

JUDICIAL COUNCIL OF CALIFORNIA/ADMINISTRATIVE OFFICE OF THE COURTS  
EDUCATION DIVISION/CJER

MENTOR JUDGE MANUAL

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**Introduction: Purpose of Mentor Judge Manual**

Judicial education is a career-long experience. In attempting to assist and support new judges, the Administrative Office of the Courts Education Division/CJER has developed (1) the one-week Orientation Program for New Trial Court Judicial Officers [required within 6 months]; the Primary Assignment Overview [required within 1 year] and (3) the California Judicial College [required within 2 years].

The Mentor Judge Manual is designed to help an experienced judge welcome and assist new judges, commissioners, and referees immediately upon assuming the bench. The Education Division/CJER has prepared this manual to assist mentor judges in carrying out this important phase of a new judge's orientation. The term "judge," as used in this manual, encompasses full-time commissioners and referees, who also perform judicial duties for the courts.

Mentor judges play a critical role. The first year on the bench, naturally, is the initial period of learning the job. New judges are developing work habits and a judicial style that will remain with them for the remainder of their careers.

Upon appointment, election, or elevation, a new judge is expected to make an immediate transition either from lawyer to judge or from judge of a lower court to a higher court. During this transition, the new judge may be required to close a law practice; organize and efficiently manage his or her new court; perhaps select and train court personnel; and, most importantly, process and decide cases fairly, correctly and effectively. Please consider this manual a resource to assist a new judge with this transition.

## Role of Mentor Judge

The mentor judge plays an active and substantial role in the education of the new judge. Indeed, the mentor judge can be the single most important asset in the successful career of a new judge. This manual will guide mentor and new judges in structuring an ongoing, effective professional relationship.

### Checklist: General Guidelines for Mentors

In designing a new judge's orientation activities, mentor judges should consider the following guidelines:

**1. Familiarize yourself with his or her professional background and previous experience.** This will help you anticipate the kinds of information the new judge will need. For example, a new judge coming directly from a district attorney's or public defender's office will probably need more initial guidance if assigned to a civil law area. An elevated judge will require less orientation on the general duties of a judge but will need information about what is expected of judges in superior court. (Note that elevated judges no longer attend the Education Davison/CJER Orientation Program for New Trial Court Judicial Officers.) Therefore, it is important to tailor your orientation to the new judge's *individual* needs.

**2. Provide opportunities for the new judge to observe others on the bench.** Studies show that adults learn considerably more by observing and participating than by merely listening. The more time a new judge can observe experienced judges in action on the bench and can discuss individually with them the judicial problems involved, the more effective the new judge will be.

**3. Set aside time in brief increments to introduce the new judge to new procedures and concepts.** No one can assimilate more than a certain amount of information at a time. The mentor judge needs to be sensitive to the fact that a new judge may be (a) meeting scores of new people in roles that are unfamiliar to him/her, (b) becoming acquainted with the rules and customs of a new work environment, (c) adjusting to a very different professional role and self-concept, and (d) learning entirely new areas of law. The time frames set forth in this manual are designed to recognize an adult learning curve and to set priorities for discussing the information that is provided.

**4. Introduce the new judge to others in the court and judicial system.** If your court's calendar permits, a minimum of one week should be set aside for a new judge to observe each type of court department in action. As the mentor judge, you are requested to arrange three visits, in consultation with the presiding judge, and, if feasible, to introduce your new judge each morning to the judges whose departments he or she will be visiting. A new judge should also, when possible, meet with the court clerk, interpreter

coordinator, court reporters (if not directly assigned), prosecutor, public defender, and law enforcement personnel. Finally, you should consider arranging for a new judge to visit the institutions to which defendants are committed and alcohol and drug treatment centers utilized by the court.

**5. Maintain regular lines of communication with the new judge.** A new judge's questions will not end, of course, after the first week. As mentor judge, you have the primary responsibility of initiating regular contact with the new judge, to relieve him or her from the burden of always seeking you for assistance. For example, you may want to visit or phone the new judge at the end of each court day to review the day's work and to answer any questions. You should also arrange for weekly meetings during the new judge's first few weeks on the bench, suggesting that the new judge jot down any problems to discuss at that time. The checklists and worksheets in this manual will help you construct those meetings. Finally, encourage your new judge to call you at any time, and promise to get off the bench, if he or she needs immediate help.

