

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR15-33

Title	Action Requested
Judicial Branch Administration: Changes to Replace the Names “Administrative Office of the Courts” and “AOC”	Review and submit comments by June 17, 2105
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, titles 2, 3, 4, 5, 7, 8, and 10 and Appendixes D and F; and Cal. Stds. Jud. Admin., stds. 5.4, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80, and revise forms MC-700 and MC-704	January 1, 2016
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Proposed by
Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Hon. Harry E. Hull, Jr., Chair
Rules and Projects Committee
Hon. David M. Rubin, Chair
Litigation Management Committee
Hon. Kenneth K. So, Chair
Policy Coordination and Liaison Committee
Hon. James E. Herman, Chair
Technology Committee

Executive Summary and Origin

The internal chairs of the Judicial Council’s five internal committees, recommend that the California Rules of Court and Standards of Judicial Administration be amended and Judicial Council forms be revised to replace the name “Administrative Office of the Courts” and “AOC” with “Judicial Council,” or “Judicial Council staff,” as appropriate, to further effectuate the name change that began in July 2014.

Background

On July 22, 2014, the Judicial Council accepted the recommendation of the five internal chairs, acting at the direction of the Chief Justice, to amend the rules of court to retire the use of the

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

names “Administrative Office of the Courts” and “AOC” for the Judicial Council staff.¹ At that time, the council amended rules 10.1, 10.80, and 10.81 and accepted other recommendations concerning the name change, including: “Direct the [internal committee] chairs to undertake a systematic review of the California Rules of Court and to propose additional rules amendments in the future to eliminate the references to ‘Administrative Office of the Courts’ and ‘AOC,’ replacing them with references to ‘Judicial Council,’ ‘Judicial Council staff,’ or ‘Administrative Director,’ as appropriate.”

The July 2014 report to the council explained the rationale for these changes. The council concluded that, as a matter of sound policy, it was desirable and beneficial to unite the Judicial Council and its staff under the single name “Judicial Council of California” by retiring the separate name “Administrative Office of the Courts” or “AOC.” For years, the Chief Justice and Judicial Council members had encountered confusion among those unfamiliar with the judicial branch about the role and relationship of the AOC to the council. It was a common misperception that the AOC was an entity that was separate from, and in some way independent of, the council, with its own policymaking authority. In reality, the AOC was not a separate entity. It was a name that many years ago had been conferred on staff to the Judicial Council by the council itself. Unfortunately, while unintended, that act of naming the staff had confused many members of the public and other branches of government about the true roles and responsibilities of the council. This confusion was impeding the council in advancing the interests of the judicial branch with both the legislative and executive branches.

Accordingly, the council determined that a change in nomenclature was desirable to bring the council into conformity with other state government entities and offices that do not give separate names to their staff. For example, the Public Utilities Commission (PUC) has had an extensive and organized staff for many years. But the staff uses the name of the commission itself, the PUC, which leads to no misunderstandings among the public it serves. Similarly, referring to the staff to the Judicial Council simply as the “Judicial Council” or “Judicial Council staff”—rather than as the “Administrative Office of the Courts” or “AOC”—would avoid confusion and misunderstandings.

The Proposal

The California Rules of Court would be amended throughout to replace “Administrative Office of the Courts” and “AOC,” with “Judicial Council,” “Judicial Council staff,” or another appropriate reference. In addition, references to “Administrative Director of the Courts” would be shortened to “Administrative Director.” These rule amendments would implement the changes initiated in July 2014 and will carry out the directive of the council.

Rule amendments

The words “Administrative Office of the Courts” and “AOC” in the existing rules and standards are used to describe both (1) individual and groups of staff with specific responsibilities and (2)

¹ Judicial Council of Cal., *Judicial Branch Administration: Retirement of the Names “Administrative Office of the Courts” and “AOC”* (July 22, 2014), available at: <http://www.courts.ca.gov/documents/jc-20140729-itemB.pdf>.

the entire staff of the Judicial Council. The direct replacement of “Administrative Office of the Courts” with “Judicial Council staff” did not make sense in every reference within the rules and standards. Most references were changed in that way, but for references that mean the entire staff of the Judicial Council, “the” was inserted before “Judicial Council staff.” For example, rule 10.101 addresses budget responsibilities of the Judicial Council and the former Administrative Office of the Courts. Because the rule provides that the responsibilities of the latter are carried out by the Administrative Director and the director of Finance (only two individuals) the rule’s title would be amended to read, “Role of the Judicial Council and Judicial Council staff.” The current rule also provides, in subdivision (c), that the Chief Justice and the Administrative Director, on behalf of the council, may allocate funding and must report on expenditures for specified entities, including the former Administrative Office of the Courts. In this circumstance, the reference to “Administrative Office of the Courts” clearly means the entire entity and thus subdivision (c) of the rule would be amended to substitute “*the* Judicial Council staff” for “Administrative Office of the Courts.”

Most of the proposed amendments make the change using “Judicial Council staff,” as it is more common for rules to refer to individual or groups of staff than the entire organization. For example, rule 3.501, which provides definitions for rules on coordination of complex civil cases, would be amended to substitute “with Judicial Council staff” in place of “in the Administrative Office of the Courts” in the following provision: “‘Coordination attorney’ means an attorney in the Administrative Office of the Courts appointed by the Chair of the Judicial Council to perform such administrative functions as may be appropriate under the rules in this chapter, including but not limited to the functions described in rules 3.524 and 3.550.”

In a few rules and standards, it seems most appropriate to substitute “Judicial Council” without “staff” in place of “Administrative Office of the Courts.” Thus for example, rule 2.1050(c), on public access to Judicial Council jury instructions, would be amended to provide that the Judicial Council, rather than the Administrative Office of the Courts, must provide copies and updates of approved jury instructions to the public on the California Courts website. Standard 10.16 currently provides that a model code of ethical behavior for court staff is published by the Administrative Office of the Courts. Because there is no need to specify that this is published by staff, it would be amended to replace “Administrative Office of the Courts” with “Judicial Council.”

Other amendments would be made to reflect the current name of smaller units within the Judicial Council staff. For example, in rule 10.50(d), “the Office of the General Counsel” would be amended to read “Judicial Council Legal Services.”

Other proposals with name change amendments

One of the rules in this Invitation to Comment is also circulating for comment in a separate Invitation to Comment. It is SPR15-32, which proposes to amend rule 10.620 by removing certain requirements that are inconsistent with statute. On adoption by the council, rule 10.620 would be amended to make both the changes to eliminate inconsistency with statute in SPR15-32

and the changes to replace the names “Administrative Office of the Courts” and “AOC” in this proposal.

Form Revisions

Two forms, *Prefiling Order-Vexatious Litigant* (MC-700) and *Order on Application to Vacate Prefiling Order and Remove Plaintiff/Petitioner From Judicial Council Vexatious Litigant List* (MC-704), would be revised to replace “Administrative Office of the Courts” with “Judicial Council” in the address box at the bottom of the page.

Alternatives Considered

The internal committee chairs did not consider alternatives because the council directed these changes and they complete the amendment of rules that reflect the name change from “Administrative Office of the Courts” to “Judicial Council” and “Judicial Council staff.”

Implementation Requirements, Costs, and Operational Impacts

Costs will be minimal. Following council adoption, publishers will publish the amended rules and standards and revised forms and they will be posted on the California Courts website.

Request for Specific Comments

In addition to comments on the proposal as a whole, the internal committee chairs are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the distinction between “Judicial Council staff” and “the Judicial Council staff” clear and applied correctly to the amendments?

Attachments and Links

Cal. Rules of Court, titles 2, 3, 4, 5, 7, 8, and 10 at page 5-79

Rules 2.503, 2.892, 2.894, 2.952, 2.954, 2.1050, 3.221, 3.500, 3.501, 3.550, 3.869, 4.102, 4.152, 4.153, 5.210, 5.225, 5.230, 5.505, 5.518, 5.655, 7.1101, 8.300, 8.405, 8.825, 8.831, 8.851, 8.852, 8.901, 8.904, and 8.930 of the California Rules of Court, would be amended, effective January 1, 2016, to read:

1 **Rule 2.503. Public access**

2
3 (a)–(i) * * *

4 **Advisory Committee Comment**

5
6 The rule allows a level of access by the public to all electronic records that is at least equivalent
7 to the access that is available for paper records and, for some types of records, is much greater. At
8 the same time, it seeks to protect legitimate privacy concerns.

9
10 **Subdivision (c).** ***

11
12 **Subdivisions (f) (g).** These subdivisions limit electronic access to records (other than the register,
13 calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those records.
14 These limitations are based on the qualitative difference between obtaining information from a
15 specific case file and obtaining bulk information that may be manipulated to compile personal
16 information culled from any document, paper, or exhibit filed in a lawsuit. This type of aggregate
17 information may be exploited for commercial or other purposes unrelated to the operations of the
18 courts, at the expense of privacy rights of individuals.

19
20 Courts must send a copy of the order permitting remote electronic access in extraordinary
21 criminal cases to: ~~Secretariat, Executive Office Programs Division, Administrative Office of the~~
22 ~~Courts~~Criminal Justice Court Services, Judicial Council of California, 455 Golden Gate Avenue,
23 San Francisco, CA 94102-3688 ~~or secretariat@jud.ca.gov.~~

24
25 **Rule 2.892. Guidelines for approval of certification programs for interpreters for**
26 **deaf and hard-of-hearing persons**

27
28 Each organization, agency, or educational institution that administers tests for
29 certification of court interpreters for deaf and hard-of-hearing persons under Evidence
30 Code section 754 must comply with the guidelines adopted by the Judicial Council
31 effective February 21, 1992, and any subsequent revisions, and must hold a valid, current
32 approval by the Judicial Council to administer the tests as a certifying organization. The
33 guidelines are stated in the *Judicial Council Guidelines for Approval of Certification*
34 *Programs for Interpreters for Deaf and Hard-of-Hearing Persons*, published by the
35 ~~Administrative Office of the Courts~~Judicial Council.

36
37 **Rule 2.894. Reports on appointments of certified and registered interpreters and**
38 **noncertified and nonregistered interpreters**

39
40 Each superior court must report to the Judicial Council on:
41

1 (1) The appointment of certified and registered interpreters under Government Code
2 section 71802, as required by ~~the Administrative Office of the Courts~~ Judicial
3 Council; and

4
5 (2) * * *

6
7 **Rule 2.952. Electronic recording as official record of proceedings**

8
9 (a)–(i) * * *

10
11 (j) **Record on appeal**

12
13 (1)–(2) * * *

14
15 (3) *Preparation of transcript*

16
17 On receiving directions to have a transcript prepared, the clerk may have the
18 material transcribed by a court employee, but should ordinarily send the reels
19 in question to a professional recording service that has been certified by the
20 federal court system or the ~~Administrative Office of the Courts~~ Judicial
21 Council or verified by the clerk to be skilled in producing transcripts.
22

23 **Rule 2.954. Specifications for electronic recording equipment**

24
25 (a)–(d) * * *

26
27 (e) **Previous equipment**

28
29 The ~~Administrative Director of the Courts~~ is authorized to approve any electronic
30 recording devices and equipment acquired before the adoption or amendment of
31 this rule that has been found by the court to produce satisfactory recordings of
32 proceedings.
33

34 **Rule 2.1050. Judicial Council jury instructions**

35
36 (a)–(b) * * *

37
38 (c) **Public access**

39
40 The ~~Administrative Office of the Courts~~ Judicial Council must provide copies and
41 updates of the approved jury instructions to the public on the California Courts web
42 site. The ~~Administrative Office of the Courts~~ Judicial Council may contract with an
43 official publisher to publish the instructions in both paper and electronic formats.

1 The Judicial Council intends that the instructions be freely available for use and
2 reproduction by parties, attorneys, and the public, except as limited by this
3 subdivision. The ~~Administrative Office of the Courts~~ Judicial Council may take
4 steps necessary to ensure that publication of the instructions by commercial
5 publishers does not occur without its permission, including, without limitation,
6 ensuring that commercial publishers accurately publish the Judicial Council’s
7 instructions, accurately credit the Judicial Council as the source of the instructions,
8 and do not claim copyright of the instructions. The ~~Administrative Office of the~~
9 ~~Courts~~ Judicial Council may require commercial publishers to pay fees or royalties
10 in exchange for permission to publish the instructions. As used in this rule,
11 “commercial publishers” means entities that publish works for sale, whether for
12 profit or otherwise.

13
14 **(d) Updating and amendments**

15
16 The Judicial Council instructions will be regularly updated and maintained through
17 its advisory committees on jury instructions. Amendments to these instructions will
18 be circulated for public comment before publication. Trial judges and attorneys
19 may submit for the advisory committees’ consideration suggestions for improving
20 or modifying these instructions or creating new instructions, with an explanation of
21 why the change is proposed. Suggestions should be sent to the ~~Administrative~~
22 ~~Office of the Courts, Office of the General Counsel~~ Judicial Council of California,
23 Legal Services.

24
25 **(e) * * ***

26
27 **Rule 3.221. Information about alternative dispute resolution**

28
29 **(a) Court to provide information package**

30
31 Each court must make available to the plaintiff, at the time the complaint is filed in
32 all general civil cases, an alternative dispute resolution (ADR) information package
33 that includes, at a minimum, all of the following:

- 34
35 (1) General information about the potential advantages and disadvantages of
36 ADR and descriptions of the principal ADR processes. ~~The Administrative~~
37 ~~Office of the Courts~~ Judicial Council staff has prepared model language that
38 the courts may use to provide this information.

39
40 (2)–(4) * * *

41
42 **(b)–(c) * * ***

1
2 **Rule 3.500. Transfer and consolidation of noncomplex common-issue actions filed**
3 **in different courts**

4
5 (a)–(f) * * *

6
7 (g) **Conflicting orders**

8
9 The Judicial Council’s coordination staff ~~in the Administrative Office of the Courts~~
10 must review all transfer orders submitted under (e) and must promptly confer with
11 the presiding judges of any courts that have issued conflicting orders under Code of
12 Civil Procedure section 403. The presiding judges of those courts must confer with
13 each other and with the judges who have issued the orders to the extent necessary
14 to resolve the conflict. If it is determined that any party to a case has failed to
15 disclose information concerning pending motions, the court may, after a duly
16 noticed hearing, find that the party’s failure to disclose is an unlawful interference
17 with the processes of the court.
18

19 (h) * * *

20
21 **Rule 3.501. Definitions**

22
23 As used in this chapter, unless the context or subject matter otherwise requires:

24
25 (1)–(5) * * *

26
27 (6) “Coordination attorney” means an attorney ~~in the Administrative Office of the~~
28 Courts with the Judicial Council staff appointed by the Chair of the Judicial
29 Council to perform such administrative functions as may be appropriate under the
30 rules in this chapter, including but not limited to the functions described in rules
31 3.524 and 3.550.
32

33 (7)–(19) * * *

34
35 **Rule 3.550. General administration by ~~the Administrative Office of the~~**
36 **Judicial Council staff**

37
38 (a) **Coordination attorney**

39
40 Except as otherwise provided in the rules in this chapter, all necessary
41 administrative functions under this chapter will be performed at the direction of the
42 Chair of the Judicial Council by a coordination attorney ~~in the Administrative~~
43 Office of the Courts with the Judicial Council staff.

1
2 (a)–(c) * * *

3
4 **Rule 3.869. General requirements for complaint procedures and complaint**
5 **proceedings**

6
7 (a)–(g) * * *

8
9 **Advisory Committee Comment**

10
11 ~~The Administrative Office of the Courts~~ Judicial Council staff has developed model local rules
12 that satisfy the requirements of this rule. These model local rules were developed with input from
13 judicial officers, court administrators, alternative dispute resolution (ADR) program
14 administrators, court-program mediators, and public commentators and are designed so that they
15 can be readily adapted to the circumstances of individual courts and specific complaints. Courts
16 are encouraged to adopt rules that follow the model rules, to the extent feasible. Courts can obtain
17 copies of these model rules from the Judicial Council’s civil ADR program staff ~~at the~~
18 ~~Administrative Office of the Courts.~~

19
20 **Subdivision (a).** * * *

21
22 **Subdivision (c).** * * *

23
24 **Subdivision (d).** * * *.

