



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 11, 2014

Title

Judicial Branch Administration: Amendment of the Conflict of Interest Code for the Judicial Council

Agenda Item Type

Action Required

Effective Date

December 12, 2014

Rules, Forms, Standards, or Statutes Affected

N/A

Date of Report

November 25, 2014

Recommended by

Judicial Council staff
Human Resources
Linda Cox, Senior Manager

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Executive Summary

This proposal would adopt amendments to the Judicial Council Conflict of Interest Code (Code) and bring the Code up to date with the current organizational structure that, after a recent consolidation, now includes the former Administrative Office of the Courts. In accordance with Government Code sections 87303 and 87306, the Code must be updated “when change is necessitated by changed circumstances” (*id.*, § 87306). The council must review proposed amendments and approve the Code as amended or direct that it be further revised and resubmitted for approval.

Recommendation

Judicial Council staff recommends that the Judicial Council of California, effective December 11, 2014, adopt the proposed Judicial Council Conflict of Interest Code (attached), that amends the current Conflict of Interest Code and reflects the organization’s changes since it combined with the Judicial Council staff (the former Administrative Office of the Courts). Appendix A of the amended Code explains how voting and nonvoting Judicial Council members must disclose their financial interests. Appendix B is a list of designated job classifications and their disclosure

categories. Appendix C explains the disclosure categories, and Appendix D instructs designated incumbents on the parameters of submitting their statements of financial interests.

The proposed amendments to the Judicial Council Conflict of Interest Code (Code) would:

1. Combine the separate codes for Judicial Council members and Judicial Council staff into one consolidated Code;
2. Reference the laws requiring a public agency to adopt a Conflict of Interest Code;
3. Accurately designate Judicial Council members by separating them into voting and nonvoting categories; and subcategorizing the voting members into justices, judges, legislators, and attorneys;
4. Accurately address the number of Judicial Council staff designations required to submit disclosure statements, thereby improving the efficiency of the collection process; and
5. Consolidate and clarify the disclosure categories, streamlining the submittal process for designated employees by having a clarifying statement in the opening paragraph of Appendix C.

Previous Council Action

The Judicial Council periodically reviews and approves amendments to the Judicial Council's and the Judicial Council's staff Conflict of Interest Codes. The last Judicial Council member review and approval was in June 2000. The last Judicial Council staff review and approval was in October 2010.

Rationale for Recommendation

Political Reform Act

The Political Reform Act of 1974 (Gov. Code, § 81000 et seq.¹) requires public agencies to adopt conflict of interest codes. (§ 87300.) In 1984, the Legislature amended the Political Reform Act to require agencies and employees of the judicial branch to comply with the act. (Stats. 1984, ch. 717, amending §§ 82011, 82041, 82048, 82049, and 87200 and adding § 87311.5.) Every conflict of interest code, including amended codes, must be submitted to and approved by a "code reviewing body." (§§ 87303, 87306.)

The Judicial Council is the code reviewing body for "any state agency within the judicial branch of government" where no other code reviewing body has been specified (§ 82011(h)), which includes the Judicial Council and its staff. In 1985, the Judicial Council first approved a conflict of interest code for Judicial Council staff. An agency's conflict of interest code must be amended

¹ All further code references in this report are to the Government Code.

when new positions and duties are created or eliminated. (§ 87306.) Since 1985, the Judicial Council Conflict of Interest Code has been periodically amended.

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. (§ 87302(a).) The disclosure categories for each job classification must correspond to those interests that employees foreseeably can affect. (§ 87302 (c).) Thus, disclosure categories reflect the powers and responsibilities assigned to employees within each job classification.

Judicial Council name consolidation

The current Judicial Council Conflict of Interest Code does not designate its staff organization. In the past, the Judicial Council’s staff had a separate conflict of interest code because it was thought to be a separate entity under the name “Administrative Office of the Courts.” However, on July 29, 2014, the Judicial Council acted on a rule amendment to unite the governing body and staff under the same name and retired the use of “Administrative Office of the Courts.” Discontinuing the use of the names “Administrative Office of the Courts” and “AOC” necessitates the consolidation of the Judicial Council’s and former Administrative Office of the Courts’ Conflict of Interest Codes.

Conflict of Interest Code for members of the Judicial Council

The current Judicial Council Conflict of Interest Code requires council members who are justices, judges, legislators, court executive officers, and court clerk/administrators and other nonvoting members as appointed by the voting council membership to disclose their financial interests whether they are voting or nonvoting members, including “[a]ll investments, sources of income, interests in real property, and positions in business entities.” While justices, judges, legislators, court executive officers, and court clerk/administrators perform unique duties in their capacity as council members, they are only required to 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 and must file a copy with the Judicial Council reporting officer. All attorneys, voting or nonvoting, must turn in form FPPC-2 that discloses 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.

