

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 These rules shall supersede all rules previously adopted as the Orange County Superior Court Rules which are hereby repealed in their entirety as of the date these rules become effective.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 Judge. If by

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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 who cast valid ballots as provided in Rule 152. 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 as prescribed by law and 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 July 1, 2017; adopted 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 eff. January 1, 2008.)

Rule 152. Nomination and Election Process - Presiding Judge

The Presiding Judge must be selected in the following manner:

- A. Nomination papers for the office of Presiding Judge of the Superior Court shall be available in the Office of the Court Executive Officer beginning on the first court day in July of each election year.
- B. A judge wishing to place his or her name in nomination for the office of Presiding Judge of the Superior Court must file completed nomination papers with the Office of the Court Executive Officer no later than the first Friday in September of an election year. However, if an incumbent does not file completed nomination papers by that deadline, the Court Executive Officer shall promptly so notify all judges via email, and the nominating period shall be extended by seven (7) calendar days.
- C. Nomination papers for the office of Presiding Judge of the Superior Court must include the signatures of at least 15 sitting judges of the Superior Court. A judge may sign nomination papers for more than one candidate.
- D. The election for Presiding Judge shall take place on the second Friday in October of each election year (“the Election Meeting”). If the second Friday in October is an official Court Holiday, the Election Meeting shall be held on the next Friday that is not a Court Holiday. No quorum is required. Voting shall be conducted by secret ballot.

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The duly elected Presiding Judge shall be the candidate who receives a majority of the total number of votes cast in the election. Absentee voting is permitted in accordance with this Rule. Voting by proxy is not permitted.

- E. The Court Executive Officer must prepare a ballot containing, in alphabetical order by last name, the names of all judges who filed completed nomination papers in accordance with the provision of this Rule. The ballot will be distributed as set forth in Paragraphs F and H of this Rule.
- F. Absentee ballots for the Election Meeting will be distributed by the Office of the Court Executive Officer, either electronically or by hard copy, to all then-sitting judges of the Court no later than the third Friday in September. If the third Friday in September is an official Court Holiday, the absentee ballots shall be distributed on the next court day following the Court Holiday.
- G. To cast a valid absentee ballot, a judge must place the completed ballot in a sealed envelope and then place that envelope into a second sealed envelope. The outside of the second sealed envelope must bear the name of the judge casting the ballot. A completed absentee ballot must either be returned to the Office of the Court Executive Officer before the commencement of the Election Meeting or be submitted at the Election Meeting no later than the start of the counting of the ballots. All judges who do not vote by absentee ballot must be present at the Election Meeting in order to cast a vote.
- H. In addition to distributing absentee ballots as provided in Paragraph F of this Rule, the Court Executive Officer must distribute the ballot at the Election Meeting to all eligible judges wishing to vote in person at the Election Meeting. A judge who was not a sitting judge at the time the absentee ballots are distributed but who is a sitting judge at the time the election is held shall be eligible to vote in the election.
- I. Each judge may vote for no more than one candidate for Presiding Judge; any ballot that contains a vote for more than one candidate for Presiding Judge shall be void with respect to the vote for that office.
- J. When a ballot for the office of Presiding Judge includes two candidates, and the voting results in a tie, there shall be a Run-off Election as set forth in this Rule. When a ballot for the office of Presiding Judge includes three or more candidates and no candidate receives a majority of the votes cast, the two candidates with the highest number of votes shall participate in a Run-off Election. Likewise, when no candidate receives a majority of votes cast and two judges tie for the second-largest number of votes, they and the top vote getter will participate in a Run-Off Election. The Run-off Election shall be conducted electronically. The Court Executive Officer shall distribute the ballot for the Run-off Election (listing the candidates as provided in Paragraph E above) to all sitting judges on the next court day following the Election Meeting and, at the same time, shall also provide instructions for votes to be cast electronically. All ballots must be cast for the Run-off Election no later than 1:30 p.m. on the seventh calendar day following the Election Meeting. If the seventh day falls on an Official Court Holiday, the ballots must be cast no later than 1:30 p.m. on the next court day that is not a Court Holiday. No quorum shall be required for the Run-off Election, and voting by proxy is not permitted. The candidate receiving a majority of the votes cast is the duly elected Presiding Judge Elect.

