TITLE 10. JUDICIAL ADMINISTRATION RULES

Division 1. Judicial Council

Chapter 1. The Judicial Council and Internal Committees

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Rule 10.1. Authority, duties, and goals of the Judicial Council

(a) The Judicial Council

(1) The Judicial Council of California is a state entity established by the California Constitution and chaired by the Chief Justice of California. The Judicial Council sets the direction for improving the quality of justice and advancing the consistent, independent, impartial, and accessible administration of justice by the judicial branch for the benefit of the public.

(2) The council establishes policies and sets priorities for the judicial branch of government. The council may seek advice and recommendations from committees, task forces, and the public.

(3) The Judicial Council Governance Policies are located in Appendix D of these rules of court. The policies describe the council's:

(A) Purposes;

(B) Responsibilities;

(C) Policymaking role;

(D) Members and officers and their roles;

(E) Internal organization;

(F) Relationship with its advisory groups;

(G) Relationship with the Administrative Director and the Judicial Council staff that he or she directs; and

(H) Internal policies and procedures.

(Subd (a) amended effective July 29, 2014; previously amended effective January 1, 2007, and August 14, 2009.)

(b) Constitutional authority and duties

Article VI, section 6 of the California Constitution requires the council to improve the administration of justice by doing the following:

(1) Surveying judicial business;

(2) Making recommendations to the courts;

(3) Making annual recommendations to the Governor and the Legislature;

(4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and

(5) Performing other functions prescribed by statute.

(Subd (b) amended effective August 14, 2009.)

(c) Judicial branch goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners.

(Subd (c) amended effective August 14, 2009; previously amended effective January 1, 2007.)

(d) Judicial Council staff

The Judicial Council staff supports the council in performing its functions. The Administrative Director is the Secretary of the Judicial Council.

(Subd (d) amended effective July 29, 2014; adopted as subd (e); previously amended effective January 1, 2007; previously relettered as subd (d) effective August 14, 2009.)

Rule 10.1 amended effective July 29, 2014; adopted as rule 6.1 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Rule 10.2. Judicial Council membership and terms

(a) Constitutional provision on membership and terms

(1) Under article VI, section 6 of the California Constitution, the Judicial Council consists of the Chief Justice and one other justice of the Supreme Court, 3 justices of Courts of Appeal, 10 judges of superior courts, 2 nonvoting court administrators, and such other nonvoting members as determined by the voting membership of the council, each appointed by the Chief Justice to three-year terms; 4 members of the State Bar appointed by its governing body to three-year terms; and 1 member of each house of the Legislature appointed as provided by the house.

(2) Council membership terminates if a member ceases to hold the position that qualified the member for appointment. A vacancy is filled by the appointing power for the remainder of the term.

(Subd (a) amended effective August 14, 2009; previously amended effective January 1, 2007.)

(b) Council officers and duties

(1) *Chair and vice-chair*

(A) The Chief Justice of California is the Chair of the Judicial 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. A reference to the Chair of the Judicial Council in the statutes or rules of this state means the Chief Justice of California.

(B) 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.

(C) 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 vice-chair are absent or unable to serve. The Chief Justice determines

individuals to serve as chair from among the internal committee chairs and vice-chairs.

(2) *Chairs and vice-chairs of the internal committees*

The Judicial Council has five internal committees composed of Judicial Council members, as specified in rule 10.10. The Chief Justice appoints for a one-year term the chair and vice-chair of each of the council's internal committees. Chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees.

(3) *Officers*

The Judicial Council has eight officers: the chair, vice-chair, secretary, and the chairs of the council's five internal committees.

(4) *Administrative Director*

The Administrative Director is the secretary to the Judicial 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 Judicial Council and the Chief Justice. The secretary is not a voting member of the council.

(Subd (b) amended effective January 1, 2016; previously amended effective August 14, 2009.)

(c) Role of members

(1) Council members are a governing body for California's judicial branch of government. In accepting appointment, they commit themselves to act in the best interest of the public and the judicial system for the purposes of maintaining and enhancing public access to the justice system, as well as preserving and enhancing impartial judicial decisionmaking and an independent judicial branch of government.

(2) Council members do not represent any particular constituency notwithstanding any of their other affiliations or roles.

(3) Council members communicate as representatives of the Judicial Council with the public, the courts, judicial officers, Judicial Council advisory bodies, other government entities, and justice system partners. They communicate about the council's processes, purposes, responsibilities, and issues and reasons for policy decisions, including those policy decisions where there is disagreement.

(Subd (c) amended effective August 14, 2009.)

(d) Terms

Council members are appointed to terms beginning September 15 and ending September 14. Terms for judge members are staggered. To the extent feasible, the State Bar and the Legislature should create staggered terms for their appointees.

(e) Restrictions on advisory committee membership

Unless otherwise provided by these rules or the Chief Justice waives this provision, neither council members nor nonvoting advisory council members may concurrently serve on a council advisory committee. This provision does not apply to members of the following advisory committees:

(1) Administrative Presiding Justices;

(2) Trial Court Presiding Judges; and

(3) Court Executives.

(Subd (e) amended effective January 1, 2015; previously amended effective January 1, 2007 and August 14, 2009.)

Rule 10.2 amended effective January 1, 2016; adopted as rule 6.2 effective January 1, 1999; previously amended and renumbered as rule 10.2 effective January 1, 2007; previously amended effective August 14, 2009, and January 1, 2015.

Rule 10.3. Nonvoting members

(a) Appointment

The Chief Justice appoints nonvoting advisory council members as specified in article VI, section 6 of the California Constitution or as approved by the Judicial Council.

(b) Voting

A nonvoting council member may make or second motions at a council meeting but may not vote. A nonvoting member may vote on an internal committee matter as specified in rule 10.10(d).

(Subd (b) amended effective January 1, 2007.)

Rule 10.3 amended and renumbered effective January 1, 2007; adopted as rule 6.3 effective January 1, 1999.

Rule 10.4. Nominations and appointments to the Judicial Council

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting council members by submitting a list of nominees for each position. The committee uses the following procedures:

(1) The committee publicizes vacancies and solicits nominations. Nominations for advisory member positions are solicited from the Court Executives Advisory Committee, the Appellate Court Clerks Association, the California Court Commissioners Association, and other related bodies. The selected nominees should represent diverse backgrounds, experiences, and geographic locations.

(2) The committee submits a list of at least three nominees to the Chief Justice for each vacant position, except for the Supreme Court associate justice position. The committee gives added consideration to persons who have served on advisory committees or task forces.

(3) If the Chief Justice is a member of the Executive and Planning Committee, the Chief Justice does not participate in discussions relating to nominations.

(Subd (a) amended effective January 1, 2007.)

(b) Appointing order

The Chief Justice makes appointments to the council by order.

Rule 10.4 amended and renumbered effective January 1, 2007; adopted as rule 6.4 effective January 1, 1999.

Rule 10.5. Notice and agenda of council meetings

(a) Generally

The Judicial Council meets at the call of the Chief Justice no fewer than four times a year.

(Subd (a) amended effective January 1, 2004.)

(b) Meeting schedule

The Judicial Council must publish a regular annual schedule that states the planned date and location of each meeting. Additional meetings may be scheduled as necessary.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2004, and January 1, 2007.)

(c) Notice of business meetings

"Business meetings" are council meetings at which a majority of voting members are present to discuss and decide matters within the council's jurisdiction. The Judicial Council must give public notice of the date, location, and agenda of each business meeting at least seven days before the meeting. The notice must state whether the meeting is open or closed. If the meeting is partly closed, the notice must indicate which agenda items are closed. A meeting may be conducted without notice in case of an emergency requiring prompt action.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2004.)

(d) Budget meetings

A "budget meeting" is that portion of any business meeting at which trial court budgets are to be discussed. The Judicial Council must provide notice of a budget meeting in the same manner as any other business meeting. Budget meetings normally are scheduled as follows:

(1) A budget priority meeting, normally in February of each year, at which the Judicial Council adopts budget priorities for the trial courts for the budget year that begins July 1 of the next calendar year.

(2) A meeting at which the proposed budget is approved, normally in August of each year, at which the Judicial Council takes action on the following:

(A) Staff recommendations on trial court budget change requests for the next fiscal year;

(B) A total baseline budget for each trial court for the next fiscal year; and

(C) Any proposed changes in funding for a trial court.

(3) A budget allocation meeting, normally at the first council meeting after the state's budget is enacted, at which the Judicial Council approves the final budget allocations for each trial court, including approved budget adjustments.

(4) Other meetings following substantive changes to the trial court portion of the proposed State Budget made by the Governor in the proposed Governor's budget or by a committee or house of the Legislature, at which the Judicial Council will take appropriate action, if any.

(Subd (d) amended effective January 1, 2016; adopted effective January 1, 2004.)

(e) Form of notice

The notice and agenda for council meetings must be posted on the California Courts website (*www.courts.ca.gov*). In addition, the notice and agenda for budget meetings must be provided to designated employee representatives who have submitted a written request to the Judicial Council (attention Judicial Council Support).

(Subd (e) amended effective January 1, 2016; adopted as subd (d); previously amended and relettered as subd (e) effective January 1, 2004; previously amended effective January 1, 2007.)

(f) Contents of agenda

The agenda must contain a brief description of each item to be considered at the council meeting. All items are classified as discussion items, consent items, or informational items.

(1) *Consent items deemed approved*

All consent items are deemed approved without further action at the adjournment of each council meeting.

(2) *Moving consent items to discussion agenda*

A consent item must be moved to the discussion agenda if a council member so requests by giving 48 hours' advance notice to the Executive and Planning Committee, or if the Chief Justice moves the item to the discussion agenda.

(Subd (f) amended and relettered effective January 1, 2004; adopted as subd (e).)

(g) Meeting materials

(1) *General materials*

General meeting materials must be distributed to council members at least three business days before the date of the meeting, except in extraordinary circumstances. The Administrative Director may make copies of materials available to the media or attendees in advance of a business meeting and may specify that the materials are provided on agreement by the recipient that they will be kept confidential until the council has discussed or acted on specified items. The council may charge a fee to cover the costs of replicating and mailing these materials to members of the public.

(2) *Budget materials*

(A) *When available*

Materials involving trial court budgets must be made available at least five business days before the meeting if they have been distributed by that time to the members of the council. All other materials involving trial court budgets must be made available at the same time as the information is distributed to the council.

(B) *Distribution*

Materials must be made available by posting on the California Courts website and by distribution to designated employee representatives who have submitted a written request to the Judicial Council of California (attention Judicial Council Support).

(C) *Contents at the budget approval meeting*

Materials involving trial court budget proposals presented at the budget approval meeting must include proposed statewide requests for funding, existing trial court baseline budgets, adjustments proposed for any trial court baseline budget, and any court-specific budget change requests.

(Subd (g) amended effective January 1, 2016; adopted as subd (f); previously amended and relettered as subd (g) effective January 1, 2004; previously amended effective January 1, 2007.)

(h) Circulating orders

Between business meetings, the council may act by circulating order on urgent matters if the Chief Justice or the Administrative Director approves. Prior public notice of a proposed circulating order is not required. Each circulating order adopted by the council must be included on the agenda for the next business meeting as an information item.

(Subd (h) amended and relettered effective January 1, 2004; adopted as subd (g).)

Rule 10.5 amended effective January 1, 2016; adopted as rule 6.5 effective January 1, 1999; previously amended effective January 1, 2004; previously amended and renumbered as rule 10.5 effective January 1, 2007.

Rule 10.6. Judicial Council meetings

(a) Open meeting policy

Business meetings are open to the public unless they are closed under (b). Other meetings, such as orientation, planning, and educational meetings, may be made open to the public at the discretion of the Chief Justice. The Chief Justice may seek a recommendation from the Executive and Planning Committee on whether all or part of any meeting should be open or closed. Any discussion or decision of the full council at a business meeting regarding a trial court budget allocation must take place in an open meeting of the council, except for an executive session as provided in (b).

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.)

(b) Closed sessions

The Chief Justice may close all or part of a business meeting because of the nature of the meeting or of matters to be discussed. The following matters will ordinarily be discussed in closed session:

(1) A personnel matter or a discussion of the character, competence, or physical or mental health of an individual;

(2) Claims or litigation in which the Judicial Council has an interest;

(3) Contract, labor, or legislative negotiations;

(4) The purchase, sale, or lease of real property;

(5) Security plans or procedures;

(6) Allegations of criminal or professional misconduct; and

(7) Discussions protected by the attorney-client privilege.

(c) Conduct at meeting

Members of the public who attend open meetings must remain orderly. The Chief Justice may order the removal of any disorderly persons.

(Subd (c) amended effective January 1, 2004.)

(d) Requests to speak—general

The Executive and Planning Committee, in its discretion, may allow a member of the public to speak at a business meeting. Unless the Chief Justice waives this requirement, any member of the public who wishes to speak at a business meeting must submit a request of no more than two pages to the chair of the Executive and

Planning Committee by delivering it to the Judicial Council (attention Judicial Council Support) at least four business days before the meeting.

(1) *Contents of the request*

The request must include the following:

(A) A description of the agenda item to be addressed;

(B) A specific recitation of the proposed statement with an explanation of its relevance to the agenda item and the reasons it would be of benefit to the council in its deliberations;

(C) The name, residence, and occupation of the person asking to speak and, if applicable, the name, address, and purpose of the agency or organization that the speaker represents;

(D) If available, telephone and fax numbers and e-mail address of the person asking to speak and, if applicable and available, the telephone, fax numbers, and e-mail address of the agency or organization that the speaker represents;

(E) The words "Request to Speak at Judicial Council Meeting" displayed prominently in letters at least one-quarter-inch high on the envelope containing the request; and

(F) A copy of any written materials the speaker proposes to distribute at the meeting.

(2) *Notice of decision*

The Executive and Planning Committee must respond to the request at least two business days before the meeting. The committee may grant the request in part or whole, request additional information, circulate any written materials, or take other action it deems appropriate.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2004, and January 1, 2007.)

(e) Presentation of information on trial court budget matters

(1) *Presentation of written information*

Any designated employee representative has a right to provide written information on trial court budget allocations to the council.

(2) *Oral presentation*

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

(3) *Limit on number and time*

The Chief Justice or his or her designee may limit the number and time of speakers in order to avoid cumulative discussion.

(Subd (e) amended effective January 1, 2016; adopted effective January 1, 2004; previously amended effective January 1, 2007.)

(f) Video recording, photographing, and broadcasting at meeting

The Chief Justice may permit video recording, photographing, or broadcasting of a meeting. Any such video recording, photographing, or broadcasting is subject to regulations that ensure the meeting's security and dignity. A request to record, photograph, or broadcast a council meeting must be received by the Chief Justice at least two business days before the meeting.

(Subd (f) relettered effective January 1, 2004; adopted as subd (e).)

(g) Minutes as official records

The Secretary of the Judicial Council must prepare written minutes of each council meeting for approval at the next council meeting. When approved by the council, the minutes constitute the official record of the meeting.

(Subd (g) amended and relettered effective January 1, 2004; adopted as subd (f).)

Rule 10.6 amended effective January 1, 2016; adopted as rule 6.6 effective January 1, 1999; previously amended effective January 1, 2004; previously amended and renumbered as rule 10.6 effective January 1, 2007.

Rule 10.10. Judicial Council internal committees

(a) Judicial Council internal committees

The internal committees are:

(1) Executive and Planning Committee;

(2) Policy Coordination and Liaison Committee;

(3) Rules and Projects Committee;

(4) Litigation Management Committee; and

(5) Technology Committee.

(Subd (a) amended effective February 20, 2014; adopted effective August 14, 2009.)

(b) Purpose of the 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.

(Subd (b) adopted effective August 14, 2009.)

(c) Membership and appointment

The Chief Justice appoints each council member and advisory council member to one or more internal committees for a one-year term.

(Subd (c) relettered effective August 14, 2009; adopted as subd (a); previously amended effective January 1, 2007.)

(d) Meetings

Each internal committee meets as often as necessary to perform its responsibilities. The Administrative Director, as secretary of the Judicial Council, may attend and participate in the meetings of each internal committee.

(Subd (d) amended effective January 1, 2016; adopted as subd (c); previously amended and relettered as subd (d) effective August 14, 2009.)

(e) Voting

An advisory council member may vote on any internal committee matter unless the committee is taking final action on behalf of the council.

(Subd (e) relettered effective August 14, 2009; adopted as subd (d).)

(f) Council review

The council may overrule or modify an action taken by an internal committee.

(Subd (f) relettered effective August 14, 2009; adopted as subd (e).)

(g) Reporting to the council

As often as necessary, each internal committee must report to the council on the committee's activities.

(Subd (g) relettered effective August 14, 2009; adopted as subd (f); previously amended effective January 1, 2007.)

Rule 10.10 amended effective January 1, 2016; adopted as rule 6.10 effective January 1, 1999; previously amended and renumbered as rule 10.10 effective January 1, 2007; previously amended effective August 14, 2009, and February 20, 2014.

Rule 10.11. Executive and Planning Committee

(a) Actions on behalf of the Judicial Council

The Executive and Planning Committee may take action on behalf of the council between council meetings, except for:

(1) Adopting rules of court, standards of judicial administration, and forms;

(2) Making appointments that by statute must be made by the council; and

(3) Taking actions that are delegated to other council internal committees.

(Subd (a) adopted effective August 14, 2009.)

(b) Planning

The committee oversees the council's strategic planning process.

(Subd (b) adopted effective August 14, 2009.)

(c) Court facilities

The committee oversees the council's policies and procedures regarding court facilities, including development of policies, procedures, and guidelines for facilities; site selection; and capital appropriations.

(Subd (c) adopted effective August 14, 2009.)

(d) Budgets

The committee ensures that proposed judicial branch budgets, allocation schedules, and related budgetary issues are brought to the Judicial Council in a timely manner and in a format that permits the council to establish funding priorities in the context of the council's annual program objectives, statewide policies, and long-range strategic and operational plans.

(Subd (d) adopted effective August 14, 2009.)

(e) Agendas for council meetings

The committee establishes agendas for council meetings by determining:

(1) Whether items submitted for the council's agenda require the council's action and are presented in a form that provides the council with the information it needs to make well-informed decisions; and

(2) Whether each item should be on the consent, discussion, or information agenda; how much time should be allotted for discussion; what presenters should be invited to speak; and, when appropriate, which specific issues should be discussed.

(Subd (e) adopted effective August 14, 2009.)

(f) Topics for making policy and receiving updates

The committee develops a schedule of topics that the council intends to consider for making policy and receives updates from the Administrative Director or Judicial Council staff.

(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)

(g) Governance

The committee makes recommendations to the council regarding governance and oversees the council's review of its governance policies and principles.

(Subd (g) adopted effective August 14, 2009.)

(h) Nominations

The committee recommends candidates to the Chief Justice for appointment to the Judicial Council and its advisory bodies.

(Subd (h) adopted effective August 14, 2009.)

(i) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the committee ensures that activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

(1) Communicates the council's annual charge to each; and

(2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

(Subd (i) adopted effective August 14, 2009.)

(j) Communications

The committee promotes effective policies for communications between the Judicial Council and the judicial branch.

(Subd (j) adopted effective August 14, 2009.)

Rule 10.11 amended effective January 1, 2016; adopted as rule 6.11 effective January 1, 1999; previously amended and renumbered as rule 10.11 effective January 1, 2007; previously amended effective January 1, 2002, September 1, 2003, January 1, 2005, and August 14, 2009.

Rule 10.12. Policy Coordination and Liaison Committee

(a) Legislative activities

The Policy Coordination and Liaison Committee performs the following functions:

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

(2) Making recommendations to the council on all proposals for council-sponsored legislation and on an annual legislative agenda after evaluating input from council advisory bodies and Judicial Council staff, and any other input received from the courts; and

(3) Representing the council's position before the Legislature and other bodies or agencies and acting as liaison with other governmental entities, the bar, the media, the judiciary, and the public regarding council-sponsored legislation, pending legislative bills, and the council's legislative positions and agendas.

(Subd (a) amended effective January 1, 2016; adopted as subd (b); previously amended effective September 1, 2003; previously amended and relettered as subd (a) effective August 14, 2009.)

(b) Building consensus

The committee builds consensus on issues of importance to the judicial branch consistent with the council's strategic plan with entities and individuals outside of the branch.

(Subd (b) adopted effective August 14, 2009.)

(c) Coordination

The committee develops an annual plan for communication and interaction with other branches and levels of government, components of the justice system, the bar, the media, and the public.

(Subd (c) amended effective August 14, 2009; previously amended effective September 1, 2003.)

(d) Advisory committees

The committee may direct any advisory committee to provide it with analysis or recommendations on any pending or proposed legislation, and reviews all recommendations from advisory committees regarding pending or proposed legislation.

(Subd (d) amended effective January 1, 2007; adopted effective September 1, 2003.)

Rule 10.12 amended effective January 1, 2016; adopted as rule 6.12 effective January 1, 1999; previously amended and renumbered as rule 10.12 effective January 1, 2007; previously amended effective September 1, 2003, and August 14, 2009.

Rule 10.13. Rules and Projects Committee

(a) Rules, standards, and forms

The Rules and Projects Committee establishes and maintains a rule-making process that is understandable and accessible to justice system partners and the public. The committee:

(1) Identifies the need for new rules, standards, and forms;

(2) Establishes and publishes procedures for the proposal, adoption, and approval of rules of court, forms, and standards of judicial administration that ensure that relevant input from the public is solicited and considered;

(3) Reviews proposed rules, standards, and forms and circulates those proposals for public comment in accordance with its procedures and guidelines.

(4) Provides guidelines for the style and format of rules, forms, and standards and ensures that proposals are consistent with the guidelines;

(5) Ensures that proposals for new or amended rules, standards, and forms do not conflict with statutes or other rules; and

(6) Determines whether proposals for new or amended rules, standards, or forms have complied with its procedures.

(Subd (a) adopted effective August 14, 2009.)

(b) Jury instructions

The committee establishes and maintains a process for obtaining public comment on the jury instructions and assists the council in making informed decisions about jury instructions.

(Subd (b) adopted effective August 14, 2009.)

(c) Recommendations

The Rules and Projects Committee assists the council in making informed decisions about rules of court, forms, standards of judicial administration, and jury instructions. The committee:

(1) Recommends whether the council should approve, modify, or reject each proposal;

(2) Recommends to the Executive and Planning Committee whether a proposal should be on the council's consent or discussion agenda and how much time should be allocated for discussion; and

(3) When appropriate, identifies issues for discussion.

If the Rules and Projects Committee recommends against approval, it states the reasons for its recommendation.

(Subd (c) adopted effective August 14, 2009.)

(d) Circulating orders

The committee initiates circulating orders to allow the council to adopt rules, standards, and forms between council meetings, if necessary.

(Subd (d) adopted effective August 14, 2009.)

(e) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Rules and Projects Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

(1) Communicates the council's annual charge to each; and

(2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council.

(Subd (e) adopted effective August 14, 2009.)

(f) Responsibility of the Administrative Director

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

(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)

Rule 10.13 amended effective January 1, 2016; adopted as rule 6.13 effective January 1, 1999; previously amended and renumbered as rule 10.13 effective January 1, 2007; previously amended effective September 1, 2003, and August 14, 2009.

Rule 10.14. Litigation Management Committee

(a) Litigation oversight

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

(1) Reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and

(2) Consulting with the Administrative Director or Chief Counsel, on request, regarding important strategy issues.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2003, January 1, 2007, December 9, 2008, and August 14, 2009.)

(b) Recommendations

The committee makes recommendations to the Judicial Council for policies governing the management of litigation involving the courts.

(Subd (b) amended effective August 14, 2009.)

(c) Strategic decisions

The committee resolves written objections described in rule 10.202(d) presented by Legal Services.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2003, January 1, 2007, and August 14, 2009.)

Rule 10.14 amended effective January 1, 2016; adopted as rule 6.14 effective January 1, 2001; previously amended and renumbered as rule 10.14 effective January 1, 2007; previously amended effective January 1, 2003, December 9, 2008, and August 14, 2009.

Rule 10.16. Technology Committee

(a) Technology policies

The Technology Committee oversees the council's policies concerning information technology. The committee assists the council by providing technology recommendations focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals. The committee is responsible for determining that council policies are complied with on specific projects approved and funded by the council and that those projects proceed on schedule and within scope and budget.

(Subd (a) amended effective September 1, 2015.)

(b) Coordination

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

(Subd (b) amended effective January 1, 2016; previously amended effective September 1, 2015.)

(c) Reports

The committee seeks reports and recommendations from the Administrative Director, the courts, and stakeholders on information technology issues. It ensures

that information technology reports to the council are clear, are comprehensive, and provide relevant options so that the council can make effective final information technology policy decisions.

(d) Strategic and tactical technology plans

(1) *Strategic technology plan*

The strategic technology plan describes the technology goals for the branch. With input from advisory committees and individual courts, the committee is responsible for developing and recommending a strategic technology plan for the branch and the courts.

(2) *Tactical technology plan*

The tactical technology plan outlines the technology initiatives and projects that provide a road map for achieving the goals in the strategic technology plan. The committee provides oversight approval and prioritization of the tactical technology plan, which is developed and recommended by advisory committees with input from the courts.

(Subd (d) adopted effective September 1, 2015.)

(e) Technology needs, standards, and systems

The committee will, in partnership with the courts, develop timelines and recommendations to the council for:

(1) Establishing an approach and vision for implementing information technology that serves the courts, litigants, attorneys, justice partners, and the public, while considering available resources and information technology needs;

(2) Improving judicial branch information technology governance to best serve the implementation of technological solutions;

(3) Reviewing and recommending information technology standards; and

(4) Encouraging the courts to leverage their collective economic purchasing power in acquiring technological systems.

(Subd (e) amended and relettered effective September 1, 2015; adopted as subd (d).)

(f) Sponsorship of branchwide technology initiatives

The committee may act as executive sponsor of branchwide technology initiatives under the workstream model in rule 10.53(c).

(Subd (f) adopted effective September 1, 2015.)

(g) Funding of branchwide technology initiatives and projects

The committee reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, alignment with the technology goals approved by the council in the strategic technology plan, and the availability of sufficient funding from an identifiable funding source.

(Subd (g) adopted effective September 1, 2015.)

(h) Collaboration and consultation with the committee

Other committees and advisory bodies should collaborate or consult with the committee (1) before making decisions or recommendations on technology policies, standards, and projects, and (2) before recommending funding priorities or making recommendations to approve funding requests for branchwide technology initiatives and projects.

(Subd (h) adopted effective September 1, 2015.)

(i) Oversight of advisory committees and task forces

For those advisory committees and task forces over which it has been assigned oversight by the Chief Justice, the Technology Committee ensures that the activities of each are consistent with the council's goals and policies. To achieve these outcomes, the committee:

(1) Communicates the council's annual charge to each;

(2) Reviews an annual agenda for each to determine whether the annual agenda is consistent with its charge and with the priorities established by the council; and

(3) Oversees the branchwide technology initiatives sponsored by each.

(Subd (i) amended and relettered effective September 1, 2015; adopted as subd (e).)

Rule 10.16 amended effective January 1, 2016; adopted effective February 20, 2014; previously amended effective September 1, 2015.

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

(a) Council meetings to consider proposals

The Judicial Council meets twice a year, generally in April and October, to consider proposals for the adoption, amendment, or repeal of California Rules of Court, California Standards of Judicial Administration, and Judicial Council forms.

(b) Proposals

The council will consider proposals that are submitted to it by an internal committee, an advisory committee, a task force, or Judicial Council staff, in accordance with rule 10.22 and any policies and procedures established by the Rules and Projects Committee.

(Subd (b) amended effective January 1, 2016; repealed and adopted effective January 1, 2002; previously amended effective January 1, 2007.)

(c) Statewide uniformity

The council will establish uniform statewide practices and procedures where appropriate to achieve equal access to justice throughout California.

(Subd (c) relettered effective January 1, 2002; adopted as subd (g).)

Rule 10.20 amended effective January 1, 2016; adopted as rule 6.20 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.20 effective January 1, 2007.

Rule 10.21. Proposals from members of the public for changes to rules, standards, or forms

(a) Application

This rule applies to proposals for changes to rules, standards, or forms by a member of the public (any person or organization other than a Judicial Council internal committee, advisory committee, or task force, or Judicial Council staff).

(Subd (a) amended effective January 1, 2016.)

(b) Submission and content of proposals

Proposals must be submitted in writing to: Judicial Council of California, Attention: Chief Counsel. Proposals should include:

(1) The text of the proposed rule, standard, form, or amendment;

(2) A description of the problem to be addressed;

(3) The proposed solution and alternative solutions;

(4) Any likely implementation problems;

(5) Any need for urgent consideration;

(6) Known proponents and opponents;

(7) Any known fiscal impact; and

(8) If known, any previous action by the council or an advisory committee on the proposal.

(Subd (b) amended effective January 1, 2016.)

(c) Advisory committee's review of proposal

The Chief Counsel must refer each proposal from a member of the public to an appropriate advisory committee for consideration and recommendation, or, if no appropriate advisory committee exists, to the Rules and Projects Committee. A Judicial Council staff member may independently review the proposal and present an analysis and a recommendation to the committee. The committee may take one of the following actions:

(1) Accept the proposal, either as submitted or modified, and proceed under rule 10.22;

(2) Request further information or analysis; or

(3) Reject the proposal.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.21 amended effective January 1, 2016; adopted as rule 6.21 effective January 1, 2002; previously amended and renumbered as rule 10.21 effective January 1, 2007.

Rule 10.22. Rule-making procedures

(a) Who may make proposals

A Judicial Council internal committee, advisory committee, task force, or Judicial Council staff may recommend that the council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or revoke a form.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Legal and advisory committee review

The internal committee, advisory committee, task force, or Judicial Council staff (the proponent) must first submit its proposal to Legal Services for legal and drafting review. If the proponent is not an advisory committee, and an appropriate advisory committee exists, the proponent must also submit the proposal to that advisory committee for review.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Recommendation to Rules and Projects Committee

After the proposal has been reviewed by Legal Services and any appropriate advisory committee, the proponent must submit the proposal to the Rules and Projects Committee with a recommendation that it be (1) circulated for public comment or (2) submitted to the council for approval without public comment.

(Subd (c) amended effective January 1, 2016.)

(d) Review by Rules and Projects Committee

The Rules and Projects Committee must review the recommendation and may take one of the following actions:

(1) Circulate the proposal for public comment;

(2) If the proposal presents a nonsubstantive technical change or correction or a minor substantive change that is unlikely to create controversy, recommend that the council adopt it without circulating it for comment;

(3) Postpone circulation for comment and either request further information or analysis by the proponent or refer the matter to another council internal or advisory committee, the full council, or the Chief Justice; or

(4) Reject the proposal if it is contrary to statute, conflicts with other rules or standards, or is contrary to established council policy.

(Subd (d) amended effective January 1, 2007.)

(e) Review of comments

After a proposal is circulated, the proponent must review the comments and decide whether to reject the proposal or to recommend that the council adopt it, with or without modifications.

(f) Submission to council

If, after reviewing the comments, the proponent recommends that the council adopt the proposal, the matter will be placed on the council's agenda. The Rules and Projects Committee must review the recommendation and submit its own recommendation to the council. The council may adopt, modify, or reject the proposal.

(g) Compelling circumstances

The procedures established in this rule must be followed unless the Rules and Projects Committee finds that compelling circumstances necessitate a different procedure. The committee's finding and a summary of the procedure used must be presented to the council with any recommendation to the council made under this subdivision.

Rule 10.22 amended effective January 1, 2016; adopted as rule 6.22 effective January 1, 2002; previously amended and renumbered as rule 10.22 effective January 1, 2007.

Chapter 2. Judicial Council Advisory Committees and Task Forces

Rule 10.30. Judicial Council advisory bodies
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Rule 10.44. Probate and Mental Health Advisory Committee
Rule 10.46. Trial Court Presiding Judges Advisory Committee
Rule 10.48. Court Executives Advisory Committee
Rule 10.49. Conference of Court Executives [Repealed]
Rule 10.50. Governing Committee of the Center for Judicial Education and Research
Rule 10.51. Court Interpreters Advisory Panel
Rule 10.52. Administrative Presiding Justices Advisory Committee
Rule 10.53. Information Technology Advisory Committee
Rule 10.54. Traffic Advisory Committee
Rule 10.55. Advisory Committee on Providing Access and Fairness
Rule 10.56. Collaborative Justice Courts Advisory Committee
Rule 10.58. Advisory Committee on Civil Jury Instructions
Rule 10.59. Advisory Committee on Criminal Jury Instructions
Rule 10.60. Tribal Court–State Court Forum
Rule 10.61. Court Security Advisory Committee

Rule 10.62. Court Facilities Advisory Committee
Rule 10.63. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch
Rule 10.64. Trial Court Budget Advisory Committee
Rule 10.65. Trial Court Facility Modification Advisory Committee
Rule 10.66. Workload Assessment Advisory Committee
Rule 10.67. Judicial Branch Workers' Compensation Program Advisory Committee
Rule 10.70. Task forces, working groups, and other advisory bodies

Rule 10.30. Judicial Council advisory bodies

(a) Types of bodies

Judicial Council advisory bodies are typically advisory committees and task forces.

(Subd (a) adopted effective August 14, 2009.)

(b) Functions

The advisory bodies:

(1) 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;

(2) 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;

(3) 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 the Administrative Director on implementation of council policy or programs;

(4) Do not speak or act for the council except when formally given such authority for specific and time-limited purposes; and

(5) Are responsible, through Judicial Council staff, for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

(Subd (b) amended effective January 1, 2016; adopted effective August 14, 2009.)

(c) Subcommittees

With the approval of the internal committee with oversight responsibility for the advisory body, an advisory body may form subcommittees, composed entirely of members, to carry out the body's duties, subject to available resources.

(Subd (c) amended effective February 20, 2014; adopted effective August 14, 2009.)

(d) Oversight

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. The council and its internal committees provide direction to the advisory bodies.

(Subd (d) adopted effective August 14, 2009.)

(e) Preference for using existing advisory committees

Unless substantial reasons dictate otherwise, new projects requiring committee involvement must be assigned to existing advisory committees.

(Subd (e) adopted effective August 14, 2009.)

(f) Role of the Administrative Director

The Administrative Director sits as an ex officio member of each advisory body.

(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)

(g) Creation

In addition to the advisory committees established by the rules in this division, the Chief Justice may create additional advisory bodies by order.

(Subd (g) adopted effective August 14, 2009.)

Rule 10.30 amended effective January 1, 2016; adopted as rule 6.30 effective January 1, 1999; previously amended and renumbered as rule 10.30 effective January 1, 2007; previously amended effective September 1, 2003, August 14, 2009, and February 20, 2014.

Rule 10.31. Advisory committee membership and terms

(a) Membership

The categories of membership of each advisory committee are specified in the rules in this chapter. Each advisory committee consists of between 12 and 18 members,

unless a different number is specified by the Chief Justice or required by these rules. Advisory committee members do not represent a specific constituency but must act in the best interests of the public and the entire court system.

(Subd (a) amended effective September 1, 2003.)

(b) Terms

The Chief Justice appoints advisory committee members to three-year terms unless another term is specified in these rules. Terms are staggered so that an approximately equal number of each committee's members changes annually. The Chief Justice also may appoint judicial officers who have served less than two years on the bench to one-year terms.

(Subd (b) amended effective January 1, 2007; previously amended effective November 1, 2004.)

(c) Chair and vice-chair

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

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and January 1, 2004.)

(d) Advisory members

On the request of the advisory committee, the Chief Justice may designate an advisory member to assist an advisory committee or a subcommittee. Advisory members may participate in discussions and make or second motions but cannot vote.

(Subd (d) amended effective January 1, 2007.)

(e) Termination of membership

Committee membership terminates if a member leaves the position that qualified the member for the advisory committee unless the Chief Justice determines that the individual may complete the current term.

(f) Vacancies

Vacancies are filled as they occur according to the nomination procedures described in rule 10.32.

(Subd (f) amended effective January 1, 2007.)

(g) Retired judges

A judge's retirement does not cause a vacancy on the committee if the judge is eligible for assignment. A retired judge who is eligible for assignment may hold a committee position based on his or her last judicial position.

Rule 10.31 amended and renumbered effective January 1, 2007; adopted as rule 6.31 effective January 1, 1999; previously amended effective September 1, 2000, September 1, 2003, January 1, 2004, and November 1, 2004.

Rule 10.32. Nominations and appointments to advisory committees

(a) Nomination procedures

The Executive and Planning Committee assists the Chief Justice in selecting advisory committee members by submitting a list of nominees for each position. Unless otherwise specified in the rule applicable to a particular advisory committee, the nomination procedures are as follows:

(1) The Executive and Planning Committee must publicize vacancies and solicit nominations. If any group is designated to submit nominations for a position, the Executive and Planning Committee will request that the group submit at least three nominations for each advisory committee vacancy.

(2) The Executive and Planning Committee must submit at least three nominees for each advisory committee vacancy to the Chief Justice. The nominees should represent diverse backgrounds and experiences as well as geographic locations throughout California.

(Subd (a) amended effective September 1, 2003.)

(b) Court executive or administrator members

A court executive or administrator member may be a county clerk, a court administrator, or an executive officer if the member also serves as the clerk of the court.

(c) Judicial administrator member

A judicial administrator member may be any person experienced in court administration and is not required to be currently employed by a court.

(d) Judicial officer

A judicial officer member may be a judge of the superior court or a court commissioner or referee.

(Subd (d) amended effective September 1, 2003.)

(e) Appointing order

The Chief Justice appoints advisory committee members by order.

(Subd (e) amended effective September 1, 2003.)

Rule 10.32 amended and renumbered effective January 1, 2007; adopted as rule 6.32 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.33. Advisory committee meetings

Each advisory committee may meet as often as its chair deems necessary, within available resources. Meetings may be in person or by teleconference.

Rule 10.33 renumbered effective January 1, 2007; adopted as rule 6.33 effective January 1, 1999; previously amended effective September 1, 2003.

Rule 10.34. Duties and responsibilities of advisory committees

(a) Role

Advisory committees are standing committees created by rule of court or the Chief Justice to make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

(1) Identifying issues and concerns affecting court administration and recommending solutions to the council;

(2) Proposing necessary changes to rules, standards, forms, and jury instructions;

(3) Reviewing pending legislation and making recommendations to the Policy Coordination and Liaison Committee on whether to support or oppose it;

(4) Recommending new legislation to the council;

(5) Recommending to the council pilot projects and other programs to evaluate new procedures or practices;

(6) Acting on assignments referred by the council or an internal committee; and

(7) Making other appropriate recommendations to the council.

(Subd (a) adopted effective August 14, 2009.)

(b) Annual charges

(1) Advisory committees are assigned annual charges by the council or an internal committee specifying what should be achieved in a given year. The council or an internal committee may amend an advisory committee's annual charge at any time.

(2) Advisory committees have limited discretion to pursue matters in addition to those specified 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.

(Subd (b) amended effective January 1, 2016; adopted effective August 14, 2009.)

(c) Responsibilities of the chair

Advisory committee chairs are responsible, with the assistance of staff, to:

(1) Develop a realistic annual agenda for the advisory committee, consistent with the committee's annual charge by the Judicial Council or Judicial Council internal committee;

(2) Present the advisory committee's recommendations to the Judicial Council;

(3) Discuss with the Administrative Director or the Administrative Director's designee appropriate staffing and other resources for projects within the advisory committee's agenda; and

(4) Submit recommendations with respect to advisory committee membership.

(Subd (c) adopted effective August 14, 2009.)

(d) Role of the Administrative Director

(1) The Administrative Director determines whether projects undertaken by council advisory bodies in addition to those specified in the council's or internal committee's annual charge to the advisory body are consistent with the body's general charge, its approved annual agenda, and the Judicial Council's strategic plan. The Administrative Director also determines whether any additional matters are within the body's authorized budget and available resources.

(2) The Administrative Director is not bound by the recommendations of an advisory committee and may make alternative recommendations to the

Judicial Council or recommend that an advisory committee's annual charge be amended.

(Subd (d) amended effective January 1, 2016; adopted effective August 14, 2009.)

(e) Role of staff

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

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

(Subd (e) amended effective January 1, 2016; adopted effective August 14, 2009.)

(f) Review of annual agendas

(1) Each committee must submit a proposed annual agenda that is reviewed by the internal committee with oversight responsibility, as designated by the Chief Justice. This subdivision does not apply to the Administrative Presiding Justices Advisory Committee.

(2) The internal committee that is responsible for oversight of the advisory committee reviews the proposed annual agenda and provides the advisory committee with an annual charge to ensure that its activities are consistent with the council's goals and priorities. The annual charge may:

(A) Approve or disapprove the annual agenda in whole or in part;

(B) Direct the committee to pursue specific projects on the annual agenda;

(C) Add or delete specific projects; and

(D) Reassign priorities.

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

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

(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009; previously amended effective February 20, 2014.)

Rule 10.34 amended effective January 1, 2016; adopted as rule 6.34 effective January 1, 1999; previously amended and renumbered as rule 10.34 effective January 1, 2007; previously amended effective January 1, 2002, September 1, 2003, August 14, 2009, and February 20, 2014.

Rule 10.40. Appellate Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in appellate proceedings.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Additional duty

In addition to the duties described in rule 10.34 the committee makes proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(c) Membership

The committee must include at least one member from each of the following categories:

(1) Supreme Court justice;

(2) Court of Appeal justice;

(3) Trial court judicial officer with experience in the appellate division;

(4) Supreme Court clerk administrator;

(5) Appellate court administrator;

(6) Trial court judicial administrator;

(7) Civil appellate lawyer;

(8) Criminal defense appellate lawyer;

(9) State Public Defender;

(10) Appellate lawyer of the Attorney General's Office; and

(11) Appellate lawyer of the Court of Appeal or Supreme Court.

(Subd (c) amended effective July 1, 2014; previously amended effective January 1, 2002, and January 1, 2007.)

Rule 10.40 amended effective July 1, 2014; adopted as rule 6.40 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered effective January 1, 2007.

Rule 10.41. Civil and Small Claims Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in civil and small claims proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Trial court judicial officer;

(3) Judicial administrator;

(4) Lawyer whose primary area of practice is civil law;

(5) Legal secretary;

(6) Person knowledgeable about small claims law and procedure; and

(7) Person knowledgeable about court-connected alternative dispute resolution programs for civil and small claims cases.

(Subd (b) amended effective January 1, 2011; previously amended effective January 1, 2007.)

Rule 10.41 amended effective January 1, 2011; adopted as rule 6.41 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.42. Criminal Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in criminal proceedings.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Trial court judicial officer;

(3) Judicial administrator;

(4) Prosecutor;

(5) Criminal defense lawyer; and

(6) Probation officer.

(Subd (b) amended effective January 1, 2011.)

Rule 10.42 amended effective January 1, 2011; adopted as rule 6.42 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.43. Family and Juvenile Law Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in all cases involving marriage, family, or children.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Trial court judicial officer;

(3) Judicial administrator;

(4) Child custody mediator;

(5) Lawyer whose primary practice area is family law;

(6) Lawyer from a public or private defender's office whose primary practice area is juvenile law;

(7) Chief probation officer;

(8) Child welfare director;

(9) Court Appointed Special Advocate (CASA) director;

(10) County counsel assigned to juvenile dependency cases;

(11) Domestic violence prevention advocate;

(12) District attorney assigned to juvenile delinquency cases;

(13) Lawyer from the California Department of Child Support Services or a local child support agency; and

(14) Public-interest children's rights lawyer.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2005.)

Rule 10.43 amended and renumbered effective January 1, 2007; adopted as rule 6.43 effective January 1, 1999; previously amended effective July 1, 2005.

Rule 10.44. Probate and Mental Health Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in proceedings involving:

(1) Decedents' estates, trusts, conservatorships, guardianships, and other probate matters; and

(2) Mental health and developmental disabilities issues.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duty

The committee must coordinate activities and work with the Family and Juvenile Law Advisory Committee in areas of common concern and interest.

(Subd (b) amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

(1) Judicial officer with experience in probate;

(2) Lawyer whose primary practice involves decedents' estates, trusts, guardianships, conservatorships, or elder abuse law;

(3) Lawyer or examiner who works for the court on probate or mental health matters;

(4) Investigator who works for the court to investigate probate guardianships or conservatorships;

(5) Person knowledgeable in mental health or developmental disability law;

(6) Person knowledgeable in private management of probate matters in a fiduciary capacity; and

(7) County counsel, public guardian, or other similar public officer familiar with guardianship and conservatorship issues.

(Subd (c) amended effective January 1, 2008; previously amended effective January 1, 2007.)

Rule 10.44 amended effective January 1, 2008; adopted as rule 6.44 effective July 1, 2000; previously amended and renumbered effective January 1, 2007.

Rule 10.46. Trial Court Presiding Judges Advisory Committee

(a) Area of focus

The committee contributes to the statewide administration of justice by monitoring areas of significance to the justice system and making recommendations to the Judicial Council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(b) Additional duties

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

(1) Recommend methods and policies within its area of focus to improve trial court presiding judges' access to and participation in council decision making, increase communication between the council and the trial courts, and provide for training programs for judicial and court support staff;

(2) Respond and provide input to the Judicial Council, appropriate advisory committees, or Judicial Council staff on pending policy proposals and offer new recommendations on policy initiatives in the areas of legislation, rules, forms, standards, studies, and recommendations concerning court administration; and

(3) Provide for liaison between the trial courts and the Judicial Council, its advisory committees, task forces, and working groups, and Judicial Council staff.

(Subd (b) amended effective January 1, 2016; previously amended effective September 1, 2000, April 18, 2003, and January 1, 2007.)

(c) Membership

The committee consists of the presiding judge of each superior court.

