SUPERIOR COURT, STATE OF CALIFORNIA

COUNTY OF LAKE

LOCAL RULES

(Proposed) Effective 7/1/2019

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CHAPTER 1 ADOPTION AND APPLICABILITY OF RULES

1.1 Adoption of Rules (eff. 1/1/92)

These rules are adopted pursuant to Government Code §68070 and Code of Civil Procedure §575.1 and each is effective on the date set forth in parentheses immediately following the rule, e.g., "(eff. 1/1/ 92)".

1.2 Repeal of Prior Rules (eff. 1/1/2009)

Upon the effective date of these rules, all other rules heretofore adopted by this court shall be repealed provided that no action theretofore taken in compliance with such rules shall be made or deemed invalid or ineffective by such repeal. (eff. 1/1/2009)

1.3 Application of Local Rules (eff. 1/1/2009)

These local rules apply to all Superior Court matters filed in the County of Lake. (eff. 1/1/2009)

1.4 California Rules of Court (eff. 1/1/2009)

These local rules are intended to supplement and in no way reduce any requirements of the California Rules of Court. (eff. 1/1/2009)

1.5 Availability of Copies (eff. 6/30/91 amd. 1/1/2009)

Copies of these rules are available in the office of the clerk of the court, Courthouse, 255 N. Forbes Lakeport, California 95453 and Southlake Courthouse, 7000A So. Center Drive Clearlake, California. (eff. 6/30/91 amd. 1/1/2009)

1.6 Sanctions for Non-Compliance (eff. 1/1/92)

Pursuant to Code of Civil Procedure §575.2, if any counsel, a party represented by counsel, or a party if in pro se, fails to comply with any of the requirements of these rules, the court, on motion of a party or on its own motion, may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. In addition, sanctions authorized by Code of Civil Procedure §§128.5, 177.5 and 178 may be imposed. (eff. 1/1/92)

CHAPTER 2 ADMINISTRATION

2.1 Presiding Judge of Superior Court (eff. 1/1/2009, amd. 1/1/2014)

The Superior Court judges shall elect, by majority vote, a presiding judge who shall serve for a three year term. (eff. 1/1/2009, amd. 1/1/2014)

2.2 Assistant Presiding Judge (eff. 1/1/2009)

The Superior Court judges shall elect, by majority vote, an assistant presiding judge who shall undertake all roles of the presiding judge in his or her absence. (eff. 1/1/2009)

2.3 Executive Officer (eff. 1/1/95, amd. 1/1/2009)

The Superior Court Executive Officer shall be appointed by the judges of the Superior Court and shall exercise all powers, duties and responsibilities of the Clerk of the Superior Court as authorized by Government Code Sections 71620 and 69840. (eff. 1/1/95, amd. 1/1/2009)

2.4 Definition of a Judge's vacation day required by Rule 6.603, California Rules of Court (eff. 1/1/2009)

A day of vacation for a judge of the Superior Court of California, County of Lake, is an approved absence from the court for one full business day. Other absences from the court listed in CRC § 6.603(c)(2)(H) are excluded from this definition. (eff. 1/1/2009)

CHAPTER 3 GENERAL

3.1 Clerks' Offices - Hours of Operation (eff. 1/1/2009)

The hours of operation of the Clerks' Offices are determined by the judges and are currently set at 8:00 a.m. to 4:00 p.m. Hours of operation are subject to change with prior notification to the public. (eff. 1/1/2009)

3.2 Papers Presented for Filing (eff. 1/1/2009)

All documents presented for filing must comply with California Rules of Court (CRC) in particular CRC §§ 2.100, 3.1110 through 3.1115.

A. Each judgment or order submitted to the court shall be self-contained; that is, it may not incorporate by reference any instrument or document that is not made a physical part of the judgment or order itself.

B. The moving party on any motion, petition or demurrer shall provide a form of order, ruling, or judgment consistent with the relief requested in the moving

papers. This form is to be provided at the same time that the motion, petition or demurrer is presented to the court. (eff. 1/1/2009)

3.3 Proposed Judgments, Decrees, and Orders in Uncontested Matters (eff. 6/30/91 amd. 1/1/2009)

In uncontested proceedings (e.g., uncontested dissolution of marriage, default judgment, and routine probate applications), an original and one copy of the proposed judgment, decree or order sought in the proceeding shall be presented to the clerk's office no later than four (4) court days prior to the calendared hearing date. The clerk will not place the matter on calendar unless the original and copy of the proposed judgment, decree or order has been presented. The copy mentioned in this requirement is in addition to any copy which counsel desire to have endorsed and returned to counsel by the clerk. (eff. 6/30/91 amd. 1/1/2009)

3.4 Filing and Service of Orders (eff. 6/30/91 amd. 1/1/2009)

All written orders, including orders to show cause, orders for examination of judgment debtors, temporary restraining orders and injunctions, signed by a judge, shall be filed immediately with the clerk. An endorsed copy shall be served upon the parties to be notified and an endorsed copy, bearing proof of service, shall be filed not later than five calendar days prior to the hearing. (eff. 6/30/91 amd. 1/1/2009)

3.5 Presentation of Ex Parte Applications to Presiding Judge (eff. 6/30/91, amd. 7/1/2009)

California Rules of Court § 3.1200 - 3.1207 govern ex parte applications and orders in civil cases. Unless otherwise specified, the provisions of this Local Rule shall apply to all other ex parte matters.

A. Uncontested ex parte applications, or ex parte applications supported by a showing of good cause for lack of prior notice, may be submitted to the clerk of the court at any time, for presentation to the court. The court will attempt to review all such matters expeditiously, but it is unlikely that any ex parte request submitted after 12:00 P.M. (noon) for consideration without a hearing will be reviewed by the court on the day of submission.

B. For ex parte matters that are contested that otherwise require appearances, hearings will be conducted at 3:30 p.m. daily, in the courtroom or chambers of department one as the court deems appropriate. Such matters must be scheduled for hearing by the department one judicial assistant as early as possible before the requested hearing, but not later than 9:00 a.m. of the preceding court day unless good cause is shown. The applicant is responsible for contacting the judicial assistant to schedule the hearing, and for giving notice thereof.

C. Copies of the application or moving papers must be submitted to the court no later than two (2) hours prior to the scheduled time of the hearing; and copies of any responding papers should be submitted prior to the hearing if possible.

D. The court may conduct informal ex parte hearings as it deems appropriate.

Ex Parte Communication with the Court

The court will not consider any ex parte communications from counsel or unrepresented parties unless made in the manner prescribe by these rules, by the California Rules of Court, or by the laws of this State.

Ex Parte Request for Order Shortening or Continuing Time

A. A request for an order shortening time for service, hearing or a continuance of a scheduled hearing will not be granted unless supported by a declaration demonstrating good cause why the matter cannot be heard on regular notice.

B. If such an order shortening time is requested, the supporting declaration must state whether or not the responding party is represented by counsel, the name and address of the responding party's attorney, and whether or not that attorney has been contacted and has agreed to the date and time proposed for the hearing.

C. If the responding party's attorney has not been contacted or has not agreed to the proposed setting, the supporting declaration must clearly demonstrate why the hearing should be set on the proposed date without the consent of opposing counsel, and the reason the matter must be heard on shortened notice.

Re-Application After Denial of Ex Parte Application

When an ex parte motion has been made, and has been refused in whole or in part, or has been granted conditionally or on terms, and a subsequent application is made for the same or a similar order, to the same or different judge, whether upon an alleged different state of facts or otherwise, then the applicant must show, by declaration, what motion was previously made, the nature of the previous motion, when and to what judge is was made, what order or decision was made thereon, and what new facts, if any, are claimed by the new motion.

Ex Parte Application Re Stipulated Judgments

Unless a stipulation that authorizes the rendering and entry of judgment, or that authorizes the termination of a stay of execution upon failure to perform specified conditions, also includes an express or implied waiver of notice, an application to render or for entry of judgment, or to vacate or terminate a stay upon failure to perform conditions, must be made on noticed motion. Whether ex parte or on notice, the applicant must submit a declaration setting forth any payments made or other compliance by defendant; the specifics of the allege failure to perform; and the substance of the order requested. (eff. 6/30/91, amd. 7/1/2009)

3.6 Court-Connected Mediation Program (eff. 1/1/2009, amd. 7/1/2015)

A. Policy. All long cause civil cases should participate in some type of meaningful alternate dispute resolution process, including forms of arbitration and/or mediation, prior to the setting of the case for trial.

B. California Civil Mediation Act Program. The court has opted into the Civil Action Mediation Program. This program is conducted pursuant to CCP sections 1775-1775.16 and California Rules of Court, 3.890-3.898.

1. Ordered mediation. All cases which are eligible for the Civil Action Mediation Program shall be ordered to participate in mediation. All general civil cases, involving an amount in controversy of less than $50,000 for each plaintiff, shall be ordered to mediation unless judicial arbitration is ordered.
2. Voluntary mediation. In cases which are not eligible for the Civil Action Mediation Program, by reason that the case I other than a general civil action under the rules or exceeds the limit on the amount in controversy, the court encourages the parties to participate in voluntary mediation pursuant to this program. The court shall order mediation in these cases upon the agreement of the parties to participate in mediation under the program.
3. Selection of Mediator. The parties shall agree on the selection of a mediator within 15 days of the date an action is ordered to mediation. The ADR Program Coordinator shall provide a list of not less than three (3) mediators from the court's panel of mediators within 10 days after the case has been assigned to mediation. The parties shall notify the ADR Program Coordinator which mediator is selected. In the event the parties do not timely agree on the selection of a mediator, the court shall appoint a mediator.
4. Completion of Mediation. The parties shall agree on a date for mediation acceptable to the mediator within 15 days after the selection or appointment of the mediator. In the event the parties fail to do so, the mediator shall select a date for mediation that will accommodate the completion of mediation in accordance with the requirement that

mediation be completed within 60 days of the selection or appointment of the mediator unless that time period is extended for good cause.

C. Voluntary Civil Action mediation Program. In civil cases which are not assigned for judicial arbitration or the Civil Action Mediation Program, the court strongly encourages the parties to participate in voluntary mediation as the form of alternate dispute resolution prior to the time the action is set for trial.