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- K. When a Run-off Election is conducted pursuant to Paragraph J and no candidate receives a majority of the votes cast, balloting will continue in one or (if necessary) more Run-Off Elections, each conducted in the same manner set forth in Paragraph J above (including the requirement that each Run-Off Election be held no later than seven (7) calendar days after the preceding Run-Off Election), until one candidate receives a majority of the total number of votes validly cast. For each balloting, no quorum is required and voting by proxy is not permitted.
- L. If at any point prior to either a regularly scheduled Election Meeting or a Special Election called pursuant to Rule 160 there is only a single candidate because a candidate who had filed completed nomination papers withdrew his or her name from nomination after the nominating period closed, the nominating period shall be reopened for an additional seven (7) calendar days and the election date shall be rescheduled to a date to be determined by the Presiding Judge or, if the Presiding Judge is unavailable, the Assistant Presiding Judge.
- M. Except as provided in Rule 152(L), if the election to the office of Presiding Judge 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.

(Revised effective July 1, 2017; 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 eff. January 1, 2012.)

Rule 154. Assistant Presiding Judge

- A. An Assistant Presiding Judge must be nominated and elected in the same manner as set forth in Rule 152 above. The Assistant Presiding Judge so elected will serve for two calendar years.
- B. 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.
- C. The Assistant Presiding Judge shall 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.
- D. 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.

(Revised effective July 1, 2017; 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.)

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Rule 156. Nomination and Election Process - Assistant Presiding Judge [VACATED.]

(Vacated effective July 1, 2017. 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 eff. 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.

If a sitting Presiding Judge ceases to serve in that capacity, by resignation or otherwise, the Assistant Presiding Judge will serve as Acting Presiding Judge until a new Presiding Judge is elected and begins to serve.

(Revised effective July 1, 2017; 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 may be held as set forth in this Rule.

- A. For purposes of triggering a special election, a vacancy in the office of the Presiding Judge or Assistant Presiding Judge occurs when any of the following occurs:
 1. When a judge who has been elected as Presiding Judge or Assistant Presiding Judge but has not yet begun to serve his or her term notifies the Court Executive Officer in writing that he or she declines to assume the office.
 2. When a currently-serving Presiding Judge or Assistant Presiding Judge submits his or her resignation from the office in writing to the Court Executive Officer. Although such a resignation will not become effective until the effective date set forth in the written notice of resignation, for purposes of this rule the vacancy is deemed to exist

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immediately upon the submission of the notice of resignation, without regard to the stated effective date of the tendered resignation.

3. When a currently-serving Presiding Judge or Assistant Presiding Judge may no longer serve as a judge by order of the Judicial Council, the Commission on Judicial Performance, or the California Supreme Court.
 4. Upon the death or disability of a currently-serving Presiding Judge or Assistant Presiding Judge.
- B. In the event of a vacancy in the office of Presiding Judge or Assistant Presiding Judge, the Presiding Judge or, if the Presiding Judge is unavailable, the Assistant Presiding Judge, shall determine, based upon its consideration of the totality of the circumstances, whether to hold a Special Election to fill the vacancy or to fill the vacancy at the next regularly scheduled Election Meeting. In either event, the Presiding Judge or Assistant Presiding Judge so elected shall take office immediately following the election or immediately following the date on which his or her predecessor ceases to serve, whichever is later. A special election must be held in every case when the Presiding Judge or Assistant Presiding Judge ceases to serve (or a notice of resignation states an effective date that is) more than 60 days prior to the date of the next regularly scheduled Election Meeting.
- C. If a decision is made to hold a Special Election as provided in Rule 160(B) above, a written Notice of Special Election shall be given to all sitting judges, and nomination papers shall be made available in the Office of the Court Executive Officer. The date of the Special Election shall be set by the Presiding Judge or, if the Presiding Judge is unavailable, the Assistant Presiding Judge; provided, however, that unless the Presiding Judge or, if the Presiding Judge is unavailable, the Assistant Presiding Judge expressly determines otherwise, the Notice of Special Election must allow for a nomination period of at least fourteen (14) calendar days after the nomination papers were first made available, as well as a minimum of twenty-eight (28) additional calendar days after the close of the nomination period before the Special Election is held.
- D. For any Special Election, no quorum is required, votes may be cast by absentee ballot, and voting by proxy is not permitted. Absentee ballots will be distributed in the manner set forth in Rule 152(F) above, no later than two weeks prior to the Special Election. In all other respects, the balloting at a Special Election shall proceed in the same manner as an Election Meeting and, if necessary, any Run-off election(s).
- E. The term of the individual elected at a Special Election shall last only until a Presiding Judge or Assistant Presiding Judge, duly elected at the next regularly scheduled Election Meeting, assumes office.
- F. When the office of Presiding Judge or Assistant Presiding Judge is actually vacant at the time of a regularly scheduled election, the winner of the election shall assume office immediately.