(Subd (c) amended effective January 1, 2007; previously amended effective September 1, 2000, and April 18, 2003.)

(d) Executive Committee

The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, may act on behalf of the full advisory committee between its meetings.

(Subd (d) amended effective April 18, 2003; adopted effective September 1, 2000.)

(e) Subcommittee membership

The committee has standing subcommittees on rules and legislation. The chair may create other subcommittees as he or she deems appropriate. The chair must strive for representation of courts of all sizes on subcommittees.

(Subd (e) repealed and adopted effective April 18, 2003.)

(f) Chair

The advisory committee must annually submit to the Chief Justice one nomination for the chair of the advisory committee. Any member of the advisory committee whose term as presiding judge would extend at least through the term of the advisory committee chair is eligible for nomination. The nomination must be made by a majority vote of the full advisory committee. In the event that no candidate receives a majority vote on the first ballot, subsequent ballots of the top two candidates will occur until a candidate receives a majority vote. The chair of the advisory committee serves as chair of any Executive Committee established under (d) and as an advisory member of the Judicial Council.

(Subd (f) amended effective July 1, 2013; adopted as subd (d); previously amended and relettered effective September 1, 2000; previously amended effective April 18, 2003, and January 1, 2007.)

Rule 10.46 amended effective January 1, 2016; adopted as rule 6.46 effective January 1, 1999; previously amended and renumbered as rule 10.46 effective January 1, 2007; previously amended effective September 1, 2000, April 18, 2003, and July 1, 2013.

Advisory Committee Comment

Subdivision (f): An advisory committee member may submit his or her own name, the name of another member of the advisory committee, or the name of an incoming member of the advisory committee to be considered for nomination. An incoming member of the advisory committee may be nominated by a current member of the advisory committee, but he or she may not participate in the voting process. Only current members of the advisory committee may vote. The successful candidate must receive 30 or more votes.

Rule 10.48. Court Executives Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the trial courts.

(Subd (a) amended effective January 1, 2004.)

(b) Additional duties

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

(1) Recommend methods and policies to improve trial court administrators' access to and participation in council decision making;

(2) Review and comment on legislation, rules, forms, standards, studies, and recommendations concerning court administration proposed to the council;

(3) Review and make proposals concerning the Judicial Branch Statistical Information System or other large-scope data collection efforts;

(4) Suggest methods and policies to increase communication between the council and the trial courts; and

(5) Meet periodically with the Judicial Council's executive team to enhance branch communications.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2004, January 1, 2007, and February 20, 2014.)

(c) Membership

The committee consists of the court executive officer of each superior court.

(Subd (c) amended effective February 20, 2014; adopted as subd (d); previously amended effective January 1, 2004, and January 1, 2007.)

(d) Executive Committee

The advisory committee may establish an Executive Committee that, in addition to other powers provided by the advisory committee, acts on behalf of the full advisory committee. To assist it in formulating proposals and making recommendations to the council, the Executive Committee may seek the advice of the advisory committee. The Executive Committee consists of the following members:

(1) The nine court executive officers or interim/acting court executive officers from the nine trial courts that have 48 or more judges;

(2) Four court executive officers from trial courts that have 16 to 47 judges;

(3) Two court executive officers from trial courts that have 6 to 15 judges;

(4) Two court executive officers from trial courts that have 2 to 5 judges; and

(5) One court executive officer from the trial courts as an at-large member appointed by the committee chair to a one-year term.

(Subd (d) adopted effective February 20, 2014.)

(e) Nominations

(1) The advisory committee must submit nominations for each vacancy on the Executive Committee. The Executive Committee will recommend three nominees for each Executive Committee vacancy from the nominations received and submit its recommendations to the Executive and Planning Committee of the Judicial Council. The list of nominees must enable the Chief Justice to appoint an Executive Committee that reflects a variety of experience, expertise, and locales (e.g., urban, suburban, and rural). Membership on the Executive Committee does not preclude appointment to any other advisory committee or task force.

(2) The Executive Committee must review and recommend to the Executive and Planning Committee of the Judicial Council the following:

(A) Members of the Executive Committee;

(B) Nonvoting court administrator members of the Judicial Council; and

(C) Members of other advisory committees who are court executives or judicial administrators.

(Subd (e) amended effective February 20, 2014; previously amended effective January 1, 2004, and January 1, 2007.)

(f) Chair and vice-chair

The Chief Justice may appoint the chair and vice-chair of the advisory committee for up to a two-year term from the current or incoming membership of the Executive Committee. The chair and vice-chair of the advisory committee serve as the chair and vice-chair of the Executive Committee established by subdivision (d).

(Subd (f) amended effective February 20, 2014; previously amended effective January 1, 2004, January 1, 2007, and January 1, 2008.)

(g) Meetings

The Executive Committee will meet approximately every two months, which includes the statewide meetings with the advisory committee. The advisory committee will meet during at least two statewide meetings per year.

(Subd (g) adopted effective February 20, 2014.)

Rule 10.48 amended effective January 1, 2016; adopted as rule 6.48 effective January 1, 1999; previously amended and renumbered as rule 10.48 effective January 1, 2007; previously amended effective January 1, 2004, January 1, 2008, and February 20, 2014.

Rule 10.49. Conference of Court Executives [Repealed]

Rule 10.49 repealed effective February 20, 2014; adopted as rule 6.49 effective January 1, 1999; previously amended effective January 1, 2004; previously amended and renumbered effective January 1, 2007.

Rule 10.50. Governing Committee of the Center for Judicial Education and Research

(a) Establishment and purpose

In 1973, the Judicial Council of California and the California Judges Association created the Center for Judicial Education and Research (CJER). The Governing Committee of CJER was made an advisory committee to the council in 1993 through the adoption of former rule 1029. In 2001, the rule that specifies the CJER Governing Committee's duties was made consistent with the rules pertaining to other Judicial Council advisory committees, but it continues to acknowledge the historic participation of the California Judges Association.

(Subd (a) amended effective January 1, 2016; adopted effective December 18, 2001; previously amended effective January 1, 2007.)

(b) Area of focus

The committee makes recommendations to the council for improving the administration of justice through comprehensive and quality education and training for judicial officers and other judicial branch personnel.

(Subd (b) relettered and amended effective December 18, 2001; adopted as subd (a).)

(c) Additional duties

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

(1) Recommend rules, standards, policies, and procedures for judicial branch education;

(2) Recommend a strategic long-range plan for judicial branch education;

(3) Evaluate the effectiveness of judicial branch education, the quality of participation, the efficiency of delivery, and the impact on service to the public;

(4) Review and comment on proposals from other advisory committees and task forces that include education and training of judicial officers or court staff in order to ensure coordination, consistency, and collaboration in educational services;

(5) Establish educational priorities for implementation of curricula, programs, publications, and delivery systems;

(6) Identify the need for and appoint education committees to implement the priorities, long-range plan, and programs and products of judicial branch education; create and adopt procedures for their operation; and review and approve their projects and products;

(7) Identify and foster collaborative opportunities with courts to promote and ensure the availability of training at the local court level;

(8) Identify, analyze, and implement systems to enhance the delivery of education and training statewide; and

(9) Identify and foster collaborative opportunities with internal and external partners to maximize the resources dedicated to education and training.

(Subd (c) amended effective January 1, 2007; adopted as subd (b); previously relettered and amended effective December 18, 2001.)

(d) Membership

The committee consists of at least the following members:

(1) Eleven sitting judicial officers, including at least one appellate court justice and one immediate past presiding judge;

(2) Three judicial administrators, including a supervisor or manager from a trial or appellate court;

(3) The Administrative Director as an advisory member;

(4) The president of the California Judges Association or his or her designee as an advisory member; and

(5) Other advisory members as the Chief Justice may appoint.

(Subd (d) amended effective January 1, 2015; adopted as subd (c); previously relettered and amended effective December 18, 2001.)

(e) Nominations

Nominations for vacant positions on the Governing Committee will be solicited under the procedures described in rule 10.32. The president of the California Judges Association may submit nominations to the Executive and Planning Committee.

(Subd (e) amended effective January 1, 2007; previously amended effective December 18, 2001.)

(f) Chair and vice-chair

The Chief Justice appoints the chair and vice-chair. The committee may make recommendations to the Chief Justice for these two positions.

(Subd (f) amended effective December 18, 2001.)

Rule 10.50 amended effective January 1, 2016; adopted as rule 6.50 effective January 1, 1999; previously amended and renumbered as rule 10.50 effective January 1, 2007; previously amended effective December 18, 2001, and January 1, 2015.

Rule 10.51. Court Interpreters Advisory Panel

(a) Area of focus

To assist the council in performing its duties under Government Code sections 68560 through 68566 and to promote access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons, the advisory panel is charged with making recommendations to the council on:

(1) Interpreter use and need for interpreters in court proceedings; and

(2) Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.

(Subd (a) amended effective October 1, 2004.)

(b) Additional duty

The advisory panel is charged with reviewing and making recommendations to the council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that is conducted by the Judicial Council every five years under Government Code section 68563.

(Subd (b) amended effective January 1, 2016; previously amended effective October 1, 2004.)

(c) Membership

The advisory panel consists of 11 members. A majority of the members must be court interpreters. The advisory panel must include the specified numbers of members from the following categories:

(1) Four certified or registered court interpreters working as employees in trial courts, one from each of the four regions established by Government Code section 71807. For purposes of the appointment of members under this rule, the Superior Court of California, County of Ventura, is considered part of Region 1 as specified in section 71807, and the Superior Court of California, County of Solano, is considered part of Region 2 as specified in section 71807;

(2) Two interpreters certified or registered in a language other than Spanish, each working either in a trial court as an independent contractor or in an educational institution;

(3) One appellate court justice;

(4) Two trial court judges; and

(5) Two court administrators, including at least one trial court executive officer.

(Subd (c) amended effective October 1, 2004; previously amended effective July 1, 1999.)

(d) Advisors

The Chief Justice may also appoint nonmember advisors to assist the advisory panel.

(Subd (d) adopted effective October 1, 2004.)

Rule 10.51 amended effective January 1, 2016; adopted as rule 6.51 effective January 1, 1999; previously amended effective July 1, 1999, and October 1, 2004; previously renumbered as rule 10.51 effective January 1, 2007.

Rule 10.52. Administrative Presiding Justices Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on policy issues affecting the administration and operation of the Courts of Appeal.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

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

(1) Establish administrative policies that promote the quality of justice by advancing the efficient functioning of the appellate courts;

(2) Advise the council of the appellate courts' resource requirements and solicit the council's support in meeting budget, administrative, and staffing requirements;

(3) Make proposals on training for justices and appellate support staff to the Governing Committee of the Center for Judicial Education and Research; and

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

(A) Initiatives to be pursued by the council or its staff; and

(B) The council's goals and strategies.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Membership

The committee consists of:

(1) The Chief Justice as chair; and

(2) The administrative presiding justices of the Courts of Appeal designated under rule 10.1004.

(Subd (c) amended effective January 1, 2007.)

(d) Funding

Each year, the committee must recommend budget change proposals to be submitted to the Chief Justice for legislative funding to operate the appellate courts. These proposals must be consistent with the budget management guidelines of the Judicial Council's Finance office.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Allocations

The committee allocates resources among the appellate courts and approves budget management guidelines based on the actual allocation made by the Chief Justice.

(Subd (e) amended effective January 1, 2007.)

(f) Administrative Director

The Administrative Director must meet regularly with the committee and must notify and, when appropriate, consult with the committee about appellate court personnel matters.

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.52 amended effective January 1, 2016; adopted as rule 6.52 effective January 1, 1999; previously amended and renumbered as rule 10.52 effective January 1, 2007.

Rule 10.53. Information Technology Advisory Committee

(a) Areas of focus

The committee makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system. The committee promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts.

(Subd (a) amended effective September 1, 2015; previously amended effective January 1, 2007.)

(b) Additional duties

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

(1) Oversee branchwide technology initiatives funded in whole or in part by the state;

(2) Recommend rules, standards, and legislation to ensure compatibility in information and communication technologies in the judicial branch;

(3) Provide input to the Judicial Council Technology Committee on the technology and business requirements of court technology projects and initiatives in funding requests;

(4) Review and recommend legislation, rules, or policies to balance the interests of privacy, access, and security in relation to court technology;

(5) Make proposals for technology education and training in the judicial branch;

(6) Assist courts in acquiring and developing useful technologies;

(7) Establish mechanisms to collect, preserve, and share best practices across the state;

(8) Develop and recommend a tactical technology plan, described in rule 10.16, with input from the individual appellate and trial courts; and

(9) Develop and recommend the committee's annual agenda, identifying individual technology initiatives scheduled for the next year.

(Subd (b) amended effective September 1, 2015; previously amended effective January 1, 2007.)

(c) Sponsorship of branchwide technology initiatives

(1) *Oversight of branchwide technology initiatives*

The committee is responsible for overseeing branchwide technology initiatives that are approved as part of the committee's annual agenda. The committee may oversee these initiatives through a workstream model, a subcommittee model, or a hybrid of the two. Under the workstream model, committee members sponsor discrete technology initiatives executed by ad hoc teams of technology experts and experienced project and program managers from throughout the branch. Under the subcommittee model, committee members serve on subcommittees that carry out technology projects and develop and recommend policies and rules.

(2) *Technology workstreams*

Each technology workstream has a specific charge and duration that align with the objective and scope of the technology initiative assigned to the workstream. The individual tasks necessary to complete the initiative may be carried out by dividing the workstream into separate tracks. Technology workstreams are not advisory bodies for purposes of rule 10.75.

(3) *Executive sponsorship of technology workstreams*

The committee chair designates a member or two members of the committee to act as executive sponsors of each technology initiative monitored through the workstream model. The executive sponsor assumes overall executive responsibility for project deliverables and periodically provides high-level project status updates to the advisory committee and council. The executive sponsor is responsible for facilitating work plans for the initiative.

(4) *Responsibilities and composition of technology workstream teams*

A workstream team serves as staff on the initiative and is responsible for structuring, tracking, and managing the progress of individual tasks and milestones necessary to complete the initiative. The executive sponsor recommends, and the chair appoints, a workstream team of technology experts and experienced project and program managers from throughout the branch.

(Subd (c) adopted effective September 1, 2015.)

(d) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate justice;

(2) Trial court judicial officer;

(3) Trial court judicial administrator;

(4) Appellate court judicial administrator;

(5) Trial Court Information Officer;

(6) Member of the Senate;

(7) Member of the Assembly;

(8) Representative of the executive branch; and

(9) Lawyer.

(Subd (d) amended and relettered effective September 1, 2015; adopted as subd (c); previously amended effective January 1, 2007.)

(e) Member selection

The two legislative members are appointed by the respective houses. The executive member is appointed by the Governor. The lawyer member is appointed by the State Bar. In making all other appointments to the committee, factors to be considered include a candidate's technology expertise and experience, as well as an ability to act as lead executive sponsor for technology initiatives.

(Subd (e) amended and relettered effective September 1, 2015; adopted as subd (d).)

(f) Chair

The Chief Justice appoints a judicial officer to serve as chair.

(Subd (f) amended and relettered effective September 1, 2015; adopted as subd (e).)

Rule 10.53 amended effective September 1, 2015; adopted as rule 6.53 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.54. Traffic Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the administration of justice in the area of traffic procedure, practice, and case management and in other areas as stated in the fish and game, boating, forestry, public utilities, parks and recreation, and business licensing bail schedules.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Trial court judicial officer;

(2) Judicial administrator;

(3) Juvenile hearing officer;

(4) Representative from the California Highway Patrol;

(5) Representative from the Department of Motor Vehicles;

(6) Representative from the Office of Traffic Safety; and

(7) Criminal defense lawyer.

(Subd (b) amended effective January 1, 2010; previously amended effective January 1, 2007.)

Rule 10.54 amended effective January 1, 2010; adopted as rule 6.54 effective January 1, 1999; previously amended and renumbered January 1, 2007.

Rule 10.55. Advisory Committee on Providing Access and Fairness

(a) Area of focus

The committee makes recommendations for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties.

(Subd (a) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must recommend to the Governing Committee of the Center for Judicial Education and Research, proposals for the education and training of judicial officers and court staff.

(Subd (b) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(c) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate justice;

(2) Trial court judicial officer;

(3) Lawyer with expertise or interest in disability issues;

(4) Lawyer with expertise or interest in additional access, fairness, and diversity issues addressed by the committee;

(5) Lawyer from a trial court self-help center;

(6) Legal services lawyer;

(7) Court executive officer or trial court manager who has experience with self-represented litigants;

(8) County law librarian or other related professional;

(9) Judicial administrator; and

(10) Public member.

(Subd (c) amended effective February 20, 2014; previously amended effective January 1, 2007.)

(d) Cochairs

The Chief Justice appoints two advisory committee members to serve as cochairs. Each cochair is responsible for leading the advisory committee's work in the following areas:

(1) Physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch; and

(2) Issues confronted by self-represented litigants and those of limited or moderate income, including economic, education, and language challenges.

(Subd (d) adopted effective February 20, 2014.)

Rule 10.55 amended effective February 20, 2014; adopted as rule 6.55 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

The advisory committee's area of focus includes assisting courts to improve access and fairness by recommending methods and tools to identify and address physical, programmatic, and language access; fairness in the courts; and diversity in the judicial branch, as well as addressing issues that affect the ability of litigants to access the courts including economic, education, and language challenges. An additional responsibility of the advisory committee to recommend to the council updated guidelines and procedures for court self-help centers, as needed, is stated in rule 10.960.

Rule 10.56. Collaborative Justice Courts Advisory Committee

(a) Area of focus

The committee makes recommendations to the Judicial Council on criteria for identifying and evaluating collaborative justice courts and for improving the processing of cases in these courts, which include drug courts, domestic violence courts, youth courts, and other collaborative justice courts. Those recommendations include "best practices" guidelines and methods for collecting data to evaluate the long-term effectiveness of collaborative justice courts.

(Subd (a) amended effective January 1, 2007.)

(b) Additional duties

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

(1) Assess and measure the success and effectiveness of local collaborative justice courts;

(2) Identify and disseminate to trial courts locally generated best practices;

(3) Recommend minimum judicial education standards and educational activities to support those standards to the Governing Committee of the Center for Judicial Education and Research;

(4) Advise the council of potential funding sources;

(5) Make recommendations regarding grant funding programs that are administered by Judicial Council staff for drug courts and other treatment courts; and

(6) Recommend appropriate outreach activities needed to support collaborative justice courts.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Membership

The committee must include the following:

(1) At least five judicial officers. Nominations for these appointments must be made in accordance with rule 10.32. The list of nominees should enable the Chair of the Judicial Council to appoint a committee that reflects a variety of court experience (e.g., criminal, juvenile, family, general civil), expertise, and court sizes and types (e.g., urban, suburban, and rural; and small, medium, and large).

(2) At least one member from each of the following categories:

(A) Judicial administrator;

(B) District attorney;

(C) Criminal defense attorney;

(D) Law enforcement (police/sheriff);

(E) Treatment provider or rehabilitation provider;

(F) Probation officer;

(G) Court-treatment coordinator;

(H) Treatment court graduate; and

(I) Public member.

(Subd (c) amended effective January 1, 2007.)

Rule 10.56 amended effective January 1, 2016; adopted as rule 6.56 effective January 1, 2000; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.56 effective January 1, 2007.

Rule 10.58. Advisory Committee on Civil Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's civil jury instructions.

(Subd (a) amended effective January 1, 2007.)

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

(1) Appellate court justice;

(2) Trial court judge;

(3) Lawyer whose primary area of practice is civil law; and

(4) Law professor whose primary area of expertise is civil law.

Rule 10.58 amended and renumbered effective January 1, 2007; adopted as rule 6.58 effective September 1, 2003.

Rule 10.59. Advisory Committee on Criminal Jury Instructions

(a) Area of focus

The committee regularly reviews case law and statutes affecting jury instructions and makes recommendations to the Judicial Council for updating, amending, and adding topics to the council's criminal jury instructions.

(b) Membership

The committee must include at least one member from each of the following categories, and a majority of the members must be judges:

(1) Appellate court justice;

(2) Trial court judge;

(3) Lawyer whose primary area of practice is criminal defense;

(4) Deputy district attorney or other attorney who represents the People of the State of California in criminal matters; and

(5) Law professor whose primary area of expertise is criminal law.

Rule 10.59 renumbered effective January 1, 2007; adopted as rule 6.59 effective July 1, 2005.

Rule 10.60. Tribal Court–State Court Forum

(a) Area of focus

The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

(b) Additional duties

In addition to the duties described in rule 10.34, the forum must:

(1) Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;

(2) Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;

(3) Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;

(4) Recommend appropriate activities needed to support local tribal court–state court collaborations; and

(5) Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff.

(c) Membership

The forum must include the following members:

(1) Tribal court judges or justices selected by tribes in California, as described in (d), but no more than one tribal court judge or justice from each tribe;

(2) At least three trial court judges from counties in which a tribal court is located;

(3) At least one appellate justice of the California Courts of Appeal;

(4) At least one member from each of the following committees: the Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Governing Committee of the Center for Judicial Education and Research, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee; and

(5) As ex officio members, the Director of the California Attorney General's Office of Native American Affairs and the Governor's Tribal Advisor.

The composition of the forum must have an equal or a close-to-equal number of judges or justices from tribal courts and state courts.

(d) Member Selection

(1) The Chief Justice appoints all forum members, except tribal court judges and tribal court justices, who are appointed as described in (2).

(2) For each tribe in California with a tribal court, the tribal leadership will appoint the tribal court judge or justice member to the forum consistent with the following selection and appointment process.

(A) The forum cochairs will notify the tribal leadership of a vacancy for a tribal court judge or justice and request that they submit names of tribal court judges or justices to serve on the forum.

(B) A vacancy for a tribal court judge or justice will be filled as it occurs either on the expiration of a member's term or when the member has left the position that qualified the member for the forum.

(C) If there are more names of tribal court judges and justices submitted by the tribal leadership than vacancies, then the forum cochairs will confer and decide which tribal court judges or justices should be appointed. Their decision will be based on the diverse background and experience, as well as the geographic location, of the current membership.

(e) Cochairs

The Chief Justice appoints a state appellate justice or trial court judge and a tribal court appellate justice or judge to serve as cochairs, consistent with rule 10.31(c).

Rule 10.60 adopted effective October 25, 2013.

Judicial Council Comment

Tribes are recognized as distinct, independent political nations (see *Worcester v. Georgia* (1832) 31 U.S. 515, 559, and *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 55, citing *Worcester*), which retain inherent authority to establish their own form of government, including tribal justice systems. (25 U.S.C.A. § 3601(4).) Tribal justice systems are an essential part of tribal governments and serve to ensure the public health and safety and the political integrity of tribal governments. (25 U.S.C.A. § 3601(5).) Traditional tribal justice practices are essential to the maintenance of the culture and identity of tribes. (25 U.S.C.A. § 3601(7).)

The constitutional recognition of tribes as sovereigns in a government-to-government relationship with all other sovereigns is a well-established principle of federal Indian law. (See *Cohen's Handbook of Federal Indian Law* (2005) p. 207.) In recognition of this sovereignty, the council's oversight of the forum, through an internal committee under rule 10.30(d), is limited to oversight of the forum's work and activities and does not include oversight of any tribe or tribal court.

Rule 10.61. Court Security Advisory Committee

(a) Area of Focus

The committee makes recommendations to the council for improving court security, including personal security and emergency response planning.

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Appellate court administrator;

(3) Trial court judge;

(4) Trial court judicial administrator;

(5) Member of the Court Facilities Advisory Committee; and

(6) Member of the Trial Court Facility Modification Advisory Committee.

At least one member of the committee should be from a trial court that uses a marshal for court security services.

Rule 10.61 adopted effective October 25, 2013.

Rule 10.62. Court Facilities Advisory Committee

(a) Area of focus

The committee makes recommendations to the council concerning the judicial branch capital program for the trial and appellate courts.

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Appellate court clerk/administrator;

(3) Superior court judge;

(4) Court executive officer;

(5) Lawyer;

(6) Local government official or administrator; and

(7) Public member with expertise in real estate acquisition, construction, architecture, cost estimating, or facilities management and operations.

The committee also includes the chair and vice-chair of the Trial Court Facility Modification Advisory Committee, as non-voting members.

Rule 10.62 adopted effective February 20, 2014.

Rule 10.63. Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch

(a) Area of focus

The committee makes recommendations to the council on practices that will promote financial accountability and efficiency in the judicial branch.

(b) Additional duties

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

(1) Make recommendations annually to the council concerning any budget change proposals for funding of the Administrative Office of the Courts (AOC) and any proposed changes to the annual compensation plan for the AOC;

(2) Review all audit reports of the judicial branch, recommend council acceptance of audit reports, and, where appropriate, make recommendations to the council on individual or systemic issues;

(3) Report to the council on AOC contracts that meet established criteria to ensure that the contracts are in support of judicial branch policy; and

(4) Review proposed updates and revisions to the *Judicial Branch Contracting Manual.*

(c) Membership

The committee must include members in the following categories:

(1) Appellate court justices;

(2) Superior court judges; and

(3) Court executive officers.

The California Judges Association will recommend three nominees for a superior court judge position and submit its recommendations to the Executive and Planning Committee of the Judicial Council.

Rule 10.63 adopted effective February 20, 2014.

Advisory Committee Comment

The purpose of the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch is to promote transparency, accountability, efficiency, and understanding of the AOC and the judicial branch. The advisory committee fosters the best use of the work, information, and recommendations provided by the AOC, and it promotes increased understanding of the AOC's mission, responsibilities, accomplishments, and challenges.

Rule 10.64. Trial Court Budget Advisory Committee

(a) Area of focus

The Trial Court Budget Advisory Committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding.

(b) Additional duties

In addition to the duties specified in rule 10.34, the committee may make recommendations to the council on:

(1) Trial court budget priorities to guide the development of the budget for the upcoming fiscal year;

(2) The allocation of trial court funding, including any changes to existing methodologies for allocating trial court budget augmentations and reductions; and

(3) Budget policies and procedures, as appropriate.

(c) Membership

(1) The advisory committee consists of an equal number of trial court presiding judges and court executive officers reflecting diverse aspects of state trial courts, including urban, suburban, and rural locales; the size and adequacy of budgets; and the number of authorized judgeships. For purposes of this rule, "presiding judge" means a current presiding judge or an immediate past presiding judge.

(2) No more than two members may be from the same court.

(3) The chairs of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee serve as ex officio voting members.

(4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his or her term on the advisory committee even if his or her term as presiding judge of a trial court ends.

(5) The Judicial Council's chief of staff, chief administrative officer, chief operating officer, and director of Finance serve as non-voting members.

(Subd (c) amended effective October 28, 2014.)

Rule 10.64 amended effective October 28, 2014; adopted effective February 20, 2014.

Rule 10.65. Trial Court Facility Modification Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on facilities modifications, maintenance, and operations; environmental services; and utility management.

(b) Additional duties

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

(1) Makes recommendations to the council on policy issues, business practices, and budget monitoring and control for all facility-related matters in existing branch facilities.

(2) Makes recommendations to the council on funding and takes additional action in accordance with council policy, both for facility modifications and for operations and maintenance.

(3) Collaborates with the Court Facilities Advisory Committee in the development of the capital program, including providing input to design standards, prioritization of capital projects, and methods to reduce construction cost without impacting long-term operations and maintenance cost.

(4) Provides quarterly and annual reports on the facilities modification program in accordance with the council policy.

(c) Membership

The committee consists of members from the following categories:

(1) Trial court judges; and

(2) Court executive officers.

The committee includes the chair and vice-chair of the Court Facilities Advisory Committee, as nonvoting members.

Rule 10.65 adopted effective January 1, 2015.

Advisory Committee Comment

The Judicial Council policy referred to in the rule is contained in the *Trial Court Facility Modifications Policy* adopted by the council.

Rule 10.66. Workload Assessment Advisory Committee

(a) Area of focus

The committee makes recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice.

(b) Additional duties

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

(1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model;

(2) Processes, study design, and methodologies that should be used to measure and report on court administration; and

(3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.

(c) Membership

(1) The advisory committee consists of an equal number of superior court judicial officers and court executive officers reflecting diverse aspects of state trial courts, including urban, suburban, and rural locales; size and adequacy of resources; number of authorized judgeships; and for judicial officers, diversity of case type experience.

(2) A judicial officer and court executive officer may be from the same court.

Rule 10.66 adopted effective January 1, 2015.

Rule 10.67. Judicial Branch Workers' Compensation Program Advisory Committee

(a) Area of focus

The committee makes recommendations to the council for improving the statewide administration of the Judicial Branch Workers' Compensation Program and on allocations to and from the Judicial Branch Workers' Compensation Fund established under Government Code section 68114.10.

(b) Additional duties

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

(1) The progress of the Judicial Branch Workers' Compensation Program;

(2) The annual actuarial report; and

(3) The annual allocation, including any changes to existing methodologies for allocating workers' compensation costs.

(c) Membership

The advisory committee consists of persons from trial courts and state judicial branch entities knowledgeable about workers' compensation matters, including court executive officers, appellate court clerk/administrators, and human resources professionals.

Rule 10.67 amended effective July 1, 2016; adopted effective January 1, 2015.

Advisory Committee Comment

The Judicial Branch Workers' Compensation Program is administered by the Judicial Council staff under rule 10.350.

Rule 10.70. Task forces, working groups, and other advisory bodies

(a) Established by Chief Justice or Judicial Council

The Chief Justice or the council 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 internal committees, as designated in their charges.

(Subd (a) lettered and amended effective July 1, 2015; adopted as unlettered subd effective January 1, 1999.)

(b) Established by Administrative Director

The Administrative Director may establish working groups to work on specific projects identified by the Administrative Director that address areas and topics within the Administrative Director's purview.

(Subd (b) adopted effective July 1, 2015.)

Rule 10.70 amended effective July 1, 2015; adopted as rule 6.70 effective January 1, 1999; previously renumbered effective January 1, 2007; previously amended effective September 1, 2003 and August 14, 2009.

Chapter 3. Judicial Council Advisory Body Meetings

Rule 10.75. Meetings of advisory bodies

Rule 10.75. Meetings of advisory bodies

(a) Intent

The Judicial Council intends by this rule to supplement and expand on existing rules and procedures providing public access to the council and its advisory bodies. Existing rules and procedures provide for circulation of advisory body proposals regarding rules, forms, standards, and jury instructions for public comment, posting of written reports for the council on the California Courts website (*www.courts.ca.gov*), public attendance and comment during council meetings, real time audio casts of council meetings, and public posting of council meeting minutes. This rule expands public access to advisory body meetings.

(b) Advisory bodies and chairs

(1) "Advisory bodies," as used in this rule, means any multimember body created by the Judicial Council to review issues and report to the council. For purposes of this rule, subcommittees that are composed of less than a majority of the members of the advisory body are not advisory bodies. However, standing subcommittees that are charged with addressing a topic as a continuing matter are advisory bodies for purposes of this rule irrespective of their composition.

(2) "Chair," as used in this rule, includes a chair's designee.

(c) Open meetings

(1) *Meetings*

Advisory body meetings to review issues that the advisory body will report to the Judicial Council are open to the public, except as otherwise provided in this rule. A meeting open to the public includes a budget meeting, which is a meeting or portion of a meeting to discuss a proposed recommendation of the advisory body that the Judicial Council approve an allocation or direct an expenditure of public funds. A majority of advisory body members must not decide a matter included on a posted agenda for an upcoming meeting in advance of the meeting.

(2) *Exempt bodies*

The meetings of the following advisory bodies and their subcommittees are exempt from the requirements of this rule:

(A) Advisory Committee on Civil Jury Instructions;

(B) Advisory Committee on Criminal Jury Instructions; and

(C) Litigation Management Committee.

(3) *Rule committees*

With the exception of any budget meetings, the meetings of the rule committees listed in this subdivision and of their subcommittees are closed unless the chair concludes that a particular agenda item may be addressed in open session. Any budget meeting must be open to the public.

(A) Appellate Advisory Committee;

(B) Civil and Small Claims Advisory Committee;

(C) Criminal Law Advisory Committee;

(D) Family and Juvenile Law Advisory Committee;

(E) Probate and Mental Health Advisory Committee; and

(F) Traffic Advisory Committee.

(d) Closed sessions

The chair of an advisory body or an advisory body subcommittee may close a meeting, or portion of a meeting, to discuss any of the following:

(1) The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy;

(2) Claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity;

(3) Negotiations concerning a contract, a labor issue, or legislation;

(4) The price and terms of payment for the purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts have been executed;

(5) Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data;

(6) Non-final audit reports or proposed responses to such reports;

(7) Trade secrets or privileged or confidential commercial and financial information;

(8) Development, modification, or approval of any licensing or other professional examination or examination procedure;

(9) Evaluation of individual grant applications; or

(10) Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

(e) Notice of meetings

(1) *Regular meetings*

Public notice must be given of the date and agenda of each meeting that is subject to this rule, whether open or closed, at least five business days before the meeting.

(2) *Urgent circumstances*

A meeting that is subject to this rule may be conducted on 24-hours notice in case of urgent circumstances requiring prompt action. The minutes of such meetings must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken.

(f) Form of notice

(1) The notice and agenda for a meeting subject to this rule, whether open or closed, must be posted on the California Courts website.

(2) The notice for meetings subject to this rule must state whether the meeting is open or closed. If a meeting is closed or partially closed, the notice must identify the closed agenda items and the specific subdivision of this rule authorizing the closure.

(3) For meetings that are open in part or in full, the notice must provide:

(A) The telephone number or other electronic means that a member of the public may use to attend the meeting;

(B) The time of the meeting, whether the public may attend in person, and, if so, the meeting location; and

(C) The e-mail address or other electronic means that the public may use to submit written comments regarding agenda items or requests to make an audio recording of a meeting.

(g) Contents of agenda

The agenda for a meeting subject to this rule, whether open or closed, must contain a brief description of each item to be considered during the meeting. If a meeting is closed or partially closed, the agenda must identify the specific subdivision of this rule authorizing the closure.

(h) Meeting materials

Materials for an open meeting must be posted on the California Courts website at least three business days before the date of the meeting, except in extraordinary circumstances.

(i) Public attendance

The public may attend open sessions of advisory body meetings by telephone or other available electronic means. If the members of an advisory body gather in person at a single location for a meeting, the public may attend in person at that location if the chair concludes security measures permit.

(j) Conduct at meeting

Members of the public who attend open meetings in person must remain orderly. The chair may order the removal of any disorderly person.

(k) Public comment

(1) *Written comment*

The public may submit written comments for any agenda item of a regularly noticed open meeting up to one complete business day before the meeting.

(2) *In-person comment*

If security measures permit public attendance at an open in-person advisory body meeting, the meeting must include an opportunity for public comment on each agenda item before the advisory body considers the item. Requests to comment on an agenda item must be submitted before the meeting begins, indicating the speaker's name, the name of the organization that the speaker represents, if any, and the agenda item that the public comment will address. The advisory body chair may grant a request to comment on an agenda item that is received after a meeting has begun.

(3) *Reasonable limits and timing*

The advisory body chair has discretion to establish reasonable limits on the length of time for each speaker and the total amount of time permitted for public comment. The chair may also decide whether public comments will be heard at the beginning of the meeting or in advance of the agenda items.

(*l*) Making an audio recording of a meeting

An advisory body chair may permit a member of the public to make an audio recording of an open meeting, or the open portion of a meeting, if a written request is submitted at least two business days before the meeting.

(m) Minutes as official records

Minutes of each meeting subject to this rule, whether open or closed, must be prepared for approval at a future meeting. When approved by the advisory body, the minutes constitute the official record of the meeting. Approved minutes for the open portion of a meeting must be posted on the California Courts website.

(n) Adjourned meetings

An advisory body chair may adjourn a meeting to reconvene at a specified time without issuing a new notice under (e)(1), provided that, if open agenda items remain for discussion, notice of the adjourned meeting is posted on the California Courts website 24 hours before the meeting reconvenes. The notice must identify any remaining open agenda items to be discussed, the time that the meeting will reconvene, the telephone number that the public may use to attend the meeting, and if the public may attend the reconvened meeting in person, the location. The advisory body may not consider new agenda items when the meeting reconvenes except as permitted under (e)(2).

(o) Action by e-mail between meetings

An advisory body may take action by e-mail between meetings in circumstances specified in this subdivision.

(1) *Circumstances*

An advisory body chair may distribute a proposal by e-mail to all advisory body members for action between meetings if:

(A) The advisory body discussed and considered the proposal at a previous meeting but concluded additional information was needed; or

(B) The chair concludes that prompt action is needed.

(2) *Notice*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, the advisory body must provide public notice and allow one complete business day for public comment concerning the proposal before acting on the proposal. The notice must be posted on the California Courts website and must provide an e-mail address to which the public may submit written comments. The advisory body may forego public comment if the chair concludes that prompt action is required.

(3) *Communications*

If an e-mail proposal concerns a matter that otherwise must be discussed in an open meeting, after distribution of the proposal and until the advisory body has acted, advisory body members must restrict their communications with each other about the proposal to e-mail. This restriction only applies to proposals distributed under this subdivision.

(4) *Official record*

Written minutes describing the action taken on an e-mail proposal that otherwise must be discussed in an open meeting must be prepared for approval at a future meeting. The minutes must attach any public comments received. When approved by the advisory body, the minutes constitute the official record of the proposal. Approved minutes for such a proposal must be posted to the California Courts website. The e-mails exchanged concerning a proposal that otherwise would have been considered in a closed meeting will constitute the official record of the proposal.

(p) Review requirement

The Judicial Council will review the impact of this rule within one year of the rule's adoption and periodically thereafter to determine whether amendments are needed. In conducting its review, the council will consider, among other factors, the public interest in access to meetings of the council's advisory bodies, the obligation of the judiciary to comply with judicial ethics standards, and the public

interest in the ability of advisory bodies to effectively assist the Judicial Council by offering policy recommendations and alternatives for improving the administration of justice.

Rule 10.75 adopted effective July 1, 2014.

Advisory Committee Comment

Subdivisions (a) and (c)(1). This rule expands public access to Judicial Council advisory bodies. The council recognizes the important public interest in access to those meetings and to information regarding administration and governance of the judicial branch. Meetings of the Judicial Council are open, and notice and materials for those meetings are provided to the public, under rules 10.5 and 10.6. Rules in Division 1 of Title 10 describe the council's advisory bodies and require that proposals for rules, standards, forms, and jury instructions be circulated for public comment. (See Cal. Rules of Court, rules 10.10–10.22, 10.30–10.70.) Reports to the council presenting proposals and recommendations are publicly posted on the California Courts website (*www.courts.ca.gov*). Internal committee chairs report at each council meeting regarding the activities of the internal committees in the period since the last council meeting, and internal committee meeting minutes also are posted on the California Courts website. This rule expands on those existing rules and procedures to increase public access by opening the meetings of advisory bodies to review issues that the advisory body will report to the council. The rule does not apply to meetings that do not involve review of issues to be reported to the council, such as meetings providing education and training of members, discussion of best practices, or sharing of information of general interest unrelated to advice or reports to the council. Those non-advisory matters are outside the scope of this rule.

Subdivision (b)(1). The definition provided in (b)(1) is intended exclusively for this rule and includes internal committees, advisory committees, task forces, and other similar multimember bodies that the council creates to review issues and report to it. (Cf. Cal. Rules of Court, rule 10.30(a) ["Judicial Council advisory bodies are typically advisory committees and task forces].)

Subdivisions (c)(2), (c)(3), and (d)(10). The Code of Judicial Ethics governs the conduct of judges and is binding upon them. It establishes high standards of conduct that judges must personally observe, maintain, and enforce at all times to promote and protect public confidence in the integrity and impartiality of the judiciary. (See Code Judicial Ethics, Preamble, canon 1, canon 2A.) Among other things, compliance with these high ethical standards means avoiding conduct that could suggest a judge does not have an open mind in considering issues that may come before the judge. (*Id.*, canon 2A.) Judges also are prohibited from making public comments about a pending or impending proceeding (*id.*, canon 3B(9)), signifying that they may not publicly discuss case law that has not reached final disposition through the appellate process, or pending or anticipated litigation, conduct that would be required to participate in the work covered by the referenced subdivisions. Ethical standards also direct that they hear and decide all matters assigned to them, avoiding extrajudicial duties that would lead to their frequent disqualification. (*Id.*, canons 3B(1), 4A(4).)

The work of the three advisory bodies listed in subdivision (c)(2) exclusively involves discussion of topics that are uniquely difficult or impossible for judges to address while honoring the detailed ethical standards governing the judiciary. For example, as required by rule, the Litigation Management Committee discusses pending or anticipated claims and litigation against judicial

officers, courts, and court employees. Jury instruction committees also may discuss decisions or rulings issued in cases that have not reached final resolution through the appellate process. Thus, opening the meetings of these three committees would result in precluding judges, who are specially learned in the law, from meaningful participation on those committees. Subdivision (c)(2) is added to avoid this result.

The work of the six rule committees listed in subdivision (c)(3) almost always will trigger similar issues. Those bodies focus primarily on developing, and providing input concerning, proposed legislation, rules, forms, and standards of judicial administration. That work necessarily entails a complex interchange of views, consideration of multiple perspectives, and the vetting of opposing legal arguments, which judges cannot undertake in public without risk that their comments will be misunderstood or used as a basis for disqualification or challenge. Service on the referenced committees, and public participation in discussing the referenced topics, may make it difficult for a judge to hear and decide all matters assigned to the judge and conceivably could lead to frequent disqualification of the judge, exposing the judge to risk of an ethical violation. This may create significant practical issues for courts related to judicial workloads, while also deterring individuals specially learned in the law from serving on advisory bodies, in turn depriving the public of the benefits of their training and experience in crafting procedures for the effective and efficient administration of justice. Subdivisions (c)(3) and (d)(10) are intended to prevent such deleterious results by clarifying that meetings of the six rule committees whose work almost entirely focuses on these topics ordinarily will be closed and that meetings of other bodies performing similar functions also will be closed as the chairs deem appropriate, with the exception that any budget meetings must be open.

Subdivision (d)(7). Definitions of the terms “trade secret,” “privileged information,” and “confidential commercial and financial information,” are provided in rule 10.500(f)(10).

Subdivision (k)(1). Due to budget constraints, members’ schedules, and the geographic diversity of most committees’ membership, advisory body meetings typically are held via teleconference or other method not requiring the members’ in person attendance. Because judicial officer and attorney members may have limited time for meetings (e.g., only a lunch hour), the volume of advisory body business to be accomplished in those periods may be considerable, and the costs of coordinating teleconferences that would accommodate spoken comments from the public would be significant in the aggregate, the rule only provides for public comment in writing. To ensure sufficient time for advisory body staff to gather and distribute written comments to members, and for members to review comments before the meeting, the rule requires that comments be submitted one complete business day before the meeting.

Chapter 4. Judicial Council staff

Rule 10.80. Administrative Director of the Courts (Administrative Director)
Rule 10.81. Judicial Council staff

Rule 10.80. Administrative Director of the Courts (Administrative Director)

(a) Functions

The Administrative Director, appointed by the Judicial Council under article VI, section 6 of the Constitution, performs those functions prescribed by the Constitution and laws of the state, or delegated to the director by the Judicial Council or the Chief Justice.

(Subd (a) amended effective July 29, 2014; adopted as unlettered subd effective January 1, 1999; previously lettered subd (a) and amended effective August 14, 2009.)

(b) Accountability

The Administrative Director is accountable to the council and the Chief Justice for the performance of the Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities.

(Subd (b) amended effective July 29, 2014; adopted effective August 14, 2009.)

(c) Interpretation of policies

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.

(Subd (c) adopted effective August 14, 2009.)

(d) Responsibilities

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources relating to the 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.

(Subd (d) amended effective July 29, 2014; adopted effective August 14, 2009.)

(e) Reports

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 their status and significant developments.

(Subd (e) adopted effective August 14, 2009.)

Rule 10.80 amended effective July 29, 2014; adopted as rule 6.80 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Rule 10.81. Judicial Council staff

(a) Establishment

The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff that assists the council and its chair in carrying out their duties under the Constitution and laws of the state.

(Subd (a) amended effective July 29, 2014; previously amended effective January 1, 2007, and August 14, 2009.)

(b) References to "Administrative Office of the Courts"

The Judicial Council in the past referred to its staff as the "Administrative Office of the Courts". The following applies where the term "Administrative Office of the Courts" is used:

(1) *Rules of Court*

Throughout these rules of court and in all Judicial Council forms, all references to "Administrative Office of the Courts" or "AOC" are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate.

(2) *Other Judicial Council materials and actions*

All references to "Administrative Office of the Courts" or "AOC" in any policy, procedure, manual, guideline, publication, or other material issued by the Judicial Council or its staff are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate. Judicial Council staff will continue to be responsible for any active delegations or directives the Judicial Council made to the Administrative Office of the Court.

(3) *Statutes*

The Judicial Council, its staff, or the Administrative Director, as appropriate, will continue to perform all functions, duties, responsibilities, and other obligations imposed by statute or regulation on the Administrative Office of the Courts.

(4) *Agreements and proceedings*

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the

"Administrative Office of the Courts" or "AOC" arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the "Administrative Office of the Courts" or "AOC" wherever necessary, with no prejudice to the substantive rights of any party.

(Subd (b) amended effective July 29, 2014; previously amended effective January 1, 2007.)

Rule 10.81 amended effective July 29, 2014; adopted as rule 6.81 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Advisory Committee Comment

The Judicial Council in 1961 adopted a resolution that named its staff the "Administrative Office of the California Courts." In 1970, the council adopted a rule of court that renamed its staff the "Administrative Office of the Courts."

