

## **2.00.00 COURT OF ORIGINAL PROCEEDINGS**

The Court of Original Proceedings, as defined in the California Constitution, Article 6, section 10, and applicable statutes, has jurisdiction of all adjudicative proceedings.  
(Effective January 1, 1994)

### **2.00.01 SUPERVISION OF COURT BUSINESS**

A. The business of the Superior Court shall be supervised by the Executive Committee, which shall consist of the Presiding Judge, the Assistant Presiding Judge, the Presiding Judge of the Juvenile Court, and the Chief Executive Officer.

B. The Presiding Judge, the Assistant Presiding Judge, and the Presiding Judge of the Juvenile Court shall serve for a two-year term beginning January 1. The Assistant Presiding Judge and the Presiding Judge of the Juvenile Court shall be selected in the last month preceding the expiration of the previous two-year term by a majority of the Judges of the Court. The Judge appointed as Assistant Presiding Judge shall automatically become the Presiding Judge for the following two-year term. The Grand Jury Judge shall be selected in January but shall serve a term beginning July 1 and continuing to June 30 of the following year.

C. Each branch court shall have a supervising judge who shall be appointed by the Presiding Judge. If only one judge regularly sits in a particular branch, that judge shall be designated the supervising judge.

D. Judges' meetings shall be held monthly, or as otherwise determined by vote of the judges.  
(Revised July 1, 2001)

### **2.00.02 DUTIES OF THE PRESIDING JUDGE**

A. The Presiding Judge of the Court shall perform the duties specified in California Rules of Court, rule 6.603. In performing those duties, the Presiding Judge shall be guided by the "Standards of Judicial Administration" as set forth in the Appendix to the California Rules of Court, Division I.

B. In accordance with the policies of the Court and as authorized by California Rules of Court, rule 6.605, an Executive Committee may be established by the Court to advise the Presiding Judge or to establish policies and procedures for the internal management of the Court. An Executive Committee may be appointed by the Presiding Judge to advise the Presiding Judge.

C. For purposes of California Rules of Court, rule 6.603(c)(2)(H)(defining "vacation day"): An absence of four consecutive hours in the morning (8:00 – 12:00) or afternoon (1:00 – 5:00) is vacation time of half a day. An absence of eight consecutive hours is one full day of vacation. Time off for dental and medical visits and for illness will not be charged as vacation time.  
(Revised January 1, 2001)

### **2.00.03 ASSISTANT PRESIDING JUDGE**

If at any time the Presiding Judge shall be absent, ill, on vacation, or otherwise unable to perform his or her duties, the Assistant Presiding Judge shall perform all the duties and exercise the authority of the Presiding Judge.

If at any time during the term of office both the Presiding Judge and the acting Presiding Judge are unavailable because of illness, vacation, or other cause, the senior judge, or other judge as designated by the Presiding Judge, shall serve as Assistant Presiding Judge during the period of unavailability.

(Effective January 1, 1994)

#### **2.00.04 CEO OF THE SUPERIOR COURT**

The CEO of the Superior Court shall also serve as Clerk of the Court. The CEO of the Superior Court has ultimate responsibility, under the supervision of the Presiding Judge, for the planning, organizing, and directing the non-judicial activities of the Court, and shall perform the duties specified in California Rule of Court 207 and in the job description as approved by the Court from time to time.

The CEO of the Superior Court serves at the pleasure of the Court and is appointed by the elected members of the county judiciary by a simple majority vote.

(Revised January 1, 1999)

#### **2.00.05 TRANSFER OF CLERK FUNCTIONS TO CEO OF THE SUPERIOR COURT**

In accordance with the provisions of Government Code, section 69898, all of the powers, duties, and responsibilities exercised or permitted to be exercised by a County Clerk in connection with judicial actions, proceedings and records shall be exercised by the CEO of the Superior Court. The El Dorado County Clerk does not have any legal obligation with respect to the exercise of such powers, duties and responsibilities.

The powers, duties and responsibilities referenced by this rule include, but are not limited to the receipt, processing and filing of papers concerning court business and records; the maintenance of court files, indices and other records; the provision of courtroom and other clerks to assist in the conduct and recording of judicial business; the calendaring of cases and the maintenance of court calendars and schedules; and the keeping and dissemination of statistical information and reports as required by law or policy.

Employees of the CEO of the Superior Court's Department of the Court shall remain employees of the County of El Dorado and be subject to existing employee relation rules and applicable memoranda of understanding with employee representatives.

