

Colusa County Superior Court
Proposed Additions/Modifications to Local Rules
Effective 7/1/15

Example = proposed deletion

Example = proposed addition/modification

Rule 1: General Rules

Proposed Modification to Rule 1.04:

1.04 Construction and Application of Rules

The Executive Officer, shall be the official publisher of these Rules and shall maintain a set of the Rules on the Court's website and in the clerk's office for public inspection and shall make available copies for sale at a reasonable fee.

Rule 2: Administrative Matters

Proposed Modification to Rule 2.06:

2.06 Court Reporters

(A) DUTIES OF COURT REPORTER

~~The court reporter shall report the following court proceedings (including trial) whether contested or uncontested:~~

- ~~(1) — Felony and misdemeanor criminal proceedings other than arraignments;~~
- ~~(2) — Juvenile proceedings; except the court, without objection by the parties, may elect to electronically record juvenile proceedings;~~
- ~~(3) — Any court proceedings ordered by the court; and~~
- ~~(4) — Any other court proceeding for which a party requests a court reporter in accordance with Rule 2.06, subdivision (B) below.~~

Pursuant to California Rules of Court, Rule 2.956 and California Government Code §68086, notice is hereby given that the Superior Court of California, County of Colusa normally provides official court reporters as follows:

Department 1: Juvenile Proceedings (Except Detention Hearings), Petitions to Declare Minor Free from Parental Custody and Control, Petitions for Termination of Parental Rights, Contested Mental Health Proceedings, Contested LPS Conservator Proceedings and Appellate Hearings.

Department 2: Criminal Proceedings (All Felony and Misdemeanor Matters Except Arraignments) The court does not regularly provide official court reporters in other departments or for other proceedings, with the exception of mandated proceedings. A court reporter will

normally be provided for any felony and misdemeanor matter except arraignment, juvenile proceeding except for detention hearing, petition to declare minor free from parental custody and control, petition to terminate parental rights, contested mental health proceedings, contested LPS conservator proceedings, and appellate hearings, regardless of the department in which the proceeding is conducted.

Pursuant to California Rules of Court, Rule 2.956, 3.1310, and 5.123, Colusa County Superior Court does not regularly provide official court reporters or electronic recording for the following: civil hearings, civil trials, or hearings on requests for orders or motions in family law matters.

(B) REQUEST FOR COURT REPORTER

~~When a party requests a court reporter and the reporter is not required by Rule 2.06, subdivision (A)(1) through (A)(4), or by statute to report the court proceeding, such party shall provide their own court reporter for the proceedings.~~

Parties may obtain a reporter for proceedings other than those listed in Colusa County Local Rule 2.06, subdivision (A) by making their own arrangements with a reporting service.

Proposed Modification to Rule 2.07

2.07 Interpreters

It is the responsibility of the parties in civil proceedings to provide their own interpreters. The court may provide an interpreter in any civil action or proceeding at no cost to the parties as described in Government Code §68092.1 and Evidence Code §756. In criminal and juvenile proceedings, the court will provide interpreters for the defendant or minor or the minor's parents at an initial hearing when the court is aware that an interpreter is required, and at all subsequent hearings. The court will also provide interpreters in criminal and juvenile matters for witnesses. However, it is the responsibility of counsel, at the time a contested proceeding is set, to notify the courtroom clerk of the need for an interpreter for witnesses.

Proposed Modification to Rule 2.11

**2.11 ~~PAGERS AND CELLULAR PHONES~~
USE OF LAPTOP COMPUTERS AND ELECTRONIC DEVICES**

~~Cellular telephones and audible pagers must be turned off before entering courtrooms and may not be used within any of the courtrooms.~~

All computers and electronic devices, including but not limited to cell phones, pagers, and personal digital assistants shall be turned off before entering the courtroom. If a laptop computer or electronic device is necessary for a matter at issue, it may be used only if expressly authorized by the sitting judge at the hearing. An electronic device shall not be handled in any way as to indicate a picture, audio or video recording is being taken. Enforcement is in the sole discretion of the sitting judge. Violators are subject to contempt of court and/or confiscation of the computer or device.

Rule 3: Civil Law And Motion Rules

Proposed Modification to Rule 3.06:

3.06 Payment or Waiver of Fees

(A) The clerk is authorized to grant applications for fee waivers that meet the standards of eligibility established by ~~subdivision (a)(6)(A) or (a)(6)(B)~~ of Government Code Section ~~68511.3~~ 68633. Pursuant to California Rules of Court, Rules 3.50 through ~~3.63~~, 3.58, both the clerk and the County of Revenue and Recovery Officer are hereby designated to make financial inquiries and verification contemplated thereby.

Proposed Addition to Rule 3.07:

3.07 ~~Reserved~~ EX PARTE APPLICATION

All ex parte applications for temporary relief, request for order, orders shortening time, or other kinds of orders shall be heard upon the availability of the court with at least 24 hours' notice to the opposing party or counsel. Ex parte applications and supporting documents shall be filed with the proper filing fee at the clerk's office. Such application must include a written supporting declaration, stating whether opposing party is represented by counsel, whether that party has been contacted and has agreed to the requested order, and why the matter cannot be heard on regular notice. The adequacy of the application for temporary relief will be determined on the papers submitted. If the application is deemed adequate, the court may allow supplemental argument, either oral or written by either party.