In recent years, the council became aware of recurring confusion about the relationship between the Administrative Office of the Courts and the Judicial Council. There was a common misperception that the Administrative Office of the Courts was a separate entity from the council having independent policymaking authority, when in fact, the members of the Judicial Council set policy, and staff, by whatever name, support the work of the council under the members' direction and oversight. The confusion about the role of the Administrative Office of the Courts impeded the council's ability to advance the interests of the judicial branch.

To allow the council to better achieve its mission, it decided in 2014 to retire the name "Administrative Office of the Courts." This adjustment underscored the unity of identity of the Judicial Council and its staff, and clarified that there has always been only a single entity. The retirement conformed the Judicial Council's practice with that of other state government entities, which do not assign a separate name to their staffs.

The 2014 amendments to this rule are intended to implement the retirement of the name "Administrative Office of the Courts" and clarify that in retiring the name no substantive legal change has occurred. The Judicial Council and its staff will continue to discharge any legal obligations and duties they may have, regardless of the discontinuance of the use of the name "Administrative Office of the Courts."

Division 2. Administration of the Judicial Branch

Chapter 1. Budget and Fiscal Management

Rule 10.101. Role of the Judicial Council
Rule 10.102. Acceptance of gifts
Rule 10.103. Limitation on intrabranch contracting
Rule 10.104. Limitation on contracting with former employees
Rule 10.105. Allocation of new fee, fine, and forfeiture revenue
Rule 10.106. Judicial branch travel expense reimbursement policy
Rule 10.107. Trial Court Budget Working Group [Repealed]

Rule 10.101. Role of the Judicial Council

(a) Purpose

This rule specifies the responsibilities of the Judicial Council, the Chief Justice, the Administrative Director, and council staff with respect to the judicial branch budget.

(Subd (a) amended effective July 1, 2015; previously amended effective January 1, 2005, January 1, 2007, and August 14, 2009.)

(b) Duties of the Judicial Council

The Judicial Council must:

(1) Establish responsible fiscal priorities that best enable the judicial branch to achieve its goals and the Judicial Council to achieve its mission;

(2) Develop policies and procedures for the creation and implementation of a yearly budget for the judicial branch;

(3) Develop the budget of the judicial branch based on the priorities established and the needs of the courts;

(4) Communicate and advocate the budget of the judicial branch to the Governor and the Legislature;

(5) Allocate funds in a manner that ensures equal access to justice for all citizens of the state, ensures the ability of the courts to carry out their functions effectively, promotes implementation of statewide policies as established by statute and the Judicial Council, and promotes implementation of efficiencies and cost-saving measures;

(6) Resolve appeals on budget and allocation issues; and

(7) Ensure that the budget of the judicial branch remains within the limits of the appropriation set by the Legislature.

(Subd (b) amended effective July 1, 2015; previously amended effective January 1, 2007 and August 14, 2009.)

(c) Authority of the Chief Justice and Administrative Director

(1) The Chief Justice and the Administrative Director may take the following actions, on behalf of the Judicial Council, with regard to any of the Judicial

Council's recommended budgets for the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and council staff:

(A) Make technical changes to the proposed budget; and

(B) Make changes during their negotiations with the legislative and executive branches consistent with the goals and priorities adopted by the Judicial Council.

(2) The Chief Justice, on behalf of the Judicial Council, may allocate funding appropriated in the annual State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and council staff.

(3) After the end of each fiscal year, the Administrative Director must report to the Judicial Council on the actual expenditures from the budgets for the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and council staff.

(Subd (c) amended effective July 1, 2015; adopted effective January 1, 2005; previously amended effective August 14, 2009.)

(d) Duties of the Administrative Director

The Administrative Director implements the directives of the Judicial Council and must:

(1) Present the judicial branch budget in negotiations with the Governor and the Legislature; and

(2) Allocate to the trial courts, on behalf of the Judicial Council, a portion of the prior fiscal year baseline allocation for the trial courts following approval of the State Budget and before the allocation of state trial court funding by the Judicial Council. The portion of the prior fiscal year baseline allocation that may be so allocated is limited to the amount estimated to be necessary for the operation of the courts pending action by the Judicial Council, and may not exceed 25 percent of the prior fiscal year baseline allocation for each trial court.

(Subd (d) amended effective July 1, 2015; adopted as subd (c); previously relettered effective January 1, 2005; previously amended effective January 1, 2001, January 1, 2007, and August 14, 2009.)

(e) Duties of the director of Finance

The director of Finance for the Judicial Council, under the direction of the Administrative Director, administers the budget policies and procedures developed and approved by the Judicial Council. The director of Finance must:

(1) Develop and administer a budget preparation process for the judicial branch, and ensure the submission of a final budget recommendation for the judicial branch to the Department of Finance by November 1 of each year;

(2) Develop, in consultation with the State Controller's Office and the Department of Finance, a manual of procedures for the budget request process, revenues, expenditures, allocations, and payments;

(3) Monitor all revenues and expenditures for the judicial branch;

(4) Develop recommendations for fiscal priorities and the allocation and reallocation of funds; and

(5) Assist all courts and the Administrative Director in preparing and managing budgets.

(Subd (e) amended effective July 1, 2015; adopted as subd (d); previously relettered effective January 1, 2005; previously amended effective January 1, 2007 and August 14, 2009.)

Rule 10.101 amended effective July 1, 2015; adopted as rule 2301 effective July 1, 1998; renumbered as rule 6.101 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2001, January 1, 2005, and August 14, 2009.

Advisory Committee Comment

Subdivision (c)(1)(A). Examples of technical changes to the budget include calculation of fiscal need, translation of an approved concept to final fiscal need, and simple non-policy-related baseline adjustments such as health and retirement benefits, Pro Rata, and the Statewide Cost Allocation Plan.

Rule 10.102. Acceptance of gifts

(a) Administrative Director's authority to accept gifts

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

(Subd (a) amended effective January 1, 2016; adopted as unlettered subd; previously amended and lettered as subd (a) effective January 1, 2004; previously amended effective January 1, 2007.)

(b) Delegation of authority

The Administrative Director may delegate the authority to accept gifts to the following, under any guidelines established by the Administrative Director:

(1) The executive officer of a superior court, for gifts to the superior court;

(2) The clerk/administrator of a Court of Appeal, for gifts to a Court of Appeal;

(3) The clerk of the Supreme Court, for gifts to the Supreme Court; and

(4) The Judicial Council's director of Finance, for gifts to the Judicial Council.

(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2004; previously amended effective January 1, 2007.)

Rule 10.102 amended effective January 1, 2016; adopted as rule 989.7 effective September 13, 1991; previously amended and renumbered as rule 6.102 effective January 1, 2004, and as rule 10.102 effective January 1, 2007.

Rule 10.103. Limitation on intrabranch contracting

(a) Definitions

For purposes of this rule, "judicial branch entity" includes a trial court, a Court of Appeal, the Supreme Court, and the Judicial Council.

(Subd (a) amended effective January 1, 2016.)

(b) Application

This rule is not applicable to:

(1) Part-time commissioners, with respect to services as a commissioner;

(2) Part-time court interpreters who are not subject to the cross-assignment system under Government Code section 71810, with respect to interpreter services provided to a court; and

(3) Court reporters, with respect to reporter services provided to a court.

(Subd (b) amended effective January 1, 2007.)

(c) Intrabranch limitations

An employee of a judicial branch entity must not:

(1) Engage in any employment, enterprise, or other activity from which he or she receives compensation or in which he or she has a financial interest and that is sponsored or funded by any judicial branch entity through or by a contract for goods or services for which compensation is paid, unless the activity is required as a condition of his or her regular judicial branch employment; or

(2) Contract with any judicial branch entity, on his or her own behalf, to provide goods or services for which compensation is paid.

(Subd (c) amended effective January 1, 2007.)

(d) Multiple employment

This rule does not prohibit any person from being employed by more than one judicial branch entity.

Rule 10.103 amended effective January 1, 2016; adopted as rule 6.103 effective January 1, 2004; previously amended and renumbered as rule 10.103 effective January 1, 2007.

Rule 10.104. Limitation on contracting with former employees

(a) Trial and appellate court contracts with former employees

A trial or appellate court may not enter into a contract for goods or services for which compensation is paid with a person previously employed by that court or by the Judicial Council:

(1) For a period of 12 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she was employed in a policymaking position in the same general subject area as the proposed contract within the 12-month period before his or her retirement, dismissal, or separation; or

(2) For a period of 24 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by the court or the Judicial Council.

(Subd (a) amended effective January 1, 2016.)

(b) Judicial Council contracts with former employees

The Judicial Council may not enter into a contract for goods or services for which compensation is paid with a person previously employed by it:

(1) For a period of 12 months following the date of the former employee's retirement, dismissal, or separation from service, if he or she was employed in a policymaking position at the Judicial Council in the same general subject area as the proposed contract within the 12-month period before his or her retirement, dismissal, or separation; or

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

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Policymaking position

"Policymaking position" includes:

(1) In a trial court, the court's executive officer and any other position designated by the court as a policymaking position;

(2) In an appellate court, the clerk/administrator and any other position designated by the court as a policymaking position; and

(3) In the Judicial Council, the Administrative Director, Chief of Staff, Chief Operating Officer, Chief Administrative Officer, any director, and any other position designated by the Administrative Director as a policymaking position.

(Subd (c) amended effective January 1, 2016.)

(d) Scope

This rule does not prohibit any court or the Judicial Council from (1) employing any person or (2) contracting with any former judge or justice.

(Subd (d) amended effective January 1, 2016.)

Rule 10.104 amended effective January 1, 2016; adopted as rule 6.104 effective January 1, 2004; previously amended and renumbered as rule 10.104 effective January 1, 2007.

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

(a) Allocation

The Judicial Council must annually allocate 80 percent of the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund under Government Code section 77205(a) that exceeds the amount of fee, fine, and forfeiture revenue deposited in the Trial Court Improvement Fund in fiscal year 2002–2003 to one or more of the following:

(1) To the trial courts in the counties from which the increased amount is attributable;

(2) To other trial courts to support trial court operations; or

(3) For retention in the Trial Court Improvement Fund.

(Subd (a) amended effective January 1, 2007.)

(b) Methodology

The Judicial Council staff must recommend a methodology for the allocation and must recommend an allocation based on this methodology. On approval of a methodology by the Judicial Council, Judicial Council staff must issue a Finance Memo stating the methodology adopted by the Judicial Council.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.105 amended effective January 1, 2016; adopted as rule 6.105 effective December 10, 2004; previously amended and renumbered as rule 10.105 effective January 1, 2007.

Rule 10.106. Judicial branch travel expense reimbursement policy

(a) Adoption

The Judicial Council must adopt a fiscally responsible judicial branch travel expense reimbursement policy, under Government Code section 68506.5, that provides appropriate accountability for the use of public resources. Before adopting the initial policy, the Judicial Council must receive comments from the courts, court employee organizations, and other interested groups.

(b) Applicability

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

(1) Judicial officers and judicial officers sitting by assignment;

(2) Officers, employees, retired annuitants, and members of the Supreme Court, the Courts of Appeal, superior courts, the Judicial Council and its staff, the Habeas Corpus Resource Center, and the Commission on Judicial Performance; and

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

(Subd (b) amended effective January 1, 2016.)

(c) Amendments

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

(Subd (c) amended effective January 1, 2016.)

Rule 10.106 amended effective January 1, 2016; adopted effective July 1, 2008.

Rule 10.107. Trial Court Budget Working Group [Repealed]
Rule 10.107 repealed effective January 1, 2015; repealed and adopted as rule 6.45 effective January 1, 2005; previously renumbered as rule 10.45 effective January 1, 2007, and as rule 10.107 effective August 14, 2009.

Chapter 2. Court Security

Rule 10.172. Court security plans
Rule 10.173. Court security committees
Rule 10.174. Petition Regarding Disputes Related to Court Security Memoranda of Understanding

Rule 10.172. Court security plans

(a) Responsibility

The presiding judge and the sheriff or marshal are responsible for developing an annual or multiyear comprehensive, countywide court security plan.

(b) Scope of security plan

(1) Each court security plan must, at a minimum, address the following general security subject areas:

(A) Composition and role of court security committees;

(B) Composition and role of executive team;

(C) Incident command system;

(D) Self-assessments and audits of court security;

(E) Mail handling security;

(F) Identification cards and access control;

(G) Courthouse landscaping security plan;

(H) Parking plan security;

(I) Interior and exterior lighting plan security;

(J) Intrusion and panic alarm systems;

(K) Fire detection and equipment;

(L) Emergency and auxiliary power;

(M) Use of private security contractors;

(N) Use of court attendants and employees;

(O) Administrative/clerk's office security;

(P) Jury personnel and jury room security;

(Q) Security for public demonstrations;

(R) Vital records storage security;

(S) Evacuation planning;

(T) Security for after-hours operations;

(U) Custodial services;

(V) Computer and data security;

(W) Workplace violence prevention; and

(X) Public access to court proceedings.

(2) Each court security plan must, at a minimum, address the following law enforcement subject areas:

(A) Security personnel and staffing;

(B) Perimeter and entry screening;

(C) Prisoner and inmate transport;

(D) Holding cells;

(E) Interior and public waiting area security;

(F) Courtroom security;

(G) Jury trial procedures;

(H) High-profile and high-risk trial security;

(I) Judicial protection;

(J) Incident reporting and recording;

(K) Security personnel training;

(L) Courthouse security communication;

(M) Hostage, escape, lockdown, and active shooter procedures;

(N) Firearms policies and procedures; and

(O) Restraint of defendants.

(3) Each court security plan should address additional security issues as needed.

(c) Court security assessment and assessment report

At least once every two years, the presiding judge and the sheriff or marshal are responsible for conducting an assessment of security with respect to all court operations. The assessment must include a comprehensive review of the court's physical security profile and security protocols and procedures. The assessment

should identify security weaknesses, resource deficiencies, compliance with the court security plan, and any need for changes to the court security plan. The assessment must be summarized in a written assessment report.

(d) Submission of court a plan to the Judicial Council

On or before November 1, 2009, each superior court must submit a court security plan to the Judicial Council. On or before February 1, 2011, and each succeeding February 1, each superior court must give notice to the Judicial Council whether it has made any changes to the court security plan and, if so, identify each change made and provide copies of the current court security plan and current assessment report. In preparing any submission, a court may request technical assistance from Judicial Council staff.

(Subd (d) amended effective January 1, 2016.)

(e) Plan review process

Judicial Council staff will evaluate for completeness submissions identified in (d). Annually, the submissions and evaluations will be provided to the Court Security Advisory Committee. Any submissions determined by the advisory committee to be incomplete or deficient must be returned to the submitting court for correction and completion.

(Subd (e) amended effective January 1, 2016.)

(f) Delegation

The presiding judge may delegate any of the specific duties listed in this rule to another judge or, if the duty does not require the exercise of judicial authority, to the court executive officer or other court employee. The presiding judge remains responsible for all duties listed in this rule even if he or she has delegated particular tasks to someone else.

Rule 10.172 amended effective January 1, 2016; adopted effective January 1, 2009.

Advisory Committee Comment

This rule is adopted to comply with the mandate in Government Code section 69925, which requires the Judicial Council to provide for the areas to be addressed in a court security plan and to establish a process for the review of such plans.

Rule 10.173. Court security committees

(a) Establishment

Each superior court must establish a standing court security committee.

(b) Role of the court security committee

The court security committee and any subcommittees advise the presiding judge and sheriff or marshal on the preparation of court security plans and on the formulation and implementation of all other policies and procedures related to security for court operations and security for facilities where the court conducts its operations. The presiding judge and sheriff or marshal may delegate to a court security committee or subcommittee the responsibility for conducting the court security assessment and preparing the assessment report.

(c) Members

(1) The court security committee must be chaired by the presiding judge or a judge designated by the presiding judge.

(2) In addition to the chair, each court security committee must include at least one representative designated by the sheriff or marshal and either the court executive officer or other court administrator as designated by the presiding judge.

(3) The chair may appoint additional members as appropriate. Additional members may include representatives from other government agencies, including:

(A) The facilities management office of the government entity, or entities, that hold title to or are responsible for the facilities where the court conducts its operations;

(B) Local fire protection agencies;

(C) Agencies that occupy portions of a court facility; and

(D) Agencies other than the sheriff that manage local corrections or state prison facilities.

(d) Facility contact person

In those courts having more than one court facility, the chair of the court security committee must designate for each facility a single contact person to coordinate activities in the event of an emergency and to collaborate with the court security committee, at its request.

(e) Subcommittees

The chair of the court security committee may form subcommittees if appropriate, including a subcommittee for each court facility. The chair must determine the composition of each subcommittee based on the individual court's circumstances.

Rule 10.173 adopted effective January 1, 2009.

Rule 10.174. Petition Regarding Disputes Related to Court Security Memoranda of Understanding

(a) Application

This rule applies to petitions filed under Government Code section 69926(e).

(b) Request for assignment of Court of Appeal justice

(1) If a sheriff, county, or superior court is unable to resolve a dispute related to the memorandum of understanding required by Government Code section 69926(b), the sheriff, county, or superior court may file a petition for a writ of mandamus or writ of prohibition.

(2) On the first page, below the case number, the petition must include the following language in the statement of the character of the proceeding (see rule 2.111(6)): "Petition filed under Government Code section 69926(e): Assignment of Court of Appeal justice requested."

(3) On receipt of a petition, the superior court clerk must submit a request to the Chief Justice asking that he or she assign a Court of Appeal justice from an appellate district other than the one in which the county, the superior court, and the sheriff are located to hear and decide the petition.

(c) Superior court hearing

A petition filed under this rule must be heard and decided on an expedited basis and must be given priority over other matters to the extent permitted by law and the rules of court.

(d) Appeal

(1) Any notice of appeal of a decision under (c) must be filed in the same superior court in which the petition was initially filed and must include on the first page the following language, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): "Notice of Appeal Relating to Petition filed under Government Code section 69926(e): Transfer Requested."

(2) On receipt of the notice of appeal, the Court of Appeal must request that the Supreme Court transfer the appeal to an appellate district other than the one in which the county, the superior court, and the sheriff are located.

Rule 10.174 adopted effective November 1, 2012.

Chapter 3. Court Facilities

Rule 10.180. Court facilities standards
Rule 10.181. Court facilities policies, procedures, and standards
Rule 10.182. Operation and maintenance of court facilities
Rule 10.183. Decision making on transfer of responsibility for trial court facilities
Rule 10.184. Acquisition, space programming, construction, and design of court facilities

Rule 10.180. Court facilities standards

(a) Development of standards

Judicial Council staff is responsible for developing and maintaining standards for the alteration, remodeling, renovation, and expansion of existing court facilities and for the construction of new court facilities.

(Subd (a) amended effective January 1, 2016; previously amended effective April 21, 2006.)

(b) Adoption by the Judicial Council

The standards developed by Judicial Council staff must be submitted to the Judicial Council for review and adoption as the standards to be used for court facilities in the state. Nonsubstantive changes to the standards may be made by the Judicial Council staff; substantive changes must be submitted to the Judicial Council for review and adoption.

(Subd (b) amended effective January 1, 2016; previously amended effective April 21, 2006.)

(c) Use of standards

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

(Subd (c) amended effective January 1, 2016; previously amended effective June 23, 2004, and April 21, 2006.)

Rule 10.180 amended effective January 1, 2016; adopted as rule 6.150 effective July 1, 2002; previously amended effective June 23, 2004, and April 21, 2006; previously renumbered as rule 10.180 effective January 1, 2007.

Rule 10.181. Court facilities policies, procedures, and standards

(a) Responsibilities of Judicial Council staff

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

(Subd (a) amended effective January 1, 2016; adopted as part of unlettered subd; previously amended and lettered as subd (a) effective January 1, 2007.)

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

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

(Subd (b) lettered and amended effective January 1, 2007; adopted as part of unlettered subd.)

Rule 10.181 amended effective January 1, 2016; adopted as rule 6.180 effective June 23, 2004; previously amended effective April 21, 2006; previously amended and renumbered as rule 10.181 effective January 1, 2007.

Rule 10.182. Operation and maintenance of court facilities

(a) Intent

The intent of this rule is to allocate responsibility and decision making for the operation and maintenance of court facilities among the courts and Judicial Council staff.

(Subd (a) amended effective January 1, 2016.)

(b) Responsibilities of Judicial Council staff

(1) In addition to those matters expressly authorized by statute, Judicial Council staff are responsible for:

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

(B) Preparing and submitting budget allocation proposals to the Judicial Council, as part of the yearly judicial branch budget development cycle, specifying the amounts to be spent for the operation of court facilities as provided in (A).

(C) Developing policies, procedures, and guidelines concerning court facilities for submission to the Judicial Council.

(2) Judicial Council staff must consult with affected courts concerning the annual operations and maintenance needs assessment, development of annual priorities, and fiscal planning for the operational and maintenance needs of court facilities.

(3) 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) The management of court facilities is consistent with the statewide goals and policies of the judicial branch;

(B) Access to all court facilities in California is promoted;

(C) Facilities decisions are made with consideration of operational costs and enhance economical, efficient, and effective court operations; and

(D) Courts have adequate and sufficient facilities and appropriate resources to undertake these delegated tasks.

(4) Judicial Council staff must, 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.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Responsibilities of the courts

(1) The affected courts must consult with 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 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 Judicial Council staff for all expenditures related to the delegation. Judicial Council staff may conduct an internal audit of any receipts and expenditures.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.182 amended effective January 1, 2016; adopted as rule 6.181 effective June 23, 2004; previously amended and renumbered as rule 10.182 effective January 1, 2007.

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 Judicial Council staff, responsibility and decision making for the transfer of responsibility for trial court facilities from the counties to the Judicial Council.

(Subd (a) amended effective January 1, 2016.)

(b) Definitions

As used in this rule, the following terms have the same meaning as provided by Government Code section 70301:

(1) “Court facilities”;

(2) “Maintenance”;

(3) "Responsibility for facilities"; and

(4) "Shared use."

(Subd (b) amended effective January 1, 2007.)

(c) Responsibilities of the Judicial Council and the Executive and Planning Committee

The Judicial Council must determine the following issues concerning transfer of responsibility of court facilities, except in the case of a need for urgent action between meetings of the council, in which case the Executive and Planning Committee is authorized to act under rule 10.11(d).

(1) Rejection of transfer of responsibility for a building under Government Code section 70326; and

(2) A decision to dispose of a surplus court facility under Government Code section 70391(c).

(Subd (c) amended effective January 1, 2007.)

(d) Responsibilities of Judicial Council staff

Judicial Council staff are responsible for the following matters related to transfer of responsibility for court facilities, in addition to matters expressly authorized by statute:

(1) Keeping the courts informed and involved, as appropriate, in the negotiations with the counties for transfer of responsibility for court facilities;

(2) Except as provided in (c)(1), approving an agreement transferring responsibility for a court facility to the state;

(3) Administering a shared-use court facility, including:

(A) Making a decision to displace a minority county tenant under Government Code section 70344(b);

(B) Seeking a change in the amount of court space under Government Code section 70342; and

(C) Responding to a county seeking a change in the amount of county space under Government Code section 70342; and

(4) Auditing the collection of fees by trial courts under Government Code section 70391(d)(1) and the money in local courthouse construction funds under Government Code section 70391(d)(2).

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Appeal of county facilities payment amount

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

(Subd (e) amended effective January 1, 2016.)

Rule 10.183 amended effective January 1, 2016; adopted as rule 6.182 effective June 23, 2004; previously amended and renumbered as rule 10.183 effective January 1, 2007.

Rule 10.184. Acquisition, space programming, construction, and design of court facilities

(a) Intent

The intent of this rule is to allocate responsibility and decision making for acquisition, space programming, construction, and design of court facilities among the courts, the Judicial Council, and its staff.

(Subd (a) amended effective January 1, 2016.)

(b) Responsibilities of Judicial Council staff

(1) In addition to those matters expressly provided by statute, Judicial Council staff are responsible for the acquisition, space programming, construction, and design of a court facility, consistent with the facilities policies and procedures adopted by the Judicial Council and the California Rules of Court.

(2) Judicial Council staff must prepare and submit to the Judicial Council separate annual capital outlay proposals for the appellate courts and the trial courts, as part of the yearly judicial branch budget development cycle, specifying the amounts to be spent for these purposes. The capital outlay proposal for the trial courts must specify the money that is proposed to be spent from the State Court Facilities Construction Fund and from other sources. The annual capital outlay proposals must be consistent with the

Five-Year Capital Infrastructure Plan or must recommend appropriate changes in the Five-Year Capital Infrastructure Plan. Judicial Council staff must, whenever feasible, seek review and recommendations from the Court Facilities Transitional Task Force before recommending action to the Judicial Council on these issues.

(3) Judicial Council staff must consult with the affected courts concerning the annual capital needs of the courts.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Responsibilities of the courts

(1) Affected courts must consult with Judicial Council staff concerning the courts' annual capital needs.

(2) An affected court must work with the advisory group that is established for any court construction or major renovation project.

(Subd (c) amended effective January 1, 2016.)

(d) Advisory group for construction projects

Judicial Council staff, in consultation with the leadership of the affected court, must establish and work with an advisory group for each court construction or major renovation project. The advisory group consists of court judicial officers, other court personnel, and others affected by the court facility. The advisory group must work with Judicial Council staff on issues involved in the construction or renovation, from the selection of a space programmer and architect through occupancy of the facility.

(Subd (d) amended effective January 1, 2016.)

Rule 10.184 amended effective January 1, 2016; adopted as rule 6.183 effective June 23, 2004; previously amended and renumbered as rule 10.184 effective January 1, 2007.

Chapter 4. Management of Claims and Litigation

Rule 10.201. Claim and litigation procedure
Rule 10.202. Claims and litigation management
Rule 10.203. Contractual indemnification

Rule 10.201. Claim and litigation procedure

(a) Definitions

As used in this chapter:

(1) "Judicial branch entity" is as defined in Government Code section 900.3;

(2) "Judge" means a judge or justice of a judicial branch entity;

(3) "Legal Services" means the Judicial Council's Legal Services office; and

(4) "Litigation Management Committee" means the Litigation Management Committee of the Judicial Council.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Procedure for action on claims

To carry out the Judicial Council's responsibility under Government Code section 912.7 to act on a claim, claim amendment, or application for leave to present a late claim against a judicial branch entity or a judge, Legal Services, under the direction of the Administrative Director, must:

(1) On receipt of a claim, claim amendment, or application for leave to present a late claim forwarded by a judicial branch entity, promptly consult with a representative of that entity about the merits of the claim, claim amendment, or application for leave to present a late claim;

(2) Grant or deny an application for leave to present a late claim under Government Code section 911.6(b);

(3) If determined by 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 Judicial Council;

(4) Reject a claim if it is not a proper charge against the judicial branch entity or judge;

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

(6) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims requiring payments of $100,000 or more.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007 and December 9, 2008.)

(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) Legal Services, under the direction of the Administrative Director, if the payment is less than $100,000; or

(2) The Litigation Management Committee, for any claim.

(Subd (c) amended effective January 1, 2016; previously amended effective December 9, 2008.)

(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) Legal Services, under the direction of the Administrative Director, if the payment is less than $100,000 and the lawsuit does not raise issues of significance to the judicial branch; or

(2) The Litigation Management Committee, for any settlement or judgment.

(Subd (d) amended effective January 1, 2016; previously amended effective December 9, 2008.)

Rule 10.201 amended effective January 1, 2016; adopted as rule 6.201 effective January 1, 2003; previously amended and renumbered as rule 10.201 effective January 1, 2007; previously amended effective December 9, 2008.

Rule 10.202. Claims and litigation management

(a) Intent

The intent of this rule is to:

(1) Ensure that the trial and appellate courts are provided with timely, quality legal assistance; and

(2) Promote the cost-effective, prompt, and fair resolution of actions, proceedings, and claims that affect the trial and appellate courts and involve justices of the Courts of Appeal or the Supreme Court, trial court judges, subordinate judicial officers, court executive officers or administrators, or employees of the trial and appellate courts.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2003.)

(b) Duties of Legal Services

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

(1) Develop, manage, and administer a litigation management program for investigating and resolving all claims and lawsuits affecting the trial and appellate courts;

(2) Provide legal assistance to the trial or appellate court, and to any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee who is named as a defendant or responsible party, subject to the defense and indemnification provisions of part 1 (commencing with section 810) to part 7 (commencing with section 995), inclusive, of the Government Code, on receipt of notice of a claim or lawsuit affecting the trial or appellate court or of a dispute that is likely to result in a claim or lawsuit;

(3) Select and direct any counsel retained to represent any trial or appellate court, justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2), after consultation with the trial or appellate court and any such individual defendant;

(4) Make settlement decisions in all claims and lawsuits other than those identified in (5), after consultation with the affected trial or appellate court, and any justice, judge, subordinate judicial officer, court executive officer or administrator, and trial or appellate court employee being provided legal representation under (2);

(5) Make recommendations to the Litigation Management Committee regarding proposed settlements of claims or lawsuits requiring payments of $100,000 or more or raising issues of significance to the judicial branch;

(6) Develop and implement risk avoidance programs for the trial and appellate courts;

(7) Provide an annual report to the Litigation Management Committee concerning the litigation management program; and

(8) Provide an annual report to each trial and appellate court concerning claims and lawsuits filed against that trial or appellate court.

(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2002, January 1, 2003; January 1, 2007, and December 9, 2008.)

(c) Duties of trial and appellate courts

The trial and appellate courts must:

(1) Notify Legal Services promptly on receipt of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim or lawsuit filed, against the court, a justice, a judge or subordinate judicial officer, a court executive officer or administrator, or a court employee, and forward the claim and lawsuit to Legal Services for handling; and

(2) Consult with Legal Services regarding strategic and settlement decisions in claims and lawsuits.

(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2002, January 1, 2003, and January 1, 2007.)

(d) Disagreements about major strategic decisions

Following consultation with Legal Services, a presiding judge or administrative presiding justice may object to a proposed decision of Legal Services about major strategic decisions, such as retention of counsel and proposed settlements, by presenting to Legal Services a written statement of the objection. Legal Services must present the written objection to the Litigation Management Committee, which will resolve the objection.

(Subd (d) amended effective January 1, 2016; adopted effective January 1, 2003; previously amended effective January 1, 2007.)

Rule 10.202 amended effective January 1, 2016; adopted as rule 6.800 effective January 1, 2001; previously renumbered as rule 6.202 effective January 1, 2003; previously amended and renumbered as rule 10.202 effective January 1, 2007; previously amended effective July 1, 2002, and December 9, 2008.

Rule 10.203. Contractual indemnification

(a) Intent

The intent of this rule is to facilitate the use of contractual indemnities that allocate legal risk and liability to parties that contract with a superior court or Court of Appeal, the Supreme Court, or the Judicial Council (a "judicial branch entity" as defined in Gov. Code, § 900.3).

(Subd (a) amended effective January 1, 2016.)

(b) Defense and indemnification provisions

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

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.203 amended effective January 1, 2016; adopted as rule 6.203 effective October 15, 2003; previously amended and renumbered as rule 10.203 effective January 1, 2007.

Chapter 5. Management of Human Resources

Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter 5, Management of Human Resources; renumbered effective January 1, 2013; adopted as Chapter 6.

Rule 10.350. Workers' compensation program

Rule 10.350. Workers' compensation program

(a) Intent

The intent of this rule is to:

(1) Establish procedures for the Judicial Council's workers' compensation program for the trial courts; and

(2) Ensure that the trial courts' workers' compensation coverage complies with applicable law and is cost-efficient.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Duties of Judicial Council staff

To carry out the duty of the Judicial Council to establish a workers' compensation program for the trial courts, the council's Human Resources office must:

(1) Maintain a contract with a vendor to provide courts, on a voluntary basis, with a cost-efficient workers' compensation coverage program;

(2) Monitor the performance of the vendor with which it contracts to provide such services;

(3) Timely notify the trial courts concerning the terms of the workers' compensation coverage program;

(4) Timely inform the trial courts about the legal requirements with which a workers' compensation program must comply;

(5) Make personnel available by telephone to consult with trial courts regarding the cost and benefits of the plan being offered by the Judicial Council; and

(6) Review and approve or disapprove any other workers' compensation programs identified by a trial court for consideration as a vendor to provide workers' compensation benefits to its employees.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Duties of the trial courts

(1) Each trial court that elects to participate in the program made available through the Judicial Council must:

(A) Timely notify the Human Resources office of its decision to participate in the workers' compensation program being offered through the Judicial Council;

(B) Timely complete and return necessary paperwork to the Human Resources office; and

(C) Timely pay all costs associated with the program.

(2) Each trial court that elects not to participate in the workers' compensation program available through the Judicial Council must:

(A) Independently identify a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner;

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

(C) Maintain a contract with a workers' compensation benefits provider that fulfills all legal responsibilities to offer such benefits in California in a cost-efficient manner.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.350 amended effective January 1, 2016; adopted as rule 6.302 effective January 1, 2005; previously amended and renumbered as rule 10.350 effective January 1, 2007.

Chapter 6. Court Technology, Information, and Automation

Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter 6, Court Technology, Information and Automation; renumbered effective January 1, 2013; adopted as Chapter 7.

Rule 10.400. Judicial Branch Statistical Information System (JBSIS)

Rule 10.400. Judicial Branch Statistical Information System (JBSIS)

(a) Purpose of rule

Consistent with article VI, section 6 of the California Constitution and Government Code section 68505, the Judicial Branch Statistical Information System (JBSIS) is established by the Judicial Council to provide accurate, consistent, and timely information for the judicial branch, the Legislature, and other state agencies that require information from the courts to fulfill their mandates.

(Subd (a) amended effective January 1, 2007.)

(b) Reporting required

Each trial court must collect and report to the Judicial Council information according to its capability and level of automation as prescribed by the *JBSIS Manual* adopted by the Judicial Council.

(Subd (b) amended effective January 1, 2007.)

(c) Automated JBSIS collection and reporting

By July 1, 1998, each trial court must develop a plan for meeting reporting requirements prescribed by the *JBSIS Manual*. By January 1, 2001, subject to adequate funding being made available, each trial court must develop, upgrade, replace, or procure automated case management systems needed to meet or exceed JBSIS data collection and reporting requirements prescribed by the *JBSIS Manual.*

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2000.)

Rule 10.400 amended and renumbered effective January 1, 2007; adopted as rule 996 effective January 1, 1998; previously amended effective January 1, 2000.

Chapter 7. Minimum Education Requirements, Expectations, and Recommendations

Title 10, Judicial Administration Rules—Division 2, Administration of the Judicial Branch—Chapter 7, Minimum Education Requirements, Expectations, and Recommendations; renumbered effective January 1, 2013; adopted as Chapter 8.

Rule 10.451. Judicial branch education
Rule 10.452. Minimum education requirements, expectations, and recommendations
Rule 10.455. Ethics orientation for Judicial Council members and for judicial branch employees required to file a statement of economic interests
Rule 10.461. Minimum education requirements for Supreme Court and Court of Appeal justices
Rule 10.462. Minimum education requirements and expectations for trial court judges and subordinate judicial officers
Rule 10.463. Education requirements for family court judges and subordinate judicial officers
Rule 10.464. Education requirements and expectations for judges and subordinate judicial officers on domestic violence issues
Rule 10.468. Content-based and hours-based education for superior court judges and subordinate judicial officers regularly assigned to hear probate proceedings
Rule 10.469. Judicial education recommendations for justices, judges, and subordinate judicial officers
Rule 10.471. Minimum education requirements for Supreme Court and Court of Appeal clerk/administrators
Rule 10.472. Minimum education requirements for Supreme Court and Court of Appeal managing attorneys, supervisors, and other personnel
Rule 10.473. Minimum education requirements for trial court executive officers
Rule 10.474. Trial court managers, supervisors, and other personnel
Rule 10.478. Content-based and hours-based education for court investigators, probate attorneys, and probate examiners
Rule 10.479. Education recommendations for appellate and trial court personnel

Rule 10.481. Approved providers; approved course criteria
Rule 10.491. Minimum education requirements for Judicial Council employees

Rule 10.451. Judicial branch education

(a) Purpose

Judicial branch education for all justices, judges, subordinate judicial officers, and court personnel is essential to enhance the fair, effective, and efficient administration of justice. Participation in education activities is part of the official duties of judicial officers and court personnel. Judicial branch education is acknowledged as a vital component in achieving the goals of the Judicial Council's Long-Range Strategic Plan, which include access, fairness, and diversity; branch independence and accountability; modernization of management and administration; and quality of justice and service to the public. The responsibility for planning, conducting, and overseeing judicial branch education properly resides in the judicial branch.

(b) Education objectives

Justices, judges, subordinate judicial officers, court personnel, education committees, and others who plan and deliver education will endeavor to achieve the following objectives:

(1) To provide justices, judges, subordinate judicial officers, and court personnel with the knowledge, skills, and abilities required to perform their responsibilities competently, fairly, and efficiently;

(2) To ensure that education, including opportunities for orientation, continuing education, and professional development, is available to all justices, judges, subordinate judicial officers, and court personnel;

(3) To assist justices, judges, subordinate judicial officers, and court personnel in preserving the integrity and impartiality of the judicial system through their efforts to ensure that all members of the public have equal access to the courts and equal ability to participate in court proceedings and are treated in a fair and just manner;

(4) To promote the adherence of justices, judges, subordinate judicial officers, and court personnel to the highest ideals of personal and official conduct, as set forth in the California Code of Judicial Ethics and the Code of Ethics for the Court Employees of California;

(5) To improve the administration of justice, reduce court delay, and promote fair and efficient management of court proceedings;

(6) To promote standardized court practices and procedures; and

(7) To implement the recommendations adopted by the Judicial Council in the California Standards of Judicial Administration.

Rule 10.451 adopted effective January 1, 2007.

Rule 10.452. Minimum education requirements, expectations, and recommendations

(a) Purpose

Justices, judges, and subordinate judicial officers are entrusted by the public with the impartial and knowledgeable handling of proceedings that affect the freedom, livelihood, and happiness of the people involved. Court personnel assist justices, judges, and subordinate judicial officers in carrying out their responsibilities and must provide accurate and timely services to the public. Each justice, judge, and subordinate judicial officer and each court staff member is responsible for maintaining and improving his or her professional competence. To assist them in enhancing their professional competence, the judicial branch will develop and maintain a comprehensive and high-quality education program, including minimum education requirements, expectations, and recommendations, to provide educational opportunities for all justices, judges, subordinate judicial officers, and court personnel.

(Subd (a) amended effective January 1, 2008.)

(b) Goals

The minimum education requirements, expectations, and recommendations set forth in rules 10.461–10.479 are intended to achieve two complementary goals:

(1) To ensure that both individuals who are new to the bench or the court and those who are experienced on the bench or court but are beginning a new assignment or role obtain education on the tasks, skills, abilities, and knowledge necessary to be successful in the new roles; and

(2) To establish broad parameters, based on time, for continuing education for individuals who are experienced both on the bench or court and in their assignments or roles, while preserving the ability of the individual, working with the individual who oversees his or her work, to determine the appropriate content and provider.

(Subd (b) amended effective January 1, 2008.)

(c) Relationship of minimum education requirements and expectations to education recommendations

The education requirements and expectations set forth in rules 10.461–10.462 and 10.471–10.474 are minimums. Justices, judges, and subordinate judicial officers should participate in more judicial education than is required and expected, related to each individual's responsibilities and particular judicial assignment or assignments and in accordance with the judicial education recommendations set forth in rule 10.469. Additional education requirements related to specific responsibilities are set forth in rule 10.463 (for those hearing family law matters), rule 10.464 (for those hearing domestic violence issues), and rule 10.468 (for those hearing probate proceedings).

(Subd (c) amended effective January 1, 2012; previously amended effective January 1, 2008.)

(d) Responsibilities of Chief Justice and administrative presiding justices

The Chief Justice and each administrative presiding justice:

(1) Must grant sufficient leave to Supreme Court and Court of Appeal justices, the clerk/administrator, and the managing attorney to enable them to complete the minimum education requirements stated in rules 10.461, 10.471, and 10.472, respectively;

(2) To the extent compatible with the efficient administration of justice, must grant to all justices, the clerk/administrator, and the managing attorney sufficient leave to participate in education programs consistent with the education recommendations stated in rules 10.469 and 10.479. After a justice has completed any new justice education required under rule 10.461 or after a justice has completed the first year on the bench, the Chief Justice or the administrative presiding justice should grant each justice at least eight court days per calendar year to participate in continuing education relating to the justice's responsibilities;

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

(4) Should establish an education plan for his or her court to facilitate the involvement of justices, the clerk/administrator, and the managing attorney as both participants and faculty in education activities;

(5) Must ensure that justices, the clerk/administrator, and the managing attorney are reimbursed by their court in accordance with the travel policies issued by the Judicial Council 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 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 Chief Justice or the administrative presiding justice may approve reimbursement of travel expenses incurred by justices, the clerk/administrator, and the managing attorney in attending out-of-state education programs as a participant; and

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

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2008.)

(e) Responsibilities of presiding judges

Each presiding judge:

(1) Must grant sufficient leave to all judges and subordinate judicial officers and to the court executive officer to enable them to complete the minimum education requirements and expectations stated in rules 10.462 and 10.473, respectively;

(2) To the extent compatible with the efficient administration of justice, must grant to all judges and subordinate judicial officers and to the court executive officer sufficient leave to participate in education programs consistent with the education recommendations stated in rules 10.469 and 10.479. After a judge or subordinate judicial officer has completed the new judge education required under rule 10.462, the presiding judge should grant each judge and subordinate judicial officer at least eight court days per calendar year to participate in continuing education relating to the judge or subordinate judicial officer's responsibilities or current or future court assignment;

(3) In addition to the educational leave required or authorized under rule 10.603 or (e)(1)–(2), should grant leave to a judge or subordinate judicial officer or the executive officer to serve on education committees and as a faculty

member at education programs when the judicial officer's or executive officer's services have been requested for these purposes by Judicial Council staff, the California Judges Association, or the court. If a court's calendar would not be adversely affected, the presiding judge should grant additional leave for a judge or subordinate judicial officer or executive officer to serve on an educational committee or as a faculty member for judicial branch education;

(4) Should establish an education plan for his or her court to facilitate the involvement of judges, subordinate judicial officers, and the executive officer as both participants and faculty in education activities and should consult with each judge, each subordinate judicial officer, and the executive officer regarding their education needs and requirements related to their current and future assignments;

(5) Should use his or her assignment powers to enable all judges and subordinate judicial officers, particularly those assigned to specific calendar courts, to participate in educational activities;

(6) Must ensure that judges, subordinate judicial officers, and the court executive officer 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 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 presiding judge may approve reimbursement of travel expenses incurred by judges, subordinate judicial officers, and the court executive officer in attending out-of-state education programs as a participant; and

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

(Subd (e) amended effective January 1, 2016; previously amended effective January 1, 2008.)

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

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

(1) Must grant sufficient leave to all court personnel to enable them to complete the minimum education requirements stated in rule 10.472;

(2) To the extent compatible with the efficient administration of justice, must grant to all court personnel sufficient leave to participate in education programs consistent with the education recommendations stated in rule 10.479;

(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 Judicial Council staff or the court;

(4) Should establish an education plan for their court to facilitate the involvement of court personnel as both participants and faculty in educational activities, and should consult with each court staff member regarding his or her education needs and requirements and professional development; and

(5) Must ensure that supervisors and other court personnel are reimbursed by their court in accordance with the travel policies issued by the Judicial Council 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 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.

(Subd (f) amended effective January 1, 2016; adopted effective January 1, 2008.)

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

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

(1) Must grant sufficient leave to all court personnel to enable them to complete the minimum education requirements stated in rule 10.474;

(2) To the extent compatible with the efficient administration of justice, must grant to all court personnel sufficient leave to participate in education programs consistent with the education recommendations stated in rule 10.479;

(3) Should allow and encourage court personnel, in addition to participating as students in education 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 Judicial Council staff or the court;

(4) Should establish an education plan for their court to facilitate the involvement of court personnel as both participants and faculty in educational activities, and should consult with each court staff member regarding his or her education needs and requirements and professional development; and

(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 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.

(Subd (g) amended effective January 1, 2016; adopted as subd (f); previously amended and relettered as subd (g) effective January 1, 2008.)

Rule 10.452 amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective January 1, 2008, and January 1, 2012.

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

(a) Authority

This rule is adopted under Government Code section 11146 et seq. and article VI, section 6 of the California Constitution.

(Subd (a) amended effective January 1, 2007.)

(b) Definitions

For purposes of this rule, "judicial branch employee" includes an employee of a trial or appellate court or the Judicial Council, but does not include court commissioners or referees.

(Subd (b) amended effective January 1, 2016.)

(c) Judicial Council members and judicial branch employees

(1) Judicial Council staff must provide an ethics orientation course for Judicial Council members and for judicial branch employees who are required to file a statement of economic interests.

(2) Judicial Council members must take the orientation course within six months of appointment. If a member is appointed to a subsequent term, he or she must take the course within six months of the reappointment.

(3) Judicial branch employees who are required to file a statement of economic interests must take the orientation course as follows:

(A) For employees who have taken the orientation course before the effective date of this rule, at least once during each consecutive two calendar years after the date of the last attendance.

(B) For new employees, within six months of becoming an employee and at least once during each consecutive two calendar years thereafter.

(C) For all other employees, within six months of the effective date of this rule and at least once during each consecutive two calendar years thereafter.

(Subd (c) amended effective January 1, 2016.)

Rule 10.455 amended effective January 1, 2016; adopted as rule 6.301 effective January 1, 2004; previously amended and renumbered as rule 10.301 effective January 1, 2007, and as rule 10.455 effective January 1, 2013.

