SUPERIOR COURT OF CALIFORNIA
COUNTY OF SOLANO

TEMPORARY JUDGE PROGRAM
GUIDELINES AND PROCEDURES

I. Definition/Purpose

Temporary judges are trained, qualified, and experienced attorneys who have satisfied the requirements for appointment under California Rules of Court, rule 2.812 – 2.815 and have been appointed by the court to serve as a temporary judge.

The purpose of these guidelines is to establish procedures for the selection, training, monitoring, and retention of temporary (pro tem) judges. These guidelines apply to court appointed temporary judges, and do not apply to subordinate judicial officers, retired judicial officers on assignment, or attorneys designated at the parties' request (privately compensated temporary judges).

II. Selection

Any attorney interested in serving as a Temporary (Pro Tem) Judge for the Superior Court of California, County of Solano, will complete the "Application to Serve as Temporary Judge", which can be obtained at the Court Executive Office.

Applications that preliminarily meet applicable requirements (See Sections III and IV) will be forwarded to the Presiding Judge for review. The Presiding Judge will review the application, with the assistance of the Supervising Judge of the division or subject matter in which the applicant wishes to serve and/or other designee if necessary. Approval or rejection of an application is left to the sole discretion of the Presiding Judge or designee and all such decisions are final.

III. Minimum Qualifications

A. To qualify for appointment as a temporary judge, the applicant must satisfy the following requirements, as well as all requirements pursuant to CRC 2.812:

1. Be an active member of the California State Bar in good standing without any pending disciplinary action and have been a member for at least ten years immediately preceding appointment.

   For good cause, the Presiding Judge may permit an applicant who has been admitted to practice for at least five years to serve, and/or may waive the requirement that an applicant be an active member of the Bar.

2. Must not have pled guilty or no contest to a felony; must not have been convicted of a felony that has not been reversed; and must not have any disqualifying convictions as determined by the Presiding Judge.

3. Must not have any outstanding unpaid sanction with this court; must not have been the subject of any State Bar disciplinary action; must not be a debtor on any outstanding civil judgments.

B. Small Claims Cases

To qualify for appointment as a temporary judge hearing Small Claims cases, the applicant must:

1. Be familiar with the publications identified in Code of Civil Procedure section 116.930, including the Small Claims Court and Consumer Law California Judge's Benchbook.

2. Within the previous three years have successfully completed court approved courses, each of which must be at least three hours in duration, covering bench conduct and demeanor, ethics, and substantive training as required by CRC 2.812(c).

C. Traffic Matters

To qualify for appointment as a temporary judge hearing Traffic Trials, the applicant must, within the previous three years, have successfully completed court approved courses, each of which must be at least three hours in duration, covering bench conduct and demeanor, ethics, and substantive training as required by CRC 2.812(c).

IV. Training Requirements

The presiding judge may appoint an attorney to serve as a temporary judge only if the following minimum training requirements are satisfied:

A. *Mandatory training on bench conduct and demeanor*
Before appointment, the attorney must have attended and successfully completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule 2.813(a) approved by the court in which the attorney will serve. This course must be taken in person and be taught by a qualified judicial officer or other person approved by the Administrative Office of the Courts.

B. *Mandatory training in ethics*
Before appointment, the attorney must have attended and successfully completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule 2.813(b) approved by the court in which the attorney will serve. This course may be taken by any means approved by the court, including in-person, by broadcast with participation, or online.

C. *Substantive training*

Before appointment, the attorney must have attended and successfully completed, within the previous three years, a course on the substantive law in each subject area in which the attorney will serve as a temporary judge. These courses may be taken by any means approved by the court, including in person, by broadcast with participation, or online. The substantive courses have the following minimum requirements:

(1) Small Claims

An attorney serving as a temporary judge in small claims cases must have attended and successfully completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule 2.813(c) approved by the court in which the attorney will serve.

(2) Traffic

An attorney serving as a temporary judge in traffic cases must have attended and completed, within the previous three years, a course of at least 3 hours duration on the subjects identified in rule 2.813(d) approved by the court in which the attorney will serve.

(3) Other subject areas

If the court assigns attorneys to serve as temporary judges in other substantive areas such as civil law, family law, juvenile law, unlawful detainers, or case management, the court must determine what additional training is required and what additional courses are required before an attorney may serve as a temporary judge in each of those subject areas. The court may also require that an attorney possess additional years of practical experience in each substantive area before being assigned to serve as a temporary judge in that subject area.

