

Judicial Council of California

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INVITATION TO COMMENT

[ItC prefix as assigned]

Title	Action Requested
Judicial Administration: Revision of the Conflict of Interest Code for the Judicial Council	Review and submit comments by November 3, 2014
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
N/A	December 12, 2014
Proposed by	Contact
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Executive Summary and Origin

This proposal would adopt amendments (Amendments) to the Judicial Council Conflict of Interest Code (Code) and bring the Code up to date with its current organization that after a recent consolidation now includes the former Administrative Office of the Courts (AOC). 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 to the Code and approve the Code as amended or direct that it be further revised and resubmitted for approval.

Background

Political Reform Act

The Political Reform Act of 1974 (Gov. Code, § 81000 et seq.) requires public agencies to adopt conflict of interest codes. (Gov. Code, § 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 Gov. Code §§ 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.” (Gov. Code, §§ 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 (Gov. Code § 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 employees. An agency’s conflict of interest code must be amended when new positions and duties are created or eliminated. (Gov.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Code, § 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. (Gov. Code, § 87302(a).) The disclosure categories for each job classification must correspond to those interests that employees foreseeably can affect. (Gov. Code, § 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 title “Administrative Office of the Courts.” However, on July 29, 2014, the Judicial Council acted on the rule amendment to unite the governing body and staff under the same name and retired the use of “the 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 and administrators to disclose their financial interests whether they are voting or non-voting members and must disclose “[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 and 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. All attorneys, voting or non-voting, 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.

The Proposal

Adoption of updated Conflict of Interest Code

The proposed Judicial Council Conflict of Interest Code (attached) amends the current Conflict of Interest Code and reflects the organization’s changes since it combined with the Judicial Council staff (the former AOC). Appendix A explains how voting and nonvoting Judicial Council members must disclose their financial interests. Appendix B is a list of designated job classifications and their designation category. Appendix C explains the designation categories, and Appendix D instructs designated incumbents on the parameters of submitting their statements of financial interests.

The proposed 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 sub-categorizing 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.
- (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.

Alternatives Considered

The proposed Amendments are required under the Political Reform Act of 1974 that 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 Judicial Council will need to ensure that its members and employees in the newly reduced classifications timely submit the Statement of Economic Interests required under the code and the Political Reform Act.

Request for Specific Comments

In addition to comments on the proposal as a whole, the Administrative Director is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

Attachments and Links

1. Proposed Amended Conflict of Interest Code for the Judicial Council of California.
2. Current Judicial Council Staff Conflict of Interest Code
3. Current Judicial Council Conflict of Interest Code

ATTACHMENT 1

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.).**~~
25

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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**

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

10
11 **ii. Manner of Reporting:** When filing their annual statement of
12 economic interests, council members should indicate on the cover
13 sheet of Conflict of Interest-Form 700 that their statements are
14 being filed for both their primary and their Judicial Council
15 positions.

16 17 18 19 **Designated positions**

20
21 ~~(a) [Voting council members] Under Article VI, section 6, of the California Constitution,~~
22 ~~Judicial Council voting membership is limited to judges, legislators, and attorneys. The~~
23 ~~voting members of the Judicial Council who are required to file statements of economic~~
24 ~~interests under this code are the attorney members appointed by the State Bar of~~
25 ~~California. Council members who are judges or state legislators are not required to file~~
26 ~~disclosure statements because they are subject to comprehensive disclosure requirements~~
27 ~~arising out of their primary offices, pursuant to Government Code section 87200. While~~
28 ~~judges and legislators perform unique duties in their capacity as council members, these~~
29 ~~duties do not create the need for any additional disclosure of their financial interests.~~

30
31 ~~(b) [Nonvoting council members] Under Article VI, section 6, of the California~~
32 ~~Constitution, two nonvoting court administrators and such other nonvoting members as~~
33 ~~determined by the voting membership of the council are appointed. Because these~~
34 ~~nonvoting members participate in the making of council decisions, they must file~~
35 ~~disclosure statements. However, nonvoting members who file disclosure statements for~~
36 ~~their primary offices pursuant to Government Code section 87200 are not required to file~~
37 ~~disclosure statement under this code for the reasons stated in section 2(a).~~