## **HOW TO USE THIS MANUAL**

The most important questions to answer for a new judge are, of course, those that the new judge may ask. This manual includes the kinds of information that other new judges have found useful. It is important to remember that new judges will not always know what questions to ask or be able to identify needed information. The enclosed manual is provided as a practical tool to assist you and your new judge. It is divided into five sections that focus on specific periods of time following the new judge's appointment or election. Each section contains a brief narrative of the anticipated needs of the new judge as well as the role of the mentor judge for that particular time frame. Each section also contains a *checklist* of tasks or topics to be covered along with a *worksheet* on which the mentor judge can add items based on the individual needs of the new judge. Before moving to a new section, the mentor judge should review the prior checklist and worksheet to make sure that all tasks have been accomplished and previously identified topics have been discussed. Your mentor coordinator judge is available to assist you if any problems or questions arise. Write the coordinator's name and number on the inside front cover of the manual so that it is readily accessible.

## **SECTION I: PRE-BENCH ORIENTATION**

### **INTRODUCTION**

In the best possible situation, the mentor judge will be assigned before the date the new judge assumes office. The activities specified in this section are designed to enable the mentor judge to become acquainted with the prospective judge and his/her needs as well as to address some immediate practical concerns. The checklist in this section assumes the new judge is in the process of leaving the practice of law or finalizing any remaining duties for the lower court.

A new judge will be greatly assisted by the opportunity to meet with you and cover the areas presented by the Pre-Bench Orientation Checklist before his/her first week in office. The amount of information that a new judge must assimilate in the first week of work is awesome. Your efforts to ease that burden will be extremely beneficial. In the event the new judge takes the oath and assumes the bench immediately upon appointment or election, however, the activities in this section need to be incorporated into **SECTION II: FIRST WEEK AS JUDGE**.

## SECTION I: PRE-BENCH ORIENTATION

### CHECKLIST A: INTRODUCTION AND FIRST PRE-BENCH MEETING

- Call, introduce yourself, explain your role and set first meeting—preferably lunch or dinner so the atmosphere is relaxed.
- Find out what assignment the new judge will receive. Begin completing the New Judge Profile Sheet, below.
- Participate in First meeting

**Goal:** To get to know each other, ascertain needs of prospective judge, and discuss topics relevant before he/she takes the oath of office (if the timing of the mentor judge appointment permits this discussion pre-oath).

#### **Areas to Cover:**

- Prospective judge's background and experience, especially as it relates to probable assignment (see New Judge Profile Sheet, below).
- Closing Law Practice. *Review Checklist B, below, with a prospective judge who is leaving private practice for the bench.*
- Prospective judge should inform State Bar of appointment or election (judicial status). For a commissioner or referee, find out whether court-employer requires inactive status.
- Assuming Office
  1. Discuss the timing of being sworn and taking office.
  2. Discuss the swearing-in ceremony, including public vs. private, timing, sites, speakers, invitations, and financing.
- Discuss other immediate concerns articulated by prospective judge.
- Ascertain whether or not prospective judge will confront any immediate ethical issues as a result of running for election.
- Set up second meeting at courthouse.

## CHECKLIST B: CLOSING A LAW PRACTICE

See generally, Rothman, California Judicial Conduct Handbook, Ch. 8.I

### 1. Transferring Clients

- a. Prepare written record of essential information about each case and its progress at time of transfer.
- b. Transfer every case before taking the oath of office. Obtain an order permitting withdrawal as attorney of record, get it signed by the presiding judge in each case and filed. When a substitution of attorneys cannot be arranged, the prospective judge should bring motions to get relieved before taking the oath. See Rothman, California Judicial Conduct Handbook § 8.00 et seq (3d ed. CJA 2007).

Note: It is *not* improper to respond to a request from an acquaintance for a referral to an attorney. Some judges resist giving such referrals, however, out of concern for involvement in the matter and the potential of malpractice by the attorney. Rothman, California Judicial Conduct Handbook § 8.83 (CJA 3d ed. 2007).

