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COUNTY OF LOS ANGELES

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CHAPTER ONE

DEFINITIONS AND GOVERNANCE

DEFINITIONS

1.1 DEFINITIONS AND USE OF TERMS

As used in these Local Rules, unless the context or subject matter otherwise requires:

- a) The term “action” includes a special proceeding.
- b) The term “attorney” means a member of the State Bar of California and any lawyer admitted to practice *pro hac vice* before the court.
- c) The term “branch court” means a district courthouse in which no Supervising Judge sits.
- d) The term “civil case” means a case prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil cases include all cases except criminal cases and petitions for writ of habeas corpus.
- e) The term “clerk” means the Clerk and any deputy clerks of the Superior Court of Los Angeles County, except that for purposes of service of a statement of disqualification for cause on the judge’s clerk, pursuant to Code of Civil Procedure section 170.3(c)(1), “clerk” means the judicial assistant serving in a courtroom as his or her clerk.
- f) The term “court” means the Superior Court of Los Angeles County.
- g) The term “court day” means a day on which the court is open.
- h) The term “counsel” means an attorney of record; when the Local Rules impose a duty, the term “counsel,” includes self-represented litigants.
- i) The term “County” means Los Angeles County.
- j) The term “criminal case” means a proceeding by which a party charged with a public offense is accused and prosecuted for the offense.
- k) The term “day” means calendar day.
- l) The term “declaration” means either a declaration that complies with Code of Civil Procedure section 2015.5 or an affidavit.
- m) The term “direct calendar judge” means a judge assigned to handle cases on an individual or all purpose calendar. “Direct calendar cases” means cases so assigned.
- n) “Judge” and “judicial officer” includes judges, commissioners, and referees, except as used in this chapter for the election of (1) the Presiding Judge (Rule 1.5), (2) the Executive Committee (Rule 1.7), and (3) commissioners (Rule 1.9).
- o) The term “limited civil case” and “unlimited civil case” are defined in Code of Civil Procedure section 85 *et seq.*
- p) The term “Local Rules” means the “Los Angeles County Superior Court Rules.”
- q) The term “master calendar assigned judge” means a judge who will handle cases assigned from a master calendar court. “Master calendar cases” means cases so assigned.
- r) The term “party” is a person appearing in an action. Parties include both self-represented persons and persons represented by an attorney of record.
- s) The term “person” includes a corporation or other legal entity as well as a natural person.

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- t) The term “Presiding Judge” and “Assistant Presiding Judge” are those judges elected by the eligible judges of the Court pursuant to Local Rule 1.2 *et seq.*
- u) The term “self-represented litigant” or “*pro per*” means a party not represented by counsel.
- v) The term “service” means service in the manner prescribed by a statute or rule.
- w) The term “site judge” means that judge appointed by the Presiding Judge under Local Rule 1.2 to preside in a branch court.
- x) The term “subordinate judicial officer” means a commissioner or referee.
- y) The term “Supervising Judge” means a judge appointed by the Presiding Judge under Local Rule 1.2 to preside in a district other than the Central District. The term “Supervising Judge” shall also mean a judge appointed by the Presiding Judge to preside over each division (which in the case of the Juvenile Division shall be referred to as the “Presiding Judge of the Juvenile Court”).
- z) Words of authority:
 - (1) “Must” is mandatory.
 - (2) “May” is permissive.
 - (3) “May not” and “must not” mean ‘is not permitted to.’
 - (4) “Will” expresses a future contingency or predicts action by a court or person in the ordinary course of events, but does not signify a mandatory duty.
 - (5) “Should” expresses a preference or a nonbinding recommendation.
 - (6) “Shall” means ‘has a duty to,’ but when referring to an action of a judge, does not signify a mandatory duty.

(Rule 1.1 [7/1/2011] amended and effective July 1, 2020)

GOVERNANCE

1.2 PRESIDING JUDGE

The business of the court shall be supervised by one of the judges who shall be elected by the eligible judges of the court, as provided in Local Rule 1.5 and designated as the Presiding Judge. The Presiding Judge shall be a member and chair of the Executive Committee. He or she shall assign judges to sit in various departments of the court, other than the Appellate Division, pursuant to California Rules of Court, rule 10.603. The Presiding Judge shall designate a judge as the Supervising Judge for each division, and to preside in each district other than the Central District, and a site judge for each branch court. In making judicial assignments, the Presiding Judge shall take into account those factors listed in California Rules of Court, rule 10.603(c).

