



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

April 15, 2011

Hon. Roger Dickinson, Chair
Accountability & Administrative Review Committee
State Capitol, Room 3126
Sacramento, California 95814

Subject: Assembly Bill 1208 (Calderon), as introduced - Oppose
Hearing: Accountability & Administrative Review Committee – April 27, 2011

Dear Assembly Member Dickinson:

The Judicial Council opposes AB 1208, the Trial Court Rights Act of 2011. As the Legislature has recognized repeatedly, California's judicial branch is a separate, co-equal, and independent branch of government. The Judicial Council is the policymaking body of the California courts, and under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

The Judicial Council is guided in its leadership role by the following principles:

- Meeting the needs of the public is the core function. To that end, the Judicial Council is committed to equal and timely justice and public access to an independent forum for the resolution of disputes.
- Protecting the independence of the branch is crucial in a democracy. Decisions of the Judicial Council are designed to strengthen the branch.
- High quality is an expectation throughout the branch. Judicial Council decisions are guided by the desire to facilitate improvement, effectiveness, and efficiency in the branch to maintain a competent, responsive, and ethical judicial branch.
- Accountability is a duty of public service. The Judicial Council continually monitors the use of public funds and evaluates branch performance to identify needed improvements.

AB 1208 is an unwarranted intrusion into the fundamental governance of the judicial branch. This bill goes well beyond the Legislature exercising its responsibility for funding the judicial branch, and instead dictates how the branch should specifically govern itself. This is not to say that the judicial branch does not need to examine its governance to determine if it operates in the most efficient and effective manner, if it has acted in a manner that is consistent with the needs of superior courts, or if branch resources are allocated in the best manner to carry out the mission of the judiciary and effectively ensure equal access to justice to all Californians. It does. But the constitutional structure of California government and interbranch relations must be respected.

After the implementation of reforms that have significantly increased the scope of the Judicial Council's responsibilities, and those of the staff arm of the council, the Administrative Office of the Courts, it is appropriate to evaluate the manner in which the branch governs itself. This is a responsibility that the newly elected Chief Justice of California has committed herself to carry out. This bill, introduced less than two months after Chief Justice Cantil-Sakauye took office, fails to provide her, and the Judicial Council she chairs, the opportunity to review and determine the branch's own governance structure.

Additionally, enactment of AB 1208 would be a significant retreat from the restructuring of the judicial branch that has occurred in the last fifteen years. The goal of a statewide administration of justice was to bring uniformity in administrative rules and processes, avoid waste, create transparency in financial accountability, establish uniform performance and education and training standards, and ensure equal access to justice for all Californians, while at the same time recognizing the authority and responsibility of superior courts to manage their day-to-day operations and provide for a decentralized system of trial court management. Successive steps included a gradual move to full state trial court funding, unification of the municipal and superior courts into one superior court in each county, establishment of the superior courts as employers of their own staffs, and transfer of responsibility for trial court facilities from the 58 counties to the state. The bill undercuts each of these gains.

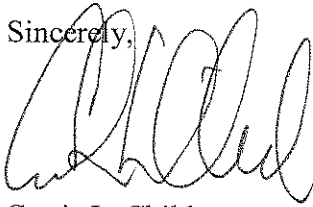
The bill significantly shifts the governance of the branch in several ways. By limiting the ability to fund or implement automated technologies, AB 1208 prohibits the branch from taking advantage of efficiencies and cost savings that would result from statewide technology projects such as the statewide automated financial system and Bank Account Consolidation program which facilitate statutorily required judicial branch financial reporting. This could further impair the branch's ability to gather and report consistent data and ensure accountability for the use of public resources. By creating an unclear authority for final approval of design, siting, and construction of court facilities projects, the bill risks increasing the costs of construction, and subjecting the state to liability for dangerous facilities when a local court decides to delay or halt construction of a critically needed new courthouse. AB 1208 also could eliminate the authority

of the Judicial Council to transfer funding to finance specific trial court projects or assist courts confronting unanticipated budget shortfalls or other urgent fiscal needs. It interferes with the ability of the branch to take advantage of economies of scale and save the state resources while providing a more uniform and equitable court system for all Californians.

The Legislature must give the Chief Justice the opportunity, as the leader of California's judicial branch, to work within the judiciary to determine how it can best govern itself. Judicial branch governance issues must be addressed by the judicial branch.

For these reasons, the Judicial Council opposes AB 1208.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis L. Child', written over a horizontal line.

