

**RULES AND REGULATIONS OF THE
STATE BAR OF CALIFORNIA
PERTAINING TO THE BENEFITS, TERMS AND
CONDITIONS GOVERNING
STATE BAR COURT JUDGE SERVICE**

Section 1. **GENERAL PROVISIONS**

- A. The following Rules and Regulations are adopted to govern the benefits, terms and conditions under which the judges appointed by the Supreme Court serve the State Bar Court.

- B. These Rules and Regulations are promulgated by the Board of Governors of the State Bar and may be amended from time to time by the Board.

- C. Nothing herein shall be construed as limiting or altering the plenary authority of the Supreme Court over the admissions and disciplinary system including but not limited to the service of State Bar Court judges.

Section 2. **DEFINITIONS**

- A. “Board” is the Board of Governors of the State Bar of California.

- B. “Day(s)” are calendar days unless otherwise specified.

- C. “Executive Staff” is the Executive Staff of the State Bar governed by the Rules and Regulations Pertaining to the Employment of Executive Staff Employees.

- D. “Judge” is a judge of the State Bar Court appointed pursuant to Bus. & Prof. Code §6079.1 and/or 6086.65. Pro Tem judges are not subject to these Rules and Regulations.

- E. “Lay Judge” is the non-attorney judge appointed pursuant to Bus. & Prof. Code §6086.65(a).

- F. “Rules and Regulations” are these Rules and Regulations Pertaining to the Benefits, Terms and Conditions of Employment Governing the Service of State Bar Court Judges.

- G. “State Bar” is the State Bar of California

- H. “State Bar Court” is the State Bar Court established by the Board of Governors pursuant to Bus. & Prof. Code §6086.5.
- I. “Supreme Court” is the Supreme Court of California.

Section 3. **APPOINTMENT, TERM, DISCIPLINE**

As set forth in Bus. & Prof. Code §6079.1, and rule 9.61, California Rules of Court, judges are appointed and reappointed by the Supreme Court. Judges are subject to admonition, censure, removal, or retirement by the Supreme Court on the same grounds as provided for judges of California courts of record.

Section 4. **STATUS**

- A. With the exception of the Lay Judge, judges are, during their term, to be “Inactive” members of the State Bar not entitled to practice law.
- B. Judges are not judges of a court of record as defined in California Constitution, article 6, section 1. For salary and benefit purposes, judges are employees of the State Bar. With respect to the performance of their adjudicatory responsibilities, judges are independent from the State Bar.
- C. By directive of the Supreme Court, State Bar Court judges are subject to the provisions of the Code of Judicial Conduct.

Section 5. **SALARY AND BENEFITS**

- A. The Board shall fix and pay the salary and benefits of judges. In accordance with Business and Professions Code §§6079.1(d) and 6086.65(a), the salary for Hearing Department judges shall be the same as for Municipal Court judges and the salary for Review Department judges, including the Presiding Judge, shall be the same as for Superior Court judges.
- B. The salary of judges shall adjust automatically in accordance with salary increases received by Municipal and Superior Court judges.
- C. The Board shall also fix and provide benefits of employment, in addition to salary, to judges at levels to be determined and adjusted from time to time in the discretion of the Board.

Section 6. **VACATION**

A. Throughout their terms, judges shall accrue vacation at the following rate:
~~of 1-2/3 days per month, 20 working days per year.~~

Less than fifteen (15) years 1 and 2/3 days per month
of service (20 working days per year)

Fifteen (15) or more years 2 and 1/2 days per month
of service (25 working days per year)

B. Vacation accrual shall be limited as follows:

1. A judge with less than ten (10) years of continuous service may accrue a maximum of forty-five (45) working days of vacation;
2. A judge with at least ten (10) but less than fifteen (15) years of continuous service may accrue a maximum of fifty (50) working days of vacation;
3. A judge with fifteen (15) or more years of continuous service may accrue a maximum of fifty-five (55) working days of vacation.

Upon accruing this maximum, a judge shall cease accruing vacation and shall not commence to accrue vacation again until the accrual is reduced below the maximum.

C. Upon termination of service, a judge shall be paid for all unused, accrued vacation time.

Section 7. **HOURS OF EMPLOYMENT**

The hours of employment of judges are those reasonably necessary to perform their duties. By the nature of their duties, judges are exempt from the overtime provisions of state or federal law and are not entitled to overtime or compensatory time payments.

Section 8. **PAID SICK AND DISABILITY LEAVE**

Paid sick leave, short term and long term disability coverage shall be provided to judges on the same terms and to the same extent as such benefits are provided to State Bar Executive Staff.

Section 9. **HEALTH AND LIFE INSURANCE BENEFITS**

The State Bar shall provide health and life insurance benefits to judges as are provided to State Bar Executive Staff (which may include medical/hospital, vision care, dental, and life coverage).

Section 10. **HOLIDAYS**

A. The following are recognized as paid holidays for judges:

1. New year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. César Chávez Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Day after Thanksgiving Day
12. Christmas Eve
13. Christmas Day
14. New Year's Eve
15. ~~One half day floating holiday~~

B. Holidays falling on Sunday shall be observed the following Monday. Holidays falling on Saturday shall be observed the preceding Friday.