(Revised effective July 1, 2017; adopted effective July 1, 1988; revised eff. January 1, 2008)

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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. Term and Composition of Executive Committee

A. Terms

Judge and commissioner Executive Committee members and alternate members shall serve two year terms commencing January 1 immediately following their election. This rule shall take effect for the term commencing January 1, 2018.

B. Determination of Seniority

The Presiding Judge shall determine the order of seniority for judges and commissioners as of September 1 each election 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

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commissioner of the Municipal Court. If any judges or commissioners have identical seniority dates, seniority shall be determined alphabetically.

C. Determination of Seniority Groups

The Presiding Judge shall divide the judges into ten groups based on their seniority as of September 1 each election 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 election 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.

(Revised effective January 1, 2018; revised effective July 1, 2017; revised eff. 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 eff. 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. Nomination and Election Process – Executive Committee

The Judge and commissioner members and alternate members of the Executive Committee shall be nominated and elected in the following manner:

- A. Judges and commissioners wishing to be considered for election to serve as a member or alternate member of the Executive Committee shall, beginning on the first court day in July of each election year, 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 nomination papers must be filed with the Office of the Court Executive Officer no later than the first Friday in September of an election year.
- B. The election for Executive Committee members and alternates shall take place on the second Friday in October of each election year (“the Election Meeting”). If the second Friday in October is an official Court Holiday, the Election Meeting shall be held on the next Friday that is not a Court Holiday. No quorum is required. Voting shall be

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conducted by secret ballot. The duly elected Executive Committee members and alternates shall be the candidates who receive a majority of the total number of votes cast in their seniority group in the election. Absentee voting is permitted in accordance with this Rule. Voting by proxy is not permitted.

- C. The Court Executive Officer must prepare a ballot containing, by seniority group number and alphabetical order by last name within each seniority group, the names of all judges and commissioners who filed nomination papers. The ballot will be distributed as set forth in Paragraphs D and F of this Rule.
- D. Absentee ballots for the Election Meeting will be distributed by the Office of the Court Executive Officer, either electronically or by hard copy, to all then-sitting judges and commissioners of the Court no later than the third Friday in September. If the third Friday in September is an official Court Holiday, the absentee ballots shall be distributed on the next court day following the Court Holiday.
- E. To cast a valid absentee ballot a judge or commissioner must place the completed ballot in a sealed envelope and then place that envelope into a second sealed envelope. The outside of the second sealed envelope must bear the name of the judge or commissioner casting the ballot. A completed absentee ballot must either be returned to the Office of the Court Executive Officer before the commencement of the Election Meeting or be submitted at the Election Meeting no later than the start of the counting of the ballots. All judges and commissioners who do not vote by absentee ballot must be present at the Election Meeting in order to cast a vote.
- F. In addition to distributing absentee ballots as provided in Paragraph D of this Rule, the Court Executive Officer must distribute the ballot at the Election Meeting to all eligible judges and commissioners wishing to vote in person at the Election Meeting. A judge or commissioner who was not a sitting judge or commissioner at the time the absentee ballots are distributed but who is a sitting judge or commissioner at the time the election is held shall be eligible to vote in the election.
- G. When an election for Executive Committee members and alternates takes place in a year when there is no regular election scheduled for Presiding Judge and Assistant Presiding Judge, balloting shall be by electronic vote.
- H. Each judge and commissioner may vote for no more than one candidate for Executive Committee member and one candidate for Executive Committee alternate for their seniority group; any ballot that contains a vote for more than one member and/or alternate candidate shall be void as to that office.
- I. When a ballot for a specific seniority group for the office of Executive Committee member or alternate includes two candidates, and the voting results in a tie, there shall be a Run-off Election as set forth in this Rule. When a ballot for a specific seniority group for the office of Executive Committee member or alternate includes three or more candidates and no candidate receives a majority of the votes cast, the two candidates with the highest number of votes shall participate in a Run-off Election. Likewise, when no candidate for member or alternate receives a majority of votes cast within a specific seniority group and two judges or commissioners tie for the second- largest number of votes, they and the top vote getter will participate in a Run-Off

