



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**MATERIALS FOR AUGUST 7, 2018  
ACTION BY E-MAIL BETWEEN MEETINGS**

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# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

**SPR18-01**

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|--|--|
| Title  | Action Requested                           |
| Judicial Council: Change to Advisory Committee Membership Requirements | Review and submit comments by June 8, 2018 |
| Proposed Rules, Forms, Standards, or Statutes                          | Proposed Effective Date                    |
| Amend Cal. Rules of Court, rule 10.64                                  | January 1, 2019                            |
| Proposed by  | Contact                                    |
| Trial Court Budget Advisory Committee                                  | Brandy Sanborn, 415-865-7195               |
| Hon. Jonathan B. Conklin, Chair  | brandy.sanborn@jud.ca.gov                  |

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### Executive Summary and Origin

The Trial Court Budget Advisory Committee proposes amending the rule that governs that committee to broaden its membership definition of “presiding judge.” Under the existing rule, only a current or immediate past presiding judge is eligible for membership. The proposal would redefine a “presiding judge” to mean a current presiding judge or one who has served within six years of the year of the appointment as a committee member. In addition, it would extend eligibility for reappointment to an existing presiding or past presiding judge member. Finally, it would limit the Judicial Council’s nonvoting members to the chief administrative officer and the director of Budget Services, thus removing the chief of staff and chief operating officer.

### The Proposal

The proposed amendment to rule 10.64 of the California Rules of Court, which would change the Trial Court Budget Advisory Committee’s membership definition of “presiding judge,” responds to identified concerns and helps advance Judicial Council goals and objectives, as explained below. The proposed amendment to rule 10.64 would:

- Allow presiding judges who have served during the last six years of the year of the appointment as a committee member to be eligible as new members. This will expand the candidate pool of judges who are knowledgeable and experienced in budget matters for potential participation.

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.*

- Allow the reappointment of current presiding or past presiding judge members. This would permit active members who are well versed in current budget issues and projects to stay on, maintaining momentum and avoiding loss of time and expertise when members circulate off the committee.
- Limit the nonvoting members to Judicial Council leadership with direct oversight of Budget Services.
- Increase the pool from which to draw nomination submissions. This would be advantageous because the nominations process has lately resulted in low submissions from current and immediate past presiding judges.

### **Alternatives Considered**

A rule change is recommended over an alternative such as educating new members because of the time and resources an education session can require—especially significant during budget crises.

### **Implementation Requirements, Costs, and Operational Impacts**

The proposal will result in no additional costs to the courts or Judicial Council staff.

### **Attachments and Links**

1. Cal. Rules of Court, rule 10.64, at page 3
2. Comment Chart, at page 4

Rule 10.64 of the California Rules of Court would be amended, effective January 1, 2019, to read:

1 **Rule 10.64. Trial Court Budget Advisory Committee**

2  
3 (a)–(b) \* \* \*

4  
5 (c) **Membership**

6  
7 (1) The advisory committee consists of an equal number of trial court presiding  
8 judges and court executive officers reflecting diverse aspects of state trial  
9 courts, including urban, suburban, and rural locales; the size and adequacy of  
10 budgets; and the number of authorized judgeships. For purposes of this rule,  
11 “presiding judge” means a current presiding judge or ~~an immediate past a~~  
12 judge who has served as a presiding judge within six years of the year of the  
13 appointment as a committee member. An existing presiding judge or past  
14 presiding judge member is eligible to be reappointed.

15  
16 (2)–(3) \* \* \*

17  
18 (4) Notwithstanding rule 10.31(e), a presiding judge is qualified to complete his  
19 or her term on the advisory committee even if his or her term as presiding  
20 judge of a trial court ends.

21  
22 (5) ~~4~~ The Judicial Council’s ~~chief of staff~~, chief administrative officer, ~~chief~~  
23 ~~operating officer~~, and director of ~~Finance~~ Budget Services serve as ~~non-~~  
24 ~~voting~~ nonvoting members.

**SPR18-01****Judicial Council: Change to Advisory Committee Membership Requirements** (amend Cal. Rules of Court, rule 10.64)

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

|    | <b>Commentator</b>  | <b>Position</b> | <b>Comment</b>       | <b>Committee Response</b> |
|----|---|-----------------|----------------------|---------------------------|
| 1. | Superior Court of San Diego County<br>by Michael M. Roddy, Executive<br>Officer | A               | No specific comment. |                           |