25
26 **Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game,**
27 **forestry, public utilities, parks and recreation, business licensing**

28
29 The Judicial Council of California has established the policy of promulgating uniform
30 bail and penalty schedules for certain offenses in order to achieve a standard of
31 uniformity in the handling of these offenses.

32
33 In general, bail is used to ensure the presence of the defendant before the court. Under
34 Vehicle Code sections 40512 and 13103, bail may also be forfeited and forfeiture may be
35 ordered without the necessity of any further court proceedings and be treated as a
36 conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum
37 is a fine imposed as all or a portion of a sentence imposed.

38
39 To achieve substantial uniformity of bail and penalties throughout the state in traffic,
40 boating, fish and game, forestry, public utilities, parks and recreation, and business
41 licensing cases, the trial court judges, in performing their duty under Penal Code section
42 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor
43 and infraction offenses except Vehicle Code infractions, must give consideration to the

1 Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail
2 and Penalty Schedule for infraction violations of the Vehicle Code will be established by
3 the Judicial Council in accordance with Vehicle Code section 40310. Judges must give
4 consideration to requiring additional bail for aggravating or enhancing factors.

5
6 After a court adopts a countywide bail and penalty schedule, under Penal Code section
7 1269b, the court must, as soon as practicable, mail a copy of the schedule to the Judicial
8 Council with a report stating how the revised schedule differs from the council’s uniform
9 traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish
10 and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform
11 public utilities bail and penalty schedule, uniform parks and recreation bail and penalty
12 schedule, or uniform business licensing bail and penalty schedule.

13
14 The purpose of this uniform bail and penalty schedule is to:

- 15
16 (1) Show the standard amount for bail, which for Vehicle Code offenses may also be
17 the amount used for a bail forfeiture instead of further proceedings; and
18
19 (2) Serve as a guideline for the imposition of a fine as all or a portion of the penalty for
20 a first conviction of a listed offense where a fine is used as all or a portion of the
21 penalty for such offense. The amounts shown for the misdemeanors on the boating,
22 fish and game, forestry, public utilities, parks and recreation, and business licensing
23 bail and penalty schedules have been set with this dual purpose in mind.

24
25 Unless otherwise shown, the maximum penalties for the listed offenses are six months in
26 the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used
27 to provide standard fine amounts for a first offense conviction of a violation shown where
28 a fine is used as all or a portion of the sentence imposed.

29
30 **Note:**

31 Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

32 ~~Office of the General Counsel~~

33 ~~Administrative Office of the Courts~~

34 Criminal Justice Court Services

35 Judicial Council of California

36 455 Golden Gate Avenue

37 San Francisco, CA 94102-3688

38 (415) 865-7611 or

39 *www.courts.ca.gov/reference*

40
41 **Rule 4.152. Selection of court and trial judge**

42

1 When a judge grants a motion for change of venue, he or she must inform the presiding
2 judge of the transferring court. The presiding judge, or his or her designee, must:

3
4 (1) Notify the Administrative Director ~~of the Courts~~ of the change of venue. After
5 receiving the transferring court’s notification, the Administrative Director, in order
6 to expedite judicial business and equalize the work of the judges, must advise the
7 transferring court which courts would not be unduly burdened by the trial of the
8 case.

9
10 (2) * * *

11
12 **Rule 4.153. Order on change of venue**

13
14 After receiving the list of courts from the Administrative Director ~~of the Courts~~, the
15 presiding judge, or his or her designee, must:

16
17 (1)–(3) * * *

18
19 **Rule 5.210. Court-connected child custody mediation**

20
21 (a)–(f) * * *

22
23 (g) **Education and training providers**

24
25 Only education and training acquired from eligible providers meet the requirements
26 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~
27 Judicial Council and may include educational institutions, professional
28 associations, professional continuing education groups, public or private for-profit
29 or not-for-profit groups, and court-connected groups.

30
31 (1) * * *

32
33 (2) Effective July 1, 2005, all education and training programs must be approved
34 by the ~~Administrative Office of the Courts~~ Judicial Council staff in
35 consultation with the Family and Juvenile Law Advisory Committee.

36
37 (h) * * *

38
39 **Rule 5.225. Appointment requirements for child custody evaluators**

40
41 (a)–(m) * * *

1 (n) **Education and training providers**

2
3 “Eligible providers” includes the ~~Administrative Office of the Courts~~ Judicial
4 Council and may include educational institutions, professional associations,
5 professional continuing education groups, public or private for-profit or not-for-
6 profit groups, and court-connected groups. Eligible providers must:

7
8 (1)–(6) * * *

9
10 (o) **Program approval required**

11
12 All education and training programs must be approved by the ~~Administrative~~
13 ~~Office of the Courts~~ Judicial Council staff in consultation with the Family and
14 Juvenile Law Advisory Committee. Education and training courses that were taken
15 between January 1, 2000, and July 1, 2003, may be applied toward the
16 requirements of this rule if they addressed the subjects listed in (d) and either were
17 certified or approved for continuing education credit by a professional provider
18 group or were offered as part of a related postgraduate degree or licensing program.

19
20 **Rule 5.230. Domestic violence training standards for court-appointed child custody**
21 **investigators and evaluators**

22
23 (a)–(c) * * *

24
25 (d) **Mandatory training**

26
27 Persons appointed as child custody investigators under Family Code section 3110
28 or Evidence Code section 730, and persons who are professional staff or trainees in
29 a child custody or visitation evaluation or investigation, must complete basic
30 training in domestic violence issues as described in Family Code section 1816 and,
31 in addition:

32
33 (1) *Advanced training*

34
35 Sixteen hours of advanced training must be completed within a 12-month
36 period. The training must include the following:

37
38 (A) Twelve hours of instruction, as approved by the ~~Administrative Office~~
39 ~~of the Courts~~ Judicial Council, in:

40
41 (i)–(v) * * *

42
43 (B) * * *

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42

(2) * * *

(e) Education and training providers

Only education and training acquired from eligible providers meets the requirements of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~ Judicial Council and may include educational institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

(1) * * *

(2) Effective July 1, 2005, all education and training programs must be approved by the ~~Administrative Office of the Courts~~ Judicial Council staff in consultation with the Family and Juvenile Law Advisory Committee.

(f)–(g) * * *

Rule 5.505. Juvenile dependency court performance measures

(a)–(b) * * *

(c) Data collection

(1) * * *

(2) Before implementation of the CCMS family and juvenile law module, each local court must collect and submit to the ~~AOC~~ Judicial Council the subset of juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures* that it is reasonably capable of collecting and submitting with its existing court case management system and resources.

(3) On implementation of the CCMS family and juvenile law module in a local court, and as the necessary data elements become electronically available, the local court must collect and submit to the ~~AOC~~ Judicial Council the juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures*. For the purposes of this subdivision, “implementation of the CCMS family and juvenile law module” in a local court means that the CCMS family and juvenile law module has been deployed in that court, is

1 functioning, and has the ability to capture the required data elements and that
2 local court staff has been trained to use the system.

3
4 **(d) Use of data and development of measures before CCMS implementation**

5
6 Before CCMS implementation, the ~~AOC~~ Judicial Council must:

7
8 (1) * * *

9
10 (2) Establish a procedure to assist the local courts in submitting the required data
11 to the ~~AOC~~ Judicial Council;

12
13 (3)– * * *

14
15 **(e) Use of data after CCMS implementation**

16
17 On implementation of CCMS, the ~~AOC~~ Judicial Council must:

18
19 (1)–(4) * * *

20
21 **Rule 5.518. Court-connected child protection/dependency mediation**

22
23 **(a)–(h) * * ***

24
25 **(i) Education and training providers**

26
27 Only education and training acquired from eligible providers meet the requirements
28 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~
29 Judicial Council and may include educational institutions, professional
30 associations, professional continuing education groups, public or private for-profit
31 or not-for-profit groups, and court-connected groups.

32
33 (1) * * *

34
35 (2) Effective July 1, 2005, all education and training programs must be approved
36 by the ~~Administrative Office of the Courts~~ Judicial Council staff in
37 consultation with the Family and Juvenile Law Advisory Committee.

38
39 **(j) * * ***

40
41 **Rule 5.655. Program requirements for Court Appointed Special Advocate programs**

1 (a) * * *

2
3 (b) **Definitions**

4
5 (1) * * *

6
7 (2) ~~The Judicial Council's Administrative Office of the Courts (AOC) staff~~ may
8 create a *CASA Program Policies and Procedures Manual* containing
9 recommended program policies and procedures. If ~~the AOC~~ Judicial Council
10 staff creates a manual, it will be developed in collaboration with the
11 California CASA Association and California CASA program directors. The
12 protocols will address program and fiscal management, and the recruitment,
13 screening, selection, training, and supervision of lay volunteers.

14
15 (3)–(5) * * *

16
17 (c)–(j) * * *

18
19 (k) **CASA program administration and management**

20
21 A CASA program must adopt and adhere to a written plan for program governance
22 and evaluation that includes the following as applicable:

23
24 (1) Articles of incorporation, bylaws, and a board of directors. Any CASA
25 program that functions under the auspices of a public agency or private entity
26 must specify in its plan a clear administrative relationship with the parent
27 organization and clearly delineated delegations of authority and
28 accountability. No CASA program may function under the auspices of a
29 probation department or department of social services. CASA programs may
30 receive funds from probation departments, local child welfare agencies, and
31 the California Department of Social Services if:

32
33 (A)–(B) * * *

34
35 (C) Any MOU or contract between a CASA program and the contributing
36 agency is submitted to and approved by ~~AOC~~ Judicial Council staff.

37
38 (2)–(5) * * *

39
40 (l) **Finance, facility, and risk management**

41
42 (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan
43 must include an annual audit, conducted by a qualified professional, that is

1 consistent with generally accepted accounting principles and the audit
2 protocols in the program’s contract with the ~~Administrative Office of the~~
3 Courts Judicial Council.

4
5 (2)–(7) * * *

6
7 (m) * * *

8
9 **Rule 7.1101. Qualifications and continuing education required of counsel appointed**
10 **by the court in guardianships and conservatorships**

11
12 (a) **Definitions**

13
14 As used in this rule, the following terms have the meanings stated below:

15
16 (1)–(5) * * *

17
18 ~~(6) “AOC” is the Administrative Office of the Courts.~~

19
20 (7) 6 “Counsel in private practice” includes attorneys employed by or performing
21 services under contracts with nonprofit organizations.

22
23 (b)–(h) * * *

24
25 (i) **Reporting**

26
27 The ~~AOC~~ Judicial Council may require courts to report appointed counsel’s
28 qualifications and completion of continuing education required by this rule to
29 ensure compliance with Probate Code section 1456.

30
31 **Rule 8.300. Appointment of appellate counsel by the Court of Appeal**

32
33 (a)–(e) * * *

34
35 **Advisory Committee Comment**

36
37 **Subdivision (b).** The “designated oversight committee” referred to in subdivision (b)(2) is
38 currently the Appellate Indigent Defense Oversight Advisory Committee. The criteria approved
39 by this committee can be found on the judicial branch’s public website at www.courtsinfo.ca.gov.

40
41 **Rule 8.405. Filing the appeal**

1 (a)–(b) * * *

2
3 **Advisory Committee Comment**
4

5 **Subdivision (a).** *Notice of Appeal—Juvenile (California Rules of Court, Rule 8.400)* (form JV-
6 800) may be used to file the notice of appeal required under this rule. This form is available at
7 any courthouse or county law library or online at www.courtsinfo.ca.gov/forms.
8

9 **Rule 8.825. Abandonment, voluntary dismissal, and compromise**

10
11 (a)–(c) * * *

12
13 **Advisory Committee Comment**
14

15 *Abandonment of Appeal (Limited Civil Case)* (form APP-106) may be used to file an
16 abandonment under this rule. This form is available at any courthouse or county law library or
17 online at www.courtsinfo.ca.gov/forms.
18

19 **Rule 8.831. Notice designating the record on appeal**

20
21 (a)–(b) * * *

22
23 **Advisory Committee Comment**
24

25 *Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) may be used to file
26 the designation required under this rule. This form is available at any courthouse or county law
27 library or online at www.courtsinfo.ca.gov/forms. To assist parties in making appropriate choices,
28 courts are encouraged to include information about whether the proceedings were recorded by a
29 court reporter or officially electronically recorded in any information that the court provides to
30 parties concerning their appellate rights.
31

32 If the appellant designates a clerk’s transcript or reporter’s transcript under this rule, the
33 respondent will have an opportunity to designate additional documents to be included in the
34 clerk’s transcript under rule 8.832(b)(2) or additional proceedings to be included in the reporter’s
35 transcript under rule 8.834(a)(3).
36

37 **Rule 8.851. Appointment of appellate counsel**

38
39 (a)–(c) * * *

40
41 **Advisory Committee Comment**
42

1 *Request for Court-Appointed Lawyer in Misdemeanor Appeal* (form CR-133) may be used to
2 request that appellate counsel be appointed in a misdemeanor case. If the appellant was not
3 represented by the public defender or other appointed counsel in the trial court, the appellant must
4 use *Defendant's Financial Statement on Eligibility for Appointment of Counsel and*
5 *Reimbursement and Record on Appeal at Public Expense* (form MC-210) to show indigency.
6 These forms are available at any courthouse or county law library or online at
7 www.courtsinfo.ca.gov/forms.

8
9 **Rule 8.852. Notice of appeal**

10
11 **(a)–(b) * * ***

12
13 **Advisory Committee Comment**

14
15 *Notice of Appeal (Misdemeanor)* (form CR-132) may be used to file the notice of appeal required
16 under this rule. This form is available at any courthouse or county law library or online at
17 www.courtsinfo.ca.gov/forms.

18
19 **Subdivision (a).** The only orders that a defendant can appeal in a misdemeanor case are (1)
20 orders granting or denying a motion to suppress evidence (Penal Code section 1538.5(j)); and (2)
21 orders made after the final judgment that affects the substantial rights of the defendant (Penal
22 Code section 1466).

23
24 **Rule 8.901. Notice of appeal**

25
26 **(a)–(b) * * ***

27
28
29 **Advisory Committee Comment**

30
31 *Notice of Appeal and Record of Oral Proceedings (Infraction)* (form CR-142) may be used to file
32 the notice of appeal required under this rule. This form is available at any courthouse or county
33 law library or online at www.courtsinfo.ca.gov/forms.

34
35 **Rule 8.904. Abandoning the appeal**

36
37 **(a)–(c) * * ***

38
39 **Advisory Committee Comment**

40
41 *Abandonment of Appeal (Infraction)* (form CR-145) may be used to file an abandonment under
42 this rule. This form is available at any courthouse or county law library or online at
43 www.courtsinfo.ca.gov/forms.

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Rule 8.930. Application

(a)–(b) * * *

Advisory Committee Comment

Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases (form APP-150-INFO) provides additional information about proceedings for writs in the appellate division of the superior court. This form is available at any courthouse or county law library or online at www.courtsinfo.ca.gov/forms.

Subdivision (b). The superior courts, not the appellate divisions, have original jurisdiction in habeas corpus proceedings (see Cal. Const., art. VI, §10). Habeas corpus proceedings in the superior courts are governed by rules 4.550 et. seq.

