

RUPRO ACTION REQUEST FORM

RUPRO action requested: **Circulate for comment (out of cycle)**

RUPRO Meeting: September 11, 2018

Title of proposal (*include amend/revise/adopt/approve + form/rule numbers*):

Judicial Council: Judicial Branch Budget Committee

Committee or other entity submitting the proposal:

Executive and Planning Committee and Rules and Projects Committee

Staff contact (name, phone and e-mail): Susan R. McMullan

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Identify project(s) on the committee's annual agenda that is the basis for this item:

Approved by RUPRO: N/A

Project description from annual agenda:

If requesting July 1 or out of cycle, explain:

The changes should be effective soon because this proposal creates a rule for an existing internal committee and makes other changes for clarity and consistency.

Additional Information: (To facilitate RUPRO's review of your proposal, please include any relevant information not contained in the attached summary.)

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SP18-16

Title	Action Requested
Judicial Council: Judicial Branch Budget Committee	Review and submit comments by October 9, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 10.15; amend rules 10.10, 10.11, 10.13, and 10.16	January 1, 2019
Proposed by	Contact
Executive and Planning Committee Douglas P. Miller, Chair	Susan R. McMullan 415-865-7990, susan.mcmullan@jud.ca.gov
Rules and Projects Committee Hon. Harry E. Hull, Jr., Chair	

Executive Summary and Origin

The Judicial Council's Executive and Planning Committee and Rules and Projects Committee propose the adoption of rule 10.15 of the California Rules of Court on the Judicial Branch Budget Committee, an internal committee of the council. The committees also propose amending four other rules of court relating to the internal committees of the Judicial Council to make them consistent with the new rule and to eliminate duplication in the rules.

Background

The Judicial Branch Budget Committee (JBBC) was established July 1, 2016. The council did not immediately adopt a rule of court but set the committee's charge as follows:

The Judicial Branch Budget Committee will assist the Judicial Council in exercising its duties under rule 10.101 with respect to the judicial branch budget. In performing this function, the committee's responsibilities will include:

1. Reviewing budget change proposals for the judicial branch; coordinating these budget change proposals; and ensuring that they are submitted to the council in a timely manner;

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

2. Reviewing and making recommendations on the use of statewide emergency funding for the judicial branch;
3. Reviewing and making recommendations on court innovations grant funding; and
4. Performing such additional tasks as may be assigned to the committee.

The Judicial Branch Budget Committee shall endeavor to promote the efficient, fiscally prudent, effective, and fair allocation of branch resources so as to advance statewide judicial branch interests.

Since July 2016, the JBBC has performed the charges assigned to it, including reviewing budget change proposals and reviewing and making recommendations on the use of statewide emergency funding and innovations grant funding.

The Proposal

This proposal would adopt a new rule for the JBBC and amend four other rules relating to the council's internal committees.

Adoption of rule 10.15

The principal proposal in this invitation to comment is for the adoption of rule 10.15; this would provide a new rule in the California Rules of Court for the Judicial Branch Budget Committee. Adopting the rule would formally recognize that the JBBC is one of the council's six internal committees. It would clearly define the parameters of the work of the committee. And it would make the duties and responsibilities of the committee clearer and more transparent for the judicial branch and the public.

Subdivision (a) of the proposed rule would state that the purpose of the JBBC is to assist the council to exercise its responsibilities under rule 10.101 with respect to the branch budget.¹ In assisting the council on the branch budget, the JBBC:

- 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

¹ Rule 10.101(b), on the duties of the Judicial Council with respect to budget and fiscal management, states: 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.

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;

- Reviews and makes recommendations annually to the council on submitted budget change proposals for the judicial branch, coordinates these budget change proposals, and ensures that they are submitted to the council in a timely manner;
- Reviews and makes recommendations on the use of statewide emergency funding for the judicial branch;
- Reviews and makes recommendations on the funding of grants on programs assigned to the committee; and
- Acts on other assignments referred to it by the council.

(Proposed Cal. Rules of Court, rule 10.15(b).)

Amendments to rule 10.10, Judicial Council internal committees

Rule 10.10 would be amended to add the JBBC to the list of internal committees in subdivision (a). The JBBC would become the sixth committee on the list.

The rule would also be amended to add new subdivision (h) on the oversight of advisory committees and other bodies. Provisions on oversight are currently included in three of the other internal committee rules. Instead of adding a fourth similar provision to rule 10.15 on the JBBC, it would be preferable to have a single provision about oversight of advisory bodies in the general rule on the internal committees. Adding such a provision to rule 10.10 will clarify that an important responsibility of the internal committees is oversight of advisory bodies and will reduce the duplication in the rules.

Amendments to rule 10.11, Executive and Planning Committee

To reflect the budget responsibilities of the JBBC, subdivision (d) of rule 10.11 on budgets would be relocated to rule 10.15 and deleted from rule 10.11.

Because a general provision on oversight of advisory committees would be added as subdivision (h) to rule 10.10 on the internal committees, subdivision (i) of rule 10.11 on oversight of advisory bodies by the Executive and Planning Committee would no longer be necessary and would be eliminated.

Amendments to rule 10.13, Rules and Projects Committee

Because a general provision on oversight of advisory committees would be added as subdivision (h) to rule 10.10 on the internal committees, subdivision (e) of rule 10.13 on oversight of

advisory bodies by the Rules and Projects Committee would no longer be necessary and would be eliminated.

