

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: GREGORY DOHI **Title:** JUDGE OF THE SUPERIOR COURT

Organization: LOS ANGELES SUPERIOR COURT

Commenting on behalf of an organization

General Comment:

Forgive the testiness of this response. I'm suffering from survey fatigue. I've been asked for my opinion about AOC governance by the Strategic Evaluation Committee, by the California Judges Association, by my own court (twice), and now by the E&P Committee. I wonder why I bother answering. Over the past couple of years, I've seen survey answers critical of the AOC diluted with bogus "push" questions (as was the case with the 2011 CJA survey), distorted by court leaders (which is what almost happened to the recent Trial Court Presiding Judges Advisory Committee vote), or flat-out disregarded (which is what happened to the overwhelmingly negative comments about CCMS from the large-county trial court IT experts surveyed by the Bureau of State Audits in 2011). And I've seen just about everything that comes from the Alliance of California Judges get dismissed out of hand, even though the ACJ speaks for more than 400 of us. But I'm afraid that if I don't send in a response to this latest call for input, my silence will somehow get tallied as a vote for the status quo or for "slow reform."

I'm voting against the status quo. I'm voting against "slow reform." I'm urging the rapid adoption of every recommendation in the SEC report, especially the first four.

DEADLINE FOR COMMENT: 5:00 p.m., Sunday, July 22, 2012

All comments will become part of the public record.

The sad, obvious truth is that the AOC has captured the institution it was meant to serve, with catastrophic results. The centralization of judicial administration, far from bringing us the vast economies of scale its architects promised, has instead yoked the entire branch to a series of disastrous policies which have drained our coffers and sapped our credibility with the other branches of government. CCMS—a half-billion-dollar folly, flawed in its conception, garbled in its design, botched in its execution—is only the most conspicuous example. By failing to provide any meaningful oversight and literally letting the AOC set its agenda, the Judicial Council allowed the AOC to mushroom into the mega-bureaucracy it is today: an agency which features needless scholars in residence and lawyers telecommuting from overseas; which has a house media organ that wastes money on pro-AOC news stories and steadfastly ignores dissenting voices; which stonewalls any attempt at reform; which lobbies the Legislature against positions supported by many, if not most, of the state's bench officers; which can't even give us a ballpark figure as to how many people it employs. Bringing the AOC to heel is Job One—which is exactly what the SEC report says in Recommendations 4-1 and 4-2.

Other commenters have pointed to the good works of the Education Division/CJER to justify a go-slow approach to AOC reform. A lot of dedicated people work for CJER. I use their materials all the time. But our court just laid off its juvenile traffic referees. Those bench officers handled 77,000 citations last year. (Alexandra Zavis and Ashley Powers, “An L.A. County court for young offenders closes,” Los Angeles Times, June 14, 2012.) We've cut back on court reporters for many civil proceedings, which means that poorer litigants are at a serious disadvantage when it comes to appealing adverse rulings. If we could have saved some of those jobs on the front lines by redirecting AOC funding, even funding for judicial education, we should have done it. Hearing cases is our business. Support functions, including judicial education, simply have to take a back seat to line operations.

So here we are: hamstrung in the performance of our duties by budget constraints; hemorrhaging talented clerks, referees, and reporters; deeply divided among ourselves; and politically enfeebled by our stubborn refusal to heed calls for reform, even when forcefully delivered by the Legislature with a blunt axe to our budget. A group of well-regarded judges has given us an incisive, insightful, and comprehensive blueprint for reform, a blueprint a year in the making and commissioned by the Chief Justice herself. We can embrace this report. We can send a message to the Legislature and to the public that we own up to the mistakes of the past and that we commit ourselves to making drastic changes. Or we can dither. We can ignore our own advice. If we don't wholeheartedly adopt the SEC recommendations—and soon—we are taping a giant “Kick Me Harder” sign to our backs and dancing directly in front of the Legislature's shod right foot. More to the point, we are not doing right by the people we serve. In the words of Elvis Presley: A little less conversation, a little more action, please.

Thanks for the opportunity to be heard.

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Specific Comment - Recommendation/Chapter Number _____:

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