, Economics. Is it
20 88, I think 88 percent of the 120 people are in the 75,000
21 to over 250,000 categories. Only 10 are, I think it's 10
22 are in the 0 to 35,000 categories. I'm not sure just on
23 those numbers that in itself is representative.

24 I mean, you had a hard job to do. And certainly
25 you want qualified people. But there's lots of other ways

1 to parse this about is this representative? Is that
2 representative? You know what I mean?

3 I don't -- I've watched some of the hearings. I
4 think you have people of all sorts of ethnicities and
5 backgrounds and qualified people. If I'm just another
6 white guy with degrees and experience that's fine, you know
7 what I mean? If you've got somebody more qualified put
8 them on the Commission. That's fine for me.

9 I will say it's taken me 74 years to realize that
10 I've had a very privileged education and upbringing and
11 military experiences and all this sort of thing. And I
12 think frankly it's helpful to my judgment to all these
13 things fit into a mosaic background of judgment that's
14 going to be called upon in the Commission. So that's all I
15 can say.

16 MR. DAWSON: Madam Chair, we have roughly 23
17 minutes remaining of the 90-minute period. Are there any
18 follow-up questions?

19 CHAIR DICKISON: I don't have any follow-up
20 questions.

21 Mr. Belnap?

22 VICE CHAIR BELNAP: Thank you. I don't either.

23 PANEL MEMBER COE: I do not.

24 CHAIR DICKISON: There are none.

25 Mr. Serra, thank you for the interview.

1 MR. SERRA: Thank you.

2 MR. DAWSON: Oh, I'm sorry. We would like to give
3 Mr. Serra an opportunity to close.

4 CHAIR DICKISON: That's true.

5 MR. DAWSON: I'm sure a lawyer might appreciate a
6 chance to make a closing argument.

7 MR. SERRA: I think I've said enough. (Laughter.)

8 CHAIR DICKISON: Would you like to make a closing
9 statement?

10 MR. SERRA: No ma'am, not necessary.

11 CHAIR DICKISON: Okay. All right, our next
12 interview starts at 10:45, so we're going to recess until
13 10:44.

14 Thank you.

15 MR. SERRA: Thank you.

16 (Off the record 10:05 a.m.)

17 (On the record at 10:44 a.m.)

18 CHAIR DICKISON: 10:44, calling the Application
19 Review Panel back to order. Seeing that all the panel
20 members are present I'd like to welcome Mr. Neal Fornachi.
21 (phonetic) No?

22 MR. FORNACIARI: Fornaciari.

23 CHAIR DICKISON: Fornaciari, thank you.

24 I'm going to turn it over to Mr. Dawson to read
25 the five standard questions.

1 MR. DAWSON: Good morning, Mr. Fornaciari. I'm
2 going to read you five standard questions that the
3 Applicant Review Panel is posing to each of our applicants.
4 Are you ready?

5 MR. FORNACIARI: Yes, I am. Thank you.

6 MR. DAWSON: First question. What skills and
7 attributes should all Commissioners possess? What skills
8 or competencies should the Commission possess collectively?
9 Of the skills, attributes and competences that each
10 Commissioner should possess which do you possess? In
11 summary, how will you contribute to the success of the
12 Commission?

13 MR. FORNACIARI: Well thank you for this
14 opportunity to meet with you and speak with you about this
15 topic. My experience on the grand jury, I made a whole
16 list of things, but I'm just going to hit a few high points
17 here.

18 And I think first and foremost the Commissioners
19 need to recognize the importance of what we're doing here,
20 right? I mean, we're trying to ensure everyone has the
21 chance to vote and be represented by people who represent
22 their interests. So that's first and foremost. We have to
23 remember that as Commissioners.

24 I think a willingness to listen and learn with an
25 open mind from each other, from the staff, from the

1 consultants and from the public.

2 You know, I think there's been a lot of
3 discussion about analytical skills. And I think all
4 Commissioners need to have a minimum set of basic
5 analytical skills. I think the Commission as a whole needs
6 to have a broad skill set. Some of the Commissioners need
7 to have I think exceptional analytical skills to truly
8 understand what's going on here. But all of them have to
9 have a basic set of analytical skills.

10 And I think Commissioner Barabba made an
11 excellent point is the ability to synthesize information,
12 not just analyze data. Because you're getting a lot of
13 data from emergent different datasets, quantitative data,
14 but you're also getting qualitative data and feedback from
15 the public. And you need to be able to synthesize that
16 data in a way to make some decisions.

17 I think that the panel members need to have
18 comfort with ambiguity in the data, in the criteria, in the
19 process. And ultimately be able to make decisions in the
20 face of that ambiguity.

21 And then finally they have to have the ability to
22 work as part of a team.

23 So what are my -- what skills do I possess?
24 Certainly deep analytical skills and the ability to
25 synthesize information, ability to present analytical data

1 in a way that's understandable and actionable. I've done a
2 lot of leadership coaching and mentoring, so actively
3 listening and seeking to understand. Team building,
4 project management skills to keep things on track and a
5 lifelong desire to learn, and learn more about the state of
6 California and the people.

7 So what am I going to contribute to the success
8 of the Commission? I think beyond the skills that I've
9 talked about I mean it's a willingness to think beyond
10 myself, seek the best possible outcome that gives all
11 Californians the ability to be represented by people who
12 represent their interests.

13 MR. DAWSON: Question 2. Work on the Commission
14 requires members of different political backgrounds to work
15 together. Since the 2010 Commission was selected and
16 formed the American political conversation has become
17 increasingly polarized, whether in the press, on social
18 media and even in our own families.

19 What characteristics do you possess, and what
20 characteristics should your fellow Commissioners possess,
21 that will protect against hyper-partisanship?

22 What will you do to ensure that the work of the
23 Commission is not seen as polarized or hyper-partisan and
24 avoid perceptions of political bias and conflict?

25 MR. FORNACIARI: Right. Well, I think we all

1 recognize the hyper-partisanship going on, so first and
2 foremost keep the goal of the Commission in mind. That's
3 the most important thing. It's way more important than any
4 one of us or our viewpoints. Be open-minded in a
5 recognition that any individual doesn't know everything.
6 But and other perspectives are equally valid. I think the
7 Commissioners need to develop strong and trusting
8 relationships so that if something does come up they can
9 work through it.

10 And for me, what would I do if I thought there
11 was polarization on the Commission? You know, I'd try to
12 address it in a non-accusatory way, but just ask questions
13 to seek, to clarify what my fellow Commissioner meant by
14 what they said again in working to resolve conflicts using
15 some of the tools that I've developed over the years.

16 MR. DAWSON: Question 3: What is the greatest
17 problem the Commission could encounter? And what actions
18 would you take to avoid or respond to this problem?

19 MR. FORNACIARI: Yeah. So I actually had picked
20 two, I kind of color outside the lines sometimes. I think
21 the first thing if I put on my leadership and mentoring
22 hat, is the Commission needs to spend time up front to
23 become a cohesive team based on trust, mutual
24 understanding, open-mindedness and willingness to learn.
25 They need to set a set of ground rules upfront on how to

1 work together, because when the pressure is on and you have
2 to make a decision, you know, and there is conflict you
3 have to have a foundation of trust and understanding to
4 fall back on in order to work through those things.

5 The second thing is I put on my project
6 management hat. And I think upfront they need to come to
7 an agreement as best they can ahead of time, what the
8 approach they're going to take for making decisions about
9 drawing lines.

10 And there's a lot of ambiguity there. But based
11 on experience of past Commissions in California and in
12 other states the feedback, the lessons learned from the
13 past Commission, do your best up front to kind of figure
14 out where you're going to go. And so again when it comes
15 crunch time and the pressure is on to make some difficult
16 decisions you have a basis up front on which you're going
17 to use to guide yourself to make those decisions.

18 And also, a decision on managing the vast amount
19 of testimony and submissions that you're going to get, how
20 are we going to handle it up front? And how are we going
21 to use that information in our decision-making process?

22 MR. DAWSON: Question 4: If you are selected you
23 will be one of 14 members of the Commission, which is
24 charged with working together to create maps of the new
25 districts. Please describe a situation where you had to

1 work collaboratively with others on a project to achieve a
2 common goal. Tell us the goal of the project, what your
3 role in the group was, and how the group worked through any
4 conflicts that arose. What lessons would you take from
5 this group experience to the Commission if selected?

6 MR. FORNACIARI: Right. So I was the foreperson
7 for the 2018-19 Civil Grand Jury in San Joaquin County.
8 The goal of the grand jury is to conduct investigations in
9 the function of county and local government. And write
10 reports with findings and recommendations for rectifying
11 those findings.

12 It was a really interesting challenge in
13 leadership. You have 19 volunteers who -- you have 19
14 volunteers or 18 other volunteers and no real position or
15 authority other than just notion of assignment as
16 Chairperson. You know, I don't provide feedback or raises
17 and so it was a bit of a challenge. There were some
18 exceptionally strong personalities to work with and manage.
19 So the approach I took was, very early is to make space for
20 conversation to make sure everyone had space to be heard
21 and felt heard.

22 In the beginning when we started we were trying
23 to figure out what investigations to conduct. And there's
24 a lot of disagreement among the group, but I try to keep
25 that, leave some space for folks to work through that and

1 allow a certain amount of tension among the group and the
2 group to become comfortable with it. Because I knew at the
3 end when we were making final decisions that we had to make
4 about the reports, we had to be comfortable with tension.

5 I mean, if there were more significant conflicts I kind of
6 handled them one-on-one or pulled pairs of people together.

7 And then there were some behavioral issues that I
8 had to take folks aside and talk with them about. You
9 know, "This is the impact of your behavior on others. And,
10 you know, we need to work on that," and ideas of how to
11 behave differently in a group to get along a little bit
12 better with the group.

13 And again what lessons would I learn? Well I
14 kind of already shared that. Take time up front to build
15 cohesion in the group, get to know each other beyond the
16 resume. Conflict and disagreement are inevitable, but just
17 get comfortable with that as a group.

18 And then the final thing is begin writing much
19 sooner than you think you should, because it takes a lot
20 longer to write the reports.

21 MR. DAWSON: Question 5: A considerable amount of
22 the Commission's work will involve meeting with people from
23 all over California who have come from very different
24 backgrounds and a wide variety of perspectives. If you are
25 selected as a Commissioner what skills and attributes will

1 make you effective at interacting with people from
2 different backgrounds and who have a variety of
3 perspectives? What experiences have you had that will help
4 you be effective at understanding and appreciating people
5 in communities of different backgrounds and who have a
6 variety of perspectives?

7 MR. FORNACIARI: Okay, so I'll just share with
8 you a little bit about my background beyond what was in the
9 write-up and I think that will provide some clarity.

10 So I grew up in a small town. My dad was a
11 mechanic, my mom was a secretary. They had no college
12 experience. I started as a shoeshine boy when I was 12 in
13 a little barber shop in town to make a little money and
14 mowed lawns. In high school I worked at a pizza joint to
15 make some money to buy a car and that kind of thing.

16 After I got out of high school I went off to
17 Chico State, kind of had a little too much fun, a little
18 not enough time in classes, so that didn't work out. So I
19 ended up going back and worked at the pizza parlor.

20 When I was 22, I dove into the swimming pool and
21 hit my head on the bottom and broke my neck and spent some
22 time in the hospital. I realized at that time my career in
23 the pizza business is probably over and I need to do
24 something different. So I went to the local community
25 college in Livermore, spent a couple of years there and was

1 able to transfer to Berkeley. I was able to take advantage
2 of a pipeline program that they have for junior transfers
3 from community colleges directly to the University of
4 California. I never would have had a chance to go to UC
5 Berkeley without that program, but I got my Bachelor's in
6 Mechanical Engineering there.

7 I got hired by Sandia National Labs and they sent
8 me back for my Master's in Mechanical Engineering. Yeah,
9 so working in Sandia was interesting. The organization I
10 worked in, there are about 100 or so staff members and
11 managers. I was one of those staff members there. About
12 98 had PhD's, 2 of us had Master's. And you know, I had
13 never worked in an organization, I never had experience
14 growing up or working with people at that level of
15 education or working in an environment like that. But I
16 quickly found out there was a very strong hierarchy. You
17 had a PhD, or you had a Master's. And I was treated quite
18 differently than the folks with the PhD's. And you know, I
19 mean it impacted me on my performance reviews and my
20 salary. I loved the job and I stayed there for eight
21 years, but it really being a second-class citizen in there
22 at work was -- it really impacted my career at that point.
23 So I moved on.

24 My first management job I was hired into an IT
25 organization, and I had zero experience with IT. And to

1 further exacerbate the problem I was hired over a few folks
2 in the Department who had been in the Department for a long
3 time and were expecting to get promoted into the management
4 position. So there was some distrust.

5 MS. MOLINO: Fifteen minutes.

6 MR. FORNACIARI: Okay. Some distrust between me
7 and those folks. And so what did I have to do to handle
8 that, right? So I had to learn the technical part of the
9 work to a point where I could be credible. I had to
10 understand it and be credible, but I had to work with all
11 the folks to understand the work they were doing. But I
12 especially had to work with those folks who had resentment
13 and distrust towards me. And work closely with them and
14 figure out how to build bonds and relationships with those
15 folks. And that was important.

16 So later in my management career I went into an
17 operations organization. So at Sandia I mean, the PhD's
18 are up here, the Master's-level folks are down here. And
19 the operations folks are really at the bottom of the barrel
20 of the hierarchy. And in a lot of ways they're treated
21 very, very poorly.

22 And I was able to build strong relationships,
23 strong working relationships with the folks in operations
24 it was really successful. But the way these folks were
25 treated, and frankly in some ways I was treated too even

1 though I had come from the technical side, it was really,
2 really appalling. And that is what led me to jump in with
3 both feet into the diversity inclusion efforts that I
4 talked about in my write-up. Just seeing how people were
5 being just treated appallingly.

6 And so what's my point of this story, right? I
7 think there's a couple of points I'm trying to make. You
8 know, I have some experience, you know, being in situations
9 where it's difficult where you're in a lower rung of the
10 hierarchy. Not in any way saying that I truly, deeply
11 understand what the minorities in the state are faced with,
12 but at least my experiences can give me some empathy.

13 I've also put together some tools and have been
14 successful in building relationships with people at all
15 levels in the hierarchy. And I can bring those tools to
16 bear in this endeavor to really try to understand what, you
17 know, folks in this state are going through.

18 So that's it.

19 MR. DAWSON: Okay. Thank you. Well the panel
20 will each now have 20 minutes each to pose their questions.
21 We'll begin with the Chair, Ms. Dickison.

22 CHAIR DICKISON: Okay. So I just want to start
23 looking at your career. You spent a large majority of your
24 career with Sandia National Laboratories, mostly in
25 management positions in the last piece?

1 MR. FORNACIARI: Uh-huh.

2 CHAIR DICKISON: Is that correct? Okay. And then
3 you also served as the grand jury foreperson.

4 MR. FORNACIARI: Uh-huh.

5 CHAIR DICKISON: What did you learn from those
6 experiences that will assist you with the Commission?

7 MR. FORNACIARI: Well I've talked about a lot of
8 it already, learning how to work closely with a variety of
9 different people. You know, my 27 years at Sandia I held
10 about 10 different positions, so I worked in a number of
11 different technical and managerial areas with lots and lots
12 of different people coming from different places and
13 different perspectives. And so that broad, diverse range
14 of experiences there helped me get to appreciate and value
15 the differences in people.

16 One of the things I mentioned in my write-up is
17 me bugging my team with the saying that all of us are
18 better than any one of us. And I learned for sure that you
19 really want a -- getting a set of a diverse perspectives
20 and opinions on any given topic makes the outcome better.
21 And working hard to get that diverse set of perspectives is
22 important.

23 The grand jury was really a fun and interesting
24 experience. You have 19 people come together, a really
25 diverse set of people with very different perspectives and

1 life experiences. And it's just really interesting to hear
2 those different perspectives in a different way. That
3 people look at the world very different than I do in a lot
4 of cases, but it's enabled me to open my mind to different
5 ways of looking at things. And different outcomes that
6 might come to with regard two recommendations and findings
7 in our reports.

8 CHAIR DICKISON: Talking about those just
9 different perspectives, you kind of talk about how you try
10 to recognize and appreciate the differences in people's
11 viewpoints and include those in decision-making processes.
12 What did you do to ensure you were getting to the point of
13 everyone, especially those who might not be comfortable
14 providing it?

15 MR. FORNACIARI: Yeah, so I made sure I left a
16 lot of space for conversation. I allowed silence in the,
17 the -- I'm referring to grand jury in particular, allowing
18 silence. You know, in some cases I would ask if people
19 weren't sharing, if it appeared that they had something
20 they wanted to share but were a little reluctant I would
21 ask.

22 And if I felt people were -- well none of the
23 folks on the grand jury was too shy to speak up, but at
24 work in different environments there are people that are
25 reluctant to speak up. So just take them aside and you

1 know, one-on-one conversation and try to get their input;
2 you know, open-ended questions. I think seeking -- having
3 a genuine interest in somebody and genuinely having them
4 see you're genuine and you're seeking to understand goes a
5 long way too.

6 CHAIR DICKISON: As you mentioned before that you
7 had spent a lot of time in management leadership roles.
8 How will you adjust to being a team member, not necessarily
9 be a leader?

10 MR. FORNACIARI: Yeah, I don't think that will be
11 a tough adjustment for me. I think, you know I've always -
12 - even though I was in a management and leadership role I
13 really took a very consensus approach to leadership. I
14 mean, it was rare when I was the final decision maker.
15 Especially for my team of managers, we would just sit
16 around the table and talk about issues that came up and
17 really work to try to come to a consensus solution, so
18 that's been my approach in management, tried to be my
19 approach in management and in leading the grand jury. And
20 so being part of a team, yes I just don't think it's going
21 to be a problem at all.

22 Plus being in a leadership role on the grand jury
23 was also constraining in a way that it didn't enable me to
24 dig in as deeply into the reports and the research as I
25 would like to have done.

1 CHAIR DICKISON: Okay. So you mentioned that you
2 were involved in diversity initiatives in your workplace?

3 MR. FORNACIARI: Uh-huh.

4 CHAIR DICKISON: And you discussed attending a
5 White Men as Full Diversity Partners workshop?

6 MR. FORNACIARI: Uh-huh.

7 CHAIR DICKISON: And then securing funding so that
8 you could provide some workshops where you were working?

9 MR. FORNACIARI: Uh-huh.

10 CHAIR DICKISON: What did you learn as the result
11 of those workshops? And how will that information assist
12 you in working with the Commission in general or the work
13 of the Commission in general and with the group dynamics
14 within the Commission?

15 MR. FORNACIARI: Yeah, so I thought that White
16 Men as Full Diversity Partners was really interesting. You
17 know, the kind of gist of it is that the dominant culture
18 in the U.S. is a white male culture and the country was
19 founded and built mostly by white males. And so therefore
20 white males don't recognize that there is a dominant
21 culture that they are part of, and that they benefit from
22 in ways that they don't understand. And that, you know,
23 other groups that aren't white males, the bar is higher for
24 them in a number of ways. And for me to kind of recognize
25 that and recognize in a different way the challenges that

1 women and minorities face was really, really eye opening.

2 And so I pushed to bring that up to our site,
3 because the organization was really white male dominated as
4 most engineering organizations are. And it was just
5 fascinating to watch colleagues in these meetings start off
6 with, "This is nonsense. I don't have any advantage in
7 this culture," to after a few days come to a point where
8 they realize, "Huh. Yeah, okay. I can see now maybe I do.
9 And I can change my approach to working with people and my
10 perspective."

11 I mean, it's especially profound when an African
12 American that you work with shares a story of being
13 successful and buying a Hummer and having to sell that
14 Hummer, because he got pulled over time and time again just
15 because he's an African American guy. And then having
16 another one of your colleagues tell a story about getting
17 pulled over in his town that he's lived in for 20 years
18 because he's driving past cops who had pulled over another
19 couple of African American guys. And they chased him down
20 and pulled him over too, wondering what he's doing there.

21 And I didn't have a recognition of those kinds of
22 challenges that minorities and women face in -- I mean I
23 had an abstract, I guess, idea but that made it so
24 profoundly real for me and for the others. And so it
25 really, really changed my perspective on that and my role

1 in the culture of this country.

2 So what would I bring to the table as the group?
3 I mean that perspective and would share that perspective in
4 open mindedness of other cultures and groups. Does that
5 answer your question?

6 CHAIR DICKISON: Yes. You also talked about the
7 outcomes of the City of Tracy as a result of the 2002
8 redistricting you referred to as a gerrymandered mess.

9 MR. FORNACIARI: Uh-huh.

10 CHAIR DICKISON: So in your opinion was this issue
11 addressed in the last redistricting?

12 MR. FORNACIARI: Yeah. I read the report. Well
13 yes, okay. I mean yes it was, because that district was
14 drawn solely for our representative to get reelected. And
15 you know what, it backfired on him, which is poetic justice
16 if you will.

17 I mean I think the 2000 -- the last Commission
18 did a fine job. I mean, I don't really like the fact that
19 they split up my county. And I don't really like the fact
20 that they put my city with a city in Stanislaus County that
21 I don't feel we have the connection with. But I didn't go
22 through those deliberations and in detail. I just read a
23 report and with some justifications as to why they did
24 that. You know, I don't understand exactly why they -- so
25 I don't understand deeply why they did that. And I mean I

1 think they maybe didn't get that quite right. I don't
2 think their justification was quite right, but in the end
3 you've got to make some hard decisions. It's a really,
4 really challenging problem and you have to make a hard
5 decision. And sometimes you just have to do the best you
6 can.

7 CHAIR DICKISON: So in determining district lines
8 the Commission is going to need to identify communities of
9 interest. What methods do you think the Commission should
10 employ to identify those communities?

11 MR. FORNACIARI: Well, I think that the public
12 hearings that the last Commission employed is a good way.
13 Maybe there were some lessons learned that we can take from
14 the last Commission and maybe there's some -- I don't know
15 exactly the details of what they did, but maybe there is
16 some direct outreach we can have to known community groups
17 to begin to get some feedback early and identify what those
18 communities of interest are.

19 But I think ultimately it's get out there and
20 boots on the ground and talk to the public and give the
21 public a chance to provide their input.

