



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 29, 2014

Title	Agenda Item Type
Judicial Branch Administration: Retirement of the Names “Administrative Office of the Courts” and “AOC”	Action Required
	Effective Date
	July 29, 2014
Rules, Forms, Standards, or Statutes Affected	Date of Report
Amend Cal. Rules of Court, rules 10.1, 10.80, and 10.81	July 22, 2014
Recommended by	Contact
Hon. Douglas P. Miller, Chair Executive and Planning Committee	Douglas P. Miller, 951-782-2660 douglasp.miller@jud.ca.gov
Hon. Harry E. Hull, Jr., Chair Rules and Projects Committee	
Hon. Mary Ann O’Malley, Chair Litigation Management Committee	
Hon. Kenneth K. So, Chair Policy Coordination and Liaison Committee	
Hon. James E. Herman, Chair Technology Committee	

Executive Summary

The chairs of the Judicial Council’s five internal committees, acting at the direction of the Chief Justice, recommend that the rules of court be amended to retire the use of the names “Administrative Office of the Courts” and “AOC” for the Judicial Council staff. These have been the names by which the council since 1961 has referred to its staff, which works for it, carrying out its policies and directives in service to the council, its advisory bodies, the trial and appellate courts, and the public. There has been confusion, however, over the relationship between the council and the Administrative Office of the Courts. The council’s action amending the rules to cease using the name “Administrative Office of the Courts” for its staff will clarify the relation

between the council and the staff who assist the council in performing its functions. To effectuate the retirement of the name immediately, the chairs recommend that three rules be amended, effective July 29, 2014; that the chairs be directed to undertake a systematic review of the California Rules of Court and propose additional amendments in the future to eliminate references to the “Administrative Office of the Courts” throughout the rules and replace them with references to “Judicial Council,” “Judicial Council staff,” or “Administrative Director,” as appropriate; and that the council direct the Administrative Director to implement actions necessary to effectuate the name change of the council staff expeditiously and cost-effectively.

Recommendation

To retire the use of the names “Administrative Office of the Courts” and “AOC,” effective immediately, and to amend the rules of court to implement this policy decision, the Judicial Council’s internal chairs recommend that the council, effective July 29, 2014:

1. Amend rule 10.1—concerning the authority, duties, and goals of the Judicial Council—to replace the references to “Administrative Office of the Courts” with “Judicial Council staff”;
2. Change the name of title 10, division 1, chapter 4, from “Administrative Office of the Courts” to “Judicial Council Staff”;
3. Amend rule 10.80—on the Administrative Director of the Courts—to replace references to “Administrative Office of the Courts” with “Judicial Council staff”;
4. Amend rule 10.81—on the Administrative Office of the Courts—to:
 - Change the name of the rule to “Judicial Council Staff”;
 - Provide that, throughout the rules of court and on 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 staff to the Judicial Council, as appropriate;
 - Provide that 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 staff to the Judicial Council, as appropriate. Judicial Council staff will continue to be responsible for any active delegations or directives that the Judicial Council has made to the Administrative Office of the Courts;
 - Provide that 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; and

- Provide that 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 arising from contracts, memorandums of understanding, or other legal agreements, documents, proceedings, or transactions. “Judicial Council” may be substituted for “Administrative Office of the Courts” wherever necessary, with no prejudice to the substantive rights of any party.

The internal chairs further recommend that the Judicial Council:

5. Direct the chairs to undertake a systematic review of the California Rules of Court and to propose additional rules amendments in the future to eliminate the references to “Administrative Office of the Courts” and “AOC,” replacing them with references to “Judicial Council,” “Judicial Council staff,” or “Administrative Director,” as appropriate; and
6. Direct the Administrative Director and the Executive Office to implement identity, organizational, and operational changes necessary to effectuate the retirement of the names “Administrative Office of the Courts” and “AOC” expeditiously and cost-effectively.

The text of the amended rules is attached at pages 7–11.

