

From: Burger-Plavan, Trena
To: Invitations
Subject: Re: Public Comment: Each of the Recommendations made by the SEC Should be Accepted and Adopted Immediately by the Judicial Council
Date: Friday, July 20, 2012 4:13:28 PM

The Judicial Council immediately should adopt each and every one of the recommendations of the Strategic Evaluation Committee (SEC).

The Judicial Council has known since receipt of the independent audit by the California State Auditor in February 2011 that the AOC, as an agency, is not competent, is unable to exercise proper fiscal management of monetary resources, and is unwilling to be transparent, accountable, and efficient in its operations and practices.

These shortcomings of the AOC were specifically identified by the California State Auditor in 2011 when it audited the AOC's work on the California Court Case Management System (CCMS). The California State Auditor focused on and detailed the AOC's exceedingly poor management and its failure to properly plan, analyze and oversee the CCMS statewide case management project. These identified failures by the AOC created significant risk to the CCMS project and eventually caused the failure of the entire project.

The California State Auditor specifically found the following:

The AOC inadequately planned the project since 2003 and the work undertaken by the AOC lacked sufficient analysis. The AOC did not conduct a business needs assessment at the beginning of the CCMS project. Additionally, the AOC did not perform a cost-benefit analysis to ensure that CCMS was a cost-effective technology solution for the courts' needs.

The AOC did not structure its contract with the development vendor for CCMS to adequately control the project costs and scope. Over the course of seven years the AOC entered into 102 contract amendments and increased the costs of the contract from \$33 million to \$310 million. The estimated date for complete deployment of CCMS was pushed back over 7 years.

The AOC consistently failed to develop accurate cost estimates or timelines for the project. Moreover, the AOC estimates excluded significant costs that were certain to be incurred-- such as those that the superior courts and their justice partners would spend to deploy CCMS. Cost estimates changed from \$260 million in 2004, to nearly \$1.0 billion in 2010, to likely nearly \$1.9 billion at the time of the Audit. The State Auditor found that the annual reports that the AOC provided to the Legislature did not provide complete cost information as to the project.

Even though the AOC knew from the beginning of its work on CCMS in 2002 that this project would be significant in terms of cost, time, complexity, and impact on the superior courts, it did not follow established Best Practices for a project of this size and scope and retain Independent Verification & Validation (IV&V) and Independent Project Oversight (IPO) services for significant parts of the project. The State Auditor noted that late in the life of the project the AOC attempted to obtain some independent oversight but this came too late and the scope of services fell short of well established best practices. Moreover, the State Auditor found that the AOC did not adequately address the significant

concerns raised by their late hired “oversight” consultant.

I have read the SEC report in its entirety. It is apparent that the SEC conducted an in-depth and exhaustive review of the AOC. The stated objective of the SEC is to make recommendations to improve the AOC. The SEC conscientiously has made thoughtful and considered recommendations. The recommendations, when implemented, will cause the AOC to be reconstituted so that it will be able to refocus itself and provide service to the courts. This reshaping necessarily will entail a fundamental and substantial restructure with much needed down-sizing so that the AOC can provide the service that corresponds with its core functions and, hopefully, greatly improve its internal processes and work product.

The Judicial Council should immediately adopt and implement each and every one of the Recommendations in the SEC Report.

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