



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 10, 2015

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Title	Agenda Item Type
Judicial Administration: Amendment to the Conflict of Interest Code for the Judicial Council	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
N/A	December 10, 2015
Recommended by	Date of Report
Judicial Council of California Staff Human Resources Linda Cox, Senior Manager	September 30, 2015
	Contact
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### Executive Summary

This proposal would adopt amendments (Amendments) to the Judicial Council Conflict of Interest Code (Code) and revise the Code to include updated job classifications under the Judicial Council's new classification and compensation structure. In accordance with Government Code sections 87303 and 87306, the Code must be updated "when change is necessitated by changed circumstances, including the creation of new positions" (*id.*, § 87306). The council must review proposed amendments to the Code and approve the Code as amended or direct that it be further revised and resubmitted for approval.

### Recommendation

#### Adoption of updated Conflict of Interest Code

Judicial Council of California staff recommends that the Judicial Council approve the proposed Code (attached), effective December 10, 2015, that reflects updated job classifications within the new classification and compensation structure.

The proposed amendments to the Code would:

1. Update the designated job classifications to reflect the Judicial Council's new classification structure; and
2. Accurately capture the number of Judicial Council staff designations required to submit disclosure statements.

### **Previous Council Action**

On December 12, 2014, the Judicial Council adopted previous amendments to the Code to reflect the organization's changes since it combined with the Judicial Council staff (the former Administrative Office of the Courts) as follows:

1. Combined the separate codes for Judicial Council members and Judicial Council staff into one consolidated Code;
2. Referenced the laws requiring a public agency to adopt a conflict of interest code;
3. Accurately designated Judicial Council members by separating them into voting and nonvoting categories, and subcategorizing the voting members into justices, judges, legislators, and attorneys;
4. Accurately addressed the number of Judicial Council staff designations required to submit disclosure statements, thereby improving the efficiency of the collection process;
5. Revised Appendix A, which explained how voting and nonvoting Judicial Council members must disclose their financial interests;
6. Revised Appendix B, which was a list of designated job classifications and their disclosure categories;
7. Consolidated and clarified the disclosure categories, streamlining the submission process for designated employees by having a clarifying statement in the opening paragraph of Appendix C; and
8. Added Appendix D, which instructed designated incumbents on the parameters of submitting their statements of financial interests.

## **Rationale for Recommendation**

A conflict of interest code is a document that states the rules and procedures by which designated officers and employees of a public agency must disclose certain personal financial interests. The financial interests required to be disclosed are those that foreseeably could be materially affected by decisions that these officers or employees are authorized to make or influence. In brief, Government Code section 87302 specifies that a conflict of interest code must:

- Designate the classifications of officers or employees who make or influence financial decisions (“designated employees”);
- Identify the categories of interest that foreseeably may be affected by such decisions (“disclosure categories”);
- Require officers and employees to file periodic reports of their financial interests (“disclosure statements”); and
- Require officers and employees to disqualify themselves from decisions affecting matters in which they have financial interest.

A conflict of interest code must designate the officers and employees who make or participate in the making of government decisions that foreseeably can have a material effect on their personal financial interests. (Gov. Code, § 87302(a).) The disclosure categories for each job classification must correspond to those interests that employees foreseeably can affect. (Gov. Code, § 87302 (c).) Thus, disclosure categories reflect the authority and responsibilities assigned to employees within each job classification.

## **Classification and Compensation Study**

Government Code section 87306 further states that an agency’s conflict of interest code must be amended when new positions and duties are created or eliminated.

The Judicial Council has undergone a significant transformation with organizational restructuring, staffing reductions from layoffs, Voluntary Separation Incentive Programs, and natural attrition. Due to these extensive changes and directives established by the Judicial Council, the agency has developed a new job classification structure that captures the core functions of the Judicial Council. The new structure ensures that employees are working within the scope of their assigned classifications and that minimum qualifications are relevant for the current classifications.

The Judicial Council eliminated classifications no longer deemed essential in meeting the business needs of the organization with the goal of streamlining the classification system. Prior to the study, the Judicial Council had approximately 183 job classifications across various functional areas. Following the study, the organization will have approximately 83 classifications. The Code should be revised to reflect the reduction and creation of job classifications within the new classification structure.

## **Comments, Alternatives Considered, and Policy Implications**

Judicial Council staff posted the proposed amendments on the “Invitations to Comment” page of the California Courts website (<http://www.courts.ca.gov/>) for a period of 30 days for the purpose of receiving comments from the public. A summary of the comments received and responses thereto are attached to this report.