1. Order. Upon the agreement of the parties, the court will order mediation to be conducted in any long cause civil action in conformity with the terms of the agreement of the parties.
2. Agreement. The parties shall agree on the mediation provider, individual or entity, and any terms for the conducting of the mediation to be ordered by the court to effect timely and meaningful mediation in the particular case.

D. Court Calendar Mediation Program. As to short cause civil cases set for trial or hearing before the court, the court strongly encourages the parties to participate in voluntary mediation prior to the trial or hearing. The court plans, as resources permit, to make voluntary mediation available to parties on the day of the short case trial or hearing.

E. Panel Mediators. The court shall maintain a list of persons who are eligible to be selected as mediators and to conduct mediations in the court connected mediation programs set forth above. In order to be listed as a panel member, a written application must be submitted in the form required by the court and the persons must be determined to be qualified to act as a mediator. A mediator may be qualified and appointed to the panel by the ADR Program Coordinator or the Presiding Judge of the court. The court shall set the qualifications for listing on the court panel. These requirements shall, at a minimum, include the Model Qualification Standards for Mediations In Court Connected Mediation Programs as issued by the Administrative Office of the Courts.

F. Mediators. All mediators conducting court connected mediation shall be subject to compliance with the procedures and rules of conduct for mediation of civil cases in court mediation programs. CRC 3.835-3.860. Each mediator shall execute a written agreement for providing mediation services in the form required by the court. No person shall act as a mediator that has not been appointed to the panel and executed the written agreement, except those mediators specifically selected and agreed to by the parties in conformity with these rules.

G. Mediation Fees. In cases which involve civil action program court connected mediation with a panel mediator, the parties shall receive the first two (2) hours of actual mediation at no cost to the parties. The mediator may not consider preparation time as part of the two no fee hours nor may the mediator later charge for preparation time. Prior to the commencement of mediation, the mediator must present to the partiese and the parties execute a written agreement to pay a fee, not to exceed $200 per hour, for time incurred after the

end of the two no fee hours. If such a written agreement is not executed byt the parties, the parties will not be responsible for any fee charged by the mediator. The fee charged by the mediator pursuant to the written agreement of the parties shall be allocated equally, unless agreed otherwise.

H. Complaints. Any inquiry or complaint regarding court connected mediation or mediators shall be managed in accordance with the applicable rules of court. CRC 3.856-3.872. The person appointed by the court as the ADR Program Coordinator is designated as the Complaint Coordinator, whose identity and contact information may be obtained from the clerk of the court.

I. Application of Rules. These rules do not apply to mediation provided by the court, through Family Court Services, for the mandatory mediation of child custody and visitation issues pursuant to applicable provisions of the Family Code.
(eff. 1/1/2009, amd. 7/1/2015)

3.7 Media Coverage (eff. 1/1/2009)

A. The use of photographic, video or audio recording or transmission equipment in the courtroom is prohibited without advanced permission by the judge. Violators are subject to contempt of court (CRC § 1.150) and/or confiscation of the device(s).

B. Television cameras, video cameras and/or camera operators, still photographers, media reporters or any combination thereof shall not block corridors, block access to any court or hearing room, block the ingress or egress to and from the courthouse, block stairwells or block handicap ramps.

C. Any and all video, cell phone and other photography through courtroom windows or into the courtroom from the hallway is subject to the same restrictions that apply to the use of cameras in the courtroom and shall require prior approval by the judge of the affected courtroom. (See California Rules of Court § 1.150)

D. Court security personnel shall enforce this rule by moving any offending media personnel to the lobby areas of the courthouse when such move is consistent with the intent of this rule. Should any representative of the media continue to violate this rule, court security shall direct the offending media personnel to leave court property. Nothing in this rule shall affect the authority of law enforcement personnel to enforce laws under their jurisdiction.
(eff. 1/1/2009)

3.8 Nunc Pro Tunc Orders Correcting Errors (eff. 1/1/2009)

A. If a minute order, judgment, or decree fails to correctly state the order actually made by the court or contains a clerical error, the court will on its own motion make a nunc pro tunc order correcting the mistake. If such a correction is requested by a party it must be supported by an ex parte application and declaration.

B. If the nunc pro tunc order does not take the form of a completely amended order reflecting its nunc pro tunc character, it should be substantially in the following form:

> "On motion to correct a clerical error, the (identify the order to be corrected, giving the title and date thereof) is corrected nunc pro tunc by striking the following: (set forth the matter to be eliminated) and by inserting in lieu thereof the following: (set forth the correct matter)."

C. To prevent further errors, nothing less than a complete clause or sentence should be stricken, even if it is intended only to correct one word or figure. (eff. 1/1/2009)

3.9 Toxic and Hazardous Materials; and Firearms (eff. 1/1/2009)

A. Toxic, hazardous or potentially hazardous materials are not permitted in the courtroom without first obtaining permission from the court. Counsel's request must address the following:

1. A list of the technical and street names of said materials.

2. The types and size of the containers to be utilized for the materials.

3. The name of the person who will transport the materials into the courtroom and the name of the person who will remove the materials.

4. Where the materials will be stored, and the conditions under which the materials will be stored, viewed or handled.

5. An explanation as to why the material is hazardous or potentially hazardous and the remedies to be followed in the event of a spill, leak or other accident.

6. An explanation as to why the introduction of the materials into evidence must be accomplished by their physical presence in the courtroom, rather than proof of their existence by any other method.

B. Controlled or toxic substances in any form must be securely sealed in containers so that odors cannot be emitted.

C. Blood or urine samples, hypodermic needles or other objects containing blood, urine or other bodily fluids shall be permitted in the courtroom only when enclosed in a container sufficient to protect court personnel and other persons in court.

D. Toxic, physiological, hazardous or potentially hazardous materials shall include, but not be limited to all controlled substances commonly seized by narcotics officers and agents, and all chemicals, pesticides, and explosives, other than ammunitions. A comprehensive list of these materials is contained in the California Administrative Code Title 22, Division 4, Chapter 30, Article 9, entitled Hazardous Waste and Hazardous Materials.

E. All evidence of this nature will remain the responsibility of the person bringing such into a courtroom. When such evidence is introduced, the person previously in possession of the evidence shall take responsibility for it and store it pending the "final determination of the action" as defined by Penal Code § 1417.1.

F. Such exhibits must be retained by the submitting party/agency until notice of final determination of the action, as defined above, or the submitting party/agency has verified that fact.

G. This rule does not, nor does it intend to, interfere with or be contrary to any existing statute or case law that governs the introduction of or the viewing of evidence.

H. This rule is made for the protection of the public and all persons involved in the processes of the justice system of Lake County.

I. No firearm shall be marked as an exhibit, introduced into evidence or otherwise handled in the courtroom, unless it has been checked by the bailiff for safety and a gun lock has been attached to the trigger.
(eff. 1/1/2009)

3.10 Court Reporting Services (eff. 7/1/2009)

A. A court reporter will be available for reporting all proceedings in the court except traffic, small claims, misdemeanor, limited civil, and unlawful detainer matters.

B. In accordance with Government Code §68086 and California Rules of Court §2.956 when a party requests a court reporter and the reporter is not required by local rule §3.10(A) or by statute to report the court proceedings, such party shall provide and pay for a certified court reporter approved by the court.
(eff. 7/1/2009)

3.11 Interpreters (eff. 7/1/2009, amd. 7/1/2017)

Interpreters are provided by the court in actions where the court is required to do so by law. In such cases counsel shall notify the court at least five (5) days prior to the hearing that an interpreter is required. In all other cases, parties shall notify the court at least ten (10) days prior to the hearing that an interpreter is requested. The court will make reasonable efforts to provide an interpreter. The court retains the sole discretion to provide interpreter services in non-mandatory cases. (eff. 7/1/2009, amd. 7/1/2017)

CHAPTER 4 CRIMINAL PROCEEDINGS

4.1 Discovery (eff. 1/1/2010)

Motions for discovery shall be focused upon specific items which remain in dispute after presentation of informal requests. "Boilerplate" discovery motions are disfavored. Counsel shall meet and confer before the hearing of any discovery motion in a good faith effort to resolve or narrow the dispute issues. (eff. 1/1/2010)

4.2 Pretrial Motions (eff. 1/1/2010, amd. 7/1/2019)

A. Pre-Trial Motions

Unless otherwise ordered or specifically provided by law, all pretrial motions, accompanied by a memorandum, and all papers opposing the motion, and all reply papers, must be served and filed in accordance with California Rules of Court §4.111. (eff. 1/1/2010)

4.3 Setting of Dates (eff. 1/1/2010, amd. 7/1/2019)

A. Unless otherwise ordered for good cause, the court in felony cases at the arraignment on the information or indictment, shall set dates approximately as follows when the defendant does not enter a general waiver of the 60-day trial requirement:

1. Mandatory settlement and trial readiness conference four weeks after arraignment on the information or indictment;
2. Trial assignment in the master calendar department on the Friday before trial; and
3. Trial six weeks after arraignment on the information or indictment.

B. Unless otherwise ordered for good cause, the court in felony cases at the arraignment on the information or indictment, shall set dates approximately as

follows when the defendant does enter a general waiver of 60-day trial requirement:

1. Mandatory settlement and trial readiness conference ten weeks after arraignment on the information or indictment;
2. Trial assignment in the master calendar department on Friday before trial; and
3. Trial twelve weeks after arraignment on the information or indictment.

C. Unless otherwise ordered for good cause, the court in misdemeanor cases shall set a disposition or setting hearing within three weeks of the defendant's first appearance in the calendar court with appointed or retained counsel.

D. If a disposition is not reached and unless otherwise ordered for good cause, the court in misdemeanor cases at the time for disposition or setting of trial, shall set dates approximately as follows if the defendant enters a general waiver of 30-day or 45-day trial requirement:

1. Mandatory settlement and trial readiness conference three weeks after the disposition or setting hearing;
2. Trial assignment in the master calendar department on the Friday before trial; and
3. Trial five weeks after the disposition or setting hearing.

