



Superior Court Of California

County Of Imperial

Subject:

Temporary Judges

Approved by:

Judge Christopher Plourd

TITLE: TEMPORARY JUDGES

POLICY: Temporary Judges (formerly called “judges pro tempore”) serving in the Superior Court of California, County of Imperial are subject to the provisions of this policy as adopted by the Executive Committee.

PURPOSE: This policy will serve to provide uniform requirements for eligibility and selection, training, oversight and removal of temporary judges.

PROCEDURE:

- 1. Eligibility.** Each person sitting as a temporary judge for the court’s Family Law, Probate, Juvenile, Small Claims, Unlawful Detainers or General Jurisdiction Civil Panels must have completed the training mandated by Rule 2.810 – 2.819 of the California Rules of Court within the prior 3 years, must have no disciplinary record with the State Bar of California and must be approved by the bench officers of the Superior Court of California, County of Imperial. Upon a showing of good cause, the Presiding Judge may allow an attorney with 5 to 10 years of experience to serve as a temporary judge or settlement officer if otherwise approved by the bench.
- 2. Ethical Requirements.** Each temporary judge must comply with Canon 6(d) of the California Code of Judicial Ethics and corresponding Rule 1-710 of the California Rules of Professional Conduct for attorneys. No temporary judge will either discourage litigants from requesting that a matter be heard by a judicial officer or encourage litigants to stipulate to him/her as a temporary judge “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
- 3. Disqualification.** The Code of Judicial Ethics and section 170.1 of the Code of Civil Procedures require that the temporary judge disqualify him/herself in certain cases. A temporary judge will not hear cases in which an attorney is a party or a witness or where a judge, court commissioner, referee or magistrate of this or any court is a party or a witness. Attorneys who are employed by public agency or who are reserve police officers may not sit as temporary judges in traffic matters.
- 4. Use of Title of “Temporary Judge” or “Judge Pro Tem.”** Rule 1-400(D) of the California Rules of Professional Conduct forbids attorneys advertising which “tends to confuse, deceive or mislead the public.” Canon 6(b) of the California Code of Judicial Ethics also forbids a temporary judge from using the prestige of judicial office to advance his/her or another party’s “pecuniary or personal interest.” The title “temporary judge” can be used only while the attorney is sitting as a temporary judge, in answer to a question on a judicial or other application, or on a resume not intended for publication. The use of

the title is forbidden in attorney advertising, on business cards, in political ballot statements, as an “occupation” on ballots, in “informing” police officers who have stopped the attorney for a possible traffic violation, and in election campaigns for judicial office. Misuse of the title will result in an attorney being dropped from the court’s list of temporary judges and may be grounds for discipline by the State Bar of California. The title “judge pro tem” is no longer used.

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

6. **Post Hearing Matters.** A temporary judge must remain available for any legal matters subsequent to the matters heard, such as settled statement hearings for appeals, motions for new trial, motions to vacate, etc. Matters should be taken under submission only when extraordinary circumstances exist and should be decided within 14 days. Traffic matters should not be taken under submission without a waiver of appearance from the defendant.

7. **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 Superior Court of California, County of Imperial 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.

8. **Notice of Policies.** The above policy and temporary judge guidelines will be furnished to each temporary judge, who will be required to sign a statement that he/she has received them and will abide by them

Adopted: **3/17/2017**