

Item SP12-05 Response Form

Title: Strategic Evaluation Committee Report

The Strategic Evaluation Committee (SEC) was appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011 to conduct an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25. At its meeting on June 21, 2012, the Judicial Council accepted the report and directed that it be posted for public comment for 30 days. Comments received will be considered public and posted by name and organization.

PLEASE NOTE that all comments will be posted to the branch web site at www.courts.ca.gov as submitted by the commentator as soon as reasonably possible after receipt.

To Submit Comments

Comments may be entered on this form or prepared in a letter format. If you are *not* submitting your comments directly on this form, please include the information requested below and the proposal number for identification purposes. Because all comments will be posted as submitted to the branch web site, please submit your comments by email, preferably as an attachment, to: invitations@jud.ca.gov

Please include the following information:

Name: CHARLES R BREHMER **Title:** JUDGE, SUPERIOR COURT OF CALIFORNIA (KERN COUNTY)

Organization: _____

Commenting on behalf of an organization

General Comment:

Specific Comment - Recommendation/Chapter Number

I was sworn in as a judge in January 2009 and naively believed the AOC to be an organization with the purpose of serving the Judicial Council and the bench officers throughout our state. Unfortunately, I soon discovered that the opposite was true. The AOC was an organization, in practice, reporting only to the then Chief Justice with apparently little to no actual oversight by the Judicial Council. The proverbial "tail was wagging the dog". This reality has been brought to light in great detail by the Strategic Evaluation Committee through their detailed and comprehensive report.

Even prior to the SEC's report it came to light that the AOC hired a contractor that was unlicensed; that the AOC claimed to support the court closure furlows but was actually handing back paid time to compensate; and that the AOC was using back channels within the legislature to attempt to undermine the local authority of judicial officers while

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publicly stating no such attempts were being made. Many more unseemly details have been unearthed which no intelligent individual can simply overlook and dismiss by stating that the AOC "knows best".

Over the past weeks I have considered whether and in what tone to address comments regarding the SEC Report. Most of the public comments are supportive of the report and of imposition of full disclosure and transparency within the AOC as recommended by the SEC. Strangely, but not unexpectedly, there have been a few comments by "ringers" at least one of whom has a financial interest in maintaining business as usual within the AOC. Notably, one of the individuals who vociferously supports no changes within the AOC and dismisses the SEC's report and recommendations is a person affiliated with a national organization that receives One Million Dollars of consulting fees from the AOC on an annual basis. This individual also has publicly espoused that judges need to stay out of running courts or providing any meaningful input into branch management. According to the commentator, judges essentially do not have the depth of experience or judgment to make rational, intelligent decisions. Unbelievable, but consistent with the continued effort by those who are adamantly opposed to transparency within the AOC and refocusing the AOC back to its charge of being an organization that serves rather than one that demands servitude from the Judicial Council and bench officers.

The real question is what course of action best serves the branch and the public ? Is the best course of action to do nothing, keep business as usual and continue mismanagement of the branch's resources by the AOC where the tone continues to be one of disgust with and derogation of bench officers ? Or, is the best course of action one that includes a reevaluation of the AOC and its role, where transparency is paramount, and where the AOC returns to its position as an organization actual reporting openly and completely to the Judicial Council ?

I strongly urge careful and deliberate review and consideration of the SEC's report and implementation of each and every recommendation. Anything less would be tantamount to "business as usual" which clearly has been shown to be less than beneficial to the judicial branch and the public. :

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