## **Implementation Requirements, Costs, and Operational Impacts**

To implement the amended Code, the reporting officer will need to ensure that Judicial Council members and staff timely submit the Statement of Economic Interests required under the Code and the Political Reform Act.

## **Attachments and Links**

1. Proposed amended Judicial Council Conflict of Interest Code (revised effective TBD)
2. Current Judicial Council Conflict of Interest Code
3. Summary of comments received from the public with responses

—CONFLICT OF INTEREST CODE  
FOR THE  
JUDICIAL COUNCIL OF CALIFORNIA  
(Revised effective ~~TBD~~December 11, 2014)

The Political Reform Act (Gov. Code, § 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (~~Cal., California~~ Code ~~Regs., tit. of Regulations, title~~ 2, ~~§section~~ 18730) ~~that which~~ contains the terms of a standard conflict of interest code; and can be incorporated by reference into an agency's code. After public notice and hearing, the code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of California (~~Cal. Code of Regulations, title~~Regs., tit. 2, section§ 18730,) and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices shall constitute the Conflict of Interest Code for the Judicial Council of California.

Designated employees and contractors shall file statements of economic interests with the Administrative Director as prescribed by the Fair Political Practices Commission.

## Appendix A.— Judicial Council Members

Under Article VI, section 6, of the California Constitution, Judicial Council voting membership is limited to justices, judges, legislators, and attorneys. Two nonvoting court administrators and such other nonvoting members are determined by the voting membership of the council. Council members, voting or nonvoting, who are justices, judges, state legislators, court executive officers, and court administrator and clerks are required to file disclosure statements at their primary position because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code sections 87200 and 87300. When filing their annual statement of economic interests, council members, voting or ~~nonvoting~~non-voting, should indicate on the cover sheet of the Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

### Designation of Positions

#### 1. Voting Council Members

##### a. Justices, Judges, Legislators

- i. **Disclosure of Financial Interests:** Council members must disclose all investments, sources of income, interests in real property, and positions in business entities, including those of their spouses, registered domestic partners, and/or dependent children.
- ii. **Manner of Reporting:** When filing their annual statement of economic interests, council members should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

##### b. Attorneys

- i. **Disclosure of Financial Interests:** The disclosure requirements under this code for the designated attorney members are limited to those in Business and Professions Code section 6036, subdivision (d).- Under this provision, a member required to disqualify himself or herself because of a conflict of interest shall (1) immediately disclose the interest, (2) withdraw from any participation in the matter, (3) refrain from attempting to influence another member, and (4) refrain from voting.- Consistent with section 6036, subdivision (d), it is sufficient that the member indicate only that he or she has a disqualifying financial or personal interest, without disclosing the specific interest.
- ii. **Manner of Reporting:** Attorney members of the Judicial Council of California shall file the Statement of Economic Interests (form

FPPC-2). -This form requires members to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of interest under Business and Professions Code section 6036, and (2) identify each decision requiring disqualification.

## 2. Nonvoting Council Members

- a. **Justices, Judges, Court Executive Officers, Court ~~Administrators~~Administrator, and Clerks, and such other nonvoting members as determined by the voting membership of the council.**
  - i. **Disclosure of Financial Interests:** Council members must disclose all investments, sources of income, interests in real property, and positions in business entities, including those of their spouses, registered domestic partners, or dependent children.
  - ii. **Manner of Reporting:** When filing their annual statement of economic interests, council members should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.





**-Appendix B. –Judicial Council Member and Staff Designations**

**List of Designated Classifications**

**Assigned Disclosure Categories**

**List of Designated Classifications**

**Assigned Disclosure Categories**

**1. JUDICIAL COUNCIL MEMBERS**

**a. Voting**

- |                            |               |
|----------------------------|---------------|
| <u>i. Justice</u>          | <u>1a</u>     |
| <u>ii. Judge</u>           | <u>1a</u>     |
| <u>iii. Legislator</u>     | <u>1a</u>     |
| <u>iv. Attorney</u>        | <u>2a</u>     |
| <del>i. Justice</del>      | <del>1a</del> |
| <del>ii. Judge</del>       | <del>1a</del> |
| <del>iii. Legislator</del> | <del>1a</del> |
| <del>iv. Attorney</del>    | <del>2a</del> |