(Rule 1.2 [7/1/2011] amended and effective July 1, 2020)

1.3 ASSISTANT PRESIDING JUDGE

In the absence of the Presiding Judge, his or her powers will be exercised by the Assistant Presiding Judge, who shall be a member and vice-chair of the Executive Committee.

(Rule 1.3 new and effective July 1, 2011)

1.4 ACTING PRESIDING JUDGE

In the absence of both the Presiding Judge and Assistant Presiding Judge, the powers of the Presiding Judge will be exercised by a judge designated by the Presiding Judge to be the Acting Presiding Judge.

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(Rule 1.4 new and effective July 1, 2011)

1.5 ELECTION OF PRESIDING, ASSISTANT PRESIDING JUDGE

(a) Nomination. A judge may be nominated for election as either Presiding Judge or Assistant Presiding Judge when the following form is completed, signed by not less than eight nor more than ten judges of the court and filed with the Presiding Judge between noon on the first Wednesday in September and noon on the second Wednesday in September. The nominee shall designate his or her acceptance of nomination for one office only.

NOMINATION

We, the undersigned, nominate Judge _____ for election as Presiding Judge-
Assistant Presiding Judge. (strike one)

DESIGNATION

I accept nomination for the office of (strike one) Presiding Judge-Assistant Presiding Judge only.

(b) Distribution of Ballots. On or before the fourth Wednesday in September, the Presiding Judge shall cause two separate ballots to be distributed to each judge then holding office. One ballot must contain in random order, if more than one judge is nominated, the names of the judges who have been nominated for election as Presiding Judge. The second ballot must contain in random order, if more than one judge is nominated, the names of the judges who have been nominated for election as Assistant Presiding Judge.

The order in which judges' names will be listed on the ballots will be determined by a random draw of the letters of the alphabet to be conducted in the office of the Executive Officer/Clerk of the Superior Court ("Executive Officer") following the close of nominations at noon on the second Wednesday of September.

(c) Voting. Each judge to whom ballots have been distributed may vote for one nominee for Presiding Judge and one nominee for Assistant Presiding Judge, then shall place the ballots in a blank envelope, place this envelope in a second envelope, sign his or her name to the outer envelope and send it to the senior judge of the court, in care of the Executive Officer. It must be received in the office of the Executive Officer no later than noon of the first Wednesday in October, and any ballot, whether regular or absentee, received after that hour must not be counted.

(d) Absentee Ballots. Any judge who will be absent from the County for any part of the period commencing the Friday after the last Wednesday in September and ending the first Wednesday in October, may obtain an Absentee Ballot from the Presiding Judge. The Absentee Ballot must list nominees as provided in subsection (b).

Absentee Ballots must be processed and sent as provided in subdivision (c).

(e) Count of Vote. A committee, composed of the three judges available who have the greatest seniority on the court ("canvassing committee"), shall meet on the first Wednesday in October at noon, remove all blank envelopes from the outer envelopes, then remove all ballots from the blank envelopes and count the vote.

(f) Majority Vote. If a nominee for either office receives a majority of the votes cast for that office, he or she is elected. If there are only two nominees for an office and the vote for that office is tied, the judge having the greater seniority is elected. The committee shall certify the results of the election to the judges of the court. Except in the case of a tie when there are only two nominees, the term "majority" means "more than one-half." To calculate a majority, the total of all votes cast for all nominees for a particular office is divided by two. Any nominee who has more votes than the resulting

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figure has a majority and has been elected. (For example, when 31 votes are cast, 31 divided by 2 is 15 ½. A nominee with 16 votes has a majority.)

(g) Less Than Majority Vote Run-off Election. If an office is not filled by majority vote, the committee shall certify to the Presiding Judge the names of the two judges receiving the highest and second highest number of votes without specification of the number of votes received. On or before the second Wednesday in October, the Presiding Judge shall cause a ballot containing those names in random order consistent with subdivision 1.5(b) to be distributed to the judges eligible to vote.

Each judge voting in the run-off election must send his or her ballot as provided above. Ballots must be received in the office of the Executive Officer not later than noon on the third Wednesday in October. Any ballot received after that hour must not be counted.

A committee, comprised as provided in subdivision (e), shall meet at noon on the third Wednesday in October and count the second ballots. The judge receiving the highest number of votes, or in case of a tie vote the judge having the greater seniority, is elected. The committee shall certify the results of the election to the judges of the court.

(h) Term of Office. The term of office of the Presiding Judge and Assistant Presiding Judge is two years commencing on January 1 following the election. (Cal. Rules of Court, rule 10.602(c).)

