



Interim Policy for Third Party Use of Superior Court Facilities

1. Purpose and Scope of Policy

This policy establishes guidelines and procedures for the use of court facilities transferred to the Judicial Council under the Trial Court Facilities Act of 2002 by any person, organization, governmental entity, or group (collectively "third parties") other than judicial officers or employees of the Superior Court of California, County of El Dorado. This policy applies to any such use after the date of enactment, regardless of whether any such use was previously approved under any prior policy or by any judicial officer or court employee, or was undertaken without any prior approval. Court facilities may be used by third parties only as authorized and approved under this policy.

A court facility, as defined by Government Code 70301, is a nonpublic forum. It is the purpose and intent of the court in implementing and enforcing this policy to ensure that any third party use of court facilities is consistent with the purpose and objectives of the business use of the court facility, including maintaining the orderly conduct of court business in a neutral forum free of actual or perceived partiality and avoiding any appearance of bias, prejudice, or favoritism; maintaining the safety and security of persons and property within court facilities; maintaining proper judicial decorum and order; and avoiding any impairment, disruption, or distraction to the court's business or the administration of justice for court personnel, litigants, or other users of court facilities.

2. Limitations on Scope of Policy

This policy does not apply to the following:

- A. Media requests to film courtroom proceedings under California Rules of Court, rule 1.150.
- B. Court-sponsored or cosponsored activities or events relating to the administration of justice.¹
- C. Uses by judicial officers or employees.

3. Application Process

Before using a court facility for any purpose, a third party must submit a completed Application for Third Party Use of Court Facilities to the court's executive officer for approval. Whenever possible, requests should be submitted at least 30 days before the desired date of use. All requests must be made to the executive officer or his or her designee. If a request involves the use of an assigned courtroom, the executive officer will consult with the judge presiding in that courtroom when considering the request. If approved by the court, requests will then be forwarded to the Administrative Office of the Courts (AOC), which will review the request, and if acceptable, issue a license for the proposed use and provide a copy to the executive officer. If the AOC has concerns about the proposed use, it will discuss the request with the executive officer. Any approvals may be withdrawn by the court or the AOC at any time without cause, written notice, or explanation.

¹ The court should consult with the AOC about operational costs and liability insurance for court-sponsored or cosponsored activities or events.

4. Approval Considerations

Third party use of court facilities is subject to the discretion of the executive officer or his or her designee and the AOC. All applications for such use of court facilities will be reviewed and evaluated under the following considerations:

- A. Whether the use is consistent with the provisions of this policy and the mission and purpose of the court;
- B. Whether the use is consistent with protecting the integrity of the judicial process and the overall constitutional and statutory mission and purpose of the court, including public trust and confidence in the impartiality, lack of bias or discrimination, and fairness of the judicial system, and proper judicial decorum and order;
- C. Whether the use impairs or distracts from proper judicial decorum and order; the conduct of the court's business; or the administration of justice for court personnel, litigants, or other court users;
- D. Whether the use presents a risk to the health, safety, or security of the people or property within the court facility and its perimeter;
- E. Whether the use advances the administration of justice and is beneficial to a significant number of persons with an interest in the judicial system;
- F. Whether the use imposes any potential costs or liability on the court or the AOC;
- G. Whether the use is conducted for profit or is affiliated with a for-profit entity or activity, other than uses directly related to court operations or the administration of justice such as employee benefits presentations or training; and
- H. Whether the use is or may be contrary to any constitutional, statutory, or other legal requirements or prohibitions.

5. Approval Conditions

Third party use requests are subject to one or more of the following conditions. Third party users must:

- A. Reimburse the court or directly pay for any security and janitorial expenses.
- B. Reimburse the court for any and all other costs, including staff costs.
- C. Reimburse the AOC or county general services for the operation and corresponding maintenance of electrical, HVAC, and any other systems affected by the use of the facility, including the salary and benefits of a facilities or building engineer used on site for this purpose.
- D. Provide proof of liability insurance that includes indemnification of the AOC, the court, and the county for use of the facility and that names the AOC, the court, and the county as additional insured entities.
- E. Pay any costs and indemnify the AOC, AOC personnel, the court, and court personnel against any claims or litigation arising from the third party's use of the facility.
- F. Acknowledge in writing and agree to inform participants that neither the AOC nor the court support or endorse the use being made of the facility.
- G. Sign all applicable agreements with the AOC and the court regarding the use of the facility.
- H. Comply with any other requirements as may be determined by the AOC and the executive officer.