**b. Nonvoting**

- |   |               |
|---|---------------|
| <u>i. Justice</u>                             | <u>1a</u>     |
| <u>ii. Judge</u>                              | <u>1a</u>     |
| <u>iii. Court Administrator and Clerk</u>     | <u>1a</u>     |
| <u>iv. Court Executive Officer</u>            | <u>2a</u>     |
| <u>v. Other Nonvoting Members</u>             | <u>1a</u>     |
| <del>i. Justice</del>                         | <del>1a</del> |
| <del>ii. Judge</del>                          | <del>1a</del> |
| <del>iii. Court Administrator and Clerk</del> | <del>1a</del> |
| <del>iv. Court Executive Officer</del>        | <del>1a</del> |
| <del>v. Other nonvoting members</del>         | <del>1a</del> |

**2. EXECUTIVE OFFICE**

<u>i. Administrative Director</u>	<u>1</u>
<u>ii. Chief Officer–Zone 2</u>	<u>1</u>
<u>iii. Chief Officer–Zone 1</u>	<u>1</u>
<u>iv. Principal Advisor</u>	<u>3, 4</u>
<del>i. Administrative Director</del>	<del>1</del>
<del>ii. Chief Administrative Officer</del>	<del>1</del>
<del>iii. Chief of Staff</del>	<del>1</del>
<del>iv. Chief Operating Officer</del>	<del>1</del>
<del>v. Executive Office Liaison III</del>	<del>3, 4</del>

**3. GOVERNMENTAL AFFAIRS**

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<u>i. Director</u>	<u>1</u>
<u>ii. Principal Manager–Zone 1</u>	<u>1</u>
<u>iii. Attorney I</u>	<u>4</u>
<u>iv. Legislative Advocate</u>	<u>4</u>
<del>i. Assistant Director</del>	<del>1</del>
<del>ii. Associate Attorney I</del>	<del>4</del>
<del>iii. Attorney</del>	<del>4</del>
<del>iv. Director</del>	<del>1</del>
<del>v. Senior Attorney</del>	<del>4</del>
<del>vi. Senior Governmental Affairs Analyst</del>	<del>4</del>
<del>vii. Supervising Administrative Coordinator</del>	<del>3, 4</del>

**4. LEADERSHIP SERVICES DIVISION**

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**a. Audit Services**

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<u>i. Principal Manager–Zone 1</u>	<u>1</u>
<u>ii. Audit Supervisor</u>	<u>3, 4</u>

~~i. Senior Manager 1~~

~~ii. Supervising Internal Auditor 3,4~~

**b. Judicial Council Support**

~~i. Supervising Analyst 4~~

~~i. Supervising Court Services Analyst 4~~

**c. Legal Services**

~~i. Director, Chief Counsel 1~~

~~ii. Principal Manager-Zone 2 1~~

~~iii. Principal Manager-Zone 1 1~~

~~iv. Supervising Attorney 2b~~

~~v. Attorney II 2b~~

~~i. Attorney 2b~~

~~ii. General Counsel/Division Director 1~~

~~iii. Managing Attorney 1~~

~~iv. Senior Attorney 2b~~

~~v. Supervising Attorney 2b~~

**d. Special Projects**

~~i. Principal Manager-Zone 1~~

~~i. Manager 1~~

**e. Trial Court Liaison**

~~i. Manager 4~~

~~ii. Supervising Analyst 4~~

~~i. Manager 4~~

~~ii. Supervising Court Services Analyst 4~~

**5. OPERATIONS & PROGRAMS DIVISION**

**a. Appellate Court Services**

- i. Director 1
- ii. Manager 1

**b. Capital Program**

- i. Director 1
- ii. Principal Manager–Zone 1 1
- iii. Manager 1
- iv. Senior Project Manager 7
- v. Project Manager 7

**a-c. Center for Families, Children & the Courts**

- i. Director 1
- ii. Principal Manager–Zone 2 1
- iii. Principal Manager–Zone 1 4
- iv. Supervising Attorney 2b
- v. Supervising Analyst 4
- vi. Attorney II 2b

- ~~i. Assistant Director 1~~
- ~~ii. Attorney 2b~~
- ~~iii. Director 1~~
- ~~iv. Manager 4~~
- ~~v. Managing Attorney 1~~
- ~~vi. Senior Attorney 2b~~
- ~~vii. Supervising Attorney 2b~~
- ~~viii. Supervising Court Services Analyst 4~~
- ~~ix. Supervising Research Analyst 4~~

**b-d. Center for ~~Judicial~~Judiciary Education and Research**

- i. Attorney I 6
  - ii. Director 1
  - iii. Supervising Attorney 6
  - iv. Principal Manager–Zone 1 6
  - v. Media Production Supervisor 6
- 
- ~~i. Attorney 6~~

