

**From:** SPFinlay@aol.com  
**To:** Invitations  
**Subject:** SEC Report  
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To: The Chief Justice and Members of the Judicial Council

From: Susan P. Finlay, Judge of the Superior Court, ret.  
(Susan Marrinan)

I have been a judge since 1980. As a former member of the Judicial Council (1989-1991), former Chair of the CJER Governing Committee, former Dean of the Judicial College, former member of the Assigned Judge's Program Advisory Council, and current member of the Domestic Violence Task Force, I have worked with staff members of the AOC on many, many projects over the years. Many of them are my friends and I respect their dedication and hard work on behalf of the judiciary and the public. That said, the findings and recommendations of the Strategic Evaluation Committee (SEC) came as no surprise. It reflects what judges have been observing for decades. This report presents an opportunity for the reform of the AOC and should be welcomed.

Judges Wachob, Chair of the SEC and co-chair, Brian L. McCabe and all of the other members of the SEC are to be commended for their hard work and dedication. Their report is thorough, thoughtful and their recommendations should be adopted and implemented as soon as possible.

When our Chief Justice requested this evaluation, she stated that she wanted a complete, informed, and comprehensive review of the AOC. The Chief Justice's question to the SEC was "How can the AOC best serve the courts and the public?" Looking forward, rather than wasting time with recriminations (although we can learn from past mistakes) the Judicial Council needs to take immediate action in regard to this report. Any further delay will increase the lack of trust in the AOC and the Judicial Council.

The tension between local courts and the AOC and the Judicial Council predates the AOC expansion of the '90's. Since members of the Judicial Council are appointed by the Chief, local courts, lacking representation, have long believed they have no voice in the decisions of the Council and resentment festered. A review of Council meeting minutes going back decades will demonstrate a startling number of unanimous votes and a shocking, surprising lack of dissent. It is clear that dissent was never welcomed or appreciated. It should be encouraged. How can we, as a branch, move forward without open discussion of the issues facing us? The Chief Justice needs honest input from Judicial Council members, not just a regurgitation of what the member thinks the Chief Justice wants to hear.

Because the responsibilities of the Judicial Council members are so important, consideration should be given, as suggested by the CJA, to relieving the judge members of some of their court obligations so that they have adequate time to study the issues and time to devote to their duties as Council members. What has been perceived as an abdication of oversight responsibilities could be due in part to overwork and lack of time.

I urge the Judicial Council request that the Executive and Planning Committee report back to the Judicial Council with a prioritized plan adopting the recommendations of the SEC. To have this small, sub-committee of the Judicial Council evaluate the evaluation of the SEC seems superfluous, not to mention time consuming. The Executive and Planning Committee needs to advise the Judicial Council on how it can move forward, as soon as possible, in adopting the recommendations of the SEC. A lack of timely, immediate response will be viewed a delaying tactic and will only increase the lack of trust between the members of the bench and the Judicial Council.