Conflict of Interest Code for Judicial Council staff

The current Judicial Council Conflict of Interest Code for staff contains 19 disclosure categories. The broadest category, Category 1, provides for disclosure of “[a]ll investments, sources of income, interests in real property, and positions in business entities.” Those who fall within this category include certain classification designations with foreseeable decision-making authority that could be affected by personal financial interests. Other employees must disclose a narrower range of financial interests that could be affected by their specific job duties.

Comments, Alternatives Considered, and Policy Implications

Judicial Council staff posted the proposed amendments to the Conflict of Interest Code on the Judicial Council’s Intranet, on *Court News Update* (distributed via e-mail and available on the judicial branch’s password-protected Serranus extranet), and 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 and Judicial Council staff. A summary of the comments received and responses thereto are attached to this report. The proposed amendments to the Code are required under the Political Reform Act of 1974, which does not provide for any alternative actions other than those presented in 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

1. Proposed amended Judicial Council Conflict of Interest Code (revised effective December 11, 2014)
2. Current Judicial Council Staff Conflict of Interest Code
3. Current Judicial Council Conflict of Interest Code
4. Summary of comments received from the public and Judicial Council staff, with responses

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1 **CONFLICT OF INTEREST CODE**
2 **FOR THE**
3 **JUDICIAL COUNCIL OF CALIFORNIA**
4 **(Revised effective December 11, 2014 ~~June 21, 2000~~)**
5
6

7 **Section 1. Purpose**

8 The Political Reform Act (Gov. Code, § 81000 et seq.) requires state and local
9 government agencies to adopt and promulgate conflict of interest codes. The Fair
10 Political Practices Commission has adopted a regulation, California Code of Regulations,
11 title 2, section 18730 which contains the terms of a standard conflict of interest code, and
12 can be incorporated by reference into an agency's code. After public notice and hearing,
13 the code may be amended by the Fair Political Practices Commission to conform to
14 amendments in the Political Reform Act. Therefore, the terms of (Cal. Code Regs., tit. 2,
15 § 18730), and any amendments to it duly adopted by the Fair Political Practices
16 Commission are hereby incorporated by reference. This regulation and the attached
17 appendices shall constitute the Conflict of Interest Code for the Judicial Council of
18 California.

19
20 Designated employees and contractors shall file statements of economic interests with the
21 Administrative Director as prescribed by the Fair Political Practices Commission.
22

23 ~~**This conflict of interest code is adopted in order to comply with the**~~
24 ~~**Political Reform Act of 1974 (Gov. Code, § 81000 et seq.).**~~
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~~Section 2.~~ 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 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.
- 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

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

3 4 **2. Nonvoting Council Members**

5 **a. Justices, Judges, Court Executive Officers, Court Administrator and** 6 **Clerks, and such other nonvoting members as determined by the** 7 **voting membership of the council.**

8
9 **i. Disclosure of Financial Interests:** Council members must
10 disclose all investments, sources of income, interests in real
11 property, and positions in business entities.

12
13 **ii. Manner of Reporting:** When filing their annual statement of
14 economic interests, council members should indicate on the cover
15 sheet of Conflict of Interest-Form 700 that their statements are
16 being filed for both their primary and their Judicial Council
17 positions.

18 19 20 21 **Designated positions**

22
23 ~~(a) [Voting council members] Under Article VI, section 6, of the California Constitution,~~
24 ~~Judicial Council voting membership is limited to judges, legislators, and attorneys. The~~
25 ~~voting members of the Judicial Council who are required to file statements of economic~~
26 ~~interests under this code are the attorney members appointed by the State Bar of~~
27 ~~California. Council members who are judges or state legislators are not required to file~~
28 ~~disclosure statements because they are subject to comprehensive disclosure requirements~~
29 ~~arising out of their primary offices, pursuant to Government Code section 87200. While~~
30 ~~judges and legislators perform unique duties in their capacity as council members, these~~
31 ~~duties do not create the need for any additional disclosure of their financial interests.~~

32
33 ~~(b) [Nonvoting council members] Under Article VI, section 6, of the California~~
34 ~~Constitution, two nonvoting court administrators and such other nonvoting members as~~
35 ~~determined by the voting membership of the council are appointed. Because these~~
36 ~~nonvoting members participate in the making of council decisions, they must file~~
37 ~~disclosure statements. However, nonvoting members who file disclosure statements for~~
38 ~~their primary offices pursuant to Government Code section 87200 are not required to file~~
39 ~~disclosure statement under this code for the reasons stated in section 2(a).~~