### 2. Continuing Malpractice Coverage

- a. Evaluate need for continuing coverage.
- b. Continue coverage for two years unless he/she has tail coverage.
- c. Check into a line of coverage for retired or non-practicing attorney; lower premiums are sometimes available.

### 3. Liquidating Interest in Law Firm Property

- a. Immediately work out agreement for closing firm or disposing of prospective judge's interest.
- b. Do not retain a stake or interest in the financial success or failure of any law firm.
- c. Disqualify yourself from any case in which, within the past two years, you were associated in private practice with a lawyer in the proceedings. A judge who was in a public agency is not disqualified unless he or she personally advised or represented the agency concerning factual or legal issues. See CCP 170.1(a)(2)(B); Rothman, California Judicial Conduct Handbook §§ 7.30 – 7.54 (3d ed. CJA 2007).
- d. New judge is entitled to payment for professional services on pending and outstanding accounts held by the firm. The amount of payment due the judge must be fixed as of the time he/she ceases working for clients or takes office, whichever occurs first. The fee must have been earned for work performed before the judge assumed office, to avoid the prohibition against practicing law.



**NEW JUDGE PROFILE SHEET**

*Directions to Mentor: Obtain as much information as possible to complete this form before your first meeting with the new judge. Complete and expand the information by reviewing the form with the new judge and specify areas of assistance he/she is most anxious to receive.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

New Judge Phone: \_\_\_\_\_  
(Chambers—\_\_\_\_\_) (Home—\_\_\_\_\_)

Mentor Judge Phone: \_\_\_\_\_  
(Chambers—\_\_\_\_\_) (Home—\_\_\_\_\_)

First Assignment: \_\_\_\_\_

Pre-Bench Experience: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Family: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Community/Organizational Affiliation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Areas of Interest to Facilitate Transition: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CHECKLIST C: SECOND PRE-BENCH ORIENTATION MEETING

**Goal:** To deal with some of the more tangible and practical considerations concerning the beginning of work at the courthouse.

### Areas to Cover:

- Acquisition of robe (This will take time, so it should be done as soon as possible.) Cal Rules of Court 249(d).
  1. Where to obtain
  2. Who pays
  3. Practical considerations such as weight, sleeves, zippers vs. snaps.
- Introductions to key people (Presiding Judge, Court, Administrator, etc.)
- Explain employment and compensation procedures. Make sure new judge knows how to enroll in and/or obtain information about:
  1. Payroll procedures
  2. Insurance plans, including disability
  3. Retirement benefits including time limitations for exercising options
  4. CJA and other dues
  5. Credit Unions.
- Show the new judge his/her courtroom and chambers.
- Order stationery.
- Make sure someone has assisted new judge and explained:
  1. Acquiring supplies
  2. Security arrangements, keys and ID card
  3. Parking arrangements and permits
  4. Nameplate for bench.
- Find out, if possible, what staff has been assigned to new judge. [Note: *You may need to advocate for the new judge in this area. For example, the courtroom clerk is a critical person in helping the new judge run the courtroom, identify resources and learn procedures. Make sure the new judge is getting an experienced courtroom clerk and court reporter.*]

## WORKSHEET: SECOND PRE-BENCH ORIENTATION MEETING

- Acquiring robe, name plate, stationery, and supplies  
Questions or Issues for additional research:
  
- Introductions to Key People  
Persons missed; questions or issues for additional research:
  
- Employment, Compensation, and Professional Organizations  
Questions or Issues for additional research:
  
- Assignment of Court Staff  
Questions or Issues for additional research:
  
- Other Logistical Concerns (e.g., security, parking (permit), ID card)  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## SECTION II: FIRST WEEK AS JUDGE

### INTRODUCTION

The first week can be somewhat overwhelming to a new judge. In addition to arranging the activities suggested on the checklist, make sure there is a period of time set aside each day to “check-in” with the new judge, to talk informally and address any questions or concerns that have arisen.

The relationships established between the mentor and the new judge during this week will be extremely important in terms of the freedom and trust with which the new judge will be able to seek your guidance. The mentor’s availability is very important during this week. Since the new judge may be hesitant to bother you, it is critical that you *initiate contact* with the new judge. Emphasize your willingness to leave the bench to provide assistance at any time.

