



The Superior Court

400 CIVIC CENTER PLAZA
POMONA, CALIFORNIA 91766
CHAMBERS OF
DAN THOMAS OKI, JUDGE

July 5, 2012

Dear Chief Justice Cantil-Sakauye, Justice Miller, and Members of the Judicial Council of California:

This letter is in response to the invitation of Justice Miller, Chair of the Executive and Planning Committee, to comment on the Strategic Evaluation Committee's (SEC) recent report regarding the Administrative Office of the Courts (AOC). Thank you for the opportunity to provide input on these issues of critical importance to the future of the judiciary in California.

I am a judge of the Los Angeles Superior Court and have served as a trial court judge for more than twenty years. During that time I have been a presiding judge of a municipal court, a supervising judge of the superior court for over five years (including two years supervising our Criminal Division), sat on or chaired many of our court's local committees, and have served on CJER's New Judge Education Committee as well as the Judicial Council's Court Interpreters Advisory Committee. I have taught regularly for CJER at the New Judge Orientation since 1997, and am a former Executive Board member and Vice President of the California Judges Association. Please note that I write to express my individual views as a trial court judge, and not on behalf of my court or any organization.

The distinguished and diverse members of the SEC appointed by the Chief Justice in 2011 conducted a thorough and in-depth 55-week analysis of the AOC prior to issuing its superb report and recommendations. As noted by others, this is not the first report or survey the Judicial Council has received in recent years regarding the operations of the AOC.¹ All of these reports and surveys contain the recurring conclusions that the AOC must in the future engage in meaningful and business-like planning and monitoring of large projects and initiatives, that a fundamental restructuring of the organization needs to occur, that the AOC must refocus on its core function of providing service to the courts, that it must be substantially down-sized in accordance with this core function, and that its internal processes need significant improvement. Respectfully, the time for additional committees, reports, and surveys is over. The time for positive action to implement the recommendations is now.

¹ In 2006, the *Statewide Administrative Infrastructure Initiatives Review Final Report* was issued, followed by a 2008 report written by members of the Judicial Council, and a 2011 survey undertaken by the California Judges Association of over 2,000 current and former judges.

I urge the Judicial Council to (1) endorse the findings and the report of the SEC in its entirety; (2) to implement all recommendations made in the SEC report without further undue delay; and (3) to take positive action to allow the judicial members of the Judicial Council to be democratically elected by their peers. In particular, I urge the Council to immediately endorse and adopt Recommendations 4-1, 4-2, and 4-3 of the SEC report, which are as follows:

Recommendation No. 4-1: The

Judicial Council must take an active role in overseeing and monitoring the AOC and demanding transparency, accountability, and efficiency in the AOC's operations and practices.

Recommendation No. 4-2: The

primary role and orientation of the AOC must be as a service provider to the Judicial Council and the courts.

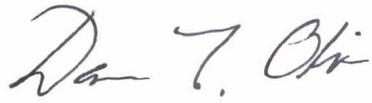
Recommendation No. 4-3: In

exercising its independent and ultimate governance authority over the operations and practices of the AOC, the Judicial Council must demand that the AOC provide it with a business case analysis, including a full range of options and impacts, before undertaking any branch-wide project or initiative. In exercising its authority over committees, rules, grants, programs and projects, the Judicial Council must demand that the AOC provide it with a full range of options and impacts, including fiscal, operational, and other impacts on the courts.

The remaining recommendations of the SEC should be phased in with all deliberate speed. In that regard I join in the recommendation of our presiding judge, Hon. Lee Smalley Edmon, that all of the judicial members of the SEC should be assigned the responsibility of regular and public reports to the Council regarding the progress of implementation.

The criticisms and shortcomings of the AOC which are noted in the SEC report, and which have been allowed to exist for years, have resulted in the current atmosphere of mistrust and division not only within the Judicial Branch, but that has now spilled over to the Legislative and Executive Branches of state government, the media, and to the public in general. You, as our current Chief Justice and the honorable members of the Judicial Council now have within your immediate grasp the ability and, through the SEC recommendations, the blueprint to restore public trust and confidence, and transparency, to the California judiciary. The need to do so without delay is urgent.

Sincerely,

A handwritten signature in black ink that reads "Dan T. Oki". The signature is written in a cursive style with a large, looped initial "D" and a stylized "T".

Dan Thomas Oki
Judge of the Superior Court