

From: schwab family
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My major complaint regarding the AOC is that its actions are premised on an erroneous definition of “judicial independence.” This incorrect premise is that the term “independence” refers to an amorphous branch, when actually it pertains to the ability of an individual judge or justice to make a well considered decision without fear of personal repercussion for making that call. This has and always will always be the hallmark of a just and fair judiciary. To allow a bloated bureaucracy to increase its power and control over the bench in the name of institutional “independence” is inimical to this hallowed concept. Managing jurists, it has been said, is like “herding cats,” which is the way it should be as it insures the individual independence of each bench officer. The recommendations of the well considered SEC Report should be adopted as they would shield the jurists from having their Constitutional duties and rights impinged upon by a faceless institution. The judiciary as elected officials would have control of the appointed administrators under the SEC Report . It should be noted that said Report does not purport to destroy the AOC, but rather to fulfill its role as a useful tool under and for the judiciary, rather than vice versa. I have repeated the term “independence” repeatedly in my comments, because it so important and so central to the important work and survival of our great justice system in California. Implementation of the SEC Report will help guarantee this all encompassing goal. Thank you for allowing me to present my comments.

Judge Howard J. Schwab (Ret.)