Please see the attached youtube video of my statement to the Judicial Council on June 21, 2012: http://www.youtube.com/watch?v=ciTWOeqCVkk.

I tender it along with a transcript of my comments as my public comment to be posted along with the other public comments submitted in response to the Judicial Council's invitation. I submit this in my capacity as a director of the Alliance of California Judges, and in my individual capacity as a Sacramento Superior Court Judge.

Steve White
Superior Court Judge

Chief Justice: Next, Judge Steve White. Alliance of California Judges.

Judge Steve White: Good afternoon, Madam Chief Justice, members of the Council, thank you very much for allowing the ten minutes today to talk about this extraordinary document, the Strategic Evaluation Committee report.

To the Chief's considerable credit, the Strategic Evaluation Committee, under the leadership of Judge Wachob and Judge McCabe, along with nine other judges, achieved a most exceptional result; a truly remarkable document. One of the most significant contributions that the Chief made in making this happen was not only the initial decision to establish such a committee but appointing to it judges of such integrity that they would do the kind of job that they did. I'm not sure that this would have happened before.

One of the telling and epitomizing, emblematic aspects of the report is the observation that the committee made that the Judicial Council is not at the top of any of the AOC org charts. This is not, of course, an accident. It happened because it was allowed to happen. The SEC's call for transparency, accountability, and efficiency-- and change in tone and attitude--must be for this council an urgent priority.

For too many years, the AOC has actively and aggressively usurped the power of the courts and has been, as the SEC has found, dishonest with regard to budgeting, staffing levels, pretend hiring freezes, major projects reflecting AOC priorities, and the list going on. This happened because the Judicial Council let it happen.

The docility and compliance of previous Councils aggrandized the role and the powers of the AOC and the Chief Justice alike. All of this was possible only because

the Council was never democratically elected; it never represented the judiciary itself. I speak today for the Alliance of California Judges, for several hundred judges, who know this all too well. Change must come. Actual representation will not occur until the Council is elected by the judges of California--and so is *accountable* to the judges of California -- instead of to a one-person appointing authority.

Having many times addressed the Council and having watched interactions between Council members, I know that healthy debate and dissent have not been well received. I think that, under the Chief Justice now, is beginning to change. Healthy debate and dissent are cornerstones of democracy and group decision-making. Many costly and harmful decisions which have brought great grief to our branch of government could have been avoided had there been healthy debate, had dissent been permissible, and had there been independent votes without fear of recrimination.

The current system is broken and it needs mending. Democratizing the Council-- making it truly representative of the California judiciary--is fundamentally necessary. While the years of what was essentially "one Chief, 21 votes" may be over, the Council will never be representative of the judicial branch until it *in fact* represents the Judges of California. And representation—by definition--is an assignment conferred by those being represented --it is not imposed on those who would be represented.

Though democratizing the Council is critically necessary, our problems are urgent, and cannot wait for that reform. For all concerned, change must start now -- and with you. For too many years it has been far more about the will of the AOC and the appointing authority than about the responsibilities of an entire branch of government. Your responsibilities and my responsibilities--and those of every judge in California. We are state Constitutional officers, obliged under the Constitution to run the judicial branch. We do not meet that obligation by
delegating this burden to an untethered AOC--an AOC which prefers it's own agenda over our commitment--and responsibility--to keep courts open for the people of California.

And, if you don't believe this is exactly what has happened, reread the SEC report and examine the AOC budgets and examine the budgets of the 58 trial courts, and the 6 appellate courts in the state. See where resources were cut--see where they were added; see where staff were cut--see where they were added.

The entire judiciary is watching with great interest to see how the SEC proposals will be addressed by this body. Will they be adopted and endorsed? Full speed ahead, made to happen? Or will we instead have more committees, and more study. Will its opponent swallow chunks of it or simply nibble it to death?

If this Council is to regain its lost credibility it must advance the SEC's recommendations at a sprinting pace. In that vein, the Alliance strongly supports Judge Lee Smalley Edmon's proposal that the judges who produced this extraordinary SEC document be charged with tracking the progress of this undertaking. Now, after courts have been downsizing for more than three years, and

at a time when courts are closing every week and court staff laid off daily--while the AOC grew and gave raises and enhanced benefits--the Council must move without delay to substantially downsize the Administrative Office of the Courts--so it's entire function is core services to courts, especially in the rural counties--and the freed-up resources must be redirected to keeping trial courts open.

A *sine qua non* of access to justice is access to courts. Courts that are closed are inaccessible. The entire judiciary is watching--and, I suspect, the other two branches are as well. Thank you.