(eff. 1/1/2010, amd. 7/1/2019)

4.4 Mandatory Settlement and Trial Readiness Conference (eff. 1/1/2010, amd. 7/1/2019)

A. Attorneys and parties attending the settlement and trial readiness conference must have the authority to settle the case.

B. Both parties are encouraged to exchange formal authorized offers one week prior to the conference.

C. Before the conference, counsel shall confer among themselves, their clients and any alleged victims or law enforcement personnel in a good faith effort to achieve resolution of the case without trial.

D. At the conference counsel should be prepared to discuss the following:

1. Has all discovery been exchanged?
2. Will the defendant admit a charged prior?
3. Can any stipulations be entered concerning material facts in order to avoid bringing witnesses to trial?

4. Do the People intend to offer any statement of the defendant?
5. Are there any Aranda problems?
6. If the defendant testifies, do the People intend to offer evidence of a prior conviction for purposes of impeachment?
7. Do the People intend to offer evidence of uncharged offenses or evidence of bad character for any purpose?
8. Are there any other problems involving the admissibility of evidence?
9. What is the number of court days estimated for completion of trial?
10. Are there any problems involving the scheduling of witnesses?
11. Does any witness require the assistance of an interpreter?
12. Does any witness need to have counsel appointed?
13. Does the defendant require anything to improve his/her appearance before the jury, such as clothing or haircut?

Those lawyers who will try the case will attend the conference. If the case does not settle, counsel shall inform the court of the time estimate for trial and any special requirements that would affect the conduct of the trial.

E. Any motions in limine must be in writing and filed and served at the earliest opportunity, but not later than the commencement of the trial assignment hearing. (eff. 1/1/2010, amd. 7/1/2019)

4.5 Continuances (eff. 1/1/2010)

All criminal cases set for hearing or trial will proceed to hearing or trial on the date scheduled in the absence of good cause. No continuances will be granted unless the court is presented proof of good cause for a continuance in accordance with Penal Code §1050. A stipulation of counsel for hearing or trial continuance does not necessarily constitute good cause. (eff. 1/1/2010)

4.6 Felony Sentencing (eff. 1/1/2010)

A. Letters - Written statements of defendants and letters of reference or recommendation on behalf of defendants are to be submitted to the probation officer, not to the Court. Any such items must be submitted to the probation officer no later than 14 calendar days following conviction in order to be considered by the probation officer or Court. Written communications submitted ex-parte to the Court by or on behalf of defendants or victims will be rejected. Letters of reference or recommendation presented for the first time at the sentencing hearing may, in the discretion of the Judicial Officer, be rejected.

B. Notice of Intention to Present Evidence - A party seeking consideration of circumstances in aggravation or mitigation may file and serve a statement complying with the requirements of Penal Code 1170, subd. (b) and California Rules of Court §4.437. The facts contained in the probation report's "Summary of Offense" shall

be considered operative facts surrounding the offense absent any notice of intention to dispute facts. (eff. 1/1/2010)

4.7 Electronic Recordings (eff. 1/1/2011)

Transcripts required by California Rules of Court, Rule 2.1040, shall be lodged in the courts file and provided to opposing counsel no later than the trial assignment hearing. (eff. 1/1/2011)

CHAPTER 5 FAMILY LAW

5.1 Compliance with Civil Law and Motion Rules (eff. 6/30/91, amd. 1/1/2009)

Unless otherwise provided by statute all proceedings brought under the Family Code shall comply with the Civil Law and Motion Rules (Title Two, Division II,CRC § 3.1100) and the provisions of those rules are integrated into these rules by this reference to them. Every reference in those rules to a law and motion proceeding shall be deemed a reference to a family law proceeding. (eff. 6/30/91, amd. 1/1/2009)

5.2 Child, Spousal and Partner Support (eff. 6/30/91, amd. 1/1/2009)

A. Any order submitted containing provisions for child support must include a completed child support case registry FL191 form.

B. Pleadings

1. Declarations

Whenever possible, a computer support printout shall be attached to the pleadings or submitted to the Court at the time of the hearing by both moving and responding parties in all matters where child support and/or pendente lite spousal or partner support is at issue (but not permanent spousal or partner support.) In such matters, litigants are encouraged to attach to their pleadings and bring to the hearing a computer support printout for any possible income and time sharing findings the Court may reasonably make. If it is contended that the requested support is inappropriate, a declaration setting forth the disputed factors shall be attached to the responding pleadings. When required by law, declarations must address any changes of circumstances since any prior order.

2. Income and Expense Declaration/Financial Statement (simplified)

A current Income and Expense Declaration or, if applicable, Financial Statement (Simplified), shall be filed by both parties, and served on the other

party in advance of the hearing, when support is at-issue. If an Income and Expense Declaration or Financial Statement (Simplified) that was filed within the last three months is alleged to be current and relied on, a copy shall be attached to the moving or responding papers. All blanks on the form must be answered. Notations such as "Unk." For Unknown, "Est." for Estimated, "N/A" for Not applicable, and "None" shall be used to avoid leaving any item blank.

3. Tax Returns

The parties shall bring legible copies of their last 3 state and federal income tax returns to the hearing, including all attachments, specifically including all schedules, w-2 forms, 1099 forms, and amendments. If the tax return for the prior year is not available, self -employed parties shall bring their most recent profit and loss statements, balance sheets, quarterly sales tax reports, the last filed tax return, or similar documentation evidencing income from all sources. If a self employed party operates as a corporation, the last corporate tax return shall also be produced. If the tax return for the prior year is not available for an employee, that person shall bring paystub(s) for the prior year-end showing all income for the prior year.

C. Temporary Spousal or Partner Support Formula

Temporary spousal or partner support is generally computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for the tax consequences. The temporary spousal/partner support calculations apply these assumptions. In performing electronic calculations of temporary spousal/partner support the parties should therefore use the Santa Clara guideline formula.

No case on the family law calendar will be heard unless and until counsel and the parties have conferred in an effort to resolve all issues. All documentary evidence that is to be relied on for proof of any material fact shall be exchanged by counsel while conferring. Failure to meet and confer or exchange documents may result in the matter being dropped from calendar, continued, or the court may order other appropriate sanctions.

The meet and confer requirement is to be initiated by the moving party and/or the moving party's attorney. Unless impossible to do so, the meet and confer may be by telephone and shall occur prior to the day of the hearing, unless the matter is served or the attorney is retained, the day prior to the hearing.
(eff. 6/30/91, amd. 1/1/2009)

5.3 Family Law Facilitator (eff. 1/1/2009)

The Family Law Facilitator is authorized to perform all duties set forth in Family Code § 10005 and other such duties as the court may prescribe. (eff. 1/1/2009)

5.4 Mediation (eff. 1/1/2009, amd. 1/1/2012)

A. All contested child custody and visitation matters must be scheduled for mediation. Lake County is a confidential county and mediation shall be confidential. Confidentiality is not protected where the mediator has to fulfill her/his responsibilities as a mandated reporter of suspected child abuse or is required to warn of threatened violent behavior against a reasonably identifiable victim or victims. The mediator does not provide recommendations to the court regarding custody and visitation if agreement is not reached in mediation. The mediator will notify the court if an agreement is reached or not.

B. Prior to mediation each parent must attend a parent orientation workshop. The petitioner should sign up to attend the workshop in conjunction with the filing of his or her initial papers. The respondent should sign up to attend the workshop as soon as practicable after being served with papers. It is not necessary that the parents attend the same workshop. Alternatively, parents may sign up for and/or attend the workshop on the day of their first court appearance. Classes are approximately 2 hours in length and are generally held every Monday morning that is not a court holiday. Class schedules can be obtained at the clerk's office. Children must not be brought to parent orientation.

C. Attorneys are not allowed in child custody mediation sessions.
(eff. 1/1/2009, amd. 1/1/2012)

5.5 Evaluations Pursuant to Family Code § 3110 (eff. 1/1/2009)

A. Any case in which custody or visitation remains in dispute after completion of mediation, the court, in its discretion, may appoint an evaluator pursuant to Family Code § 3110. The case shall not be referred to the person who conducted the original mediation unless parties stipulate to the referral. In the interest of saving time and expense to the parties, the evaluation may be limited in scope to the questions that the court requires answered. The court will identify in a written order the scope and specific questions to be addressed in the evaluation. The evaluation report and recommendations are governed by Family Code § 3111. The evaluator will interview the parents and the children and may conduct collateral interviews with friends, teachers, counselors and medical professionals in order to verify information provided by the parties. The evaluator will provide the court with a written report and recommendations on the issues of custody, visitation and/or a proposed parenting plan. The evaluation report and recommendation will be reviewed and considered by the court. The court may order the parties to reimburse the court for the costs of the evaluation.

B. When the court refers the matter for an evaluation, it is considered a court appointment pursuant to Evidence Code § 730. The evaluation report will be read and considered by the court at motion hearing or at trial.

C. The party who wishes to have the evaluator present at the evidentiary hearing/trial must notify the evaluator at least 20 days prior to the evidentiary hearing/trial date and subpoena that person at least five days prior to the evidentiary hearing/trial date. The party who subpoenas the evaluator to testify is responsible for paying the evaluator's fee for his or her appearance and testimony at the evidentiary hearing/trial.
(eff. 1/1/2009)

5.6 Mediator Selection and Complaint Procedure (eff. 1/1/2009)

A. In light of the small pool of mediators/evaluators the court will not permit a peremptory challenge. However, a challenge for cause may be presented to the court within five days of the appointment. The challenge for cause may be made on an ex parte basis giving the opposing side at least 24 hours notice.

