

FAQS ON TEMPORARY JUDGE TRAINING¹

Recently, the Judicial Council enacted, effective January 1, 2007, comprehensive rules for training of temporary judges. In order for any Court to use an attorney as a Temporary (or commonly referred to as a “Pro Tem”) Judge, that attorney must be qualified. As stated by the Advisory Committee, “[T]he 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.”

While the response by the Bar to the initial training was greater than expected, most have not completed all phases. Criticism has been levied against the new rules upon the grounds that they are unnecessary; the training is insulting to specialized practitioners or that attorneys are loathe to file a statement of economic interests as required in some cases by the California Fair Political Practices Act.

Judicial officers are not unsympathetic to these criticisms. Although anyone would be hard-pressed to argue against having competent, experienced and qualified attorneys sit as pro tems for absent judges, it should be noted that these rules were not the brainchild of our judicial officers and that most judicial officers attempt to choose only competent, experienced and qualified attorneys as temporary judges in the first place.

Needless to say, however, these rules are now effective and mandatory.

¹ By: Honorable Janet M. Frangie, Presiding Family Law Judge, San Bernardino County.

Below is a list of FAQs – “Frequently Asked Questions” to educate the public about the training requirements and rules:

1. WHO IS ELIGIBLE TO BECOME A TEMPORARY JUDGE?

Any attorney in good standing with no disciplinary action pending, and no felony convictions, who has been admitted to practice of at least 10 years before the appointment. For good cause, the presiding judge may permit an attorney admitted to practice for at least 5 years to qualify.

2. HOW MUCH TRAINING IS REQUIRED?

Attorneys must complete nine hours of training in the following areas:

- Three hours bench conduct and demeanor;
- Three hours of ethics and
- Three hours of training in their bench assignment (e.g., small claims, dependency)

[*Cal. Rules of Court, Rule 2.812 (c)*]

3. WHAT STEPS MUST I TAKE TO BECOME QUALIFIED?

You can obtain an “Application to Serve as Temporary Judge” at the following website: www.courtinfo.ca.gov. (See also *Cal. Rules of Court, rule 10.744*) This application should be filled out and submitted to the particular court where the attorney wishes to serve. In San Bernardino, the application should be submitted to the Court Executive Office, Attention Sharon Prentiss, 303 W. Third Street, 4th Floor, San Bernardino, CA 92415. Alternatively, it can be faxed (909-382-3513) or email to Ms. Prentiss at Sprentiss@courts.sbcounty. The Courts will provide the training for bench demeanor and ethics. Several sessions have

already been held and other courses will be scheduled. Attorneys can take this course in other counties if they practice in more than one. Consideration is being given to the possibility of have the San Bernardino Court is conduct some week day training as well.

Following the training administered by the Court, the attorney should go online to the “Temporary Judge Resource Page” at http://www2.courtinfo.ca.gov/cjer/pro_tem.htm to find online courses required for the last three house of training (bench assignment training). This website offers other helpful resources on the topic.

4. AFTER I AM TRAINED AM I REQUIRED TO ATTEND ANY CONTINUING EDUCATION COURSES TO REMAIN QUALIFIED?

Yes. *Cal. Rules of Court, Rule 2.815(a)* require that each attorney appointed as a temporary judge must attend and 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 sits as a temporary judge. The courses must be approved by the court.

5. WILL I GET MCLE CREDIT FOR THESE COURSES?

Yes, and the best part is that these courses are offered to you at no cost! If you consider taking 9 hours of MCLE credit elsewhere and spending \$20.00 per hour, you will have saved \$180.00!

6. DO I HAVE TO DISCLOSE FINANCIAL INFORMATION REQUIRED UNDER THE CALIFORNIA FAIR POLITICAL PRACTICES ACT?

It depends. The California Code of Regulations require temporary judges who sit thirty days or more in a calendar year to file with the clerk of the court the

statement of economic interests required of regular judicial officers. However, San Bernardino courts will keep track of the hours (a day = 4 hours or more) and very few temporary judge exceed 29 days and certainly none are required to.

7. CAN I SERVE AS A PRO TEM IF I HAVE ANOTHER CASE IN ANOTHER COURTROOM ON THE SAME DAY?

Under the Rules as enacted, no. However, Presiding Judge Larry W. Allen of San Bernardino County issued an Order on December 20, 2007 waiving the requirements of *Cal. Rules of Court, Rule 2.818(b)1-3* which would otherwise prohibit an attorney from sitting as a temporary judge in a courthouse when he/she had another case pending that day.

8. WHY SHOULD I QUALIFY AS A PRO TEM?

Most courts are already overburdened with heavy caseloads. When a judicial officer is absent due to vacations, illness, or judicial education², those cases will most likely be continued to the next available date which can be many months away. This can lead to unnecessary court appearances, further backlog, unhappy clients and increased legal fees. The public's negative perception of the Courts can adversely affect the entire justice system which can result in a trickling negative effect on its lawyers as well.

9. WHERE CAN I GO TO GET FURTHER INFORMATION?

The rules are set forth at *Cal. Rules of Court, Rules 2.812 (c) et seq.* For training and online educational courses see "Temporary Judge Resource Page" at http://www2.courtinfo.ca.gov/cjer/pro_tem.htm. The application can be

² The Judicial Council has likewise mandated that judges are expected and subordinate judicial officers are required to complete 30 hours of continuing education in a three-year cycle effective January 1, 2007.

obtained at www.courtinfo.ca.gov. (See also *Cal. Rules of Court, rule 10.744*)

For information specific to San Bernardino County courts, contact Sharon Prentiss, Director of Court Administrative Services, 303 W. Third Street, 4th Floor, San Bernardino, CA 92415, (909) 382-3504, FAX (909) 382-3513, ptprogram@courts.sbcounty.gov