Amendments to rule 10.16, Technology Committee

Because a general provision on oversight of advisory bodies would be added to rule 10.10, the subdivision in rule 10.16 on the Technology Committee no longer needs to contain a detailed provision on this same subject. However, the Technology Committee's provision on oversight would not be entirely eliminated because it is broader than the general provision in rule 10.10(h): it also provides that the Technology Committee oversee branchwide technology initiatives sponsored by advisory bodies under it. Thus, amended subdivision (i) would contain a cross-reference to the committee's general oversight responsibilities over advisory bodies under rule 10.10(h) and retain its additional responsibilities for oversight over branchwide technology initiatives.

Alternatives Considered

The Judicial Branch Budget Committee could have continued to function based on its charge and without a formal rule. But for the reasons presented above, it is better to have a rule specifying the purpose and responsibilities of the committee. The other proposed rule changes are needed either to make the rules on internal committees consistent with rule 10.15 or to simplify or clarify those rules.

Fiscal and Operational Impacts

The implementation requirements of the changes recommended in this proposal should not be significant.

Request for Specific Comments

In addition to comments on the proposal as a whole, the Executive and Planning and Rules and Projects Committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

Attachments and Links

1. Cal. Rules of Court, rules 10.10, 10.11, 10.13, 10.15, and 10.16, at pages 5–8

Rules 10.10, 10.11, 10.13, and 10.16 of the California Rules of Court would be amended, and rule 10.15 would be adopted, effective January 1, 2019, to read:

1 **Rule 10.10. Judicial Council internal committees**

2
3 **(a) Judicial Council internal committees**

4
5 The internal committees are:

- 6
7 (1) Executive and Planning Committee;
- 8
9 (2) Policy Coordination and Liaison Committee;
- 10
11 (3) Rules and Projects Committee;
- 12
13 (4) Litigation Management Committee; ~~and~~
- 14
15 (5) Technology Committee; and
- 16
17 (6) Judicial Branch Budget Committee.

18
19 **(b)–(g) * * ***

20
21 **(h) Oversight of advisory committees and other bodies**

22
23 When an internal committee has been assigned by the Chief Justice with the
24 responsibility for oversight over one or more advisory committees or other bodies,
25 the internal committee ensures that the activities of each advisory body overseen by
26 it are consistent with the council’s goals and policies. To achieve these outcomes,
27 the internal committee:

- 28
29 (1) Communicates the council’s annual charge to each advisory body;
- 30
31 (2) Reviews the proposed annual agenda of each to determine whether the
32 agenda is consistent with the advisory body’s charge and with the priorities
33 established by the council; and
- 34
35 (3) After review, approves the final annual agenda for each advisory body.

36
37 **Rule 10.11. Executive and Planning Committee**

38
39 **(a)–(c) * * ***

40
41 **~~(d)~~ Budgets**

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

6
7 ~~(e)(d)~~ * * *

8
9 ~~(f)(e)~~ * * *

10
11 ~~(g)(f)~~ * * *

12
13 ~~(h)(g)~~ * * *

14
15 ~~(i) Oversight of advisory committees and task forces~~

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

20
21 (1) Communicates the council's annual charge to each; and

22
23 (2) Reviews an annual agenda for each to determine whether the annual agenda
24 is consistent with its charge and with the priorities established by the council.

25
26 ~~(j)(h)~~ * * *

27
28 **Rule 10.13. Rules and Projects Committee**

29
30 ~~(a)-(d)~~ * * *

31
32 ~~(e) Oversight of advisory committees and task forces~~

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

37
38 (1) Communicates the council's annual charge to each; and

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

41
42 ~~(f)(e)~~ * * *

1 **Rule 10.15. Judicial Branch Budget Committee**

2
3 **(a) Purpose**

4
5 The Judicial Branch Budget Committee assists the council to exercise its
6 responsibilities under rule 10.101 with respect to the branch budget.

7
8 **(b) Budget responsibilities**

9
10 In assisting the council on the branch budget, the committee:

- 11
12 (1) Ensures that proposed judicial branch budgets, allocation schedules, and
13 related budgetary issues are brought to the Judicial Council in a timely
14 manner and in a format that permits the council to establish funding priorities
15 in the context of the council’s annual program objectives, statewide policies,
16 and long-range strategic and operational plans;
17
18 (2) Reviews and makes recommendations annually to the council on submitted
19 budget change proposals for the judicial branch; coordinates these budget
20 change proposals; and ensures that they are submitted to the council in a
21 timely manner;
22
23 (3) Reviews and makes recommendations on the use of statewide emergency
24 funding for the judicial branch;
25
26 (4) Reviews and makes recommendations on the funding of grants on programs
27 assigned to the committee; and
28
29 (5) Acts on other assignments referred to it by the council.
30

31 **Rule 10.16. Technology Committee**

32
33 **(a)–(h) * * ***

34
35 **(i) Oversight of advisory committees and ~~task forces~~ other bodies**

36 In addition to performing its oversight responsibilities under rule 10.10(h), For
37 those advisory committees and task forces over which it has been assigned
38 oversight by the Chief Justice, the Technology Committee ensures that the
39 activities of each are consistent with the council’s goals and policies performs the
40 responsibilities under rule 10.10(h). To achieve these outcomes, the committee:

- 41
42 (1) Communicates the council’s annual charge to each;
43

1 ~~(2) Reviews an annual agenda for each to determine whether the annual agenda~~
2 ~~is consistent with its charge and with the priorities established by the council; and~~
3
4 (3) oversees the branchwide technology initiatives sponsored by each advisory
5 body for which it is responsible.