22 CHAIR DICKISON: How much time do I have?

23 MR. DAWSON: 6:50.

24 CHAIR DICKISON: Thank you.

25 What do you see as some of the factors that might

1 drive the preferences individuals may have for
2 representation within the different regions of California?

3 MR. FORNACIARI: Well, I can imagine the
4 agricultural areas. You know, I guess so you said, "What
5 are the factors?" I would guess for me and my area is
6 transportation, right? How do we get bodies to the Bay
7 Area? And I think that's a big issue throughout the Bay
8 Area and throughout Southern California. I think industry,
9 economic opportunities. I think education is a big factor,
10 and access to education. And I think yeah, I mean, yeah
11 economics, work opportunities, things like that.

12 I guess also, you know, experiences with the --
13 with the electoral process, right, that these communities
14 of interest have had in the past and their sense of and
15 their ability to be represented.

16 CHAIR DICKISON: Okay. So as you may know that
17 the first eight Commissioners are selected by lottery and
18 then they are tasked with selecting the remaining six
19 Commissioners. What would you look for in selecting those
20 six?

21 MR. FORNACIARI: Well, I think there's a set of
22 demographics that we want to look at that you all have been
23 looking at. I think that those demographics are important.
24 I think also though the first eight have to keep in mind
25 capabilities of the individual, of the first eight. And

1 what capabilities set do they need out of the fourteen? I
2 think that that's an important driver that can't be
3 overlooked.

4 I would go back and look at the interviews and
5 look at the -- I don't know if we get access to your notes
6 -- but look at the interviews and read the thing. But I
7 think fair, try to be -- fourteen people can't represent
8 all of the different demographics in the state right, but
9 be as fair as I can. I think to some extent also,
10 capability to do the job is an important factor.

11 CHAIR DICKISON: I don't have any additional
12 questions.

13 Mr. Belnap?

14 VICE CHAIR BELNAP: Okay, thank you for being
15 here.

16 MR. FORNACIARI: Thank you.

17 VICE CHAIR BELNAP: I've got a few questions for
18 you. I'm going to start with a portion of your application
19 and reading it only to lay the groundwork for those who
20 might not have read your application already.

21 MR. FORNACIARI: Okay.

22 VICE CHAIR BELNAP: And you said, "I spent my
23 entire working career at Sandia National Laboratories. The
24 first half of my career I conducted research in several
25 leading-edge technical areas. Some of the tools required

1 for this research included expertise with spreadsheets,
2 databases, mapping software, and computer programming."

3 I want to ask you what your experience has been
4 using mapping software in particular.

5 MR. FORNACIARI: Okay, so in 2003 I was -- let me
6 see, would it -- it might help if I kind of -- are you all
7 familiar with Sandia at all and what Sandia does? Would it
8 help? I think it would help (indiscernible).

9 VICE CHAIR BELNAP: It would help me, yes.

10 MR. FORNACIARI: Okay.

11 VICE CHAIR BELNAP: If you want to go back up to
12 there.

13 MR. FORNACIARI: Okay. So Sandia is a national
14 laboratory here. It's a government-owned laboratory. It's
15 operated by a contractor, but the government owns it. And
16 we do, or Sandia does research and development in a wide
17 range of national security-related topics. The reason
18 Sandia was founded, and the main mission of Sandia is to
19 provide systems engineering and maintenance of our nuclear
20 weapons stockpile, the country's nuclear weapons stockpile.

21 But in addition to that work there is a lot of
22 work going on in a broad range of national security areas.
23 We have a huge energy program. We're looking at renewable
24 energy and other energy security issues, cyber security,
25 Homeland Security, lots of other kind of top-secret

1 security kind of stuff. But it's all the work is really
2 focused on national security-related issues. And it's not
3 a business. We get funding from various entities. And we
4 spend that funding. So we're funded to do specific types
5 of work.

6 So in 2003, not long after 9/11, there was a big
7 concern in the country about radiological and nuclear
8 terrorism. And I was working with the Department of
9 Homeland Security on a project to look at that. And so
10 I'll share a couple of examples I think that will help.

11 One example is venue protection. So we're
12 assigned, so say the Super Bowl is coming up and there's a
13 concern about an attack with a nuclear weapon or a dirty
14 bomb. A dirty bomb is just basically an explosive that
15 disperses nuclear material. So this is the threat. How do
16 we protect this venue? So we used some new mapping
17 software at the time called Keyhole PRO. It's now called,
18 Google Maps. But it had a lot more capability back then or
19 available at the time.

20 And so you draw a circle around your venue, the
21 radius of the distance you want to keep these bombs away.
22 And then in detail, street by street, neighborhood by
23 neighborhood, figure out how you are going to close off the
24 neighborhood from anybody getting into the neighborhood.
25 But allow -- but deploy your detection systems to allow

1 people to come into the venue.

2 And I mean it was super detailed down to the
3 street level and neighborhood level and how we were going
4 to develop strategies on blocking off those neighborhoods
5 and preventing attack.

6 The second thing that we did was every Thursday
7 the Office of the Vice President would meet with our
8 sponsor from Department from Homeland Security and come up
9 with a scenario. "Okay, this week what if we give all of
10 the cops in New York City a little radiation detector. And
11 then deploy more sophisticated detectors around the city to
12 respond if one of the small detectors goes off. So what
13 would that look like? How would you deploy these
14 detectors, right?"

15 So we used this mapping software to look at,
16 well, where are the fire stations, where are the police
17 stations, where are the areas that we could deploy the most
18 sophisticated detectors and get the kind of response that
19 we needed. And it was all about mapping, all about
20 distances, all about neighborhoods and all about tradeoffs,
21 right?

22 And this is where I think the similarity is,
23 right? You're doing a systematic study of tradeoffs, of
24 "How many of these things are we going to deploy? What are
25 the costs?" I mean, it's different variables than we're

1 doing now. But it's really neighborhood by neighborhood
2 looking at the city and the characteristics of the city and
3 how would we make decisions based on the constraints that
4 we have.

5 VICE CHAIR BELNAP: Okay. Thank you.

6 So I want to return to your work at Sandia and
7 also your time as jury foreman. In your essay for in
8 regards to your ability to be impartial, you bring up three
9 things. One is your time as a grand jury foreman. I think
10 you've already talked about that. But the other two were
11 your time as a researcher at Sandia and then your time as a
12 manager.

13 So I'd like you to talk first about how does your
14 time as a researcher and the things that you did in that
15 role show that you have an ability to be impartial?

16 MR. FORNACIARI: I mean, so in order to be
17 successful at doing research you have to be impartial. You
18 conduct experiments. I mean, you have an idea about how
19 these experiments might turn out, but you look at the
20 results. And the results guide you as to what's going on
21 and that results are not always what you think they're
22 going to be, right? The feedback, the input that you're
23 getting is not always what you expect. So you have to be
24 open minded enough to kind of rethink your initial
25 assumptions on what is the physics and happening in the

1 problem that we're looking at.

2 And so, you know, as a researcher I had to do
3 that quite a lot. Just you'd be surprised how much you're
4 surprised in the results and the outcome and the feedback
5 you're getting.

6 So as a manager the example I gave was there were
7 times when -- so I was a manager of managers at the time,
8 right? And so the staff didn't feel that the performance
9 review or the feedback that they were getting from their
10 manager was accurate. And I've had to be the mediator.
11 And I really took the effort to be impartial, to hear both
12 sides of the story and take that in and come back with my
13 decision based on the input. And I took great pains to
14 ensure that both sides felt they were heard. I didn't --
15 wasn't always able to side with the employee or side with
16 the manager. But both sides were heard and that I
17 explained, and they could understand what the decision that
18 I came to -- why I came to that decision based on that
19 input.

20 VICE CHAIR BELNAP: All right. Thank you.

21 So you answered one of my questions about how you
22 -- so you went from Sandia and they paid for you and
23 directed you, or offered you the opportunity to get a
24 Master's from UC Berkeley?

25 MR. FORNACIARI: Right.

1 VICE CHAIR BELNAP: But I also saw that you later
2 went on to get an MBA from UC Berkeley. How did that come
3 about and how are you able to manage doing that while at
4 the same time working at Sandia?

5 MR. FORNACIARI: Yeah, it was kind of insane. So
6 when I was promoted to senior manager, I was promoted into
7 an operations organization that was responsible for budget
8 and finance and project management and business
9 development, a lot of different areas, all in business-
10 related. And we require the staff, even the operations
11 staff in those areas to have Master's Degrees and have
12 MBAs. So hey, we if require them to have an MBA I better
13 have an MBA too. I mean it's kind of hypocritical for me
14 to not. Plus I felt it would help me understand what we're
15 doing better.

16 So Sandia has a program to send folks to get
17 advanced degrees. They don't often like to send people to
18 business school. They really like to send people to
19 engineering school and so it was a little bit of a
20 challenge working the system to get them to support that,
21 but they did. And I went, I got an Executive MBA from
22 Berkeley. So I went all day, it was all day Thursday, all
23 day Friday and all day Saturday every three weeks. And so
24 it was a challenge, it was a lot of work. I mean, I was
25 basically going to school full time and working full time.

1 But I have a lovely supportive wife here that really,
2 really helped me get through it.

3 VICE CHAIR BELNAP: Thank you. No further
4 questions.

5 CHAIR DICKISON: Mr. Coe?

6 PANEL MEMBER COE: Good morning, Mr. Fornaciari.
7 Thank you for being here. Through your testimony or some
8 of the questions my colleagues have asked, a lot of my
9 questions that I had prepared for you have already been
10 answered. Such is the plight of the panelist who goes last
11 here. But I wanted to go back to your work on the grand
12 jury as the foreperson. Was that role as foreperson
13 something that you sought out? Or how did that come about,
14 your falling into that role?

15 MR. FORNACIARI: Yeah, no. We all showed up the
16 day that the names were going to be drawn. And I was
17 pulled back to the Judge's chambers and he asked, "If you
18 get picked would you be willing to be a foreperson?" He
19 didn't tell me why, he didn't. You know, I didn't ask. I
20 in no way asked to be foreperson. He just, I think, what
21 he saw was my consensus approach to leadership and felt
22 that I would have a good approach to becoming foreperson.

23 PANEL MEMBER COE: In some of the questions like
24 Mr. Belnap was asking about how your time at the laboratory
25 and as a researcher specifically showed an ability to be

1 impartial. Is there a specific example of a time that you
2 think would best illustrate the things you've already
3 discussed at a more high level?

4 MR. FORNACIARI: Well, that was a while ago as a
5 researcher. Yeah, I mean nothing specific is coming to
6 mind. I will just say, you know, a lot of our job as a
7 researcher is peer review and reviewing peers' papers
8 and/or peers' work and providing feedback. And when you're
9 doing that you really have to kind of step back and sort of
10 understand where they're coming from and what they're
11 doing. You have to be -- You want to provide some critical
12 feedback, but try not to do it in a critical way, right?
13 But provide feedback. And we had to do that a lot.

14 And in order to be effective I think you have to
15 really be kind of be impartial, try to understand where
16 that researcher was coming from and what they were doing.
17 And evaluate based on your experience, but also based on
18 the scientific data whether or not what their conclusions
19 were, were valid. Sorry, it's not the best example, but
20 it's the best I can think of right now.

21 PANEL MEMBER COE: Okay. I will ask another
22 question for another example.

23 MR. FORNACIARI: Okay.

24 PANEL MEMBER COE: Hopefully this one's a little
25 easier. You spoke in Question 1 about what you could bring

1 to the Commission. And one thing you said was a
2 willingness to think beyond yourself. And I'm wondering if
3 you could illustrate that for us with an example
4 potentially?

5 MR. FORNACIARI: Yeah. So see I had a Department
6 that had sort of two sides to the Department. One side was
7 folks who were doing computer modeling on physical
8 phenomenon and on one side folks were doing engineering
9 work in the lab developing design and testing, that kind of
10 thing. And the group had gotten pretty big. It was about
11 12 on each side of the group. It was getting a little
12 tough for me to manage both sides. The one side with
13 modeling was flush with money, bunch of money, lots of
14 money. The other side, really tough to keep these guys
15 employed. When their Department was together it was easy,
16 because I had so much money over here I could put these
17 folks on this work if they didn't have engineering work.

18 It got to the point where I felt we really needed
19 to split the group. And I had a choice, which side do I
20 want to go on? And I felt that getting someone else to
21 manage the modeling group was the better answer, because
22 there were other folks who could manage that group who had
23 more experience.

24 I felt the engineering group was the right group
25 for me to manage, because I had a deep understanding of

1 what they were doing. And I saw some opportunities for
2 that group to do better. But it was hard. I mean, that
3 was the hardest job I ever had, and I knew it was going to
4 be the hardest job I ever had. But I thought it was the
5 right thing for the organization as a whole and for that
6 group in particular for me to take that job.

7 PANEL MEMBER COE: So you knew it was going to be
8 a difficult experience before you chose to take that on?

9 MR. FORNACIARI: Oh absolutely. Yeah,
10 absolutely, because I had to spend my time -- most of my
11 time trying to drum up work for the folks in that group.
12 And that meant working with my colleagues within Sandia,
13 getting on the road and traveling back to Washington to
14 work to try to develop new programs, travel around the
15 country to other universities and businesses. And try to
16 work in developing funding.

17 So all the funding for Sandia comes in
18 externally. There's no -- it's not like a business that
19 has internal discretionary funding, so all the programs are
20 coming in from the outside. And developing programs is a
21 ton of work. And I knew that was what the job is going to
22 be. But I thought that was the right answer for the
23 company.

24 And so at Sandia, I mean it sounds a little
25 corny, but we had a saying we used to make decisions and it

1 was, "Country, Sandia, Self." And that was the approach we
2 used to make decisions. I mean is it the best thing for
3 the country? Is it the best thing for Sandia? And last,
4 is it the best thing for the individual?

5 PANEL MEMBER COE: Okay. Thank you.

6 I wanted to kind of extend a question that Ms.
7 Dickison asked earlier. When she asked about your
8 experience working with the diversity inclusion program
9 with your -- it was at Sandia, right? I believe.

10 MR. FORNACIARI: Uh-huh.

11 PANEL MEMBER COE: In your response to that you
12 discussed gaining a deep understanding of societal
13 privileges that certain people or groups of people may or
14 may not have. From that perspective, from what you learned
15 there, how do you think those different groups that may or
16 may not have different levels of that privilege, how do you
17 think that affects those groups' desires for political
18 representation?

19 MR. FORNACIARI: Well I think that the groups
20 that feel under-represented and feel like that they don't
21 get the voice that they deserve, I mean I feel like they
22 deserve that, right? And I mean, to me that's a big part
23 of and an important part of this process, is to hear those
24 voices and to understand their perspectives and their
25 feelings. And you know, in a historical context of what

1 these groups feel like, they've been going through and how
2 they've been disenfranchised.

3 And then do number 1, make sure they feel heard;
4 and number 2, figure out what we can do as a Commission to
5 give them a voice. You know, it's a tough problem. It's
6 not going to work out for everyone, not everyone is going
7 to get what they want. But at least folks will have been
8 heard and/or feel heard and have their concerns and
9 considerations taken into account.

10 PANEL MEMBER COE: Thank you, one final question.
11 In the role as a Commissioner if you were selected, which
12 aspects of that role do you think that you would enjoy the
13 most or bring the most value to the group? And conversely,
14 which aspects of that do you think you might perhaps
15 struggle with a little bit?

16 MR. FORNACIARI: Yeah, I think it's kind of two
17 sides of the same coin. I think for me the opportunity to
18 learn about, more about California and more about the
19 people of California and more about their concerns is --
20 I'm a lifelong learner. I'm really excited about that
21 opportunity to get to know more about California and
22 learning.

23 The thing I have to remember is I imagine in
24 public testimony that testimony can get a bit redundant and
25 get a bit long. And I just have to remember to be patient.

1 And remember that everyone deserves to have a say and to
2 have their voice and be heard. So I think that's where I'd
3 be.

4 PANEL MEMBER COE: Okay. Thank you. No more
5 questions.

6 CHAIR DICKISON: Mr. Dawson?

7 MR. DAWSON: Thank you. Thank you Ms. Dickison.

8 I have a couple of follow up questions. A couple
9 of them have to do with things that you'd said in your
10 essay. And let me see, oh on Question 3 about
11 demonstrating an appreciation for California's diverse
12 demographics and geography, you said that in your work you
13 would say to your management team all of us are better than
14 any one of us. What did you mean by that?

15 MR. FORNACIARI: I mean that it's important to
16 get -- for my managers it was important for them to seek
17 out input from all of their staff and get perspectives. A
18 part of that, you know, was also a push to get them to
19 think and work really hard to think about diversity when
20 they're hiring. Because again, I believe that a group of
21 diverse perspectives generates a better outcome than a few
22 individuals doing the same thing that they've always done.

23 MR. DAWSON: So would it be fair to say that this
24 has multiple aspects? One is getting input from the whole
25 team. But then does it also inform your perspective on who

1 should be on the team?

2 MR. FORNACIARI: Well, yeah I mean yes. Yeah, I
3 mean in a context like this right, we need a team with
4 diverse perspectives and inverse. So for example, I'll
5 give you a specific example that's on my mind. I have zero
6 experience working with community groups. I just haven't
7 done that. But this Commission needs folks who have
8 experience doing that, to have credibility with -- to have
9 coming-in credibility with community groups. I mean, I
10 would work to gain credibility with groups by really
11 earnestly seeking to understand and learn about their
12 concerns. But I think there's a diverse set of
13 requirements for skills within the Commission.

14 MR. DAWSON: I'm going to return to something that
15 you'd said about I believe this was a group at Sandia where
16 members of the dominant culture don't recognize that they
17 benefit from the dominant culture. It seems to me that's
18 something that you don't know what you don't know.

19 MR. FORNACIARI: Right.

20 MR. DAWSON: What don't you know? And how would
21 that be relevant --

22 MR. FORNACIARI: Well, I mean --

23 MR. DAWSON: -- in this context?

24 MR. FORNACIARI: In this context? I mean, I
25 don't know what people of color have gone through in the

1 context of voting. No, I mean I guess I have a notion. I
2 mean I can guess, but I don't know. I mean, I don't know.
3 There's a lot I don't know. There's a lot I don't know
4 about California.

5 And it was interesting to me to read the report,
6 the final report that there was some -- the African
7 American community in LA did not want a single focus
8 district, right? They had developed coalitions and were
9 effective in getting their representation through
10 coalitions. So they didn't want a single district, whereas
11 other communities wanted them. I would never have guessed
12 that.

13 And then there was something about in the North
14 state there were Sikh communities and other communities and
15 agriculture that wanted to be all together. Well, I had no
16 idea. But I mean, that's part of this opportunity, why
17 this opportunity is so interesting, the opportunity to
18 learn and understand more about the state and the people of
19 the state.

20 MR. DAWSON: I have about five minutes. I do have
21 one more thing that you had said in your response to the
22 first question, first standard question. That it is
23 important to be comfortable with ambiguity.

24 MR. FORNACIARI: Uh-huh.

25 MR. DAWSON: Can you expand on that? What did you

1 mean by that?

2 MR. FORNACIARI: Well, you know, I mean if you
3 look at the criteria here that we use there's the decennial
4 census, there's statements of voter registration. I mean,
5 these are all databases, consensus, geography, right?
6 These are kind of databases, but there's uncertainty in
7 those databases, right? And we have to recognize that
8 there's uncertainty and ambiguity in those databases.

9 And then respect for communities or respect for
10 neighborhoods, respect for communities of interest, I mean
11 that's all about testimony and that there's going to be a
12 lot of ambiguity in that testimony. And how do you work
13 through that ambiguity to come to a decision? It's
14 definitely going to be a challenge to work through that
15 ambiguity. And, you know, some people just aren't
16 comfortable with that in making a decision in the face of
17 that ambiguity, but you have to do that.

18 So on the grand jury for instance we get all this
19 testimony and somebody says, "This person is a jerk."
20 Someone says, "This person is not a jerk." And we have to
21 figure out what the truth is and somehow, and sometimes you
22 can't. And so you can't include that in your ultimate
23 deliberation, so you have to be able to work through that.

24 MR. DAWSON: I don't have anything further.

25 CHAIR DICKISON: I don't have any follow-up

1 questions.

2 Mr. Belnap?

3 VICE CHAIR BELNAP: I don't either.

4 CHAIR DICKISON: Mr. Coe?

5 PANEL MEMBER COE: I have one. I want to
6 springboard off of the last question Mr. Dawson asked
7 regarding decision making in the face of ambiguity. I
8 understand about what you're saying. And I think you're
9 right in that there are very few situations you're ever
10 going to go into it and have 100 percent of the
11 information. To be able to make the best-informed decision
12 there's always going to be blind spots somewhere. Knowing
13 that you're probably going to have to make decisions in the
14 face of ambiguity like you've mentioned, I'm curious if you
15 have any strategies for making decisions in with those,
16 with some level of ambiguity, any strategies that the
17 Commission could follow to make their decisions with some
18 ambiguity being present?

19 MR. FORNACIARI: Right. So if you go back to my
20 thoughts about what the committee needs to do up front,
21 right? One of those things is develop a set of criteria to
22 the best that they can up front and understand what -- you
23 know, come to some agreement where they can on that
24 criteria and understand there's going to be some ambiguity
25 or some uncertainty in the outcome.

1 But having gone through that exercise up front,
2 and work through it and understand where the trade space
3 may be and understand where they're going to have to do
4 some give-and-take, then when it comes to the end when you
5 have to make decisions you have a basis that you've already
6 agreed to for making those decisions.

7 PANEL MEMBER COE: I want to tell you what I think
8 I heard. I want to see, to make sure that I am
9 understanding.

10 MR. FORNACIARI: Oh, okay.

11 PANEL MEMBER COE: So with ambiguity present,
12 you're making decisions. The people making those decisions
13 are going to have some level of discomfort.

14 MR. FORNACIARI: Uh-huh.

15 PANEL MEMBER COE: I think what you're saying is,
16 and this is what I want to confirm, is that if you have
17 discussions up front about how to put together a general
18 decision making matrix or process, it removes some of that
19 discomfort. And some of the negative aspects that can come
20 with discomfort, in terms of decision making, if we remove
21 some of that, we remove some of that discomfort we might
22 have the ability to make better decisions, more streamlined
23 decisions and more consistent decisions. Is that what
24 you're saying?

