



# Commissioner

Class Code:  
9050

Bargaining Unit: Unrepresented - Management

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
Revision Date: Jan 26, 2024

## **JOB DESCRIPTION:**

### JOB DEFINITION

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 (California Rules of Court, Rule 10.700(b)) or conferred by the court. The power and authority of Court Commissioners is specified in Article VI, Section 22, of the California Constitution.

If the Presiding Judge determines that because of a shortage of judges it is necessary for the effective administration of justice, the Presiding Judge may, where lawful, assign a subordinate judicial officer to sit as a temporary judge. Court Commissioners shall comply with the directions of the Presiding Judge and the directions of the Supervising Judge of the facility in which they are assigned. The Presiding Judge of Juvenile Court and the Presiding Judge of Family Law are Supervising Judges.

The Presiding Judge shall assign Court Commissioners to perform subordinate judicial officer duties based on the best interest of the Court. A Court Commissioner may be assigned to perform the duties of a Temporary Judge. Court Commissioners have the same jurisdiction and exercise the same powers and duties as the judges of the courts with respect to infractions and small claims actions, and in other matters pursuant to stipulation of the parties.

Court Commissioners may be assigned to any court location, and Court Commissioner assignments are interchangeable. The duties that a subordinate judicial officer may perform, and the circumstance in which a Court Commissioner may act as a Temporary Judge, may change in the future.

### DISTINGUISHING FEATURES

Court Commissioners are appointed by order of the Presiding Judge. Court Commissioners serve at the pleasure of the Court and may be terminated at any time with or without cause. The Personnel, Organization, Policies and Rules manual for non-judicial employees of the Superior Court of California, County of Alameda, does not apply to Court Commissioners. Court Commissioners will be required to comply with all provisions of policies applicable to Court Commissioners.

Court Commissioners perform judicial and quasi-judicial functions to assist the court in performing 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 performing other related duties as assigned.

## **EXAMPLES OF DUTIES:**

Note: The following are duties performed by employees in this classification; however, employees may perform other related duties at an equivalent level. Each individual in the classification does not necessarily perform all

listed duties.

1. Acts as a Temporary Judge in Court cases pursuant to stipulation of counsel or parties; conducts a daily court calendar; presides over hearings and trials; and makes rulings, findings, judgments and orders.
2. Arraigns defendants; hears, reviews and rules on or determines a variety of petitions, motions and other actions; takes evidence from witnesses; makes or recommends appropriate court orders; accepts pleas and imposes sentences; sets cases for hearings and trials; and conducts court and jury trials.
3. Performs the functions of a referee of the Juvenile Court.
4. Conducts judicial hearings in family support cases involving Title IV of the Social Security Act, and cases filed by the District Attorney to establish paternity and other child support-related matters; and may act as a judge pro-tem in such matters, or as a commissioner making findings and recommendations subject to review by a judge of the court.
5. Performs one or more of the functions of a probate commissioner, including review of pleadings and accountings in probate, guardianship, conservatorship and related matters; approves creditors' claims, ex parte requests and other probate actions; and presides over probate proceedings as assigned.
6. Presides over proceedings involving such matters as criminal and traffic arraignments, hearings and trials of infractions, misdemeanors and felonies, including day and evening court sessions as assigned.
7. Presides over proceedings in civil actions, including probate matters, as well as small claims actions.
8. Reviews court files, documents and related materials to assess cases prior to and following hearings; and prepares court documents, records, reports correspondence and other written materials pertaining to case findings.
9. Performs other related duties as assigned by the Presiding Judge.

## **MINIMUM QUALIFICATIONS:**

Experience:

Active member in good standing of the California bar for a period of at least five 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.

Persons seeking appointment as a Commissioner must demonstrate relevant legal experience as deemed sufficient by the Judges of the Superior Court of California, Alameda County.

Other Requirements:

Citizenship in the United States and residency in California.

## **KNOWLEDGE AND ABILITIES:**

**Knowledge of** the judicial system, including but not limited to family law, criminal law, juvenile law and civil law; codes, statutes, legal principles and case precedents and their application to court cases; California Codes such as Vehicle, Penal, Civil, Probate, Welfare & Institutions, and Civil Procedure, and procedures related to the acceptance of pleas, rulings, and sentencing and disposition of criminal cases; 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 developing Court policy and procedures.

Note:

- Court Commissioners shall not engage in the practice of law either for compensation or on a pro bono basis.
- Court Commissioners shall not accept employment or compensation from any person or entity other than the Court during their employment by the Court.
- Court Commissioners may be disciplined by the Presiding Judge, the Executive Committee, or the Commission on Judicial Performance.
- Court Commissioners must cooperate in investigations of complaints against them.
- Court Commissioners must comply with continuing judicial education policies.

## **CLASSIFICATION HISTORY:**

Date established: 1/19/98

Date revised: 1/26/2024