

Item SP12-05 Response Form

Title: Strategic Evaluation Committee Report

The Strategic Evaluation Committee (SEC) was appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011 to conduct an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25. At its meeting on June 21, 2012, the Judicial Council accepted the report and directed that it be posted for public comment for 30 days. Comments received will be considered public and posted by name and organization.

PLEASE NOTE that all comments will be posted to the branch web site at www.courts.ca.gov as submitted by the commentator as soon as reasonably possible after receipt.

To Submit Comments

Comments may be entered on this form or prepared in a letter format. If you are *not* submitting your comments directly on this form, please include the information requested below and the proposal number for identification purposes. Because all comments will be posted as submitted to the branch web site, please submit your comments by email, preferably as an attachment, to: invitations@jud.ca.gov

Please include the following information:

Name: Douglas G. Denton **Title:** Senior Court Services Analyst

Organization: Judicial Council of California - Administrative Office of the Courts

Commenting on behalf of an organization

General Comment: The comments below reflect my own opinions or suggestions regarding the SEC Final Report, and are submitted solely on my behalf.

Specific Comment - Recommendation/Chapter Number: 7-12, 7-13

Recommendation No. 7-12: The Promising and Effective Programs Unit functions are largely discretionary and should be considered for reduction or elimination, resulting in position savings. Consideration should be given to the following:

- To save resources, the Kleps Award Program should be suspended temporarily.

Comment: The Kleps program has recognized and encouraged innovation within the California courts over the past twenty years (1991–2011). 177 court programs have received the Kleps Award. Programs considered revolutionary at the time—family law courts, automated juror reporting systems, self-help centers, and form filing systems among others—are now common practice. The SEC report recognizes the program as laudable (SEC Final Report at 95) and makes a suggestion that “Information about court innovations can be shared and recognized through other existing means, including

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through the Court Executives Advisory Committee, the Trial Court Presiding Judges Committee, and by the AOC website.” (Id. at 96.) Without this being a staff responsibility, however, recognition of innovation will require leadership and explicit direction by those bodies—along with the Judicial Council, the Chief Justice, and the new Administrative Director—to ensure that innovation is actually recognized and model programs and best practices are shared and promulgated within the California Judicial Branch.

- Since funding for the Procedural Fairness/Public Trust and Confidence has ceased, it should be eliminated.

Comment: Trust and confidence are the cornerstone of the judiciary. Procedural fairness, court users having a sense that decisions are made through processes that are fair, is by far the leading determinant of trust and confidence in the California courts (see David B. Rottman, Ph.D., *Trust and Confidence in the California Courts: A Survey of the Public and Attorneys* (2005) at pp. 24–30). Although California is in the midst of an unprecedented budget crisis and these programs are not currently funded, I am concerned that the above bulleted sentence, with no context or explanation, may give the public or other state court systems the incorrect message that California no longer considers trust and confidence a priority or works to achieve procedural fairness. (See, for example, *Justice in Focus, The Strategic Plan for California’s Judicial Branch, 2006–2012*, adopted December 1, 2006 by the Judicial Council, at p. 28: Goal I, Access, Fairness, and Diversity, “Work to achieve procedural fairness in all types of cases.”)

Other states, including Colorado and Washington, are working on procedural fairness efforts and have recognized that California is a leader in this field. A website, <http://proceduralfairness.org>, has been established to help inform and educate judges and courts around the world that may be interested in this topic about the benefits of a procedural fairness approach (for example, increased order compliance and improved public views about the courts). When more resources are available, California may want to revisit procedural fairness efforts, including use of survey mechanisms such as CourTools ® survey instruments that allow the public and court employees to have a voice, and provide a measurement for judicial accountability. California has made its investment in procedural fairness and has the materials to build confidence in its courts and to improve compliance with court orders. When resources allow, rededicating efforts toward procedural fairness will help save the taxpayers a considerable amount in fewer court appearances and reduced recidivism.

Recommendation No. 7–13: The Editing and Graphics Group, with half of its eight positions currently vacant, should be considered for elimination.

Comment: California is the largest court system in the nation. The small staff of the Editing and Graphics Group (EGG) performs an essential function and members of the team work tirelessly to ensure that hundreds of memoranda and presentations prepared for the Judicial Council, along with materials for other internal and advisory bodies, are professionally edited and contain appropriate graphics to aid in understanding and comprehension. EGG often helps courts that do not have the resources or staff expertise

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to use modern software required for creating logos or other web visuals. This small group of valuable employees should not be eliminated because the consequence is that important work product for the California Judicial Branch will start to decline in quality or will have to be sent out to consultants.

Thank you very much for this opportunity to comment.

Douglas G. Denton
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Judicial Council of California - Administrative Office of the Courts

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