Rule 10.461. Minimum education requirements for Supreme Court and Court of Appeal justices

(a) Applicability

All California Court of Appeal justices must complete the minimum judicial education requirements for new justices under (b), and all Supreme Court and Court of Appeal justices must complete minimum continuing education requirements as outlined under (c). All justices should participate in more judicial education than is required, related to each individual's responsibilities and in accordance with the judicial education recommendations set forth in rule 10.469.

(Subd (a) adopted effective January 1, 2008.)

(b) Content-based requirement

Each new Court of Appeal justice, within two years of confirmation of appointment, must attend a new appellate justice orientation program sponsored by a national provider of appellate orientation programs or by the Judicial Council's Center for Judicial Education and Research.

(Subd (b) amended effective January 1, 2016; adopted as unlettered subd effective January 1, 2007; previously amended and lettered as subd (b) effective January 1, 2008; previously amended effective January 1, 2012.)

(c) Hours-based continuing education

(1) Each justice must complete 30 hours of continuing judicial education every three years, beginning on the dates outlined:

(A) A new Supreme Court justice enters the three-year continuing education period on January 1 of the year following confirmation of appointment, and a new Court of Appeal justice enters the three-year continuing education period on January 1 of the year following completion of the required new justice education; continuing education requirements are prorated based on the number of years remaining in the three-year period.

(B) For all other justices, the first continuing education period begins January 1, 2008.

(C) The first continuing education period for Supreme Court and Court of Appeal justices is for two years from January 1, 2008, through December 31, 2009, rather than three years. The continuing education requirements and limitations in (c) are consequently prorated for this two-year period. The first three-year period then begins January 1, 2010.

(2) The following education applies toward the required 30 hours of continuing judicial education:

(A) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the Chief Justice or the administrative presiding justice as meeting the criteria listed in rule 10.481(b).

(B) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service counts toward the continuing education requirement on an hour-for-hour basis. Each justice must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The justice may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education.

(C) A justice who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(Subd (c) amended effective January 1, 2013; adopted effective January 1, 2008; previously amended effective January 1, 2012.)

(d) Extension of time

(1) For good cause, the Chief Justice or the administrative presiding justice may grant a one-year extension of time to complete the continuing education requirement in (c).

(2) If the Chief Justice or the administrative presiding justice grants a request for an extension of time, the justice, in consultation with the Chief Justice or the administrative presiding justice, should also pursue interim means of obtaining relevant educational content.

(3) An extension of time to complete the hours-based continuing education requirement does not affect what is required in the next three-year period.

(Subd (d) adopted effective January 1, 2008.)

(e) Records and summaries of participation for justices

Each justice is responsible for:

(1) Tracking his or her own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements, on a form provided by the Chief Justice for the Supreme Court or by the administrative presiding justice for each appellate district of the Court of Appeal. The form must include the information regarding a justice's participation in education that is needed by the Chief Justice or the administrative presiding justice to complete the aggregate form required by rule 10.452(d)(6);

(2) At the end of each year, giving the Chief Justice or the administrative presiding justice a copy of his or her record of participation in education for that year, on the form provided by the Chief Justice or the administrative presiding justice; and

(3) At the end of each three-year period, giving the Chief Justice or the administrative presiding justice a copy of his or her record of participation in education for that year and a cumulative history of participation for that

three-year period, on the form provided by the Chief Justice or the administrative presiding justice.

(Subd (e) amended effective August 15, 2008; adopted effective January 1, 2008.)

Rule 10.461 amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective January 1, 2008, August 15, 2008, January 1, 2012, and January 1, 2013.

Advisory Committee Comment

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

Judicial Council staff have developed both a manual format and an automated format of the individual justice's recording and reporting form referenced in rule 10.461(e) that gathers all the information needed by the Chief Justice or the administrative presiding justice to complete the aggregate report to the Judicial Council required under rule 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine which form should be used in his or her court and may provide the manual or automated format of the council-developed form (available from the council's Center for Judicial Education and Research) or may provide another appropriate form that has been developed by his or her court or by another court that gathers all the information needed by the Chief Justice or the administrative presiding justice to complete the aggregate report to the Judicial Council.

Rule 10.462. Minimum education requirements and expectations for trial court judges and subordinate judicial officers

(a) Applicability

All California trial court judges must complete the minimum judicial education requirements for new judges under (c)(1) and are expected to participate in continuing education as outlined under (d). All subordinate judicial officers must complete the minimum education requirements for new subordinate judicial officers under (c)(1) and for continuing education as outlined under (d). All trial court judges and subordinate judicial officers who hear family law matters must complete additional education requirements set forth in rule 10.463. All trial court judges and subordinate judicial officers who hear certain types of matters must participate in education on domestic violence issues as provided in rule 10.464. All trial court judges and subordinate judicial officers regularly assigned to hear probate proceedings must complete additional education requirements set forth in rule 10.468. All trial court judges and subordinate judicial officers should participate in more judicial education than is required and expected, related to each individual's responsibilities and particular judicial assignment or assignments and in accordance with the judicial education recommendations set forth in rule 10.469.

(Subd (a) amended effective January 1, 2012; previously amended effective January 1, 2008.)

(b) Definitions

Unless the context or subject matter otherwise requires, "subordinate judicial officers" as used in this rule means subordinate judicial officers as defined in rule 10.701.

(c) Content-based requirements

(1) Each new trial court judge and subordinate judicial officer must complete the "new judge education" provided by the Judicial Council's Center for Judicial Education and Research (CJER) as follows:

(A) The New Judge Orientation Program within six months of taking the oath as a judge or subordinate judicial officer. For purposes of the New Judge Orientation Program, a judge or subordinate judicial officer is considered "new" only once, and any judge or subordinate judicial officer who has completed the New Judge Orientation Program, as required under this rule or under former rule 970, is not required to complete the program again. A judge or subordinate judicial officer who was appointed, elected, or hired before rule 970 was adopted on January 1, 1996, is not required to complete the program.

(B) An orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking the oath as a judge or subordinate judicial officer; and

(C) The B. E. Witkin Judicial College of California within two years of taking the oath as a judge or subordinate judicial officer, unless the new judge completed the Judicial College as a new subordinate judicial officer, in which case the presiding judge may determine whether the new judge must complete it again.

(2) Each judge beginning a supervising judge role is expected to complete the following education, unless he or she is returning to a similar supervising judge role after less than two years in another assignment or is beginning a supervising judge role less than two years after serving in the presiding judge role and completing the Presiding Judges Orientation and Court Management Program.

(A) For a judge who has administrative responsibility, CJER's Supervising Judges Overview course within one year of beginning the supervising judge role, preferably before beginning the role;

(B) For a judge who has calendar management responsibility, a calendar management overview course, provided either by the local court or by

CJER, within one year of beginning the supervising judge role, preferably before beginning the role;

(C) For a judge who has both administrative and calendar management responsibility, both overview courses within one year of beginning the role.

(3) Each judge beginning a presiding judge role is expected to complete CJER's Presiding Judges Orientation and Court Management Program within one year of beginning the presiding judge role, preferably before beginning the role unless he or she is returning to a presiding judge role after two years or less in another role or assignment.

(4) Each judge is expected to and each subordinate judicial officer must, if beginning a new primary assignment (unless he or she is returning to an assignment after less than two years in another assignment), complete a course on the new primary assignment, provided by CJER, the California Judges Association (CJA), or the local court, within six months of beginning the new assignment. CJER is responsible for identifying content for these courses and will share the identified content with CJA and the local courts.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2008, July 1, 2008, and January 1, 2012.)

(d) Hours-based continuing education

(1) Each judge is expected to and each subordinate judicial officer must complete 30 hours of continuing judicial education every three years, beginning on the dates outlined:

(A) A new judge or new subordinate judicial officer enters the three-year continuing education period on January 1 of the year following the period provided for completion of the required new judge education; continuing education expectations for judges and requirements for subordinate judicial officers are prorated based on the number of years remaining in the three-year period.

(B) For all other judges and subordinate judicial officers, the first three-year period begins on January 1, 2007.

(2) The following education applies toward the expected or required 30 hours of continuing judicial education:

(A) The content-based courses under (c)(2), (3), and (4) for a new supervising judge, a new presiding judge, and a judge or subordinate judicial officer beginning a new primary assignment (the "new judge education" required under (c)(1) does not apply); and

(B) Any other education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the presiding judge as meeting the criteria listed in rule 10.481(b).

(3) Each hour of participation in traditional (live, face-to-face) education; distance education, such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service counts toward the continuing education expectation or requirement on an hour-for-hour basis. Each judge and subordinate judicial officer must complete at least half of his or her continuing education hours expectation or requirement as a participant in traditional (live, face-to-face) education. The judge or subordinate judicial officer may complete the balance of his or her judicial education hours expectation or requirement through any other means with no limitation on any particular type of education.

(4) A judge or subordinate judicial officer who serves as faculty by teaching legal or judicial education for a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education expectation or requirement in the same manner as all other types of education—on an hour-for-hour basis.

(5) The presiding judge may require subordinate judicial officers to participate in specific courses or participate in education in a specific subject matter area as part of their continuing education.

(Subd (d) amended effective January 1, 2013; previously amended effective January 1, 2008, and January 1, 2012.)

(e) Extension of time

(1) For good cause, a presiding judge may grant an extension of time to complete the education expectations or requirements in (c)(2)–(4) and the continuing education expectation or requirement in (d) as follows:

(A) A time extension to complete the content-based expectations or requirements in (c)(2)–(4) is limited to the original time period provided for completion—that is, one year, one year, or six months, respectively.

(B) A time extension to complete the hours-based continuing education expectation or requirement in (d) is limited to one year.

(2) If the presiding judge grants a request for an extension of time, the judge or subordinate judicial officer, in consultation with the presiding judge, should also pursue interim means of obtaining relevant educational content.

(3) An extension of time to complete the hours-based continuing education expectation or requirement does not affect what is expected or required in the next three-year period.

(f) Records and cumulative histories of participation for judges

Each judge is responsible for:

(1) Tracking his or her own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements and expectations, on a form provided by the presiding judge. The form must include the information regarding a judge's participation in education that is needed by the presiding judge to complete the aggregate form required by rule 10.452(e)(7);

(2) At the end of each year, giving the presiding judge a copy of his or her record of participation in education for that year, on the form provided by the presiding judge; and

(3) At the end of each three-year period, giving the presiding judge a copy of his or her record of participation in education for that year and a cumulative history of participation for that three-year period, on the form provided by the presiding judge.

(Subd (f) amended effective August 15, 2008; previously amended effective January 1, 2008.)

(g) Records of participation for subordinate judicial officers

(1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its subordinate judicial officers.

(2) Each subordinate judicial officer must keep records of his or her own participation for three years after each course or activity that is applied toward the requirements.

Rule 10.462 amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective January 1, 2008, July 1, 2008, August 15, 2008, January 1, 2012, and January 1, 2013.

Advisory Committee Comment

The minimum judicial education requirements in rule 10.462 do not apply to retired judges seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who

seek to serve in the Assigned Judges Program must comply with the Chief Justice's Standards and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

Judicial Council staff have developed both a manual format and an automated format of the individual judge's recording and reporting form referenced in rule 10.462(f) that gathers all the information needed by the presiding judge to complete the aggregate report to the Judicial Council required under rule 10.452(e)(7). The presiding judge may determine which form should be used in his or her court and may provide the manual or automated format of the council-developed form (available from the Judicial Council's Center for Judicial Education and Research) or may provide another appropriate form that has been developed by his or her court or by another court that gathers all the information needed by the presiding judge to complete the aggregate report to the Judicial Council.

Rule 10.463. Education requirements for family court judges and subordinate judicial officers

Each judge or subordinate judicial officer whose primary assignment is to hear family law matters or who is the sole judge hearing family law matters must complete the following education:

(a) Basic family law education

Within six months of beginning a family law assignment, or within one year of beginning a family law assignment in courts with five or fewer judges, the judge or subordinate judicial officer must complete a basic educational program on California family law and procedure designed primarily for judicial officers. A judge or subordinate judicial officer who has completed the basic educational program need not complete the basic educational program again. All other judicial officers who hear family law matters, including retired judges who sit on court assignment, must complete appropriate family law educational programs.

(Subd (a) amended effective January 1, 2008; adopted as (1) effective January 1, 1992; previously amended and lettered effective January 1, 2003.)

(b) Continuing family law education

The judge or subordinate judicial officer must complete a periodic update on new developments in California family law and procedure.

(Subd (b) amended effective January 1, 2008; adopted as (2) effective January 1, 1992; previously amended and lettered effective January 1, 2003.)

(c) Other family law education

To the extent that judicial time and resources are available, the judge or subordinate judicial officer must complete additional educational programs on other aspects of family law including interdisciplinary subjects relating to the family.

(Subd (c) amended effective January 1, 2008; adopted as (3) effective January 1, 1992; previously amended and lettered effective January 1, 2003.)

Rule 10.463 amended and renumbered effective January 1, 2008; adopted as rule 1200 effective January 1, 1992; previously amended and renumbered as rule 5.30 effective January 1, 2003.

Rule 10.464. Education requirements and expectations for judges and subordinate judicial officers on domestic violence issues

(a) Judges and subordinate judicial officers hearing specified matters

Each judge or subordinate judicial officer who hears criminal, family, juvenile delinquency, juvenile dependency, or probate matters must participate in appropriate education on domestic violence issues as part of his or her requirements and expectations under rule 10.462. Each judge or subordinate judicial officer whose primary assignment is in one of these areas also must participate in a periodic update on domestic violence as part of these requirements and expectations.

(b) Specified courses to include education on domestic violence issues

The education provider must include education on domestic violence issues at the Judicial College under rule 10.462(c)(1)(C) and in courses for primary assignments in criminal, family, juvenile delinquency, juvenile dependency, or probate under rule 10.462(c)(1)(B) or (c)(4).

Rule 10.464 adopted effective January 1, 2010.

Advisory Committee Comment

In determining what constitutes "appropriate" education, each judge or subordinate judicial officer should determine the number of hours of education on domestic violence that is adequate for his or her assignment, taking into account the size of the court, the nature of his or her assignment, the mix of assignments, and other factors.

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

(a) Definitions

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

(1) "Judge" means a judge of the superior court.

(2) "Subordinate judicial officer" has the meaning specified in rule 10.701(a).

(3) "Judicial officer" means a judge or a subordinate judicial officer.

(4) "Probate proceedings" are decedents' estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and the rules in title 7 of the California Rules of Court.

(5) A judicial officer "regularly assigned to hear probate proceedings" is a judicial officer who is:

(A) Assigned to a dedicated probate department where probate proceedings are customarily heard on a full-time basis;

(B) Responsible for hearing most of the probate proceedings filed in a court that does not have a dedicated probate department; or

(C) Responsible for hearing probate proceedings on a regular basis in a department in a branch or other location remote from the main or central courthouse, whether or not he or she also hears other kinds of matters in that department and whether or not there is a dedicated probate department in the main or central courthouse; or

(D) Designated by the presiding judge of a court with four or fewer authorized judges.

(6) "CJER" is the Judicial Council's Center for Judicial Education and Research.

(7) "CJA" is the California Judges Association.

(Subd (a) amended effective January 1, 2016.)

(b) Content-based requirements

(1) Each judicial officer beginning a regular assignment to hear probate proceedings after the effective date of this rule—unless he or she is returning to this assignment after less than two years in another assignment—must complete, as soon as possible but not to exceed six months from the assignment's commencement date, 6 hours of education on probate guardianships and conservatorships, including court-supervised fiduciary accounting.

(2) The education required in (1) is in addition to the New Judge Orientation program for new judicial officers and the B. E. Witkin Judicial College required under rule 10.462(c)(1)(A) and (C) and may be applied toward satisfaction of the 30 hours of continuing education expected of judges and required of subordinate judicial officers under rule 10.462(d).

(3) The education required in (1) must be provided by CJER, CJA, or the judicial officer's court. CJER is responsible for identifying content for this education and will share the identified content with CJA and the courts.

(4) The education required in (1) may be by traditional (face to face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(c) Hours-based continuing education

(1) In a court with five or more authorized judges, each judicial officer regularly assigned to hear probate proceedings must complete 18 hours of continuing education every three years, with a minimum of six hours required in the first year, on probate guardianships and conservatorships, including court-supervised fiduciary accounting. The three-year period begins on January 1 of the year following the judicial officer's completion of the education required in (b)(1) or, if he or she is exempt from that education, on January 1 of the year the assignment commenced after the effective date of this rule.

(2) In a court with four or fewer authorized judges, each judicial officer regularly assigned to hear probate proceedings must complete nine hours of continuing education every three years, with a minimum of three hours per year, on probate guardianships and conservatorships, including court-supervised fiduciary accounting. The three-year period begins on January 1 of the year following the judicial officer's completion of the education required in (b)(1) or, if he or she is exempt from that education, on January 1 of the year the assignment commenced after the effective date of this rule.

(3) The first continuing education period for judicial officers who were regularly assigned to hear probate proceedings before the effective date of this rule and who continue in the assignment after that date is two years, from January 1, 2008, through December 31, 2009, rather than three years. The continuing education requirements in (1) are prorated for the first continuing education period under this paragraph. The first full three-year period of continuing education for judicial officers under this paragraph begins on January 1, 2010.

(4) The number of hours of education required in (1) or (2) may be reduced proportionately for judicial officers whose regular assignment to hear probate proceedings is for a period of less than three years.

(5) The education required in (1) or (2) may be applied toward satisfaction of the 30 hours of continuing education expected of judges or required of subordinate judicial officers under rule 10.462(d).

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

(7) The education required in (1) or (2) may be by traditional (live, face-to-face) or distance learning, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(d) Extension of time

The provisions of rule 10.462(e) concerning extensions of time apply to the content-based and hours-based education required under (b) and (c) of this rule.

(e) Record keeping and reporting

(1) The provisions of rule 10.462(f) and (g) concerning, respectively, tracking participation, record keeping, and summarizing participation by judges and tracking participation by subordinate judicial officers, apply to the education required under this rule.

(2) Presiding judges' records of judicial officer participation in the education required by this rule are subject to audit by Judicial Council staff under rule 10.462. Judicial Council staff may require courts to report participation by judicial officers in the education required by this rule to ensure compliance with Probate Code section 1456.

(Subd (e) amended effective January 1, 2016.)

Rule 10.468 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.469. Judicial education recommendations for justices, judges, and subordinate judicial officers

(a) Judicial education recommendations generally

Each justice, judge and subordinate judicial officer, as part of his or her continuing judicial education, should regularly participate in educational activities related to his or her responsibilities and particular judicial assignment or assignments. Minimum education requirements and expectations related to judicial responsibilities and assignments are set forth in rules 10.461–10.462. Additional education requirements related to specific responsibilities are set forth in rule 10.463 (for those hearing family law matters), rule 10.464 (for those hearing

domestic violence issues), and rule 10.468 (for those hearing probate proceedings). The following recommendations illustrate for some specific responsibilities and assignments how justices, judges, and subordinate judicial officers should participate in more judicial education than is required and expected.

(Subd (a) amended effective January 1, 2012.)

(b) Jury trial assignment

Each judge or subordinate judicial officer assigned to jury trials should regularly use the Judicial Council CJER educational materials or other appropriate materials and should regularly complete CJER or other appropriate educational programs devoted to the conduct of jury voir dire and the treatment of jurors.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(c) Hearing of juvenile dependency matters

Each judge or subordinate judicial officer who hears juvenile dependency matters, including retired judges who sit on court assignment, should regularly use appropriate educational materials and should annually complete appropriate education programs on juvenile dependency law and procedure, consistent with the requirements in Welfare and Institutions Code section 304.7.

(d) Capital case assignment

Each judge assigned to hear a capital case should complete before the commencement of the trial a comprehensive education program on California law and procedure relevant to capital cases provided by CJER. A judge with a subsequent assignment to a capital case should complete a periodic update course within two years before the commencement of the trial. The periodic update may be provided through actual classroom instruction or through video, audio, or other media as determined by CJER.

(e) Fairness and access education

In order to achieve the objective of assisting judicial officers in preserving the integrity and impartiality of the judicial system through the prevention of bias, each justice, judge, and subordinate judicial officer should regularly participate in education on fairness and access. The education should include the following subjects: race and ethnicity, gender, sexual orientation, persons with disabilities, and sexual harassment.

Rule 10.469 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.471. Minimum education requirements for Supreme Court and Court of Appeal clerk/administrators

(a) Applicability

All California Supreme Court and Court of Appeal clerk/administrators must complete these minimum education requirements. All clerk/administrators should participate in more education than is required, related to each individual's responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(b) Hours-based requirement

(1) Each clerk/administrator must complete 30 hours of continuing education every three years beginning on the following date:

(A) For a new clerk/administrator, the first three-year period begins on January 1 of the year following his or her hire.

(B) For all other clerk/administrators, the first three-year period begins on January 1, 2008.

(2) The following education applies toward the required 30 hours of continuing education:

(A) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the Chief Justice or the administrative presiding justice as meeting the criteria listed in rule 10.481(b).

(B) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; faculty service; and self-directed study counts toward the requirement on an hour-for-hour basis. Each clerk/administrator must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The clerk/administrator may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education.

(C) A clerk/administrator who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(Subd (b) amended effective January 1, 2014; previously amended effective January 1, 2012.)

(c) Extension of time

(1) For good cause, the Chief Justice or the administrative presiding justice may grant a one-year extension of time to complete the education requirements in (b).

(2) If the Chief Justice or the administrative presiding justice grants a request for an extension of time, the clerk/administrator, in consultation with the Chief Justice or the administrative presiding justice, must also pursue interim means of obtaining relevant educational content.

(3) An extension of time to complete the hours-based requirement does not affect the timing of the clerk/administrator's next three-year period.

(d) Record of participation; statement of completion

Each clerk/administrator is responsible for:

(1) Tracking his or her own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements;

(2) At the end of each year, giving the Chief Justice or the administrative presiding justice a copy of his or her record of participation in education for that year; and

(3) At the end of each three-year period, giving the Chief Justice or the administrative presiding justice a signed statement of completion for that three-year period.

Rule 10.471 amended effective January 1, 2014; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.472. Minimum education requirements for Supreme Court and Court of Appeal managing attorneys, supervisors, and other personnel

(a) Applicability

All California Supreme Court and Court of Appeal managing attorneys, supervisors, and other personnel must complete these minimum education requirements. All managing attorneys, supervisors, and other personnel should participate in more education than is required related to each individual's

responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(b) Content-based requirements

(1) Each new managing attorney or supervisor must complete orientation courses within six months of becoming a managing attorney or supervisor, unless the individual's supervisor determines that the new managing attorney or supervisor has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court; and

(C) Basic management and supervision.

(2) Each new court employee who is not a managing attorney or supervisor must complete orientation courses within six months of becoming a court employee, unless the employee's supervisor determines that the new court employee has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court;

(C) Basic employee issues, such as sexual harassment and safety; and

(D) The employee's specific job.

(3) The clerk/administrator, the managing attorney, or the employee's supervisor may determine the appropriate content, delivery mechanism, and length of orientation based on the needs and role of each individual employee.

(c) Hours-based requirements

(1) Each managing attorney, supervisor, or appellate judicial attorney must complete 12 hours of continuing education every two years.

(2) Each court employee who is not a managing attorney, supervisor, or appellate judicial attorney must complete 8 hours of continuing education every two years, with the exception of employees who do not provide court administrative or operational services. Those employees are not subject to the continuing education hours-based requirement but must complete any

education or training required by law and any other education required by the clerk/administrator.

(3) The first two-year period for all managing attorneys, supervisors, and other personnel begins on January 1, 2008. The orientation education required for new managing attorneys, supervisors, and other personnel under (b) does not apply toward the required hours of continuing education because it must be completed before they enter the two-year period. Each new managing attorney, supervisor, or employee enters the two-year continuing education period on the first day of the quarter following his or her completion of the orientation education required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each managing attorney, supervisor, or employee who enters the two-year continuing education period after it has begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

(4) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory, rules-based, or other education requirement, that is approved by the clerk/administrator, the managing attorney, or the employee's supervisor as meeting the criteria listed in rule 10.481(b) applies toward the orientation education required under (b) and the continuing education required under (c)(1) and (2).

(5) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. Each managing attorney, supervisor, and other employee must complete at least half of his or her continuing education hours requirement as a participant in traditional (live, face-to-face) education. The managing attorney, supervisor, or other employee may complete the balance of his or her education hours requirement through any other means with no limitation on any particular type of education. Self-directed study is encouraged for professional development but does not apply toward the required hours.

(6) A managing attorney, supervisor, or other employee who serves as faculty by teaching legal or judicial education for a legal or judicial audience may apply education hours for the faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(7) The clerk/administrator, the managing attorney, or the employee's supervisor may require supervisors and other court personnel to participate in specific courses or to participate in education in a specific subject matter area as part of their continuing education.

(Subd (c) amended effective January 1, 2012.)

(d) Extension of time

(1) For good cause, a justice (for that justice's chambers staff), the managing attorney, the clerk/administrator, or a supervisor, if delegated by the clerk/administrator, or the employee's supervisor may grant a six-month extension of time to complete the education requirements in this rule.

(2) If the justice, managing attorney, clerk/administrator, or supervisor grants a request for an extension of time, the managing attorney, supervisor, or employee who made the request, in consultation with the justice, managing attorney, clerk/administrator, or supervisor, must also pursue interim means of obtaining relevant educational content.

(3) An extension of time to complete the hours-based requirement does not affect the timing of the next two-year period.

(e) Records of participation

(1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its managing attorneys, supervisors, and other personnel.

(2) Each managing attorney, supervisor, and employee must keep records of his or her own participation for two years after each course or activity that is applied toward the requirements.

Rule 10.472 amended effective January 1, 2012; adopted effective January 1, 2008.

Rule 10.473. Minimum education requirements for trial court executive officers

(a) Applicability

All California trial court executive officers must complete these minimum education requirements. All executive officers should participate in more education than is required, related to each individual's responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(Subd (a) amended effective January 1, 2008.)

(b) Content-based requirement

(1) Each new executive officer must complete the Presiding Judges Orientation and Court Management Program provided by the Judicial Council's Center for Judiciary Education and Research (CJER) within one year of becoming an executive officer and should participate in additional education during the first year.

(2) Each executive officer should participate in CJER's Presiding Judges Orientation and Court Management Program each time a new presiding judge from his or her court participates in the course and each time the executive officer becomes the executive officer in a different court.

(Subd (b) amended effective July 1, 2015.)

(c) Hours-based requirement

(1) Each executive officer must complete 30 hours of continuing education, including at least three hours of ethics education, every three years.

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

(3) The following education applies toward the required 30 hours of continuing education:

(A) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory or other education requirement, approved by the presiding judge as meeting the criteria listed in rule 10.481(b).

(B) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; self-directed study; and faculty service counts toward the requirement on an hour-for-hour basis. The presiding judge has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.

(C) A court executive officer who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(Subd (c) amended effective July 1, 2015; previously amended effective January 1, 2008, January 1, 2011, January 1, 2012, and January 1, 2013.)

(d) Extension of time

(1) For good cause, a presiding judge may grant a one-year extension of time to complete the education requirements in (b) and (c).

(2) If the presiding judge grants a request for an extension of time, the executive officer, in consultation with the presiding judge, must also pursue interim means of obtaining relevant educational content.

(3) An extension of time to complete the hours-based requirement does not affect the timing of the executive officer's next three-year period.

(e) Record of participation; statement of completion

Each executive officer is responsible for:

(1) Tracking his or her own participation in education and keeping a record of participation for three years after each course or activity that is applied toward the requirements;

(2) At the end of each year, giving the presiding judge a copy of his or her record of participation in education for that year; and

(3) At the end of each three-year period, giving the presiding judge a signed statement of completion for that three-year period.

(Subd (e) amended effective January 1, 2008.)

Rule 10.473 amended effective July 1, 2015; adopted as rule 10.463 effective January 1, 2007; previously amended and renumbered effective January 1, 2008; previously amended effective January 1, 2011, January 1, 2012, and January 1, 2013.

Rule 10.474. Trial court managers, supervisors, and other personnel

(a) Applicability

All California trial court managers, supervisors, and other personnel must complete these minimum education requirements. All managers, supervisors, and other personnel should participate in more education than is required, related to each individual's responsibilities and in accordance with the education recommendations set forth in rule 10.479.

(Subd (a) amended effective January 1, 2008.)

(b) Content-based requirements

(1) Each new manager or supervisor must complete orientation courses within six months of becoming a manager or supervisor, unless the court's executive officer determines that the new manager or supervisor has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court; and

(C) Basic management and supervision.

(2) Each new court employee who is not a manager or supervisor must complete orientation courses within six months of becoming a court employee, unless the employee's supervisor determines that the new court employee has already completed these orientation courses or courses covering equivalent content. The courses must include orientation about:

(A) The judicial branch of California;

(B) The local court; and

(C) Basic employee issues, such as sexual harassment and safety; and

(D) The employee's specific job.

(3) The court executive officer may determine the appropriate content, delivery mechanism, and length of orientation based on the needs and role of each individual employee.

(Subd (b) amended effective January 1, 2008.)

(c) Hours-based requirements

(1) Each court manager or supervisor must complete 12 hours of continuing education every two years.

(2) Each court employee who is not a manager or supervisor must complete 8 hours of continuing education every two years, with the exception of employees who do not provide court administrative or operational services. Those employees are not subject to the continuing education hours-based requirement but must complete any education or training required by law and any other education required by the court executive officer.

(3) The orientation education required for new managers, supervisors, and other personnel under (b) does not apply toward the required hours of continuing education because it must be completed before they enter the two-year period. Each new manager, supervisor, or employee enters the two-year continuing education period on the first day of the quarter following his or her completion of the orientation education required under (b); the quarters begin on January 1, April 1, July 1, and October 1. Each manager, supervisor, or employee who enters the two-year continuing education period after it has

begun must complete a prorated number of continuing education hours for that two-year period, based on the number of quarters remaining in it.

(4) Any education offered by an approved provider (see rule 10.481(a)) and any other education, including education taken to satisfy a statutory, rules-based, or other education requirement, that is approved by the executive officer or the employee's supervisor as meeting the criteria listed in rule 10.481(b) applies toward the orientation education required under (b) and the continuing education required under (c)(1) and (2).

(5) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconferences, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. The court executive officer has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement. Self-directed study is encouraged for professional development but does not apply toward the required hours.

(6) A manager, supervisor, or employee who serves as faculty by teaching legal or judicial education to a legal or judicial audience may apply education hours as faculty service. Credit for faculty service counts toward the continuing education requirement in the same manner as all other types of education—on an hour-for-hour basis.

(7) The court executive officer may require managers, supervisors, and other court personnel to participate in specific courses or to participate in education in a specific subject matter area as part of their continuing education.

(Subd (c) amended effective January 1, 2015; previously amended effective January 1, 2008, January 1, 2012, and January 1, 2013.)

(d) Extension of time

(1) For good cause, the executive officer 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 executive officer.

(2) If the executive officer grants a request for an extension of time, the manager, supervisor, or employee who made the request, in consultation with the executive officer, must also pursue interim means of obtaining relevant educational content.

(Subd (d) amended effective January 1, 2015.)

(e) Records of participation

(1) Each court is responsible for tracking participation in education and for tracking completion of minimum education requirements for its managers, supervisors, and other personnel.

(2) Each manager, supervisor, and employee must keep records of his or her own participation for two years after each course or activity that is applied toward the requirements.

Rule 10.474 amended effective January 1, 2015; adopted as rule 10.464 effective January 1, 2007; previously amended and renumbered effective January 1, 2008; previously amended effective January 1, 2012, and January 1, 2013.

Advisory Committee Comment

The time frame for completion of compliance courses based on statutory or regulatory mandates is unaffected by the one-year extension in (d)(1).

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

(a) Definitions

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

(1) A "court investigator" is a person described in Probate Code section 1454(a) employed by or under contract with a court to provide the investigative services for the court required or authorized by law in guardianships, conservatorships, and other protective proceedings under division 4 of the Probate Code;

(2) A "probate attorney" is an active member of the State Bar of California who is employed by a court to perform the functions of a probate examiner and also to provide legal analysis, recommendations, advice, and other services to the court pertaining to probate proceedings;

(3) A "probate examiner" is a person employed by a court to review filings in probate proceedings in order to assist the court and the parties to get the filed matters properly ready for consideration by the court in accordance with the requirements of the Probate Code, the rules in title 7 of the California Rules of Court, and the court's local rules;

(4) "Probate proceedings" are decedents' estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by

provisions of that code and the rules in title 7 of the California Rules of Court;

(5) "CJER" is the Judicial Council's Center for Judicial Education and Research.

(Subd (a) amended effective January 1, 2016.)

(b) Content-based requirements for court investigators

(1) Each court investigator must complete 18 hours of education within one year of his or her start date after the effective date of this rule. The education must include the following general topics:

(A) Court process and legal proceedings;

(B) Child abuse and neglect and the effect of domestic violence on children (guardianship investigators); elder and dependent adult abuse, including undue influence and other forms of financial abuse (conservatorship investigators);

(C) Medical issues;

(D) Access to and use of criminal-record information, confidentiality, ethics, conflicts of interest;

(E) Accessing and evaluating community resources for children and mentally impaired elderly or developmentally disabled adults; and

(F) Interviewing children and persons with mental function or communication deficits.

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

(3) The education required in (1) may be applied to the specific-job portion of the orientation course required for all new court employees under rule 10.474(b)(2)(D) and the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or on-line coursework, but may not be by self-study.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(c) Content-based education for probate attorneys

(1) Each probate attorney must complete 18 hours of education within six months of his or her start date after January 1, 2008, in probate-related topics, including guardianships, conservatorships, and court-supervised fiduciary accounting.

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

(3) The education required in (1) may be applied to the specific-job portion of the orientation course required for all new court employees under rule 10.474(b)(2)(D) and the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or on-line coursework, but may not be by self-study.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(d) Content-based education for probate examiners

(1) Each probate examiner must complete 30 hours of education within one year of his or her start date after January 1, 2008, in probate-related topics, of which 18 hours must be in guardianships and conservatorships, including court-appointed fiduciary accounting.

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

(3) The education required in (1) may be applied to the specific-job portion of the orientation course required for all new court employees under rule 10.474(b)(2)(D) and the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(e) Hours-based education for court investigators

(1) Each court investigator must complete 12 hours of continuing education on some or all of the general topics listed in (b)(1) each calendar year. For court investigators employed by or performing services under contract with the court before the effective date of this rule, the first calendar year the education is required begins on January 1, 2008. For court investigators who begin their employment or performance of services under contract with the court after the effective date of this rule, the first year this education is required begins on January 1 of the year immediately following completion of the education required in (b).

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

(3) The education required in (1) may be applied to the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(Subd (e) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(f) Hours-based education for probate attorneys

(1) Each probate attorney must complete 12 hours of continuing education each calendar year in probate-related subjects, of which six hours per year must be in guardianships and conservatorships, including court-supervised fiduciary accounting. For probate attorneys employed by or performing services under contract with the court before the effective date of this rule, the first calendar year the education is required begins on January 1, 2008. For probate attorneys who begin their employment with the court after the effective date of this rule, the first year this education is required begins on January 1 of the year immediately following completion of the education required in (c).

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

(3) The education required in (1) may be applied to the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(g) Hours-based education for probate examiners

(1) Each probate examiner must complete 12 hours of continuing education each calendar year in probate-related subjects, of which six hours per year must be in guardianships and conservatorships, including court-appointed fiduciary accounting. For probate examiners employed by the court before the effective date of this rule, the first calendar year the education is required begins on January 1, 2008. For probate examiners who begin their employment with the court after the effective date of this rule, the first year this education is required begins on January 1 of the year immediately following completion of the education required in (d).

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

(3) The education required in (1) may be applied to the continuing education required for all nonmanagerial or nonsupervisory court employees under rule 10.474(c)(2).

(4) The education required in (1) may be by traditional (face-to-face) or distance-learning means, such as broadcasts, videoconferences, or online coursework, but may not be by self-study.

(Subd (g) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(h) Extension of time

The provisions of rule 10.474(d) concerning extensions of time apply to the content-based and hours-based education required under this rule.

(i) Record keeping and reporting

(1) The provisions of rule 10.474(e) concerning the responsibilities of courts and participating court employees to keep records and track the completion of educational requirements apply to the education required under this rule.

(2) Judicial Council staff may require courts to report participation by court investigators, probate attorneys, and probate examiners in the education required by this rule as necessary to ensure compliance with Probate Code section 1456.

(Subd (i) amended effective January 1, 2016.)

Rule 10.478 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.479. Education recommendations for appellate and trial court personnel

(a) Education recommendations generally

Each appellate and trial court executive or administrative officer, manager, supervisor, and other employee, as part of his or her continuing education, should regularly participate in educational activities related to his or her responsibilities. Minimum education requirements for court personnel are set forth in rules 10.471–10.474. The following recommendations illustrate for some specific responsibilities how executive and administrative officers, managers, supervisors, and other personnel should participate in more education than is required.

(b) Education on treatment of jurors

The presiding judge of each trial court should ensure that all court executives and all court employees who interact with jurors are properly trained in the appropriate treatment of jurors. Court executives and jury staff employees should regularly use CJER educational materials or other appropriate materials and should regularly participate in CJER programs or other appropriate programs devoted to the treatment of jurors.

(c) Fairness and access education

In order to achieve the objective of assisting court employees in preserving the integrity and impartiality of the judicial system through the prevention of bias, all court personnel should regularly participate in education on fairness and access. The education should include instruction on race and ethnicity, gender, sexual orientation, persons with disabilities, and sexual harassment.

(d) Education on quality service to court users

Employees should regularly participate in education covering appropriate skills and conduct for working with court customers offered locally or by the Judicial Council through CJER.

Rule 10.479 adopted effective January 1, 2008.

Rule 10.481. Approved providers; approved course criteria

(a) Approved providers

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

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2008, and January 1, 2012.)

(b) Approved education criteria

Education is not limited to the approved providers referred to in (a). Any education from another provider that is approved by the Chief Justice, the administrative presiding justice, or the presiding judge as meeting the criteria listed below may be applied toward the continuing education expectations and requirements for justices, judges, and subordinate judicial officers or requirements for clerk/administrators or court executive officers. Similarly, any education from another provider that is approved by the clerk/administrator, the court executive officer, or the employee's supervisor as meeting the criteria listed below may be applied toward the orientation or continuing education requirements for managers, supervisors, and other employees or the content-based or continuing education requirements for probate court investigators, probate attorneys, and probate examiners in rule 10.478.

(1) The education must meet the following three criteria:

(A) The subject matter is relevant to the work of the courts or the judicial branch;

(B) The education is at least one hour in length; and

(C) Anticipated learning outcomes (how new knowledge, skills, or abilities will be applied, demonstrated, or used) are identified prior to the education work.

(2) The education must also meet at least two of the following five criteria:

(A) The learning environment is educationally sound (e.g., distractions are limited and the physical location is conducive to learning the subject matter);

(B) The participant receives or has access to all the reference tools and other materials and resources (such as handouts) that are required for learning and applying the content (such as job aids or scripts);

(C) The participant has an opportunity to practice using or applying the new information or skill (through direct experience, role-play, or case studies/hypothetical situations) as part of the learning experience;

(D) The participant has the opportunity to interact with knowledgeable faculty or other experts in the topical area to pose questions or clarify understanding;

(E) An assessment tool or activity (such as the development of an action plan to apply the newly gained knowledge or skill) enables the participant to determine whether the skills, abilities, or knowledge gained through the education can be used in the future in his or her work.

(Subd (b) amended effective January 1, 2012; previously amended effective January 1, 2008.)

Rule 10.481 amended effective January 1, 2016; adopted as rule 10.471 effective January 1, 2007; previously amended and renumbered as rule 10.481 effective January 1, 2008; previously amended effective January 1, 2012.

Advisory Committee Comment

Subdivision (b). The director of CJER is available to assist those authorized to approve a request to apply education offered by a non-approved provider in determining whether the education meets the listed criteria.

Rule 10.491. Minimum education requirements for Judicial Council employees

(a) Applicability

Orientation and ongoing professional development for Judicial Council staff enables them to effectively provide service, leadership and expertise to the courts and to enhance trust and confidence in the judicial branch. All Judicial Council employees must complete minimum education requirements. These education requirements are included as a part of the employee performance evaluation process.

(Subd (a) amended effective January 1, 2017; previously amended effective January 1, 2016.)

(b) Education requirements for new employees and new managers and supervisors

(1) Each new employee with supervisory or management responsibilities must complete the New Manager/Supervisor Orientation within six months of being hired or appointed or as soon as possible after being hired or appointed.

(2) Each new employee, including those with supervisory or management responsibilities, must complete the New Employee Orientation within six months of being hired or as soon as possible after being hired.

(3) Completion of the orientation courses counts toward the education hours requirement in (c).

(Subd (b) amended effective January 1, 2017; previously amended effective January 1, 2016.)

(c) Continuing education requirements

(1) Each employee must complete 20 hours of continuing education every two years, beginning on January 1, 2017.

(2) For new employees beginning employment after July 1 of any year, the education hours may be prorated for that year at the discretion of the employee's supervisor.

(3) The Administrative Director may require employees to complete specific compliance courses or specific courses for management. This compliance education applies toward the continuing education requirement in (c)(1) on an hour-for-hour basis.

(4) Education offered by an approved provider described in rule 10.481(a), as well as education that is approved by the employee's supervisor as meeting the criteria listed in rule 10.481(b), applies toward the employee's continuing education requirement.

(5) Continuing education may be live (face-to-face) or distance education, such as webinars, videoconferencing, online courses, and broadcasts.

(6) Participation in education, whether as a learner or as faculty, counts toward an employee's continuing education requirement under this rule on an hour-for-hour basis.

(Subd (c) amended effective January 1, 2017; previously amended effective January 1, 2012, July 1, 2013, and January 1, 2016.)

Rule 10.491 amended effective January 1, 2017; adopted effective January 1, 2008; previously amended effective July 1, 2008, January 1, 2012, July 1, 2013, and January 1, 2016.

Division 3. Judicial Administration Rules Applicable to All Courts

Rule 10.500. Public access to judicial administrative records
Rule 10.501. Maintenance of budget and management information
Rule 10.502. Judicial sabbatical pilot program
Rule 10.503. Use of recycled paper by all courts [Repealed]
Rule 10.504. Smoking prohibited in all courts
Rule 10.505. Judicial robes

Rule 10.500. Public access to judicial administrative records

(a) Intent

(1) The Judicial Council intends by this rule to implement Government Code section 68106.2(g), added by Senate Bill X4 13 (Stats. 2009-10, 4th Ex. Sess. ch. 22), which requires adoption of rules of court that provide public access to nondeliberative and nonadjudicative court records, budget and management information.

(2) This rule clarifies and expands the public's right of access to judicial administrative records and must be broadly construed to further the public's right of access.

(b) Application

(1) This rule applies to public access to judicial administrative records, including records of budget and management information relating to the administration of the courts.

(2) This rule does not apply to, modify or otherwise affect existing law regarding public access to adjudicative records.

(3) This rule does not restrict the rights to disclosure of information otherwise granted by law to a recognized employee organization.

(4) This rule does not affect the rights of litigants, including parties to administrative proceedings, under the laws of discovery of this state, nor does it limit or impair any rights of discovery in a criminal case.

(5) This rule does not apply to electronic mail and text messages sent or received before the effective date of this rule.

(c) Definitions

As used in this rule:

(1) "Adjudicative record" means any writing prepared for or filed or used in a court proceeding, the judicial deliberation process, or the assignment or reassignment of cases and of justices, judges (including temporary and assigned judges), and subordinate judicial officers, or of counsel appointed or employed by the court.

(2) "Judicial administrative record" means any writing containing information relating to the conduct of the people's business that is prepared, owned, used, or retained by a judicial branch entity regardless of the writing's physical form or characteristics, except an adjudicative record. The term "judicial administrative record" does not include records of a personal nature that are not used in or do not relate to the people's business, such as personal notes, memoranda, electronic mail, calendar entries, and records of Internet use.

(3) "Judicial branch entity" means the Supreme Court, each Court of Appeal, each superior court, and the Judicial Council.

(4) "Judicial branch personnel" means justices, judges (including temporary and assigned judges), subordinate judicial officers, members of the Judicial Council and its advisory bodies, and directors, officers, employees, volunteers, and agents of a judicial branch entity.

(5) "Person" means any natural person, corporation, partnership, limited liability company, firm, or association.

(6) "Writing" means any handwriting, typewriting, printing, photographing, photocopying, electronic mail, fax, and every other means of recording on any tangible thing any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations, regardless of the manner in which the record has been stored.

(Subd (c) amended effective January 1, 2016.)

(d) Construction of rule

(1) Unless otherwise indicated, the terms used in this rule have the same meaning as under the Legislative Open Records Act (Gov. Code, § 9070 et seq.) and the California Public Records Act (Gov. Code, § 6250 et seq.) and must be interpreted consistently with the interpretation applied to the terms under those acts.

(2) This rule does not require the disclosure of a record if the record is exempt from disclosure under this rule or is the type of record that would not be subject to disclosure under the Legislative Open Records Act or the California Public Records Act.

(e) Public access

(1) *Access*

(A) A judicial branch entity must allow inspection and copying of judicial administrative records unless the records are exempt from disclosure under this rule or by law.

(B) Nothing in this rule requires a judicial branch entity to create any record or to compile or assemble data in response to a request for judicial administrative records if the judicial branch entity does not compile or assemble the data in the requested form for its own use or for provision to other agencies. For purposes of this rule, selecting data from extractable fields in a single database using software already owned or licensed by the judicial branch entity does not constitute creating a record or compiling or assembling data.

