Rule 10.57. Judicial Service Advisory Committee

(a) Area of focus

The committee makes recommendations for improving judicial service, retention, and compensation.

(b) Additional duties

In addition to the duties described in rule 10.34, the committee must identify and evaluate best current national and local practices and develop or recommend necessary training related to the following issues:

(1) A "cafeteria plan" of benefits; wellness subsidies; professional development allowances; personal leave; and supplemental life, disability, or liability insurance;

(2) Health-care benefits, including services and programs;

(3) Compensation and retirement, including recommendations for 401(k) and other deferred compensation programs and the most appropriate mechanism for setting judicial salaries;

(4) Resources and programs for quality of judicial life, particularly those dealing with health, stress, and relationships;

(5) Mentorship programs; and

(6) Special needs and programs for new and retired judges.

(c) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Retired jurist;

(3) Superior court judge from a court with 15 or more judges;

(4) Superior court judge from a court with 5 to 14 judges;

~~(5) Superior court judge from a court with 4 or fewer judges;~~

~~(6) Superior court executive officer from a court with 15 or more judges;~~

~~(7) Superior court executive officer from a court with 14 or fewer judges;~~

~~(8) Member of the Administrative Presiding Justices Advisory Committee; and~~

~~(9) Member of the Trial Court Presiding Judges Advisory Committee.~~

Rule 10.57 repealed effective October 25, 2013; adopted as rule 6.57 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 10.60. Tribal Court–State Court Forum

(a) Area of focus

The forum makes recommendations to the council for improving the administration of justice in all proceedings in which the authority to exercise jurisdiction by the state judicial branch and the tribal justice systems overlaps.

(b) Additional duties

In addition to the duties described in rule 10.34, the forum must:

(1) Identify issues of mutual importance to tribal and state justice systems, including those concerning the working relationship between tribal and state courts in California;

(2) Make recommendations relating to the recognition and enforcement of court orders that cross jurisdictional lines, the determination of jurisdiction for cases that might appear in either court system, and the sharing of services between jurisdictions;

(3) Identify, develop, and share with tribal and state courts local rules of court, protocols, standing orders, and other agreements that promote tribal court–state court coordination and cooperation, the use of concurrent jurisdiction, and the transfer of cases between jurisdictions;

(4) Recommend appropriate activities needed to support local tribal court–state court collaborations; and

(5) Make proposals to the Governing Committee of the Center for Judicial Education and Research on educational publications and programming for judges and judicial support staff.

(c) Membership

The forum must include the following members:

(1) Tribal court judges or justices selected by tribes in California, as described in (d), but no more than one tribal court judge or justice from each tribe;

(2) At least three trial court judges from counties in which a tribal court is located;

(3) At least one appellate justice of the California Courts of Appeal;

(4) At least one member from each of the following committees: the Access and Fairness Advisory Committee, Civil and Small Claims Advisory Committee, Criminal Law Advisory Committee, Family and Juvenile Law Advisory Committee, Governing Committee of the Center for Judicial Education and Research, Probate and Mental Health Advisory Committee, and Traffic Advisory Committee; and

(5) As ex officio members, the Director of the California Attorney General's Office of Native American Affairs and the Governor's Tribal Advisor.

The composition of the forum must have an equal or a close-to-equal number of judges or justices from tribal courts and state courts.

(d) Member Selection

(1) The Chief Justice appoints all forum members, except tribal court judges and tribal court justices, who are appointed as described in (2).

(2) For each tribe in California with a tribal court, the tribal leadership will appoint the tribal court judge or justice member to the forum consistent with the following selection and appointment process.

(A) The forum cochairs will notify the tribal leadership of a vacancy for a tribal court judge or justice and request that they submit names of tribal court judges or justices to serve on the forum.

(B) A vacancy for a tribal court judge or justice will be filled as it occurs either on the expiration of a member's term or when the member has left the position that qualified the member for the forum.

(C) If there are more names of tribal court judges and justices submitted by the tribal leadership than vacancies, then the forum cochairs will confer and decide which tribal court judges or justices should be appointed. Their decision will be based on the diverse background and experience, as well as the geographic location, of the current membership.

(e) Cochairs

The Chief Justice appoints a state appellate justice or trial court judge and a tribal court appellate justice or judge to serve as cochairs, consistent with rule 10.31(c).

Rule 10.60 adopted effective October 25, 2013.

Judicial Council Comment

Tribes are recognized as distinct, independent political nations (see *Worcester v. Georgia* (1832) 31 U.S. 515, 559, and *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 55, citing *Worcester*), which retain inherent authority to establish their own form of government, including tribal justice systems. (25 U.S.C.A. § 3601(4).) Tribal justice systems are an essential part of tribal governments and serve to ensure the public health and safety and the political integrity of tribal governments. (25 U.S.C.A. § 3601(5).) Traditional tribal justice practices are essential to the maintenance of the culture and identity of tribes. (25 U.S.C.A. § 3601(7).)

The constitutional recognition of tribes as sovereigns in a government-to-government relationship with all other sovereigns is a well-established principle of federal Indian law. (See *Cohen's Handbook of Federal Indian Law* (2005) p. 207.) In recognition of this sovereignty, the council's oversight of the forum, through an internal committee under rule 10.30(d), is limited to oversight of the forum's work and activities and does not include oversight of any tribe or tribal court.