25 MR. FORNACIARI: Yeah, it is. I mean, yes. And

1 it also will help us understand the impact of decisions
2 that we're making or if we want to try to change a
3 criteria. I know that the last Commission changed their
4 percentages, for instance, a number of times as they went
5 through. But as you change those things you may be
6 impacting one of the other criteria. So if you spend some
7 time up front thinking those sorts of things through, maybe
8 doing some scenario planning or that kind of thing, then
9 you can have a better understanding of what the impact of
10 the decisions you're making are.

11 I guess if that's any clearer? I'm not sure
12 that's any clearer, but --

13 PANEL MEMBER COE: I think so.

14 MR. FORNACIARI: -- just for your response, yes.

15 PANEL MEMBER COE: Okay. No further questions.

16 VICE CHAIR BELNAP: Madam Chair, how much time do
17 we have?

18 CHAIR DICKISON: How much time?

19 MR. DAWSON: 24 minutes, 50 seconds.

20 CHAIR DICKISON: Do you have a follow-up question?

21 VICE CHAIR BELNAP: I do. So it's taken me awhile
22 to formulate this, so that's why I skipped. So as I've
23 read your application and heard you today, I was struck by
24 how the injury that you sustained at 22 changed your life.
25 You said you were planning to go work in a pizza parlor.

1 And then you said that's not going to work out. And then
2 what you did with it to go to UC Berkeley to get your
3 Bachelor's and then two Masters, I can see that that was an
4 inflection point in your life. How do you feel the
5 injuries that you sustained at 22 changed you as a person?
6 And if you would address whether you feel like that change
7 would make you a better Commissioner?

8 MR. FORNACIARI: Well, I mean first of all, you
9 know I recognized I had to get my act together to make
10 something of my life.

11 Yeah, so yeah I'll just -- that's a big part of
12 it. I'd always wanted to be an engineer, you know? And so
13 I decided I really wanted to focus on going down that road.
14 You know, I knew, I mean in my life there -- clearly
15 there's been challenges in my life, right?

16 When I first -- after I first got hurt the access
17 -- so it was 30 something years ago, right -- access wasn't
18 available that is now. My wife and I would call a
19 restaurant, "Are you wheelchair accessible?" "Sure, we only
20 have three steps in the front," kind of thing. And so I
21 had to go through a lot of kind of access-related
22 challenges.

23 And then there's challenges with people and their
24 reaction to me. A lot of times kids will come up and want
25 to find out what the deal is, and parents will freak out.

1 And you know, I understand it's a little tough to take
2 sometimes, but I understand.

3 To some extent I've gone through some of the
4 things that some of the folks that have been
5 underrepresented are going through. So I think it'd give
6 me a basis for empathy and understanding. Yeah.

7 CHAIR DICKISON: Thank you.

8 Mr. Dawson?

9 MR. DAWSON: Yeah. We have roughly 22 minutes if
10 you'd like to make a closing statement to the Panel?

11 MR. FORNACIARI: I have 22 minutes? Awesome.
12 No, I want to make a comment. You guys asked a question to
13 the other engineer the other day that you didn't ask me.
14 And that's if I'd be comfortable with odd-shaped districts.
15 And I want to answer that question, because I think it's
16 important.

17 And the answer is yes. I watched the training
18 that you all went through. And the guy showed the
19 headphone-shaped district or something in Chicago to
20 represent the Hispanic community. And they were struggling
21 with a group of African -- the African American community
22 surrounded by the Hispanic community.

23 And in my mind that district is elegant. And it
24 shows a deep understanding of the rules and the underlying
25 intent of what we're trying to do here. I mean, it's

1 beautiful and thoughtful. And it's really higher-level
2 thinking to come up with an answer like that I think.

3 In the line-drawing exercise that was presented
4 to you, the woman was talking about Santa Clara County and
5 coming up with different scenarios for either splitting
6 this fictitious Silicon Valley community of interest or
7 not. And my question that came to my mind is well do they
8 want to be split? Would they benefit by being split? We
9 should ask them that question, because maybe having two
10 representatives for the Silicon Valley district is better
11 than one.

12 And then she talked about the prong-shaped
13 district that they had drawn. And again, another not
14 intuitively obvious outcome, but there was a meaning and a
15 purpose behind it that I thought was valid and really
16 thoughtful. So I just wanted to say that.

17 And then finally, let's see, I want to thank you
18 for all your hard work. I mean this is just an amazing
19 process that you guys are going through. It's really,
20 really difficult and challenging. And you are doing a
21 fabulous job. And thank you for considering me for this
22 role.

23 CHAIR DICKISON: Thank you.

24 So our next interview is at 1:15, so we will --
25 we're going to recess now until 1:14.

1 (Off the record at 11:55 a.m.)

2 (On the record at 1:15 a.m.)

3 CHAIR DICKISON: Calling the Applicant
4 Review Panel back to order at 1:15. Seeing all
5 panel members are present.

6 I'd like to welcome Emmanuelle Soichet.
7 Did I say that correctly?

8 MS. SOICHET: Mostly, yeah. Soichet.
9 It's a hard one.

10 CHAIR DICKISON: Soichet. Okay. And I'm
11 going to turn the meeting right over to Mr. Dawson
12 who will read you the five standard questions.

13 MR. DAWSON: Good afternoon,
14 Ms. Soichet. I'm going to ask you five standard
15 questions that the panel has asked that each of the
16 applicants respond to. Are you ready?

17 MS. SOICHET: I am, thank you.

18 MR. DAWSON: Question 1. What skills and
19 attributes should all Commissioners possess?

20 What skills or competencies should the
21 Commission possess collectively?

22 Of the skills, attributes, and
23 competencies that each commissioner should possess,
24 which do you possess?

25 In summary, how will you contribute to the

1 success of the Commission?

2 MS. SOICHET: Thank you. So I just want
3 to quickly begin by just telling how appreciative I
4 am of the opportunity, wow, this is quite loud, to
5 be here because I know obviously not everyone is
6 here, and I'm just very humbled by just being given
7 the opportunity to come and interview.

8 And I also want to thank the staff because
9 I know I have contributed a number, a fair number
10 of questions by e-mail, and I was always just so
11 pleasantly surprised at how responsive staff was
12 and how quickly. So I just want to thank them
13 before I forget.

14 So I understood this question not to be
15 asking about the sort of skills and characteristics
16 that are outlined in the regulations about
17 appreciation of diversity and impartiality, but
18 more about skills through soft and hard skills.
19 And maybe I was incorrect, but that's how I have
20 read this.

21 And so I see the role of being
22 commissioner, the importance -- the skills that are
23 important as a combination of those hard and soft
24 skills. On the soft skills, I think it's very
25 important to be able to listen, obviously, and show

1 patience in listening, not just to, you know, to
2 members of the public, to allow members of the
3 public to engage fully in the process, to learn
4 from them, and also to have patience with and
5 listen to other Commissioners. I think that's
6 incredibly important.

7 I think Commissioners, both individually
8 and as a whole are going to need to, it'll be very
9 important for them to have sort of a teamwork
10 attitude and be able to work collaboratively and
11 really efficiently together because I think there's
12 a lot of work that needs to be done. And I think
13 they're going to, on top of that, I think they're
14 going to have to do that all in a public setting.
15 And I think there's specific sort of -- it's a
16 specific skill being able to do that in public in a
17 transparent way.

18 And then I think there are a number of
19 also sort of hard skills that are involved,
20 specifically to the -- not just this or how you do
21 things which I think is what the soft skills go to,
22 but sort of the actual work itself of
23 redistricting. And I think that involves obviously
24 legal analysis and the ability to apply legal
25 standards and facts to legal standards. Here the

1 facts being the maps and the various communities of
2 interest and the demographics.

3 But also is actually working with the
4 data. I've only had a fleeting glimpse of GIS
5 data, but it is complex and vast. And I think that
6 while obviously most Commissioners, I'm assuming,
7 or applicants have never actually worked with that
8 kind of data before and I haven't, just an ability
9 to do that and ability to process data, the ability
10 to sort of comfort and learning those new programs.

11 And I think that relates to the sort of
12 the third hard skill I see which is the ability to
13 work with experts. I think that sometimes there is
14 an overreliance on experts if you are not
15 comfortable in working with data on your own. And
16 I would really -- I think it would be a missed
17 opportunity if Commissioners, you know, they should
18 know how to effectively use -- the goal of an
19 expert is to allow his or her expertise to aid you
20 in your decision making but you shouldn't abdicate
21 your decision making in a sense. So I think that's
22 something that -- maybe it's not what a lot of
23 applicants are going to talk to you about, but I
24 see that as really important especially given that
25 this is such a particular task that is obviously

1 pretty unique.

2 In terms of whether I possess those, I
3 think I do. I mentioned in my essays that I have a
4 good amount of experience as a commissioner for, I
5 guess for six years on local commissions in
6 Berkeley, in the city of Berkeley. I perhaps spent
7 many more years as a staff member at city council
8 back when I was a staff member in L.A. for the
9 mayor of L.A. I also was staff to the school board
10 president at LAUSD and so I also have a lot of
11 experience, you know, served in those kinds of
12 meetings as well. And those were all very
13 contentious meetings for the most part when we were
14 dealing with budget cuts.

15 And I think that have -- so I -- I have
16 sort of experience working with other people,
17 people with very different backgrounds than me. I
18 had experience in a commission setting. And I'm
19 sure we'll get more into more of it later. But I
20 think I do have all those.

21 MR. DAWSON: Question 2. Work on the
22 Commission requires members of different political
23 backgrounds to work together. Since the 2010
24 Commission was selected and formed, the American
25 political conversation has become increasingly

1 polarized whether in the press, on social media,
2 and even in our own families.

3 What characteristics do you possess? And
4 what characteristics should your fellow
5 Commissioners possess that will protect against
6 hyper-partisanship?

7 What will do to ensure that the work of
8 the Commission is not -- is not seen as polarized
9 or hyper-partisan and avoid perceptions of
10 political bias and conflict?

11 MS. SOICHET: So I see hyper-partisanship
12 as caused by a few things. So I guess one is the
13 decline in civility when it comes in public
14 discourse. Also probably a more naked desire by
15 many people to put their own self-interest or in
16 the state in the sense the party self-interest
17 ahead of the community interest. And I'm not naive
18 in thinking that it never existed, but I think
19 there is a definitely more naked aspect to it now.

20 And I think that's accompanied also by a
21 greater suspicion and a public suspicion of other
22 people's motivations. And I think that's what
23 creates sort of this hyper-partisan, what you have
24 in your question is hyper-partisan atmosphere. So
25 against that backdrop, I think that the

1 Commissioners will need to have -- there are I
2 guess a few things that I would think that
3 Commissioners need to possess. So obviously the
4 ability to be impartial which means put aside your
5 own opinions, but specifically not to be blinded by
6 your own opinions because you should have them and
7 not be wedded to those.

8 And I think that relates to another thing
9 which is being measured. I think that, again, you
10 can have your opinions, you can have your views,
11 but being prone to inflammatory statements I think
12 really chips away at the public's perception of
13 your being impartial even if that wasn't your
14 intention necessarily. And I think probably most
15 importantly, though, because that's all kind of
16 surface, I think most importantly you need people
17 who are driven by facts and data. And this is,
18 again, this goes the ability to be impartial is
19 that you need to be able to say, okay, I have
20 certain beliefs, sort of ideas of what I will think
21 but be open-minded and be really driven by facts
22 and data and not necessarily by hyperbole.

23 And I think on top of that, you again need
24 to be able to communicate what is motivating your
25 decision making in a very transparent way. Because

1 of, again, what I say is like this sort of increase
2 in suspicion about people's motives. I think that
3 in such a sensitive position, you should be able to
4 communicate very clearly in a public way, in a
5 transparent way so you garner people's trust and
6 people's belief that you are in fact being
7 impartial.

8 In terms of the part of the question about
9 what I would do to ensure that the Commission's
10 work is not viewed as hyper partisan, I mean, in
11 some ways there's like an easy answer which is I'm
12 not on social media, I'm on Facebook, but as kind
13 of a stalker and not so much as like an active
14 voice. That's not something, it's not really my
15 personality so I think that's sort of an easy
16 checkmark.

17 I do think, though, that the harder work
18 is in meetings, is really making people feel like
19 everyone's voice is being heard. And it's not that
20 the Commission is not acting as a sounding board
21 for more sort of inflammatory extreme position but
22 is more really just sort of listening and is able
23 to, Commissioners are able to change their minds.
24 I think that really does go to helping people
25 develop honesty and a sense of trust.

1 And I would just say, I sort of flagged
2 something along this lines, along the lines of this
3 in one of my essays in describing my work on the
4 Berkeley Fair Political Practice, no that's the
5 state, but the Fair Campaign Practices Commission
6 where it's a very, very political organization. We
7 were dealing campaign finance violations which in
8 Berkeley are like \$50, but that's very important to
9 people and we have a very engaged community, very
10 educated, very involved. And I think we did a
11 really good job of demonstrating to people that
12 even if we had our own ideas, that we listen to
13 everyone and give everyone a really fair shake.

14 MR. DAWSON: Question 3. What is the
15 greatest problem the Commission could encounter,
16 and what actions would you take to avoid or respond
17 to this problem?

18 MS. SOICHET: So I think there are
19 probably many, many problems that the Commission
20 could encounter dealing with outreach and engaging
21 the public, but I think the one I would point to is
22 the one I think is most existential which is really
23 going to whether the Commission lives up to the
24 promise and the purpose of the Voter's First Act,
25 which is really to remove decision making from

1 partisan politics from the -- the influence of a
2 legislature but specifically from partisanship.

3 And I think that just having the
4 Commission itself obviously is not enough to do
5 that. I think we would be naïve to think that just
6 because legislature is not involved, that the
7 parties don't have an invested interest in
8 promoting, you know, their interest in the map
9 drawing. I think that is reflected from a lot of
10 the commentary and sort of look back about happened
11 in 2010.

12 That, you know, there's, which is not to
13 say that parties are not sort of the public and
14 they shouldn't be part of these or public comment.
15 But I think it shouldn't be done in a way that is
16 misleading and that is sort of deceptive to the
17 public and to Commissioners. And so I think that's
18 probably will continue to be biggest challenge in
19 my mind.

20 I think part of -- and I think it'll
21 continue, probably I think it would be naïve to
22 think that it would happen in the same ways that
23 maybe it happened in the past. I think it would
24 naïve to think that only one party would do it. I
25 think that it would -- so the way I would approach

1 it, which is not to say that I have like a
2 solution, but I think you'd really need to sort of
3 have a very engaged at the outset of the process
4 sort of study of what happened in 2010-11. What
5 were the ways that maybe partisan interest took
6 advantage of some of the process itself and how
7 that process could be changed. And maybe the
8 Commission would decide that they actually, it
9 doesn't want to change them, that there are so many
10 good reasons for doing what it did exactly, that
11 that actually continue. But at least to have that
12 conversation at the outset.

13 And I wasn't part of it so maybe that
14 conversation did happen, but I think that's just
15 sort of like addressing it sort of head on. I
16 think it's really helpful and looking back and, you
17 know, working with staff, with prior Commissioners,
18 and sort of really kind of understands my -- they
19 understanding from just reading just news reports
20 was that there was, you know, an attempt to sort of
21 take advantage of the definition of communities of
22 interest and to sort of, you know, have sort of
23 like AstroTurf public comment. And so I think
24 Commissioners would look at whether they want to
25 change their approach to how they define

1 communities of interest.

2 I don't know that you should change it,
3 but at least have that sort of conversation, have
4 approach trying to sort of set create safeguards so
5 everyone knows okay, these are things we're going
6 to look for, this is what we're going to value.
7 This is how we're going to address it, this is how
8 we're going to evaluate what is said to us and the
9 information and facts that are coming before us.

10 MR. DAWSON: Question 4. If you were
11 selected, you will be one of 14 members of the
12 Commission which is charged with working together
13 to create maps of the new districts. Please
14 describe a situation where you had to work
15 collaboratively with others on a project to achieve
16 a common goal. Tell us the goal of the project,
17 what your role in the group was, and how the group
18 worked through any conflicts that arose.

19 What lessons would you take from this
20 group experience to the Commission, if selected?

21 MS. SOICHET: So I, in my volunteer work
22 and my professional work have done a lot of
23 collaboration. In my volunteer work, it's not just
24 been the commissions, but I've also been part of
25 groups evaluating my college's race relation prize

1 board. The -- my firm's diversity committee. We
2 just went through a fellowship process. I worked
3 on teams as a lawyer, I work with teams of staff.

4 MS. PELLMAN: Fifteen minutes.

5 MS. SOICHET: And I would say that most of
6 those interactions are pretty seamless. There
7 isn't much sort of conflict. But since the
8 question seems to really ask for like a situation
9 that really describes something that's a little bit
10 more tricky, I had to sort of go back and think
11 about it.

12 And I was reminded of an experience in law
13 school where I was part of a clinic of eight
14 students. We were representing some hotel workers
15 who had brought meal and rest break claims against
16 their -- the hotel employer. So these are low-wage
17 workers mostly they're all Spanish-speaking,
18 they're mostly from Central America and from Mexico
19 originally and had been working almost minimum wage
20 for a hotel for many years. And they claimed that
21 they had not been given the rest breaks that they
22 were due by state law. And as a result also a lot
23 of overtime they were not paid.

24 And my role as one of eight, we were still
25 in law school full time, but our job was to

1 represent these workers at a hearing in front of
2 the Labor Commissioner that ended up going several
3 weeks. And it was the first time we'd all been,
4 like, we're still lawyers in training. And I was
5 given the representation of certain individuals.

6 But like everyone, we all had to represent
7 and prep our clients as well as work on group work.
8 So it meant putting together strategy as a group,
9 in addition to the individual representation. And
10 over time, we all had a common goal of representing
11 these workers who we thought had really righteous
12 claims and had been treated really badly and had
13 actually stood up for what they thought was wrong,
14 you know, stood up for the right here, and try to
15 unionize and were being penalized for it.

16 So we were all very united in this idea of
17 like we want, we loved our clients, we really
18 wanted to defend them. But very quickly and like
19 long late-night meetings, things kind of like broke
20 down a little into two, sort of two factions, if
21 you will, sort of arose, where there was one group
22 that felt like it was putting in a lot of time and
23 a lot of effort and was doing a lot of the honest
24 work, and sort of, you know, really serious work.
25 And the other side was -- not side, but the other

1 group of people was not as -- was not really as
2 committed. Whereas the other group of people
3 thought that they just weren't being respected and
4 weren't being listened to. And that they were --
5 that somehow the other group thought that they were
6 like not as smart or not as committed.

7 And so it took a lot of time and I think,
8 I can't pinpoint to like what the moment was where
9 things changed. It might have been over like a
10 beer at a bar, but I think we came to realize that,
11 or I took away from that experience that we have to
12 sort of, well, two things.

13 One, was that people had to really feel
14 buy-in in the group, that people didn't go along,
15 they weren't happy with every decision that the
16 group made but they had to at least feel respected
17 and they had been listened to, that they weren't
18 condescended to, that they actually, that no one
19 felt superior.

20 And I think going with that, I think there
21 had to be an appreciation from everyone that
22 everyone brought different skills to the table.
23 And so, you know, one group thought well, those
24 others aren't really good writers, they're not
25 contributing much to the written product. They're

1 not very strategic. But I think that that was kind
2 of a wrong approach. It had to be really
3 recognizing those four people are actually really
4 good at how they deal with our clients and they're
5 really good at this aspect. And it was not
6 focusing on what they weren't good at but really
7 focusing on what they brought to the table.

8 And that, I think once that kind of
9 approach shifted, the work became so much easier.
10 The distractions of the interpersonal conflict just
11 disappeared. When we sort of learned to look at
12 each other with the right lens.

13 MR. DAWSON: We're just about there, it's a
14 20-minute --

15 MS. SOICHET: Okay.

16 MR. DAWSON: But we have time, of course.

17 The fifth question is a considerable
18 amount of the Commission's work will involve
19 meeting with people from all over California who
20 come from very different backgrounds and a wide
21 variety of perspectives.

22 If you are selected as a commissioner,
23 what skills and attributes will make you effective
24 at interacting with people from different
25 backgrounds and who have a variety of perspectives?

1 What experiences have you had that will
2 make -- that will help you to be effective at
3 understanding and appreciating people in
4 communities of different backgrounds and who have a
5 variety of perspectives?

6 MS. SOICHET: So I think a lot of the
7 skills that, the soft skills that I mentioned in
8 response to the first question apply here.

9 And I know that saying, you know, it's
10 important to know how to listen is kind of a
11 generic response but I actually think that it's
12 really important how you listen. I think when I
13 say listen, I mean sort of in an active, engaged
14 listening to someone. It means being informed. It
15 means engaging with the person, sort of listening,
16 understanding, processing, asking follow-up
17 questions. But it also means sort of being
18 informed, but also not having preconceived ideas
19 that you are looking for what the person is going
20 to say to sort of fall into that.

21 And I think that is something that has
22 really served me well. I started off, I didn't
23 think I was going to be a lawyer. I, in college,
24 was a journalist. I did that because I, not only
25 did I love writing, but I also really enjoyed

1 talking with people and I just had a curiosity
2 about people. And I think that that was a skill
3 that I learned as a journalist. You know, you have
4 to people at ease right away in order to really
5 elicit good information from them.

6 But you're also trying to build a rapport
7 quickly and that involves respecting the person and
8 listening to them and not just sort of -- I don't
9 know, listening to me is very specific. It means
10 being very specific and I think that is the work
11 that the commissioner, Commission will need to do
12 to make people feel like they're actually taking
13 part in the process.

14 Am I -- is my 20 minutes?

15 MR. DAWSON: You have time.

16 MS. SOICHET: I mean, I think that the
17 journalism that I mentioned, that's sort of
18 generally the experiences. I know that in my essay
19 I talked about mentoring that Tracy, the mentor
20 that I had who was a high school student, and about
21 her background so I would just sort of flag that
22 again.

23 And also I know in my, in one of my essays
24 I talked about working in Los Angeles and sort of
25 the eye-opening experience it was working in City

1 Hall and sort of learning, discovering the city and
2 sort of all the sort of ethnic diversity that L.A.
3 had. And I think that that extended in not just to
4 the city itself and sort of my -- but actually what
5 the job I was doing.

