

**LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT and  
CALIFORNIA STANDARDS OF JUDICIAL ADMINISTRATION**  
Adopted by the Judicial Council of California on December 2, 2005,  
effective January 1, 2006, and July 1, 2006

**Effective January 1, 2006**

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**Effective January 1, 2006**  
**Rule 60. Petition for writ of habeas corpus**

(a)–(c) \*\*\*

(d) **Petition ~~unrelated to appellate district~~ filed in inappropriate court**

(1) \*\*\*

(2) A Court of Appeal must deny without prejudice a petition for writ of habeas corpus that challenges the denial of parole or the petitioner’s suitability for parole if the issue was not first adjudicated by the trial court that rendered the underlying judgment.

~~(2)~~ (3) If the court denies a petition solely under ~~(1)~~ this subdivision, the order must state the basis of the denial and must identify the appropriate court in which to file the petition.

*(Subd. (d) amended effective January 1, 2006.)*

*Rule 60 amended effective January 1, 2006; repealed and adopted effective January 1, 2005.*

**Advisory Committee Comment (2005~~6~~)**

Revised rule 60(a)–(b) restates former rule 56.5.

**Subdivision (d).** Except for subdivision (d)(2), revised rule 60(d) restates section 6.5 of the Standards of Judicial Administration. New subdivision (d)(2) is based on the California Supreme Court decision in *In re Roberts* (2005) 36 Cal.4th 575, which provides that petitions for writ of habeas corpus challenging denial or suitability for parole are first to be adjudicated in the trial court that rendered the underlying judgment.

**Rule 4.300. Commitments to nonpenal institutions**

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**Advisory Committee Comment (2003~~6~~)**

~~Youth Authority~~ Department of Corrections and Rehabilitation, Division of Juvenile Justice (formerly Youth Authority) commitments cannot exceed the maximum possible incarceration in an adult institution for the same crime. *People v. Olivas* (1976) 17 Cal.3d 236.

Under the indeterminate sentencing law, the receiving institution knew, as a matter of law from the record of the conviction, the maximum potential period of imprisonment for the crime of which the defendant was convicted.

Under the Uniform Determinate Sentencing Act, the court's discretion as to length of term leaves doubt as to the maximum term when only the record of convictions is present.

#### **Rule 4.406. Reasons**

(a) \*\*\*

(b) **[When reasons required]** Sentence choices that generally require a statement of a reason include:

(1)–(2) \*\*\*

(3) Declining to commit to the ~~Youth Authority~~ Department of Corrections and Rehabilitation, Division of Juvenile Justice an eligible juvenile found amenable for treatment.

(4)–(10) \*\*\*

*(Subd (b) amended effective January 1, 2006; previously amended effective January 1, 2001, and July 1, 2003.)*

*Rule 4.406 amended effective January 1, 2006; adopted as rule 406 effective January 1, 1991; renumbered and amended effective January 1, 2001; previously amended effective July 1, 2003.*

#### **Rule 4.411. Presentence investigations and reports**

(a)–(c) \*\*\*

(d) **[Purpose of presentence investigation report]** Probation officers' reports are used by judges in determining the appropriate length of a prison sentence and by the Department of Corrections and Rehabilitation, Division of Adult Operations in deciding upon the type of facility and program in which to place a defendant, and are also used in deciding whether probation is appropriate. Section 1203c requires a probation officer's report on every person sentenced to prison; ordering the report before sentencing in probation-ineligible cases will help ensure a well-prepared report.

*(Subd (d) amended effective January 1, 2006.)*

*Rule 4.411 amended effective January 1, 2006; adopted as rule 418 effective July 1, 1977; previously amended and renumbered as rule 411 effective January 1, 1991; renumbered as rule 4.411 effective January 1, 2001.*

## Rule 4.435. Sentencing upon revocation of probation

(a) \*\*\*

(b) Upon revocation and termination of probation pursuant to section 1203.2, when the sentencing judge determines that the defendant shall be committed to prison:

- (1) If the imposition of sentence was previously suspended, the judge shall impose judgment and sentence after considering any findings previously made and hearing and determining the matters enumerated in rule 4.433(c).

The length of the sentence shall be based on circumstances existing at the time probation was granted, and subsequent events may not be considered in selecting the base term nor in deciding whether to strike the additional punishment for enhancements charged and found.

- (2) If the execution of sentence was previously suspended, the judge shall order that the judgment previously pronounced be in full force and effect and that the defendant be committed to the custody of the ~~Director of Corrections~~ Secretary of the Department of Corrections and Rehabilitation for the term prescribed in that judgment.

*(Subd (b) amended effective January 1, 2006; previously amended effective July 1, 2003.)*

*Rule 4.435 amended effective January 1, 2006; adopted as rule 435 effective July 1, 1977; previously amended effective January 1, 1991; renumbered as rule 4.435 effective January 1, 2001; previously amended effective July 1, 2003.*

## Rule 4.453. Commitments to nonpenal institutions

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### Advisory Committee Comment (2003~~6~~)

~~Youth Authority~~ Department of Corrections and Rehabilitation, Division of Juvenile Justice (formerly Youth Authority) commitments cannot exceed the maximum possible incarceration in an adult institution for the same crime. *People v. Olivas* (1976) 17 Cal.3d 236.

Under the indeterminate sentencing law, the receiving institution knew, as a matter of law from the record of the conviction, the maximum potential period of imprisonment for the crime of which the defendant was convicted.

Under the Uniform Determinate Sentencing Act, the court's discretion as to length of term leaves doubt as to the maximum term when only the record of convictions is present.

#### **Rule 4.480. Judge's statement under section 1203.01**

A sentencing judge's statement of his or her views under section 1203.01 respecting a person sentenced to the Department of Corrections and Rehabilitation, Division of Adult Operations is required only in the event that no probation report is filed. Even though it is not required, however, a statement should be submitted by the judge in any case in which he or she believes that the correctional handling and the determination of term and parole should be influenced by information not contained in other court records.

