



Judicial Council of California

Administrative Office of the Courts

Trial Court Financial Policies and Procedures

Policy No.
Page

FIN 1.01
1 of 15

TRIAL COURT ORGANIZATION

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Trial Court Organization

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(Original 8/01)

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2.0 Purpose

(Revised 9/10)

The purpose of this policy is to describe the organizational structure, duties and responsibilities, and authority of the major governmental organizations that make up or have an administrative or policy-making role for the State of California trial court system.

3.0 Policy Statement

(Revised 9/10)

The Judicial Council of California is the governing body of the California court system, including the trial courts. Consistent with its constitutional authority, the requirements of the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233) and other legislation, the Judicial Council has established financial rules that allow and require the trial courts to operate responsibly.

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4.0 Application (Original 8/01)

This procedure applies to all trial court officials and employees.

5.0 Definitions (Revised 9/10)

Refer to the Glossary for the following key term used in this policy.

Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233)

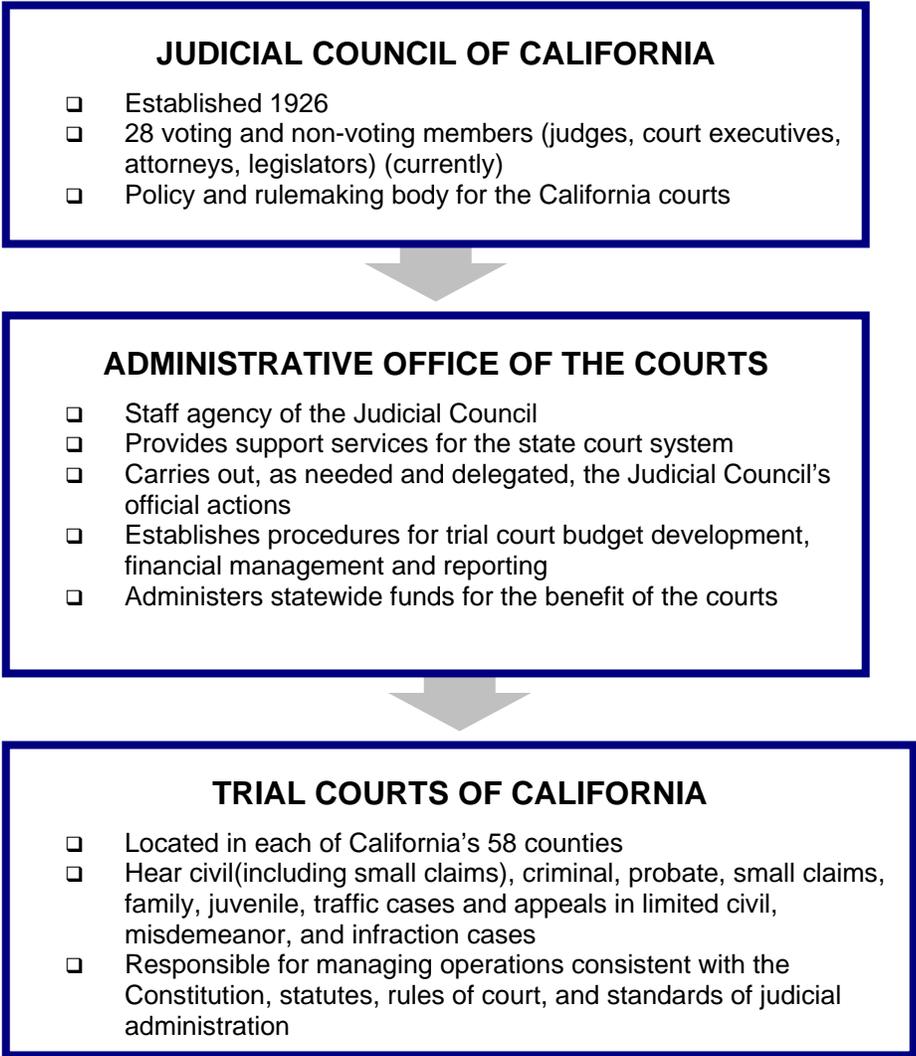
6.0 Text

(Original 8/01)

The trial court is subject to the policies and rules established by the Judicial Council and the policies and procedures established by the Administrative Office of the Courts (AOC), under delegation from the Judicial Council, as shown in the figure below.

State of California Trial Court Organization

(Revised 9/10)



6.1 The Judicial Council

6.1.1 Organization of the Judicial Council (Revised 9/10)

1. The Judicial Council of California was established in 1926 by article VI, section 6 of the state Constitution. The 28-member council has policy and rule-making authority over the California courts, the nation's largest court system. The California Constitution directs the Judicial Council to make recommendations annually to the Governor and the Legislature, and adopt rules of court administration, practice, and procedure.
2. The Judicial Council operates by adopting rules, policies, and procedures. The rule-making authority is constitutionally derived. The policy and procedure making authority stems primarily from statute. The council also establishes advisory committees and task forces to assist it in its decision making.
3. The Judicial Council is composed of the following members:
 - a. The Chief Justice, who chairs the Judicial Council.
 - b. Fourteen judges appointed by the Chief Justice.
 - c. Four attorneys appointed by the State Bar Board of Governors.
 - d. One member from each house of the Legislature.
 - e. Seven non-voting advisory members, including representatives of the California Judges Association and state court administrative agencies. The state Constitution provides for two court administrators and empowers the Judicial Council to appoint other advisory members.

