

**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: Trial Court Presiding Judges Advisory Committee  
Hon. Sharon J. Waters, Chair  
Sally Lee, Manager, 415-865-7637  
Camilla Kieliger, Court Services Analyst, 415-865-7628

DATE: August 18, 2006

SUBJECT: Judicial Administration Rules: Selection and Term of Presiding Judge  
(amend Cal. Rules of Court, rule 10.602(c))<sup>1</sup> (Action Required)

Issue Statement

Rule 10.602(c) of the California Rules of Court (Selection and term of presiding judge) currently provides that a “presiding judge may serve additional terms of such duration as set by internal local rule or policy.” Recent inquiries suggest that clarification is needed. Specifically, the rule has been interpreted to mean that a presiding judge may *not* serve additional terms absent local rule or policy.

Recommendation

The Trial Court Presiding Judges Advisory Committee (TCPJAC) recommends that the Judicial Council, effective January 1, 2007, amend rule 10.602(c) of the California Rules of Court to clarify that a court may extend the first or subsequent term of a presiding judge by local rule or policy, and may elect a presiding judge for additional terms absent local policy.

The text of the proposed amendment to rule 10.602 is attached at page 3.

Rationale for Recommendation

The proposed amendment was drafted in response to a recent interpretation of rule 10.602(c) that would bar a current presiding judge from serving an additional term if no

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<sup>1</sup> 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 6.602 has been renumbered as rule 10.602, and new format conventions have been adopted. Hence, the proposed amendments to rule 6.602 are shown throughout this proposal as amendments to rule 10.602, which will become effective January 1, 2007.

local rule or policy exists that specifically permits an additional term. The amendment clarifies that courts may extend the first or a subsequent term of a presiding judge by local rule or policy, and that a court may elect a presiding judge for additional terms even absent local rule or policy.

#### Alternative Actions Considered

No alternative actions were considered.

#### Comments From Interested Parties

The proposed amendment has not circulated for comment, as the proposal requires a minor substantive change that is unlikely to create controversy. Under rule 6.22(d),<sup>2</sup> such proposals can be submitted to the council without circulating for comment. Those most directly affected by the proposal are the 58 presiding judges, who are all TCPJAC members. The TCPJAC had significant opportunity to review and comment on this proposal. No comments were received, and the TCPJAC unanimously voted to sponsor this proposal at its July 26, 2006, business meeting.

#### Implementation Requirements and Costs

There are no costs associated with this amendment.

#### Attachments

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<sup>2</sup> Effective January 1, 2007, this rule will be renumbered 10.22.

Rule 10.602 of the California Rules of Court is amended, effective January 1, 2007, to read:<sup>3</sup>

1 **Rule 10.602. Selection and term of presiding judge**

2

3 **(a)–(b) \* \* \***

4

5 **(c) Term**

6

7 A presiding judge in a court with two judges must be elected for a term of not less

8 than one year. A presiding judge in a court with three or more judges must be

9 elected for an initial term of not less than two years. The presiding judge may be

10 elected for additional terms. The court may change the duration of the initial or

11 additional term by local rule or policy so long as the initial term is not less than the

12 duration specified in this rule. ~~The presiding judge may serve additional terms of~~

13 such duration as set by internal local rule or policy. A presiding judge may be

14 removed by a majority vote of the judges of the court.

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16 **(d)–(e) \* \* \***

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<sup>3</sup> These 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.