(i) Vacancy in Office of Presiding Judge. If, for any cause, the office of Presiding Judge becomes vacant during any year, it shall be filled by election in the manner provided above, but nominations shall be filed no later than noon on the tenth court day following the date the Executive Committee declares the office vacant. The steps provided above shall then be taken at the time intervals indicated above without reference to the specific months named. A judge elected to fill a vacancy serves for the remainder of the incomplete term.

(j) Uncontested Offices. If election to either office is uncontested after the time for filing nomination forms has expired, ballots for that office need not be distributed, and an election committee as provided in subdivision (e) shall forthwith certify the election of the sole candidate for the office by the unanimous vote of the court.

(k) Removal of Presiding Judge or Assistant Presiding Judge. A majority of the judges of the court at any time may, by written order, call a meeting of the judges at the time and place specified in the order for the purpose of considering whether the Presiding Judge or Assistant Presiding Judge should be removed from office. A copy of the order must be sent to each judge not a signatory to the order at least five days prior to the date of the meeting. An affirmative vote equal in number to the majority of the judges of the court removes the incumbent from office.

(l) Filling Mid-Year Vacancy in Office of Assistant Presiding Judge. If a vacancy exists in the office of Assistant Presiding Judge, the Presiding Judge may call for an election to fill that vacancy for the unexpired portion of the term. The election will be held on a date specified in the call for that election. The sequence of events provided for by subdivisions (a) through (i) will apply to the election provided for by this subdivision, except for the months in which those events are to occur.

(Rule 1.5 new and effective July 1, 2011)

1.6 EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

(a) Intent of Rule. It is the intent of the court by adopting this rule to provide that the duties of the Executive Officer be performed by one individual who will not hold any other position in state or county government.

(b) Overall Administrative Supervision. All the court's trial court employees (Gov. Code, § 71601(1)), although treated as County employees for purposes of salary and benefits in accordance with Government Code section 69894.3 and the memorandum of understanding entered into with the

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County pursuant to Government Code section 71627(e)(2)(B), nevertheless serve and are responsible to the court, and the overall administrative supervisor of all trial court employees other than subordinate judicial officers is the Executive Officer.

(c) Selection.

(1) The Executive Officer serves at the pleasure of the judges of the court.

(2) In filling the position of Executive Officer, or in the event of a vacancy in the office, the Presiding Judge shall appoint a selection committee and its chair, consisting of an odd number of members and no fewer than five for the purpose of identifying and recommending a proposed Executive Officer to fill the vacancy. The selection committee shall consist of sitting judges of the court.

(3) The selection committee shall review the background, experience and qualifications of the applicants and interview those best qualified for the position.

(4) The selection committee shall recommend the most qualified candidate(s) to the Executive Committee for nomination.

(5) The Executive Committee shall review the background, experience and qualifications of the candidate(s) recommended by the selection committee and vote on the candidate's nomination to fill the position or vacancy. A majority vote of the Executive Committee is required to nominate the Executive Officer.

(6) Upon nomination by the Executive Committee, the Presiding Judge shall place the candidate's name before the judges of the court for confirmation and appointment. The judges shall vote on the candidate by secret ballot. A majority of the judges voting is required to confirm and appoint the Executive Officer.

(d) Qualifications. The qualifications of the Executive Officer are as follows:

(1) He or she must be a citizen of the United States;

(2) It is preferable that he or she has had experience in a highly responsible administrative capacity in private or public employment; and

(3) It is also preferable that he or she has substantial knowledge of government, judicial administration, personnel management, finance administration, and the legislative process, a working knowledge of systems and procedure analysis and automation techniques, access and fairness, and public relations, either in private or public employment, and the ability to work with others.

(e) Powers and Duties. Pursuant to Government Code section 71620 and California Rules of Court, rule 10.610, the court declares that, under the direction of the Presiding Judge, the powers and duties of the Executive Officer include:

(1) To execute, on behalf of the court and subject to the supervision and direction of the Presiding Judge, the administrative supervision and control of the non-judicial activities of the court;

(2) To establish those divisions in the office of Executive Officer as may be deemed advisable, subject to the approval of the Executive Committee;

(3) To delegate his or her duties where necessary, and to assign or supervise and direct the work of all non-judicial officers and employees of the court;

(4) To administer a system of personnel administration in accordance with written policies approved by the Executive Committee;

(5) To prepare and administer the budget of the court and to represent the court in any matters pertaining to the budget which may be under consideration by the Board of Supervisors and/or the Trial Court Budget Commission, as directed by the Presiding Judge;

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(6) To maintain all accounting and property control records, including payroll records of the court and records with respect to compensation of assigned judges;

(7) To purchase law libraries, supplies and equipment for the judges and for supporting court personnel, and to control their storage and distribution;

