

**From:** McCoy, Charles  
**To:** Invitations  
**Subject:** Comment re SEC Report  
**Date:** Thursday, July 19, 2012 2:56:44 PM

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

I enthusiastically support immediate implementation of the SEC recommendations.

Now is a crucial moment – a real opportunity to unite around a set of very well considered and wise proposals for constructive change in how: (1) the Judicial Council governs the AOC; and how (2) the AOC operates in service of the Branch. Real changes are urgently needed to ultimately restore both the credibility and trust without which the Branch cannot hope to achieve the high standards of judicial administration to which we ardently aspire.

I served as a Member of the Judicial Council from 2005 to 2008. Over the years I have been a member of: the Governing Committee of CJER; the Access & Fairness Advisory Committee; and the Civil Jury Instructions Advisory Committee. Locally in Los Angeles, I have served as Presiding Judge, Assistant Presiding Judge, Supervising Judge of Civil, and Managing Judge of the Complex Civil Courts. I am presently in my second 3-year term as a Member of the CJA Executive Board.

During the past two weeks I participated in drafting the Comments of the Los Angeles Superior Court submitted to the Judicial Council on July 19, 2012. I adopt those comments fully as reflecting my own personal views.

In particular, I wholeheartedly urge the Judicial Council, as the body institutionally responsible for governing the AOC, to immediately declare its unequivocal support for the reforms recommended by the SEC. That single first step, in my view, is the very best path to quickly restoring the credibility of both the AOC and the Judicial Council.

The Judicial Council's institutional credibility will inevitably be further eroded if it does not promptly take real, observable, credible, and effective steps to solve the many problems identified through the SEC's commendable work. Those problems include not only dysfunction within the AOC, but even more significantly, dysfunction in the Judicial Council's oversight and governance of the AOC and its Administrative Director.

No further studies are needed. No more fact gathering is necessary. The Council should not wait for appointment of a new Administrative Director, and wait still further to obtain his or her eventual recommendations. This is a policy matter vested in the Judicial Council and requiring urgent Council leadership and action, irrespective of who the new Administrative Director may be.

The Judicial Council must, without further delay:

- (1) Fully assert its governance authority over the AOC;
- (2) End the culture of allowing the AOC to make policy while the Council plays only a tacit, symbolic or reactive role;

(3) Implement all of the recommendations of the SEC Report; and

(4) Provide across-the-board oversight to insure the SEC recommendations are carried out (tasking members of the SEC to monitor progress and report to the Council at regular intervals).

I join with my colleagues in Los Angeles and statewide in stating the obvious. The time for reform is now.

Charles W. (Tim) McCoy, Jr.

Hon. Charles W. McCoy, Jr.  
Los Angeles Superior Court

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