40 41 **Section 3. Disclosure of financial interests**

42
43 ~~(a) [Attorney council members] The disclosure requirements under this code for~~
44 ~~the designated attorney members are limited to those in Business and Professions~~
45 ~~Code section 6036, subdivision (d). Under this provision, a member required to~~
46 ~~disqualify himself or herself because of a conflict of interest shall (1) immediately~~
47 ~~disclose the interest, (2) withdraw from any participation in the matter, (3) refrain~~

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1 from attempting to influence another member, and (4) refrain from voting.
2 Consistent with section 6036, subdivision (d), it is sufficient that the member
3 indicate only that he or she has a disqualifying financial or personal interest,
4 without disclosing the specific interest.

5
6 (b) [Nonvoting council members] Nonvoting council members must disclose all
7 investments, sources of income, interests in real property, and positions in
8 business entities.

9 10 **Section 4. Manner of reporting**

11
12 (a) [Attorney members] The designated attorney members shall file the Statement of
13 Economic Interests for Judicial Council Members form (form FPPC 2). This form
14 requires members to (1) disclose whether or not they were required to disqualify
15 themselves from making, participating in making, or attempting to influence a decision of
16 the Judicial Council during the reporting period because of a conflict of interest under
17 Business and Professions Code section 6036, and (2) identify each decision requiring
18 disqualification.

19
20 (b) [Other voting members] When filing their annual statement of economic interests,
21 council members who are judges and state legislators should indicate on the cover sheet
22 that their statements are being filed for both their primary and their Judicial Council
23 positions.

24
25 (c) [Nonvoting council members] When filing their annual statement of economic
26 interests, nonvoting members may indicate on the cover sheet that their statements are
27 being filed for both their primary and their Judicial Council positions. The statements
28 must disclose all the information required by section 3(b).

29 30 **Section 5. Time of filing statements and reporting period**

31
32 (a) [Annual statements] Each designated attorney member shall file an annual statement
33 by October 15. The statement shall disclose the information required in section 3 for the
34 previous 12-month period.

35
36 (b) [Statements after leaving office] Each former designated attorney member shall file a
37 statement within 30 days after leaving office. The statement shall disclose the
38 information required by section 3 for the period between the closing date of the last
39 statement required to be filed and the date of leaving office.

40 41 **Section 6. Place of filing statements**

42
43 Designated attorney members shall file the statements required by section 4 with the
44 Secretary of the Judicial Council (Administrative Director of the Courts) on the
45 Statement of Economic Interests for Judicial Council Members form (form FPPC 2).
46

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~~Section 7. Assistance to members~~

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

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1 Appendix B. Judicial Council Member and Staff Designations

2
3 List of Designated Assigned Disclosure
4 Classifications Categories

5 1. JUDICIAL COUNCIL MEMBERS

6 a. Voting

- 7 i. Justice 1a
8 ii. Judge 1a
9 iii. Legislator 1a
10 iv. Attorney 2a

11 b. Nonvoting

- 12 i. Justice 1a
13 ii. Judge 1a
14 iii. Court Administrator and Clerk 1a
15 iv. Court Executive Officer 1a
16 v. Other nonvoting members 1a
17

18 2. EXECUTIVE OFFICE

- 19 i. Administrative Director 1
20 ii. Chief Administrative Officer 1
21 iii. Chief of Staff 1
22 iv. Chief Operating Officer 1
23 v. Executive Office Liaison III 3, 4

24 3. GOVERNMENTAL AFFAIRS

- 25 i. Assistant Director 1
26 ii. Associate Attorney I 4
27 iii. Attorney 4

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1	iv. <u>Director</u>	1
2	v. <u>Senior Attorney</u>	4
3	vi. <u>Senior Governmental Affairs Analyst</u>	4
4	vii. <u>Supervising Administrative Coordinator</u>	3,4

5 **4. LEADERSHIP SERVICES DIVISION**

6 **a. Audit Services**

7	i. <u>Senior Manager</u>	1
8	ii. <u>Supervising Internal Auditor</u>	3,4

9 **b. Judicial Council Support**

10	i. <u>Supervising Court Services Analyst</u>	4
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11 **c. Legal Services**

12	i. <u>Attorney</u>	2b
13	ii. <u>General Counsel/Division Director</u>	1
14	iii. <u>Managing Attorney</u>	1
15	iv. <u>Senior Attorney</u>	2b
16	v. <u>Supervising Attorney</u>	2b

