

## **COURT COMMISSIONER**

### **PURPOSE**

Under the authority of the Judges of the Court and at the direction of the Presiding Judge, Court Commissioners perform various judicial functions as prescribed by law or conferred by the court. Court Commissioners have the same jurisdiction and exercise the same powers and duties as the judges of the courts with respect to infraction, and small claims actions, and all other matters before the court by stipulation of the parties. Court Commissioners may be assigned to any court location.

### **DISTINGUISHING CHARACTERISTICS**

Court Commissioners are appointed by majority vote of the judges to perform judicial and quasi-judicial functions to assist the court in disposing of its constitutional and statutory duties for the administration of justice with primary responsibility for presiding over a daily court calendar as assigned, including acting as a temporary judge in appropriate cases; and to perform other related duties as assigned. This is an at-will position.

### **EXAMPLES OF DUTIES (Illustrative Only)**

1. Conducts judicial hearings in family support cases involving Title IV of the Social Security Act, and cases filed by the Department of Child Support Services to establish paternity and other child support-related matters.
2. Performs one or more of the functions of a probate commissioner, including review of pleadings and accountings in probate, guardianship, conservatorship and related matters, approving creditors' claims, ex parte orders and other probate actions, and presiding over probate proceedings as assigned.
3. Reviews court files, documents, and related materials to assess cases prior to and following hearings. Prepares court documents, records, reports, correspondence, and other written materials pertaining to case findings.
4. Arraigns defendants; grants continuances; hears, reviews, and rules on or determines a variety of petitions, motions, and other actions; takes evidence from concerned parties and other witnesses; makes or recommends appropriate court orders, and judgments; accepts pleas and imposes sentences. Sets cases for hearings and trials, and presides over court and jury trials.
5. Performs the functions of a referee of the Juvenile Court as prescribed by Welfare and Institutions Code Section 248
6. Presides over proceedings involving such matters as traffic arraignments, hearings and trials of infractions and misdemeanors. Presides over proceedings in civil and small claims actions.
7. Performs other related duties as assigned by the Presiding Judge.

## **QUALIFICATIONS**

### **Education and Experience:**

Active member in good standing of the State Bar of California for a period of at least ten (10) years prior to appointment, or in any state and California for a combined period of not less than ten (10) years, unless inactive membership due to previously holding the position of judge, referee, or commissioner; **or**, active member in good standing of the State Bar of California for a period of at least seven (7) years prior to appointment and written justification demonstrating why relevant legal experience, education and training should be deemed sufficient for a good cause exception by the Presiding Judge as stated in California Rules of Court, rules CRC 2.812 and 10.701.

Persons seeking appointment as a Commissioner must demonstrate relevant legal experience as deemed sufficient by the judges of the court.

### **Knowledge of:**

The judicial system, including but not limited to family law, criminal law, juvenile law, probate law and civil law. Codes, statutes, legal principles, and case precedents and their application to court cases; California Codes such as Penal, Civil, Civil Procedure, and Vehicle. Court procedures, protocols, and calendaring practices.

### **Ability to:**

Objectively analyze and interpret legal issues, principles, and arguments; direct and control courtroom proceedings in a decisive, orderly, and equitable manner. Communicate orally and in writing in a concise and effective manner. Exercise appropriate judicial temperament and demeanor, and effectively handle pressure in difficult and unexpected situations by responding in a calm and rational manner. Assist in the formation of court policy and procedures.

Note: Commissioners may not practice law during tenure and must comply with the Canons of Judicial Ethics.

### **Special Requirements:**

Citizenship in the United States.

### **Other Requirements:**

Possession of a valid driver's license at the time of appointment, or the ability to utilize an alternative method of transportation when needed to carry out job-related essential functions. *This requirement will be reviewed on a position basis in accordance with ADA regulations.*

Criminal History Background Check: Candidates are required to pass a fingerprint clearance by the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ).

A financial disclosure statement pursuant to Fair Political Practices Commission Regulations is required within 30 days following appointment and annually thereafter.

Regular and punctual attendance is essential.

**Physical Requirements**

Strength, dexterity, coordination and vision to use a keyboard and monitor; hearing to communicate with the public and court staff; ability to sit for extended periods of time; walk or otherwise move within the court facilities; to reach with hands and arms; vision to read and write material; sufficient strength to lift, carry, push or pull materials weighing up to 25 pounds; lifting position may be from floor to waist, and/or from the waist to an overhead position; to stoop , kneel, squat, and crouch to pick up or move objects, office equipment and records; speak clearly on the telephone and before groups.

**Miscellaneous Requirements**

Employees are required to pass a fingerprint clearance with the Department of Justice (DOJ) and the Federal Bureau of Investigations (FBI)

**Working Conditions**

Work is performed in an office environment with little exposure to outside temperatures or dirt and dust. The incumbent's working conditions are typically quiet, but may be loud at times at some locations. The noise level and traffic level in the work environment are similar to a busy office.

NOTE: The statements herein are intended to describe the general nature and level of work being performed by employees, and are not construed as an exhaustive list of responsibilities, duties, and skills required of personnel so classified. Furthermore, they do not establish a contract for employment and are subject to change at the discretion of the employer.

<b>Classification Status</b>	UM
<b>Representation Unit</b>	None
<b>FLSA</b>	Exempt
<b>Established</b>	04/01/2011
<b>Revised</b>	12/17/2014
<b>Previous Title</b>	

General sign-off: The employee is expected to adhere to all Court policies.

I have read and understand this explanation and description of the classification.

Signature\_\_\_\_\_Date\_\_\_\_\_