



Judicial Council of California

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Subject Text

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Title

Temporary Judges: Reporting on Use of Attorneys as Court-Appointed Temporary Judges (Action Required)

Summary

The Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) recommend amending (1) rule 10.742 of the California Rules of Court to eliminate that rule's reporting requirements concerning the use of court-appointed temporary judges, and (2) subdivision (d) of rule 2.810 to delete the related reference to this reporting requirement. Rule 10.742 governs the use of attorneys as court-appointed temporary judges. Subdivision (c) of the rule requires each trial court that uses attorneys as temporary judges to report quarterly to the Judicial Council the number of attorneys used as temporary judges each month, the number and types of cases on which they were used, and whether any of the appointments were made under the exception in rule 2.810(d). This exception allows, in extraordinary circumstances, for appointment of an attorney as a temporary judge who has not met all of the requirements for such appointment. TCPJAC and CEAC recommend these changes because the information that rule 10.742(c) requires courts to report on is in part duplicative of information collected and reported to the council in another report, and thus the rule places an unnecessary burden on the courts.

Recommendation

The Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee recommend that the Judicial Council, effective January 1, 2017, amend:

1. Rule 10.742 of the California Rules of Court to eliminate all reporting requirements concerning the use of court-appointed temporary judges; and
2. Rule 2.810, which addresses certain appointments made under extraordinary circumstances, to eliminate the reference to the reporting requirements in rule 10.742(c).

Speakers

Hon. Jeffrey B. Barton, Chair, Trial Court Presiding Judges
Advisory Committee

Mr. Jake Chatters, Chair, Court Executives Advisory Committee