The purpose of a section 1203.01 statement is to provide assistance to the Department of Corrections and Rehabilitation, Division of Adult Operations in its programming and institutional assignment and to the ~~Board of Prison Terms~~ Board of Parole Hearings with reference to term fixing and parole release of persons sentenced indeterminately, and parole waiver of persons sentenced determinately. It may amplify any reasons for the sentence which may bear on a possible suggestion by the ~~Director of Corrections~~ Secretary of the Department of Corrections and Rehabilitation or the ~~Board of Prison Terms~~ Board of Parole Hearings that the sentence and commitment be recalled and the defendant be resentenced. To be of maximum assistance to these agencies, a judge's statements should contain individualized comments concerning the convicted offender, any special circumstances which led to a prison sentence rather than local incarceration, and any other significant information which might not readily be available in any of the accompanying official records and reports.

If a section 1203.01 statement is prepared, it should be submitted no later than two weeks after sentencing so that it may be included in the official Department of Corrections and Rehabilitation, Division of Adult Operations case summary which is prepared during the time the offender is being processed at the Reception-Guidance Center of the Department of Corrections and Rehabilitation, Division of Adult Operations.

*Rule 4.480 amended effective January 1, 2006; adopted as Sec. 12 effective January 1, 1973; previously renumbered and amended effective January 1, 2001; previously amended effective July 1, 1978, and July 1, 2003.*

## **Rule 4.552. Habeas corpus jurisdiction**

- (a) **[Proper court to hear petition]** Except as set forth in ~~subdivision (b)(2) and (c)~~, the petition must be heard and resolved in the court in which it is filed.

*(Subd (a) amended effective January 1, 2006.)*

- (b) **[Transfer of petition—discretionary]**

(1)–(4) \*\*\*

*(Subd (b) amended effective January 1, 2006.)*

- (c) **[Transfer of petition—mandatory]** If the petition challenges the denial of parole or the petitioner’s suitability for parole and is filed in a superior court other than the court that rendered the underlying judgment, the court in which the petition is filed must transfer the petition to the superior court in which the underlying judgment was rendered. The court must transfer the case before determining whether the petition states a prima facie case for relief and specify in the order of transfer the reason for the transfer.

*(Subd (c) adopted effective January 1, 2006.)*

- ~~(e)~~(d) **[Single judge must decide petition]** A petition for writ of habeas corpus filed in the superior court must be decided by a single judge; it must not be considered by the appellate division of the superior court.

*(Subd (d) relettered effective January 1, 2006; formerly adopted as subd (c) effective January 1, 2002.)*

*Rule 4.552 amended effective January 1, 2006; adopted effective January 1, 2002.*

### **Advisory Committee Comment (2006)**

Subdivision (c) is based on the California Supreme Court decision in *In re Roberts* (2005) 36 Cal.4th 575, which provides that petitions for writ of habeas corpus challenging denial or suitability for parole are to be adjudicated in the court that rendered the underlying judgment.

## **Rule 1522. Notice of submission of petition for coordination**

- (a) **[Contents of notice of submission]** In each included action, the petitioner must file a “Notice of Submission of Petition for Coordination” and the petition for coordination. Each notice must bear the title of the court in which

the notice is to be filed and the title and case number of each included action that is pending in that court. Each notice must include:

- (1) The date that the petition for coordination was submitted to the Chair of the Judicial Council;
- (2) The name and address of the petitioner's attorney of record;
- (3) The title and case number of each included action to which the petitioner is a party and the title of the court in which each action is pending; and
- (4) The statement that any written opposition to the petition must be submitted and served at least ~~10~~ nine calendar days before the hearing date.

*(Subd (a) amended effective January 1, 2006; adopted as part of unlettered subdivision effective January 1, 1974; previously amended and lettered effective January 1, 2005.)*

**(b) \*\*\***

*Rule 1522 amended effective January 1, 2006; adopted effective January 1, 1974; previously amended effective January 1, 2005.*

### **Rule 1726. Temporary judges in small claims cases**

- (a) [Qualifications]** To qualify for appointment as a temporary judge hearing matters in the small claims court or on appeal of a small claims judgment, a person ~~shall~~ must have:
- (1) Been a member of the State Bar for at least five years immediately preceding appointment;<sub>2</sub>
  - (2) Attended and completed a training program for temporary judges provided by the appointing court;<sub>2</sub> and
  - (3) Become familiar with the publications identified in Code of Civil Procedure section 116.930.

*(Subd (a) amended effective January 1, 2006.)*

- (b) [Training program]** The training program ~~shall~~ must cover judicial ethics, substantive law,\* small claims procedures (including the wording of judgments), and the conduct of small claims hearings. Judicial ethics and the

conduct of small claims hearings should be taught by a judge, if possible; substantive law and procedure ~~shall~~ must be taught by any bench officer or other person experienced in small claims law and procedure.

*(Subd (b) amended effective January 1, 2006.)*

**(c) [Substantive training]** An attorney who has received training under this rule within three years before July 1, 2006 that did not include training in all the substantive law topics specified in (b) must supplement his or her training before that date to include the topics and thereby be qualified to serve as a temporary judge hearing small claims cases.

*(Subd (c) adopted effective January 1, 2006.)*

**(d) [Repeal]** This rule remains in effect through December 31, 2006, at which time it is repealed.

*(Subd (d) adopted effective January 1, 2006.)*

\*Substantive areas of law are intended to include ~~the following: consumer sales; vehicular sales, leasing, and repairs; credit and financing transactions; professional and occupational licensing; landlord-tenant law; contract, warranty, tort, and negotiable instruments law; state and federal consumer laws; landlord-tenant law~~ along with any applicable county specific rent deposit law; the state and federal Fair Debt Collection Practices Acts, the federal Truth in Lending Act, the federal Air Credit Billing Act, and the federal Electronic Fund Transfer Act; tort law; warranty law; negotiable instruments law; contract law, including defenses to contracts and defenses to debts; and other subject areas deemed appropriate by the presiding judge, given local needs and conditions.

*Rule 1726 amended effective January 1, 2006; adopted effective July 1, 1991.*

## **Rule 6.661. Regional Court Interpreter Employment Relations Committees**

**(a) \*\*\***

**(b) [Membership]**

~~(1) Before September 15, 2003, each Regional Court Interpreter Employment Relations Committee consists of one representative from each superior court that has at least one interpreter eligible to apply for a position as a court interpreter pro tempore under Government Code section 71802.~~

~~(2)~~ After September 15, 2003, (1) Each Regional Court Interpreter Employment Committee consists of one representative from each superior court that has at least one interpreter employed as a court interpreter ~~pro~~ tempore as defined by Government Code section ~~71805~~ 71806 and not excluded by section 71828(d).