(C) If a judicial administrative record contains information that is exempt from disclosure and the exempt portions are reasonably segregable, a judicial branch entity must allow inspection and copying of the record after deletion of the portions that are exempt from disclosure. A judicial branch entity is not required to allow inspection or copying of the portion of a writing that is a judicial administrative record unless that portion is reasonably segregable from the portion that constitutes an adjudicative record.

(D) If requested, a superior court must provide a copy of the certified judicial administrative record if the judicial administrative record requested has previously been certified by the superior court.

(2) *Examples*

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

(A) Budget information submitted to the Judicial Council after enactment of the annual Budget Act;

(B) Any other budget and expenditure document pertaining to the administrative operation of the courts, including quarterly financial statements and statements of revenue, expenditure, and reserves;

(C) Actual and budgeted employee salary and benefit information;

(D) Copies of executed contracts with outside vendors and payment information and policies concerning goods and services provided by outside vendors without an executed contract;

(E) Final audit reports; and

(F) Employment contracts between judicial branch entities and their employees.

(3) *Procedure for requesting records*

A judicial branch entity must make available on its public Web site or otherwise publicize the procedure to be followed to request a copy of or to inspect a judicial administrative record. At a minimum, the procedure must include the address to which requests are to be addressed, to whom requests are to be directed, and the office hours of the judicial branch entity.

(4) *Costs of duplication, search, and review*

(A) A judicial branch entity, on request, must provide a copy of a judicial administrative record not exempt from disclosure if the record is of a nature permitting copying, subject to payment of the fee specified in this rule or other applicable statutory fee. A judicial branch entity may require advance payment of any fee.

(B) A judicial branch entity may impose on all requests a fee reasonably calculated to cover the judicial branch entity's direct costs of duplication of a record or of production of a record in an electronic format under subdivision (i). The fee includes:

(i) A charge per page, per copy, or otherwise, as established and published by the Judicial Council, or as established by the judicial branch entity following a notice and comment procedure specified by the Judicial Council, representing the direct costs of equipment, supplies, and staff time required to duplicate or produce the requested record; and

(ii) Any other direct costs of duplication or production, including, but not limited to, the costs incurred by a judicial branch entity in retrieving the record from a remote storage facility or archive and the costs of mailing responsive records.

(C) In the case of requests for records for commercial use, a judicial branch entity may impose, in addition to the fee in (B), a fee reasonably calculated to cover the actual costs of staff search and review time, based on an hourly rate for salary and benefits of each employee involved.

(D) For purposes of this rule:

(i) "Commercial use" means a request for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is being made. A request from a representative of the news media that supports its news-dissemination function is not a request for a commercial use.

(ii) "Representative of the news media" means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or for substantial financial gain.

(iii) "Search and review time" means actual time spent identifying and locating judicial administrative records, including material within documents, responsive to a request; determining whether any portions are exempt from disclosure; and performing all tasks necessary to prepare the records for disclosure, including redacting portions exempt from disclosure. "Search and review time" does not include time spent resolving general legal or policy issues regarding the applicability of particular exemptions.

(E) By January 1, 2012, the Judicial Council will review and evaluate the numbers of requests received, the time necessary to respond, and the fees imposed by judicial branch entities for access to records and

information. The Judicial Council's review will consider the impact of this rule on both the public's access to records and information and on judicial branch entities' ability to carry out and fund core judicial operations.

(5) *Inspection*

A judicial branch entity must make judicial administrative records in its possession and not exempt from disclosure open to inspection at all times during the office hours of the judicial branch entity provided that the record is of a nature permitting inspection.

(6) *Time for determination of disclosable records*

A judicial branch entity, on a request that reasonably describes an identifiable record or records, must determine, within 10 calendar days from receipt of the request, whether the request, in whole or in part, seeks disclosable judicial administrative records in its possession and must promptly notify the requesting party of the determination and the reasons for the determination.

(7) *Response*

If a judicial branch entity determines that a request seeks disclosable judicial administrative records, the judicial branch entity must make the disclosable judicial administrative records available promptly. The judicial branch entity must include with the notice of the determination the estimated date and time when the records will be made available. If the judicial branch entity determines that the request, in whole or in part, seeks nondisclosable judicial administrative records, it must convey its determination in writing, include a contact name and telephone number to which inquiries may be directed, and state the express provision of this rule justifying the withholding of the records not disclosed.

(8) *Extension of time for determination of disclosable records*

In unusual circumstances, to the extent reasonably necessary to the proper processing of the particular request, a judicial branch entity may extend the time limit prescribed for its determination under (e)(6) by no more than 14 calendar days by written notice to the requesting party, stating the reasons for the extension and the date on which the judicial branch entity expects to make a determination. As used in this section, "unusual circumstances" means the following:

(A) The need to search for and collect the requested records from multiple locations or facilities that are separate from the office processing the request;

(B) The need to search for, collect, and appropriately examine a voluminous amount of records that are included in a single request; or

(C) The need for consultation, which must be conducted with all practicable speed, with another judicial branch entity or other governmental agency having substantial subject matter interest in the determination of the request, or with two or more components of the judicial branch entity having substantial subject matter interest in the determination of the request.

(9) *Reasonable efforts*

(A) On receipt of a request to inspect or obtain a copy of a judicial administrative record, a judicial branch entity, in order to assist the requester in making a focused and effective request that reasonably describes an identifiable judicial administrative record, must do all of the following to the extent reasonable under the circumstances:

(i) Assist the requester in identifying records and information responsive to the request or to the purpose of the request, if stated;

(ii) Describe the information technology and physical location in which the records exist; and

(iii) Provide suggestions for overcoming any practical basis for denying inspection or copying of the records or information sought.

(B) The requirements of (A) will be deemed to have been satisfied if the judicial branch entity is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that helps identify the record or records.

(C) The requirements of (A) do not apply to a request for judicial administrative records if the judicial branch entity makes the requested records available or determines that the requested records are exempt from disclosure under this rule.

(10) *No obstruction or delay*

Nothing in this rule may be construed to permit a judicial branch entity to delay or obstruct the inspection or copying of judicial administrative records that are not exempt from disclosure.

(11) *Greater access permitted*

Except as otherwise prohibited by law, a judicial branch entity may adopt requirements for itself that allow for faster, more efficient, or greater access to judicial administrative records than prescribed by the requirements of this rule.

(12) *Control of records*

A judicial branch entity must not sell, exchange, furnish, or otherwise provide a judicial administrative record subject to disclosure under this rule to a private entity in a manner that prevents a judicial branch entity from providing the record directly under this rule. A judicial branch entity must not allow a private entity to control the disclosure of information that is otherwise subject to disclosure under this rule.

(Subd (e) amended effective January 1, 2016.)

(f) Exemptions

Nothing in this rule requires the disclosure of judicial administrative records that are any of the following:

(1) Preliminary writings, including drafts, notes, working papers, and inter-judicial branch entity or intra-judicial branch entity memoranda, that are not retained by the judicial branch entity in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure;

(2) Records pertaining to pending or anticipated claims or litigation to which a judicial branch entity is a party or judicial branch personnel are parties, until the pending litigation or claim has been finally adjudicated or otherwise resolved;

(3) Personnel, medical, or similar files, or other personal information whose disclosure would constitute an unwarranted invasion of personal privacy, including, but not limited to, records revealing home addresses, home telephone numbers, cellular telephone numbers, private electronic mail addresses, and social security numbers of judicial branch personnel and work electronic mail addresses and work telephone numbers of justices, judges (including temporary and assigned judges), subordinate judicial officers, and their staff attorneys;

(4) Test questions, scoring keys, and other examination data used to develop, administer, and score examinations for employment, certification, or qualification;

(5) Records whose disclosure is exempted or prohibited under state or federal law, including provisions of the California Evidence Code relating to privilege, or by court order in any court proceeding;

(6) Records whose disclosure would compromise the security of a judicial branch entity or the safety of judicial branch personnel, including but not limited to, court security plans, and security surveys, investigations, procedures, and assessments;

(7) Records related to evaluations of, complaints regarding, or investigations of justices, judges (including temporary and assigned judges), subordinate judicial officers, and applicants or candidates for judicial office;

(8) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the judicial branch entity related to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or the relevant contracts have been executed. This provision does not affect the law of eminent domain;

(9) Records related to activities governed by Government Code sections 71600 et seq. and 71800 et seq. that reveal deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy or that provide instruction, advice, or training to employees who are not represented by employee organizations under those sections. Nothing in this subdivision limits the disclosure duties of a judicial branch entity with respect to any other records relating to the activities governed by the employee relations acts referred to in this subdivision;

(10) Records that contain trade secrets or privileged or confidential commercial and financial information submitted in response to a judicial branch entity's solicitation for goods or services or in the course of a judicial branch entity's contractual relationship with a commercial entity. For purposes of this rule:

(A) "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

(i) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and

(ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy;

(B) "Privileged information" means material that falls within recognized constitutional, statutory, or common law privileges;

(C) "Confidential commercial and financial information" means information whose disclosure would:

(i) Impair the judicial branch entity's ability to obtain necessary information in the future; or

(ii) Cause substantial harm to the competitive position of the person from whom the information was obtained.

(11) Records whose disclosure would disclose the judicial branch entity's or judicial branch personnel's decision-making process, provided that, on the facts of the specific request for records, the public interest served by nondisclosure clearly outweighs the public interest served by disclosure of the record; or

(12) If, on the facts of the specific request for records, the public interest served by nondisclosure of the record clearly outweighs the public interest served by disclosure of the record.

(g) Computer software; copyrighted materials

(1) Computer software developed by a judicial branch entity or used by a judicial branch entity for the storage or manipulation of data is not a judicial administrative record under this rule. For purposes of this rule "computer software" includes computer mapping systems, computer graphic systems, and computer programs, including the source, object, and other code in a computer program.

(2) This rule does not limit a judicial branch entity's ability to sell, lease, or license computer software for commercial or noncommercial use.

(3) This rule does not create an implied warranty on the part of any judicial branch entity for errors, omissions, or other defects in any computer software.

(4) This rule does not limit any copyright protection. A judicial branch entity is not required to duplicate records under this rule in violation of any copyright.

(5) Nothing in this subdivision is intended to affect the judicial administrative record status of information merely because the information is stored in a computer. Judicial administrative records stored in a computer will be disclosed as required in this rule.

(h) Waiver of exemptions

(1) Disclosure of a judicial administrative record that is exempt from disclosure under this rule or provision of law by a judicial branch entity or judicial branch personnel acting within the scope of their office or employment constitutes a waiver of the exemptions applicable to that particular record.

(2) This subdivision does not apply to disclosures:

(A) Made through discovery proceedings;

(B) Made through other legal proceedings or as otherwise required by law;

(C) Made to another judicial branch entity or judicial branch personnel for the purposes of judicial branch administration;

(D) Within the scope of a statute that limits disclosure of specified writings to certain purposes; or

(E) Made to any governmental agency or to another judicial branch entity or judicial branch personnel if the material will be treated confidentially.

(i) Availability in electronic format

(1) A judicial branch entity that has information that constitutes an identifiable judicial administrative record not exempt from disclosure under this rule and that is in an electronic format must, on request, produce that information in the electronic format requested, provided that:

(A) No law prohibits disclosure;

(B) The record already exists in the requested electronic format, or the judicial branch entity has previously produced the judicial administrative record in the requested format for its own use or for provision to other agencies;

(C) The requested electronic format is customary or standard for records of a similar type and is commercially available to private entity requesters; and

(D) The disclosure does not jeopardize or compromise the security or integrity of the original record or the computer software on which the original record is maintained.

(2) In addition to other fees imposed under this rule, the requester will bear the direct cost of producing a record if:

(A) In order to comply with (1), the judicial branch entity would be required to produce a record and the record is one that is produced only at otherwise regularly scheduled intervals or;

(B) Producing the requested record would require data compilation or extraction or any associated programming that the judicial branch entity is not required to perform under this rule but has agreed to perform in response to the request.

(3) Nothing in this subdivision shall be construed to require a judicial branch entity to reconstruct a record in an electronic format if the judicial branch entity no longer has the record available in an electronic format.

(j) Public access disputes

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

(2) Any person may institute proceedings for injunctive or declarative relief or writ of mandate in any court of competent jurisdiction to enforce his or her right to inspect or to receive a copy of any judicial administrative record under this rule.

(3) Whenever it is made to appear by verified petition that a judicial administrative record is being improperly withheld from disclosure, the court with jurisdiction will order the judicial branch entity to disclose the records or show cause why it should not do so. The court will decide the case after examining the record (in camera if appropriate), papers filed by the parties, and any oral argument and additional evidence as the court may allow.

(4) If the court finds that the judicial branch entity's decision to refuse disclosure is not justified under this rule, the court will order the judicial branch entity to make the record public. If the court finds that the judicial branch entity's decision was justified, the court will issue an order supporting the decision.

(5) An order of the court, either directing disclosure or supporting the decision of the judicial branch entity refusing disclosure, is not a final judgment or order within the meaning of Code of Civil Procedure section 904.1 from which an appeal may be taken, but will be immediately reviewable by petition to the appellate court for the issuance of an extraordinary writ. Upon entry of an order under this subdivision, a party must, in order to obtain review of the order, file a petition within 20 days after service of a written notice of entry of the order or within such further time not exceeding an additional 20 days

as the court may for good cause allow. If the notice is served by mail, the period within which to file the petition will be extended by 5 days. A stay of an order or judgment will not be granted unless the petitioning party demonstrates it will otherwise sustain irreparable damage and probable success on the merits. Any person who fails to obey the order of the court will be cited to show cause why that is not in contempt of court.

(6) The court will award court costs and reasonable attorney fees to the plaintiff should the plaintiff prevail in litigation filed under this subdivision. The costs and fees will be paid by the judicial branch entity and will not become a personal liability of any individual. If the court finds that the plaintiff's case is clearly frivolous, it will award court costs and reasonable attorney fees to the judicial branch entity.

(Subd (j) amended effective January 1, 2016.)

Rule 10.500 amended effective January 1, 2016; adopted effective January 1, 2010.

Advisory Committee Comment

Subdivision (a). By establishing a public access rule applicable to all judicial administrative records, the proposed rule would expand public access to these records. The Judicial Council recognizes the important public interest in access to records and information relating to the administration of the judicial branch. The Judicial Council also recognizes the importance of the privacy rights of individuals working in or doing business with judicial branch entities and the public's interest in an effective and independent judicial branch of state government. The report on this rule includes the Judicial Council's findings on the impact of this rule on these interests, and how these interests are protected by the rule.

Subdivisions (b)(1) and (b)(2). This rule does not apply to adjudicative records, and is not intended to modify existing law regarding public access to adjudicative records. California case law has established that, in general, subject to specific statutory exceptions, case records that accurately and officially reflect the work of the court are public records open to inspection. (*Estate of Hearst* (1977) 67 Cal.App.3d 777, 782-83.*)* However, documents prepared in the course of adjudicative work and not regarded as official case records, such as preliminary drafts, personal notes, and rough records of proceedings, are not subject to public access because the perceived harm to the judicial process by requiring this material to be available to the public is greater than the benefit the public might derive from its disclosure. (*Copley Press, Inc. v. Superior Court* (1992) 6 Cal.App.4th 106.)

Subdivision (c)(2). The application of this rule is intended to reflect existing case law under the California Public Records Act that exempts from the definition of "public record" certain types of personal records and information. The concept was first discussed in the California Assembly and establishes that if personal correspondence and information are "unrelated to the conduct of the people's business" they are therefore not public records. (*San Gabriel Tribune v. Superior Court* (1983) 143 Cal.App.3d 762, 774, citing Assembly Committee on Statewide Information Policy California Public Records Act of 1968, section B, page 9, Appendix to Assembly Journal (1970 Reg. Sess.).) Case law has further established that only records necessary or convenient to the discharge of official duty, or kept as necessary or convenient to the discharge of official duty, are

public records for the purposes of the California Public Records Act and its predecessors. (*Braun v. City of Taft* (1984) 154 Cal.App.3d 332*; City Council of Santa Monica v. Superior Court* (1962) 204 Cal.App.2d 68.)

Subdivision (e)(4). The fees charged by a judicial branch entity under this rule are intended to allow the entity to recover an amount not to exceed the reasonable costs of responding to a request for records or information. In accordance with existing practice within the judicial branch and the other branches of government, the Judicial Council intends agencies and entities of the executive and legislative branches of the California state government to receive records or information requested from judicial branch entities for the agency's or entity's use free of charge. This subdivision is intended to provide, however, that requesters of records or information for the purpose of furthering the requester's commercial interests will be charged for costs incurred by the judicial branch entity in responding to the request, and that such costs will not be a charge against the budget of the judicial branch of the state General Fund.

Subdivision (f)(3). In addition to the types of records and information exempt from disclosure under the corresponding provision of the California Public Records Act, Government Code section 6254(c), this provision includes a further nonexclusive list of specific information that is exempt under this rule. The rule does not attempt to list each category of information that is specific to judicial branch entities and that may also be exempt under this rule. For example, although they are not specifically listed, this provision exempts from disclosure records maintained by any court or court-appointed counsel administrator for the purpose of evaluating attorneys seeking or being considered for appointment to cases.

Subdivision (f)(10). The definition of "trade secret" restates the definition in Civil Code section 3426.1.

Subdivision (f)(11). This subdivision is intended to reflect California law on the subject of the "deliberative process" exemption under the California Public Records Act, which is currently stated in the Supreme Court's decision in *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325 and the later Court of Appeal decisions *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159 and *Wilson v. Superior Court* (1996) 51 Cal.App.4th 1136.

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

Rule 10.501. Maintenance of budget and management information

(a) Maintenance of information by the superior court

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

(1) Official documents of the superior court pertaining to the approved superior court budget allocation adopted by the Judicial Council and actual final year-end superior court revenue and expenditure reports as required in budget procedures issued by Judicial Council staff to be maintained or reported to the council, including budget allocation, revenue, and expenditure reports;

(2) Records or other factual management information on matters that are within the scope of representation as defined in Government Code section 71634 unless distribution is otherwise precluded by law; and

(3) Records or other factual management information on other matters referred to in Government Code section 71634 unless distribution is otherwise precluded by law.

(Subd (a) amended effective January 1, 2016.)

(b) Maintenance of information by Judicial Council staff

Judicial Council staff must maintain for a period of three years from the close of the fiscal year to which the following relate:

(1) Official approved budget allocations for each superior court;

(2) Actual final year-end superior court revenue and expenditure reports required by budget procedures issued by Judicial Council staff to be maintained or reported to the council that are received from the courts, including budget revenues and expenditures for each superior court;

(3) Budget priorities as adopted by the council; and

(4) Documents concerning superior court budgets considered or adopted by the council at council business meetings on court budgets.

(Subd (b) amended effective January 1, 2016.)

Rule 10.501 amended effective January 1, 2016; adopted effective January 1, 2010.

Rule 10.502. Judicial sabbatical pilot program

(a) Objective

Sabbatical leave is a privilege available to jurists by statute. The objective of sabbatical leave is to facilitate study, teaching, research, or another activity that will benefit the administration of justice and enhance judges' performance of their duties.

(b) Eligibility

(1) A judge or justice is eligible to apply for a paid sabbatical under Government Code section 77213 if:

(A) He or she has served for at least seven years as a California judicial officer, including service as a subordinate judicial officer;

(B) He or she has not taken a sabbatical within seven years of the date of the proposed sabbatical; and

(C) He or she agrees to continue to serve as a judicial officer for at least three years after the sabbatical.

(2) Any judge is eligible to apply for an unpaid sabbatical under Government Code section 68554.

(c) Application

(1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director with a copy to the presiding judge or justice.

(2) The sabbatical proposal must include:

(A) The judge's certification that he or she meets the eligibility requirements established in (b);

(B) The beginning and ending dates of the proposed sabbatical;

(C) A description of the sabbatical project, including an explanation of how the sabbatical will benefit the administration of justice and the judge's performance of his or her duties; and

(D) A statement from the presiding judge or justice of the affected court, indicating approval or disapproval of the sabbatical request and the reasons for such approval or disapproval, forwarded to the Judicial Sabbatical Review Committee with a copy to the judge.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(d) Judicial Sabbatical Review Committee

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

(1) *Membership*

The committee must include at least one member from each of the following groups:

(A) Administrative Presiding Justices Advisory Committee;

(B) Trial Court Presiding Judges Advisory Committee;

(C) Court Executives Advisory Committee;

(D) Governing Committee of the Center for Judicial Education and Research;

(E) Judicial Service Advisory Committee; and

(F) California Judges Association (liaison).

(2) *Staffing*

The committee will be staffed by the Judicial Council's Human Resources office and may elect its chair and vice-chair.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Evaluation

(1) The Administrative Director must forward all sabbatical requests that comply with (c) to the Judicial Sabbatical Review Committee.

(2) The Judicial Sabbatical Review Committee must recommend granting or denying the sabbatical request after it considers the following factors:

(A) Whether the sabbatical will benefit the administration of justice in California and the judge's performance of his or her duties; and

(B) Whether the sabbatical leave will be detrimental to the affected court.

(3) The Judicial Sabbatical Review Committee may recommend an unpaid sabbatical if there is insufficient funding for a paid sabbatical.

(Subd (e) amended effective January 1, 2016.)

(f) Length

(1) A paid sabbatical taken under Government Code section 77213 may not exceed 120 calendar days. A judge may be allowed to add unpaid sabbatical time onto the end of a paid sabbatical if the purpose of the unpaid sabbatical is substantially similar to the work of the paid sabbatical.

(2) An unpaid sabbatical taken under Government Code section 68554 may not exceed one year.

(g) Ethics and compensation

A judge on sabbatical leave is subject to the California Code of Judicial Ethics and, while on a paid sabbatical, must not accept compensation for activities performed during that sabbatical leave but may receive reimbursement for the expenses provided in canon 4H(2) of the Code of Judicial Ethics.

(h) Judge's report

On completion of a sabbatical leave, the judge must report in writing to the Judicial Council on how the leave benefited the administration of justice in California and on its effect on his or her official duties as a judicial officer.

(Subd (h) amended effective January 1, 2007.)

(i) Retirement and benefits

(1) A judge on a paid sabbatical leave under Government Code section 77213 continues to receive all the benefits of office and accrues service credit toward retirement.

(2) A judge on unpaid sabbatical leave under Government Code section 68554 receives no compensation, and the period of absence does not count as service toward retirement. The leave does not affect the term of office.

(j) Judicial assignment replacement

Funds must be made available from the Judicial Administration Efficiency and Modernization Fund to allocate additional assigned judges to those courts whose judges' requests for paid sabbaticals are approved.

Rule 10.502 amended effective January 1, 2016; adopted as rule 6.151 effective January 1, 2003; previously amended and renumbered as rule 10.502 effective January 1, 2007.

Rule 10.503. Use of recycled paper by all courts [Repealed]
Rule 10.503 repealed effective January 1, 2014; adopted as rule 989.1 effective January 1, 1994; previously amended and renumbered effective January 1, 2007.

Rule 10.504. Smoking prohibited in all courts

(a) Definition

"Court facilities" means courthouses and all areas of multipurpose buildings used for court operations.

(b) Smoking prohibited

Smoking is prohibited in all court facilities.

(Subd (b) amended effective January 1, 2007.)

(c) Signs

Conspicuous no-smoking signs must be placed in all court facilities.

(Subd (c) amended effective January 1, 2007.)

Rule 10.504 amended and renumbered effective January 1, 2007; adopted as rule 989.5 effective July 1, 1991

Rule 10.505. Judicial robes

(a) Color and length

The judicial robe required by Government Code section 68110 must be black, must extend in front and back from the collar and shoulders to below the knees, and must have sleeves to the wrists.

(Subd (a) amended and lettered effective January 1, 2007; adopted as subd (e) effective September 24, 1959; relettered as subd (d) effective July 1, 1963; amended as an unlettered subd effective January 1, 2003.)

(b) Style

The judicial robe must conform to the style customarily worn in courts in the United States.

(Subd (b) amended and lettered effective January 1, 2007; adopted as subd (e) effective September 24, 1959; relettered as subd (d) effective July 1, 1963; amended as an unlettered subd effective January 1, 2003.)

Rule 10.505 amended and renumbered effective January 1, 2007; adopted as rule 249 effective January 1, 1949; previously amended effective September 24, 1959, and July 1, 1963; amended and renumbered as rule 299 effective January 1, 2003.

Division 4. Trial Court Administration

Chapter 1. General Rules on Trial Court Management

Rule 10.601. Superior court management
Rule 10.602. Selection and term of presiding judge
Rule 10.603. Authority and duties of presiding judge
Rule 10.605. Executive committee
Rule 10.608. Duties of all judges
Rule 10.609. Notification to State Bar of attorney misconduct
Rule 10.610. Duties of court executive officer
Rule 10.611. Nondiscrimination in court appointments
Rule 10.612. Use of gender-neutral language
Rule 10.613. Local court rules—adopting, filing, distributing, and maintaining
Rule 10.614. Local court forms
Rule 10.620. Public access to administrative decisions of trial courts
Rule 10.625. Certain demographic data relating to regular grand jurors
Rule 10.630. Reciprocal assignment orders

Rule 10.601. Superior court management

(a) Purpose

The rules in this division establish a system of trial court management that:

(1) Promotes equal access to the courts;

(2) Establishes decentralized management of trial court resources; and

(3) Enables the trial courts to operate in an efficient, effective, and accountable manner in serving the people of California.

(Subd (a) amended effective January 1, 2007.)

(b) Goals

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

(1) Manage their day-to-day operations with sufficient flexibility to meet the needs of those served by the courts;

(2) Establish the means of selecting presiding judges, assistant presiding judges, executive officers or court administrators, clerks of court, and jury commissioners;

(3) Manage their personnel systems, including the adoption of personnel policies;

(4) Manage their budget and fiscal operations, including allocating funding and moving funding between functions or line items;

(5) Provide input to the Judicial Council, the Trial Court Budget Advisory Committee, and Judicial Council on the trial court budget process; and

(6) Develop and implement processes and procedures to improve court operations and responsiveness to the public.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2002, and January 1, 2007.)

(c) Decentralized management

"Decentralized management" as used in the rules in this division refers to the administration of the trial courts on a countywide basis, unless an alternative structure has been approved by the Judicial Council, consistent with applicable statutes, rules, and standards of judicial administration.

(Subd (c) amended effective January 1, 2007.)

Rule 10.601 amended effective January 1, 2016; adopted as rule 2501 effective July 1, 1998; renumbered as rule 6.601 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.601 effective January 1, 2007.

Rule 10.602. Selection and term of presiding judge

(a) Selection

(1) *Courts with three or more judges*

Each court that has three or more judges must select a presiding judge. Selection of the presiding judge may be by secret ballot. The court should

establish an internal local rule or policy for the selection of the presiding judge and assistant presiding judge, if any.

(2) *Two-judge courts*

In a court having two judges, the selection of the presiding judge must conform to Government Code section 69508.5. If selection cannot be agreed on and neither judge has at least four years of experience, the senior judge must hold the office of presiding judge until both judges have at least four years of experience.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(b) Requisite experience and waiver

A presiding judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court. Nomination and selection of a presiding judge should take into consideration the judge's:

(1) Management and administrative ability;

(2) Interest in serving in the position;

(3) Experience and familiarity with a variety of trial court assignments;

(4) Ability to motivate and educate other judicial officers and court personnel;

(5) Ability to evaluate the strengths of the court's bench officers and make assignments based on those strengths as well as the best interests of the public and the court; and

(6) Other appropriate factors.

(Subd (b) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(c) Term

A presiding judge in a court with two judges must be elected for a term of not less than one year. A presiding judge in a court with three or more judges must be elected for an initial term of not less than two years. The presiding judge may be elected for additional terms. The court may change the duration of the initial or additional term by local rule or policy so long as the initial term is not less than the duration specified in this rule. A presiding judge may be removed by a majority vote of the judges of the court.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(d) Assistant presiding judge and acting presiding judge

(1) The court may elect an assistant presiding judge.

(2) If the court's internal local rule or policy does not provide for the designation of an acting presiding judge to serve if the presiding judge is absent or unable to act, the presiding judge must designate one.

(3) The court should provide the assistant presiding judge with training to foster an orderly succession to the office of presiding judge.

(Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2005.)

(e) Caseload adjustment

To the extent possible, the judicial caseload should be adjusted to provide the presiding judge with sufficient time and resources to devote to the management and administrative duties of the office.

Rule 10.602 amended and renumbered effective January 1, 2007; adopted as rule 6.602 effective January 1, 2001; previously amended effective January 1, 2005.

Advisory Committee Comment

The internal local rule described in this rule relates only to the internal management of the court, and as such is exempt from the requirements in rule 10.613. (See rule 10.613(j).)

Rule 10.603. Authority and duties of presiding judge

(a) General responsibilities

The presiding judge is responsible, with the assistance of the court executive officer, for leading the court, establishing policies, and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public. The presiding judge is responsible for:

(1) Ensuring the effective management and administration of the court, consistent with any rules, policies, strategic plan, or budget adopted by the Judicial Council or the court;

(2) Ensuring that the duties of all judges specified under rule 10.608 are timely and orderly performed; and

(3) Ensuring that the court has adopted written policies and procedures allowing the presiding judge to perform efficiently the administrative duties of that office.

(Subd (a) amended effective January 1, 2007.)

(b) Authority

(1) The presiding judge is authorized to:

(A) Assign judges to departments and designate supervising judges for divisions, districts, or branch courts;

(B) Apportion the business of the court, including assigning and reassigning cases to departments;

(C) Call meetings of the judges;

(D) Appoint standing and special committees of judges;

(E) Act as the spokesperson for the court;

(F) Authorize and direct expenditures from the court's Trial Court Operations Fund; and

(G) Perform all acts necessary to accomplish the duties specified by the rules of court.

(2) No local rule or policy may limit the authority of the presiding judge as granted in the rules of court.

(Subd (b) amended effective January 1, 2007.)

(c) Duties

(1) *Assignments*

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

(A) Designate a judge to preside in each department, including a master calendar judge when appropriate, and designate a presiding judge of the juvenile division and a supervising judge for each division, district, or

branch court. In making judicial assignments, the presiding judge must take into account the following:

(i) The needs of the public and the court, as they relate to the efficient and effective management of the court's calendar;

(ii) The knowledge and abilities demanded by the assignment;

(iii) The judge's judicial and nonjudicial experience, including specialized training or education;

(iv) The judge's interests;

(v) The need for continuity in the assignment;

(vi) The desirability of exposing the judge to a particular type of assignment; and

(vii) Other appropriate factors. Judicial assignments must not be based solely or primarily on seniority;

(B) Assign to a master calendar judge any of the duties that may more appropriately be performed by that department;

(C) Supervise the court's calendar, apportion the business of the court among the several departments of the court as equally as possible, and publish for general distribution copies of a current calendar specifying the judicial assignments of the judges and the times and places assigned for hearings;

(D) Reassign cases between departments as convenience or necessity requires; and

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

(2) *Judicial schedules*

(A) The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, and community outreach activities, and must prepare a plan for these vacations and absences from court.

(B) The plan should take into account the principles contained in standards 10.11 10.13 (on judicial education) and standard 10.5 (on community activities) of the Standards of Judicial Administration.

(C) The presiding judge must review requests from judges for time absent from court and may approve any request that is consistent with the plan and with the orderly operation of the court.

(D) The presiding judge must allow each judge to take two days of personal leave per year. Personal leave may be taken at any time that is approved by the presiding judge.

(E) The presiding judge must allow the following number of days of vacation for each judge annually:

(i) 24 days for judges with less than 7 years of service as a California judge;

(ii) 27 days for judges with at least 7 but less than 14 years of service as a California judge; and

(iii) 30 days for judges with 14 or more years of service as a California judge.

(F) The presiding judge may authorize a judge to take more time off than is specified in (c)(2)(E) as justified by extraordinary circumstances, if the circumstances are documented and the authorization is in writing.

(G) The presiding judge, in his or her discretion, may allow a judge to take additional vacation days equal to the number of vacation days that the judge did not use in the previous year, up to a maximum of 30 such days. A court may, by local rule, establish a lower maximum number of such days. This paragraph applies only to vacation days accrued after January 1, 2001. It does not affect any unused vacation days that a judge may have accrued before January 1, 2001, which are governed by local court policy, nor does it create any right to compensation for unused vacation days.

(H) The court must, by local rule, define a day of vacation. Absence from court to attend an authorized education program, conference, or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities, is not vacation time if attendance is in accordance with the plan and has the prior approval of the presiding judge. Absence from court due to illness is not vacation time. This rule does not limit the time a judge may be absent from court when unable to work because of illness.

(I) To ensure compliance with the plan, the presiding judge must establish a system to monitor judges' absences from court and maintain records of those absences.

(3) *Submitted cases*

The presiding judge must supervise and monitor the number of causes under submission before the judges of the court and ensure that no cause under submission remains undecided and pending for longer than 90 days. As an aid in accomplishing this goal, the presiding judge must:

(A) Require each judge to report to the presiding judge all causes under submission for more than 30 days and, with respect to each cause, designate whether it has been under submission for 30 through 60 days, 61 through 90 days, or over 90 days;

(B) Compile a list of all causes under submission before judges of the court, designated as the submitted list, which must include the name of each judge, a list of causes under submission before that judge, and the length of time each cause has been under submission;

(C) Circulate monthly a complete copy of the submitted list to each judge of the court;

(D) Contact and alert each judge who has a cause under submission for over 30 days and discuss ways to ensure that the cause is timely decided;

(E) Consider providing assistance to a judge who has a cause under submission for over 60 days; and

(F) Consider requesting the services of Judicial Council staff to review the court's calendar management procedures and make recommendations whenever either of the following condition exists in the court for the most recent three months:

(i) More than 90 civil active cases are pending for each judicial position; or

(ii) More than 10 percent of the cases on the civil active list have been pending for one year or more.

(4) *Oversight of judicial officers*

The presiding judge must:

(A) *Judges*

Notify the Commission on Judicial Performance of:

(i) A judge's substantial failure to perform judicial duties, including any habitual neglect of duty, persistent refusal to carry out assignments as assigned by the presiding judge, or persistent refusal to carry out the directives of the presiding judge as authorized by the rules of court; or

(ii) Any absences caused by disability totaling more than 90 court days in a 12-month period, excluding absences authorized under (c)(2);

(B) *Notice*

Give the judge a copy of the notice to the commission under (A) if appropriate. If a copy is not given to the judge, the presiding judge must inform the commission of the reasons why so notifying the judge was deemed inappropriate;

(C) *Commissioners*

(i) Prepare and submit to the judges for consideration and adoption procedures for receiving, inquiring into, and resolving complaints lodged against subordinate judicial officers, consistent with rule 10.703; and

(ii) Notify the Commission on Judicial Performance if a subordinate judicial officer is disciplined or resigns, consistent with rule 10.703(j).

(D) *Temporary judges*

Be responsible for the recruitment, training, supervision, approval, and performance of temporary judges as provided in rules 2.810–2.819 and rules 10.740–10.746; and

(E) *Assigned judges*

For each assigned retired judge:

(i) Complete a confidential evaluation form;

(ii) Submit the form annually to the Administrative Director;

(iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director, and provide requested information in writing to the Administrative Director in a timely manner; and

(iv) Assist the Administrative Director in the process of investigating, evaluating, and making recommendations to the Chief Justice regarding complaints against retired judges who serve on assignment.

(5) *Personnel*

(A) The presiding judge must provide general direction to and supervision of the court executive officer, or, if the court has no executive officer, perform the duties of the court executive regarding personnel as specified in rule 10.610(c)(1).

(B) The presiding judge must approve, in writing, the total compensation package (salary and all benefits) offered to the court executive officer at the time of the executive officer's appointment and any subsequent changes to the executive officer's total compensation package.

(6) *Budget and fiscal management*

The presiding judge must:

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

(B) Establish responsible budget priorities and submit budget requests that will best enable the court to achieve its goals;

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

(D) Approve procurements, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of state and local budget priorities and that ensures equal access to justice and the ability of the court to carry out its functions effectively. In a court with an executive officer, the presiding judge may delegate these duties to the court executive officer, but the presiding judge must ensure that the court executive officer performs such delegated duties consistent with the court's established budget.

(7) *Meetings and committees*

The presiding judge must establish a process for consulting with the judges of the court and may call meetings of the judges as needed. The presiding judge may appoint standing and special committees of judges as needed to assist in the proper performance of the duties and functions of the court.

(8) *Liaison*

The presiding judge must:

(A) Provide for liaison between the court and the Judicial Council, Judicial Council staff, 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:

(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 adoption in accordance with procedures established by local rules or policies; and

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

(10) *Appellate records*

The presiding judge is responsible for ensuring the timely preparation of records on appeal.

(A) The presiding judge ordinarily should delegate the following duties to the executive officer:

(i) Maintaining records of outstanding transcripts to be completed by each court reporter;

(ii) Reassigning court reporters as necessary to facilitate prompt completion of transcripts; and

(iii) Reviewing court reporters' requests for extensions of time to complete transcripts in appeals of criminal cases.

(B) After reasonable notice and hearing, the presiding judge must declare any reporter of the court who is delinquent in completing a transcript on appeal not competent to act as a reporter in court, under Government Code section 69944.

(11) *Local rules*

The presiding judge must prepare, with the assistance of appropriate court committees, proposed local rules to expedite and facilitate court business in accordance with Government Code section 68071 and rules 2.100, 3.20, and 10.613.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2001, January 1, 2002, January 1, 2006, July 1, 2006, January 1, 2007, and July 1, 2010.)

(d) Delegation

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

(Subd (d) amended effective July 1, 2010; previously amended effective January 1, 2007.)

Rule 10.603 amended effective January 1, 2016; adopted as rule 6.603 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2002, January 1, 2006, July 1, 2006, and July 1, 2010.

Rule 10.605. Executive committee

In accordance with the internal policies of the court, an executive committee may be established by the court to advise the presiding judge or to establish policies and

procedures for the internal management of the court. An executive committee may be appointed by the presiding judge to advise the presiding judge.

Rule 10.605 renumbered effective January 1, 2007; adopted rule 6.605 effective January 1, 2001.

Rule 10.608. Duties of all judges

Each judge must:

(1) Hear all assigned matters unless:

(A) He or she is disqualified; or

(B) He or she has stated in writing the reasons for refusing to hear a cause assigned for trial, and the presiding judge, supervising judge, or master calendar judge has concurred;

(2) Immediately notify the master calendar judge or the presiding judge on the completion or continuation of a trial or any other matter assigned for hearing;

(3) Request approval of the presiding judge for any intended absence of one-half day or more, within a reasonable time before the intended absence;

(4) Follow the court's personnel plan in dealing with employees; and

(5) Follow directives of the presiding judge in matters of court management and administration, as authorized by the rules of court and the local rules and internal policies of the court.

Rule 10.608 amended and renumbered effective January 1, 2007; adopted as rule 6.608 effective January 1, 2001; previously amended effective January 1, 2006.

Rule 10.609. Notification to State Bar of attorney misconduct

(a) Notification by judge

When notification to the State Bar is required under Business and Professions Code section 6086.7, the judge issuing the order that triggers the notification requirement under section 6086.7 is responsible for notifying the State Bar. The judge may direct court staff to notify the State Bar.

(b) Contents of notice

The notice must include the State Bar member's full name and State Bar number, if known, and a copy of the order that triggered the notification requirement.

(c) Notification to attorney

If notification to the State Bar is made under this rule, the person who notified the State Bar must also inform the attorney who is the subject of the notification that the matter has been referred to the State Bar.

Rule 10.609 adopted effective January 1, 2014.

Advisory Committee Comment

Business and Professions Code section 6086.7 requires a court to notify the State Bar of any of the following: (1) a final order of contempt imposed on an attorney that may involve grounds warranting discipline under the State Bar Act; (2) a modification or reversal of a judgment in a judicial proceeding based in whole or in part on the misconduct, incompetent representation, or willful misrepresentation of an attorney; (3) the imposition of any judicial sanctions on an attorney of $1,000 or more, except sanctions for failure to make discovery; or (4) the imposition of any civil penalty on an attorney under Family Code section 8620. If the notification pertains to a final order of contempt, Business and Professions Code section 6086.7(a)(1) requires the court to transmit to the State Bar a copy of the relevant minutes, final order, and transcript, if one exists. This rule is intended to clarify who has the responsibility of notifying the State Bar under section 6086.7 and the required contents of the notice.

In addition to the requirements stated in Business and Professions Code section 6086.7, judges are subject to canon 3D(2) of the California Code of Judicial Ethics, which states: "Whenever a judge has personal knowledge, or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority." The Advisory Committee Commentary states: "Appropriate corrective action could include direct communication with the judge or lawyer who has committed the violation, other direct action, such as a confidential referral to a judicial or lawyer assistance program, or a report of the violation to the presiding judge, appropriate authority, or other agency or body. Judges should note that in addition to the action required by Canon 3D(2), California law imposes mandatory additional reporting requirements on judges regarding lawyer misconduct. See Business and Professions Code section 6086.7."

Rule 10.610. Duties of court executive officer

(a) Selection

A court may employ an executive officer selected in accordance with procedures adopted by the court.

(b) General responsibilities

Acting under the direction of the presiding judge, the court executive officer is responsible for overseeing the management and administration of the nonjudicial operations of the court and allocating resources in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious

resolution of disputes, maximizes the use of judicial and other resources, increases efficiency in court operations, and enhances service to the public.

(Subd (b) amended effective January 1, 2007.)

(c) Duties

Under the direction of the presiding judge and consistent with the law and rules of court, the court executive officer must perform the following duties, where they are not inconsistent with the authorized duties of the clerk of the court:

(1) *Personnel*

Provide general direction to and supervision of the employees of the court, and draft for court approval and administer a personnel plan for court employees that complies with rule 10.670. The court executive officer has the authority, consistent with the personnel plan, to hire, discipline, and terminate nonjudicial employees of the court.

(2) *Budget*

Make recommendations to the presiding judge on budget priorities; prepare and implement court budgets, including accounting, payroll, and financial controls; and employ sound budget and fiscal management practices and procedures to ensure that annual expenditures are within the court's budget.

(3) *Contracts*

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

(4) *Calendar management*

Supervise and employ efficient calendar and case flow management systems, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques.

(5) *Technology*

Analyze, evaluate, and implement technological and automated systems to assist the court.

(6) *Jury management*

Manage the jury system in the most efficient and effective way.

(7) *Facilities*

Plan physical space needs, and purchase and manage equipment and supplies.

(8) *Records*

Create and manage uniform record-keeping systems, collecting data on pending and completed judicial business and the internal operation of the court, as required by the court and the Judicial Council.

(9) *Recommendations*

Identify problems, recommending procedural and administrative changes to the court.

(10) *Public relations*

Provide a clearinghouse for news releases and other publications for the media and public.

(11) *Liaison*

Act as liaison to other governmental agencies.

(12) *Committees*

Provide staff for judicial committees.

(13) *Other*

Perform other duties as the presiding judge directs.

(Subd (c) amended effective January 1, 2007.)

Rule 10.610 amended and renumbered effective January 1, 2007; adopted as rule 6.610 effective January 1, 2001.

Rule 10.611. Nondiscrimination in court appointments

Each court should select attorneys, arbitrators, mediators, referees, masters, receivers, and other persons appointed by the court on the basis of merit. No court may discriminate in such selection on the basis of gender, race, ethnicity, disability, sexual orientation, or age.

Rule 10.611 amended and renumbered effective January 1, 2007; adopted as rule 989.2 effective January 1, 1999.

Rule 10.612. Use of gender-neutral language

Each court must use gender-neutral language in all new local rules, forms, and documents and must review and revise those now in use to ensure that they are written in gender-neutral language.

Rule 10.612 adopted effective January 1, 2007.

Rule 10.613. Local court rules—adopting, filing, distributing, and maintaining

(a) Definitions

As used in this rule:

(1) "Court" means a trial court; and

(2) "Local rule" means every rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice or procedure in that court or by a judge of the court to govern practice or procedure in that judge's courtroom.

(Subd (a) amended and relettered effective July 1, 1999; adopted as subd (b) and repealed effective July 1, 1991.)

(b) Local inspection and copying of rules

Each court must make its local rules available for inspection and copying in every location of the court that generally accepts filing of papers. The court may impose a reasonable charge for copying the rules and may impose a reasonable page limit on copying. The rules must be accompanied by a notice indicating where a full set of the rules may be purchased or otherwise obtained.

(Subd (b) amended effective January 1, 2003; adopted as subd (c); previously relettered effective July 1, 1999.)

(c) Publication of rules

(1) Each court executive officer must be the official publisher of the court's local rules unless the court, by a majority vote of the judges, appoints another public agency or a private company.

(2) The official publisher must have the local rules reproduced and make copies available for distribution to attorneys and litigants.

(3) The court must adopt rules in sufficient time to permit reproduction of the rules by the official publisher before the effective date of the changes.

(4) The official publisher may charge a reasonable fee.

(5) Within 30 days of selecting an official publisher or changing an official publisher, each court must notify the Judicial Council of the name, address, and telephone number of the official publisher. Within 30 days of a change in the cost of the rules, each court must notify the Judicial Council of the charge for the local rules. This information will be published annually by the Judicial Council.

(Subd (c) amended effective January 1, 2003; adopted as subd (d); amended and relettered effective July 1, 1999.)

(d) Filing rules with the Judicial Council

(1) Forty-five days before the effective date of January 1 or July 1, each court must file with the Judicial Council an electronic copy of rules and amendments to rules adopted by the court in a format authorized by the Judicial Council.