6 So, for instance, I was in the press
7 office, I volunteered to be the community media
8 press secretary for community media and
9 specifically with African-American press because I
10 was really interested in understanding the sort of
11 these specific communities in L.A. and South L.A.,
12 near Lanark Park. I really wanted to understand
13 sort of the history of it. I understood that there
14 was this really deep connection to places in L.A.
15 and a community and sort of a mobilization in the
16 community I had never experienced growing up on the
17 East Coast.

18 And so I think that working with them
19 community media, working sort of going to so many
20 of these events and trying to really understand
21 really gave me an appreciation for where you're
22 coming from and who you are, how that translates to
23 what's important to you, what's important to your
24 community, and how you're going to advocate that,
25 for that, on a sort of a policy level.

1 I know that wasn't necessarily clear in my
2 essay, which I think, you know, one of the
3 panelists mentioned but that's something that
4 really shaped me in my time there.

5 MR. DAWSON: Thank you.

6 We'll now go down to panel questions.
7 Each of the panel members will have 20 minutes
8 maximum.

9 We'll begin Ms. Dickison, the Chair.

10 CHAIR DICKISON: So I'll just start with
11 your time working in L.A. for the city. Let's
12 see, you know, you mentioned in your essay about
13 when you worked in City Hall going across L.A., you
14 know, to different meetings and events and just
15 trying to soak up that culture.

16 Can you tell us about things you learned
17 about the community concerns in L.A.? And describe
18 the communities of interest that you became aware
19 of while you were there and what bound those
20 communities together?

21 MS. SOICHET: So I think, just sort of
22 piggybacking on what I was just talking about, one
23 community that I was sort of, that I had a lot of
24 experience or not lot, that I have contact with was
25 this sort of historically African-American

1 neighborhood, these neighborhoods in South L.A.

2 And it seemed to me, I think there was a
3 lot of concern at the time about political
4 representation. There was a declining population
5 in the Black community and in particular that was
6 leading to less representation on city council and
7 at the county level. I think that was definitely
8 something that was of concern, but there was also a
9 lot of concern about shootings, about gang violence
10 which was, you know, something that the mayor's
11 office that we tapped into that was very much like
12 a big policy agenda that we had that I don't think
13 necessarily was felt in other communities in quite
14 the same way.

15 Just because of sort of the geographic
16 where those communities were located and sort of
17 how that overlapped with sort of gang, you know,
18 gang violence, like maps of gang violence. There
19 was also very much a concern in some neighborhoods
20 about bus service because bus lines were being
21 reduced. This was a time of recession. And there
22 was also a real concern about charter schools
23 because a lot of charter schools were popping up in
24 these neighborhoods.

25 So, yeah, I'd say that, if you were just

1 asking me about that one community of interest, I
2 would say that there were, you know, a lot of
3 issues that I saw come out. But, I mean, I think
4 that there were so many other communities of
5 interest that I saw that I could identify. Right?
6 I mean, there's in L.A. a lot of it, I think, is
7 I'd say unfortunately but I don't know that there's
8 much to do about it, broken out in terms of color,
9 and of race. And I think that's sort of used as a
10 shorthand for sort of neighborhoods.

11 You know, and Korea is, I said Korea, L.A.
12 as sort of the capital of having different like
13 Little Saigon actually is in Orange County, but it
14 feels like that's very much the kind of thing that
15 L.A. does. Right? It has Korea Town, it has, it
16 has like a, you know, Thai Town. It has different
17 areas. And they're very much related to people's
18 sort of ethnic and racial origins.

19 Not sure if that answered your question.

20 CHAIR DICKISON: So thinking about the way
21 the communities of interest are set up in L.A., how
22 do those kind of differ from those that would be in
23 your current area?

24 MS. SOICHET: So I would say that in, so I
25 live in Berkeley, California. Berkeley is a

1 college town and I think that is probably, in my
2 opinion, the most sort of obvious, sort of big
3 community of interest. Is, it's sort of this large
4 student population. It's problematic in some ways
5 when you're talking about communities of interest
6 because these are transient, you know, sort of
7 residents, but it also involves staff and sort of
8 faculty members. And also just a lot of, there are
9 a lot of like land usage issues. There's a lot of,
10 you know, concerns with the university and that's a
11 big, I would say, factor, sort of characteristic of
12 Berkeley.

13 I think that Berkeley had very stark --
14 you could divide Berkeley between the hills and the
15 flats is kind of how people talk about Berkeley.
16 And I think historically that broke down to
17 socioeconomic lines; the hills being the sort of
18 rich areas, the flats being lower economic, more
19 working class. And I think to some degree that
20 also mapped on in terms of racial groups.

21 With gentrification, which has really
22 swept Berkeley, and just the high, you know, the
23 living costs of being in the Bay Area, I'm not so
24 sure that those distinctions are quite as
25 pronounced as they were in L.A. when I lived

1 there, which it did feel like a much more sort of,
2 I don't, just felt a little bit more stark in terms
3 of the neighborhoods. So I would say that's
4 probably a big difference.

5 CHAIR DICKISON: So just thinking about how
6 those two areas are so different and then thinking
7 about the state as a whole, and the preference
8 people may have for representation, what do you see
9 as some of the factors that would affect somebody's
10 preference for representation in the various
11 regions throughout California?

12 MS. SOICHET: I'm sorry, say that again?
13 What are the factors?

14 CHAIR DICKISON: What are some of the
15 factors that might affect someone's preference for
16 certain type of representation throughout the
17 different regions of California? How might those
18 differ?

19 MS. SOICHET: So if I'm, just to make sure
20 I'm understanding. So are you saying what are the
21 -- what are the different factors that play when I
22 as a resident of Eureka compared to I as a resident
23 of Los Angeles?

24 CHAIR DICKISON: Sure.

25 MS. SOICHET: I guess -- I guess it would

1 really depend in some areas things that are not as
2 important to the community or not, I shouldn't say
3 important. Things are not as common and that bind
4 people in the community are not necessarily the
5 same. Right?

6 So I'm thinking of, for instance, a really
7 primarily agricultural area. Their agriculture and
8 what you do and your use of the land is probably
9 something that really unites the people in that
10 community in a way that doesn't necessarily work in
11 a more urban area where you have people who don't
12 all do the same thing. Not to say that people
13 working in that agriculture area are -- it's
14 monolithic in any way, but I think those sort of
15 common, those common factors will differ.

16 So I guess trade or I mean, trade is a
17 weird way of putting it, but sort of occupation,
18 land use, that might be something that really binds
19 someone in one area, whereas declining
20 representation of a certain minority is important
21 to someone in a different area and sort of like
22 that, it might be important for some people that
23 who they elect, you know, reflects sort of racially
24 a certain way of the community.

25 I mean, different areas just have

1 different issues so it's very hard for me to think
2 of it as factors. And so that's why I'm a little
3 stuck and I apologize. I just think the different
4 areas have different things that unite them and are
5 just common. And I think that that affects, when I
6 think of community of interests, I think of what
7 are the sort of things that people unite for when
8 it comes sort of a political agenda, what they want
9 out of government. And I think it just depends.
10 It's so many different factors, it's hard to even
11 start like listing them. Obviously like some
12 people might be, environment might be more
13 important to some people.

14 Again, I'm not sure if I answered your
15 question. I apologize.

16 CHAIR DICKISON: You did. You did. Thank
17 you.

18 So in your application, you talked about
19 that you've been involved through volunteer efforts
20 and work and to help keep elections fair. You
21 worked as a phone banker for Proposition 89 in
22 2005, worked on several voting ranks, lawsuits, and
23 served as a commissioner for the local Fair
24 Campaign Practices Commission.

25 What can you take away from these

1 experiences that would benefit the work of the
2 Commission?

3 MS. SOICHET: I think first and foremost,
4 this is what I care about and this something that I
5 have sort of as a personal and professional
6 interest have cared very deeply about for the last
7 20 years. Where, you know, I demonstrated that by
8 a lot of personal sort of not getting compensated
9 for but just volunteer work because it's what I
10 believe in. So I think there's that passion
11 element.

12 I also think that throughout, I think sort
13 of the connective tissue about what I am passionate
14 about is I just think it's so important. I think
15 democracy -- public confidence in our democracy
16 depends on people feeling like, you know, to borrow
17 from the presidential candidates that this system's
18 not rigged.

19 And I think I have different layers of
20 experience as an attorney as just, you know, an
21 average American to know the law, know how
22 commissions work, and to really, I don't know, just
23 be committed to that idea. I think that's -- I
24 mean, it's the most important thing. It's what
25 created the Commission to begin with, its sole

1 purpose.

2 You know, I struggle with that because all
3 those things that you said are so different. So
4 the skills that I have as an attorney and applying,
5 you know, facts to law and advocating for a
6 position are very different than being a phone
7 banker. Right? And so that's why I think the
8 common element is really my passion for it and sort
9 of why I did what I did.

10 CHAIR DICKISON: Okay. You talked about
11 going to one of the Commission meetings during the
12 first Commission.

13 MS. SOICHET: Uh-huh.

14 CHAIR DICKISON: What did you learn from
15 that meeting? Was there anything during that
16 meeting that you would do differently today?

17 MS. SOICHET: So I don't think there's
18 anything I would have done differently. I think I
19 was surprised at just the sort of like turnout and
20 the commitment of the public. I thought it was a
21 kind of, it seemed to me a little bit of a, you
22 talk about redistricting, you talk about, you know,
23 even like talking about the census, it's stuff that
24 isn't necessarily the burning news on TV. It's not
25 what, you know, motivates some people to get out of

1 bed.

2 And I think I was just really surprised by
3 the sort of the amount of public attention and
4 people really passionate about why they thought
5 certain maps were wrong. And I think I was just
6 surprised by that. I was just surprised. I
7 thought, and pleasantly surprised, it was not a bad
8 surprise. It was great. You know, it's like, oh,
9 we're not the only ones here. So I guess that was
10 the number one.

11 CHAIR DICKISON: So you mentioned your
12 mentoring of a high school student. And so how did
13 that experience affect you in how you interact with
14 others now?

15 MS. SOICHET: I think, I mean some ways I
16 don't know that it completely changed me, but I
17 think that -- it sort of definitely emphasized in a
18 very concrete way a sense that you walk past people
19 all the time and you can just assume that someone
20 is a certain way or doesn't have just a completely
21 fascinating background. And then you start
22 talking, and then you start getting to know the
23 person and you realize that there's so many
24 different layers.

25 And then with her particular, she was so,

1 I had never really had such a deep relationship
2 with someone who felt her personal story and her
3 family's history as really shaping who she was and
4 who wanted to sort of carry it on. Which, I think,
5 is, you know, very much of the sort of like Chicano
6 power, like the movements of what I think of like
7 the '60s and '70s. I didn't live through those,
8 but I think I saw it with her as sort of this with
9 the next generation of it where she, you know, she
10 was Japanese --

11 MS. PELLMAN: Five minutes.

12 MS. SOICHET: She's Japanese-American.
13 Her family had really deep roots in the L.A. area.
14 They had owned several nurseries in San Bernardino.
15 And some of her family members, I think most of her
16 family members had been sent to Manzanar. And for
17 her, that was something that she carried with her
18 and that she did not, her mom didn't speak any
19 Japanese, but she on her own as like a teenager
20 decided that like she wanted to sort of explore
21 this history and it was really important to her.

22 And it was meaningful. And so she, you
23 know, she did all this, like, volunteering in like
24 Japanese-American museum in downtown L.A. And she
25 found all these ways to sort of make the history to

1 not lose the connection with her history. And I
2 think that is something that I hadn't experienced
3 before.

4 I mean, I like my family, but, you know, I
5 don't think of them as so fundamentally shaping who
6 I am in a way that she did. And I just, that I've
7 carried with me and just knowing that she's not
8 alone. Right? That for so many people, this is so
9 important to them. And I think it makes them
10 fascinating. I think it makes -- it brings a lot
11 of meaning and sort of, as I get older I realize,
12 too, that, you know, history dies and so it's just
13 so wonderful to me to see people who carry on with
14 their family history and who live it.

15 CHAIR DICKISON: Thank you. Okay. So in
16 determining the district lines the Commission's
17 going to need to identify communities of interest
18 as they did before. What methods do you think they
19 should employ to identify those communities?

20 MS. SOICHET: I mean, I think -- I think
21 public input really is sort of the starting point.
22 And then there's looking at just sort of data.
23 Right? And sort of looking at measuring different
24 factors, trying to find, you know, taking the data
25 set you have and trying to sort of see what the

1 patterns are. Looking for certain things and
2 applying those to what you're getting from the
3 community I think is helpful.

4 I think obviously relying of people who
5 are experts in, I assume, in like various social
6 sciences. I'm failing to think of what it would
7 be, I guess geography.

8 But I think they're different, they're
9 different inputs, but I think the public is really
10 important. I mean obviously it carries a lot of
11 risk and it needs, you need to have a really good
12 outreach.

13 But, yeah, I think it's a combination of
14 what people tell you is important to them and then
15 what you can see by looking for certain trends and
16 sort of data numbers.

17 CHAIR DICKISON: Thinking of outreach, how
18 would you reach out to those communities that maybe
19 are harder to reach?

20 MS. SOICHET: I mean, I think it's a hard
21 question, right, in a sense that when you think of
22 a community that's hard to reach, they're all going
23 to have different things that are effective. You
24 know, young people are on social media, but if
25 you're trying to reach a more, you know, sort of an

1 older population, that's not the way to do it.

2 I think that there is -- yeah, maybe I'm
3 just biased by my background in like municipal law.
4 But, you know, I feel like they're partners in this
5 effort that should not be lost and there are
6 cities, you know, across the state --

7 MS. PELLMAN: One minute.

8 MS. SOICHET: And government agencies that
9 deal with different populations. Right? I think
10 it's a lot of work but I think it's sort of
11 thinking creatively about and working with
12 different maybe nonprofits to sort of really think
13 through like well what are, first identify what are
14 the communities that we think we're not really
15 reaching? First question you have to ask.

16 And then thinking, I think, creatively
17 about who are the different like nonprofits or
18 government agencies that do effectively reach out.
19 But that's a lot of work, I don't know the answer
20 for every, you know, group.

21 CHAIR DICKISON: Okay. Thank you.

22 No more questions right now.

23 Mr. Belnap.

24 VICE CHAIR BELNAP: Okay. Ms. Soichet.

25 MS. SOICHET: Yes, perfect.

1 VICE CHAIR BELNAP: Okay, it's Soichet.

2 All right.

3 So first, easy question. Are you
4 currently a deputy city attorney for the City of
5 Berkeley?

6 MS. SOICHET: No.

7 VICE CHAIR BELNAP: No? Okay.

8 MS. SOICHET: And I submitted a
9 supplemental.

10 VICE CHAIR BELNAP: Okay. Where are you
11 now?

12 MS. SOICHET: I -- I work for, now work
13 for a law firm called Meyers Nave. It represents,
14 it's -- I work out of the Oakland office, but it
15 represents different cities across the state. So
16 I'm doing pretty much the same work as a city
17 attorney for what I was doing before, but I'm doing
18 it in a private setting for public clients, if that
19 makes sense.

20 VICE CHAIR BELNAP: Okay. So let's
21 describe those duties. So what did you do for the
22 City of Berkeley as deputy city attorney? And what
23 are doing now for the law firm? What are you
24 duties?

25 MS. SOICHET: So I had a kind of a unique

1 role in Berkeley in terms of, so Berkeley has --
2 for a size -- a city of its size, has a large
3 office of city attorney's office. And it also is
4 unique in the state for one of the many reasons why
5 Berkeley is unique, it has its own public health
6 department which is usually a county function. And
7 so I was the lawyer for that health department,
8 which is pretty unique as like a city lawyer, you
9 don't really do a lot of health law. But I did a
10 lot of like HIPAA compliance. So that was one
11 area. I didn't do very much litigation but I did a
12 little bit of litigation, mostly relating to like
13 trip and falls.

14 And then the other sort of big area I had
15 dealt with elections and Brown Act issues which is
16 like Bagley-Keene Act but for the local level. And
17 so did a lot of that sort of like bread and butter
18 municipal like ethics, conflict of interests. I
19 trained all the Commissions on all the laws and
20 their legal obligations. In fact, I just had a
21 training today with the League of Cities doing
22 Brown Act compliance. So I did a lot of that sort
23 of more general work and specifically with the
24 focus working with the city clerk on doing
25 elections issues.

1 VICE CHAIR BELNAP: So that's what I want
2 hear about.

3 MS. SOICHET: And campaign finance.

4 VICE CHAIR BELNAP: And campaign finance.
5 So election issues, what were some of those issues
6 that you worked on?

7 MS. SOICHET: So I did not do
8 redistricting, but that is something Berkeley has
9 its own redistricting commission.

10 I -- it was generally, I mean, the city
11 clerk in Berkeley is really wonderful and he knows
12 his stuff and he talks to other city clerks about
13 elections issues. So but it was really sort of
14 being a partner with him on campaign finance
15 violations so they would be reported to him and
16 then I as the staff person for the Fair Campaign
17 Practices Commission.

18 So I was initially a commissioner and then
19 I became the staff person to the Commission. And
20 in that role, it's not like I was just in charge of
21 like taking attendance, you know, doing roll call.
22 I was in charge of doing all the investigations.
23 So I did a lot of investigations of complaints into
24 campaign finance violations of city law.

25 And then more generally, I sort of gave

1 him advice on, I mean, other like elections, like
2 filings. We have a new lobbyist registration
3 ordinance that came into effect that I, as
4 commissioner, helped write and then when I became a
5 staff person helped implement.

6 So those were all kind of elections-
7 related adjacent I would say.

8 VICE CHAIR BELNAP: And then with your
9 current law firm, you're working on?

10 MS. SOICHET: So I am now, I work as an
11 assistant city attorney to the city of, cities of
12 South San Francisco and Walnut Creek, in addition
13 to being a special counsel for the Santa Cruz
14 County Regional Transportation Commission.

15 And my role is really varied depending
16 on -- I mean, I'm just kind of like a general
17 interest municipal lawyer so whatever comes in the
18 door is sort of what I work on. It's land use law,
19 it is some constitutional issues. It's advice,
20 though I am not litigating which is a departure
21 from my prior, my role at the Department of Justice
22 where I was a litigator.

23 VICE CHAIR BELNAP: Okay.

24 MS. SOICHET: So I don't know if that
25 answers fully.

1 VICE CHAIR BELNAP: Well, where I want to
2 pivot to you now is how do you think that these
3 career experiences will help you as a commissioner?

4 MS. SOICHET: Well I think a very defining
5 and sometimes very challenging and frustrating, but
6 ultimately very rewarding part of my job throughout
7 my career has been that I'm a generalist. And that
8 means that I have to pick up new things that I
9 don't know anything about and become an expert in
10 them pretty quickly.

11 And that was very much the case in my
12 litigation at the Department of Justice. I would
13 be asked to take on a case and it was just assigned
14 to me and so suddenly I'd have to become an expert
15 on, you know, this issue of the due process.

16 One good example is I represented the
17 Secretary of State in a lawsuit filed by an
18 organization, a partisan organization that was
19 challenging Los Angeles's voter list maintenance
20 practices. And so this is culling people from the
21 voter rolls. And this group basically was alleging
22 that Los Angeles does not do -- does not meet
23 federal requirements for removing people from the
24 voter rolls. And I represented the Secretary of
25 State who was also sued.

1 And at that point, I didn't really know
2 very much about the sort of administrative side of
3 elections. Right? Of like how does this -- how
4 does the County, how do recorder registrars, how do
5 they actually maintain? And it's a very, you know,
6 involved process. Involves lots of cards being
7 sent, phone calls, you know, there's sort of data
8 entry. And that's, you know, I had to just learn
9 it. Right? And we had to work with several
10 experts in that case who analyzed voter
11 registration data for a number of years. Had to be
12 able to isolate why people had been taken off the
13 rolls, why they weren't.

14 So I think all of those skills, being able
15 to sort of deep dive, being able to work with
16 experts, I think that's probably made it helpful to
17 a Commission, I assume.

18 VICE CHAIR BELNAP: Okay. Thank you.

19 So how will you juggle your
20 responsibilities to the current law firm that you
21 work for with your responsibilities as a
22 commissioner?

23 MS. SOICHET: I mean, I think -- I don't
24 think there's any sort of conflict when it comes to
25 sort of, you know, duty of loyalty to my work

1 versus to the Commission. I don't think, I've
2 thought about this and I don't really see an
3 overlap.

4 I think it's going to be a lot of work. I
5 think that, you know, I think I hopefully applied
6 eyes wide open that that first year of, you know,
7 sort of ten-year appointment is going to be really
8 intense. You know, I talked it through with my
9 family and I think we thought, like, well, it's
10 worth a shot. I think that to me is the biggest
11 issue is really the vast amount of work, but I
12 think it can be managed. I work a pretty 9 to 5
13 job, so.

14 VICE CHAIR BELNAP: Okay. So if you could
15 imagine with me a situation where the cities you
16 represent, that individuals in power in those
17 cities have a certain desire for the districts to
18 come out a certain way. And if they were to
19 approach you about their desires for the districts
20 to look a certain way, how would you handle that
21 situation?

22 MS. SOICHET: So first of all, I don't
23 really know -- I'm new enough to my practice that I
24 don't really know any of the sort of the council
25 members. And it's really council members, though,

1 on the Santa Cruz, on the Regional Transportation
2 Commissioners -- Commission. There are a number of
3 board supervisors, board of supervisors -- members
4 of the board of supervisors.

5 So I mean, I think I'm a pretty direct
6 person so I think that -- direct but diplomatic at
7 the same. Right? So I think I have no problem
8 telling someone when I can't talk to them. I don't
9 think I would necessarily, you know, sort of chew
10 them out, but I just think it's inappropriate, I
11 think it's really inappropriate to try to influence
12 someone in that way.

13 And so I think I'd be pretty direct in
14 saying, calling it out, calling it for what it is,
15 you know, and sort of putting an end to it. It's
16 not, yeah, it's just not something I want to even
17 like give the impression that I'm listening to
18 that. Right? I don't want the person who's trying
19 to influence me to even think that that's going to
20 work or come across, come away thinking, oh, yeah,
21 really, I got them. You know, it's not, so I don't
22 think I'd have a problem with that.

