

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 17, 2015,

effective on January 1, 2016

1 **Rule 10.603. Authority and duties of presiding judge**

2
3 (a)–(b) * * *

4
5 (c) **Duties**

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7 (1)–(2) * * *

8
9 (3) *Submitted cases*

10
11 The presiding judge must supervise and monitor the number of causes under
12 submission before the judges of the court and ensure that no cause under
13 submission remains undecided and pending for longer than 90 days. As an
14 aid in accomplishing this goal, the presiding judge must:

15
16 (A)–(E) * * *

17
18 (F) Consider requesting the services of ~~the Administrative Office of the~~
19 ~~Courts~~ Judicial Council staff to review the court’s calendar
20 management procedures and make recommendations whenever either
21 of the following condition exists in the court for the most recent three
22 months:

23
24 (i)–(ii) * * *

25
26 (4) *Oversight of judicial officers*

27
28 The presiding judge must:

29
30 (A)–(B) * * *

31
32 (C) *Commissioners*

33
34 (i) Prepare and submit to the judges for consideration and adoption
35 procedures for receiving, inquiring into, and resolving complaints
36 lodged against ~~court commissioners and referees~~ subordinate
37 judicial officers, consistent with rule 10.703; and

38
39 (ii) Notify the Commission on Judicial Performance if a
40 ~~commissioner or referee~~ subordinate judicial officer is disciplined
41 or resigns, consistent with rule 10.703~~(k)~~(j).

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(D) * * *

(E) *Assigned judges*

For each assigned retired judge:

(i) * * *

(ii) Submit the form annually to the Administrative Director ~~of the Courts;~~

(iii) Direct complaints against the assigned judge to the Chief Justice, by forwarding them to the attention of the Administrative Director ~~of the Courts,~~ and provide requested information in writing to the Administrative Director ~~of the Courts~~ in a timely manner; and

(iv) * * *

(5)–(7) * * *

(8) *Liaison*

The presiding judge must:

(A) Provide for liaison between the court and the Judicial Council, ~~the Administrative Office of the Courts~~ Judicial Council staff, and other governmental and civic agencies;

(B)–(C) * * *

(9)–(11) * * *

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2001, January 1, 2002, January 1, 2006, July 1, 2006, January 1, 2007, and July 1, 2010.)

(d) * * *

Rule 10.603 amended effective January 1, 2016; adopted as rule 6.603 effective January 1, 2001; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2002, January 1, 2006, July 1, 2006, and July 1, 2010.

1 **Rule 10.703. Subordinate judicial officers: complaints and notice requirements**

2
3 **(a) Intent**

4
5 The procedures in this rule for processing complaints against subordinate judicial
6 officers do not:

7
8 (1) * * *

9
10 (2) Change the existing employee-employer relationship between the subordinate
11 judicial officer and the court; ~~or~~

12
13 (3) Change the status of a subordinate judicial officer from an employee
14 terminable at will to an employee terminable only for cause; ~~or~~

15
16 (4) Restrict the discretion of the presiding judge in taking appropriate corrective
17 action.

18
19 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
20 *2007.)*

21
22 **(b) Definitions**

23
24 Unless the context requires otherwise, the following definitions apply to this rule:

25
26 (1) “Subordinate judicial officer” means an attorney employed by a court to
27 serve as a commissioner, ~~or~~ referee, or hearing officer, whether the attorney
28 is acting as a commissioner, referee, hearing officer, or temporary judge. The
29 term does not include any other attorney acting as a temporary judge.

30
31 (2)–(3) * * *

32
33 (4) “Written reprimand” means written disciplinary action that is warranted
34 either because of the seriousness of the misconduct or because previous
35 corrective action has been ineffective.

36
37 *(Subd (b) amended effective January 1, 2016.)*

38
39 **(c) Application**

40
41 (1) * * *

42

1 (2) If a complaint against a subordinate judicial officer as described in (f) does
2 not allege conduct that would be within the jurisdiction of the commission,
3 the ~~court must process the complaint following~~ local procedures adopted
4 under rule 10.603(c)(4)(C) apply. The local process may include any
5 procedures from this rule for the court's adjudication of the complaint other
6 than the provisions for referring the matter to the commission under (g) or
7 giving notice of commission review under ~~(k)~~ (k)(2)(B).
8

9 (3) * * *

10
11 *(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2002*
12 *and January 1, 2007.)*
13

14 **(d)–(e)** * * *

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16 **(f) Written complaints to presiding judge**