6.1.2 Duties and Responsibilities of the Judicial Council

The Judicial Council's duties and responsibilities are defined by the State Constitution and statute. With respect to the operation and fiscal management of the trial courts, the Judicial Council has the responsibility and authority to:

- a. Adopt a budget and allocate funding for the trial courts.¹
- b. Adopt policies and procedures governing practices and procedures for budgeting in the trial courts.²
- c. In consultation with the State Controller, must maintain appropriate regulations for recordkeeping and accounting by the courts.³
- d. Adopt rules ensuring that, upon written request, the trial courts provide, in a timely manner, information relating to the administration of the courts, including financial information.⁴
- e. Prepare budget requests for the courts and oversee the allocation and management of the court system's budget.⁵
- f. Allocate resources in a manner that enables the trial courts to carry out their functions, and promote the implementation of statewide policies, efficiencies and cost saving measures in court operations.⁶
- g. Adopt a schedule for allocating funds to individual trial courts.⁷
- h. Provide for uniform entry, storage, and retrieval of court data relating to civil cases and court administration.⁸

¹ Government Code (GC) 68502.5(c)

² GC 77202(c)(1)

³ GC 77206(a)

⁴ GC 77206(f)

⁵ GC 68502.5

⁶ GC 68502.5(c)

⁷ GC 68502.5(a)(4)

⁸ GC 68513

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- i. Promulgate rules for the establishment of efficient trial court management.⁹
- j. Regulate the budget and fiscal management of the trial courts.

6.1.3 Rules of Court

1. Under Article VI, section 6 of the Constitution of California, the Judicial Council is charged with improving the administration of justice. The Judicial Council has constitutional authority to “*adopt rules for court administration, practice and procedure ... not inconsistent with statute.*” California Rules of Court have the force of law.
2. The state legislature can also have the Judicial Council perform other functions as prescribed by statute.
3. The Judicial Council’s Standards of Judicial Administration contain recommendations for court practices and procedures. The standards provide guidelines and include goals that courts and judges are urged to attain.

6.2 The Administrative Office of the Courts (Revised 9/10)

6.2.1 Organization of the AOC

1. The Administrative Office of the Courts (AOC) is the staff agency to the Judicial Council and carries out its official actions and other functions delegated by the council or the Chief Justice.

⁹ GC 77206(a)

2. The AOC's mission is to serve the courts for the benefit of all Californians by advancing excellence, leadership, and service in the administration of justice.

(Original 8/01)

3. The AOC's authority to develop and implement management and administrative programs, rules, policies, and procedures is delegated by the Judicial Council, which also sets guidelines for the AOC to operate within.
4. The AOC organization is led by the Administrative Director of the Courts who is responsible for:
 - a. Implementing the directives of the Judicial Council.
 - b. Developing policies and procedures for the creation and implementation of a yearly budget for the judiciary.
 - c. Presenting the judiciary's budget in negotiations with the Governor and the Legislature.
 - d. Ensuring that the fiscal affairs of the trial courts are managed efficiently, effectively and responsibly.¹⁰
5. The AOC Finance Director, under the direction of the Administrative Director of Courts, administers the budget policies and procedures developed by the Administrative Director of the Courts and approved by the Judicial Council. The AOC Finance Director:
 - a. Develops and administers the budget preparation process and ensures the submission of a final budget recommendation for the judiciary to the Department of Finance each year.

¹⁰ GC 77206(a)

- b. Develops a manual of procedures for the budget request process, revenues, expenditures, allocations, and payments.
 - c. Monitors all revenues and expenditures for the judiciary.
 - d. Develops recommendations for fiscal priorities and the allocation and reallocation of funds.
 - e. Assists the courts and the Administrative Director of the Courts in preparing and managing budgets.
6. The Finance Division provides an integrated program of budget planning, asset management, accounting, procurement, contract management, and internal audit to the judicial branch.

6.2.2 Duties and Responsibilities of the AOC

1. The primary responsibility of the AOC is to carry out the directives of the Judicial Council. With respect to the fiscal management of the trial courts, the AOC has been granted the authority to:
 - a. Establish budget procedures and an annual schedule of budget development and management consistent with Judicial Council rules.
 - b. Set forth the criteria for the Judicial Council's trial court budget request.
 - c. Administer the Trial Court Improvement Fund along guidelines set by the Judicial Council.
 - d. Administer the Judicial Administration Efficiency and Modernization Fund along guidelines set by the Judicial Council.

