



JOHN A. CLARKE
EXECUTIVE OFFICER / CLERK

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LOS ANGELES, CA 90012-3014

Superior Court of California
County of Los Angeles

July 19, 2012

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

I am writing on behalf of myself in response to your invitation to comment on the recently published report of the Strategic Evaluation Committee.

Knowledgeable observers agree with the conclusions of the Strategic Evaluation Committee as to the faults of the AOC: that they recklessly engaged in ill-considered and badly managed projects, wasting branch resources; that they impeded full disclosure of the fiscal implications of their plans; that they put their own judgment before that of the Judicial Council; that they manipulated the agendas and information of committees and working groups to suppress legitimate controversy and avoid needed deliberation; that they fostered a system of clientelism and patronage in their relationships with the trial courts. These behaviors have led many judges across the state to express their lack of confidence in the AOC.

Further, these behaviors have shaken the confidence of the legislature and the Department of Finance in the branch's capacity for self-governance, and thus have contributed directly to the recent erosion of branch control over branch finances. Moreover, these behaviors are still on display – challenging both the AOC's declarations of progress toward reform, and the wishful thinking among some that the departure of previous leadership is sufficient to bring about necessary change.

Such change will not come of its own. In the midst of the current crisis, it cannot come too soon. We must all immediately bend our efforts to reversing the crippling loss of credibility, administrative capacity and branch resources brought about by a decade of AOC incompetence and hubris. The SEC Report shows how.

Underlying the detailed and complex set of recommendations are powerful principles that are heard in many of the varied voices of support. These are principles that will serve our branch well: that judicial independence is best served by strong trial courts led by locally elected Presiding Judges, rather than weak courts dependent upon the AOC; that lively debate, rather than tacit consensus, is the hallmark of good decision making in a branch as diverse as ours; that the inherent risk attendant to statewide projects means that recklessness should not be mistaken for boldness; and that policy analysis, however comprehensive, detailed and empirical, cannot replace the informed deliberation of duly authorized and elected trial court judges. The members of the SEC bring these principles to life throughout their dozens of thoughtful recommendations.

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Certainly a new director can achieve needed reform – but only if the terms of reform are made clear and indisputable by the Judicial Council. Those terms are the recommendations of the SEC Report.

Calls for more study or for half measures are unwarranted and would signal a hesitancy and lack of commitment on the council's part that would hamper the council's efforts to lead the branch through crisis. Necessary reform will not happen unless the council makes its support for all of the SEC's recommendations strong, unequivocal and without reservation. I urge the council to do so at its July 27th meeting.

Respectfully,

A handwritten signature in black ink, appearing to read "John A. Clarke". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Clarke

Executive Officer/Clerk