

## **Item SP12-05 Response Form**

**Re:** Strategic Evaluation Committee Report

**Name:** Herbert J. Exarhos **Title:** Judge of the Superior Court

**Organization:** San Diego Superior Court

I urge the Executive and Planning Committee, the Chief Justice, and the Judicial Council to immediately implement every recommendation of the Strategic Evaluation Committee. The AOC must be reduced as set forth in the SEC recommendations, to its core statutory functions. I set forth my reasons.

The AOC has expanded dramatically because it has assumed tasks well beyond its limited statutory functions. It has assumed duties because the Judicial Council itself has not respected its own limited functions.

The AOC and the Judicial Council must be reformed to respect their constitutional and statutory roles. The Council and the AOC should undertake no other duties. Some would argue that the Judicial Council must “choose” what it wants to be. This is not a choice. The Council is bound by the law. The limits of its powers are set forth in the California Constitution’s Article VI, section 6(d) as follows:

*(d) To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.*

Unless this substantial reduction takes place, we are in grave danger of losing the heart of what it means to be a judge. The value of our system lies in the idea that every judge is an independent decision-maker and an independent constitutional officer, deciding cases with courage, and with a careful view of the law. Judges are not policy-makers. We are bound to await cases and controversies, and decide the disputes before us according to law. The Judicial Council, and therefore its administrative arm, the Administrative Office of the Courts, has lost sight of this principle, moving from the notion of service to one of control.

Statewide funding requires that the AOC ensure uniform accounting and audit standards, and that the courts are properly adhering to funding limitations and accurately reporting expenditures. The Judicial Council should ensure uniform rules of procedure and practice not inconsistent with statute. The AOC should reduce operations to core statutory functions. The Council not has had the benefit of years of discussion on these matters, and the time for surveys and delay are long past. If the Council wishes to maintain any credibility with members of the judiciary, the Legislature, and the public, it must speak clearly by implementing the recommendations of the Strategic Evaluation without delay.