Listen carefully to concerns and questions posed by the new judge. While reassurance is always important, do not hesitate to offer guidance or present available options. The more the mentor judge can recall from his/her first few weeks on the bench, the more empathetic he/she is likely to be. Try to keep your war stories to a minimum, however, and maintain focus on the new judge.

## SECTION II

### CHECKLIST: FIRST WEEK AS JUDGE

**Goal:** To orient the new judge with the internal operations of his/her courthouse and the people with whom he/she will work. Also, to help the new judge begin to assess different courtroom proceedings and management styles, identify and obtain judicial resources, and determine what he/she will do on the first day of court duty.

#### Areas to Cover:

- Review Pre-Bench Orientation Checklists if you did not meet with the new judge for pre-bench orientation. If you did conduct pre-bench meetings, cover any unfinished items during this meeting.
  
- Introductions – Arrange a time for the new judge to meet other judges and court personnel. Provide a list of court personnel and their jobs. Include:
  1. Judges, Commissioners, and Referees
  2. Trial Court Administrator’s Office
  3. Clerk and Staff
  4. Bailiff/Marshal
  5. Sheriff’s Personnel
  6. Court Reporter
  7. District Attorney
  8. Public Defender
  9. Probation Officers
  10. City Attorney
  11. County Counsel
  
- Review office procedures and local customs that will be of immediate concern, such as:
  1. vacation scheduling
  2. proper use of stationery, supplies and long distance telephone service
  3. staffing and dealing with any staff problems
  4. how to utilize any research staff
  5. procedure to follow in the event of illness.
  
- Make sure new judge has received Form 700, Statement of Economic Interests, and knows when and where to file it. Review the form with the new judge.

- ❑ Provide the new judge with local court rules and sample courtroom rules. Many judges issue courtroom rules that cover such issues as marking exhibits, filing of proposed jury instructions, conduct of attorneys, etc. It is helpful for the new judge to see several samples before establishing his/her own courtroom rules.
- ❑ Arrange for the new judge to observe court proceedings. Focus the initial observations on tasks and assignments likely to be encountered during the new judge's first month or two. When possible, have the new judge observe several different judges in similar proceedings to get a sense of different judicial styles and approaches. Consider the following proceedings, in addition to trials:
  1. settlement conferences
  2. jury selection
  3. high volume calendars
  4. in limine motions
  5. pro per proceedings
  6. rendering a verdict
  7. taking a plea
- ❑ Have the new judge actually sit with you on the bench during proceedings. (It's a different vantage point!)
- ❑ Provide the new judge with scripts. (See CJER's *California Judges Benchguides* for samples.) Go over the scripts the new judge will use in his/her initial assignments, as well as
  1. jury selection and voir dire.
  2. pretrial jury instructions.
  3. rulings on common motions or objections that require magic words (e.g., Evidence Code §352 objections).
  4. potential use of contempt and sanctions (see CJER, California Judges Benchguide 3; Rothman, California Judicial Conduct Handbook § 4.00 et seq. (3d ed. CJA 2007)).
- ❑ If new judge will be responsible for a criminal calendar, go over:
  1. plea negotiations and case settlement
  2. jury trials
  3. non-jury trials
  4. pro per cases
  5. how to read DMV and CII "Rap Sheets," including when it is permissible
  6. useful conditions of probation
  7. appropriate sentences for common offenses
  8. sentencing alternatives
  9. using sentencing guidelines

- ❑ Set aside time to talk through what the judge will do on his/her first day of presiding over a trial or calendar.

**WORKSHEET: FIRST WEEK AS JUDGE MEETING**

- Uncompleted Pre-Bench Orientation Matter  
Questions or Issues for additional research:
  
- Introductions to Other Judges and Court Personnel  
Scheduling, questions, or specific areas to discuss:
  
- Office Procedures, Economic Interests Statement, and Local Court and Courtroom Rules  
Questions or Issues for additional research:
  
- Court Observation and Sitting on Bench With Mentor  
Questions or Issues for additional research:
  
- Review of New Judge's First Day on Court Calendar or Trial  
Questions or Issues for additional research:
  
- Other New Judge Concerns  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## **SECTION III: SECOND THROUGH FOURTH WEEKS AS JUDGE**

### **INTRODUCTION**

Generally speaking, the new judge is now actively responsible for a courtroom and case management. This is an important time to reassure the new judge that you are available as a resource and support person. Keep in mind the fact that the new judge may be hesitant to “bother” you or may be embarrassed to ask certain questions or express concerns. Take the initiative to set regular meetings, at least once a week, during this time.

