

# Judicial Council of California

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## INVITATION TO COMMENT

**W15-05**

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Title	Action Requested
Trial Courts: Reporting of Reciprocal Assignment Orders	Review and submit comments by January 23, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rule 10.630	July 1, 2015
Proposed by	Contact
Trial Court Presiding Judges Advisory Committee	Claudia Ortega, 415- 865-7623 claudia.ortega@jud.ca.gov
Hon. Marsha G. Slough, Chair	Katherine Sher, 415-865-8031 katherine.sher@jud.ca.gov
Court Executives Advisory Committee	
Ms. Mary Beth Todd, Chair	

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### **Executive Summary and Origin**

Rule 10.630 of the California Rules of Court addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order.

At the August 30, 2013, business meeting of the Court Executives Advisory Committee (CEAC), the committee members discussed the monthly reporting requirement mandated by rule 10.630 and agreed that because this reporting requirement appears to serve no beneficial purpose and is unnecessarily burdensome to the courts, the rule should be reviewed for possible amendment or repeal. After careful review, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

### **Background**

The Judicial Council adopted rule 10.630 as rule 813 effective July 1, 1990. The council subsequently amended and renumbered this rule effective January 1, 2007.

After the aforementioned CEAC business meeting, the former chairs of the TCPJAC and CEAC assigned this proposal to the TCPJAC/CEAC Joint Rules Working Group for its consideration

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and development. The members of the working group also agreed that this rule should be amended because the data addressed by the rule was no longer needed and the rule takes court staff resources from other critical tasks. On October 22, 2014, the TCPJAC Executive Committee reviewed and approved a draft of this proposal to amend rule 10.630; subsequently, on November 6, 2014, the CEAC Executive Committee did the same. Therefore, after careful review of this rule, the TCPJAC and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

## **The Proposal**

Rule 10.630 would be amended to remove the requirement that the trial courts report to the Judicial Council every month each assignment of a judge from another county to its court under a reciprocal assignment order. In addition to stating this reporting requirement, rule 10.630 defines a reciprocal assignment order. Because rule 10.630 is the only rule that defines reciprocal assignment orders, the TCPJAC and CEAC recommend that this definition remain in the rules of court and that only the language regarding the reporting requirement be deleted.

Effective July 1, 1990, the council adopted this rule (then numbered as rule 8.13) to define *reciprocal agreement* and *exchange assignment* for purposes of waiving a certain reimbursement requirement that was previously required by Government Code section 68541.5. Section 68541.5 provided an exception to what was then known as the “50/10 rule” in certain circumstances, including if a judge was serving under a reciprocal agreement or exchange order. The 50/10 rule served a particular purpose relating to how active assigned judges were funded. In short, the law required the receiving county to pay the state 50 percent of an assigned judge’s full salary for the time the judge served in the receiving the court. The state would then reimburse the “lending” county 10 percent of the judge’s salary. The council adopted rule 8.13, as directed by the statute, to define *reciprocal agreement* or *exchange order* and to provide for the reporting requirement so that the waiver of the 50/10 rule could be applied. These legislative and rule actions took place before trial court funding and the current funding structure for assigned judges. Section 68541.5 was repealed in 1993; this funding approach was likely abandoned even before trial court funding.

The members of both the TCPJAC and CEAC have reviewed the reporting requirement of rule 10.630 and find it to be of no use or benefit to their courts’ operations. Instead, it requires the courts to direct to this endeavor critical staff resources that could be used on more essential tasks.

The Judicial Council’s Office of Court Research has also verified that the information required in rule 10.630 is not of significant value. Reportedly, it has been used (along with assigned judge usage and pro tem usage) for calculating the judicial position equivalent (JPE), which is used for the *Court Statistics Report* and—along with the authorized judicial positions (AJPs)—to obtain a clearer picture of actual judicial officer usage and need in a court. However, the data mandated by this rule has only minor value as a small part of the JPE calculations. More important, JPE is not used in any of the Office of Court Research’s workload models or in the new Workload

Allocation Funding Methodology (WAFM). Instead, AJPs are used, and they are not affected by reciprocal assignments.

### **Alternatives Considered**

The committees considered not recommending the amendment of rule 10.630 but concluded that inaction would provide no relief to the courts and would leave an outdated and unnecessary reporting requirement in the California Rules of Court.

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

The amendment of rule 10.630 would result in cost savings to the courts because they would be able to direct staff resources to more necessary functions. Implementation requirements and negative operational impacts are unlikely as a result of amendment of this rule.

## **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committees also seek comments from *courts* on the following cost and implementation matter:

- Would the proposal provide cost savings? If so please quantify.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.630, at page 4

Rule 10.630 of the California Rules of Court would be amended, effective July 1, 2015, to read:

1 **Rule 10.630. ~~Reporting of~~ Reciprocal assignment orders**

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3 A “reciprocal assignment order” is an order issued by the Chief Justice that permits  
4 judges in courts of different counties to serve in each other’s courts. ~~A court must report~~  
5 ~~to the Administrative Office of the Courts, on a monthly basis, each assignment of a~~  
6 ~~judge from another county to its court under a reciprocal assignment order.~~