

MEMORANDUM

TO: California Judicial Council
FROM: Judge Helios J. Hernandez (Riverside County Superior Court)
DATE: July 20, 2012
SUBJECT: SEC REPORT (May 2012)

In March 2011, the Chief Justice formed a committee to look at the issue of the governance of the California Court system. The name of the committee is the Strategic Evaluation Committee (SEC). It is composed of judges from throughout the state. The Committee's report was completed May 2012. I have reviewed the entire report and I urge immediate implementation of the SEC report. My more detailed comments follow.

The purpose and reason for being of the California Court system is to resolve disputes among litigants. This is the core function of the court system. The California Court system is made up of the trial courts, the appellate courts, and the California Supreme Court. The trial courts are organized along county lines. The appellate courts are also organized along county lines. The Supreme Court takes in all of California. Each of these three entities has staff to help them do their jobs. For a trial court, typically, it takes six to ten employees per judge to accomplish all that needs to be accomplished. For a trial court, it is all about people, thousands of people who stand in lines at the clerk's window, thousands who have cases adjudicated each month, thousands of jurors who report to court each week. Just to handle the crowds take a significant investment in facilities, staff, and security.

The California Court system is governed by the Judicial Council (JC) which consists of various trial and appellate and Supreme Court justices with the Chief Justice as the chair. The JC sets policy for the courts of California. Further, the JC provides technical assistance to courts. The JC also provides a coordinating function for the courts. In order to fulfill its purpose, the JC needs staff assistants. In toto, these assistants comprise the Administrative Office of the Courts (AOC).

It is the JC's duty to set up the AOC so that it fulfills its function of assisting the JC. The JC's duties are both operational oversight and fiduciary oversight. To do those duties, the JC needs good, reliable, and frequent information updates. This brings us to the present.

The JC must oversee a complete revamp of the AOC so that it serves an assistance and coordinating function. Courts that need extra help should get extra help. Courts that don't need

extra help should not get extra help. Many, if not all, of the Courts are self-sufficient. Just give them their budget and they will run with the ball and do a fine job. The current version of AOC has grown to be a very large Big Brother type organization that helps you whether you need it or not. So, the current JC has a big job. Under close supervision, the AOC must reinvent itself into a lean, service oriented organization that is responsive to the JC.

The AOC has many useful functions, for example, staffing the various JC committees such as the Access to Justice Committee, the Criminal Law Committee, etc. All of these things serve an important coordinating and information purpose. We don't need to lose these things.

What we need is for the AOC to do what they do more efficiently and under the realization that, even at their very best, they do not deliver that which is the sole reason for the existence of the California Court system – resolve disputes for litigants. The AOC and all staff provide important assistance to the judicial officers but the judicial officers are the only ones who accomplish the mission of the courts.

In sum, the SEC report is a fine report and its recommendations should be put into practice as soon as possible. This will mean much more work for the JC in the short run, but will pay off a hundred fold in the long run.

Sincerely,
Helios J. Hernandez
Riverside County Superior Court