

**From:** Maino, Runston  
**To:** Invitations  
**Subject:** Comment on the SEC Report  
**Date:** Tuesday, July 03, 2012 4:47:12 PM

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Dear Chief Justice Cantil-Sakauye, Justice Miller, Members of the Judicial Council and the Strategic Evaluation Committee:

The disclaimer: I am a member of the ACJ and of the Superior Court of San Diego. I do not represent these groups. The following comments are to be attributed to me and nobody else.

I believe this survey to be flawed from the start. You have not made any provision for members of the AOC or our local court staffs to respond without their names becoming public. There are honest and concerned members of the AOC and the staffs of the local courts that would like to respond but it is too risky for them to do so if their supervisors become aware of their identities.

I believe this survey does nothing more than to delay necessary action.

You already have a number of studies and I fail to see how yet another study is going to help you. In 2006 there was a study which, if memory serves, mirrored the present SEC report in that it described problems with the Office of General Counsel and problems with the lack of proper supervision of some AOC projects. The next report came in 2008. This report, which was written by some members of the Judicial Council, opined that the AOC was changing into a control organization rather than a service organization. I believe this is when Mr. Vickrey used the word "insulting" in his analysis of this report. The CJA conducted a survey of the AOC in 2011. I have not read the results of that survey but the reports I have read say that it was similar to the SEC Report. I believe that our present Chief Justice has made a survey of the 58 Presiding Judges of the Superior Courts of California. I cannot find that report anywhere so I suspect that she has not released it.

Now we have the completed SEC Report. Judges and others are being asked to comment on it. I wonder why and to what benefit this is being done.

I have come to the unfortunate conclusion that the Judicial Council and the leadership of the AOC have, for the past decade, lost their common sense and have lost their courage to act upon facts. You have given up your leadership responsibilities. I will give you two examples.

In 2007 I contacted a member of the Judicial Council about CCMS. I told him that CCMS did not work very well. I also mentioned that there was no business plan for CCMS; there was no funding source for CCMS; that the Legislature had never approved funding for CCMS; and that there were no performance standards for CCMS. The answer I got was that I should go out and rent a good cowboy movie or read a good book. This answer illustrates exactly what I think is wrong with the Judicial Council and the leadership of the AOC: arrogance, inability to listen to other viewpoints; and an inability to face facts that do not fit into preconceived ideas.

We are now in 2012. I notified a member of the present Judicial Council in April of 2012 that Mary

Roberts had authorized one of her attorneys, a Mr. Torr, to spend two years telecommuting from Geneva. It has now been pointed out to you in the SEC report and in some news reports that Mr. Torr is still in Geneva.

Why? Of course if you think this is a valuable way for the California taxpayer to spend money then let him continue to do what he is doing. But if you think that this extended period of telecommuting is not in the public interest why is he not ordered to return forthwith to his workstation in San Francisco by either the Chief Justice, Ms. Patel or Ms. Roberts?

Please consider how a decade of failed leadership has harmed the judicial branch. We are so distrusted by the Governor and the Legislature that laws have been passed to take away the authority of the branch to spend money as we wish. I cannot remember the last time that there was a favorable report in the media about the operation and spending habits of the judicial branch. Please exercise the power you have to bring the AOC, which I consider to be a rogue organization, under your control.

I hope you will bear with me for just a moment. I would like to conclude by quoting a statement on leadership written by Admiral James B. Stockdale. Admiral Stockdale spent seven and a half years in the Hanoi Hilton. He earned the Congressional Medal of Honor for his leadership in that situation. Here is what he said about the principles of leadership: "Principle 10. Moral responsibility cannot be escaped. Whether you are a geneticist trying to unlock the secrets of life and its creation or a bureaucrat attempting to manipulate a nation's view of itself---pro or con--- you cannot use your profession as a shield from responsibility for your actions. A person is the sum of his deeds, and the responsibility for them rests squarely on his own shoulders."

Yours truly,

R. Maino  
Judge, San Diego Superior Court.