

DIVISION 1

COURT ORGANIZATION AND GOVERNANCE

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Chapter 1

Governance

Rule 100. Citation and Effect of Rules

These rules shall be known and cited as the Local Rules – Superior Court of California, County of Orange, and must at all times be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council and must be construed and applied so they do not conflict with such rules and statutes. These rules shall supersede all rules previously adopted as the Orange County Superior Court Rules which are hereby repealed in their entirety as of the date these rules become effective.

(Adopted effective July 1, 1998; revised eff. September 1, 1998; revised eff. July 1, 2007; revised eff. January 1, 2008)

Rule 112. Adoption of Rules, Policies, Procedures and Forms

A. Purpose

The effective administration of the court requires that all rules, policies, procedures and forms required for conducting the business of the court, its various calendars and special divisions and departments be formally approved and adopted.

The following may be submitted to the Rules and Forms Committee by the Presiding Judge and/or Executive Committee for review:

1. Any proposed rule, policy or procedure or change to an existing rule, policy or procedure relating to the handling of the business of any calendar, or special division or department including the method of distribution of business between calendars, or special divisions or departments and any other calendar, or special division or department of the Superior Court of California, County of Orange;
2. Any proposed form or change to a printed local court form currently in use.

B. Procedure for Adoption or Amendment

1. A proposed rule or amendment to an existing rule shall be submitted to the Rules and Forms Committee. The Rules and Forms Committee must report its findings and recommendations to the Presiding Judge who must then place the matter on the agenda of the next regularly scheduled General Meeting of the judges of the Court for further consideration, or must submit the proposed rule or amendment thereof to the judges of the court by either written or electronic ballot at the discretion of the Presiding

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Judge. If by written ballot, such ballots must be placed in a sealed envelope and delivered to the Presiding Judge or Chief Executive Officer as directed at the time of circulation of the written ballots and proposed amendments. A majority vote of the judges is necessary to adopt an amendment to the rules.

2. *Policies and Procedures.* If a proposed policy, procedure or amendment to an existing policy or procedure is referred to the Rules and Forms Committee, the Committee must report its findings and recommendations to the Presiding Judge.
3. *Forms.* A proposed form or amendment to an existing form must be submitted to the Rules and Forms Committee for review and adoption. Approved forms shall be published by the Court in accordance with this rule.

C. Publication

1. Upon adoption, any rule or amendment thereto must be certified by the Presiding Judge and published in accordance with Section 68071 of the Government Code and of the California Rules of Court.
2. Policies and procedures must be placed in a division of these rules.
3. The Local Rules will be made available on the Court's website.
4. The Court must maintain a copy of all rules, policies and procedures for public inspection as well as provide, at an appropriate fee which covers all costs, copies of the rules, policies and procedures for purchase by attorneys and the public. The rules, policies, and procedures must be maintained on the Court's website.
5. Superior Court forms will be printed and stocked for purchase under direction of the Chief Executive Officer.

(Adopted effective March 1, 1985; revised eff. September 1, 1993; revised eff. July 1, 1998; revised eff. September 1, 1998; revised eff. July 1, 2007; revised eff. January 1, 2008; revised eff. January 1, 2009; revised effective January 1, 2012)

Chapter 2

**Presiding Judge and Assistant Presiding Judge
(Selection and Authority)**

Rule 150. Presiding Judge

The Court must be supervised by a Presiding Judge who is elected by a majority vote of the judges of this Court. The Presiding Judge so elected will serve for two calendar years. The Presiding Judge may be elected to serve additional terms of one year.

The Presiding Judge must administer the Court in conformity with the powers vested in the office by the California Rules of Court.

The Presiding Judge must appoint such standing and special committees of judges as deemed advisable and necessary for the proper administration of the Court. The Presiding Judge may participate as an ex officio member of such committees.

