

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

W11-07

Title	Action Requested
Judicial Administration: Authority and Duties of Presiding Judge and Court Executive Officer	Review and submit comments by January 24, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 10.603, 10.610, 10.670, 10.181, 10.182, and 10.184	July 1, 2011
Proposed by	Contact
Trial Court Presiding Judges Advisory Committee Hon. Kevin A. Enright, Chair Court Executives Advisory Committee Mr. Michael M. Roddy, Chair	Susan R. McMullan, 415-865-7990, susan.mcmullan@jud.ca.gov

Summary

This proposal would amend the rules governing the authority and duties of presiding judges and court executive officers and make related changes to rules concerning court personnel plans and court facilities.

Discussion

The PJ/CEO Rules and Roles Analysis Working Group was established by the Court Executives Advisory Committee (CEAC) to review rules 10.603 and 10.610 of the California Rules of Court, which outline the duties and responsibilities of the presiding judge and the court executive officer, respectively. The working group made recommendations about rules in need of change to be more reflective of the current presiding judge and court executive officer duties, some of which resulted from constitutional and legislative changes related to trial court funding, unification, employment, and facilities. The working group presented the proposal to the Trial Court Presiding Judges Advisory Committee Executive Committee and CEAC, both of which recommend circulation for public comment.

The proposed amendments clarify and harmonize the duties of the presiding judge and court executive officer, where appropriate, resulting in improved collaboration among trial court leadership. The fiduciary responsibilities of both the presiding judge and court executive officer

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 These proposals are circulated for comment purposes only.

are specified in more detail than in existing rules. In addition, the rules are intended to be flexible enough to be useful to courts of all sizes.

The proposed rules include “Drafters Comments” following some provisions to explain the reasons for the proposed changes. Drafters Comments will not be included with the final published rules. Discussed below are some of the more significant proposed amendments.

Duties: Case and calendar management

The rule for presiding judges would be amended to include among a presiding judge’s duties the responsibility to oversee effective case flow, caseload, and calendar management (Cal. Rules of Court, rule 10.603(c)(1)(C)), and the rule for court executives would be amended to provide that the court executive officer employ efficient systems in these areas and support judicial officers in fulfilling their responsibilities for case flow, caseload, and calendar management. (Cal. Rules of Court, rule 10.610(c)(4).) Definitions of case flow, caseload, and calendar management are included in rule 10.603(c)(1)(C)(i)–(iii). The advisory committees are interested in comments on whether the definitions are necessary and adequate.

Duties: Subordinate judicial officers

Rule 10.603(c)(4)(C) would be amended to replace “commissioners” and “referees” with “subordinate judicial officers” and to reflect the Government Code requirement that a presiding judge (or a judge or committee of judges designated by the presiding judge) is responsible for appointment and termination of subordinate judicial officers. The rule governing court personnel plans would be amended to provide that a personnel plan include the respective responsibilities of the presiding judge and the court executive officer concerning subordinate judicial officers. (Cal. Rules of Court, rule 10.670(d)(3).)

Personnel

Proposed amendments to rules 10.603, 10.610, and 10.670 would set out the presiding judge’s responsibility to direct the court executive officer to prepare, administer, and submit to the Administrative Office of the Courts the court personnel plan (Cal. Rules of Court, rule 10.603(c)(5)(B)) and acknowledge the court executive officer’s authority for the personnel management of nonjudicial employees. (Cal. Rules of Court, rules 10.610(c)(1) and 10.670(b).)

Budget

This proposal includes changes to rule provisions addressing the court budget to make the language in the presiding judge rule more closely parallel Government Code section 77009(e), which provides: “The presiding judge of the superior court, or his or her designee, shall authorize and direct all expenditures by the court for operating and program purposes from [particular accounts for trial court operations and other specified purposes].” This change would make the rule more general (“authorize and direct all expenditures”) but is not intended to lessen a presiding judge’s authority to approve procurements and contracts if the presiding judge wishes to. A related provision in rule 10.610(c)(2) would provide that the court executive officer must

“prepare and implement” court budgets, including “procurement, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of budget priorities.”

Security

Proposed amendments to rules 10.603 and 10.610 would recognize a presiding judge’s statutory responsibility for developing the court security plan (Cal. Rules of Court, rule 10.603(c)(12)) and the court executive officer’s role in supporting the presiding judge in this responsibility and in performing any delegated duties related to the court security plan. (Cal. Rules of Court, rule 10.610(c)(13).)