Rule 10.61. Court Security Advisory Committee

(a) Area of Focus

The committee makes recommendations to the council for improving court security, including personal security and emergency response planning.

(b) Membership

The committee must include at least one member from each of the following categories:

(1) Appellate court justice;

(2) Appellate court administrator;

(3) Trial court judge;

(4) Trial court judicial administrator;

(5) Member of the Court Facilities Advisory Committee; and

(6) Member of the Trial Court Facility Modification Advisory Committee.

At least one member of the committee should be from a trial court that uses a marshal for court security services.

Rule 10.61 adopted effective October 25, 2013.

~~**Rule 10.170. Working Group on Court Security**~~

~~**(a) Purpose**~~

~~The Judicial Council has established the Working Group on Court Security. The purpose of the working group is to recommend uniform standards and guidelines that may be used by the Judicial Council and any sheriff or marshal for the implementation of trial court security services. The Working Group on Court Security must also consult with the Administrative Office of the Courts' Office of Court Construction and Management regarding security considerations for court facilities. The Judicial Council, after receiving recommendations from the Working Group on Court Security, may adopt rules, standards, guidelines, and policy directions for the trial courts in order to achieve efficiencies that will reduce security operating costs and constrain growth in those costs.~~

~~**(b) Composition**~~

~~The group is composed as follows:~~

~~(1) Eight representatives from the judicial branch of government selected by the Chief Justice;~~

(2) Two representatives of the counties selected by the California State Association of Counties;

(3) Three representatives of the county sheriffs selected by the California State Sheriffs' Association;

(4) One representative of labor selected by the California Coalition of Law Enforcement Associations; and

(5) One representative selected by the Peace Officers Research Association of California.

(c) Chair

The Chief Justice may appoint an appellate court justice to serve as nonvoting chair.

(d) Initial terms

(1) The initial terms of the members of the working group are as follows:

(A) Four years for three representatives of the judicial branch, one representative of the counties, one representative of the county sheriffs, one representative of the California Coalition of Law Enforcement Associations, and one representative of the Peace Officers Research Association of California.

(B) Three years for three representatives of the judicial branch, one representative of the counties, and one representative of the county sheriffs.

(C) Two years for two representatives of the judicial branch and one representative of the county sheriffs.

(2) The appointing authority may designate which members are appointed to two-, three-, and four-year terms.

(e) Terms

After the initial terms of members of the working group as provided in (d), the terms of members are three years. The appointing authority may fill any vacancy occurring for the remainder of the term.

Rule 10.170 repealed effective October 25, 2013; adopted as rule 6.170 effective October 15, 2003; previously amended and renumbered effective January 1, 2007.

~~Rule 10.171. Working Group on Court Security Fiscal Guidelines~~

~~(a) Purpose~~

~~The Judicial Council has established the Working Group on Court Security Fiscal Guidelines. The purpose of the working group is to consider whether modifications are necessary and appropriate to the template that determines security costs, under Government Code section 69927(a)(1) ("template review"), and to recommend changes to the limit for allowable costs, as stated in Government Code section 69927(a)(5) ("allowable costs review"). Template review may involve, among other items, that part of the template affecting law enforcement or security personnel in courtrooms or court detention facilities ("personnel template review").~~

~~(b) Composition~~

~~(1) *Composition for allowable costs review and template review, except personnel template review*~~

~~In performing allowable costs review and template review, except personnel template review, the group is composed as follows:~~

~~(A) Six representatives from the judicial branch from the Working Group on Court Security established in rule 10.170, as selected by the Administrative Director of the Courts;~~

~~(B) The two representatives of the counties from the Working Group on Court Security established in rule 10.170; and~~

~~(C) The three representatives of the county sheriffs from the Working Group on Court Security established in rule 10.170.~~

~~(2) *Composition for personnel template review*~~

~~In performing personnel template review, the group is composed as follows:~~

~~(A) The six representatives from the judicial branch of government selected by the Administrative Director of the Courts, under (b)(1)(A);~~

~~(B) The two representatives of the counties under (b)(1)(B);~~

~~(C) Two of the three representatives of the county sheriffs under (b)(1)(C) as determined by the California State Sheriffs' Association; and~~

~~(D) Two representatives of labor selected by the California Coalition of Law Enforcement Associations~~.

~~**(c) Chair**~~

~~The Administrative Director of the Courts may designate one of the judicial branch members to be chair of the working group.~~

~~**(d) Terms**~~

~~(1) The initial and subsequent terms of the members of the Working Group on Court Security Fiscal Guidelines who are members because they are members of the working group established in rule 10.170 expire when their terms on that working group expire. The terms of any other members of the Working Group on Court Security Fiscal Guidelines are three years.~~

~~(2) The appointing authority may fill any vacancy occurring for the remainder of the term.~~

Rule 10.171 repealed effective October 25, 2013; adopted as rule 6.170 effective January 1, 2003; adopted as rule 6.171 effective October 15, 2003; previously amended and renumbered effective January 1, 2007.