

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Court Executives Advisory Committee
Tamara Lynn Beard, Chair
Sally Lee, Manager, 415-865-7637
Mary Jackson, Court Services Analyst, 415-865-8965

DATE: August 25, 2006

SUBJECT: Judicial Administration Rules: Terms of Appointment for Chair and Vice-Chair of the Court Executives Advisory Committee (amend Cal. Rules of Court, rule 10.48(f))¹ (Action Required)

Issue Statement

The provisions of rules 6.31(c)² and 10.48(f) of the California Rules of Court are inconsistent with respect to the terms of appointment for the chair and vice-chair of the Court Executives Advisory Committee. Rule 6.31(c) provides that the Chief Justice may appoint the chair and vice-chair of the Court Executives Advisory Committee for one- or two-year terms, while rule 10.48(f) specifies that the Chief Justice appoints the chair and vice-chair for two-year terms. In essence, the requirement for a two-year appointment in rule 10.48(f) negates the discretion provided to the Chief Justice in rule 6.31(c).

Rule 6.31(c) is attached for reference at page 4.

Recommendation

The Court Executives Advisory Committee recommends that the Judicial Council, effective January 1, 2007, amend rule 10.48(f) of the California Rules of Court to be consistent with rule 6.31(c), which provides that the Chief Justice may appoint both the chair and vice-chair for up to a two-year term.

The text of the proposed amendment to rule 10.48 is attached at page 3.

¹ At the June 30, 2006, meeting, the Judicial Council approved the reorganization and renumbering of the California Rules of Court and Standards of Judicial Administration, effective January 1, 2007. Under the reorganization, rule 6.48 has been renumbered as rule 10.48, and new format conventions have been adopted. Hence, the proposed amendments to rule 6.48 are shown throughout this proposal as amendments to rule 10.48, which will become effective January 1, 2007.

² Effective January 1, 2007, this rule will be numbered 10.31.

Rationale for Recommendation

The proposed amendment provides consistency between the terms of appointment in rules 6.31(c) and 10.48(f), and maintains the discretion currently provided in the broader rule 6.31(c), which governs all advisory committee membership and terms. More specifically, the proposed amendment accomplishes this by amending rule 10.48(f) to allow rather than require the Chief Justice to make the chair and vice-chair appointments for two-year terms.

The text of rule 6.31(c) is attached for reference at page 4.

Alternative Actions Considered

No alternatives were considered because the committee believed that it was best to resolve the inconsistency between the rules by providing for more, rather than less discretion.

Comments From Interested Parties

The proposed amendment has not been circulated for comment, as the proposal is a minor substantive change that is unlikely to create controversy. Under rule 6.22(d)³, such a proposed rule amendment can be submitted to the council without circulation for comment. The proposed amendment, however, was circulated to all 58 court executive officers who are the most directly affected by the proposal. There were no concerns received before or after the 19-member Court Executives Advisory Committee voted to sponsor the proposal at its April 19, 2006, business meeting in Sacramento.

Implementation Requirements and Costs

There are no costs associated with this amendment.

Attachment

³ Effective January 1, 2007, this rule will be numbered 10.22.

Rule 10.48 of the California Rules of Court is amended, effective January 1, 2007, to read:⁴

1 **Rule 10.48. Court Executives Advisory Committee**

2

3 **(a)(e) *****

4

5 **(f) Chair and vice-chair**

6

7 The Chief Justice may appoints the chair and vice-chair of the committee for up to a
8 two-year term from the current membership of the Court Executives Advisory
9 Committee.

10

11

12

⁴These recommended amendments have been made to the version of this rule adopted by the Judicial Council at its June 30, 2006, business meeting and reflect the text that will be in effect on January 1, 2007. Any amendments adopted as part of this proposal will be incorporated into the text of the rule that goes into effect on January 1, 2007.

Rule 6.31. Advisory committee membership and terms⁵

(a)(b) ***

(c) Chair and vice-chair

The Chief Justice appoints an advisory committee member to be a committee chair or vice-chair for a one-year term except for the chair and vice-chair of the Court Executives Advisory Committee, which may be appointed for a two-year term.

⁵ Effective January 1, 2007, this rule will be numbered 10.31.