38 39 **Section 3. Disclosure of financial interests**

40
41 ~~(a) [Attorney council members] The disclosure requirements under this code for~~
42 ~~the designated attorney members are limited to those in Business and Professions~~
43 ~~Code section 6036, subdivision (d). Under this provision, a member required to~~
44 ~~disqualify himself or herself because of a conflict of interest shall (1) immediately~~
45 ~~disclose the interest, (2) withdraw from any participation in the matter, (3) refrain~~
46 ~~from attempting to influence another member, and (4) refrain from voting.~~
47 ~~Consistent with section 6036, subdivision (d), it is sufficient that the member~~

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

3
4 (b) ~~[Nonvoting council members]~~ Nonvoting council members must disclose all
5 investments, sources of income, interests in real property, and positions in
6 business entities.

7 8 **Section 4. Manner of reporting**

9
10 (a) ~~[Attorney members]~~ The designated attorney members shall file the Statement of
11 Economic Interests for Judicial Council Members form (form FPPC 2). This form
12 requires members to (1) disclose whether or not they were required to disqualify
13 themselves from making, participating in making, or attempting to influence a decision of
14 the Judicial Council during the reporting period because of a conflict of interest under
15 Business and Professions Code section 6036, and (2) identify each decision requiring
16 disqualification.

17
18 (b) ~~[Other voting members]~~ When filing their annual statement of economic interests,
19 council members who are judges and state legislators should indicate on the cover sheet
20 that their statements are being filed for both their primary and their Judicial Council
21 positions.

22
23 (c) ~~[Nonvoting council members]~~ When filing their annual statement of economic
24 interests, nonvoting members may indicate on the cover sheet that their statements are
25 being filed for both their primary and their Judicial Council positions. The statements
26 must disclose all the information required by section 3(b).

27 28 **Section 5. Time of filing statements and reporting period**

29
30 (a) ~~[Annual statements]~~ Each designated attorney member shall file an annual statement
31 by October 15. The statement shall disclose the information required in section 3 for the
32 previous 12-month period.

33
34 (b) ~~[Statements after leaving office]~~ Each former designated attorney member shall file a
35 statement within 30 days after leaving office. The statement shall disclose the
36 information required by section 3 for the period between the closing date of the last
37 statement required to be filed and the date of leaving office.

38 39 **Section 6. Place of filing statements**

40
41 Designated attorney members shall file the statements required by section 4 with the
42 Secretary of the Judicial Council (Administrative Director of the Courts) on the
43 Statement of Economic Interests for Judicial Council Members form (form FPPC 2).

44 45 **Section 7. Assistance to members**

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1 ~~A member may request assistance concerning duties under this code from the Fair~~
3 ~~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 **2. EXECUTIVE OFFICE**

17 i. Administrative Director 1

18 ii. Chief Administrative Officer 1

19 iii. Chief of Staff 1

20 iv. Chief Operating Officer 1

21 v. Executive Office Liaison III 3, 4

22 **3. GOVERNMENTAL AFFAIRS**

23 i. Assistant Director 1

24 ii. Associate Attorney I 4

25 iii. Attorney 4

26 iv. Director 1

27 v. Senior Attorney 4

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1	vi. <u>Senior Governmental Affairs Analyst</u>	4
2	vii. <u>Supervising Administrative Coordinator</u>	3,4
3	4. <u>LEADERSHIP SERVICES DIVISION</u>	
4	a. <u>Audit Services</u>	
5	i. <u>Senior Manager</u>	1
6	ii. <u>Supervising Internal Auditor</u>	3,4
7	b. <u>Judicial Council Support</u>	
8	i. <u>Supervising Court Services Analyst</u>	4
9	c. <u>Legal Services</u>	
10	i. <u>Attorney</u>	2b
11	ii. <u>General Counsel/Division Director</u>	1
12	iii. <u>Managing Attorney</u>	1
13	iv. <u>Senior Attorney</u>	2b
14	v. <u>Supervising Attorney</u>	2b
15	d. <u>Special Projects</u>	
16	i. <u>Manager</u>	1
17	e. <u>Trial Court Liaison</u>	
18	i. <u>Manager</u>	4
19	ii. <u>Supervising Court Services Analyst</u>	4
20	5. <u>OPERATIONS & PROGRAMS DIVISION</u>	
21	a. <u>Center for Families, Children & the Courts</u>	
22	i. <u>Assistant Director</u>	1
23	ii. <u>Attorney</u>	2b
24	iii. <u>Director</u>	1
25	iv. <u>Manager</u>	4