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- Election. The Run-off Election shall be conducted electronically. The Court Executive Officer shall distribute the ballot for the Run-off Election for seniority groups where a run-off election is required (listing the seniority groups and candidates as provided in Paragraph C above) to all sitting judges and commissioners eligible to vote for the seniority groups involved in the Run-off on the next court day following the Election Meeting and, at the same time, shall also provide instructions for votes to be cast electronically. All ballots must be cast for the Run-off Election no later than 1:30 p.m. on the seventh calendar day following the Election Meeting. If the seventh day falls on an Official Court Holiday, the ballots must be cast no later than 1:30 p.m. on the next court day that is not a Court Holiday. No quorum shall be required for the Run-off Election, and voting by proxy is not permitted. The candidate receiving a majority of the votes cast for the seniority group is the duly elected Executive Committee member or alternate.
- J. When a Run-off Election is conducted pursuant to Paragraph I and no candidate receives a majority of the votes cast, balloting will continue in one or (if necessary) more Run-off Elections, each conducted in the same manner set forth in Paragraph I above (including the requirement that each Run-off Election be held no later than seven (7) calendar days after the preceding Run-off Election), until one candidate for the specific seniority group receives a majority of the total number of votes validly cast. For each balloting, no quorum is required and voting by proxy is not permitted.
- K. If election to the office of member or 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.

(Revised effective July 1, 2017; renumbered eff. 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.

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- 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 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

Photographing, Recording and Broadcasting in Court

Rule 180. Media and Public Use of Photographing, Recording and Broadcasting Equipment in Court

This rule governs the use of photographic, recording, and broadcasting equipment in court by the public, including members of the media. 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

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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 “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. Photographing Publicly Available Documents and Exhibits

With the exception of Juvenile court records and trial exhibits, this rule does not prohibit the use of cameras or other photographic equipment, provided the devices are used solely for the purpose of photographing case file documents that are not otherwise confidential or sealed and are available in the clerk’s office or from court kiosks.

1. Trial exhibits:

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Trial exhibits are court records that are presumed to be open to public inspection. California Rule of Court Rule 2.550(b) and (c). However, access to all court records is subject to reasonable time, place and manner restrictions necessary to protect the safety and integrity of exhibits, minimize inspection from interfering with the court's need for access to the exhibits or the orderly operation of the clerk's office.

- a. Requests to inspect or reproduce trial exhibits must be made to the judicial officer who is presiding over the proceeding, or who previously presided over the proceeding, or if the judicial officer is unavailable, to the supervising judge of the panel and/or justice center where the trial was heard.
- b. Unless access to the particular exhibit is otherwise precluded by law or the exhibit is subject to a court order to mark the exhibit as confidential or to seal it, access should be granted subject to a court order establishing such conditions as are necessary to protect the safety and integrity of the exhibits, and to minimize inspection from interfering with the court's need for access to the exhibits or the orderly operation of the clerk's office. Such conditions may include notice of the request and opportunity to be heard by the attorneys and/or parties to the action or proceeding, and payment of any costs determined by the court to be necessary to protect the safety and integrity of the exhibits.
- c. A court order granting access to particular exhibits may also authorize an individual to obtain copies of particular exhibits using a specified method of reproduction (e.g. laptop computer, digital camera, document scanner, cell phone, etc.). Any equipment authorized for use must be in good working condition and must not compromise the integrity or safety of the exhibits. If an exhibit is damaged in the reproduction process, the individual shall prepare an affidavit specifically describing that event and resulting damage. An original affidavit shall be filed within five (5) days of the occurrence of the damage.
- d. A copy of the mandatory use Application and Order for Viewing and/or Photocopying or Photographing of Trial Exhibits form can be found here (insert link). It is also available on the Court's website at www.occourts.org under the heading Forms & Filing.

E. 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

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excused from the proceeding. Media Events at the various justice centers must be held at the following specific locations only:

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.

F. 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.

G. 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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H. Law Enforcement Use of Body-Worn Cameras

Law enforcement personnel with body-worn cameras shall not activate the recording function of the cameras unless involved in law enforcement activities in the courthouse. For purposes of this paragraph, “law enforcement activities” does not include being present in connection with a pending matter as a witness or to assist the prosecution. In addition to the foregoing, if law enforcement personnel are present in a courthouse where juvenile matters are heard, they must comply with Welfare and Institutions Code section 827 and California Rules of Court, rule 5.552.

I. 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, 2019; revised effective Jan. 1, 2019; revised effective Jan. 1, 2018; July 1, 2016; adopted effective January 1, 2004; revised eff. July 1, 2006; revised eff. January 1, 2007; revised eff. January 1, 2014; revised eff. July 1, 2016.)

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 reports 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