17
18 (1) A complaint about the conduct of a subordinate judicial officer must be in
19 writing and must be submitted to the presiding judge.
20

21 (2) * * *

22
23 (3) The presiding judge has discretion to investigate complaints that are
24 anonymous.
25

26 (4) The presiding judge must give written notice of receipt of the complaint to
27 the complainant, if known.
28

29 *(Subd (f) amended effective January 1, 2016; previously amended effective January 1,*
30 *2007.)*
31

32 **(g) Initial review of the complaint**

33
34 (1) The presiding judge must review each complaint and determine if the
35 complaint:
36

37 (A) * * *

38
39 (B) ~~Needs preliminary investigation~~ Requires investigation by the presiding
40 judge; or
41

1 (C) ~~Requires formal investigation~~ Should be referred to the commission or
2 to the presiding judge of another court for investigation or for
3 investigation and adjudication.
4

5 (2) * * *

6
7 (3) In exceptional circumstances, a presiding judge may request the commission
8 or the presiding judge of another court to investigate a complaint on behalf of
9 the court and provide the results of the investigation to the court for ~~action~~
10 adjudication.
11

12 (4) * * *

13
14 *(Subd (g) amended effective January 1, 2016; previously amended effective January 1,*
15 *2007.)*
16

17 **(h) Closing a complaint after initial review**
18

19 (1) After an preliminary initial review, the presiding judge may close without
20 further action any complaint that:

21 (A)–(B) * * *

22
23
24 (2) If the presiding judge decides to close the complaint under (h)(1), the
25 presiding judge must notify the complainant in writing of the decision to
26 close the investigation on the complaint. The notice must include the
27 information required under ~~(j)~~ (k).
28

29 (3) The presiding judge ~~must~~ may, in his or her discretion, advise the subordinate
30 judicial officer in writing of the ~~disposition~~ decision to close the complaint.
31

32 *(Subd (h) amended effective January 1, 2016; previously amended effective January 1,*
33 *2007.)*
34

35 **(i) Complaints requiring preliminary investigation**
36

37 (1) If after an initial review of the complaint the presiding judge finds a basis for
38 further inquiry, the presiding judge must conduct an preliminary investigation
39 appropriate to the nature of the complaint.
40

41 (2) * * *

42

1 (3) The presiding judge may give the subordinate judicial officer a copy of the
2 complaint or a summary of its allegations and allow him or her an
3 opportunity to respond to the allegations during the investigation. The
4 presiding judge must give the subordinate judicial officer a copy of the
5 complaint or a summary of its allegations and allow the subordinate judicial
6 officer an opportunity to respond to the allegations before the presiding judge
7 decides to take appropriate informal any disciplinary action as described in
8 (i)(4)(B) against the subordinate judicial officer.

9
10 (4) After completing the preliminary investigation, the presiding judge must, in
11 his or her discretion:

12
13 (A) ~~Terminate the investigation and~~ Close action on the complaint if the
14 presiding judge finds the complaint lacks merit; or

15
16 (B) ~~Terminate the investigation and close action on the complaint by taking~~
17 ~~appropriate informal action, which may include a reprimand or warning~~
18 ~~to the subordinate judicial officer, if the presiding judge finds a basis~~
19 ~~for taking informal action~~ Impose discipline; or

20
21 (C) ~~Proceed with a formal investigation under (j) if the presiding judge~~
22 ~~finds a basis for proceeding further.~~ Take other appropriate corrective
23 action, which may include, but is not limited to, oral counseling, oral
24 reprimand, or warning of the subordinate judicial officer.

25
26 (5) ~~If the presiding judge terminates the investigation and closes action on the~~
27 ~~complaint, the presiding judge must:~~

28
29 (A) ~~Notify the complainant in writing of the decision to close the~~
30 ~~investigation on the complaint. The notice must include the information~~
31 ~~required under (l); and~~

32
33 (B) ~~Advise the subordinate judicial officer in writing of the disposition.~~

34
35 **(j) Complaints requiring formal investigation**

36
37 (1) ~~If after a preliminary investigation the presiding judge finds a basis for~~
38 ~~proceeding with the investigation, the presiding judge must conduct a formal~~
39 ~~investigation appropriate to the nature of the complaint.~~

40
41 (A) ~~The investigation may include interviews of witnesses and a review of~~
42 ~~court records.~~

43

1 (B) ~~As soon as practicable, the presiding judge must give the subordinate~~
2 ~~judicial officer a copy of the complaint or a summary of its allegations~~
3 ~~and allow the subordinate judicial officer an opportunity to respond.~~
4