23 But again, I, at this point, don't have
24 any sort of really profound relationships with
25 anyone so I don't that anyone would even feel

1 comfortable coming up to me, be kind of like
2 talking to a stranger a little bit.

3 VICE CHAIR BELNAP: Yeah, okay. So new
4 subject.

5 So what life experiences can you draw on
6 to be able to both have and then effectively
7 express empathy for communities that feel
8 marginalized and underrepresented?

9 MS. SOICHET: So I just want to, the
10 reason I'm pausing is because I don't want to ever
11 come across that I feel like I have been
12 marginalized. But I can understand and I have
13 empathy in some ways for I think that I've
14 certainly as a woman been in a position where I am
15 made to feel lesser, made to feel like I don't
16 understand, that I shouldn't speak up in meetings.
17 That I don't have really a role at the table and
18 that maybe I was there because I'm a woman. That
19 has happened a number of times in my career.

20 I would also say that, you know, I lived
21 in southeast Asia for two and a half years. And
22 this is more specifically, right, I don't want to
23 say that this was being marginalized. But I have
24 lived in a place where I was a minority, where I
25 did not understand the language very well. I

1 learned Vietnamese, but I was not, you know, I was
2 certainly a fish, you know, sort of out of water.

3 And so I think that experience while I
4 was, you know, I have the luxury of being white in
5 Vietnam. I had the luxury of having a job. I
6 think that does shape how I see other people
7 operating in cultures and systems where they are
8 underrepresented, where they are minorities, where
9 they aren't given voice just because of sort of how
10 they entered the system.

11 So I wouldn't say that I came away feeling
12 victimized in any way or sort of a, you know,
13 marginalized, but I do very much understand what
14 that feels like when you're going through it and
15 when you feel just sort of overwhelmed by it. But,
16 again, it's in a slightly different way.

17 VICE CHAIR BELNAP: No further questions.

18 CHAIR DICKISON: Mr. Coe?

19 PANEL MEMBER COE: Thank you.

20 Good afternoon, Ms. Soichet.

21 MS. SOICHET: Yeah. You guys are great.

22 PANEL MEMBER COE: Okay. One of the
23 benefits of going last is I don't then stumble over
24 the pronunciation. One of the downsides is they
25 ask all my questions also.

1 But --

2 MS. SOICHET: Maybe if you ask them again
3 I could actually give a better answer. So.

4 PANEL MEMBER COE: I'm actually kind of
5 going to do that.

6 A couple of times it's been asked about
7 different experiences at your roles --

8 MS. SOICHET: Uh-huh.

9 PANEL MEMBER COE: -- your various roles
10 you've had and how it would benefit the Commission.

11 I'm going to pinpoint one specific one.

12 MS. SOICHET: Okay.

13 PANEL MEMBER COE: That would be your role,
14 your work at the City of Berkeley's Fair Campaign
15 Practices Commission.

16 MS. SOICHET: Okay.

17 PANEL MEMBER COE: First thing, kind of
18 two-part question, what -- what made you seek out
19 that opportunity?

20 MS. SOICHET: So I was new to the Bay
21 Area. I had spent about ten years in L.A. And in
22 L.A. when I was a staff person, I, you know, I
23 never was -- I was never on a commission in the
24 city of L.A. I was kind of, you know, like a
25 nobody 20 year old and that's sort of like

1 political donor kind of positions.

2 But I just loved the idea of citizen
3 commissions and I loved the sort of the commitment
4 it took, the fact that they were doing actual
5 policy work. And when we moved to Berkeley -- we
6 lived in Nashville for two years, then we came back
7 to California. And I just knew from the beginning
8 that I wanted to be on a commission. And then when
9 I learned, I looked at the city's list, I thought
10 this is great, this is like bringing my desire to,
11 you know, be on a commission, do this work that I
12 think is super valuable.

13 Also it's a way to get to know my city. I
14 felt a little bit alienated for not really knowing
15 my community and being an adult for someone to whom
16 community matters and knowing a city really matter.
17 I had no connections to Berkeley. And so I thought
18 it would serve a nice marriage of a lot of
19 interests but in particular, my interest in
20 campaign finance.

21 And that sort of what drove me initially
22 to go into policy -- what I thought was going to be
23 policy work when I went to City Hall was because I
24 really, I had been a journalist to that point and I
25 thought why am I sitting on the sidelines? I

1 should really work in City Hall and actually do
2 policy.

3 And so -- and it was because of my work at
4 the Clean Money Campaign that really -- that was
5 sort of the spark. And so when I got -- you know,
6 ten years later I'm in Berkeley I thought this is
7 perfect, this is a commission that does all of
8 those things together.

9 And so I -- I guess it was kind of
10 chutzpah, I just e-mailed the councilmember and
11 just said, hey, appoint me, you have an opening.
12 And it initially was an opening on a different
13 commission and I kind of repeated like, hey,
14 there's this new opening on that one, I really want
15 to be on that one. And that's how I got in.

16 PANEL MEMBER COE: So this is where it gets
17 to be a little similar to the question that was
18 previously asked but I'm going to change it a
19 little bit.

20 If you could pick one skill or attribute
21 or experience or ability that you gained from there
22 that would be directly applicable to be a benefit
23 to this Commission, what would you say that is?

24 MS. SOICHET: So there were a lot of
25 learning experiences on that commission. I learned

1 a lot about how quasi-judicial bodies, you know,
2 handle evidence and how Commissioners can't just do
3 their, you know, bring -- come to a
4 Commission meeting with their own research.

5 I think the moment that I was sort of
6 proudest of and that I learned from and I think
7 that would be helpful in the future involved a
8 really destructive meeting where I was -- I was the
9 chair of the meeting. And we knew there were going
10 to be issues.

11 There was -- there were -- there had been
12 two complaints filed against the mayor. And one of
13 the complaints we had found was just sort of
14 jurisdictionally out of the realm and it sort of
15 didn't really apply and we sort of kind of
16 dismissed it, but it was filed by one of the
17 mayor's political opponents. And a political
18 opponent who has a history of violence against the
19 mayor and I actually later represented the mayor in
20 a TRO in a restraining order situation because of
21 the threats of violence.

22 But we knew that that meeting was going to
23 be difficult because he had shown up at other
24 meetings. And I think the ability to sort of
25 direct the meeting, keep people on task, and also

1 be able to give him -- he felt like he had been
2 heard but also not letting him take over the
3 meeting which really, you know, it's one thing when
4 you're a board of 14 and there's a big audience.
5 It's totally different when you're a, you know,
6 small neighborhood commission and -- of nine people
7 and, you know, maybe ten people are showing up on
8 an item, and you're in a very small room that's,
9 you know, a lot smaller than this.

10 The public can really, you know, it gets
11 to be -- a destructive audience member who's
12 threatening violence can really sort of bring -- can
13 escalate very quickly in a way that people feel
14 unsafe.

15 And so I think that going into it, I
16 talked to staff and sort of worked out sort of
17 okay, these are the rules of decorum, these
18 are -- these are things I'm going to allow, these
19 are things I'm not going to allow, and this is how
20 we're going to handle it. And we were kind of all
21 on the same page.

22 And, ultimately, you know, he I think came
23 away, I mean, he was angry because we dismissed his
24 complaint on the basis -- on the fact that it was
25 we thought was baseless. But I think he felt -- he

1 felt that he had been given enough voice and
2 opportunity and he had several supporters there who
3 they weren't complaining about us, they were
4 complaining about the mayor. And I felt -- I felt
5 like that was really sort of something that I took
6 away as like okay, we can do this. We can do this
7 in a way that's safe for everyone. We can, you
8 know, handle like sort of discord from the public.

9 And the mayor was very, you know, sent me
10 a letter thanking him and, you know, thanking me.
11 So I thought that was, yeah, something that -- one
12 experience that really shaped sort of how I view my
13 time on the commission.

14 PANEL MEMBER COE: Thank you.

15 You're a former speech writer for the
16 mayor of Los Angeles.

17 MS. SOICHET: Uh-huh.

18 PANEL MEMBER COE: That, I would assume,
19 was a rather unique experience.

20 MS. SOICHET: Yes.

21 PANEL MEMBER COE: What kind of skills or -
22 - or experiences you required during your time in
23 that role that would be a benefit to the
24 Commission?

25 MS. SOICHET: So going back to the example

1 I gave about working in a legal clinic and how one
2 of the takeaways I had was everyone has different
3 strengths. And rather than focusing on people's
4 weaknesses, really focus on what they actually do
5 bring to the table that was something that was very
6 much in that job.

7 I -- it's a hard job when you're a speech
8 writer because you're supposed to write in the
9 voice of someone who you're not. And in some ways
10 you're changing his voice to be more like yours but
11 you're actually trying to really be in his -- speak
12 in his voice.

13 I had to learn a lot about sort of various
14 issues that I really knew nothing about. I had to
15 work with people who were full-time policy experts,
16 you know, who are subject matter experts. And they
17 would give me, you know, some ideas and some
18 talking -- some bullets. And they were always, I
19 mean for the most part, you know, they were often
20 very like factual but didn't have a whole lot of
21 like the framework. And so it was a lot of working
22 with the staff, you know, my colleagues to really
23 sort of like flesh it out, understand what we're
24 trying to do here, then, you know, try to make it
25 sound like the mayor.

1 And sort of appreciating, you know, there
2 was a lot of sometimes the mayor would be
3 frustrated about something or, you know, I would be
4 frustrated because staff gave me something. I'd be
5 like, I can't believe they can't write. Then I'm
6 like, of course they can't write, that's not their
7 job. Right? Their job is to be this like to be
8 out in the community and do these sort of direct
9 services that I couldn't do but that they were
10 amazing at.

11 And so, yeah, I think that was -- it was
12 really the interaction with -- with staff which is
13 probably not what you're thinking of when you think
14 speech writer. But that was -- I came away from
15 that job thinking like wow, okay, people are
16 different, people have different skills and we
17 really have to work together. Yeah, I was also
18 yelled at a lot, you know, it comes with the
19 territory of working for an elected official, I
20 guess.

21 There was also pressure. There was a lot
22 of waking up at 4:00 in the morning. A lot of
23 stressful -- now you're bringing back all these
24 memories from my 20s.

25 PANEL MEMBER COE: I wanted to step back to

1 something you mentioned in your answer to Question
2 2, the standard questions that were at the
3 beginning here.

4 MS. SOICHET: Uh-huh.

5 PANEL MEMBER COE: In terms of protecting
6 hyper-partisanship, you said something to the
7 effect the Commission needs to be driven by facts
8 and data.

9 MS. SOICHET: Uh-huh.

10 PANEL MEMBER COE: There's obviously a lot
11 -- large part of the process, though, that is
12 driven by people and their preferences and their
13 feelings. And that's squishier --

14 MS. SOICHET: Yeah.

15 PANEL MEMBER COE: -- and less hard and
16 fast than data or facts.

17 It's hard to differentiate and find
18 concrete, you know, there's going to be some blind
19 spots there, find concrete information from which
20 to make decisions on that.

21 How would you -- how would you handle that
22 within the context of avoiding hyper-partisanship
23 or the look of hyper-partisanship?

24 MS. SOICHET: No, I appreciate that, I
25 think that's a fair -- that's a fair sort of

1 response.

2 I think that what I meant by that is, you
3 know, I think it's like Senator Moynihan had said
4 that, you know, you can own your -- everyone has a
5 right to their own opinions but not to their own
6 facts. And I think that's more what I get at is
7 that, you know, I deal with hyper-partisanship in
8 my family and one of the things that frustrates me
9 the most is when people just disregard the facts
10 and the reality and it's just sort of blind to it
11 because it's convenient to them to just ignore it.

12 And so that's what I meant more is it
13 wasn't so much to say that the process needs to be
14 entirely sort of fact-driven and, you know, sort of
15 based on like census data only but just that I
16 think there's this sort of common agreement about
17 things that you can't change and that you're not
18 going to sort of hide and ignore and there are,
19 just there are some objective facts. And how you
20 treat objective facts is different. Right? Based
21 on the input you're getting from people. But you
22 can't just choose to make up facts or -- or ignore
23 them entirely.

24 So I don't know if that sort of answers,
25 if that's specific enough.

1 PANEL MEMBER COE: No, I understand what
2 you're saying.

3 MS. SOICHET: And maybe I guess, the big,
4 you know, I think what's so difficult is defining
5 communities of interest. Right? And people -- and
6 that's what kind of what we're -- I feel like what
7 we're talking about a little bit. And I don't
8 think that definition is purely fact-driven.
9 Right? Or at least not in the facts that come
10 through census data.

11 What I think there are facts that come
12 through public comment and it's just -- not -- not
13 choosing -- just choose -- I just don't think that
14 to get someone's trust, you can conveniently ignore
15 things that are like un-ignorable, if that makes
16 sense. That's what I was trying to say.

17 PANEL MEMBER COE: Okay. Thank you.

18 In that same question of Question 2,
19 you -- in terms of what the Commission can do to
20 not be seen as hyper partisan or polarized, you
21 said in meetings and when we're getting that public
22 input, make sure that every voice is heard and that
23 Commissioners need to be able to change their
24 minds.

25 MS. SOICHET: Uh-huh.

1 PANEL MEMBER COE: Can you give us an
2 example of a time where maybe you had to change
3 your mind based on input that you received?

4 MS. SOICHET: Yeah. I'm trying to
5 remember what the -- I mean, this happened a number
6 of times when I was on the -- my local Fair
7 Campaign Practices Commission where I, you know,
8 read my agenda materials and read the staff report
9 and I would go into meetings sort of thinking one
10 thing, often thinking that what staff had done was
11 thorough and was right.

12 And then it was listening to sort of my
13 fellow Commissioners -- I'm trying to remember
14 there was one specific complaint, I'm failing to
15 remember the facts of it. But what I thought was
16 so such clearly a violation, hearing one of my
17 other -- the other Commissioners who had been a
18 campaign, like a treasurer on a campaign. And for
19 him, he was approaching it in a completely
20 different way than I was. He was approaching it in
21 a way where he had actually gone through like the
22 technical little like this is what you have to
23 declare. And he saw what had happened in a much
24 different view than I had.

25 And it wasn't because I was making certain

1 assumptions, it was just because I wasn't thinking
2 the same way that he was. And I think that that
3 actually happened quite a lot on our commission and
4 I, you know, sort of credit the people who
5 appointed us as really sort of appointing people
6 from sort of different back -- not just backgrounds
7 but just different experiences when it came to this
8 one issue, right, of campaign finance.

9 So that happened a number of times. But
10 there is this one, I just can't remember the facts
11 of the complaint but it was a very technical
12 violation and I just remember being kind of blown
13 away like, oh, okay, like moving on because here I
14 thought we had something and we don't. So, you
15 know, like he's probably right.

16 PANEL MEMBER COE: Okay. Thank you.

17 Earlier I think Ms. Dickison asked about
18 you attended a meeting of the original Commission -
19 -

20 MS. SOICHET: Uh-huh.

21 PANEL MEMBER COE: -- the 2010 Commission.

22 And outside of being surprised by the
23 turnout of the public, was anything else that
24 surprised you or anything that you learned about
25 redistricting in general from attending that or

1 from the way that the Commission was going about
2 doing their work?

3 MS. SOICHET: I think I was surprised at
4 how much community input was involved. So at the
5 time I was interning, it was my second year of law
6 school, it was the summer of my second year. I was
7 interning for the Lawyers' Committee for Civil
8 Rights. And I was working for Robert Rubin who is
9 a voting rights attorney in the state of
10 California, he's one of the two attorneys who wrote
11 the California Voting Rights Act.

12 And so we were approaching it like we had
13 a data scientist. And, you know, to me it was so
14 like sort of fact-driven in that sort of census
15 fact data. And I think I was very surprised at how
16 much value was given to public input. I think it
17 really changed my opinion. It was like oh, yeah,
18 of course.

19 MS. PELLMAN: Five minutes.

20 MS. SOICHET: If you're talking about
21 interest and community, like numbers don't drive
22 community, people do. Right? And sort of what is
23 important to you is different.

24 So for instance, I think about -- this is
25 not -- this is kind of take -- drifting a little

1 bit from what your specific question. But I
2 remember reading about how like, you know, people
3 sort of criticizing some of the things that the
4 Commission had done last time about, you know, why
5 should like a beach be an -- a community of
6 interest shouldn't be around a beach, but you know,
7 I've surfed trestles. Like there is a, you know,
8 there's a community around that. There's for lots
9 of people in that area, San Diego County, that's a
10 very important defining issue for them.

11 And so, I think -- yeah, I just think it
12 opened my mind as to like what inputs should be
13 coming in to the process. And, you know, it makes
14 it harder to think of what's important, what do you
15 weigh? But I think it's impossible to ignore that.
16 Right? People tell you what their community is.

17 PANEL MEMBER COE: Okay. One final
18 question while we still have a little bit of time.

19 If you were to be appointed to the
20 Commission, what aspects of that do you think that
21 you would enjoy the most, be the most successful
22 at? And conversely, what -- what aspects of it do
23 you think you might perhaps struggle with a little
24 bit?

25 MS. SOICHET: So I think I'm a glutton for

1 punishment. So I would actually say that like just
2 listening to people is -- like I love attending
3 city council meetings and just surf watching the
4 whole process play out. I get kind of a high from
5 that and from sort of being there and seeing people
6 really engaged even if it drags until like one in
7 the morning. I just like the process of it. I
8 like -- it makes me feel that -- it just makes me
9 feel better about where I am and people's
10 engagement and what matters to people and that
11 people don't live in sort of a little cocoon in a
12 bubble.

13 But it sort of it -- it reemphasizes to me
14 our connection as humans when we all like take time
15 out of our lives to do something. And for me that
16 thing happens to be, you know, sort of meetings. I
17 know that sounds a little silly.

18 And so I -- I really just I think I really
19 enjoy meetings aspect of it and sort of the taking
20 part of that process. Working with the
21 Commissioners, engaging with the public.

22 A challenge that I mean, really thought
23 about is sort of a more -- is sort of an impact it
24 would have on my like personal life. I know that,
25 you know, some applicants are probably retired.

1 Some may not be married or may not have kids. I
2 work full time, I have a husband, I have two small
3 children who are three and six. And I think that
4 there's no doubt in my mind that this, you know, my
5 family would not -- would -- the people feeling it
6 the worst would be my family members and me not
7 spending time with the people I love. Doing
8 something I think is worthwhile and that sort of
9 balance that I figured it out and sort of call I
10 may that, you know, were I selected, that I would
11 be willing to do it.

12 But I think that would probably be my
13 biggest challenge is knowing that for a significant
14 portion of the year I would not -- the time -- when
15 I'm not working, I'd be doing some serve -- you
16 know, other work. So I feel like I don't have
17 enough time with my family as is.

18 PANEL MEMBER COE: Okay. Thank you.

19 No additional questions.

20 CHAIR DICKISON: Mr. Dawson?

21 MR. DAWSON: Yes, thank you.

22 I have some follow-up questions and I hope
23 -- excuse me if I jump around a little bit. I just
24 wanted -- there are a couple of things that I want
25 to make sure I didn't miss.

1 Your work on the Berkeley Fair Campaign
2 Practices Commission, that work is ended, you are
3 no longer on the commission?

4 MS. SOICHET: I had to -- when I started
5 working for -- so the answer to your question is
6 yes, it has ended. When I joined the city, when I
7 went on staff, I was required to resign.

8 MR. DAWSON: Oh, I see.

9 Well and then sort of in the same vein, so
10 you are now working for a private firm but you do
11 city attorney work.

12 MS. SOICHET: That's right.

13 MR. DAWSON: And your, if I understood,
14 your clients include Walnut Creek, South San
15 Francisco, and Santa Cruz County --

16 MS. SOICHET: Regional Transportation
17 Commission.

18 MR. DAWSON: So these are all local bodies,
19 there's no direct conflict here.

20 MS. SOICHET: I don't see a direct
21 conflict, I don't do any state work.

22 MR. DAWSON: Okay.

23 MS. SOICHET: Or federal.

24 MR. DAWSON: I -- you were working as
25 speech writer for the city -- I'm sorry, the mayor

1 of L.A. Was that Mayor Villaraigosa?

2 MS. SOICHET: Yes.

3 MR. DAWSON: Is that why you came out to
4 California?

5 MS. SOICHET: I mean, lots of reasons I
6 came out to California.

7 I -- so the answer's no. I was already
8 here. I had come out when I was in college. My
9 junior year of college, I interned for the L.A.
10 Times.

11 MR. DAWSON: Hmm.

12 MS. SOICHET: And so that was my first
13 experience. My sister was living in L.A. at the
14 time, my brother then moved down to L.A. And so I
15 had a great summer working at the L.A. Times.

16 I -- after college lived in Vietnam for
17 two and a half years. And then when I came back to
18 the U.S., I knew I just was going to come back to
19 L.A. because that's where I had, you know, made
20 some professional connections but more importantly
21 where I felt like that's the city where I wanted to
22 live.

23 And so I came back and I was working as a
24 journalist in Los Angeles for a few years before I
25 went to City Hall.

1 MR. DAWSON: Well, and this is a perfect
2 segue into what I wanted to ask next which is many
3 of our applicants are native Californians and many
4 are not. You came to California as an adult, you
5 chose California.

6 And I'm interested as an East Coast native
7 who came to California as an adult, what
8 perspective do you think that brings you if you
9 were to be selected as a commissioner that a native
10 Californian may not have?

11 MS. SOICHET: That's a question I hadn't
12 really thought about.

13 I think people in California take for
14 granted sometimes sort of what makes California
15 unique. And coming from a place that is so
16 homogenous is I'm just constantly amazed and I feel
17 very lucky to be in a place where there are people
18 of all different varieties but mostly political
19 views. I mean, there are obviously pockets and
20 areas that, you know, have tend to share a lot of
21 political views but I -- I was sort of -- I think
22 that was one of the things.

23 I'm very much a proponent of Los Angeles. I
24 think I was sort of blown away by how L.A. had
25 like not just, you know, in one day you could go

1 surfing and then hiking in the mountains, but you
2 could literally talk to ten different people who
3 were also different, were not at all politically
4 minded, same minded in the same way.