~~(3)~~(2) \*\*\*

~~(4)~~(3) \*\*\*

~~(5)~~(4) \*\*\*

~~(6)~~(5) \*\*\*

*(Subd (b) amended effective January 1, 2006.)*

**(c)** \*\*\*

**(d) [Voting]**

~~(1)~~ Before September 15, 2003, each representative of a superior court has a number of votes equal to the number of interpreters eligible to apply for positions as court interpreter ~~pro~~ tempore in that trial court as defined by Government Code section 71804.

~~(2)~~ After September 15, 2003,(1) Each representative of a superior court has a the number of votes equal to the number of court interpreter ~~pro~~ tempore employees in that trial court as defined by Government Code section ~~71804~~ 71806 and not excluded by section 71828(d).

~~(3)~~(2) On July 1, 2004, and annually thereafter each Regional Court Interpreter Employment Relations Committee must recalculate the number of votes of each representative of a superior court to equal the number of court interpreter ~~pro~~ tempore employees in that court.

*(Subd (d) amended effective January 1, 2006.)*

**(e)** \*\*\*

*Rule 6.661 amended effective January 1, 2006; adopted effective March 1, 2003.*

## California Standards of Judicial Administration

### Sec. 16.5. Temporary judges hearing small claims cases

(a)–(e) \*\*\*

**(f)** This section of the Standards of Judicial Administration remains in effect through December 31, 2006, at which time it is repealed.

*(Subd (f) adopted effective January 1, 2006.)*

*Section 16.5 amended effective January 1, 2006; adopted effective January 1, 1994.*

## Effective July 1, 2006

### **Rule 243.10. Definition of temporary judge**

“Temporary judge” means an active or inactive member of the State Bar of California who, under article VI, section 21 of the California Constitution and the California Rules of Court, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment, for each period of service or each case heard.

*Rule 243.10 adopted effective July 1, 2006.*

### **Rule 243.11. Temporary judges appointed by the trial courts**

**(a)** [Scope of rules] Rules 243.11–243.21 apply to attorneys who serve as court-appointed temporary judges in the trial courts. The rules do not apply to subordinate judicial officers, to retired judicial officers appointed by the courts to serve as temporary judges, or to attorneys designated by the courts to serve as temporary judges at the parties’ request.

**(b)** [Definition of “court-appointed temporary judge”] A “court-appointed temporary judge” means an attorney who has satisfied the requirements for appointment under rule 243.13 and has been appointed by the court to serve as a temporary judge in that court.

**(c)** [Appointment of attorneys as temporary judges] Trial courts may appoint an attorney as a temporary judge only if the attorney has satisfied the requirements of rule 243.13.

- (d) **[Exception for extraordinary circumstances]** A presiding judge may appoint an attorney who is qualified under 243.13(a), but who has not satisfied the other requirements of that rule, only in case of extraordinary circumstances. Any appointment under this subdivision based on extraordinary circumstances must be made before the attorney serves as a temporary judge, must be recorded for reporting purposes under rule 6.742(c)(3), and must not last more than 10 court days in a three-year period.
- (e) **[Operative date]** The operative date of rules 243.11–243.14 is January 1, 2007. By that date, all court-appointed temporary judges must satisfy the eligibility and training requirements specified in these rules. Rule 1726 and section 16.5 of the Standards of Judicial Administration, as amended effective January 1, 2006, will remain in effect until December 31, 2006, at which time they are repealed.

*Rule 243.11 adopted effective July 1, 2006.*

#### **Rule 243.12. Court appointment of temporary judges**

- (a) **[Purpose of court appointment]** The purpose of court appointment of attorneys as temporary judges is to assist the public by providing the court with a panel of trained, qualified, and experienced attorneys who may serve as temporary judges at the discretion of the court if the court needs judicial assistance that it cannot provide using its full-time judicial officers.
- (b) **[Appointment and service discretionary]** Court-appointed attorneys are appointed and serve as temporary judges solely at the discretion of the presiding judge.
- (c) **[No employment relationship]** Court appointment and service of an attorney as a temporary judge do not establish an employment relationship between the court and the attorney.
- (d) **[Responsibility of the presiding judge for appointments]** The appointment of attorneys to serve as temporary judges is the responsibility of the presiding judge, who may designate another judge or committee of judges to perform this responsibility. In carrying out this responsibility, the presiding judge is assisted by a Temporary Judge Administrator as prescribed by rule 6.743.

*Rule 243.12 adopted effective July 1, 2006.*

**Rule 243.13. Requirements for court appointment of an attorney to serve as a temporary judge**

- (a) **[Experience required for appointment and service]** The presiding judge may not appoint an attorney to serve as a temporary judge unless the attorney has been admitted to practice as a member of the State Bar of California for at least 10 years before the appointment. However, for good cause, the presiding judge may permit an attorney who has been admitted to practice for at least 5 years to serve as a temporary judge.
- (b) **[Conditions for appointment by the court]** The presiding judge may appoint an attorney to serve as a temporary judge only if the attorney:
- (1) Is a member in good standing of the State Bar and has no disciplinary action pending;
  - (2) Has not pled guilty or no contest to a felony, or has not been convicted of a felony that has not been reversed;
  - (3) Has satisfied the education and training requirements in (c);
  - (4) Has satisfied all other general conditions that the court may establish for appointment of an attorney as a temporary judge in that court; and
  - (5) Has satisfied any additional conditions that the court may require for an attorney to be appointed as a temporary judge for a particular assignment or type of case in that court.
- (c) **[Education and training requirements]** The presiding judge may appoint an attorney to serve as a temporary judge only if the following minimum training requirements are satisfied:
- (1) (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 243.14(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.
  - (2) (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 243.14(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.