Proposed Modification to Rule 3.10:

3.10 Hearings and Continuances of Hearings on Motions and Other Applications for Orders

(A) MATTERS HEARD IN LAW AND MOTION DEPARTMENTS

All demurrers, motions and other applications for orders (except ex parte applications), trial settings and pretrial conferences, and any other matters in connection with civil actions and proceedings customarily heard and determined as law and motion matters shall be set in Department 1 on each Monday or Tuesday at 9:00 a.m. depending on case type. ~~and in Department 2 on each Monday at 8:30.~~

(C) TELEPHONE CONTINUANCES

~~A telephone continuance will not be granted except upon a call made no less than two (2) court days before the scheduled hearing from counsel for the moving party, or the moving party if appearing in pro per, in which a representation is made that all parties affected by the motion have agreed to the continuance. The continuance shall be to a date certain, and shall be confirmed forthwith by letter to the clerk. The continuance shall be reflected in the file. The giving of notice to all parties of the date to which the matter is continued is the responsibility of the moving party.~~

This Court practices a firm continuance policy. Request for continuances, whether contested or uncontested, are to be requested with supporting declarations and the proper filing fee.

- (1) Law and Motion Matters – Requests for continuances of Law and Motion matters shall be made as follows:
 - a. By written stipulation of the parties or counsel filed with the Court; or
 - b. By oral argument of the parties, provided the requesting parties file with the Court, prior to the date and time set for the hearing, written notification with proof of service to opposing party/counsel.
 - c. No continuances will be granted if requested less than five (5) court days prior to the date set for hearing absent a showing of good cause.

(E) TELEPHONIC APPEARANCES

(A) In addition to the provisions of California Rules of Court, Rule 3.670, ~~California Rules of Court~~, and because this court will be using an outside vendor for telephonic appearances in non evidentiary civil law and motion and probate matters, if counsel desire to appear by telephone in any non-evidentiary law and motion hearing or probate hearing, counsel shall, at least five (5) court days before the appearance, file and serve with CourtCall (not the court) a “Request for CourtCall Telephonic Appearance”. ~~The Request for CourtCall Telephonic Appearance form to be used for this purpose is attached as Appendix 'A' to these Rules.~~ Counsel shall notify by telephone other counsel and all parties appearing in propria persona of this intention.

(B) The Court’s vendor for all telephonic appearances will be CourtCall, LLC, which will initiate all calls and directly invoice participants at prevailing rates. (CourtCall can be contacted at 1-888-882-6878).

Rule 4: Setting of Trial and Trial – Civil

Proposed Modification to Rule 4.02:

4.02 Changing Trial Date Once Assigned, and Special Settings

Motions to advance, reset or specially set cases for trial, and to continue trial dates, shall be made on written notice to all parties who have appeared, and shall be filed with the court with the proper filing fee and noticed for hearing in the appropriate law and motion department unless otherwise prescribed by the Presiding Judge.

Motions for continuance of a trial date shall be noticed promptly upon the necessity for continuance being ascertained. No continuance will be granted except upon an affirmative showing of good cause therefore.

Proposed Modification to Rule 4.04:

4.04 Demand for Jury in Civil Action; Payment of Fees

(A) Any party wishing to obtain a trial by jury must make a timely demand and deposit of jury fees in accordance with Code of Civil Procedure §631.

(B) ~~If trial by jury is waived by all parties, or the case is settled, and notice thereof is~~

~~communicated to the clerk not less than seventy-two (72) hours prior to the date of trial, any jury fees then on deposit in connection with such action or proceeding, upon written request which conforms with Code of Civil Procedure §631.3, shall be refunded to the party or parties by whom such deposit was made. Return or forfeiture of jury fees shall be in accordance with Code of Civil Procedure Section 631.3.~~

(B) At the commencement of the second day of voir dire examination, and on each succeeding day of voir dire, such party shall deposit with the Clerk of the Court a sum equal to the panel's one-day jury fees and mileage.

(C) When the trial commences after voir dire, and on each succeeding day of the trial, such party shall deposit with the Clerk of the Court a sum equal to one day's jury fees and mileage for the jurors and alternates.

(D) If, during voir dire or trial, the party responsible for jury fees waives the jury or fails to pay jury fees as prescribed in (B) or (C), any other party may preserve its right to jury trial by depositing fees as therein required. If no other party deposits the required jury fees, the jury is waived and the trial shall proceed without a jury.

Proposed Modification to Rule 4.06:

4.06 Conduct of Civil Trials Involving Juries

(D) WHEN JURY INSTRUCTIONS ARE TO BE SUBMITTED

(1) Pursuant to Code of Civil Procedure Section 607a, unless otherwise indicated by the trial judge, all jury instructions covering the law as disclosed by the pleadings shall be delivered in writing to the trial judge before the first witness is sworn or as directed by the Court at or after the time of setting of trial. At the same time copies thereof shall be served upon adversaries.

