



CENTER *for* JUDICIAL EXCELLENCE

September 19, 2014

The Honorable Tani Cantil-Sakauye
Chair, Judicial Council, and
Judicial Council Members
455 Golden Gate Ave.
San Francisco, CA 94102

Re: Request for Meeting with the Chair of the Judicial Council
Request for Public Hearing Re Public Concerns About the Judicial Branch

Dear Judicial Council Chair and Members:

For decades the California Judicial Council has been the recipient of ongoing reports of misconduct and waste within the Judicial Branch. Yet, misconduct and waste continue unabated. Governor Brown and Attorney General Harris have denied they have the authority to act on complaints of misconduct within the branch, and have referred complainants to the Judicial Council. Complaints have been made to the Judicial Council, but have gone unanswered. This happened most recently in connection with a June 9, 2014 letter complaint about the involvement of former Judicial Councilmember Kim Turner and Marin Judge Beverly Wood in the backdating of a register of actions and minute order. The Governor, Attorney General, and Marin County Counsel have all referred the complainant to the Judicial Council. Yet, although Judicial Council Chair Tani Cantil Sakauye has been in receipt of that complaint since June 12, 2014, and follow-up calls have been made seeking a response, as of last week, the Judicial Council still had not responded.

Accordingly, today we are requesting that an appointment be scheduled for an audience with the Chair of the Judicial Council, to discuss the situation and to set a date for a public hearing before the Judicial Council similar to that held by the Judicial Council's Elkins Task Force in April of 2009. We are requesting that the hearing be open to everyone in the State of California who wishes to voice concerns and opinions about the California judicial branch, and that the press be allowed to attend and record the hearing. Our own concerns include but are not limited to judges, court administrators, and court experts who refuse to follow the law, with impunity and immunity; abuse of the CCP section 170 et seq. disqualification

The Honorable Tani Cantil-Sakauye
Judicial Council Members
September 19, 2014
Page Two

statutes; the elimination of court reporters who provide an official record of substantive court proceedings, notwithstanding Commission on Judicial Performance concerns and recommendations about the need for an official record; ongoing branch waste while court fees and penalties are operating to deny the public access to the courts; rampant document destruction by branch members with Judicial Council approval; improper record-keeping within the branch; the withholding of court records by court personnel; the thwarting of legislative investigative and oversight efforts; record tampering and backdating by members of the Judicial Branch; abuse of the assigned judges program; the lack of adequate data collection and management by the Judicial branch, notwithstanding the expenditure of millions on court computer systems; the abuse of ex parte procedures such that judges are having secret non-emergency hearings with one side of the case, and issuing secret non-emergency orders withheld from the other side of the case, thereby repeatedly denying basic due process rights to notice and an opportunity to be heard by an impartial decision maker, and equal protection of the laws; the denial of affordable legal resources and adequate fee orders for financially disadvantaged litigants; cronyism within the branch; the lack of diversity of viewpoints and public representation on the Judicial Council; the practice of judges picking judges, via the assigned judges program, and the selection of Court Commissioners who exercise full judicial powers and are then often converted to judges; the improper delegation of judicial power; and the lack of adequate oversight of the Judicial Branch as a whole.

Members of the judicial branch are supposed to be guardians of the law, but who is guarding the guards? It is time for the public's concerns about this to be heard and addressed by the Judicial Council, via a public hearing.

Very Truly Yours,

Kathleen Russell, Executive Director