



JUDICIAL COUNCIL OF CALIFORNIA

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

STEVEN JAHR
Administrative Director

June 27, 2014

Judicial Council Staff:

I am writing to you on a matter of significant importance that I will be discussing with the Judicial Council at this morning's public meeting. It involves a change I am asking the council to make so that we—governing body and staff together—are no longer identified erroneously as two separate entities, but as a unified state-level body known by the single name of “Judicial Council of California.”

The principal impetus for no longer having the separate name of Administrative Office of the Courts (AOC) for our staff stems from the need to definitively position the role, responsibility, and authority of the Judicial Council in the best interest of the judicial branch.

I want to share the rationale for my decision with you. At the outset, however, I want to recognize the integral role of staff over the years in the statewide administration of justice, and express my profound respect for your professional and dedicated service to the Judicial Council, the courts, and the people of California. The reforms and progress that have been achieved in our branch, especially in the past two decades, would have been impossible without you.

In order for the council to function effectively as the governing body for California's state court system, clarity and transparency regarding its roles and responsibilities is of paramount importance. In recent years, and without any deliberate intent, that clarity and transparency has been diminished.

Seventeen years ago, landmark legislation provided for state funding of the trial courts. The Trial Court Funding Act of 1997 initiated a structural transformation of the judicial branch, a broadening of responsibility for the Judicial Council in relation to the trial courts, and a corresponding expansion of the service role of our staff. Leadership and staff at every level of the organization stepped up to the challenge, supporting the council and responding to the service needs of the trial courts with outstanding initiative and dedication.

However, this increased responsibility had an unintended consequence. Over time, the distinction between the council's decisionmaking authority and staff's role in implementing policy decisions on the council's behalf has been lost for many inside and outside the branch. Many now view the "AOC" as a separate entity from the council, which it is not—it is, and always has been, the council's staff arm, and as such implements council policy and provides professional services to the courts on the council's behalf. The experience of council members, other bench and bar leaders, and many of you, as well as my own personal experience visiting courts and meeting with legislators and their staff revealed the extent of this identity crisis and increasingly brought into focus the need to clearly define the role, responsibility, and the authority of the Judicial Council.

Unifying the council and staff under the single structure of Judicial Council will end any confusion and ensure broad understanding of its singular role in judicial branch governance. It will also more appropriately reflect common government practice whereby staff to a governing body is not distinguished by a different name. For example, the Senate and Assembly, state commissions such as the Public Utilities Commission, city councils, and the courts themselves do not have separately named staff. Within this common framework and broadly recognized structure, it is implicitly understood that staff act at the direction of their governing body. It conveys a clear line of authority and guards against any misperceptions that staff is acting outside of their purview or without the direction of council.

The process by which we achieve this change requires formal action by the Judicial Council only. The council named its staff by resolution in 1961, following the federal court system model. The name was later reflected in a rule of court. The council retains legal authority to make the change and amend the rule of court. I will be asking the internal committee chairs to prepare the amendment for formal action at the July 29 business meeting. The change will be effective on that date. I will also be directing the Executive Office to implement all identity, organizational, and operational changes in a timely manner.

Presenting our governing body and staff accurately as one entity makes a strong statement about our relationship and how we work together to improve the statewide administration of justice in service to the judicial branch and the people of California. As Chief Justice and as Chair of the Judicial Council, I welcome your support for this positive change.

Sincerely,



Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

cc: Members of the Judicial Council