Curtis L. Child
Director

CLC/DH/yt

cc: Members, Accountability & Administrative Review Committee

Hon. Charles M. Calderon, Member of the Assembly

Mr. Mark Martin, Consultant, Accountability & Administrative Review Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Daniel Ballon, Consultant, Assembly Republican Office of Policy



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RONALD G. OVERHOLT
Chief Deputy Director

April 15, 2011

Hon. Mike Feuer, Chair
Assembly Judiciary Committee
State Capitol, Room 2013
Sacramento, California 95814

Subject: Assembly Bill 1208 (Calderon), as introduced - Oppose
Hearing: Assembly Judiciary Committee – May 3, 2011

Dear Assembly Member Feuer:

The Judicial Council opposes AB 1208, the Trial Court Rights Act of 2011. As the Legislature has recognized repeatedly, California's judicial branch is a separate, co-equal, and independent branch of government. The Judicial Council is the policymaking body of the California courts, and under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for improving the quality and advancing the consistent, independent, impartial, and accessible administration of justice.

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- Protecting the independence of the branch is crucial in a democracy. Decisions of the Judicial Council are designed to strengthen the branch.
- High quality is an expectation throughout the branch. Judicial Council decisions are guided by the desire to facilitate improvement, effectiveness, and efficiency in the branch to maintain a competent, responsive, and ethical judicial branch.

- Accountability is a duty of public service. The Judicial Council continually monitors the use of public funds and evaluates branch performance to identify needed improvements.

AB 1208 is an unwarranted intrusion into the fundamental governance of the judicial branch. This bill goes well beyond the Legislature exercising its responsibility for funding the judicial branch, and instead dictates how the branch should specifically govern itself. This is not to say that the judicial branch does not need to examine its governance to determine if it operates in the most efficient and effective manner, if it has acted in a manner that is consistent with the needs of superior courts, or if branch resources are allocated in the best manner to carry out the mission of the judiciary and effectively ensure equal access to justice to all Californians. It does. But the constitutional structure of California government and interbranch relations must be respected.

After the implementation of reforms that have significantly increased the scope of the Judicial Council's responsibilities, and those of the staff arm of the council, the Administrative Office of the Courts, it is appropriate to evaluate the manner in which the branch governs itself. This is a responsibility that the newly elected Chief Justice of California has committed herself to carry out. This bill, introduced less than two months after Chief Justice Cantil-Sakauye took office, fails to provide her, and the Judicial Council she chairs, the opportunity to review and determine the branch's own governance structure.

Additionally, enactment of AB 1208 would be a significant retreat from the restructuring of the judicial branch that has occurred in the last fifteen years. The goal of a statewide administration of justice was to bring uniformity in administrative rules and processes, avoid waste, create transparency in financial accountability, establish uniform performance and education and training standards, and ensure equal access to justice for all Californians, while at the same time recognizing the authority and responsibility of superior courts to manage their day-to-day operations and provide for a decentralized system of trial court management. Successive steps included a gradual move to full state trial court funding, unification of the municipal and superior courts into one superior court in each county, establishment of the superior courts as employers of their own staffs, and transfer of responsibility for trial court facilities from the 58 counties to the state. The bill undercuts each of these gains.

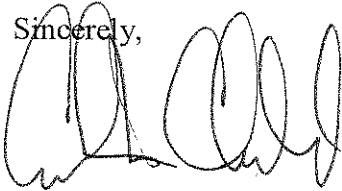
The bill significantly shifts the governance of the branch in several ways. By limiting the ability to fund or implement automated technologies, AB 1208 prohibits the branch from taking advantage of efficiencies and cost savings that would result from statewide technology projects such as the statewide automated financial system and Bank Account Consolidation program which facilitate statutorily required judicial branch financial reporting. This could further impair the branch's ability to gather and report consistent data and ensure accountability for the use of public resources. By creating an unclear authority for final approval of design, siting, and construction of court facilities projects, the bill risks increasing the costs of construction, and

subjecting the state to liability for dangerous facilities when a local court decides to delay or halt construction of a critically needed new courthouse. AB 1208 also could eliminate the authority of the Judicial Council to transfer funding to finance specific trial court projects or assist courts confronting unanticipated budget shortfalls or other urgent fiscal needs. It interferes with the ability of the branch to take advantage of economies of scale and save the state resources while providing a more uniform and equitable court system for all Californians.

The Legislature must give the Chief Justice the opportunity, as the leader of California's judicial branch, to work within the judiciary to determine how it can best govern itself. Judicial branch governance issues must be addressed by the judicial branch.

For these reasons, the Judicial Council opposes AB 1208.

Sincerely,

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Curtis L. Child
Director

CLC/DH/yt

cc: Members, Assembly Judiciary Committee

Hon. Charles M. Calderon, Member of the Assembly

Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research

Mr. Mark Redmond, Consultant, Assembly Republican Office of Policy



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TANI CANTIL-SAKAUYE

*Chief Justice of California
Chair of the Judicial Council*

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

April 15, 2011

Hon. Charles Calderon
Member of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Subject: Assembly Bill 1208 (Calderon), as introduced - Oppose

Dear Assembly Member Calderon:

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Hon. Charles Calderon

April 15, 2011


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