(8) To represent the court in its negotiations relative to the establishment and maintenance of courtrooms, chambers and offices, as directed by the Presiding Judge;

(9) To initiate studies and prepare appropriate recommendations and reports to the Presiding Judge, to committees of the court and to the court relating to the business of the court and its administration, including studies relating to the operations of special departments and branches;

(10) To collect, compile and analyze statistical data on a continuing basis concerning the status of judicial and non-judicial business of the court, and the preparation of periodic reports based on such data;

(11) To serve in a liaison capacity for the court, as directed by the Presiding Judge, with the Judicial Council, committees of the Legislature, the Board of Supervisors, the County Chief Executive Officer, County Sheriff, State Bar of California, bar associations and civic groups, with reference to matters relative to the administration of the court;

(12) To make arrangements for and to attend all meetings of the judges of the court, assist the Presiding Judge in the preparation of agenda, and as Secretary of the Court, to prepare minutes of all meetings of the judges. The Executive Officer must also attend meetings of committees of the court upon request of the committee chair or the Presiding Judge;

(13) To serve as Jury Commissioner of the Court;

(14) To prepare an annual report concerning the operation of the office during the preceding calendar year, together with recommendations to improve the administration of the court and the expeditious disposition of its business;

(15) To employ and assign officers or attachés to perform the duties outlined in Government Code section 69894.5 and 71800 *et seq.* (Trial Court Interpreter Employment and Labor Relations Act);

(16) To exercise and perform all of the powers, duties and responsibilities of the County Clerk and Clerk of the Superior Court required or permitted by the court to be exercised or performed by the Executive Officer in connection with judicial actions, proceedings and records under Government Code section 69841 *et seq.* Those powers, duties and responsibilities include:

a) To accept, process and file papers in connection with any action or proceeding before the court, including but not limited to those relating to the court's original jurisdiction, appellate jurisdiction and appeals from the court; to maintain and manage court records; to microfilm court records; to keep and dispose of papers, documents, files and exhibits in accordance with law;

b) To maintain indexes of all court files; to keep a register of actions or its alternate;

c) To issue process and notice; to accept service on parties; to enter defaults; to transmit transcripts on change of venue;

d) To be present at each session of court and with the judge in chambers when required; to administer oaths; to keep the minutes and other records of the court;

e) To enter orders, findings, judgments and decrees; to accept confessions of judgment for filing; to authenticate records; to certify abstracts of judgment; to keep a judgment book or its equivalent;

f) To collect, receipt, deposit and account for fees for filing, for preparing or certifying copies and for other fees; to receive jury fees, bonds, undertakings, fines, forfeitures and

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revenues; to keep money deposited in court, including but not limited to funds received in connection with minor's compromises; to recover county costs in judicial commitment proceedings;

g) To maintain statistical and financial records; to prepare reports to the Judicial Council and other state and county offices as required by law or policy;

h) To prepare the clerk's transcript on appeal and transmit the record and exhibits to the reviewing court;

i) To receive wills of decedents;

j) To take bail and related matters as provided in the Penal Code;

k) To manage court calendars, including the calendaring of cases and hearings and the maintenance of court calendars and schedules;

l) To print and sell court forms and rules of court; to procure supplies;

m) To keep and affix the seal of the court to appropriate instruments;

n) To keep and maintain in his or her office in each district, a separate file for each civil action or proceeding pending in that district, in which he or she must place and keep, except as otherwise provided in these rules, the original of all pleadings and other papers on file in the action or proceeding, whether filed before or after the adoption of this rule;

o) To keep in his or her office in each city in which a department of a district is or shall be established a register of actions in paper or electronic form for all civil actions and proceedings pending in the department or departments there established;

p) To enter the minutes of the proceedings of the court in minute books or in electronic form;

q) To execute documents on order of the court. (*See* Local Rule 3.213(c).);

r) Subject to approval of the Presiding Judge, to appoint those deputies pursuant to Government Code section 71620 as are necessary to ensure the prompt and faithful execution and discharge of the duties and responsibilities of his or her office;

(17) To negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws; and

(18) To perform other duties as the Presiding Judge directs.

(f) Directives to the Executive Officer. Except as otherwise authorized by the Presiding Judge, all orders and directives of the court to the Executive Officer shall be transmitted by the Presiding Judge. All requests by judges or by committees of the court for the assistance of the Executive Officer or of his or her staff shall be directed to the Presiding Judge.