(Revised effective May 15, 1984; revised eff. July 1, 1988; revised eff. September 1, 1998; revised eff. May 1, 2001; revised eff. July 1, 2005; revised eff. July 1, 2007; revised effective January 1, 2008)

Rule 152. Nomination and Election Process - Presiding Judge

The Presiding Judge must be selected in the following manner:

- A. A judge wishing to place his or her name in nomination for the office of Presiding Judge of the Superior Court must file nomination papers with the Chief Executive Officer of the Court between September 1 and September 15 of each election year.
- B. Nomination papers for the office of Presiding Judge of the Superior Court must include the signatures of at least 20% of the sitting judges of the Superior Court. Judges may sign more than one nomination paper.
- C. The Chief Executive Officer must prepare a ballot consisting of those judges filing nomination papers. The ballot must be distributed at the judges' meeting at which the Presiding Judge will be elected. Each judge to whom a ballot has been distributed may vote for no more than one nominee for Presiding Judge. Following any ballot which includes three or more candidates, if no candidate has received a majority vote, the candidate with the lowest number of votes must be dropped from each succeeding ballot until the names of only two candidates remain. Balloting will continue until one candidate receives a majority vote of the judges of the Court.

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- D. The election of a Presiding Judge must take place at the regular October Judges Meeting of each election year, and the election must be by secret ballot.

(Adopted effective May 15, 1984; revised eff. July 1, 1988; revised eff. May 1, 1994, revised eff. May 1, 2004; revised eff. July 1, 2007; revised eff. January 1, 2008; revised eff. January 1, 2009; revised effective January 1, 2012)

Rule 154. Assistant Presiding Judge

An Assistant Presiding Judge must be elected by a majority vote of the judges of this Court to serve during the two calendar years.

The Assistant Presiding Judge may be elected to serve additional terms of one year and may be a candidate for the office of Presiding Judge.

The Assistant Presiding Judge must have the responsibility for such duties as are delegated by the Presiding Judge. The Assistant Presiding Judge will also, during the absence or inability to act of the Presiding Judge, be the Acting Presiding Judge of the Superior Court and exercise the powers and carry out the duties of the Presiding Judge as prescribed by law and court rules.

The Assistant Presiding Judge must serve as an ex-officio voting member of the Executive Committee and of all standing and special committees to which he or she is appointed by the Presiding Judge.

(Adopted effective May 15, 1984; revised eff. July 1, 1988; revised eff. May 1, 1996; revised eff. May 1, 2001; revised eff. July 1, 2005; revised eff. July 1, 2007; revised eff. January 1, 2008)

Rule 156. Nomination and Election Process - Assistant Presiding Judge

The Assistant Presiding Judge must be selected in the following manner:

- A. To be nominated for the office of Assistant Presiding Judge of the Superior Court, a judge must file nomination papers with the Chief Executive Officer between September 1 and September 15 of each election year.
- B. Nomination papers for the office of Assistant Presiding Judge of the Superior Court must include the signatures of at least 20% of the sitting judges of the Superior Court. Judges may sign more than one nomination paper.
- C. The Chief Executive Officer must prepare a ballot consisting of those judges filing nomination papers. The ballot must be distributed at the judges meeting at which the Assistant Presiding Judge will be elected. Each judge to whom a ballot has been distributed may vote for no more than one nominee for Assistant Presiding Judge. Following any ballot which includes three or more candidates, if no candidate has received a majority vote, the candidate with the lowest number of votes must be dropped from each succeeding ballot until the names of only two candidates remain. Balloting will continue until one candidate receives a majority vote of the judges of the Court.

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- D. The election of the Assistant Presiding Judge must take place at the regular October Judges Meeting of each election year, and the election must be by secret ballot.

(Adopted effective May 15, 1984; revised eff. July 1, 1988; revised eff. May 1, 1994; revised eff. August 1, 1998; revised eff. September 1, 1998; revised effective May 1, 2004; revised effective July 1, 2007; revised eff. January 1, 2008; revised eff. January 1, 2009; revised eff. January 1, 2012.)

Rule 157. Candidacy

No judge may be a candidate for Presiding Judge and Assistant Presiding Judge during the same election period.

(Adopted effective September 1, 1998)

Rule 158. Acting Presiding Judge

Unless the Presiding Judge has, pursuant to rule 10.602, California Rules of Court, designated a different judge to act as the Acting Presiding Judge when both the Presiding Judge and Assistant Presiding Judge are absent or unable to act, the past Presiding Judge who most recently served as such and is present and able to act must be the Acting Presiding Judge. If there is no past Presiding Judge present and able to act, the senior judge present and able to act must serve as the Acting Presiding Judge.

