COLUSA COUNTY SUPERIOR COURT

LOCAL RULES

REVISED AND EFFECTIVE JULY 1, 2015

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COLUSA COUNTY SUPERIOR COURT

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COLUSA COUNTY SUPERIOR COURT

SECTION 1
GENERAL RULES

RULE 1.01 CITATION OF RULES

These Rules shall be known and cited as the "Local Rules of Court" for the Colusa County Superior Court.
(Amended, effective 1/1/00)

RULE 1.02 EFFECTIVE DATE OF RULES

These Rules shall take effect on July 1, 2015.
(Amended, effective 7/1/15; previously amended, effective 1/1/07)

RULE 1.03 EFFECT OF RULES

These Rules shall, on their effective date, supersede all local court rules previously adopted.
(Amended, effective 7/1/97)

RULE 1.04 CONSTRUCTION AND APPLICATION OF RULES

These Rules shall be construed and applied in such a manner as not to conflict with the California Rules of Court and shall be liberally construed to facilitate and promote the business and administration of justice of the Superior Court. These Rules do not apply to Small Claims Division actions or proceedings unless the text of a specific rule otherwise indicates.

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.
(Amended, effective 7/1/15; previously amended, effective 1/1/00)

RULE 1.05 DEFINITIONS OF WORDS USED IN THESE RULES

(A) The definitions set forth in the California Rules of Court, Rule 1.6, shall apply to these Rules with equal force and for all purposes, unless the context or subject matter otherwise requires.

(B) The word "person" shall include and apply to corporations, firms, associations, and other entities, as well as natural persons.

(C) The word "affidavit" includes declaration and "declaration" includes affidavit.

(D) The use of the masculine, feminine, or neuter genders shall include the others.

(E) The word "court" shall mean the Superior Court of the State of California in and for the County of Colusa. It shall include any judge, or temporary judge, appointed or elected to the court and any judge duly assigned to the court.

(F) The word "judgment" includes and applies to any judgment, order or decree from which an appeal lies.

(Amended, effective 1/1/07)

RULE 1.06 AMENDMENT, ADDITION, OR REPEAL OF RULES

These Rules may be amended or repealed, and new Rules may be added by a majority vote of the judges of the court.

(Amended, effective 1/1/00)

RULE 1.07 TIMELY APPEARANCE OF COUNSEL AND REQUIRED NOTIFICATION

(A) Except as set forth herein, once an attorney has made a general appearance in any matter, civil or criminal, that attorney shall appear in the department to which the matter has been assigned at or before the time set for any proceeding in that matter.

(B) Except as set forth herein, once the attorney appears on a matter, the attorney shall not leave the department to which the matter has been assigned until the matter has been called and all proceedings scheduled for that matter have concluded.

(C) However, the attorney may appear at or before the start of any calendar to which his or her matter is assigned to notify the court the attorney will be late due to an appearance in another department. Counsel may also seek approval of the court to leave the court prior to the conclusion of the matter assigned to one department in order to appear in matters set in the other department.

(D) An attorney shall not be late for a court appearance or fail to appear at a court appearance except for good cause shown.

(E) If counsel cannot be present at or before the time the matter is set, counsel shall notify the clerk of the bench officer who normally sits in the assigned department prior to the time the matter is set. Counsel shall also inform the clerk of the reason for his or her late appearance and an estimated time of arrival. The clerk shall notify the bench officer to whom the matter is assigned. It shall be deemed good cause if counsel has conflicting court appearances and complies with the notice requirements of this Rule.

(F) Violation of this Rule may subject the attorney to sanctions pursuant to Rules 5.09 and 13.01 of these local Rules.

(Amended, effective 7/1/01)

RULE 1.08 REQUIRED ATTORNEY NOTIFICATION FOR UNOPPOSED AND DROPPED MATTERS

(A) If an attorney will not oppose a motion filed by opposing counsel, that attorney shall promptly so notify opposing counsel and the clerk of the bench officer before whom the matter is set.

(B) If an attorney has calendared a proceeding and decides to request the matter be dropped from calendar, the attorney shall promptly notify opposing counsel and the clerk of the bench officer before whom the matter is set.

(C) Violation of this Rule may subject the attorney to sanctions pursuant to Rules 5.09 and 13.01 of these local Rules.

(Adopted, effective 1/1/00)

RULE 1.09 GENERAL POLICY RE: COURTROOM DECORUM

(A) Courtroom Decorum rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the Constitution of the State of California, the laws of this State, and the Superior Court.

(B) The rules of Courtroom Decorum set forth herein shall apply in all Superior Court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.

(C) Each attorney who appears in court should:

(1) Pursuant to Business and Professions Code §6068(b) "maintain the respect due to the courts of justice and judicial officers."

(2) Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court's staff.

(3) Be familiar with the rules and guidelines set forth in this section as well as other applicable statutes and rules of conduct, ethics, and professionalism.

(4) Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

(Adopted, effective 7/1/01)

RULE 1.10 COURTROOM ATTIRE

All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the Superior Court.

(A) All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No persons shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, shorts, tank tops, or any clothing that displays inappropriate words or pictures.

Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

(Adopted, effective 7/1/01)

RULE 1.11 GENERAL COURTROOM BEHAVIOR

Persons in the courtroom shall not:

(A) Talk to clerks when court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.

(B) Converse with anyone in a manner that is distracting to the proceedings then before the court.

(C) Eat, drink, chew gum, or read newspapers.

(D) Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.

(E) Communicate in any way with a prisoner.

(Adopted, effective 7/1/01)

RULE 1.12 COMMUNICATIONS TO COURT OR JURY

(A) Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the Court touching upon any subject of the pending litigation, except on the record with all counsel or parties appearing in propria persona present.

