

From: Judge Lance Ito
To: Invitations
Cc: Elias, Emilie; Edmon, Lee S.
Subject: SEC Report
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To the Chief Justice and Members of the Judicial Council:

The reaction by the Judicial Council to the SEC report, to send the issues evaluated out for yet more study rather than taking immediate action, bodes ill for the expectation any positive action will follow. Shortly after spending the better part of two days studying the thoughtful, thorough and comprehensive report, I spoke with a close friend and AOC acolyte. I expected her to finally concede the AOC has been run in a deceptive, vindictive and manipulative manner, and that the Judicial Council had abdicated its fiduciary duties to the trial courts and the citizenry for the past decade. Instead I got what I later learned was the list of AOC responsive **talking points** that the SEC report was a, "...snapshot in time," a time long past and that many of the called for reforms were already underway. It is apparent the AOC has adopted a circle the wagons mentality rather than using the report as a starting point for a new era of actual rather than faux transparency. **Again, I ask:** Who in the AOC drafted and who approved the submission of the trailer bill that would strip the local courts of their ability to select a presiding judge?

The bottom line is that **NOTHING** will change until one of two things happen: 1) The selection process for Judicial Council membership is changed from dictatorial to democratic with the trial and appellate courts able to vote; or 2) The new Judicial Council actually takes its role seriously rather than being rubber stamping sycophants. The fact 99% of the votes of the Judicial Council have been unanimous for the past decade speaks for itself. Likewise the fact Judge David Wesley's motion to accept the SEC report and to move forward immediately died for lack of a second. For the past five years trial court judges and administrators have been pointing out the intuitively obvious disaster presented by CCMS, but the Judicial Council failed to exercise even a minimum of oversight. One would think some questions might be raised when the original cost estimate increases by a factor of ten. Even after the state auditor's report ripped the program and pointed out the AOC's gross incompetence and mismanagement, the Judicial Council continued to support it. I am reminded of the **Emperor's New Clothes**.

Voices of dissent were not tolerated in the past and punishment in the form of favoritism and funding decisions were commonly used and widely feared. Those judges posting comments in support of immediate implementation of the SEC report's recommendations will likely never be appointed to any Judicial Council position or committee and can expect their application to sit on assignment to be denied. CJER will drop them as instructors. The AOC and Judicial Council's anti-Los Angeles bias is palpable. The Chief Justice told editors of the Los Angeles Times that the L.A. County Superior Court's position is "very much misguided" and called then LA Presiding Judge McCoy's forecasts of impending closures and layoffs a "Chicken Little approach." "I think it's very interesting that no other court has claimed that there will be such calamitous results" 2/16/2010 L.A. Times. **Today courts across the state are closing courtrooms**, in large part due to the fiscal mismanagement by the AOC and the lack of diligence by the Judicial Council. The **Full Court Press** we saw over the past month in Sacramento with the AOC lobbyists trolling the halls of the legislature and the office of the Governor's Budget Director were all efforts too little and at least four years too late. And now it appears those efforts were as much directed at avoiding AB 1208 type language as they were towards saving the judicial branch. The slow motion train wreck that California's budget has become was apparent to the Executive Committee of the Los Angeles Superior Court in late 2008 when the first round of new austerity measures were discussed and voted upon.

Mine is one of 56 courtrooms closed in Los Angeles County as of July 1st and I spent my afternoon today boxing up my personal belongings from my bench as the jury from what may be the very last trial of my judicial career ponders the fate of a man charged with a double murder for financial gain. **What is maddening is that this did not have to be.** Sadly, the AOC and the Judicial Council, in their prepared talking points in response to the SEC report, ask us still and again to pay no attention to the man behind the curtain.