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 10 IN THE UNITED STATES DISTRICT COURTS
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 AND THE NORTHERN DISTRICT OF CALIFORNIA
 13 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
 14 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

15 **RALPH COLEMAN, et al.,**
 16 Plaintiffs,
 17 v.
 18 **EDMUND G. BROWN JR., et al.,**
 19 Defendants.
 20

2:90-cv-00520 LKK DAD PC
THREE-JUDGE COURT

21 **MARCIANO PLATA, et al.,**
 22 Plaintiffs,
 23 v.
 24 **EDMUND G. BROWN JR., et al.,**
 25 Defendants.
 26

C01-1351 TEH
THREE-JUDGE COURT
**DEFENDANTS' SUBMISSION OF
 RECOMMENDED COMPLIANCE
 OFFICERS**

1 Defendants submit this recommendation regarding the selection of a Compliance Officer
2 in response to the Court's February 10, 2014 order. The parties met and conferred in an attempt
3 to make a joint recommendation to the Court regarding the selection of the Compliance Officer,
4 but were unable to come to an agreement. Defendants therefore submit Elwood Lui and Curtis J.
5 Hill as candidates for appointment as Compliance Officer.

6 **ELWOOD LUI**

7 Mr. Lui is a former associate justice of the California Court of Appeal, Second Appellate
8 District, Division 3, served as an associate justice, pro tempore of the California Supreme Court,
9 and is a former superior and municipal court judge. Mr. Lui has firsthand experience in
10 evaluating individuals' risk to society and is eminently qualified to serve as the Compliance
11 Officer. As an appellate judge for seven years, Mr. Lui oversaw criminal appeals and reviewed
12 felony sentencing determinations by trial court judges. During his time as a trial judge, Mr. Lui
13 served as Assistant Presiding Judge of the Juvenile Court and the Supervising Judge of the
14 Dependency Court.

15 Mr. Lui also previously served as settlement referee in the Three-Judge Court
16 proceedings. (ECF 907/2499.) Mr. Lui has significant familiarity with this case and the complex
17 issues it poses, has established relationships with the parties and the Court, and served well as a
18 neutral, independent appointee. As settlement referee, Mr. Lui conferred with the parties and
19 other stakeholders on ways to minimize the risks to public safety from any possible inmate
20 releases. He reviewed CDCR data and consulted with public safety officials, including probation
21 officers, parole officers, sheriffs, and police chiefs, on appropriate factors to be considered for
22 possible inmate releases.

23 Mr. Lui has been called to serve the public in a number of different positions. He has
24 served as the Director of the Los Angeles County Department of Children and Family Services,
25 where he oversaw a reorganization of management and staffing systems to ensure that adequate
26 investigations and assessments of risk would be conducted before children would be released. He
27 was appointed by the California Supreme Court as special master of the State Bar Disciplinary
28 System. He served as a lawyer representative for the Central District of California to the Ninth

1 Circuit and as past president of the California Judges Association. He was chair of the bipartisan
2 Judicial Advisory Selection Committee for the Central District of California and currently serves
3 on Senator Dianne Feinstein's Judicial Selection Committee for the Central District of California.
4 Mr. Lui's education and qualifications are set forth in his curriculum vitae, attached as Exhibit A.

5 If selected, Mr. Lui will require reimbursement for his expenses but will not otherwise
6 charge an hourly rate for his work as the Compliance Officer.

7 **CURTIS J. HILL**

8 Mr. Hill served in the San Benito County Sheriff's Department for twenty-two years and
9 has extensive experience making difficult decisions necessary to protect both the safe operation of
10 corrections facilities and public safety. During his three terms as the elected sheriff, Mr. Hill
11 operated the county jails under a self-imposed population cap and frequently authorized the
12 release of inmates to comply with that cap. Mr. Hill has worked extensively with the California
13 State Sheriffs' Association, and served as its President in 2010. He facilitated training for new
14 sheriffs on the operation of county jail systems, including best practices for complying with state
15 bed space standards and the release of county jail inmates consistent with public safety. Mr. Hill
16 also served as a Commissioner on the Mental Health Services Oversight and Accountability
17 Commission, where he advocated for increased mental health services access and funding in
18 county facilities.

19 Following his service as sheriff, Mr. Hill continued to advocate for law enforcement and
20 public safety concerns and represented the California State Sheriffs' Association with Warner and
21 Pank, LLC. Recently, Mr. Hill served as the Executive Director for the Board of State and
22 Community Corrections (BSCC), an independent board that works in partnership with local
23 corrections systems to promote cost-effective and evidence-based strategies for managing
24 criminal justice populations and reducing recidivism. During his time representing the California
25 State Sheriffs' Association and as the Executive Director of BSCC, Mr. Hill provided advice and
26 input to state and local stakeholders on ways to safely supervise inmates transferred to local
27 control as a result of Public Safety Realignment, including managing the release of inmates from
28 county jails. Mr. Hill's education and qualifications are set forth in his curriculum vitae, attached

1 as Exhibit B.

