

Public Comment re: SEC Implementation; SP12-05

By: Judge Timothy M. Frawley
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I strongly believe that the Judicial Council should endorse and initiate implementation of the recommendations made by its Strategic Evaluation Committee.

As the SEC Report shows in exhaustive detail, the AOC desperately needs institutional reform. It documents the AOC's shortcomings – that it is a top-heavy and unwieldy organization; that its internal management processes are deficient and ineffective; that it lacks transparency, accountability, and credibility; and that it seeks to control the courts, rather than assist them.

Having perused many of the comments submitted before mine, I address two with which I disagree:

First, the Council should resist the suggestion to delegate the task of reforming the AOC to the AOC and its new Director. Excessive delegation is the problem, not the solution. The charge of the Chief Justice and Judicial Council to the next AOC Director must be to implement the SEC recommendations, not to exercise his or her own judgment as to what should be done. There is no good reason the current Interim Director should not immediately begin to implement the majority of the recommendations.

Second, some argue that implementing the SEC recommendations could negatively impact access to justice. While that is already happening to some degree as budget constraints require trial courts to trim their operations, I can tell you that if the Council fails to implement the Report, access to justice will only suffer more. For there can be no access to justice without open courtrooms and court staff to work in them. At the end of the day, every dollar that goes to fund a non-essential program or service performed by the AOC is a dollar that is not being used to keep courtrooms open and staffed.

In conclusion, I am somewhat heartened by the progress, however halting, that has been made in the past year and a half. It is unfortunate that the task of reform has fallen to the Chief Justice immediately upon her appointment, but some of her recent statements provide basis for optimism. Departure of some longtime AOC staff has enhanced her opportunity, and that of the Judicial Council, to undertake necessary reforms. This will require courage, but one cannot discover new oceans without the courage to lose sight of the shore.