

From: Judge Elizabeth R. Feffer
To: Invitations
Subject: Comment on SEC report
Date: Wednesday, July 18, 2012 4:11:58 PM

Next month marks the fifth anniversary of my appointment to the Los Angeles County Superior Court. Since 2008 I have had the privilege of serving in the Stanley Mosk Courthouse in downtown Los Angeles, a courthouse in which I made countless appearances during my years of practicing law.

The Stanley Mosk Courthouse is believed to be the largest courthouse in the United States. It opened to the public (as the Los Angeles County Courthouse) in 1959. In 1960 the population of Los Angeles County was around 6 million. In the 2010 census the County's population was just shy of 10 million. The Los Angeles County Courthouse was built with almost 100 courtrooms.

Today and every day I walk past numerous courtrooms that have been closed to the public, because of the budget. I believe nearly every courthouse in this County has been similarly affected.

When I first started practicing law in 1993, civil courtrooms in Los Angeles County had bailiffs and court reporters. Today, my civil trial courtroom lacks both a bailiff and a court reporter, casualties of previous budget axes. In 1993, there were courthouses open to the public that no longer exist today—not *courtrooms*, but *courthouses*. Residents of this County have to travel farther, and wait longer, to be served by the courts.

It is, frankly, unacceptable that today, the Los Angeles Superior Court is less able to serve the residents of this County than when my courthouse opened to the public in 1959, let alone 20 years ago. It is unthinkable what will occur between now and next July 1, when this court is required to yet again make cuts, another \$70 to \$100 million.

The AOC and Judicial Council, of course, are not responsible for the budgetary crisis, although they have made some decisions that have exacerbated the effects of the cutbacks on the courts. The difficult times, however, present an opportunity to make changes in the manner in which we conduct our business that can result in a more effective and efficient judicial branch in the future.

Amidst all of this are the recommendations of the SEC report. The judges who devoted their time to preparing the SEC report are dedicated and distinguished members of the bench, whose service to the public is a credit to the judiciary.

It is crucial that the Judicial Council promptly and diligently adopt the recommendations of the SEC report, relating to the operation of the AOC.

The core function of the court is not to enrich the economy by building new courthouses when we do not have enough money to keep existing buildings open to serve the public.

Judges here in California draw from amongst the most talented, intelligent, ethical, and hardest-working members of the bar, dedicated to excellence in law, pursuing justice, and patiently serving the public. Because we serve the public, everything we do, or refrain from doing, is subject to public scrutiny. Court proceedings are public. Our orders and statements

of decision are public. Unpublished appellate opinions are readily available on the internet. This is the way it should be. Judges make decisions that literally affect a person's life from birth to death (and beyond). The public therefore has a right to expect, and to demand, that its judges are competent, accountable, efficient, and conduct business transparently.

Further, as we judges instruct jurors in every jury trial, we allow direct and cross-examination, so that evidence in court can be tested, to be shown to be right or wrong. We demand that jurors follow the law, whether they agree with it or not. We order jurors not to be influenced by bias, sympathy, passion, or public opinion. We demand that jurors keep an open mind, and listen to all of the evidence before making up their minds. We allow jurors to ask questions. When it is time for the jury to deliberate, we tell jurors that it is their duty to talk with one other, and that each and every juror is entitled to a fair chance to be heard.

Likewise, the AOC, like the judges that it serves, must be competent, accountable, efficient, and transparent. It must be willing to patiently listen to the views of the judiciary with an open mind, and to allow even dissenting viewpoints a fair chance to be heard.

Taking the recommendations of the SEC report as a whole, it is apparent that the previous culture of the AOC stifled dissent. Such a culture, which is antithetical to the very core principles of our justice system, ultimately decreases accountability, and inhibits participation and innovation.

By commissioning the SEC report, the Chief Justice has indicated a willingness to scrutinize and change this culture, and that the input of the judiciary will now be valued, encouraged and implemented. This culture change will, I believe, benefit the public as a whole.

I strongly urge the Judicial Council to endorse, accept, and implement the full recommendations of the SEC report.

Thank you for allowing us the opportunity to submit our comments.

Judge Elizabeth R. Feffer
Los Angeles Superior Court
Stanley Mosk Courthouse
111 North Hill Street
Department 73
Los Angeles, CA 90012