

AMENDMENT TO THE CALIFORNIA RULES OF COURT
Adopted by the Judicial Council on July 21, 2023, effective September 1, 2023

- 1 Rule 10.1014. Oversight of administrative presiding justices and presiding justices 2
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1 **Rule 10.1014. Oversight of administrative presiding justices and presiding justices**

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3 **(a) Purpose**

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5 Administrative presiding justices and presiding justices are accountable for the
6 efficient, effective, and proper administration of the Courts of Appeal and each
7 division of the Courts of Appeal. This rule is intended to advance that objective.
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9 **(b) Contention procedure**

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11 (1) Any person who contends that an administrative presiding justice or
12 presiding justice has not properly addressed or managed an important matter
13 related to the administration of a Court of Appeal or a division of a Court of
14 Appeal may submit that contention to the administrative presiding justices
15 collectively for their review, subject to (c)(1).
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17 (2) Any administrative presiding justice or presiding justice who is the subject of
18 a contention under this paragraph must cooperate with the administrative
19 presiding justices responsible for reviewing that contention.
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21 (3) Any administrative presiding justice who is the subject of a contention under
22 this paragraph is recused from reviewing the contention.
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24 (4) Following receipt and review of a contention, the administrative presiding
25 justices collectively may take appropriate remedial or other lawful action to
26 address the contention.
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28 (5) Information on how to submit a contention will be posted on the judicial
29 branch website.
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31 **(c) Presiding justices in districts with more than one division**

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33 (1) Before a person submits a contention under (b)(1) about a presiding justice of
34 a district with more than one division, including the presiding justice of a
35 geographically separate division, that person must first submit the contention
36 to the administrative presiding justice of the district in which the division is
37 located to provide an opportunity for the contention to be addressed by that
38 administrative presiding justice.
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40 (2) Presiding justices in districts with more than one division, including the
41 presiding justice of a geographically separate division, must cooperate with
42 the administrative presiding justice of the district in which the division is

1 located when the administrative presiding justice is carrying out oversight
2 responsibilities under this rule.

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4 **(d) Confidentiality**

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6 All procedures under this rule must be conducted in a manner that is as confidential
7 as is reasonably possible, consistent with the need to conduct a thorough and
8 complete investigation, the need for proper administration of the court, and
9 resolution of the contention.

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11 (1) This subdivision does not prohibit the person who submitted the contention
12 or the justice who is the subject of the contention from making statements
13 regarding the conduct underlying the contention.

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15 (2) This subdivision does not preclude administrative presiding justices from
16 communicating with the person who submitted the contention or the justice
17 who is the subject of the contention about the conduct underlying the
18 contention or the investigation, conclusion, or resolution of the contention.

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20 (3) This subdivision does not preclude presiding justices from providing a notice
21 to the Commission on Judicial Performance or forwarding to the commission
22 any requested information.

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24 (4) This subdivision does not preclude administrative presiding justices from
25 making public, when appropriate, the conclusion or resolution of the
26 contention.

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28 *Rule 10.1014 adopted effective September 1, 2023.*

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30 **Advisory Committee Comment**

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32 **Subdivision (b).** Subdivision (b) provides a procedure by which any person may submit a
33 contention to the administrative presiding justices regarding an administrative presiding justice or
34 presiding justice related to the administration of a Court of Appeal or a division of a Court of
35 Appeal.

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37 **Subdivision (b)(1).** The term “any person” is intended to be construed broadly and would include
38 a judicial officer, court employee, attorney, litigant, or member of the public.

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40 The contentions that may be submitted to the administrative presiding justices under the
41 procedures authorized by this rule are those that relate to the administration of a Court of Appeal
42 district or a division of a Court of Appeal. Contentions related to the adjudication of a specific
43 case or the decision in a specific case are not subject to the procedures in this rule. Personnel and

1 employment matters are not subject to the procedures in this rule. Personnel matters, including
2 complaints by or against employees, are already governed by employment laws and individual
3 court personnel policies and procedures that vest responsibility for handling such matters with the
4 clerk/executive officer. If an administrative presiding justice receives a submission and considers
5 it outside the scope of the rule, it would be appropriate for the administrative presiding justice or
6 their delegate to return the submission to the person who submitted it or to forward it to the
7 appropriate official with responsibility for the contention, with a copy notifying the person who
8 submitted it. For example, a personnel matter would be forwarded to the clerk/executive officer
9 of the court.

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11 **Subdivision (b)(4).** This paragraph authorizes the administrative presiding justices collectively to
12 take appropriate remedial or other lawful action to address the contentions submitted under the
13 procedures in this rule. Examples of actions that the administrative presiding justices may take
14 include recommending amendments to the California Rules of Court or operational policies of the
15 Courts of Appeal, referring a contention to the Commission on Judicial Performance, referring it
16 to mediation, and conducting informal discussions with the person who submitted the contention
17 and the justice who is the subject of the contention. This paragraph does not authorize
18 administrative presiding justices to take actions that are within the sole purview of the Supreme
19 Court or the Commission on Judicial Performance, for example, the removal, censure, or
20 admonishment of a justice. Similarly, the rule does not authorize an administrative presiding
21 justice to take personnel actions, as such actions are governed by other legal authorities and
22 policies.

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24 **Subdivision (c).** This subdivision is consistent with the governance structure provided in rule
25 10.1004, which gives administrative presiding justices responsibility for “leading the court,
26 establishing policies, promoting access to justice for all members of the public, providing a forum
27 for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other
28 resources” (Cal. Rules of Court, rule 10.1004(b)), along with more specific duties (Cal. Rules of
29 Court, rule 10.1004(c)), and which also prescribes areas in which a presiding justice in a
30 geographically separate division is given authority under the general oversight of the
31 administrative presiding justice (Cal. Rules of Court rule 10.1004(d)).

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33 **Subdivision (d).** Providing a process for persons to submit contentions under this rule for
34 consideration and action by administrative presiding justices, either individually or collectively,
35 will advance efficient, effective, and proper administration of the Courts of Appeal and each
36 division of the Courts of Appeal. Establishing the confidentiality of this procedure is critical to
37 encouraging persons to submit contentions with candor. The necessity for preserving the
38 confidentiality of these procedures and of communications with administrative presiding justices
39 outweighs the necessity for disclosure in the interest of justice.

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41 Subdivision (d) is consistent with confidentiality provisions in other rules. Specifically, the text of
42 subdivision (d) is modeled after provisions in California Rules of Court, rule 10.703(e), regarding
43 the confidentiality of proceedings related to complaints about subordinate judicial officers in trial

1 courts and authorizing certain notices regarding those proceedings, and in Rules of the
2 Commission on Judicial Performance, rule 102. This subdivision is also consistent with
3 maintaining the confidentiality of complaints against judges provided in California Rules of
4 Court, rule 10.500(f)(7).