(Adopted effective May 15, 1984; revised eff. July 1, 1988; revised eff. September 1, 1998; revised eff. January 1, 2007; revised eff. January 1, 2008)

Rule 160. Special Elections - Presiding Judge and Assistant Presiding Judge

If the office of Presiding Judge or Assistant Presiding Judge becomes vacant during any year, a special election must be called by the Presiding Judge or Acting Presiding Judge within 60 days to fill the vacancy. The notice of special election must provide for a nomination period of at least two weeks duration during the month prior to the election, which special election must be conducted in accordance with the foregoing rules.

(Adopted effective July 1, 1988; revised eff. January 1, 2008)

Rule 162. Temporary Judges

Duty to Decide Causes in Timely Manner. Temporary Judges (Judges Pro Tempore) sitting on the Superior Court by stipulation of the parties litigant pursuant to Article VI, Section 21 of the California Constitution must also comply with Article VI, Section 19 of the California Constitution, requiring that all causes shall be decided within 90 days after being submitted for decision. The failure of a Temporary Judge to comply with this rule will constitute good cause for the Presiding Judge to revoke the order designating Temporary Judge filed pursuant to rules 2.814 and 2.831, California Rules of Court. A cause is deemed submitted as provided in rule 2.900, California Rules of Court.

(Adopted effective August 1, 1989; revised eff. July 1, 2007; revised eff. January 1, 2008)

Chapter 3

**Executive Committee
(Selection and Authority)**

Rule 164. Executive Committee of the Court

There shall be an Executive Committee consisting of: the Presiding Judge, who shall serve as the non-voting Chair; the Assistant Presiding Judge, who shall serve as an *ex officio* voting member; ten elected voting judge members, each representing his or her own seniority group; and two elected non-voting commissioner liaison members, each representing his or her own seniority group. There shall also be an elected alternate member representing each judge and commissioner seniority group. The alternate member shall take the place of the member representing his or her seniority group at any Executive Committee meeting when the member is absent. If the member is unable to complete his or her term, the alternate member shall take his or her place as the member representing that seniority group for the remainder of that term. If neither the member nor the alternate member is able to complete his or her term, the Presiding Judge may conduct a special election to fill to fill those vacancies by electronic ballot in accordance with Rule 168, paragraph C.

(Renumbered and revised effective March 15, 1984; revised eff. July 1, 1988; revised effective January 1, 1991; revised eff. May 1, 1996; revised effective September 1, 1998; revised effective May 1, 2002; revised effective January 1, 2008; revised effective January 1, 2009; revised effective July 1, 2011)

Rule 166. Election of Executive Committee

A. Terms

Judge and commissioner Executive Committee members and alternate members shall serve one year terms commencing January 1 immediately following their election.

B. Determination of Seniority

The Presiding Judge shall determine the order of seniority for judges and commissioners as of September 1 each year. Seniority shall be determined by the date of the judge's or commissioner's first oath of office as judge or commissioner of the Superior Court. For judges and commissioners who became judges of the Superior Court as a result of unification on August 10, 1998, the order of seniority shall be determined by the date of their first oath of office as a judge or commissioner of the Municipal Court. If any judges or commissioners have identical seniority dates, seniority shall be determined alphabetically.

C. Determination of Seniority Groups

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The Presiding Judge shall divide the judges into ten groups based on their seniority as of September 1 each year. If the total number of judges is evenly divisible by ten, then the number of judges in each seniority group will be equal. If the total number of judges is not evenly divisible by ten, then the number of judges in each seniority group shall be augmented by one member in ascending order of seniority.

Any judge assuming office after September 1 shall be added to Seniority Group 10.

The Presiding Judge shall divide the commissioners into two seniority groups based on their seniority as of September 1 of each year. If the total number of commissioners is an even number, then the number of commissioners in both seniority groups will be equal. If the total number of commissioners is not an even number, then the number of commissioners in Seniority Group 2 shall be augmented by one. Any commissioner assuming office after September 1 shall be added to Seniority Group 2.

