

From: Judge Elia Weinbach
To: Invitations
Subject: Comments of Judge Elia Weinbach on the Report and Recommendations of the SEC
Date: Friday, July 20, 2012 7:45:49 AM

MEMORANDUM

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

From: Judge Elia Weinbach
Los Angeles Superior Court

Date: July 20, 2012

Re: Recommendations of Strategic Evaluation Committee

I have been a judge almost five years after having been a civil litigator with a large firm in Los Angeles for twenty years. These past five years have been among the most tumultuous faced by the California judiciary and I sense a growing feeling of despair among the judges, the bar, and the public that our system of justice is in jeopardy because a lack of leadership. It's not just the economy or the State of California's budget woes.

One of my initial experiences with the AOC was when I spent a week in San Francisco attending New Judge's Orientation in 2008. We were given a tour of the AOC offices. I was impressed with the lovely furniture, the large screen tv's, the general ambience, but I could not help but compare it with the state of decay in my courthouse. I didn't know then (really) what the AOC was, or what its role was, except in a very general way. A second experience came a few months later when I attended Judicial College. When I asked if I might arrive on the Monday morning for the first session because I had been previously invited to a wedding the Sunday before the first session, I was told that the AOC required me to attend a meeting the Sunday evening before. So I missed that wedding to attend a wine and cheese reception where an AOC staff member greeted us. I thought it very odd then that the AOC made such rules and that it seemed to rule over the judges,

Constitutional officers. But I did not dwell on these oddities. In the years since, when I have had time from a busy judicial calendar, first in Criminal Law, and for the past three plus years in Family Law, I have read countless stories, reports, letters, emails about CCMS, the AOC, governance, what have you, all of which seemed to resonate with my initial experiences with the AOC.

So I, like many judicial officers, were somewhat relieved that the Chief Justice appointed a distinguished and **independent** body of judges and justices to a Strategic Evaluation Committee to analyze the work of the AOC to “determine whether changes should be made to the structure and operation of the AOC to ensure that it fulfills its core functions in an appropriate, beneficial, cost-effective, and transparent manner.”

Finally, an end to all the bickering. Or so I (naively) thought.

Instead of promptly adopting and implementing the recommendations of the Strategic Evaluation Committee – which I believe are all sound, well-reasoned, and, most of all, **necessary** -- we are now going through yet another round of comments. I realize that as judges, we are particularly sensitive to due process concerns in an adversarial context, and that we attempt to afford litigants a full opportunity to be heard before we make decisions. We are not (hopefully) in an adversarial context in this endeavor. In my view, we have had more than sufficient due process in this process. In my view, it is well past the time to act and implement the SEC recommendations promptly.

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