B. The court is committed to the delivery of quality mediation and evaluation services. If parties have concerns about their mediation or evaluation, they should first address concerns directly to their mediator or evaluator. If parties are not satisfied with the mediator or evaluator's response, they may submit a written complaint to the Court Executive Officer at 255 N. Forbes, Lakeport, CA 95453.
(eff. 1/1/2009)

5.7 Mediation Other Than Child Custody Matters (eff. 1/1/2009)

Although the court does not mandate mediation of family issues other than those related to the child(ren), it is preferred that parties and counsel obtain the services of a private sector mediator for negotiation of all non-child custody and visitation issues which they are unable to otherwise resolve. (eff. 1/1/2009)

5.8 Family Centered Case Review Program (eff. 1/1/2012)

The Court is implementing a Family Centered Case Review Program in order to promote the prompt disposition of family law actions, to expedite the processing of the case, and to reduce the stress and cost of family law litigation, pursuant to Family Code § 2450. The program components are as follows:

A. Case Flow Standards

1. Case Review Conference - Each case is scheduled for case review conferences. Attendance at calendared case review conferences is required either in person or by telephone unless otherwise specified by the court. The court may set further case review conferences for any stage of the proceedings, set other hearings as appropriate or refer self-represented litigants to the Family Law Facilitator's Office.

2. Proof of Service - Unless the initial pleadings are served within 60 days of filing and a proof of service filed with the court, attendance is mandatory, and petitioner is required to file Family Law Status Report (LK100) with only items 1 and 2 completed.

3. Declaration Regarding Service of the Preliminary Declarations of Disclosure (FL141) - Parties must file the Declaration Regarding Service of Preliminary Declaration of Disclosure (FL-141) before the second calendared case review conference. See chart below "Case Plan Disposition Time Standards and Court Events."

4. Income and Expense Declaration (FL150) or Financial Statement Simplified (FL-155) - Parties who request support, fees or costs, must serve and file the Income and Expense Declaration (FL-150) or Financial Statement Simplified (FL-155) before the second calendared case resolution conference. See the following chart "Case Plan Disposition Time Standards and Court Events."

5. Mandatory Settlement Conference Statement (LK 101) - This form must be filed with the court prior to the Mandatory Settlement Conference. Before filing this form, the parties must meet and confer in person or by telephone regarding the case unless a protective order, as defined by Family Code § 6218, is in place. Each party must complete this form.

B. Case Plan Disposition Time Standards and Court Events

From Filing Date	Court Event and Documents to be Filed by Parties Prior to Court Event
Approximately 60 days	Case Review Conference regarding the filing of the Proof of Service. No appearance will be necessary if the following documents have been filed prior to the scheduled court date: a. Valid proof of service of summons; b. Family Law Status Report (LK-100) (Items 1 & 2 only).

Approximately 180 days	Case Review Conference regarding status. No appearance is necessary if the following documents are filed prior to the scheduled court date: a. Request to Enter Default (FL-165) and judgment forms; or b. Response (FL-120) or (FL-220); Declarations re Preliminary Declaration of Disclosure (FL-141); and Family Law Status Report (LK-100) (Dissolution/Legal Separation Only) If compelling circumstances exist and a default or response cannot be filed, you may file a Family Law Status Report with an attached declaration detailing the circumstances. **A mandatory settlement conference and trial date will be set by the court as necessary after filing requirements set forth above are completed.**
Approximately 15 days Prior to the Mandatory Settlement Conference	The following must be filed fifteen (15) days prior to the Mandatory Settlement Conference: a. Mandatory Settlement Conference Statements (LK-101); and b. Current Income and Expense Declarations (FL-150), or Financial Statement Simplified (FL-155) if support, fees or costs are requested; and c. Property Declarations (FL-160); and d. Witness Lists (LK-102).
Approximately 200 to 300 Days	Mandatory Settlement Conference
Approximately 260 to 360 Days	Trial if needed
Approximately 260 to 360 Days	Case Review Conference regarding filing the judgment

C. Results of Failure to Comply with Case Flow Rules

All family law cases will be reviewed for compliance with these rules, and orders to show cause may be issued for failure to comply. Failure of party or parties to comply with these family law rules, including failing to appear at a mandatory court event or failing to file required forms, may result in the sanctions referenced in Section 1.6 “Sanctions for Non-Compliance” of these local rules.

D. Mandatory Settlement Conferences

A mandatory settlement conference and trial date will be calendared by the court according to the case disposition time standards and court events outlined in section 5.8B of these rules. However, a party may request an earlier date for the mandatory settlement conference and trial. A counter request may be filed within ten (10) days after service. The mandatory settlement conference and trial will then be set no earlier than the later date requested in either the request or counter request.

All contested cases shall be set for mandatory settlement conference.

Each party must complete and file the following fifteen (15) days before the mandatory settlement conference:

1. Current Income and Expense Declarations (FL-150) or Financial Statement Simplified (FL-155), if support, fees, or costs are requested;

2. Mandatory Settlement Conference Statement (LK-101);

3. Property Declaration (FL-160);

4. Witness List (LK-102 optional form) The parties must exchange and file their witness lists that identify all witnesses to be called in their case in chief. The list should include a brief statement of what the witness will testify to and a time estimate of the direct examination of that witness.

E. File Document Review

All cases will be reviewed prior to the mandatory settlement conference to determine if the parties have complied with the filing deadlines contained in this section. If a party has not met the requirements of this section, the mandatory settlement conference may be continued and an order to show cause for sanctions of the non-complying party may be set by the court.

F. Reinstatement of Dismissed Cases

A party to a case dismissed under these rules may apply within 6 months to have their case reinstated under CCP 473(b). The court may reinstate the case upon such terms and conditions as the court deems just.

G. Reconciliation

Parties who indicate to the court that they are attempting reconciliation will be relieved of the case plan disposition standards. If, however a dismissal or

judgment is not filed within 12 months of filing the Petition, the court will set the case for a case review conference.
(eff**.** 1/1/2012)

5.9 Request for Emergency Family Law Orders (Ex Parte Orders) (new 7/1/2014)

A. Compliance

A Request for Order (FL-300); which requests the issuance of a Temporary Emergency Court Order (FL-305), shall comply with the procedures set forth in rules 5.151 to 5.170, California Rules of Court. The court will not consider any ex parte communication from counsel or a party unless made in the manner prescribed by these rules, the California Rules of Court, or by the laws of the State. This rule applies to all requests for temporary emergency court orders (ex parte orders) issued pursuant to the Family Code, except this rule does not apply to ex parte applications for domestic violence restraining orders issued pursuant to the Domestic Violence Prevention Act or orders on procedural matters for which notice is not required.

B. Required Papers

A request for a temporary emergency order shall include all of the required forms for the relief requested in the Request For Order (FL-300) fully completed to provide all relevant information required by each form, must identify the specific order(s) requested by the party and include the form of Temporary Emergency Court Orders (FL-305). The request shall also include a separate declaration regarding notice of the request in the form and containing the information required by Rule 5.151(e), California Rules of Court, and as provided herein.

C. Separate Declaration Regarding Notice Of Request

The court will not act to review the request for issuance of a temporary emergency court order unless a separate declaration regarding notice is presented to the court which demonstrates that the other party has either been given proper notice of the request or demonstrates an affirmative factual showing of good cause for the court to waive notice. In the event a declaration regarding notice is not submitted, the request for the emergency order shall be denied. The court will not act to review or consider the other papers of the request unless the court finds that proper notice of the request has been given or finds good cause for a waiver of notice based solely on the contents of the separate declaration regarding notice. The denial of the request for the temporary emergency order for the reason that a separate declaration regarding notice was not submitted shall be without prejudice to a new request being made in compliance with this rule. Upon such denial of the request for an

emergency order, the request shall be set by the court for a noticed hearing. A party may use Local Form LK-150, Declaration Regarding Notice of Ex Parte Request for Temporary Emergency Court Order for the required declaration regarding notice.

D. Request Based on Waiver of Notice

In the event the party presenting the request seeks the issuance of the order without notice to the other party, the separate declaration regarding notice shall state such request and must demonstrate, without reference to or incorporation by reference of other papers, other than exhibits attached to the declaration, good cause based on an affirmative factual showing that:

1. Giving notice would frustrate the purpose of the requested orders; or

2. Giving notice would likely result in immediate and irreparable harm to the applicant or the children; or

3. Giving notice would result in immediate or irreparable damage or loss of property; or

4. The applicant has made reasonable and good faith efforts to give notice to the other party and further attempts to give notice would likely be futile and burdensome.

E. Submission of Request Based on Waiver of Notice

A request for a temporary emergency court order, which is based on an application for waiver of notice and supported by a separate declaration regarding notice, may be submitted to the clerk of the court at any time. The court shall act to review and consider the separate declaration regarding notice only to determine whether good cause exists for a waiver of notice. If good cause is not shown, the request for the issuance of the temporary emergency court order shall be denied for that reason. Upon the denial of the application for a waiver of notice, the court shall set the request for a noticed hearing. In the event the court finds good cause and the requirement of notice is waived, the court shall consider and act on the request for issuance of the temporary emergency order on the merits solely on the papers submitted and, upon granting or denying such an order, shall set a noticed hearing on the request.

F. Submission of Request Based on Notice

A request for a temporary emergency court order, which is based on notice of the making of the request, may be submitted to the clerk of the court at any time for presentation to the court. The request shall be deemed submitted to the court at 10:00 a.m. the next court day where notice of the application for the request is given before 10:00 a.m. on the prior court day, except as may be otherwise specifically ordered. In the event the notice of the request is made after 10:00 a.m. on a court day, the request will be deemed submitted as of 10:00 a.m. on the second court day following the notice for review and action by the court, except as may be otherwise ordered. The party making the request is responsible for giving notice and service of the request to all parties, or counsel, as set forth hereinafter.

G. Notice and Service of Request

The required notice shall consist of notice given in the time and manner required by the Rules of Court and the service of all papers of the request upon each self-represented party and all counsel of record. Notice shall be deemed given as of the date and time, set forth in the separate declaration regarding notice, when the moving papers are served. Service of papers requires personal service or, upon written consent, by facsimile transmission, with either a printed electronic confirmation of receipt or the sender's declaration that the recipient has acknowledged receipt, or, service by mail, in which case notice shall not be complete until five (5) calendar days after deposit except where service is by next day delivery whereby case notice shall not be complete until two (2) calendar days after the carrier receives the papers served. The party making the request shall provide the required proof of service as part of the declaration regarding notice.

H. Contents of Request

The Request for Order (FL-300) must contain therein, or have attached thereto, the declaration of applicant and such other declarations, based on personal knowledge of the person signing the declaration, to provide the information, pursuant to Rule 5.151, as follows:

1. In all applications, an affirmative factual showing of irreparable harm, immediate danger or other statutory basis for the court to grant the ex parte temporary court order.

