

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: J. Eric Bradshaw **Title:** Judge

Organization: Kern County Superior Court

Commenting on behalf of an organization

General Comment: It should come as no surprise that a group led by judges would produce an excellent report with common-sense recommendations, with no significant assistance from the AOC. The troubling part is that some of us were surprised. I have seen the Judicial Council and AOC speak with one voice, clinging to an ill-conceived, extravagant computer project in the midst of a budget catastrophe. Courtrooms have been shuttered. Dissent has been marginalized or stifled. Mysterious "trailer bill" legislation has spontaneously appeared to strip traditional powers from local courts. Audits have been resisted and resented. Committees have met, and patted themselves and the AOC on the back, while hiring "freezes" were ignored, light bulbs were "bundled," and staff telecommuted from Switzerland. And now, we have court closures and layoffs. Through what lens could these actions be viewed as evidence of a judiciary that champions fairness and access? The SEC report is a breath of fresh air.

The Judicial Council must acknowledge its obvious failures and help change the governance structure that would protect pet projects to the detriment of the court's mission. But the AOC and Judicial Council are not ultimately responsible.

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

All comments will become part of the public record.

The courts of this state are ultimately responsible. As the SEC report states at page 34, the Constitution authorizes the Judicial Council to appoint an administrative director and **REQUIRES** the Judicial Council to “survey judicial business and make recommendations to the courts....” Neither the Judicial Council nor the AOC is authorized to make policy. "Recommendations" are not policy. Policy is made when the Judicial Council's "RECOMMENDATIONS" to the courts, are approved BY "the courts." When was the last time that happened? When was the last time the courts of this state insisted that it happen? When was the last time a Chief Justice made sure that it did happen?

The SEC, and those who organized the Alliance of California Judges or otherwise dissented when dissent was discouraged, have thankfully reminded us of our charter and of the qualities of good judges when the truth is hard.

The SEC report and the Judicial Council's "invitation to comment" should be viewed as a "survey" of judicial business. The Judicial Council should assume its proper role and **RECOMMEND** to the courts that each of the SEC recommendations be urgently adopted and implemented. The courts of this state should assume their proper role, and by democratic process vote to adopt the SEC's recommendations - every one of them.

Specific Comment - Recommendation/Chapter Number 10-2: The recommendation concerning moving the AOC's main office should specify Sacramento, and should be delegated to a qualified team led by judges, not employees/consultants of the AOC. The task should be to "research and, if financially prudent, implement" this recommendation, not merely "consider" it.

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