Rules 10.2, 10.5, 10.6, 10.10, 10.11, 10.12, 10.13, 10.14, 10.16, 10.20, 10.22, 10.30, 10.34, 10.46, 10.48, 10.50, 10.51, 10.52, 10.56, 10.64, 10.80, 10.81, 10.102, 10.103, 10.104, 10.105, 10.106, 10.172, 10.180, 10.181, 10.182, 10.183, 10.184, 10.201, 10.202, 10.203, 10.350, 10.452, 10.455, 10.461, 10.462, 10.468, 10.469, 10.478, 10.481, 10.491, 10.500, 10.501, 10.502, 10.601, 10.620, 10.630, 10.660, 10.670, 10.742, 10.761, 10.762, 10.776, 10.777, 10.781, 10.782, 10.800, 10.801, 10.804, 10.805, 10.811, 10.815, 10.820, 10.830, 10.854, 10.870, and 10.960 of the California Rules of Court would be amended, effective January 1, 2016, to read:

1 **TITLE 10. JUDICIAL ADMINISTRATION RULES**

2
3 **Rule 10.2. Judicial Council membership and terms**

4
5 **(a) *****

6
7 **(b) Council officers and duties**

8
9 (1)–(2) ***

10
11 (3) *Officers*

12
13 The Judicial Council has seven officers: the chair, vice-chair, secretary, and
14 the chairs of the council’s four internal committees.

15
16 (4) ~~Administrative Director of the Courts~~

17
18 The ~~Administrative Director of the Courts~~ is the secretary to the Judicial
19 Council and performs administrative and policymaking functions as provided
20 by the Constitution and the laws of the State of California and as delegated
21 by the Judicial Council and the Chief Justice. The secretary is not a voting
22 member of the council.

23
24 **(c)–(e) *****

25
26 **Rule 10.5. Notice and agenda of council meetings**

27
28 **(a) *****

29
30 **(b) Meeting schedule**

31
32 The ~~Administrative Office of the Courts~~ Judicial Council must publish a regular
33 annual schedule that states the planned date, purpose, and location of each meeting.
34 Additional meetings may be scheduled as necessary.

35
36 **(c) Notice of business meetings**

37
38 “Business meetings” are council meetings at which a majority of voting members
39 are present to discuss and decide matters within the council’s jurisdiction. The
40 ~~Administrative Office of the Courts~~ Judicial Council must give public notice of the

1 date, location, and agenda of each business meeting at least seven days before the
2 meeting. The notice must state whether the meeting is open or closed. If the
3 meeting is partly closed, the notice must indicate which agenda items are closed. A
4 meeting may be conducted without notice in case of an emergency requiring
5 prompt action.

6
7 **(d) Budget meetings**

8
9 A “budget meeting” is that portion of any business meeting at which trial court
10 budgets are to be discussed. The ~~Administrative Office of the Courts~~ Judicial
11 Council must provide notice of a budget meeting in the same manner as any other
12 business meeting. Budget meetings normally are scheduled as follows:

13
14 (1)–(4) * * *

15
16 **(e) Form of notice**

17
18 The notice and agenda for council meetings must be posted at the ~~Administrative~~
19 ~~Office of the Courts~~ Judicial Council of California and on the California Courts
20 Web site (www.courtsinfo.ca.gov). In addition, the notice and agenda for budget
21 meetings must be provided to designated employee representatives who have
22 submitted a written request to the ~~Administrative Office of the Courts~~ Judicial
23 Council (attention ~~Secretariat~~ Judicial Council Support).

24
25 **(f)** * * *

26
27 **(g) Meeting materials**

28
29 (1) * * *

30
31 (2) *Budget materials*

32
33 (A) * * *

34
35 (B) *Distribution*

36
37 Materials must be made available by posting on the California Courts
38 Web site and by distribution to designated employee representatives
39 who have submitted a written request to the ~~Administrative Office of~~
40 ~~the Courts~~ Judicial Council of California (attention ~~Secretariat~~ Judicial
41 Council Support).

42
43 (C) * * *

44
45 **(h)** * * *

1 **Rule 10.6. Judicial Council meetings**

2
3 (a)–(c) * * *

4
5 (d) **Requests to speak—general**

6
7 The Executive and Planning Committee, in its discretion, may allow a member of
8 the public to speak at a business meeting. Unless the Chief Justice waives this
9 requirement, any member of the public who wishes to speak at a business meeting
10 must submit a request of no more than two pages to the chair of the Executive and
11 Planning Committee by delivering it to the ~~Administrative Office of the Courts~~
12 Judicial Council (attention Judicial Council Support) at least four business days
13 before the meeting.

14
15 (1)–(2) * * *

16
17 (e) **Presentation of information on trial court budget matters**

18
19 (1) * * *

20
21 (2) *Oral presentation*

22
23 Any designated employee representative who wishes to make an oral
24 presentation to the Judicial Council must make a written request to the
25 ~~Administrative Office of the Courts~~ Judicial Council of California (attention
26 Secretariat Judicial Council Support) no later than 24 hours before the
27 meeting unless the issue has arisen within the last five business days before
28 the meeting, in which case the written request may be made on the day of the
29 meeting.

30
31 (3) * * *

32
33 (f)–(g) * * *

34
35 **Rule 10.10. Judicial Council internal committees**

36
37 (a)–(c) * * *

38
39 (d) **Meetings**

40
41 Each internal committee meets as often as necessary to perform its responsibilities.
42 The ~~Administrative Director of the Courts~~, as secretary of the Judicial Council,
43 may attend and participate in the meetings of each internal committee. Internal
44 committee meetings are closed to the public but may be opened at the committee
45 chair's discretion.
46

1 (e)–(g) * * *

2
3 **Rule 10.11. Executive and Planning Committee**

4
5 (a)–(e) * * *

6
7 **(f) Topics for making policy and receiving updates**

8
9 The committee develops a schedule of topics that the council intends to consider
10 for making policy and receives updates from the Administrative Director ~~of the~~
11 ~~Courts or Administrative Office of the Courts~~ Judicial Council staff.

12
13 (g)–(j) * * *

14
15 **Rule 10.12. Policy Coordination and Liaison Committee**

16
17 **(a) Legislative activities**

18
19 The Policy Coordination and Liaison Committee performs the following functions:

20
21 (1) Taking a position on behalf of the council on pending legislative bills, after
22 evaluating input from the council advisory bodies and ~~the Administrative~~
23 ~~Office of the Courts~~ Judicial Council staff, and any other input received from
24 the courts, provided that the position is consistent with the council's
25 established policies and precedents;

26
27 (2) Making recommendations to the council on all proposals for council-
28 sponsored legislation and on an annual legislative agenda after evaluating
29 input from council advisory bodies and ~~the Administrative Office of the~~
30 ~~Courts~~ Judicial Council staff, and any other input received from the courts;
31 and

32
33 (3) * * *

34
35 (b)–(d) * * *

36
37 **Rule 10.13. Rules and Projects Committee**

38
39 (a)–(e) * * *

40
41 **(f) Responsibility of the Administrative Director ~~of the Courts~~**

42
43 The Administrative Director is responsible for ensuring that items submitted to the
44 committee for circulation for comment and the council's agenda comply with the
45 committee's procedures and its guidelines on format and style.

1 **Rule 10.14. Litigation Management Committee**

2
3 **(a) Litigation oversight**

4
5 The Litigation Management Committee oversees litigation and claims against trial
6 court judges, appellate court justices, the Judicial Council, ~~the Administrative~~
7 ~~Office of the Courts~~ its staff, the trial and appellate courts, and the employees of
8 those bodies in which the likely monetary exposure is \$100,000 or more or that
9 raise issues of significance to the judicial branch by:

10
11 (1) * * *

12
13 (2) Consulting with the Administrative Director or ~~General~~ Chief Counsel, on
14 request, regarding important strategy issues.

15
16 **(b) * * ***

17
18 **(c) Strategic decisions**

19
20 The committee resolves written objections described in rule 10.202(d) presented by
21 ~~the Office of the General Counsel~~ Legal Services.

22
23 **Rule 10.16. Technology Committee**

24
25 **(a) * * ***

26
27 **(b) Coordination**

28
29 The committee coordinates the activities of the Administrative Director ~~of the~~
30 ~~Courts~~, council internal committees and advisory committees, the courts, justice
31 partners, and stakeholders on matters relating to court information technology. The
32 committee also, in collaboration or consultation with the Policy Coordination and
33 Liaison Committee, coordinates with other branches of government on information
34 technology issues.

35
36 **(c)–(e) * * ***

37
38 **Rule 10.20. Proposals for new or amended rules, standards, or forms; rule-making**
39 **process in general**

40
41 **(a) * * ***

42
43 **(b) Proposals**

44
45 The council will consider proposals that are submitted to it by an internal
46 committee, an advisory committee, a task force, or ~~the Administrative Office of the~~

1 ~~Courts~~ Judicial Council staff, in accordance with rule 10.22 and any policies and
2 procedures established by the Rules and Projects Committee.
3

4 (c) * * *

5
6 **Rule 10.21. Proposals from members of the public for changes to rules, standards,
7 or forms**
8

9 (a) **Application**

10
11 This rule applies to proposals for changes to rules, standards, or forms by a member
12 of the public (any person or organization other than a Judicial Council internal
13 committee, advisory committee, or task force, or ~~the Administrative Office of the~~
14 ~~Courts~~ Judicial Council staff).
15

16 (b) **Submission and content of proposals**

17
18 Proposals must be submitted in writing to: Judicial Council of California,
19 Attention: ~~General~~ Chief Counsel. Proposals should include:
20

21 (1)–(8) * * *

22
23 (c) **Advisory committee’s review of proposal**

24
25 The ~~General~~ Chief Counsel must refer each proposal from a member of the public
26 to an appropriate advisory committee for consideration and recommendation, or, if
27 no appropriate advisory committee exists, to the Rules and Projects Committee. ~~A~~
28 ~~Administrative Office of the Courts~~ Judicial Council staff member may
29 independently review the proposal and present an analysis and a recommendation
30 to the committee. The committee may take one of the following actions:
31

32 (1)–(3) * * *

33
34 **Rule 10.22. Rule-making procedures**

35
36 (a) **Who may make proposals**

37
38 A Judicial Council internal committee, advisory committee, task force, or ~~the~~
39 ~~Administrative Office of the Courts~~ Judicial Council staff may recommend that the
40 council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or
41 revoke a form.
42

43 (b) **Legal and advisory committee review**

44
45 The internal committee, advisory committee, task force, or ~~Administrative Office~~
46 ~~of the Courts~~ Judicial Council staff (the proponent) must first submit its proposal to

1 ~~the Office of the General Counsel~~ Legal Services for legal and drafting review. If
2 the proponent is not an advisory committee, and an appropriate advisory committee
3 exists, the proponent must also submit the proposal to that advisory committee for
4 review.

5
6 **(c) Recommendation to Rules and Projects Committee**

7
8 After the proposal has been reviewed by ~~the Office of the General Counsel~~ Legal
9 Services and any appropriate advisory committee, the proponent must submit the
10 proposal to the Rules and Projects Committee with a recommendation that it be (1)
11 circulated for public comment or (2) submitted to the council for approval without
12 public comment.

13
14 **(d)–(g) * * ***

15
16 **Rule 10.30. Judicial Council advisory bodies**

17
18 **(a) * * ***

19
20 **(b) Functions**

21
22 The advisory bodies:

23
24 **(1)–(2) * * ***

25
26 **(3)** Generally do not implement policy. The council may, however, assign
27 policy-implementation and programmatic responsibilities to an advisory body
28 and may request it make recommendations to ~~the Administrative Office of~~
29 ~~the Courts~~ Judicial Council staff on implementation of council policy or
30 programs;

31
32 **(4) * * ***

33
34 **(5)** Are responsible, through ~~the Administrative Office of the Courts~~ Judicial
35 Council staff, for gathering stakeholder perspectives on policy
36 recommendations they plan to present to the council.

37
38 **(c)–(e) * * ***

39
40 **(f) Role of the Administrative Director ~~of the Courts~~**

41
42 The Administrative Director ~~of the Courts~~ sits as an ex officio member of each
43 advisory body.

44
45 **(g) * * ***

1 **Rule 10.34. Duties and responsibilities of advisory committees**

2
3 (a) * * *

4
5 (b) **Annual charges**

6
7 (1) * * *

8
9 (2) Advisory committees have limited discretion to pursue matters in addition to
10 those specified in each committee's annual charge, as long as the matters are
11 consistent with a committee's general charge, within the limits of resources
12 available to the committee, and within any other limits specified by the
13 council, the designated internal committee, or the Administrative Director of
14 the Courts.

15
16 (c) * * *

17
18 (d) **Role of the Administrative Director of the Courts**

19
20 (1)-(2) * * *

21
22 (e) **Role of staff**

23
24 (1) Advisory committees are assisted by ~~the~~ Judicial Council ~~staff of the~~
25 ~~Administrative Office of the Courts~~. The duties of staff members include
26 drafting committee annual agendas, managing the committee's budget and
27 resources, coordinating committee activities, providing legal and policy
28 analysis to the committee, organizing and drafting reports, selecting and
29 supervising consultants, providing technical assistance, and assisting
30 committee chairs in presenting the committee's recommendations to the
31 Judicial Council. Staff may provide independent legal or policy analysis of
32 issues that is different from the committee's position, if authorized to do so
33 by the Administrative Director of the Courts.

34
35 (2) Staff report to the Administrative Director of the Courts. The decisions or
36 instructions of an advisory body or its chair are not binding on the staff
37 except in instances when the council or the Administrative Director has
38 specifically authorized such exercise of authority.

39
40 (f) **Review of annual agendas**

41
42 (1)-(2) * * *

43
44 (3) To pursue matters in addition to those specified in its annual charge, an
45 advisory committee must have the approval of the internal committee with
46 oversight responsibility for the advisory committee. The matters must be

1 consistent with the advisory committee's general charge, as set forth in the
2 rules of court, its approved annual agenda, and the council's long-range
3 strategic plan. The additional matters must also be within the committee's
4 authorized budget and available resources, as specified by the council or the
5 Administrative Director of the Courts.
6

7 **Rule 10.46. Trial Court Presiding Judges Advisory Committee**
8

9 (a) * * *

10
11 (b) **Additional duties**
12

13 In addition to the duties specified in rule 10.34, the committee may:
14

15 (1) * * *

16
17 (2) Respond and provide input to the Judicial Council, appropriate advisory
18 committees, or ~~the Administrative Office of the Courts~~ Judicial Council staff
19 on pending policy proposals and offer new recommendations on policy
20 initiatives in the areas of legislation, rules, forms, standards, studies, and
21 recommendations concerning court administration; and
22

23 (3) Provide for liaison between the trial courts and the Judicial Council, its
24 advisory committees, task forces, and working groups, and ~~the~~
25 Administrative Office of the Courts Judicial Council staff.
26

27 (c)–(f) * * *
28

29 **Rule 10.48. Court Executives Advisory Committee**
30

31 (a) * * *

32
33 (b) **Additional duties**
34

35 In addition to the duties specified in rule 10.34, the committee must:
36

37 (1)–(4) * * *

38
39 (5) Meet periodically with the ~~Administrative Office of the Courts~~ Judicial
40 Council's executive team to enhance branch communications.
41

42 (c)–(g) * * *
43

44 **Rule 10.50. Governing Committee of the Center for Judicial Education and**
45 **Research**
46

1 (a) **Establishment and purpose**

2
3 In 1973, the Judicial Council of California and the California Judges Association
4 created the Center for Judicial Education and Research (CJER), ~~which~~
5 ~~subsequently became the Education Division of the Administrative Office of the~~
6 ~~Courts~~ is now known as the Center for Judiciary Education and Research (CJER).
7 The Governing Committee of CJER was made an advisory committee to the
8 council in 1993 through the adoption of former rule 1029. In 2001, the rule that
9 specifies the CJER Governing Committee’s duties was made consistent with the
10 rules pertaining to other Judicial Council advisory committees, but it continues to
11 acknowledge the historic participation of the California Judges Association.
12

13 (b)–(f) * * *

14
15 **Rule 10.51. Court Interpreters Advisory Panel**

16
17 (a) * * *

18
19 (b) **Additional duty**

20
21 The advisory panel is charged with reviewing and making recommendations to the
22 council on the findings of the study of language and interpreter use and need for
23 interpreters in court proceedings that is conducted by ~~the Administrative Office of~~
24 ~~the Courts~~ Judicial Council staff every five years under Government Code section
25 68563.
26

27 (c)–(d) * * *

28
29 **Rule 10.52. Administrative Presiding Justices Advisory Committee**

30
31 (a) * * *

32
33 (b) **Additional duties**

34
35 In addition to the duties described in rule 10.34, the committee must:

36
37 (1)–(3) * * *

38
39 (4) Comment on and make recommendations to the council about appellate court
40 operations, including:

41
42 (A) Initiatives to be pursued by the council or ~~the Administrative Office of~~
43 ~~the Courts~~ Judicial Council staff; and

44
45 (B) * * *

1 (c) * * *

2
3 (d) **Funding**

4
5 Each year, the committee must recommend budget change proposals to be
6 submitted to the Chief Justice for legislative funding to operate the appellate courts.
7 These proposals must be consistent with the budget management guidelines of the
8 Judicial Council's Finance Division office of the Administrative Office of the
9 Courts.