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

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1 **e. Appellate Court Services**

2 i. Director 1

3 ii. Manager 1

4 **f. Capital Programs**

5 i. Assistant Director 1

6 ii. Design & Construction Project Manager III 7

7 iii. Director 1

8 iv. Manager 7

9 v. Principal Architect 7

10 vi. Supervising AV/Video Technician 3

11 vii. Supervising Facilities Planner 7

12 **6. ADMINISTRATIVE DIVISION**

13 **a. Administrative Support**

14 i. Manager 3

15 ii. Production and Mail Services Supervisor 3

16 iii. Supervising Administrative Coordinator 4

17 iv. Supervising AV/Video Technician 3,4

18 **b. Finance**

19 i. Assistant Director 1

20 ii. Director 1

21 iii. Manager 3

22 iv. Senior Manager 3

23 v. Supervising Accountant 3,4

24 vi. Supervising Budget Analyst 3,4

25 vii. Supervising Contract Specialist 3,4

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1	viii. <u>Supervising Procurement Specialist</u>	3,4
2	c. <u>Human Resources</u>	
3	i. <u>Director</u>	1
4	ii. <u>Manager</u>	4
5	iii. <u>Senior Manager</u>	4
6	iv. <u>Supervising Business Applications Analyst</u>	5
7	v. <u>Supervising Human Resources Analyst</u>	4
8	vi. <u>Supervising Pay and Benefits Specialist</u>	4
9	d. <u>Information Technology</u>	
10	i. <u>Director</u>	1
11	ii. <u>Information Systems Manager</u>	5
12	iii. <u>Senior Manager</u>	5
13	iv. <u>Supervising Business Applications Analyst</u>	5
14	v. <u>Supervising Information Systems Analyst A, B</u>	5
15	e. <u>Real Estate and Facility Management</u>	
16	i. <u>Assistant Director</u>	1
17	ii. <u>Facilities Management Administrator</u>	7
18	iii. <u>Facilities Management Specialist</u>	7
19	iv. <u>Manager</u>	7
20	v. <u>Mechanical, Electrical, Plumbing Engineer</u>	7
21	vi. <u>Regional Manager of Facilities Operations</u>	7
22	vii. <u>Senior Manager</u>	7
23	viii. <u>Supervision Facilities Management Administration</u>	7
24	ix. <u>Utility Engineer/Analyst</u>	7
25		
26		

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1 **f. Trial Court Administrative Services**

2 i. Manager 4

3 ii. Supervising Contract Specialist 4

4 iii. Senior Manager 1

5 iv. Supervising Accountant 4

6 v. Supervising Court Services Analyst 4

7 **7. All Divisions***

8 i. Special Consultant 1

9 ii. Contractor 1

10

11

12

13 *Consultants (contractors) shall be included in the list of designated employees and shall disclose pursuant

14 to the broadest disclosure category in the code subject to the following limitation:

15 The Administrative Director may determine in writing that a particular consultant, although a “designated

16 position,” is hired to perform a range of duties that are limited in scope and thus is not required to fully

17 comply with the disclosure requirements described in this section. Such written determination shall include

18 a description of the consultant’s duties and, based upon that description, a statement of the extent of

19 disclosure requirements. The consultant must comply with all other provisions of this code. The

20 Administrative Director’s determination is a matter of public record and shall be retained for public

21 inspection in the same manner and location as this Conflict of Interest Code.

22

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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.

33 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

ATTACHMENT 1

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.

CONFLICT OF INTEREST CODE
FOR THE
JUDICIAL COUNCIL OF CALIFORNIA
(Revised effective December 11, 2014)

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, California Code of Regulations, title 2, section 18730 which contains the terms of a standard conflict of interest code, and 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 (Cal. Code Regs., tit. 2, § 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 shall constitute the Conflict of Interest Code for the Judicial Council of California.

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

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 conflict of

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

2. Nonvoting Council Members

a. Justices, Judges, Court Executive Officers, Court Administrator and Clerks

- 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.