- (3) (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:
- (A) (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 243.14(c) approved by the court in which the attorney will serve.
- (B) (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 243.14(d) approved by the court in which the attorney will serve.
- (C) (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 training required in each area must be of at least 3 hours duration. 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) (Settlement) An attorney need not be a temporary judge to assist the court in settlement conferences. However, an attorney assisting the court with settlement conferences who performs any judicial function, such as entering a settlement on the record under section 664.6 of the Code of Civil Procedure, must be a qualified temporary judge who has satisfied the training requirements under (c)(1) and (c)(2) of this rule.

- (E) The substantive training requirements in (3)(A)–(C) do not apply to courts in which temporary judges are used fewer than 10 times altogether in a calendar year.
- (d) **[Additional requirements]** The presiding judge in each court should establish additional experience and training requirements for temporary judges beyond the minimum requirements provided in this rule if it is feasible for the court to do so.
- (e) **[Records of attendance]** A court that uses temporary judges must maintain records verifying that each attorney who serves as a temporary judge in that court has attended and successfully completed the courses required under this rule.
- (f) **[Application and appointment]** To serve as a temporary judge, an attorney must complete the application required under rule 6.744, must satisfy the requirements prescribed in this rule, and must satisfy such other requirements as the court appointing the attorney in its discretion may determine are appropriate.

*Rule 243.13 adopted effective July 1, 2006.*

**Advisory Committee Comment (2006)**

The goal of this rule is to ensure that attorneys who serve as court-appointed temporary judges are qualified and properly trained.

**Subdivision (a).** If a court determines that there is good cause under (a) to appoint an attorney with less than 10 years of practice as a temporary judge, the attorney must still satisfy the other requirements of the rule before being appointed.

**Subdivision (b).** “Good standing” means that the attorney is currently eligible to practice law in the State of California. An attorney in good standing may be either an active or a voluntarily inactive member of the State Bar. The rule does not require that an attorney be an active member of the State Bar to serve as a court-appointed temporary judge. Voluntarily inactive members may be appointed as temporary judges if the court decides to do so.

**Subdivision (c).** A court may use attorneys who are not temporary judges to assist in the settlement of cases. For example, attorneys may work under the presiding judge or individual judges and may assist them in settling cases. However, these attorneys may not perform any judicial functions such as entering a settlement on the record under Code of Civil Procedure section 664.6. Settlement attorneys who are not temporary judges are not required to satisfy the requirements of these rules, but must satisfy any requirements established by the court for attorneys who assist in the settlement of cases.

### **Rule 243.14. Contents of training programs**

- (a) [Bench conduct]** Before the court may appoint an attorney to serve as a temporary judge in any type of case, the attorney must have received training under rule 243.13(c)(1) in the following subjects:
- (1) Bench conduct, demeanor, and decorum;
  - (2) Access, fairness, and elimination of bias; and
  - (3) Adjudicating cases involving self-represented parties.
- (b) [Ethics]** Before the court may appoint an attorney to serve as a temporary judge in any type of case, the attorney must have received ethics training under rule 243.13(c)(2) in the following subjects:
- (1) Judicial ethics generally;
  - (2) Conflicts;
  - (3) Disclosures, disqualifications, and limitations on appearances; and
  - (4) Ex parte communications.
- (c) [Small claims]** Before the court may appoint an attorney to serve as a temporary judge in small claims cases, the attorney must have received training under rule 243.13(c)(3)(A) in the following subjects:
- (1) Small claims procedures and practices;
  - (2) Consumer sales;
  - (3) Vehicular sales, leasing, and repairs;
  - (4) Credit and financing transactions;
  - (5) Professional and occupational licensing;
  - (6) Tenant rent deposit law;
  - (7) Contract, warranty, tort, and negotiable instruments law; and

(8) Other subjects deemed appropriate by the presiding judge based on local needs and conditions.

In addition, an attorney serving as a temporary judge in small claims cases must be familiar with the publications identified in Code of Civil Procedure section 116.930.

**(d)** [Traffic] Before the court may appoint an attorney to serve as a temporary judge in traffic cases, the attorney must have received training under rule 243.13(c)(3)(B) in the following subjects:

(1) Traffic court procedures and practices;

(2) Correctable violations;

(3) Discovery;

(4) Driver licensing;

(5) Failure to appear;

(6) Mandatory insurance;

(7) Notice to appear citation forms;

(8) Red-light enforcement;

(9) Sentencing and court-ordered traffic school;

(10) Speed enforcement;

(11) Settlement of the record;

(12) Uniform bail and penalty schedules;

(13) Vehicle registration and licensing; and

(14) Other subjects deemed appropriate by the presiding judge based on local needs and conditions.

*Rule 243.14 adopted effective July 1, 2006.*

**Advisory Committee Comment (2006)**

The purpose of this rule is to ensure that all court-appointed temporary judges have proper training in bench conduct and demeanor, ethics, and each substantive area in which they adjudicate cases. Each court is responsible for approving the training and instructional materials for the temporary judges appointed by that court. The training in bench conduct and demeanor must be in person, but in other areas each court may determine the approved method or methods by which the training is provided. The methods may include in-person courses, broadcasts with participation, and online courses. Courts may offer MCLE credit for courses that they provide and may approve MCLE courses provided by others as satisfying the substantive training requirements under this rule. Courts may work together with other courts, or may cooperate on a regional basis, to develop and provide training programs for court-appointed temporary judges under this rule.

### **Rule 243.15. Appointment of temporary judge**

An attorney may serve as a temporary judge for the court only after the court has issued an order appointing him or her to serve. Before serving, 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.

*Rule 243.15 adopted effective July 1, 2006.*

### **Rule 243.17. Continuing education**

- (a) **[Continuing education required]** Each attorney appointed as a temporary judge must attend and successfully complete every three years a course on bench conduct and demeanor, an ethics course, and a course in each substantive area in which the attorney will serve as a temporary judge. The courses must cover the same subjects and be of the same duration as the courses prescribed in rule 243.13(c). These courses must be approved by the court that appoints the attorney.
- (b) **[Records of attendance]** A court that uses temporary judges must maintain records verifying that each attorney who serves as a temporary judge in that court has attended and successfully completed the courses required under this rule.

*Rule 243.17 adopted effective July 1, 2006.*

**Rule ~~243.18,1727~~. Stipulation to court-appointed temporary judge in small claims cases**

**(a) [Application]** This rule governs a stipulation for a matter to be heard by a temporary judge when the court has appointed and assigned an attorney to serve as a temporary judge in that court.