17 **d. Special Projects**

18	i. <u>Manager</u>	1
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19 **e. Trial Court Liaison**

20	i. <u>Manager</u>	4
21	ii. <u>Supervising Court Services Analyst</u>	4

22 **5. OPERATIONS & PROGRAMS DIVISION**

23 **a. Center for Families, Children & the Courts**

24	i. <u>Assistant Director</u>	1
25	ii. <u>Attorney</u>	2b

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1	iii. <u>Director</u>	1
2	iv. <u>Manager</u>	4
3	v. <u>Managing Attorney</u>	1
4	vi. <u>Senior Attorney</u>	2b
5	vii. <u>Supervising Attorney</u>	2b
6	viii. <u>Supervising Court Services Analyst</u>	4
7	ix. <u>Supervising Research Analyst</u>	4
8	b. <u>Center for Judiciary Education and Research</u>	
9	i. <u>Attorney</u>	6
10	ii. <u>Director</u>	1
11	iii. <u>Manager</u>	6
12	iv. <u>Managing Attorney</u>	6
13	v. <u>Senior Attorney</u>	6
14	vi. <u>Senior Manager</u>	6
15	vii. <u>Supervising Media Production Specialist</u>	6
16	c. <u>Court Operations Services</u>	
17	i. <u>Assistant Director</u>	1
18	ii. <u>Director</u>	1
19	iii. <u>Manager</u>	4
20	iv. <u>Senior Emergency Response and Planning Manager</u>	3,4
21	v. <u>Supervising Court Services Analyst</u>	4
22	vi. <u>Supervising Research Analyst</u>	4
23	d. <u>Criminal Justice Services</u>	
24	i. <u>Attorney</u>	2b
25	ii. <u>Senior Manager</u>	1

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1	iii. <u>Supervising Attorney</u>	2b
2	iv. <u>Supervising Research Analyst</u>	4
3	e. <u>Appellate Court Services</u>	
4	i. <u>Director</u>	1
5	ii. <u>Manager</u>	1
6	f. <u>Capital Programs</u>	
7	i. <u>Assistant Director</u>	1
8	ii. <u>Design & Construction Project Manager III</u>	7
9	iii. <u>Director</u>	1
10	iv. <u>Manager</u>	7
11	v. <u>Principal Architect</u>	7
12	vi. <u>Supervising AV/Video Technician</u>	3
13	vii. <u>Supervising Facilities Planner</u>	7
14	6. <u>ADMINISTRATIVE DIVISION</u>	
15	a. <u>Administrative Support</u>	
16	i. <u>Manager</u>	3
17	ii. <u>Production and Mail Services Supervisor</u>	3
18	iii. <u>Supervising Administrative Coordinator</u>	4
19	iv. <u>Supervising AV/Video Technician</u>	3,4
20	b. <u>Finance</u>	
21	i. <u>Assistant Director</u>	1
22	ii. <u>Director</u>	1
23	iii. <u>Manager</u>	3
24	iv. <u>Senior Manager</u>	3
25	v. <u>Supervising Accountant</u>	3,4

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1	vi. <u>Supervising Budget Analyst</u>	3,4
2	vii. <u>Supervising Contract Specialist</u>	3,4
3	viii. <u>Supervising Procurement Specialist</u>	3,4
4	c. <u>Human Resources</u>	
5	i. <u>Director</u>	1
6	ii. <u>Manager</u>	4
7	iii. <u>Senior Manager</u>	4
8	iv. <u>Supervising Business Applications Analyst</u>	5
9	v. <u>Supervising Human Resources Analyst</u>	4
10	vi. <u>Supervising Pay and Benefits Specialist</u>	4
11	d. <u>Information Technology</u>	
12	i. <u>Director</u>	1
13	ii. <u>Information Systems Manager</u>	5
14	iii. <u>Senior Manager</u>	5
15	iv. <u>Supervising Business Applications Analyst</u>	5
16	v. <u>Supervising Information Systems Analyst A, B</u>	5
17	e. <u>Real Estate and Facility Management</u>	
18	i. <u>Assistant Director</u>	1
19	ii. <u>Facilities Management Administrator</u>	7
20	iii. <u>Facilities Management Specialist</u>	7
21	iv. <u>Manager</u>	7
22	v. <u>Mechanical, Electrical, Plumbing Engineer</u>	7
23	vi. <u>Regional Manager of Facilities Operations</u>	7
24	vii. <u>Senior Manager</u>	7
25	viii. <u>Supervision Facilities Management Administration</u>	7