Appendix B. Judicial Council Member and Staff Designations

List of Designated Classifications

Assigned Disclosure Categories

1. JUDICIAL COUNCIL MEMBERS

a. Voting

- i. Justice 1a
- ii. Judge 1a
- iii. Legislator 1a
- iv. Attorney 2a

b. Nonvoting

- i. Justice 1a
- ii. Judge 1a
- iii. Court Administrator and Clerk 1a
- iv. Court Executive Officer 1a

2. EXECUTIVE OFFICE

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

3. GOVERNMENTAL AFFAIRS

- i. Assistant Director 1

ii. Associate Attorney I	4
iii. Attorney	4
iv. Director	1
v. Senior Attorney	4
vi. Senior Governmental Affairs Analyst	4
vii. Supervising Administrative Coordinator	3,4

4. LEADERSHIP SERVICES DIVISION

a. Audit Services

i. Senior Manager	1
ii. Supervising Internal Auditor	3,4

b. Judicial Council Support

i. Supervising Court Services Analyst	4
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c. Legal Services

i. Attorney	2b
ii. General Counsel/Division Director	1
iii. Managing Attorney	1
iv. Senior Attorney	2b
v. Supervising Attorney	2b

d. Special Projects

i. Manager	1
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e. Trial Court Liaison

i. Manager	4
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ii. Supervising Court Services Analyst 4

5. OPERATIONS & PROGRAMS DIVISION

a. Center for Families, Children & the Courts

i. Assistant Director 1

ii. Attorney 2b

iii. Director 1

iv. Manager 4

v. Managing Attorney 1

vi. Senior Attorney 2b

vii. Supervising Attorney 2b

viii. Supervising Court Services Analyst 4

ix. Supervising Research Analyst 4

b. Center for Judiciary Education and Research

i. Attorney 6

ii. Director 1

iii. Manager 6

iv. Managing Attorney 6

v. Senior Attorney 6

vi. Senior Manager 6

vii. Supervising Media Production Specialist 6

c. Court Operations Services

i. Assistant Director 1

ii. Director	1
iii. Manager	4
iv. Senior Emergency Response and Planning Manager	3,4
v. Supervising Court Services Analyst	4
vi. Supervising Research Analyst	4
d. Criminal Justice Services	
i. Attorney	2b
ii. Senior Manager	1
iii. Supervising Attorney	2b
iv. Supervising Research Analyst	4
e. Appellate Court Services	
i. Director	1
ii. Manager	1
f. Capital Programs	
i. Assistant Director	1
ii. Design & Construction Project Manager III	7
iii. Director	1
iv. Manager	7
v. Principal Architect	7
vi. Supervising AV/Video Technician	3
vii. Supervising Facilities Planner	7

6. ADMINISTRATIVE DIVISION

a. Administrative Support

- i. Manager 3
- ii. Production and Mail Services Supervisor 3
- iii. Supervising Administrative Coordinator 4
- iv. Supervising AV/Video Technician 3,4

b. Finance

- i. Assistant Director 1
- ii. Director 1
- iii. Manager 3
- iv. Senior Manager 3
- v. Supervising Accountant 3,4
- vi. Supervising Budget Analyst 3,4
- vii. Supervising Contract Specialist 3,4
- viii. Supervising Procurement Specialist 3,4

c. Human Resources

- i. Director 1
- ii. Manager 4
- iii. Senior Manager 4
- iv. Supervising Business Applications Analyst 5
- v. Supervising Human Resources Analyst 4
- vi. Supervising Pay and Benefits Specialist 4

d. Information Technology

- i. Director 1
- ii. Information Systems Manager 5
- iii. Senior Manager 5
- iv. Supervising Business Applications Analyst 5
- v. Supervising Information Systems Analyst A, B 5

e. Real Estate and Facility Management

- i. Assistant Director 1
- ii. Facilities Management Administrator 7
- iii. Facilities Management Specialist 7
- iv. Manager 7
- v. Mechanical, Electrical, Plumbing Engineer 7
- vi. Regional Manager of Facilities Operations 7
- vii. Senior Manager 7
- viii. Supervision Facilities Management Administration 7
- ix. Utility Engineer/Analyst 7

f. Trial Court Administrative Services

- i. Manager 4
- ii. Supervising Contract Specialist 4
- iii. Senior Manager 1
- iv. Supervising Accountant 4
- v. Supervising Court Services Analyst 4

7. All Divisions*

- i. Special Consultant 1
- ii. Contractor 1

*Consultants (contractors) 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 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 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.