*(Subd (a) adopted effective July 1, 2006.)*

**(a)(b) [Stipulation Contents of notice]** Notwithstanding rule 244, in small claims actions a party litigant shall be is deemed to have stipulated to the matter being tried by a temporary judge, as defined in rule 880, if all of the following occur Before the swearing in of the first witness in the at a small claims hearing, before the entry of a plea by the defendant at a traffic arraignment, or before the commencement of any other proceeding, the court must give notice to each party that:

- (1) ~~The court notifies the party litigant that~~ A temporary judge will be hearing the matters for that calendar;
- (2) ~~The court notifies the party litigant that~~ The temporary judge is a qualified member of the State Bar and the name of the temporary judge is provided;  
and
- (3) ~~The court notifies~~ The party litigant that he or she has a right to have the matter heard before a duly elected or appointed judicial officer judge, commissioner, or referee of the court; and.
- (4) ~~After notice, the party litigant fails to object to the matter being heard by a temporary judge.~~

*(Subd (b) amended and relettered effective July 1, 2006; adopted as subd (a) effective January 1, 2001.)*

**(b)(c) [Form of notice]** This notice may be given The court may give the notice in (b) in the following forms by either of the following methods:

- (1) A conspicuous sign posted inside or just outside the courtroom, accompanied by oral notification or notification by videotape or audiotape by a court officer on the day of the hearing; or

- (2) A written stipulation, signed by the party litigant. A written notice provided to each party.

*(Subd (c) amended and relettered effective July 1, 2006; adopted as subd (b) effective January 1, 2001.)*

**(d) [Methods of Stipulation]** After notice has been given under (a) and (b), a party stipulates to a court-appointed temporary judge by either of the following:

- (1) The party is deemed to have to have stipulated to the attorney serving as a temporary judge if the party fails to object to the matter being heard by the temporary judge before the temporary judge begins the proceeding; or
- (2) The party signs a written stipulation agreeing that the matter may be heard by the temporary judge.

*(Subd (d) adopted effective July 1, 2006.)*

**(e) [Application or motion to withdraw stipulation]** An application or motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation. In addition:

- (1) The application or motion must be heard by the presiding judge or a judge designated by the presiding judge.
- (2) A declaration that a ruling by a temporary judge is based on error of fact or law does not establish good cause for withdrawing a stipulation.
- (3) The application or motion must be served and filed, and the moving party must mail or deliver a copy to the presiding judge.
- (4) If the application or motion for withdrawing the stipulation is based on grounds for the disqualification of, or limitation of the appearance by, the temporary judge first learned or arising after the temporary judge has made one or more rulings, but before the temporary judge has completed judicial action in the proceeding, the temporary judge, unless the disqualification or termination is waived, must disqualify himself or herself, but in the absence of good cause the rulings the temporary judge has made up to that time must not be set aside by the judicial officer or temporary judge who replaces the temporary judge.

*(Subd (e) adopted effective July 1, 2006.)*

*Rule 243.18 amended and renumbered effective July 1, 2006; adopted as rule 1727 effective January 1, 2001.*

**Rule 243.19. Disclosures to the parties**

A temporary judge must make all disclosures required under the Code of Judicial Ethics.

*Rule 243.19 adopted effective July 1, 2006.*

**Rule 243.20. Disqualifications and limitations**

A temporary judge must disqualify himself or herself, and is limited from serving as a temporary judge in proceedings, as provided under the Code of Judicial Ethics.

*Rule 243.20 adopted effective July 1, 2006.*

**Rule 243.21. Continuing duty to disclose and disqualify**

A temporary judge has a continuing duty to make disclosures, to disqualify himself or herself, and to limit his or her service as provided under the Code of Judicial Ethics.

*Rule 243.21 adopted effective July 1, 2006.*

**Rule 243.30. Temporary judges requested by the parties**

- (a) [Application]** Rules 243.30–243.34 apply to attorneys designated as temporary judges under article VI, section 21 of the California Constitution at the request of the parties rather than by prior appointment of the court, including privately compensated temporary judges and attorneys who serve as temporary judges pro bono at the request of the parties.
- (b) [Definition]** “Privately compensated” means that the temporary judge is paid by the parties.
- (c) [Limitation]** These rules do not apply to subordinate judicial officers or to attorneys who are appointed by the court to serve as temporary judges for the court.

Rule 243.30 adopted effective July 1, 2006.

**Rule ~~244.~~243.31. Temporary judge—stipulation, order, oath, assignment, compensation, and other matters disclosure, and disqualification**

- (a) **[Stipulation]** ~~Except as provided in rule 1727, When the parties request that an attorney be designated by the court to serve as a temporary judge on a case, the stipulation of the parties that a case may be tried by a temporary judge must be in writing and must state the name and office address of the member of the State Bar agreed upon on. It~~ The stipulation must be submitted for approval to the presiding judge or to the supervising judge of a branch court or the judge designated by the presiding judge. This subdivision does not apply to the selection of a court commissioner to act as a temporary judge.

*(Subd (a) amended effective July 1, 2006; previously amended and relettered effective July 1, 1993; previously amended effective January 1, 2001, and July 1, 2001.)*

- (b) **[Order, and oath, and certification]** ~~The order designating the temporary judge must be endorsed upon the stipulation signed by the presiding judge or the presiding judge's designee and refer to the stipulation. The stipulation and order which must then be filed. The temporary judge must take and subscribe the oath of office and certify that he or she is aware of and will comply with applicable provisions of canon 6 of the Code of Judicial Ethics and these rules the California Rules of Court. The oath and certification must be attached to the stipulation and order of designation, and the case will then be assigned to the temporary judge for trial.~~

*(Subd (b) amended effective July 1, 2006; previously amended and relettered effective July 1, 1993; previously amended effective July 1, 2001.)*

- (c) **[When the temporary judge may proceed]** ~~The temporary judge may proceed with the hearing, trial, and determination of the cause Aafter the stipulation, order, oath, and certification is have been filed, the temporary judge may proceed with the hearing, trial, and determination of the case.~~