(Revised July 1, 1998)

#### **2.00.06 COURT COMMISSIONERS AND JUDGES PRO TEMPORE**

A. Court Commissioners for the Court may be appointed by, and shall serve at the pleasure of, a majority of its judges, and under the control and supervision of the Presiding Judge. Within the jurisdiction of each court and under the direction of its judges, Court Commissioners

shall exercise all the powers and perform all the duties authorized by law to be performed by commissioners of the appointing court, and such additional powers and duties as may be prescribed by law.

At the direction of the Judges of the Superior Court, Commissioners may have the same jurisdiction and exercise the same powers and duties as the judges of the appointing court, and with the consent of the parties, where required by law, may hear any other action as a judge pro tempore.

B. Temporary judges shall be appointed for the Court in accordance with Rules 244 of the California Rules of Court. Temporary judges serve under the control and direction of the Presiding Judge and shall hear matters as assigned by the Presiding Judge.  
(Effective January 1, 1994)

**2.00.07 COMPLAINTS AGAINST COMMISSIONERS, REFEREES, AND JUDGES PRO TEMPORE**

A. Complaints against Commissioners, Referees or Judge Pro Tempore will be considered as to any matter in or out of court, affecting the administration of justice, and for which a judge could receive discipline.

B. All complaints shall be subject to an initial screening procedure. The Presiding Judge, or another judge designated by the Presiding Judge, may determine if the complaint is frivolous on its face. Where appropriate, the Presiding Judge shall appoint a committee of two judges, which may include the Presiding Judge. That committee shall initially screen the complaint and conduct a preliminary inquiry.

C. In the discretion of the Presiding Judge, the two-judge committee previously appointed by the Presiding Judge for the initial screening may make a determination of the possible validity of the complaint, or the Presiding Judge may appoint a different two-member committee for that purpose. The procedure shall be as follows:

- (1) A Notice of Complaint in writing shall be given to the Commissioner, Referee, or Judge Pro Tempore, including a copy of the original Complaint.
- (2) The Commissioner, Referee or Judge Pro Tempore shall respond in writing.
- (3) At this point the hearing may terminate, proceed to further investigation, or proceed to a formal hearing with recommended discipline.
- (4) If the Commissioner, Referee, or Judge Pro Tempore agrees with the proposed discipline, the matter will proceed no further. If the Commissioner, Referee, or Judge Pro Tempore does not agree with the committee's recommendation, or if the committee determines further proceedings are required, the matter shall proceed to formal hearing.

D. Should the matter proceed to formal hearing, the following procedures shall apply:

- (1) Formal notice of the Complaint, in writing, shall be given to the Commissioner, Referee, or Judge Pro Tempore by the committee.
  - (2) The Commissioner, Referee, or Judge Pro Tempore shall respond to the complaint in writing.
  - (3) A formally reported closed hearing will be held by the committee.
  - (4) The hearing process will be guided by the Rules of the Commission on Judicial Performance.
  - (5) Any of the above may be waived by agreement of the Commissioner, Referee or Judge Pro Tempore and the Court, through the Presiding Judge.
  - (6) Where the action of the committee is public censure, suspension, or removal, the action taken and a statement of reasons shall be announced publicly by the Presiding Judge.
  - (7) Underlying files and records of discipline shall be confidential, except on recommendation by the committee and the Court directs that the records should be made public.
  - (8) In any case in which the Presiding Judge determines that the interest of justice so requires, the Presiding Judge shall determine that the files and records are to remain confidential.
- E.
- (1) The initial screening to determine whether the complaint is frivolous shall be made within 30 calendar days of the receipt of the complaint.
  - (2) If a committee as described in subsection (b) of this Rule is chosen to determine whether a complaint is frivolous, the appointment of that committee shall be made within five court days of the receipt of the Complaint. A determination of possible validity by the committee shall be made within 60 calendar days of its appointment. If a formal hearing is necessary, it shall be conducted within 90 calendar days, unless extended by the committee for good cause.

(Revised July 1, 1999)

## **2.00.08 RECORD OF PROCEEDINGS**

Court Reporters shall be available for all hearings in any calendared matter. Court Reporters will not be available for ex parte determinations. In all matters in which the Court does not provide a court reporter, one or more parties may elect to have a reporter present; however, the reporter shall be obtained by and at the expense of one or more parties.

The Court may tape or otherwise electronically record any hearing or proceeding for its internal use; any such tape recording or other electronic recording shall not constitute an official record of the proceeding recorded and is not available to the public.

