



## California Court Commissioners Association

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**Hon. Terry T. Truong**

July 22, 2012

The Honorable Tani Cantil-Sakauye  
Chief Justice of California  
and Chair of the Judicial Council  
455 Golden Gate Avenue  
San Francisco, CA 94102

Re: Strategic Evaluation Committee Report

Dear Chief Justice Cantil-Sakauye and Members of the Judicial Council:

This is in response to the Report of the Strategic Evaluation Committee (SEC) presented to the Judicial Council at its meeting on June 21, 2012, and is on behalf of the California Court Commissioners Association (CCCA).

As I am sure you are aware, the California Court Commissioners Association is a statewide association of court commissioners and referees with significant experience in handling high volume court calendars, such as traffic, small claims, family law, juvenile, probate, and misdemeanor criminal, among others. Most citizens' only interaction with the court system is through these courts.

The CCCA does appreciate the significant work and thought that went into the preparation of this report, and we welcome the opportunity to comment on its various recommendations. In that regard the CCCA does respond to the following recommendations:

4-1. A recommendation requiring the Council to "take an active role in overseeing and monitoring the AOC..." **Given the constitutional and statutory history, duties, and important roles Commissioners and other subordinate judicial officers have had in working in the trial courts throughout the state, it is critical to have active participation of an SJO representative on the Council to guard the interests of the state's SJOs. That representative should be made a voting member of the Council.**

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5-1 to 5-5. Recommendations relating to the reorganization of the AOC. **All employees, and particularly upper level employees, including any Public Information Officer(s), as well as any newly established positions of COO, CAO, Chief of Staff, and Chief Counsel should all be staffed by people familiar with the roles and duties of Commissioners and other subordinate judicial officers.**

6-2. A recommendation requiring the AOC Leadership Team to “begin to implement a formalized system of program and project planning and monitoring...” **Included in the AOC’s program and project planning and monitoring should be line items relating to the roles and duties of Commissioners and other subordinate judicial officers.**

6-8. A recommendation that the AOC “must develop a process to better assess the fiscal and operational impacts” of rule proposals, including seeking earlier input, and a process to gain such input from the courts, etc. **Any processes developed, or assessments made, as well as any input sought should be done by AOC staff familiar with the roles and duties of Commissioners and other subordinate judicial officers and should include their input as well, not just the input of judges and court executive officers.**

7-1. A recommendation that the practice of employing a special consultant be re-evaluated and considered for termination. **Any special consultant retained and/or any special consultant used in the future, should be someone familiar with the experience and roles of Commissioners and other subordinate judicial officers; alternatively, a second consultant should be added who is a retired subordinate judicial officer.**

7-8. A recommendation that the CFCC discontinue investigating and responding to complaints from litigants about judicial officers who handle family law matters. **Although it is unclear from the SEC Report whether this is an ongoing practice or the result of inadequate training of an AOC staff member, or even when this “occasional” practice occurred, we AGREE with this Recommendation, since many family law matters are handled by Commissioners or other subordinate judicial officers, and the law requires that complaints against them must first be handled by the Presiding Judge of the trial court and then the Commission on Judicial Performance.**

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7-17. A recommendation relating to the Assigned Judges Program, with the sub-recommendation that “Consideration should be given to development of an Assigned Commissioner Program to assist courts with such matters as AB1058 child support cases.” **An Assigned Commissioner Program would be a decided benefit to the courts and to the cohort of retired commissioners (and referees), who retain a massive body of expertise in matters of import to the courts – not only in AB1058 issues, but also in small claims, unlawful detainers, family law, provisional remedies, traffic, juvenile delinquency and dependency, and other matters. Provision should be made that retired SJOs could serve in such a program without jeopardizing their respective county pensions. Assigned retired SJOs should be recruited, assigned, supervised and funded in the same way as are judges in the AJP. SJO representatives should be involved in the development of an Assigned SJO Program.**

7-77. A recommendation that the Office of General Counsel (to be renamed Legal Services Office) “place greater emphasis on being a service provider and in improving how it provides services...” **To the extent that the Legal Services Office would recognize “a primary goal of providing timely service and advice to its clients,” the Office should maintain within it some staff member dedicated to and knowledgeable about the history and role of SJOs, so as to be able to advise the AOC and the trial courts on legal issues relating to the functions and powers of SJOs. [Note: This comment also applies generally to any of the positions within any Legal Services Office that may be created or re-named.]**

7-53. A recommendation relating to the resources of the Office of Communications, including the Public Information Officer. **SEE our comments to 5-1 to 5-15, which apply equally here.**

7-81. A recommendation that the Office of Governmental Affairs ensure that the Council’s Policy Coordination and Liaison Committee is “apprised fully of varying viewpoints of the courts, court executive officers, and judges before determining legislation positions or proposals.” **This recommendation should be modified to add the words “Commissioners and other subordinate judicial officers” after the word “judges.”**

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8-4. A recommendation that the Finance Division “should track appropriations and expenditures by fund...” **Implicit in this recommendation, but what should be made clear, is that appropriations for the support of the state’s SJOs should be made part of the budgeting and auditing processes further recommended by the SEC. This will in turn allow the state’s Commissioners and other subordinate judicial officers to see, comparatively, how they are compensated and how their benefits are allocated among the counties.**

Again, thank you for allowing all of us to be a part of this re-evaluation of our court system in California.

Sincerely,

DAVID E. GUNN  
President  
California Court  
Commissioners Association