D. *Resources for Temporary Judges*

The following rules of the California Rules of Court apply to Temporary Judges:

Rule 2.810 Temporary judges appointed by the trial courts
Rule 2.811 Court appointment of temporary judges
Rule 2.812 Requirements for court appointment of an attorney to serve as a temporary judge
Rule 2.813 Contents of training programs
Rule 2.814 Appointment of temporary judge
Rule 2.815 Continuing education
Rule 2.816 Stipulation to court-appointed temporary judge
Rule 2.817 Disclosure to the parties
Rule 2.818 Disqualifications and limitations

The following sections of the Canons of Judicial Ethics relating to fairness are applicable to Temporary Judges:

Canons 2A, 2C, 3B(5), 3B(6), 3B(8), 3C(1), 3C(2), 3C(4), 3E, 5B, and 6D(3)(a)

V. Disqualification

Each temporary judge must comply with canon 6(D)(3)-(5) of the California Code of Judicial Ethics, section 170.1 of the California Code of Civil Procedure and, except as noted below, rule 2.818 of the California Rules of Court. Additionally, a temporary judge will not hear cases where a judge, court commissioner, referee, or magistrate of this or any court is a party of a witness. Attorneys who are members of criminal prosecution or criminal defense agencies including city attorneys and county counsel who prosecute criminal matters, or attorneys who are reserve police officers, may not site as temporary judges in traffic matters. Temporary judges in family law cases are exempt from rule 2.818(b)(3) of the California Rules of Court.

VI. Administrative Matters and Oaths

Temporary judges must arrive promptly. Judicial robes will be provided to temporary judges and must be worn while the temporary judge is on the bench.

A. Before serving as a temporary judge, the attorney must subscribe the oath of office and must certify that he or she is aware of and will comply with applicable provisions of Canon 6 of the Code of Judicial Ethics and the California Rules of Court.

B. An original Oath, signed by the temporary judge and the judge who administered the oath, will be forwarded to the Executive Office, to be maintained in the central files.

C. Temporary judges must sign a declaration at the time of each assignment attesting to the hours served as a temporary judge. The Declaration of Temporary Judge Re: Hours Served will be provided by the courtroom clerk and should be returned to the clerk upon completion.

VII. Performance, Causes Under Submission, Continuing Education, Criminal Charges, Disciplinary Action, Complaints, and Removal

A. Performance

The performance of temporary judges appointed by the court will be monitored and reviewed by the Presiding Judge or his/her designee. This may be done by direct observation, audio taping of hearings, reports by court staff, comments from mentor judges and/or any such other means as may be helpful under CRC 10.745.

B. Causes Under Submission

1. All causes taken under submission must be promptly ruled upon, but in no case will a cause remain under submission for over 90 days.

2. Causes taken under submission will be tracked by the Division Manager(s) assigned to the respective case type.

3. The Division Manager will report all causes under submission for more than 30 days to the Judicial Assistant to the Presiding Judge, who will provide a list to the Presiding Judge or his/her designee, by the 10th of every month, indicating whether each cause has been under submission for 31 through 60 days, 61 through 90 days, or for over 90 days.

4. The Division Manager will contact the individual temporary judge(s) concerning all causes under submission between 31 and 60 days.

5. The Presiding Judge or his/her designee will contact the individual temporary judge(s) concerning all causes under submission between 61 and 90 days.

6. If a cause is under submission for longer than 90 days, the temporary judge may be subject to immediate and permanent removal from the active list at the discretion of the Presiding Judge.

C. Continuing Education

1. Attorneys appointed as temporary judges must attend and successfully complete the following every three years:

    a. A court approved bench conduct and demeanor course;
    b. A court approved ethics course; and
    c. A court approved course in each substantive area in which the attorney will serve as a temporary judge or settlement attorney.

2. The court approved courses will cover the same subjects and be of the same duration as the courses prescribed in CRC 2.812(c).

D. Notice to the Court of Criminal Charges, Disciplinary Action

Within 5 days of the filing of criminal charges in any jurisdiction or the initiation of State Bar disciplinary proceedings against an attorney who sits as a temporary judge, he/she must immediately inform the Presiding Judge of the Court in writing of that action, as well as later inform the Presiding Judge in writing of the outcome of the criminal charges or State Bar disciplinary proceeding as soon as they are announced, notwithstanding that an appeal or petition for extraordinary relief has been filed.

E. Complaints and Removal

1. Using the same procedures as set forth in California Rules of Court, rule 10.703, all complaints made against a temporary judge will be forwarded to the Presiding Judge or designee for consideration. If an investigation ensues, the Presiding Judge or designee may, in his or her discretion, remove the temporary judge from the active list pending the results of the investigation. At the conclusion of the investigation, the Presiding Judge or designee will make a final determination as to the temporary judge's status as being active or ineligible and whether or not any matters need to be referred to the State Bar.

2. Regardless of whether a complaint is made, the Presiding Judge may remove a temporary judge from the eligible list at any time, without notice, and without cause (CRC 10.741(b)).

VIII. Notice to Temporary Judges

A copy of these guidelines and procedures will be furnished to each active temporary judge, who will each be required to sign a statement that he/she has received this document and will abide by it. Failure to abide by the guidelines and procedures may result in the attorney being removed from the Court's list of temporary judges and may be grounds for discipline by the State Bar of California.

IX. Scope

All temporary judges are required to comply with rules 2.810 – 2.819 of the California Rules of Court, unless specifically exempted as noted above, the entirety of canon 6(D) of the Code of Judicial Ethics, section 170.1 of the Code of Civil Procedure, and rule 1-400(D) of the California Rules of Professional Conduct. To the extent these guidelines and procedures contain more stringent requirements than the Rules of Court, Code of Judicial Ethics, Code of Civil Procedure, or Rules of Professional Conduct, temporary judges are required to follow the more stringent requirements set forth in this document.