

From: McCormick, Kevin
To: Invitations
Subject: SEC Report
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I am Kevin McCormick, a judge for the past five years in Sacramento County, and I write this letter on my own behalf in support of implementation of the recommendations of the SEC Committee. I join my fellow judges from Los Angeles, Kern, Yolo, Sacramento, San Diego, Orange, San Mateo, Sonoma, Madera, Ventura and Alameda Counties who have thus far urged you to end the delays and procrastination in enacting necessary reforms. In spite of the inherently biased methodology chosen by the Judicial Council for addressing -- or not addressing -- the valid criticisms contained in the SEC report, there appear to be no posted comments that support further delaying the suggested reforms.

I make some preliminary observations about the manner in which the Judicial Council has chosen to approach this report and the seemingly endless requests for input that have been and continue to be sought before recognizing and acknowledging what everyone other than those on the Judicial Council seems to have realized--the AOC is an out of control, bloated, control-oriented, wasteful and unguided bureaucracy. Unfortunately, the Judicial Council has consistently failed to address these problems, and that failure has not gone unnoticed by the Legislature, State Auditor, the vast majority of California's judges, the press and the public at large.

The report of the SEC Committee was delivered to the Judicial Council by Judge Charles Wachob, Placer County Superior Court, the Chair of the SEC Committee. Judge Wachob reported that their process was thorough and diligent and they found the interviews to be "incredibly candid." He clearly and directly advised the Judicial Council of the need for, and significance of, a safe haven for people to talk about issues related to the AOC if one desired candid, honest, complete and accurate information. He also advised the tone of the report could have been "much worse."

Judge Wachob stated, "Many people expressed that they had been wanting someone to tell their concerns to for a long time--in a safe way--where there would be no possibility of any retribution or financial consequences to their court or whatever. It was almost like a confessional at some point. But they were very candid conversations. The conversations often ended with requests that we not divulge their comments to anybody and with assurances of confidentiality."

In spite of this declaration of the need to ensure confidentiality, the Judicial Council inexplicably provided a forum for "Public Comment" that ensured the complete opposite. To many it seems the process was designed to ensure those with positive views of the AOC would be more willing to post comments. Many who only shared critical views upon assurances of confidentiality would certainly be deterred from restating criticism knowing their name would be posted on the AOC website for all to view. Other than to out those who had been critical of the AOC, what was the possible purpose of having one restate critical views already presented through the SEC report without the security of confidentiality? This process is actually too structurally unsound to even comprehend and is certainly unable to withstand even the most modest scrutiny.

The manner in which such unsound policies can occur is a direct result of the lack of diversity of thought on the Judicial Council. Many perceive the handpicked favorites

appointed to the Judicial Council to be little more than rubber stamps for the policies dictated and promoted by the AOC. Democratization of the Judicial Council is obviously necessary in order to ensure more thoughtful, balanced, informed, and representative leadership of the branch. Broad and diverse perspectives would promote open and thoughtful discussion and lead to informed and considerate decision-making. Our branch would certainly benefit from this, rather than the failed oversight reflected in the reports from both the State Auditor and the SEC.

The recommendations of the SEC Committee should have been endorsed at the previous Judicial Council meeting and their implementation begun with direction and prioritization set forth by the Judicial Council. It is unfortunate that this was not done. Further delay or continued deferral to the AOC and its interim Director Jody Patel to make changes she deems appropriate is further abdication of the responsibilities of the Judicial Council to the administrative organization it is supposed to control.

Please move forward expeditiously to implement the recommendations of the SEC committee, take control back of our branch of government and begin to restore credibility to the Judiciary.

Judge Kevin McCormick

Sacramento Superior Court