2. An application for emergency temporary court orders granting or modifying child custody or visitation must:

    a. Provide a full, detailed description of the most recent incidents showing:

        i. Immediate harm to the child as defined in Family Code section 3064(b); or

        ii. Immediate risk that the child will be removed from the State of California.

    b. Specify the date of each incident described in (A);

    c. Advise the court of the existing custody and visitation (parenting time) arrangements and how they would be changed by the request for emergency orders;

    e. Include a copy of the current custody orders, if they are available. If no orders exist, explain where and with whom the child is currently living; and

    f. Include a completed *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (FL-105) if the form was not already filed by a party or if the information has changed since it was filed.

        i. The manner in which the emergency temporary order/restraining order will result in a change to the current situation or status quo of the parties.

        ii. The disclosure of all prior applications for orders made regarding the same issue, even if made upon a different set of facts and whether any orders have been previously made.

iii. The name, address and telephone number as known to the applicant, of any attorney for any party or for the other party to the case if the party is not known to have an attorney.

I. Action on Request

All requests for temporary emergency court orders shall be acted on by the court on the papers submitted. No hearings shall be set for further evidence and/or arguments unless ordered by the court upon the court's review of the request and any written opposition to the request.

J. Opposition to Request

Except as may be otherwise ordered by the court, any party seeking to oppose the request shall serve and file a written opposition to the application by 10:00 a.m. on the day the request is deemed submitted to the court for review and action by operation of this rule. The written opposition shall include a Responsive Declaration (FL- 320) and any other declarations and documents opposing the request.

K. Request to Set Aside Temporary Emergency Order

A request to set aside a temporary emergency court order issued by the court, either based on a waiver of notice or notice being given, made prior to the date set for hearing, shall be made in the same manner as described in this rule. Upon such a request, the court may act to order an earlier hearing date or modify the order(s) in lieu of termination of the order(s) or may terminate the order(s), on a proper showing, pending the hearing.

L. Order Shortening Time

A request for an order shortening time shall be submitted as an ex parte request on a Request For Order (FL-300) and shall comply with Rule 5.151, California Rules of Court, including the submission of a separate declaration regarding notice, as described by the rule, and the contents of the request, as described by this rule, demonstrating an affirmative factual showing upon which the court may issue an order shortening time for hearing and/or service. A request for an order shortening time will be processed and acted upon in the manner set forth in this rule. In acting upon a request for an emergency temporary court order the court may in granting or denying, in whole or in part, the requested temporary emergency order, make an order shortening time for service and/or hearing on the request for orders. (new 7/1/2014)

5.10 Appointment of Counsel to Represent Child and Complaint Procedure (new 7/1/2017)

A. Upon the Court's own motion, or upon written motion, the court may appoint counsel to represent the child, when in the best interests of the child, pursuant to Family Code section 3150.

B. Unless otherwise ordered, full payment of the reasonable costs of counsel appointed pursuant to Family Code section 3150 as determined by the court shall be shared by the parties in equal amounts.

C. Complaints regarding the conduct of counsel appointed for a child shall be in writing and will be handled by the judicial officer to whom the case is assigned. The complaint shall be served on all counsel and self-represented parties. The Court will determine what action, if any, to take including whether the complaint should be referred to the appropriate professional licensing board, and if counsel should be barred from future court appointments. Written notice to the complainant that appropriate action has been taken will be provided within 90 days of the complaint. (new 7/1/2017)

CHAPTER 6 PROBATE

6.1 Applicability of Rules (eff. 6/30/91, amd. 1/1/2009)

The rules stated in this chapter shall govern all proceedings brought pursuant to the Probate Code. (eff. 6/30/91, amd. 1/1/2009)

6.2 Submission of Matter Without Appearance by Counsel or Witnesses (eff. 6/30/91, amd. 1/1/2009)

A matter that by law may be determined upon declaration, affidavit or verified pleading and without testimony, may ordinarily be submitted for appropriate action by the court without appearance by counsel or witnesses provided that all necessary papers, including declarations and proposed orders, must be delivered to the clerk within the time limit prescribed by rule 3.3. (eff. 6/30/91, amd. 1/1/2009)

6.3 Non-resident Personal Representative to Furnish Bond Notwithstanding waiver (eff. 6/30/91, amd. 1/1/2009)

Notwithstanding a waiver of bond arising by operation of law or contained in any will by which a personal representative is nominated, every non-resident of the state of California shall furnish the required statutory bond as a condition of appointment as personal representative unless a waiver of bond is filed by all of the heirs of the decedent's estate and approved by the court. (eff. 6/30/91, amd. 1/1/2009)

6.4 Required Form of Accounts (eff. 6/30/91, amd. 1/1/2009)

All accounts filed in probate proceedings, which shall include estates, guardianship, conservatorship and testamentary trust accounts, shall conform to California Probate Code § 1061 through 1064 as they may be amended, and to the extent possible shall be set forth on forms approved by the Judicial Council. (eff. 6/30/91, amd. 1/1/2009)

6.5 Appointment of Expert to Analyze Complex Accounts and Surcharge of Cost Against Representative (eff. 6/30/91)

When, because of the volume or complexity of an account, an analysis thereof by the court would appear to be unusually time consuming or difficult, the court will, on its on motion, appoint an expert - usually a certified public accountant - to analyze the account and report findings to the court. The compensation for such expert shall be fixed by the court and ordered paid from the assets of the estate as a cost of administration. If the court finds that the account was unnecessarily voluminous or complex, the representative shall be surcharged the amount of such compensation. (eff. 6/30/91)

6.6 Allowance of Claims of Personal Representatives (eff. 6/30/91)

Claims of personal representatives will be allowed pursuant to Probate Code §9252 only upon a written petition for the allowance thereof, after every person interested in the estate shall have been given notice of hearing of said petition in the manner provided by Probate Code §1220. (eff. 6/30/91)

6.7 Statement Regarding Bond On Inventory and Appraisal (eff. 6/30/91)

Counsel for the personal representative or the personal representative, if acting without counsel, will complete all appropriate statements regarding the representative's bond which are called for upon the inventory and appraisal form in current use with the approval of the Judicial Council of California. (eff. 6/30/91)

6.8 Amount of Personal Representative's Bond Where Independent Administration is Authorized (eff. 6/30/91, amd. 1/1/2009)

In proceedings in which authority is sought pursuant to the Independent Administration of Estates Act (Probate Code §10400, et seq.) which would authorize the personal representative to sell real property without court supervision, the petition for probate will disclose the estimated net value of the decedent's real property and the order for probate will fix the amount of the bond required of the personal representative at not less than the aggregate of the estimated value of the decedent's personal property, the estimated net value of the real property, and the estimated value of the probable annual gross income of all of the property belonging to the estate, or, if the bond is to be given by personal sureties, at not less than twice that amount. (See Probate Code §10453) (eff. 6/30/91, amd. 1/1/2009)

6.9 Accountings (new 7/1/2018)

The conservator or guardian may either arrange to pick up the original lodged confidential supporting documents or provide a self-addressed stamped envelope for their return upon final determination and approval of the conservator's account by the Court. If the conservator or guardian is picking up lodged documents in person, they must sign a receipt pursuant to CCP § 1952.2. Any documents so lodged, which are not accompanied by a self-addressed stamped envelope or in the alternative not picked up and a receipt signed, may be destroyed by the clerk 45 days after the hearing. (See Probate Code §2620) (eff. 7/1/2018)

6.10 Court Investigator Fees (new 7/1/2018)

Unless investigator fees are waived due to hardship per Probate Code sections 1851.5 or 1513.1, the petitioner is responsible for payment of the cost of the investigation.

Any time a court appointed investigator is subpoenaed to testify, the subpoenaing party shall be responsible for payment of the court investigator's fees of $220 half day or $440 full day. Fees shall be paid directly to the court investigator prior to the date of testimony. (eff. 7/1/2018)

CHAPTER 7 LAW AND MOTION

7.1 Applicability of Rules (eff. 6/30/91)

The rules stated in this chapter, as well as those stated in Chapter 3, shall govern all law and motion proceedings. (eff. 6/30/91)

7.2 Compliance with Civil Law and Motion Rules (eff. 6/30/91, amd. 1/1/2009)

Compliance is required with the Civil Law and Motion Rules (Title Two, Division II, California Rules of Court, commencing with rule 3.1100) and the provisions of those rules are integrated into these rules by this reference to them. (eff. 6/30/91, amd. 1/1/2009)

CHAPTER 8 CASE MANAGEMENT

8.1 Authority (eff. 1/1/92 amd. 1/1/2009)

The rules in this chapter are adopted pursuant to the authority of Government Code sections § 68070 and 68612 in implementation of the Trial Court Delay Reduction Act (Gov't. C. § 68600-68619). Rules relating to differential case Management are also authorized by CRC § 3.710. (eff. 1/1/92 amd. 1/1/2009)

8.2 Scope (eff. 6/30/91 amd. 1/1/2009)

The rules in this chapter apply to all general civil cases filed before or after the effective date of the rules. "General civil case" means all limited and unlimited civil cases but exclude probate, guardianship, conservatorship, juvenile court proceedings, small claims appeals, and "other civil petitions" as defined in the Regulations on Superior Court Reports to the Judicial Council, including petitions for writ of mandate or prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name. (eff. 6/30/91 amd. 1/1/2009)

8.3 Procedural Time Standards (eff. 6/30/91, amd. 1/1/2009)

Procedural events in the progression of a case will occur in accordance with the following time standards:

Service of Summons and Complaint. Summons and complaint will be served no later than 60 days after the filing of the complaint, unless an extension is procured by an ex parte application to the presiding judge.

Filing Proof of Service: Proof of service of the summons and complaint will be filed with the clerk no later than 10 days after the event of service.

Responsive Pleadings to Complaint or Cross-complaint. Responsive pleadings (answer, demurrer, defendant's or cross-defendant's initial motion, cross-complaint) will be served upon each party entitled to service no later than 30 days after service of the complaint or cross-complaint upon such party, unless an extension not exceeding 15 days is stipulated to by the parties or an extension is procured by an ex parte application to the presiding judge.

