

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 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

Please include the following information:

Name: Laurie D. Zelon **Title:** Associate Justice

Organization: California Court of Appeal

Commenting on behalf of an organization

General Comment:

I join, and do not repeat, the comments previously filed by the California Commission on Access to Justice. I write separately, in my personal capacity only, in making these additional comments.

First, I wish to commend the Judicial Council for adopting a procedure to obtain further information and input prior to making any decisions to adopt, modify, or decline to implement any particular recommendation. The representatives of the SEC, in their own presentation to the Council, were forthright in acknowledging that they did not view their charge as including any consideration of the positive aspects of the work of the AOC; it is clear from the text of the report that favorable comments about that work were not reported. In determining the scope and nature of the work of the AOC in the future, however, the question now before the Council must include consideration of the valuable initiatives and innovations of the past. If the structure and operation of the AOC led to significant accomplishments for the branch and to increased and meaningful access to the courts for litigants, consideration of any proposed changes should include an analysis of whether those and similar results would be impeded by the change. It is my hope that the

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Council will receive and consider all comments, supportive or critical, when each individual recommendation is under review. It is also my hope that the review not be of number of comments, but of substance. Other comments posted have suggested that there may have been concerted efforts to “stuff the ballot box”; if that were determined to be correct, such efforts should not overwhelm the opportunity to consider the recommendations in the context of the information considered by the SEC, and made publicly known, along with the information that was not considered by the SEC, but which is known to the Council.

Second, I believe that the role of the AOC is broader than that posited by the SEC members: it is to help fulfill the obligation of the branch to ensure justice. Accordingly, the “clients” of the AOC certainly include the trial courts, but also include the other member courts of the branch, and most certainly include those who use our courts. Many of the recommendations, in focusing on the specific needs of the trial courts, fail to discuss the impact on the other courts, on litigants, and other court users.

Finally, a large number of the achievements in increasing access to justice in California, achievements which are recognized and emulated nationally, were possible because we achieved a system-wide means of addressing problems, developing solutions, and marshalling and sharing resources. Even the ability to ensure that litigants will be subject to the same rules and procedures in different counties, because of uniform state rules, has resulted in significant improvements for litigants and their lawyers. Some of the measures to increase access were also possible because grant funds were successfully obtained, and used to leverage what would otherwise be insufficient funding for these projects. All of this is at risk if the recommendations that limit coordinated innovation and funding are adopted.

I thank the Council for consideration of these comments.

Specific Comment - Recommendation/Chapter Number:

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