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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 22, 2012

Title

Survey of Trial Court Presiding Judge
Advisory Committee Members Regarding
Strategic Evaluation Committee Report

Agenda Item Type

Information Only

Date of Report

June 19, 2012

Submitted by

Hon. David. Rosenberg, Chair
Trial Court Presiding Judges Advisory
Committee (TCPJAC)

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Executive Summary

The Executive Committee of the Trial Court Presiding Judges Advisory Committee (TCPJAC) held its business meeting in San Francisco on May 31, 2012. Several other presiding judges, assistant presiding judges, and court executive officers were also in attendance. With the release of the Strategic Evaluation Committee (SEC) Report on May 25, a lengthy discussion of its recommendations was held at the TCPJAC meeting. During the discussion, it was proposed that a committee response to the report be determined and conveyed to the Chief Justice and the Judicial Council. Judge David Rosenberg, Chair of the TCPJAC, surveyed the membership via e-mail after the meeting to determine their responses to the SEC Report. The results of that survey are contained in the “Summary of Findings” at the conclusion of the report.

Previous Council Action

Chief Justice Tani G. Cantil-Sakauye appointed the Strategic Evaluation Committee in March 2011 “to conduct an in-depth review of the Administrative Office of the Courts and its organizational structure to promote transparency, accountability,” and “efficiency in providing services to the courts.”

The committee appointments became effective on May 1, 2011, and the committee held its first meetings on May 2 and 3. By July, the committee had met again and formalized and distributed more than 3,500 surveys, which were sent to every state judicial officer, including those who had retired within the past five years. Surveys were also sent to the appellate districts and court executive officers, as well as AOC directors, unit managers, and staff of the AOC, including retirees of the past five years.

In the 55 weeks since its first meeting, the committee conducted an exhaustive review of the AOC, and on Friday, May 25, its final report and recommendations were delivered to Chief Justice Cantil-Sakauye, and she immediately made the report available to court stakeholders and the public. The SEC expressed a hope that the report's recommendations would provide a foundation for continuing efforts of the Chief Justice and the Judicial Council to enhance the transparency, accountability, and efficiency of the AOC.

Possible Recommendations

During the TCPJAC Executive Committee's May 31 business meeting, the membership, along with several other presiding judges, assistant presiding judges, and court executive officers, discussed the recently released SEC Report at length. The Chair of the Judicial Council's Executive and Planning Committee, Associate Justice Douglas P. Miller of the Fourth Appellate District (via phone), and the Vice-Chair of the SEC, Presiding Judge Brian L. McCabe of the Superior Court of Merced County (in person), also participated. Subsequent to the discussion, it was proposed that a TCPJAC response to the report be determined and conveyed to the Chief Justice and the Judicial Council. Judge Rosenberg indicated that he would create a ballot capturing the motions proposed during the group discussion and distribute it via e-mail to the members for their vote. A majority vote (30 of 58 presiding judges) would determine the committee's position.

Judge Rosenberg's June 4 e-mail survey to the TCPJAC membership included the following three options for consideration:

1. Should the TCPJAC recommend to the Judicial Council that the Judicial Council endorse and adopt the SEC Report in its entirety and make every effort to implement all of the recommendations with all deliberate speed?
2. Should the TCPJAC inform the Judicial Council that the TCPJAC supports, in principle, the thorough analysis and recommendations for change contained in the SEC Report?
3. And if you answered both of these questions with a "yes," which of the two is your preference?

The members were asked to vote "yes" or "no" on options 1 and 2, and if appropriate, to also answer option 3. The answers to option 3 would be considered only if both options 1 and 2 received a majority vote. They were given a deadline of Monday, June 11 to respond with their votes.

Summary of Findings

Of the 58 presiding judges of the TCPJAC, 41 (70%) responded to the e-mail survey by the deadline, including 1 abstention.

Option 1 received 28 “yes” and 11 “no” votes.

Option 2 received 36 “yes” and 2 “no” votes.

Of the 25 members who answered “yes” to both of the first two options, 23 preferred option 1, and 2 preferred option 2. (Of those who did not vote yes for both options, 4 members voted for option 1 only, and 12 for option 2 only; again, with 1 abstention.)

