

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
222 E. Weber Avenue, Room 303
Phone: (209) 468-2827
Stockton, CA 95202
Effective May 4, 2009
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RULE 1. GENERAL

1-100. EFFECT OF RULES, CITATION OF RULES AND CONSTRUCTION

- A. These rules shall be known and cited as "Local Rules of the Superior Court of California, County of San Joaquin" and shall at all times be supplementary to and subject to any and all rules adopted by the Judicial Council of the State of California. These rules shall become effective July 1, 1998, and these new rules shall have no retroactive effect or application whatsoever. These rules shall, on the date when they become effective, supersede all rules previously adopted by this court and all previously adopted rules are repealed.
- B. Unless otherwise provided in these rules, all rules set forth herein are applicable in all judicial districts in this county. (Eff. 1/99)

1-101. COURT CALENDARS

The court's business is distributed in accordance with its latest "General Calendar," which sets forth the time, place, and any special requirements adopted by the court for hearing the various types of court business. Before applying or noticing any matter for hearing or for trial, the moving party should ascertain the latest calendar requirements from the Clerk of the Superior Court. (Eff. 07/01/98)

1-102. SELECTION AND IMPANELMENT OF JURORS

- A. Source Lists: As authorized in Code of Civil Procedure section 197(b), the juror source list used by the Jury Commissioner shall be a list consisting of the combination of the list of registered voters in San Joaquin County and the Department of Motor Vehicles lists of licensed drivers and California identification cardholders who are 18 years old or older who reside in San Joaquin County.
 - 1. Prospective jurors shall be summoned for jury service for limited and unlimited jurisdiction cases heard in the Stockton branch from the countywide master list. Prospective jurors summoned for trials transferred from Stockton to the Lodi, Manteca, or Tracy branches shall also be summoned from the countywide master list.
 - 2. Prospective jurors shall be summoned for jury service for limited jurisdiction cases heard in the Lodi branch from a master list consisting of residents who live in the area served by that court. The area served by that court is defined by the following zip codes: 95220, 95227, 95237, 95240, 95241, 95242, 95253, 95254, 95258, 95632 and 95686.
 - 3. Prospective jurors shall be summoned for jury service for limited jurisdiction cases heard in either the Manteca and Tracy branches from a master list consisting of residents who live in the area served by both of those courts. The areas served by those courts are defined by the following zip codes: 95231, 95320, 95330, 95336, 95337, 95361, 95366, 95367, 95304, 95376, 95377, 95378, 95385 and 95391.
- B. Deferral of Jurors Who Appear Pursuant to Summon: When a summoned juror appears for jury service and advises the trial court of a circumstance that amounts to a temporary or marginal hardship, the juror shall be deferred instead of excused. Except when

necessary to avoid a temporary or marginal hardship, deferrals should be granted for no longer than 90 days. Hardships that warrant deferral under this section include:

1. A temporary illness of the juror or temporary illness of a person for whom the juror renders care;
2. A medical appointment that cannot be rescheduled or postponed;
3. A scheduled vacation which involves prepaid commitments, involves the scheduled vacation of the juror's family, or a vacation that cannot otherwise be conveniently rescheduled.
4. A work hardship or important business demand such as the temporary unavailability of someone to take the place of the juror, a training program the juror is scheduled to attend, or some other work demand of a nonrecurring nature which cannot be conveniently rescheduled;
5. Seasonal employment;
6. Jury service would jeopardize the academic standing of a prospective juror who is a student or set the prospective juror back in completing an academic program; and
7. Any other legitimate temporary or marginal hardship not expressly defined that, in the opinion of the trial court, would justify a deferral. (Proposed Eff. Date 11/27/06)

1-103. "RESERVED FOR FUTURE USE"

1-104. INTERPRETERS

- A. It is the responsibility of the parties in civil proceedings to provide their own language (non-English) interpreters. Any party in a civil proceeding who is deaf or hearing impaired should contact the Court's interpreter coordinator to determine what services the court will provide. The court is required to provide interpreters for hearing-impaired parties or witnesses per Evidence Code section 754. In criminal proceedings, the court will provide interpreters for the defendant and defense witnesses. In juvenile proceedings, the court will provide interpreters for the parties at all hearings when the court is aware that an interpreter is required. (Eff. 07/01/06)
- B. When defense counsel of record in a criminal case has knowledge that the defendant or defense witness(es) is in need of assistance of a court interpreter at criminal proceedings, defense counsel shall notify the court in writing of the need for interpreter(s) 10 days before the hearing. The cost for the interpreter is paid by the county only in criminal proceedings.
- C. The prosecution is responsible for provision and payment of its own interpreters. (Eff. 07/01/99)

1-105. TRANSFER OF ADMINISTRATIVE PROCEDURES

A majority of the judges may appoint an Executive Officer of the Superior Court pursuant to Government Code section 68114.6 to serve as the chief administrative officer of the court, who shall also act as Clerk of the Superior Court and perform the duties of Jury Commissioner of the

County. His or her duties are those contained in his or her job description, in California Rules of Court, Rule 207, and as further assigned by the Presiding Judge. (Eff. 01/01/99).

