

From: Gilliard, Maryanne
To: Invitations
Subject: SEC Public Comment
Date: Wednesday, July 11, 2012 4:35:34 PM

Dear Justice Miller,

I write in support of each and every recommendation made by the Strategic Evaluation Committee and I urge its immediate implementation.

I have been a Sacramento Superior Court Judge for the last fourteen years. I have served on a number of my court's committees including the Executive Committee and I currently chair its Bench Bar Media Committee. I am a founding director of the Alliance of California Judges.

I took the time to read the entire SEC report; quite frankly I couldn't put it down. The report confirms what many judges, the respected State Auditor, members of the State Legislature and numerous media outlets have been saying: the Administrative Office of the Courts is a bloated unaccountable bureaucracy that operates without meaningful oversight by the Judicial Council....the entity that purports to be its head.

The fact that judges and others are now being asked to provide "input" on this report is itself a symptom of the dysfunctionality of the Judicial Branch's governance structure. What will happen if a majority of those who take the time, knowing that their "input" will be publically posted, call for the immediate implementation of the SEC's recommendations? Will the Judicial Council need yet another survey, study, or report knowing that many judges are suffering from survey fatigue and may not respond? Are we to understand that these matters will be surveyed in perpetuity until the Council gets the answers it wants?

It is clear to many that the Council is trapped in a case of terminal denial. This was fully apparent when during the last Council meeting, Los Angeles County Superior Court Judge Wesley was unable to get another Council member to second a motion that would have placed the Council at the top of the organizational structure. Pitiful.

Although the SEC made over 100 recommendations, I will focus here on just one: the AOC must take steps to restore its credibility. And an important corollary: "...the commitment to increased transparency, accountability, and efficiency--and the tone and attitude of the organization--ultimately rests with the Judicial Council."

To say we need to restore credibility implies that at one point credibility existed. That may have been true many years ago, but in recent times the branch has: wasted over half a billion public dollars on a failed computer system, mandated court closures though none were needed, created an "Accountability" committee whose sole function was to bless retroactive pay raises for 80% of AOC staff, permitted highly paid staff to telecommute (one staff attorney has telecommuted from Switzerland for two years and counting), spiked the pension benefits of the top 30 paid AOC staff, engaged in costly travel and incurred extra expenses, purported to have implemented a hiring freeze when internal documents revealed otherwise, and publically announced that AOC staff would take furlough days but failed to mention they would receive an extra paid day of vacation at the back end. And just within the last few days the media has reported, that while the Chair of the Council purportedly supported legislative action to shield Trial Court Trust Fund dollars from Council or AOC diversion,

AOC staff was at the Capitol lobbying against such reform.

All of the aforementioned actions were uncovered either by the media, State Auditor, judges or legislators and their staff...not a single one by the Council. In many instances the AOC denied the veracity of these matters. Members of the Council publically disputed the findings of the respected State Auditor and impliedly questioned her motives. A member of the Council castigated State Assembly members for voting on a judicial branch reform bill. The Chair of the Council produced a video clip encouraging AOC staff to actively search for errors in the SEC report---this was done before the SEC was permitted to present their findings at a Council meeting. And to this day, Council members insist that CCMS works. Really.

The members of the SEC did the job the Chief Justice asked them to do. They spent considerable time and effort to uncover numerous shortcomings at the AOC. They encountered along the way a lack of cooperation, failures to timely disclose relevant materials, and wildly inconsistent numbers with respect to budgets and the number of people on the payroll, just to name a few obstacles.

The SEC made well reasoned and factually sustainable recommendations. It is an affront to those judges who were selected by the Chief Justice to serve on the SEC to now have their work product subjected to a process that does nothing other than to offer a platform to criticize, minimize, and derail their findings. This “rolling public comment” process does nothing to restore the credibility of the Council or its purported subordinate entity, the AOC. Instead it perpetuates the reality that the Council is unwilling or incapable to oversee a bureaucracy that has long since taken control. Why else would the Council fail to support even the proposition that it is intended to be at the top of the organizational chart?

Judge Maryanne Gilliard
Sacramento Superior Court