Facilities

Rule 10.610 would be amended to include among the court executive officer’s duties “oversight of the day-to-day maintenance of facilities, consistent with Government Code sections 70391 and 70392 and rule 10.182.” Under Government Code section 70392(a), the Administrative Office of the Courts has responsibility and authority for the ongoing oversight, management, operation, and maintenance of trial court facilities. The proposed amendment would recognize the court executive officer’s day-to-day onsite responsibility for facilities maintenance, while avoiding conflict with Government Code section 70392.

Rules 10.181, 10.182, and 10.184 would be amended to delete reference to the Court Facilities Transitional Task Force because that entity no longer exists. In addition, rule 10.184(d) would be amended to add the court executive officer to those who comprise the advisory group for each court construction or major renovation project. The words “when appropriate” in rule 10.181(b) would be deleted, amending the rule to require consultation with affected courts about decisions concerning appellate and trial court facilities.

Other changes to rule for court executive officers

Rule 10.610(a) would be amended to require courts to employ court executive officers. To reflect an important responsibility not included in current rule 10.610, subdivision (c)(6)(A) would be amended to provide that the court executive officer serves as the jury commissioner. Consistent with Code of Civil Procedure section 195, rule 10.610(c)(6)(B) would be added to provide that the jury commissioner may, whenever the business of the court requires, appoint deputy jury commissioners. In addition, rule 10.610 would be amended to provide, in subdivision (c)(14), that the court executive officer serves as clerk of the court.

Rules 10.181, 10.182, 10.184, 10.603, 10.610, and 10.670 of the Cal. Rules of Court would be amended, effective July 1, 2011, to read:

1 **Rule 10.603. Authority and duties of presiding judge**

2
3 **(a)–(b) * * ***

4
5 **(c) Duties**

6
7 (1) *Assignments*

8
9 The presiding judge has ultimate authority to make judicial assignments. The
10 presiding judge must:

11
12 ~~(A)–(B)~~ * * *

13
14 (C) Supervise the court’s calendar, apportion the business of the court
15 among the several departments of the court as equally as possible, and
16 oversee effective case flow, caseload, and calendar management as
17 defined in this rule.

18
19 (i) “Case flow management” means the management by a judge of
20 the course of a case, bringing it to a just and timely resolution.

21
22 (ii) “Caseload management” means the management by a presiding
23 or supervising judge of the court’s caseload so as to optimize the
24 use of available judicial resources.

25
26 (iii) “Calendar management” means the management by a judge of
27 the work assigned to that judge.

28
29 ~~(D)~~ (D) Publish for general distribution copies of a current calendar specifying
30 the judicial assignments of the judges and the times and places assigned
31 for hearings;

32
33 ~~(E)~~ (E) Reassign cases between departments as convenience or necessity
34 requires; and

35
36 ~~(F)~~ (F) Designate a judge to act if by law or the rules of court a matter is
37 required to be presented to or heard by a particular judge and that judge
38 is absent, deceased, or unable to act.

39
40 (3) * * *

1 (4) *Oversight of judicial officers*

2
3 The presiding judge must:

4
5 (A)–(B) * * *

6
7 (C) ~~Commissioners~~ Subordinate judicial officers

- 8
9 (i) Prepare and submit to the judges for consideration and
10 adoption procedures for receiving, inquiring into, and resolving
11 complaints lodged against ~~court commissioners and referees~~
12 subordinate judicial officers, consistent with rule 10.703; ~~and~~
13
14 (ii) Notify the Commission on Judicial Performance if a
15 ~~commissioner or referee~~ subordinate judicial officer is disciplined
16 or resigns, consistent with rule 10.703(k); ~~and~~
17
18 (iii) Be responsible for the appointment and termination of
19 subordinate judicial officers as provided in Government Code
20 section 71622(b).
21

22 **Drafters' Comment**

23
24 **Subdivision (c)(4)(C).** It is recommended that “commissioners” and “referees” be changed to
25 “subordinate judicial officers” to include all types of subordinate judicial officers and to be
26 consistent with the language in other rules. Subdivision (c)(4)(C)(iii) acknowledges the statutory
27 responsibility of the presiding judge—or another judge or a committee to whom authority is
28 delegated—to appoint and terminate subordinate judicial officers under Government Code section
29 71622(b).
30

31 (D)–(E) * * *

32
33 (5) *Personnel*

34
35 The presiding judge must:

- 36
37 (A) ~~The presiding judge must~~ Provide general direction to and supervision
38 of the court executive officer, or, if the court has no executive officer,
39 perform the duties of the court executive regarding personnel as
40 specified in rule 10.610(c)(1);
41