(B) Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

(C) The Court shall promptly disclose any violation of the rule set forth in paragraph (A) to all parties. If the Court becomes aware of a violation of the rule set forth in paragraph (B), it shall promptly disclose such fact to all parties.
(Adopted, effective 7/1/01)

RULE 1.13 TRAVERSING THE WELL

Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the Court. Counsel shall so instruct their clients, witnesses they call, and persons accompanying them.
(Adopted, effective 7/1/01)

RULE 1.14 EXAMINATION FROM COUNSEL TABLE

Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).
(Adopted, effective 7/1/01)

RULE 1.15 APPROACHING A WITNESS

Unless directed otherwise by the Court, a party shall request permission from the Court before approaching a witness for any purpose.
(Adopted, effective 7/1/01, Renumbered 1/1/03)

RULE 1.16 OBJECTIONS

When making an objection, counsel should:

(A) Only state the legal ground for the objection unless the Court permits further comment.

(B) Address the Court, and not opposing counsel or the witness.

(C) Not interrupt a question unless necessary to protect a client's rights or if the partial question is patently objectionable.
(Adopted, effective 7/1/01, Renumbered 1/1/03)

SECTION 2
ADMINISTRATIVE MATTERS

RULE 2.01 SUPERVISION OF THE BUSINESS OF THE COURT

(A) The judicial business of each court shall be supervised by its Presiding Judge, with the management assistance of the Executive Officer.

(B) The administrative business of the court shall be conducted by the Executive Officer, as more particularly described herein.
(Amended, effective 7/1/01)

RULE 2.02 DUTIES OF THE PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

The Presiding Judge and Assistant Presiding Judge of the court shall perform those duties set forth in California Rules of Court, Rule 10.603, as they apply, and shall be guided by the principles in the "Standards of Judicial Administration" set forth in the California Rules of Court.
(Amended, effective 1/1/07)

RULE 2.03 SELECTION AND TERM OF THE PRESIDING JUDGE

(A) The Presiding Judge and Assistant Presiding Judge of the Court shall be selected in accordance with California Rules of Court, Rule 10.602.

(B) The Presiding Judge and Assistant Presiding Judge shall serve a term of two years. The term shall commence on January 1 and terminate on December 31, two years hence. The term is subject to California Rules of Court, Rule 10.602.
(Amended, effective 1/1/07)

RULE 2.04 THE ASSISTANT PRESIDING JUDGE

When the Presiding Judge is absent or unable to act, the Assistant Presiding Judge shall perform the duties of the Presiding Judge.
(Adopted, effective 7/1/01)

RULE 2.05 THE EXECUTIVE OFFICER, ASSISTANT EXECUTIVE OFFICER, AND CLERK OF THE COURT

The Executive Officer shall also serve as Clerk of the Superior Court. The Assistant Executive Officer shall be directly responsible to the Executive Officer in all matters relating to the administration of the court. The Executive Officer has ultimate responsibility, under the direction of the Presiding Judge of the court, for planning, organizing, and directing the nonjudicial activities of the court, as more particularly set forth within the Memorandum of Understanding between the judges of the court. The Executive Officer shall be responsible for the operation of the Colusa County Superior Court and shall perform those duties set forth in California Rules of Court, Rule 10.610, and in job descriptions approved by the court from time to time.
(Amended, effective 1/1/07)

RULE 2.06 COURT REPORTERS

(A) DUTIES OF COURT REPORTER

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 a 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

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.

(Amended, effective 7/15/15 and previously amended and renumbered, effective 7/1/01)

RULE 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 §8092.1 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.
(Amended, effective 7/1/15, and previously amended, effective 1/1/00; and Renumbered, effective 7/1/01)

RULE 2.08 JURY SELECTION BOUNDARIES

In accordance with Code of Civil Procedure Section 190, et seq., there is hereby established one county-wide geographical selection area for the purpose of producing juror summons lists for the court.
(Adopted, effective 7/1/92; Renumbered, effective 7/1/01)

RULE 2.09 CASE DISPOSITION TIME STANDARDS

(A) It is the policy of the court to manage all cases from filing (in civil matters) and first arraignment (in criminal matters) through final disposition. This policy is to be construed in a fashion which is consistent with existing law. This policy is established to maximize efficient use of court resources; to improve the administration of justice by encouraging prompt disposition of all matters coming before the court; and to resolve cases within the time standards established in the California Rules of Court, Standards of Judicial Administration (hereinafter, "The Standards"), Section 2.2, which are incorporated herein by this reference as follows:

(B) **GENERAL CIVIL CASES**

A general civil case is any civil case, other than unlawful detainer, probate, guardianship, conservatorship, family law, juvenile proceedings, and "other civil petitions" as defined in Standards, Section 2.2(c). The goals for general civil cases are:

(1) Unlimited civil cases:

(A) 75 percent disposed of within 12 months after filing;

(B) 85 percent disposed of within 18 months after filing; and

(C) 100 percent disposed of within 24 months after filing.

(2) Limited civil cases:

(1) 90 percent disposed of within 12 months;

(2) 98 percent disposed of within 18 months; and

(3) 100 percent are disposed of within 24 months.

(C) SMALL CLAIMS CASES

The goals for small claims cases are:

(1) 90 percent disposed of within 75 days after filing; and

(2) 100 percent disposed of within 95 days after filing.

(D) UNLAWFUL DETAINER CASES

The goals for unlawful detainer cases are:

(1) 90 percent disposed of within 30 days after filing;

(2) 100 percent disposed of within 45 days after filing.

