

COMMENTS – STRATEGIC EVALUATION COMMITTEE REPORT
Judge Jan Levine, Los Angeles County Superior Court
July 18, 2012

I write to endorse heartily the findings and recommendations of the Strategic Evaluation Committee (“SEC”).

I write to urge the immediate and visible implementation of those recommendations by the full Judicial Council, not its Executive Committee.

I endorse the position of the Los Angeles Superior Court.

I applaud and thank the members of the SEC for their dedication, hard work, and sensible recommendations.

I am a ninth year trial court judge in the Los Angeles Superior Court. Over the last few years, I have followed with keen interest the issues concerning trial court budgets, CCMS and the actions of the AOC in relation thereto. Frankly, I have been appalled by the arrogance displayed by the AOC, and by the AOC’s sheer disregard and lack of respect for the views and opinions at odds with the course selected by its executive staff.

Now, despite the public dressing down of the AOC by the California State Auditor in her February 2011 audit of the CCMS program, the Legislature still had essentially to tell the AOC to pull the plug on the CCMS this year. And, despite statements to the contrary by the Chief Justice, the AOC recently lobbied against the Legislature’s passage of a trailer bill directing the AOC to allocate to the trial courts all Trial Court Trust Funds not legislatively authorized for use by the AOC. It is hard not to conclude that the AOC has run amok, is tone deaf, or at the very least that it does not heed those charged with its oversight, those whom it was created to support, or plain old common (and political) sense.

The AOC has a long way to go if it desires to restore any credibility with this judge and no doubt with a large number of my colleagues. It is clear as well that the Legislature, the Governor, and any members of the public following this sorry sequence of events have also lost respect for the agency.

In my view the only way to restore its credibility is for the AOC to undertake immediately a good-faith and highly visible implementation of the SEC recommendations.

To accomplish this, the Judicial Council must find some courage and assert itself as the body to which the AOC reports, and which the AOC serves – as staff. The Judicial Council must run the show, not rubber stamp it. To that end, the Judicial

Council as a whole should undertake the task of implementing the SEC report's recommendations, setting up goals and timetables for their accomplishment, with progress reports toward meeting those goals at every meeting. There should be consequences for failure to meet the goals on the timetable established.

Thus, SEC report recommendations 4-1 through 4-5 regarding Judicial Council oversight are of critical importance.

In the words of the report, the AOC must return to its mandated and core functions. To do so, its structure must be re-organized in a way that focuses on those functions. The staff should be downsized to maximize efficiency and attention to those core functions. Never again should the AOC be unable to report an accurate count of its employees to a state court judge who inquires. Never again should the AOC obfuscate and delay in the face of appropriate inquiries from a state court judge.

The courts are essential to the health of our democracy. At this time of crippling budget cuts, on a daily basis we in the trial courts witness the consequences of our increasing inability to provide a space for the peaceful resolution of disputes. Since my appointment, I have sat in Juvenile Delinquency, Dependency, and now limited jurisdiction Civil. I am where the rubber meets the road; many of the litigants in my court are self-represented. Their homes, their meager resources, or their children are at stake, and they cannot afford lawyers, let alone private judges. We are their only recourse. And now, with good reason, litigants are frustrated, discouraged, and frequently angry that we are dealing out delay and higher court fees much more often than assistance or resolution of their problems.

We in the trial courts need all the support and resources that can be marshaled to perform the essential functions with which we are charged. The AOC should be dedicated to maximizing support and resources to the judiciary, not frustrating and resisting us at every turn.

I remain ever hopeful that some of the recent events will serve as a wakeup call and occasion for renewed dedication of the agency to those ends. The first indication of such re-dedication would be a pledge to undertake the reforms suggested by the SEC report and actions toward that end.