10
11 (e) * * *

12
13 (f) **Administrative Director of the Courts**

14
15 * * *

16
17 **Rule 10.56. Collaborative Justice Courts Advisory Committee**

18
19 (a) * * *

20
21 (b) **Additional duties**

22
23 In addition to the duties described in rule 10.34, the committee must:

24
25 (1)–(4) * * *

26
27 (5) Make recommendations regarding grant funding programs that are
28 administered by ~~the Administrative Office of the Courts~~ Judicial Council
29 staff for drug courts and other treatment courts; and

30
31 (6) * * *

32
33 (c) * * *

34
35 **Rule 10.102. Acceptance of gifts**

36
37 (a) **Administrative Director of the Courts' authority to accept gifts**

38
39 The Administrative Director of the Courts may accept on behalf of any entity listed
40 in (b) any gift of real or personal property if the gift and any terms and conditions
41 are found to be in the best interest of the state. Any applicable standards used by
42 the Director of Finance under Government Code section 11005.1 may be
43 considered in accepting gifts.

44
45 (b) **Delegation of authority**

1 The Administrative Director may delegate the authority to accept gifts to the
2 following, under any guidelines established by ~~the Administrative Office of the~~
3 Courts Judicial Council staff.

4
5 (1)–(3) * * *

6
7 (4) The Judicial Council's director of ~~the Finance Division of the Administrative~~
8 ~~Office of the Courts~~, for gifts to the Judicial Council and ~~the Administrative~~
9 ~~Office of the Courts Judicial Council staff~~.

10
11 **Rule 10.103. Limitation on intrabranch contracting**

12
13 (a) **Definitions**

14
15 For purposes of this rule, “judicial branch entity” includes a trial court, a Court of
16 Appeal, the Supreme Court, and ~~the Administrative Office of the Courts~~ Judicial
17 Council.

18
19 (b)–(d) * * *

20
21 **Rule 10.104. Limitation on contracting with former employees**

22
23 (a) **Trial and appellate court contracts with former employees**

24
25 A trial or appellate court may not enter into a contract for goods or services for
26 which compensation is paid with a person previously employed by that court or by
27 ~~the Administrative Office of the Courts~~ Judicial Council:

28
29 (1) * * *

30
31 (2) For a period of 24 months following the date of the former employee’s
32 retirement, dismissal, or separation from service, if he or she engaged in any
33 of the negotiations, transactions, planning, arrangements, or any part of the
34 decision-making process relevant to the contract while employed in any
35 capacity by the court or ~~the Administrative Office of the Courts~~ Judicial
36 Council.

37
38 (b) ~~Administrative Office of the Courts~~ Judicial Council **contracts with former**
39 **employees**

40
41 ~~The Administrative Office of the Courts~~ Judicial Council may not enter into a
42 contract for goods or services for which compensation is paid with a person
43 previously employed by it:

44
45 (1) For a period of 12 months following the date of the former employee’s
46 retirement, dismissal, or separation from service, if he or she was employed

1 in a policymaking position at the ~~Administrative Office of the Courts~~ Judicial
2 Council in the same general subject area as the proposed contract within the
3 12-month period before his or her retirement, dismissal, or separation; or
4

- 5 (2) For a period of 24 months following the date of the former employee’s
6 retirement, dismissal, or separation from service, if he or she engaged in any
7 of the negotiations, transactions, planning, arrangements, or any part of the
8 decision-making process relevant to the contract while employed in any
9 capacity by the ~~Administrative Office of the Courts~~ Judicial Council.

10
11 **(c) Policymaking position**

12 “Policymaking position” includes:

13
14 (1)–(2) * * *

- 15
16
17 (3) In the ~~Administrative Office of the Courts~~ Judicial Council, the
18 Administrative Director ~~of the Courts~~, the Chief Deputy Director, any
19 director, and any other position designated by the Administrative Director as
20 a policymaking position.
21

22 **(d) Scope**

23
24 This rule does not prohibit any court or the ~~Administrative Office of the Courts~~
25 Judicial Council from (1) employing any person or (2) contracting with any former
26 judge or justice.
27

28 **Rule 10.105. Allocation of new fee, fine, and forfeiture revenue**

29
30 **(a)** * * *

31
32 **(b) Methodology**

33
34 ~~The Administrative Office of the Courts~~ Judicial Council staff must recommend a
35 methodology for the allocation and must recommend an allocation based on this
36 methodology. On approval of a methodology by the Judicial Council, ~~the~~
37 ~~Administrative Office of the Courts~~ Judicial Council staff must issue a Finance
38 Memo stating the methodology adopted by the Judicial Council.
39

40 **Rule 10.106. Judicial branch travel expense reimbursement policy**

41
42 **(a)** * * *

43
44 **(b) Applicability**
45

1 The judicial branch travel expense reimbursement policy applies to official state
2 business travel by:

3
4 (1) * * *

5
6 (2) Officers, employees, retired annuitants, and members of the Supreme Court,
7 the Courts of Appeal, superior courts, the Judicial Council, ~~the~~
8 ~~Administrative Office of the Courts~~ Judicial Council staff, the Habeas Corpus
9 Resource Center, and the Commission on Judicial Performance; and

10
11 (3) Members of task forces, working groups, commissions, or similar bodies
12 appointed by the Chief Justice, the Judicial Council, or the Administrative
13 Director ~~of the Courts~~.

14
15 (c) **Amendments**

16
17 The Judicial Council delegates to the Administrative Director ~~of the Courts~~, under
18 article VI, section 6(c) of the California Constitution and other applicable law, the
19 authority to make technical changes and clarifications to the judicial branch travel
20 expense reimbursement policy. The changes and clarifications must be fiscally
21 responsible, provide for appropriate accountability, and be in general compliance
22 with the policy initially adopted by the Judicial Council.
23

24 **Rule 10.172. Court security plans**

25
26 (a)–(c) * * *

27
28 (d) **Submission of court security plan to the ~~Administrative Office of the Courts~~**
29 **Judicial Council**

30
31 On or before November 1, 2009, each superior court must submit a court security
32 plan to the ~~Administrative Office of the Courts (AOC)~~ Judicial Council. On or
33 before February 1, 2011, and each succeeding February 1, each superior court must
34 report to the ~~AOC council~~ council whether it has made any changes to the court security
35 plan and, if so, identify each change made and provide copies of the current court
36 security plan and current assessment report. In preparing any submission, a court
37 may request technical assistance from ~~the AOC~~ Judicial Council staff.
38

39 (e) **Plan review process**

40
41 ~~The AOC Judicial Council staff~~ will evaluate for completeness submissions
42 identified in (d). Annually, the submissions and evaluations will be provided to the
43 Working Group on Court Security. Any submissions determined by the working
44 group to be incomplete or deficient must be returned to the submitting court for
45 correction and completion. No later than July 1 of each year, the working group

1 must submit to the Judicial Council a summary of the submissions for the Judicial
2 Council's report to the Legislature.

3
4 (f) * * *

5
6 **Advisory Committee Comment**
7

8 This rule is adopted to comply with the mandate in Government Code section 69925, which
9 requires the Judicial Council to provide for the areas to be addressed in a court security plan and
10 to establish a process for the review of such plans. The Working Group on Court Security is
11 authorized by Government Code section 69927 and established by rule 10.170 for the purpose of
12 studying and making recommendation to the Judicial Council regarding court security matters.
13 For the assistance of the courts and sheriffs in preparing and submitting their court security plans,
14 the Working Group on Court Security has prepared *Court Security Plan Guidelines* with respect
15 to each of the subject areas identified in subsections (b)(1) and (b)(2). The courts and sheriffs
16 may obtain copies of the *Court Security Plan Guidelines* from the ~~Administrative Office of the~~
17 ~~Courts' Judicial Council's Emergency Response and Office of Security unit.~~

18
19 **Rule 10.180. Court facilities standards**
20

21 **(a) Development of standards**
22

23 ~~The Administrative Office of the Courts~~ Judicial Council staff is responsible for
24 developing and maintaining standards for the alteration, remodeling, renovation,
25 and expansion of existing court facilities and for the construction of new court
26 facilities.
27

28 **(b) Adoption by the Judicial Council**
29

30 The standards developed by ~~the Administrative Office of the Courts~~ Judicial
31 Council staff must be submitted to the Judicial Council for review and adoption as
32 the standards to be used for court facilities in the state. Nonsubstantive changes to
33 the standards may be made by the ~~Administrative Office of the Courts~~ Judicial
34 Council staff; substantive changes must be submitted to the Judicial Council for
35 review and adoption.
36

37 **(c) Use of standards**
38

39 The Judicial Council, ~~the Administrative Office of the Courts~~ Judicial Council
40 staff, affected courts, and advisory groups on court facilities issues created under
41 these rules must use the standards adopted under (b) in reviewing or recommending
42 proposed alteration, remodeling, renovation, or expansion of an existing court
43 facility or new construction. Courts and advisory groups must report deviations
44 from the standards to ~~the Administrative Office of the Courts~~ Judicial Council staff
45 through a process established for that purpose.
46

1 **Rule 10.181. Court facilities policies, procedures, and standards**

2
3 **(a) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
4 **staff**

5
6 ~~The Administrative Office of the Courts~~ Judicial Council staff, after consultation
7 with the Court Facilities Transitional Task Force, must prepare and present to the
8 Judicial Council recommendations for policies, procedures, and standards
9 concerning the operation, maintenance, alteration, remodeling, renovation,
10 expansion, acquisition, space programming, design, and construction of appellate
11 and trial court facilities under Government Code sections 69204(c) and 70391(e).

12
13 **(b) * * ***

14
15 **Rule 10.182. Operation and maintenance of court facilities**

16
17 **(a) Intent**

18
19 The intent of this rule is to allocate responsibility and decision making for the
20 operation and maintenance of court facilities among the courts and ~~the~~
21 ~~Administrative Office of the Courts~~ Judicial Council staff.

22
23 **(b) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
24 **staff**

25
26 (1) In addition to those matters expressly authorized by statute, ~~the~~
27 ~~Administrative Office of the Courts~~ Judicial Council staff is responsible for:

28
29 (A) Taking action on the operation of court facilities, including the day-to-
30 day operation of a building and maintenance of a facility. ~~The~~
31 ~~Administrative Office of the Courts~~ Judicial Council staff must, in
32 cooperation with the court, perform its responsibilities concerning
33 operation of the court facility to effectively and efficiently support the
34 day-to-day operation of the court system and services of the court.
35 These actions include maintaining proper heating, ventilation, and air
36 conditioning levels; providing functional electrical, fire safety, vertical
37 transportation, mechanical, and plumbing systems through preventive
38 maintenance and responsive repairs; and maintaining structural,
39 nonstructural, security, and telecommunications infrastructures.

40
41 (B)–(C) * * *

42
43 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult
44 with affected courts concerning the annual operations and maintenance needs
45 assessment, development of annual priorities, and fiscal planning for the
46 operational and maintenance needs of court facilities.

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(3) ~~The Administrative Office of the Courts~~ Judicial Council staff may, when appropriate, delegate its responsibilities for ongoing operation and management to the court for some or all of the existing court facilities used by that court. Any delegation of responsibility must ensure that:

(A)–(D) * * *

(4) ~~The Administrative Office of the Courts~~ Judicial Council staff, whenever feasible, seek review and recommendations from the Court Facilities Transitional Task Force before recommending action on appellate and trial court facilities issues to the Judicial Council.

(c) Responsibilities of the courts

(1) The affected courts must consult with ~~the Administrative Office of the Courts~~ Judicial Council staff concerning the annual operations and maintenance needs assessment, development of annual priorities, and fiscal planning for the operational and maintenance needs of court facilities, including contingency planning for unforeseen facility maintenance needs.

(2) Each court to which responsibility is delegated under (b)(3) must report to ~~the Administrative Office of the Courts~~ Judicial Council staff quarterly or more often, as provided in the delegation. The report must include the activities and expenditures related to the delegation that are specified for reporting in the delegation. Each court must also account to ~~The Administrative Office of the Courts~~ Judicial Council staff for all expenditures related to the delegation. ~~The Administrative Office of the Courts~~ Judicial Council staff may conduct an internal audit of any receipts and expenditures.

Rule 10.183. Decision making on transfer of responsibility for trial court facilities

(a) Intent

The intent of this rule is to allocate among the Judicial Council, the trial courts, and ~~the Administrative Office of the Courts~~ Judicial Council staff, responsibility and decision making for the transfer of responsibility for trial court facilities from the counties to the Judicial Council.

(b)–(c) * * *

(d) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council staff

1 ~~The Administrative Office of the Courts~~ Judicial Council staff is responsible for the
2 following matters related to transfer of responsibility for court facilities, in addition
3 to matters expressly authorized by statute:
4

5 (1)–(4) * * *

6
7 **(e) Appeal of county facilities payment amount**
8

9 The Administrative Director ~~of the Courts~~ must obtain the approval of the
10 Executive and Planning Committee before pursuing correction of a county facilities
11 payment amount under Government Code section 70367. This provision does not
12 preclude the Administrative Director ~~of the Courts~~ from submitting a declaration as
13 required by Government Code section 70367(a). The Administrative Director ~~of the~~
14 ~~Courts~~ must report to the Executive and Planning Committee any decision not to
15 appeal a county facilities payment amount.
16

17 **Rule 10.184. Acquisition, space programming, construction, and design of court**
18 **facilities**
19

20 **(a) Intent**
21

22 The intent of this rule is to allocate responsibility and decision making for
23 acquisition, space programming, construction, and design of court facilities among
24 the courts and ~~the Administrative Office of the Courts~~ Judicial Council staff.
25

26 **(b) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
27 **staff**
28

29 (1) In addition to those matters expressly provided by statute, ~~the Administrative~~
30 ~~Office of the Courts~~ Judicial Council staff is responsible for the acquisition,
31 space programming, construction, and design of a court facility, consistent
32 with the facilities policies and procedures adopted by the Judicial Council
33 and the California Rules of Court.
34

35 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must prepare
36 and submit to the Judicial Council separate annual capital outlay proposals
37 for the appellate courts and the trial courts, as part of the yearly judicial
38 branch budget development cycle, specifying the amounts to be spent for
39 these purposes. The capital outlay proposal for the trial courts must specify
40 the money that is proposed to be spent from the State Court Facilities
41 Construction Fund and from other sources. The annual capital outlay
42 proposals must be consistent with the Five-Year Capital Infrastructure Plan
43 or must recommend appropriate changes in the Five-Year Capital
44 Infrastructure Plan. ~~The Administrative Office of the Courts~~ Judicial Council
45 staff must, whenever feasible, seek review and recommendations from the

1 Court Facilities Transitional Task Force before recommending action to the
2 Judicial Council on these issues.

- 3
4 (3) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult
5 with the affected courts concerning the annual capital needs of the courts.
6

7 **(c) Responsibilities of the courts**
8

- 9 (1) Affected courts must consult with ~~the Administrative Office of the Courts~~
10 Judicial Council staff concerning the courts' annual capital needs.
11