Rule 5: Miscellaneous Rules – Civil

Proposed Modification to Rule 5.13

5.13 Facsimile Filing

This Rule is adopted in accordance with the provisions of California Rules of Court, Rule 2.300 et seq. ~~of the California Rules of Court~~, and applies to civil, probate, and family law proceedings, with the exception that wills, codicils, bonds or undertakings shall not be filed by facsimile transmission. A document that is to be issued by the court (including, but not limited to, a summons, letters of administration, letters testamentary, and a writ of execution) shall not be sent to the court by facsimile transmission.

(B) COMPLIANCE WITH CRC RULES 2.100-2.119 AND THE LOCAL RULES OF COURT

(a) A fax document shall comply with California Rules of Court, Rule 2.100 through 2.119 ~~of the California Rules of Court~~ and all applicable Rules of this Court.

(F) DUTIES OF THE FAX FILING AGENCY

A fax filing agency that receives documents for filing shall:

(1) Prepare the documents so that the documents comply with California Rules of Court, Rule 2.100 through 2.119 ~~of the California Rules of Court~~ and any other requirements for filing with this court.

Rule 6: Criminal Rules – Filing, Warrants, Arraignment and Bail

Proposed Modification to Rule 6.01:

6.01 Time of Arraignment; Filing Criminal Complaints

(A) Criminal defendants who are in custody shall be arraigned at ~~11:00~~ 10:30 a.m., or as soon thereafter as the court may be available, on each court day.

Proposed Modification to Rule 6.03:

6.03 Arrest and Search Warrants

(B) Search warrant returns are to be presented to the criminal court clerk who is authorized to receive and execute the return for the court pursuant to Penal Code §1534~~(e)~~.

Rule 9: Criminal Rules – Trial

Proposed Modification to Rule 9.03:

9.03 Submission of Jury Instructions

Absent an order of the court on good cause shown, all jury instructions covering the law as disclosed by the pleadings shall be delivered in writing to the trial judge not later than 12:00 P.M. on the first day of trial or as directed by the Court at or after the time of setting of trial and shall be served on all other parties by that time. The court does not maintain a stock of form instructions.

Rule 11: Rules Relating to Traffic Infraction Trials

Proposed Modification to Rule 11.01

11.01 Types of Cases

Special traffic infraction trial calendars are established for the trial of infraction matters not involving accidents, in which the defendant is in pro per. They include all infractions identified in state statutes or codes, or city or county ordinance codes. ~~Trials of infractions, if they involve traffic accidents, or if counsel is appearing, shall be scheduled on regular court trial calendars on which the District Attorney appears, and are not governed by this Section.~~

Proposed Modification to Rule 11.02

11.02 Time and Place

Infraction trials shall be held Mondays at 3:30 p.m., ~~interpreter cases at 11:00 a.m. on Tuesdays,~~ or set on special calendars to be announced by the court, from time to time.

Rule 13: General Criminal Rules:

Proposed Modification to Rule 13.02

13.02 Photographing or Recording Court Proceedings

(A) WITHIN THE COURTHOUSE

(1) The use of cameras, broadcast devices, camera-phone, or any audio or visual recording devices (including, but not limited to, still photography, broadcast cameras or devices, and tape, electronic, or digital video or audio recording devices) within any Colusa County courthouse or other facility being used as a courthouse, without prior permission of the Court, is prohibited.

Rule 14: Family Law Rules:

Proposed Modification to Rule 14.01

14.01 Meet and Confer Requirement

No matter (including request for order ~~motion, order to show cause,~~ or trial) in a proceeding brought under the Family Law Act will be heard until counsel, with their respective clients either physically present or immediately physically available, have met and conferred in a good faith effort to resolve all issues. Such conference shall include an exchange between counsel of all documents which may be relevant to the contested issues or which may be offered in evidence. At the outset of the hearing on the matter, counsel will be expected to represent to the court that there has been compliance with this Rule. Non-compliance with this Rule may result in the matter being dropped from the calendar or continued, or the rejection of documents not exchanged, or other appropriate sanctions.

Rule 15: Probate Rules:

Proposed Addition to Rule 15.12

15.12 Conservatorships – General Plans

In its discretion, the Court may require the conservator of the person to file a general plan for the conservatorship. The general plan shall conform to the following requirements:

RULE 16: Juvenile Court Rules:

Proposed Modification to Rule 16.02

16.02 Attorney for Parties

C) ATTORNEY COMPETENCY CERTIFICATION

(2) Any attorney appearing before the court in a dependency proceeding pending on the effective date of these rules who does not meet the minimum standards of training and experience of these rules shall notify the court to that effect and shall have until ~~April 20, 2017~~ September 1, 2015, to complete the minimum number of hours of training required to fulfill the requirements of these rules. If the attorney fails to complete such training, the court shall proceed under subdivision (F) of this rule.