



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

## TEMPORARY JUDGE AND SETTLEMENT ATTORNEY POLICY

### I. Purpose

This document memorializes the San Diego Superior Court's policy regarding the appointment and service of temporary judges and settlement attorneys. A court-appointed temporary judge is an attorney who has satisfied the requirements for appointment under California Rules of Court, rule 2.812 and has been appointed by the court to serve as a temporary judge in that court. Settlement attorneys are attorneys who assist the court in settlement conferences.

### II. Policy

#### A. Appointment of Temporary Judges and Settlement Attorneys

1. Temporary judges and settlement attorneys are appointed by and serve solely at the discretion of the Presiding Judge.
2. Appointment and service of an attorney as a temporary judge or settlement attorney does not establish an employment relationship between the court and the attorney.

#### B. Authorized Case-Types

Temporary judges and settlement attorneys in the San Diego Superior Court may be appointed to hear the following types of cases.

1. Temporary Judges:
  - a. Family Support Matters
  - b. Small Claims Cases
  - c. Traffic Trials
2. Settlement Attorneys:
  - a. Civil Settlement Conferences
  - b. Family Settlement Conferences
  - c. Probate Settlement Conferences

#### C. Requirements for Appointment as Temporary Judge or Settlement Attorney

This section contains a comprehensive list of experience, conditions, education, training, and additional requirements that must be met prior to appointment as a temporary judge or settlement attorney. A Temporary Judge and Settlement Attorney Application Packet (SDSC #PKT-052), which contains all required forms and additional information for applying, may be found on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

##### 1. Experience and Conditions for Appointment

To qualify for appointment as either a temporary judge or settlement attorney, the applicant must satisfy the following requirements:

- a. Be an active member of the California State Bar in good standing without any pending disciplinary action and have been a member for at least 10 years immediately preceding appointment.
- b. Must not have pled guilty or no contest to a felony; must not have been convicted of a felony that has not been reversed; and must not have any disqualifying convictions as determined by the Assistant Presiding Judge.
- c. Must not have any outstanding unpaid sanction with this court and must not be a debtor on any outstanding civil judgments.
- d. Must submit an Application to Serve as Temporary Judge and/or Settlement Attorney (SDSC Form #ADM-153).
- e. Must submit a Criminal Background Investigation Form – Volunteers (SDSC Form #ADM-393), provide a copy of a valid driver license, and successfully complete both the local and Live Scan background investigations. Direction to complete Live Scan fingerprinting services through an authorized provider at no cost to the applicant, and a copy of the Request for Live Scan Service form (DOJ Form #BCIA 8016) will be provided after the application is received and reviewed.

- f. Must submit one letter of recommendation from an active judicial officer and three professional references.
2. Education, Training, and Additional Requirements
- In addition to meeting the requirements listed in section C.1. above, before appointment as a temporary judge or settlement attorney, the applicant must complete the training and/or meet the requirements included below. Certificate(s) of completion must be submitted for all training requirements and proof, as applicable, is required for all additional requirements.
- a. Family Support Matters (Temporary Judge)
    - (1) Bench Conduct and Demeanor. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Bench conduct, demeanor, and decorum.
      - Access, fairness, and elimination of bias.
      - Adjudicating cases involving self-represented parties.
    - (2) Ethics. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Judicial ethics generally.
      - Conflicts.
      - Disclosures, disqualifications, and limitations on appearances.
      - Ex parte communications.
    - (3) Be a Certified Family Law Specialist OR have practiced law for ten years, of which at least 75% was in family law and within the previous three years, completed at least three hours of court-approved substantive training covering determining income, and child and spousal support.
  - b. Small Claims Cases (Temporary Judge)
    - (1) Bench Conduct and Demeanor. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Bench conduct, demeanor, and decorum.
      - Access, fairness, and elimination of bias.
      - Adjudicating cases involving self-represented parties.
    - (2) Ethics. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Judicial ethics generally.
      - Conflicts.
      - Disclosures, disqualifications, and limitations on appearances.
      - Ex parte communications.
    - (3) Within the previous three years, completed at least three hours of court-approved substantive training covering the following subjects:
      - Small claims procedures and practices.
      - Consumer sales.
      - Vehicular sales, leasing, and repairs.
      - Credit and financing transactions.
      - Professional and occupational licensing.
      - Tenant rent deposit law.
      - Contract, warranty, tort, and negotiable instruments law.
    - (4) Be familiar with the publications identified in Code of Civ. Proc. section 116.930, including the Small Claims Court and Consumer Law California Judge's Benchbook.