Default: Counsel for each plaintiff or cross-complainant to whose complaint or cross-complaint there has not been filed a responsive pleading will apply for the entry of the default of each non-responding party no later than 10 days following the expiration of the time limit set by this rule for such response. (eff. 6/30/91, amd. 1/1/2009)

8.4 Case Management Conference (eff. 6/30/91, amd. 1/1/2009)

After the expiration of a period of 135 days following the filing of the complaint, every case which has not been placed upon the civil active list, will be set for a case management conference. Counsel for each party in the action and each party, when not represented by counsel, will attend the conference and will be prepared to respond on the subjects specified in the notice of the conference and, in addition, on the following items:

A. Service of process on parties not yet served;

B. Jurisdiction and venue;

C. Proposed joinder of other parties;

D. Proposed discovery and unresolved discovery controversies;

E. The substance of the parties' claims and defenses and the definition of genuinely controverted issues;

F. Anticipated motions;

G. The assignment of a differential case management plan for the case and the need for adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

H. The advisability of referring the matter to a referee;

I. The advisability of adopting special procedures such as the bifurcation or severance of issues for trial;

J. The advisability of scheduling an early settlement conference;

K. Referral to early mediation or other ADR process, and

L. Any other matters which may be conducive to the just, efficient and economical determination of the case.

A noticed conference may be continued only on the order of the presiding judge of the civil department. A request for a continuance shall be supported by a stipulation and a declaration stating the reason for the request.

(eff. 6/30/91, amd. 1/1/2009)

8.5 Case Management Conference Statement (eff. 1/1/2009)

No later than 15 days prior to the first case management conference all parties are required to file a case management conference statement on a form approved by the Judicial Council. Further case management conference statements are not required unless ordered by the court. (eff. 1/1/2009)

8.6 Differential Case Management (eff. 1/1/92, amd. 1/1/2009)

A. Pursuant to CRC § 3.714 each case shall be evaluated and assigned to one of the following plans:

Plan 1 - Disposition with 12 months from the filing.

Plan 2 - Disposition within 18 months from the date of filing.

Plan 3 - Disposition within 24 months from the date of filing.

Cases will be presumed to be subject to the case-management disposition goals under Plan 1. All cases will be assigned to this category until disposition or the entry of an order changing its designation.

B. At the first case management conference, consideration will be given to:

1. Assignment of the case to case management Plan 2 or case management Plan 3; or

2. Designation of the case as "uninsured motorist," pursuant to CRC § 371.12(b); or,

3 Designation of the case as exempt from differential case management by reason of exceptional circumstances, pursuant to CRC § 3.714(c), in which case there will be established a case-progression plan and a procedure to monitor case progression in order to assure disposition with 3 years; or,

4. At the time the case is set for trial it will also be set for an arbitration conference, mandatory settlement, and trial assignment conference.

(eff. 1/1/92, amd. 1/1/2009)

8.7 Case Management Conference Order (eff. 6/30/91 amd. 1/1/2009)

Following any case management conference conducted pursuant to rule 8.4, the judge conducting the conference will enter an order 1) continuing the conference, or 2) addressing the items specified in rule 8.4, or 3) deem the case at-issue and direct that the it be set for trial. Such order, until modified, shall govern all further proceedings. Copies of the order shall be served on all parties who have appeared in the action. (eff. 6/30/91 amd. 1/1/2009)

8.8 Dismissal Calendar (eff. 6/30/91, amd. 1/1/2012)

As frequently as needed there will be a dismissal calendar, on which the clerk will place all unresolved cases in which the complaint was filed more than 5 years before the date of the dismissal calendar. Notice will be given to the parties, by the clerk, 50 days in advance of the date of the dismissal calendar. A party

desiring to oppose the dismissal of the case for lack of prosecution pursuant to Code of Civil Procedure § 583.310-583.360 must file with the clerk, within 15 days after the date of the clerk's notice, a written opposition to the dismissal and, thereafter, shall promptly file declarations containing whatever evidentiary showing is desired to be given in support of the opposition. At the dismissal calendar, the case will be dismissed unless opposition to the dismissal has been filed in accordance with this rule and the case may be dismissed, notwithstanding such opposition. (eff. 6/30/91, amd. 1/1/2012)

CHAPTER 9 SETTING CIVIL CASES FOR TRIAL AND FOR PRE-TRIAL AND MANDATORY SETTLEMENT CONFERENCES

9.1 Authority of Calendar Coordinator Regarding Settings (eff. 6/30/91, amd. 1/1/2009)

The setting of cases for trial, trial assignment, and mandatory settlement conferences is done by the presiding judge of the superior court, who has delegated partial authority in these matters to the calendar coordinator who is also responsible for the setting of the arbitration conference. The clerk of the court does not perform any function with respect to settings. (eff. 6/30/91, amd. 1/1/2009)

9.2 Civil Active List (eff. 6/30/91 amd. 1/1/2009)

When the presiding judge of the civil department or the calendar coordinator deems a case to be at issue, the case will be placed on the civil active list and set for trial by the calendar coordinator. (eff. 6/30/91 amd. 1/1/2009)

9.3 Setting Cases for Trial (eff. 6/30/91 amd. 1/1/2009)

Trial dates will be selected by the presiding judge of the civil department or the calendar coordinator who will consider the nature of the case, the information provided by the case management conference statement, and the condition of the court's calendar. Actual setting of case for trial will be by written notice issued by the calendar coordinator. (eff. 6/30/91 amd. 1/1/2009)

9.4 Requests for Changes in Trial Dates (eff. 6/30/91 amd. 1/1/2009)

A. Dates For Trial Are Firm

All dates for trial are firm and no trial date will be changed without court approval. Motions to advance a trial date, to reset or specially-set a case for trial, or to continue a trial date must made on written notice to all parties who have appeared, and must be set for hearing.

B. Motions and Stipulations for Continuance Of Trial

1. A motion for continuance of a trial date must be noticed for hearing as soon as possible after the need for continuance has been determined. No continuance will be granted except upon an affirmative showing of good cause (CRC § 3.1332).

2. A stipulation to continue a trial, or to vacate a trial date and calendar the matter for re-setting, may be accepted in lieu of a motion as long as 1) all parties agree in writing; 2) the terms of the written stipulation set forth good cause pursuant to § 9 of the Standards of Judicial Administration and CRC § 3.1332(a), and further state that the stipulation is subject to approval by the court; and 3) the stipulation is accompanied by a proposed order.

3. The court may refuse to grant a requested trial continuance if it is not timely, or if it fails to meet the requirements specified in this section.

C. Effect of Continuance.

If a trial date is vacated and not reset it will be set for further proceedings on the regular case management calendar, and at least five (5) days before that date each party must file a current and complete casement management statement (JC Form CM 110). The time limits specified in CRC 3.725 do not apply to case management statements filed after a trial date has been vacated.

(eff. 6/30/91 amd. 1/1/2009)

CHAPTER 10 MANDATORY SETTLEMENT CONFERENCE

10.1 Authority for Rules (eff. 6/30/91)

The rules contained in this chapter are adopted pursuant to CRC § 3.1380. (eff. 6/30/91)

10.2 Time and Purpose of Conference (eff. 6/30/91 amd. 1/1/2010, 1/1/2011)

A. Every civil proceeding in which the trial is estimated to be one day or more shall be set for a mandatory settlement conference at a time to be fixed by order of the court. The purpose of the conference is to produce a settlement of the case or to narrow the issues and evidence to be presented at trial.

B. Any application to the court to excuse attendance of any person whose attendance is required by CRC § 3.1380(b) shall be made to the regularly assigned judicial officer not less than five (5) days before the date set for the settlement conference with copies of the request delivered concurrently to all other parties or their counsel.

C. Any person whose presence at a settlement conference is required by CRC § 3.1380(b) may be excused by order of the court for good cause shown but, if so excused, shall be and remain immediately available for telephone communication with counsel and the court at the time set for and throughout the settlement conference.

(eff. 6/30/91 amd. 1/1/2010, 1/1/2011)

10.3 Presence or Accessibility of Attorneys, Parties and Others (eff. 6/30/91 amd. 1/1/2009, 1/1/2011)

At the mandatory settlement conference, each party appearing in an action must be personally present unless excused by the judicial officer. Corporate parties must be represented by a responsible officer - other than counsel for such parties - authorized to make all decisions regarding the case subject only to approval of any governing board having the ultimate power to make such decisions. By way of illustrating the character of the representative of a governmental party, it is expected that the responsible officer, in the case of a city, would be the city manager or mayor and, in the case of a county, would be the county administrator or the chairperson of the board of supervisors. For every party appearing in the action, counsel who will actually try the case must attend the conference. In any tort case wherein a party who might be liable for damages has insurance coverage, the insurance company shall have present, throughout the entire duration of the conference, a representative who shall be authorized to make all decisions regarding the case unless excused by a judicial officer.

(eff. 6/30/91 amd. 1/1/2009, 1/1/2011)

10.4 Vacating Conference (eff. 6/30/91 amd. 1/1/2010, 1/1/2011)

10.5 Duties of Counsel and Parties Prior to Conference (eff. 6/30/91 amd. 1/1/2009)

A. At least ten days before the conference, each party shall lodge with the clerk and serve upon all parties or their counsel, a detailed settlement conference statement composed in accordance with CRC § 3.1380(c). The statement will not form a part of the clerk's file but will be retained separately and temporarily by the clerk following the conference.

The settlement conference statement shall be in writing and shall describe the case and all relevant legal issues, factual issues, and conditions. The statement and supporting material must be sufficiently detailed to enable the settlement conference judge or pro tem judge to conduct a meaningful settlement conference.

B. The attorney(s) for each party or each party representing themselves claiming damages shall include in the settlement conference statement a list of

all special damages claimed, and shall supply corroborating evidence, to be available for examination by the settlement conference judge. In a personal injury action, the special damages for each plaintiff should be up-to-date listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any. In family law cases, all financial documents and information shall be informally exchanged at least 21 days prior to the conference.

