

From: Taylor, Hon. Eric
To: Invitations
Subject: Cleaned up response to call for comments to SEC report
Date: Monday, July 23, 2012 11:46:24 AM

I've been with the court for 15 years. Since 1998, I've served as a Municipal Court Presiding judge, an Assistant Supervising and Supervising Judge, a CJA Executive Board member, CJA President, a Judicial Council Advisory member, and on the Council's Access and Fairness Committee. In 12 years, I've witnessed a healthy, fully operational, 160-year-old court system reduced to an internally dysfunctional system on the brink of complete collapse. The SEC report thoughtfully examines and chronicles a judicial branch in dire crisis-- a crisis seeded not in the current, deep statewide recession, but in the Judicial Council's, AOC's, and ultimately the Chief Justice's failures to govern adequately, fairly, inclusively, and openly.

Prior to Trial Court Unification and Statewide Funding, the Judicial Council (with AOC assistance) had authority under Article VI to conduct studies and to recommend policy to the courts and the legislature regarding the branch. However, the effect of funneling all 58 courts' budgets away from their respective counties through the Council and AOC, effectively nullified the constitutional checks on the Council's and Chief's powers. Many individual courts that had previously provided dependable justice systems in their communities, on efficient and responsible budgets, suddenly found themselves without control and pleading with the Council and AOC for adequate funding.

While trial courts suffered 12 years of contraction and layoffs, AOC staff grew exponentially in the most expensive employment market in the West. Charged with carrying out the Council's ambitious and suddenly well-funded agenda, the AOC (as documented in the SEC report) took on a life of its own, often to the detriment of the daily survival of the trial courts. Courts continued to lay off, close courtrooms, furloughs, etc, while the Council and AOC went on to spend over-spend almost ½ billion dollars on a widely unpopular statewide computer system, and many other programs harshly criticized by many judges, staff and attorneys. Still, the Council allowed it to go on into a deep recession, losing credibility in Sacramento and the trust of many in the judiciary.

Although the AOC became the entity that the current Chief commissioned the SEC to review, the AOC cannot be viewed in a vacuum. It is full of dedicated, hard-working and talented employees. They were simply effective in implementing the overall vision of a few people.

No review which sincerely seeks to address the problem at hand can exclude a review of our branch's failing and vulnerable dictatorial governance model. To date, the chief justice appoints almost every member of the judicial council without checks. A system that allows any person to appoint only his/her friends, or even all judges from a single county to dictate policy for all 58 courts is a broken system. The framers of our state constitution never intended today's result.

The heart of the problem is that Council members appointed by one individual will and have demonstrated an extraordinary allegiance to the person that appoints them, and that person's agenda. This is evidenced by over a decade of unanimous votes on almost every issue -- even when that vote was for a widely criticized computer system that only found true support in the Council. As the AOC was delegated the authority to drive the Chief's agenda, the Council openly followed almost every recommendation made by AOC staff to accomplish this agenda.

Democracy does not work this way. Democracy breeds critical thinking and deliberation, discourse, recognition of diverging and common interests, and assures open debate. But most importantly, democracy in our Council would restore to our branch the fundamental connection between court users and taxpayers in each county to their courts' operations. Those on the Council who make decisions affecting a local court must have some accountability to local court users and judges, and real insight into local trial court concerns. Now that all the courts' budgets initiate from the Council, this model screams for reform.

Since before trial court funding, the former Chief and Council proposed amendments to Article VI to

eliminate its limiting language. And he stated that any attempt to seek democracy would be deemed "a declaration of war" against him and the Judicial Council. His efforts to amend Article VI failed on numerous occasions since 2000 in the face of strong judicial opposition. CJA's 2002 survey indicated that most judges believed in a strong and unified judicial branch, but believed that a strong branch necessitated some form of local representation or democracy.

If our Judicial Council is to remain the statewide governing body over our courts, it should be so only with appropriate safeguards against manipulation, unfettered abuses of power and unchecked spending. The Council should be loaded with representative who will be motivated guardians for their local courts. I believe that this is the true path to safeguarding our trial courts.

I urge the Council to adopt the SEC report, and to implement change in a responsible manner. I would also urge you to reform our current governance structure.

Thanks