



SAN DIEGO SUPERIOR COURT

NOTICE TO ATTORNEYS Family Division

Posted: April 27, 2007

Effective immediately, the court will adhere to California Rules of Court, rule 2.831 when appointing a Privately Compensated Temporary Judge (PCTJ) in a family law matter. In order to more effectively apply rule 2.831, a new stipulation and order form has been created to replace Appendix C of the local rules (see SDSC Form D-008). Changes to the San Diego Superior Court Local Rules, specifically rule 5.2.2(c), will also be required. The rule change will be available for public comment in the normal course for proposed rule changes for January, 2008. Until that time, however, the following policy will apply:

Use of a Privately Compensated Temporary Judge (Temporary Judge)

With the court's authorization, the parties may agree to use a Privately Compensated Temporary Judge ("Temporary Judge") to adjudicate the substantive and procedural issues in their case.

1. **Matters to be Agreed Upon in Order to Stipulate to Appointment of Temporary Judge** - Before submitting a stipulation to the court, the parties must agree upon a Temporary Judge, and obtain an agreement from the Temporary Judge.
2. **Submission of Stipulation** - Parties must submit the stipulation and proposed order for appointment of a Temporary Judge to the courtroom of the Supervising Family Law Judge (located in the Central Division).
3. **Representations by the Stipulating Parties** - By submitting the stipulation and proposed order to the court, the stipulating parties and their attorneys represent that they are the only parties in the case and that no new parties will be added.
4. **Application of Case Classification Conference (CCC) Rules to Proceedings before Temporary Judges** - Notwithstanding rule 5.2.6(c), the case will be exempt from the CCC requirements upon the signing of the proposed order by the Supervising Family Law Judge. Until the order is signed, the case remains subject to the CCC rules, to all other applicable rules of this court, and all previously ordered deadlines, hearings, and other orders will remain in full force and effect.
5. **Case Management Conference (CMC) and Status Reports** - The Supervising Family Law Judge will set a series of CMCs every four months at the time the stipulation and order is signed to be heard in the department of the Supervising Family Law Judge. Each month, the Temporary Judge must submit a status report to the Supervising Family Law Judge giving the status of all matters under submission including a description of the matters taken under submission and the length of time under submission.

6. **Use of Court Facilities, Court Personnel and Summoned Jurors**
 - a. The use of court facilities, court personnel and summoned jurors for matters pending before a Temporary Judge are governed by rule 2.833 of the California Rules of Court.
 - b. Pursuant to rule 2.833(b), the testimony of a Family Court Services Counselor is subject to the approval of the Presiding Judge. The subpoenaing party must comply with Local Rule 5.10.3(M) and, in order to minimize disruption to court operations, set a date and time certain for the testimony.
7. **Exhibits** - All exhibits must be available for public inspection as they would be if the case were being tried by the court. Upon final determination of the case by the Temporary Judge, parties may stipulate to the return of the exhibits.
8. **Filing of Original Papers and Orders of Temporary Judge**
 - a. All original papers must be filed with the clerk prior to submission of a filed stamped conformed copy to the Temporary Judge.
 - b. Minute orders will not be accepted unless they are signed by the Temporary Judge. If the minute order format is used, the order must set forth the name, address, telephone number, and CSR number of any privately retained court reporter. If electronic reporting is used, the minute order must reflect this.
9. **Notice of Pending Matter** - Parties must file one original and one copy of the "Notice of Posting of Stipulation and Order for Appointment of Privately Compensated Temporary Judge." The Clerk of the Court will post the notice in the lobby of the Family Court location where the case was initiated.
10. **Interested Persons Wishing to Attend a Hearing before a Temporary Judge** - Interested persons wishing to attend a hearing or hearings on a matter heard by a Temporary Judge must serve a "request for special notice" with the parties to the action. A copy of the "request for special notice" along with a proof of service must be filed with the court. The interested persons must thereafter be given notice of all hearings in the matter pending before the Temporary Judge.