(g) Executive Officer Pro Tempore. In the temporary absence of the Executive Officer/Clerk of the Superior Court, he or she may, with the approval of the Presiding Judge, designate one of his or her principal subordinates as Executive Officer *pro tempore*. In the event of a vacancy in the office or the temporary absence of the Executive Officer, without having designated a subordinate to act in his or her place, the Presiding Judge may temporarily designate an Executive Officer *pro tempore*, who will have all the powers and duties of the Executive Officer.

(Rule 1.6 [7/1/2011] amended and effective January 1, 2013)

1.7 EXECUTIVE COMMITTEE

(a) Powers. There shall be an Executive Committee of the judges of the court. Unless otherwise ordered by the judges or provided by law, the California Rules of Court, or these Local Rules, the Executive Committee has authority to act for and on behalf of the judges on any matters affecting the court as to which the judges have the power to act, other than the adoption of an amendment of these rules. In addition, except for rules contained in Chapter One, the Executive

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Committee at the request of the Presiding Judge may temporarily suspend any of these Local Rules as may be necessary to permit the Presiding Judge to carry out his or her responsibilities under California Rules of Court, rule 10.603, to deal with budgetary shortfalls, provided a formal amendment is promptly submitted to the judges for their consideration without unreasonable delay. Any temporary suspension will remain in effect only as long as is reasonably necessary for the formal amendment to be considered and become effective.

(b) Meetings.

(1) Timing and Procedure. The committee shall meet at least once each calendar month and a majority of the members of the committee will constitute a quorum. The Presiding Judge shall act as chair. Meetings must be open to any judge or commissioner of the court, except under unanimous vote of the members present. A non-member of the committee may be heard only by the consent of the committee.

(2) Proxy Voting. Before or during a meeting, a voting member of the committee who cannot attend all or a portion of a meeting may designate any judicial officer to attend and exercise that member's vote in the member's absence by notifying the chair and requesting that the designation be recorded in the minutes.

(3) Telephone/Video Appearance. The chair may permit members to attend, vote and participate by telephone, video conference, or other means that reasonably permit participation in matters before the committee.

(4) Minutes. Minutes of each meeting must be kept and a copy distributed to each judge of the court within 25 days after the meeting.

(5) Request by Non-Member. Any judge, not a member of the committee, who desires the committee to consider any matter, shall submit a written request to the chair not less than one day prior to the meeting of the committee.

(c) Eligibility. Only a judge currently sitting and who will be in office on the ninth day of the ensuing year is eligible to vote as a member of or be elected to the Executive Committee. Additionally, judges will only be eligible to vote in the election for the district to which they will be assigned on the date the successful candidate takes office. A judge who has been an elected member of the Executive Committee during any two of the three years preceding the election is not eligible for election by his/her district.

The limitation on eligibility contained in this section does not apply to a judge who has been elected to fill an unexpired term on the Executive Committee of less than nine months.

(d) Nomination. A judge may nominate himself or herself, or another judge for election to the Executive Committee by completing the following form and filing it with the Presiding Judge between noon on the first Monday in November and noon on the third Wednesday in November. (If, when judicial assignments are announced for the forthcoming year, a nominated judge is not assigned for the forthcoming year to the district for which he or she was nominated, the nomination period for that district shall be reopened from 9:00 a.m. on the first Monday following Thanksgiving and close at 4:00 p.m. on the second Monday following Thanksgiving, to permit one or more additional nominations to be made by completing the following form and filing it with the Presiding Judge during that one-week period.) If nominated, the nominee shall designate his or her acceptance of nomination on the form.

NOMINATION

I, the undersigned, nominate Judge _____ for election as _____
District's representative to the Executive Committee.

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(Signature of Nominating Judge)

ACCEPTANCE OF NOMINATION/ANNOUNCEMENT FOR ELECTION

I accept nomination/announce for the office of _____ District's representative to the Executive Committee.

(Candidate's Signature)

(e) Membership and Representation.

- (1) The Executive Committee shall be comprised of twenty-two voting members.
- (2) Eighteen members shall be elected by the judges for a term of one year.
 - a) one member shall be elected by and from among the judges assigned to each of the 11 outlying districts.
 - b) seven members shall be elected by and from among the judges assigned to the Central District.
- (3) The Presiding Judge and Assistant Presiding Judge are voting members.
- (4) Two commissioners shall be elected by the court's commissioners as voting members. Commissioner members are not permitted to vote on matters concerning commissioners.

(f) Distribution of Ballots. On the first Wednesday following Thanksgiving, after the announcement of judicial assignments for the forthcoming year, the Presiding Judge shall distribute to the members of each district a ballot containing the names of the nominated judges for the district. (If the nomination period is extended pursuant to subdivision (d) the ballots shall be distributed in the affected district(s) by the second Wednesday after Thanksgiving.) If more than one judge is nominated, each district ballot must contain in random order, the names of the judges who have been nominated for election as Executive Committee representative.

