

From: Michael Latin
To: Invitations
Subject: Public Comment re: Item SP12-05
Date: Wednesday, July 04, 2012 10:55:55 PM

Dear Justice Miller, Justice Cantil-Sakauye, members of the Judicial Council and the Strategic Evaluation Committee:

My name is Michael A. Latin. I am a former judge of the Los Angeles Superior Court, having served in that capacity until my retirement last September. At the time of my retirement, I served on the L.A. Superior Court Executive Committee and as the Assistant Supervising Judge of Los Angeles' Northwest District Courts.

I write on my own behalf and not on behalf of my former court.

I urge the Executive and Planning Committee, the Chief Justice, and the Judicial Council to immediately undertake a swift and sure implementation of every recommendation of the Strategic Evaluation Committee. Regaining our status as an independent, accountable judiciary, possessed of sufficient credibility and resources to serve the citizens of this state effectively, requires nothing less.

I urge the Executive and Planning Committee, the Chief Justice, and the Judicial Council to immediately implement every recommendation of the Strategic Evaluation Committee. The AOC must be reduced as set forth in the SEC recommendations to its core statutory functions.

The AOC has expanded dramatically because it has assumed tasks well beyond its limited statutory functions. It has assumed duties because the Judicial Council itself has not respected its own limited functions.

The AOC and the Judicial Council must be reformed to respect their constitutional and statutory roles. The Council and the AOC should undertake no other duties. Some would argue that the Judicial Council must "choose" what it wants to be. The Council is bound by the law. The limits of its powers are set forth in the California Constitution's Article VI, section 6(d).

Unless this substantial reduction takes place, we are in grave danger of

losing the heart of what it means to be a judge. The value of our system lies in the idea that every judge is an independent decision-maker and an independent constitutional officer, deciding cases with courage, and with a careful view of the law. Judges are not policy-makers. We are bound to await cases and controversies, and decide the disputes before us according to law. The Judicial Council, and therefore its administrative arm, the Administrative Office of the Courts, has lost sight of this principle, moving from the notion of service to one of control.

Statewide funding requires that the AOC ensure uniform accounting and audit standards, and that the courts are properly adhering to funding limitations and accurately reporting expenditures. The Judicial Council should ensure uniform rules of procedure and practice not inconsistent with statute. The AOC should reduce operations to core statutory functions. The Council not has had the benefit of years of discussion on these matters, and the time for surveys and delay are long past. If the Council wishes to maintain any credibility with members of the judiciary, the Legislature, and the public, it must speak clearly by implementing the recommendations of the Strategic Evaluation without delay.

As you may recognize, the content of this letter is taken largely from a sample letter circulated by the Alliance of California Judges of which I have been a member since its inception. The fact that I chose to adopt their letter is by no means a reflection of a blind faith on my part in the Alliance's position. I have read the letter submitted by retired Judge Charles Horan in detail and wholeheartedly agree with the thoughts, points and sentiments expressed therein.

Thank you,

Michael Latin