(Revised January 1, 2009)

**2.00.09 LOCATION AND SCHEDULE OF COURT SESSIONS**

- A. (1) On the Western Slope of the County, sessions of the Court may be held in the courtrooms provided in the El Dorado County Courthouse, 495 Main Street, Placerville, CA; Placerville Superior Court, 2850 Fairlane Court, Placerville, CA; Cameron Park Superior Court, 3321 Cameron Park Drive, Cameron Park, CA. Traffic and Small Claims matters are heard at the court facility located at 2850 Fairlane Court, Placerville, CA.
- (2) In the City of South Lake Tahoe, all sessions of the Superior Court, including traffic and small claims, are held in the El Dorado County Courthouse, 1354 Johnson Blvd., South Lake Tahoe, CA.
- (3) In addition, the Court may conduct sessions at any appropriate location within the County of El Dorado at the direction of the Judicial Officer presiding at the hearing.

B. The Courts take judicial notice of the last preceding census, taken under the authority of the Congress of the United States, that the population of the City of South Lake Tahoe in the County of El Dorado exceeds 7,000, and the City Hall in the City of South Lake Tahoe is more than 30 miles from the courthouse. Therefore, pursuant to the provisions of the Government Code, section 69751.5, it is declared that a session of the Superior Court of the State of California, for the County of El Dorado, shall be held in the City of South Lake Tahoe to serve the convenience of the residents of the County and to promote the ends of justice.

C. For the convenience of the Courts, there is hereby designated a portion of the County of El Dorado, to be known as the South Lake Tahoe Area.

The South Lake Tahoe Area is legally described as follows:

Commencing at a point on the North section line of Section 35, Township 14 North, Range 14 East and the centerline of Barts Creek, said point being also on the El Dorado-Placer County line; thence Southerly along the centerline of Barts Creek to its intersection with the centerline of Gerle Creek; then Southerly along the centerline of Gerle Creek to a point on the centerline of Wentworth Springs Road; thence Southerly along the centerline of Wentworth Springs Road to its intersection with the centerline of Icehouse Road; thence Southerly along the centerline of Icehouse Road to the East-West centerline of Section 13, Township 12 North, Range 14 East; then East along the centerline of said Section 13, and Sections 18, 17, 16, 15 and 14, Township 12 North, Range 15 East to the East section line of said Section 14; then South along the East line of Section 14, Township 12 North, Range 15 East to the West corner of Section 18 of Township 12 North, Range 16 East; thence East along the South lines of Sections 18, 17, 16, 15, 14 and 13 of Township 12 North, Range 16 East and the South lines of Sections 18 and 17 of Township 12 North, Range 17 East to the Southeast corner of said Section 17; thence South along the West lines of Sections 22, 28 and 33 of Township 12 North and Range 17 East and the West lines of Sections 4, 9, 16, 21 and 28, Township 11 North, Range 17 East, to the Southeast corner of said Section 28; thence West along the North line of Sections 5 and 6 to the Northwest corner of Section 6, Township 10 North, Range 17 East; thence South along the West lines of Township 10

North, Range 17 East and Township 9 North, Range 17 East to intersection with the El Dorado-Amador County line; thence Northeasterly along said county line to its intersection with the California-Nevada State Line; thence Northerly and Westerly along the El Dorado County line to the point of beginning. All Townships and Ranges are within the Mount Diablo Meridian.

D. The following actions or proceedings may be heard in the South Lake Tahoe Session:

- (1) All jury actions or proceedings wherein the subject matter arises in the South Lake Tahoe Area.
- (2) All non-jury actions or proceedings wherein the subject matters arise in the South Lake Tahoe Area.
- (3) All non-jury actions or proceedings involving title to or possession of real property located in said area in whole or in part.
- (4) Proceedings for probate of an estate, termination of a life estate or joint tenancy and guardianship, wherein residence is established in said area.
- (5) All juvenile actions where the subject matter arises in the South Lake Tahoe area.

E. Any action or proceeding may, for good cause, be transferred from the South Lake Tahoe Session to the Session at the County Seat, or vice versa, on motion of any party or the Courts. (Revised July 1, 2003)

## **2.00.10 TRANSFERRING CASES BETWEEN PLACERVILLE AND SOUTH LAKE TAHOE SESSIONS**

A. Transfers shall be handled with regard for the present statutory requirements concerning cases entitled to preference. Cases may only be transferred with the specific consent of the Presiding Judge.

B. If a case has been venued in the Placerville Session, all filings in that case must be made in Placerville only.

If a case has been venued in the South Lake Tahoe Session, all filings in that case must be made in South Lake Tahoe only.

C. The Judge in the receiving court shall be the authority on whether a transfer is to take place. Before a case may be transferred, the Judge in the receiving court must be consulted as to the cases pending in that court on the date in question.