The Executive Officer will determine the order in which judges' names will be listed on the ballots by a random draw of the letters of the alphabet following the close of nominations at noon on the third Wednesday of November. All judges who are eligible candidates, but did not submit a "Declaration of Candidacy/Nomination," will be listed on the ballot in alphabetical order.

(g) Voting by Judges.

(1) To vote, each eligible judge, in a district other than the Central District, shall place a mark opposite the name of his or her choice, place the ballot in a blank envelope, place this envelope in a second envelope, sign his or her name on the outer envelope and send it to the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, so that it is received no later than noon on the second Wednesday after Thanksgiving.

(2) Each judge in the Central District eligible to vote shall place a mark opposite the name of up to seven of his or her choices, then shall place the ballot in a blank envelope, place this envelope in a second envelope, sign his/her name on the outer envelope and send it to the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, so that it is received no later than noon on the second Wednesday after Thanksgiving.

(3) If the nomination period is extended pursuant to subdivision (d), voted ballots from the affected district(s) shall reach the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, no later than noon on the third Wednesday after Thanksgiving.

(h) Count of Vote. The Canvassing Committee shall meet at noon on the second Wednesday after Thanksgiving, remove all blank envelopes from the outer envelopes, remove all ballots from the

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blank envelopes and tabulate the ballots of each district. (If the nomination period is extended pursuant to subdivision (f), the tabulation of the ballots from the affected district(s) shall occur at noon on the third Wednesday following Thanksgiving.)

(i) Majority Vote. Any judge who receives a majority of the votes cast by a district is elected the representative of that district on the Executive Committee. “Majority” vote has the same meaning as described in Local Rule 1.5(f) of these rules.

(j) Failure to Elect.

(1) In any district other than the Central District, if no nominee receives a majority vote, the Canvassing Committee shall give the Presiding Judge the names of the two judges receiving the highest and second highest number of votes from the district. In case of a tie vote in a two person contest, the committee shall give the Presiding Judge the names of the judges who received the tie vote.

(2) If fewer than seven Central District representative candidates receive a majority of the votes cast, the canvassing committee shall give the Presiding Judge the names of the judges who were not elected but who otherwise received the highest number of votes so that there are twice as many names as there are unfilled representative positions. The committee shall include on the list the name of the judge receiving the lowest number of votes qualifying him or her to be named on the list submitted.

(k) Second Ballot. On or before the third Monday after Thanksgiving, the Presiding Judge shall distribute to the members of each district with representative positions remaining unfilled a second ballot containing only the names of the judges who are on the list of remaining candidates for unfilled positions in the district(s) as determined pursuant to subdivision (j). (If the nomination period is extended pursuant to subdivision (d), any necessary second ballot in the affected district(s) will be distributed by the fourth Tuesday following Thanksgiving.) The judges of the district(s) eligible to vote shall mark and transmit their ballots to the judge having the greatest seniority on the court, in care of the Presiding Judge’s Office, on or before noon on the fourth Monday after Thanksgiving, at which time the Canvassing Committee shall count the vote. (If the nomination period is extended pursuant to subdivision (d), the count of the second vote for the affected district(s) will be conducted on the first Thursday following the first Saturday of the new year.) The number of judges equal to the number of unfilled positions in the district(s) receiving the highest number of votes will be deemed elected and in case of a tie vote, the judge having the greatest seniority will be deemed elected.

(l) Vacancies. A vacancy on the Executive Committee occurs if a member is assigned to another department outside the boundaries of the district he or she was elected to represent. Other causes of vacancies include but are not limited to extended illness, leave, or assignment to another court.

A vacancy on the Executive Committee will be filled by a vote of the district from which the member was originally elected. The election must be held and completed within 40 days after the vacancy occurs. The voting shall conform to the procedures set forth in this Section except that (1) the Presiding Judge shall distribute the ballots to the members of the district within ten days following the vacancy; (2) the marked ballots shall reach the senior judge before the 20th day; (3) if no judge receives a majority vote, a second ballot shall be distributed before the 30th day, and within ten days thereafter the marked ballots shall be sent to the senior judge at which time the Canvassing Committee shall count the vote and certify to the Presiding Judge the name of the judge elected.

(m) Ex officio members. The Presiding Judge of the Juvenile Court, the Supervising Judge of the Criminal Division, the Supervising Judge of the Civil Division, the Supervising Judge of the Family Law Division, the Supervising Judge of the Probate Division, and the Chair of the Personnel and

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Budget Committee are *ex officio* members of the Executive Committee. An *ex officio* member may vote only when serving as chair of the committee, and then only when a vote is required to break a tie.