Frequent contact is important during these initial weeks on the job. You can help reduce anxiety and improve performance if you use this time to help the new judge

- Anticipate and prepare for duties that will arise.
- Identify resources.
- Establish positive relationships with colleagues and court personnel.

## SECTION III

### CHECKLIST: SECOND THROUGH FOURTH WEEKS AS JUDGE

**Goal:** To help the new judge gain confidence with his/her initial assignments, review additional ethical matters, develop relationships with other court personnel, and learn about additional procedures, systems, and judicial resources.

#### Areas to Cover:

- Review prior checklists and worksheets to see if there are remaining issues to be covered.
- Check in frequently (daily or several times weekly) with the new judge.
- Schedule lunch or uninterrupted meeting time at least once a week.
- Discuss court assignments and related tasks. Make sure new judge has relevant scripts and resources.
- Initiate further discussion on office procedures and customs, such as:
  1. tickler system (in general, 90-day submissions)
  2. phone calls and mail from litigants, citizens, press
  3. telephone conversation notes
  4. administrative policy letters
  5. available library and computer resources
  6. available secretarial assistance
  7. calendar management
  8. case management and tickler systems
  9. personal hearing and trial notes
  10. jury issues such as excusing people from jury service, hardships
  11. travel allowance and reimbursement
- Discuss additional ethical issues. Make sure new judge has received and read the *California Judicial Conduct Handbook*, by Judge David M. Rothman (provided by CJA to every new judge). Be sure to cover
  1. prohibited charitable and political activity, including donations and use of name to raise funds.
  2. receipt of “complimentary” tickets to dinners and events.
  3. proper use of official vs. personal stationery.
  4. ex parte communications.

5. when a judge should recuse herself/himself (see CCP 170; Rothman, *California Judicial Conduct Handbook* § 7.00 et seq. (3d ed. CJA 2007)).
6. issues regarding the appearance of bias—pay special attention to any organizations in which new judge holds membership, attendance at exclusionary events, and use of language.
7. review of pre-existing club or organization memberships.
8. issues regarding speaking engagements and other employment, receipt of honoraria, travel expenses, etc.

Set up new judge's individualized education plan for first year (see form attached as Appendix A). Please note that the Rule 10.462 governs the requirements for new judicial officers effective January 1, 2007:

1. Review with new and elevated judges the minimum education requirements and expectations for judges by going to the Serranus web site, which is password protected (see <https://serranus.courtinfo.ca.gov/>). Also review and bookmark the calendar of upcoming Education Division/CJER institutes and programs (see <http://www2.courtinfo.ca.gov/cjer/>).
2. Make sure the new judge or full-time subordinate judicial officer has registered for Education Division/CJER's one-week Orientation for New Trial Court Judicial Officers (new judges, full-time commissioners, and full-time referees). Elevated judges who have already attended as a subordinate judicial officer are not required to attend.
3. Advise the new judge about the Primary Assignment Overview required within one year. The presiding judge designates the primary assignment of new judge as civil, criminal, family, juvenile dependency, juvenile delinquency, probate, or traffic. [Go to the Serranus web site for further information].
4. Advise the new judge about the annual B.E. Witkin Judicial College required within 2 years. [Go to the Serranus web site for further information].
5. Make sure the new judge or full-time subordinate judicial officer has registered for an orientation course in his or her primary assignment (civil, criminal, family, juvenile delinquency or dependency, probate, or traffic) within one year of taking their oath.
6. The good cause provision allowing a presiding judge to grant an extension of time to complete education expectations or requirements does not apply to education for new judges or new subordinate judicial officers. See Rule 10.462(e)(1).
7. Discuss local court education leave policy, the process for approval of education leave by presiding judge, and reimbursement of travel expenses.

