



CHAMBERS OF
The Superior Court
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ROBERT A. MCSORLEY
COMMISSIONER

July 12, 2012

0001-0101

Hon. Tani Cantil-Sakauye, Chief Justice of California
invitations@jud.ca.gov.

Dear Chief Justice Cantil-Sakauye:

I appreciate your office inviting responses to the May, 2012 Strategic Evaluation Committee Report. I have been employed by the Los Angeles County Superior Court for only 8 years of my total 41-year legal career. Actively licensed in 3 states, I have been an Army Lawyer and was a private practitioner in a large firm for 25 years and a solo for 3. My experiences as a consumer of justice administered by the California Courts has been uniformly good. The California Courts are, in my experience, second-to-none in the dispensing of justice. I support the call of the SEC report to drastically reduce the intrusiveness of the AOC and see that report as being consistent with the excellence of the individual judges and justices of our courts.

Contrariwise, my experience with the courts as an applicant for employment was, with the wonderful exception of my becoming employed by LASC, poor. I have found that the internal workings of the judiciary have been spotty at best and corrupt at worst. In 2003 I answered a job announcement by CJP for a job for which I believed I was well qualified, applying for employment. That application was not rejected, was not accepted, was not acknowledged in any way, either positively or negatively. CJP, simply, hired someone about whom I found out only upon my being introduced to him at my NJO in November, 2004—when I challenged Ms. Henley about it, she remained smug and seemed not to care about me or the perception of corruption her department had created. Judge Morris Jacobson of Alameda County had an identical experience connected with the same job announcement for which he also applied. Other applications over the years to courts, both appellate and trial, were less-egregiously unsatisfactory until I applied to LASC in 2001 and 2003 with both experiences being very satisfactory, one unsuccessful and one successful. LASC is an outstanding organization.

It is common knowledge that the problems with the judiciary in California date from the *People v. Corona* case, which pointed out the problems inherent in delivering justice as (unfundedly) mandated by the Warren Court by small, rural counties. The motive to provide centralized funding grew from that experience. AOC could, certainly, provide benefit to small counties. However, it appears very clear that your predecessor, Chief Justice George, along with doing some beneficial things, abused his office to seek aggrandizement of his position by taking in the large amounts of money which were available during the 1990s and early 2000s and egregiously wasting that money incompetently seeking to create a centralized empire which you are seeing crumble. Your strong interest in reversing that condition is very heartening to me and most other judicial officers, I am sure.

When funds were flush, and even afterwards, Chief Justice George was working to expand the empire by hiring a large staff at AOC, including my personal friend and former next-door neighbor, Ernesto Fuentes as human resources director. Mr. Fuentes is a lawyer licensed in the District of Columbia who has experience in government at all levels concentrating on sophisticated human resources matters. My personal opinion is that one of the major projects which Chief Justice George would have attempted, using Mr. Fuentes's talents had Chief Justice George remained, would have been to induce or force all local trial courts, through the economic stress they are currently experiencing, to eliminate their commissioners such that a cadre of AOC-employed Commissioners assembled by Mr. Fuentes might be available to the local trial courts, giving AOC improper control and power over the county courts.

Chief Justice George began, several years ago using the term "The Branch" to describe the state court system, unwarrantedly implying that it is a corporate entity and that he embodied that entity as its head, like the president of a corporation or the managing partner of a large firm. Many judges and a few appellate justices have unwisely accepted that term and concept, abandoning their individual mandates as independent, elected state public officials. Our court system is even less of a corporate "branch" than is the legislature or executive in this state. California's executive is a dispersed and decentralized part (branch) of government composed of a governor, lieutenant governor, insurance commissioner, attorney general, state treasurer and many other independently-elected public officials. Of course, the legislature is composed of a large number of independently-elected assembly members and state senators. Dwarfing both of the other branches of government in terms of the absolute number of elected public officials and dispersed authority is the judiciary, with about 2,000 separate and individual points of judicial authority. Commissioners, who are employees of the judges, enable those judges to leverage their ability to deliver justice because we are subject to their assignment to courts where our energy and expertise can best be applied, allowing judges to do what they desire to do and

Tani Cantil-Sakauye, Chief Justice of California

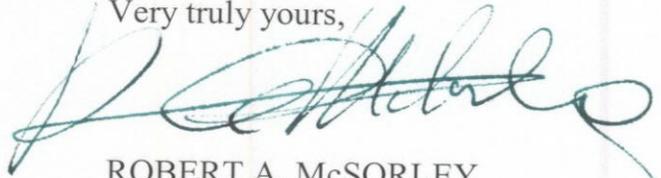
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not placing them in large calendar courts and the like. The 2012 challenge against Judge Otto of my court was, reportedly, motivated by a judge who was assigned to a department which had been manned previously by a commissioner. Your opinion in *Gomez and Juárez v. Superior Court of Lassen County* is very gratifying to me and, I am sure, each and every other commissioner in the state.

I urge you to accept the recommendations of the SEC report and make the AOC smaller and responsive to a democratically-elected Judicial Council. The current system is un-American in its selection and operation. Thank you for this opportunity to participate in improving the delivery of justice in California.

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. McSorley", with a long horizontal flourish extending to the right.

ROBERT A. McSORLEY
Commissioner

RAM/rm