

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. Stephen Czuleger **Title:** Judge

Organization: Los Angeles Superior Court

Commenting on behalf of an organization

General Comment:

Specific Comment - Recommendation/Chapter Number:

When everyone tells you that you are dead, you need to lie down.

The AOC is not dead but it may very well cause the demise of the Judiciary in California. For many years now the unbridled, poorly scripted and unrestrained actions and growth of the AOC have acted as a drain on the finances and, more importantly, credibility of the entire Judicial Branch of this state. The SEC Report confirms without question that which many of us have been saying (and ignored) for far too long. The report and all of its recommendations must be implemented with all deliberate speed. Failure to do so risks consequences far beyond the current fiscal crises. The AOC as it exists today is an existential threat to this state's judiciary.

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

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I have been a judge for over 24 years. I have been a member of the Judicial Council, served on many of its committees, and served as the Presiding Judge of the Los Angeles Superior Court. I have spent countless hours visiting the Capitol on behalf of the courts and taught CJER classes. During those years and in my many capacities, I have had opportunity to see the AOC grow, change for the worse, and, in the end diminish not enhance the finest courts in the country in far too many ways.

The SEC Report is accurate and documents all that is wrong with the AOC and by implication the Judicial Council. It implicates the Judicial Council because the Judicial Council has failed in its obligation to oversee the AOC. In the end, the responsibility for all that is wrong with the AOC today rests on the Judicial Council. That body failed to act when it should have done so.

But now the Judicial Council has the opportunity to address its earlier failures. Failure to act in a timely manner now is unforgivable because it condemns the Branch to many more years of turmoil, derision and ineffectiveness. In other words, this is a turning point for the entire Branch. If the Judicial Council fails to act responsibly, they condone all that the SEC Report condemns.

While I was on the Council, I served on the Executive and Planning Committee. During that time, much that is wrong with the AOC was done in the name of the Judicial Council. As a single example (and there are many more), I recall how staff from the AOC presented budget material for our committee's action. The action requested was to redesignate fund balances to certain projects. I asked if that money was going to be spent on those projects but was told no it would not be. I was told it would, however, take the money off the books and make it appear encumbered when it truly was not. I half jokingly stated, "Well isn't this what Enron did and was indicted over?" Another member of the council, quite seriously replied, "No, we're government and don't have to act like private industry." My point was obviously lost on the group and the AOC staffer then turned up her nose at my comment and committee quickly proceeded to move the money off the books and into designated funds making the funds appear unavailable. It was quite apparent to me the intent was to hide the funds from the Legislature and others. This type of obfuscation was a regular pattern during my term on the Council. I am afraid it may be continuing to this day.

I tell this story to demonstrate a direct example of how the AOC has acted in a less than forthright manner. This is consistent with everything contained in the SEC Report. More importantly, I share this story to point out that it is the Judicial Council that allowed improprieties occur. We now all share the responsibility that the errors of the past created. Acting on this report will not bring back the half of a billion dollars lost to CCMS or bring new money from the Legislature. It will, however, help to repair the Judiciary's lost credibility.

Do not ignore the report, water it down, delay it, criticize it or minimize it in any way. It may not be perfect, but it is the perfect solution to begin long overdue corrections needed

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for the Branch to right itself. Stop taking endless comments. Stop special interest groups from picking at it. Stop the bureaucracy from attempting to rescue itself. Do the right thing. Implement it and do it now. Do not let the opportunity pass. The alternative would be a tragedy for the Branch. It is time for the AOC to lie down.

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