



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 17, 2015

Title	Agenda Item Type
Trial Courts: Reporting of Reciprocal Assignment Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rule 10.630	July 1, 2015
Recommended by	Date of Report
Trial Court Presiding Judges Advisory Committee	April 7, 2015
Hon. Marsha G. Slough, Chair	Contact
Court Executives Advisory Committee	Claudia Ortega, 415-865-7623
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Executive Summary

The Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee recommend the amendment of rule 10.630 of the California Rules of Court that addresses the reporting of reciprocal assignment orders. It defines a reciprocal assignment order as “an order issued by the Chief Justice that permits judges in courts of different counties to serve in each other’s courts.” (Cal. Rules of Court, rule 10.630.) The rule also requires the trial courts to report monthly to the Judicial Council each assignment of a judge from another county to its court under a reciprocal assignment order. The proposed amendment would remove the reporting requirement, while leaving the definition unchanged.

Recommendation

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) recommend that rule 10.630 of the California Rules of Court be

amended to eliminate the requirement that trial courts report reciprocal assignment orders to the Judicial Council, effective July 1, 2015. The text of the amended rule is attached at page 4.

Previous Council Action

The Judicial Council adopted rule 10.630 as rule 813 effective July 1, 1990. The council subsequently amended and renumbered this rule effective January 1, 2007.

Rationale for Recommendation

When rule 10.630 was adopted (as rule 813) in 1990, the use of reciprocal assignments had funding implications that made it necessary to track those assignments. Under the current funding structure for assigned judges, there is no longer a purpose to collecting reciprocal assignment data. Discontinuing the monthly reporting requirement will allow court staff to dedicate their time and energy toward more critical functions.

Effective July 1, 1990, the council adopted this rule (then numbered as rule 813) to define *reciprocal agreement* and *exchange assignment* for purposes of waiving a certain reimbursement requirement that was previously required by Government Code section 68541.5. Section 68541.5 provided an exception to what was then known as the “50/10 rule” in certain circumstances, including if a judge was serving under a reciprocal agreement or exchange order. The 50/10 rule served a particular purpose relating to how active assigned judges were funded. In short, the law required the receiving county to pay the state 50 percent of an assigned judge’s full salary for the time the judge served in the receiving court. The state would then reimburse the “lending” county 10 percent of the judge’s salary. The council adopted rule 813, as directed by the statute, to define *reciprocal agreement* or *exchange order* and to provide for the reporting requirement so that the waiver of the 50/10 rule could be applied. These legislative and rule actions took place before trial court funding and the current funding structure for assigned judges. Section 68541.5 was repealed in 1993; this funding approach was likely abandoned even before trial court funding.

At the August 30, 2013, business meeting of the Court Executives Advisory Committee (CEAC), the committee members discussed the monthly reporting requirement mandated by rule 10.630 and agreed that because this reporting requirement appears to serve no beneficial purpose and is unnecessarily burdensome to the courts, the rule should be reviewed for possible amendment or repeal. After careful review, the Trial Court Presiding Judges Advisory Committee (TCPJAC) and CEAC jointly propose amending rule 10.630 to achieve efficiencies and cost savings.

Both committees find the reporting requirement of rule 10.630 to be of no use or benefit to their courts’ operations. Instead, they have concluded that it requires the courts to direct to this endeavor critical staff resources that could be used on more essential tasks.

The Judicial Council’s Office of Court Research has also verified that the information required in rule 10.630 is not of significant value. Reportedly, it has been used (along with assigned judge

usage and pro tem usage) for calculating the judicial position equivalent (JPE), which is used for the *Court Statistics Report* and—along with the authorized judicial positions (AJPs)—to obtain a clearer picture of actual judicial officer usage and need in a court. However, the data mandated by this rule has only minor value as a small part of the JPE calculations. More important, JPE is not used in any of the Office of Court Research’s workload models or in the new Workload Allocation Funding Methodology (WAFM). Instead, AJPs are used and they are not affected by reciprocal assignments.

Thus, the continued collection and reporting of data on reciprocal assignments is no longer useful to the courts or council.

Comments, Alternatives Considered, and Policy Implications

An Invitation to Comment on this proposal was circulated for public comment from December 12, 2014, through January 23, 2015. All three of the commentators agreed with the proposed change. In support of the proposal, the Superior Court of Los Angeles County states that “[t]he reporting requirement creates unnecessary work for court staff, which is already overburdened, and their time and energy should be directed to other areas that would benefit the court and public.”

The TCPJAC and CEAC considered not recommending the amendment of rule 10.630 but concluded that inaction would provide no relief to the courts and would leave an outdated and unnecessary reporting requirement in the California Rules of Court.

Implementation Requirements, Costs, and Operational Impacts

The amendment of rule 10.630 would result in cost savings to the courts because they would be able to direct staff resources to more necessary functions. Implementation requirements and negative operational impacts are unlikely as a result of amendment of this rule.

Attachments and Links

1. Cal. Rules of Court, rule 10.630, at page 4
2. Chart of comments, at pages 5–6

Rule 10.630 of the California Rules of Court is amended, effective July 1, 2015, to read:

1 **Rule 10.630. ~~Reporting of~~ Reciprocal assignment orders**

2

3 A “reciprocal assignment order” is an order issued by the Chief Justice that permits judges in
4 courts of different counties to serve in each other’s courts. ~~A court must report to the~~
5 ~~Administrative Office of the Courts, on a monthly basis, each assignment of a judge from~~
6 ~~another county to its court under a reciprocal assignment order.~~

W15-05

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

	Commentator	Position	Comment	Committee Response
1.	Superior Court of Los Angeles County Los Angeles, CA	A	Agree with the proposed changes and the changes adequately address the stated purpose. Keeping the definition of reciprocal assignment order is useful and necessary because the phrase is not defined anywhere else in the California Rules of Court (CRC). The deletion of the requirement for a monthly report to the AOC, of each assignment of a judge from another county to its court under a reciprocal assignment order, is appropriate because the requirement is of no use or benefit to court operations. In addition, the reporting requirement has no significant value to the Judicial Council's Office of Court Research and has no value to the Los Angeles County Superior Court. The reporting requirement creates unnecessary work for court staff, which is already overburdened, and their time and energy should be directed to other areas that would benefit the court and public. Given the need for courts to be more efficient and to use resources reasonably and wisely, the reporting requirement cannot be justified.	The commentator's support for the proposal is noted.

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	Commentator	Position	Comment	Committee Response
2.	Superior Court of Marin County By Kim Turner, CEO Marin, CA	A	I support this change for the reasons stated by CEAC.	The commentator's support for the proposal is noted.
3.	Superior Court of San Diego County By Mike Roddy, CEO San Diego, CA	A	No specific comment.	No specific response required.