5 You know, my in-laws live are -- are
6 Soviet immigrates, they live in the valley in
7 Encino and they just live this completely different
8 life that is in some ways very, like, insulated in
9 their world. But I think that -- I think I came to
10 appreciate that more because it was so different
11 from where I had come from that maybe that's
12 something that's valuable is that I see the
13 difference. I see people all around and I'm amazed
14 at how there's this sort of coexistence of people
15 in a way that feels very harmonious, not always.

16 But I think that -- that when you, I'm
17 assuming when you grow up here, that you learn
18 about how to respect people. I mean, hopefully you
19 see the differences and it's normal to you. And I
20 think -- I don't know, maybe there's a way of, you
21 know, when you don't have something and then you
22 see it, you sort of appreciate it more. I'll say
23 that that's, you know, the value that I would bring
24 or that being nonnative would bring.

25 MR. DAWSON: So slight twist to that

1 question. And so I see that you lived in L.A., you
2 lived in the Bay Area, and you've probably now seen
3 sort of the north/south --

4 MS. SOICHET: Uh-huh.

5 MR. DAWSON: -- tension that's sometimes is
6 in California. But there's also a coastal inland.

7 MS. SOICHET: Yes.

8 MR. DAWSON: And so I noticed that you were
9 a fan of Huell Howser, as am I.

10 MS. SOICHET: Yes.

11 MR. DAWSON: What is it --

12 MS. SOICHET: How can you not be? He's
13 wonderful.

14 MR. DAWSON: Right. So the Commission in
15 2010 had an opportunity to go up and down the state
16 and also went to inland valley areas that sometimes
17 are not as well represented in government.

18 Where would you want to go, what would you
19 want to see and learn about California?

20 MS. SOICHET: Oh, I would want to go to
21 the very north. I'd also want to go to the part --
22 and I'm forgetting which county it is where they
23 want to have their own state, like the state of
24 Jefferson.

25 I mean, I want to go definitely inland but

1 sort of in the more rural areas that I haven't
2 been. I think that would be very different to me.
3 Because I have -- you know, I had cases in Fresno
4 and Bakersfield but that's, you know, that doesn't
5 feel quite as different to me as really rural areas
6 that I'm not as familiar with. I'd probably want
7 to go more to the inland empire because I'd have
8 like very limited experience going. And those
9 communities I think change very much like during,
10 depending on the year, you know, what season it is
11 in terms of, you know, migration of like farm
12 workers. I think, yeah, I think more rural is
13 something I would like, I would be interested in.

14 MR. DAWSON: Thank you.

15 We have nine minutes left. Do any of the
16 panel members have any follow ups?

17 CHAIR DICKISON: I do not.

18 VICE CHAIR BELNAP: I do not.

19 PANEL MEMBER COE: No additional questions.

20 MR. DAWSON: Would you like to make a
21 closing?

22 MS. SOICHET: No, I don't think so. I
23 just want to thank you for giving me the
24 opportunity to be here, I really appreciate it.
25 And again, I really appreciate like staff's work

1 in, you know, sending -- respond -- responding to
2 e-mails on a Saturday was a little unexpected, so
3 thank you.

4 CHAIR DICKISON: Thank you.

5 Our next interview starts at 3:00. So we
6 will return at 2:59, so recess until 2:59.

7 (Off the record at 2:36 p.m.)

8 (On the record at 2:59 p.m.)

9 CHAIR DICKISON: Being 3:00, calling the
10 Application Review Panel meeting back to order.

11 Just want to notice that all panel members
12 are present. I want to welcome Ms. Ina Bendich.

13 MS. BENDICH: Ina.

14 CHAIR DICKISON: Did I say that correctly?

15 MS. BENDICH: It's Ina, actually.

16 CHAIR DICKISON: Ina? Ina Bendich.

17 Welcome.

18 MS. BENDICH: Thank you.

19 CHAIR DICKISON: And I will turn the time
20 over to Mr. Dawson who will read the five standard
21 questions.

22 MR. DAWSON: Good afternoon, Ms. Bendich.

23 I'm going to be asking you a series of
24 five questions, standard questions that the -- each
25 of the applicants will respond to.

1 Are you ready?

2 MS. BENDICH: Yes.

3 MR. DAWSON: Question 1. What skills and
4 attributes should all Commissioners possess?

5 What skills or competencies should the
6 Commission possess collectively?

7 Of the skills, attributes, and
8 competencies that each commissioner should possess,
9 which do you possess?

10 In summary, how will you contribute to the
11 success of the Commission?

12 MS. BENDICH: So in terms of attributes, I
13 think I'd like to take a stab at that first.

14 I think we have to care deeply about why
15 voting's important. It's something that for me as
16 an African-American woman is really important
17 because we've had to fight so hard in order to have
18 our voting rights. And so ensuring that the way
19 that districts are structured is really critically
20 important to me just personally. So I think having
21 just a really deep connection to why civic
22 engagement is important is certainly an attribute
23 that Commissioners should possess.

24 In terms of skills, being able to listen
25 to each other and really hear each other I think is

1 really critical. The ability to put aside our own
2 -- you know, we all come with what we've been
3 raised with so we have our own attitudes about, you
4 know, what we think, whether we're more republican,
5 democrat, independent. We have to be able to put
6 ourselves in another person's shoes to be able to
7 make decisions that are putting that part of us
8 aside, really thinking what's going to be good --
9 what's going to be best for the collective good not
10 just our own personal ideas of the ways that we've
11 been raised, really stepping outside of that.

12 I think that because of the kind of work
13 that I do, I've been in education for better part
14 of 20 years. And for about the last ten I've
15 really focused a lot on restorative justice
16 practices. And when -- I actually just finished
17 doing a circle with a group of students before I
18 came up here. And one thing that we say when we
19 sit in circle is that we use a talking piece. And
20 the idea is that when you have the talking piece,
21 you're the one speaking and the job of the rest of
22 us is to listen as deeply as we possibly can.

23 And when you're in a circle, you're
24 listening 90 percent of the time, you're not doing
25 that much talking. And so the ability to really

1 develop our listening skills and really to be able
2 to hear each other, I think is really critical.
3 And that's something I've worked on for a long
4 time. I do training and I work with kids, I work
5 with adults. And I think that's an attribute that
6 is really important in being able to make
7 decisions, especially when you're working with
8 groups that do have very diverse ideas. We're not
9 all coming from the same place and that's really
10 the beauty of it.

11 So I think in terms of how I can contribute to the
12 success of the Commission is really bringing the
13 skills that I have, both as an educator, as a
14 trainer.

15 My life experience also. I was on the
16 Berkeley Art Commission for seven years when I was
17 much younger. And that was a really interesting
18 opportunity because I was able to -- I had to
19 figure out as one of the youngest people on that
20 commission at the time how to have my voice heard
21 but then also learn to listen to others and to
22 recognize the diversity of that commission. And
23 also figuring out how to help them see kind of a
24 broader range than what they had been doing
25 previously.

1 So I think that experience is probably in
2 some ways akin to this one, I would imagine, just
3 in terms of working with people and having to make
4 decisions and really being able to think creatively
5 and to think outside of the box too.

6 I think as an educator, I've always worked
7 mostly, I'm working an action -- actually, right
8 now I'm working in a very affluent district and a
9 very -- in Vallejo which is incredibly diverse,
10 mostly working class. And figuring out how to
11 support everyone within, you know, their different
12 communities. And being able to recognize that we
13 all, even though we have differences, we have
14 similarities. And trying to find those common
15 places where we can really hear and listen to each
16 other I think is how we get to the place of being
17 able to think outside of the box and think
18 creatively about coming up with solutions that are
19 going to make sense and really benefit as many as
20 possible.

21 So, yeah.

22 MR. DAWSON: Okay.

23 Question 2. Work on the Commission
24 requires members of different political backgrounds
25 to work together. Since the 2010 Commission was

1 selected and formed, the American political
2 conversation has become increasingly polarized
3 whether in the press, on social media, and even in
4 our own families.

5 What characteristics do you possess? And
6 what characteristics should your fellow
7 Commissioners possess that will protect against
8 hyper-partisanship?

9 What will you do to ensure that the work
10 of the Commission is not seen as polarized or
11 hyper-partisan and avoid perceptions of political
12 bias and conflict?

13 MS. BENDICH: Well, I think that the way
14 the Commission is structured, it's really set up to
15 help to guard against some of these things. You
16 know, you're interviewing Democrats, Republicans,
17 Independents. So you're trying to create a
18 Commission that's got a pretty broad, you know,
19 makeup of people from different, you know, ways,
20 from different backgrounds, from different
21 political views. And that in and of itself is
22 pretty unique.

23 I was actually just in Washington, D.C.
24 last week and I got to sit in on a voter -- a voter
25 suppression hearing. And it was fascinating. You

1 know, because you could see the partisanship right
2 there. You know, no one was really, you know,
3 trying to listen or hear -- to hear each other and
4 so that's why things don't get done.

5 And so I think just the way that this
6 Commission is designed, it's set up to try to avoid
7 some of that by bringing people together that do
8 come from all of these different places with the
9 goal of trying to create districts that are going
10 to be as fair and equitable as possible. So I
11 think just the fact that a citizen is doing it as
12 opposed to elected officials is really important.

13 I think it speaks to, I mean, I was just,
14 you know, it's been on the news about voting being
15 so easy in California but then there are also
16 places where there were long lines. But the idea
17 that I could tell a student the other day who's 18
18 now that she could actually go and vote and
19 register the day of the election is really cool.
20 And so I think, you know, we've got these set ups
21 within California we're trying to think in ways
22 that I think the rest of the nation can follow
23 because it is citizen driven. It's not driven by
24 people that we've elected, you know, who do tend to
25 have their own partisan, you know, ways. I mean,

1 that's the way -- that's the way it's set up.

2 And I think, you know, we're learning that
3 there needs to be some work done in that arena,
4 too, to get us back to a place where we can be
5 civil and listen to each other because we're not
6 right now. I mean, it was -- really, it was
7 something. I mean, I'm sure, you know, you guys
8 have probably had the opportunity either here or to
9 go to Washington. But to really sit in on a
10 hearing and just see what really goes on was just
11 incredibly mind-blowing and eye opening. So.

12 So really to get back to the question, I
13 think that the way the Commission is set up, you're
14 trying to guard against that. And then in terms of
15 the characteristics the Commissioners should
16 possess, I think I sort of spoke to that before
17 that it really has to do with us being willing to
18 put aside our own, you know, our own belief system
19 to really hear each other and then try to come to
20 decisions that are going to be with a goal of
21 trying to create as much equity as possible. So I
22 think it's staying focused on what the goal is.

23 So within the restorative justice world, I
24 would talk about values. Like what do we value?
25 What do we really care about? What are we trying

1 to accomplish? And how are we going to get there?
2 So if we have the goal in mind of trying to create
3 districts that are going to be the most fair and
4 representative for people within the state, then
5 that's where -- that's where we're trying to go.
6 And so the way to get there is to really work
7 together and listen to each other and find ways to
8 express how we feel but in ways that are going to
9 move the conversation forward towards that goal.

10 MR. DAWSON: Thank you.

11 Question 3. What is the greatest problem
12 the Commission could encounter, and what actions
13 would you take to avoid or respond to this problem?

14 MS. BENDICH: You know, I wasn't sure
15 about that question so I tried to Google what could
16 redistricting Commission's problems be? And just
17 came up with when I was looking it up, it was like,
18 you know, this is a great idea because it makes so
19 much more sense than the way, you know, we tend to
20 do things before this was created. So.

21 I mean, I would think that the greatest
22 problem, maybe, could be I don't know about
23 perception from, you know, just a general
24 electorate maybe. It doesn't seem to mean that
25 there's a bad perception about it so I'm not sure

1 that that could necessarily be a problem.

2 You know, perhaps how people are relating
3 to each other on the Commission. But I mean,
4 honestly, you guys have created a really pretty
5 careful process. This is a lot of work to, you
6 know, to do this to apply. I mean, it's a fair
7 amount of paperwork. And I'm sitting here for an
8 hour and a half in front of all of you and, you
9 know, so you're being careful.

10 So I think that I'm not really quite sure,
11 actually, what the problems would be because I see
12 this as being a pretty careful process and I think
13 the idea of it makes a lot of sense. It seems to
14 be the most fair way, you know, to try to determine
15 how districts are going to be drawn. So I'm not
16 sure I can really answer that one.

17 MR. DAWSON: Question 4. If you were
18 selected, you will be one of 14 members of the
19 Commission, which is charged with working together
20 to create maps of the new districts. Please
21 describe a situation where you've had to work
22 collaboratively with others on a project to achieve
23 a common goal. Tell us the goal of the project,
24 what your role in the group was, and how the group
25 worked through any conflicts that arose.

1 What lessons would you take from this
2 group experience to the Commission if selected?

3 MS. BENDICH: Well, I think when I was
4 writing up my essay questions, I talked a little
5 bit about the Art Commission, so perhaps I'll
6 elaborate on that a little bit.

7 So I came to be on the Berkeley Art
8 Commission when I was in my late 20s because a
9 friend of mine who was actually kind of a child
10 prodigy, he was a musical prodigy, he was being
11 honored by the city along with a number of other
12 people in the theatrical arts, and the music, and
13 dance. And I had to go to the commission meetings
14 because the Berkeley Art Commission was responsible
15 for putting on this event.

16 And I was appalled. You know, I'm sitting
17 there and I was listening to them talk about, you
18 know because this wasn't the only item on the
19 agenda, you know, this particular event. And so I
20 was hearing all these other things that were going
21 on. And all I heard them talk about was the
22 ballet, Berkeley Rep, the symphony. And I'm
23 thinking there's all kinds of arts going on in
24 Berkeley. This is a fairly large city. You know,
25 there's so many opportunities for different things

1 that they could be doing.

2 And so I remember going home and talking
3 to my mother and she said, you know, when you see a
4 problem like that and you know that there's -- it's
5 not quite just, the best thing you can do is try to
6 get involved. See if you can try and get on that
7 commission. And so I contacted one of the local
8 city council members who didn't have a member that
9 they had assigned, and I was able to get onto the
10 commission.

11 And over the course of the seven years
12 that I served, we were really able to steer the
13 commission towards not only just focusing on the
14 ballet, the symphony, and Berkeley Rep, but also
15 looking at the rest of Berkeley and serving the
16 young people of Berkeley and serving small arts
17 organizations that were doing community-based work
18 that weren't necessarily on the commission's radar.
19 And so over the course of time, different people
20 that got assigned had similar kinds of visions
21 about how the commission could expand what it was
22 doing and we were able to work effectively with
23 first trying to help them see that there was more
24 to Berkeley.

25 And it was a struggle, you know. Because,

1 you know, when you talk about people sort of being
2 stuck in where they are and not being willing to
3 change and, you know, finding it difficult to be
4 more inclusive. The thing that I think that I'm
5 most proud of is that we were able to steer the
6 commission into a different direction and to also
7 include more.

8 And I'm still friends with people that I
9 served with and it's been, you know, 25 years,
10 almost 30 years in some cases. So I just think
11 that working together was really important in being
12 able to help to steer things, was also really
13 critical to the commission's success, or being more
14 successful.

15 I could also speak to about my work as a
16 teacher. We -- I worked in West Oakland where air
17 quality was a real issue. In West Oakland, we were
18 very, very close to a metal recycler and fairly
19 close to the port. And a lot of kids had asthma.
20 The asthma rates in West Oakland are actually
21 higher than in most places in the Bay Area.

22 And I was working with this organization
23 called the Rose Foundation for Communities and the
24 Environment. And we were able to pull in a guy
25 that knew how to do air testing. And we helped the

1 students understand that in order to really tackle
2 a problem, you have to do research, you have to
3 understand what it is that your goal is. And if
4 you can put all of your, if you can line all of
5 your ducks up, you can actually go to city
6 officials and they have to listen to you because
7 that's their job.

8 And so we did a lot of research around
9 looking at air quality in that area. We put
10 together a presentation. The students went and
11 spoke to the mayor. We got the city council, we
12 got the city attorney's office, we got code
13 enforcement, we got the fire department involved.
14 And what the students learned was that all of these
15 different agencies had different responsibilities
16 when it came to keeping the air and ground water
17 safe.

18 MS. PELLMAN: Fifteen minutes.

19 MS. BENDICH: And eventually we also got
20 the Bay Area Air Quality Management District
21 involved, and we were able to get air monitors put
22 onto the school. And so they tested the air around
23 the neighborhood. And then there was also people
24 in the community because we had gone and talked to
25 neighbors to try and get them interested in what we

1 were doing to see how they were impacted, you know,
2 by the air quality within this area West Oakland.
3 And they formed their own organization and they're
4 still doing stuff to this day.

5 But we were able to really get the
6 attention of all of the public entities that were
7 responsible. And it took about four years to
8 finally get the kind of response we were looking
9 for. But the metal recycler turned out to be the
10 biggest culprit and the city attorney's office
11 fined them over a million dollars because they
12 weren't properly, you know, dealing with the metal.
13 You know, because you have to burn it and do all of
14 this stuff and it was off gassing, and what was
15 happening wasn't right.

16 And so, you know, we really formed a
17 coalition with -- among the students, the
18 community, all of the different agencies that
19 needed to be involved to help us move this thing
20 forward. And we were able to, you know, get the
21 air tested and make some changes in the community
22 which, you know benefited.

23 So it was a really wonderful opportunity
24 for students to be able to see civic -- they were
25 civically engaged in a way where they were actually

1 doing something real and they were able to see the
2 fruits of their labor. And it was really, I think
3 it was, you know, it was one of the, for me, it
4 felt good to have them do something that was really
5 going to make a difference within this community.

6 So did I answer all the questions? What
7 lessons would I take from this group experience to
8 the Commission?

9 I think just the lessons that I've learned
10 were that, you know, if you know what you're
11 talking about, if you've done your research, then
12 the entities that are put in charge of keeping us
13 safe really need to listen or they're not doing
14 their jobs. And I think it's important to be able
15 to understand, you know, what the problem is and be
16 able to find ways to work together to solve it. So
17 whether it takes, you know, doing research,
18 whatever it takes to try to move this thing forward
19 in the way that we need it to go.

20 MR. DAWSON: Question 5. A considerable
21 amount of the Commission's work will involve
22 meeting with people from all over California who
23 come from very different backgrounds with a wide
24 variety of perspectives.

25 If you were selected as the commissioner,

1 what skills and attributes will make you effective
2 at interacting with people from different
3 backgrounds and who have a variety of perspectives?

4 What experiences have you had that will
5 help you be effective at understanding and
6 appreciating people in communities of different
7 backgrounds and who have a variety of perspectives?

8 MS. BENDICH: So I think that's what I do
9 every day. You know the kind of work that I do,
10 whether I'm doing training or whether I'm, you
11 know, working doing direct services with young
12 people, I'm always working with completely
13 different kinds of people from everywhere.

14 I think I mentioned in my writing that
15 Vallejo is one of the most diverse cities in the
16 country. And so I am constantly encountering
17 people from all different, you know, cultural
18 backgrounds and different, you know, ways of seeing
19 the world and, you know, we have to work together.
20 And, you know, within the context of education, the
21 idea is to try to model the kinds of behaviors that
22 we want our students to develop. And so, really,
23 learning tolerance I think is extremely important
24 and that's something that is really important to me
25 and something that I work on daily.

1 Yeah. So I think -- so I mean, I could go
2 -- I could name all kinds of experiences but the
3 basis of the work that I do is really trying to get
4 people to communicate and come together and resolve
5 problems. That's the main thing that I do. So I'm
6 constantly working with, you know, different kinds
7 of diverse groups.

8 MR. DAWSON: All right.

9 Now each panel member will have 20 minutes
10 to pose his or her questions. We'll begin with the
11 Chair, Ms. Dickison.

12 CHAIR DICKISON: Hello. I wanted to go to
13 your answer to Question 2, you talked about the
14 voter's suppression hearing in D.C.

15 MS. BENDICH: Uh-huh.

16 CHAIR DICKISON: What did you learn at that
17 hearing that you can bring to the Commission's
18 work?

19 MS. BENDICH: I learned how important it
20 is for us to learn to be civil, for us to learn to
21 listen to each other, and to really hear what
22 people are saying, and believe that what they're
23 saying is their truth.

24 Diane Nash who was, they call her Mother
25 Nash, she was part of the bus boycotts and part of

1 the lunch counter sit-ins, and it was incredible to
2 me how disrespectful some of the Representatives
3 were, you know, speaking to her. And, to me, that
4 was appalling and that's not how we move anything
5 forward.

6 And so I think knowing that we all have a
7 common goal in mind and that we're trying to reach
8 that goal is really important. But I think being
9 civil and really learning how to listen is super
10 important because I did not see that happening.

11 CHAIR DICKISON: Thank you.

12 So you're a consultant to restorative
13 justice trainer.

14 MS. BENDICH: Uh-huh.

15 CHAIR DICKISON: Can you kind of tell me
16 what your duties are in that position?

17 MS. BENDICH: So currently I'm working at
18 two different school districts and so I coordinate
19 in Vallejo. I've been working there about six
20 years. So we've created a pretty robust program.

21 I come in, each year there's a law academy
22 program at this particular high school and I train
23 students to learn to be circle keepers. And then I
24 work really closely with the administrators to
25 identify situations that would be appropriate for

1 the students to help support their peers.

2 And we interview the students. We help
3 them determine -- we determine, well the students
4 determine whether or not it's appropriate for them
5 to come in for a restorative process. And if they
6 deem that the students are ready, then we bring
7 them together and we have a very formalized way of
8 sitting in a circle and having a conversation
9 that's really structured. And it helps them
10 resolve their issues.

11 So the requirements for that is that they
12 need to be -- they have to be willing to take
13 accountability for whatever it is that they've done
14 and then they also have to be willing to want to
15 come to circle because it's always an invitation.

16 And so what we find is that for young
17 people especially, they all have a story to tell
18 and they really need to be heard. And this, the
19 circle process provides them with a container that
20 is safe and supportive. And they know that the
21 people that are there are there, you know, to
22 really help them. And, you know, as I was saying
23 earlier, it's value centered so we really want to
24 think about what it is that's important to young
25 people within the context of circle to really be

1 present and feel like they can get what they need.
2 And then we have circle core guidelines. So, you
3 know, it's very, very structured.

4 So I'm the coordinator at the school in
5 Vallejo to ensure that that process works. I keep
6 track of it, you know all of the -- I do all of the
7 administrative work, you know, in terms of knowing
8 which students we've been working with and what the
9 outcomes were, and all of the follow up.