<del>ii. Director</del>	<del>1</del>
<del>iii. Manager</del>	<del>6</del>
<del>iv. Managing Attorney</del>	<del>6</del>
<del>v. Senior Attorney</del>	<del>6</del>
<del>vi. Senior Manager</del>	<del>6</del>
<del>vii. Supervising Media Production Specialist</del>	<del>6</del>

**e.e. Court Operations Services**

<u>i. Director</u>	<u>1</u>
<u>ii. Principal Manager–Zone 1</u>	<u>1</u>
<u>iii. Manager</u>	<u>4</u>
<u>iv. Supervising Analyst</u>	<u>4</u>
<del>i. Assistant Director</del>	<del>1</del>
<del>ii. Director</del>	<del>1</del>
<del>iii. Manager</del>	<del>4</del>
<del>iv. Senior Emergency Response and Planning Manager</del>	<del>3,4</del>
<del>v. Supervising Court Services Analyst</del>	<del>4</del>
<del>vi. Supervising Research Analyst</del>	<del>4</del>

**d.f. Criminal Justice Services**

<u>i. Director</u>	<u>1</u>
<u>ii. Attorney II</u>	<u>2b</u>
<u>iii. Supervising Attorney</u>	<u>2b</u>
<u>iv. Supervising Analyst</u>	<u>4</u>
<del>i. Attorney</del>	<del>2b</del>
<del>ii. Senior Manager</del>	<del>1</del>
<del>iii. Supervising Attorney</del>	<del>2b</del>
<del>iv. Supervising Research Analyst</del>	<del>4</del>

**e. Appellate Court Services**

~~i. Director 1~~

~~ii. Manager 1~~

~~**f. Capital Programs**~~

~~i. Assistant Director 1~~

~~ii. Design & Construction Project Manager III 7~~

~~iii. Director 1~~

~~iv. Manager 7~~

~~v. Principal Architect 7~~

~~vi. Supervising AV/Video Technician 3~~

~~vii. Supervising Facilities Planner 7~~

**6. ADMINISTRATIVE DIVISION**

**a. Administrative Support**

~~i. Manager 3~~  
~~ii. Administrative Support Supervisor II 3~~  
~~iii. Media Telecom Support Supervisor 3, 4~~

~~i. Manager 3~~

~~ii. Production and Mail Services Supervisor 3~~

~~iii. Supervising Administrative Coordinator 4~~

~~iv. Supervising AV/Video Technician 3,4~~

**b. Finance**

~~i. Director 1~~  
~~ii. Principal Manager-Zone 1 1~~  
~~iii. Manager 3~~  
~~iv. Fiscal Supervisor 3~~  
~~v. Fiscal Services Support Supervisor 3~~

~~i. Assistant Director 1~~

ii. Director	1
iii. Manager	3
iv. Senior Manager	3
v. Supervising Accountant	3,4
vi. Supervising Budget Analyst	3,4
vii. Supervising Contract Specialist	3,4
viii. Supervising Procurement Specialist	3,4

### c. Human Resources

<u>i. Director</u>	<u>1</u>
<u>ii. Principal Manager-Zone 1</u>	<u>4</u>
<u>iii. Manager</u>	<u>4</u>
<u>iv. Human Resources Supervisor</u>	<u>4</u>
<u>v. Business Systems Supervisor</u>	<u>5</u>
<del>i. Director</del>	<del>1</del>
<del>ii. Manager</del>	<del>4</del>
<del>iii. Senior Manager</del>	<del>4</del>
<del>iv. Supervising Business Applications Analyst</del>	<del>5</del>
<del>v. Supervising Human Resources Analyst</del>	<del>4</del>
<del>vi. Supervising Pay and Benefits Specialist</del>	<del>4</del>

### d. Information Technology

<u>i. Director</u>	<u>1</u>
<u>ii. Principal Manager-Zone 1</u>	<u>5</u>
<u>iii. Manager</u>	<u>5</u>
<u>iv. Information Systems Supervisor I, II</u>	<u>5</u>
<del>i. Director</del>	<del>1</del>
<del>ii. Information Systems Manager</del>	<del>5</del>
<del>iii. Senior Manager</del>	<del>5</del>
<del>iv. Supervising Business Applications Analyst</del>	<del>5</del>

v. ~~Supervising Information Systems Analyst A, B~~ ~~5~~

e. **Real Estate and ~~Facilities~~Facility Management**

~~i. Director 1~~  
~~ii. Principal Manager–Zone 2 1~~  
~~iii. Principal Manager–Zone 1 1~~  
~~iv. Manager 7~~  
~~v. Engineering Specialist 7~~  
~~vi. Facilities Management Administrator 7~~  
~~vii. Project Manager 7~~  
~~viii. Senior Facilities Analyst 7~~  
~~ix. Engineering Supervisor 7~~  
~~x. Facilities Operations Supervisor 7~~  
~~xi. Facilities Supervisor 7~~

