

**From:** Boren, Roger  
**To:** Invitations  
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From Roger W. Boren, Administrative Presiding Justice  
Court of Appeal, Second Appellate District

**I have read the SEC Report and offer the following comments:**

**I agree with the report in some respects. First and foremost, the AOC is a legal and necessary component of an effective California judicial branch.**

**That is indicated by the fact that several other significant states have an administrative component much like the AOC and operate similarly. Specific elements and operations of the AOC have also been emulated by others.**

**California has at times emulated others.**

**I also agree that the AOC had become top heavy and some of its elements had become unwieldy. Most of the recent in-house modification and streamlining will, correct, I believe, most of the problems. A new director can insure proper direction and effectiveness. I also agree that job classifications need overhaul, but that problem seems existant throughout government.**

**I do not agree that AOC is dysfunctional. Its internal management process was deficient. The organization was simply too large and unwieldy for the job it was handed. That problem is often true in large organizations. To say AOC became a "culture of control" is ridiculous. Its operations did become typical of those of larger bureaucratic organizations. But my interaction with AOC representatives convinces me that service to the courts was a priority.**

**I am also in disagreement with those critics who view the Judicial Council as abdicating its oversight role. To call all judges and others who have honorably served there as sycophants is ridiculous. And to blame the current financial woes on the AOC is absurd. Many elements have let the fight over dollars get the better of them. Some of the criticisms are warranted, but many constitute an opportunistic effort to damage the unity of development of the state-wide judicial system. I also think the future will reveal that a**

**more reasoned approach to the high and unrestrained cost of CCMS was warranted.**

**I do agree that AOC needs its credibility restored, but it is not so much the responsibility of the AOC as it is that of the judicial branch and its Judicial Council. The leadership, organization, and direction should be regularly assessed as is true with any organization. If there were sufficient funds, an outside evaluation team might be hired, and, if not, an ad hoc team composed of members of the Judicial Council should perform the evaluation.**

**It must be kept in mind that the AOC is charged with assisting the the judiciary, which is far from a typical organizational field. Its elements (former county-supported courts, etc.) are equal in many respects but unequal in size and internal organization them selves. They have regular leadership turnover. Their budget needs are sometimes disparate.**

**In my part of the field - as an appellate judge and an "administrative presiding justice" - AOC has served us very effectively. Some of the AOC components that have done so are:**

- 1. Court Appointed Counsel**
- 2. Assigned judges**
- 3. Vexatious litigant coordination**
- 4. Office of Governmental Affairs**
- 5. Human Resources**
- 6. General Counsel**
- 7. Financial Division**

**I also experienced first hand while on the Judicial Council, the original CalCrim task force, and other Judicial Council committees and task forces that the AOC staff was a very talented resource for those entities, that enabled them to function at a high and efficient level.**

**To severely curtail the operations of these critical entities would drastically harm the reviewing court operations. They have almost no resources in these areas except those of the AOC and are quite dependent.**

**I do not propose to comment on most of the recommendations of the SEC report. I believe that those who have been served by the various components**

**will provide more knowledgeable comment than I could. But to emasculate or eliminate the AOC would be a gross mistake.**

**I express here some specific views, however, about a few of the recommendations in the SEC report.**

**Let me focus first on Recommendation No. 7-57: "The AOC must seek the fully informed input and collaboration of the courts before undertaking significant projects or branch-wide initiatives that affect the courts."**

**It is the Judicial Council which is the courts' representative body and seeks their input and collaboration. Such is not AOC's role. This recommendation cannot begin to suggest, in any event, how AOC could accomplish this alone, or why it should. The underlying inference is an aim to diminish the role of the Judicial Council.**

**Restructuring may also be somewhat of a trap, without careful weighing of what is done. The structure is not a major defect, although the unwieldiness may be somewhat related. Restructuring should lead to efficiencies. It may not. The recommended new organizational structure is fraught with possible problems. These stem from what appear to be overlapping responsibilities and built-in conflicts of authority. I also am quite perplexed to note that while there is a recommendation for an executive office function providing trial court support and liaison, there is none for the reviewing courts. I am worried that if too many AOC entities are combined, essential services may be lost.**

**Roger W. Boren**

Sent from my iPad