

CHAPTER 2. ADMINISTRATION OF THE COURTS; FAIRNESS; COURTROOM DECORUM

ADMINISTRATION

RULE 2.1 LOCATION

Sessions of the court shall be held in Bridgeport and Mammoth Lakes, CA.

(Effective July 1, 2001).

RULE 2.2 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 §134 and Government Code §6700, the act may be performed with the same effect as if it had been performed on the required day on the next succeeding court day after the holiday.

(Effective July 1, 2001).

RULE 2.3 PRESIDING JUDGE

The superior court shall have a presiding judge, to be selected as set forth in Rule 1.5.

(Effective July 1, 2001)

FAIRNESS

RULE 2.4 DUTY TO PREVENT GENDER OR OTHER BIAS

To preserve the integrity and impartiality of the judicial system, each judge shall:

- a. Insure that courtroom proceedings are conducted in the manner that is fair and impartial to all the participants.
- b. In all judicial proceedings refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits gender or other bias whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors or any other person.
- c. Insure that all orders, rulings and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by sex based or other stereotypes or biases.

(Effective July 1, 2001).

RULE 2.5 GENDER NEUTRAL LANGUAGE

The court shall use gender neutral language in all local rules, forms and court documents and shall provide for periodic review to insure the continued use of gender neutral language. These changes will be made as local rules, forms and documents are modified for other reasons.

(Effective. July 1, 2001).

RULE 2.6 COMPLAINTS RE: BIAS OR SEXUAL HARASSMENT

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the court's Executive Officer. The Executive officer shall have the following duties and powers:

- a. Investigate any complaints promptly and thoroughly.
- b. Ensure that the complainant's rights are protected.
- c. When appropriate, consult with attorneys and/or members of the public.
- d. Maintain confidentiality.
- e. Maintain quarterly report on complaints received, if any.
- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and /or sexual harassment in the court system.

(Effective July 1, 2001).

COURTROOM DECORUM**RULE 2.7 GENERAL POLICY**

- a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the constitution of the State of California, the laws of this state, and the Superior Court.
- b. The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.
- c. Each attorney who appears in court should:
 1. Pursuant to Business and Professions Code §6068(b) "maintain the respect due to the courts of justice and judicial officers."
 2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court's staff.
 3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.
 4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

(Effective July 1, 2001).

RULE 2.8 ATTIRE

All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

- a. **Litigants and Attendees.** All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call

and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, or any clothing that displays inappropriate words or pictures.

Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- b. **Attorneys.** Attorneys should be neatly and appropriately dressed in business attire for all court appearances.

(Effective July 1, 2001).

RULE 2.9 GENERAL COURTROOM BEHAVIOR

Persons in the courtroom shall not:

- a. Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.
- b. Converse with anyone in a manner that is distracting to the proceedings then before the court.
- c. Eat, drink, chew gum, or read newspapers.
- d. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.
- e. Communicate in any way with a prisoner.

(Effective July 1, 2001).

RULE 2.10 COMMUNICATIONS TO COURT OR JURY

- a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propria persona present.
- b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

(Effective July 1, 2001).

RULE 2.11 TELEPHONES, CELLULAR PHONES, PERSONAL DIGITAL DEVICES AND BEEPERS

- a. No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court.
- b. Cellular phones and or personal digital devices shall not be used within the courtroom at anytime, except for court related purpose by judicial officers, court staff, attorneys and self-represented litigants
- c. All noise alert devices related to such cellular phones and or personal digital devices shall be turned off when in the courtroom.
- d. All beepers and other noise alert devices shall be turned off in the courtroom.

(Effective July 1, 2001; amended effective date of July 1, 2017)

RULE 2.12 TRAVERSING THE WELL

Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the court. Counsel shall so instruct their clients, witnesses they call, and persons accompanying them.

(Effective July 1, 2001).

RULE 2.13 EXAMINATION FROM COUNSEL TABLE

Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).

(Effective July 1, 2001).

RULE 2.14 APPROACHING A WITNESS

Unless directed otherwise by the court, counsel need not request the permission of the court to approach a witness for the purpose of showing the witness a document or object. Before approaching a witness for any other purpose, a party shall request permission from the court.

(Effective July 1, 2001)

RULE 2.15 SMOKING

Smoking is prohibited throughout the courthouse. Persons desiring to smoke shall do so outside of the courthouse. Recesses during jury deliberation will be permitted at reasonable intervals to permit smoking outside the courthouse.

(Effective July 1, 2001).

RULE 2.16 FORM OF PAPERS PRESENTED FOR FILING

All papers presented for filing shall comply with California Rules of Court, Rules 2.100 to 2.119. The use of white-out to delete or amend any of the contents of such papers is not permitted.

(Effective July 1, 2001; amended effective January 1, 2003; amended effective date July 1, 2017)

RULE 2.17 BRIDGEPORT COURTHOUSE PROCEEDINGS MAY BE HELD BY PHONE CONFERENCE/VIDEO CONFERENCE IN THE EVENT OF HAZARDOUS WEATHER

If at 2:00 PM the day before Bridgeport Courthouse proceedings, the National Weather Service for the National Oceanic and Atmospheric Administration (NOAA) forecasts for the next day hazardous weather conditions for Northern Mono County and or Bridgeport area, Bridgeport proceedings may be held with the bench officer and court staff in the Mammoth Lakes Courthouse participating by phone conference and/or video conference. The bench officer hearing the Bridgeport proceedings possibly affected by hazardous weather will make the decision whether Bridgeport proceedings will be held by phone conference and or video conference. It is the responsibility of the Court Executive Officer, or Court Operations Manager, if the CEO is not at work, to monitor the NOAA National Weather Service weather forecasts to provide forecasts to the bench officer hearing the Bridgeport proceedings. On or before 3:00 PM, the day before Bridgeport proceedings, the bench officer shall decide if Bridgeport calendar for the next day will be held by phone conference and/or video conference. If the bench officer decides next day's

Bridgeport proceedings will be held by phone conference and or video conference, the bench officer will issue an order invoking this rule.

Court staff will immediately advise justice partners of the order invoking this rule and provide a copy of the order by fax and or email to Sheriff Department bailiffs,

Probation Department, District Attorneys' Office, Public Defenders, Bridgeport California Highway Patrol Commander and the jailer for the County jail.

Holding Bridgeport proceedings by phone conference and/or video conference means that the bench officer, courtroom clerk and court reporter will be in the Mammoth Lakes Courthouse participating in proceedings by phone conference and or video conference. Criminal matters will not be held by phone conference unless weather conditions or other circumstances make video conference technologically unfeasible. If a defendant in a criminal matter has a right to be personally present and does not agree to proceedings held by video or phone conference, the matter will be re-calendared. Nothing in this rule is intended to diminish access to justice and due process rights of all parties participating in Bridgeport proceedings. In-custody defendants held at the Bridgeport jail will make their appearance before the court by video conference or phone conference by being taken to either the jail video conference room or Bridgeport courtroom.

Justice partners (Probation Officers, District Attorneys, Public Defenders and law enforcement officials), defendants not in custody, other parties and witnesses may appear by going to the Bridgeport courtroom or Mammoth Lakes Courthouse.

(Effective date of February 17, 2017)