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I appreciate having the chance to comment on the SEC report and recommendations regarding the Administrative Office of the Courts. I have been a judge for four years, and I am a Director of the Alliance of California Judges. This comment, however, is not submitted in that capacity, and reflects only my own personal views of the report and recommendations.

First, I am grateful for the hard work, careful thought, and strict independence demonstrated by the Committee in carrying out its work. The report comprehensively details the many problems which plague the operations of the AOC, and demonstrates both that the organization must be reformed and that the Judicial Council must assert control over it. Anyone who doubts the conclusions inescapably drawn from the report – that the AOC is wasteful, arrogant, disorganized, and out of control – should read the large number of incisive comments submitted in response to the report and before mine. Many come from judges with far longer service and greater understanding of the court operations than I have, yet overwhelmingly they reach the same conclusion; that the AOC has morphed from a streamlined service agency into a bureaucratic behemoth, which is bent on controlling the trial courts and in the process is strangling the life out of our ability to serve the public. *The only reasonable conclusion that can be reached is that the recommendations of the SEC should be fully implemented without any delay.*

While I believe that this is the obvious course, I am deeply skeptical of the willingness and resolve of the Judicial Council to do so. I am astonished that the Council has not already adopted recommendations 4-1 through 4-3, which merely state what is obvious and presumably known by all; that the AOC is subordinate to the Judicial Council and exists to serve the courts, not the other way around. Though given an opportunity to assert this principle at the same time as the report was received, the Council failed to do so. I cannot understand why no action was taken on this noncontroversial step. We already hear arguments that implementation should be delayed until a new permanent AOC Director is chosen. Why? The decision whether to implement these reforms rests with the Council, not the AOC. The willingness and ability to proceed at flank speed in reforming the agency should be the first priority in selecting a new permanent director. It makes no sense to wait till one is chosen to decide whether even to do so. Many of the steps recommended have been urged on the Judicial Council by knowledgeable judges for years, yet no action has been taken. Meanwhile, money has been wasted on CCMS, inflated compensation packages for top administrators, telecommuting employees, and other boondoggles, while trial courts have been shuttered and dedicated court employees laid off, all to the detriment of our state's residents. These people rightfully expect that we will resolve their disputes correctly, expeditiously, and with the minimum possible expenditure of their tax dollars with which we are entrusted. Instead, we provide them with a system that does less, takes longer, and costs more than it should.

As profligate and ineffectual as the AOC has been, it could never have operated that way if the Judicial Council had overseen it properly. Like any organization, the AOC has many individual employees who

work hard at their jobs and care deeply about serving the courts and taxpayers effectively. All they need is clear and sensible direction from the top. For the past decade and a half they have not gotten it. The management of the AOC has dedicated itself to gaining control of the individual trial courts and accumulating power and resources in San Francisco, while the Judicial Council simply rubber stamped the agency's agenda. I do not believe that this will change until the Council itself changes. It is past time to adopt an additional and more fundamental reform than those recommended by the SEC – the democratization of the Judicial Council itself. The Council must serve as the representative of the trial and appellate court, and as a fair but vigilant overseer of the AOC. Under the present structure it is simply too easy for the Council to be captured by the AOC's agenda and implement it without question.

I hope that my pessimistic view of the situation is proved wrong, and that the Judicial Council moves forward immediately with full implementation of the recommendations. Perhaps because of my Missouri upbringing (they do not call it the "Show Me State" without reason), I doubt that this will happen. It is time for the judges of California, all of us obligated to decide fearlessly and act in service to the people, to assert control over the Judicial Council, which constitutionally is a *recommending* body, and over the AOC, which should be a *service* agency. Until this happens, meaningful reform of the AOC will not happen.