(E) MISDEMEANOR CASES

The goals for misdemeanor cases are:

(1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;

(2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint;

(3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

(F) FELONY PRELIMINARY EXAMINATIONS

The goal for felony filings, excluding murder cases in which the prosecution seeks the death penalty, is disposition (by certified plea, finding of probable cause, waiver of preliminary examination, or dismissal) of:

(1) 90 percent within 30 days after the defendant's first arraignment on the complaint;

(2) 98 percent within 45 days after the defendant's first arraignment on the complaint;

(3) 100 percent within 90 days after the defendant's first arraignment on the complaint.

(G) FELONY CASES

The goal for all felony cases is disposition within one year of first arraignment in any court, except for capital cases.

(H) In order to meet the standards for timely disposition, additional procedures, guidelines, and requirements are set forthwith elsewhere in these Rules.
(Amended, effective 1/1/07)

RULE 2.10 SMOKING

Smoking is prohibited throughout the courthouse. Persons desiring to smoke shall do so outside of the courthouse. Recesses during jury deliberation will be permitted at reasonable intervals to permit smoking outside the courthouse.
(Amended and renumbered, effective 7/1/01)

RULE 2.11 USE OF LAPTOP COMPUTERS AND ELECTRONIC DEVICES

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.
(Amended, effective 7/1/15, previously adopted, effective 1/1/00; and Renumbered, effective 7/1/01)

RULE 2.12 FIREARMS

(A) No person shall bring any firearm, explosive, or weapon into a Colusa County courthouse except in full compliance with all laws pertaining thereto.

(B) No person shall bring any firearm, explosive, or weapon into a Colusa County courtroom except Peace Officers as specified in §830.1, 830.2 and 830.5 of the California Penal Code, and others as may be specifically approved by the Judge presiding therein.

(C) Notwithstanding any provision above, no person with a personal interest or stake in a matter being heard in a Colusa County courtroom shall bring into or possess any firearm, explosive, or weapon within that courtroom or within 50 yards of the main entrance to that courtroom. Nothing in this subdivision shall be construed to apply to a Peace Officer or other officer or personnel of the court when appearing or testifying solely in connection with his or her official duties.

(D) Notwithstanding any provision above, the Judge presiding within any Colusa County courtroom, when he or she determines it to be appropriate, may prohibit any and all persons from bringing into or possessing within his or her courtroom any firearm, explosive, or weapon. Such a determination will be announced by posting a sign to that effect immediately outside of the affected courtroom.

(Adopted, effective 7/1/01)

RULE 2.13 COURT SECURITY: SEARCHES OF PERSONS AND PROPERTY

In order to maintain adequate physical security for court personnel, litigants, and the public, and to ensure compliance with Rule 2.12 above, the following procedures shall apply to all court facilities.

(A) All courtrooms and exterior doors of the courthouse shall be posted with a sign that shall state that all persons entering the courthouse or a courtroom are subject to search.

(B) All persons entering the courthouse or a courtroom shall be subject to cursory search, including searches of purses, parcels and other carried items at any time deemed warranted by court security personnel or as directed by a judge of the court. "Cursory search" includes the use of "pat down" searches, electronic metal detection and visual inspection of the contents of any purse, parcel, or carried item.

(C) All persons entering a courtroom shall be subject to detailed search, including searches of purses, parcels, or other carried items at any time authorized by the judge of the subject courtroom. "Detailed search" shall include all of the means in the previous paragraph, plus such additional measures as may be deemed warranted by the authorizing judge.

(D) In conducting searches pursuant to this Rule, court security personnel shall acknowledge the right of a person to decline a search of their person or property, on condition that they immediately leave the courthouse. Such right to leave without being searched shall not apply to searches incident to arrest or otherwise being taken into custody, or any other circumstances authorized by law which permits searches without warrant. A person who refuses to submit to search and also refuses to leave the courthouse may be subject to arrest for violation of PC §148 and §166(a)(5).

(E) In conducting searches as authorized by this Rule, court security personnel, to the extent reasonably practicable, shall conduct the searches with discretion and out of the general view of the public and other court participants, including jurors. In exercising their discretion, court security personnel may take into account such factors as the intrusiveness of the search, potential disruption of court proceedings, officer safety and the security needs of the court.

(F) Notwithstanding any of the foregoing provisions, upon good cause shown, a judge of the court may order any method of search of persons or property deemed necessary on a case-by-case basis to secure the safety of the courthouse, court personnel, litigants and the public.

(Amended, effective 1/1/07)

RULE 2.14 REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

The court does not discriminate on the basis of disability with respect to admission to, access to, or the operations of its programs, services, benefits or activities. Disabled persons wishing to request accommodations may do so by completing Judicial Council Form MC-410, Request for Accommodations by Persons with Disabilities and Order, and sending it to the Court Executive Officer, 532 Oak Street, Colusa, CA 95932. Requests for accommodation may also be made by telephoning (530) 458-5149.

(Adopted, effective 1/1/03)

SECTION 3
CIVIL LAW AND MOTION RULES

RULE 3.01 SCOPE OF LAW AND MOTION RULES

The rules contained in this section apply to all "general civil cases" as defined in California Rules of Court, Rule 1.6. They implement and supplement Government Code §§ 68600–68620 and the California Rules of Court.

(Amended, effective 1/1/07)

RULE 3.02 ALL PURPOSE ASSIGNMENT

(A) Cases which are subject to Rule 3.01 shall be assigned to a judge for all purposes.

(B) At the time that the summons is issued the clerk shall set a status conference for a date not longer than 130 days or shorter than 120 days from the date the summons is issued.

(C) At the time that the summons is issued the clerk shall affix to the pleadings the name of the judge to whom the case has been assigned and the date of the status conference.