10 I'm also working at a continuation school
11 that's also in Vallejo. And we have a group of
12 students that are the restorative leaders at that
13 school. So it's basically the same idea. I go to
14 that site and then when there are problems that
15 arise, we help to resolve them. We're also doing
16 some work -- we were also able to get some money
17 from a local foundation that funds Solano County.

18 And we've set up a wellness space at both
19 sites. So beyond just doing the restorative
20 justice work, we also have a wellness room. And so
21 when students are feeling anxious or, you know,
22 they just can't focus, they need to take a few
23 minutes, sometimes there's underlying issues going
24 on. They need to be able to talk so they can come
25 in and we have a clinical -- a woman that's doing

1 her PhD in clinical psych that is there part time.
2 I'm also there. And so we help to support students
3 in that way.

4 I'm also working in Piedmont doing a very
5 similar process. It isn't quite as formalized as
6 it is in Vallejo, because I haven't been there as
7 long. But that's, it's the area that's quite
8 affluent.

9 But it's really interesting, you know,
10 just seeing what goes on and the kinds of issues
11 that happened, and how they've responded to them in
12 the past, and really trying to bring a more
13 restorative lens, particularly for the high school
14 there. It has been a challenge. We've been trying
15 to get in there for a few years and finally this
16 year I've been able to crack through the door.

17 And I can see that I think it's going to
18 start to be something that they can look to, and
19 see okay, you know, actually this does work, we
20 don't have to be punitive all the time. We can
21 actually slow down, take the time to really hear
22 what's going on and approach this in a different
23 way to try to move things forward.

24 So whether it's helping support a new
25 teacher that, you know, is coming into a class

1 midyear and the kids are, you know, wilding out.
2 And they -- he needs some support around how to,
3 you know, get them engaged so that they can learn.
4 Or, you know, whether it's issues between students
5 or issues between staff. So the restorative
6 process can be used to manage all of those things.

7 CHAIR DICKISON: So the work around the
8 restorative process --

9 MS. BENDICH: Uh-huh.

10 CHAIR DICKISON: -- how will that work in
11 your knowledge if that will benefit the Commission?

12 MS. BENDICH: I think more the ability to
13 be able to listen because I'm always thinking about
14 things, you know, through that lens. Like, you
15 know, what are you really saying? You know, that's
16 really important to really hear.

17 And I think that having done this work for
18 quite a few years now, I think I've got a pretty
19 good -- my ability to be able to really listen is
20 fairly well-developed. And I think that's
21 important.

22 CHAIR DICKISON: So you did talk about the
23 Rose Foundation for Communities and the
24 Environment.

25 MS. BENDICH: Uh-huh.

1 CHAIR DICKISON: How you mentioned a
2 project in your application that was focused on
3 voter registration in Alameda County --

4 MS. BENDICH: Yeah.

5 CHAIR DAY: -- is that correct?

6 Can you kind of talk about this project
7 and what you learned from the students that were
8 involved in it?

9 MS. BENDICH: Well so the Rose Foundation
10 gets donor-advised funds. So say if, you know, a
11 company gets sued for something and the judge
12 decides that so much money has to go into a pot,
13 the Rose Foundation has a certain expertise and so
14 they get certain kinds of donor-advised funds that
15 way.

16 And so one of the grants that they had was
17 focused on voter registration. And so when we talk
18 to students about wanting to get involved because a
19 lot of them weren't old enough yet to vote, but
20 they were, you know, certainly capable of being
21 able to talk to people and to register. They were
22 really concerned in their own community because we
23 were in West Oakland, that they didn't see that
24 their people that they, that lived around them.
25 Like maybe their parents didn't vote or they knew

1 their neighbors didn't. And so they were really
2 concerned about wanting to increase voter
3 participation in their community.

4 And so we would go, you know, on the
5 weekends and after school and, you know, to Pack 'N
6 Save or, you know, wherever we could set up a
7 table, and near the BART station, you know, places
8 where, you know, people were coming and going and,
9 you know, being able to approach them. And I think
10 from the student's perspective, it was hard
11 sometimes because people can be so dismissive, you
12 know. And when you're a kid, that's really hard,
13 you know, when an adult just sort of blows you off
14 and doesn't engage.

15 But even when it was hard, they said, you
16 know, this is really necessary, we need to be doing
17 this. And, you know, they did. They stuck with it
18 and were able to get quite a number of people
19 registered. So I think for them it was kind of a
20 reality check on how people engage with their civic
21 responsibilities or not. And I think what they
22 found was that a lot of people just don't know.

23 You know, I don't think we teach civics
24 anymore, at least not the way that I learned when I
25 was in high school. And really understand, really

1 understanding civic participation is something
2 that, you know, if we're not taught that, how are
3 we going to know, you know. And so if you can take
4 a government class or an econ class, that's not
5 teaching you anything about civic participation at
6 all.

7 And so I think I was fortunate to be able
8 to work in a program that was focused on legal
9 studies. And I had a lot of room, you know, to try
10 to pick what I thought would be interesting for the
11 students to learn. And for me giving them as many
12 actual real-life experiences to actually do things
13 that they could see the impact was really
14 important. And to focus on civic engagement was
15 really critical.

16 So. I think that's -- I sort of lost the
17 question. I'm sorry.

18 CHAIR DICKISON: That's okay. What did you
19 learn from the students during that period?

20 MS. BENDICH: I learned how resilient they
21 can be.

22 CHAIR DICKISON: So you work as a
23 restorative justice trainer and that's kind of
24 allowed you to move around and work in various
25 communities throughout California.

1 MS. BENDICH: Right. Uh-huh.

2 CHAIR DICKISON: Can you talk about how in
3 these different communities, how they differ from
4 where you're working, say in Vallejo?

5 MS. BENDICH: Right. Well, Los Angeles
6 Unified was really, really fascinating because I
7 was there for three years going down on the
8 weekends training teachers and staff from all
9 across -- that's what, the second or third largest
10 district in the country. So I encountered just I
11 mean -- whatever Los Angeles Unified looks like,
12 that's who we encountered. It was a very, very
13 broad swath of people.

14 I've done some training down in Santa Ana
15 at a charter school that was predominantly Latino.
16 And when I was asked to do that training, I
17 actually took one of my students that's from the
18 school in Vallejo because she's Spanish speaking
19 and she's just a wonderful, wonderful circle
20 keeper. And she and I did the training together.
21 Because I felt like the students there needed to
22 see someone that looked like them and to have
23 someone young, you know, that wasn't that much
24 older than them would be really important for them
25 to be able to access what we were trying to share

1 with them.

2 And also, there were adults in the
3 training too. And so to see a young person who had
4 developed such a competency, and being a circle
5 keeper and being able to really share the
6 information, you know, alongside me, I think was
7 really enlightening for them too.

8 You know, so I try to think about where
9 we're going and who the audience is and making sure
10 that they're going to have the opportunity to see
11 someone that reflects, you know, their community.

12 So in L.A. it was a little bit different
13 because we were only training adults. And so, you
14 know, I had trainers that were, you know, from
15 different cultural backgrounds. But I didn't have
16 the luxury of sort of specifically being able to
17 target, you know, because I didn't always know
18 exactly which schools were coming each week. But
19 we did really try to meet people where they were
20 and to help support them in whatever way that they
21 needed to be able to get the information that we
22 were trying to put across.

23 CHAIR DICKISON: In some of those different
24 areas, can you think of community concerns and how
25 they may differ from region to region throughout

1 California?

2 MS. BENDICH: Well I think, you know,
3 working in Piedmont was very interesting because
4 they certainly have different concerns than folks
5 in Vallejo would have. You know, it's a very, very
6 affluent community.

7 And so I think how they, you know, just
8 how the schools run, all of it I think is --
9 there's a lot more control over, you know, you
10 can't -- if I were going to speak with a student, I
11 would have to contact the parent first. And that's
12 not, you know, normally, in Vallejo, if I want to
13 talk to a kid, I can talk to a kid. I don't need
14 to go talk to their parents first, you know.

15 Just, so I think really try -- they're
16 much more regimented in how they do things. And I
17 see that and that's fine, you know, and so we just
18 make the adjustment. You know, the whole goal is
19 to try to help the student get what they need and
20 so whatever process I have to go through to do
21 that, that's fine.

22 And so I think it would be the same, you
23 know, in any other community, whatever the norms
24 are for them. You know, when I'm working and doing
25 training in that kind of thing, I have to be

1 sensitive to that to make sure that they're going
2 to get what they need to get. And they're not if
3 I'm not coming in respecting, you know, what their
4 norms are and how they've got their system set up.
5 So I need to understand a little bit about that
6 first and then I can make my adjustments so that I
7 can meet them where they are.

8 CHAIR DICKISON: So the Commission's going
9 to need to identify communities of interest
10 throughout California in order to draw the lines.

11 What are some of the methods that you
12 would use to identify these communities in the
13 various areas throughout California?

14 MS. BENDICH: So I'm not sure I understand
15 the question. So.

16 CHAIR DICKISON: How would you go about
17 trying to identify these communities of interest?
18 How would you --

19 MS. BENDICH: Oh, how did I identify
20 communities of interest?

21 CHAIR DICKISON: Uh-huh.

22 MS. BENDICH: I think I would -- I don't
23 know, I mean, I don't know exactly how you guys
24 work, but I think if I were thinking about how if I
25 were coming into a community and it was relatively

1 new to me, I'd try to understand maybe what the
2 community or like the local community organizations
3 are. You know, who -- who -- you know, what kinds
4 of programs do they have available?

5 You know, I don't know, churches, perhaps,
6 the schools. You know, all of those -- those kinds
7 of institutions that are places for people to
8 gather and come together.

9 You know, I'm thinking about, you know,
10 being on the Art Commission and how, you know, sort
11 of myopic their vision was, you know, at least
12 initially. And the way that we were able to expand
13 that was to look at other smaller groups that
14 weren't necessarily on the radar. You know,
15 because they weren't, you know, sort of big flashy
16 organizations. They might be doing, you know,
17 capoeira lessons with young people or, you know,
18 whatever, you know, something small, not
19 necessarily --

20 MS. PELLMAN: Five minutes.

21 MS. BENDICH: -- you know, the big sort of
22 things that you'd see right away. And so it's
23 trying to make sure that you find those small
24 places, too, because those people have a voice, you
25 know.

1 And making sure that you can get -- I
2 think that's where you're going with the question,
3 to get the broadest swath of what the community
4 represents really takes some digging to make sure
5 that you're not just looking on the surface.

6 CHAIR DICKISON: If you're selected as one
7 of the first eight commission -- Commissioners,
8 those eight will select the last six Commissioners.

9 What would you be looking for in those
10 last six Commissioners to complete the Commission?

11 MS. BENDICH: I think it would depend on
12 who the first eight are. That's kind of hard to
13 say.

14 CHAIR DICKISON: Could you expand on that a
15 little bit?

16 MS. BENDICH: I would want to make sure
17 that there is some diversity for sure, you know,
18 just in terms of race and ethnicity and, you know,
19 cultural background. That would be really
20 important. Making sure that all the different
21 political, I mean, I think you're doing that
22 anyway. You know, just in terms of the way that
23 you've got your system set up. But I think making
24 sure that there's some diversity would be really
25 important.

1 Because when you back to talking about how
2 do you identify the communities, that's how it
3 works. You know, if you have a diverse commission,
4 then they're going to think creatively about oh,
5 let's look over here. And did you look over there?
6 And have we thought about this? And have we --
7 that's how the ideas -- you're going to get more of
8 a diverse, more diversity of ideas if you have more
9 diversity on the Commission.

10 So across the board, so whether -- and
11 also gender as well. And age.

12 CHAIR DICKISON: That's all I have for
13 right now.

14 Mr. Belnap.

15 VICE CHAIR BELNAP: Okay. Thank you for
16 being here.

17 So you graduated from CSU Hayward --

18 MS. BENDICH: Uh-huh.

19 VICE CHAIR BELNAP: -- with a bachelor's in
20 Fine Arts.

21 MS. BENDICH: Yeah.

22 VICE CHAIR BELNAP: So why did you choose
23 that major and how did you end up using that
24 training?

25 MS. BENDICH: So I chose that major

1 because I started off in business and I hated it,
2 and I was ready to drop out and just go to work.
3 And my mother who finished high school and didn't
4 have, you know, any college. My dad had two years
5 of community college. It was super important for
6 them for me to finish.

7 And so my mother said I don't care if you
8 get your degree in basket weaving, you need to
9 finish college. And so I thought, well, I always
10 liked to draw, you know. I could get a degree in
11 art. And I walked into a drawing -- I changed my
12 major. I walked into a Drawing 1 class and I
13 looked across and I saw a girl that I had known
14 since first grade and I knew I had made the right
15 decision.

16 And so honestly, I never really used art
17 in terms of my professional career at all, but I
18 felt like I went through college and I really
19 learned something. The art department at Cal State
20 Hayward was very small. There were only around 300
21 students, so everybody was really close. The
22 professors were wonderful. We'd go to their house
23 for, you know, for class. One of them had a studio
24 in their home.

25 And it was just really -- I felt like that

1 was what I needed, you know, in order for me to
2 feel like I could finished college and get through
3 parts of it that I didn't really like. And I think
4 just as, personally, I just feel like I got
5 something out of it and that was really important
6 to me.

7 And just in terms of, you know, being
8 involved in the artistic world, I mean that's how I
9 ended up on the Art Commission, too, you know,
10 partly. Because I do have an interest in that and
11 I have some knowledge and understanding of art.
12 So. Yeah.

13 VICE CHAIR BELNAP: So I want to return to
14 your statements about the Art Commission and what
15 you learned. I think you've emphasized that people
16 need to learn to listen but something you said that
17 I want to return to is you said, I needed to learn
18 how to be heard.

19 MS. BENDICH: Uh-huh.

20 VICE CHAIR BELNAP: And I can't help but
21 compare that to your time as a teacher in West
22 Oakland and how you helped the students learn how
23 to be heard.

24 So how -- tell us some concepts that you
25 learned that help people learn how to be heard.

1 MS. BENDICH: I think, like you were
2 saying in terms of my work as a teacher, I think,
3 you know, for me, I remember once I was on a board
4 we -- there was a small nonprofit that does one-on-
5 one tutoring that's in San Francisco and I was on
6 their board and I was also a tutor. And I remember
7 saying something once and nobody listened to me.
8 And then, I don't know, three or four minutes go
9 by, and the guy that looked like you said the exact
10 same thing and they heard him.

11 And I never forgot that. I still remember
12 that. And so I think for young people what's
13 important is for them to feel like they know what
14 they're talking about. And you know what you're
15 talking about when you do some research and you
16 have something tangible that you can show that just
17 says look, this is how it is, so you really need to
18 hear me. Because it's not about me, it's about
19 what's here. And I think that's what makes the
20 difference, especially for young people to feel
21 like they're being heard.

22 When we do trainings in the restorative
23 justice world, I want to make sure that before
24 students ever sit in the circle or run a circle
25 with anybody that they really feel like they know

1 what they're doing. So they feel some competency
2 around the skill that they need to have to be an
3 effective circle keeper. And so that is another
4 way of them being heard.

5 Because the students, when they sit in
6 circle know that this person is kind of in charge,
7 you know. And they're running it and there's a
8 certain way that they do it. And I think for young
9 people to be heard in that way is really profound
10 and it's something that they can carry with them
11 for, you know, for the rest of their lives. They
12 take it with them.

13 And it's been interesting to me to have
14 students now that have graduated and moved on and
15 they're in college or working or do whatever
16 they're doing. I've had students come back and
17 say, you know, can you remind me again how this
18 worked because I want to try that. I'm working
19 with some kindergartners and I want to try to do a
20 little mindfulness with them and have a circle
21 corner for them. You know, so I think these are
22 the kinds of skills that we can all benefit from
23 having because they do teach us how to listen, how
24 to be heard. It all kind of fits together in a
25 way.

1 I'm not sure I really answered your
2 question.

3 VICE CHAIR BELNAP: You did.

4 MS. BENDICH: Okay. Good.

5 VICE CHAIR BELNAP: So after CSU Hayward, I
6 think it's maybe about 18 years later, you decided
7 to go back and get a JD.

8 MS. BENDICH: Yeah.

9 VICE CHAIR BELNAP: So why did you go to
10 law school and obtain a JD?

11 MS. BENDICH: I went to law school because
12 I worked in finance. I was an administrative
13 assistant and worked in brokerage firms for almost
14 20 years. And that was okay. But the problem was
15 you sort of, you know, you work for a broker and if
16 the broker leaves or retires, then you're kind of
17 stuck.

18 And so actually my father said to me, and
19 you know, by this time I was well into my 30s, he
20 said, you know, you need something that's more
21 stable. And I said well what if I go and become a
22 teacher? Because I had been doing tutoring, you
23 know, with the Back on Track program. And he said
24 no, no, no. He said you don't want to be a
25 teacher. He said go to law school. So I thought,

1 well okay.

2 So I actually ended up at New College
3 which turned out to be the perfect place for me
4 because it was super progressive and, you know they
5 were doing a lot of community work. I was able to
6 intern with the family law facilitator's office.
7 They had a really good housing rights program.

8 And so it just was, the students were
9 great. The professors were great. It just turned
10 out to be a really good learning experience for me.
11 And I knew when I did it that I still wanted to
12 work with young people in some way so I thought
13 maybe I would do family or juvenile law. And when
14 I finished, I was pregnant, and I got sick, and I
15 couldn't take the bar.

16 And so I ended up working at McClymonds
17 for like ten hours a week doing -- I was
18 coordinating an after school program. And the
19 principal came to me and said, you know, the person
20 that runs the law academy has been here 20 years
21 and she wants to leave, and you're the only person
22 I know that has the right background to be able to
23 take over this program. And so she said if you
24 don't do it, we're going to lose, you know, this
25 grant and, you know the kids, this whole program.

1 And so I thought well, you know, I always wanted to
2 work with kids. I'm doing law ten years later.
3 You know I ended up staying.

4 And so I ended up in education anyway, you
5 know, with the law degree as a way to. I think
6 going to law school really taught me how to think
7 on both sides and how to construct an argument, how
8 to write fairly well. So I feel like I got what I
9 needed from that and it actually enabled me to be a
10 better teacher and a better educator because of
11 that training. So I never used it directly, but
12 I've used it indirectly.

13 VICE CHAIR BELNAP: So that helped me
14 understand the timeline and some of the different
15 turns that you've taking.

16 MS. BENDICH: Yeah.

17 VICE CHAIR BELNAP: When did the
18 restorative justice training come into your life
19 and that became a part of the things you do?

20 MS. BENDICH: So that was, let me see, I
21 started at McClymonds in 2001, so I think in 2007
22 or '8, the District was actually one of the first
23 in the country to start looking at restorative
24 justice as a way to deal with discipline issues.
25 And they offered training one summer and I thought

1 oh, it has the word justice in it. I run a law
2 academy. I don't know what this is, but I'll go.

3 And when I got there, I thought wow, this
4 is first of all, not my personality because I tend
5 to be pretty reserved and I don't -- you know, I'm
6 not that demonstrative. But I knew that the
7 process would be so good for my students. And, you
8 know, I don't know how much you guys know about
9 West Oakland but, you know, I don't think the
10 graduation rate has improved all that much but it
11 was something like less than 50 percent of the
12 citizens of West Oakland had finish high school.
13 And so it's been a depressed community for a really
14 long time.

15 High rates of violence, lot of trauma
16 among the young people. And when I did this
17 training, I realized that this would be a tool that
18 they could add to their toolbox. It would really
19 provide them with a different way of managing
20 conflicts. And so for me it was worth it to try to
21 push past, you know, the parts of it that weren't
22 comfortable for me to get myself to a place where I
23 could effectively work with them and help support
24 them because I felt like it was going to be good
25 for them. And it turned out that was true. So.

1 So it was in 2008. That's when I started doing the
2 restorative justice work.

3 VICE CHAIR BELNAP: And you've touched on
4 some of the practices of restorative justice. What
5 I'd like to hear is more at a high level what the
6 purpose is and then what are some of the key
7 concepts behind restorative justice?

8 MS. BENDICH: So the idea is that we all
9 have a desire to be in a good relationship. Right?
10 And so when you -- so if a harm occurs, it doesn't
11 just affect the two people. So like if the two of
12 you guys had a fight. Right? It's not just the
13 two of you, you know.

14 Assuming you're -- let's say you're young.
15 Right? So your parents get involved, and then your
16 teacher's involved, and then maybe your cousins,
17 and your auntie, and your grandmother. So the idea
18 is that when harms occur, they don't just affect
19 the people that are directly in the conflict, it
20 affects the whole community.

21 And so the idea is, is that you want to
22 restore the community back to a place of health.
23 It's like, you know, it creates like a sickness in
24 the community. And so the way to do that is to use
25 restorative process to try to restore the community

1 back to a place of health where it was before the
2 conflict occurred. So that's the kind of the basic
3 idea. And then the way that you go about that is,
4 you know, using the circle process and, yeah.

5 So initially like if I, when I'm working
6 the school districts, we use a pyramid. And so the
7 idea is, is that if you use restorative practices
8 to do community building, so it would be doing
9 different activities in class, you know, maybe
10 using the talking piece, you know, doing fun things
11 that help everybody to get to know each other
12 better. So, fun stuff. That's all the community
13 building piece. So if you do that, you're going to
14 take care of about 85 percent of the students on
15 any school campus.

16 When you get up to the middle of the
17 pyramid -- the second section of the pyramid,
18 you're talking about maybe 10 percent. Those are
19 the kids that tend to have repeat behaviors and so
20 they need more intensive focus. And then you've
21 got the few at the top that are the ones who
22 really, really need help. And so the idea is that
23 you're really only talking about 15 percent on a
24 school campus that really are struggling and need
25 more intensive help.

1 If you do the community building work from
2 the beginning at the bottom of the pyramid, you're
3 going to take care of a lot of your problems. And
4 so that's what we try to teach and communicate to
5 school districts that if you can really focus
6 everyone on getting to know each other better,
7 getting everyone to care about each other. If I
8 know you like vanilla ice cream and so do I and
9 that's the only flavor, then I'm less likely to do
10 something to harm you because I know something
11 about you.