Previous Council Action

The Judicial Council was established in 1926. A constitutional amendment adopted in November 1960 authorized the Judicial Council to appoint an administrative director of the courts, which it did, effective January 1, 1962. The Judicial Council, at its meeting on December 8, 1961, also adopted the following resolution:

Be It Resolved that, pursuant to the authority vested in it by the Constitution of the State of California, the Judicial Council does hereby delegate to the administrative director of the California courts, under the supervision of the chairman, to employ, organize, and direct a staff which shall be known as the Administrative Office of the California Courts and which shall be operated as the staff agency to assist the council and its chairman in carrying out their duties under the Constitution and laws of the state.

Thus, in 1961 the Judicial Council delegated authority to the Administrative Director to employ, organize, and direct a staff “which shall be known as the Administrative Office of the California Courts.” Subsequently, in rules, standards, statutes, and other sources, the staff has been referred to as the “Administrative Office of the Courts” or the “AOC.” (See, for example, Cal. Rules of Court, rule 10.1(d): “The Administrative Office of the Courts supports the council in performing its functions.”)

For over 50 years, the Judicial Council staff has been known as the “Administrative Office of the Courts” or the “AOC.” At the Judicial Council meeting on June 27, 2014, this choice of a name for the staff was revisited. Chief Justice Tani G. Cantil-Sakauye, citing the confusion caused by having a staff with a name different from the name of the body that the staff assists, urged the council to retire the name “Administrative Office of the Courts.” The council members greeted the proposal with approval.

The Chief Justice directed the chairs of the council’s five internal committees to prepare amendments to the rules of court implementing the changes for the council to take up at its next meeting. This report carries out that directive.

Rationale for Recommendation

Reasons for retiring the name

As a matter of sound policy, it is desirable and beneficial at this time to unite the Judicial Council and its staff under the single name “Judicial Council of California” by retiring the separate name “Administrative Office of the Courts” or “AOC.” Retiring the name that has come to cause misunderstanding in favor of bringing clarity to the role of the council makes sense.

For years, the Chief Justice and Judicial Council members have encountered confusion among those unfamiliar with the judicial branch about the role and relationship of the AOC to the council. It is a common misperception that the AOC is an entity that is separate from, and in some way independent of, the council, with its own policymaking authority. In reality, the AOC is not a separate entity. It is a name that many years ago was conferred on staff to the Judicial Council by the council itself. Unfortunately, while unintended, that act of naming the staff has confused many members of the public and other branches of government about the true roles and responsibilities of the council. This confusion is impeding the council in advancing the interests of the judicial branch with both the legislative and executive branches.

The recommended adjustment in nomenclature will bring the Judicial Council into conformity with other state government entities and offices that do not give separate names to their staff. For example, the Public Utilities Commission (PUC) has had an extensive and organized staff for many years. But the staff uses the name of the commission itself, the PUC, which leads to no misunderstandings among the public it serves. Similarly, referring to the staff to the Judicial Council simply as the “Judicial Council” or “Judicial Council staff”—rather than as the “Administrative Office of the Courts” or “AOC”—should avoid confusion and misunderstandings.

The rules proposal

Amendments to rule 10.1. Rule 10.1—on the authority, duties, and goals of the Judicial Council—is amended to replace the references to “Administrative Office of the Courts” with “Judicial Council staff.” (See amended rule 10.1(a)(3)(G) and (d).)

Amendment to the name of the chapter. The name of title 10, division 1, chapter 4, is changed from “Administrative Office of the Courts” to “Judicial Council Staff.”

Amendments to rule 10.80. Rule 10.80—on the Administrative Director of the Courts—is amended in two respects. First, in the title to rule 10.80, after “Administrative Director of the Courts,” a parenthetical “(Administrative Director)” has been added to show that the name “Administrative Director” is being used throughout this and other rules to refer to the administrative director authorized to be appointed by the Judicial Council under article VI, section 6 of the California Constitution. Second, rule 10.80 is amended to replace the references to “Administrative Office of the Courts” with “Judicial Council staff.” (See amended rule 10.80, title and subdivisions (b) and (d).)

