

**From:** Barbara Kaufman  
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From: Barbara Kauffman  
Family Law Attorney  
Law Offices of Barbara Kauffman

The SEC Report correctly states: “The core purpose of the judicial branch is to provide access to all for fair resolution of legal disputes and issues.”

To this end, the Chief Justice, the Judicial Council and the AOC should be dedicating their focus to ensuring that the public—which funds the branch -- has:

1. Open courts
2. Good Judges – appointed by the Governor, or elected by the public, and subject to oversight by the Commission on Judicial Performance, as provided in the California Constitution.

The AOC has no business usurping the public’s right to a) elect its bench officers, and b) have those judges subject to oversight by the Commission on Judicial Performance, via use and abuse of the AOC’s Assigned Judges Program. The AOC has been using the Assigned Judges Program to effect the lucrative “temporary” assignment of select retired judges every 30-60 days for years on end, in some cases for two decades. These “temporarily” assigned retired judges receive their retirement pay, and also their hefty assigned judge’s compensation – which conceivably provides total compensation approaching the \$400,000 per year range. Further, these retired judges are not subject to retention elections or oversight by the Commission on Judicial Performance. They serve at the pleasure of the presiding judges who request their services, and the Chief Justice, who signs off on their assignment. This arrangement means that an assigned judge must please the Presiding Judge and the Chief Justice, or lose his or her lucrative assignment. This invites an appearance of impropriety, lack of judicial independence, and conflict of interest. Complaints about these “retired” “temporarily assigned” judges are referred to the AOC, which generally fails to respond to the complaints altogether. (The SEC has observed that the CFCC should not be investigating complaints about judges; and neither should the AOC’s Assigned Judges Program.) The AOC retains retired

judges on its elite Assigned Judges list for decades, notwithstanding years of ongoing objections and complaints about said judges by the public, and in some cases, reportedly by employees of the courts to which the retired judge is assigned. Further, the AOC cannot or will not produce statistics about which retired judges have been assigned where, and for how long. It claims it will be a long, arduous, expensive task to obtain this information, when given today's technology (and the \$500 million the AOC wasted on CCMS ) this information should be available at the touch of a button. Unfortunately, the SEC report does not adequately address the problems with the Assigned Judges Program. Assemblymember Mike Feuer suggested that funding for this program should be gutted to the tune of \$20 million, and I agree. In fact, given the ongoing egregious abuses of this program (google Shasta County's ██████████ as an example), perhaps it should be abolished. Courts with a surplus of judges can "loan" bench officers to courts that need temporary assistance. Feuer said: "There shouldn't be a need for the assigned judges program in a context of where we have judges. . . .reassigned from their benches". Indeed. If this program is retained, or expanded to include commissioners, the list should be compiled in an equitable manner; there must be a STRICT maximum time limit on the assignment (not to exceed a specified number of days); litigants should be able to challenge the assignment; and the assigned bench officers should be subject to oversight by the Commission on Judicial Performance.

### 3. Court Reporters

Litigators and judges know that an official record of substantive court proceedings is a necessity, not a luxury. Without a record a proceeding becomes a multi-way he said-she said-they said, and an appeal of a ruling is almost impossible. I have used official transcripts to prove that Family Court Services recommending court personnel don't know or follow procedures set forth in state law and rules of court; that perjury has been committed; that witnesses are telling two or three or four different versions of the same event; that the judge's ruling said this, and not that; that a court executive officer ordered the mass destruction of child custody evidence in the middle of a state audit of a family court; and even that judges misrepresented what he or she did or did not do, or what transpired during a hearing. Court rules in some counties provide that if there is a dispute about what an order was, a party can and should obtain the transcript—but what if there is no transcript? The Commission on Judicial Performance has gone on record unequivocally stating that an official record protects both litigants and judges, and that the lack of an official

record interferes with the administration of justice. Hello! What more is needed to make it clear that ensuring the availability of an official court record in all substantive proceedings should be a priority of the branch, and if it isn't, the legislature should step in?

#### 4. Court clerks

How can a court function properly without them?

#### 5. Self-Help Resources

My experience with the AOC has been that in so many ways it has harmed rather than served the branch and the public. There is a major exception, and that is the amazing California Courts self-help website. This is an invaluable front-line resource for everyone in the branch, and everyone that comes into contact with the branch. It should, at all costs, be maintained. Cut the AOC to the bone, but keep the self-help resources intact. Further, trial court and appellate self-help centers should, to the maximum extent possible, be available and staffed with experienced professionals. These centers help the courts—which can refer litigants to the centers for help—and the public, which desperately needs help to navigate the intricacies of court forms and procedures.