(2) The filing must be accompanied by a certificate from the presiding judge or court executive officer stating that:

(A) The court has complied with the applicable provisions of this rule;

(B) The court does or does not post local rules on the court's Web site; and

(C) The court does or does not provide assistance to members of the public in accessing the Internet or the court has delegated to and obtained the written consent of the county law librarian to provide public assistance under (e).

(3) Rules that do not comply with this rule will not be accepted for filing by the Judicial Council.

(Subd (d) amended effective January 1, 2009; adopted as subd (e); amended and relettered effective July 1, 1999; previously amended effective January 1, 2003, and January 1, 2007.)

(e) Deposit and maintenance of rules statewide for public inspection

(1) The Judicial Council must publish a list of courts that have filed rules and amendments to rules with the Judicial Council. The Judicial Council must deposit a paper copy of each rule and amendment in the office of the executive officer of each superior court that does not provide assistance to members of the public in accessing the Internet or has not obtained agreement from the county law librarian to provide assistance under this subdivision.

(2) The executive officer must make a complete current set of local rules and amendments available for public examination either in paper copy or through the Internet with public assistance. In a county maintaining an organized county law library, if the executive officer is satisfied that the rules and amendments will be maintained as required by this paragraph, the executive officer, with the approval of the superior court and the written consent of the county law librarian, may delegate the authority to the county law librarian to either receive and maintain paper copies of the rules and amendments, or make the rules and amendments available through the Internet with assistance to members of the public.

(3) On or before January 1 of each year, the executive officer of each court must notify the Judicial Council of the street address and room number of the place where the rules are maintained under this subdivision.

(Subd (e) amended effective January 1, 2007; adopted as subd (f); amended and relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(f) Format of rules

(1) *Paper and electronic copies*

Paper copies may be typewritten or printed or produced by other process of duplication at the option of the court. Electronic rules must be prepared in a format authorized by the Judicial Council. All copies must be clear and legible.

(2) *Format of paper copies*

Paper copies must conform, as far as is practicable, to the requirements of chapter 1 of division 2 of title 2, except that both sides of the paper may be used, lines need not be numbered and may be single spaced, and the pages must not be permanently bound across the top but may be bound at the left side. (“Permanently bound” does not include binding with staples.) The left margin on the front and the right margin on the reverse must be at least one inch. The name of the court must be at the top of each page. The effective date of each rule and amended rule must be stated in parentheses following the text of the rule.

(3) *New pages and filing instructions*

New pages must be issued for added, repealed, or amended rules, with a list of currently effective rules and the date of adoption or of the latest amendment to each rule. Filing instructions must accompany each set of replacement pages.

(4) *Table of contents*

The rules must have a table of contents. The rules must list all local forms and indicate whether their use is mandatory or optional. If the total length of the court rules exceeds five pages, the rules must have an alphabetical subject matter index at the end of the rules. All courts must use any subject matter index the Judicial Council may have specified.

(Subd (f) amended effective January 1, 2007; adopted as subd (g); amended and relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(g) Comment period for proposed rules

(1) *Timing*

Except for rules specifying the time of hearing and similar calendaring matters, the court must distribute each proposed rule for comment at least 45 days before it is adopted.

(2) *Organizations*

A proposed rule must be distributed for comment to the following organizations in each county located within a 100-mile radius of the county seat of the county in which the court is located:

(A) Civil rules to the county bar association in each county, the nearest office of the State Attorney General, and the county counsel in each county;

(B) Criminal rules to the county bar association in each county, the nearest office of the State Attorney General, the district attorney in each county, and the public defender in each county; and

(C) On request, any bar organization, newspaper, or other interested party.

(3) *Methods*

A court may distribute a proposed rule for comment by either of the following methods:

(A) Distributing a copy of the proposal to every organization listed in (g)(2); or

(B) Posting the proposal on the court's Web site and distributing to every organization listed in (g)(2) a notice that the proposed rule has been posted for comment and that a hard copy of the proposal is available on request.

(Subd (g) amended effective January 1, 2007; adopted as subd (h); relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(h) Periodic review

Each court must periodically review its local rules and repeal rules that have become outdated, unnecessary, or inconsistent with statewide rules or statutes.

Subd (h) amended effective January 1, 2007; adopted as subd (g); relettered effective July 1, 1999; previously amended effective January 1, 2003.)

(i) Alternative effective date

A court may adopt a rule to take effect on a date other than as provided by Government Code section 68071 if:

(1) The presiding judge submits to the Judicial Council the proposed rule and a statement of reasons constituting good cause for making the rule effective on the stated date;

(2) The Chair of the Judicial Council authorizes the rule to take effect on the date proposed; and

(3) The rule is made available for inspection as provided in (b) on or before the effective date.

(Subd (i) amended effective January 1, 2007; adopted as subd (j) effective January 1, 1993; relettered effective July 1, 1999; previously amended effective July 1, 2001.)

(j) Limitation

Except for (i), this rule does not apply to local rules that relate only to the internal management of the court.

(Subd (j) amended effective January 1, 2007; adopted effective July 1, 1999; previously amended effective July 1, 2001.)

Rule 10.613 amended effective January 1, 2009; adopted as rule 981 effective July 1, 1991; previously amended effective January 1, 1993, July 1, 1999, July 1, 2001, and January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.614. Local court forms

Local forms must comply with the following:

(1) Each form must be on paper measuring no more than 8½ by 11 inches and no less than 8½ by 5 inches.

(2) The court must make copies of its forms available in the clerk's office. A court may, as an alternative, make its forms available in a booklet from which photocopies of the forms may be made. The court may charge for either copies of forms or the booklet of forms.

(3) The court must assign to each form a unique designator consisting of numbers or letters, or both. The designator must be positioned on the form in the same manner as the designator on a Judicial Council form.

(4) The effective date of each form must be placed on the form in the same manner as the effective date on a Judicial Council form, and each form must state whether it is a "Mandatory Form" or an "Optional Form" in the lower left corner of the first page.

(5) Each court must make available a current list of forms adopted or approved by that court. The list must include, for each form, its name, number, effective date, and whether the form is mandatory or optional. There must be two versions of the list, one organized by form number and one organized by form name. The court must modify its lists whenever it adopts, approves, revises, or repeals any form.

(6) Each form must be designed so that no typing is required on it within 1 inch of the top or within ½ inch of the bottom.

(7) All forms presented for filing must be firmly bound at the top and must contain two prepunched, normal-sized holes centered 2½ inches apart and 5/8 inch from the top of the form.

(8) If a form is longer than one page, the form may be filed on sheets printed on only one side even if the original form has two printed sides to a sheet. If a form is filed on a sheet printed on two sides, the reverse side must be rotated 180 degrees (printed head to foot).

Rule 10.614 amended effective January 1, 2014; adopted as rule 201.3 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.620. Public access to administrative decisions of trial courts

(a) Interpretation

The provisions of this rule concern public access to administrative decisions by trial courts as provided in this rule. This rule does not modify existing law regarding public access to the judicial deliberative process and does not apply to the adjudicative functions of the trial courts or the assignment of judges.

(b) Budget priorities

The Administrative Director may request, on 30 court days' notice, recommendations from the trial courts concerning judicial branch budget priorities. The notice must state that if a trial court is to make recommendations, the trial court must also give notice, as provided in (g), that interested members of the public may send input to the Judicial Council.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2005, and January 1, 2007.)

(c) Budget requests

Before making recommendations, if any, to the Judicial Council on items to be included in the judicial branch budget that is submitted annually to the Governor and the Legislature, a trial court must seek input from the public, as provided in (e), on what should be included in the recommendations.

(Subd (c) amended effective January 1, 2007.)

(d) Other decisions requiring public input

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

(1) A request for permission from Judicial Council staff to reallocate budget funds from one program component to another in an amount greater than $400,000 or 10 percent of the total trial court budget, whichever is greater.

(2) The execution of a contract without competitive bidding in an amount greater than $400,000 or 10 percent of the total trial court budget, whichever is greater. This subdivision does not apply to a contract entered into between a court and a county that is provided for by statute.

(3) The cessation of any of the following services at a court location:

(A) The Family Law Facilitator; or

(B) The Family Law Information Center.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Manner of seeking public input

When a trial court is required to seek public input under this rule, it must provide public notice of the request at least 15 court days before the date on which the

decision is to be made or the action is to be taken. Notice must be given as provided in (g). Any interested person or entity who wishes to comment must send the comment to the court in writing or electronically unless the court requires that all public comment be sent either by e-mail or through a response system on the court's Web site. For good cause, in the event an urgent action is required, a trial court may take immediate action if it (1) gives notice of the action as provided in (f), (2) states the reasons for urgency, and (3) gives any public input received to the person or entity making the decision.

(Subd (e) amended effective January 1, 2007.)

(f) Information about other trial court administrative matters

A trial court must provide notice, not later than 15 court days after the event, of the following:

(1) Receipt of the annual allocation of the trial court budget from the Judicial Council after enactment of the Budget Act.

(2) The awarding of a grant to the trial court that exceeds the greater of $400,000 or 10 percent of the total trial court budget.

(3) The solicitation of proposals or the execution of a contract that exceeds the greater of $400,000 or 10 percent of the trial court budget.

(4) A significant permanent increase in the number of hours that a court location is open during any day for either court sessions or filing of papers. As used in this paragraph, a significant increase does not include an emergency or one-time need to increase hours.

(5) The action taken on any item for which input from the public was required under (d). The notice must show the person or persons who made the decision and a summary of the written and e-mail input received.

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(g) Notice

When notice is required to be given by this rule, it must be given in the following ways:

(1) Posted on the trial court's Web site, if any.

(2) Sent to any of the following persons or entities—subject to the requirements of (h)—who have requested in writing or by electronic mail to the court executive officer to receive such notice:

(A) A newspaper, radio station, and television station in the county;

(B) The president of a local or specialty bar association in the county;

(C) Representatives of a trial court employees organization;

(D) The district attorney, public defender, and county counsel;

(E) The county administrative officer; and

(F) If the court is sending notice electronically using the provisions of (h), any other person or entity that submits an electronic mail address to which the notice will be sent.

(3) Posted at all locations of the court that accept papers for filing.

(Subd (g) amended effective January 1, 2007.)

(h) Electronic notice

A trial court may require a person or entity that is otherwise entitled to receive notice under (g)(2) to submit an electronic mail address to which the notice will be sent.

(Subd (h) amended effective January 1, 2007.)

(i) Materials

When a trial court is required to seek public input under (b), (c), or (d), it must also provide for public viewing at one or more locations in the county of any written factual materials that have been specifically gathered or prepared for the review at the time of making the decision of the person or entity making the decision. This subdivision does not require the disclosure of materials that are otherwise exempt from disclosure or would be exempt from disclosure under the state Public Records Act (beginning with Government Code section 6250). The materials must be mailed or otherwise be made available not less than five court days before the decision is to be made except if the request is made within the five court days before the decision is to be made, the materials must be mailed or otherwise be made available the next court day after the request is made. A court must either (1) provide copies to a person or entity that requests copies of these materials in writing or by electronic mail to the executive officer of the court or other person designated by the executive office in the notice, if the requesting person or entity pays all mailing and copying costs as determined by any mailing and copy cost recovery policies established by the trial court, or (2) make all materials available electronically either on its Web site or by e-mail. This subdivision does not require

the trial court to prepare reports. A person seeking documents may request the court to hold the material for pickup by that person instead of mailing.

(Subd (i) amended effective January 1, 2007.)

(j) Other requirements

This rule does not affect any other obligations of the trial court including any obligation to meet and confer with designated employee representatives. This rule does not change the procedures a court must otherwise follow in entering into a contract or change the types of matters for which a court may contract.

(Subd (j) amended effective January 1, 2007.)

(k) Enforcement

This rule may be enforced under Code of Civil Procedure section 1085.

Rule 10.620 amended effective January 1, 2016; adopted as rule 6.620 effective January 1, 2004; previously amended effective January 1, 2005; previously amended and renumbered as rule 10.620 effective January 1, 2007.

Advisory Committee Comment

The procedures required under this rule do not apply where statutes specify another procedure for giving public notice and allowing public input. (See, e.g., Gov. Code, § 68106 [notice of reduced court services]; *id.*, § 68511.7 [notice of proposed court budget plan].)

Rule 10.625. Certain demographic data relating to regular grand jurors

(a) Definitions

The following definitions apply under this rule:

(1) "Regular grand jury" means a body of citizens of a county selected by the court to investigate matters of civil concern in the county, whether or not that body has jurisdiction to return indictments.

(2) "Race or ethnicity" reflects the concept of race used by the United States Census Bureau and reflects self-identification by people according to the race or races with which they most closely identify. These categories are sociopolitical constructs and should not be interpreted as being scientific or anthropological in nature. The categories include both racial and national-origin groups.

(3) "Prospective regular grand juror" means those citizens who (a) respond in person to the jury summonses or questionnaires from the court for the

purposes of grand jury service and are eligible to serve as regular grand jurors, or (b) either submit applications, are recruited, or are nominated by judicial officers and are eligible to serve as regular grand jurors.

(4) "Eligible to serve" means that the prospective regular grand juror meets each of the criteria set forth in Penal Code section 893(a) and is not disqualified by any factor set forth in section 893(b).

(b) Jury commissioner duties and responsibilities

(1) The jury commissioner or designee must create a method to capture the following data from prospective regular grand jurors:

(A) Age range, specifically:

(i) 18–25

(ii) 26–34

(iii) 35–44

(iv) 45–54

(v) 55–64

(vi) 65–74

(vii) 75 and over

(B) Gender; and

(C) Race or ethnicity from the following categories (candidates may select more than one category):

(i) American Indian or Alaska Native

(ii) Asian

(iii) Black or African American

(iv) Hispanic/Latino

(v) Native Hawaiian or other Pacific Islander

(vi) White

(vii) Other race or ethnicity (please state:)

(viii) Decline to answer

(2) Develop and maintain a database containing the following information regarding prospective regular grand jurors, the candidates who are ultimately selected by the court to serve as grand jurors, and any carry-over grand jurors: name, age range, occupation, gender, race or ethnicity, and the year(s) served on the regular grand jury. The database should indicate how the juror initially became a candidate (by random draw, application, or nomination).

(c) Annual summary

(1) The court must develop and maintain an annual summary of the information in the database maintained under (b)(2). The summary must not include the names of the candidates and must be made available to the public.

Rule 10.625 adopted effective January 1, 2007.

Advisory Committee Comment

This rule is intended to facilitate the courts' continued efforts to achieve the goals stated in standard 10.50 [formerly section 17] of the Standards of Judicial Administration, which encourages courts to employ various methods of soliciting prospective candidates to serve on regular grand juries that reflect a representative cross-section of the community they serve. Those methods include obtaining recommendations for grand jurors who encompass a cross-section of the county's population base, solicited from a broad representation of community-based organizations, civic leaders, and superior court judges, referees, and commissioners subdivision (b)(2)); having the court consider carry-over grand jury selections under Penal Code section 901(b) to ensure broad-based representation (Subd (c)); and encouraging judges who nominate persons for grand jury service under Penal Code section 903.4 to select candidates from the list returned by the jury commissioner or otherwise employing a nomination procedure to ensure broad-based representation from the community.

This rule is also intended to assist the courts in establishing a formal mechanism whereby they can monitor the extent to which they achieve the goal of seating representative regular grand juries through a process comparable to that stated in Penal Code section 904.6(e), which requires that persons selected for the "criminal grand jury shall be selected at random from a source or sources reasonably representative of a cross section of the population which is eligible for jury service in the county."

Rule 10.630. Reciprocal assignment orders

A "reciprocal assignment order" is an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other's courts.

Rule 10.630 amended effective July 1, 2015; adopted as rule 813 effective July 1, 1990; previously amended and renumbered effective January 1, 2007.

Chapter 2. Trial Court Management of Human Resources

Article 1. Trial Court Employee Labor Relations

Rule 10.650. Court Employee Labor Relations Rules
Rule 10.651. Purpose
Rule 10.652. Definitions
Rule 10.653. Right and obligation to meet and confer
Rule 10.654. Scope of representation
Rule 10.655. Governing court employee labor relations
Rule 10.656. Transition provisions
Rule 10.657. Construction
Rule 10.658. Interpretation
Rule 10.659. Other provisions
Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5, 71825.2)

Rule 10.650. Court Employee Labor Relations Rules

Rules 10.651–10.659 in this chapter are referred to as the Court Employee Labor Relations Rules.

Rule 10.650 adopted effective January 1, 2007.

Rule 10.651. Purpose

The purpose of the Court Employee Labor Relations Rules is to extend to trial court employees the right, and to require trial courts, to meet and confer in good faith over matters that the court, as opposed to the county, has authority to determine that are within the scope of representation, consistent with the procedures stated in this division.

The adoption of the Court Employee Labor Relations Rules is not intended to require changes in existing representation units, memoranda of agreements, statutes, or court rules relating to trial court employees, except as they would otherwise normally occur as provided for in this division.

Rule 10.651 amended and renumbered effective January 1, 2007; adopted as rule 2201 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.652. Definitions

As used in the Court Employee Labor Relations Rules:

(1) "Court" means a superior court.

(2) "Court employee" means any employee of a court, except those employees whose job classification confers safety retirement status.

(3) "Meet and confer in good faith" means that a court or such representatives as it may designate, and representatives of recognized employee organizations, have the mutual obligation personally to meet and confer promptly on request by either party and to continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in this division or a local rule, regulation, or ordinance, or when such procedures are used by mutual consent.

(4) "Recognized employee organization" means an employee organization that has been formally acknowledged by the county to represent court employees under the provisions of Government Code sections 3500–3510 or by the court under its rules or policies.

Rule 10.652 amended and renumbered effective January 1, 2007; adopted as rule 2202 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.653. Right and obligation to meet and confer

(a) Recognized employee organization

A recognized employee organization has the right to represent its court employee members in their employment relations with a court as to matters covered by the Court Employee Labor Relations Rules. Nothing in these rules prohibits any court employee from appearing in his or her own behalf regarding employment relations with a court.

(Subd (a) amended effective January 1, 2007.)

(b) Representatives of a court

Representatives of a court must meet and confer in good faith regarding matters within the scope of representation, as defined in the Court Employee Labor Relations Rules, with representatives of a recognized employee organization, and must consider fully such presentations as are made by the recognized employee organization on behalf of its members before arriving at a determination of policy or course of action. In meeting this obligation a court must also comply with the procedures and provisions stated in Government Code sections 3504.5, 3505.1, 3505.2, and 3505.3 applicable to a public agency.

(Subd (b) amended effective January 1, 2007.)

(c) Joint negotiations and designations

In fulfilling the provisions of (b), the court and the county must consult with each other, may negotiate jointly, and each may designate the other in writing as its agent on any matters within the scope of representation.

(Subd (c) amended effective January 1, 2007.)

(d) Intimidation

A court or a recognized employee organization must not interfere with, intimidate, restrain, coerce, or discriminate against court employees because of their exercise of any rights they may have under the Court Employee Labor Relations Rules or Government Code sections 3500–3510.

(Subd (d) amended effective January 1, 2007.)

Rule 10.653 amended and renumbered effective January 1, 2007; adopted as rule 2203 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.654. Scope of representation

(a) Matters included in the scope of representation

For purposes of the Court Employee Labor Relations Rules, the scope of representation includes all matters within the court's authority to determine relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and terms and other conditions of employment, except, however, that the scope of representation does not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

(Subd (a) amended effective January 1, 2007.)

(b) Matters outside the scope of representation

In view of the unique and special responsibilities of the courts in the administration of justice, decisions regarding the following matters are not included within the scope of representation:

(1) The merits and administration of the court system;

(2) Coordination, consolidation, and merger of trial courts and support staff;

(3) Automation, including but not limited to fax filing, electronic recording, and implementation of information systems;

(4) Design, construction, and location of court facilities;

(5) Delivery of court services; and

(6) Hours of operation of the courts and court system.

(Subd (b) amended effective January 1, 2007.)

(c) Impact

Impact from such matters as in (b) must be included within the scope of representation as those matters affect wages, hours, terms, and conditions of employment of court employees, to the extent such matters are within the court's authority to determine.

(Subd (c) amended effective January 1, 2007.)

(d) Assignments and transfers

The superior court continues to have the right to determine assignments and transfers of court employees, provided that the process, procedures, and criteria for assignments and transfers are included within the scope of representation.

(Subd (d) amended effective January 1, 2007.)

Rule 10.654 amended and renumbered effective January 1, 2007; adopted as rule 2204 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.655. Governing court employee labor relations

(a) County rules and procedures

As they relate to court employees in their relations with the court, matters described in Government Code section 3507(a) through (d) are governed by any rules and administrative procedures and provisions adopted by the county under section 3507 that may apply to county employees generally, with the right of review by the appropriate Court of Appeal.

(Subd (a) amended effective January 1, 2007.)

(b) Court rules and policies

A court may adopt reasonable rules and policies after consultation in good faith with representatives of a recognized employee organization or organizations for the administration of employer-employee relations under this rule as to matters described in Government Code section 3507(e)–(i). The court and county jointly

will establish procedures to determine the appropriateness of any bargaining unit of court employees. The court must consult with the county about any rules and policies that the court may adopt under this section. If the court does not adopt rules by January 1, 1998, the court is bound by existing county rules until the court adopts rules.

(Subd (b) amended effective January 1, 2007.)

Rule 10.655 amended and renumbered effective January 1, 2007; adopted as rule 2205 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.656. Transition provisions

(a) Court employee organization

On the effective date of the Court Employee Labor Relations Rules, the court must recognize the employee organization that represented its court employees at the time of adoption. The court and the recognized employee organization are bound by the terms of any memorandum of understanding or agreement to which the court is a party that is in effect as of the date of adoption of the Court Employee Labor Relations Rules for its duration, or until it expires or, before then, is replaced by a subsequent memorandum of understanding.

(Subd (a) amended effective January 1, 2007.)

(b) Court personnel rules and policies

A court's local rules governing court employees and a court's personnel rules, policies, and practices in effect at the time of the adoption of the Court Employee Labor Relations Rules, to the extent they are not contrary to or inconsistent with the obligations and duties provided for in these rules, continue in effect until changed by the court. Before changing any rule, policy, or practice that affects any matter within the scope of representation as stated in these rules, the court must meet and confer in good faith with the recognized employee organization as provided for in these rules.

(Subd (b) amended effective January 1, 2007.)

(c) County employee representation units

Nothing contained in these rules is intended to preclude court employees from continuing to be included in representation units that contain county employees.

(Subd (c) amended effective January 1, 2007.)

Rule 10.656 amended and renumbered effective January 1, 2007; adopted as rule 2206 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.657. Construction

The enactment of the Court Employee Labor Relations Rules is not to be construed as making the provisions of Labor Code section 923 applicable to court employees.

Rule 10.657 amended and renumbered effective January 1, 2007; adopted as rule 2207 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.658. Interpretation

Where the language of the Court Employee Labor Relations Rules is the same or substantially the same as that contained in Government Code sections 3500 to 3510, it must be interpreted and applied in accordance with judicial interpretations of the same language.

Rule 10.658 amended and renumbered effective January 1, 2007; adopted as rule 2208 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

Rule 10.659. Other provisions

(a) Mediation

If, after a reasonable period of time, representatives of the court and the recognized employee organization fail to reach agreement, the court and the recognized employee organization or recognized employee organizations together may agree on the appointment of a mediator mutually agreeable to the parties. Costs of mediation are to be divided one-half to the court and one-half to the recognized employee organization or recognized employee organizations.

(Subd (a) amended effective January 1, 2007.)

(b) Submission for dispute resolution

In the absence of local procedures and provisions for resolving disputes on the appropriateness of a unit of representation, on the request of any of the parties, the dispute must be submitted to the Division of Conciliation of the Department of Industrial Relations for mediation or for recommendation for resolving the dispute.

(Subd (b) amended effective January 1, 2007.)

(c) Dues deduction

Nothing in the Court Employee Labor Relations Rules affects the right of a court employee to authorize a dues deduction from his or her salary or wages under Government Code sections 1157.1, 1157.2, 1157.3, 1157.4, 1157.5, or 1157.7.

(Subd (c) amended effective January 1, 2007.)

(d) Applicability of Government Code section 3502.5

The procedures and provisions stated in Government Code section 3502.5 are applicable to court employees.

(Subd (d) amended effective January 1, 2007.)

Rule 10.659 amended and renumbered effective January 1, 2007; adopted as rule 2209 effective January 1, 1998, the effective date of Stats. 1997, ch. 850.

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

(a) Application

This rule applies to petitions filed under Government Code sections 71639.5 and 71825.2.

(Subd (a) amended effective October 24, 2008; previously amended effective December 10, 2004, and January 1, 2007.)

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

(1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): "Petition filed under Government Code sections 71639.5 and 71825.2—Assignment of Court of Appeal justice required."

(2) When the petition is filed, the clerk of the court must immediately request of the Judicial Council's Assigned Judges Program the assignment of a hearing judge from the panel established under (e).

(3) The judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

(Subd (b) amended effective January 1, 2016; previously amended effective December 10, 2004, and January 1, 2007.)

(c) Superior court hearing

(1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.

(2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under (e).

(Subd (c) amended effective January 1, 2007.)

(d) Appeal

An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): "Notice of Appeal on Petition filed under Government Code sections 71639.5 and 71825.2—Expedited Processing Requested."

(Subd (d) amended effective January 1, 2007; previously amended effective December 10, 2004.)

(e) Panel of hearing judges

The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

(1) The panel must include at least one justice from each district of the Court of Appeal.

(2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

Rule 10.660 amended effective January 1, 2016; adopted as rule 2211 effective January 1, 2001; previously amended and renumbered as rule 10.660 effective January 1, 2007; previously amended effective December 10, 2004, and October 24, 2008.

Article 2. Other Human Resources Rules

Rule 10.670. Trial court personnel plans

Rule 10.670. Trial court personnel plans

(a) Purpose

This rule establishes the authority and responsibility of the superior courts, on a countywide basis, to create and implement a system of personnel management

designed to achieve lawful, uniform, and fair employment practices and procedures.

(Subd (a) amended effective January 1, 2007.)

(b) Countywide personnel plans

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

(Subd (b) amended effective January 1, 2007.)

(c) Provisions of a personnel plan

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

(1) A salary-setting procedure;

(2) Regular review of job classifications and titles;

(3) An equal employment opportunity policy applying to all employees in accordance with applicable state and federal law;

(4) Recruitment, selection, and promotion policies;

(5) A sexual harassment prevention policy;

(6) A reasonable accommodation policy;

(7) Grievance or complaint procedures covering, but not limited to, sexual harassment, discrimination, and denial of reasonable accommodation;

(8) 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) Timekeeping and payroll policies and procedures that comply with applicable state and federal law;

(10) A records management policy, including confidentiality and retention of personnel records;

(11) Job-related training and continuing education programs for all personnel concerning at least the following:

(A) Sexual harassment awareness;

(B) Discrimination and bias; and

(C) Safety;

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

(13) A policy regarding conflicts of interest and incompatible activities;

(14) Procedures for discipline and discharge; and

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

(Subd (c) amended effective January 1, 2007.)

(d) Optional provisions

A personnel plan may contain additional provisions, including the following:

(1) Criteria and schedules for performance evaluations for all levels of employees;

(2) Job-related training and continuing education programs for all personnel as appropriate, with provisions for both paid and unpaid educational leave concerning:

(A) Career development, including basic and managerial skills; and

(B) Equal employment opportunity concepts and recruitment methods.

(3) An employee benefit plan that may include:

(A) Flex-time, part-time, job-sharing, and other alternative work schedules;

(B) Cafeteria options to use pretax dollars for dependent care and medical care and for sick leave for the care of dependents;

(C) An employee assistance program; and

(D) A deferred compensation plan.

(Subd (d) amended effective January 1, 2007.)

(e) Submission of personnel plans

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

(Subd (e) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 10.670 amended effective January 1, 2016; adopted as rule 2520 effective July 1, 1998; previously renumbered as rule 6.650 effective January 1, 1999; previously amended and renumbered as rule 10.670 effective January 1, 2007.

Chapter 3. Subordinate Judicial Officers

Rule 10.700. Role of subordinate judicial officers
Rule 10.701. Qualifications and education of subordinate judicial officers
Rule 10.702. Subordinate judicial officers: practice of law
Rule 10.703. Subordinate judicial officers: complaints and notice requirements

Rule 10.700. Role of subordinate judicial officers

(a) Application

This rule applies to all subordinate judicial officers except those acting as child support commissioners under Family Code section 4251.

(b) Role of subordinate judicial officers

The primary role of subordinate judicial officers is to perform subordinate judicial duties. However, a presiding judge may assign a subordinate judicial officer to sit as a temporary judge where lawful, if the presiding judge determines that, because of a shortage of judges, it is necessary for the effective administration of justice.

Rule 10.700 renumbered effective January 1, 2007; adopted as rule 6.609 effective July 1, 2002.

Rule 10.701. Qualifications and education of subordinate judicial officers

(a) Definition

For purposes of this rule, "subordinate judicial officer" means a person appointed by a court to perform subordinate judicial duties as authorized by article VI, section

22 of the California Constitution, including a commissioner, a referee, and a hearing officer.

(Subd (a) amended effective January 1, 2007.)

(b) Qualifications

Except as provided in (d), a person is ineligible to be a subordinate judicial officer unless the person is a member of the State Bar and:

(1) Has been admitted to practice law in California for at least 10 years or, on a finding of good cause by the presiding judge, for at least 5 years; or

(2) Is serving as a subordinate judicial officer in a trial court as of January 1, 2003.

(Subd (b) amended effective January 1, 2007.)

(c) Education

A subordinate judicial officer must comply with the education requirements of any position to which he or she is assigned, even if it is not his or her principal assignment. Such requirements include the following, as applicable: rules 5.30, 5.340, and 10.462 of the California Rules of Court, and Welfare and Institutions Code section 304.7.

(Subd (c) amended effective January 1, 2017; previously amended effective January 1, 2007.)

(d) Juvenile referees and hearing officers

A person appointed as a juvenile referee or as a hearing officer under Welfare and Institutions Code sections 255 or 5256.1 must meet the qualification requirements established by those sections. Such a person is ineligible to exercise the powers and perform the duties of another type of subordinate judicial officer unless he or she meets the qualifications established in (b).

(Subd (d) amended effective July 1, 2008; previously amended effective January 1, 2007.)

Rule 10.701 amended effective January 1, 2017; adopted as rule 6.660 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective July 1, 2008.

Rule 10.702. Subordinate judicial officers: practice of law

A subordinate judicial officer may practice law only to the extent permitted by the Code of Judicial Ethics.

Rule 10.702 renumbered effective January 1, 2007; adopted as rule 6.665 effective January 1, 2003.

Rule 10.703. Subordinate judicial officers: complaints and notice requirements

(a) Intent

The procedures in this rule for processing complaints against subordinate judicial officers do not:

(1) Create a contract of employment;

(2) Change the existing employee-employer relationship between the subordinate judicial officer and the court;

(3) Change the status of a subordinate judicial officer from an employee terminable at will to an employee terminable only for cause; or

(4) Restrict the discretion of the presiding judge in taking appropriate corrective action.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Definitions

Unless the context requires otherwise, the following definitions apply to this rule:

(1) "Subordinate judicial officer" means an attorney employed by a court to serve as a commissioner, referee, or hearing officer, whether the attorney is acting as a commissioner, referee, hearing officer, or temporary judge. The term does not include any other attorney acting as a temporary judge.

(2) "Presiding judge" includes the person or group the presiding judge designates to perform any duty required by this rule to be performed by a presiding judge.

(3) "Commission" means the Commission on Judicial Performance. The commission exercises discretionary jurisdiction over the discipline of subordinate judicial officers under article VI, section 18.1 of the California Constitution.

(4) "Written reprimand" means written disciplinary action that is warranted either because of the seriousness of the misconduct or because previous corrective action has been ineffective.

(Subd (b) amended effective January 1, 2016.)

(c) Application

(1) A court that employs a subordinate judicial officer must use the procedures in this rule for processing complaints against the subordinate judicial officer if the complaint alleges conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.

(2) If a complaint against a subordinate judicial officer as described in (f) does not allege conduct that would be within the jurisdiction of the commission, the local procedures adopted under rule 10.603(c)(4)(C) apply. The local process may include any procedures from this rule for the court's adjudication of the complaint other than the provisions for referring the matter to the commission under (g) or giving notice of commission review under (k)(2)(B).

(3) A court may adopt additional policies and procedures for the adjudication of complaints against subordinate judicial officers not inconsistent with this rule.

(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2002 and January 1, 2007.)

(d) Promptness required

The presiding judge must ensure that the court processes each complaint promptly. To the extent reasonably possible, the court must complete action on each complaint within 90 days after the complaint is submitted.

(Subd (d) amended effective January 1, 2007.)

(e) Confidentiality

(1) All proceedings by a presiding judge under this rule must be conducted in a manner that is as confidential as is reasonably possible consistent with the need to conduct a thorough and complete investigation and the need for proper administration of the court.

(2) This rule does not prohibit access by the commission to any information relevant to the investigation of a complaint against a subordinate judicial officer.

(Subd (e) amended effective January 1, 2007.)

(f) Written complaints to presiding judge

(1) A complaint about the conduct of a subordinate judicial officer must be in writing and must be submitted to the presiding judge.

(2) Persons who are unable to file a written complaint because of a disability may present an oral complaint, which the presiding judge must commit to writing.

(3) The presiding judge has discretion to investigate complaints that are anonymous.

(4) The presiding judge must give written notice of receipt of the complaint to the complainant, if known.

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(g) Initial review of the complaint

(1) The presiding judge must review each complaint and determine if the complaint:

(A) May be closed after initial review;

(B) Requires investigation by the presiding judge; or

(C) Should be referred to the commission or to the presiding judge of another court for investigation or for investigation and adjudication.

(2) A presiding judge may request that the commission investigate and adjudicate the complaint if a local conflict of interest or disqualification prevents the court from acting on the complaint.

(3) In exceptional circumstances, a presiding judge may request the commission or the presiding judge of another court to investigate a complaint on behalf of the court and provide the results of the investigation to the court for adjudication.

(4) The court must maintain a file on every complaint received, containing the following:

(A) The complaint;

(B) The response of the subordinate judicial officer, if any;

(C) All evidence and reports produced by the investigation of the complaint, if any; and

(D) The final action taken on the complaint.

(Subd (g) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(h) Closing a complaint after initial review

(1) After an initial review, the presiding judge may close without further action any complaint that:

(A) Relates to the permissible exercise of judicial or administrative discretion by the subordinate judicial officer; or

(B) Does not allege conduct that if alleged against a judge would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution.

(2) If the presiding judge decides to close the complaint under (h)(1), the presiding judge must notify the complainant in writing of the decision to close the complaint. The notice must include the information required under (k).

(3) The presiding judge may, in his or her discretion, advise the subordinate judicial officer in writing of the decision to close the complaint.

(Subd (h) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(i) Complaints requiring investigation

(1) If after an initial review of the complaint the presiding judge finds a basis for further inquiry, the presiding judge must conduct an investigation appropriate to the nature of the complaint.

(2) The investigation may include interviews of witnesses and a review of court records.

(3) The presiding judge may give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow him or her an opportunity to respond to the allegations during the investigation. The presiding judge must give the subordinate judicial officer a copy of the complaint or a summary of its allegations and allow the subordinate judicial

officer an opportunity to respond to the allegations before the presiding judge decides to take any disciplinary action against the subordinate judicial officer.

(4) After completing the investigation, the presiding judge must, in his or her discretion:

(A) Close action on the complaint if the presiding judge finds the complaint lacks merit; or

(B) Impose discipline; or

(C) Take other appropriate corrective action, which may include, but is not limited to, oral counseling, oral reprimand, or warning of the subordinate judicial officer.

(5) If the presiding judge closes action on the complaint under (i)(4)(A) and the presiding judge is aware that the subordinate judicial officer knows of the complaint, the presiding judge must give the subordinate judicial officer written notice of the final action taken on the complaint.

(6) If the presiding judge decides to impose discipline or take other appropriate corrective action under (i)(4)(B) or (C), within 10 days after the completion of the investigation or as soon thereafter as is reasonably possible, the presiding judge must give the subordinate judicial officer the following in writing:

(A) Notice of the intended final action on the complaint; and

(B) The facts and other information forming the basis for the proposed action and the source of the facts and information.

(7) The notice of the intended final action on the complaint in (i)(6)(A) must include the following advice:

(A) The subordinate judicial officer may request an opportunity to respond to the intended final action within 10 days after service of the notice; and

(B) If the subordinate judicial officer does not request an opportunity to respond within 10 days after service of the notice, the proposed action will become final.

(8) If the subordinate judicial officer requests an opportunity to respond, the presiding judge must allow the subordinate judicial officer an opportunity to respond to the notice of the intended final action, either orally or in writing as specified by the presiding judge, in accordance with local rules.

(9) Within 10 days after the subordinate judicial officer has responded, the presiding judge must give the subordinate judicial officer written notice of the final action taken on the complaint.

(10) If the subordinate judicial officer does not request an opportunity to respond, the presiding judge must promptly give written notice of the final action to the complainant. The notice must include the information required under (k).

(Subd (i) amended effective January 1, 2016; previously amended effective January 1, 2006 and January 1, 2007.)

(j) Notice to the Commission on Judicial Performance

(1) If a court disciplines a subordinate judicial officer by written reprimand, suspension, or termination for conduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must promptly forward to the commission a copy of the portions of the court file that reasonably reflect the basis of the action taken by the court, including the complaint or allegations of misconduct and the subordinate judicial officer's response. This provision is applicable even when the disciplinary action does not result from a written complaint.

(2) If a subordinate judicial officer resigns (A) while an investigation under (i) is pending concerning conduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, or (B) under circumstances that would lead a reasonable person to conclude that the resignation was due, at least in part, to a complaint or allegation of misconduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must, within 15 days of the resignation or as soon thereafter as is reasonably possible, forward to the commission the entire court file on any pending complaint about or allegation of misconduct committed by the subordinate judicial officer.

(3) On request by the commission, the presiding judge must forward to the commission any requested information regarding a complaint about or allegation of misconduct committed by a subordinate judicial officer.

(Subd (j) relettered and amended effective January 1, 2016; adopted as subd (k); previously amended effective January 1, 2007 and July 1, 2010.)

(k) Notice of final court action

(1) When the court has completed its action on a complaint, the presiding judge must promptly notify the complainant, if known, of the final court action.

(2) The notice to the complainant of the final court action must:

(A) Provide a general description of the action taken by the court consistent with any law limiting the disclosure of confidential employee information; and

(B) Include the following statement:

If you are dissatisfied with the court's action on your complaint, you have the right to request the Commission on Judicial Performance to review this matter under its discretionary jurisdiction to oversee the discipline of subordinate judicial officers. No further action will be taken on your complaint unless the commission receives your written request within 30 days after the date this notice was mailed. The commission's address is:

Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102-3660

(Subd (k) relettered and amended effective January 1, 2016; adopted as subd (l); previously amended effective April 29, 1999 and January 1, 2007.)

Rule 10.703 amended effective January 1, 2016; adopted as rule 6.655 effective November 20, 1998; previously amended and renumbered effective January 1, 2007; previously amended effective April 29, 1999, July 1, 2002, January 1, 2006, and July 1, 2010.

Chapter 4. Referees [Reserved]

Chapter 5. Temporary Judges

Rule 10.740. Responsibilities of the trial courts for temporary judge programs
Rule 10.741. Duties and authority of the presiding judge
Rule 10.742. Use of attorneys as court-appointed temporary judges
Rule 10.743. Administrator of temporary judges program
Rule 10.744. Application procedures to serve as a court-appointed temporary judge
Rule 10.745. Performance
Rule 10.746. Complaints

Rule 10.740. Responsibilities of the trial courts for temporary judge programs

Each trial court that uses temporary judges must develop, institute, and operate• by itself or in collaboration with another court or courts• a program to recruit, select, train, and evaluate attorneys qualified to serve as temporary judges.

Rule 10.740 amended and renumbered effective January 1, 2007; adopted as rule 6.740 effective July 1, 2006.

Rule 10.741. Duties and authority of the presiding judge

(a) General duties

The presiding judge is responsible for the recruitment, selection, training, appointment, supervision, assignment, performance, and evaluation of court-appointed temporary judges. In carrying out these responsibilities, the presiding judge is assisted by the Temporary Judge Administrator as provided in rule 10.743.

(Subd (a) amended effective January 1, 2007.)

(b) Publicizing the opportunity to serve as a temporary judge

(1) Except for those courts that have nine or fewer authorized judge positions or use only research attorneys as temporary judges, each trial court that uses court-appointed temporary judges must publicize the opportunity to serve as a temporary judge whenever the court seeks to add attorneys to its pool of temporary judges or within a reasonable time before conducting its mandatory training for temporary judges but, in any case, no less than once every three years.

(2) Courts must publicize this opportunity in a manner that maximizes the potential for a diverse applicant pool, which includes publicizing the opportunity to legal communities and organizations, including all local bar associations, in their geographical area. This publicity should encourage and must provide an equal opportunity for all eligible individuals to seek positions as court-appointed temporary judges and not exclude individuals based on their gender, race, ethnicity, disability, religion, sexual orientation, age, or other protected class.

(Subd (b) adopted effective July 1, 2012.)

(c) Nondiscrimination in application and selection procedure

Each trial court that uses court-appointed temporary judges must conduct an application and selection procedure for temporary judges that ensures the most qualified applicants for appointment are selected and must not reject applicants who otherwise meet the requirements for appointment based on their gender, race, ethnicity, disability, religion, sexual orientation, age, or other protected class. Among the qualifications to be considered in the selection procedure are the applicant's exposure to and experience with diverse populations and issues related to those populations.

(Subd (c) adopted effective July 1, 2012.)

(d) Authority to remove or discontinue

The presiding judge has the discretion to remove a court-appointed temporary judge or to discontinue using an attorney as a court-appointed temporary judge at any time.

(Subd (d) relettered effective July 1, 2012; adopted as subd (b).)

Rule 10.741 amended effective July 1, 2012; adopted as rule 6.741 effective July 1, 2006; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

Subdivision (b). This subdivision is intended to offer all attorneys who satisfy the requirements for appointment under rule 2.812 the opportunity to serve as temporary judges and to expand the size and diversity of the pool of eligible candidates. Pursuant to the rule, courts that do not use temporary judges, that have nine or fewer authorized and funded judge positions, or that only use their research attorneys as temporary judges are exempt from the requirement to publicize the opportunity to serve as a temporary judge. Courts that use temporary judges may publicize the opportunity in a manner they determine to be most effective, given their individual circumstances. In attempting to broaden the diversity of the temporary judge applicant pool, courts also have the flexibility to widen the geographical areas in which they publicize the opportunity. Thus, courts are not limited to publicizing their temporary judge program through the local or state bar associations. However, they must include *all* local bar associations when they do so. Further, the method of publication is purposefully left to the court's discretion. No-cost methods exist, such as email, use of the court's public website, and oral announcements at local bar association or legal organization events. Publicizing this opportunity no less than once every three years should increase the potential for greater diversity among the temporary judges who serve the courts.

Subdivision (c). This subdivision emphasizes that the selection and appointment process must be devoid of discrimination. These provisions are intended to discourage favoritism in the appointment process and permit the courts to consider, as an additional qualification, an attorney's exposure to and experience with the diverse populations and issues unique to that population in the county where they are seeking appointment. "Exposure to and experience with diverse populations" includes work, social interaction, educational experiences, or community involvement with individuals or groups from diverse communities that may appear in court.

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

(a) Responsibility of the presiding judge

The presiding judge of the trial court is responsible for determining whether that court needs to use attorneys as temporary judges and, if so, the specific purposes for which attorneys are to be appointed as temporary judges.

(b) Conditions for the use of court-appointed temporary judges

The presiding judge may appoint an attorney as a court-appointed temporary judge only if all the following circumstances apply:

(1) The appointment of an attorney to serve as a temporary judge is necessary to fill a judicial need in that court;

(2) The attorney serving as a temporary judge has been approved by the court where the attorney will serve under rule 2.810 et seq.;

(3) The appointment of the attorney as a temporary judge does not result in any conflict of interest; and

(4) There is no appearance of impropriety resulting from the appointment of the attorney to serve as a temporary judge.

(Subd (b) amended effective January 1, 2007.)

Rule 10.742 amended effective January 1, 2017; adopted as rule 6.742 effective July 1, 2006; previously amended and renumbered as rule 10.742 effective January 1, 2007; previously amended effective January 1, 2016.

Advisory Committee Comment

Subdivisions (a)–(b). These subdivisions provide that the presiding judge in each court is responsible for determining whether court-appointed temporary judges need to be used in that court, and these subdivisions furnish the criteria for determining when their use is proper. Under (b)(1), the use and appointment of court-appointed temporary judges must be based on judicial needs. Under (b)(3), an attorney serving as a temporary judge would have a conflict of interest if the disqualifying factors in the Code of Judicial Ethics exist. Under (b)(4), the test for the appearance of impropriety is whether a person aware of the facts might entertain a doubt that the judge would be able to act with integrity, impartiality, and competence. In addition to the disqualifying factors listed in the Code of Judicial Ethics, an appearance of impropriety would be generated if any of the limitations in family law, unlawful detainer, and other cases identified in the Code of Judicial Ethics are present.

Rule 10.743. Administrator of temporary judges program

(a) Administrator

The presiding judge who appoints attorneys as temporary judges must designate a clerk, executive officer, or other court employee knowledgeable about temporary judges to serve as the Temporary Judge Administrator in that court.

