

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: Laurie M. Earl **Title:** Presiding Judge of the Sacramento Superior Court

Organization: _____

Commenting on behalf of an organization

General Comment: Like the vast and overwhelming majority of the 173 comments received thus far, I support each and every recommendation made by the SEC and urge their implementation. While not addressing each individual recommendation I will address three overarching themes that are repeated throughout the SEC report; lack of oversight, lack of transparency, and the empowerment of our the AOC.

The SEC report reveals a serious and long standing lack of oversight of our administrative agency by the former Administrative Director and Judicial Council. As a result the AOC has grown immensely over the years and in doing so has assumed unfettered and undesired control over certain trial court services and functions. The reason for its growth is not important, but the result of the growth is. In its growth, the AOC has diverged from its intended purpose as a service agency, and has become empowered to pursue their own vision for the judicial branch with limited regard to the input of those who are responsible for carrying out that vision; judges. One can hardly blame them.

As a direct result of deficient oversight and lack of accountability, our administrative agency has failed to adhere to even basic business principles. They fail to present or

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adhere to a business case analysis, they fail to follow requirements and policies in their own personnel manual, they compensate employees outside of their job classification, with a wink and a nod they permit employees to work from locations outside of the state and country and they advocate false budget reduction measures. More significantly, when confronted with the inherent problems of these issues, they are not honest about them.

The SEC report also reveals the consistent lack of transparency in AOC business operations and practices. Whether it is in the fiscal and budget process, staffing levels and position classifications, or the development and implementation of projects and programs, our administrative agency consistently withholds or provides misleading information to judges, the legislative and executive branches, the media and members of the public. This was never more evident than in the CCMS project. This must change.

There is an urgent need to redefine the role of the AOC and its intended purpose. The Judicial Council must set the expectation for their role by immediately adopting SEC Recommendation No. 4-2: The primary role and orientation of the AOC must be as a service provider to the Judicial Council and the Courts. The Chief Justice has said as much, the Judicial Council should not hesitate to establish this expectation.

For the branch to be successful, the Judicial Council must immediately reverse this lack of oversight. The Judicial Council must as the SEC recommends, take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices. (SEC Recommendation No. 4-1) Furthermore the Judicial Council's oversight should include periodic reviews of the performance of the Administrative Director of the Courts. Such reviews to include objective input from persons both inside and outside the judicial branch. (SEC Recommendation No. 4-4)

For the branch to be successful the Judicial Council must adopt SEC Recommendation No. 4-3 and establish the expectation that our administrative agency provide it with a business case analysis, including a full range of options and impacts, including fiscal, operational, and other impacts on the courts before undertaking any branch-wide project, program, grant or initiative.

I agree with the SEC that the AOC needs to be an organization that provides core functions that meet the needs of the judicial branch, identifying what those core functions are and what they are not and ensuring that they are met is inherent in Judicial Council oversight.

The type and depth of change necessary to repair the tension that exists between the trial courts, AOC and Judicial Council involves a cultural change that will face significant opposition from high level AOC staff who have grown accustomed to their role as branch directors. It will be incumbent upon the Judicial Council to insist in the implementation of necessary changes despite this opposition. The first challenge is not to become enamored with the proposition that the AOC's own "internal organizational review

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process” is a remedy for the real work that must be undertaken to re-establish the credibility of our administrative agency with persons both inside and outside the branch. The AOC’s internal review process cannot supplant objective analysis and solutions, if it does we have learned nothing from the valuable work of our colleagues on the SEC.

Specific Comment - Recommendation/Chapter Number:

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