



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 29, 2010

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Title	Agenda Item Type
Judicial Branch Education: Minimum Ethics Education Requirements for Trial Court Executive Officers	Action Required
	Effective Date
	January 1, 2011
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, rule 10.473	September 17, 2010
Recommended by	Contact
Michael M. Roddy, Chair Court Executives Advisory Committee	Marlene Hagman-Smith, 415-865-7617 Supervising Court Services Analyst <a href="mailto:marlene.smith@jud.ca.gov">marlene.smith@jud.ca.gov</a>
Hon. Ronald B. Robie, Chair Governing Committee of the Center for Judicial Education and Research	James M. Vesper, 415-865-7797 Assistant Director <a href="mailto:jim.vesper@jud.ca.gov">jim.vesper@jud.ca.gov</a>

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## Executive Summary

Continuing education on ethical practices is integral to the ability of trial court executive officers to maintain their current high level of professionalism and the competent performance of their job duties. The proposed amendment to rule 10.473(c)(1) would ensure that a minimum of three hours of ethics training be included in the 30 hours of continuing education that trial court executive officers are required to complete.

## **Recommendation**

The Court Executives Advisory Committee and the Governing Committee of the Center for Judicial Education and Research, recommend that the Judicial Council, effective January, 1 2011, adopt the proposed amendment to rule 10.473(c)(1) of the California Rules of Court, which require a minimum of three hours of ethics training be included in the 30 hours of continuing education that trial court executive officers must complete every three years.

The text of the proposed amendment to rule 10.473(c)(1) is attached at page 5.

## **Previous Council Action**

At its October 23, 2009 business meeting, the Judicial Council approved a two-part recommendation from the Court Executives Advisory Committee to 1) update the *Code of Ethics for the Court Employees of California*; and 2) direct the Administrative Director of the Courts to start the process to amend existing rule 10.473(c)(1) of the California Rules of Court to require a minimum of three hours of ethics training as part of the 30 hours of continuing education requirements for trial court executive officers. The Court Executives Advisory Committee recommended that any ethics training developed in pursuit of the rule 10.473 (c )(1) amendments should be based on the updated code of ethics.

## **Rationale for Recommendation**

The proposal is designed to strengthen the current ethics training opportunities that exist for these trial court executive leadership positions. It will not require additional hours of continuing education, and the hours for ethics education will count toward the number of continuing education hours already required.

In 2007, CEAC established the Working Group on Court Administration Ethics. The working group consisted of 10 court executive officers representing small, medium, and large trial courts from across the state as well as Administrative Office of the Courts staff from the Bay Area/Northern Coastal Regional Office, the Education Division/ Center for Judicial Education and Research, and the Executive Office Programs Division. The working group was asked to consider the following:

- Amendments or new provisions to current laws, rules, and policies related to court administration ethics;
- Branch ethics training standards for trial court executive officers and other trial court employees; and
- Guidelines for local ethics training beyond that currently provided for court employees who are appointed to nonjudicial positions designated in the courts' conflict of interest codes.

## **Comments, Alternatives Considered, and Policy Implications**

This proposal was circulated for public comment in spring 2010. Five comments were received from commentators who included judges, court administrators and attorneys. Three commentators agreed with the proposal and two took no position. A chart summarizing the comments and the committee's responses is attached at page 6.

### **Issues raised by commentators**

No issues or objections to the proposal were raised by the commentators.

### **Alternatives considered and policy implications**

The CEAC working group reviewed other existing ethics-related training resources available for trial court executive officers. They reviewed the Political Reform Act [Government Code section 81000 et., seq.] and the California Fair Political Practices Commission (FPPC) Guidelines for filing statements of economic interest. The working group believes that these guidelines contain adequate guidance for local governmental officials to disclose personal assets and income as well as disqualification criteria from participating in decisions that may affect their personal economic interests.

The FPPC guidelines alone, however, do not outline guidance for trial court executive officers in such areas as exemplary conduct, confidentiality, and accountable stewardship of public resources. Therefore, the working group recommended that specialized ethics training opportunities should be a priority for these trial court leadership positions.

### **Implementation Requirements, Costs, and Operational Impacts**

The Trial Court Presiding Judges and Court Executives Advisory Committees' Joint Working Group on Rules reviewed the proposal to assess its operational impacts on court administration. The working group believes that the rule amendment, if adopted by the Judicial Council, "will be of primary interest to trial court executive officers as it will have an impact on their required continuing education." However, they considered the anticipated impact on court operations to be minimal.

To make opportunities for ethics education available to trial court executive officers and to help them meet the proposed requirements, a session dealing with ethical issues is currently being planned for the fall 2010 Presiding Judge and Court Executive Officer Management Program.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The proposal supports Goal V.5, of the Judicial Council 2006-2012 Strategic Plan and Goal V.2 of the Judicial Council 2008-2011 Operational Plan.

**Attachments**

1. Cal. Rules of Court, rule 10.473 at page 5
2. Chart of Comments at page 6

Rule 10.473 of the California Rules of Court would be amended, effective January 1, 2011, to read:

**Rule 10.473. Minimum education requirements for trial court executive officers**

**(a)–(b) \*\*\***

**(c) Hours-based requirement**

(1) Each executive officer must complete 30 hours of continuing education, including at least three hours of ethics education, every three years beginning on the following date:

(A) For a new executive officer, the first three-year period begins on January 1 of the year following completion of the required education for new executive officers.

(B) For all other executive officers, the first three-year period ~~begins~~ began on January 1, 2007.

(2) \*\*\*

**(d)–(e) \*\*\***

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Orange County Bar Association Lei Lei Wang Ekvall, President	A	No specific comment.	No response required.
2.	Superior Court of Sacramento County Robert Turner, ASO III	NI	No specific comment.	No response required.
3.	Superior Court of San Bernadino County Debra Meyers, Deputy Court Executive Officer/General Counsel	NI	No specific comment.	No response required.
4.	Superior Court of San Diego County Michael M. Roddy, Court Executive Officer	A	No specific comment.	No response required.
5.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Hon. Mary Ann O'Malley, TCPJAC chair, and Michael M. Roddy, CEAC chair.	A	The proposed amendment to the rule, if adopted by the Judicial Council, will be of primary interest to trial court executive officers as it will have an impact on their required continuing education. However, the anticipated impact is considered minimal.	Committee agrees with this comment. No additional response required.