~~A filed oath and order, until revoked, may be used in any case in which the parties stipulate to the designated temporary judge. The stipulation must specify the filing date of the oath and order.~~

~~This subdivision does not apply to the selection of a court commissioner to act as a temporary judge.~~

*(Subd (c) amended and relettered effective July 1, 2006; formerly adopted as subd (b).)*

**(e)(d) [Disclosure to the parties]** In addition to any other disclosure required by law, no later than five days after appointment designation as a temporary judge or, if the temporary judge is not aware of his or her appointment designation or of a matter subject to disclosure at that time, as soon as practicable thereafter, a temporary judge must disclose to the parties:

- (1) Any matter subject to disclosure under ~~subdivisions (D)(2)(f) and (D)(2)(g) of Canon 6~~ of the Code of Judicial Ethics; and
- (2) Any ~~significant~~ personal or professional relationship known to the temporary judge that the temporary judge or the temporary judge's law firm has or has had with a party, attorney, or law firm in the instant current case, including the number and nature of any other proceedings in the past 24 months in which the temporary judge has been privately compensated by a party, attorney, law firm, or insurance company in the instant case for any services, including, but not limited to, service as an attorney, expert witness, or consultant or as a judge, referee, arbitrator, mediator, settlement facilitator, or other alternative dispute resolution neutral.

*(Subd (d) amended and relettered effective July 1, 2006; adopted as subd (c) effective July 1, 2001.)*

**(d)(e) [Disqualification]** ~~Requests for disqualification of temporary judges are determined as provided in Code of Civil Procedure sections 170.1, 170.2, 170.3, 170.4, and 170.5. In addition to any other disqualification required by law, a temporary judge requested by the parties and designated by the court under this rule must disqualify himself or herself as provided under the Code of Judicial Ethics.~~

*(Subd (e) amended and relettered effective July 1, 2006; adopted as subd (c) effective July 1, 1993; previously amended and relettered as subd (d) effective July 1, 2001.)*

**(e) [Use of court facilities, court personnel, and summoned jurors]** ~~A party who has elected to use the services of a privately compensated temporary judge is deemed to have elected to proceed outside the courthouse, and court facilities, court personnel, or summoned jurors must not be used, except upon a finding by the presiding judge that their use would further the interests of justice.~~

~~For all matters pending before privately compensated temporary judges, the clerk must post a notice in the courthouse indicating the case name and number~~

~~as well as the telephone number of a person to contact to arrange for attendance at any proceeding that would be open to the public if held in a courthouse.~~

*(Subd (e) repealed effective July 1, 2006; adopted as subd (d) effective July 1, 1993; previously amended and relettered effective July 1, 2001.)*

~~(f) [Order for appropriate hearing site] The presiding or supervising judge, on request of any person or on the judge's own motion, may order that a case before a privately compensated temporary judge must be heard at a site easily accessible to the public and appropriate for seating those who have made known their plan to attend hearings. The request must be by letter with reasons stated and must be accompanied by a declaration that a copy of the request was mailed to each party, to the temporary judge, and to the clerk for placement in the file. The order may require that notice of trial or of other proceedings be given to the requesting party directly. An order for an appropriate hearing site is not grounds for withdrawal of a stipulation.~~

*(Subd (f) repealed effective July 1, 2006; adopted as subd (e) effective July 1, 1993; previously amended and relettered effective July 1, 2001.)*

~~(g)(f) [Motion to withdraw stipulation or to seal records; complaint for intervention] A motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation, and must be heard by the presiding judge or a judge designated by the presiding judge. A declaration that a ruling is based on error of fact or law does not establish good cause for withdrawing a stipulation. Notice of the motion must be served and filed, and the moving party must mail or deliver a copy to the temporary judge. If the motion to withdraw the stipulation is based on grounds for the disqualification of the temporary judge first learned or arising after the temporary judge has made one or more rulings, but before the temporary judge has completed judicial action in the proceeding, the provisions of rule 243.20(f) apply. If the a motion to withdraw a stipulation is granted, the case must be transferred to the trial court docket the presiding judge must assign the case for hearing or trial as promptly as possible.~~

~~A motion to seal records in a cause before a privately compensated temporary judge must be served and filed and must be heard by the presiding judge or a judge designated by the presiding judge. The moving party must mail or deliver a copy of the motion or application to the temporary judge and to any person or organization who has requested that the case be heard at an appropriate hearing site.~~

~~A motion for leave to file a complaint for intervention in a cause before a privately compensated temporary judge must be served and filed, and must be assigned for hearing as a law and motion matter. The party seeking intervention must mail or deliver a copy of the motion to the temporary judge. If intervention is allowed, the case must be returned to the trial court docket unless all parties stipulate in the manner prescribed in subdivision (a) to proceed before the temporary judge.~~

*(Subd (f) amended and relettered effective July 1, 2006; adopted as subd (f) effective July 1, 1993; previously amended and relettered as subd (g) effective July 1, 2001.)*

~~**(h) [Compensation]** A temporary judge must not be compensated by the parties unless the parties agree in writing on a rate of compensation to be paid by the parties.~~

*(Subd (h) repealed effective July 1, 2006; adopted effective July 1, 1995, as subd (g); previously amended and relettered effective July 1, 2001.)*

*Rule 243.31 amended and renumbered effective July 1, 2006; adopted as rule 244 effective January 1, 1949; previously amended effective April 1, 1962, July 1, 1981, July 1, 1987, July 1, 1993, July 1, 1995, January 1, 2001, and July 1, 2001.*

### **Rule 243.32. Compensation**

A temporary judge selected by the parties may not be compensated by the parties unless the parties agree in writing on a rate of compensation that they will pay.

*Rule 243.32 adopted effective July 1, 2006.*

### **Rule 243.33. Notices, use of court facilities, and order for hearing site**

**(a) [Posting of notice regarding proceeding before privately compensated judge]** For all matters pending before privately compensated temporary judges, the clerk must post a notice in the courthouse indicating the case name and number as well as the telephone number of a person to contact to arrange for attendance at any proceeding that would be open to the public if held in a courthouse.