- c. Traffic Trials (Temporary Judge)
    - (1) Bench Conduct and Demeanor. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Bench conduct, demeanor, and decorum.
      - Access, fairness, and elimination of bias.
      - Adjudicating cases involving self-represented parties.
    - (2) Ethics. Within the previous three years, completed at least three hours of training covering all of the following subjects:
      - Judicial ethics generally.
      - Conflicts.
      - Disclosures, disqualifications, and limitations on appearances.
      - Ex parte communications.
    - (3) Within the previous three years, completed at least three hours of court-approved substantive training covering the following subjects:
      - Traffic court procedures and practices.
      - Correctable violations.
      - Discovery.
      - Driver licensing.
      - Failure to appear.
      - Mandatory insurance.
      - Notice to appear citation forms.
      - Red-light enforcement.
      - Sentencing and court-ordered traffic school.
      - Speed enforcement.
      - Settlement of the record.
      - Uniform bail and penalty schedules.
  - d. Civil Settlement Conference (Settlement Attorney)
    - (1) Practiced law for 10 years, of which at least 75% was in civil law.
  - e. Family Settlement Conferences (Settlement Attorney)
    - (1) Be a Certified Family Law Specialist; OR practiced law for ten years, of which at least 75% was in family law.  
For cases that have been deemed as complex by a family law judge, the applicant must be a Certified Family Law Specialist; OR practiced law for 15 years, of which at least 90% was in family law.
  - f. Probate Settlement Conferences (Settlement Attorney)
    - (1) Be a Certified Estate Planning, Trust and Probate Specialist OR practiced law for 10 years, of which at least 75% was in probate.
  - g. Case-type other than listed above
    - (1) Approval of the Assistant Presiding Judge.
    - (2) Any and all experience and training requirements determined by the court.
3. Continuing Education
- a. Every three years, attorneys appointed as temporary judges and settlement attorneys must complete the required training and/or recertification as specified in section II.C.2. Certificate(s) of completion and/or proof, as applicable, of other requirements, must be submitted to the Temporary Judge Administrator.
  - b. Any attorney appointed as a temporary judge or settlement attorney who does not submit the necessary certificate(s) of completion and/or proof of other requirements may be removed from the active list at the discretion of the Assistant Presiding Judge.

D. Application Review and Approval

1. The Temporary Judge and Settlement Attorney Application Packet (SDSC #PKT-052), which contains all required forms and information for applying, may be found on the court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).
2. Complete applications, including all forms, certification of required training, and/or proof, as applicable, of other requirements, must be submitted to the Temporary Judge Administrator.

US Mail:

San Diego Superior Court  
Attn: Temporary Judge Administrator  
Post Office Box 120128  
San Diego, CA 92112-0128

Email: [TempJudgeAdmin@sdcourt.ca.gov](mailto:TempJudgeAdmin@sdcourt.ca.gov)

3. Inquiries may be directed to the Temporary Judge Administrator at: [TempJudgeAdmin@sdcourt.ca.gov](mailto:TempJudgeAdmin@sdcourt.ca.gov)
4. If an attorney applies for and is approved to serve in a particular case-type and subsequently requests to serve in an additional area, the applicant must provide certificate(s) of completion for all required training and/or proof of other requirements with the request. The request must be approved prior to hearing any matters in the new area.

E. Oaths

Before serving as a temporary judge, 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.

F. Continuing Duty to Disclose

An attorney appointed by the court to serve as a temporary judge or settlement attorney 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 or settlement attorney. The attorney must disclose the changes to the court before the next time the attorney is assigned to serve.

G. Performance and Removal

1. The performance of temporary judges and settlement attorneys appointed by the court will be monitored and reviewed.
2. A temporary judge or settlement attorney may be removed from the active list at any time, without notice, and without cause.