Opposing parties shall bring with them copies of all reports and records of all examining doctors or other experts employed by them or their insurance carriers(s), if any, who examined plaintiff's claims, to be available for consideration by the settlement conference judge.

C. All parties and their counsel shall organize in advance and bring to the conference such medical reports and records and any deposition (with relevant pages premarked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge. (eff. 6/30/91 amd. 1/1/2009)

10.6 Sanctions (eff. 6/30/91)

The failure of any person to appear at, prepare for, or participate in good faith in a mandatory settlement conference, in conformity with the requirements of this chapter, unless good cause is shown for such failure, is an unlawful interference with the proceedings of the court and, in addition to any other sanction available, for such failure the court may order the person at fault to pay the opposing party's reasonable expenses and counsel fees, and may order an appropriate change in the calendar status of the action. (eff. 6/30/91)

CHAPTER 11 FEES OF ATTORNEYS AND FIDUCIARIES

11.1 Attorneys' Fees in Guardianship and Conservatorship Proceedings (eff. 6/30/91)

Attorneys for guardians and conservators are compensated according to the work actually performed. The size of the estate corpus and the responsibility assumed by the attorney are only two of the factors considered in arriving at the value of the services. Application for attorney's fees must be accompanied by a complete statement of the facts upon which the application is based, including a detailed statement of the amount of time devoted to each component of the services, and must specify the amount requested for each item of service, not merely reasonable fees. (eff. 6/30/91)

11.2 Attorneys' Fees and Representatives' Fees for Extraordinary Services in Probate Cases (eff. 6/30/91)

A. In evaluating the justification for an award of fees for extraordinary services of an attorney or representative, the court will take into consideration the statutory fee and the extent to which it constitutes adequate compensation for all of the services rendered by the attorney or representative.

B. Subject to the principle stated in the foregoing paragraph A, compensation for extraordinary services will be considered in the following situations:

1. Litigation on behalf of the estate.
2. Operating or selling a business.
3. Sales of estate property.
4. Performance of any act resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of time or display of competence.

C. Application for fees for extraordinary services will not be considered unless the title of the petition and the notice of hearing include a reference to the request. The prayer shall set forth the amount of the request.

D. An application for compensation for extraordinary services shall specify, with respect to such services:

1. The date rendered.
2. Nature of services rendered, in detail.
3. Hours spent on ordinary services.
4. Hours spent on extraordinary services.
5. Hourly rate.
6. Total amount requested.

E. Ordinarily compensation for extraordinary services will not be allowed or paid before the final accounting has been approved by the court.
(eff. 6/30/91)

11.3 Fees of Guardians and Conservators (eff. 6/30/91)

Among factors to be considered in determining the compensation allowable to guardians and conservators are:

A. The gross value and income of the estate;
B. The success or failure of administration of the guardian or conservator;
C. Any unusual skill or experience which the guardian or conservator in question may have brought to his work;
D. The fidelity or disloyalty displayed by the guardian or conservator;
E. The amount of risk and responsibility assumed by the guardian or conservator in carrying out the duties;
F. The time consumed by the guardian or conservator in carrying out the duties;

G. The custom in the community as to charges exacted by trust companies and banks;
H. The character of the work done in the course of administration, whether routine or involving skill and judgment; and
I. The value to the ward or conservatee of the services of the guardian or conservator. (See Estate of Nazro (1971) 15 Cal.App.3d 218).
(eff. 6/30/91)

11.4 Fees and Commissions Must be Fixed by Court Prior to Payment (eff. 6/30/91)

There is no authority for the payment of any fees or commissions in decedent's estates, guardianships or conservatorships in advance of a court order authorizing the same. The recipient of any unauthorized payment will be surcharged interest to the date of an order authorizing such payment, unless in the case of decedent's estates, the written consent of the residuary beneficiaries is filed with the court and the amounts paid are reasonable and proper.
(eff. 6/30/91)

11.5 Default Cases (Effective 7/1/1993 revised 1/1/2009)

The court adopts the following as its general fee schedule for default matters. Counsel may request a greater amount by setting forth in affidavit form the amount requested along with justification for the increase. (Effective 7/1/1993 revised 1/1/2009)

25% of the first	$ 1,000	($300 minimum)
20% of the next	$ 4,000	
15% of the next	$ 4,000	
10% of the next	$ 10,000	
5% of the next	$ 30,000	
2% of the next	$ 50,000	
2% of the next	$ 100,000	

(Effective 7/1/1993 revised 1/1/2009)

11.6 Unlawful Detainer Cases (eff. 7/1/93, amd. 1/1/2009)

The presumed reasonable fee for a default unlawful detainer case is $350. If an answer has been filed, but is uncontested at trial the fee will be $400. If an answer has been filed and the case is contested at trial the fee will be $500. Counsel may, by affidavit, request additional attorney fees.
(eff. 7/1/93, amd. 1/1/2009)

CHAPTER 12 SMALL CLAIMS

12.1 Disposition Goal (eff. 1/1/2009)

The goal of the court is to process small claims cases in the most expedient manner that is fair to all concerned. The court intends to achieve disposition of 100 percent (100%) of small claims cases within 95 days after filing. (eff. 1/1/2009)

12.2 Calendaring (eff. 7/1/93, amd. 1/1/2009)

Cases will be calendared for trial no sooner than 20 days and no later than 70 days from the date the Plaintiff's Claim and Order is issued. If it is necessary to reschedule the trial date in order to properly serve the opposing party, the court will grant a continuance pursuant to Civil Code of Procedure § 116.570. (eff. 7/1/93, amd. 1/1/2009)

12.3 Continuances (eff. 7/1/93, amd. 1/1/2009)

If a continuance is requested after parties have been served, the request must be made in writing at least ten days prior to the scheduled court date. A fee of $10.00 must accompany the Request for Postponement and notice must be given to the opposing party. (eff. 7/1/93, amd. 1/1/2009)

12.4 Dismissals (eff. 7/1/93, amd. 1/1/2009)

The court will dismiss, without prejudice, any small claims action for which there is no appearance by the plaintiff at the scheduled hearing, unless the plaintiff contacts the court in writing prior to the hearing date to request a continuance. (eff. 7/1/93, amd. 1/1/2009)

CHAPTER 13 UNLAWFUL DETAINERS

13.1 Disposition Goals (eff. 1/1/2009)

The court's disposition goal for unlawful detainer cases is to have 90% of these cases disposed of within sixty (60) days of filing the complaint, and one hundred percent (100%) of these cases disposed of within ninety (90 days) after filing of the complaint. This local rule establishes target dates intended to assist the parties and the court in achieving that goal.

13.2 Status Conference (eff. 7/1/93, amd. 1/1/2009)

All cases still pending and not set for trial 25 days after the filing of the unlawful detainer will be set for a status conference. If the plaintiff or the plaintiff's attorney does not appear at this status conference, the court on it's own motion may dismiss any remaining actions. (eff. 7/1/93, amd. 1/1/2009)

13.3 Motions (eff. 1/1/2009)

A motion to quash service of summons on the ground of lack of jurisdiction pursuant to CCP § 418.10(a), must be made not more than 5 days after the filing of the proof of service. The hearing on the motion shall be automatically set on the next available unlawful detainer calendar that is not less than three days after the filing of the motion. When a demurrer, a motion pursuant to CCP § 1170.5(b) and (c) or any other motion or pleading is filed other than an answer it shall be automatically set on the next available unlawful detainer calendar that is not less than five days after the filing of the motion. (eff. 1/1/2009)

13.4 Setting for Trial (eff. 1/1/2009)

A. Court Trials

After the trial setting memorandum is filed and if the proof of service complies with these local rules in all respects, and if no jury trial is demanded, then the clerk will set the case for court trial at the earliest date that is no sooner than five (5) days and no later than twenty (20) days. The clerk will promptly notify all parties in writing of the trial date.

B. Jury Trials

1. If a jury trial is demanded, then the clerk will assign the earliest available date for settlement conference to be held within the next ten (10) days, and will assign the earliest jury trial date within the next twenty (20) days, and will promptly notify all parties in writing of both dates.

2. Jury fees in the amount of $150 pursuant to Civil Code of Procedure § 631 must be deposited with the clerk's office at least 5 calendar days prior to the date of trial.
(eff. 1/1/2009)

CHAPTER 14 TRAFFIC

RESERVED (eff. 1/1/93, amd. 1/1/2014)

CHAPTER 15 JUDICIAL ARBITRATION

15.1 Scope, Purpose and Authority (eff. 7/1/2009)

The provisions of the rules contained within this chapter apply to all civil actions except those exempt from arbitration by California Rules of Court §3.811(b). They are adopted pursuant to the authority contained in Government Code §68070 and Civil Code of Procedures §1141.11(b) and are aimed implementing provisions provided by Code of Civil Procedure §§1141.10-1141.31 and California Rules of Court §§3.810-3.830. (eff. 7/1/2009)

15.2 Mandatory Submission to Arbitration (eff. 7/1/2009)

Pursuant to the Code of Civil Code of Procedure §1141.11(b) all civil actions in which the amount in controversy will not exceed $50,000, for each plaintiff, shall be referred to arbitration unless parties agree to mediation in the alternative. (eff. 7/1/2009)

15.3 Arbitration Administrator and Administrative Committee (eff. 7/1/2009)

The arbitration administrator shall be that member of the court staff designated by the presiding judge, from time to time, to perform the functions of arbitration administrator. The function of an arbitration committee shall be performed by, and the powers of such committee shall be exercised by, the presiding judge. (eff. 7/1/2009)

15.4 Arbitration Conference (eff. 7/1/2009)

When a case has been placed on the civil active list, unless the pleadings disclose that the only relief sought by every party is equitable relief, the arbitration administrator will calendar the case for a conference, pursuant to Code of Civil Procedure §1141.16, to determine the amount in controversy and to consider submission of the case to arbitration and placement of the case on the arbitration hearing list. If the pleadings disclose that the only relief sought by every party is equitable relief, no conference will be conducted.