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1 ix. Utility Engineer/Analyst 7

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3

4 f. **Trial Court Administrative Services**

5 i. Manager 4

6 ii. Supervising Contract Specialist 4

7 iii. Senior Manager 1

8 iv. Supervising Accountant 4

9 v. Supervising Court Services Analyst 4

10 7. **All Divisions***

11 i. Special Consultant 1

12 ii. Contractor 1

13
14
15

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

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

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1 Appendix C. Judicial Council Staff Disclosure Categories

2
3 An employee need only disclose a financial interest in a business entity included in an
4 assigned category if the employee’s duties involve making recommendations and/or
5 decisions concerning that type of business entity. In this appendix, “positions” includes
6 employee, partner, officer, director, trustee, and any other management position.
7 “Providers” includes business entities and individuals that are manufacturers, distributors,
8 vendors, sellers, lessors, suppliers, contractors, subcontractors, and other providers of the
9 supplies, equipment, real property, and services indicated in the category.

10 **1. Executive authority**

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

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

22 **2. Attorneys**

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

- 28 a. Attorneys who are Judicial Council members shall file the Statement of
29 Economic Interests for the Judicial Council on form FPPC-2.
30
31 b. Attorneys who are Judicial Council staff shall file the Statement of Economic
32 Interest for the Judicial Council on Form FPPC-1.

34 **3. Decision-making authority affecting the purchasing of office equipment,** 35 **materials and supplies**

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

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

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

8
9 **5. Decision-making authority affecting information technology**

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

13
14 **6. Decision-making authority affecting judicial education**

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

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

19 Investments, sources of income, and business positions in business entities that are
20 providers of real estate purchasing, maintenance, construction, and development.
21

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1 Appendix D. Reporting Instructions

2 3 **1. Time of filing statements and reporting period**

4 **a. Annual Statement:** The statement shall disclose the information required
5 in section 3 for the previous 12-month period.

6 **i. Each Judicial Council member shall file an annual statement by**
7 October 15.

8
9 **ii. Designated Judicial Council staff incumbents shall file by April 15.**

10
11 **b. Statements when assuming office:** As pursuant to codes 87200 and
12 87300, every Judicial Council member or designated staff incumbent shall
13 file a statement within 30 days after assuming office.

14
15 **c. Statements after leaving offices:** As pursuant to codes 87200 and 87300,
16 each former council member or designated staff incumbent shall file a
17 statement within 30 days after leaving office. The statement shall disclose
18 the information required by section 3 for the period between the closing
19 date of the last statement required to be filed and the date of leaving
20 office.

21 22 **2. Place of filing statements**

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

28 29 **3. Assistance to members**

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

ATTACHMENT 2

CONFLICT OF INTEREST CODE FOR THE ADMINISTRATIVE OFFICE OF THE COURTS (Revised effective October 29, 2010)

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. Code Regs., tit. 2, § 18730) that contains the terms of a standard conflict of interest code, which 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 Code of Regulations, title 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 designating officials and employees and establishing disclosure categories shall constitute the Conflict of Interest Code of the Administrative Office of the Courts.

Designated employees shall file statements of economic interests with the secretary of the Judicial Council (Administrative Director of the Courts) on forms prescribed by the Fair Political Practices Commission.

ATTACHMENT 2

APPENDIX A: DESIGNATED CLASSIFICATIONS

List of Designated Classifications	Assigned Disclosure Categories
Office of the General Counsel	
General Counsel/Division Director	1
Assistant General Counsel	1
Managing Attorney	2
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Senior Court Services Analyst	2
Executive Office Programs Division	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Public Information Officer	3
Manager (Office of Communications)	3, 6
Manager (Research and Planning)	5, 6, 15
Supervising Administrative Coordinator	7
Supervising Research Analyst	5, 6, 15
Senior Research Analyst	15
Judicial Administrative Librarian	5
Supervising Communications Specialist	3
Manager (Presiding Judges and Court Executives)	6, 12
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Supervising Editor	3
Manager (Court Programs Services)	12, 15
Manager (Promising and Effective Programs)	12, 15
Manager (Court Interpreters Program)	12, 15
Senior Attorney	2
Senior Business Applications Analyst	12
Senior Communications Specialist	12
Supervising Business Applications Analyst	12
Senior Editor	3
Editor II	3

