

**From:** Judge Robert L. Hess  
**To:** Invitations  
**Cc:** Kuhl, Hon. Carolyn B.; McCoy, Charles; Edmon, Lee S.; Vicencia, Michael; Dukes, Robert  
**Subject:** Comments on the Strategic Evaluation Committee's Report  
**Date:** Monday, July 16, 2012 3:14:33 PM

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To the Judicial Council:

I am writing in response to the invitation by Justice Miller to comment on the Strategic Evaluation Committee's report concerning the AOC. These comments are submitted on behalf of myself alone, and are proffered with the greatest respect.

I began my judicial career on the Los Angeles Municipal Court. During my seven years on that bench, I had both civil and criminal assignments, four years service on its Executive Committee, and served on four other committees. I became a judge of the Los Angeles Superior Court on unification in 2000. I have spent almost all of the 12-1/2 years since in a general jurisdiction civil assignment, and have served on four different LASC committees. In addition, I have spent approximately 14 years on the California Judges Association's Civil Law & Procedure Committee.

I have carefully read the SEC's report on the AOC. When the SEC was appointed, I was somewhat skeptical whether it would in fact examine the AOC with a critical eye. I was gratified to see in its report strong evidence both of its diligence in collecting information and its commitment to frank and thorough analysis.

Considering the composition of the SEC and the effort it made in preparing its report, I confess I was surprised and disappointed that the Judicial Council declined to act on any of the SEC's unanimous recommendations and instead referred it out for further comment. While I wholeheartedly endorse consultation within the judiciary, at some point further consultation becomes a substitute for action. There is a real danger that further delay, or the failure to recognize both the correctness of the SEC's criticisms and the force of its recommendations, will alienate substantial numbers of judicial officers and call into question the ability of the Judicial Council to undertake any meaningful oversight role. The Judicial Council has the authority--indeed the duty--to oversee the AOC. What it has lacked is the willingness to accept the responsibility that comes with that authority.

The time has come for the Judicial Council to immediately adopt Recommendations 4-1, 4-2, and 4-3. Each of the other recommendations of the SEC should be implemented as promptly as is reasonably practicable.

These steps are necessary for the future strength and independence of the judicial branch. If we prove ourselves unwilling or unable to undertake reforms internally, we run the risk that external forces will do it for us.

Robert L. Hess  
Judge, Los Angeles Superior Court