- 12 (2) * * *
13

14 **(d) Advisory group for construction projects**
15

16 ~~The Administrative Office of the Courts~~ Judicial Council staff, in consultation with
17 the leadership of the affected court, must establish and work with an advisory
18 group for each court construction or major renovation project. The advisory group
19 consists of court judicial officers, other court personnel, and others affected by the
20 court facility. The advisory group must work with ~~the Administrative Office of the~~
21 ~~Courts~~ Judicial Council staff on issues involved in the construction or renovation,
22 from the selection of a space programmer and architect through occupancy of the
23 facility.
24

25 **Rule 10.201. Claim and litigation procedure**
26

27 **(a) Definitions**
28

29 As used in this chapter:

- 30
31 (1)–(2) * * *
32

- 33 (3) “~~Office of the General Counsel~~ Legal Services” means the ~~Office of the~~
34 ~~General Counsel of the Administrative Office of the Courts~~ Judicial
35 Council’s Legal Services office; and
36

- 37 (4) * * *
38

39 **(b) Procedure for action on claims**
40

41 To carry out the Judicial Council’s responsibility under Government Code section
42 912.7 to act on a claim, claim amendment, or application for leave to present a late
43 claim against a judicial branch entity or a judge, ~~the Office of the General Counsel~~
44 Legal Services, under the direction of the Administrative Director ~~of the Courts~~,
45 must:
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(1)-(2) * * *

(3) If determined by ~~the Office of the General Counsel~~ Legal Services to be appropriate, refer a claim or claim amendment for further investigation to a claims adjuster or other investigator under contract with the ~~Administrative Office of the Courts~~ Judicial Council;

(4) * * *

(5) Allow a claim in the amount justly due as determined by ~~the Office of the General Counsel~~ Legal Services if it is a proper charge against the judicial branch entity and the amount is less than \$100,000; and

(6) * * *

(c) Allowance and payment of claims

The following may allow and authorize payment of any claim arising out of the activities of a judicial branch entity or judge:

(1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the Administrative Director ~~of the Courts~~, if the payment is less than \$100,000; or

(2) * * *

(d) Settlement of lawsuits and payment of judgments

The following may settle lawsuits, after consultation with the affected entity and any judge or employee being defended by the Judicial Council, and authorize payment of judgments arising out of the activities of a judicial branch entity or judge:

(1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the Administrative Director ~~of the Courts~~, if the payment is less than \$100,000 and the lawsuit does not raise issues of significance to the judicial branch; or

(2) * * *

Rule 10.202. Claims and litigation management

(a) * * *

(b) Duties of ~~the Office of the General Counsel~~ Legal Services

1 To carry out the duty of the Judicial Council to provide for the representation,
2 defense, and indemnification of justices of the Courts of Appeal or the Supreme
3 Court, judges, subordinate judicial officers, court executive officers and
4 administrators, and trial and appellate court employees under part 1 (commencing
5 with section 810) to part 7 (commencing with section 995), inclusive, of the
6 Government Code, ~~the Office of the General Counsel~~ Legal Services under the
7 direction of the Administrative Director ~~of the Courts~~ and the ~~General Chief~~
8 Counsel, must:

9
10 (1)–(8) * * *

11
12 **(c) Duties of trial and appellate courts**

13
14 The trial and appellate courts must:

15
16 (1) Notify ~~the Office of the General Counsel~~ Legal Services promptly on receipt
17 of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim
18 or lawsuit filed, against the court, a justice, a judge or subordinate judicial
19 officer, a court executive officer or administrator, or a court employee, and
20 forward the claim and lawsuit to ~~the Office of the General Counsel~~ Legal
21 Services for handling; and

22
23 (2) Consult with ~~the Office of the General Counsel~~ Legal Services regarding
24 strategic and settlement decisions in claims and lawsuits.

25
26 **(d) Disagreements about major strategic decisions**

27
28 Following consultation with ~~the Office of the General Counsel~~ Legal Services, a
29 presiding judge or administrative presiding justice may object to a proposed
30 decision of ~~the Office of the General Counsel~~ Legal Services about major strategic
31 decisions, such as retention of counsel and proposed settlements, by presenting to
32 ~~the Office of the General Counsel~~ Legal Services a written statement of the
33 objection. ~~The Office of the General Counsel~~ Legal Services must present the
34 written objection to the Litigation Management Committee, which will resolve the
35 objection.

36
37 **Rule 10.203. Contractual indemnification**

38
39 **(a) Intent**

40
41 The intent of this rule is to facilitate the use of contractual indemnities that allocate
42 legal risk and liability to parties that contract with a superior court or Court of
43 Appeal, the Supreme Court, or the Judicial Council, ~~or the Administrative Office of~~
44 ~~the Courts~~ (a “judicial branch entity” as defined in Gov. Code, § 900.3).

1 (b) **Defense and indemnification provisions**

2
3 Notwithstanding rule 10.14, 10.201, or 10.202, a judicial branch entity may enter
4 into a contract that requires the contractor or the contractor’s insurer to indemnify,
5 defend, and hold harmless the entity and its officers, agents, and employees against
6 claims, demands, liability, damages, attorney fees, costs, expenses, or losses arising
7 from the performance of the contract. Upon receipt of notice of a claim or lawsuit
8 that may be subject to contractual indemnities, the judicial branch entity must
9 notify ~~the Office of the General Counsel~~ Legal Services, which will manage the
10 claim or lawsuit to obtain the benefits of the contractual indemnities to the extent
11 consistent with the interests of the public and the judicial branch.
12

13 **Rule 10.350. Workers’ compensation program**

14
15 (a) **Intent**

16
17 The intent of this rule is to:

- 18
19 (1) Establish procedures for the ~~Administrative Office of the Courts~~ Judicial
20 Council’s workers’ compensation program for the trial courts; and
21
22 (2) * * *

23
24 (b) **Duties of ~~the Administrative Office of the Courts~~ Judicial Council staff**

25
26 To carry out the duty of the Judicial Council to establish a workers’ compensation
27 program for the trial courts, ~~the Administrative Office of the Courts~~ Judicial
28 Council staff, through its Human Resources ~~Division~~ office, must:

- 29
30 (1)–(4) * * *
31
32 (5) Make personnel available by telephone to consult with trial courts regarding
33 the cost and benefits of the plan being offered by the ~~Administrative Office of~~
34 ~~the Courts~~ Judicial Council; and
35
36 (6) * * *

37
38 (c) **Duties of the trial courts**

- 39
40 (1) Each trial court that elects to participate in the program made available
41 through the ~~the Administrative Office of the Courts~~ Judicial Council must:
42
43 (A) Timely notify the Human Resources ~~Division~~ office of its decision to
44 participate in the workers’ compensation program being offered
45 through the ~~Administrative Office of the Courts~~ Judicial Council;
46

1 (B) Timely complete and return necessary paperwork to the Human
2 Resources ~~Division~~office; and

3
4 (C) * * *

5
6 (2) Each trial court that elects not to participate in the workers' compensation
7 program available through the ~~Administrative Office of the Courts~~ Judicial
8 Council must:

9
10 (A) * * *

11
12 (B) Timely submit to the Human Resources ~~Division~~office for its approval
13 the information necessary to evaluate the workers' compensation
14 program identified by the trial court to provide benefits for its
15 employees; and

16
17 (C) * * *

18
19 **Rule 10.452. Minimum education requirements, expectations, and**
20 **recommendations**

21
22 (a)–(c) * * *

23
24 (d) **Responsibilities of Chief Justice and administrative presiding justices**

25
26 The Chief Justice and each administrative presiding justice:

27
28 (1)–(2) * * *

29
30 (3) In addition to the educational leave required under (d)(1)–(2), should grant
31 leave to a justice, clerk/administrator, or managing attorney to serve on
32 education committees and as a faculty member at education programs when
33 the individual's services have been requested for these purposes by the
34 ~~Administrative Office of the Courts~~ Judicial Council, the California Judges
35 Association, or the court. If a court's calendar would not be adversely
36 affected, the court should grant additional leave for a justice, the
37 clerk/administrator, or the managing attorney to serve on an educational
38 committee or as a faculty member for judicial branch education;

39
40 (4) * * *

41
42 (5) Must ensure that justices, the clerk/administrator, and the managing attorney
43 are reimbursed by their court in accordance with the travel policies issued by
44 ~~the Administrative Office of the Courts~~ Judicial Council staff for travel
45 expenses incurred in attending in-state education programs as a participant,
46 except to the extent that: (i) certain expenses are covered by the

1 ~~Administrative Office of the Courts~~ Judicial Council; or (ii) the education
2 provider or sponsor of the program pays the expenses. Provisions for these
3 expenses must be part of every court's budget. The Chief Justice or the
4 administrative presiding justice may approve reimbursement of travel
5 expenses incurred by justices, the clerk/administrator, and the managing
6 attorney in attending out-of-state education programs as a participant; and
7

- 8 (6) Must retain the records and cumulative histories of participation provided by
9 justices. These records and cumulative histories are subject to periodic audit
10 by the ~~Administrative Office of the Courts~~ Judicial Council staff. The Chief
11 Justice and the administrative presiding justice must report the data from the
12 records and cumulative histories on an aggregate basis to the Judicial
13 Council, on a form provided by the Judicial Council, within six months after
14 the end of each three-year period.

15
16 **(e) Responsibilities of presiding judges**

17
18 Each presiding judge:

19
20 (1)–(5) * * *

- 21
22 (6) Must ensure that judges, subordinate judicial officers, and the court executive
23 officer are reimbursed by their court in accordance with the Trial Court
24 Financial Policies and Procedures Manual for travel expenses incurred in
25 attending in-state education programs as a participant, except to the extent
26 that: (i) certain expenses are covered by the ~~Administrative Office of the~~
27 ~~Courts~~ Judicial Council; or (ii) the education provider or sponsor of the
28 program pays the expenses. Provisions for these expenses must be part of
29 every court's budget. The presiding judge may approve reimbursement of
30 travel expenses incurred by judges, subordinate judicial officers, and the
31 court executive officer in attending out-of-state education programs as a
32 participant; and
33

- 34 (7) Must retain the records and cumulative histories of participation provided by
35 judges. These records and cumulative histories are subject to periodic audit
36 by the ~~Administrative Office of the Courts~~ Judicial Council. The presiding
37 judge must report the data from the records and cumulative histories on an
38 aggregate basis to the Judicial Council, on a form provided by the Judicial
39 Council, within six months after the end of each three-year period.
40

41 **(f) Responsibilities of Supreme Court and Court of Appeal justices,
42 clerk/administrators, managing attorneys, and supervisors**

43
44 Each court's justices, clerk/administrator, managing attorney, and supervisors:

45
46 (1)–(2) * * *

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(3) Should allow and encourage court personnel, in addition to participating as students in educational activities, to serve on court personnel education committees and as faculty at court personnel education programs when an employee's services have been requested for these purposes by ~~the Administrative Office of the Courts~~ Judicial Council staff or the court;

(4) * * *

(5) Must ensure that supervisors and other court personnel are reimbursed by their court in accordance with the travel policies issued by ~~the Administrative Office of the Courts~~ Judicial Council staff for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the ~~Administrative Office of the Courts~~ Judicial Council; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The clerk/administrator or the managing attorney may approve reimbursement of travel expenses incurred by supervisors and other court personnel in attending out-of-state education programs as a participant.

(g) Responsibilities of trial court executive officers, managers, and supervisors

Each trial court's executive officer, managers, and supervisors:

(1)-(4) * * *

(5) Must ensure that managers, supervisors, and other court personnel are reimbursed by their court in accordance with the Trial Court Financial Policies and Procedures Manual for travel expenses incurred in attending in-state education programs as a participant, except to the extent that: (i) certain expenses are covered by the ~~Administrative Office of the Courts~~ Judicial Council; or (ii) the education provider or sponsor of the program pays the expenses. Provisions for these expenses must be part of every court's budget. The court executive officer may approve reimbursement of travel expenses incurred by managers, supervisors, and other court personnel in attending out-of-state education programs as a participant.

Rule 10.455. Ethics orientation for Judicial Council members and for judicial branch employees required to file a statement of economic interests

(a) * * *

(b) Definitions

1 For purposes of this rule, “judicial branch employee” includes an employee of a
2 trial or appellate court or the ~~Administrative Office of the Courts~~ Judicial Council,
3 but does not include court commissioners or referees.
4

5 **(c) Judicial Council members and judicial branch employees**
6

7 (1) ~~The Administrative Office of the Courts~~ Judicial Council staff must provide
8 an ethics orientation course for Judicial Council members and for judicial
9 branch employees who are required to file a statement of economic interests.
10

11 (2)–(3) * * *
12

13 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**
14 **Appeal justices**
15

16 **(a) * * ***
17

18 **(b) Content-based requirement**
19

20 Each new Court of Appeal justice, within two years of confirmation of
21 appointment, must attend a new appellate justice orientation program sponsored by
22 a national provider of appellate orientation programs or by the ~~Administrative~~
23 ~~Office of the Courts~~² Judicial Council’s Education Division/Center for Judicial
24 Judiciary Education and Research.
25

26 **(c)–(e) * * ***
27

28 **Advisory Committee Comment**
29

30 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,
31 are carried forward without change in rule 10.461(b).
32

33 ~~The Administrative Office of the Courts (AOC)~~ Judicial Council staff has developed both a
34 manual format and an automated format of the individual justice’s recording and reporting form
35 referenced in rule 10.461(e) that gathers all the information needed by the Chief Justice or the
36 administrative presiding justice to complete the aggregate report to the Judicial Council required
37 under rule 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine
38 which form should be used in his or her court and may provide the manual or automated format
39 of the ~~AOC council~~-developed form (available from the ~~AOC’s council’s Education~~
40 ~~Division/Center for Judicial~~ Judiciary Education and Research) or may provide another
41 appropriate form that has been developed by his or her court or by another court that gathers all
42 the information needed by the Chief Justice or the administrative presiding justice to complete the
43 aggregate report to the Judicial Council.
44

45 **Rule 10.462. Minimum education requirements and expectations for trial court**
46 **judges and subordinate judicial officers**
47

1 (a)–(b) * * *

2
3 (c) **Content-based requirements**

4
5 (1) Each new trial court judge and subordinate judicial officer must complete the
6 “new judge education” provided by the ~~Administrative Office of the Courts’~~
7 Judicial Council’s Education Division/~~Center for Judicial~~ Judiciary Education
8 and Research (CJER) as follows:

9
10 (A)–(C) * * *

11
12 (2)–(4) * * *

13
14 (d)–(g) * * *

15
16 **Advisory Committee Comment**

17
18 The minimum judicial education requirements in rule 10.462 do not apply to retired judges
19 seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who
20 seek to serve in the Assigned Judges Program must comply with the Chief Justice's Standards and
21 Guidelines for Judges Who Serve on Assignment, which includes education requirements.

22
23 ~~The Administrative Office of the Courts (AOC) Judicial Council staff~~ has developed both a
24 manual format and an automated format of the individual judge’s recording and reporting form
25 referenced in rule 10.462(f) that gathers all the information needed by the presiding judge to
26 complete the aggregate report to the Judicial Council required under rule 10.452(e)(7). The
27 presiding judge may determine which form should be used in his or her court and may provide
28 the manual or automated format of the ~~AOC~~council-developed form (available from the ~~AOC’s~~
29 ~~Education Division~~/Judicial Council’s Center for Judicial Judiciary Education and Research) or
30 may provide another appropriate form that has been developed by his or her court or by another
31 court that gathers all the information needed by the presiding judge to complete the aggregate
32 report to the Judicial Council.

33
34 **Rule 10.468. Content-based and hours-based education for superior court judges**
35 **and subordinate judicial officers regularly assigned to hear probate**
36 **proceedings**

37
38 (a) **Definitions**

39
40 As used in this rule, the following terms have the meanings stated below:

41
42 (1)–(5) * * *

43
44 (6) ~~“AOC” is the Administrative Office of the Courts.~~

45
46 (7) ~~“CJER” is the AOC Education Division~~/Judicial Council’s Center for Judicial
47 Judiciary Education and Research.

