



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on November 30, 2018

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Title	Agenda Item Type
Judicial Council: Judicial Branch Budget Committee	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rule 10.15; amend rules 10.10, 10.11, 10.13, and 10.16	January 1, 2019
Recommended by	Date of Report
Executive and Planning Committee	October 15, 2018
Hon. Douglas P. Miller, Chair	Contact
Rules and Projects Committee	Susan R. McMullan, 415-865-7990, susan.mcmullan@jud.ca.gov
Hon. Harry E. Hull, Jr., Chair	

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### **Executive Summary**

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.

### **Recommendation**

The Executive and Planning Committee and the Rules and Projects Committee recommend that the Judicial Council, effective January 1, 2019:

1. Adopt rule 10.15 to specify the purpose and budget responsibilities of the Judicial Branch Budget Committee; and
2. Amend rules 10.10, 10.11, 10.13, and 10.16 to make them consistent with the rule 10.15 and eliminate duplication in the rules.

The text of the new and amended rules is attached at pages 6–9.

### **Relevant Previous Council Action**

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;
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.

(Judicial Council of Cal., “Judicial Branch Budget Committee” page of the California Courts website, [www.courts.ca.gov/jbbc.htm](http://www.courts.ca.gov/jbbc.htm) (as of October 15, 2018).)

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.

### **Analysis/Rationale**

#### **Adoption of rule 10.15**

No rule currently sets out the duties and responsibilities of the Judicial Branch Budget Committee. The adoption of rule 10.15 would formally recognize that the JBBC is one of the council’s six internal committees, clearly define the parameters of the work of the committee, and make the duties and responsibilities of the committee clearer and more transparent for the judicial branch and the public.

Subdivision (a) of the rule states 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.<sup>1</sup> 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 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 is amended to add the JBBC as the sixth committee on the list of internal committees in subdivision (a).

The rule is further 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, a single provision about oversight of advisory bodies in the general rule on internal committees, rule

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<sup>1</sup> 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.

10.10, clarifies that an important responsibility of the internal committees is oversight of advisory bodies and reduces 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 is relocated to rule 10.15 and deleted from rule 10.11.

Because a general provision on oversight of advisory committees is 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 is no longer necessary and has been eliminated.

#### **Amendments to rule 10.13, Rules and Projects Committee**

Because a general provision on oversight of advisory committees is 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 is no longer necessary and has been eliminated.

#### **Amendments to rule 10.16, Technology Committee**

Because a general provision on oversight of advisory bodies is 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 has not been 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) contains a cross-reference to the committee's general oversight responsibilities over advisory bodies under rule 10.10(h) and retains its additional responsibilities for oversight over branchwide technology initiatives.

#### **Policy implications**

The policy implications of this proposal are limited. The role and scope of responsibility of the JBBC are unchanged, but are established in the California Rules of Court.

#### **Comments**

The proposal circulated for public comment from September 12 to October 9, 2018. No comments were received.

#### **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 are insignificant.

## **Attachments and Links**

1. Cal. Rules of Court, rules 10.10, 10.11, 10.13, 10.15, and 10.16, at pages 6–9

Rule 10.15 of the California Rules of Court is adopted, and rules 10.10, 10.11, 10.13, and 10.16 are amended, 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

1 **Rule 10.11. Executive and Planning Committee**

2  
3 ~~(a)–(c)~~ \* \* \*

4  
5 ~~(d)~~ **Budgets**

6  
7 The committee ensures that proposed judicial branch budgets, allocation schedules,  
8 and related budgetary issues are brought to the Judicial Council in a timely manner  
9 and in a format that permits the council to establish funding priorities in the context  
10 of the council's annual program objectives, statewide policies, and long-range  
11 strategic and operational plans.

12  
13 ~~(e)(d)~~ \* \* \*

14  
15 ~~(f)(e)~~ \* \* \*

16  
17 ~~(g)(f)~~ \* \* \*

18  
19 ~~(h)(g)~~ \* \* \*

20  
21 ~~(i)~~ **Oversight of advisory committees and task forces**

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

26  
27 (1) Communicates the council's annual charge to each; and

28  
29 (2) Reviews an annual agenda for each to determine whether the annual agenda  
30 is consistent with its charge and with the priorities established by the council.

31  
32 ~~(j)(h)~~ \* \* \*

33  
34 **Rule 10.13. Rules and Projects Committee**

35  
36 ~~(a)–(d)~~ \* \* \*

37  
38 ~~(e)~~ **Oversight of advisory committees and task forces**

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

- 1           (1) ~~Communicates the council’s annual charge to each; and~~  
2           (2) ~~Reviews an annual agenda for each to determine whether the annual agenda~~  
3                 ~~is consistent with its charge and with the priorities established by the council.~~

4

5   ~~(f)~~(e)   \* \* \*

6

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

8

9   **(a) Purpose**

10

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

13

14   **(b) Budget responsibilities**

15

16         In assisting the council on the branch budget, the committee:

17

18         (1) Ensures that proposed judicial branch budgets, allocation schedules, and  
19             related budgetary issues are brought to the Judicial Council in a timely  
20             manner and in a format that permits the council to establish funding priorities  
21             in the context of the council’s annual program objectives, statewide policies,  
22             and long-range strategic and operational plans;

23

24         (2) Reviews and makes recommendations annually to the council on submitted  
25             budget change proposals for the judicial branch, coordinates these budget  
26             change proposals, and ensures that they are submitted to the council in a  
27             timely manner;

28

29         (3) Reviews and makes recommendations on the use of statewide emergency  
30             funding for the judicial branch;

31

32         (4) Reviews and makes recommendations on the funding of grants on programs  
33             assigned to the committee; and

34

35         (5) Acts on other assignments referred to it by the council.

36

37   **Rule 10.16. Technology Committee**

38

39   ~~(a)–(h)~~   \* \* \*

40

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

42         In addition to performing its oversight responsibilities under rule 10.10(h), For  
43         those advisory committees and ~~task forces~~ over which it has been assigned



1 oversight by the Chief Justice, the Technology Committee ensures that the  
2 activities of each are consistent with the council's goals and policies performs the  
3 responsibilities under rule 10.10(h). To achieve these outcomes, the committee:

4  
5 (1) Communicates the council's annual charge to each;

6  
7 (2) Reviews an annual agenda for each to determine whether the annual agenda  
8 is consistent with its charge and with the priorities established by the council; and

9  
10 (3) oversees the branchwide technology initiatives sponsored by each advisory  
11 body for which it is responsible.