Amendments to rule 10.81. Rule 10.81—concerning the Administrative Office of the Courts—is substantially amended to reflect the policy retiring the name of the AOC. First, the name of the rule is changed from “Administrative Office of the Courts” to “Judicial Council Staff.”

Second, the amended rule provides that, “[t]hroughout the rules of court and on 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.” (Amended rule 10.81(b)(1).)

Third, the amended rule provides that “[a]ll 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 staff to the Judicial Council, 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 Courts.” (Amended rule 10.81(b)(2).)

Fourth, the amendments provide that “[t]he 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.” (Amended rule 10.81(b)(3).)

Fifth, the amendments provide that “[t]he 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.” (Amended rule 10.81(b)(4).)

Finally, added to rule 10.81 is an Advisory Committee Comment that provides background on the origin of the name “Administrative Office of the Courts,” explaining that it is appropriate at

this time to retire the name because of the confusion and misperceptions that this terminology has created. The retirement of the name underscores the unity of identity of the Judicial Council and its staff and clarifies that there has always been only a single entity. The 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.”

Comments, Alternatives Considered, and Policy Implications

This set of recommendations, which was developed at the direction of the Chief Justice, was not circulated for comment. As discussed above, compelling circumstances support immediate action to retire the name of the Administrative Office of the Courts. This proposal was presented to, discussed by, and approved by the entire council on June 27, 2014. The recommendations in this report implement the decisions made at that meeting.

Implementation Requirements, Costs, and Operational Impacts

The implementation of this proposal will be performed as cost-effectively as possible. Preprinted materials will continue to be used until exhausted or no longer serviceable. Label over-printing will be used where necessary. All business cards are already printed in-house, and new cards will be phased in depending on employee usage. Most changes to signage and other fixed objects will involve deletions only because nothing will need to be added. The main costs will be for staff time to implement changes to references to the “Administrative Office of the Courts” on the California Courts website and electronic templates for such things as letterheads and other online graphics. These changes will be implemented within a reasonable time and in an efficient manner.

Attachments

1. Cal. Rules of Court, rules 10.1, 10.80, and 10.81, at pages 7–11

Rules 10.1, 10.80, 10.81 of the California Rules of Court are amended, effective July 29, 2014, to read:

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

2
3 **(a) The Judicial Council**

- 4
5 (1) The Judicial Council of California is a state entity established by the
6 California Constitution and chaired by the Chief Justice of California. The
7 Judicial Council sets the direction for improving the quality of justice and
8 advancing the consistent, independent, impartial, and accessible
9 administration of justice by the judicial branch for the benefit of the public.
10
11 (2) The council establishes policies and sets priorities for the judicial branch of
12 government. The council may seek advice and recommendations from
13 committees, task forces, and the public.
14
15 (3) The Judicial Council Governance Policies are located in Appendix D of these
16 rules of court. The policies describe the council's:
17
18 (A) Purposes;
19
20 (B) Responsibilities;
21
22 (C) Policymaking role;
23
24 (D) Members and officers and their roles;
25
26 (E) Internal organization;
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28 (F) Relationship with its advisory groups;
29
30 (G) Relationship with the Administrative Director ~~of the Courts~~ and ~~with~~
31 ~~the Administrative Office of the Courts~~, the Judicial Council staff
32 ~~agency~~ that he or she directs; and
33
34 (H) Internal policies and procedures.

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36 **(b) Constitutional authority and duties**

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38 Article VI, section 6 of the California Constitution requires the council to improve
39 the administration of justice by doing the following:

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41 (1) Surveying judicial business;

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- (2) Making recommendations to the courts;
- (3) Making annual recommendations to the Governor and the Legislature;
- (4) Adopting rules for court administration and rules of practice and procedure that are not inconsistent with statute; and
- (5) Performing other functions prescribed by statute.

