

Superior Court of California, County of Contra Costa

Martinez
725 Court Street
Martinez, CA 94553

Pittsburg
1000 Center Drive
Pittsburg, CA 94565

Richmond
100 37th Street
Richmond, CA 94805

VS.

**STIPULATION FOR TEMPORARY
JUDGE IN UNLAWFUL DETAINER
MATTER
(Cal. Rules of Court, rule 2.818(b))**

CASE NO.

A Temporary Judge is assigned to hear this case. California Rules of Court, rule 2.818(b), prohibits Temporary Judges from hearing unlawful detainer cases where one side has an attorney and the other side is self-represented because of the appearance of bias, unless the parties waive that rule. I understand that I do not have to sign this form. **By signing this form I agree to a temporary judge in this case.** This waiver is knowingly and voluntarily made.

TEMPORARY JUDGE: _____

Plaintiff

Defendant

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

DATE

DATE

Plaintiff's Attorney

Defendant's Attorney

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

DATE

DATE

***EACH PARTY MUST SIGN THIS FORM. USE ADDITIONAL PAGES FOR MULTIPLE
PLAINTIFFS OR DEFENDANTS.***

Do I have to sign this form?

No, you are not required to sign this form. If you decide not to sign this form, your case will be reassigned to a judge or commissioner.

Why am I asked to sign form?

California Rules of Court, rule 2.818(b) prohibits temporary judges hearing unlawful detainer cases where one side has an attorney and the other side is self-represented. Where only one side is represented by an attorney there can be an appearance of bias because the temporary judge (who is an attorney) may seem to treat the attorney appearing in this case differently than the party without an attorney. California Rules of Court, rule 2.818(c) allows the parties to waive this limitation on service.

This form does not waive all limitations on service.

This waiver does not apply to where the temporary judge has a personal bias or prejudice concerning a party; the temporary judge has served as an attorney in the matter in controversy; or the temporary judge has been a material witness in the controversy.

Additional questions regarding the service of Temporary Judges should be directed to the Temporary Judge Administrator.

**STIPULATION FOR TEMPORARY JUDGE IN UNLAWFUL DETAINER MATTER
(Cal. Rules of Court, rule 2.818(b))**

CASE NAME: _____ CASE NO.: _____

A Temporary Judge is assigned to hear this case. California Rules of Court, rule 2.818(b), prohibits Temporary Judges from hearing unlawful detainer cases where one side has an attorney and the other side is self-represented because of the appearance of bias, unless the parties waive that rule. **By signing this form I agree to waive this limitation on service.** This waiver is knowingly made. I understand that I do not have to sign this form.

Plaintiff

Defendant

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

DATE

DATE

Plaintiff

Defendant

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

DATE

DATE

Plaintiff

Defendant

PRINT NAME

PRINT NAME

SIGNATURE

SIGNATURE

DATE

DATE

Instructions for Use:

California Rules of Court, rule 2.818(b)(3) prohibits temporary judges from hearing unlawful detainer cases where one party is self-represented and the other party is represented by an attorney or is an attorney. This limitation does not apply in unlawful detainer cases where both sides are represented by attorneys or where both sides are self-represented. It does not apply to small claims or restraining order hearings.

In order to have an effective waiver:

- (1) The temporary judge should disclose the basis for his or her limitation on the record. For example:

“California Rules of Court, rule 2.818(b) places a limitation on the service of a temporary judges hearing unlawful detainer cases where one side has an attorney and the other side is self-represented. Where only one side is represented by an attorney there can be an appearance of bias because the temporary judge (who is an attorney) may seem to treat the attorney appearing in this case differently than the party without an attorney. This limitation on service can be waived if both sides agree. The waiver does not apply where there is actual bias, as opposed to the appearance of bias. I will now give everyone a moment to decide whether they would like to waive this limitation on service. If you agree to the waiver, please sign the form. If you do not agree, please let me know.”

- (2) The temporary judge can ask if the parties want to waive the limitation on service, but must not seek to induce a waiver and must avoid any effort to discover which attorneys or parties favored or opposed a waiver.
- (3) The waiver form should be handed out after the temporary judge explains the limitation on service.
- (4) The waiver must be in writing and it must be signed by all parties and their attorneys.

If the parties and the attorneys do not sign the waiver form, the temporary judge cannot hear the matter, and the clerk should send the matter to a judge or commissioner.