D. Nomination

Judges and commissioners wishing to be considered for election to serve as a member or alternate member shall, between September 1 and September 15, nominate themselves in writing to the Chief Executive Officer and indicate their desire to be a candidate for member or alternate member representing their seniority group. Candidates may be considered for the position of member, alternate member or both. The Chief Executive Officer shall prepare a ballot indicating the candidates nominated to represent each seniority group.

E. Election

The election of judge and commissioner members and alternate members shall be conducted in accordance with Rule 168.

F. Transitional Provision

Judge and commissioner members and alternate members elected prior to the effective date of this rule to two year terms that do not expire on December 31, 2011, shall continue to serve until December 31, 2012.

(Revised effective May 15, 1984; revised eff. July 1, 1988; revised eff. January 1, 1991; revised eff. May 1, 1996; revised eff. August 1, 1998; revised eff. September 1, 1998; revised effective July 1, 1999; revised eff. May 1, 2002; revised eff. May 1, 2004; revised eff. January 1, 2008; revised eff. January 1, 2009; revised eff. July 1, 2011)

Rule 168. Judges' Meetings for Elections

- A. Judges' meetings shall be held on the second Friday of October each year for the purpose of electing the judge and commissioner Executive Committee members and alternate members every year, and every other year for the purpose of electing the Presiding Judge and the Assistant Presiding Judge. The Chief Executive Officer shall distribute written ballots to the judges and commissioners present in

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person. Absentee voting is permitted. Proxy voting is not permitted. A majority of the sitting judges must be present at the meeting in person or by absentee ballot to constitute a quorum.

- B. Absentee ballots shall be in writing, placed in a sealed envelope and delivered to the Chief Executive Officer prior to the judges' meeting. Absentee ballots may contain an expression of the order of candidate preference in any election with more than two candidates for one office. Such absentee ballots expressing a preference shall always be cast in favor of the remaining candidate assigned the highest preference.
- C. The Presiding Judge may conduct the election of Executive Committee members and alternate members by electronic ballot in lieu of a judges' meeting. Absentee voting is not allowed if the election is conducted by electronic ballot. Electronic ballots may contain an expression of the order of candidate preference in any election with more than two candidates for one office. Such electronic ballots expressing a preference shall be cast in favor of the remaining candidate assigned the highest preference.
- D. If election to the office of Presiding Judge, Assistant Presiding Judge or member and alternate member of the Executive Committee is uncontested after the time for filing nomination papers has expired, ballots for such office need not be distributed and the sole candidate will be deemed duly elected by operation of these rules.

(Renumbered effective March 15, 1984; revised eff. July 1, 1988; revised eff. July 1, 1990; revised eff. May 1, 1994; revised eff. January 1, 1995; revised eff. October 1, 1996; revised eff. July 1, 1998; revised eff. May 1, 2002; revised eff. May 1, 2004; revised eff. January 1, 2008; revised eff. January 1, 2009; revised eff. July 1, 2011)

Rule 170. Meetings of the Executive Committee

- A. Regular meetings of the Executive Committee must be conducted monthly at times noticed by the Presiding Judge, unless dispensed with for good cause by the Presiding Judge or majority vote. Such meetings must be open to attendance by all judges.
- B. The Presiding Judge must serve as Chair of the Executive Committee. In the absence of the Presiding Judge, the Acting Presiding Judge must serve as Chair.
- C. Within ten court days after each meeting of the Executive Committee, the Presiding Judge must cause the minutes of the meeting to be published to all judges.
- D. A quorum of the Executive Committee must be a majority of its members, including the Presiding Judge and Assistant Presiding Judge who may vote in all cases.
- E. Proxy voting is not permitted at Executive Committee meetings.
- F. Any action taken by the Executive Committee must be vacated immediately upon filing with the Presiding Judge the written request of 10% of the total number of

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sitting judges of the court made within 10 court days of publication of the minutes pursuant to Rule 170C, and the Presiding Judge must place the subject matter on the agenda for consideration of the next meeting of all the judges.