1 (B) Direct the court executive officer to prepare and administer the court's
2 personnel plan and submit it to the Administrative Office of the Courts
3 as required by rule 10.670; and
4

5 ~~(B)(C)~~ The presiding judge must Approve, in writing, the total compensation
6 package (salary and all benefits) offered to the court executive officer
7 at the time of the executive officer's appointment and any subsequent
8 changes to the executive officer's total compensation package.
9

10 **Drafters' Comment**
11

12 **Subdivision (c)(5).** A related amendment to rule 10.610 would provide that the court executive
13 officer's duties include preparing the personnel plan.
14

15
16 (6) *Budget and fiscal management*
17

18 The presiding judge must:
19

20 (A) Establish a process for consulting with the judges of the court on
21 budget requests, expenditure plans, and other budget or fiscal matters
22 ~~that the presiding judge deems appropriate~~ priorities;
23

24 (B) Establish responsible budget priorities and submit budget requests that
25 will best enable the court to achieve its goals; and ensure equal access
26 to justice and the ability of the court to carry out its functions
27 effectively;
28

29 (C) Establish a documented process for setting and approving any changes
30 to the court executive officer's total compensation package in a fiscally
31 responsible manner consistent with the court's established budget; and
32

33 (D) Approve ~~procurements, contracts,~~ expenditures; and the allocation of
34 funds in a manner that promotes the implementation of state and local
35 budget priorities, is consistent with Trial Court Financial Policies and
36 Procedures, and ~~that~~ ensures equal access to justice and the ability of
37 the court to carry out its functions effectively. ~~In a court with an~~
38 ~~executive officer,~~ If the presiding judge may delegates these duties to
39 the court executive officer, ~~but~~ the presiding judge must ensure that the
40 court executive officer performs such delegated duties consistent with
41 the court's established budget and Trial Court Financial Policies and
42 Procedures.
43

Drafters' Comment

Subdivision (c)(6). These amendments are not intended to remove a presiding judge’s authority to approve procurements and contracts if the presiding judge wishes to do so. Government Code section 77009(e) provides “The presiding judge of the superior court, or his or her designee, shall authorize and direct all expenditures by the court for operating and program purposes from [particular accounts for trial court operations and other specified purposes].” The rule amendments would make the rule language more closely parallel the language of Government Code section 77009(e). A related provision in rule 10.610(c)(2) would provide that the court executive officer must “prepare and implement” court budgets, including “procurement, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of budget priorities.”

(7) * * *

(8) *Liaison*

The presiding judge must, with the assistance of the court executive officer:

- (A) Provide for liaison between the court and the Judicial Council, the Administrative Office of the Courts, and other governmental and civic agencies;
- (B) Meet with or designate a judge or judges to meet with any committee of the bench, bar, news media, or community to review problems and to promote understanding of the administration of justice, when appropriate; and
- (C) Support and encourage the judges to actively engage in community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the administration of justice, consistent with the California Code of Judicial Ethics and standard 10.5 of the Standards of Judicial Administration.

(9) *Planning*

The presiding judge must, with the assistance of the court executive officer:

- (A) Prepare, with the assistance of appropriate court committees and appropriate input from the community, a long-range strategic plan that is consistent with the plan and policies of the Judicial Council, for

1 adoption in accordance with procedures established by local rules or
2 policies; ~~and~~

3
4 (B) Implement, with the assistance of appropriate court committees and
5 appropriate input from the community, the long-range strategic plan;

6
7 (C) Consider the long-range strategic plan when adopting changes or
8 modifying policies or practices that may affect the court’s long-range
9 objectives; and

10
11 ~~(B)(D)~~ Ensure that the court regularly and actively examines access issues,
12 including any physical, language, or economic barriers that impede the
13 fair administration of justice.

14
15 **Drafters’ Comment**

16
17 **Subdivisions (c)(8) and (c)(9).** The proposed amendments would recognize the role of the court
18 executive officer in these areas and the need to implement and consider the long-range strategic
19 plan when modifying policies or practices that may affect the court’s long-range objectives.

20
21 (10)–(11) * * *

22
23 (12) Security

24
25 The presiding judge, with the sheriff or marshal, is responsible for developing
26 an annual or multiyear comprehensive, countywide court security plan and, at
27 least once every two years, conducting an assessment of security with respect
28 to all court operations.