1 (8-7) “CJA” is the California Judges Association.

2
3 **(b)*****

4
5 **(c) Hours-based continuing education**

6
7 (1)–(5) ***

8
9 (6) A judicial officer may fulfill the education requirement in (1) or (2) through
10 ~~AOC-council~~-sponsored education, an approved provider (see rule
11 10.481(a)), or education approved by the judicial officer’s presiding judge as
12 meeting the education criteria specified in rule 10.481(b).

13
14 (7) ***

15
16 **(d) *****

17
18 **(e) Record keeping and reporting**

19
20 (1) ***

21
22 (2) Presiding judges’ records of judicial officer participation in the education
23 required by this rule are subject to audit by ~~the AOC-Judicial Council staff~~
24 under rule 10.462. ~~The AOC-Judicial Council staff~~ may require courts to
25 report participation by judicial officers in the education required by this rule
26 to ensure compliance with Probate Code section 1456.

27
28 **Rule 10.469. Judicial education recommendations for justices, judges, and**
29 **subordinate judicial officers**

30
31 **(a) *****

32
33 **(b) Jury trial assignment**

34
35 Each judge or subordinate judicial officer assigned to jury trials should regularly
36 use the ~~Administrative Office of the Courts’ Education Division/~~Judicial Council
37 CJER educational materials or other appropriate materials and should regularly
38 complete CJER or other appropriate educational programs devoted to the conduct
39 of jury voir dire and the treatment of jurors.

40
41 **(c)–(e) *****

42
43 **Rule 10.478. Content-based and hours-based education for court investigators,**
44 **probate attorneys, and probate examiners**

45

1 (a) **Definitions**

2
3 As used in this rule, the following terms have the meanings specified below, unless
4 the context or subject matter otherwise require:

5
6 (1)–(4) * * *

7
8 (5) ~~“AOC” is the Administrative Office of the Courts;~~

9
10 (6)–(5) ~~“CJER” is the AOC Education Division/~~Judicial Council’s Center for Judicial
11 Judiciary Education and Research.

12
13 (b) **Content-based requirements for court investigators**

14
15 (1) * * *

16
17 (2) A court investigator may fulfill the education requirement in (1) through
18 ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a),
19 or education approved by the court executive officer or the court
20 investigator’s supervisor as meeting the education criteria specified in rule
21 10.481(b).

22
23 (3)–(4) * * *

24
25 (c) **Content-based education for probate attorneys**

26
27 (1) * * *

28
29 (2) A probate attorney may fulfill the education requirement in (1) through ~~AOC~~
30 council-sponsored education, an approved provider (see rule 10.481(a), or
31 education approved by the court executive officer or the probate attorney’s
32 supervisor as meeting the education criteria specified in rule 10.481(b).

33
34 (3)–(4) * * *

35
36 (d) **Content-based education for probate examiners**

37
38 (1) * * *

39
40 (2) A probate examiner may fulfill the education requirement in (1) through
41 ~~AOC council~~-sponsored education, an approved provider (see rule 10.481(a),
42 or education approved by the court executive officer or the probate
43 examiner’s supervisor as meeting the education criteria specified in rule
44 10.481(b).

45
46 (3)–(4) * * *

1
2 **(e) Hours-based education for court investigators**

3
4 (1) * * *

5
6 (2) A court investigator may fulfill the education requirement in (1) through
7 ~~AOC~~council-sponsored education, an approved provider (see rule 10.481(a),
8 or education approved by the court executive officer or the court
9 investigator's supervisor as meeting the education criteria specified in rule
10 10.481(b).

11
12 (3)–(4) * * *

13
14 **(f) Hours-based education for probate attorneys**

15
16 (1) * * *

17
18 (2) A probate attorney may fulfill the education requirement in (1) through ~~AOC~~
19 council-sponsored education, an approved provider (see rule 10.481(a), or
20 education approved by the court executive officer or the probate attorney's
21 supervisor as meeting the education criteria specified in rule 10.481(b).

22
23 (3)–(4) * * *

24
25 **(g) Hours-based education for probate examiners**

26
27 (1) * * *

28
29 (2) A probate examiner may fulfill the education requirement in (1) through
30 ~~AOC~~council-sponsored education, an approved provider (see rule 10.481(a),
31 or education approved by the court executive officer or the probate
32 examiner's supervisor as meeting the education criteria specified in rule
33 10.481(b).

34
35 (3)–(4) * * *

36
37 **(h) * * ***

38
39 **(i) Record keeping and reporting**

40
41 (1) * * *

42
43 (2) The ~~AOC~~ Judicial Council may require courts to report participation by court
44 investigators, probate attorneys, and probate examiners in the education
45 required by this rule as necessary to ensure compliance with Probate Code
46 section 1456.

1
2 **Rule 10.481. Approved providers; approved course criteria**

3
4 **(a) Approved providers**

5
6 The ~~Administrative Office of the Courts' Judicial Council's Education~~
7 ~~Division~~/Center for Judiciary Education and Research (CJER) is responsible for
8 maintaining a current list of approved providers. The list of approved providers
9 must include the ~~Administrative Office of the Courts~~ Judicial Council, the
10 California Judges Association, and all California state courts and should include
11 other reputable national and state organizations that regularly offer education
12 directed to justices, judges, and court personnel. The director of ~~the Education~~
13 ~~Division~~/CJER may add or remove organizations from the list of approved
14 providers as appropriate according to these criteria. Any education program offered
15 by any of the approved providers that is relevant to the work of the courts or
16 enhances the individual participant's ability to perform his or her job may be
17 applied toward the education requirements and expectations stated in rules 10.461–
18 10.479, except for the requirements stated in rules 10.461(b), 10.462(c), and
19 10.473(b), for which specific providers are required.
20

21 **(b) * * ***

22
23 **Advisory Committee Comment**

24
25 **Subdivision (b).** The director of ~~the Education Division~~/CJER is available to assist those
26 authorized to approve a request to apply education offered by a non-approved provider in
27 determining whether the education meets the listed criteria.
28

29 **Rule 10.491. Minimum education requirements for ~~Administrative Office of the~~**
30 **Courts Judicial Council executives, managers, supervisors, and other**
31 **employees**

32
33 **(a) Applicability**

34
35 All ~~Administrative Office of the Courts (AOC)~~ Judicial Council executives,
36 managers, supervisors, and other employees must complete these minimum
37 education requirements.
38

39 **(b) Content-based requirements**

- 40
41 (1) Each new manager or supervisor must complete the ~~AOC's~~ New
42 Manager/Supervisor Orientation within six months of being hired or assigned
43 as a manager or supervisor.
44
45 (2) Each new employee, including each new manager or supervisor, must
46 complete the ~~AOC's~~ New Employee Orientation within six months of being
47 hired and should complete it as soon as possible after being hired.

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(3) The Administrative Director ~~of the Courts~~ may require new managers, supervisors, and other employees to complete specific AOC compliance courses in addition to the required orientation courses.

(c) Hours-based requirements

(1)–(5) * * *

(6) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconference courses, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. The Administrative Director ~~of the Courts~~ or an executive, manager, or supervisor, if delegated by the Administrative Director, has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.

(7) * * *

(8) The Administrative Director ~~of the Courts~~ may require executives, managers, supervisors, and other employees to complete specific AOC compliance courses as part of the continuing education requirements.

(d) Extension of time

(1) For good cause, the Administrative Director ~~of the Courts~~ or an executive, manager, or supervisor, if delegated by the Administrative Director, may grant a one-year extension of time to complete the education requirements in this rule. If an extension is granted, the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the Administrative Director.

(2) * * *

(e) * * *

(f) Responsibilities of Administrative Director ~~of the Courts~~ and of AOC Judicial Council executives, managers, and supervisors

The Administrative Director ~~of the Courts~~ and each AOC Judicial Council executive, manager, and supervisor:

(1)–(3) * * *

(4) Must ensure that executives, managers, supervisors, and other employees are reimbursed ~~by the AOC~~ in accordance with the travel policies issued by ~~the~~

1 ~~Administrative Office of the Courts~~ Judicial Council staff for travel expenses
2 incurred in attending in-state education programs as a participant in order to
3 complete the minimum education requirements in (b)–(c). Provisions for
4 these expenses must be part of the ~~AOC's~~ Judicial Council's budget. The
5 Administrative Director of the Courts may approve reimbursement of travel
6 expenses incurred by executives, managers, supervisors, and other employees
7 in attending out-of-state education programs as participants.
8

9 **Rule 10.500. Public access to judicial administrative records**

10
11 **(a)–(b)** * * *

12
13 **(c) Definitions**

14
15 As used in this rule:

16
17 (1)–(2) * * *

18
19 (3) “Judicial branch entity” means the Supreme Court, each Court of Appeal,
20 each superior court, and the Judicial Council, ~~and the Administrative Office~~
21 ~~of the Courts~~.

22
23 (4)–(6) * * *

24
25 **(d)** * * *

26
27 **(e) Public access**

28
29 (1) * * *

30
31 (2) *Examples*

32
33 Judicial administrative records subject to inspection and copying unless
34 exempt from disclosure under subdivision (f) include, but are not limited to,
35 the following:

36
37 (A) Budget information submitted to the ~~Administrative Office of the~~
38 Courts Judicial Council after enactment of the annual Budget Act;

39
40 (B)–(F) * * *

41
42 (3)–(12) * * *

43
44 **(f)–(i)** * * *

1 **(j) Public access disputes**

2
3 (1) Unless the petitioner elects to proceed under (2) below, disputes and appeals
4 of decisions with respect to disputes with the Judicial Council,
5 ~~Administrative Office of the Courts~~, or a superior court regarding access to
6 budget and management information required to be maintained under rule
7 10.501 are subject to the process described in rule 10.803.

8
9 (2)–(6) * * *

10
11 **Advisory Committee Comment**

12
13 **Subdivision (a).** * * *

14
15 **Subdivisions (b)(1) and (b)(2).** * * *

16
17 **Subdivision (c)(2).** * * *

18
19 **Subdivision (e)(4).** * * *

20
21 **Subdivision (f)(3).** * * *

22
23 **Subdivision (f)(10).** * * *

24
25 **Subdivision (f)(11).** * * *

26
27 **Subdivision (j)(1).** Under current rule 10.803 a petitioner may file a writ in a superior court
28 regarding a dispute with a superior court or the ~~Administrative Office of the Courts~~ Judicial
29 Council with respect to disclosure of records and information required to be maintained under
30 current rule 10.802. The writ petition must be heard on an expedited basis and includes a right to
31 an appeal. The statutory authority for the hearing process set forth in current rule 10.803,
32 Government Code section 71675(b), does not extend this procedure to other disputes with respect
33 to public access. The rule provides that petitioners with a dispute with any other judicial branch
34 entity, or with respect to records that are not required to be maintained under rule 10.802, may
35 follow the procedure set forth in (j)(2) through (j)(6), which is equivalent to the dispute resolution
36 procedure of the California Public Records Act. A petitioner eligible for the dispute resolution
37 process set out in current rule 10.803 may also elect to proceed with his or her dispute under the
38 procedure set forth in (j)(2) through (j)(6).

39
40 **Rule 10.501. Maintenance of budget and management information**

41
42 **(a) Maintenance of information by the superior court**

43
44 Each superior court must maintain for a period of three years from the close of the
45 fiscal year to which the following relate:

46
47 (1) Official documents of the superior court pertaining to the approved superior
48 court budget allocation adopted by the Judicial Council and actual final year-

1 end superior court revenue and expenditure reports as required in budget
2 procedures issued by ~~the Administrative Office of the Courts~~ Judicial Council
3 staff to be maintained or reported to the council, including budget allocation,
4 revenue, and expenditure reports;

5
6 (2)–(3) * * *

7
8 **(b) Maintenance of information by ~~the Administrative Office of the Courts~~**
9 **Judicial Council staff**

10
11 ~~The Administrative Office of the Courts~~ Judicial Council staff must maintain for a
12 period of three years from the close of the fiscal year to which the following relate:

13
14 (1) * * *

15
16 (2) Actual final year-end superior court revenue and expenditure reports required
17 by budget procedures issued by ~~the Administrative Office of the Courts~~
18 Judicial Council staff to be maintained or reported to the council that are
19 received from the courts, including budget revenues and expenditures for
20 each superior court;

21
22 (3)–(4) * * *

23
24 **Rule 10.502. Judicial sabbatical pilot program**

25
26 **(a)–(b)** * * *

27
28 **(c) Application**

29
30 (1) An eligible judge may apply for a sabbatical by submitting a sabbatical
31 proposal to the Administrative Director ~~of the Courts~~ with a copy to the
32 presiding judge or justice.

33
34 (2) * * *

35
36 **(d) Judicial Sabbatical Review Committee**

37
38 A Judicial Sabbatical Review Committee will be appointed to make
39 recommendations to the Judicial Council regarding sabbatical requests.

40
41 (1) * * *

42
43 (2) *Staffing*

44
45 The committee will be staffed by the Judicial Council's Human Resources

1 ~~Division office of the Administrative Office of the Courts~~ and may elect its
2 chair and vice-chair.

3
4 **(e) Evaluation**

5
6 (1) The Administrative Director ~~of the Courts~~ must forward all sabbatical
7 requests that comply with (c) to the Judicial Sabbatical Review Committee.

8
9 (2)–(3) * * *

10
11 **(f)–(j) * * ***

12
13 **Rule 10.601. Superior court management**

14
15 **(a) * * ***

16
17 **(b) Goals**

18
19 The rules in this division are intended to ensure the authority and responsibility of
20 the superior courts to do the following, consistent with statutes, rules of court, and
21 standards of judicial administration:

22
23 (1)–(4) * * *

24
25 (5) Provide input to the Judicial Council, the Trial Court Budget Working Group,
26 and ~~the Administrative Office of the Courts~~ Judicial Council staff on the trial
27 court budget process; and

28
29 (6) * * *

30
31 **(c) * * ***

32
33 **Rule 10.620. Public access to administrative decisions of trial courts**

34
35 **(a) * * ***

36
37 **(b) Budget priorities**

38
39 ~~The Administrative Office of the Courts~~ Judicial Council staff may request, on 30
40 court days' notice, recommendations from the trial courts concerning judicial
41 branch budget priorities. The notice must state that if a trial court is to make
42 recommendations, the trial court must also give notice, as provided in (g), that
43 interested members of the public may send input to ~~the Administrative Office of the~~
44 Courts Judicial Council staff.

45
46 **(c) * * ***

1 **(d) Other decisions requiring public input**

2
3 Each trial court must seek input from the public, as provided in (e), before making
4 the following decisions:

5
6 (1) A request for permission from ~~the Administrative Office of the Courts~~
7 Judicial Council staff to reallocate budget funds from one program
8 component to another in an amount greater than \$400,000 or 10 percent of
9 the total trial court budget, whichever is greater.

10
11 (2)–(4) * * *

12
13 **(e)–(k) * * ***

14
15 **Rule 10.630. Reporting of reciprocal assignment orders**

16
17 A “reciprocal assignment order” is an order issued by the Chief Justice that permits
18 judges in courts of different counties to serve in each other’s courts. A court must report
19 to ~~the Administrative Office of the Courts~~ Judicial Council staff, on a monthly basis, each
20 assignment of a judge from another county to its court under a reciprocal assignment
21 order.

22
23 **Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5,**
24 **71825.2)**

25
26 **(a) * * ***

27
28 **(b) Assignment of Court of Appeal justice to hear the petition**

29
30 (1) * * *

31
32 (2) When the petition is filed, the clerk of the court must immediately request of
33 the Judicial Council’s ~~Judicial Assignments Unit~~ Assigned Judges Program
34 ~~of the Administrative Office of the Courts~~ the assignment of a hearing judge
35 from the panel established under (e).