12 So that's the idea is to try to create a
13 community where people have relationships with each
14 other. So it's really relationships based and, you
15 know, thinking about how to keep the communities
16 healthy by building strong relationships among all
17 the different folks within the community.

18 VICE CHAIR BELNAP: And what impact have
19 you seen in the schools that you've taught this
20 concept at?

21 MS. BENDICH: I know it works.

22 VICE CHAIR BELNAP: How do you know it
23 works?

24 MS. BENDICH: Well when we look at the
25 data, we do see an improvement in like the number

1 of suspensions and expulsions, they are definitely
2 reduced. Students tend to do better in class
3 because they can focus more. Students will start
4 to come and tell us before things happen because
5 they now got a stake in trying to keep the
6 community healthy.

7 So, you know, across the board if you do
8 it and you're consistent and you are vigilant
9 about, you know, really trying to work on these
10 practices, they work. So whether it's a teacher
11 doing mindfulness for a minute, you know, in the
12 class. Or, you know, something small, it doesn't
13 always have to be big. But the idea of trying to
14 get everybody together is really important.

15 VICE CHAIR BELNAP: So as you visualize
16 work on the Commission, do you think any of the
17 concepts that you've been teaching in restorative
18 justice would be applicable? And if so, how would
19 you apply them?

20 MS. BENDICH: Yeah. I mean, ice breakers.
21 I don't know how the commissions are structured
22 but, you know, any opportunity to get people to
23 know each other better I think is the way that you
24 get people to listen to each other because now we
25 know that we have something in common. I think

1 really having an opportunity to focus on those
2 commonalities is really important. And that's
3 something, you know, within the restorative world
4 is really key to how it works.

5 VICE CHAIR BELNAP: And how about -- so
6 that's in the 85 percent, right?

7 What about when conflict occurs? How
8 could the concepts you've been teaching in
9 restorative justice be used to resolve conflict?

10 MS. BENDICH: Well, I mean, the idea is
11 that most of the time, and especially within school
12 systems, there's so little time, you know, to
13 really hear what's going on for folks.

14 So for example, I was walking past one of
15 the vice principals' office about three weeks ago
16 and there was a little girl sitting there, and
17 she's totally in tears. I don't know her, and
18 she's going to be suspended because she was vaping
19 in class. You don't vape in class unless you've
20 got some underlying issues going on.

21 And so I asked him. I said, you know, can
22 I take her and just do a little more in-depth
23 conversation with her. And so I learned so much
24 about this child. And it turned out that I know
25 her sister. And so we were able to set her up on a

1 schedule with the clinical psych person that we've
2 got coming. And I recognized after spending 15 --
3 10 or 15 minutes with her that she had a lot of
4 underlying issues to go through. The problem with
5 the vice principal is that A, he didn't have the
6 time; and B, because he's the authority figure,
7 she's not necessarily going to reveal, you know,
8 what's going on with some of the underlying issues
9 are.

10 So I think, you know, being able to take
11 the time to talk to -- that's what the 10 percent
12 is, is having the time to really understand what's
13 going on. Because nine times out of ten with
14 anybody, it doesn't matter who they are, if you're
15 acting out, there's a reason. And if -- if I can
16 create the environment for you to feel safe, to be
17 able to talk about what's really happening, then we
18 can start to address what the problems are. And
19 find ways, hopefully, you know working together to
20 resolve them.

21 So that's how we approach the 10 percent.
22 We're going to do more intensive work with those --
23 with those students or people, adults, to try to
24 help them to try to understand what the underlying
25 issues are and help them resolve them.

1 VICE CHAIR BELNAP: Okay. So the light
2 bulb for me is that -- that there are communities
3 that feel underrepresented that some people feel
4 are acting out --

5 MS. BENDICH: Right.

6 VICE CHAIR BELNAP: -- and what the
7 Commission needs to do is hear them.

8 MS. BENDICH: That's right. And really
9 listen. Even through the --

10 MS. PELLMAN: Five minutes.

11 MS. BENDICH: -- you know all of the
12 (makes sound).

13 VICE CHAIR BELNAP: Yeah.

14 MS. BENDICH: You know, because there's
15 something there that needs to be uncovered and
16 understood. And I think that's really where the
17 diversity comes in, too, you know, because -- I
18 mean, one thing that I'd have to say, like in
19 Vallejo, most of the administrators are white and
20 most of the kids aren't. And so it's much harder,
21 you know, for them to come in.

22 And it's not like -- they're wonderful,
23 well-meaning people, but they still look the way
24 they look. And for a kid who maybe hasn't had a
25 good experience with a teacher that looks like that

1 administrator, they're going to immediately put up
2 their guard. You know, and their parents will do
3 the same thing.

4 You know, and so helping to support that
5 and have them look, it's not about you, it's just
6 the circumstances, you know. So how do we help
7 sort of help bridge this working together, you
8 know, so that we can create some understanding
9 across both. You know, so that the students can
10 get what they need. The parents feel like, you
11 know, they're being heard and their needs are being
12 met and that the administrators are able to do
13 their job and do it effectively.

14 VICE CHAIR BELNAP: Thank you. No further
15 questions.

16 CHAIR DICKISON: Mr. Coe.

17 PANEL MEMBER COE: Good afternoon, Ms.
18 Bendich. Thank you for being here today.

19 I wanted to go back to something you said
20 on Question 2 that I think Mr. Belnap asked about
21 as well.

22 In -- on Question 2 you said something to
23 the effect of we had to find ways to express how we
24 feel but in ways that will help reach the common
25 goal.

1 And Mr. Belnap asked about this and you
2 spoke about some things that you do in the
3 educational setting with the young people. I'm
4 curious if you could turn that around a little bit
5 on what are the ways that you could do that in the
6 setting of the Commission with -- in your
7 interactions with your fellow Commissioners and
8 then also the interactions with the other
9 communities that you will visit in the course of
10 your work.

11 What ways could you ensure that people are
12 going to be heard in those settings?

13 MS. BENDICH: I mean, I know how I do it
14 in a formal way. I think informally -- I really, I
15 mean, I have to go back to listening, you know, and
16 really stressing how important that is and being
17 able to really hear.

18 And I think, you know, with other
19 Commissioners, if the goal is to try to include
20 communities that are feeling, you know, frustrated,
21 not heard, recognizing that there's more going on
22 for them than, you know, just -- that that's really
23 the issue. And so maybe the way that they
24 articulate it isn't the way that they want to hear
25 it, but it's kind of their truth and so we have to

1 start where they are and find ways to build
2 relationships, you know.

3 You know, restorative justice is all about
4 relationship building. That's it. So you know,
5 the way that you do that is by taking the time to
6 be able to hear what you need to -- you know, hear
7 what your perspective is. I can tell you what my
8 perspective is, and we can figure out how we can
9 get to this common goal together because we are --
10 we respect each other enough to be able to hear
11 each other. And then we can start to come to
12 whatever this, whatever the thing is we're trying
13 to accomplish. We can do that. But we have to get
14 to the place first where we're able to recognize
15 each other's humanity, recognize when we respect
16 each other we might think differently, but that's
17 okay because actually, this is what we're trying to
18 do.

19 PANEL MEMBER COE: Thank you.

20 In an educational setting, you probably
21 have more time to spend with the students and
22 progressively see the improvement based on the
23 amount of time you spend with it.

24 In the context of the Commission, I think
25 time is going to be significantly more limited --

1 MS. BENDICH: Uh-huh.

2 PANEL MEMBER COE: -- especially with the
3 other communities --

4 MS. BENDICH: Right.

5 PANEL MEMBER COE: -- you're going to
6 interacting with and getting input from.

7 Is there a way to do the things that you
8 were talking about in a quicker fashion in order to
9 try and instill those same ideas in that community
10 in the limited time you might have with that
11 community?

12 MS. BENDICH: What kind of time frame are
13 you talking about? I guess it's hard for me to say
14 without -- you know, because, you know, the kind
15 of, the way that I work now, it could be ten
16 minutes, you know, it could be an hour. It just
17 depends. So, you know.

18 PANEL MEMBER COE: Okay. I think the
19 amount of time is ultimately up to the Commission.
20 But a lot of the ways that they went about it last
21 time I think were public hearings, which obviously
22 are --

23 MS. BENDICH: Right.

24 PANEL MEMBER COE: -- kind of a set period
25 of time.

1 MS. BENDICH: Right. Right.

2 PANEL MEMBER COE: And maybe one day, or
3 one set of period of time.

4 MS. BENDICH: Uh-huh.

5 PANEL MEMBER COE: So I was curious if
6 those ideas could applied in a short term as
7 opposed to a long-term setting to reach the same
8 goal.

9 MS. BENDICH: Uh-huh.

10 PANEL MEMBER COE: Do you think it's
11 possible?

12 MS. BENDICH: I think it's possible. I
13 think it would just depend on how it's organized.
14 You know, if that's part of the goal is to really
15 be able to hear people more effectively, then I
16 think if there was some thought put into how -- I
17 mean, part of what I think is super important is
18 how you plan, you know. And so for us, when I do
19 work with young people, with adults, whoever, it's
20 the planning process that's really the most
21 critical. Because then we know what we're going to
22 be going into when we're going to sit in circle or
23 whatever it is that we're doing.

24 And so I think being able to think
25 creatively about perhaps how the hearings are

1 structured, you know, whether there's time allotted
2 for that or, I don't know. I mean, it would depend
3 -- I can't -- you know I don't know enough about
4 how it works yet to be able to speak to that more
5 specifically. But I think if it's planned with
6 that thought in mind, you know, how do we really
7 ensure that we can give people the best opportunity
8 to express what it is that they're feeling? I
9 mean, could do they written responses first or, you
10 know, and then come in and so there's some
11 understanding of maybe what some of the main issues
12 are. I don't know.

13 But I would think that the planning piece
14 would be really important to ensure that people
15 could be heard in then the time issue wouldn't
16 maybe perhaps be such a large one if it were
17 thought through carefully before it's implemented.

18 PANEL MEMBER COE: Okay. Thank you.

19 In your essay on impartiality, you provide
20 with a few high-level examples of experiences you
21 had where you had to be impartial during your
22 career in education.

23 Can you provide us with a few examples of
24 specific examples of when you practiced
25 impartiality and maybe expand on how these examples

1 required you to kind of set aside your preferences?

2 MS. BENDICH: Sure. Which one was that?

3 Is that -- let me put my glasses on. So, I mean in
4 terms of impartiality, to me, you know, civic
5 engagement, voting rights, all of these kinds of
6 things are just critical. They just are. I mean,
7 that's just -- I've always voted. I always will.
8 I think that having access in a way that's fair and
9 balanced is really super important.

10 So in terms of impartiality, that would be
11 the goal. You know, how do we create districts
12 that are going to be the most fair and then --
13 where everyone's voice feels heard and where they
14 feel represented. And so I can't just, you know,
15 bring my own perspective. I've got to be able to
16 listen and hear, you know, listen to other people
17 and really understand where they're coming from
18 and, you know, put myself in their shoes.

19 You know, which -- which I think you have
20 to be able to do. You have to be able to step
21 outside of yourself and say, okay, you know, this
22 person's perspective may be different but they've
23 got something that needs to be heard, you know.
24 And they have a way of seeing the world and I've
25 got to honor that that's their truth. And so if

1 I'm coming from that perspective, then I have to be
2 impartial because otherwise I can't -- I can't
3 function. I mean, I wouldn't be functioning
4 properly in a way that is going to again, get to
5 the goal, you know, if I'm keeping that mind.

6 Whatever I'm trying to -- whatever the
7 goal is what is really important. And so the
8 methodology that I would have to use to get there
9 would be to be able to listen to everyone and
10 understand all of their perspectives and try to
11 figure out as a group what's the best way to get to
12 that goal.

13 PANEL MEMBER COE: In your essay on
14 appreciating for diversity, you discussed having
15 met and worked with diverse groups of people from
16 many different areas in California.

17 MS. BENDICH: Uh-huh.

18 PANEL MEMBER COE: What have you learned
19 from these experiences and from the perspectives
20 that these diverse groups of people have, that
21 you've encountered?

22 MS. BENDICH: I guess I've learned just
23 how important it is, you know, that we are diverse.
24 I mean, that's I think what makes us rich, you
25 know. That's what makes our state so unique in so

1 many ways. I think that's why we tend to be, you
2 know, the leader in so many ways in terms of, you
3 know, coming up with unique, progressive ways of,
4 you know, trying to accomplish the goals that we're
5 trying to set.

6 So whether it be in air quality, or voter,
7 you know, the way that this whole system is set up,
8 I think it's the diversity that speaks to all of
9 that. I think when you don't have that then, you
10 know, it's just not as much fun, and it's not as
11 creative, and it's not as interesting. So I think
12 it's, you know, the diversity of our state that
13 makes us so unique.

14 PANEL MEMBER COE: So if you were to be
15 appointed to the Commission, what aspects of being
16 a commissioner do you think that you would be
17 successful at or enjoy the most?

18 And conversely, what aspects of being a
19 commissioner do you think you might perhaps
20 struggle with a little bit?

21 MS. BENDICH: I mean, I'm interested, you
22 know and I'm curious. I'm interested in people's
23 stories. I'm interested in what their experiences
24 have been. So I think being able to, you know, be
25 part of hearings where, you know, people are

1 talking about, you know, what's happening for them,
2 that's really interesting to me.

3 I'm trying to think, you know, back when I
4 was on the Art Commission, what were parts of it
5 that I didn't really enjoy that much. I mean, I
6 found it all to be pretty interesting, honestly.

7 I do remember reading something in here
8 about, you know, some of the analytical work and,
9 you know, reading, you know, a lot of dense
10 materials and that kind of thing. I mean, I don't
11 think anybody really thoroughly enjoys that, but I
12 know how to do it, you know. It's part of the job
13 so, you know, you do what you have to do. So.

14 By and large I think because this is
15 something that allows us to be able to create
16 voting districts that, you know, can work as well
17 as possible. And that because it's citizen driven,
18 that's what's interesting to me. So I can't really
19 say that there's not part of it that I wouldn't
20 find, you know, that mundane, honestly.

21 PANEL MEMBER COE: Okay. Thank you. I
22 don't have any further questions.

23 CHAIR DICKISON: Mr. Dawson.

24 MR. DAWSON: Thank you.

25 Ms. Bendich, I have a few follow-up

1 questions.

2 Obviously, part of the main job of the
3 Commission will be to draw the lines of the new
4 districts. And I noticed that in your essay on
5 analytical skills, you talked about your
6 environmental justice project that required "my
7 students to map their community and research
8 statistical information related to asthma rates."

9 How did you, how and your students, how
10 did you go about actually mapping? Walk me through
11 that.

12 MS. BENDICH: Oh, that was cool. We
13 actually had a guy that was a mapping guy, he was a
14 PhD that taught. That is what he did, he taught
15 students how to do mapping. And so he'd come in
16 and he had computer models and, you know, paper,
17 and he helped them figure out, you know how to sort
18 out where, you know, how -- well first of all, the
19 map of all of West Oakland. And then mapping where
20 the asthma rates seemed to be the highest, which
21 you can get that information from Alameda County.

22 MR. DAWSON: Uh-huh.

23 MS. BENDICH: So we -- we knew how to, you
24 know, go to different resources and pull all of the
25 information. And so the idea of mapping was to

1 take it all and put it in one place where you could
2 see. You had a visual of what it looks like, you
3 know, in terms of the impact of the asthma rates,
4 you know, the air quality and all of that on West
5 Oakland.

6 So we had a professional that knew how to
7 do it to come in and work with the kids.

8 MR. DAWSON: And I would imagine, because
9 you're talking about one neighborhood of one city -
10 -

11 MS. BENDICH: Right.

12 MR. DAWSON: -- it's a fairly tight, fairly
13 small and precise.

14 MS. BENDICH: Right. Uh-huh.

15 MR. DAWSON: Was it down to the street?
16 Was it down to the block?

17 MS. BENDICH: Oh, practically. Yeah.
18 Yeah. I mean, it's been a long time, but I used to
19 keep them. I don't have them anymore.

20 MR. DAWSON: But I would imagine that that
21 would be directly applicable.

22 MS. BENDICH: Right.

23 MR. DAWSON: To work that you you'd be
24 doing on the Commission.

25 MS. BENDICH: Oh, absolutely. And that was

1 actually how we knew where to go to talk to
2 neighbors.

3 You know, we walked around. We just
4 physically would go outside and walk around the
5 neighborhood. And we went down to the metal
6 recycler, and you could smell it, you know, with
7 your own nose, you know. And you could see the air
8 looked okay.

9 And actually, we found that the air
10 quality was a lot better than we thought it was
11 going to be.

12 MR. DAWSON: Uh-huh.

13 MS. BENDICH: And I don't know if you've
14 seen lately in the news, but McClymonds was
15 actually shut down because there's groundwater that
16 has some chemicals that are, you know, leaking out
17 and they were afraid of the off gassing. And so
18 they've shut the school down. I don't know how
19 much longer it's going to be closed.

20 But at the time that we were doing our
21 work, we were just dealing specifically with the
22 air and we were actually surprised that it was a
23 lot better than we thought it was going to be.

24 MR. DAWSON: So if you're on the
25 Commission, obviously you won't be able to walk

1 each block of California.

2 MS. BENDICH: Right.

3 MR. DAWSON: But I know that the 2010
4 Commission went out and did many, many, many public
5 meetings. And so drawing on that experience, going
6 out and talking to neighbors, how would you treat -
7 - how would you talk to your California neighbors
8 up and down the state to get that kind of
9 information?

10 MS. BENDICH: Well we, I mean, it was
11 actually pretty easy because, you know, we were
12 coming to the neighbors and saying, you know, good
13 afternoon, we're a group of students, we're doing
14 this project and, you know, we're concerned about,
15 you know, what's going on around, you know, right
16 around the local area here. And, you know, would
17 you be interested in just talking to us a little
18 bit about your experience.

19 And, you know, we found that most people
20 were really quite willing to be able to share what
21 they were -- what they were experiencing. Because
22 the thing is we were asking them about them, you
23 know. How is this affecting you?

24 I think that's really important to -- for
25 people to feel like you care about what's going on

1 for them. So I'm assuming with the hearings that
2 were being held before that that was part of the
3 idea was to try to understand, you know, what
4 people's experience is. And people generally do
5 want to tell you, you know, what's going on with
6 them. So.

7 MR. DAWSON: I wanted to follow up on one
8 of the things that I heard you say. I'm sorry, I
9 don't remember which panel member who asked the
10 question.

11 But you were talking about diversity in
12 itself leads to -- is not really the goal but so
13 much as to get to the diversity of ideas.

14 Can you expand on that a bit?

15 MS. BENDICH: I, well -- I mean, I think
16 on some level you have to have some diversity to
17 have diversity of ideas. Yes.

18 I don't know. I actually haven't -- I
19 never really thought about that, but that's
20 interesting to think about. I think that if we all
21 are thinking about our own experiences -- so like I
22 look around here and nobody looks like me. Right?
23 I don't feel necessarily uncomfortable because I
24 feel like if I had a conversation with each of you
25 individually, I'd find something that we have in

1 common. Right?

2 So from that perspective, I think we could
3 learn a lot, you know, about each other.

4 And so that was one of the reasons that I
5 was stressing diversity, just looking here, you
6 know, and just seeing this group. I would hope
7 that the panel represents a bit more diversity than
8 that so that it's more representative of
9 California. I mean, I would hope that that's part
10 of the goal that you guys have.

11 But, yeah. I'm not sure I answered your
12 question.

13 MR. DAWSON: No. I think you did. And
14 sort of along the same vein, are you a lifelong Bay
15 Area resident?

16 MS. BENDICH: Yeah.

17 MR. DAWSON: And it's been noted that the
18 Bay Area is not underrepresented in the group of
19 applicants who remain. That there are many areas
20 of the state that are much less represented.

21 But what would you bring as a Bay Area
22 person as a perspective, but also what would you
23 seek out from your other fellow Commission members
24 and other residents of the state?

25 MS. BENDICH: I think because I have been

1 able to, you know, travel around a bit and, you
2 know, get a sense of other places, I think it's
3 really important to me to make sure that -- and
4 especially if, you know, groups aren't being, if a
5 certain area is not being represented --

6 MR. DAWSON: Uh-huh.

7 MS. BENDICH: -- to make sure that in some
8 way, you know, their voices are being heard and
9 that they're included. Because they're still part
10 of California even if, you know, there's not
11 someone on the Commission that necessarily reflects
12 their particular area or their viewpoint,
13 necessarily.

14 So I think making sure that voices are
15 heard even if the representation isn't necessarily
16 among the group that makes up the Commission.

17 MR. DAWSON: That's all I have.

18 There is roughly 19 minutes left. Do any
19 of the panel members have any additional follow-
20 ups?

21 CHAIR DICKISON: I do not.

22 VICE CHAIR BELNAP: I do not.

23 PANEL MEMBER COE: I do not either.

24 MR. DAWSON: Okay. So at this point, we
25 would like to offer you the opportunity to make a

1 closing statement, if you'd like.

2 MS. BENDICH: Oh, boy. Aye-yai-yai. I
3 didn't know I had to make a closing statement.

4 MR. DAWSON: No. You don't have to. We
5 were just like if you'd like, if there's anything
6 you'd like to add.

7 MS. BENDICH: I really didn't know quite
8 what to expect when I came here. And, you know, I
9 appreciate that this is being done this way. I
10 think the formality of having to go through an
11 interview like this, and really, to me, highlights
12 how important this is.

13 I think, you know, that you're being
14 incredibly careful. I think that that's exactly
15 how it should be, and I appreciate the opportunity
16 to be able to speak with you today and to share my
17 experience.

18 I think, you know, California has been the
19 only place I've really ever lived. And, you know,
20 I love this place. And I think it's really
21 important that we shape California's future in a
22 way that's going to represent as much of California
23 as we can because that's what we should be doing.

24 And I appreciate that the Commission
25 exists. So thank you.

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MR. DAWSON: Thank you.

CHAIR DICKISON: Thank you.

So our next interview is Monday morning at 9:00. So we're going to recess until Monday morning at 8:59.

(Thereupon the Panel recessed at 4:11 p.m.)

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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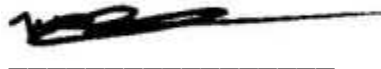
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