

**From:** Gaffey, Judge Michael, Superior Court  
**To:** Invitations  
**Subject:** Comment supporting implementation of SEC report recommendations  
**Date:** Wednesday, July 18, 2012 3:09:35 PM

---

The change from county courts to a statewide court system was momentous for California. Any change of that magnitude is naturally going to produce both positive and negative results. While the growth of the AOC was inevitable, no person or entity ever envisioned or intended the AOC to become the proverbial "tail wagging the dog."

More than a decade after the dramatic change in our system, it was time to evaluate how the AOC was performing in providing services to the courts. Naturally, such an evaluation should make recommendations for improvements.

The Chief Justice performed a courageous act when forming the Strategic Evaluation Committee (SEC) to analyze the AOC and its role in supporting the California court system. She should be lauded for taking that important first step in the process of improving the judicial branch.

The SEC also performed courageously when it both investigated widely, and presented such a thoughtful, impartial report that brought to light both the strengths and weaknesses of the AOC. The SEC should be lauded for their time, effort, and perseverance in researching and preparing their report. They correctly focused on the Constitution, as well as the enabling laws and rules that shape the scope of the AOC responsibilities. The SEC's report was a crucial second step in the process assessing the AOC and proposing changes for its improvement.

The report's key recommendations in Chapter 4, entitled Judicial Council Oversight (see, recommendations 4-1 through 4-4 on page 44) seem to mirror the Judicial Council Governance Policies published in 2008. (See, Council -Staff Relationship, pages 11-12. [http://www.courts.ca.gov/documents/appendix\\_d.pdf](http://www.courts.ca.gov/documents/appendix_d.pdf)) What is striking is that the policies seem to have gone unheeded by the AOC.

After taking the time to review both the SEC report and the Judicial Council Governance Policies, it is clear that the SEC report recommendations are well founded and sound. Now is the time for the Judicial Council to take the third important and courageous step in the process of improving support for the courts from the AOC.

The Judicial Council should take up the SEC report; adopt the SEC recommendations; and vote to direct the interim AOC leaders to implement the recommendations without further hesitation or delay.

The Chief Justice and the Judicial Council then must ensure appropriate implementation of the recommendations.