36
37 (3) * * *

38
39 **(c)–(e) * * ***

40
41 **Rule 10.670. Trial court personnel plans**

42
43 **(a)–(d) * * ***

44
45 **(e) Submission of personnel plans**

1 The superior court of each county must submit to the Judicial Council a personnel
2 plan in compliance with these provisions by March 1, 1999. The superior court of
3 each county must submit to the Judicial Council any changes to this plan by March
4 1 of every following year. If requested by a superior court, ~~the Administrative~~
5 ~~Office of the Courts~~ Judicial Council staff must review the court's personnel plan
6 and provide the court with technical assistance in preparing the plan.
7

8 **Rule 10.742. Use of attorneys as court-appointed temporary judges**
9

10 (a)–(b) * * *

11
12 (c) **Record and report of uses**
13

14 Each trial court that uses attorneys as temporary judges must record and report to
15 ~~the Administrative Office of the Courts~~ Judicial Council staff on a quarterly basis
16 information concerning its use of them. The report must state:
17

18 (1)–(3) * * *

19
20
21 **Rule 10.761. Regional Court Interpreter Employment Relations Committees**
22

23 (a) * * *

24
25 (b) **Membership**
26

27 (1)–(3) * * *

28
29 (4) Each Regional Court Interpreter Employment Relations Committee may
30 appoint a chief negotiator to bargain with recognized employee
31 organizations. The chief negotiator may be Judicial Council staff ~~of the~~
32 ~~Administrative Office of the Courts~~.
33

34 (5) * * *

35
36 (c)–(d) * * *

37
38 (e) ~~Administrative Office of the Courts~~ Judicial Council staff
39

40 The Judicial Council staff ~~of the Administrative Office of the Courts~~ will assist
41 each Regional Court Interpreter Employment Relations Committee in performing
42 its functions.
43

44 **Rule 10.762. Cross-assignments for court interpreter employees**
45

1 (a) * * *

2
3 (b) **Definitions**

4
5 As used in this rule:

6
7 (1)–(3) * * *

8
9 (4) “Regional court interpreter coordinator” means an Judicial Council employee
10 ~~of the Administrative Office of the Courts~~ whose duty it is to locate, assign,
11 and schedule available court interpreter employees for courts within and
12 across regions, which are described under Government Code section
13 71807(a).

14
15 (5) * * *

16
17 (c) * * *

18
19 (d) **Payment for cross-assignments**

20
21 The home court must issue payment to the court interpreter for all cross-
22 assignments, including per diem compensation and mileage reimbursement. ~~The~~
23 ~~Administrative Office of the Courts~~ Judicial Council staff will administer funding
24 to the home court for payments associated with cross-assignments.

25
26 (e)–(f) * * *

27
28 **Rule 10.776. Definitions**

29
30 As used in the rules in this chapter, the following terms have the meanings stated below:

31
32 (1)–(4) * * *

33
34 (5) An “accredited educational institution” is a college or university, including a
35 community or junior college, accredited by a regional accrediting organization
36 recognized by the Council for Higher Education Accreditation; ~~and~~

37
38 (6) ~~“AOC” is the Administrative Office of the Courts.~~

39
40 **Rule 10.777. Qualifications of court investigators, probate attorneys, and probate**
41 **examiners**

42
43 (a)–(e) * * *

44
45 (f) **Record keeping and reporting**

1 The ~~AOC~~ Judicial Council may require courts to report on the qualifications of the
2 court investigators, probate attorneys, or probate examiners hired or under contract
3 under this rule, and on waivers made under (e), as necessary to ensure compliance
4 with Probate Code section 1456.

5
6 **Rule 10.781. Court-related ADR neutrals**

7
8 **(a) Qualifications of mediators for general civil cases**

9
10 Each superior court that makes a list of mediators available to litigants in general
11 civil cases or that recommends, selects, appoints, or compensates mediators to
12 mediate any general civil case pending in the court must establish minimum
13 qualifications for the mediators eligible to be included on the court's list or to be
14 recommended, selected, appointed, or compensated by the court. A court that
15 approves the parties' agreement to use a mediator who is selected by the parties and
16 who is not on the court's list of mediators or that memorializes the parties'
17 agreement in a court order has not thereby recommended, selected, or appointed
18 that mediator within the meaning of this rule. In establishing these qualifications,
19 courts are encouraged to consider the Model Qualification Standards for Mediators
20 in Court-Connected Mediation Programs for General Civil Cases issued by the
21 ~~Administrative Office of the Courts~~ Judicial Council staff.

22
23 **(b)–(d) * * ***

24
25 **Rule 10.782. ADR program information**

26
27 **(a) Report to Judicial Council**

28
29 Each court must report information on its ADR programs to the Judicial Council, as
30 requested by the ~~Administrative Office of the Courts~~ Judicial Council staff.

31
32 **(b) * * ***

33
34 **Rule 10.800. Superior court budgeting**

35
36 **(a) * * ***

37
38 **(b) Development of budget requests**

39
40 Each superior court must prepare and submit to the ~~Administrative Office of the~~
41 ~~Courts~~ Judicial Council a budget according to the schedule and procedures
42 established by the Judicial Council.

43
44 **(c) * * ***

1 **Rule 10.801. Superior court budget procedures**

2
3 (a) **Adoption of budget procedures by ~~the Administrative Office of the Courts~~**
4 **Judicial Council staff**

5
6 ~~The Administrative Office of the Courts~~ Judicial Council staff must adopt superior
7 court budget procedures to be included in the *Trial Court Financial Policies and*
8 *Procedures Manual*, the annual Baseline Budget Development Package, and the
9 annual *Budget Change Request Package*. These procedures include the following:

10
11 (1)–(9) * * *

12
13 (b) **Technical assistance**

14
15 ~~The Administrative Office of the Courts~~ Judicial Council staff, on request, provides
16 technical assistance and ongoing training in budget development and
17 implementation to the superior courts.

18
19 **Rule 10.805. Notice of change in court-county relationship**

20
21 If, under Government Code section 77212, the county gives notice to the superior court
22 that the county will no longer provide a specific county service or the court gives notice
23 to the county that the court will no longer use a specific county service, the court must,
24 within 10 days of receiving or giving such notice, provide a copy of this notice to the
25 Judicial Council’s Finance Division Services office ~~of the Administrative Office of the~~
26 ~~Courts~~.

27
28 **Rule 10.811. Reimbursement of costs associated with homicide trials**

29
30 (a)–(b) * * *

31
32 (c) **Submission**

33
34 A request for reimbursement must be submitted by the court’s presiding judge or
35 executive officer to ~~the Administrative Office of the Courts~~ Judicial Council staff.
36 All requests for reimbursement must comply with guidelines approved by the
37 Judicial Council and include a completed *Request for Reimbursement of*
38 *Extraordinary Homicide Trial Costs* form.

39
40 **Rule 10.815. Fees to be set by the court**

41
42 (a)–(d) * * *

43
44 (e) **Reporting requirement**

1 Each court that charges a fee under this rule must provide the ~~Administrative Office~~
2 ~~of the Courts~~ Judicial Council staff with a description of the fee, how the amount of
3 the fee was determined, and how the fee is applied.
4

5 (f)–(g) * * *

6
7 **Rule 10.820. Acceptance of credit cards by the superior courts**

8
9 (a) **Delegation of authority to Administrative Director ~~of the Courts~~**

10
11 The Administrative Director ~~of the Courts~~ is authorized, under rule 10.80, to
12 approve on behalf of the Judicial Council requests from the superior courts to
13 accept credit cards for the payment of court fees or to impose a charge for the use
14 of credit cards. The authority is given to the Judicial Council by Government Code
15 section 6159.
16

17 (b) **Standards for use of credit cards**

18
19 The Administrative Director ~~of the Courts~~ is authorized to approve requests under
20 (a) for acceptance of credit cards if all of the following are true:
21

22 (1)–(3) * * *

23
24 (c) **Standards for charge for the use of credit cards**

25
26 The Administrative Director ~~of the Courts~~ is authorized to approve requests under
27 (a) for the imposition of a charge for the use of credit cards if both of the following
28 are true:
29

30 (1)–(2) * * *

31
32 (d) **Referral to Judicial Council**

33
34 The Administrative Director ~~of the Courts~~ may refer any request under (a) to the
35 Judicial Council for its action.
36

37 (e) * * *

38
39 **Rule 10.830. Disposal of surplus court personal property**

40
41 (a) * * *

42
43 (b) **Exception for disposal of technology equipment acquired on or after July 1,**
44 **2000**
45

1 A superior court that wishes to dispose of surplus technology equipment to which
2 the court acquired title on or after July 1, 2000 must provide a written description
3 of such technology equipment to the Administrative Director ~~of the Courts~~. If,
4 within 60 days of receipt of the description, the Administrative Director determines
5 that another court of record of the State of California is in need of the surplus
6 technology equipment, the court holding title to the equipment must donate it to the
7 court determined to be in need. If the Administrative Director determines that no
8 other court needs the equipment or makes no determination within 60 days of
9 receiving the written description of it, the court holding title to the equipment may
10 dispose of it as provided in (a), (c), and (d). The Administrative Director must
11 provide to the courts a definition of the term “technology equipment” as used in
12 this rule and must provide 30 days’ notice of any amendment to the definition.
13

14 (c)–(d) * * *

15
16
17 **Rule 10.854. Standards and guidelines for trial court records**
18

19 (a) **The standards and guidelines**
20

21 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration
22 with trial court presiding judges and court executives, must prepare, maintain, and
23 distribute a manual providing standards and guidelines for the creation,
24 maintenance, and retention of trial court records (the *Trial Court Records Manual*),
25 consistent with the Government Code and the rules of court and policies adopted by
26 the Judicial Council. The manual should assist the courts and the public to have
27 complete, accurate, efficient, and accessible court records. Before the manual is
28 issued, it must be made available for comment from the trial courts.
29

30 (b) * * *

31
32 (c) **Updating the manual**
33

34 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration
35 with trial court presiding judges and court executives, must periodically update the
36 *Trial Court Records Manual* to reflect changes in technology that affect the
37 creation, maintenance, and retention of court records. Except for technical changes,
38 corrections, or minor substantive changes not likely to create controversy, proposed
39 changes in the manual must be made available for comment from the courts before
40 the manual is updated or changed. Courts must be notified of any changes in the
41 standards or guidelines, including all those relating to the permanent retention of
42 records.
43

44 (d) * * *

45

1 **Rule 10.870. Trial court automation standards**

2
3 Each superior court that acquires, develops, enhances, or maintains automated accounting
4 or case management systems through funding provided under Government Code section
5 68090.8 must comply with the standards approved by the Judicial Council. The approved
6 standards are stated in *Judicial Council Trial Court Automation Standards* ~~published by~~
7 ~~the Administrative Office of the Courts.~~

8
9 **Rule 10.960. Court self-help centers**

10
11 (a)–(e) * * *

12
13 (f) **Budget and funding**

14
15 A court must include in its annual budget funding necessary for operation of its
16 self-help center. In analyzing and making recommendations on the allocation of
17 funding for a court self-help center, ~~the Administrative Office of the Courts~~ Judicial
18 Council staff will consider the degree to which individual courts have been
19 successful in meeting the guidelines and procedures for the operation of the self-
20 help center.

Standards 5.40, 5.45, 10.10, 10.11, 10.15, 10.16, and 10.80 of the Standards of Judicial Administration would be amended, effective January 1, 2016, to read:

1 **Standard 5.40. Juvenile court matters**

2
3 * * *

4
5 **Advisory Committee Comment**

6
7 **Subdivision (a).** * * *

8
9 **Subdivision (b)(2).** * * *

10
11 **Subdivision (c)(4).** * * *

12
13 **Subdivision (d)(4).** Juvenile court law is a specialized area of the law that requires dedication and
14 study. The juvenile court judge has a responsibility to maintain high quality in the practice of law
15 in the juvenile court. The quality of representation in the juvenile court depends in good part on
16 the education of the lawyers who appear there. In order to make certain that all parties receive
17 adequate representation, it is important that attorneys have adequate training before they begin
18 practice in juvenile court and on a continuing basis thereafter. The presiding judge of the juvenile
19 court should mandate such training for all court-appointed attorneys and urge leaders of public
20 law offices to provide at least comparable training for attorneys assigned to juvenile court.

21
22 A minimum of six hours of continuing legal education is suggested; more hours are
23 recommended. Education methods can include lectures and tapes that meet the legal education
24 requirements.

25
26 In addition to basic legal training in juvenile dependency and delinquency law, evidentiary issues,
27 and effective trial practice techniques, training should also include important related issues,
28 including child development, alternative resources for families, effects and treatment of substance
29 abuse, domestic violence, abuse, neglect, modification and enforcement of all court orders,
30 dependency, delinquency, guardianships, conservatorships, interviewing children, and
31 emancipation. Education may also include observational experience such as site visits to
32 institutions and operations critical to the juvenile court.

33
34 A significant barrier to the establishment and maintenance of well-trained attorneys is a lack of
35 educational materials relating to juvenile court practice. Law libraries, law offices, and court
36 systems traditionally do not devote adequate resources to the purchase of such educational
37 materials.

38
39 Effective January 1, 1993, guidelines and training material will be available from ~~the~~
40 Administrative Office of the Courts Judicial Council staff.

41
42 **Subdivision (e)(11).** * * *

1
2 **Standard 5.45. Resource guidelines for child abuse and neglect cases**

3
4 (a) * * *

5
6 (b) **Distribution of guidelines**

7
8 ~~The Administrative Office of the Courts~~ Judicial Council staff will distribute a
9 copy of the resource guidelines to each juvenile court and will provide individual
10 copies to judicial officers and court administrators on written request.

11
12 **Advisory Committee Comment**

13
14 Child abuse and neglect cases impose a special obligation on juvenile court judges to oversee
15 case progress. Case oversight includes monitoring the agency's fulfillment of its responsibilities
16 and parental cooperation with the case plan. Court involvement in child welfare cases occurs
17 simultaneously with agency efforts to assist the family. Federal and state legal mandates assign to
18 the juvenile court a series of interrelated and complex decisions that shape the course of state
19 intervention and determine the future of the child and family.

20
21 Unlike almost all other types of cases in the court system, child abuse and neglect cases deal with
22 an ongoing and changing situation. In a child welfare case, the court must focus on agency
23 casework and parental behavior over an extended period of time. In making a decision, the court
24 must take into account the agency's plan to help the family and anticipated changes in parental
25 behavior. At the same time, the court must consider the evolving circumstances and needs of each
26 child.

27
28 The purpose of these resource guidelines is to specify the essential elements of properly
29 conducted court hearings. The guidelines describe the requirements of juvenile courts in fulfilling
30 their oversight role under federal and state laws, and they specify the necessary elements of a fair,
31 thorough, and speedy court process in child abuse and neglect cases. The guidelines cover all
32 stages of the court process, from the initial removal hearing to the end of juvenile court
33 involvement. These guidelines assume that the court will remain involved until after the child has
34 been safely returned home, has been placed in another permanent home, or has reached
35 adulthood.

36
37 Currently, juvenile courts in California operate under the same juvenile court law and rules, and
38 yet the rules are implemented with considerable variation throughout the state. In part, this is due
39 to the lack of resource guidelines. The adoption of the proposed resource guidelines will help
40 encourage more consistent juvenile court procedures in the state.

41
42 The guidelines are meant to be goals, and, as such, some of them may appear out of reach
43 because of fiscal constraints or lack of judicial and staff resources. The Judicial Council Family

1 and Juvenile Law Advisory Committee and Judicial Council staff of the ~~Administrative Office of~~
2 ~~the Courts~~ are committed to providing technical assistance to each juvenile court to aid in
3 implementing these goals.

4
5 **Standard 10.10. Judicial branch education**

6
7 **(a) Purpose**

8
9 Judicial branch education for all trial and appellate judicial officers and court
10 employees is essential to improving the fair, effective, and efficient administration
11 of justice. Judicial branch education is acknowledged as a vital component in
12 achieving the goals of the Judicial Council’s Long-Range Strategic Plan, including
13 access and fairness, branch independence, modernization, and quality of justice.
14 The Judicial Council has charged the Governing Committee of the Center for
15 ~~Judicial~~ Judiciary Education and Research (CJER), an advisory committee to the
16 council, with developing and maintaining a comprehensive and quality education
17 program on behalf of the Judicial Council for the California judicial branch.

