

Item SP12-05 Response Form

Title: Strategic Evaluation Committee Report

The Strategic Evaluation Committee (SEC) was appointed by Chief Justice Tani G. Cantil-Sakauye in March 2011 to conduct an in-depth review of the AOC with a view toward promoting transparency, accountability, and efficiency. The Chief Justice received the report and recommendations on May 25. At its meeting on June 21, 2012, the Judicial Council accepted the report and directed that it be posted for public comment for 30 days. Comments received will be considered public and posted by name and organization.

PLEASE NOTE that all comments will be posted to the branch web site at www.courts.ca.gov as submitted by the commentator as soon as reasonably possible after receipt.

To Submit Comments

Comments may be entered on this form or prepared in a letter format. If you are *not* submitting your comments directly on this form, please include the information requested below and the proposal number for identification purposes. Because all comments will be posted as submitted to the branch web site, please submit your comments by email, preferably as an attachment, to: invitations@jud.ca.gov

Please include the following information:

Name: Thomas C. Falls **Title:** Judge

Organization: Superior Court

Commenting on behalf of an organization

General Comment:

SUMMARY

I am a judge in Los Angeles County. Over the past fifteen years I have served in both the Municipal and Superior Courts, I have also served on numerous court committees. I am currently the Supervising Judge of the East District, a district of forty-one bench officers, and I write this letter on my own behalf in support of implementation of the recommendations of the SEC Committee.

I have read and studied the SEC report. The report itself is not an easy read and took a while to get through. I went back and reread it, and the genius of the recommendations became clear upon subsequent readings. The committee has presented a detailed blueprint to reforming and reorganizing the AOC. A task that is long overdue. Implementing the recommendations of the SEC committee will begin to restore credibility to the judicial branch. Having read some of the comments posted, it should be noted that some of the recommendations may not seem necessary when isolated and

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viewed in a vacuum. However, when taken as a whole, it becomes clear that every recommendation should be implemented and implemented without delay.

CONTROVERSY IN SENDING THE REPORT OUT FOR PUBLIC COMMENT

There have been negative comments about the decision to send out the report for public comment. I am of two minds about this development.

Approximately a week before the report was finally released and rumors were circulating that it was finished, I bet a colleague lunch that in fact the report would be sent out to another committee and that the tactic of seeking public comment would be used. My colleague was initially leery about taking the wager not knowing what was in the report. Once the report was released and my colleague had a chance to review it she was adamant that the Judicial Council (hereafter JC) would begin to implement the recommendations without delay. I offered the wager again; she laughed and said she would be happy to have me buy her lunch.

I asked her why she was so certain she would win. She argued that the JC already had judicial input on the issues that were covered in the SEC report when the California Judges Association surveyed its members last year. She reminded me, that shortly thereafter, there was a survey that the Chief Justice conducted of all of the bench officers in the state through the presiding judges in each of the counties. She pointed out that the committee spent more than a year researching, studying, interviewing, and preparing the report. She also argued that the JC has access to at least two other prior reports about some of the same issues. I agreed with her, but pointed out that the history of the JC clearly indicated to me that they would stall. She responded “did you read the report? Its findings and conclusions are so thorough and so well done, even the judicial council could not possibly ignore it.” I responded that I just did not have any faith in the JC. Needless to say, my colleague will be taking me to lunch (at Lucille’s Smokehouse Bar-B-Que, I will be enjoying baby back ribs, mashed sweet potatoes and okra).

Having confessed my personal interest in having the Judicial Council send the report out for public comment, let me now say, I SHOULD HAVE LOST! My colleague’s arguments were correct. Her logic was flawless. Fortunately for me, she did not take into account the personalities and foibles of some of the members of the JC. The dialogue between the council members when this report was presented at the JC meeting was embarrassing, pedantic, and sadly predictable. For goodness’ sake, some of the members actually debated and expressed astonishment over the “tone of the report”.

Judge Rosenberg recently analogized the predicament the Judicial Branch is facing with the sinking of the Titanic. I envisioned the JC meeting on the bridge of the Titanic, as water is enveloping the ship, lifeboats are being launched, DiCaprio is bobbing in the waves, while the Judicial Council is too busy to notice because they are arguing with the crew about etiquette and “proper tone” in delivering the news of the sinking. No wonder the branch is in such bad shape.

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CONCLUSION

Enough of the nonsense, enough of the stalling...I join my colleagues from around the state in urging the Judicial Council in the strongest of terms to implement the recommendations, and if members of the council cannot bring themselves to do so, I suggest, with all due respect, that you offer your resignations.

Specific Comment - Recommendation/Chapter Number 4-1:

I urge the Council to immediately endorse and adopt Recommendations 4-1

Specific Comment- Recommendation Number 4-2

I urge the Council to immediately endorse and adopt Recommendations 4-2

Specific Comment- Recommendation Number 4-3

I urge the Council to immediately endorse and adopt Recommendations 4-3

Specific Comment- Recommendation Number All others

The remaining recommendations of the SEC should be phased in as quickly as possible and no later than June 30, 2013.

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