~~i. Assistant Director 1~~

~~ii. Facilities Management Administrator 7~~

~~iii. Facilities Management Specialist 7~~

~~iv. Manager 7~~

~~v. Mechanical, Electrical, Plumbing Engineer 7~~

~~vi. Regional Manager of Facilities Operations 7~~

~~vii. Senior Manager 7~~

~~viii. Supervision Facilities Management Administration 7~~

~~ix. Utility Engineer/Analyst 7~~

f. **Trial Court Administrative Services**

~~i. Director 1~~  
~~ii. Principal Manager–Zone 1 1~~  
~~iii. Manager 1~~  
~~iv. Business Systems Supervisor 5~~  
~~v. Fiscal Supervisor 3~~  
~~vi. Human Resources Supervisor 4~~  
~~vii. Supervising Analyst 4~~

~~i. Manager 4~~

~~ii. Supervising Contract Specialist 4~~



- ~~iii. Senior Manager 1~~
- ~~iv. Supervising Accountant 4~~
- ~~v. Supervising Court Services Analyst 4~~

**7. All Divisions\***

- ~~i. Special Consultant 1~~
- ~~ii. Contractor 1~~

- ~~i. \* Special Consultant 1~~
  - ~~ii. Contractor 1~~
- 

\*Consultants (contractors) shall be included in the list of designated ~~position~~~~employees~~ and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Administrative Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. ~~Such~~ written determination shall include a description of the consultant’s ~~duties~~ and, based upon that description, a statement of the extent of disclosure requirements. ~~The~~ consultant must comply with all other provisions of this code. ~~The~~ Administrative Director’s determination is a matter of public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. \_\_\_\_\_

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## **Appendix C. –Judicial Council Staff Disclosure Categories**

An employee need only disclose a financial interest in a business entity included in an assigned category if the employee’s duties involve making recommendations and/or decisions concerning that type of business entity. In this appendix, “positions” includes employee, partner, officer, director, trustee, and any other management position. “Providers” includes business entities and individuals that are manufacturers, distributors, vendors, sellers, lessors, suppliers, contractors, subcontractors, and other providers of the supplies, equipment, real property, and services indicated in the category.

### **1. Executive authority**

All investments, sources of income, interests in real property, and positions in business entities

- a. Council members who are justices, judges, legislators, court executive officers, court ~~administrators, administrator~~ and clerks are required to file disclosure statements at their primary position because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code ~~sectionssection~~ 87200 and 87300. When filing their annual statement of economic interests, council members, voting or ~~nonvotingnon-voting~~, should indicate on the cover sheet of Conflict of Interest-Form 700- that their statements are being filed for both their primary and their Judicial Council positions.

### **2. Attorneys**

Attorneys are required to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of interest under Business and Professions Code section 6036, and (2) identify each decision requiring disqualification.

- a. Attorneys who are Judicial Council members shall file the Statement of Economic Interests for the Judicial Council on form FPPC-2.
- b. Attorneys who are Judicial Council staff shall file the Statement of Economic ~~InterestsInterest~~ for the Judicial Council on ~~formForm~~ FPPC-1.

### Decisionmaking

### **3. ~~Decision-making~~ authority affecting the purchasing of office equipment, materials, and supplies**

Investments, sources of income, and business positions in entities that are providers of office equipment, materials, and supplies including, but not limited to, commercial and ~~noncommercialnon-commercial~~ furniture, fixtures, publication materials, printing, graphics, publishing services, audiovisual equipment, and/or any other non-IT electronic devices of the type used by the Judicial Council.

4. ~~Decisionmaking~~**Decision-making** authority affecting external consultants and contracts

Investments, sources of income, and business positions in business entities that are providers of services used by any office in the Judicial Council for the purposes of, including, but not limited to, personnel and employment services, editing, publications, data gathering, data management, researching and surveying, policy analysis, real estate management, fleet management, conference and travel services, financial services, external legal counsel, and court security.

5. Decisionmaking authority affecting information technology

Investments, sources of income, and business positions in business entities that are providers of information technology, data management systems, computer software, computer equipment, and hardware of the type used by the Judicial Council.

