

1 **Rule 3-105. Administration of the Judiciary**

2 **Intent:**

3 To set forth the authority of individual judges, courts, the Supreme Court, and the Judicial Council to fairly
4 and effectively administer the functions of the judicial branch, and to provide a process by which the
5 Supreme Court and the Judicial Council (1) determine when a matter is predominantly within the
6 exclusive authority of the Supreme Court or the Judicial Council such that referral to and independent
7 action of either body is required; and (2) determine when a matter significantly implicates the exclusive
8 authority of both the Supreme Court and the Judicial Council such that a coordinated effort is required.

9 **Applicability:**

10 This Rule applies to the judicial branch.

11 **Statement of the Rule:**

12 **1. Individual Judges, Courts and Court Levels.**

- 13 a. Individual judges are responsible for administering the cases assigned to them and to
14 their courts for disposition consistent with Rule 3-103.
- 15 b. Individual judges, courts, or court levels may adopt and apply policies, procedures, and
16 practices applicable to them to ensure the fair, efficient, and timely administration of
17 cases assigned to them, provided such policies, procedures, and practices conform to all
18 applicable state and federal laws, to rules and orders promulgated by the Supreme Court,
19 rules promulgated by the Judicial Council, and to applicable provisions of the Human
20 Resources Policies and Procedures Manual.

21 **2. The Supreme Court.**

- 22 a. The Supreme Court has exclusive authority to adopt rules of procedure and evidence to
23 be used in courts of the State, to manage the appellate process, to authorize retired
24 justices, judges, and judges pro tempore to perform judicial duties, and to govern the
25 practice of law in the State.
- 26 b. To the extent matters arise or come before the Judicial Council that are within the
27 exclusive authority of the Supreme Court, the Judicial Council shall refer all such matters
28 to the Supreme Court by notice to the Chief Justice.

29 **3. The Judicial Council.**

- 30 a. Except as provided in paragraphs (1) and (2), the Judicial Council has exclusive authority
31 for the administration of the judiciary, including authority to establish and manage the
32 budget, adopt administrative policies and rules, and oversee the Administrative Office of
33 the Courts.

- 34 b. The Chief Justice, as presiding officer of the Judicial Council and chief administrative
35 officer of the judiciary, shall supervise the State Court Administrator and shall implement
36 rules and policies adopted by the Judicial Council.
- 37 c. To the extent matters arise or come before the Supreme Court that are within the
38 exclusive authority of the Judicial Council, the Supreme Court shall refer all such matters
39 to the Judicial Council by notice to the Management Committee.
- 40 4. **Concurrent Authority of the Supreme Court and Judicial Council.** The Supreme Court and
41 the Judicial Council are each independently responsible for the removal of the State Court
42 Administrator as provided in statute and Rule 3-301, but shall exercise that independent authority
43 consistent with Rule 3-308.
- 44 5. **Coordination and Referral of Activities Implicating Exclusive Authority of the Supreme**
45 **Court and Judicial Council.**
- 46 a. When the Supreme Court begins considering a matter which implicates both the Court's
47 and the Council's exclusive authority, or when there is uncertainty about whether the
48 Court or the Council has authority over such a matter, the Supreme Court or a
49 designated member of the Supreme Court, shall promptly meet and confer with the
50 Management Committee.
- 51 b. When the Judicial Council begins considering a matter which implicates both the
52 Council's and the Court's exclusive authority, or when there is uncertainty about whether
53 the Council or the Court has authority over such a matter, the Management Committee
54 shall promptly meet and confer with the Chief Justice.
- 55 c. In the meeting required under subsections (5)(a) and (5)(b), the Supreme Court (acting
56 through its designated member) and the Judicial Council (acting through its Management
57 Committee) shall:
- 58 i. Decide whether the matter is predominantly within the exclusive authority of the
59 Supreme Court or predominantly within the exclusive authority of the Judicial
60 Council, and then refer the matter to the body with the predominating authority to
61 act;
- 62 ii. Decide whether the matter substantially implicates both the exclusive authority of
63 the Supreme Court and the exclusive authority of the Judicial Council, and then
64 act in a coordinated effort to address the matter.
- 65 d. If after a meeting required under subsections 5(a) and 5(b), no decision can be reached
66 about predominant authority, substantial implication of authority, referral of the matter, or
67 coordination of action, the Supreme Court and the Judicial Council shall meet in a joint
68 session to make the decision.
- 69 e. The designated member of the Supreme Court shall consult with and report to the
70 Supreme Court regarding any meeting required under this rule.

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71 f. The Management Committee shall consult with and report to the Judicial Council
72 regarding any meeting required under this rule.

73 Effective May 1, 2020

74 Note: All previous versions of CJA 3-105 have been repealed.