(c) Judicial branch goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners.

(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.

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.

(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.

1 (c) **Interpretation of policies**

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3 The Administrative Director may use any reasonable interpretation of Judicial
4 Council policies to achieve the council’s goals, consistent with the limitations from
5 the council and the Chief Justice.
6

7 (d) **Responsibilities**

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

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17 The Administrative Director reports to the Judicial Council at least once annually
18 on the progress made toward achieving the council’s goals. When the council sets
19 the direction on projects or programs that require more than one year to complete,
20 the Administrative Director will report back to the council at regular intervals on
21 their status and significant developments.
22

23 **Rule 10.81. ~~Administrative Office of the Courts~~ Judicial Council Staff**

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25 (a) **Establishment**

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27 The Administrative Director ~~of the Courts~~, under the supervision of the Chief
28 Justice, employs, organizes, and directs a staff ~~agency, known as the~~
29 Administrative Office of the Courts that assists the council and its chair in carrying
30 out their duties under the Constitution and laws of the state.
31

32 (b) **~~Duties~~ References to “Administrative Office of the Courts”**

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34 ~~The Administrative Office of the Courts assists the council and its chair in carrying~~
35 ~~out their duties under the Constitution and laws of the state. The Judicial Council~~
36 in the past referred to its staff as the “Administrative Office of the Courts.” The
37 following applies where the term “Administrative Office of the Courts” is used:
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39 (1) Rules of Court

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

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2 (2) Other Judicial Council materials and actions
3 All references to “Administrative Office of the Courts” or “AOC” in any
4 policy, procedure, manual, guideline, publication, or other material issued by
5 the Judicial Council or its staff are deemed to refer to the Judicial Council,
6 the Administrative Director, or the Judicial Council staff, as appropriate.
7 Judicial Council staff will continue to be responsible for any active
8 delegations or directives the Judicial Council made to the Administrative
9 Office of the Court.

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11 (3) Statutes
12 The Judicial Council, its staff, or the Administrative Director, as appropriate,
13 will continue to perform all functions, duties, responsibilities, and other
14 obligations imposed by statute or regulation on the Administrative Office of
15 the Courts.

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17 (4) Agreements and proceedings
18 The Judicial Council will continue to perform all duties, responsibilities,
19 functions, or other obligations, and bear all liabilities, and exercise all rights,
20 powers, authorities, benefits, and other privileges attributed to the
21 “Administrative Office of the Courts” or “AOC” arising from contracts,
22 memorandums of understanding, or other legal agreements, documents,
23 proceedings, or transactions. The Judicial Council may be substituted for the
24 “Administrative Office of the Courts” or “AOC” wherever necessary, with
25 no prejudice to the substantive rights of any party.

26 27 Advisory Committee Comment

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

32
33 In recent years, the council became aware of recurring confusion about the relationship between
34 the Administrative Office of the Courts and the Judicial Council. There was a common
35 misperception that the Administrative Office of the Courts was a separate entity from the council
36 having independent policymaking authority, when in fact, the members of the Judicial Council set
37 policy, and staff, by whatever name, support the work of the council under the members’
38 direction and oversight. The confusion about the role of the Administrative Office of the Courts
39 impeded the council’s ability to advance the interests of the judicial branch.

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41 To allow the council to better achieve its mission, it decided in 2014 to retire the name
42 “Administrative Office of the Courts.” This adjustment underscored the unity of identity of the
43 Judicial Council and its staff, and clarified that there has always been only a single entity. The

1 retirement conformed the Judicial Council’s practice with that of other state government entities,
2 which do not assign a separate name to their staffs.

3
4 The 2014 amendments to this rule are intended to implement the retirement of the name
5 “Administrative Office of the Courts” and clarify that in retiring the name no substantive legal
6 change has occurred. The Judicial Council and its staff will continue to discharge any legal
7 obligations and duties they may have, regardless of the discontinuance of the use of the name
8 “Administrative Office of the Courts.”