

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
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**Report**

TO: Members of the Judicial Council

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DATE: September 23, 2004

SUBJECT: Advisory Committee Membership (amend Cal. Rules of Court, rule 6.31) (Action Required)

Issue Statement

New judges have little opportunity to participate in judicial branch policymaking because of their limited experience on the bench. Permitting one-year advisory committee appointments for recently appointed and elected judges will provide them with this experience early in their judicial careers.

Recommendation

Administrative Office of the Courts staff recommends that the Judicial Council amend rule 6.31 of the California Rules of Court effective November 1, 2004, to permit the appointment of advisory committee members to one-year terms.

The text of amended rule 6.31 is attached at page 4.

Rationale for Recommendation

Advisory committee service will provide new judges with firsthand knowledge of the role the council and its advisory committees perform in the judicial branch. The opportunity to serve on committees during their early years as judges will encourage new judges to participate in statewide judicial administration throughout their judicial careers.

The proposed rule amendment is part of a new program that is designed to foster the participation of recently appointed or elected judges who have served between one and two years on the bench as of November 2004. A new judge in this category would be appointed to a one-year term as a voting member on each advisory committee

whose membership will accommodate it.<sup>1</sup> Judges will be selected for membership based on certain criteria, including their timely participation in judicial education required for new judges. The program is subject to review by the Executive and Planning Committee after one year to determine its effectiveness, whether modifications are required, and whether any additional rule amendment would be appropriate.

Although the California Rules of Court do not prohibit the Chief Justice from appointing new judges to serve one-year terms, they do not specifically provide for such appointments. Amending rule 6.31 will formalize the process of including new judges in the council's advisory committee membership and provide authority to do so. The proposed amendment would permit the Chief Justice to appoint advisory committee members to one-year terms.

#### Alternative Actions Considered

New judges could be treated the same as all judges in the advisory committee nomination process and be appointed to the standard three-year term. In fact, a number of new judges nominated themselves as advisory committee candidates in this year's general nomination process. However, new judges are appointed to advisory committees less frequently than other judges because they do not have as much judicial experience. Permitting one-year advisory committee appointments for new judges will ensure that these judicial officers can serve on committees early in their careers.

Proposed amended rule 6.31 could set out specific criteria a judge must meet in order to be considered for appointment to a one-year term on an advisory committee. Staff do not recommend amending rule 6.31 to include specific criteria, however, because that would remove flexibility in appointing new judicial officer members and would establish the criteria in a rule before there was a chance to test and determine what works the best. Instead of selection based on rule-specified criteria, judges would be selected for membership based on guidelines established by the Executive and Planning Committee, their backgrounds and experience, and their compliance with the educational requirements for new judicial officers in rule 970(e) of the California Rules of Court.

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<sup>1</sup> Under the program, appointment of new judges for one-year terms would not extend to the following advisory committees: Administrative Presiding Justices Advisory Committee, Trial Court Presiding Judges Advisory Committee, Court Executives Advisory Committee, Judicial Branch Budget Advisory Committee, Court Interpreters Advisory Panel.

### Comments From Interested Parties

Staff solicited comments on this proposal from current advisory committee chairs and received responses from three. One chair commented that the rule is an excellent idea. He believes that not including criteria in the rule will allow the necessary time to develop standards and qualifications for the newer judges who wish to participate. Another chair commented that the proposal, if adopted, would provide a chance to fill openings with new judges with fresh perspectives and perhaps keep them active in judicial branch policymaking from the outset of their careers on the bench.

A third chair supports the objectives of the proposal, but believes that the one-year terms might prove to be too brief and that judges serving one-year terms might consequently find the experience to be frustrating or might not fully invest themselves in the hard work required to make a contribution to their committees. She suggested that the one-year terms be tried on an experimental basis for a specified period and with the involvement of only a few committees in which a new member could make an immediate contribution.

In recognition of these concerns, after one year the Executive and Planning Committee will review the effectiveness of the one-year terms.

### Implementation Requirements and Costs

The estimated annual cost of this proposal will be \$15,000, based on the average travel and meeting costs for advisory committee meetings and the fact that advisory committees generally meet in person three times per year.

Attachment

Rule 6.31 of the California Rules of Court is amended, effective January 1, 2005, to read:

1 **Rule 6.31. Advisory committee membership and terms**  
2

3 (a) \*\*\*  
4

5 (b) [Terms] The Chief Justice appoints advisory committee members for three-  
6 year terms unless another term is specified in these rules. Terms are staggered  
7 so that an approximately equal number of each committee's members changes  
8 annually. The Chief Justice also may appoint judges who have served less than  
9 two years on the bench to one-year terms.

10  
11 (c)–(d) \*\*\*