Set aside time to observe new judge on the bench and to provide supportive advice.

- ❑ Hold a specific discussion regarding relationships with others, including:
  1. clerk, bailiff, and court reporter
  2. district attorney, public defender and probation officers
  3. former law associates and clients
  4. attorneys and litigants in current cases
  5. Bar, news media, and public
  6. local and state public officials
  
- ❑ Make sure the new judge has received the basic judicial resources or knows how to acquire them.
  1. Materials and supplies provided locally:
    - a. Local rules, policy guidelines, etc.
    - b. Procedural forms, rubber stamps, checklists, and articles
    - c. Minutes of court committee meetings
    - d. Legal newspapers
  2. Books provided locally by the court (e.g., official reports, Codes, Witkin books, CEB books, Digests, BAJI, CALJIC, Shepards)
  3. Standard books and materials provided automatically by the Education Division/CJER, CJA, and Judicial Council
  4. Other books, cassettes, and DVDs available from the Education Division/CJER (listed in CJER Catalog). Review the list with the new judge to help prioritize use of training materials and to make sure he/she knows how to order them
  
- ❑ Review monthly affidavit regarding cases under submission for 90 days.
  
- ❑ Review and schedule any local court training available on computer system and other technology. For additional computer assistance, see the Education Division/CJER Computer Courses (taught by judges), listed on CJER Judicial Education Calendar.
  
- ❑ Review filing and retrieval systems
  1. Files maintained by court vs. individual judge
  2. Standing orders issued by court
  3. Pamphlets and policy letters (e.g., DMV, CYA, AG, CDC, etc.)

## WORKSHEET: SECOND WEEK AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Office and Courtroom Procedures and Customs  
Questions or Issues for additional research:
  
- Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Relationships with Others  
Questions or Issues for additional research:
  
- Education and Training  
Questions or Issues for additional research:
  
- Other New Judge Concerns  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## WORKSHEET: THIRD WEEK AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Office and Courtroom Procedures and Customs  
Questions or Issues for additional research:
  
- Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Relationships with Others  
Questions or Issues for additional research:
  
- Education and Training  
Questions or Issues for additional research:
  
- Other New Judge Concerns  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## WORKSHEET: FOURTH WEEK AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Office and Courtroom Procedures and Customs  
Questions or Issues for additional research:
  
- Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Relationships with Others  
Questions or Issues for additional research:
  
- Education and Training  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns
  
- Date/Location of Next Meeting: \_\_\_\_\_

## **SECTION IV: SECOND MONTH AS JUDGE**

### **INTRODUCTION**

As a new judge enters the second month on the bench, he/she will begin to have questions or concerns that arise from direct experience. The new judge may be confronting a certain amount of “limit testing” by attorneys and struggling to maintain control. Finding the right balance, consistent with the new judge’s own personality, is not an easy task. Some new judges find they have a need to be liked by attorneys, which can result in a loss of control. Others may respond to their new role in an extremely authoritarian manner out of fear of ever losing control. It is important to explore these issues very early in the career of a new judge, because the bar and court personnel will develop expectations and behaviors based on their first few interactions with the new judge.

Now that the new judge has acquired some experience, this is a good time to begin discussing issues concerning judicial philosophy and style. The new judge will begin communicating a certain attitude and approach that may or may not be consistent with how he/she wishes to be perceived. Many of these issues are also addressed in CJER’s one-week Orientation for New Trial Court Judicial Officers. If the new judge has not yet attended, remind him or her that participation is recommended as soon as possible after appointment or election.

Initiate regular meetings at least weekly with the new judge during the second month on the bench.

## SECTION IV

### CHECKLIST: SECOND MONTH AS JUDGE

**Goal:** To maintain and broaden the mentor relationship as the new judge acquires experience. Expanded areas of mentoring include: judicial philosophy; courtroom relationships, control and stress; disqualification; and the scope and mechanics of other judicial duties.