(Adopted, effective 1/1/07)

RULE 3.03 SERVICE

Plaintiffs must serve all named defendants with the summons, the complaint, and the notice of status conference and file proof of service within 60 days after the complaint has been filed. Plaintiffs must serve the notice on any intervenor or interpleader within 10 days of

being served with the complaint in intervention or interpleader. All cross-complainants must serve the notice upon each cross-defendant at the time the cross-complaint is served.
(Adopted, effective 1/1/07)

RULE 3.04 STATUS CONFERENCE; CASE EVALUATION

(A) All parties shall appear at the status conference. No pleading need be filed for the status conference.

(B) The assigned judge shall evaluate the assigned cases in accordance with California Rules of Court, Rules 3.714 and 3.715, and (1) set the case for a case management conference in accordance with California Rules of Court, Rules 3.722, and provide for disposition within the time standards contained in Local Rule 2.09, or (2) exempt the case from the disposition time standards in accordance with Local Rule 3.05(A), (B) or (C).

(Adopted, effective 1/1/07)

RULE 3.05 EXEMPTIONS FROM DISPOSITION TIME STANDARDS

(A) Partially exempt are uninsured/underinsured motorist cases. General civil cases filed solely to toll the statute of limitations on the prosecution of an uninsured or underinsured motorist claim will be granted a 180-day extension of the case management timelines if counsel for plaintiff files a declaration under penalty of perjury 15 calendar days before the status conference stating that the case is an uninsured or underinsured motorist case. If such a declaration is filed, the court will designate the case as an "uninsured motorist case" effective as of the date the complaint was filed, will continue the status conference to a date approximately 180 days after the originally-scheduled date and will notify plaintiff of the date. No appearance will be required at the originally-scheduled status conference in such event. Cases designated as "uninsured motorist cases" will be subject to the normal case management timelines, including times for service of the summons and complaint and entry of default, effective 180 days after the complaint was filed. Notice of the continued status conference must be served in accordance with Rule 3.03.

(B) Exemption for short cause cases. Upon the filing of an ex parte application establishing that a case is at-issue, that no general or exemplary damages are sought, that there are no more than two sides to the case, and that presentation of evidence will take no more than five hours, or upon the court's own motion, a case may be designated as a short cause case. Upon being designated as a short cause case, the case will be exempt from the case management process and a trial date will be set on the court's short cause calendar within six to nine months of filing. Short cause trials will be conducted in accordance with California Rules of Court, Rule 3.735.

(C) Exemption for early disposition cases. The court adopts a case management plan for early disposition cases as follows:

(1) The assigned judge shall determine if a case is amenable to early disposition within the meaning of California Rules of Court, Rule 3.714(d).

(2) In the event a case is deemed amenable for early disposition the court shall designate the case for early disposition and notify the parties and include a time table for disposition.

(3) Objections to the designation of a case for early disposition may be made by noticed motion within 30 days after the moving party has been noticed that the case has been designated for early disposition.

(Adopted, effective 1/1/07)

RULE 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 Government Code Section 68633. Pursuant to California Rules of Court, Rules 3.50 through, 3.58, both the clerk and the County of Revenue and Recovery Officer are hereby designated to make financial inquiries and verification contemplated thereby.

(B) In all civil cases in which a prevailing party has been granted a waiver of fees and is awarded costs, the court shall order that the party bearing costs pay to the clerk and serving and levying officers, respectively, the aggregate of any fees that were waived.

(Amended, effective, 7/1/15, and previously amended and renumbered, effective 1/1/07)

RULE 3.07 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.

(Adopted, effective 7/1/15)

RULE 3.08 RESERVED

RULE 3.09 RESERVED

RULE 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.

(B) NONAPPEARANCE OF PARTIES

California Rules of Court, Rule 3.1304, paragraphs (b) and (c) shall govern nonappearances by parties at a hearing. It is the obligation of the moving party to promptly notify the court at least two (2) court days before the scheduled hearing date if a matter will not be heard on the scheduled hearing date. In addition, a party who desires to submit a matter without appearing shall also give two (2) court days' notice of that fact.

(C) CONTINUANCES

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.

(D) EVIDENCE AT HEARING

Evidence at the hearing shall be governed by California Rules of Court, Rule 3.1306.

(E) TELEPHONIC APPEARANCES

(A) In addition to the provisions of California Rules of Court, Rule 3.670, 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". 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).

(C) The court, in its discretion, may calendar telephonic appearances for hearing at a time different than the regularly scheduled law and motion or probate calendar. If so, the party who requests the appearance by telephone shall be responsible for initiating the appropriate conference call at the appointed time, and shall bear the costs for the telephone appearance. Counsel may inquire of the clerk whether there is a telephone conference service available for this type of appearance. If there is not, counsel should make appropriate independent arrangements.

(D) Costs related to telephonic appearance are not recoverable costs under Code of Civil Procedure §1033.5.

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

RULE 3.11 PREPARATION OF ORDERS

Except as otherwise specified by the court, or in cases where it is impracticable due to time constraints in the case, the prevailing party on a motion shall, within five (5) days of receipt of the court's written or oral ruling, prepare and submit to the opposing party for approval as to matters of form only, an order thereon. The prevailing party shall promptly present the order to the court after a reasonable opportunity for review and sign-off by the opposing party, in a manner not inconsistent with California Rules of Court, Rule 3.1312. This Rule shall not apply in situations in which the motion was unopposed and only the prevailing party appeared at the hearing thereon.