(b) Duties of administrator

Under the supervision of the presiding judge, the Temporary Judge Administrator is responsible for the management of the temporary judges program in the court. The administrator's duties include:

(1) Receiving and processing applications from attorneys to serve as temporary judges with the court;

(2) Verifying the information on the applications;

(3) Assisting the presiding judge in the recruitment and selection of attorneys to serve as temporary judges, as provided in rule 10.741;

(4) Administering the court's program for the education and training of temporary judges;

(5) Maintaining records of attendance and completion of required courses by all attorneys serving as temporary judges in the court;

(6) Determining that attorneys have satisfied all the conditions required to be appointed as a temporary judge in that court, including continuing education requirements;

(7) Maintaining a list of attorneys currently appointed and qualified to serve as temporary judges in the court;

(8) Managing support services for temporary judges, such as providing mentoring programs and reference materials;

(9) Receiving and processing complaints and other information concerning the performance of attorneys serving as temporary judges;

(10) Assisting the presiding judge in identifying judicial needs that require the use of temporary judges and in addressing these needs; and

(11) Maintaining records, gathering statistics, and preparing and transmitting quarterly reports on the court's use of temporary judges as required under rule 10.742(c).

(Subd (b) amended effective July 1, 2012; previously amended effective January 1, 2007.)

Rule 10.743 amended effective July 1, 2012; adopted as rule 6.743 effective July 1, 2006; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

The goal of this rule is to ensure the effective and efficient administration of the courts' use of temporary judges. The rule should be applied flexibly. In courts with large temporary judge

programs, the court may want to designate a full-time administrator, and some of the administrator's duties may be delegated to other individuals. On the other hand, in courts that use only a few temporary judges, the Temporary Judge Administrator position may consume only part of the administrator's time and be combined with other duties. Also, courts that use only a small number of temporary judges may work with other courts, or may cooperate on a regional basis, to perform the functions and duties prescribed under this rule.

Rule 10.744. Application procedures to serve as a court-appointed temporary judge

(a) Application

Every attorney who applies for appointment as a temporary judge in a trial court must complete an application to serve as a temporary judge.

(b) Information required

The attorney must provide all applicable information requested on the application. This information must include:

(1) The attorney's name and contact information as required by the court;

(2) The attorney's State Bar number;

(3) The date of the attorney's admission to the State Bar of California and the dates of his or her admissions to practice in any other state;

(4) Length of membership in the State Bar of California and of practice in any other state;

(5) Whether the attorney is in good standing with the State Bar of California and in good standing as an attorney in any other state where the attorney has been admitted to practice;

(6) Whether the attorney has ever been disciplined, or is the subject of a pending disciplinary proceeding, by the State Bar of California or by any other state bar association or court of record; and, if so, an explanation of the circumstances;

(7) The areas of specialization for which the attorney has been certified in California or in any other state;

(8) The attorney's major area or areas of practice;

(9) Whether the attorney holds himself or herself out publicly as representing exclusively one side in any of the areas of litigation in which the attorney practices;

(10) Whether the attorney represents one side in more than 90 percent of all cases in any areas of litigation in which the attorney specializes or concentrates his or her practice;

(11) The location or locations in which the attorney principally practices;

(12) How often the attorney appears in the court where he or she is applying to serve as a temporary judge;

(13) A list of the attorney's previous service as a temporary judge in the court where the attorney is applying and in any other court;

(14) Whether the attorney has ever been removed as a temporary judge by any court;

(15) The types of cases on which the attorney is willing to serve as a temporary judge;

(16) Whether the attorney has ever been convicted of a felony or misdemeanor, or is a defendant in any pending felony or misdemeanor proceeding, and, if so, a statement about the conviction or pending proceeding;

(17) Whether the attorney has been a party in any legal proceeding and, if so, a brief description of the proceedings;

(18) Information concerning any circumstances or conditions that would adversely affect or limit the attorney's ability to serve as a temporary judge;

(19) Any facts concerning the attorney's background that may reflect positively or negatively on the attorney or that should be disclosed to the court; and

(20) Such additional information as the court may require.

(c) Continuing duty to disclose

An attorney appointed by a court to serve as a temporary judge has a continuing duty to disclose to the court any material changes in facts or circumstances that affect his or her ability to serve as a temporary judge. The attorney must disclose the changes to the court before the next time the attorney is assigned to serve as a temporary judge.

(d) Review of application

The presiding judge, assisted by the Temporary Judge Administrator, must review all applications and determine whether each applicant is qualified, has satisfied the requirements of rule 2.812, and should be appointed as a temporary judge. The

presiding judge may delegate this task to another judge or a committee of judges, assisted by the Temporary Judge Administrator. In appointing attorneys as temporary judges, the presiding judge may go beyond the minimum qualifications and standards required under the California Rules of Court. The decision whether to appoint, use, retrain, remove, or discontinue using any particular attorney as a temporary judge is at the sole discretion of the presiding judge.

(Subd (d) amended effective January 1, 2007.)

Rule 10.744 amended and renumbered effective January 1, 2007; adopted as rule 6.744 effective July 1, 2006.

Rule 10.745. Performance

(a) Review required

The court must review on a regular basis the performance of temporary judges appointed by that court.

(b) Monitoring performance

In monitoring and reviewing the performance of court-appointed temporary judges, the court may use direct observation, audiotaping of hearings, reports by court staff, comments from mentor judges, and such other means as may be helpful.

Rule 10.745 renumbered effective January 1, 2007; adopted as rule 6.745 effective July 1, 2006.

Rule 10.746. Complaints

Each court must have procedures for receiving, investigating, and resolving complaints against court-appointed temporary judges.

Rule 10.746 renumbered effective January 1, 2007; adopted as rule 6.746 effective July 1, 2006.

Chapter 6. Court Interpreters

Rule 10.761. Regional Court Interpreter Employment Relations Committees
Rule 10.762. Cross-assignments for court interpreter employees

Rule 10.761. Regional Court Interpreter Employment Relations Committees

(a) Creation

Government Code sections 71807–71809 establish four Regional Court Interpreter Employment Relations Committees. Each committee has the authority, for spoken

language court interpreters within its region as defined under Government Code section 71807(a), to:

(1) Set the terms and conditions of employment for court interpreters, subject to meet and confer in good faith, as authorized by Government Code section 71808;

(2) Adopt reasonable rules and regulations for the administration of employer-employee relations with recognized employee organizations, as authorized by Government Code section 71823(a); and

(3) Act as the representative of the superior courts within the region in bargaining with a recognized employee organization as authorized by Government Code section 71809.

(b) Membership

(1) Each Regional Court Interpreter Employment Committee consists of one representative from each superior court that has at least one interpreter employed as a court interpreter as defined by Government Code section 71806 and not excluded by section 71828(d).

(2) The following regions are established by Government Code section 71807:

(A) Region 1: Los Angeles, Santa Barbara, and San Luis Obispo Counties.

(B) Region 2: Counties of the First and Sixth Appellate Districts, except Solano County.

(C) Region 3: Counties of the Third and Fifth Appellate Districts.

(D) Region 4: Counties of the Fourth Appellate District.

(3) The court executive officer of each superior court may appoint the court's representative, under rule 10.610, which authorizes the court executive officer, acting under the direction of the presiding judge, to oversee the management and administration of the nonjudicial operations of the court.

(4) Each Regional Court Interpreter Employment Relations Committee may appoint a chief negotiator to bargain with recognized employee organizations. The chief negotiator may be Judicial Council staff.

(5) Any superior court that is not entitled to appoint a representative under this rule, including the superior courts of Ventura and Solano Counties, may appoint an advisory member to the committee for its region.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2006, and January 1, 2007.)

(c) Rules of procedure

Each Regional Court Interpreter Employment Relations Committee may adopt its own rules of procedure, including the procedure for selecting its chair, advisory members, and chief negotiator.

(d) Voting

(1) Each representative of a superior court has a number of votes equal to the number of court interpreter employees in that trial court as defined by Government Code section 71806 and not excluded by section 71828(d).

(2) On July 1, 2004, and annually thereafter each Regional Court Interpreter Employment Relations Committee must recalculate the number of votes of each representative of a superior court to equal the number of court interpreter employees in that court.

(Subd (d) amended effective January 1, 2006.)

(e) Judicial Council staff

Judicial Council staff will assist each Regional Court Interpreter Employment Relations Committee in performing its functions.

(Subd (e) amended effective January 1, 2016.)

Rule 10.761 amended effective January 1, 2016; adopted as rule 6.661 effective March 1, 2003; previously amended effective January 1, 2006; previously amended and renumbered as rule 10.761 effective January 1, 2007.

Rule 10.762. Cross-assignments for court interpreter employees

(a) Purpose

This rule implements a process for cross-assignment of a court interpreter employed by a superior court under Government Code section 71810(b).

(Subd (a) amended effective January 1, 2007.)

(b) Definitions

As used in this rule:

(1) “Home court” means the superior court in which the court interpreter is an employee. An employee’s home court includes all locations of a superior court within a county.

(2) “Away court” means the superior court to which the court interpreter is temporarily cross-assigned.

(3) “Cross-assignment” means any assignment to perform spoken language interpretation for a superior court other than the interpreter’s home court.

(4) “Regional court interpreter coordinator” means a Judicial Council employee whose duty it is to locate, assign, and schedule available court interpreter employees for courts within and across regions, which are described under Government Code section 71807(a).

(5) “Local court interpreter coordinator” means an employee of a superior court whose duty it is to locate, assign, and schedule available court interpreter employees for his or her court.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Procedure for cross-assignments

(1) Under Government Code section 71804.5(b) a court interpreter employed by a superior court is not permitted to be an employee of more than one superior court. A court interpreter employed by a superior court may not contract with another court, but may accept appointments to provide services to more than one court through cross-assignments.

(2) A superior court may attempt to fill an interpreting assignment with the employee of another court before hiring an independent contract court interpreter.

(3) If a superior court wants to fill an interpreting assignment with the employee of another court, the court must notify the regional court interpreter coordinator to locate an employee of a court within or across regions.

(4) Each local court interpreter coordinator must provide the schedule of each court interpreter employee available for cross-assignment to the regional court interpreter coordinator.

(5) A superior court may adopt additional internal procedures for cross-assigning a court interpreter employee that are not inconsistent with Government Code section 71810 and this rule.

(6) A Regional Court Interpreter Employment Relations Committee may approve alternative procedures for cross-assigning a court interpreter employee that permit the interpreter to directly arrange cross-assignments with an "away" court, provided that the procedures require notice to the regional coordinator.

(Subd (c) amended effective January 1, 2007.)

(d) Payment for cross-assignments

The home court must issue payment to the court interpreter for all cross-assignments, including per diem compensation and mileage reimbursement. Judicial Council staff will administer funding to the home court for payments associated with cross-assignments.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Duties of a court interpreter on cross-assignment

A court interpreter who accepts a cross-assignment is responsible for following the personnel rules of the home court while performing services for the away court.

(f) Superior courts of Ventura and Solano Counties

The superior courts of Ventura and Solano Counties may participate in the procedure for cross-assignments as follows:

(1) The Superior Court of Ventura County may accept or provide interpreters on cross-assignment under the procedures established in Region 1, as defined by Government Code section 71807.

(2) The Superior Court of Solano County may accept or provide interpreters on cross-assignment under the procedures established in Region 2, as defined by Government Code section 71807.

(Subd (f) amended effective January 1, 2007.)

Rule 10.762 amended effective January 1, 2016; adopted as rule 6.662 effective March 1, 2003; previously amended and renumbered as rule 10.762 effective January 1, 2007.

Chapter 7. Qualifications of Court Investigators, Probate Attorneys, and Probate Examiners

Chapter 7 adopted effective January 1, 2008.

Rule 10.776. Definitions

Rule 10.777. Qualifications of court investigators, probate attorneys, and probate examiners

Rule 10.776. Definitions

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

(1) A "court investigator" is a person described in Probate Code section 1454(a) employed by or under contract with a court to provide the investigative services for the court required or authorized by law in guardianships, conservatorships, and other protective proceedings under division 4 of the Probate Code;

(2) A "probate examiner" is a person employed by a court to review filings in probate proceedings in order to assist the court and the parties to get the filed matters ready for consideration by the court in accordance with the requirements of the Probate Code, title 7 of the California Rules of Court, and the court's local rules;

(3) A "probate attorney" is an active member of the State Bar of California who is employed by a court to perform the functions of a probate examiner and also to provide legal analysis, recommendations, advice, and other services to the court pertaining to probate proceedings;

(4) "Probate proceedings" are decedents' estates, guardianships and conservatorships under division 4 of the Probate Code, trust proceedings under division 9 of the Probate Code, and other matters governed by provisions of that code and the rules in title 7 of the California Rules of Court;

(5) An "accredited educational institution" is a college or university, including a community or junior college, accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.

Rule 10.776 amended effective January 1, 2016; adopted effective January 1, 2008.

Rule 10.777. Qualifications of court investigators, probate attorneys, and probate examiners

(a) Qualifications of court investigators

Except as otherwise provided in this rule, a person who begins employment with a court or enters into a contract to perform services with a court as a court investigator on or after January 1, 2008, must:

(1) Have a bachelor of arts or bachelor of science degree in a science, a social science, a behavioral science, liberal arts, or nursing from an accredited

educational institution; and

(2) Have a minimum of two years' employment experience performing casework or investigations in a legal, financial, law enforcement, or social services setting.

(b) Qualifications of probate attorneys

Except as otherwise provided in this rule, a person who begins employment with a court as a probate attorney on or after January 1, 2008, must:

(1) Be an active member of the State Bar of California for:

(A) A minimum of five years; or

(B) A minimum of two years, plus a minimum of five years' current or former active membership in the equivalent organization of another state or eligibility to practice in the highest court of another state or in a court of the United States; and

(2) Have a minimum of two years' total experience, before or after admission as an active member of the State Bar of California, in one or more of the following positions:

(A) Court-employed staff attorney;

(B) Intern, court probate department (minimum six-month period);

(C) Court-employed probate examiner or court-employed or court-contracted court investigator;

(D) Attorney in a probate-related public or private legal practice;

(E) Deputy public guardian or conservator;

(F) Child protective services or adult protective services worker or juvenile probation officer; or

(G) Private professional fiduciary appointed by a court or employee of a private professional fiduciary or bank or trust company appointed by a court, with significant fiduciary responsibilities, including responsibility for court accountings.

(c) Qualifications of probate examiners

Except as otherwise provided in this rule, a person who begins employment with a court as a probate examiner on or after January 1, 2008, must have:

(1) A bachelor of arts or bachelor of science degree from an accredited educational institution and a minimum of two years' employment experience with one or more of the following employers:

(A) A court;

(B) A public or private law office; or

(C) A public administrator, public guardian, public conservator, or private professional fiduciary; or

(2) A paralegal certificate or an Associate of Arts degree from an accredited educational institution and a minimum of a total of four years' employment experience with one or more of the employers listed in (1); or

(3) A juris doctor degree from an educational institution approved by the American Bar Association or accredited by the Committee of Bar Examiners of the State Bar of California and a minimum of six months' employment experience with an employer listed in (1).

(d) Additional court-imposed qualifications and requirements

The qualifications in (a), (b), and (c) are minimums. A court may establish higher qualification standards for any position covered by this rule and may require applicants to comply with its customary hiring or personal-service contracting practices, including written applications, personal references, personal interviews, or entrance examinations.

(e) Exemption for smaller courts

The qualifications required under this rule may be waived by a court with eight or fewer authorized judges if it cannot find suitable qualified candidates for the positions covered by this rule or for other grounds of hardship. A court electing to waive a qualification under this subdivision must make express written findings showing the circumstances supporting the waiver and disclosing all alternatives considered, including those not selected.

(f) Record keeping and reporting

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

(Subd (f) amended effective January 1, 2016.)

Rule 10.777 amended effective January 1, 2016; adopted effective January 1, 2008.

Chapter 8. Alternative Dispute Resolution Programs

Chapter 8 renumbered effective January 1, 2008; adopted as Chapter 7 effective January 1, 2007.

Rule 10.780. Administration of alternative dispute resolution (ADR) programs
Rule 10.781. Court-related ADR neutrals
Rule 10.782. ADR program information
Rule 10.783. ADR program administration

Rule 10.780. Administration of alternative dispute resolution (ADR) programs

The rules in this chapter concern alternative dispute resolution (ADR) programs administered by the trial courts. General provisions concerning ADR are located in title 3, division 8.

Rule 10.780 amended effective January 1, 2008; adopted effective January 1, 2007.

Rule 10.781. Court-related ADR neutrals

(a) Qualifications of mediators for general civil cases

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

(Subd (a) amended effective January 1, 2016; adopted effective January 1, 2011.)

(b) Lists of neutrals

If a court makes available to litigants a list of ADR neutrals, the list must contain, at a minimum, the following information concerning each neutral listed:

(1) The types of ADR services available from the neutral;

(2) The neutral's resume, including his or her general education and ADR training and experience; and

(3) The fees charged by the neutral for each type of service.

(Subd (b) amended and relettered effective January 1, 2011; adopted as subd (a); amended effective January 1, 2007.)

(c) Requirements to be on lists

In order to be included on a court list of ADR neutrals, an ADR neutral must sign a statement or certificate agreeing to:

(1) Comply with all applicable ethics requirements and rules of court and;

(2) Serve as an ADR neutral on a pro bono or modest-means basis in at least one case per year, not to exceed eight hours, if requested by the court. The court must establish the eligibility requirements for litigants to receive, and the application process for them to request, ADR services on a pro bono or modest-means basis.

(Subd (c) relettered effective January 1, 2011; adopted as subd (b); previously amended effective January 1, 2007.)

(d) Privilege to serve as a court-program neutral

Inclusion on a court list of ADR neutrals and eligibility to be recommended, appointed, or compensated by the court to serve as a neutral are privileges that are revocable and confer no vested right on the neutral.

(Subd (d) relettered effective January 1, 2011; adopted as subd (c) effective July 1, 2009.)

Rule 10.781 amended effective January 1, 2016; adopted as rule 1580.1 effective January 1, 2001; previously amended and renumbered as rule 10.781 effective January 1, 2007; previously amended effective July 1, 2009, and January 1, 2011.

Advisory Committee Comment

Subdivision (c). A court has absolute discretion to determine who may be included on a court list of ADR neutrals or is eligible to be recommended, selected, appointed, or compensated by the court to serve as a neutral (except as otherwise expressly provided by statute or rule of court).

Rule 10.782. ADR program information

(a) Report to Judicial Council

Each court must report information on its ADR programs to the Judicial Council, as requested by Judicial Council staff.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Parties and ADR neutrals to supply information

Subject to applicable limitations, including the confidentiality requirements in Evidence Code section 1115 et seq., courts must require parties and ADR neutrals, as appropriate, to supply pertinent information for the reports required under (a).

(Subd (b) amended effective January 1, 2007.)

Rule 10.782 amended effective January 1, 2016; adopted as rule 1580.2 effective January 1, 2001; previously amended and renumbered effective January 1, 2007.

Rule 10.783. ADR program administration

(a) ADR program administrator

The presiding judge in each trial court must designate the clerk or executive officer, or another court employee who is knowledgeable about ADR processes, to serve as ADR program administrator. The duties of the ADR program administrator must include:

(1) Developing informational material concerning the court's ADR programs;

(2) Educating attorneys and litigants about the court's ADR programs;

(3) Supervising the development and maintenance of any panels of ADR neutrals maintained by the court; and

(4) Gathering statistical and other evaluative information concerning the court's ADR programs.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2004.

(b) ADR committee

(1) *Membership in courts with 18 or more authorized judges*

In each superior court that has 18 or more authorized judges, there must be an

ADR committee. The members of the ADR committee must include, insofar as is practicable:

(A) The presiding judge or a judge designated by the presiding judge;

(B) One or more other judges designated by the presiding judge;

(C) The ADR program administrator;

(D) Two or more active members of the State Bar chosen by the presiding judge as representatives of those attorneys who regularly represent parties in general civil cases before the court, including an equal number of attorneys who represent plaintiffs and who represent defendants in these cases;

(E) One or more members of the court's panel of arbitrators chosen by the presiding judge; and

(F) If the court makes available to litigants a list of any ADR neutrals other than arbitrators, one or more neutrals chosen by the presiding judge from that list.

(2) *Additional members*

The ADR committee may include additional members selected by the presiding judge.

(3) *ADR committee in other courts*

Any other court may by rule establish an ADR committee as provided in (b)(1). Otherwise, the presiding judge or a judge designated by the presiding judge must perform the functions and have the powers of an ADR committee as provided in these rules.

(4) *Term of membership*

ADR committee membership is for a two-year term. The members of the ADR committee may be reappointed and may be removed by the presiding judge.

(5) *Responsibilities of ADR committee*

The ADR committee is responsible for overseeing the court's alternative dispute resolution programs for general civil cases, including those responsibilities relating to the court's judicial arbitration program specified in rule 3.813(b).

(Subd (b) amended effective January 1, 2007; previously adopted effective January 1, 2004.)

Rule 10.783 amended and renumbered effective January 1, 2007; adopted as rule 1580.3 effective January 1, 2001; previously amended effective January 1, 2004.

Chapter 9. Trial Court Budget and Fiscal Management

Chapter 9 renumbered effective January 1, 2008; adopted as Chapter 3 effective July 1, 1998; previously renumbered as Chapter 8 effective January 1, 2007.

Rule 10.800. Superior court budgeting
Rule 10.801. Superior court budget procedures
Rule 10.803. Information access disputes—writ petitions (Gov. Code, § 71675)
Rule 10.804. Superior court financial policies and procedures
Rule 10.805. Notice of change in court-county relationship
Rule 10.810. Court operations
Rule 10.811. Reimbursement of costs associated with homicide trials
Rule 10.815. Fees to be set by the court
Rule 10.820. Acceptance of credit cards by the superior courts
Rule 10.821. Acceptance of checks and other negotiable paper
Rule 10.830. Disposal of surplus court personal property

Rule 10.800. Superior court budgeting

(a) Purpose

This rule provides for local authority and accountability for development of budget requests and management of court operations within the authorized funding level. Superior courts must manage their budgets in a manner that is responsive to local needs, ensures equal access to justice, is consistent with Judicial Council policy and legislative direction, and does not exceed the total allocated budget.

(Subd (a) amended effective January 1, 2007; previously amended effective January 1, 2002.)

(b) Development of budget requests

Each superior court must prepare and submit to the Judicial Council a budget according to the schedule and procedures established by the council.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2002, and January 1, 2007.)

(c) Allocation of funding

(1) The funding allocation to each superior court is based on the amounts incorporated for that court in budget change proposals that have been funded through the Budget Act, except as otherwise ordered by the Judicial Council. The superior court of each county may distribute and periodically redistribute its annual allocation between programs, locations, and line items as needed, within the parameters of the *Trial Court Financial Policies and Procedures Manual* and consistent with council policy direction, to promote accessible justice and the effective, efficient, and accountable operation of the courts. The Judicial Council may make additional allocations as it deems appropriate.

(2) Each superior court is accountable for achieving the expected outcomes of the programs funded for that year. If a court is unable to do so, it must report the reasons to the Judicial Council.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2002.)

Rule 10.800 amended effective January 1, 2016; adopted as rule 2530 effective July 1, 1998; renumbered as rule 6.700 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.800 effective January 1, 2007.

Rule 10.801. Superior court budget procedures

(a) Adoption of budget procedures by Judicial Council staff

Judicial Council staff must adopt superior court budget procedures to be included in the *Trial Court Financial Policies and Procedures Manual*, the annual Baseline Budget Development Package, and the annual *Budget Change Request Package*. These procedures include the following:

(1) Procedures permitting the superior courts to comment on the proposed budget procedures;

(2) Procedures for budget development, submission, and appeal;

(3) Procedures for budget implementation, including expenditure and revenue reporting;

(4) Reasonable time frames to comply with requirements or changes in the budget procedures;

(5) Procedures to ensure the reporting to the Judicial Council of relevant information on the implementation of programs funded;

(6) Procedures for providing timely management information to the Judicial Council on the baseline budget, revenues, and expenditures.

(7) An annual budget development and implementation calendar;

(8) Procedures for a superior court to follow if it projects that its budget will be exhausted before the end of the fiscal year, preventing the court from meeting its financial obligations or continuing operations; and

(9) Procedures governing the transfer of funds between individual programs and operations of expenditure.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2002, and January 1, 2007.)

(b) Technical assistance

Judicial Council staff, on request, provide technical assistance and ongoing training in budget development and implementation to the superior courts.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2002, and January 1, 2007.)

Rule 10.801 amended effective January 1, 2016; adopted as rule 2531 effective July 1, 1998; renumbered as rule 6.701 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.801 effective January 1, 2007.

Rule 10.803. Information access disputes—writ petitions (Gov. Code, § 71675)

(a) Availability

This rule applies to petitions filed under rule 10.500(j)(1) and Government Code section 71675(b).

(Subd (a) amended effective January 1, 2010; previously amended effective January 1, 2007.)

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

(1) The petition must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)):

"Writ petition filed under rule 10.500(j)(1) and Government Code section 71675—Assignment of Court of Appeal justice required."

(2) When the petition is filed, the clerk of the court must immediately request of the Chief Justice the assignment of a hearing judge from the panel established under (e).

(3) If an assignment is made, the judge assigned to hear the petition in the superior court must be a justice from a Court of Appeal for a district other than the district for that superior court.

(Subd (b) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(c) Superior court hearing

(1) The superior court must hear and decide the petition on an expedited basis and must give the petition priority over other matters to the extent permitted by law and the rules of court.

(2) The petition must be heard by a judge assigned by the Chief Justice from the panel of hearing judges established under (e).

(Subd (c) amended effective January 1, 2007.)

(d) Appeal

An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)):

"Notice of Appeal on Writ Petition filed under rule 10.500(j)(1) and Government Code section 71675—Expedited Processing Requested."

(Subd (d) amended effective January 1, 2010; previously amended effective January 1, 2007.)

(e) Panel of hearing judges

The panel of judges who may hear the petitions in the superior court must consist of Court of Appeal justices selected by the Chief Justice as follows:

(1) The panel must include at least one justice from each district of the Court of Appeal.

(2) Each justice assigned to hear a petition under (c)(2) must have received training on hearing the petitions as specified by the Chief Justice.

Rule 10.803 amended effective January 1, 2010; adopted as rule 6.710 effective October 15, 2004; previously amended and renumbered effective January 1, 2007.

Rule 10.804. Superior court financial policies and procedures

(a) Adoption

As part of its responsibility for regulating the budget and fiscal management of the trial courts, the Judicial Council adopts The *Trial Court Financial Policies and Procedures Manual*. The manual contains regulations establishing budget procedures, recordkeeping, accounting standards, and other financial guidelines for superior courts. The manual sets out a system of fundamental internal controls that will enable the trial courts to monitor their use of public funds, provide consistent and comparable financial statements, and demonstrate accountability.

(Subd (a) amended effective August 26, 2016; previously amended effective January 1, 2007, and July 1, 2015.)

(b) Amendments

(1) Before making any substantive amendments to the *Trial Court Financial Policies and Procedures Manual*, the Judicial Council must make the amendments available to the superior courts, the California Department of Finance, and the State Controller's Office for 30 days for comment.

(2) The Judicial Council delegates to the Administrative Director, under article VI, section 6 of the California Constitution and other applicable law, the authority to make technical changes and clarifications to the manual, provided the changes and clarifications are consistent with council policies.

(Subd (b) amended effective August 26, 2016; previously amended effective January 1, 2007, and July 1, 2015.)

(c) Date of adherence

Superior courts must adhere to the requirements contained in the *Trial Court Financial Policies and Procedures Manual*, except as otherwise provided in the manual. Superior courts must not be required to adhere to any substantive amendment to the manual sooner than 60 days after the amendment is adopted.

(Subd (c) amended effective August 26, 2016; previously amended January 1, 2007.)

Rule 10.804 amended effective August 26, 2016; adopted as rule 6.707 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously effective July 1, 2015.

Advisory Committee Comment

Subdivision (a). Procurement and contracting policies and procedures for judicial branch entities, including superior courts, are addressed separately in the *Judicial Branch Contracting Manual*, which the Judicial Council adopted under Public Contract Code section 19206.

Subdivision (b)(2). Technical changes and clarifications include clarifying language that (1) does not change any substantive requirement imposed on courts; and (2) corrects typographical errors or citations, or makes reimbursement rate adjustments and other changes that result from changes in federal, state, or local rules, regulations or applicable law.

Rule 10.805. Notice of change in court-county relationship

If, under Government Code section 77212, the county gives notice to the superior court that the county will no longer provide a specific county service or the court gives notice to the county that the court will no longer use a specific county service, the court must, within 10 days of receiving or giving such notice, provide a copy of this notice to the Judicial Council's Finance office.

Rule 10.805 amended effective January 1, 2016; adopted as rule 6.705 effective January 1, 2000; previously amended and renumbered as rule 10.805 effective January 1, 2007.

Rule 10.810. Court operations

(a) Definition

Except as provided in subdivision (b) and subject to the requirements of subdivisions (c) and (d), "court operations" as defined in Government Code section 77003 includes the following costs:

(1) *(judicial salaries and benefits)* salaries, benefits, and public agency retirement contributions for superior and municipal court judges and for subordinate judicial officers;

(2) *(nonjudicial salaries and benefits)* salaries, benefits, and public agency retirement contributions for superior and municipal court staff whether permanent, temporary, full- or part-time, contract or per diem, including but not limited to all municipal court staff positions specifically prescribed by statute and county clerk positions directly supporting the superior courts;

(3) salaries and benefits for those sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts and the supervisors of those sheriff, marshal, and constable employees who directly supervise the court security function;

(4) court-appointed counsel in juvenile dependency proceedings, and counsel appointed by the court to represent a minor as specified in Government Code section 77003;

(5) *(services and supplies)* operating expenses in support of judicial officers and court operations;

(6) *(collective bargaining)* collective bargaining with respect to court employees; and

(7) *(indirect costs)* a share of county general services as defined in subdivision (d), Function 11, and used by the superior and municipal courts.

(Subd (a) amended effective July 1, 1995; previously amended effective January 1, 1989, July 1, 1990, and July 1, 1991.)

(b) Exclusions

Excluded from the definition of "court operations" are the following:

(1) law library operations conducted by a trust pursuant to statute;

(2) courthouse construction and site acquisition, including space rental (for other than court records storage), alterations/remodeling, or relocating court facilities;

(3) district attorney services;

(4) probation services;

(5) indigent criminal and juvenile delinquency defense;

(6) civil and criminal grand jury expenses and operations (except for selection);

(7) pretrial release services;

(8) equipment and supplies for use by official reporters of the courts to prepare transcripts as specified by statute; and

(9) county costs as provided in subdivision (d) as unallowable.

(Subd (b) amended effective July 1, 1995; adopted effective July 1, 1988 as subd (c); previously amended effective January 1, 1989, and July 1, 1990.)

(c) Budget appropriations

Costs for court operations specified in subdivision (a) shall be appropriated in county budgets for superior and municipal courts, including contract services with county agencies or private providers except for the following:

(1) salaries, benefits, services, and supplies for sheriff, marshal, and constable employees as the court deems necessary for court operations in superior and municipal courts;

(2) salaries, benefits, services, and supplies for county clerk activities directly supporting the superior court; and

(3) costs for court-appointed counsel specified in Government Code section 77003.

Except as provided in this subdivision, costs not appropriated in the budgets of the courts are unallowable.

(Subd (c) amended effective July 1, 1995; adopted as subd (d) effective July 1, 1990.)

(d) Functional budget categories

Trial court budgets and financial reports shall identify all allowable court operations in the following eleven (11) functional budget categories. Costs for salary, wages, and benefits of court employees are to be shown in the appropriate functions provided the individual staff member works at least 25 percent time in that function. Individual staff members whose time spent in a function is less than 25 percent are reported in Function 10, All Other Court Operations. The functions and their respective costs are as follows:

Function 1. Judicial Officers

Costs reported in this function are
Salaries and state benefits of
Judges
Full- or part-time court commissioners
Full- or part-time court referees
Assigned judges' in-county travel expenses
Costs not reported in this function include
County benefits of judicial officers (Function 10)
Juvenile traffic hearing officers (Function 10)
Mental health hearing officers (Function 10)
Pro tem hearing officers (Function 10)
Commissioner and referee positions specifically excluded by statute from state trial court funding (unallowable)
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 2. Jury Services

Costs reported in this function are
Juror expenses of per diem fees and mileage

Meals and lodging for sequestered jurors
Salaries, wages, and benefits of jury commissioner and jury services staff (including selection of grand jury)
Contractual jury services
Jury-related office expenses (other than information technology)
Jury-related communications, including “on call” services
Costs not reported in this function include
Juror parking (unallowable)
Civil and criminal grand jury costs (unallowable)
Jury-related information systems (Function 9)

Function 3. Verbatim Reporting

Costs reported in this function are
Salaries, wages, and benefits of court reporters who are court employees
Salaries, wages, and benefits of electronic monitors and support staff
Salaries, wages, and benefits of verbatim reporting coordinators and clerical support staff
Contractual court reporters and monitors
Transcripts for use by appellate or trial courts, or as otherwise required by law
Related office expenses and equipment (purchased, leased, or rented) used to record court proceedings, except as specified in Government Code § 68073, e.g., notepaper, pens, and pencils ER equipment and supplies
Costs not reported in this function include
Office expenses and equipment for use by reporters to prepare transcripts (unallowable)
Expenses specified in Government Code § 69073 (unallowable)
Space use charges for court reporters (unallowable)

Function 4. Court Interpreters

Costs reported in this function are
Salaries, wages, and benefits of courtroom interpreters and interpreter coordinators
Per diem and contractual courtroom interpreters, including contractual transportation and travel allowances
Costs not reported in this function include
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 5. Collections Enhancement

Collections performed in the enforcement of court orders for fees, fines, forfeitures, restitutions, penalties, and assessments (beginning with the establishment of the accounts receivable record)
Costs reported in this function are

Salaries, wages, and benefits of collection employees of the court, e.g., financial hearing officers evaluation officers collection staff
Contract collections costs
County charges for collection services provided to the court by county agencies
Related services, supplies, and equipment (except data processing, Function 9)
Costs not reported in this function include
Staff whose principal involvement is in collecting "forthwith" payments, e.g., counter clerks (Function 10) cashiers (Function 10)

Function 6. Dispute Resolution Programs

Costs reported in this function are
Arbitrators' fees in mandatory judicial arbitration programs
Salaries, wages, and benefits of court staff providing child custody and visitation mediation and related investigation services, e.g., Director of Family Court Services mediators conciliators investigators clerical support staff
Contract mediators providing child custody and visitation mediation services
Salaries, wages, benefits, fees, and contract costs for other arbitration and mediation programs (programs not mandated by statute), e.g., arbitration administrators clerical support staff arbitrators' fees and expenses
Costs not reported in this function include
Related data processing (Function 9)
Any other related services, supplies, and equipment (Function 10)

Function 7. Court-Appointed Counsel (Noncriminal)

Costs reported in this function are
Expenses for court-appointed counsel as specified in Government Code § 77003

Function 8. Court Security

Court security services as deemed necessary by the court. Includes only the duties of (a) courtroom bailiff, (b) perimeter security (i.e., outside the courtroom but inside the court facility), and (c) at least .25 FTE dedicated supervisors of these activities.
Costs reported in this function are

Salary, wages, and benefits (including overtime) of sheriff, marshal, and constable employees who perform the court's security, i.e., bailiffs weapons-screening personnel
Salary, wages, and benefits (including overtime) of court staff performing court security, e.g., court attendants
Contractual security services
Salary, wages, and benefits of supervisors of sheriff, marshal, and constable employees whose duties are greater than .25 FTE dedicated to this function
Sheriff, marshal, and constable employee training
Purchase of security equipment
Maintenance of security equipment
Costs not reported in this function include
Other sheriff, marshal, or constable employees (unallowable)
Court attendant training (Function 10)
Overhead costs attributable to the operation of the sheriff and marshal offices (unallowable)
Costs associated with the transportation and housing of detainees from the jail to the courthouse (unallowable)
Service of process in civil cases (unallowable)
Services and supplies, including data processing, not specified above as allowable
Supervisors of bailiffs and perimeter security personnel of the sheriff, marshal, or constable office who supervise these duties less than .25 FTE time (unallowable)

Function 9. Information Technology

Costs reported in this function are
Salaries, wages, and benefits of court employees who plan, implement, and maintain court data processing and information technologies, e.g., programmers analysts
Contract and consulting services associated with court information/data processing needs and systems
County Information Systems/Data Processing Department charges made to court for court systems, e.g., jury-related systems court and case management, including courts' share of a criminal justice information system accounts receivable/collections systems
Related services, supplies, and equipment, e.g., software purchases and leases maintenance of automation equipment training associated with data processing systems' development

Costs not reported in this function include
Information technology services not provided directly to the courts (i.e., services used by other budget units)
Data processing for county general services, e.g., payroll, accounts payable (Function 11)

Function 10. All Other Court Operations

Costs reported in this function are
Salaries, wages, and benefits (including any pay differentials and overtime) of court staff (a) not reported in Functions 2-9, or (b) whose time cannot be allocated to Functions 2-9 in increments of at least 25 percent time (.25 FTE);
Judicial benefits, county-paid
Allowable costs not reported in Functions 2-9.
(Nonjudicial staff) Cost items may include, for example, juvenile traffic hearing officer mental health hearing officer court-appointed hearing officer (pro tem) executive officer court administrator clerk of the court administrative assistant personnel staff legal research personnel; staff attorney; planning and research staff secretary courtroom clerk clerical support staff calendar clerk deputy clerk accountant cashier counter clerk microfilming staff management analyst probate conservatorship and guardianship investigators probate examiner training staff employed by the court
Personnel costs not reported in this function:
Any of the above not employed by the court
(Services and supplies) Cost items may include, for example, office supplies printing postage communications publications and legal notices, by the court miscellaneous departmental expenses books, publications, training fees, and materials for court personnel (judicial and

nonjudicial) travel and transportation (judicial and nonjudicial) professional dues memberships and subscriptions statutory multidistrict judges' association expenses research, planning, and program coordination expenses small claims advisor program costs court-appointed expert witness fees (for the court's needs) court-ordered forensic evaluations and other professional services (for the court's own use) pro tem judges' expenses micrographics expenses public information services vehicle use, including automobile insurance equipment (leased, rented, or purchased) and furnishings, including interior painting, replacement/maintenance of flooring, and furniture repair maintenance of office equipment janitorial services legal services for allowable court operations (County Counsel and contractual) fidelity and faithful performance insurance (bonding and personal liability insurance on judges and court employees) insurance on cash money and securities (hold-up and burglary) general liability/comprehensive insurance for other than faulty maintenance or design of facility (e.g., "slip and fall," other injury, theft and damage of court equipment, slander, discrimination) risk management services related to allowable insurance space rental for court records county records retention/destruction services county messenger/mail service court audits mandated under Government Code § 71383
Service and supply costs not reported in this function include Civic association dues (unallowable) Facility damages insurance (unallowable) County central service department charges not appropriated in the court budget (unallowable)

Function 11. County General Services ("Indirect Costs")

General county services are defined as all eligible accounting, payroll, budgeting, personnel, purchasing, and county administrator costs rendered in support of court operations. Costs for included services are allowable to the extent the service is provided to the court. The following costs, regardless of how characterized by the county or by which county department they are performed, are reported in this function only and are subject to the statutory maximum for indirect costs as specified in Government Code § 77003. To the extent costs are allowable under this rule, a county's approved Cost Plan may be used to determine the specific cost although the cost categories, or functions, may differ.

Cost items within the meaning of rule 10.810(a)(7) and the county departments often performing the service may include, for example,

- County Administrator
  - budget development and administration
  - interdepartmental budget unit administration and operations
  - personnel (labor) relations and administration
- Auditor-Controller
  - payroll
  - financial audits
  - warrant processing
  - fixed asset accounting
  - departmental accounting for courts, e.g., fines, fees, forfeitures, restitutions, penalties, and assessments; accounting for the Trial Court Special Revenue Fund
  - accounts payable
  - grant accounting
  - management reporting
  - banking
- Personnel
  - recruitment and examination of applicants
  - maintenance and certification of eligible lists
  - position classification
  - salary surveys
  - leave accounting
  - employment physicals
  - handling of appeals
- Treasurer/Tax Collector
  - warrant processing
  - bank reconciliation
  - retirement system administration
  - receiving, safeguarding, investing, and disbursing court funds
- Purchasing Agent
  - process departmental requisitions
  - issue and analyze bids
  - make contracts and agreements for the purchase or rental of personal property
  - store surplus property and facilitate public auctions

- Unallowable costs
  - Unallowable court-related costs are those
    - (a) in support of county operations,
    - (b) expressly prohibited by statute,
    - (c) facility-related, or
    - (d) exceptions of the nature referenced in Functions 1-11.

Unallowable cost items, including any related data processing costs, are not reported in Functions 1-11 and may include, for example,

- Communications

central communication control and maintenance for county emergency and general government radio equipment

Central Collections

processing accounts receivable for county departments (not courts)

County Administrator

legislative analysis and activities

preparation and operation of general directives and operating procedures

responses to questions from the Board, outside agencies, and the public

executive functions: Board of Supervisors

county advisory councils

Treasurer/Tax Collector

property tax determination, collection, etc.

General Services

rental and utilities support

coordinate county's emergency services

Property Management

negotiations for the acquisition, sale, or lease of property, except for space rented for storage of court records

making appraisals

negotiating utility relocations

assisting County Counsel in condemnation actions

preparing deeds, leases, licenses, easements

collecting rents

building lease management services (except for storage of court records)

Facility-related

construction services

right-of-way and easement services

purchase of land and buildings

construction

depreciation of buildings/use allowance

space rental/building rent (except for storage of court records)

building maintenance and repairs (except interior painting and to replace/repair flooring)

purchase, installation, and maintenance of H/V/A/C equipment

maintenance and repair of utilities

utility use charges (e.g., heat, light, water)

elevator purchase and maintenance

alterations/remodeling

landscaping and grounds maintenance services

exterior lighting and security

insurance on building damages (e.g., fire, earthquake, flood, boiler and machinery)

grounds' liability insurance

parking lot or facility maintenance

juror parking

(Subd (d) amended effective January 1, 2007; previously amended and relettered effective July 1, 1995.)

Rule 10.810 amended and renumbered effective January 1, 2007; adopted as rule 810 effective July 1, 1988; previously amended effective July 1, 1989, July 1, 1990, July 1, 1991, and July 1, 1995.

Advisory Committee Comment

Rule 10.810 is identical to former rule 810, except for the rule number. All references in statutes or rules to rule 810 apply to this rule.

Rule 10.811. Reimbursement of costs associated with homicide trials

(a) Intent

This rule permits courts that meet certain criteria to request reimbursement of extraordinary costs of homicide trials.

(Subd (a) amended effective January 1, 2007.)

(b) Criteria

A court that requests reimbursement of extraordinary costs of a homicide trial must meet all the following criteria:

(1) Be located in a county with a population of 300,000 or less;

(2) Have incurred extraordinary costs of a homicide trial; and

(3) Demonstrate an actual need for reimbursement.

(c) Submission

A request for reimbursement must be submitted by the court's presiding judge or executive officer to Judicial Council staff. All requests for reimbursement must comply with guidelines approved by the Judicial Council and include a completed *Request for Reimbursement of Extraordinary Homicide Trial Costs* form.

(Subd (c) amended effective January 1, 2016.)

Rule 10.811 amended effective January 1, 2016; adopted as rule 6.711 effective January 1, 2005; previously amended and renumbered as rule 10.811 effective January 1, 2007.

Rule 10.815. Fees to be set by the court

(a) Authority

Under Government Code section 70631, a superior court may charge a reasonable fee for a service or product not to exceed the costs of providing the service or product, if the Judicial Council approves the fee.

(b) Approved fees

The Judicial Council authorizes courts to charge a reasonable fee not to exceed costs for the following products and services unless courts are prohibited by law from charging a fee for, or providing, the product or service:

(1) Forms:

(2) Packages of forms;

(3) Information materials;

(4) Publications, including books, pamphlets, and local rules;

(5) Compact discs;

(6) DVDs;

(7) Audiotapes;

(8) Videotapes;

(9) Microfiches;

(10) Envelopes;

(11) Postage;

(12) Shipping;

(13) Off-site retrieval of documents;

(14) Direct fax filing under rule 2.304 (fee per page);

(15) Returning filed-stamped copies of documents by fax to persons who request that a faxed copy be sent to them;

(16) Training programs for attorneys who serve as court-appointed temporary judges, including the materials and food provided to the participants; and

(17) Other training programs or events, including materials and food provided to the participants.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2006.)

(c) Guidelines for determining costs

The fee charged for any product or service listed in (b) may not exceed the court's cost in providing the product or service. In determining the costs of a product or service, the court must:

(1) Identify the specific product or service; and

(2) Prepare an analysis of the direct and indirect costs on which the fee is based.

(d) Reasonableness

In deciding what specific fee or fees, if any, to charge for a product or service under (b), the court must determine that the fee charged is reasonable considering relevant factors such as the benefits to the court and the public from providing the product or service and the effects of charging the fee on public access to the court.

(e) Reporting requirement

Each court that charges a fee under this rule must provide Judicial Council staff with a description of the fee, how the amount of the fee was determined, and how the fee is applied.

(Subd (e) amended effective January 1, 2016.)

(f) Public notice

The court must notify the public of any fee that it charges under this rule by providing information concerning the fee in a conspicuous place such as the court's fee schedule.

(g) Procedure for adoption of fee

If a court proposes to change any fee authorized under (b) that it is already charging or to charge any new fee authorized under (b), the court must follow the procedures for adopting or amending a local rule under rule 10.613 of the California Rules of Court.