(n) Commissioner members. The two commissioner members will be elected at-large to one year terms by the commissioners of the court in the manner and by the procedures as the commissioners may decide. The names of the commissioner members elected for the following calendar year shall be set forth in a notice signed by three commissioners of the court, which notice shall be delivered to the Presiding Judge between the last Monday in November and the first Wednesday in December of each year.

(o) Cumulative Voting Not Permitted. Cumulative voting is not permitted for election of Executive Committee members.

(Rule 1.7 [7/1/2011] amended and effective July 1, 2012)

1.8 STANDING COMMITTEES

At the beginning of each year, the Presiding Judge shall appoint the following standing committees, each to consist of not less than five judges:

Committee on Budget;
Committee on Community Outreach;
Committee on Education;
Committee on Grand Jurors; and
Committee on Rules.

(Rule 1.8 [7/1/2011, 7/1/2012] amended and effective January 1, 2017)

1.9 COURT COMMISSIONERS

(a) Eligibility. An applicant for appointment as a court commissioner must be a member of the State Bar and have been admitted to practice before the Supreme Court of California for at least ten years. (Cal. Rules of Court, rule 10.701.)

(b) Application Form. The Committee on Personnel and Budget shall prescribe the form of written application for appointment as a court commissioner.

(c) Selection Process. The Presiding Judge shall appoint a committee of not less than ten judges to review the application of each applicant. The committee shall designate which applicants it finds to be qualified and rank them in the order of preference.

(d) Vacancy. When the Presiding Judge determines that a vacancy is to be filled in the office of court commissioner, he or she shall designate the date by which all judges must cast their votes. Not less than ten days prior to that date, a ballot containing the names of all approved applicants in the order in which they have been ranked shall be delivered to each judge of the court.

(e) Optional Procedure. After distribution of the ballot and prior to the last day for casting ballots, the Presiding Judge may call a special meeting of the judges at which the approved applicants are introduced.

(f) Voting. Each judge voting to fill a vacancy in the office of court commissioner shall cause his or her secret ballot to be delivered to the Office of the Presiding Judge no later than 4:00 p.m. on the date previously designated by the Presiding Judge. The Office of the Presiding Judge will cause the Canvassing Committee to count the ballots cast and certify to the Presiding Judge the name of the applicant or applicants, not exceeding the number of vacancies to be filled, who received the highest votes. Those persons are selected as commissioners.

If two candidates receive the same number of votes, the candidate with the highest ranking established by the Selection Committee will be appointed to the court commissioner position.

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(g) Removal from the List. The Personnel and Budget Committee may remove a candidate's name from the certification list for good cause and he or she will not be eligible for appointment.

(h) Order of Appointment. The Presiding Judge shall issue a written order appointing each applicant certified to be a court commissioner.

(i) Expiration of List. When the list of approved applicants consists of less than three names, or the Executive Committee or a majority of all the judges of the court so orders, the list of approved applicants will expire and a call for applicants shall be made.

(j) Bail Setting Duty. Each commissioner, in rotation, will serve in setting bail both during and after court hours and on Saturdays, Sundays, and legal holidays. No compensatory pay or time will be afforded for this service. This service may be concurrent with TRO/EPO service.

(k) Temporary Telephonic Restraining Orders/Emergency Protective Orders (TRO/EPO). Each commissioner, in rotation, will serve in hearing requests for temporary telephonic restraining orders and emergency protective orders after court hours and on Saturdays, Sundays and legal holidays and during court hours when the judicial officer assigned to this duty is unavailable. The commissioner will not be required to attend to his or her regular duties on days assigned to this service. No compensatory pay or time will be afforded for this service.

(l) Status and Benefits.

(1) Status. Commissioners are elected by the judges of the court and appointed to the office of commissioner, on the policy-making level with respect to the exercise of the constitutional judicial power of the state, and, like judges, are not employees for the purposes of the protections provided by Titles 29 and 42 of the United States Code. (29 U.S.C.A., §§ 5621 and 2601 *et seq.*, 42 U.S.C.A., §§ 2000e(f) and 12101.) Commissioners serve at the pleasure of the court and are not subject to other vested terms of service. Commissioners are judges within the meaning of the Code of Judicial Conduct (Canon 6A) and must comply with that Code, as well as with these Local Rules and such policies and procedures related to their service as commissioners as the court adopts.

