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To: Invitations
Subject: Amended Comments to SEC Report
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AMENDED COMMENTS.

In addition to the comments that I submitted a week ago, I would like to provide a few other specific insights based upon my experience within our Court.

In 1998, the AOC commissioned a Judicial Needs Study, employing a firm in Colorado to come to selected courts throughout California. Selected courts were then asked to participate in this study. I was one of the judges asked to participate, and I have kept the materials which I was asked to complete as part of this study. For two months, judicial officers and staff were asked to account for their time on a daily basis, writing-down everything they did for increments up to one-tenth of an hour of work-time. Other judges in our Court and I meticulously maintained the records. Once completed, a group from the AOC and this entity in Colorado came to our Court to present their "findings." Based upon the study, the AOC stated that the "average" Family Law case in San Mateo County took "two-days" to litigate and that a "homicide" case took "four-days" to litigate. From the materials they put together, the group informed us that we did not need additional judicial resources. Several of my colleagues and I politely explained to the AOC and independent contractors who presented their slick PowerPoint presentation that they had never asked any questions that would have allowed them to reach a conclusion that a Family Law case took two-days to litigate or that a "homicide" case took "four-days" to litigate. Having presided over at least fifteen murder trials I can assure you that not one took "four-days" to litigate and there is no way to put a specific time period on the Family Law cases I presided over during four-years of that assignment. Once confronted the AOC and contract employees told our assembled judges that they had given us "preliminary" data and that once refined, we would be provided with updated results. We never heard anything from either the AOC or the contracted staff again. I later was told that the AOC determined that we had no additional needs for judicial staffing, despite the fact that the last new judicial position in San Mateo County was created in 1986.

As the Supervising Judge of the Family Law Department (1998-2000, 2002) I was amazed at the number of changes in Family Law related Judicial Council Forms that occurred in just a couple of years. A four-page Domestic Violence Protection Act (DVPA) form in 1998 morphed into something in the neighborhood of thirteen pages by 2002. The original form was direct and straight-forward. The amended forms became almost impossible to complete or understand, by either the litigants, attorneys or police officers on the streets who were trying to enforce these orders.

As Presiding Judge in 2009-2010, I was amazed at the number of "research projects" our Court's staff received from the AOC. Many of these projects had highly unrealistic turn-

around dates. Highly valuable staff time was devoted toward providing information requested by the AOC. Once the information was submitted, seemingly the majority of these research projects were dropped or we were subsequently told that the information previously sought was not going to be further utilized by the Judicial Council and/or AOC management. Hundreds upon hundreds of local staff time were thus wasted responding to these "make-work" research projects sent down by the AOC.

The term "survey fatigue" has been used by other judicial officers commenting upon the SEC report. I heartily agree with that term and analysis. There is a strong sentiment within our Court and others that there are countless unfocused and other studies initiated by AOC staff that are simply make-work projects to justify the existence of certain staff members within the AOC. As an example, it is hard to understand why the SEC report is being submitted for public comment given the Chief Justice's statements at the time the SEC report was initially commissioned. Given the charge of the SEC, their report should simply have stood by itself once it was drafted and submitted to the full Commission and then the Judicial Council.

Again, I heartily urge the Council and Chief Justice to implement the recommendations contained within the SEC Report dated May 2012.