

To the Chief Justice, the Chair of the Executive and Planning Committee and the Members of the Judicial Council:

I write to support the immediate implementation of the recommendations of the Strategic Evaluation Committee as set forth in the Committee's May 2012 "Report on the Administrative Office of the Courts."

General Colin Powell, an authority on the subject of leadership, has explained why effective leadership requires addressing and solving problems:

Problems have to be solved, not managed. You can't get away with burying them, minimizing them, reorganizing around them, softening them, or assigning blame somewhere outside your responsibility. You have to make real and effective changes. You can't fool a GI, you can't fool a floor worker, and you can't fool a store cashier. They know when something is wrong, and they know it first. . . . They are waiting for you to find out and do something about it.

Colin Powell, *It Worked for Me – In Life and Leadership*.

I was a member of the Judicial Council from 2006 until 2009. During this time, I and three other Council members personally presented in writing to AOC Administrative Director Bill Vickrey a document that articulated and described the following problem: "Some judicial officers and individual courts do not feel they have an effective voice in branch-wide decision making." The document made suggestions for reforming the AOC's relationship with local courts and for addressing problems with Judicial Council leadership. Mr. Vickrey ignored this problem. He would not even allow a committee of Judicial Council members to be formed to discuss the problem.

Also during my time on the Council, KPMG issued a report on AOC operations that identified problems in the AOC's approach to decision making; in its administrative structure; and in its failure to incorporate cost-benefit analysis and business case justification in its planning. I joined with fellow Council member Judge Charles W. McCoy in urging (by way of his formal motion) that the AOC commit to present a business analysis to the Judicial Council for initiatives requiring long-term commitment of funds. Mr. Vickrey opposed this motion, and no other Council member supported this moderate reform.

The problems, unaddressed, festered and multiplied, and negative consequences grew. Early in her term as Chief Justice, Chief Justice Tani Cantil-Sakauye had the courage to open the door and attempt to take stock of the problems.

The Chief Justice asked for comments from the judges of California through their presiding judges. She then took the first step toward reform, appointing an independent Strategic Evaluation Committee “to conduct an in-depth review of the organizational structure, methods of operation, and budget of the AOC . . . and to determine whether changes should be made to the structure and operation of the AOC to ensure that it fulfills its core functions in an appropriate, beneficial, cost-effective, and transparent manner.” (Press release of July 19, 2011.) In other words, the Chief Justice gave the SEC a broad mandate and decided to let the chips fall where they may.

The chips have now fallen. Given the history of warning signals and factually sound reports of abuses of power by the AOC, it is not surprising that the SEC’s Report paints an unflattering portrait of AOC operations and Judicial Council oversight.

The worst possible action would be to now deny the problems, either directly or indirectly (by asserting a need for further study). The job of our leaders, the Chief Justice and the Judicial Council, is now to solve the problems.

Thankfully, the SEC has provided a detailed blueprint of solutions. As explained in the Comments of the Los Angeles Superior Court, there is no reason to doubt the soundness of the SEC’s processes or its conclusions. As Colin Powell advises leaders who recognize problems in their operations, “[y]ou have to make real and effective changes.” The time for temporizing was over years ago. Adopting the SEC Report recommendations is the only alternative for effective leadership of the Branch.

Judge Carolyn B. Kuhl
Supervising Judge of the Civil Division
Los Angeles Superior Court