D. If the Judge in the transferring court disagrees with the Judge of the receiving court's decision, the Presiding Judge shall rule as to:

- (1) Whether the case shall be transferred;

- (2) Whether it shall take precedence over the cases then pending in the receiving court; and
- (3) Whether the case being transferred, if it is not to be heard during the trial week it was set for in the transferring court, shall be given precedence over the cases pending in the receiving court.

E. The Judge in the receiving court shall have full authority over the case once transferred and any change in trial status or reported settlement shall be made through the receiving court.

F. The Judge of the transferring court shall notify counsel of the transfer immediately, and shall advise counsel that all further communications and inquiries concerning the case should be made to the Judge of the receiving court assigned to try the case or the Calendar Clerk of that court.  
(Revised, July 1, 1994)

G. The Presiding Judge may transfer any case between the two sessions for reasons of court convenience, including the availability of a courtroom, the availability of a judicial officer, or for other reasons promoting judicial efficiency as determined by the Presiding Judge.  
(Effective January 1, 2006)

#### **2.00.11 JUDICIAL ASSIGNMENTS: SUPERIOR COURT PLACERVILLE SESSION**

A. All Western Slope civil filings subject to the provisions of the Trial Court Delay Reduction Act (Rule 7.12.01), writs of mandate or prohibition, civil harassment restraining orders, probate, conservatorships, and guardianships shall be filed at 3321 Cameron Park Dr., Cameron Park, CA 95682. Small Claims Appeals are filed at 2850 Fairlane Court, Placerville. All of the mentioned filings shall be automatically assigned to Judge Daniel B. Proud for all purposes. This assignment shall apply to all pretrial matters and trial.

B. All criminal filings, including violation of probation cases, shall be automatically assigned to Judge Douglas Phimister for arraignment and pretrial proceedings. Subsequent to the initial assignment, Judge Phimister may, in his discretion, assign any odd numbered cases to Judge James R. Wagoner for all purposes and all even numbered cases to Judge Kenneth J. Melikian for all purposes. This assignment shall apply to any pretrial matters and trial.

C. All delinquency filings, pursuant to Welfare & Institutions Code section 602, et seq., shall automatically be assigned upon filing to Judge James R. Wagoner for all purposes. This assignment shall apply to all pretrial matters and trial.

D. All dependency filings, pursuant to Welfare & Institutions Code, section 300, et seq., shall automatically be assigned upon filing to Judge Daniel B. Proud for all purposes. This assignment shall apply to all pretrial matters and trial.

E. All domestic violence restraining orders and subsequent proceedings pertaining thereto shall be automatically assigned upon filing to Judge Kenneth J. Melikian.

F. All family law cases, with the exception of cases in which the litigants are *in propria persona*, shall automatically be assigned upon filing to Judge Daniel B. Proud for all purposes. All family law cases in which both litigants are *in propria persona* shall automatically be assigned upon filing to Commissioner Stephen Valentine. Such assignment shall apply to all pretrial matters and trial.

G. All probate cases shall automatically be assigned upon filing to Brian D. Wolf, judge pro tem, for all purposes.  
(Revised July 1, 2009)

### **SOUTH LAKE TAHOE SESSION**

A. All civil filings subject to the provisions of the Trial Court Delay Reduction Act (Rule 7.12.00 et seq. of these Local Rules) in the South Lake Tahoe Session shall be automatically assigned upon filing to Judge Steven C. Bailey, Department 4, for all purposes. This assignment shall apply to all pretrial matters and trial.

B. For all criminal filings, all felony drug cases shall be automatically assigned upon filing to Judge Steven C. Bailey, Department 4, for all purposes. All other filings shall be automatically assigned to Judge Suzanne N. Kingsbury, Department 3, for all purposes. This assignment shall apply to all pretrial matters and trial.

C. For all delinquency filings, pursuant to Welfare & Institutions Code, section 600, et seq, all cases shall be automatically assigned upon filing to Judge Steven C. Bailey for all purposes. This assignment shall apply to all pretrial matters and trial.

D. All family law cases, and all juvenile dependency cases, pursuant to Welfare and Institutions Code section 300, et seq., shall automatically be assigned upon filing to Commissioner Neil Shepherd for all purposes. This assignment shall apply to all pretrial matters and trial.  
(Revised January 1, 2006)

E. For those cases assigned to a department, a challenge to the judge designated to sit in that department pursuant to Code of Civil Procedure, Section 170.6, shall be made within fifteen (15) days after the case has been assigned to a particular department. Upon acceptance of a proper challenge pursuant to section 170.6, the case will be reassigned.  
(Revised July 1, 2009)

### **2.00.12 DUTY JUDGE**

A judge shall be the Duty Judge for a period of one-half of a month. The Duty Judge shall be responsible for the handling of emergency protective orders, probable cause determinations, and writs and other matters requiring judicial attention off-hours.