(Amended, effective 1/1/07)

SECTION 4
SETTING OF TRIAL AND TRIAL - CIVIL

RULE 4.01 SETTING OF CASES FOR TRIAL - GENERAL CIVIL CASES

All general civil cases (as defined in Rule 2.09(B)) filed on or after July 1, 1992, or transferred by a court in another jurisdiction on or after July 1, 1992, shall be subject to this Rule 4.01.

(1) POLICY STATEMENT

The California Government Code and the California Rules of Court mandate that trial courts actively manage and supervise the pace of litigation from the date of filing to disposition by reference to specific procedure and guidelines. The court shall implement that mandate in the following manner in light of currently scarce judicial resources and the cooperative past efforts of the bar. The court will establish certain case development benchmarks but, generally, will not intervene with orders to show cause or early status conferences, in favor of conducting a comprehensive case management/pretrial conference no later than 180 days after the complaint is filed by which time all parties, if diligent, should be prepared to declare the case to be at issue; to identify all issues to be tried; to inform the court relative to case management issues; to summarize the pertinent results of discovery activity; to address alternative dispute resolution and settlement; and to schedule arbitration, trial or other proceedings.

(2) CASE DEVELOPMENT BENCHMARKS

The court adopts the following time period for progression of general civil cases:

(a) Service of complaint and filing of proof of service within 60 days of filing.

(b) Filing and service of responsive pleadings within 30 days of service of the complaint.

(c) Except to the limited extent permitted by Government Code Section 68616, no extensions of time shall be allowed on stipulations between the parties. To the extent extensions are permitted upon stipulation pursuant to the referenced authority, they shall be in writing and promptly filed with the court.

(d) Extensions of time for periods longer than permitted by statute upon stipulation may be permitted by the court, upon ex parte application which conforms with California Rules of Court, Rules 3.1200 through 3.1207.

(e) At the time of the case management/pretrial conference, if not earlier, the court shall determine if the parties have complied with these case

development benchmarks. If one or more parties have not complied, the court may, in its discretion, impose sanctions permitted by law at that time, without further notice, after the parties have had an opportunity to be heard.

(f) Until otherwise designated by the court at the case management/pretrial conference, each case is presumed to be on a 12 month plan from filing to disposition. (California Rules of Court, Rule 3.714; Standards of Judicial Administration Section 2.2(f)).

(3) PROCEEDINGS IN ADVANCE OF CASE MANAGEMENT/PRETRIAL CONFERENCE

(a) In its discretion on a case-by-case basis, the court may schedule status conferences and OSC hearings in advance of the case management/pretrial conference on timely notice to the parties. Unless expressly waived by the court, personal appearance by all counsel of record or the parties, if unrepresented, is required at any such conference.

(b) Nothing in these Rules shall be construed to preclude a party from seeking preferential trial setting, as provided in the Code of Civil Procedure, upon a duly noticed motion in advance of the case management/pretrial conference.

(c) Nothing in these Rules shall be construed to preclude a party from seeking a referral to Judicial Arbitration, pursuant to California Rules of Court, Rules 3.811 and 3.812, upon a duly noticed motion in advance of the case management/pretrial conference.

(d) Nothing within these Rules shall be construed to preclude a party from seeking early disposition of an uncomplicated case, as defined and provided in California Rules of Court, Rule 3.714, upon a duly noticed motion in advance of the case management/pretrial conference, which establishes that the case is at-issue; that no general or exemplary damages are sought; that there are no more than two sides to the case; and that presentation of evidence will take no more than one-half of a court day.

(4) THE CASE MANAGEMENT/PRETRIAL CONFERENCE

(a) **NOTICE**

At the time of the status conference, the court shall order plaintiff to serve a Notice of Case Management Conference (hereinafter the "Notice") which shall specify the date and time and place of the case management/pretrial conference. Plaintiff shall serve a complete copy of the Notice upon any party who has been served with the complaint at that time.

(b) **SCHEDULING**

The case management/pretrial conference shall be set for a date no later than 180 days from the filing of the complaint.

(c) **CASE MANAGEMENT/PRETRIAL STATEMENT**

No later than fifteen (15) days before the case management/pretrial conference, each party shall file and serve on all other parties a case management/pretrial statement which addresses with detail and particularity each area of inquiry designated in the Notice. The Case Management Statement shall state that all parties have met and conferred on all areas designated in the notice. The statement shall also indicate whether there is an alternative dispute resolution process in which the party would be willing to participate on a voluntary basis.

(d) **PRETRIAL ORDER**

At or immediately following the case management/pretrial conference, the court shall issue its order addressing the status of the case and further proceedings.

Sanctions for violations of these Rules, if any violations occurred up to and including the time of the case management/pretrial conference, will be considered by the court at this time.

(e) **FURTHER STATUS CONFERENCE**

Further status conferences will not be set as a matter of course in each case but on a case-by-case basis when circumstances dictate.

(Amended, effective 1/1/07)

RULE 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.

(Amended, effective 7/1/15, previously adopted, effective 7/1/92)

RULE 4.03 DUTIES IF CASE SETTLES

Whenever a case assigned a trial date settles, the attorneys or in pro per parties shall immediately notify the court. Primary obligation to notify the court shall be plaintiff's through his or her attorney or, in pro per, in person. Notification may be by telephone to the clerk, but, in such case, shall be followed within five (5) days by a confirming letter with copies to all parties. Notification of settlement to the court shall result in the vacating of any trial date and the removal of the action from the master calendar and civil active list.
(Adopted, effective 7/1/92)

RULE 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) 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.

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

RULE 4.05 PARTIES NOT PRESENT FOR TRIAL

(A) If a party has been served and did not answer but default and default judgment have not been entered and rendered, and the action has nevertheless been set for trial as to other parties, on proper application, judgment may be rendered and entered against the party in default in accordance with Code of Civil Procedure Sections 585 or 586.