Decisionmaking

~~5. Decision-making authority affecting information technology~~

~~Investments, sources of income, and business positions in business entities that are providers of information technology, data management systems, computer software, computer equipment and hardware of the type used by the Judicial Council.~~

6. ~~Decision-making~~ authority affecting judicial education

Investments, sources of income, and business positions in business entities that are providers of training and educational development services of the type used by the Judicial Council.

7. ~~Decisionmaking~~**Decision-making** authority affecting real property and management

Investments, sources of income, and business positions in business entities that are providers of real estate purchasing, maintenance, construction, and development.

## Appendix D. Reporting Instructions

### 1. Time of filing statements and reporting period

- a. **Annual Statement:** The statement shall disclose the information required in section 3 for the previous 12-month period.
- i. Each Judicial Council member and each designated Judicial Council employee and contingent worker shall file a statement of economic interest in accordance with the Fair Political Practices Commission's regulations. (Cal. Code Regs., tit. 2, § 18723.)
- Judicial Council members who are not attorneys shall file an annual statement by March 1~~October 15~~.
- All others, including but not limited to
- ~~Designated~~ Judicial Council members who are attorneys, staff incumbents shall file by April 1. ~~15~~.
- b. **Statements when assuming office:** As pursuant to Government Code section~~es~~ 87200 and 87300, every Judicial Council member or designated staff incumbent shall file a statement within 30 days after assuming office.
- c. **Statements after leaving offices:** As pursuant to Government Code section~~es~~ 87200 and 87300, each former council member or designated staff incumbent shall file a statement within 30 days after leaving office. The statement shall disclose the information required by section 3 for the period between the closing date of the last statement required to be filed and the date of leaving office.

### 2. Place of filing statements

- a. Judicial Council members and designated staff incumbents shall file the required statements with the Secretary of the Judicial Council (Administrative Director) on the Statement of Economic Interests for Judicial Council Members Conflict of Interest-Form 700, FPPC-1, or FPPC-2.

### 3. Assistance to members

- a. A member may request assistance concerning duties under this code from the Fair Political Practices Commission under section 83114 of the Government Code.

CONFLICT OF INTEREST CODE  
FOR THE  
JUDICIAL COUNCIL OF CALIFORNIA  
(Revised effective December 11, 2014)

The Political Reform Act (Gov. Code, § 81000 et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, California Code of Regulations, title 2, section 18730 which contains the terms of a standard conflict of interest code, and can be incorporated by reference into an agency's code. After public notice and hearing, the code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of (Cal. Code Regs., tit. 2, § 18730), and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached appendices shall constitute the Conflict of Interest Code for the Judicial Council of California.

Designated employees and contractors shall file statements of economic interests with the Administrative Director as prescribed by the Fair Political Practices Commission.

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### Designation of Positions

#### 1. Voting Council Members

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- ii. **Manner of Reporting:** When filing their annual statement of economic interests, council members should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

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- i. **Disclosure of Financial Interests:** The disclosure requirements under this code for the designated attorney members are limited to those in Business and Professions Code section 6036, subdivision (d). Under this provision, a member required to disqualify himself or herself because of a conflict of interest shall (1) immediately disclose the interest, (2) withdraw from any participation in the matter, (3) refrain from attempting to influence another member, and (4) refrain from voting. Consistent with section 6036, subdivision (d), it is sufficient that the member indicate only that he or she has a disqualifying financial or personal interest, without disclosing the specific interest.
- ii. **Manner of Reporting:** Attorney members of the Judicial Council of California shall file the Statement of Economic Interests (form FPPC-2). This form requires members to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of

interest under Business and Professions Code section 6036, and (2) identify each decision requiring disqualification.

**2. Nonvoting Council Members**

**a. Justices, Judges, Court Executive Officers, Court Administrator, and Clerks and such other nonvoting members as determined by the voting membership of the council.**

**i. Disclosure of Financial Interests:** Council members must disclose all investments, sources of income, interests in real property, and positions in business entities.