**(b) [Use of court facilities, court personnel, and summoned jurors]** A party who has elected to use the services of a privately compensated judge is deemed to have elected to proceed outside the courtroom. Court facilities, court

personnel, and summoned jurors may not be used in proceedings pending before a privately compensated judge except on a finding by the presiding judge that their use would further the interests of justice.

- (c) [Order for appropriate hearing site]** The presiding judge, on request of any person or on the judge's own motion, may order that a case before a privately compensated temporary judge must be heard at a site easily accessible to the public and appropriate for seating those who have made known their plan to attend hearings. The request must be made by letter with reasons stated and must be accompanied by a declaration that a copy of the request was mailed to each party, to the temporary judge, and to the clerk for placement in the file. The order may require that notice of trial or of other proceedings be given to the requesting person directly. The granting of an order for an accessible and appropriate hearing site is not a ground for withdrawal of a stipulation.

*Rule 243.33 adopted effective July 1, 2006.*

#### **Rule 243.34. Motions or applications to be heard by the court**

- (a) [Motion or application to seal records]** A motion or application to seal records in a cause before a privately compensated temporary judge must be filed with the court and must be served on all parties, the temporary judge, and any person or organization that has made known their intention to attend the hearing. The motion or application must be heard by the trial court judge to whom the case is assigned or, if the case has not been assigned, by the presiding judge. Rules 243.1–243.2 on sealed records apply to motions or applications filed under this rule.
- (b) [Motion for leave to file complaint for intervention]** A motion for leave to file a complaint for intervention in a cause before a privately compensated temporary judge must be filed with the court and served on all parties and the temporary judge. The motion must be heard by the trial court judge to whom the case is assigned or, if the case has not been assigned, by the presiding judge. If intervention is allowed, the case must be returned to the trial court docket unless all parties stipulate in the manner prescribed in rule 243.31(a) to proceed before the temporary judge.

*Rule 243.34 adopted effective July 1, 2006.*

**Rule 880. Temporary judges, referees, and privately compensated judges definitions**

In these rules, unless the context or subject matter otherwise requires:

- (1) ~~“Temporary judge” means a member of the State Bar appointed pursuant to article VI, section 21 of the California Constitution and rule 244 or rule 532.~~
- (2) ~~Unless otherwise indicated, “referee” means a person appointed under section 638 or 639 of the Code of Civil Procedure.~~
- (3) ~~“Privately compensated” means that a temporary judge or referee is paid by the parties.~~

*Rule 880 repealed effective July 1, 2006. The repealed rule related to temporary judges, referees, and privately compensated judges definitions.*

**Rule 6.603. Authority and duties of presiding judge**

(a)–(b) \*\*\*

(c) [Duties]

(1)–(3) \*\*\*

(4) (*Oversight of judicial officers*) The presiding judge shall:

(A)–(C) \*\*\*

(D) [Temporary judges] Be responsible for the recruitment, training, supervision, approval, and performance of temporary judges as provided in rules 243.10–243.21 and rules 6.740–6.746; and

(5)–(11) \*\*\*

*(Subd (c) amended effective July 1, 2006; previously amended effective January 1, 2001, and January 1, 2002.)*

(d) \*\*\*

*Rule 6.603 amended effective July 1, 2006; adopted and amended effective January 1, 2001; previously amended effective January 1, 2002.*

**Rule 6.740. The responsibilities of the trial courts for temporary judge programs**

Each trial court that uses temporary judges must develop, institute, and operate—by itself or in collaboration with another court or courts—a program to recruit, select, train, and evaluate attorneys qualified to serve as temporary judges.

*Rule 6.740 adopted effective July 1, 2006.*

**Rule 6.741. Duties and authority of the presiding judge**

- (a) [General duties]** The presiding judge is responsible for the recruitment, selection, training, appointment, supervision, assignment, performance, and evaluation of court-appointed temporary judges. In carrying out these responsibilities, the presiding judge is assisted by the Temporary Judge Administrator as provided in rule 6.743.
- (b) [Authority to remove or discontinue]** The presiding judge has the discretion to remove a court-appointed temporary judge or to discontinue using an attorney as a court-appointed temporary judge at any time.

*Rule 6.741 adopted effective July 1, 2006.*

**Rule 6.742. Use of attorneys as court-appointed temporary judges**

- (a) [Responsibility of the presiding judge]** The presiding judge of the trial court is responsible for determining whether that court needs to use attorneys as temporary judges and, if so, the specific purposes for which attorneys are to be appointed as temporary judges.
- (b) [Conditions for the use of court-appointed temporary judges]** The presiding judge may appoint an attorney as a court-appointed temporary judge only if all the following circumstances apply:

  - (1) The appointment of an attorney to serve as a temporary judge is necessary to fill a judicial need in that court;
  - (2) The attorney serving as a temporary judge has been approved by the court where the attorney will serve under rule 243.10 et seq.;

- (3) The appointment of the attorney as a temporary judge does not result in any conflict of interest; and
  - (4) There is no appearance of impropriety resulting from the appointment of the attorney to serve as a temporary judge.
- (c) **[Record and report of uses]** Each trial court that uses attorneys as temporary judges must record and report to the Administrative Office of the Courts on a quarterly basis information concerning its use of them. The report must state:
- (1) The number of attorneys used as temporary judges by that court each month;
  - (2) The number and types of cases, and the amount of time, on which the temporary judges were used each month; and
  - (3) Whether any of the appointments of temporary judges were made under the exception in rule 243.11(d) and, if so, the number of and reasons for these appointments.

*Rule 6.742 adopted effective July 1, 2006.*

**Advisory Committee Comment (2006)**

**Subdivisions (a)–(b).** These subdivisions provide that the presiding judge in each court is responsible for determining whether court-appointed temporary judges need to be used in that court, and these subdivisions furnish the criteria for determining when their use is proper. Under (b)(1), the use and appointment of court-appointed temporary judges must be based on judicial needs. Under (b)(3), an attorney serving as a temporary judge would have a conflict of interest if the disqualifying factors in the Code of Judicial Ethics exist. Under (b)(4), the test for the appearance of impropriety is whether a person aware of the facts might entertain a doubt that the judge would be able to act with integrity, impartiality, and competence. In addition to the disqualifying factors listed in the Code of Judicial Ethics, an appearance of impropriety would be generated if any of the limitations in family law, unlawful detainer, and other cases identified in the Code of Judicial Ethics are present.