(B) If a party has been served and answered, but does not appear for trial and appropriate notice of time and place of trial has been given, the court will proceed with the case in accordance with Code of Civil Procedure Section 594.

(C) If a named party has not been served, plaintiff will ordinarily be required to dismiss as to that party without prejudice.
(Adopted, effective 7/1/92)

RULE 4.06 CONDUCT OF CIVIL TRIALS INVOLVING JURIES

(A) CHALLENGES FOR CAUSE

Upon completion of voir dire examination as to all prospective jurors in the jury box or as to a prospective juror individually, a party should state whether he or she "passes for cause."

(B) PEREMPTORY CHALLENGES

If there are more than two sides and one side is allotted substantially more peremptory challenges than any other side, the trial judge will require the side with the greater number of challenges to exercise every second challenge, i.e., alternate with each of the other sides, rather than rotate the challenges from one side to a second side to a third side.

(C) WHEN EXHIBITS ARE TO BE GIVEN TO JURORS

Exhibits admitted into evidence shall be handed to jurors in the jury box only after leave therefore is obtained from the trial judge. Exhibits such as writings, which are not subject to cursory examination, ordinarily will not be provided to jurors until they retire to the jury room upon the cause being submitted to them.

(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.

(2) Thereafter, any additional proposed instructions may be delivered to the trial judge and served upon adversaries.

(E) DUTY TO PREPARE, SUBMIT AND MODIFY INSTRUCTIONS

(1) Attorneys and in pro per parties shall prepare and submit copies of any desired instructions. The Court does not maintain a stock of such form instructions.

(2) If an attorney or in pro per party submits instructions, all deletions, strikeouts, insertions and modifications therein which are appropriate to the case shall be made prior to submission.

(F) FORM OF PROPOSED JURY INSTRUCTIONS

All proposed jury instructions shall conform to the requirements of California Rules of Court, Rule 2.1055; and shall specify thereon the manner in which any instruction has been modified.

(G) SPECIAL VERDICT AND FINDING FORMS

(1) A party who requests a special verdict or special findings shall, in connection with requested instructions, comply with California Rules of Court, Rule 3.1580.

(2) A special verdict or special findings form shall be so drafted as to require as much as possible an answer of "yes" or "no".

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

SECTION 5
MISCELLANEOUS RULES - CIVIL

RULE 5.01 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS

(A) In actions on promissory notes and contracts providing for the payment of attorney fees, whenever a prevailing party is entitled to the recovery of reasonable attorney fees, the following schedule shall be considered by the court, in its discretion, in awarding attorney fees:

(1) DEFAULT ACTION

Exclusive of costs and interest,

(a) Twenty-five percent (25%) of the first two thousand dollars ($2,000) awarded as damages;

(b) Twenty percent (20%) of the next four thousand dollars ($4,000);

(c) Fifteen percent (15%) of the next four thousand dollars ($4,000);

(d) Ten percent (10%) of the next ten thousand dollars ($10,000);

(e) Five percent (5%) of the next thirty thousand dollars ($30,000); and

(f) Two percent (2%) of amounts in excess of the first fifty thousand dollars ($50,000).

(2) CONTESTED ACTION

The same amount as computed under paragraph (A)(1), increased by such compensation computed on an hourly or per-day basis for any additional research, general preparation, trial or other services as may be allowed by the court.

(B) Where a defendant is the prevailing party, the fees will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(C) Where a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the clerk shall include attorney fees computed pursuant to the fee schedule contained in this Rule.

(D) In any case where a party claims fees in excess of those allowed by this Rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fees will thereupon be fixed by the court.

(Adopted, effective 7/1/92)

RULE 5.02 ATTORNEY FEES IN RESIDENTIAL UNLAWFUL DETAINER ACTIONS

In actions for residential unlawful detainer, the attorney fees awarded by the Court will not, under normal circumstances, exceed three hundred dollars ($300) in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure Section 1170, or four hundred dollars ($400) in cases uncontested at trial where the defendant has filed an answer.
(Adopted, effective 7/1/92)

RULE 5.03 ATTORNEY FEES IN CASES INVOLVING MINORS OR INCOMPETENT PERSONS

(A) On any application for approval of a compromise under Code of Civil Procedure Section 372 or Probate Code Section 3500, the attorney fees hereafter set forth shall be considered reasonable under normal circumstances. In computing fees on the basis of the amount of the judgment, special damages allotted to the parents and the costs paid or incurred by any attorney shall be first deducted therefrom.

(1) Settlement without the commencement of a court trial: twenty-five percent (25%).

(2) Recovery of judgment or obtaining settlement after court trial has commenced: thirty-three and one-third percent (33 1/3%).

(3) Settlement after filing appellant's opening brief on appeal: forty percent (40%).

(B) In cases involving unusual circumstances or conditions, the foregoing fees shall be subject to variation by the Court to meet such circumstances or conditions.

(Adopted, effective 7/1/92)

RULE 5.04 COMPROMISE OF CLAIM OF MINOR OR INCOMPETENT PERSON

(A) PETITIONS TO COMPROMISE

A petition for court approval of a compromise pursuant to Code of Civil Procedure Section 372, Probate Code Section 2504, or Probate Code Section 3500, shall be made using Judicial Council Form MC-350, Petition to Approve Compromise of Claim. All petitioners shall also submit a completed Judicial Council Form MC-351, Order Approving Compromise of Claim.

