

Dear Chief Justice Cantil-Sakauye,

I have been fortunate enough to have the opportunity to personally convey to Your Honor on two occasions, and at length, my sincere reverence for the California judiciary and its role in our system of government. I ask that my comments on the SEC Report be considered in that light.

I believe the reason we are at this juncture can be summed up in four words: The California Case Management System (CCMS). CCMS was an excellent idea conceived by a visionary jurist. There is no question that California would benefit from a statewide electronic filing and case management system. There is also no question that the Judicial Council and the State of California would benefit from a functioning, service-oriented Administrative Office of the Courts (AOC).

I believe the problems with the former (CCMS) is a primary reason for the lack of confidence in the latter (AOC).

During my career I was regarded as a tech-savvy attorney. I created a research site for the judiciary that was in use throughout the State of California and presented at the California Judges Association on two occasions. I am ready to embrace good new technology when I see it. When I was first exposed to CCMS, I could see it was not a good technology. Nearly all of my colleagues and the clerks who worked with it were in agreement: This was not a good system. I am powerfully understating the facts when I relay to you that their criticisms were not well-received. Some even quit court employment over this program, because it made their jobs more difficult. I was surprised when CCMS continued to receive funding. I summarized my feelings anonymously in a cartoon that has received nearly 5,000 hits on Youtube.com <http://www.youtube.com/watch?v=ImZCXn5Xvso>

I believe that CCMS is completely emblematic of the problems that are perceived with the AOC: It has gotten away from its core functions and was entirely unresponsive when some judges were critical of CCMS and asked for accountability on that project. It took the legislature to step in to say "No more funding for CCMS", although even now some judges are skeptical about whether that admonition has been obeyed.

When I was working for the court, I did not wait for a critical mass of judges was achieved before I listened to them. In fact, all it took was one. And with that one telephone call, I was, figuratively at least, standing at full attention. We work for them, and so does the AOC.

Thank you for the opportunity to comment.

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CCMS is, of course, emblematic of a larger problem which I think can also be summed up pretty quickly:  
The failure to remember who is in charge of our judiciary: Your Honor, and the Judges of the State of California.