29
30 **Drafters’ Comment**

31
32 **Subdivision (c)(12).** The proposed amendments are consistent with Government Code section
33 69925 and rule 10.172(a) and (c), which make it the responsibility of the presiding judge, unless
34 delegated to the court executive officer, to develop and assess the court security plan.

35
36 **(d) Delegation**

37
38 The presiding judge may delegate any of the specific duties listed in this rule to
39 another judge. Except for the duties listed in (c)(5)(B) and (c)(6)(C), the presiding
40 judge may delegate to the court executive officer any of the duties listed in this rule
41 that do not require the exercise of judicial authority. The presiding judge remains
42 responsible for all duties listed in this rule even if he or she has delegated particular

1 tasks to someone else. The presiding judge provides general oversight of the duties
2 delegated to the court executive officer.

3
4 **Rule 10.610. Duties of court executive officer**

5
6 **(a) Selection**

7
8 A court ~~may~~ must employ an executive officer selected in accordance with
9 procedures adopted by the court.

10
11 **(b) General responsibilities**

12
13 ~~Acting Under the direction~~ general oversight of the presiding judge, the court
14 executive officer is responsible for overseeing the management and administration
15 of the nonjudicial operations of the court and allocating resources in a manner that
16 promotes access to justice for all members of the public, provides a forum for the
17 fair and expeditious resolution of disputes, maximizes the use of judicial and other
18 resources, increases efficiency in court operations, and enhances service to the
19 public.

20
21 **(c) Duties**

22
23 Under the ~~direction~~ general oversight of the presiding judge and consistent with the
24 law and rules of court, the court executive officer must perform the following
25 duties, where they are not inconsistent with the authorized duties of the clerk of the
26 court:

27
28 (1) *Personnel*

29
30 Provide general direction to and supervision of the employees of the court,
31 and ~~draft for court approval~~ develop and administer a personnel plan for court
32 employees that complies with rule 10.670. The court executive officer has ~~the~~
33 exclusive authority, consistent with the personnel plan, ~~to hire, discipline, and~~
34 ~~terminate~~ for the personnel management of nonjudicial employees of the
35 court.

36
37 **Drafters' Comment**

38
39 **Subdivisions (b) and (c).** The proposed amendments are intended to more accurately state the
40 presiding judge's oversight role and the roles and duties of the court executive officer. The use of
41 the phrase "personnel management" is intended to encompass all aspects of personnel
42 management, including the responsibility for hiring, discipline, and termination of nonjudicial
43 employees.

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(2) *Budget*

- (A) Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll, ~~and financial controls~~, procurement, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of budget priorities; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court’s budget and consistent with Trial Court Financial Policies and Procedures.
- (B) The court executive officer must provide the presiding judge with any report and information necessary to enable the presiding judge to carry out his or her duties under the rules of court.

Drafters’ Comment

Subdivision (c)(2). The proposed amendments are intended to more accurately state the responsibilities of the court executive officer concerning the court’s budget.

(3) *Contracts*

Negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws.

(4) *Case flow, caseload, and calendar management*

Supervise and employ efficient case flow, caseload, and calendar ~~and case flow~~ management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques. Support judicial officers in fulfilling their responsibilities for case flow, caseload, and calendar management as described in rule 10.603(c)(1)(C)(i)–(iii).

(5) *Technology*

~~Analyze, evaluate, and implement technological and automated systems to assist the court.~~ Consistent with the court strategic plan and budget, employ adequate technology to further the mission of the court.

1 (6) *Jury ~~management~~ commissioner*

2
3 ~~Manage the jury system in the most efficient and effective way.~~

4
5 (A) The court executive officer serves as the jury commissioner for the
6 superior court and has the duties and responsibilities stated in Code of
7 Civil Procedure section 195.

8
9 (B) The jury commissioner may, whenever the business of the court
10 requires, appoint deputy jury commissioners. Salaries and benefits of
11 those deputies are fixed in the same manner as salaries and benefits of
12 other court employees.

13
14 (7) *Facilities*

15
16 Plan physical space needs, ~~and~~ purchase and manage equipment and supplies,
17 and provide oversight of the day-to-day maintenance of facilities, consistent
18 with Government Code sections 70391 and 70392 and rule 10.182.

19
20 **Drafters' Comment**

21
22 **Subdivisions (c)(6) and (c)(7).** These amendments would acknowledge the court executive
23 officer's role as jury commissioner and responsibilities for oversight of the day-to-day
24 maintenance of facilities.