(B) ORDER TO DEPOSIT MONEY

If the petition seeks to have settlement proceeds deposited into a blocked account, the petitioner must also file a completed Judicial Council Form MC-355, Order to Deposit Money Into Blocked Account. If the court approves the deposit into a blocked account, the petitioner must deliver three (3) copies of the order and three (3) copies of Judicial Council Form MC-356, Receipt and Acknowledgement of Order for the Deposit of Money Into Blocked Account, to each depository in which funds are deposited.

(C) WITHDRAWAL OF FUNDS

Requests for withdrawal of funds deposited into a blocked account must be made using Judicial Council Form MC-357, Petition for Withdrawal of Funds From Blocked Account. Petitioners must also submit a completed Judicial Council Form MC-358, Order for Withdrawal of Funds From Blocked Account. Except as otherwise ordered by the court for good cause shown, where the attorney for the petitioner was allowed fees at the time of settlement, no attorney fees incidental to securing such order will be awarded.

(D) PRESENCE OF PETITIONER AND MINOR OR INCOMPETENT PERSON AT HEARING

The presence of the petitioner and minor or incompetent person at the hearing on petition for approval of compromise shall be required, unless, in advance of the hearing, good cause is shown to the court by letter request seeking to excuse that person's attendance. The court shall consider as factors in weighing such a letter request, without limitation, the following:

(1) Amount of settlement;

(2) Policy limits;

(3) Extent of injury and need for future medical care related to injury;

(4) Extent of residual (including cosmetic and psychological);

(5) Liability;

(6) Travel distance for minor and guardian, including consideration of any disability making travel difficult;

(7) Interruption of education.

Note: Generally, where petitioner is not represented by counsel, an appearance will be required.

(E) FILING FEE

In any case in which the filing fee was waived, it shall be ordered paid out of the settlement proceeds by court order before orders approving compromise and deposit are filed.

(Amended, effective 1/1/03)

RULE 5.05 FORM OF JUDGMENT

In drafting forms of judgment for the trial judge to sign, counsel shall:

(A) Clearly show the full names of the parties for whom, and against whom, the judgment is rendered, including their capacities as plaintiffs, defendants, cross-complainants and cross-defendants;

(B) Refer to such full names as they appear in the pleadings, or obtain an order amending the pleadings in respect to such names; and

(C) Unless costs have already been awarded in a specific amount, leave a blank space for insertion of any costs, as follows: "and costs in the sum of $_____."

(Adopted, effective 7/1/92)

RULE 5.06 RESERVED

RULE 5.07 APPEAL FROM DECISION OF LABOR COMMISSIONER UNDER LABOR CODE SECTION 98.2

(A) Any party filing a Notice of Appeal of the order, decision or award of the Labor Commissioner pursuant to Labor Code §98.2, shall file with the clerk of the Court:

(1) A copy of the complaint and any answer filed with the Labor Commissioner; and

(2) A complete copy of the order, decision, or award of the Labor Commissioner, which shall include a summary of the hearing and the reasons for the decision if provided by the Labor Commissioner; and

(3) A declaration of proof of service of a copy of the Notice of Appeal upon the Labor Commissioner.

(B) Any employer filing an appeal shall, in addition to the foregoing, post an appeal bond and provide notice to the other parties and the Labor Commissioner in compliance with Labor Code §98.2(b).

(C) The clerk shall only set the matter for hearing de novo upon the filing of the papers prescribed in paragraphs (A) and (B).

(D) The Notice of Appeal filed pursuant to Labor Code §98.2 shall be treated as the first paper for the purpose of determining the filing fee.

(Amended, effective 7/1/01)

RULE 5.08 SETTLEMENT CONFERENCE

(A) In connection with the settlement conference, all parties shall comply with the requirements of California Rules of Court, Rule 3.1380, and in addition to which, at the conference the parties shall:

(1) Be prepared to make a bona fide settlement offer;

(2) Have in attendance all principals or clients, unless excused from attendance in advance, for good cause shown, and after notice to all other parties that such request to be excused will be made;

(3) Produce memoranda of items of any special damages claimed; and

(4) Have available any and all medical reports (if a personal injury is claimed), depositions, photographs, records, diagrams, maps, bills, contracts, memoranda and other documents pertinent to settlement of the case.

(B) A settlement conference statement shall be filed five (5) days before the date of the settlement conference.

(C) It is the responsibility of the parties to notify the clerk whether the case has or has not settled, in advance of said conference.

(Amended, effective 1/1/07)

RULE 5.09 SANCTIONS

A violation of these Rules of Court constitutes a violation of a lawful court order, as that term is used in Code of Civil Procedure Section 177.5, and may subject the party and/or counsel to sanctions thereunder, and as otherwise provided by law. In addition to sanctions authorized in the Code of Civil Procedure, each court adopts and incorporates herein by this reference as though fully set forth at length California Rules of Court, Rule 2.30, pertaining to Superior Courts.

Any request for money sanctions must be made upon advance notice, in writing, unless on the court's own motion, in which case notice need not be in writing.

(Amended, effective 1/1/07)

RULE 5.10 RESERVED

RULE 5.11 SMALL CLAIMS SETTINGS

Small claims calendars shall be established on a regularly scheduled basis (Code of Civil Procedure Section 116.250).

(Amended, effective 7/1/97)

RULE 5.12 DEFAULT PROVE-UPS

(A) Except in cases concerning which the clerk may enter judgment without review by a judicial officer (California Code of Civil Procedure Section 585(a)), it is the general policy of the court that prove-up applications and evidence in support thereof be presented in written form, unless prohibited by law (Code of Civil Procedure Section 585(c)).

(B) Affidavits and declarations presented in support of a prove-up application shall comply with the requirements of Code of Civil Procedure Sections 585 and 585.5.

