

Invitation to Comment

Title	Authority and duties of the presiding judge: setting and modifying executive officer total compensation (amend rule 10.603 of the California Rules of Court).
Summary	The proposed amendments to rule 10.603 will require all trial courts to have a documented process for setting and modifying court executive officer compensation and require that the presiding judge must approve, in writing, the executive officer's initial compensation and any changes to the compensation.
Source	Administrative Office of the Courts
Staff	Jody Patel, Regional Administrative Director, Northern/Central Region 916-263-1333; jody.patel@jud.ca.gov

Discussion

On April 23, 2009, the Judicial Council directed the Administrative Office of the Courts (AOC) to conduct an analysis of executive management compensation in the California trial courts and present recommendations on fiscal procedures or rules of court that will ensure appropriate fiscal accountability.

A working group consisting of members from the Trial Court Presiding Judges and Court Executive Officers Advisory Committees was formed to provide the AOC with feedback on the information gathered from the trial courts about court executive compensation and recommendations on procedures or rules of court to ensure appropriate fiscal accountability.

The AOC and the working group developed three goals to be achieved with recommendations resulting from this effort, namely, to ensure that:

1. Accountability and transparency (in setting, reviewing, and modifying court executive officer compensation) exist;
2. No conflict of interest exists when setting or modifying court executive officer compensation; and
3. Adequate policies and procedures are in place with respect to setting and modifying CEO compensation.

To ensure accountability, the proposed amendment to section (c)(5)(B) requires the presiding judge to approve, in writing, the court executive officer's initial total

compensation package (salary and all benefits) and any changes to that compensation package.

To ensure accountability and transparency, the proposed amendment to section (c)(6)(C) requires the presiding judge to establish a documented process for setting and approving any changes to the court executive officer's total compensation package in a fiscally responsible manner. The process established for setting and approving any changes to the executive officer's total compensation package must take into consideration the court's established budget.

To prevent a conflict of interest, the proposed amendment to section (d) clarifies that the presiding judge may not delegate the duties listed in sections (c)(5)(A) and (c)(6)(C) related to setting and changing court executive compensation to the court executive officer. Under this proposed amendment, the presiding judge still has the authority to delegate the duties listed in those sections to another judge, but would remain responsible for those duties even if he or she has delegated the particular task or duty to another judge.

The proposed amendments to rule 10.603 have the support of the working group members and are intended to accomplish the three goals listed above.

Rule 10.603 of the California Rules of Court would be amended, effective July 1, 2010 to read:

1 Rule 10.603. Authority and duties of presiding judge

2
3 (a)–(b) * * *

4
5 (c) Duties

6
7 (1)–(4) * * *

8
9 (5) *Personnel*

10
11 (A) The presiding judge must provide general direction to and
12 supervision of the court executive officer, or, if the court has no
13 executive officer, perform the duties of the court executive
14 regarding personnel as specified in rule 10.610(c)(1).

15
16 (B) The presiding judge must approve, in writing, the total
17 compensation package (salary and all benefits) offered to the
18 court executive officer at the time of the executive officer's
19 appointment and any subsequent changes to the executive
20 officer's total compensation package.

21
22 (6) *Budget and fiscal management*

23
24 The presiding judge must:

25
26 (A) * * *

27
28 (B) Establish responsible budget priorities and submit budget requests
29 that will best enable the court to achieve its goals; ~~and~~

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

35
36 (D) * * *

37
38 (7)–(11) * * *

39
40 (d) Delegation

1 The presiding judge may delegate any of the specific duties listed in this rule
2 to another judge. ~~or, Except for the duties listed in (c)(5)(A) and (B) and~~
3 ~~(c)(6)(C), the presiding judge may delegate to the court executive officer any~~
4 ~~of if the dutyies listed in this rule that does not require the exercise of~~
5 ~~judicial authority; to the court executive officer.~~ The presiding judge remains
6 responsible for all duties listed in this rule even if he or she has delegated
7 particular tasks to someone else.

Item W10-02 Response Form

Title: Authority and duties of the presiding judge: setting and modifying executive officer total compensation (amend rule 10.603 of the Cal. Rules of Court).

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

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

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

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

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DEADLINE FOR COMMENT: 5:00 p.m., Friday, January 22, 2010
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Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.