**ii. Manner of Reporting:** When filing their annual statement of economic interests, council members should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

## Appendix B. Judicial Council Member and Staff Designations

### List of Designated Classifications

### Assigned Disclosure Categories

#### 1. JUDICIAL COUNCIL MEMBERS

##### a. Voting

i. Justice	1a
ii. Judge	1a
iii. Legislator	1a
iv. Attorney	2a

##### b. Nonvoting

i. Justice	1a
ii. Judge	1a
iii. Court Administrator and Clerk	1a
iv. Court Executive Officer	1a
v. Other nonvoting members	1a

#### 2. EXECUTIVE OFFICE

i. Administrative Director	1
ii. Chief Administrative Officer	1
iii. Chief of Staff	1
iv. Chief Operating Officer	1
v. Executive Office Liaison III	3, 4

#### 3. GOVERNMENTAL AFFAIRS

i. Assistant Director	1
ii. Associate Attorney I	4
iii. Attorney	4



iv. Director	1
v. Senior Attorney	4
vi. Senior Governmental Affairs Analyst	4
vii. Supervising Administrative Coordinator	3,4

#### 4. LEADERSHIP SERVICES DIVISION

##### a. Audit Services

i. Senior Manager	1
ii. Supervising Internal Auditor	3,4

##### b. Judicial Council Support

i. Supervising Court Services Analyst	4
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##### c. Legal Services

i. Attorney	2b
ii. General Counsel/Division Director	1
iii. Managing Attorney	1
iv. Senior Attorney	2b
v. Supervising Attorney	2b

##### d. Special Projects

i. Manager	1
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##### e. Trial Court Liaison

i. Manager	4
ii. Supervising Court Services Analyst	4

#### 5. OPERATIONS & PROGRAMS DIVISION

##### a. Center for Families, Children & the Courts

i. Assistant Director	1
ii. Attorney	2b

iii. Director	1
iv. Manager	4
v. Managing Attorney	1
vi. Senior Attorney	2b
vii. Supervising Attorney	2b
viii. Supervising Court Services Analyst	4
ix. Supervising Research Analyst	4
<b>b. Center for Judiciary Education and Research</b>	
i. Attorney	6
ii. Director	1
iii. Manager	6
iv. Managing Attorney	6
v. Senior Attorney	6
vi. Senior Manager	6
vii. Supervising Media Production Specialist	6
<b>c. Court Operations Services</b>	
i. Assistant Director	1
ii. Director	1
iii. Manager	4
iv. Senior Emergency Response and Planning Manager	3,4
v. Supervising Court Services Analyst	4
vi. Supervising Research Analyst	4
<b>d. Criminal Justice Services</b>	
i. Attorney	2b
ii. Senior Manager	1

iii. Supervising Attorney	2b
iv. Supervising Research Analyst	4
<b>e. Appellate Court Services</b>	
i. Director	1
ii. Manager	1
<b>f. Capital Programs</b>	
i. Assistant Director	1
ii. Design & Construction Project Manager III	7
iii. Director	1
iv. Manager	7
v. Principal Architect	7
vi. Supervising AV/Video Technician	3
vii. Supervising Facilities Planner	7
<b>6. ADMINISTRATIVE DIVISION</b>	
<b>a. Administrative Support</b>	
i. Manager	3
ii. Production and Mail Services Supervisor	3
iii. Supervising Administrative Coordinator	4
iv. Supervising AV/Video Technician	3,4
<b>b. Finance</b>	
i. Assistant Director	1
ii. Director	1
iii. Manager	3
iv. Senior Manager	3

v. Supervising Accountant	3,4
vi. Supervising Budget Analyst	3,4
vii. Supervising Contract Specialist	3,4
viii. Supervising Procurement Specialist	3,4
<b>c. Human Resources</b>	
i. Director	1
ii. Manager	4
iii. Senior Manager	4
iv. Supervising Business Applications Analyst	5
v. Supervising Human Resources Analyst	4
vi. Supervising Pay and Benefits Specialist	4
<b>d. Information Technology</b>	
i. Director	1
ii. Information Systems Manager	5
iii. Senior Manager	5
iv. Supervising Business Applications Analyst	5
v. Supervising Information Systems Analyst A, B	5
<b>e. Real Estate and Facility Management</b>	
i. Assistant Director	1
ii. Facilities Management Administrator	7
iii. Facilities Management Specialist	7
iv. Manager	7
v. Mechanical, Electrical, Plumbing Engineer	7
vi. Regional Manager of Facilities Operations	7
vii. Senior Manager	7

viii. Supervision Facilities Management Administration	7
ix. Utility Engineer/Analyst	7
<b>f. Trial Court Administrative Services</b>	
i. Manager	4
ii. Supervising Contract Specialist	4
iii. Senior Manager	1
iv. Supervising Accountant	4
v. Supervising Court Services Analyst	4
<b>7. All Divisions*</b>	
i. Special Consultant	1
ii. Contractor	1

\*Consultants (contractors) shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Administrative Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The consultant must comply with all other provisions of this code. The Administrative Director’s determination is a matter of public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **Appendix C. Judicial Council Staff Disclosure Categories**

An employee need only disclose a financial interest in a business entity included in an assigned category if the employee's duties involve making recommendations and/or decisions concerning that type of business entity. In this appendix, "positions" includes employee, partner, officer, director, trustee, and any other management position. "Providers" includes business entities and individuals that are manufacturers, distributors, vendors, sellers, lessors, suppliers, contractors, subcontractors, and other providers of the supplies, equipment, real property, and services indicated in the category.