#### Areas to Cover:

- Review prior checklists and worksheets to see if there are remaining issues to cover.
- Continue to initiate and maintain frequent contact with the new judge.
- Schedule lunch or uninterrupted meeting time at least once a week.
- Set aside time to observe new judge performing a variety of tasks, and provide supportive guidance.
- Discuss courtroom control, stress, and new judge's experience with attorneys and court personnel.
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- Discuss new judge's perceptions of his/her judicial philosophy and style.  
Include:
  1. Active vs. passive role in managing courtroom, level of intervention
  2. Anger management and use of contempt. See the following resources: California Judges Benchguide 3, *Courtroom Control: Contempt and Sanctions* (CJER/Ed. Div.); Rothman, *California Judicial Conduct Handbook* § 4.00 et seq. (3d ed. CJA 2007)
  3. Clarity in expectations of counsel and enforcement of those expectations
  4. Judge vs. jury trial
  5. Rendering immediate decisions vs. taking matters under submission
  6. Self-represented litigants
- Identify any follow-up issues that should be discussed regarding judicial ethics, acquiring resources, changing relationships, etc.
- Discuss issues related to motions to disqualify judge, recusal, and disclosure. See California Judges Benchguide 2, *Disqualification of Judge* (CJER/Ed. Div.); Rothman, *California Judicial Conduct Handbook* § 7.00 et seq. (3d ed. CJA 2007)

- Discuss available alternative dispute resolution programs, use of colleagues for settlement conferences, and use of commissioners.
- Continue to orient new judge to the roles and resources provided by the Education Division/CJER, the California Judges Association, the Administrative Office of the Courts, the Judicial Council, and the Commission on Judicial Performance. Provide information on other organizations or committees that might be of interest or value such as National Association of Juvenile and Family Court Judges, National Association of Women Judges, etc.
- Review the individualized education plan (Appendix A) developed during the first month. Identify the most pressing substantive areas for the new judge and develop a plan of action to ensure that his/her needs are met.
- Discuss tasks related to evening or weekend duty.
  1. search warrants
  2. OR and bail procedures
  3. Emergency Restraining Orders
  4. medical emergency authorizations for children—dependents vs. non-dependents
  5. probable cause review
- Review, if appropriate, mechanics of
  1. taking a plea.
  2. handling a large number of litigants.
  3. conducting a jury trial.
  4. appointment, substitution, and compensation of counsel.

**WORKSHEET: SECOND MONTH AS JUDGE, WEEK ONE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Judicial Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Courtroom Control; Relationships; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Disqualification; Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Evening, Weekend Tasks; ADR; Mechanics of Other Proceedings  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources:  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: SECOND MONTH AS JUDGE, WEEK TWO MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Judicial Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Courtroom Control; Relationships; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Disqualification; Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Evening, Weekend Tasks; ADR; Mechanics of Other Proceedings  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources:  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: SECOND MONTH AS JUDGE, WEEK THREE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Judicial Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Courtroom Control; Relationships; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Disqualification; Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Evening, Weekend Tasks; ADR; Mechanics of Other Proceedings  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources:  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: SECOND MONTH AS JUDGE, WEEK FOUR MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Court Assignments; Judicial Resources (scripts, checklists, etc.)  
Questions or Issues for additional research:
  
- Courtroom Control; Relationships; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Disqualification; Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Evening, Weekend Tasks; ADR; Mechanics of Other Proceedings  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources:  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:  
Questions or Issues for additional research:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## **SECTION V: CONTINUING TASKS, MONTHS THREE THROUGH TWELVE AS JUDGE**

### **INTRODUCTION**

No one is capable of assimilating all the information and changes that accompany a new judgeship in just two months. Frequently, the more complex issues—for example, judicial philosophy and style, ethics, and court politics—arise only after a few months on the bench. It is critical, therefore, that the mentor judge maintain a continuing relationship with the new judge through the remaining 10 months of the first year on the bench. Regular meetings with the new judge should be held every two weeks during months three and four, followed by monthly meetings for the remainder of the year. While the exchange of information will generally be casual and comfortable, the mentor should also impose some structure on the relationship. One suggested technique to structure the relationship is to schedule a weekly or monthly lunch that includes other judges.