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Senior Production Artist	3
Production Artist II	3
Senior Graphic Designer	3
Graphic Designer	3
Administrative Services Unit	
Manager	3, 6, 7, 10
Meeting and Conference Services Supervisor	7
Production and Mail Services Supervisor	3
Senior Administrative Coordinator	7
Administrative Coordinator I, II	7
Finance Division	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Contract Specialist	1
Senior Contract Specialist	1
Contract Specialist	1
Supervising Procurement Specialist	1
Senior Procurement Specialist	3, 10
Procurement Specialist	3, 10
Facilities Management Specialist	6, 10
Supervising Internal Auditor	18
Senior Internal Auditor	18
Internal Auditor	18
Internal Auditor I	18
Internal Auditor II	18
Telecommunications Specialist	6
Human Resources Division	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	4, 6, 12
Senior Labor and Employee Relations Officer	4
Labor and Employee Relations Officer	4
Supervising Human Resources Analyst	4
Labor Relations Negotiator	4
Senior Labor Relations Negotiator	4
Senior Human Resources Analyst	4
Human Resources Analyst	4

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Management and Program Analyst	4, 6, 12
Supervising Business Applications Analyst	4, 6, 12
Business Applications Analyst	4, 6, 12
Senior Business Applications Analyst	4, 6, 12
Supervising Pay and Benefits Specialist	4, 6, 12

Information Services Division

Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Information Systems Manager	1
Supervising Information Systems Analyst A, B	6
Senior Business Systems Analyst	6
Senior Web Analyst	6
Senior Application Development Analyst	6
Supervising Research Analyst	6
Senior Research Analyst	6
Administrative Coordinator I, II (procurement)	6
Senior Technical Analyst	6
Senior Administrative Coordinator (procurement)	6
Management and Program Analyst	6
Senior Enterprise Technical Architect	6
Supervising Enterprise Architect	6

Center for Families, Children & the Courts

Division Director	1
Assistant Division Director	1
Manager	1
Managing Attorney	2
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Supervising Research Analyst	12
Senior Research Analyst	12

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Executive Office

Administrative Director of the Courts	1
Chief Deputy Director	1
Regional Administrative Director	1
Manager	6, 11, 19
Senior Security Coordinator	11
Court Security Coordinator	11
Security Coordinator	11
Executive Office Liaison I, II, III	10, 15
Senior Emergency Response and Planning Manager	6, 11, 19

Appellate and Trial Court Judicial Services Division

Division Director	1
Supervising Court Services Analyst	6, 14
Senior Court Services Analyst	14
Management and Program Analyst	14
Lead Management and Program Analyst	14

Education Division

Division Director	1
Assistant Division Director	1
Senior Manager	3, 4, 6, 7, 8
Manager	3, 4, 6, 7, 8
Managing Attorney	3, 4, 7, 8
Supervising Attorney	3, 4, 7, 8
Senior Attorney	3, 4, 7, 8
Attorney	3, 4, 7, 8
Associate Attorney I, II	3, 4, 7, 8
Research Attorney A, B	3, 4, 7, 8
Supervising Administrative Coordinator	7
Senior Administrative Coordinator	7
Administrative Coordinator I, II	7
Support Services Supervisor	4, 8
Supervising Editor	3
Senior Editor	3
Supervising Education Specialist	3, 4, 7, 8
Senior Education Specialist	3, 4, 7, 8
Education Specialist I, II	3, 4, 7, 8
Supervising A/V-Video Technician	8
Supervising Media Production Specialist	8
Senior Media Production Specialist	8
Supervising A/V-Video Systems Technical Analyst	6, 8
Senior A/V-Video Systems Technical Analyst	6, 8

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A/V-Video Systems Technical Analyst	6, 8
Media Production Specialist	8
Special Consultant	3, 4, 6, 7, 8

Office of Governmental Affairs

Division Director	1
Assistant Division Director	1
Manager	6, 13
Supervising Attorney	2
Senior Attorney	2
Attorney	2
Associate Attorney I, II	2
Research Attorney A, B	2
Supervising Governmental Affairs Analyst	13
Senior Governmental Affairs Analyst	13
Governmental Affairs Analyst	13

Office of Court Construction and Management

Division Director	1
Assistant Division Director	1
Manager	19
Design and Construction Project Manager I, II, III	19
Senior Design and Construction Project Manager	19
Supervising Real Estate Analyst	19
Senior Real Estate Analyst	19
Real Estate Analyst	19
Mechanical, Electrical, Plumbing Engineer	19
Environmental Analyst	19
Industrial Hygienist	19
Senior Cost Estimator	19
Cost Estimator	19
Construction Manager	19
Principal Architect	19
Specifications Specialist	19
Inventory Controller	19
Senior Facilities Risk Manager	19
Senior Budget Analyst	19
Budget Analyst	19
Supervising Facilities Planner	19
Senior Facilities Planner	19
O&M Customer Support Representative I	19
O&M Customer Support Representative II	19
O&M Customer Support Supervisor	19

