

From: Derek Hunt
To: Invitations
Subject: Comment on Court Governance
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Forgive me if this comment is not directed to any given recommendation for reform of our court administration. For the most part I look at such things as inside baseball. I have enough homework to do every day in working up my civil calendar than sweat out the details of all the proposals that go back and forth.

But if one more judge's observations are potentially useful, I submit the following remarks.

Over time (I have been on the bench for 15 years) the prominence of the AOC seems to have grown enormously, but without its producing anything of value to the courts that I can identify. In fact, when I am obliged to think of the AOC at all, I think of the scandal – there is no other word – of the misadministration of its budget to the disadvantage of the court system in general. Of course there is the unbelievable waste of money on a computer system which seems not to have been successful and which has swallowed up the time and attention of people who should have seen what is obvious to anyone outside the Judicial Council and the AOC itself. Furthermore, the growth of the AOC staff seems to have got out of control.

There is also an apparent smugness of Judicial Council invitees. Even if they are in the nature of “cabinet” members selected by the Chief for their congeniality with his or her views, that should not excuse the tales I hear of their insufferable condescension toward other views and other judges. Service on that body is more than an honor; it entails the responsibility that it is service to the branch, not unearned authority over it. My sense is that the self-regard of these people has alienated large portions of their apparently lesser colleagues

And that takes me to a final observation, namely that that almost all of the problems which have either been created by or ignored by the Judicial

Council and the AOC are problems of remoteness. A concentration of bureaucratic power -- particularly at government's upper levels -- is not automatically efficient. Indeed, there are plenty of historical reasons that suggest it is inefficient. There are stories of privy councils and Praetorean Guards, of course, but they are rarely associated with republican government. In retrospect, I think unification was a bad idea. We don't have a better administration; we have one that is top-heavy, wasteful, and arrogant.