(Renumbered and revised effective March 15, 1984; revised eff. July 1, 1998; revised effective January 1, 1995; revised eff. October 1, 1996; revised eff. September 1, 1998; revised effective May 1, 2002; revised eff. January 1, 2008)

Rule 172. Approval by a Majority of Judges

At the discretion of the Presiding Judge, any matter requiring approval by the majority of judges may be submitted to the judges of the Superior Court to be voted on by either written or electronic ballot. If by written ballot, such ballots must be placed in a sealed envelope and delivered to the Presiding Judge or Chief Executive Officer as directed at the time of circulation of the written ballots. A majority vote of the sitting judges shall be necessary to approve an item.

(Adopted effective May 1, 2002; revised eff. January 1, 2008; revised effective January 1, 2012)

Chapter 4

Media

Rule 180. Photographing, Recording and Broadcasting in Court

The procedures set forth herein have been developed for the protection of all parties to ensure the secure and efficient handling of cases and events in all justice centers in the Superior Court, County of Orange. No video recording, still photography, or electronic recording is permitted in or on the grounds of the justice centers except as permitted in California Rules of Court, rule 1.150, and this rule. Nothing in this rule is intended to create a public forum in or on the grounds of the justice centers. Violation of California Rule of Court rule 1.150 or this rule may result in termination of media coverage, contempt of court proceedings, and/or monetary sanctions as provided by law.

A. Definitions

1. “Media coverage” means any video recording, photographing, audio recording, or broadcasting of court proceedings by the media using television, radio, photographic or recording equipment, or other similar types of technology. Rule 1.150 (b)(1), California Rules of Court.
2. “Media” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, other news-reporting or news-gathering agency. Rule 1.150(b)(2), California Rules of Court.
3. “Media Event” means any photographing or electronic recording of news conferences or statements to members of the media and the general public occurring outside of a courtroom but on property belonging to the Orange County Superior Court.
4. “Court” means the courtroom at issue, the courthouse, the justice center, and its entrances and exits. Rule 1.150(b)(3), California Rules of Court
5. “Judge” includes any judicial officer or officers, including commissioners, referees, and temporary judges, assigned to or presiding at the proceeding. Rule 1.150(b)(4), California Rules of Court

B. Requests for Coverage

With respect to courtroom proceedings, requests for any type of video, still photography, or audio coverage, including pool cameras, must be made in compliance with California Rules of Court, rule 1.150(e)(1), and submitted to the judicial officer assigned to hear the case on Judicial Council forms MC-500

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“Media Request to Photograph, Record or Broadcast” and MC-510 “Order on Media Request to Permit Coverage.” A copy of the request also must be submitted to the Court’s Public Information Office. All media coverage of courtroom proceedings must comply with the provisions of rule 1.150.

C. Limitation on Coverage

The following limitations apply at all justice centers unless an exception is permitted by written judicial order.

1. Except as provided in this local rule and the California Rules of Court, video recording, photographing, or electronic recording by the media and general public is not permitted in any part of the justice center, including, but not limited to lobby areas, cafeterias, halls, stairs, escalators, and elevators.
2. Video recording, photographing, or electronic recording devices must be turned off while transporting them in any area of the Court.
3. All audible electronic devices must be turned off when they are in courtrooms.
4. Any photography of the interior of a courtroom through glass door windows or from the area between the double doors at the entrance of a courtroom is prohibited.
5. When photography, audio, and/or video recording is not permitted by the judicial officer assigned to hear the case, electronic recording devices may be taken into the courtroom only if they are not turned on and remain inside an enclosed case, bag, or other container, unless otherwise specifically prohibited by the judicial officer assigned to hear the case.
6. Special policy for Lamoreaux Justice Center: In the event cameras or any recording devices are permitted in Lamoreaux Justice Center, advance authorization from the Juvenile Court Presiding Judge or the Family Law Supervising Judge is needed prior to bringing such devices into the justice center, and Media must check in with Court security at the building entrance.

