



Judicial Council of California

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205

July 11, 2012

HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

RON OVERHOLT
Int. Administrative Director of the Courts

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COMMITTEE STAFF
Mr. Bruce Greenlee
Tel 415-865-7698
Fax 415-865-7664

MARY M. ROBERTS
General Counsel

Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: Comment on Report of the Strategic Evaluation
Committee (SEC)

Dear Justice Miller:

I am writing, in my capacity as Chair of the Advisory Committee on Civil Jury Instructions (CACI), to comment on two of the recommendations contained in the referenced report. One of the principal points made in the report is that, in the view of the SEC, the AOC is overstaffed with attorneys and certain reductions in such staff assignments should be made.

Specifically, in Recommendation Nos. 7-72 and 7-74, the SEC recommends that the Legal Services Office and the Judicial Council should (1) assess the value of assigning attorneys as staff assistants to the Judicial Council's various advisory committees, task forces and working groups and (2) consider making reductions in such staff assignments. It is not clear from the report that the SEC gave any particular consideration as to the relative need that such committees, task forces or working groups might have for trained legal staff. The general comments and characterizations made in the report appear to be just that, thereby making impossible a point by point critique.

Nonetheless, with respect to the two advisory committees dedicated to the preparation, correction and update of jury instructions, I believe there can be no question as to their need,

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for the specialized staff services now being provided by the two attorneys assigned to those committees. Those attorneys (Bruce Greenlee and Robin Seeley) have worked with their respective committees for many years and have developed irreplaceable and specialized skills and have become the repository of their respective committee's institutional memory.

It is not an overstatement to say that, without their assistance, it would not be possible for either of these committees to discharge their designated tasks. The attorneys each do an enormous amount of pre-meeting preparation that enables their respective committees to do their work in an efficient and timely manner. As a result, the CACI committee, for example, has been able to conduct its semi-annual meeting in one day for at least the past two years, thereby saving substantial state expense as well as maximizing the use of the valuable time of our committee's volunteer members. Such staff work could not be accomplished by a non-attorney.

While I cannot speak directly to the SEC's comments and recommendations as they might apply to other Judicial Council Advisory Committees, I would be surprised if a number of them could not offer very substantial justification for their need for and use of trained attorney staff assistance. I recognize that the SEC raises issues which are doubtless worth close examination, but I would urge that, in doing so, we be very careful not to undermine a committee's ability to carry out its mission by the drastic reduction in the nature and quality of staff support that is apparently recommended by the SEC report.

Yours truly,

Original signed by
H. Walter Croskey, Chair
Advisory Committee on
Civil Jury Instructions

cc: Justice Harry E. Hull
Justice Sandy R. Kriegler
Justice James D. Ward (ret.)
All CACI Members
Bruce Greenlee, Esq.
Robin Seeley, Esq.