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Facilities Planner	19
Computer-Aided Facilities Management (CAFM) Application Analyst	6, 19
Supervising Construction Inspector	19
Senior Construction Inspector	19
Construction Inspector	19
California Environmental Quality Act (CEQA) Compliance Specialist	19
Accessibility Compliance Officer	19
Utility Engineer/Analyst	19
District Facility Operations & Maintenance (O&M) Supervisor	19
Area Facility Operations & Maintenance (O&M) Supervisor	19
Regional Manager of Facility Operations	19
Senior Manager	19
Staff Analyst I, II	19
Portfolio Administration Analyst	19
Business Applications Analyst	6, 19
Senior Business Applications Analyst	6, 19
Facilities Management Specialist	19
Trial Court Administrative Services Division	
Division Director	1
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Pay & Benefits Specialist	4, 6, 12
Regional Offices	
Assistant Division Director	1
Senior Manager	1
Manager	1
Supervising Court Services Analyst	12
Senior Court Services Analyst	12
Senior Business Applications Analyst	6
All Divisions and Bureaus	
Special Consultant *	1

* Consultants 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 of the Courts 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

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Judicial Council Advisory Committees

Family and Juvenile Law Advisory Committee Members

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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 B: DISCLOSURE CATEGORIES

Note: 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.

- | | |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Category 1 | All investments, sources of income, interests in real property, and positions in business entities. |
| Category 2 | Investments, sources of income, interests in real property, and positions in business entities as follows: If during a reporting period a designated employee in this category did not participate in an assignment in which he or she had a financial interest, the employee shall sign a statement to that effect under penalty of perjury. Employees who disqualified themselves from participating in an assignment in which they had a financial interest shall disclose that assignment and that interest in a statement signed under penalty of perjury. This statement shall be filed on form FPPC-1. |
| Category 3 | Investments, sources of income, and business positions in business entities that are providers of printing, graphics hardware and software, duplicating, and publishing services, equipment, and supplies. |
| Category 4 | Investments, sources of income, and business positions in business entities that are providers of recruitment advertising and media services, personnel and employment services, employee payroll and benefits services, organization development and employee education services, and human resources consulting. |
| Category 5 | Investments, sources of income, and business positions in business entities that are providers of publications, materials, equipment, and software of the type generally used by law libraries. |
| Category 6 | Investments, sources of income, and business positions in business entities that are providers of information systems hardware and/or software, telecommunications services, records management equipment, audio, video, and audiovisual presentation equipment, |

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systems, and software, and information system and audiovisual consulting services.

- Category 7 Investments, sources of income, and business positions in business entities that are providers of conference facilities, food services, travel services, hotel services, and audiovisual services and equipment.
- Category 8 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Education Division in producing judicial education materials and programs, including computer and audio-video equipment.
- Category 9 Investments, sources of income, and business positions in business entities that are providers of supplies, equipment, real property, and services of a type used by the AOC or the appellate courts within the past two years, including, but not limited to, library, building maintenance, and security services, supplies, and equipment.
- Category 10 Investments, sources of income, and business positions in business entities that are providers of office and business equipment, furniture, supplies, and services.
- Category 11 Investments, sources of income, and business positions in business entities that are providers of building and court security services, supplies, and equipment.
- Category 12 Investments, sources of income, and business positions in business entities that are providers of consulting and training services of a type used by the Executive Office Programs Division, the Center for Families, Children & the Courts, or the Human Resources Division.
- Category 13 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Office of Governmental Affairs.
- Category 14 Investments, sources of income, and business positions in business entities that are providers of equipment, supplies, and services of the type used by the Appellate and Trial Court Judicial Services Division.

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- Category 15 Investments, sources of income, and business positions in business entities that are providers of consulting services that provide data gathering or policy analysis to assist in the enhancement of court administration and judicial branch policy decisions.
- Category 16 All investments and business positions in, and income from, business entities or nonprofit organizations that (1) provide consulting, surveying, or research services on matters relating to trial court budgets or (2) provide services, supplies, materials, machinery, or equipment of a type utilized by the trial courts.
- Category 17 All investments and business positions in, and income from, business entities or nonprofit organizations that (1) provide consulting, surveying, or research services on matters relating to family or juvenile law or (2) receive, or will be likely to receive, Judicial Council grant funding based on a recommendation from the member's advisory committee.
- Category 18 All investments, sources of income, interests in real property, and positions in business entities that are providers of services, materials, or information to the judicial branch and would be subject to review or examination by the Audit Unit.
- Category 19 All investments, sources of income, interests in real property, and positions in business entities that are providers of commercial furniture, fixtures, design services, construction products and services, real estate services, services, equipment, or goods related to the operation and maintenance of facilities, and other services of the type used by the Office of Court Construction and Management.