18
19 **(b)–(c) * * ***

20
21 **(d) Elements of comprehensive education program**

22
23 The Governing Committee of CJER is responsible for developing and maintaining
24 a comprehensive and quality education program for the judicial branch. This
25 program is to be implemented by CJER as the Education Division of the
26 ~~Administrative Office of the Courts~~ Judicial Council. The program should be
27 designed to meet the educational needs and requirements of judicial officers and
28 court employees as stated in standards 10.11 and 10.15 and should include the
29 following elements:

30
31 **(1)–(10) * * ***

32
33 **Standard 10.11. General judicial education standards**

34
35 **(a)–(i) * * ***

36
37 **Advisory Committee Comment**

38
39 **Subdivision (a).** This provision recognizes that judicial officers must develop, maintain, and
40 improve their professional competence by participating in judicial orientation and training
41 programs when they first assume their judicial positions, and thereafter in continuing education
42 programs throughout their judicial careers.

1 The judiciary will assess its own educational needs and establish appropriate programs and tools
2 for meeting those needs. Various judicial organizations in this state, such as the ~~Administrative~~
3 ~~Office of the Courts~~ Judicial Council staff, the California Judges Association, and the Center for
4 ~~Judicial~~ Judiciary Education and Research, provide judicial officers with comprehensive
5 educational opportunities in all areas of their judicial responsibilities. These organizations
6 typically use experienced judicial officers to plan, conduct, oversee, and evaluate the
7 effectiveness of their programs. Judicial officers determine all aspects of the programs offered by
8 the California Judges Association. The Center for ~~Judicial~~ Judiciary Education and Research is
9 governed by an 11-member governing committee appointed by the Chief Justice of California as
10 Chair of the Judicial Council. Four of the judicial members are nominated by the California
11 Judges Association and four are appointed on behalf of the Judicial Council; three court
12 administrator members are appointed on behalf of the Judicial Council. Subject to the Judicial
13 Council's authority, the committee is responsible for determining matters relating to the center's
14 judicial branch education policies and for making recommendations to the Judicial Council for
15 action. The center's educational activities are planned, conducted, and overseen by a broad base
16 of judicial officers and administrators serving on planning committees under the governing
17 committee's supervision.

18
19 **Subdivision (b).** * * *

20
21 **Subdivision (d).** * * *

22
23 **Subdivision (g).** * * *.

24
25 **Standard 10.15. General court employee education standards**

26
27 **(a)** * * *

28
29 **(b) Responsibilities of executive and administrative officers**

30
31 Executive and administrative officers should develop, as a part of the annual budget
32 process for their courts, annual education plans that facilitate employees'
33 participation as both students and faculty in judicial branch education programs, as
34 prescribed by this standard. The plans may designate, either locally or regionally, a
35 training specialist to coordinate the implementation of the plans. The plans should
36 include methods of measuring the effectiveness of education programs. A copy of
37 the locally developed education plans should be forwarded to the Center for
38 ~~Judicial~~ Judiciary Education and Research (CJER), which will serve as a
39 depository.

40
41 **(c)** * * *

1 **(d) Executive and administrative officer education**

2
3 (1)–(4) * * *

4
5 (5) Executive and administrative officers should make training available to their
6 employees on a local or regional level. This training should include an
7 orientation program for all new employees on the background, history, and
8 structure of the judicial branch, including the Judicial Council and ~~the~~
9 Administrative Office of the Courts ~~its staff.~~

10
11 (6) * * *

12
13 **(e)–(j) * * ***

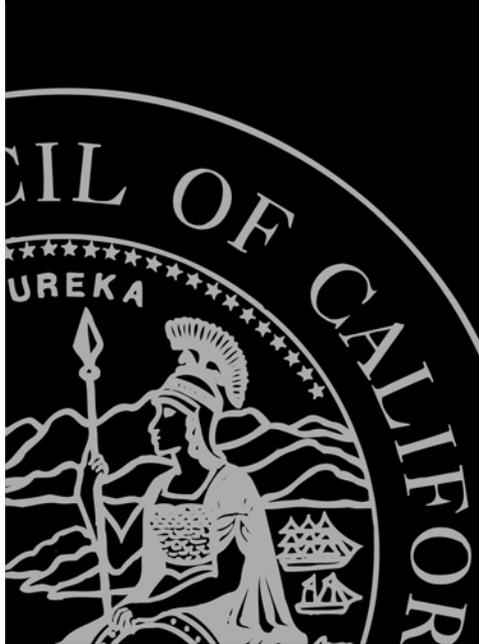
14
15 **Standard 10.16. Model code of ethics for court employees**

16
17 Each trial and appellate court should adopt a code of ethical behavior for its support staff,
18 and in doing so should consider rule 10.670(c)(12) of the California Rules of Court, and
19 the model Code of Ethics for the Court Employees of California approved by the Judicial
20 Council on May 17, 1994, and any subsequent revisions. The approved model code is
21 published by ~~the Administrative Office of the Courts~~ Judicial Council staff.

22
23 **Standard 10.80. Court records management standards**

24
25 Each court should develop records management practices consistent with the standards
26 approved by the Judicial Council. The approved standards are specified in Judicial
27 Council Court Records Management Standards, published by ~~the Administrative Office~~
28 ~~of the Courts~~ Judicial Council staff.

29
30 Implementation of these standards, which cover creation, use, maintenance, and
31 destruction of records, should lead to more efficient court administration, better
32 protection and preservation of records, and improved public access to records.



Judicial Council Governance Policies

~~JUNE 2008~~ JANUARY 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Judicial Council Governance Policies

I. Governance Process

A. The Judicial Council

1-5 * * *

6. Council Officers and Duties

The Judicial Council has seven officers: the Chair, Vice-Chair, Secretary, and the chairs of the council's four internal committees: Executive and Planning, Litigation Management, Policy Coordination and Liaison, and Rules and Projects.

The Chief Justice serves as Chair of the council and performs those functions prescribed by the Constitution and the laws of the State of California. The Chair is a voting member of the council.

The Chief Justice appoints a Vice-Chair from among the judicial members of the council. When the Chair is absent, unable to serve, or so directs, the Vice-Chair performs all of the duties of the Chair.

The Chief Justice appoints a Judicial Council member to serve as chair of the council in the event that both the Chief Justice and the council's Vice-Chair are absent or unable to serve. The Chief Justice determines the individuals to serve as chair from among the internal committee chairs and vice-chairs.

The Chief Justice appoints the chairs and vice-chairs of the council's four internal committees from among the members of the council. Internal committee chairs are appointed for a one-year term. Committee chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees. Meetings of the internal committees are closed to the public but may be opened at the chair's discretion.

The Administrative Director ~~of the Courts~~ serves as Secretary to the council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the council and the Chief Justice (see II.B, *infra*, for duties of the Administrative Director). The Secretary is not a voting member of the council.

Together, the Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council.

The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

After the end of each fiscal year, the Administrative Director reports to the Judicial Council on actual expenditures in the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

7. * * *

B. Council Internal Committees

The internal committees of the Judicial Council assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas including rules for court administration, practice, and procedure, and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.

1. Executive and Planning Committee

The Executive and Planning Committee has the following functions and makes regular reports to the full council on its actions:

a.-e. * * *

f. Developing a schedule of topics about which the council wishes to consider making policy or to receive updates from the Administrative Director or ~~Administrative Office of the Courts~~ Judicial Council staff.

g.-j. * * *

2.-3. * * *

4. Litigation Management Committee

The Litigation Management Committee has the following functions and takes the following actions:

a. Overseeing litigation and claims against trial court judges, appellate court justices, the Judicial Council, ~~the Administrative Office of the Courts~~, the trial and appellate courts, and the employees of those bodies that seek recovery of \$100,000 or more, or raise important policy or court operations issues, by: (1) reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and (2) consulting with the Administrative Director or ~~General~~ Chief Counsel on important strategy issues. Important policy or court operations issues may include whether to initiate litigation on behalf of a court,

when to defend a challenged court practice, or how to resolve disputes where the outcome might have statewide implications.

b. * * *

c. When necessary, resolving written objections to major strategic decisions, such as retention of counsel and proposed settlements, presented by the ~~General~~ Chief Counsel.

C. Council Advisory Bodies

Council advisory bodies are typically advisory committees and task forces. They use the individual and collective experience, opinions, and wisdom of their members to provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies. The council and its internal committees provide direction to the advisory bodies.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals.

Council advisory bodies generally do not implement policy. The council may, however, assign policy-implementation and programmatic responsibilities to an advisory body and may request it make recommendations to staff on implementation of council policy or programs.

Council advisory bodies do not speak or act for the council except when formally given such authority for specific and time-limited purposes.

Council advisory bodies, through staff, are responsible for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

The Chief Justice assigns oversight of each council advisory body to an internal committee. The council gives a general charge to each advisory body specifying the body's subject matter jurisdiction.

1. Council Advisory Committees

a.-b. * * *

c. Advisory committees have limited discretion to pursue matters in addition to those specified by the council in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director ~~of the Courts~~.

d.-e. * * *

- f. Staff report to the Administrative Director ~~of the Courts~~. Decisions or instructions of an advisory body or its leader are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

2. Council Task Forces and Other Advisory Bodies

The Chief Justice, Judicial Council, or the Administrative Director ~~of the Courts~~ may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the council's internal committees or the Administrative Director, as designated in the charge.

II. Council-Staff Relationship

A. Unity of Control

1. The Judicial Council appoints an Administrative Director ~~of the Courts~~ who serves at the pleasure of the council and performs functions prescribed by the California Constitution and delegated by the council and the Chief Justice. Adopting rules of court administration, practice, and procedure is not delegated to the Administrative Director.
2. * * *
3. The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff agency, ~~known as the Administrative Office of the Courts~~. The ~~Administrative Office of the Courts~~ Judicial Council staff assists the council and its Chair in carrying out their duties under the Constitution and laws of the State of California.
4. The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of the Judicial Council staff ~~and the Administrative Office of the Courts~~.

The Administrative Director is responsible for allocating financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff to achieve the goals of the Judicial Council and to implement the council's policies.

B. Relationship of the Administrative Director to the Council's Internal Committees and Advisory Bodies

* * *

C. Accountability of the Administrative Director

The Administrative Director is accountable to the council and the Chair for the performance of the ~~Administrative Office of the Courts~~ Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities, while avoiding the use of illegal, imprudent, or unethical means.

The Administrative Director reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals. When the council sets the direction on projects or programs that require more than one year to complete, the Administrative Director will report back to the council at regular intervals on status and significant developments.

D. Delegation to the Administrative Director

The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council's goals, consistent with the limitations from the council and the Chief Justice.

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.

Appendix F of the California Rules of Court would be amended, effective January 1, 2016, to read:

Appendix F

Guidelines for the Juvenile Dependency Counsel Collections Program

1-9 * * *

10. Collection Services

(a) * * *

(b) Outside Collection Services Providers

When appropriate and consistent with policy FIN 10.01, a court may use an outside collection services provider.

(1) Collection Services Provided by County

If collection services are provided by the county, the agreement should be formalized by a memorandum of understanding (MOU) between the court and county. ~~AOC~~ Judicial Council staff will provide a sample MOU on request. An electronic copy of the MOU, including a scanned copy of the completed signature page, must be sent to jdccp@jud.ca.gov.

(2) Collection Services Provided by Private Vendor

A court that uses a private collection service should use a vendor has entered into a master agreement with the ~~AOC~~ Judicial Council to provide comprehensive collection services. A court that uses such a vendor should complete a participation agreement and send it to ~~the~~ AOC Judicial Council staff via e-mail to jdccp@jud.ca.gov.

(3) Court Option for ~~AOC~~ Judicial Council Agreement with Collection Services Provider

At a court's request, the ~~AOC~~ Judicial Council may directly enter into an MOU with the county or an agreement with a private collection services vendor for dependency counsel reimbursement collection services.

11. * * *

1 **12. Remittance and Reporting of Collected Revenue**

2
3 Courts will remit collected revenue to the ~~AOC~~ Judicial Council, less costs
4 recoverable under section 903.47(a)(1)(B), in the same manner as required under
5 Government Code section 68085.1 and will report this revenue on row 130 of
6 *Court Remittance Advice* (form TC-145). The ~~AOC~~ Judicial Council will deposit
7 the revenue received under these guidelines into the Trial Court Trust Fund.
8

9 **(a) ~~AOC~~ Judicial Council Collections Agreement Option**

10
11 Where the ~~AOC~~ Judicial Council has entered into an MOU or agreement with
12 a county or a private collection services vendor under section 10(b)(3) of
13 these guidelines, funds will be remitted directly to the ~~AOC~~ Judicial Council
14 under the terms of the MOU or the agreement.
15

16 **13. Program Data Reporting**

17
18 Each court should report collections program data to ~~the AOC~~ Judicial Council
19 staff to ensure implementation of the Legislature’s intent by determining the cost-
20 effectiveness of the program and confirming that efforts to collect reimbursement
21 do not negatively impact reunification; to provide a basis for projecting the amount
22 of future reimbursements; and to evaluate the effectiveness of the reimbursement
23 program at both statewide and local levels.
24

25 **(a) * * ***

26
27 **14. Technical Assistance**

28
29 ~~AOC staff to the~~ Judicial Council staff will provide technical assistance on request
30 to courts that do not yet have a dependency counsel reimbursement program in
31 place or that wish to coordinate with other courts in establishing a regional
32 reimbursement program. Courts may send requests by e-mail to jdccp@jud.ca.gov
33 to receive technical assistance, which can include (but is not limited to) services
34 such as:
35

36 **(a)–(c) * * ***

37
38 **(d)** Working with current collection services providers who have entered into
39 master agreements with the ~~AOC~~ Judicial Council to ensure compliance with
40 the JDCCP reporting requirements.

ATTORNEY OR PARTY WITHOUT ATTORNEY: <i>(To be completed only if a party is making the motion)</i> NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	FOR COURT USE ONLY
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	CASE NUMBER:

PREFILING ORDER—VEXATIOUS LITIGANT

1. Name and address of each plaintiff or cross-complainant or other party subject to this prefiling order:

2. This prefiling order is entered pursuant to a motion made by the court party

3. The person or persons identified in item 1, unless represented by an attorney, are prohibited from filing any new litigation in the courts of California without approval of the presiding justice or presiding judge of the court in which the action is to be filed.

4. The clerk is ordered to provide a copy of this order to the California Judicial Council by fax at 415-865-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders
 Judicial Council of California
 455 Golden Gate Avenue
 San Francisco, California 94102

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO: _____ NAME: FIRM NAME: STREET ADDRESS: CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO. : _____ E-MAIL ADDRESS: ATTORNEY FOR (Name): _____	<i>FOR COURT USE ONLY</i>
<input type="checkbox"/> COURT OF APPEAL, APPELLATE DISTRICT, DIVISION <input type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF/PETITIONER: _____	
ORDER ON APPLICATION TO VACATE PREFILING ORDER AND REMOVE PLAINTIFF/PETITIONER FROM JUDICIAL COUNCIL VEXATIOUS LITIGANT LIST	CASE NUMBER: _____

Plaintiff/Petitioner _____ requests that this court vacate the prefiling order and remove the vexatious litigant's name from the statewide list in the following case or cases (*if more than one, list each separately*):

Court: _____	Court: _____
Case Name: _____	Case Name: _____
Case Number: _____	Case Number: _____
Date prefiling order entered: _____	Date prefiling order entered: _____

- Continued on *Attachment* (form MC-025)
- Granted
- Denied

Date: _____

PRESIDING JUSTICE OR JUDGE

The clerk is ordered to provide this order to the Judicial Council of California by fax at 415-865-4329 or by mail at the address below.

Vexatious Litigant Prefiling Orders
 Judicial Council of California
 455 Golden Gate Avenue
 San Francisco, California 94102