(2) Sick leave and vacation. Commissioners shall be treated as County employees with an "L" sub-item for purposes of participating in County benefit plans. As provided in Los Angeles County Code section 5.27.200, for both judges and commissioners, participation in the County MegaFlex plan is in lieu of any similar court-provided benefits, including specified number of vacation and sick leave days. Although there is no vested right to leave for vacation or illness, commissioners shall be treated as judges for the purposes of time off under the guidelines set forth in the court's vacation plan.

(3) Absences in excess of vacation plan guidelines. Unless the Presiding Judge authorizes additional days in furtherance of the interests of the court as authorized by the California Rules of Court, absences in excess of the guidelines set forth in the court's vacation plan shall be without pay, and may result in separation from court service.

(4) Disability. To provide for the continuation of salary in the event of an extended absence caused by illness, injury or disability, the MegaFlex plan currently available to designated court employees includes a core short term disability benefit. Commissioners who are absent in excess of 14 consecutive calendar days due to reasons of illness, injury or disability are required to apply for Short-Term Disability ("STD") benefits. Failure to do so may result in salary discontinuance. A commissioner who remains absent from the court after applying for and being denied STD benefits will be placed on no-pay status while the court determines whether to effect a separation from service. A commissioner who has purchased Long-Term Disability ("LTD") insurance coverage and who remains absent from the court after exhausting STD benefits, having applied for and been denied LTD

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benefits, will be placed in a no-pay status while the court determines whether to separate him or her from service.

(m) Ninety Days to Determine Matters.

(1) It is the duty of a commissioner to determine promptly all matters pending before him or her and in all cases to do so within 90 days after a matter has been submitted for decision.

(2) Each subordinate judicial officer shall monthly make and subscribe an affidavit stating that no cause before him or her remains pending and undetermined for 90 days after it has been submitted for ruling or decision.

(3) Any subordinate judicial officer who fails to comply with any provision of this subsection shall be reported to the Presiding Judge who shall take appropriate action including, but not limited to, suspension of salary or any other appropriate disciplinary action.

(n) Complaints Re Commissioners. Complaints regarding commissioners will be processed pursuant to California Rules of Court, rule 10.703.

(o) Procedures for Suspension or Removal. The Presiding Judge shall initiate and carry out suspension or termination of services of a commissioner in accordance with the following procedures.

The Presiding Judge may:

(1) Suspend a commissioner with or without pay and advise the Commissioner of the reason(s) for the action in writing;

(2) Place the commissioner on administrative leave pending further review; or

(3) Terminate the services of the commissioner.

(Rule 1.9 [7/1/2011] amended and effective July 1, 2019)

1.10 MEETING OF JUDGES

Meetings of the judges, other than ones called to remove a Presiding Judge or Assistant Presiding Judge, shall be held at the call of the Presiding Judge or at the written request of 20 judges. The Presiding Judge must designate the time and place of the meetings and cause notice of the meeting to be given each judge either by mailing a notice to the judge or by leaving it at the judge's courtroom. Except for a meeting called to elect or to remove a Presiding Judge, notice of the meeting must be given at least three days before the day of the meeting. A judge who attends the meeting waives notice of the meeting for any purpose. A majority of all the judges of the court will constitute a quorum at any meeting of judges.

(Rule 1.10 new and effective July 1, 2011)

1.11 APPLICATION OF AND AMENDMENT TO OR REPEAL OF LOCAL RULES

The Local Rules are applicable to all courts in the County.

The Local Rules may be amended or repealed, and new rules may be added, by written order signed by a majority of the judges or by majority vote of the judges of the court who are present at a duly called meeting of the judges, if written notice of the exact wording of the proposed amendment, addition or repeal has been given to all the judges of the court at least seven days prior to such meeting. This rule will be liberally construed to permit adoption of amendments to the rules even when the amendments vary in nonmaterial respects with those proposed, if those adopted relate to those noticed.

(Rule 1.11 new and effective July 1, 2011)

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1.12 **RESERVED**

1.13 **BENEFITS**

In accordance with Government Code sections 68220, 69894.3, and the memorandum of understanding entered into with the County pursuant to Government Code section 71627(e)(2)(B), all County benefits extended to employees and local officers by local ordinance are applicable to the court's trial court jurors, employees, and judges.

(Rule 1.13 new and effective July 1, 2011)

1.14 **SENIORITY**

Judges' seniority will be determined based on a judge's original oath date as a judge in the County. The seniority of municipal court judges who became judges of the superior court as a result of unification of the municipal and superior courts will be based on the date of unification, and amongst those judges, their relative seniority will be based on the date of their oath of office as a municipal court judge in the County without regard to judicial district.

(Rule 1.14 new and effective July 1, 2011)