Not later than ten (10) days prior to the date set for the conference, each party will serve on each other party, and file with the clerk, an arbitration conference statement containing information relevant to:

1. The nature of the case; and
2. The amount in controversy, including an itemized statement of the amount of any damages claimed; and
3. The insubstantiality or frivolousness of any prayer for equitable relief; and
4. Any information bearing on the question whether arbitration would not reduce the probable time and expense necessary to resolve the litigation. (eff. 7/1/2009)

15.5 Arbitration Hearing List (eff. 7/1/2009)

The arbitration administrator will maintain an arbitration hearing list which will include all actions ordered placed thereon pursuant to Code of Civil Procedure §1141.16(a), and California Rule of Court §3.811(a).
Each action placed on the arbitration hearing list will be removed for the following:

1. A dismissal of the action; or
2. The filing of an arbitration award; or
3. The restoration of the case to the civil active list; or
4. The entry of an order directing its removal.

(eff. 7/1/2009)

15.6 Conduct of Arbitration Hearing (eff. 7/1/2009)

Arbitration hearings will be conducted in accordance with California Rules of Court §3.823 and §3.824. Not less than 5 days prior to the date first set for the hearing, counsel for each party will deliver copies of that party's pleadings (complaint, cross-complaint and answer) to the arbitrator and will deliver to the arbitrator and counsel for each other party an arbitration brief containing a concise statement of the facts and the legal and factual contentions of the parties, which, in the case of a plaintiff or cross-complainant, will include a statement of damages or other relief sought in the arbitration and, where appropriate, a detailed statement of the amount and elements of any claimed financial harm or loss which is the basis for the claim. (eff. 7/1/2009)

CHAPTER 16 TELECONFERENCING HEARINGS AND CONFERENCES

RESERVED (eff. 7/1/2009, amd. 1/1/2014)

CHAPTER 17 CIVIL TRIALS

17.1 Request for Jury Trial in Equity Cases (eff. 7/1/2009)

In civil cases in which all causes of action are equitable in nature, a trial by jury on any specific factual issue is available only upon compliance with CCP §631. In such cases the demand for jury shall be in writing and shall specify the factual issues to be determined by the jury. (eff. 7/1/2009)

17.2 Attorney Testifying May Not Argue the Case (eff. 7/1/2009)

An attorney testifying on the merits of the case as a witness on behalf of that attorney's client shall not argue the case to the jury, unless by permission of court. (eff. 7/1/2009)

17.3 Civil Pre-Trial Rule (new 7/1/2018)

(a) Pre-Trial Conference Statement. No later than seven (7) court days prior to trail, the attorneys shall file and serve their respective Pre-Trial Conference Statements. Such statements shall include:
(1) A list of witnesses expected to be called by the party and the estimated length of direct examination of each witness;
(2) A statement of the case that counsel proposes to be read to the jury;

(3) If desired by the attorney, a list of voir dire questions to be asked by the judge, including specific references to questions in the Standards of Judicial Administration section 3.25;
(4) If desired by the attorney or ordered by the judge, a glossary of technical or unusual terms expected to be used during the trial;
(5) Requests for judicial notice, identified by number in the body of the statement and with the items that are the subject of the requests appended as attachments;
(6) Proposed jury instructions, identified by number in the body of the statement and appended as attachments in proposed final form.
(7) Proposed verdict forms, identified by number in the body of the statement and appended as attachments in the proposed final form.
(8) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.

(b) Trial Memorandum. Each party may submit a trial memorandum, not to exceed seven (7) pages, setting forth a statement of the nature of the case, the general contentions of the party submitting the statement and a memorandum of points and authorities (not to exceed fifteen (15) pages) upon any unusual questions of law anticipated to be presented. The original of this document shall be filed, and a copy served on all parties, no later than seven (7) court days prior to the scheduled date of trial. Parties in unlawful detainer trials may submit a trial memorandum.

(c) Jury Trial Conference. On the first day of a jury trial unless otherwise ordered, all attorneys shall attend a conference beginning thirty (30) minutes before trial, for the purpose of determining the trial procedures.

(d) In Limine Motions. Unless otherwise agreed to by the court or stipulated by the parties, counsel must file and serve motions in limine and opposition thereto no later than fourteen (14) court days and seven (7) court days, respectively, prior to the scheduled date of trial. Motions in limine shall include any evidentiary questions to be decided prior to, or during, trial, together with points and authorities where appropriate. Unless otherwise requested by counsel and approved byt the court, the following motions in limine will be deemed granted at the time of trial, even when not made by counsel:

(1) Motion excluding evidence of collateral source;
(2) Motion excluding evidence of or mention of insurance coverage;
(3) Motion excluding experts not designated pursuant to Code of Civil Procedure section 2034.300;
(4) Motion excluding offers to settle and/or settlement discussions; and
(5) Motion to exclude testifying witnesses prior to the time of testimony.

Written motions need not be submitted on the above issues unless the counsel is requesting otherwise.

If a motion in limine is granted, it is the duty of counsel to instruct associates, clients, witnesses, and other persons under their control that no mention or display be made in the presence of a jury of any matter that is the subject of the motion in limine. Without prior leave of court, counsel must not ask a question that: (1) suggests or reveals evidence excluded pursuant to a motion in limine; or (2) reasonably may be anticipated to elicit testimony that was excluded pursuant to a motion in limine.

Examination of Witness or Jurors. Unless other wise permitted by the Court, only one attorney for each party shall examine or cross-examine a witness or prospective juror.

CHAPTER 18 COURT APPOINTED SPECIAL ADVOCATE

18.1 Guidelines for Court Appointed Special Advocate Programs (eff. 1/1/2011)

The Superior Court hereby adopts the guidelines for a the Court Appointed Special Advocate Program, as more particularly set forth under the caption, "Program Guidelines for Court Appointed Special Advocate Programs" established by section 100 of the Welfare and Institutions Code of the State of California, as a Rule of Court applicable to the Court Appointed Special Advocate Program for Mendocino/Lake County. The guidelines are incorporated herein by reference. (eff. 1/1/2011)

18.2 Court Appointed Special Advocate Program (eff. 1/1/2011)

The Superior Court may appoint child advocates to represent and report to the court on the interests of dependent and/or delinquent children. In order to qualify for appointment the special advocate must be trained by and function under the auspices of a Court Appointed Special Advocate Program, formed and operating under the guidelines of the National Court Appointed Special Advocate Association. (W&I 356.5) The advocate program shall report regularly to the Presiding Judge and Judges of the Juvenile Dependency and Juvenile Delinquency Courts with evidence that it is operating under the guidelines established by the National Court Appointed Special Advocates Association and the California State Guidelines for child advocates. (eff. 1/1/2011)

18.3 Special Advocates(eff. 1/1/2011)

Special advocates serve at the pleasure of the court having jurisdiction over the proceeding in which the advocate has been appointed. (eff. 1/1/2011)

18.4 Functions(eff. 1/1/2011)

In general, an advocate's functions are as follows:

1. To support the child throughout the court proceedings;
2. To establish a relationship with the child to better understand his or her particular needs and desires;
3. To communicate the child's needs and desires to the court in written reports and recommendations;
4. To identify and explore potential resources which will facilitate early family reunification or alternative permanency planning;
5. To provide continuous attention to the child's situation to ensure that the court's plan for the child are being implemented;
6. To the fullest extent possible, to communicate and coordinate efforts with the case manager (social worker or probation officer);
7. To the fullest extent possible, to communicate and coordinate efforts with the child's attorney;
8. To represent the interest of the child in other judicial or administrative proceedings; and
9. To be present in court for all hearings when the case is before the court.

(eff. 1/1/2011)

18.5 Sworn Officer of the Court (eff. 1/1/2011)

A special advocate is an officer of the court and is bound by these rules. Each advocate shall be sworn in by a Judge or Court Commissioner before beginning his or her duties, and shall subscribe to a written oath. (eff. 1/1/2011)

18.6 Specific Duties(eff. 1/1/2011)

In its initial order of appointment, and thereafter in subsequent orders as appropriate, the court may specifically delineate the advocate's duties in each case, including interviewing and observing the child and other appropriate individuals, reviewing appropriate records and reports, consideration of visitation rights for the child's grandparents and other relatives, and reporting back directly to the court as indicated. If no specific duties are outlined by the court order, the advocate shall discharge his or her obligation to the child and the court in accordance with the functions set forth in Local Rule. (eff. 1/1/2011)

18.7 Appointment Process (eff. 1/1/2011)

To accomplish the appointment of a special advocate, the Judge or Commissioner making the appointment shall sign an order granting the advocate the authority to review specific relevant documents and interview parties involved

in the case, as well as other persons having significant information relating to the child, to the same extent as any other officer appointed to investigate proceedings on behalf of the court. (eff. 1/1/2011)

18.8 Access to Records (eff. 1/1/2011)

A special advocate shall have the same legal right to records relating to the child he or she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child held by any agency, school, organization, division or department of the State, physician, surgeon, nurse, other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The advocate shall present his or her order and identification as a Court Appointed Special Advocate to any such record holder in support of his or her request for access to specific records. No consent from the parent or guardian is necessary for the advocate to have access to any records relating to the child. (W & I 107) (eff. 1/1/2011)

18.9 Report of Child Abuse(eff. 1/1/2011)

A special advocate is a mandated child abuse reporter with respect to the case to which he or she is appointed. (eff. 1/1/2011)

18.10 Communication (eff. 1/1/2011)

There shall be ongoing, regular communication concerning the child's best interests, current status, and significant case developments, maintained among the special advocate, case manager, child's attorney, attorneys for parents, relatives, foster parent, and any therapist for the child. (eff. 1/1/2011)

18.11 Right to Timely Notice (eff. 1/1/2011)

The moving party shall provide the special advocate timely notice of any motions concerning a child for whom a special advocate has been appointed. (W & I 106) (eff. 1/1/2011)

18.12 Calendar Priority (eff. 1/1/2011)

In light of the fact that special advocates are rendering a volunteer service to children and the court, matters on which they appear should be granted priority on the court's calendar, whenever possible. (eff. 1/1/2011)

18.13 Distribution of CASA Reports(eff. 1/1/2011)

CASA reports shall be submitted to the court and served on parties entitled to receive a copy of the report at least (3) three court days prior to the hearing. (eff. 1/1/2011)

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