**CONFLICT OF INTEREST CODE
FOR THE
JUDICIAL COUNCIL OF CALIFORNIA**
(Revised effective June 21, 2000)

Section 1. Purpose

This conflict of interest code is adopted in order to comply with the Political Reform Act of 1974 (Gov. Code, § 81000 et seq.).

Section 2. Designated positions

(a) [Voting council members] Under Article VI, section 6, of the California Constitution, Judicial Council voting membership is limited to judges, legislators, and attorneys. The voting members of the Judicial Council who are required to file statements of economic interests under this code are the attorney members appointed by the State Bar of California. Council members who are judges or state legislators are not required to file disclosure statements because they are subject to comprehensive disclosure requirements arising out of their primary offices, pursuant to Government Code section 87200. While judges and legislators perform unique duties in their capacity as council members, these duties do not create the need for any additional disclosure of their financial interests.

(b) [Nonvoting council members] Under Article VI, section 6, of the California Constitution, two nonvoting court administrators and such other nonvoting members as determined by the voting membership of the council are appointed. Because these nonvoting members participate in the making of council decisions, they must file disclosure statements. However, nonvoting members who file disclosure statements for their primary offices pursuant to Government Code section 87200 are not required to file disclosure statement under this code for the reasons stated in section 2(a).

Section 3. Disclosure of financial interests

(a) [Attorney council members] 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

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indicate only that he or she has a disqualifying financial or personal interest, without disclosing the specific interest.

(b) [Nonvoting council members] Nonvoting council members must disclose all investments, sources of income, interests in real property, and positions in business entities.

Section 4. Manner of reporting

(a) [Attorney members] The designated attorney members shall file the Statement of Economic Interests for Judicial Council Members form (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.

(b) [Other voting members] When filing their annual statement of economic interests, council members who are judges and state legislators should indicate on the cover sheet that their statements are being filed for both their primary and their Judicial Council positions.

(c) [Nonvoting council members] When filing their annual statement of economic interests, nonvoting members may indicate on the cover sheet that their statements are being filed for both their primary and their Judicial Council positions. The statements must disclose all the information required by section 3(b).

Section 5. Time of filing statements and reporting period

(a) [Annual statements] Each designated attorney member shall file an annual statement by October 15. The statement shall disclose the information required in section 3 for the previous 12-month period.

(b) [Statements after leaving office] Each former designated attorney member 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.

Section 6. Place of filing statements

Designated attorney members shall file the statements required by section 4 with the Secretary of the Judicial Council (Administrative Director of the Courts) on

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the Statement of Economic Interests for Judicial Council Members form (form FPPC-2).

Section 7. Assistance to members

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

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SP14-09

**Judicial Administration: Revision of the
Conflict of Interest Code for the Judicial
Council**

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

	Commentator	Position	Comment	Committee Response
1.	Wanda Harrison, Advocate for Court Reform 127 Arbor Ct. Lodi Ca, 95240 2097477536 ridendtrainn@gmail.com	A	I think these are good amendments but are difficult for the general public to obtain said information. Why not keep a copy of the documentation in a binder at the court house at an unused counter for litigant review? It certainly would be much fairer if the information was accessible to the litigants with an easier way to obtain it. Also, I believe the conflict of interest code should extend to best friends and their families. It is only fair since most people have friends that they are close with, and also think of them as family. Finally, I believe their friend and familial contacts should also be accessible to the public, it is only fair to allow the public to review for conflict of interests. The court has many times failed to disclose conflicts that they knew were apparent, until caught and this is very unfair to the public, or in family cases to the child at issue. They should have to reveal their contacts, and locations which they are connected to the public as friends or family. A litigant should not need to investigate and disclose what a judge or mediator is required to, however, it is all too often the case. Thank you for allowing me to comment.	The proposed Conflict of Interest Code is for the Judicial Council of California and not any other agency in the Judicial Branch, including trial courts. Each trial court is a separate agency that is responsible for its own Conflict of Interest Code; therefore the Judicial Council does not have the authority to administer a trial court's conflict of interest code.