The mentor should continue to have periodic conversations with the new judge. These discussions will assist the new judge, in many obvious and subtle ways, but we must emphasize that the program can only be successful if contact continues throughout the year. Success will be most easily accomplished through regular meetings initiated by the mentor. The mentor should also continue to encourage the new judge to focus on his/her own problems and to draw their own conclusions based on the range of possibilities that might depend on development of individual style.

The mentor should initiate meetings with the new judge at least every two weeks during months three and four and then once monthly for the remainder of the year. The Section V worksheets anticipate this number of meetings and should be edited freely to be used in each of the continuing tasks meetings.

## SECTION V

### CHECKLIST: CONTINUING TASKS, MONTHS THREE THROUGH TWELVE AS JUDGE

**Goal:** To maintain ongoing mentor/new judge contact, review and discuss uncompleted topics, answer individual questions, and help the new judge to establish a firm footing within the judicial community.

#### Areas to Cover:

- Review prior checklists and worksheets. Identify topics that still need discussion or deserve follow-up.
- Maintain contact and arrange to meet at least once every two weeks during months 3 and 4 and then once a month for the remainder of the year.
- Arrange visits to observe judges in different assignments, such as juvenile, family, probate, drug court, etc.
- If not already done, arrange for new judge to
  1. Meet District Attorney and visit office.
  2. Meet Public Defender and visit office.
  3. Visit law enforcement agencies to
    - a. meet management and line personnel.
    - b. arrange for a patrol car ride.
    - c. observe book and line-up procedures, etc.
  4. Visit county jail, juvenile hall, mental health facilities, etc.
  5. Visit alcohol and other drug treatment centers.
- Discuss review by the court of appeal or superior court appellate division, making a record, and getting reversed.
- Periodically review and update individual education plan (Appendix A).
- Address individual issues and concerns raised by new judge.
- When attending social or judicial functions, introduce the new judge to others. Identify people that might be good resources.

**WORKSHEET: THIRD MONTH AS JUDGE, FIRST MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: THIRD MONTH AS JUDGE, SECOND MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: FOURTH MONTH AS JUDGE, FIRST MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: FOURTH MONTH AS JUDGE, SECOND MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## WORKSHEET: FIFTH MONTH AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: SIXTH MONTH AS JUDGE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## WORKSHEET: SEVENTH MONTH AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: EIGHTH MONTH AS JUDGE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: NINTH MONTH AS JUDGE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

## WORKSHEET: TENTH MONTH AS JUDGE MEETING

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: ELEVENTH MONTH AS JUDGE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**WORKSHEET: TWELFTH MONTH AS JUDGE MEETING**

- Uncompleted Matters from Prior Worksheets/Checklists  
Questions or Issues for additional research:
  
- Other Court Assignments and Judicial Resources  
Questions or Issues for additional research:
  
- Relationships on and Off Bench; Judicial Philosophy and Style  
Questions or Issues for additional research:
  
- Other Ethical Rules and Considerations  
Questions or Issues for additional research:
  
- Education, Training, and Substantive Resources  
Questions or Issues for additional research:
  
- Other New Judge Questions or Concerns:
  
- Date/Location of Next Meeting: \_\_\_\_\_

**APPENDIX A: INDIVIDUAL JUDICIAL EDUCATION PLAN**

NAME: \_\_\_\_\_

COURT: \_\_\_\_\_

DATE: \_\_\_\_\_

Justices, judges, and subordinate judicial officers are entrusted by the public with the impartial and knowledgeable handling of proceedings that affect the freedom, livelihood, and happiness of the people involved. Court personnel assist justices, judges, and subordinate judicial officers in carrying out their responsibilities and must provide accurate and timely services to the public. Each justice, judge, and subordinate judicial officer and each court staff member is responsible for maintaining and improving his or her professional competence. To assist them in enhancing their professional competence, the judicial branch will develop and maintain a comprehensive and high-quality education program, including minimum education requirements and expectations, to provide educational opportunities for all justices, judges, subordinate judicial officers, and court personnel. Cal. Rule of Court, Rule 10.452(a).

During the next two years, my education goals will include participating in relevant judicial education programs, viewing selected DVDs, and reviewing appropriate publications, to facilitate my smooth transition to the bench and broaden my knowledge of the law and judicial procedure. Specific learning tools will include the following:

- A. Programs: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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