5 (5) If the presiding judge closes action on the complaint under (i)(4)(A) and the
6 presiding judge is aware that the subordinate judicial officer knows of the
7 complaint, the presiding judge must give the subordinate judicial officer
8 written notice of the final action taken on the complaint.
9

10 ~~(2)(6)~~If the presiding judge decides to impose discipline or take other appropriate
11 corrective action under (i)(4)(B) or (C), within 10 days after the completion
12 of the investigation or as soon thereafter as is reasonably possible, the
13 presiding judge must give the subordinate judicial officer the following in
14 writing:
15

16 (A) * * *

17
18 (B) The facts and other information forming the basis for the proposed
19 action and the source of the facts and information, ~~sufficient to allow a~~
20 ~~meaningful response to the allegations.~~
21

22 ~~(3) Final action on the complaint may include:~~

23 ~~(A) A finding that no further action need be taken on the complaint;~~

24 ~~(B) An oral or written warning to the subordinate judicial officer;~~

25 ~~(C) A private written reprimand to the subordinate judicial officer;~~

26 ~~(D) A public written reprimand to the subordinate judicial officer;~~

27 ~~(E) Suspension of the subordinate judicial officer;~~

28 ~~(F) Termination of the subordinate judicial officer; and~~

29 ~~(G) Any other action the court may deem appropriate.~~
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34 ~~(4)(7)~~The notice of the intended final action on the complaint in ~~(j)(2)(i)(6)(A)~~
35 must include the following advice:
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38 (A) The subordinate judicial officer may request an opportunity to respond
39 to the intended final action within 10 days after service of the notice;
40 and
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(B) * * *

~~(5)~~(8) If the subordinate judicial officer requests an opportunity to respond, the presiding judge ~~should~~ must allow the subordinate judicial officer an opportunity to respond to the notice of the intended final action, either orally or in writing as specified by the presiding judge, in accordance with local rules.

~~(6)~~(9) Within 10 days after the subordinate judicial officer has responded, the presiding judge must give the subordinate judicial officer ~~and the complainant~~ written notice of the final action taken on the complaint. ~~The notice to the complainant must include the information required under (l).~~

~~(7)~~(10) If the subordinate judicial officer does not request ~~or has not been given~~ an opportunity to respond, the presiding judge must promptly give written notice of the final action to the complainant. The notice must include the information required under ~~(l)~~ (k).

(Subd (i) amended effective January 1, 2016; previously amended effective January 1, 2006 and January 1, 2007.)

~~(k)~~(j) **Notice to the Commission on Judicial Performance**

(1) If a court disciplines a subordinate judicial officer by written reprimand ~~under (i)(4)(B) or (j)(3)(C) or (D)~~, suspension, or ~~removal~~ termination for conduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must promptly forward to the commission a copy of the portions of the court file that reasonably reflect the basis of the action taken by the court, including the complaint or allegations of misconduct and the subordinate judicial officer’s response. This provision is applicable even when the disciplinary action does not result from a written complaint.

(2) If a subordinate judicial officer resigns (A) while an preliminary or formal investigation under (i) ~~or (j)~~ is pending concerning conduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, or (B) under circumstances that would lead a reasonable person to conclude that the resignation was due, at least in part, to a complaint or allegation of misconduct that, if alleged against a judge, would be within the jurisdiction of the commission under article VI, section 18 of the California Constitution, the presiding judge must, within 15 days of the resignation or as soon

1 thereafter as is reasonably possible, forward to the commission the entire
2 court file on any pending complaint about or allegation of misconduct
3 committed by the subordinate judicial officer.
4

5 (3) * * *

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7 *(Subd (j) relettered and amended effective January 1, 2016; adopted as subd (k);*
8 *previously amended effective January 1, 2007 and July 1, 2010.)*
9

10 **(k) Notice of final court action**

11
12 (1) When the court has completed its action on a complaint, the presiding judge
13 must promptly notify the complainant, if known, and the subordinate judicial
14 officer of the final court action.
15

16 (2) * * *

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18 *(Subd (k) relettered and amended effective January 1, 2016; adopted as subd (1);*
19 *previously amended effective April 29, 1999 and January 1, 2007.)*
20

21 *Rule 10.703 amended effective January 1, 2016; adopted as rule 6.655 effective November 20,*
22 *1998; previously amended and renumbered effective January 1, 2007; previously amended*
23 *effective April 29, 1999, July 1, 2002, January 1, 2006, and July 1, 2010.*
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