Appendix C. Judicial Council Staff Disclosure Categories

An employee need only disclose a financial interest in a business entity included in an assigned category if the employee's duties involve making recommendations and/or decisions concerning that type of business entity. 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.

1. Executive authority

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

- a. Council members who are justices, judges, legislators, court executive officers, 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 section 87200 and 87300. When filing their annual statement of economic interests, council members, voting or non-voting, 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.

2. Attorneys

Attorneys are required 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.

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

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

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

4. Decision-making authority affecting external consultants and contracts

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

5. Decision-making authority affecting information technology

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

6. Decision-making authority affecting judicial education

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

7. Decision-making authority affecting real property and management

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

Appendix D. Reporting Instructions

1. Time of filing statements and reporting period

- a. **Annual Statement:** The statement shall disclose the information required in section 3 for the previous 12-month period.
 - i. Each Judicial Council member shall file an annual statement by October 15.
 - ii. Designated Judicial Council staff incumbents shall file by April 15.
- b. **Statements when assuming office:** As pursuant to codes 87200 and 87300, every Judicial Council member or designated staff incumbent shall file a statement within 30 days after assuming office.
- c. **Statements after leaving offices:** As pursuant to codes 87200 and 87300, each former council member or designated staff incumbent 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.

2. Place of filing statements

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

3. Assistance to members

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

GOVERNMENT CODE

SECTION 87300-87314

87300. Every agency shall adopt and promulgate a Conflict of Interest Code pursuant to the provisions of this article. A Conflict of Interest Code shall have the force of law and any violation of a Conflict of Interest Code by a designated employee shall be deemed a violation of this chapter.

87301. It is the policy of this act that Conflict of Interest Codes shall be formulated at the most decentralized level possible, but without precluding intra-departmental review. Any question of the level of a department which should be deemed an "agency" for purposes of Section 87300 shall be resolved by the code reviewing body.

87302. Each Conflict of Interest Code shall contain the following provisions:

(a) Specific enumeration of the positions within the agency, other than those specified in Section 87200, which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest and for each such enumerated position, the specific types of investments, business positions, interests in real property, and sources of income which are reportable. An investment, business position, interest in real property, or source of income shall be made reportable by the Conflict of Interest Code if the business entity in which the investment or business position is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.

(b) Requirements that each designated employee, other than those specified in Section 87200, file statements at times and under circumstances described in this section, disclosing reportable investments, business positions, interests in real property and income. The information disclosed with respect to reportable investments, interests in real property, and income shall be the same as the information required by Sections 87206 and 87207. The first statement filed under a Conflict of Interest Code by a designated employee shall disclose any reportable investments, business positions, interests in real property, and income. An initial statement shall be filed by each designated employee within 30 days after the effective date of the Conflict of Interest Code, disclosing investments, business positions, and interests in real property held on the effective date of the Conflict of Interest Code and income received during the 12 months before the effective date of the Conflict of Interest Code. Thereafter, each new designated employee shall file a statement within 30 days after assuming office, or if subject to State Senate confirmation, 30 days after being appointed or nominated, disclosing investments, business positions, and interests in real property held on, and income received during the 12

months before, the date of assuming office or the date of being appointed or nominated, respectively. Each designated employee shall file an annual statement, at the time specified in the Conflict of Interest Code, disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee took office if during the calendar year. Every designated employee who leaves office shall file, within 30 days of leaving office, a statement disclosing reportable investments, business positions, interests in real property, and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

(c) Specific provisions setting forth any circumstances under which designated employees or categories of designated employees must disqualify themselves from making, participating in the making, or using their official position to influence the making of any decision. Disqualification shall be required by the Conflict of Interest Code when the designated employee has a financial interest as defined in Section 87103, which it is reasonably foreseeable may be affected materially by the decision. No designated employee shall be required to disqualify himself or herself with respect to any matter which could not legally be acted upon or decided without his or her participation.

(d) For any position enumerated pursuant to subdivision (a), an individual who resigns the position within 12 months following initial appointment or within 30 days of the date of a notice mailed by the filing officer of the individual's filing obligation, whichever is earlier, is not deemed to assume or leave office, provided that during the period between appointment and resignation, the individual does not make, participate in making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position. Within 30 days of the date of a notice mailed by the filing officer, the individual shall do both of the following:

(1) File a written resignation with the appointing power.