(Subd (g) amended effective January 1, 2007; previously amended effective July 1, 2006.)

Rule 10.815 amended effective January 1, 2016; adopted as rule 6.712 effective January 1, 2006; previously amended effective July 1, 2006; amended and renumbered as rule 10.815 effective January 1, 2007.

Rule 10.820. Acceptance of credit cards by the superior courts

(a) Delegation of authority to Administrative Director

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

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(b) Standards for use of credit cards

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

(1) The court (A) imposes a fee for the use of the credit card, or (B) demonstrates that the cost of acceptance of credit cards is not greater than the cost of acceptance of other means of payment of fees, or (C) demonstrates that it can absorb the cost of the acceptance of the credit card;

(2) The court has obtained a credit card acceptance contract that is competitive with other possible contracts the court could obtain; and

(3) The court provides alternative means for a person to pay court fees.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Standards for charge for the use of credit cards

The Administrative Director is authorized to approve requests under (a) for the imposition of a charge for the use of credit cards if both of the following are true:

(1) The proposed fee is not greater than the cost for acceptance of a credit card; and

(2) The proposed fee would not result in an undue hardship on people wishing to use credit cards for payment of fees.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(d) Referral to Judicial Council

The Administrative Director may refer any request under (a) to the Judicial Council for its action.

(Subd (d) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(e) Existing approvals ratified

The approval of any board of supervisors for any superior court to accept credit cards or charge a fee for the use of credit cards that was effective as of December 31, 1999, is ratified by the council as of January 1, 2000.

(Subd (e) amended effective January 1, 2009; previously amended effective January 1, 2007.)

Rule 10.820 amended effective January 1, 2016; adopted as rule 6.703 effective January 1, 2000; previously amended and renumbered as rule 10.820 effective January 1, 2007; previously amended effective January 1, 2009.

Rule 10.821. Acceptance of checks and other negotiable paper

(a) Conditions for acceptance

A personal check, bank cashier's check, money order, or traveler's check tendered in payment of any fee, fine, or bail deposit under Government Code section 71386 or Vehicle Code section 40510 or 40521 must be accepted by the court:

(1) If the personal check is drawn on a banking institution located in California by a person furnishing satisfactory proof of residence in California, is payable to the court without a second party endorsement, and is in an amount not exceeding the amount of the payment and is not postdated or staledated, unless the person drawing the check is known to have previously tendered worthless checks; or

(2) If the bank cashier's check or money order is drawn on a banking institution located in the United States and is in an amount not exceeding the amount of the payment; or

(3) If the person presenting the traveler's check shows satisfactory identification.

(Subd (a) amended effective January 1, 2007.)

(b) Requiring satisfactory proof of good credit

Except for checks tendered under the conditions specified in Vehicle Code section 40521(a), a court may require that a person drawing a personal check furnish

satisfactory proof of good credit by showing a valid recognized credit card or by any other reasonable means.

(Subd (b) amended effective January 1, 2007.)

(c) Written policy for acceptance or rejection

A court may accept or reject any check or money order not meeting the requirements of this rule, under a written policy adopted by the court under Government Code section 71386(a).

(Subd (c) amended effective January 1, 2007.)

Rule 10.821 amended and renumbered effective January 1, 2007; adopted as rule 805 effective July 1, 1981.

Rule 10.830. Disposal of surplus court personal property

(a) Disposal of surplus property

Except as provided in (b), a superior court may:

(1) Sell, at fair market value, any personal property of the court that is no longer needed for court use;

(2) Trade or exchange any surplus personal property of the court, according to such terms and conditions as are agreed on, for personal property of another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, if the property to be acquired by the court is needed for court use;

(3) Donate, sell at less than fair market value, or otherwise transfer to another court, the state, a county, a city, a federal agency, a community redevelopment agency, a housing authority, a community development commission, a surplus property authority, a school district, or any irrigation, flood control, county board of education, or other special district, according to such terms and conditions as are agreed on, any personal property of the court that is no longer needed for court use; and

(4) Dispose of any personal property of the court that is no longer needed for court use, and that has negligible or no economic value, in any manner the court deems appropriate.

(Subd (a) amended effective January 1, 2007.)

(b) Exception for disposal of technology equipment acquired on or after July 1, 2000

A superior court that wishes to dispose of surplus technology equipment to which the court acquired title on or after July 1, 2000 must provide a written description of such technology equipment to the Administrative Director. If, within 60 days of receipt of the description, the Administrative Director determines that another court of record of the State of California is in need of the surplus technology equipment, the court holding title to the equipment must donate it to the court determined to be in need. If the Administrative Director determines that no other court needs the equipment or makes no determination within 60 days of receiving the written description of it, the court holding title to the equipment may dispose of it as provided in (a), (c), and (d). The Administrative Director must provide to the courts a definition of the term "technology equipment" as used in this rule and must provide 30 days' notice of any amendment to the definition.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) Notice of disposal

Unless the property to be transferred under this rule is valued at $500 or less or the entity to which the property is to be transferred is another court of record of the State of California, the transferring superior court must, at least one week before the transfer, place a notice of its intended action:

(1) In three public places; or

(2) On the court's Web site; or

(3) In a newspaper of general circulation published in the county.

(Subd (c) amended effective January 1, 2007.)

(d) Proceeds of disposal

Any proceeds of a sale or other transfer under this rule must be deposited in the superior court's operations fund.

(Subd (d) amended effective January 1, 2007.)

Rule 10.830 amended effective January 1, 2016; adopted as rule 6.709 effective January 1, 2001; previously amended and renumbered as rule 10.830 effective January 1, 2007.

Chapter 10. Trial Court Records Management

Chapter 10 renumbered effective January 1, 2008; adopted as Chapter 4 effective January 1, 2001; previously amended and renumbered as Chapter 9 effective January 1, 2007.

Rule 10.850. Trial court records
Rule 10.851. Court indexes—automated maintenance
Rule 10.854. Standards and guidelines for trial court records
Rule 10.855. Superior court records sampling program
Rule 10.856. Notice of superior court records destruction

Rule 10.850. Trial court records

Unless otherwise provided, "court records" as used in this chapter consist of the records as defined in Government Code section 68151(a).

Rule 10.850 adopted effective January 1, 2011.

Rule 10.851. Court indexes—automated maintenance

(a) Authorized media

The clerk of each trial court may create, maintain, update, and make accessible the indexes required by law by photographic, microphotographic, photocopy, mechanical, magnetic, or electronic means. The clerk must make provision for preserving the information on a medium that will ensure its permanence and protect it from loss or damage arising from electronic failure or mechanical defect.

(Subd (a) amended effective January 1, 2007; adopted as unlettered subd; previously relettered and amended effective January 1, 2001.)

(b) Alphabetic index

A single alphabetic index may be maintained so long as the plaintiff-defendant distinction is retained.

(Subd (b) adopted effective January 1, 2001.)

(c) Public access

The indexes maintained under automated procedures must be accessible for public examination and use.

(Subd (c) amended effective January 1, 2007; adopted as part of unlettered subd; previously lettered and amended effective January 1, 2001.)

Rule 10.851 amended and renumbered effective January 1, 2007; adopted as rule 1010 effective January 1, 1975; renumbered as rule 999 effective January 1, 2003; amended and renumbered as rule 6.751 effective January 1, 2001.

Rule 10.854. Standards and guidelines for trial court records

(a) The standards and guidelines

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

(Subd (a) amended effective January 1, 2016.)

(b) Contents of the *Trial Court Records Manual*

The *Trial Court Records Manual* must provide standards and guidelines for the creation, maintenance, and retention of trial court records. These standards and guidelines must ensure that all court records subject to permanent retention are retained and made available to the public in perpetuity as legally required.

(c) Updating the manual

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

(Subd (c) amended effective January 1, 2016.)

(d) Adherence to standards and guidelines

Trial courts must adhere to the requirements contained in the *Trial Court Records Manual*, except as otherwise provided in the manual.

Rule 10.854 amended effective January 1, 2016; adopted effective January 1, 2011.

Rule 10.855. Superior court records sampling program

(a) Purpose

This rule establishes a program to preserve in perpetuity for study by historians and other researchers all superior court records filed before 1911 and a sample of superior court records filed after December 31, 1910, to document the progress and development of the judicial system, and to preserve evidence of significant events and social trends. This rule is not intended to restrict a court from preserving more records than the minimum required.

(Subd (a) amended effective January 1, 2007.)

(b) Scope

"Records" of the superior court, as used in this rule, does not include records of limited civil, small claims, misdemeanor, or infraction cases.

(Subd (b) adopted effective January 1, 2001.)

(c) Comprehensive and significant records

Each superior court must preserve forever comprehensive and significant court records as follows:

(1) All records filed before 1911;

(2) If practicable, all records filed after 1910 and before 1950;

(3) All case indexes; and

(4) All noncapital cases in which the California Supreme Court has issued a written opinion.

(Subd (c) amended effective July 1, 2016; adopted as subd (b); previously amended and relettered effective January 1, 2001; previously amended effective January 1, 2007.)

(d) Sample records

If a superior court destroys court records without preserving them in a medium described in (g), the court must preserve forever a sample of court records as provided by this rule of all cases, including sealed, expunged, and other confidential records to the extent permitted by law.

(Subd (d) amended effective July 1, 2016; adopted as subd (c); relettered effective January 1, 2001; previously amended effective January 1, 2007.)

(e) Court record defined

The "court record" under this rule consists of the following:

(1) All papers and documents in the case folder; but if no case folder is created by the court, all papers and documents that would have been in the case folder if one had been created; and

(2) The case folder, unless all information on the case folder is in papers and documents preserved in a medium described in (g); and

(3) If available, corresponding depositions, daily transcripts, and tapes of electronically recorded proceedings.

(Subd (e) amended effective July 1, 2016; adopted as subd (d); previously amended and relettered effective January 1, 2001; previously amended effective January 1, 2007.)

(f) Sampling technique

Three courts assigned in rotation by the Judicial Council must preserve the following:

(1) A random sample of 25 percent of their court records for a calendar year, with the exception of the Superior Court of Los Angeles County, which must preserve a random sample of 10 percent of its court records for a calendar year.

(2) All judgment books, minute books, and registers of action if maintained separately from the case files, for the calendar year.

(Subd (f) amended effective July 1, 2016; adopted as subd (e); repealed, amended, and relettered effective January 1, 2001; previously amended effective January 1, 2007.)

(g) Preservation medium

(1) Comprehensive and significant court records under (c) filed before 1911 must be preserved in their original paper form unless the paper is not available.

(2) Comprehensive and significant court records under (c) filed after 1910 and sample records under (d) must be retained permanently in accord with the requirements of the *Trial Court Records Manual.*

(Subd (g) amended and relettered effective July 1, 2016; adopted as subd (h); previously amended effective January 1, 2001, January 1, 2007, and January 1, 2011.)

(h) Access

The court must ensure the following:

(1) The comprehensive, significant, and sample court records are made reasonably available to all members of the public.

(2) Sealed and confidential records are made available to the public only as provided by law.

(3) If the records are preserved in a medium other than paper, equipment is provided to permit public viewing of the records.

(4) Reasonable provision is made for duplicating the records at cost.

(Subd (h) amended and relettered effective July 1, 2016; adopted as subd (j); previously amended effective January 1, 2007.)

(i) Storage

(1) Until statewide or regional archival facilities are established, each court is responsible for maintaining its comprehensive, significant, and sample court records in a secure and safe environment consistent with the archival significance of the records. The court may deposit the court records in a suitable California archival facility such as a university, college, library, historical society, museum, archive, or research institution whether publicly supported or privately endowed. The court must ensure that the records are kept and preserved according to commonly recognized archival principles and practices of preservation.

(2) If a local archival facility is maintaining the court records, the court may continue to use that facility's services if it meets the storage and access requirements under (h) and (i)(1). If the court solicits archival facilities interested in maintaining the comprehensive, significant, and sample court records, the court must follow the procedures specified under rule 10.856, except that the comprehensive, significant, and sample court records must not be destroyed. Courts may enter into agreements for long-term deposit of records subject to the storage and access provisions of this rule.

(Subd (i) amended and relettered effective July 1, 2016; adopted as subd (k); previously amended effective January 1, 1994, January 1, 2001, and January 1, 2007.)

(j) Reporting requirement

Each superior court must submit semiannually to the Judicial Council a *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred* (form REC-003), including the following information:

(1) A list by year of filing of the court records destroyed;

(2) A list by year of filing and location of the court records of the comprehensive and sample court records preserved; and

(3) A list by year of filing and location of the court records transferred to entities under rule 10.856.

(Subd (j) amended and relettered effective July 1, 2016; adopted as subd (l); previously amended effective January 1, 1994, January 1, 1995, January 1, 2001; January 1, 2007, and July 1, 2013.)

(k) Application

The sampling program provided in this rule, as amended effective July 1, 2016, applies retroactively to all superior courts.

(Subd (k) adopted effective July 1, 2016.)

Rule 10.855 amended effective July 1, 2016; adopted as rule 243.5 effective July 1, 1992; previously amended and renumbered as rule 6.755 effective January 1, 2001, and as rule 10.855 January 1, 2007; previously amended effective January 1, 1994, January 1, 1995, January 1, 2011, and July 1, 2013.

Advisory Committee Comment

Subdivision (c)(4). Capital cases are excluded under subdivision (c)(4) because these cases have an automatic right of appeal to the California Supreme Court, and trial court records are retained permanently under Government Code section 68152(c)(1) if the defendant is sentenced to death. Each year, the Judicial Council will make available to the superior courts a list of all noncapital cases in which the California Supreme Court has issued a written opinion.

Subdivision (k). Because the destruction of court records is discretionary, all courts may elect to apply the rule retroactively and destroy court records that are not required to be preserved under subdivisions (c), (d), and (f), but they are not required to do so.

Superior courts that destroyed court records under the prior sampling rule may have preserved only 10 percent of their records (formerly known as the "systematic sample") for the year that they are now assigned to preserve the sample defined in subdivision (f). Except for the Superior Court of Los Angeles County, these courts would not be able to meet the requirement in subdivision (f)(1). So long as these courts continue preserving the 10-percent sample for their assigned year, they will be deemed to have satisfied subdivision (f)(1).

Rule 10.856. Notice of superior court records destruction

(a) Scope

"Records" of the superior court, as used in this rule, do not include records of limited civil, small claims, misdemeanor, or infraction cases.

(Subd (a) adopted effective January 1, 2007.)

(b) Notice

The superior court must give 30 days' written notice of its intent to destroy court records open to public inspection to entities maintained on a master list by the Judicial Council and to any other entities that have informed the court directly that they wish to be notified.

(Subd (b) amended and relettered effective January 1, 2007; adopted as subd (a); previously amended effective January 1, 2001, and July 1, 2001.

(c) Transfer to requesting entity

Records scheduled for destruction must be permanently transferred to the entity requesting possession of the records on written order of the presiding judge unless the request is denied for good cause shown. The cost of transferring the records must be paid by the requesting party.

(Subd (c) amended and relettered effective January 1, 2007; adopted as subd (b); previously amended effective January 1, 2001.)

(d) Request by two or more entities

If two or more entities request the same records, the presiding judge must order the transfer of those records to the entity that shows the greatest capability of caring for and preserving the records according to commonly recognized archival principles and practices of preservation and access, and that provides the greatest likelihood of making them available for historical or research purposes.

(Subd (d) amended and relettered effective January 1, 2007; adopted as subd (c); previously amended effective January 1, 2001.)

(e) Public access

No entity may receive the records unless the entity agrees to make the records reasonably available to all members of the public. Provision must be made for duplicating the records at cost.

(Subd (e) amended and relettered effective January 1, 2007; adopted as subd (d); previously amended effective January 1, 2001.)

(f) Destruction

If after 30 days no request for transfer of records scheduled for destruction has been received by the court, the clerk may destroy the records not designated for the historical and research program under rule 10.855, under a written order of the

presiding judge of the court and in accordance with provisions of the Government Code.

(Subd (f) amended and relettered effective January 1, 2007; adopted as subd (e); previously amended effective January 1, 2001.)

(g) Extension of time

The time for retention of any of the court records specified in the notice may be extended by order of the court on its own motion, or on application of any interested member of the public for good cause shown and on such terms as are just. No fee may be charged for making the application.

(Subd (g) amended and relettered effective January 1, 2007; adopted as subd (f); previously amended effective January 1, 2001.)

(h) Forms

The court must use the following forms to implement the requirements of this rule:

(1) *Notice of Intent to Destroy Superior Court Records; Offer to Transfer Possession* (form REC-001(N), with a form on the reverse titled *Request for Transfer or Extension of Time for Retention of Superior Court Records* (form REC-001(R)), for optional use by the recipient of the notice; and

(2) *Notice of Hearing on Request for Transfer or Extension of Time for Retention of Superior Court Records; Court Order; Release and Receipt of Superior Court Records* (form REC-002(N)).

(Subd (h) amended effective July 1, 2010; adopted as subd (g); previously amended effective January 1, 2001; previously amended and relettered effective January 1, 2007.)

Rule 10.856 amended effective July 1, 2010; adopted as rule 243.6 effective January 1, 1994; previously amended effective July 1, 2001; previously amended and renumbered as rule 6.756 effective January 1, 2001, and as rule 10.856 effective January 1, 2007.

Chapter 11. Trial Court Automation

Chapter 11 renumbered effective January 1, 2008; adopted as Chapter 5 effective January 1, 2001; previously amended and renumbered as Chapter 10 effective January 1, 2007.

Rule 10.870. Trial court automation standards

Rule 10.870. Trial court automation standards

Each superior court that acquires, develops, enhances, or maintains automated accounting or case management systems through funding provided under Government Code section 68090.8 must comply with the standards approved by the Judicial Council. The approved standards are stated in *Judicial Council Trial Court Automation Standards*.

Rule 10.870 amended effective January 1, 2016; adopted as rule 1011 effective March 1, 1992; renumbered as rule 999.1 effective July 1, 1993; previously amended and renumbered as rule 10.870 effective January 1, 2007.

Chapter 12. Trial Court Management of Civil Cases

Chapter 12 renumbered effective January 1, 2008; adopted as Chapter 11 effective January 1, 2007.

Rule 10.900. Case management and calendaring system
Rule 10.901. Internal management procedures
Rule 10.910. Assigned cases to be tried or dismissed—notification to presiding judge

Rule 10.900. Case management and calendaring system

Each superior court must adopt a case management and calendaring system for general civil cases that will advance the goals stated in standard 2.1 of the California Standards of Judicial Administration.

Rule 10.900 amended and renumbered effective January 1, 2007; adopted as rule 204.1 effective July 1, 2002.

Rule 10.901. Internal management procedures

Each court must:

(1) Maintain a calendar and caseflow management system that will ensure that a sufficient number of cases are set for trial, based on the court's experience, so that all departments will be occupied with judicial business;

(2) Adopt for judges and court personnel an internal operations manual of policies and procedures necessary for the efficient operation and management of the court;

(3) Maintain and periodically review for accuracy written local court procedures, policies, and operating practices not contained in local rules for quick, accurate, and complete reference; and

(4) Ensure that calendaring functions are performed as directed by the court and that personnel rendering direct and immediate service to the court are within

its administrative control to the maximum extent consistent with the existing organizational structures.

Rule 10.901 amended and renumbered effective January 1, 2007; adopted as rule 208 effective January 1, 1985; previously amended and renumbered as rule 204.2 effective July 1, 2002.

Rule 10.910. Assigned cases to be tried or dismissed—notification to presiding judge

(a) Assignment of cases for trial

In a court employing the master calendar, each case transferred to a trial department must be tried, ordered off the calendar, or dismissed unless, for good cause arising after the commencement of the trial, the judge of the trial department continues the case for further hearing or, with the consent of the judge supervising the master calendar, reassigns the case to the judge supervising the master calendar for further disposition.

(Subd (a) amended effective January 1, 2007; adopted as untitled subd effective January 1, 1985; previously amended and lettered effective July 1, 2002.)

(b) Notification to presiding judge

A judge who has finished or continued the trial of a case or any special matter must immediately notify the judge supervising the master calendar. The judge to whose department a cause is assigned for trial or for hearing must accept the assignment unless disqualified or, for other good cause stated to the judge supervising the master calendar, the judge supervising the master calendar determines that in the interest of justice the cause should not be tried or heard before the judge. When the judge has refused a cause and is not disqualified, the judge must state the reasons in writing unless the judge supervising the master calendar has concurred.

(Subd (b) amended and lettered effective July 1, 2002; adopted as untitled subd effective January 1, 1985.)

Rule 10.910 amended and renumbered effective January 1, 2007; adopted as rule 226 effective January 1, 1985; previously amended effective July 1, 2002.

Chapter 13. Trial Court Management of Criminal Cases

Chapter 13 renumbered effective January 1, 2008; adopted as Chapter 12 effective January 1, 2007.

Rule 10.950. Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges
Rule 10.951. Duties of supervising judge of the criminal division
Rule 10.952. Meetings concerning the criminal court system
Rule 10.953. Procedures for disposition of cases before the preliminary hearing

Rule 10.950. Role of presiding judge, supervising judge, criminal division, and master calendar department in courts having more than three judges

The presiding judge of a court having more than three judges may designate one or more departments primarily to hear criminal cases. Two or more departments so designated must be the criminal division. The presiding judge may designate supervising judges for the criminal division, but retains final authority over all criminal and civil case assignments.

Rule 10.950 amended and renumbered effective January 1, 2007; adopted as rule 227.1 effective January 1, 1985.

Rule 10.951. Duties of supervising judge of the criminal division

(a) Duties

In addition to any other duties assigned by the presiding judge or imposed by these rules, a supervising judge of the criminal division must assign criminal matters requiring a hearing or cases requiring trial to a trial department.

(Subd (a) amended effective January 1, 2007.)

(b) Arraignments, pretrial motions, and readiness conferences

The presiding judge, supervising judge, or other designated judge must conduct arraignments, hear and determine any pretrial motions, preside over readiness conferences, and, where not inconsistent with law, assist in the disposition of cases without trial.

(Subd (b) amended effective January 1, 2008; previously amended effective January 1, 2007.)

(c) Mental health case protocols

The presiding judge, supervising judge, or other designated judge, in conjunction with the justice partners designated in rule 10.952, is encouraged to develop local protocols for cases involving offenders with mental illness or co-occurring disorders to ensure early identification of and appropriate treatment for offenders with mental illness or co-occurring disorders with the goals of reducing recidivism, responding to public safety concerns, and providing better outcomes for those offenders while using resources responsibly and reducing costs.

(Subd (c) adopted effective January 1, 2014.)

(d) Additional judges

To the extent that the business of the court requires, the presiding judge may designate additional judges under the direction of the supervising judge to perform the duties specified in this rule.

(Subd (d) relettered effective January 1, 2014; adopted as subd (c).)

(3) Courts without supervising judge

In a court having no supervising judge, the presiding judge performs the duties of a supervising judge.

(Subd (e) relettered effective January 1, 2014; adopted as subd (d); previously amended effective January 1, 2007.)

Rule 10.951 amended effective January 1, 2014; adopted as rule 227.2 effective January 1, 1985; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008.

Rule 10.952. Meetings concerning the criminal court system

The supervising judge or, if none, the presiding judge must designate judges of the court to attend regular meetings to be held with the district attorney; public defender; representatives of the local bar, probation department, parole office, sheriff department, police departments, and Forensic Conditional Release Program (CONREP); county mental health director or his or her designee; county alcohol and drug programs director or his or her designee; court personnel; and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern.

Rule 10.952 amended effective January 1, 2015; adopted as rule 227.8 effective January 1, 1985; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2014.

Rule 10.953. Procedures for disposition of cases before the preliminary hearing

(a) Disposition before preliminary hearing

Superior courts having more than three judges must, in cooperation with the district attorney and defense bar, adopt procedures to facilitate dispositions before the preliminary hearing and at all other stages of the proceedings. The procedures may include:

(1) Early, voluntary, informal discovery, consistent with part 2, title 6, chapter 10 of the Penal Code (commencing with section 1054); and

(2) The use of superior court judges as magistrates to conduct readiness conferences before the preliminary hearing and to assist, where not inconsistent with law, in the early disposition of cases.

(Subd (a) amended effective January 1, 2007; previously amended effective June 6, 1990, and January 1, 1991.)

(b) Case to be disposed of under rule 4.114

Pleas of guilty or no contest resulting from proceedings under (a) must be disposed of as provided in rule 4.114.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 2001.)

Rule 10.953 amended and renumbered effective January 1, 2007; adopted as rule 227.10 effective January 1, 1985; previously amended effective June 6, 1990, January 1, 1991, and July 1, 2001.

Chapter 14. Management of Self-Help Centers

Chapter 14 adopted effective July 1, 2008.

Rule 10.960. Court self-help centers

Rule 10.960. Court self-help centers

(a) Scope and application

This rule applies to all court-based self-help centers whether the services provided by the center are managed by the court or by an entity other than the court.

(b) Purpose and core court function

Providing access to justice for self-represented litigants is a priority for California courts. The services provided by court self-help centers facilitate the timely and cost-effective processing of cases involving self-represented litigants and improve the delivery of justice to the public. Court programs, policies, and procedures designed to assist self-represented litigants and effectively manage cases involving self-represented litigants at all stages must be incorporated and budgeted as core court functions.

(c) Staffing

Court self-help centers provide assistance to self-represented litigants. A court self-help center must include an attorney and other qualified staff who provide information and education to self-represented litigants about the justice process,

and who work within the court to provide for the effective management of cases involving self-represented litigants.

(d) Neutrality and availability

The information and education provided by court self-help centers must be neutral and unbiased, and services must be available to all sides of a case.

(e) Guidelines and procedures

The Advisory Committee on Providing Access and Fairness must recommend to the council updates to the *Guidelines for the Operation of Self-Help Centers in California Trial Courts* as needed. It should, in collaboration with judges, court executives, attorneys, and other parties with demonstrated interest in services to self-represented litigants, develop and disseminate guidelines, procedures and best practices for the operation of court self-help centers. The guidelines and procedures must address the following topics:

(1) Location and hours of operation;

(2) Scope of services;

(3) Attorney qualifications;

(4) Other staffing qualifications and supervision requirements;

(5) Language access;

(6) Contracts with entities other than the court that provide self-help services;

(7) Use of technology;

(8) Ethics;

(9) Efficiency of operation; and

(10) Security.

(Subd (e) amended effective January 1, 2015; previously amended effective February 20, 2014.)

(f) Budget and funding

A court must include in its annual budget funding necessary for operation of its self-help center. In analyzing and making recommendations on the allocation of funding for a court self-help center, Judicial Council staff will consider the degree

to which individual courts have been successful in meeting the guidelines and procedures for the operation of the self-help center.

(Subd (f) amended effective January 1, 2016.)

Rule 10.960 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective February 20, 2014, and January 1, 2015.

Division 5. Appellate Court Administration

Chapter 1. Rules Relating to the Supreme Court and Courts of Appeal

Rule 10.1000. Transfer of causes
Rule 10.1004. Court of Appeal administrative presiding justice
Rule 10.1008. Courts of Appeal with more than one division
Rule 10.1012. Supervising progress of appeals
Rule 10.1016. Notice of failure to perform judicial duties
Rule 10.1017. Notification to State Bar of attorney misconduct
Rule 10.1020. Reviewing court clerk/administrator
Rule 10.1024. Court of Appeal minutes
Rule 10.1028. Preservation and destruction of Court of Appeal records
Rule 10.1030. Local rules of Courts of Appeal

Rule 10.1000. Transfer of causes

(a) Transfer by Supreme Court

(1) The Supreme Court may transfer a cause:

(A) To itself from a Court of Appeal;

(B) From itself to a Court of Appeal;

(C) Between Courts of Appeal; or

(D) Between divisions of a Court of Appeal.

(2) The clerk of the transferee court must promptly send each party a copy of the transfer order with the new case number, if any.

(Subd (a) amended effective January 1, 2007.)

(b) Transfer by a Court of Appeal administrative presiding justice

(1) A Court of Appeal administrative presiding justice may transfer causes between divisions of that court as follows:

(A) If multiple appeals or writ petitions arise from the same trial court action or proceeding, the presiding justice may transfer the later appeals or petitions to the division assigned the first appeal or petition.

(B) If, because of recusals, a division does not have three justices qualified to decide a cause, the presiding justice may transfer it to a division randomly selected by the clerk.

(2) The clerk must promptly notify the parties of the division to which the cause was transferred.

Rule 10.1000 amended and renumbered effective January 1, 2007; adopted as rule 47.1 effective January 1, 2003.

Advisory Committee Comment

Subdivision (a). Subdivision(a)(1) implements article VI, section 12(a) of the Constitution. As used in article VI, section 12(a) and in the rule, the term "cause" is broadly construed to include "'all cases, matters, and proceedings of every description'" adjudicated by the Courts of Appeal and the Supreme Court. (In re Rose (2000) 22 Cal.4th 430, 540, quoting In re Wells (1917) 174 Cal. 467, 471.)

Rule 10.1004. Court of Appeal administrative presiding justice

(a) Designation

(1) In a Court of Appeal with more than one division, the Chief Justice may designate a presiding justice to act as administrative presiding justice. The administrative presiding justice serves at the pleasure of the Chief Justice for the period specified in the designation order.

(2) The administrative presiding justice must designate another member of the court to serve as acting administrative presiding justice in the administrative presiding justice's absence. If the administrative presiding justice does not make that designation, the Chief Justice must do so.

(3) In a Court of Appeal with only one division, the presiding justice acts as the administrative presiding justice.

(Subd (a) amended effective January 1, 2007.)

(b) Responsibilities

The administrative presiding justice is responsible for leading the court, establishing policies, promoting access to justice for all members of the public, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other resources.

(c) Duties

The administrative presiding justice must perform any duties delegated by a majority of the justices in the district with the Chief Justice's concurrence. In addition, the administrative presiding justice has responsibility for the following matters:

(1) *Personnel*

The administrative presiding justice has general direction and supervision of the clerk/administrator and all court employees except those assigned to a particular justice or division;

(2) *Unassigned matters*

The administrative presiding justice has the authority of a presiding justice with respect to any matter that has not been assigned to a particular division;

(3) *Judicial Council*

The administrative presiding justice cooperates with the Chief Justice and any officer authorized to act for the Chief Justice in connection with the making of reports and the assignment of judges or retired judges under article VI, section 6 of the California Constitution;

(4) *Transfer of cases*

The administrative presiding justice cooperates with the Chief Justice in expediting judicial business and equalizing the work of judges by recommending, when appropriate, the transfer of cases by the Supreme Court under article VI, section 12 of the California Constitution;

(5) *Administration*

The administrative presiding justice supervises the administration of the court's day-to-day operations, including personnel matters, but must secure the approval of a majority of the justices in the district before implementing any change in court policies;

(6) *Budget*

The administrative presiding justice has sole authority in the district over the budget as allocated by the Chair of the Judicial Council, including budget transfers, execution of purchase orders, obligation of funds, and approval of payments; and

(7) *Facilities*

The administrative presiding justice, except as provided in (d), has sole authority in the district over the operation, maintenance, renovation, expansion, and assignment of all facilities used and occupied by the district.

(Subd (c) amended effective January 1, 2007.)

(d) Geographically separate divisions

Under the general oversight of the administrative presiding justice, the presiding justice of a geographically separate division:

(1) Generally directs and supervises all of the division's court employees not assigned to a particular justice;

(2) Has authority to act on behalf of the division regarding day-to-day operations;

(3) Administers the division budget for day-to-day operations, including expenses for maintenance of facilities and equipment; and

(4) Operates, maintains, and assigns space in all facilities used and occupied by the division.

(Subd (d) amended effective January 1, 2007.)

Rule 10.1004 amended and renumbered effective January 1, 2007; repealed and adopted as rule 75 effective January 1, 2005.

Rule 10.1008. Courts of Appeal with more than one division

Appeals and original proceedings filed in a Court of Appeal with more than one division, or transferred to such a court without designation of a division, may be assigned to divisions in a way that will equalize the distribution of business among them. The Court of Appeal clerk must keep records showing the divisions in which cases and proceedings are pending.

Rule 10.1008 amended and renumbered effective January 1, 2007; repealed and adopted as rule 47 effective January 1, 2005.

Rule 10.1012. Supervising progress of appeals

(a) Duty to ensure prompt filing

The administrative presiding justices of Courts of Appeal with more than one division in the same city and the presiding justices of all other Courts of Appeal are generally responsible for ensuring that all appellate records and briefs are promptly filed. Staff must be provided for that purpose, to the extent that funds are appropriated and available.

(Subd (a) amended effective January 1, 2007.)

(b) Authority

Notwithstanding any other rule, the administrative presiding justices and presiding justices referred to in (a) may:

(1) Grant or deny applications to extend the time to file records, briefs, and other documents, except that a presiding justice may extend the time to file briefs in conjunction with an order to augment the record;

(2) Order the dismissal of an appeal or any other authorized sanction for noncompliance with these rules, if no application to extend time or for relief from default has been filed before the order is entered; and

(3) Grant relief from default or from a sanction other than dismissal imposed for the default.

(Subd (b) amended effective January 1, 2007.)

Rule 10.1012 amended and renumbered effective January 1, 2007; repealed and adopted as rule 77 effective January 1, 2005.

Rule 10.1016. Notice of failure to perform judicial duties

(a) Notice

(1) The Chief Justice or presiding justice must notify the Commission on Judicial Performance of a reviewing court justice's:

(A) Substantial failure to perform judicial duties, including any habitual neglect of duty; or

(B) Disability-caused absences totaling more than 90 court days in a 12-month period, excluding absences for authorized vacations and for attending schools, conferences, and judicial workshops.

(2) If the affected justice is a presiding justice, the administrative presiding justice must give the notice.

(Subd (a) amended effective January 1, 2007.)

(b) Copy to justice

The Chief Justice, administrative presiding justice, or presiding justice must give the affected justice a copy of any notice under (a).

Rule 10.1016 amended and renumbered effective January 1, 2007; repealed and adopted as rule 78 effective January 1, 2005.

Rule 10.1017. Notification to State Bar of attorney misconduct

(a) Notification by justice

When notification to the State Bar is required under Business and Professions Code section 6086.7, the senior justice issuing the order or the justice authoring the opinion that triggers the notification requirement under section 6086.7 is responsible for notifying the State Bar. The justice may direct the Clerk to notify the State Bar.

(b) Contents of notice

The notice must include the State Bar member's full name and State Bar number, if known, and a copy of the order or opinion that triggered the notification requirement.

(c) Notification to attorney

If notification to the State Bar is made under this rule, the person who notified the State Bar must also inform the attorney who is the subject of the notification that the matter has been referred to the State Bar.

Rule 10.1017 adopted effective January 1, 2014.

Advisory Committee Comment

Business and Professions Code section 6086.7 requires a court to notify the State Bar of any of the following: (1) a final order of contempt imposed on an attorney that may involve grounds warranting discipline under the State Bar Act; (2) a modification or reversal of a judgment in a judicial proceeding based in whole or in part on the misconduct, incompetent representation, or willful misrepresentation of an attorney; (3) the imposition of any judicial sanctions on an attorney of $1,000 or more, except sanctions for failure to make discovery; or (4) the imposition of any civil penalty on an attorney under Family Code section 8620. If the notification pertains to a final order of contempt, Business and Professions Code section 6086.7(a)(1) requires the court to transmit to the State Bar a copy of the relevant minutes, final order, and transcript, if one

exists. This rule is intended to clarify which justice has the responsibility of notifying the State Bar under section 6086.7 and the required contents of the notice.

In addition to the requirements stated in Business and Professions Code section 6086.7, judges are subject to canon 3D(2) of the California Code of Judicial Ethics, which states: "Whenever a judge has personal knowledge, or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the Rules of Professional Conduct, the judge shall take appropriate corrective action, which may include reporting the violation to the appropriate authority." The Advisory Committee Commentary states: "Appropriate corrective action could include direct communication with the judge or lawyer who has committed the violation, other direct action, such as a confidential referral to a judicial or lawyer assistance program, or a report of the violation to the presiding judge, appropriate authority, or other agency or body. Judges should note that in addition to the action required by Canon 3D(2), California law imposes mandatory additional reporting requirements on judges regarding lawyer misconduct. See Business and Professions Code section 6068.7."

Rule 10.1020. Reviewing court clerk/administrator

(a) Selection

A reviewing court may employ a clerk/administrator selected in accordance with procedures adopted by the court.

(b) Responsibilities

Acting under the general direction and supervision of the administrative presiding justice, the clerk/administrator is responsible for planning, organizing, coordinating, and directing, with full authority and accountability, the management of the clerk's office and all nonjudicial support activities in a manner that promotes access to justice for all members of the public, provides a forum for the fair and expeditious resolution of disputes, and maximizes the use of judicial and other resources.

(c) Duties

Under the direction of the administrative presiding justice, the clerk/administrator has the following duties:

(1) *Personnel*

The clerk/administrator directs and supervises all court employees assigned to the clerk/administrator by the administrative presiding justice and ensures that the court receives a full range of human resources support;

(2) *Budget*

The clerk/administrator develops, administers, and monitors the court budget

and develops practices and procedures to ensure that annual expenditures are within the budget;

(3) *Contracts*

The clerk/administrator negotiates contracts on the court's behalf in accord with established contracting procedures and applicable laws;

(4) *Calendar management*

The clerk/administrator employs and supervises efficient calendar and caseflow management, including analyzing and evaluating pending caseloads and recommending effective calendar management techniques;

(5) *Technology*

The clerk/administrator coordinates technological and automated systems activities to assist the court;

(6) *Facilities*

The clerk/administrator coordinates facilities, space planning, court security, and business services support, including the purchase and management of equipment and supplies;

(7) *Records*

The clerk/administrator creates and manages uniform record-keeping systems, collecting data on pending and completed judicial business and the court's internal operation as the court and Judicial Council require;

(8) *Recommendations*

The clerk/administrator identifies problems and recommends policy, procedural, and administrative changes to the court;

(9) *Public relations*

The clerk/administrator represents the court to internal and external customers—including the other branches of government—on issues pertaining to the court;

(10) *Liaison*

The clerk/administrator acts as liaison with other governmental agencies;

(11) *Committees*

The clerk/administrator provides staff for judicial committees;

(12) *Administration*

The clerk/administrator develops and implements administrative and operational programs and policies for the court and the clerk's office; and

(13) *Other*

The clerk/administrator performs other duties as the administrative presiding justice directs.

(Subd (c) amended effective January 1, 2007.)

(d) Geographically separate divisions

Under the general oversight of the clerk/administrator, an assistant clerk/administrator of a geographically separate division has responsibility for the nonjudicial support activities of that division.

Rule 10.1020 amended and renumbered effective January 1, 2007; repealed and adopted as rule 76.1 effective January 1, 2005.

Rule 10.1024. Court of Appeal minutes

(a) Purpose

Court of Appeal minutes should record the court's significant public acts and permit the public to follow the major events in the history of cases coming before the court.

(b) Required contents of minutes

The minutes must include:

(1) The filing date of each opinion, showing whether it was ordered published;

(2) Orders granting or denying rehearings or modifying opinions;

(3) Orders affecting an opinion's publication status, if issued after the opinion was filed;

(4) Summaries of all courtroom proceedings, showing at a minimum:

(A) The cases called for argument;

(B) The justices hearing argument;

(C) The name of the attorney arguing for each party; and

(D) Whether the case was submitted at the close of argument or the court requested further briefing;

(5) The date of submission, if other than the date of argument;

(6) Orders vacating submission, including the reason for vacating and the resubmission date;

(7) Orders dismissing appeals for lack of jurisdiction;

(8) Orders consolidating cases;

(9) Orders affecting a judgment or its finality date; and

(10) Orders changing or correcting any of the above.

(Subd (b) amended effective January 1, 2007.)

(c) Optional contents of minutes

At the court's discretion, the minutes may include such other matter as:

(1) Assignments of justices by the Chief Justice;

(2) Reports of the Commission on Judicial Appointments confirming justices; and

(3) Memorials.

(Subd (c) amended effective January 1, 2007.)

Rule 10.1024 amended and renumbered effective January 1, 2007; adopted as rule 71 effective January 1, 2005.

Rule 10.1028. Preservation and destruction of Court of Appeal records

(a) Form or forms in which records may be preserved

(1) Court of Appeal records may be created, maintained, and preserved in any form or forms of communication or representation, including paper or optical, electronic, magnetic, micrographic, or photographic media or other technology, if the form or forms of representation or communication satisfy

the standards or guidelines for the creation, maintenance, reproduction, and preservation of court records established under rule 10.854.

(2) If records are preserved in a medium other than paper, the following provisions of Government Code section 68150 apply: subdivisions (c)–(*l*), excluding subdivision (i)(1).

(Subd (a) amended effective January 1, 2013.)

(b) Methods for signing, subscribing, or verifying documents

Any notice, order, ruling, decision, opinion, memorandum, certificate of service, or similar document issued by an appellate court or by a judicial officer of an appellate court may be signed, subscribed, or verified using a computer or other technology in accordance with procedures, standards, and guidelines established by the Judicial Council. Notwithstanding any other provision of law, all notices, orders, rulings, decisions, opinions, memoranda, certificates of service, or similar documents that are signed, subscribed, or verified by computer or other technological means under this subdivision shall have the same validity, and the same legal force and effect, as paper documents signed, subscribed, or verified by an appellate court or a judicial officer of the court.

(Subd (b) adopted effective January 1, 2013.)

(c) Permanent records

The Court of Appeal clerk must permanently keep the court's minutes and a register of appeals and original proceedings.

(Subd (c) relettered effective January 1, 2013; adopted as subd (b).)

(d) Time to keep other records

(1) Except as provided in (2), the clerk may destroy all other records in a case 10 years after the decision becomes final, as ordered by the administrative presiding justice or, in a court with only one division, by the presiding justice.

(2) In a criminal case in which the court affirms a judgment of conviction, the clerk must keep the original reporter's transcript or a true and correct electronic copy of the transcript for 20 years after the decision becomes final.

(Subd (d) amended effective January 1, 2017; adopted as subd (c); previously relettered as subd (d) effective January 1, 2013.)

Rule 10.1028 amended effective January 1, 2017; adopted as rule 70 effective January 1, 2005; previously renumbered effective January 1, 2007; previously amended effective January 1, 2013.

Advisory Committee Comment

Subdivision (d). Subdivision (d) permits the Court of Appeal to keep an electronic copy of the reporter's transcript in lieu of keeping the original. Although subdivision (a) allows the Court of Appeal to maintain its records in any format that satisfies the otherwise applicable standards for maintenance of court records, including electronic formats, the original of a reporter's transcript is required to be on paper under Code of Civil Procedure section 271(a). Subdivision (d) therefore specifies that an electronic copy may be kept, to clarify that the paper original need not be kept by the court.

Rule 10.1030. Local rules of Courts of Appeal

(a) Publication

(1) A Court of Appeal must submit any local rule it adopts to the Reporter of Decisions for publication in the advance pamphlets of the Official Reports.

(2) As used in this rule, "publication" means printing in the manner in which amendments to the California Rules of Court are printed.

(Subd (a) relettered effective January 1, 2007.)

(b) Effective date

A local rule cannot take effect sooner than 45 days after the publication date of the advance pamphlet in which it is printed.

(Subd (b) relettered effective January 1, 2007.)

Rule 10.1030 amended and renumbered effective January 1, 2007; repealed and adopted as rule 80 effective January 1, 2005.

Chapter 2. Rules Relating to the Superior Court Appellate Division

Title 10, Judicial Administration Rules–Division 5, Appellate Court Administration–Chapter 2, Rules Relating to the Superior Court Appellate Division adopted effective January 1, 2009.

Rule 10.1100. Assignments to the appellate division
Rule 10.1104. Presiding judge
Rule 10.1108. Sessions

Rule 10.1100. Assignments to the appellate division

(a) Goal

In making assignments to the appellate division, the Chief Justice will consider the goal of promoting the independence and the quality of the appellate division.

(b) Factors considered

Factors considered in making the assignments may include:

(1) Length of service as a judge;

(2) Reputation in the judicial community;

(3) Degree of separateness of the appellate division work from the judge's regular assignments; and

(4) Any recommendation of the presiding judge.

(c) Who may be assigned

Judges assigned may include judges from another county, judges retired from the superior court or a court of higher jurisdiction, or a panel of judges from different superior courts who sit in turn in each of those superior courts.

(d) Terms of service

In specifying terms of service to the appellate division, the Chief Justice will consider the needs of the court.

Rule 10.1100 adopted effective January 1, 2009.

Advisory Committee Comment

The Chief Justice is responsible for assigning judges to the appellate division as provided in article VI, section 4 of the California Constitution and by statute.

Rule 10.1104. Presiding judge

(a) Designation of acting presiding judge

(1) The presiding judge of the appellate division must designate another member of the appellate division to serve as acting presiding judge in the absence of the presiding judge. If the presiding judge does not make that designation, the appellate division judge among those present who has the greatest seniority in the appellate division must act as presiding judge. When the judges are of equal seniority in the appellate division, the judge who is also senior in service in the superior court must act as presiding judge.

(2) As used in these rules, "presiding judge" includes acting presiding judge.

(b) Responsibilities

The presiding judge of the appellate division may convene the appellate division at any time and must supervise the business of the division.

Rule 10.1104 adopted effective January 1, 2009.

Advisory Committee Comment

Under Code of Civil Procedure section 77(a), the Chief Justice is responsible for designating one of the judges of each appellate division as the presiding judge.

Rule 10.1108. Sessions

The appellate division of each superior court must hold a session at least once each quarter unless there are no matters set for oral argument that quarter. The time and place of any session is determined by the presiding judge of the appellate division.

Rule 10.1108 adopted effective January 1, 2009.