

## 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](http://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](mailto:invitations@jud.ca.gov)

Please include the following information:

**Name:** Mildred Escobedo      **Title:** Judge

**Organization:** LASC

### **Commenting on behalf of an organization**

General Comment:

I urge the Executive and Planning Committee, the Chief Justice, and the Judicial Council to immediately implement every recommendation of the Strategic Evaluation Committee. The AOC must be reduced as set forth in the SEC recommendations, to its core statutory functions. I set forth my reasons.

The AOC has expanded dramatically because it has assumed tasks well beyond its limited statutory functions. It has assumed duties because the Judicial Council itself has not respected its own limited functions.

The AOC and the Judicial Council must be reformed to respect their constitutional and statutory roles. The Council and the AOC should undertake no other duties. Some would argue that the Judicial Council must "choose" what it wants to be. This is not a choice. The Council is bound by the law. The limits of its powers are set forth in the California Constitution's Article VI, section 6(d) as follows:

*(d) To improve the administration of justice the council shall survey*

<b>DEADLINE FOR COMMENT: 5:00 p.m., Sunday, July 22, 2012</b>
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All comments will become part of the public record.

*judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, and perform other functions prescribed by statute. The rules adopted shall not be inconsistent with statute.*

Unless this substantial reduction takes place, we are in grave danger of losing the heart of what it means to be a judge. The value of our system lies in the idea that every judge is an independent decision-maker and an independent constitutional officer, deciding cases with courage, and with a careful view of the law. Judges are not policy-makers. We are bound to await cases and controversies, and decide the disputes before us according to law. The Judicial Council, and therefore its administrative arm, the Administrative Office of the Courts, has lost sight of this principle, moving from the notion of service to one of control.

Statewide funding requires that the AOC ensure uniform accounting and audit standards, and that the courts are properly adhering to funding limitations and accurately reporting expenditures. The Judicial Council should ensure uniform rules of procedure and practice not inconsistent with statute. The AOC should reduce operations to core statutory functions. The Council not has had the benefit of years of discussion on these matters, and the time for surveys and delay are long past. If the Council wishes to maintain any credibility with members of the judiciary, the Legislature, and the public, it must speak clearly by implementing the recommendations of the Strategic Evaluation without delay.

Specific Comment - Recommendation/Chapter Number \_\_\_\_\_:

All recommendations of the report should be adopted and implemented without delay, obstruction or bureaucratic nonsense.

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