1-106. FIREARMS

Except as specified below, no person shall bring any firearm into:

- A. the south wing of the Courthouse, housing Departments 11-16, 21-26 and 31-36, located at 222 E. Weber Avenue in Stockton, California;
- B. Departments B1, 17, 41 and 42 located in the Courthouse at 222 E. Weber Avenue, Stockton, California;
- C. the court wing of Dept. L1 located at 230 W. Elm Street, Lodi, California;
- D. the building which houses Department L2 located at 315 W. Elm Street, Lodi, California;
- E. the main lobby entrance or courtrooms of Departments M1 and M2 located at 315 E. Center Street, Manteca, California;
- F. the main lobby entrance or courtrooms of Departments T1 and T2 located at 475 E. Tenth Street, Tracy, California;
- G. the court wing beginning at the door entry to the metal detectors of the building that houses Departments J1 and J2 located at 535 W. Matthews Road in French Camp; or
- H. any courtroom located anywhere in the county.

The following persons are exempt from the above rule:

- I. A duly appointed peace officer of this state, or of another state or the federal government who is carrying out official duties while in California, who is on official business and not a litigant in any matter for which they are present. No peace officer, or any other person, shall carry a firearm into a courtroom when they are a litigant in any matter for which they are present;
- J. A peace officer as described above, attorney in a matter, or investigator who is not a litigant and has a firearm that is evidence in the matter in that courtroom. Such individual must notify the bailiff of the presence of the firearm and provide the firearm to the bailiff for inspection prior to entry into the courtroom or immediately thereafter.

Failure to abide by this rule will be punishable as contempt of court. (Eff. 07/01/99)

1-107. MEDIA COVERAGE

A. This rule is established under the authority recognized in subdivision (e)(4) of California Rule of Court 980 to supplement Rule 980. The words and phrases used in this rule have the same meanings as in Rule 980. Nothing in this rule changes or affects the procedures established in the California Rules of Court regarding the coverage of court proceedings by electronic media.

B. Knowledge of the Rule

California Rule of Court 980, subdivision (e)(4) requires that each media agency is responsible for ensuring that all of its personnel who cover court proceedings know and follow Rule 980. Each media agency shall also be responsible for ensuring that its personnel know and follow this rule.

C. Media Requests

1. The approved Judicial Council form shall be filed with the court's Public Information Office. This shall be done at least 5 court days before the hearing unless the request involves a new case, advanced hearing, or there is other good cause for filing the form less than 5 court days before the hearing.
2. Media personnel, representatives of media agencies, and attorneys for media agencies shall not communicate with the assigned judge or presiding judge concerning a request to modify an order issued under Rule 980 or this local rule other than by the approved Judicial Council form, written application noticed to the litigants, or at a public hearing. Any media agency aggrieved by the provisions of this local rule or aggrieved by an order made pursuant to this local rule concerning areas outside a courtroom may apply to the presiding judge to modify the application of the rule or order or to be exempted from it. A written application to the presiding judge shall be filed with the Public Information Office, but shall first be served upon the parties in any litigation that is the subject of the media request. An oral application may only be made at a hearing and only when any affected parties in the subject litigation have been given notice of the hearing. Media personnel, representatives of media agencies, and attorneys for media agencies shall not make ex-parte contact with the presiding judge when applying for a modification or exemption. The hearing shall be scheduled by contacting the Public Information Office.

D. Coverage Inside of the Courthouse

(1) Purpose

Metal detection and other security measures are installed at the entrance of the court's courthouses. The hallways in the Stockton Branch are used to walk in-custody prisoners to and from courtrooms because there is no other access. Prospective and sworn jurors often congregate in the same hallways. There are only seven jury deliberation rooms at the Stockton Branch. Prospective and sworn jurors, witnesses, spectators, litigants, and their children also congregate in the same hallways. Often these hallways are quite congested. The Lodi, Manteca, Tracy, and Juvenile Justice Center have lobby areas where prospective and sworn jurors, witnesses, spectators, litigants, and children congregate. Photographing, videotaping, filming, broadcasting in these areas may interfere with those activities, including security operations. (Eff. 07/01/05)

Accordingly, this subdivision is established to:

- (a) Protect the privacy rights of prospective jurors, seated jurors, witnesses, victims, and court spectators as contemplated by subdivisions (e)(3)(v) and (e)(6)(iv) of Rule 980.
- (b) Preserve the security of the court and the safety of people in the courthouse as contemplated by subdivision (e)(xv) of Rule 980.
- (c) Preserve the dignity of the court and prevent interference with the orderly conduct of proceedings in courtrooms as contemplated in subdivisions (e)(3)(xv), (xvii), (xviii) of Rule 980 which could be affected by disruptions in the hallways outside of courtrooms.

