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CHIEF JUSTICE

**Superior Court of California
County of San Bernardino**

John M. Pacheco
Judge of the Superior Court

July 16, 2012

The Honorable Tani Cantil-Sakauye
Chief Justice, California Supreme Court and
Chair, Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Attn: Invitations to Comment, Administrative Office of the Courts

RE: **Item SP 12-05**
Strategic Evaluation Committee Report
Comments from Judge John M. Pacheco, Co-Chair of the Racial and Ethnic Fairness
Subcommittee of the Access and Fairness Advisory Committee

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

I am submitting these comments in response to the Strategic Evaluation Committee (SEC) Report on the Administrative Office of the Courts (AOC) presented to the Judicial Council of California on June 21, 2012.

First of all, I commend the Judicial Council's Access and Fairness Advisory Committee for its ongoing efforts to assist the Council in implementing and supporting Goal 1 of your Strategic Plan focusing on diversity, access and fairness in the courts and the justice system. I also support the ongoing CJER education and training on fairness for judges, attorneys and the State Bar Commission on Judicial Nominees Evaluation (JNE). This ongoing support through the AOC entities is critical for the continuation of our collective efforts the major goals of to further build, promote and support a more diverse profession which, of course, includes a more diverse judiciary. In a state that is almost sixty percent (60%) people of color, the number of ethnic minority lawyers as you know is shockingly low at twenty percent (20%) of our legal profession. The numbers for the judiciary (at 27.7% minority) and women in the profession (at 39.4%) are equally shocking.

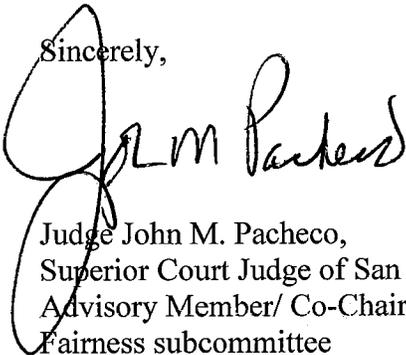
I am sure that you will also agree that another of our goals is to ensure access and fairness and impartial treatment for all court users, in particular those from diverse backgrounds and communities. A failure to have a diverse profession and judiciary severely impacts the credibility and faith in our legal system by the public that we serve.

I now recognize that the SEC's charge was to conduct a "thorough and objective examination of the role, functions, organizational structure and staffing of the AOC." I further understand that the SEC necessarily focused on areas of concern and provided recommendations to address those concerns and that a failure to comment on particular issues or programs indicated that these were not areas of concern. While speaking with Judge Sherrill Ellsworth she assured me of this and she also felt it important that I and others continue to stress the importance of Access, Fairness and Diversity. As the Judicial Council reviews the SEC Report and determines what needs to be restructured at the AOC, we urge the Council to be mindful of the positive work that has been ongoing in the area of diversity in the legal profession and in the judiciary in the past few years by the State Bar and by advisory committees such as ours.

Justice Cantil-Sakauye, it is incumbent that the Judicial Council continues to focus on Goal 1, as well as to extend Goal 1 as part of your new strategic plan, and support the allocation of ongoing resources and qualified staff to ensure the effective implementation of diversity programs and initiatives. If the bench and bar are to maintain the public's trust and confidence in the judicial system, we must strive to do all we can to utilize the best talent in a diverse population and to build that pipeline into the profession.

Thank you for this opportunity to comment in response to the SEC report. Once again, I commend the Judicial Council and the AOC for the positive and difficult work it has done to promote and ensure support for and implementation of Goal 1 and I wish to continue to offer my assistance to continue to build a diverse organization that will go far to foster public trust and confidence and the perception of fairness in our judicial system.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Pacheco". The signature is written in a cursive style with a large, looping initial "J".

Judge John M. Pacheco,
Superior Court Judge of San Bernardino Superior Court/ Access and Fairness
Advisory Member/ Co-Chair of Racial and Ethnic
Fairness subcommittee

cc: Jody Patel, Interim Administrative Director, Administrative Office of the Courts