25
26 (8)–(10) * * *

27
28 (11) ~~Liaison~~ *External relations*

29
30 ~~Act as liaison to~~ Manage external relations with other governmental agencies,
31 organizations, entities, and individuals, as necessary, in the fulfillment of
32 court executive responsibilities and assist the presiding judge in the
33 fulfillment of his or her liaison responsibilities under rule 10.603.

34
35 (12) * * *

36
37 (13) ~~Other~~ *Security*

38
39 Support the presiding judge in the performance of his or her responsibilities
40 in developing and assessing the court security plan and perform any
41 delegated duties related to the court security plan.

42
43 (14) *Clerk of the court*

1
2 (A) The court executive officer serves as clerk of the court and has the
3 powers, duties, and responsibilities provided by statute and the powers,
4 duties, and responsibilities formerly exercised by the county clerk as ex
5 officio clerk of the court.

6
7 (B) The court executive officer is responsible for ensuring the timely and
8 accurate preparation of records on appeal.

9
10 (15) Other

11
12 Perform other duties as the presiding judge directs.

13
14 **Rule 10.670. Trial court personnel plans**

15
16 **(a) Purpose**

17
18 This rule establishes the authority and responsibility of the superior courts, on a
19 countywide basis, to create and implement a system of personnel management
20 designed to achieve lawful, uniform, and fair employment practices and
21 procedures.

22
23 **(b) Authority of court executive officer**

24
25 The court executive officer has exclusive authority and responsibility for the
26 personnel management of all nonjudicial employees.

27
28 ~~(b)~~ **(c) Countywide personnel plans**

29
30 The superior court of each county must establish a single personnel plan on a
31 countywide basis, consistent with applicable statutes, rules, and standards of
32 judicial administration.

33
34 ~~(c)~~ **(d) Provisions of a personnel plan**

35
36 The personnel plan must ensure that treatment of employees complies with current
37 law. The personnel plan should address the following issues:

38
39 (1) A salary-setting procedure;

40
41 (2) Regular review of job classifications and titles;

42
43 (3) Responsibilities related to subordinate judicial officers as follows:

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- (A) A description of the responsibilities of the presiding judge, including procedures for receiving, inquiring into, and resolving complaints lodged against subordinate judicial officers, consistent with rule 10.703; and the appointment and termination of subordinate judicial officers as provided in Government Code section 71622(b); and
- (B) A description of the responsibilities of the court executive officer related to subordinate judicial officers;

Drafters’ Comment

Subdivision (d)(3). This amendment would acknowledge the different responsibilities of the presiding judge and court executive officer concerning subordinate judicial officers, including the statutory responsibility of the presiding judge—or another judge or a committee to whom authority is delegated—to appoint and terminate subordinate judicial officers under Government Code section 71622(b). It is intended to inform courts of the need to address specific responsibilities for subordinate judicial officers in their personnel plans.

- ~~(3)~~(4) An equal employment opportunity policy applying to all employees in accordance with applicable state and federal law;
- ~~(4)~~(5) Recruitment, selection, and promotion policies;
- ~~(5)~~(6) A sexual harassment prevention policy;
- ~~(6)~~(7) A reasonable accommodation policy;
- ~~(7)~~(8) Grievance or complaint procedures covering, but not limited to, sexual harassment, discrimination, and denial of reasonable accommodation;
- ~~(8)~~(9) An employee benefits plan that includes health benefits, retirement benefits, workers’ compensation benefits, disability leave, and paid and unpaid leave in compliance with state and federal law;
- ~~(9)~~(10) Timekeeping and payroll policies and procedures that comply with applicable state and federal law;
- ~~(10)~~(11) A records management policy, including confidentiality and retention of personnel records;
- ~~(11)~~(12) Job-related training and continuing education programs for all personnel concerning at least the following:

1 (A) Sexual harassment awareness;

2
3 (B) Discrimination and bias; and

4
5 (C) Safety;

6
7 ~~(12)~~(13) A policy statement on professional behavior requiring that all employees
8 conduct themselves in a professional manner at all times and refrain from
9 offensive conduct or comments that reflect bias or harassment;

10
11 ~~(13)~~(14) A policy regarding conflicts of interest and incompatible activities;

12
13 ~~(14)~~(15) Procedures for discipline and discharge; and

14
15 ~~(15)~~(16) A labor policy consistent with rules 10.653–10.659.

16
17 **(e) Approval of personnel plans**

18
19 The superior court of each county must have procedures for approving a new or
20 updated personnel plan.