2 If selected, Mr. Hill would be compensated at an hourly rate of \$145 and reimbursed for
3 his expenses.

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5 Dated: March 12, 2014

KAMALA D. HARRIS
Attorney General of California

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By: */s/ Patrick R. McKinney*
PATRICK R. MCKINNEY
Supervising Deputy Attorney General
Attorneys for Defendants

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Dated: March 12, 2014

HANSON BRIDGETT LLP

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By: */s/ Paul B. Mello*
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EXHIBIT A

ELWOOD LUI

Law Firm Affiliation

1987-Present - Partner, Jones Day, 555 South Flower Street, 50th Floor, Los Angeles, CA 90071
Telephone: (213) 243-2435 (Direct Line), Facsimile: (213) 243-2539

Education and Degrees

University of California, Los Angeles, JD (1969), MBA (1964), and BS (1962); CPA (1966)

Judicial Service and Professional Employment

Associate Justice, California Court of Appeal, 2nd App. District, Div. 3 (1981-87)
Associate Justice, *Pro tempore*, California Supreme Court (1985-86)
Judge, Superior Court, County of Los Angeles (1980-81)
Judge, Municipal Court, Los Angeles Judicial District (1975-79)
Private Law Practice, Los Angeles, California (1972-75)
Deputy Attorney General, Antitrust Division, California Department of Justice (1969-71)
Certified Public Accountant with Deloitte, Haskins & Sells and Kenneth Leventhal & Co. (1964-69)

Public Service

Chair, Bipartisan Judicial Advisory Selection Committee for the Central District of California
Member, Board of Harbor Commissioners for the Port of Los Angeles (2001-2005)
Special Master for the Supreme Court of California of the State Bar Disciplinary System (1998-2000)
Acting Director, Los Angeles County Department of Children and Family Services (1990)

Professional Activities and Community Activities

Member, Medical Board of California (2013-Present)
Member, Judicial Council of California, (1983-1987)
President, California Judges Association (1986-1987)
Faculty, Continuing Judicial Studies Program and California Judicial College (1977-2000)
Fellow, American Academy of Appellate Lawyers
Member, California Academy of Appellate Lawyers
President, UCLA Law School Alumni Association (1984-1985); Board of Directors (1981-1985)
Board of Directors, Public Counsel (1998-2006)

Teaching Positions

Adjunct Professor of Accounting and Business Law, University of Southern California (1976-1987)
Adjunct Professor of Law, Loyola University School of Law (1984)

Awards and Distinctions

Bernard E. Witkin Medalist, State Bar of California (2006)
Alumnus of the Year, UCLA Law School (2001)
Bernard E. Witkin Amicus Curiae Award, California Judicial Council (1999)
Professional Achievement Award, UCLA Alumni Association (1992)
Listed in *Los Angeles Daily Journal's* California Law Business
as the Top 100 Most Influential Lawyers in California
(1999, 2001, 2002, 2003, 2004 and 2005)

EXHIBIT B

Curtis J. Hill

Home: (831)637-3260 Cell: (831)901-7135

E-mail: sestri@charter.net

Objective: Compliance Officer; Re: Coleman/Plata Three Judge Panel

PROFESSIONAL EXPERIENCE

Board of State and Community Corrections May 2013 – October 2013
Executive Officer (A)

Responsible for all aspects of the BSCC, to include:

- Corrections Planning and Programs
- Facilities Standards and Operations
- Facility Construction
- Standards and Training for Corrections

Warner and Pank, LLC January 2010 – November 2012
Legislative Representative/Strategic Business Consultant

Worked as experienced and proven successful adviser that served clients as legislative advocate, helping clients successfully maneuver through the nuances of legislative, legal and/or administrative bureaucracies in state and local governments.

In addition, I specialized in providing strategic business consulting on matters involving state and local government procurement and related business strategies in California.

San Benito County Sheriff's Office January 1999 – December 2010
Sheriff/Coroner

As the elected Sheriff/Coroner, I was responsible for the public safety of the citizens of the County of San Benito.

Achievements

- Developed a highly effective staff team, energized to deliver high quality protection and service.
- Accomplished ongoing relationships at the local, state and federal level.
- Successfully lead an organization of 101 employees with a budget of 12.5 Million dollars.

Education

FBI National Academy, Session 158	1989
California State University, Fresno Bachelor Science, Criminology	1976
Gavilan Community College Associate of Arts, Administration of Justice	1974