The Judges shall annually designate which months each will be available to serve as Duty Judge, and the Presiding Judge shall make assignments according to those designations. A Duty Judge unable to act will arrange for a substitute and the pertinent agency shall be so notified by the CEO of the Superior Court.

In the event that the Duty Judge cannot be reached, any Judge may be contacted for off-

hours judicial business.  
(Effective July 1, 1998)

### **2.00.13 HOLIDAYS**

If any day on which an act is required by these rules to be done falls on a holiday, as defined in Code of Civil Procedure section 134 and Government Code section 6700, the act may be performed on the next succeeding court day after the holiday, with the same effect as if it had been performed on the required day.  
(Effective January 1, 1994)

### **2.00.14 SMOKING IN COURT FACILITIES**

Smoking is prohibited in all areas of the County Courthouse or other areas where court proceedings are held and all other areas where prohibited by County ordinance or policy.

No smoking will be permitted in jury deliberation rooms or in the jury assembly area at any time.

In jury cases, the Jury Foreperson may, upon the request of any juror or jurors, allocate smoking breaks, not to exceed ten minutes each hour of deliberation, during which time jurors may adjourn outside the court facilities to smoke. During the smoking breaks, deliberations will be suspended and jurors will not in any way discuss the case at hand.

The Judge presiding over each trial will advise the Jurors of this Rule, and will admonish them concerning discussions during smoking breaks. Counsel may stipulate that an initial admonishment will be sufficient without repetition at each break.  
(Effective January 1, 1994)

### **2.00.15 FIREARMS**

No person, including correctional officers, governmental employees, deputy sheriffs, members of the Highway Patrol, or other law enforcement representatives, other than a bailiff or person specifically charged with the security of the court building, or as otherwise authorized by the judge, shall keep on his or her person firearms or other weapons while in the court building and shall not bring any weapon into the courtroom when the appearance is in a civil, family law or probate matter.

(Revised, January 1, 1994)

### **2.00.16 COURT SECURITY: SEARCHES OF PERSONS AND PROPERTY**

In order to maintain adequate physical security for court personnel, litigants, and the public, the following procedures shall apply to all court facilities.

A. All courtrooms and exterior doors of the Courthouse shall be posted with a sign that shall state that all persons entering the Courthouse or a courtroom are subject to search.

B. All persons entering the Courthouse or a courtroom shall be subject to cursory search, including searches of purses, parcels and other carried items at any time deemed warranted

by Court Security Personnel or as directed by a judge of the court. "Cursory search" includes the use of "pat down" searches, electronic metal detection and visual inspection of the contents of any purse, parcel, or carried item.

C. All persons entering a courtroom shall be subject to detailed search, including searches of purses, parcels, or other carried items at any time authorized by the Judge of the subject courtroom. "Detailed search" shall include all of the means in the previous paragraph, plus such additional measures as may be deemed warranted by the authorizing judge.

D. Conducting searches pursuant to this Rule, Court Security Personnel shall acknowledge the right of a person to decline a search of their person or property, on condition that they immediately leave the courthouse. Such right to leave without being searched shall not apply to searches incident to arrest or otherwise being taken into custody or any other circumstances authorized by law, which permits searches without warrant. A person who refuses to submit to search and also refuses to leave the Courthouse may be subject to arrest for violation of PC §148 and §166(5).

E. Conducting searches as authorized by this Rule, Court Security Personnel, to the extent reasonably practicable, shall conduct the searches with discretion and out of the general view of the public and other court participants, including jurors. In exercising their discretion, Court Security Personnel may take into account such factors as the intrusiveness of the search, potential disruption of court proceedings, officer safety and the security needs of the Court.

F. Notwithstanding any of the foregoing provisions, upon good cause shown, a judge of the court may order any method of search of persons or property deemed necessary on a case by case basis to secure the safety of the courthouse, court personnel, litigants and the public.  
(Effective January 1, 1994)

## **2.00.17 USE OF REMOTE LAPTOP OR OTHER ELECTRONIC DEVICES IN THE COURTROOM**

A. Unless specifically authorized by the judge, no computer, laptop, wireless device, cell phone or electronic devices may be used or accessed within any courtroom by counsel or any member of the public.

B. In no event shall attorneys or nay member of the public use wireless Internet connections, whether by laptop computers or any form of electronic access, to record, photograph or transmit any court proceeding, unless otherwise specifically authorized by California Rules of Court, Rule 1.150, nor to access inappropriate or pornographic content.  
(Effective January 1, 2010)