# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

**Title**
Judicial Council: Advisory Committee Membership Requirements

**Rules, Forms, Standards, or Statutes Affected**
Amend Cal. Rules of Court, rule 10.64

**Recommended by**
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

**Agenda Item Type**
Action Required

**Effective Date**
January 1, 2019

**Date of Report**
September 12, 2018

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## Executive Summary

The Trial Court Budget Advisory Committee recommends amending the rule that governs the committee to broaden its membership definition of "presiding judge" and to extend eligibility for reappointment to an existing presiding or past presiding judge member. In response to low numbers of nomination submissions from presiding judges, these changes would expand the pool of candidates who are knowledgeable and experienced in budget matters and avoid the loss of expertise. Finally, the committee recommends amending the rule to limit the Judicial Council's nonvoting members to those members who have direct oversight over Budget Services—the chief administrative officer and the director of Budget Services.

## Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective January 1, 2019, amend rule 10.64 to:

1. Redefine "presiding judge" to mean a current presiding judge or one who has served within six years of the year of the appointment as a committee member;

2. Extend eligibility for reappointment to an existing presiding or past presiding judge member; and

3. Limit the Judicial Council's nonvoting members to the chief administrative officer and the director of Budget Services, thus removing the chief of staff and chief operating officer.

The text of the amended rule is attached at page 4.

## Relevant Previous Council Action

The Judicial Council adopted rule 10.64 effective February 20, 2014. The council amended the rule effective October 28, 2014, to:

- Allow an immediate past presiding judge to serve as a member;
- Provide that no more than two members of the committee may be from the same court;
- Reflect changes as a result of the retirement of the name "Administrative Office of the Courts";
- Replace "director of the fiscal services office" with "director of Finance"; and
- Delete a subdivision that would remove the director of Finance from serving as cochair.

## Analysis/Rationale

This recommendation responds to identified concerns and helps advance Judicial Council goals and objectives, as explained below.

### Broaden the membership definition of "presiding judge"
The recommended amendment would:

- Allow presiding judges who have served within six years of the year of their appointment as committee members to be eligible as new members. This will expand the candidate pool of judges who are knowledgeable and experienced in budget matters for potential participation.
- Allow the reappointment of current presiding or past presiding judge members. This would permit active members who are well versed in current budget issues and projects to stay on, maintaining momentum and avoiding loss of time and expertise when members circulate off the committee.
- Increase the pool from which to draw nomination submissions. This would be advantageous because the nominations process has lately resulted in low numbers of submissions from current and immediate past presiding judges.

### Limit the Judicial Council's nonvoting members
The recommended amendment would limit the nonvoting members to Judicial Council leadership with direct oversight of Budget Services.

### Policy implications
The membership eligibility change would likely increase the nomination pool each year.

**Comments**

This proposal circulated for comment from April 9 to June 8, 2018, as part of the spring 2018 invitation-to-comment cycle. One comment was received in support of the rule change with no additional comment. The TCBAC unanimously supported the rule amendment.

**Alternatives considered**

A rule amendment to broaden membership eligibility is recommended over an alternative such as educating new members on current budget issues and projects because of the time and resources an education session can require—especially significant during budget crises.

**Fiscal and Operational Impacts**

The proposal will not result in additional costs to the courts or operational impacts to Judicial Council staff.

**Attachments and Links**

1. Cal. Rules of Court, rule 10.64, at page 4
2. Chart of comments, at page 5

Rule 10.64 of the California Rules of Court is amended, effective January 1, 2019, to read:

1    **Rule 10.64.  Trial Court Budget Advisory Committee**
2
3    **(a)–(b)**      * * *
4
5    **(c)    Membership**
6
7          (1)    The advisory committee consists of an equal number of trial court presiding
8                 judges and court executive officers reflecting diverse aspects of state trial
9                 courts, including urban, suburban, and rural locales; the size and adequacy of
10                budgets; and the number of authorized judgeships. For purposes of this rule,
11                "presiding judge" means a current presiding judge or ~~an immediate past~~ <u>a</u>
12                <u>judge who has served as a</u> presiding judge <u>within six years of the year of the</u>
13                <u>appointment as a committee member</u>. <u>An existing presiding judge or past</u>
14                <u>presiding judge member is eligible to be reappointed.</u>
15
16        (2)–(4)      * * *
17
18        (<u>5</u>)    The Judicial Council's ~~chief of staff,~~ chief administrative officer<u>,</u> ~~chief~~
19               ~~operating officer,~~ and director of ~~Finance~~ <u>Budget Services</u> serve as ~~non-~~
20               ~~voting~~ <u>nonvoting</u> members.

# SPR18-01
## Judicial Council: Change to Advisory Committee Membership Requirements (amend Cal. Rules of Court, rule 10.64)

All comments are verbatim unless indicated by an asterisk (*)

| | Commentator | Position | Comment | Committee Response |
|---|---|---|---|---|
| 1. | Superior Court of San Diego County by Michael M. Roddy, Executive Officer | A | No specific comment. | The committee unanimously approved the proposed amendment; no additional comments were provided. |

Positions:  A = Agree; AM = Agree if modified; N = Do not agree.