



CALIFORNIA JUDGES ASSOCIATION

The Voice of the Judiciary

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May 9, 2011

HAND DELIVERY

Hon. Tani Cantil-Sakauye
Chief Justice
California Supreme Court
350 McAllister Street
San Francisco, CA 94102

RE: CJA Survey Results and Comments

Dear Chief Justice Cantil-Sakauye:

Thank you for your solicitation of suggestions from the California judiciary as to potential improvements of governance and administration of the judicial branch. You indicated your specific interest in receiving the results of the recent member survey conducted by the California Judges Association.

The votes cast by CJA members responding to our survey yielded the following results:

- 1) 53% are dissatisfied with the Judicial Council's governance of judicial branch affairs;
- 2) 62% are dissatisfied with the Judicial Council's oversight of the AOC;
- 3) 79.22% are dissatisfied with the Judicial Council's oversight of CCMS;
[With respect to CCMS, of those people who have used it, 75.8% were dissatisfied with the Judicial Council's oversight of CCMS; and, of those people who have not used it, 78.2% were dissatisfied with CCMS oversight by the Judicial Council.]
- 4) There was no majority position on AB 1208, with 48.70% supporting and 45.45% opposing the bill;
- 5) 84.22% agree that judicial branch governance should remain within the branch itself, and not become a function of external political processes.

Our members were not required to provide any written comments, but many members chose to provide comments on the issues presented by the survey. Although the individual comments are confidential, we have prepared a summary (enclosed) of the general comments obtained from the survey responses, drafted in a manner to portray the comments without quoting (in order to preserve confidentiality).

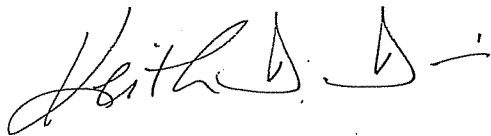
In regard to those CJA judges who provided their opinions in the survey responses, we find several themes emerge:

- There should be greater inclusiveness and a promotion of greater participation in the Judicial Council. The Judicial Council members are not representative of California judges. The Judicial Council is perceived as an exclusive group unwilling to address the needs and concerns of California judges. Debate and discussion of contrary or competing ideas is highly discouraged, and those not in lock-step are publicly berated. Accordingly, in order to believe they have a voice and in order to foster healthy discussion and debate of issues facing the judicial branch, judges suggest that the Judicial Council be more democratic, including the opportunity for judges to elect representatives as voting members of the Judicial Council.
- The Judicial Council must exercise greater oversight of the AOC. The CCMS debacle is a symptom of fiscal mismanagement by the AOC which was greatly exacerbated by the lack of any meaningful oversight.
- Although there are administrative and fiscal matters appropriate for statewide management, the AOC should share power with the local courts. Local administration and local financial matters should be handled by the local trial courts. The AOC should not be involved in or impede the selection of presiding judges or court executive directors for the county trial courts. Requiring AOC approval for all aspects of each local trial court financial, administrative, and facility matters is not more efficient or more effective. Useless and unnecessary bureaucracy existing within and implemented by the AOC in the administration of the trial courts should be curbed.
- Independence of the judicial branch is of paramount importance. As a general proposition, the judiciary should take responsibility and competently handle its problems internally within the branch. That said, although there was no consensus on AB1208, almost half of the judges supported it. Among the almost half of the judges who opposed it, some agreed that change is needed but preferred reform to come from within the judicial branch.

The information is provided solely to assist you and the Judicial Council in your collective efforts to improve the judicial branch and its administration.

Chief Justice, consistent with our 82 year old history and tradition, CJA looks forward to being of continued service to you and the Judicial Council in the weeks and months ahead.

Very truly yours,

A handwritten signature in black ink, appearing to read "Keith D. Davis". The signature is fluid and cursive, with a horizontal line extending to the right from the end of the name.

Hon. Keith D. Davis
CJA President

Encl.