

Addendum to Public Comment of Charles Horan, Judge, Ret.

SEC PUBLIC COMMENT SUMMARY

Respondents were asked by the Chief Justice and Judicial Council to comment on the SEC report, generally, and/or as to specific SEC recommendations. The 30 day comment period ended at 5:00 p.m. on July 22, though Justice Miller of the Executive and Planning Committee of the Judicial Council has stated he will continue to accept comments even as implementation progresses.

471 comments appeared on the Council website as of 5 p.m., July 24. This is undoubtedly the largest turnout for any public comment period in Council history. Roughly 1/4 of the states bench officers filed public comments.

PARTICIPANTS

404 Judges and Commissioners of 37 Superior Courts*
12 Justices of the Court of Appeal
The Alliance of California Judges
The California Judges Association
3 Superior Courts (Los Angeles, San Francisco, and Santa Clara)
22 court employees (CEOs, court counsel, clerks, clerk's group)
The California Trial Courts Consortium
California Latino Judges Association
The Court Commissioner's association
The California State Bar
State Bar Council on Access and Fairness
Council of California Law Librarians
The San Francisco Bar Association
3 legal aid organizations
4 legal advocacy groups
2 multicultural attorney groups
6 Current or former AOC employees**
1 AOC Committee
1 Attorney/former state bar director
1 Diversity Consultant
Commission on Access to Justice
2 Individuals
1 Former Vice President of the National Center for State Courts

*Alameda, Amador, Calaveras, Contra Costa, El Dorado, Fresno, Inyo, Kern, Kings, Los Angeles, Madera, Marin, Mariposa, Merced, Napa, Nevada, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis

Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma, Sutter, Tehama, Trinity, Ventura, Yolo

**Retired Judge Roger Warren, is included in this category because up to a month ago he was employed as the AOC “Scholar in Residence”

APPROACH

Comments have been placed into one of 4 categories based upon their degree of support for the SEC recommendations:

1. Comments which appear to support **total or near total implementation** of the recommendations of the SEC report
2. Comments with a generally positive (or at least not negative) view of the report, but with **concerns** as to certain specific policy or programmatic areas that might be affected by implementation
3. Comments **firmly opposed** to implementation, or which recommend open-ended delay before consideration of implementation, or who favor allowing the unnamed future director to determine which if any recommendations to implement
4. Comments not responsive to the survey question

While most comments were straightforward and clear, a handful were difficult to categorize. Every effort was made to glean the intent of the writer. For example, where a judge said that the AOC should be completely done away with--“Yesterday”--the comment was categorized as favoring total or near total implementation of the report’s recommendations. You are of course free to disagree. Please do what we have done, and read the comments in their entirety.

RESULTS

It is difficult to overstate the degree to which the judges of this state demand immediate and drastic change, or the dire consequences they predict should that not occur.

- 1. 407 Comments Favor Total or Near Total Implementation of the SEC Report’s Recommendations. Of This Number, 271 Insist Upon Immediate Implementation. Of 404 Judges/Commissioners surveyed, 376 favor total or near-total implementation**

The 407 figure also includes 4 others which included comments indicating agreement with the bulk (or in some cases “the vast majority”) of the SEC recommendations, but expressed concerns about 1 or 2 of them--for example, relocation of the AOC offices to Sacramento--as well as 26 additional respondents

whose comments expressed agreement with the report, and dissatisfaction with the AOC, asking that it be “downsized”, “disbanded”, “returned to its core functions”, or otherwise reformed. (An example of these was the comment of a judge who characterized the AOC as a “rogue agency” that needs to be “brought under control”, a commenter who included a YouTube video link lambasting the agency and noting that it has strayed from its core function, as well as that of a judge who believed the Council, as a recommending body only, should simply accede to a vote of the judges on the matter.) We also included one comment in this category that requested some delay, but laid out a comprehensive plan for full implementation.

2. 24 Comments Focused on Sparing Certain AOC Programs or Protecting Policy Turf Rather than Speaking to the Question of Implementation

These comments generally did not speak directly to the report other than in general (usually positive) terms while asking that a particular AOC program or programmatic area be spared cuts, or that the Council be mindful of prior broad Council/AOC policy declarations re: diversity and access when deciding how to proceed. These comments included references to the Center for Children, Families and the Courts, CJER, and the Office of Emergency Response, the Assigned Judges Program, the Graphics Unit, the Promising Programs Unit, and others. These comments seemed to assume implementation would occur, and were primarily concerned with a particular AOC program or service of interest to the writer, or, in the case of numerous outside entities, to their constituents. This group also includes one comment wherein the writer specifically declined to state a position other than that he favored CJER.

3. 34 Comments Oppose Implementation

This group included comments critical of the methodology--and in one case the motives--of the SEC. Others praised the AOC and stated the AOC was blameless and being unfairly maligned. Others argued for open-ended delay for additional study and public surveys, some referring to the report as merely a mere “starting point” for a lengthy debate and more invited comments. A few voiced displeasure with the makeup of the SEC committee and suggested a racial realignment. Some argued that a business model or cost benefit model is inappropriate. Others described certain recommendations as “madness”, and one suggested that the “ballot box might have been stuffed.” Some opined that those in favor of implementation “must not have read the report.” Others believe it is wrong to insist that the AOC be restricted to its core functionality, and one dismissed calls for immediate implementation as mere “war cries” and suggested they should be discounted. Another suggested that implementation of the report might be “unconstitutional.” Trial judges accounted for only 12 of the 34 comments in this category.

4. Six comments simply did not make reference to the report in any quantifiable way, and offered no recommendation whether to implement all, some, or none. (This includes, for example, and individual concerned primarily with the abuse of restraining

order procedures, and a Judge who asked that we adopt Hawaii's "Aloha Law" mandating civility and peacefulness.)

SUMMARY

376 of 404 Judges/Commissioners Responding Favored Full or Near Full Implementation (92%)

ACJ and CJA Favor Full Implementation--The combined membership of these two organizations comprises virtually every bench officer in the state of California

Los Angeles Superior Court and San Francisco Superior Court Favor Full Implementation

18 of 21 court employees favored total or near-total implementation

5 of 12 Justices were strongly supportive of the recommendations

The California Trial Courts Consortium, with 25 Member Courts Consisting of the smaller Courts in California, favors core implementation, and favors returning the AOC to its core functions

0 of 6 current or former AOC employees favored full implementation

0 of 1 AOC committees (CJER governing committee) favored full implementation

0 Advocacy Groups and Bar Associations Favor Full Implementation

A very substantial number of judges and others made the unsolicited observation the Judicial Council must be democratized and/or that the SEC report failed to go far enough.