D. Areas in Court Facilities where Media Events are Authorized

Media Events outside of the courtrooms, but within a justice center, are permitted only if the Media Event concerns an Orange County Superior Court case proceeding that occurred, is occurring, or will be occurring at that justice center on the same day as the Media Event, and only if one or more of the parties to the proceeding, their attorneys, a victim, and/or the victim’s family, is actively participating in the Media Event. No other Media Events are permitted within any justice center. Media Events may not include recording or broadcasting the likeness of prospective jurors, current jurors, or jurors excused from the proceeding. Media Events at the various justice centers must be held at the following specific locations only:

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1. Central Justice Center - 700 Civic Center Drive West, Santa Ana
Northeast corner of the second floor lobby area near the front windows and escalators.
2. Community Court - 909 North Main Street, Santa Ana
Lobby area outside courtrooms.
3. Complex Civil Litigation Facility - 751 W. Santa Ana Blvd., Santa Ana
Northwest corner of the building, outside Dept. CX101.
4. Harbor Justice Center - Newport Beach Facility - 4601 Jamboree Road, Newport Beach
Across from Room 108 on the first floor, near the glass doors in the center of the building.
5. Lamoreaux Justice Center - 341 The City Drive, Orange
Due to the privacy concerns and confidential nature of juvenile matters, the front quad exterior of the building has been designated for media interviews. For security purposes, these interviews must be conducted a minimum of 90 feet from the courthouse entrance.
6. North Justice Center - 1275 North Berkeley, Fullerton
Exterior steps of main entrance to the Central Wing (during inclement weather, use the area across from Dept. 9 at the top of the stairs).
7. West Justice Center - 8141 13th Street, Westminster
The main lobby in the front of the building.

E. Media Events Outside Justice Center Facilities but on Court Grounds

All Media Events occurring outside a justice center but on Orange County Superior Court property must be conducted a minimum of 90 feet from any courthouse entrance or exit. At no time shall a Media Event be conducted in a manner that obstructs pedestrian or vehicular traffic or impedes an individual from entering or exiting the justice center.

F. Non-case Related Requests to Film in Justice Center Facilities

Special requests for video recording or photographing empty courtrooms, jury rooms or employee work areas must be made in writing and submitted to the Court's Public Information Office before the proposed video recording or photographing is to occur. The request should be made a minimum of five calendar days prior to the requested date, and include the amount of time needed to complete the activity. The request must also be accompanied by a completed copy of the Third Party Use of Court Facilities Request Form and a Certificate of Liability Insurance, both of which may be obtained by sending an email to thirdpartyuserequest@occourts.org. The request must be approved by the Presiding Judge.

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G. Ceremonial Events

Unless the Court orders otherwise, this rule does not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association, mock trial competitions, weddings, adoptions or a lecture or training that is held in a courtroom when court is not in session.

Revised effective July 1, 2016; Adopted effective January 1, 2004; revised eff. July 1, 2006; revised eff. January 1, 2007, revised eff. January 1, 2014

Chapter 5

Court Reporter Services

Rule 190. Court Reporter Services Availability

The Clerk's Office at each justice center will post the departments in which the services of official court reporters are normally available, the departments in which the services of official court reporters are not normally available, and, for those departments in which the services of official court reporters are normally available only for certain types of matters, those matters for which they are normally available. The list will also be posted on the Court's public website.

Unless a fee waiver has been obtained, the party will be responsible for payment of the court reporter service fees mandated by Government Code section 68086.

When the services of an official court reporter are not available for a hearing in a case, a party may arrange for the presence of a certified shorthand reporter to serve as an official reporter pro tempore. If such an arrangement is made, it is the responsibility of the arranging party to pay the reporter's fee for services at the proceedings. The expense of a court reporter may be recoverable as part of the costs. [California Rules of Court, rule 2.956(c)]

If a party arranges for the services of a certified shorthand reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties will be charged the reporter's attendance fee provided for in Government Code section 68086(a)(1) or (b)(1). If fees have been posted, the fees will be refunded.

The reporting notes of an official pro tempore reporter are the official records of the Court and shall be delivered to Court Reporter Interpreter Services in electronic form as directed by the Court, pursuant to Government Code section 69955. Official pro tempore reporters may contact Court Reporter Interpreter Services for further information.

An official reporter or official reporter pro tempore shall be present in all cases when required by law.

Revised effective January 1, 2016; Rule 190 adopted effective July 1, 2012