Rule 10.1. Authority, duties, and goals of the Judicial Council

(a) The Judicial Council

(1)–(2) * * *

(3) The Judicial Council Governance Policies are located in Appendix D of these rules of court. The policies describe the council's:

(A)–(F) * * *

(G) Relationship with the Administrative Director ~~of the Courts~~ and ~~with the Administrative Office of the Courts~~ the Judicial Council staff ~~agency~~ that he or she directs; and

(H) * * *

(Subd (a) amended effective July 29, 2014; previously amended effective January 1, 2007, and August 14, 2009.)

(b)–(c) * * *

(d) ~~The Administrative Office of the Courts~~ Judicial Council staff

The ~~Administrative Office of the Courts~~ Judicial Council staff supports the council in performing its functions. The Administrative Director is the Secretary of the Judicial Council.

(Subd (d) amended effective July 29, 2014; adopted as subd (e); previously amended effective January 1, 2007; previously relettered as subd (d) effective August 14, 2009.)

Rule 10.1 amended effective July 29, 2014; adopted as rule 6.1 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Chapter 4. ~~Administrative Office of the Courts~~Judicial Council staff

Rule 10.80. Administrative Director of the Courts (Administrative Director)

(a) Functions

The Administrative Director ~~of the Courts~~, appointed by the Judicial Council under article VI, section 6 of the Constitution, performs those functions prescribed by the

Constitution and laws of the state, or delegated to the director by the Judicial Council or the Chief Justice.

(Subd (a) amended effective July 29, 2014; adopted as unlettered subd effective January 1, 1999; previously lettered subd (a) and amended effective August 14, 2009.)

(b) Accountability

The Administrative Director is accountable to the council and the Chief Justice for the performance of the ~~Administrative Office of the Courts~~ Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities.

(Subd (b) amended effective July 29, 2014; adopted effective August 14, 2009.)

(c) * * *

(d) Responsibilities

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources ~~of the Administrative Office of the Courts~~ relating to the Judicial Council staff (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.

(Subd (d) amended effective July 29, 2014; adopted effective August 14, 2009.)

(e) * * *

Rule 10.80 amended effective August 14, 2009; adopted as rule 6.80 effective January 1, 1999; previously amended and renumbered effective January 1, 2007.

Rule 10.81. ~~Administrative Office of the Courts~~ Judicial Council staff

(a) Establishment

The Administrative Director ~~of the Courts~~, under the supervision of the Chief Justice, employs, organizes, and directs a staff ~~agency, known as the Administrative Office of the Courts~~ that assists the council and its chair in carrying out their duties under the Constitution and laws of the state.

(Subd (a) amended effective July 29, 2014; previously amended effective January 1, 2007, and August 14, 2009.)

(b) ~~Duties~~ References to "Administrative Office of the Courts"

~~The Administrative Office of the Courts assists the council and its chair in carrying out their duties under the Constitution and laws of the state.~~ The Judicial Council in the past referred to its staff as the "Administrative Office of the Courts". The following applies where the term "Administrative Office of the Courts" is used:

(1) *Rules of Court*

Throughout these rules of court and in all Judicial Council forms, all references to "Administrative Office of the Courts" or "AOC" are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate.

(2) *Other Judicial Council materials and actions*

All references to "Administrative Office of the Courts" or "AOC" in any policy, procedure, manual, guideline, publication, or other material issued by the Judicial Council or its staff are deemed to refer to the Judicial Council, the Administrative Director, or the Judicial Council staff, as appropriate. Judicial Council staff will continue to be responsible for any active delegations or directives the Judicial Council made to the Administrative Office of the Court.

(3) *Statutes*

The Judicial Council, its staff, or the Administrative Director, as appropriate, will continue to perform all functions, duties, responsibilities, and other obligations imposed by statute or regulation on the Administrative Office of the Courts.

(4) *Agreements and proceedings*

The Judicial Council will continue to perform all duties, responsibilities, functions, or other obligations, and bear all liabilities, and exercise all rights, powers, authorities, benefits, and other privileges attributed to the "Administrative Office of the Courts" or "AOC" arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. The Judicial Council may be substituted for the "Administrative Office of the Courts" or "AOC" wherever necessary, with no prejudice to the substantive rights of any party.

(Subd (b) amended effective July 29, 2014; previously amended effective January 1, 2007.)

Rule 10.81 amended effective July 29, 2014; adopted as rule 6.81 effective January 1, 1999; previously amended and renumbered effective January 1, 2007; previously amended effective August 14, 2009.

Advisory Committee Comment

The Judicial Council in 1961 adopted a resolution that named its staff the "Administrative Office of the California Courts." In 1970, the council adopted a rule of court that renamed its staff the "Administrative Office of the Courts."

In recent years, the council became aware of recurring confusion about the relationship between the Administrative Office of the Courts and the Judicial Council. There was a common misperception that the Administrative Office of the Courts was a separate entity from the council having independent policymaking authority, when in fact, the members of the Judicial Council set policy, and staff, by whatever name, support the work of the council under the members' direction and oversight. The confusion about the role of the Administrative Office of the Courts impeded the council's ability to advance the interests of the judicial branch.

To allow the council to better achieve its mission, it decided in 2014 to retire the name "Administrative Office of the Courts." This adjustment underscored the unity of identity of the Judicial Council and its staff, and clarified that there has always been only a single entity. The retirement conformed the Judicial Council's practice with that of other state government entities, which do not assign a separate name to their staffs.

The 2014 amendments to this rule are intended to implement the retirement of the name "Administrative Office of the Courts" and clarify that in retiring the name no substantive legal change has occurred. The Judicial Council and its staff will continue to discharge any legal obligations and duties they may have, regardless of the discontinuance of the use of the name "Administrative Office of the Courts."