(2) Jurors

Photographing, videotaping, filming, broadcasting, and electronic recording of jurors in the courtroom is prohibited by subdivision (e)(6)(iv) of California Rule of Court 980. Except as provided below, the photographing, videotaping, filming, broadcasting, and electronic recording of anyone wearing a juror badge, whether intentional or inadvertent, anywhere in any San Joaquin County Superior Court courthouse shall also be prohibited. The photographing, videotaping, filming, broadcasting, and electronic recording of anyone standing in line going into the Jury Assembly Room at the Stockton Branch is also prohibited. The faces of anyone wearing juror badges or anyone standing in line going into the Jury Assembly Room at the Stockton Branch inadvertently depicted in the background of any photograph or videotape must be blurred or digitized beyond recognition before being published or broadcasted. Photographing, videotaping, filming, broadcasting, and electronic recording of prospective jurors who have been discharged from service, seated jurors who have been discharged from service or alternates who have been discharged from service is permitted in the courthouse only when that person consents.

(3) Spectators

- (a) Photographing, videotaping, filming, broadcasting, and electronic recording of courtroom spectators is prohibited by subdivision (e)(6)(iv) of California Rule of Court 980. This prohibition shall apply to the photographing or videotaping of any person while seated in any San Joaquin County courtroom audience, regardless of whether that person participated in the case or is scheduled to participate in the case as a witness or any other capacity. The faces of spectators depicted in the background of any photograph or videotape must be blurred or digitized beyond recognition before being published or broadcasted. When courtroom photography or videotaping is permitted, the court will work with the media to situate photographers in positions where spectators are not likely to be depicted in the background.
- (b) The prohibition against photographing, videotaping, filming, broadcasting, or electronic recording of spectators shall not apply to any person situated in the audience who becomes disruptive or who addresses the court if 980 authorization has previously been granted for those proceedings. However, the judge who authorizes a 980 request may prohibit in advance the photographing, videotaping, filming, broadcasting,

or electronic recording of spectators who become disruptive or who address the court when granting the 980 request.

(4) Stockton Branch

Unless approved by written order of the presiding judge of this court or a judicial officer designated by the presiding judge, photographing, videotaping, filming, broadcasting, and electronic recording of any kind, other than handheld recording devices used for personal note taking, is prohibited in the following parts of the Stockton Branch courthouse:

- (a) In any hallway by a photographer who is situated within a 10 foot radius of the doors to any courtroom. Photographers must situate themselves outside 10 foot radius so as to not inhibit or obstruct entry into or exit from the courtroom. Unless there is consent, photographers and media personnel shall not inhibit or obstruct any person's movements anywhere in the courthouse.
- (b) Through a door window or open courtroom door from the hallway outside of any courtroom into that courtroom unless authorized by order of the judge presiding in that courtroom.
- (c) In the Jury Assembly Room, from the hallway into the Jury Assembly Room, or in jury deliberation rooms.

(5) Stockton Branch - Hallways and Lobby

- (a) Sheriff's court security staff have the authority to order members of the public, including members of the media, to move out of the way during prisoner escort in courthouse hallways. Members of the media must comply whenever sheriff's court security staff performing prisoner escort or other security procedures order them to move to some other location in the hallway.
- (b) Members of the public, including members of the media, shall not obstruct or compromise the security operations in the lobby and shall not obstruct the movement of people in the lobby. Sheriff's court security staff have the authority to determine when security operations are compromised or obstructed by persons in the lobby. Members of the media must comply whenever a sheriff's court security supervisor or supervisor of weapons screening determines that security operations are compromised or obstructed by the media presence and orders them to move out of the lobby.
- (c) Members of the media shall not obstruct the movements of any individual walking anywhere in the courthouse without that person's consent.

(6) Juvenile Justice Center

Unless approved by written order of the presiding juvenile judge or a judicial officer designated by the presiding juvenile judge, photographing, videotaping, filming, broadcasting, and electronic recording of any kind other than handheld recording devices used for personal note taking is prohibited anywhere in the

