

From: AlanPhillips
Sent: Sunday, July 22, 2012 10:50 PM
To: Invitations
Subject: SEC Public Comments
Importance: High

July 22, 2012

*The sin of silence when they should protest makes cowards of men.
~Abraham Lincoln*

Dear Sirs and Madams,

The NORTHERN HISPANIC LATINO COALITION [501 (C)(3), serves Shasta, Trinity, Tehama, Butte, Siskiyou, Glenn and Lassen Counties. As the elected Chairman, I feel compelled - in light of the SEC investigation and recommendations - to present not only serious concerns but also accolades for some things that work for us and enrich the proper operation of law.

AS just a citizen quite lay in matters of law, and on behalf of our constituencies and greater communities, I dare to venture out into this formidable forum and offer that the SEC recommendations, in most part, should be immediately adopted. They should be adopted so that the process of change can begin without delay. Adoption is urged with the hope and expectation that positive adjustments above and beyond or in conjunction with the SEC recommendations may ultimately be made at the state and/or local level as necessary to address legitimate public concerns.

In Shasta County alone, for example our Family Law systems have caused a strong mobilization of grassroots organizations that have amassed scores of complaints of clear “irregularities,” by mediators (unqualified and fast-tracking outside of due processes afforded under 5.2s), judges, therapists, clerks and GALs. Proper complaints have long gone unattended or looped in the AOC/JC. Court retaliation – and FEAR of retaliation – are palpable.

Without Court Reporters, our local jurists and officers of the court can operate law to their own pleasure in a vacuum. The most vulnerable middle class, working poor and the impoverished do not stand a chance in gaining neutrality, thoroughness and trustworthy proper operation of law in a vacuum. Especially for our ethnic and impoverished - often self-represented - pro per litigants.

Substantiated complaints about alleged abuses churn for months and even years in a seemingly endless loop in our local courts, the AOC and the JC. For approximately 16 years, it seems that any litigant who civilly and properly challenges perceived and or alleged wrongdoing on the parts of mediation services or the courts, retaliatory responses frequently ensue. In particular with the most vulnerable, the pro per cases.

In the cases of one [REDACTED], a 19-year veteran “Assigned judge,” we have no opportunity for oversight or accountability measures to protect citizens and children from any reported and alleged wrongdoing. The pathology is sadly predictable now: The PJ’s refer us to the local AOC. The local AOC refers us to the PJ’s. The PJ again refers us to AOC San Francisco. The “AOC

refers us to the “Assigned judges unit.” The Assigned judges unit refers us to the local courts. The local courts refer us to the JC and a bureau with the Chief Justice. All... state they are “powerless” – a key word for us who want to TRUST the largest judiciary in the Western world – to help. That same process took two years as chronicled by many letters exchanged from one of our distraught members, with no remedy to date.

The classic knowledge is that in theory the assigned judges program appears sound. In practice it is RIFE with abuses! And not just by judges. The AOC repeatedly states that [REDACTED] is no longer on the bench. But, the court calendars still show him in current Civil and Family Law matters. Why is the AOC picking our judges?

The rampant complaints related to that one judge have not been taken as seriously as our confidence in the courts and cross-systems' need to sustain our trust. How can our local PJs, the AOC, the JC and even the Chief Justice keep rubber-stamping the 19-year reassignment of what we strongly know - and have civilly made a matter of record - as a menacing, rogue judge?

Currently, we have three Latino families in Shasta County with very serious complaints of wrongdoing within our local courts, and as seemingly enabled by “irregularities” of the AOC. We will next examine other ethnic populations. Due to clear retaliatory actions, only one Latino parent has dared to risk everything to come forward and is actively pursuing remedies via the Governor’s office, legislators and the media. As a deeply concerned leader in far Northern California, I want to believe that “the higher bar” our judiciary is held to that "higher standard." Some wax that it is a "gold bar" that many in the AOC, et al, reach to covet.

From a Human Rights standpoint, the Fee Increases alone are a huge barrier to those in our communities who miraculously survive on minimum wage incomes picking fresh fruits and vegetables for the tables of the affluent. Not forgetting the compounding issues that can exacerbate from a persons inability to pay a fine or fee.

Those seeking help from those sworn and HIGHLY paid to protect and serve often find aversion to the civil processes and proper operation of law. I will say, that is NOT the Latino way! We were raised to blindly trust our authority figures, institutions, churches and systems of law. But what happens when those in charge of the systems and institutions rationalize and theologize indulgence, then get caught or a litigant complains? What we have witnessed and reported is a predictable retreat into an impenetrable self-protective architecture and instant enablement by larger cross-systems: AOC/JC/CJ.

We, the taxpayers, protective parents and distressed citizens embrace many of the SEC recommendations - with some trepidation as to whether they go far enough to really protect us, but with great hope that they are the beginning of a better, more accessible, accountable system of justice. At present we are virtually rendered powerless anymore to exercise our constitutional rights and provisions. We cannot issue a complaint or vote for or against an alleged predatory assigned judge or fast-tracking, oppressive custody mediator; they can find instant Vatican-like sanctuary and enablement from a clearly out-of-touch AOC and Judicial Council. This must be remedied. Now! There are children suffering in silence as you read this. Once expeditious remedies are afforded an ailing top-to-bottom system and a MOST needy citizenry, I would venture further that a Citizens Panel be immediately empowered to add to the diversity vacuum.

When many of our children taken from protective parents go from consistent Honor Roll grades down to failing and truant attendance, as a direct result of an improper operation of law, there is

an epidemiological pattern emerging that bares examination for a remedy. But that's not happening, and we need to admit it, fix it and move on.

I recognize that most related to this movement concerns professionals in the operation of law and others working in the cross-systems. For us mere citizens, we can only hope that some serious consideration of the unnecessary hardships that befall children and families at the hands of wrongdoers and arrogant mismanagement be provided. We are but an indicator species that want deeply and dearly to be heard and to a part of the solutions.

Now, with all the above in a very tightly packed nutshell, I must mention the GOOD NEWS:

1). Unlike the sometimes impotent local Self Help offices, the online California Self Help offerings are a God's send to many of our impoverished, pro per litigants and extended families! We are truly thankful for that service and support its sustainability.

2.) Having a Court Reporter in the courtroom is a sure way to assure a clear record for a more proper operation of law when mediators and judges may conveniently forget details of cases. There is a clear difference in how the operation of law is conducted when we have a Court Reporter present. However, again, the most vulnerable are the pro per and impoverished litigants.

We also have a saying that mirrors the one above from Abraham Lincoln,

"Aquellos a quienes toleran la intolerancia son unos cobardes."

"Those who tolerate intolerance are cowards"

That's a very strong statement born of centuries of institutionalized abuse by churches, institutions and bad laws on Natives and Latinos. Sometimes, we can presume too much when it comes to trustworthiness. I prefer, being able to again trust the largest judiciary known in the Western World: California's! Thanks to the Association of California Judges, AOC whistle-blowers and Judicial Council Watcher, I believe we are on the threshold of a return to a greater institution and a return of confidence from us the little and lay people who pay you all well to serve well.

In respect to the esteemed and highly practiced involved in this significantly important moment, I am but a mere citizen, and I extend my profound gratitude for your patience with me herein and for recognizing what I have taught and modeled for my children, "There should never be a 'Right-way' to do a wrong thing."

Cesar Chavez said that the end of education should be in service to others. I will remain at your service in any way I can help – and I am optimistic we can return to greatness of service.

Most Sincerely,

Alan Ernesto Phillips

Chairman

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