



CENTER FOR JUDICIAL EXCELLENCE

May 17<sup>th</sup>, 2006

The Honorable Lynn Duryee  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

Kim Turner  
Court Executive Officer  
Hall of Justice  
3501 Civic Center Drive—Room 116  
San Rafael, CA 94903

**RE: Judicial Accountability & Audits Review**

Sent Via Fax to 415-473-7897 on May 17, 2006

Dear Judge Duryee & Ms. Turner:

The *Center for Judicial Excellence* is a new community-based organization established to improve the Marin judiciary's public accountability and restore and maintain the integrity of our courts.

Our courts have been the subject of complaints, stories, headlines, inquiries and audits (both internal and external) for many years now. The *Center for Judicial Excellence* writes this letter to officially inquire about what has been or is being done to correct the problems identified and addressed in these previous inquiries and audits.

**To this end, we request that you provide the following information to us:**

1. Please identify each internal inquiry or audit performed with respect to the Marin courts since January 1, 1999. By "internal" we mean all audits initiated and/or performed at the direction of the Marin court rather than an outside entity such as the Administrative Office of the Courts. This includes, for example, the inquiry performed by the "blue ribbon panel" reportedly appointed by Judge Sutro to investigate the family court shortly after the *Winner Report* was released.
2. Please identify each external inquiry or audit performed with respect to the Marin courts since January 1, 1999. By "external" we mean all audits initiated and/or performed by an outside entity such as the Administrative Office of the Courts, the State of California, the Attorney General, the Commission on Judicial Performance, the Judicial Council, etc. This includes but should not be limited to the review of the Marin Family Court conducted in 2002 by the National Center for State Courts and submitted to the Judicial Council of California; the audit completed last year by the Administrative Office of the Courts regarding concerns about John Montgomery; the audit resulting in the discovery that Marin cities owe more than \$2 million due to a six-year miscalculation involving the local share of traffic fines

and fees that pay for court costs; standard bi-annual revenue audits conducted by the Controller's Office of the State of California; and operational audits conducted by the Administrative Office of the Courts.

3. Please identify and make available to us all written recommendations and reports generated in connection with the inquiries and audits identified in items 1 and 2 above.

4. Please identify and make available to us all other written recommendations and reports made to the Marin courts since January 1, 1999 identifying problems and/or suggesting potential improvements to our courts by outside entities. This includes but should not be limited to such entities as the Administrative Office of the Courts, the Judicial Council, the Commission on Judicial Performance, the Attorney General, the U.S. Department of Justice, etc.

5. With respect to the items responsive to inquiries 3 and 4 above, please identify which (if any) are NOT available to us for our review, and please explain the factual and/or legal basis for the unavailability of such items.

We recognize that this information will take some time to compile and are therefore breaking our request for information into two parts.

We request that you make available to us **within 10 days (by May 27, 2006)** all documents responsive to item 3 above (written reports and recommendations) issued since **January 1, 2005**.

We request that you provide us with the balance of the information requested herein within one month (**by June 17, 2006**.)

It is essential that we establish an open flow of information between the Marin courts and the citizens they serve. We at the *Center for Judicial Excellence* will work with the courts to identify and resolve conflicts and problems that exist in our judicial system. Together, we can rebuild the public trust in our courts, establishing the Marin judiciary as a well-managed model of integrity, justice and equality, rather than a wellspring for continuing concerns and newspaper headlines pointing to cronyism, corruption and mismanagement.

We invite you to open your files to the public and to participate with us in this very ambitious and necessary undertaking.

**We appreciate receiving an official response to this letter no later than May 27, 2006, including the requested reports and recommendations pertaining to the Marin courts issued since January 1, 2005.**

Thank you in advance for your prompt response.

Sincerely,

***Center for Judicial Excellence***

CC: Jim Doyle, San Francisco Chronicle  
Peter Fimrite, San Francisco Chronicle  
Nancy Isles Nation, Marin Independent Journal  
Dick Spotswood, Marin Independent Journal  
Brad Breithaupt, Marin Independent Journal  
Sam Chapman, Pacific Sun  
Jill Kramer, Pacific Sun