6.3 The Trial Court (Original 8/01)

6.3.1 Organization of the Trial Court

1. Trial courts are located in each of California's 58 counties.
2. The trial court organization structure is as follows:

(Revised 9/10)

- a. Each trial court is headed by a Presiding Judge, who is ultimately responsible for all of the administrative actions of the court.

(Original 8/01)

- b. The Court Executive Officer, who reports directly to the Presiding Judge, is responsible for the management and administration of court operations.
- c. The trial court may also employ a Court Fiscal Officer, who is responsible for the detailed management of the court's financial and accounting functions.
- d. The trial court operations are typically organized based on the programs that the courts conduct within the county that they reside in. Examples of court programs are General Civil, Family Law, Probate, Small Claims, Traffic, Criminal, Juvenile and miscellaneous programs.
- e. The trial court shall prepare an organizational chart that should be updated at least once per year.

6.3.2 Duties and Responsibilities of the Trial Court

(Revised 9/10)

1. Pursuant to Government Code 77001 the Judicial Council is required to "adopt rules which establish a decentralized system of trial court management including:

(Original 8/01)

- a. Local authority and responsibility of the trial courts to manage day-to-day operations.
- b. Countywide administration of the trial courts.
- c. The authority and responsibility of the trial courts to manage all of the following, consistent with statute, rules of court, and standards of judicial administration:
 - i. Annual allocation of funding, including policies and procedures about moving funding between functions or line items or programs.
 - ii. Local personnel plans, including the promulgation of personnel policies.
 - iii. Processes and procedures to improve court operations and responsiveness to the public.
 - iv. The trial courts of each county shall establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners.
- d. Trial court input to the Judicial Council budget process.
- e. Equal access to justice throughout California utilizing standard practices and procedures whenever feasible.

6.4 Trial Court Operating Standards

(Revised 9/10)

1. The Judicial Council has delegated to the AOC the responsibility of preparing and adopting financial policies and procedures for trial courts as provided by California Rules of Court, rule 10.804.

2. The AOC Finance Director under the direction of the Administrative Director of Courts periodically updates this manual for use of the trial courts.
 - a. This manual is intended to assist the trial courts in complying with statutory requirements, rules of court, and various industry and professional standards.
 - b. Between editions of the manual, finance memos may be issued by the AOC Finance Director to modify, adopt or repeal financial policies or procedures as appropriate. These finance memos are interim policies and procedures and are considered adopted as interim amendments to this manual immediately upon expiration of the 30-day comment period as provided by rule 10.804(b) unless modified within that period. Under rule 10.804(c), superior courts must adhere to these changes within 60 days after adoption of the amendment.
3. The Trial court shall manage its operations within the limits established by Judicial Council policies, procedures, rules, and programs prepared and adopted by the AOC.
 - a. The trial courts must develop processes to guide staff in the implementation of the policies and procedures contained in this manual, or to perform particular procedures with limited supervision. Local policies and procedures developed and used by the trial court will be documented, incorporated into the local trial court manual, and distributed to court personnel. Local policies and procedures can incorporate portions of this manual and can be worded differently provided the policies and procedures are consistent with the policies and procedures contained in this manual.
 - b. To the extent that the trial court continues to rely on county processes, the trial court can continue to follow local county

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policies and procedures as long as they are consistent with the policies and procedures in this manual.

4. A Presiding Judge or his/her designee who wants to establish an alternative procedure will submit a signed and dated Request for Alternative Procedure Form (copy provided in 7.0, Associated Documents) to:

AOC Finance Director
 Attn.: Trial Court Alternative Financial Policies and Procedures
 455 Golden Gate Avenue, 7th Floor
 San Francisco, CA 94102-3688

A written response to the submission of alternative procedures will be returned to the submitting court within 60 business days of receipt of the document. When a Request for Alternative Procedure has been received by the AOC, an acknowledgement of receipt will be returned to the submitting court. The 60 business-day response time will begin once the court receives that acknowledgement of receipt. Absent a response from the AOC within 60 business-days, the alternative procedure will be in effect, subject to further review and consideration by the AOC. **Undocumented procedures or those not approved by the AOC will not be considered valid for audit purposes.**

Once approved, alternative procedures must be documented by the trial court, incorporated into the local trial court manual, and distributed to court personnel. Any alternative procedure that is different from what is included in the Trial Court Financial Policies and Procedures Manual or the county's policy document must first be approved by the AOC.

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7.0 Associated Documents
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Request for Alternative Procedure Form

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Request for Alternative Procedure-Superior Court of , dated

Requestor Information

Superior Court :

Name:

Title:

Date Received by the AOC:

Regarding AOC Policy No. FIN #.0#:

1. Extract from current Trial Court Financial Policies and Procedures Manual regarding requested alternative procedure.
2. Describe in detail the reason(s) for the alternative procedure and include proposed alternative procedure text.

Name and Title, Superior Court of

Date

AOC Evaluation of Request

Accepted or Not Accepted

Administrative Office of the Courts

Date