### **1. Executive authority**

All investments, sources of income, interests in real property, and positions in business entities

- a. Council members who are justices, judges, legislators, court executive officers, court administrator and clerks are required to file disclosure statements at their primary position because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code section 87200 and 87300. When filing their annual statement of economic interests, council members, voting or non-voting, should indicate on the cover sheet of Conflict of Interest-Form 700 that their statements are being filed for both their primary and their Judicial Council positions.

### **2. Attorneys**

Attorneys are required to (1) disclose whether or not they were required to disqualify themselves from making, participating in making, or attempting to influence a decision of the Judicial Council during the reporting period because of a conflict of interest under Business and Professions Code section 6036, and (2) identify each decision requiring disqualification.

- a. Attorneys who are Judicial Council members shall file the Statement of Economic Interests for the Judicial Council on form FPPC-2.
- b. Attorneys who are Judicial Council staff shall file the Statement of Economic Interest for the Judicial Council on Form FPPC-1.

### **3. Decision-making authority affecting the purchasing of office equipment, materials and supplies**

Investments, sources of income and business positions in entities that are providers of office equipment, materials, and supplies including, but not limited to, commercial and non-commercial furniture, fixtures, publication materials, printing, graphics, publishing services, audiovisual equipment and/or any other non-IT electronic devices of the type used by the Judicial Council.

**4. Decision-making authority affecting external consultants and contracts**

Investments, sources of income, and business positions in business entities that are providers of services used by any office in the Judicial Council for the purposes of, including, but not limited to, personnel and employment services, editing, publications, data gathering, data management, researching and surveying, policy analysis, real estate management, fleet management, conference and travel services, financial services, external legal counsel, and court security.

**5. Decision-making authority affecting information technology**

Investments, sources of income, and business positions in business entities that are providers of information technology, data management systems, computer software, computer equipment and hardware of the type used by the Judicial Council.

**6. Decision-making authority affecting judicial education**

Investments, sources of income, and business positions in business entities that are providers of training and educational development services of the type used by the Judicial Council.

**7. Decision-making authority affecting real property and management**

Investments, sources of income, and business positions in business entities that are providers of real estate purchasing, maintenance, construction, and development.

## **Appendix D. Reporting Instructions**

### **1. Time of filing statements and reporting period**

- a. Annual Statement:** The statement shall disclose the information required in section 3 for the previous 12-month period.
  - i.** Each Judicial Council member shall file an annual statement by October 15.
  - ii.** Designated Judicial Council staff incumbents shall file by April 15.
- b. Statements when assuming office:** As pursuant to codes 87200 and 87300, every Judicial Council member or designated staff incumbent shall file a statement within 30 days after assuming office.
- c. Statements after leaving offices:** As pursuant to codes 87200 and 87300, each former council member or designated staff incumbent shall file a statement within 30 days after leaving office. The statement shall disclose the information required by section 3 for the period between the closing date of the last statement required to be filed and the date of leaving office.

### **2. Place of filing statements**

- a.** Judicial Council members and designated staff incumbents shall file the required statements with the Secretary of the Judicial Council (Administrative Director) on the Statement of Economic Interests for Judicial Council Members Conflict of Interest-Form 700, FPPC-1, or FPPC-2.

### **3. Assistance to members**

- a.** A member may request assistance concerning duties under this code from the Fair Political Practices Commission under section 83114 of the Government Code.



**ATTACHMENT 3**

**SP15-08**

**Judicial Administration: Amendment to the  
Conflict of Interest Code for the Judicial Council**

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Gerald H. Genard Blackhawk, CA	N	Disclosure for "spouses" and for others who have a close personal relationship to the person making the disclosure should be required. Cohabitation between adults who are not spouses is quite common and raises the same concerns as spousal and business relationships.	“The committee agrees with these suggestions and has incorporated them, with minor alterations, into the amendments that it is recommending for adoption.”
2.	Phuong San Gabriel, CA	A	* <i>(Comment not related to proposal)</i>	No response required.