(2) File a written statement with the filing officer on a form prescribed by the commission and signed under the penalty of perjury stating that the individual, during the period between appointment and resignation, did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

87302.3. (a) Every candidate for an elective office that is designated in a conflict of interest code shall file a statement disclosing his or her investments, business positions, interests in real property, and income received during the immediately preceding 12 months, as enumerated in the disclosure requirements for that position. The statement shall be filed with the election official with whom the candidate's declaration of candidacy or other nomination documents to appear on the ballot are required to be filed and shall be filed no later than the final filing date for the declaration or nomination documents.

(b) This section does not apply to either of the following:

(1) A candidate for an elective office designated in a conflict of interest code who has filed an initial, assuming office, or annual statement pursuant to that conflict of interest code within 60 days before the deadline specified in subdivision (a).

(2) A candidate for an elective office who has filed a statement for the office pursuant to Section 87302.6 within 60 days before the deadline specified in subdivision (a).

87302.6. Notwithstanding Section 87302, a member of a board or commission of a newly created agency shall file a statement at the same time and in the same manner as those individuals required to file pursuant to Section 87200. A member shall file his or her statement pursuant to Section 87302 once the agency adopts an approved conflict-of-interest code.

87303. No conflict of interest code shall be effective until it has been approved by the code reviewing body. Each agency shall submit a proposed conflict of interest code to the code reviewing body by the deadline established for the agency by the code reviewing body. The deadline for a new agency shall be not later than six months after it comes into existence. Within 90 days after receiving the proposed code or receiving any proposed amendments or revisions, the code reviewing body shall do one of the following:

(a) Approve the proposed code as submitted.

(b) Revise the proposed code and approve it as revised.

(c) Return the proposed code to the agency for revision and resubmission within 60 days. The code reviewing body shall either approve the revised code or revise it and approve it. When a proposed conflict of interest code or amendment is approved by the code reviewing body, it shall be deemed adopted and shall be promulgated by the agency.

87304. If any agency fails to submit a proposed conflict of interest code or amendments, or if any state agency fails to report amendments pursuant to subdivision (b) of Section 87306 within the time limits prescribed pursuant to Section 87303 or 87306, the code reviewing body may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. If the code reviewing body does not issue an appropriate order or take other action within 90 days of the deadline imposed on the agency as prescribed in Section 87303 or 87306, the commission may issue any appropriate order directed to the agency or take any other appropriate action, including the adoption of a conflict of interest code for the agency. The commission shall consult with the agency before ordering the adoption of a conflict of interest code for the agency.

87305. If after six months following the deadline for submission of the proposed Conflict of Interest Code to the code reviewing body no Conflict of Interest Code has been adopted and promulgated, the superior court may, in an action filed by the commission, the agency, the code reviewing body, any officer, employee, member or consultant of the agency, or any resident of the jurisdiction, prepare a Conflict of Interest Code and order its adoption by the agency or grant any other appropriate relief. The agency and the code reviewing body shall be parties to any action filed pursuant to this section.

87306. (a) Every agency shall amend its Conflict of Interest Code, subject to the provisions of Section 87303, when change is necessitated by changed circumstances, including the creation of new positions which must be designated pursuant to subdivision (a) of Section 87302 and relevant changes in the duties assigned to existing positions. Amendments or revisions shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. If after nine months following the occurrence of those changes the Conflict of Interest Code has not been amended or revised, the superior court may issue any appropriate order in an action brought under the procedures set forth in Section 87305.

(b) Notwithstanding subdivision (a), every state agency shall submit to the code reviewing body a biennial report identifying changes in its code, including, but not limited to, all new positions designated pursuant to subdivision (a) of Section 87302, changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions. These reports shall be submitted no later than March 1 of each odd-numbered year.

87306.5. (a) No later than July 1 of each even-numbered year, the code reviewing body shall direct every local agency which has adopted a Conflict of Interest Code in accordance with this title to review its Conflict of Interest Code and, if a change in its code is necessitated by changed circumstances, submit an amended Conflict of Interest Code in accordance with subdivision (a) of Section 87302 and Section 87303 to the code reviewing body.

(b) Upon review of its code, if no change in the code is required, the local agency head shall submit a written statement to that effect to the code reviewing body no later than October 1 of the same year.