21
22 ~~(d)~~(f) * * *

23
24 **(e)~~(g)~~ Submission of personnel plans**

25
26 The superior court of each county must submit to the Judicial Council a personnel
27 plan in compliance with these provisions by March 1, 1999. The superior court of
28 each county must submit to the Judicial Council any changes to this plan by March
29 1 of every following year. If requested by a superior court, the Administrative
30 Office of the Courts must review the court’s personnel plan and provide the court
31 with technical assistance in preparing the plan.

32
33 **Rule 10.181. Court facilities policies, procedures, and standards**

34
35 **(a) Responsibilities of the Administrative Office of the Courts**

36
37 The Administrative Office of the Courts, ~~after consultation with the Court Facilities~~
38 ~~Transitional Task Force~~, must prepare and present to the Judicial Council
39 recommendations for policies, procedures, and standards concerning the operation,
40 maintenance, alteration, remodeling, renovation, expansion, acquisition, space
41 programming, design, and construction of appellate and trial court facilities under
42 Government Code sections 69204(c) and 70391(e).

1 (b) **Consultations with the affected court and with local governmental and**
2 **community interests**

3
4 The policies, procedures, and standards must ensure that decisions are made in
5 consultation with the affected court, ~~when appropriate~~, and that decisions
6 concerning acquisition, design, and construction of court facilities are made in
7 consultation with local governmental and community interests, when appropriate.
8

9 **Drafters' Comment**

10
11 **Subdivision (a).** This amendment would update the rule, as the Court Facilities Transitional Task
12 Force no longer exists.

13
14 **Rule 10.182. Operation and maintenance of court facilities**

15
16 (a) **Intent**

17
18 The intent of this rule is to allocate responsibility and decision making for the
19 operation and maintenance of court facilities among the courts and the
20 Administrative Office of the Courts.
21

22 (b) **Responsibilities of the Administrative Office of the Courts**

23
24 (1)–(3) * * *

25
26 ~~(4) The Administrative Office of the Courts must, whenever feasible, seek~~
27 ~~review and recommendations from the Court Facilities Transitional Task~~
28 ~~Force before recommending action on appellate and trial court facilities~~
29 ~~issues to the Judicial Council.~~
30

31 (c) * * *

32
33 **Drafters' Comment**

34
35 **Subdivision (b)(4).** This amendment would update the rule, as the Court Facilities Transitional
36 Task Force no longer exists.

37
38 **Rule 10.184. Acquisition, space programming, construction, and design of court**
39 **facilities**

40
41 (a) **Intent**
42

1 The intent of this rule is to allocate responsibility and decision making for
2 acquisition, space programming, construction, and design of court facilities among
3 the courts and the Administrative Office of the Courts.

4
5 **(b) Responsibilities of the Administrative Office of the Courts**

6
7 (1) * * *

8
9 (2) The Administrative Office of the Courts must prepare and submit to the
10 Judicial Council separate annual capital outlay proposals for the appellate
11 courts and the trial courts, as part of the yearly judicial branch budget
12 development cycle, specifying the amounts to be spent for these purposes.
13 The capital outlay proposal for the trial courts must specify the money that is
14 proposed to be spent from the State Court Facilities Construction Fund and
15 from other sources. The annual capital outlay proposals must be consistent
16 with the Five-Year Capital Infrastructure Plan or must recommend
17 appropriate changes in the Five-Year Capital Infrastructure Plan. ~~The~~
18 ~~Administrative Office of the Courts must, whenever feasible, seek review and~~
19 ~~recommendations from the Court Facilities Transitional Task Force before~~
20 ~~recommending action to the Judicial Council on these issues.~~

21
22 (3) * * *

23 **Drafters' Comment**

24
25 **Subdivision (b)(2).** This amendment would update the rule, as the Court Facilities Transitional
26 Task Force no longer exists.

27
28
29 (c) * * *

30
31 **(d) Advisory group for construction projects**

32
33 The Administrative Office of the Courts, in consultation with the leadership of the
34 affected court, must establish and work with an advisory group for each court
35 construction or major renovation project. The advisory group consists of court
36 judicial officers, the court executive officer or his or her designee, other court
37 personnel, and others affected by the court facility. The advisory group must work
38 with the Administrative Office of the Courts on issues involved in the construction
39 or renovation, from the selection of a space programmer and architect through
40 occupancy of the facility.

Item W11-07 Response Form

Title: **Judicial Administration: Authority and Duties of Presiding Judge and Court Executive Officer** (amend Cal. Rules of Court, rules 10.603, 10.610, 10.670, 10.181, and 10.184)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/>

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, January 24, 2011

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.