

## Item SP12-05 Response Form

### **Title: Strategic Evaluation Committee Report**

The Strategic Evaluation Committee (SEC) was appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011 to conduct an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25. At its meeting on June 21, 2012, the Judicial Council accepted the report and directed that it be posted for public comment for 30 days. Comments received will be considered public and posted by name and organization.

**PLEASE NOTE that all comments will be posted to the branch web site at [www.courts.ca.gov](http://www.courts.ca.gov) as submitted by the commentator as soon as reasonably possible after receipt.**

### **To Submit Comments**

Comments may be entered on this form or prepared in a letter format. If you are *not* submitting your comments directly on this form, please include the information requested below and the proposal number for identification purposes. Because all comments will be posted as submitted to the branch web site, please submit your comments by email, preferably as an attachment, to: [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

Please include the following information:

**Name:** F. Dana Walton    **Title:** Presiding Judge

**Organization:** Mariposa Superior Court

**Commenting on behalf of an organization**

*General Comment:* I call on the Judicial Council to adopt and immediately implement all of the recommendations set forth in the SEC report. This report is clearly not a "snapshot in time," but a completed portrait of the failure of branch leadership. Note that I say "leadership" and not those dedicated staffers who work in the trenches.

For those who claim that the SEC did not survey a broad spectrum of judicial branch partners, I call your attention to the progress report to the chief justice dated January 2012 from former SEC chair Justice Scotland. The committee sought and received response to the survey not only from judicial officers but also retired jurists, active, retired and former AOC employees and "persons, firms, organizations and entities with interest in the judicial system." Furthermore, all AOC directors and unit managers likewise responded.

The SEC precisely followed the charge given them by the Chief resulting in a report which has provided all three branches and the public with a compelling insight into an insular, arrogant, bloated and broken governance and administrative model.

Some have expressed the concern that the SEC recommendations in "right sizing" the AOC will be devastating to the goal of "access to justice." My opinion is that the greatest danger to this access is the very predicament we find ourselves today. Branch funding being slashed by the other branches due to leadership's failure to rein in the out of control

**DEADLINE FOR COMMENT: 5:00 p.m., Sunday, July 22, 2012**

*All comments will become part of the public record.*

AOC. It is not the charge of the our branch to engage in "the social engineering" being implemented, at great financial cost, by the judicial council, the AOC and the mind-numbing number of committees churning out more and more directives to the courts. Our charge as a branch is clear, to fairly and impartially hear and decide cases. Anything else encroaches upon the duties and powers of the other branches.

It is also important to those who may attempt to besmirch the SEC, its members or its findings and recommendations that this was the hand-picked body of the Chief Justice. As one judge reminded us, the SEC report would be her "bible" in the process of the reformation of the AOC.

As a judge for nearly 12 years, most of which as a presiding judge, the SEC finding where not news to me. I have voiced many of these concerns over the years, but coming from one of the smallest courts in the state I was dismissed with smiles, nods, chuckles, platitudes and sometimes outright disdain. Small courts have been instilled by the AOC with the fear that we will lose the services we desperately need, new courthouses being pulled from us, loss of case management subsidies, etc. The SEC report addresses those services that the AOC provides us and does not recommend that they cease. Another fear strategy used by leadership, the AOC and their sychophants is to warn us of how the big courts will take control and prevent us from receiving sufficient funding. This is just another deceitful practice, pitting "us" against "them" and judge against judge.

I believe my observations regarding the fears of the small court are borne out by the few responses by their judges. But today, I call on all of my friends and colleagues, all of you, to join Judges Kennelly, Kingsbury, Parrish and me in throwing off the chains and end this nightmare forever!

In closing I would like to present a partial quote from a document, one of two, that has adorned the top of my desk in chambers from day one of my time on the bench.".....  
.....that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government.....But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and provide new guards for their future security"

Written over 230 years ago. True in 1776. True today.

*Specific Comment - Recommendation/Chapter Number:*

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