87307. An agency may at any time amend its Conflict of Interest Code, subject to the provisions of Section 87303, either upon its own initiative or in response to a petition submitted by an officer, employee, member or consultant of the agency, or a resident of the jurisdiction. If the agency fails to act upon such a petition within ninety days, the petition shall be deemed denied. Within thirty days after the denial of a petition, the petitioner may appeal to the code reviewing body. The code reviewing body shall either dismiss the appeal or issue an appropriate order to the agency within ninety days.

87308. Judicial review of any action of a code reviewing body under this chapter may be sought by the commission, by the agency, by an officer, employee, member or consultant of the agency, or by a resident of the jurisdiction.

87309. No Conflict of Interest Code or amendment shall be approved by the code reviewing body or upheld by a court if it:

(a) Fails to provide reasonable assurance that all foreseeable potential conflict of interest situations will be disclosed or prevented;

(b) Fails to provide to each affected person a clear and specific statement of his duties under the Code; or

(c) Fails to adequately differentiate between designated employees with different powers and responsibilities.

87310. If the duties of a designated employee are so broad or indefinable that the requirements of Section 87309 cannot be complied with, the Conflict of Interest Code shall require the designated employee to comply with the requirements of Article 2 of this chapter.

87311. The review of proposed Conflict of Interest Codes by the Commission and by the Attorney General and the preparation of proposed Conflict of Interest Codes by state agencies shall be subject to the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by local government agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

87311.5. (a) Notwithstanding the provisions of Section 87311, the review of the Conflict of Interest Code of an agency in the judicial branch of government shall not be subject to the provisions of the Administrative Procedure Act. The review and preparation of Conflict of Interest Codes by these agencies shall be carried out under procedures which guarantee to officers, employees, members, and consultants of the agency and to residents of the jurisdiction adequate notice and a fair opportunity to present their views.

Public Comment



(b) Conflict of Interest Codes of the Judicial Council, the Commission on Judicial Performance, and the Board of Governors and designated employees of the State Bar of California shall not be subject to the provisions of subdivision (c) of Section 87302.

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87312. The Commission shall, upon request, provide technical assistance to agencies in the preparation of Conflict of Interest Codes. Such assistance may include the preparation of model provisions for various types of agencies. Nothing in this section shall relieve each agency of the responsibility for adopting a Conflict of Interest Code appropriate to its individual circumstances.

87313. No person shall make a gift of fifty dollars (\$50) or more in a calendar month on behalf of another, or while acting as the intermediary or agent of another to a person whom he knows or has reason to know may be required to disclose the gift pursuant to a conflict of interest code, without disclosing to the recipient of the gift both his own full name, street address, and business activity, if any, and the full name, street address, and business activity, if any, of the actual donor. The recipient of the gift shall include in his Statement of Economic Interests the full name, street address, and business activity, if any, of the intermediary or agent and the actual donor.

87314. (a) A board, commission, or agency of a public pension or retirement system shall attach to its Conflict of Interest Code an appendix entitled "Agency Positions that Manage Public Investments for Purposes of Section 87200 of the Government Code." The appendix shall list each position with the board, commission, or agency for which an individual occupying the position is required to file a Statement of Economic Interests as a public official who manages public investments within the meaning of Section 87200. The board, commission, or agency shall post the appendix on its Internet Web site in a manner that makes it easily identifiable and accessible by persons who view that Web site.

(b) (1) For purposes of this section, "public official who manages public investments" includes a salaried or unsalaried member of a committee, board, commission, or other entity that exists as, or within, a governmental agency and that possesses decisionmaking authority.

(2) A committee, board, commission, or other entity possesses decisionmaking authority for purposes of this section if any of the following apply:

(A) The entity may make a final governmental decision.

(B) The entity may compel a governmental decision or prevent a governmental decision, either by virtue of possessing exclusive power to initiate the decision or by having veto authority that may not be overridden.

(C) The entity makes substantive recommendations that are, and over an extended period of time have been, regularly approved, without significant amendment or modification, by another public official or governmental agency.

(3) A committee, board, commission, or other entity does not possess decisionmaking authority for purposes of this section if it is formed for the sole purpose of researching a subject and preparing a report or recommendation for submission to another governmental entity that has final decisionmaking authority.
