

## 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:** George Ferrick    **Title:** Mr.

**Organization:** Private individual

**Commenting on behalf of an organization**

*General Comment:*

My comments are largely based on the Judicial Council meeting on June 21, 2012 that focused on the SEC report and that I listened to online:

1. "Dissent and debate"

I noted the early public comment of a judge remarking about the importance of dissent and debate and that in his perspective the prior Judicial Councils, most recently under Chief Ronald George, were deficient in these qualities. I second these as key qualities of a policy making body. The present Judicial Council and decision-makers in their consideration of the SEC report and recommendations will demonstrate these qualities in so far as they exhibit and a tone that makes room for healthy dissent and debate.

2. Danger re: "Groupthink"

Practically every speaker at the meeting began his or her SEC comments with generous praise about the Chief Justice, in her calling for this committee and report; the SEC committee and their hard work; or the SEC report and its recommendations. Adjectives

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like "remarkable," and "outstanding" were not rare. The committee members, the investment of their time and skills, and the intense process involved, are indeed worthy of praise. However, examination of the product, and consideration of the recommendations are another matter, open to "dissent and debate," per the judge's admonition. As I listened to the proceedings, the question occurred: would this almost universal atmosphere of praise discourage critical consideration of the SEC report and recommendations? However, several speakers exhibited a spirit of inquiry and critical thinking, showing that Judicial Council members, while praising the drafters and the process, would not be rubber stamping the report and recommendations. One commentator who demonstrated a differentiated perspective introduced the term "rightsizing" rather than "downsizing" as a worthy objective. As the discussion concluded, I sensed that Judicial Council members, having accepted the SEC report, anticipated incorporating additional sources of input, perspectives, and reflection along the way towards implementing changes. This included recognition of the future role of the still to be selected AOC Executive Director.

### 3. "Problem centered approach"

Admittedly, in the statements of the SEC co-chairs, the report took a problem centered approach. (My mind made a connection with family law child custody reports where the training encourages the evaluator to take a strength-based approach in addition to critical elements of evaluation.) I wondered whether recommendations of a problem focused investigation would receive more respect and credibility if it recognized and showed explicit awareness of strengths and contributions behind the elements of programs subject to its criticism and recommendations of downsizing or elimination.

#### *Specific Comment - Recommendation/Chapter Number*

Chapter 7: AOC Divisions

Center for Families, Children & the Courts (CFCC)

P. 83

Quote: "The total number of staff allocated to this division has not declined significantly even as the overall budget for the judicial branch has declined over the past several years."

Comment: That the size of the CFCC would not be in direct proportion to the overall judicial branch budget would make sense if a substantial source of CFCC funding is from sources external to the judicial branch budget, i.e. grants pertaining to services of use to the courts. This point was soon to be alluded to on the following page, p. 84.

P. 84

Quote: "Most of this growth is attributable to increases in pass-through grant funding."

P. 85

Quote: "As laudable as the division's goals are, however, there is a widely shared perception, including by those within the AOC and the courts, that the division is amorphous and overgrown. The perception is due not only to the variety of activities

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performed by CFFC but also to the numerous grants that fund CFCC, some of which appear not to have been obtained as a result of AOC-wide policy direction or prioritization by the Judicial Council."

Comment: This is an example of a problem focused statement that sidesteps the positive and strengths.

My first unedited reaction to this SEC report statement was along this line: "Why, the SEC seems to imply that the CFCC willy nilly went out and got grants just to increase its size and staffing!"

This statement in the report bears critical examination for sure. As a recently retired employee of the AOC in the CFCC division, it was my sense that the grants obtained were for programs of direct use of the trial courts in California, and enabled them to provide court based services directly to Californians which they would otherwise not have the resources to do. Examples of these are self-help centers, and a host of various collaborative courts, etc. Every three years or so the Judicial Council (JC) would develop operational goals for the judicial branch, and the grants obtained by the CFCC were consistently in line with and justified by the JC operational goals. The CFCC was not functioning as a loose cannon, but to enhance the very capabilities and services of the courts. In this period of diminished state funding, turning away from such innovative and collaborative ways of obtaining funds and providing services would result in direct loss of services that the courts provide to the people they serve. A simplistic approach to a problem focused comment would lead to unwarranted loss all the way around.

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