

From: Harman, Dodie
To: Invitations
Subject: SEC Comment
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I am Judge Dodie Harman. I have served for 10 years on the San Luis Obispo Superior Court. For the past 6 or 7 years I have been actively involved in teaching New Judge Orientation and Ethics in the QE Program (QEIII and QE4). I have served on the CJA Ethics Committee and acted as Secretary for that Committee. I write this letter on my own behalf as an individual judge.

I join my colleagues from around the State in urging the Judicial Council to accept and fully implement each of the recommendations set forth in the SEC report. The Chief Justice is to be commended for forming the SEC and assigning well respected, dedicated and distinguished members of the judiciary and others, including the president of the National Center for the State Courts to conduct this in depth review. They clearly took their assignment seriously with the best interests of the judicial branch in mind. Socrates wrote that "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially." The SEC reflected those attributes in its approach to the investigation and in the preparation of its report; for that we all owe them a debt of gratitude. The council must now do the same.

The SEC was created to examine an AOC that had grown far beyond anything ever anticipated by the Lockyer-Isenberg Trial Court Funding Act of 1997. While there are many wonderful dedicated individuals employed by the AOC, the fact is that AOC was allowed to become an out of control bureaucracy.

The result of this unfettered growth in numbers and power has resulted in nothing short of a crisis. The Governor, the Legislature and a majority of the judges of this state have clearly demonstrated a loss of confidence in the judiciary's ability to self-govern and to give direction to its staff. It is time to face the hard truth revealed in the SEC report and deal with it without excuses, delays, half-measures and hand wringing. Our concern must be for the survival of our branch. This crisis presents not just a danger to the survival of an effective judiciary but also an opportunity to change our course and demonstrate a healthy respectable judiciary. Establishing diversity on the Judicial Council through democratization would be a tremendous benefit in the implementation of the SEC recommendations.

There comes a time when the surveys, committees, subcommittees and studies must end and action must be taken. The Chief Justice wanted an opportunity to examine the AOC and to effectuate change. She has had that opportunity. She also requested a public comment period and that has been completed as well. A more overwhelming response in favor of immediate implementation could not be imagined. Now is the time for the Judicial Council to act and demonstrate leadership that the branch needs by fully adopting the recommendations without further delay. "There are risks and costs to action. But they are far less than the long range risks of comfortable inaction." (John F. Kennedy)

Listen to your judges and implement change now.

Judge Dodie A. Harman
San Luis Obispo Superior Court