

# The Superior Court of California

COUNTY OF SAN DIEGO

EXECUTIVE OFFICE OF THE COURT

MICHAEL M. RODDY  
Executive Officer and Clerk  
Jury Commissioner

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March 5, 2014

VIA EMAIL AND MAIL

Brad Weinreb for Judge 2014  
7185 Navajo Road Suite P  
San Diego, CA 92119

Email: [brad@brad4judge.com](mailto:brad@brad4judge.com)

**Re: Request for Records dated February 17, 2014 (received February 19, 2014)**

Dear Mr. Weinreb:

This letter is in response to your letter dated February 17, 2014 (received by the Court on February 19, 2014) concerning documents related to temporary judge Kenneth Joseph Gosselin.

As a preliminary matter, please be advised that the California Public Records Act does not directly apply to your request. To the extent that you are requesting access to judicial administrative records, your request is subject to Rule 10.500 of the California Rules of Court. To the extent that you are requesting access to case records, your request is subject to Division 4 of the Rules of Court. The responses below are provided pursuant to those rules.

- 1) The dates or number of times that Kenneth Joseph Gosselin - State Bar#183549 (hereafter "K. Gosselin") has acted as a "Judge Pro Tem" for the San Diego Superior Court since January 1, 2006.

The court makes its best efforts to track the dates that temporary judges provide services. However, a temporary judge may have served on more dates than the court's records show. As a result, we can only estimate the number of days a temporary judge has served. The court's records show that K. Gosselin has acted as a temporary judge for the San Diego Superior Court on at least 721 days since January 1, 2006. These may be for part of the day or the whole day, our records are incomplete in this regard.

- 2) The number of cases that K. Gosselin has presided over as a "Judge Pro Tem" for the San Diego Superior Court since January 1, 2006.

The Court does not generally keep specific records as to how many cases a temporary judge hears. Temporary judges hear a particular courtroom calendar that can vary in the number

of cases listed. Such calendars are not preserved. Decisions are filed in individual case files and not collected for each temporary judge.

However, to the extent that such records exist, we show that Mr. Gosselin heard at least 11, 597 cases as a pro tem.

- 3) The number of criminal cases that K. Gosselin has presided over as "Judge Pro Tem" for the San Diego Superior Court since January 1, 2006.

It is unclear what type of cases you mean to include as "criminal" cases. Mr. Gosselin has not been assigned to hear any misdemeanor or felony cases. He has heard infraction cases in Traffic Court. As to records of the number of such cases, please see item 2) above. The number of cases provided in that response includes 6,394 Traffic Court cases. However, the Court does not have information as to whether all of the Traffic Court cases were infractions.

- 4) Whether, at any time since January 1, 2006, the San Diego Superior Court has specifically compiled statistical data designed to accurately evaluate the "experience" of one "Judge Pro Tem" in comparison to another.

No such actions have been taken, so there are no such records to produce.

- 5) Whether, at any time since January 1, 2006, the San Diego Superior Court has specifically compiled statistical data designed to accurately classify a "Judge Pro Tem" as being "most experienced Superior Court Judge Pro Tem in San Diego County history."

No such actions have been taken, so there are no such records.

- 6) Whether, since January 1, 2006, the San Diego Superior Court has ever classified K. Gosselin as a "full time" "Judge Pro Tem."

The court does not classify temporary judges as either "part time" or "full time." The number of hours that they volunteer varies from individual to individual.

- 7) The number of jury trials that K. Gosselin has presided over as a "Judge Pro Tem" for the San Diego Superior Court since January 1, 2006.

Temporary judges do not preside over jury trials. Mr. Gosselin has not presided over any jury trials. Therefore there are no records to produce in response to this request.

- 8) Whether San Diego Superior Court Judges are required to contact a "Judge Pro Tem" to relieve them before they can be authorized for any personal time off, vacation, or sick leave.

There is no such policy and therefore no records to produce in response to this request.

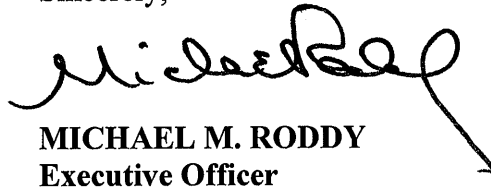
- 9) Whether any "Judge Pro Tem" is currently authorized to preside over the calendar of a San Diego Superior Court who is on leave for personal time off, vacation, or sick leave.

Both Court Commissioners and temporary judges hear small claims cases, and a temporary judge may be scheduled to hear such cases when a Court Commissioner is absent. However, the Court does not maintain records of these occasions, and thus has no such records concerning Mr. Gosselin to produce in response to this request.

- 10) A description of the types of cases and job duties for "Judge Pro Tem" that K. Gosselin has presided over as a "Judge Pro Tem" for the San Diego Superior Court since January 1, 2006.

Mr. Gosselin has heard small claims and traffic cases. For each, he conducts the bench trial of the matter and renders a decision. In addition in 2009, Mr. Gosselin served as a pro-tem Juvenile Court Referee 6 times, for a portion of the day on each occasion. There are no records as to the number of cases he heard on those 6 days.

Sincerely,



**MICHAEL M. RODDY**  
**Executive Officer**