



## Policy of the Superior Court of California, County of Napa

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<b>Title</b>	<b>Temporary Judge</b>
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<b>Policy</b>	Temporary judges (formerly called “judges pro tempore”) serving in the Superior Court of California, County of Napa (“the Court”), must meet and comply with the provisions set forth herein. “Temporary judges,” as the term is used in this Policy, means any attorney authorized by the Court to assist in Small Claims cases, whether or not the temporary judge performs judicial functions, such as entering a settlement on the record.
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<b>Purpose</b>	This Policy will serve to provide uniform requirements for eligibility and selection, training, conduct, oversight, and removal of temporary judges.
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<b>1. Eligibility</b>	Each temporary judge serving the Court must meet the requirements of rules <a href="#">2.812-2.815</a> of the California Rules of Court. Additionally, the Court requires the mandatory ethics training, as described in rule <a href="#">2.812</a> , be completed in-person by the temporary judge. For good cause, the Presiding Judge may waive the in-person requirement. Each temporary judge must be an active member of the California Bar.
<b>2. Ethical Requirements</b>	Each temporary judge must comply with the entirety of <a href="#">cannon 6(D)</a> of the California Code of Judicial Ethics. 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. Each temporary judge must comply with <a href="#">canon 6(D)(3)-(5)</a> of the California Code of Judicial Ethics, section <a href="#">170.1</a> of the California Code of Civil Procedure and, except as noted below, rule 2.818 of the California Rules of Court.

- 3. Disqualification** A temporary judge will not hear cases where a judge, court commissioner, referee, or magistrate of this or any court is a party or a witness.
- 4. Use of Title of “Temporary Judge,” “Judge Pro Tem,” and Similar Designations** Each temporary judge must comply with rule 1-400(D) of the California Rules of Professional Conduct, which forbids attorney advertising that “tends to confuse, deceive or mislead the public,” and canon 6(D)(8)(c) of the California Code of Judicial Ethics, which forbids using the prestige of judicial office to advance “pecuniary or personal interests.” 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 in any format. The use of the title is forbidden in attorney advertising, on business cards, in advertising for political office, as an “occupation” on ballots, ballot statements, and resumes, and in “informing” police officers who have stopped the attorney for a possible traffic violation, etc. Misuse of the title will result in an attorney being removed from the Court’s list of temporary judges and may be grounds for discipline by the State Bar of California.
- 5. Administrative Matters** 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. Temporary judges must sign a declaration at the time of each assignment attesting to the hours served as 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.
- 6. Post Hearing Matters** A temporary judge must remain available for any related legal matters subsequent to the original matter heard, such as settled statement hearings for appeals, motions for reconsideration, motions for new trial, motions to vacate, etc. Temporary judges should make an effort to avoid taking matters under submission. If, however, the need arises to take any matter under submission, the matter must be decided within 14 days. Traffic matters may 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 Court in writing of that action, as well as later inform the Presiding Judge 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.
- 8. Notice to Temporary Judges** This policy is to be furnished to each active temporary judge who will each be required to sign a statement that he/she has received the Policy and will abide by it. Failure to abide by this policy 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.

**9. Policy Scope**

All temporary judges are required to comply with rules [2.819-2.835](#) of the California Rules of Court, unless specifically exempt 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 Professional Conduct. To the extent this Policy contains 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 Policy.

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Adopted: October 31, 2012