



CENTER FOR JUDICIAL EXCELLENCE

April 27, 2007

Kim Turner
Court Executive Officer
Hall of Justice
3501 Civic Center Drive, Room 116
San Rafael, CA 94913-4988

RE: Your letter dated April 13, 2007

Dear Ms. Turner:

Thank you for your April 13, 2007 response to our Juvenile Justice Forum invitation. Quite frankly, we are disappointed and dismayed at both the tone and content of your response, especially given our successful collaboration with the bench at our organization's Probate Forum just three months ago.

We had hoped that Commissioner Roy Chernus' participation in our last public forum, and Judge Faye D'Opal's attendance there, marked a positive breakthrough in CJE's attempts to collaborate with and support the Marin bench. We were thrilled to have secured a front-page photo of Commissioner Chernus in the *Novato Advance*. We've also posted video coverage of the standing room only Forum on our organization's website, which you now appear to be quite familiar with. By all accounts, **our latest forum was a successful collaboration involving CJE and the Court, with no harsh views of the Court or its administration expressed by anyone.** Given this recent success, we simply cannot understand why our desire to collaborate further with the Court would be remotely perplexing to you.

Your April 13th letter is filled with numerous false allegations that simply must be corrected, especially since copies of your recent letter were apparently sent to multiple people without the professional courtesy of a "CC" alerting us to this fact. **Imagine our surprise to learn that your letter had been sent to the Juvenile Justice Commission and at least one other member of Marin's legal community.** This action on your part hardly mirrors or respects our organization's commitment to transparent communications.

We invited Commissioners Grove and Goldfine to represent the Court at our upcoming juvenile justice forum because of their expertise and outstanding reputations based on many years of fine work in the juvenile justice arena. In addition, one of our panelists, Carrie Zoller, spoke very positively of a training she gave to Commissioner Goldfine and others in Marin County regarding juvenile

justice procedures in early 2006. We thought that she and Commissioner Goldfine would nicely complement each other's presentation on our panel.

Our organization was formed specifically to address and assist with systems-wide issues in our local and state courts, and we are focused on the administration of justice in its broadest sense. **CJE is not aligned with any of the "special interest groups" you describe in your letter**, and as such, our organization poses no threat whatsoever to judicial independence. We have never pressured individual judges about their verdicts, and any public criticisms of local judicial behavior by CJE have strictly focused on judges' adherence to the California Code of Judicial Ethics.

In fact, CJE just began a legislative effort that protects judges from the very threats to judicial independence that concern you: we are advocating for the creation of a statewide Judicial Performance Evaluation System. Judicial performance evaluations focus on assessing judges' adherence to the Judicial Code of Ethics, not the popularity of their individual decisions, and they have been **successfully implemented in twenty-one states**. They are designed to provide valuable and constructive feedback to both judges and voters in a manner calculated to insulate the judges from special interest groups. As you may know, we recently met with the California Administrative Office of the Court's Government Affairs office in Sacramento to discuss this important effort and explain our commitment to a collaborative relationship with the Courts. True to our mission and track record, **CJE is a strong proponent of judicial independence** and an equitable, apolitical judicial process. We believe that a transparent and accountable judiciary benefits all Californians.

As to your concerns about CJE's website- please note that CJE publishes documents in three categories:

- Official correspondence between CJE and the Marin Superior Court;
- Official and/or Court-supplied documents and audits; and
- News articles published in local, state and national publications.

CJE has never corresponded with the Court about the financial relationship between the Court and a San Rafael law firm, so we have no idea what you are referring to in your letter in that regard. Please carefully check your records before maligning our organization and alleging a lack of transparency on our part- you will see that your allegations are completely unfounded. CJE has never solicited information about, nor have we received documentation from the courts related to, financial information or disclosure of payments to any law firm. We have merely posted a news article about this issue.

CJE is not, and cannot be held responsible for negative news stories about the Marin Superior Court. Your assertion that our website "does not contain a single print article about the excellent work our court is doing" is again, completely untrue. We happily posted the recent *Marin Independent Journal* article touting the success of Judge Lynn Duryee's work in reducing backlogged family court cases. We look forward to posting more articles about the Court's successes as they appear in the local press.

You suggest in your letter that our stated purpose to support greater communication and collaboration between the Courts and the community is “disingenuous.” This allegation is once again based on misinformation and an incomplete review of the facts. **CJE’s public questionnaire specifically invites the public to share its positive experiences with the Court.** You also neglect to mention that CJE has been quick to praise the bench for its positive community achievements. We’ve given dozens of community presentations in the past year about our efforts, and in each public forum, **CJE has praised the creation of the Legal Self-Help Center** by Judge Faye D’Opal and others.

CJE requests that you provide us with specific details about the instances you refer to regarding angry and argumentative exchanges between CJE and the Court’s community partners. **We know of virtually no “unpleasant contacts” with your community partners,** and to suggest otherwise by attributing this allegation to an overly broad and unverifiable group of community partners is rather unfair and disingenuous on your part. Our organization prides itself on the positive exchanges we’ve had with a broad range of community leaders and organizations, including both members and staff of the Board of Supervisors, Marin Human Rights Commission, Marin Women’s Commission, Legal AID of Marin, Marin County Legal Professionals Association, League of Women Voters, Elder Financial Protection Network, Marin Abused Women Services, DFA Marin, College of Marin Students for Social Responsibility, Social Justice Center of Marin, Gray Panthers, Action Coalition of People of Color, Marin Peace & Justice Coalition, Women Helping All People and the Marin Coalition.

Finally, you suggest that “participating in any venue” with the Center for Judicial Excellence “would not be an effective use of public resources.” **This attitude represents a clear departure from your previous declaration that, as the incoming Court Executive Officer, you would maintain an “open-door policy”** in your administration of the Courts. Your recent letter and refusal to meet privately with the concerned citizens of CJE indicates a complete reversal from your stated open door policy in the *Marin Independent Journal* and most recently, to the Marin Human Rights Commission.

Despite your recent hostility, CJE will continue to pursue opportunities to establish an open and meaningful relationship with the Marin Superior Court. Because our commitment to judicial excellence is not exclusively limited to the work of our community nonprofit, numerous members of CJE’s Board and Staff are excitedly preparing applications to serve on the Marin Superior Courts’ new Community Advisory Committee. **We applaud Judges Faye D’Opal and Verna Adams** for their tremendous leadership and work spearheading this important new effort that invites our community’s involvement in their judiciary. We have great hopes for this new venture and stand ready to support it in whatever ways we can.

Some members of the Marin bench have recently informed us that your negative opinions of CJE are not shared by all of them, and we are reassured by this fact. We sincerely hope that your recent letter was not an attempt to intimidate CJE or the community organizations we collaborate with, or to chill legitimate discussion of important issues facing our judiciary.

We remain committed to improving the relationship between the Courts and the greater Marin community, and we will continue unabated to invite your participation in future public forums that we convene.

Sincerely yours,



Jean Taylor
Board President



Kathleen Russell
Staff Consultant



Erin Fogg
Staff Consultant

CC: Marin Human Rights Commission
Marin Juvenile Justice Commission
Senator Carole Migden
Assemblymember Jared Huffman
Supervisor Steven Kinsey
Supervisor Susan Adams
Supervisor Judy Arnold
Supervisor Charles McGlashan
Supervisor Hal Brown