**Subdivision (c).** Regular recording and reporting of information concerning each court’s use of temporary judges assists the courts in monitoring and managing their use of temporary judges. This information is also important for establishing the need for additional judicial positions.

**Rule 6.743. Administrator of temporary judges program**

- (a) **[Administrator]** The presiding judge who appoints attorneys as temporary judges must designate a clerk, executive officer, or other court employee

knowledgeable about temporary judges to serve as the Temporary Judge Administrator in that court.

**(b) [Duties of Administrator]** Under the supervision of the presiding judge, the Temporary Judge Administrator is responsible for the management of the temporary judges program in the court. The administrator's duties include:

- (1) Receiving and processing applications from attorneys to serve as temporary judges with the court;
- (2) Verifying the information on the applications;
- (3) Assisting the presiding judge in the recruitment and selection of attorneys to serve as temporary judges;
- (4) Administering the court's program for the education and training of temporary judges;
- (5) Maintaining records of attendance and completion of required courses by all attorneys serving as temporary judges in the court;
- (6) Determining that attorneys have satisfied all the conditions required to be appointed as a temporary judge in that court, including continuing education requirements;
- (7) Maintaining a list of attorneys currently appointed and qualified to serve as temporary judges in the court;
- (8) Managing support services for temporary judges, such as providing mentoring programs and reference materials;
- (9) Receiving and processing complaints and other information concerning the performance of attorneys serving as temporary judges;
- (10) Assisting the presiding judge in identifying judicial needs that require the use of temporary judges and in addressing these needs; and
- (11) Maintaining records, gathering statistics, and preparing and transmitting quarterly reports on the court's use of temporary judges as required under rule 6.742(c).

*Rule 6.743 adopted effective July 1, 2006.*

**Advisory Committee Comment (2006)**

The goal of this rule is to ensure the effective and efficient administration of the courts' use of temporary judges. The rule should be applied flexibly. In courts with large temporary judge programs, the court may want to designate a full-time administrator, and some of the administrator's duties may be delegated to other individuals. On the other hand, in courts that use only a few temporary judges, the Temporary Judge Administrator position may consume only part of the administrator's time and be combined with other duties. Also, courts that use only a small number of temporary judges may work with other courts, or may cooperate on a regional basis, to perform the functions and duties prescribed under this rule.

**Rule 6.744. Application procedures to serve as a court-appointed temporary judge**

- (a) **[Application]** Every attorney who applies for appointment as a temporary judge in a trial court must complete an application to serve as a temporary judge.
- (b) **[Information required]** The attorney must provide all applicable information requested on the application. This information must include:
- (1) The attorney's name and contact information as required by the court;
  - (2) The attorney's State Bar number;
  - (3) The date of the attorney's admission to the State Bar of California and the dates of his or her admissions to practice in any other state;
  - (4) Length of membership in the State Bar of California and of practice in any other state;
  - (5) Whether the attorney is in good standing with the State Bar of California and in good standing as an attorney in any other state where the attorney has been admitted to practice;
  - (6) Whether the attorney has ever been disciplined, or is the subject of a pending disciplinary proceeding, by the State Bar of California or by any other state bar association or court of record; and, if so, an explanation of the circumstances;
  - (7) The areas of specialization for which the attorney has been certified in California or in any other state;
  - (8) The attorney's major area or areas of practice;

- (9) Whether the attorney holds himself or herself out publicly as representing exclusively one side in any of the areas of litigation in which the attorney practices;
  - (10) Whether the attorney represents one side in more than 90 percent of all cases in any areas of litigation in which the attorney specializes or concentrates his or her practice;
  - (11) The location or locations in which the attorney principally practices;
  - (12) How often the attorney appears in the court where he or she is applying to serve as a temporary judge;
  - (13) A list of the attorney's previous service as a temporary judge in the court where the attorney is applying and in any other court;
  - (14) Whether the attorney has ever been removed as a temporary judge by any court;
  - (15) The types of cases on which the attorney is willing to serve as a temporary judge;
  - (16) Whether the attorney has ever been convicted of a felony or misdemeanor, or is a defendant in any pending felony or misdemeanor proceeding, and, if so, a statement about the conviction or pending proceeding;
  - (17) Whether the attorney has been a party in any legal proceedings and, if so, a brief description of the proceedings;
  - (18) Information concerning any circumstances or conditions that would adversely affect or limit the attorney's ability to serve as a temporary judge;
  - (19) Any facts concerning the attorney's background that may reflect positively or negatively on the attorney or that should be disclosed to the court; and
  - (20) Such additional information as the court may require.
- (c) **[Continuing duty to disclose]** An attorney appointed by a court to serve as a temporary judge has a continuing duty to disclose to the court any material

changes in facts or circumstances that affect his or her ability to serve as a temporary judge. The attorney must disclose the changes to the court before the next time the attorney is assigned to serve as a temporary judge.

- (d) [Review of application]** The presiding judge, assisted by the Temporary Judge Administrator, must review all applications and determine whether each applicant is qualified, has satisfied the requirements of rule 243.13, and should be appointed as a temporary judge. The presiding judge may delegate this task to another judge or a committee of judges, assisted by the Temporary Judge Administrator. In appointing attorneys as temporary judges, the presiding judge may go beyond the minimum qualifications and standards required under the California Rules of Court. The decision whether to appoint, use, retrain, remove, or discontinue using any particular attorney as a temporary judge is at the sole discretion of the presiding judge.

*Rule 6.744 adopted effective July 1, 2006.*

#### **Rule 6.745. Performance**

- (a) [Review required]** The court must review on a regular basis the performance of temporary judges appointed by that court.
- (b) [Monitoring performance]** In monitoring and reviewing the performance of court-appointed temporary judges, the court may use direct observation, audiotaping of hearings, reports by court staff, comments from mentor judges, and such other means as may be helpful.

*Rule 6.745 adopted effective July 1, 2006.*

#### **Rule 6.746. Complaints**

Each court must have procedures for receiving, investigating, and resolving complaints against court-appointed temporary judges.

*Rule 6.746 adopted effective July 1, 2006.*