C. Judges not on paid status will not receive holiday time off or holiday pay.

Section 11. **BEREAVEMENT LEAVE**

In the event of a death in the immediate family (i.e., spouse, children, including foster, step or adopted; parents; brother; sister; father-in-law; mother-in-law; grandparents; grandchildren and person assuming the role of spouse) judges shall be entitled to bereavement leave of five (5) work days with pay. Such leave shall not be charged to vacation or to paid sick leave.

Section 12. **JURY DUTY**

In the event that a judge is called for jury duty or is subpoenaed to appear as a witness in a state or federal court proceeding in which the judge is not a party nor has an economic interest, the judge will receive his/her salary less that amount to which the judge is entitled as “juror’s compensation” or “witness fees”. In no instance will the judge realize less salary than he/she would have otherwise received, had the judge not been called for jury duty or subpoenaed to appear as a witness.

Section 13. **MILITARY LEAVE**

Military leave and accompanying rights will be granted as provided by law.

Section 14. **PROFESSIONAL DUES AND FEES**

- A. The State Bar shall pay annual State Bar membership fees at the level required for “Inactive” membership for judges who are members of the State Bar.

- B. The State Bar shall also pay annual membership fees in job-related professional associations for the lay judge and the other judges in an amount not to exceed the difference between “Inactive” fees actually paid for a judge and the highest amount of annual membership fees that must be paid in order to maintain “Active” membership status in the State Bar.

Section 15. **OUTSIDE EMPLOYMENT**

During his/her term, a judge may not engage in any conduct which constitutes the practice of law or which is otherwise inconsistent with the Code of Judicial Conduct, which by Supreme Court directive, is applicable to State Bar Court judges.

Section 16. **EDUCATION AND TRAINING**

- A. Subject to budgetary constraints, the Board of Governors shall provide funding for the education and training of judges consistent with the standards set forth in rule 970, California Rules of Court.

- B. Subject to the efficient administration of justice and in the discretion of the Presiding Judge, State Bar Court judges shall be entitled to paid leave for education and training consistent with the standards set forth in rule 970, California Rules of Court.

Section 17. **PERSONNEL FILES**

- A. The State Bar shall maintain, in its Office of Human Resources, personnel files containing the personnel records of judges. At reasonable times, upon request, the State Bar shall permit a judge to inspect his/her personnel file and any material referred to in such personnel file. A judge's personnel file shall also be made available to the Supreme Court.

- B. Documents and materials pertaining to the evaluation and appointment of judges shall not be part of the judge's personnel file and shall be maintained in accordance with the directives of the Supreme Court.

Section 18. **TRAVEL REIMBURSEMENT**

Judges shall be reimbursed for travel and related expenses in the course of performing their duties in accordance with the travel reimbursement policies adopted by the Board and applicable to all who travel on State Bar business.

Section 19. **PARKING**

To the extent the State Bar continues to provide parking to employees, parking shall be provided to judges to the same extent and on the same basis as is provided for Executive Staff employees. The State Bar, however, retains the right to eliminate free parking entirely or charge for parking, in accordance with the above, upon reasonable notice.

Section 20. **RETIREMENT**

- A. The State Bar shall pay to the California Public Employees' Retirement System ("CalPERS") the full amount of the employer and employee contribution for each judge who is or becomes a member of CalPERS.

- B. Nothing contained in this section shall be deemed to abrogate the right of the State Bar to require a waiting period of ninety (90) days prior to enrolling a judge into CalPERS.

- C. Under the following circumstances, the State Bar shall provide to regular, full-time Judges who receive benefits under CalPERS and who retire under CalPERS as a Judge on or after the date upon which these Judge Rules are adopted, comparable health care plan (providing medical/hospital and vision care coverage) benefits including dependent and domestic partner

coverage benefits, as it provides from time to time to its then active, regular, full-time Employees, provided that:

1. For Judges employed as such as of the date these Rules are adopted (_____), eligibility requires fifteen years of service to the State Bar as a Judge.
2. The Judge must also have such medical/hospital coverage at the time of his/her retirement from employment with the State Bar;
3. The Judge must also elect to receive retirement benefits effective within one hundred twenty (120) days of retirement from State Bar employment under CalPERS;
4. If the State Bar's agreement with its medical/hospital insurance carrier does not permit the identical coverage to be provided to such retired Judge at the same group rate as the State Bar would pay if they were included, the State Bar may provide substantially similar coverage, or contribute to the purchase of substantially similar coverage in an amount equal to the amount that the State Bar contributes toward payment of medical/hospital and vision care coverage for any of its then active, full-time Employees and their dependents; and
5. If the State Bar subsequently adopts a retirement plan other than CalPERS, the State Bar shall also provide substantially similar medical/hospital and vision care benefits to those who retire from State Bar employment under the provisions of such other retirement plans.

Section 21. DEFERRED COMPENSATION PLAN

Judges shall be eligible to participate in an Internal Revenue Code section 457B deferred compensation plan to the same extent and on the same terms as State Bar employees.

Section 22. OTHER BENEFITS

In the discretion of the Board, judges may be provided other benefits.