(C) For purposes of default prove-ups, as to the issue of damages, competent evidence must be presented. As to the issues of liability, the failure of the adverse party to answer is deemed an admission, except as to matter which was alleged in the complaint in conclusory form. As to that matter, only, the failure of the adverse party to answer is not deemed an admission and competent evidence must be presented. Affidavits and declarations must show, affirmatively, that the affiant or declarant is competent to state those things that appear therein. Generally, the court

will use the same standard for assessing the quality and sufficiency of the evidence as would be applied in a contested proceeding. (Code of Civil Procedure Section 585(d)).

(Amended, effective 1/1/07)

RULE 5.13 FACSIMILE FILING

This Rule is adopted in accordance with the provisions of California Rules of Court, Rule 2.300 et seq. 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.

(A) DEFINITIONS

As used in this Rule, unless the context requires otherwise:

(a) "Facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electrical signals, transmits such electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.

(b) "File" or "filing" means the facsimile transmission of a document to a fax filing agency for filing with the court.

(c) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

(d) "Fax filing agency" means an entity that receives documents by fax for processing and filing with the trial courts. An attorney or law office may act as a fax filing agency for the attorney, the law office or others.

(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 and all applicable Rules of this Court.

(b) An exhibit that exceeds 8½ by 11 inches shall be reduced to 8½ by 11 inches before it is transmitted. The court may require the party to file the original of an exhibit that has been filed by fax.

(c) Any document which contains an exhibit which cannot be accurately transmitted by fax shall not be filed by fax.

(C) NO DIRECT TRANSMISSION FOR FILING

Facsimile produced documents may not be transmitted for filing directly to any fax machine owned or operated by the court or the clerk's office. In order to be filed with the court, all facsimile produced documents must be presented for filing at the filing window. All requested fees must be paid at the time of filing.

(D) QUALITY OF FACSIMILE PRODUCED DOCUMENTS

In order to be filed with the court, all facsimile produced documents must be produced on plain eight-pound bond paper by laser printer or better quality technique, and in terms of legibility, quality of paper and permanence must be of equal or better quality than non-facsimile produced documents.

(E) FAX FILING AGENCY

A party may transmit a document by fax to a fax filing agency for filing with the trial courts. The fax filing agency acts as the agent of the filing party and not as an agent of the 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 and any other requirements for filing with this court.

(2) Take the documents to the court.

(3) Ensure that the words "By fax" are included on the first page immediately below the title of the document.

(4) File the document with the court.

(5) Pay any applicable filing fee.

(G) REQUIREMENTS FOR ADVANCE ARRANGEMENTS

A fax filing agency shall not be required to accept papers for filing unless appropriate arrangements for payment of filing fees and service charges have been made by the transmitting agency before the papers are transmitted to the fax filing agency.

(H) CONFIDENTIALITY

A fax filing agency shall keep all documents transmitted to it confidential except as provided in these Rules.

(I) RESERVED

(J) SIGNATURES

(1) A party who files a signed document by fax represents that the original physically signed document is in his or her possession or control.

(2) Notwithstanding any provision of law to the contrary, including Evidence Code sections 255 and 260, a signature produced by facsimile transmission will be treated as an original.

(3) Within fifteen (15) days after service of a signed facsimile filing, any other party may serve a demand for production of the original physically signed document. The demand shall not be filed with the court. Failure to serve a demand is a waiver of the right to demand production of the physically signed original.

(4) If a demand for production of the original physically signed document is made, the filing party shall arrange a meeting at which the original physically signed document can be examined.

(K) NOTATION OF FACSIMILE FILING

Each facsimile filing shall include the words "By fax" or "By facsimile" on the first page immediately below the title of the document. If a party is represented by an attorney, the attorney shall also include his or her facsimile machine telephone number, designated as a "fax" number, as part of the attorney's name, address, State Bar membership number, and telephone number on the document.

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

SECTION 6
CRIMINAL RULES - FILING, WARRANTS, ARRAIGNMENT AND BAIL

RULE 6.01 TIME OF ARRAIGNMENT; FILING CRIMINAL COMPLAINTS

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

(B) All criminal complaints charging in-custody defendants shall be filed with the clerk at the earliest time possible but in no case later than 9:00 a.m. on the date of such defendant's first appearance in court on those charges.

(C) All criminal complaints charging out-of-custody defendants shall be filed with the clerk no later than three (3) court days before the time of the defendant's first scheduled appearance on those charges.

(Amended, effective 7/1/15, previously adopted 1/1/00; and amended, effective 1/1/04)

RULE 6.02 BAIL

(A) GENERAL PROVISIONS

(1) REQUESTS FOR INCREASE OR REDUCTION

When bail has been set by a judge out of court, any further out of court requests for the increase or reductions of bail shall be made to the judge who set such bail. This requirement shall not apply in felony cases in which the initial setting occurred when the case was pending preliminary hearing and a further request occurs following the preliminary hearing.

(2) MORE THAN ONE REQUEST

Any person requesting a bail reduction or increase shall disclose all other applications that have been made prior to this request.

(3) DEFENSE REQUESTS RE BAIL/OR

(a) No defense applications may be made without prior notification to the District Attorney to allow a representative to be present.

(b) When a defense request for bail or OR is made after normal court hours the requesting party shall, before contacting the court, arrange for the telephone availability of the District Attorney or one of his or her deputies.

(4) COSTS ON REQUEST TO SET ASIDE FORFEITURE

(a) The court assesses the sum of seventy-five dollars ($75) in those cases in which the defendant has voluntarily surrendered to the court, and one hundred twenty-five dollars ($125) in those cases in which the defendant's appearance is the result of an agency arrest; as a condition to exoneration of bail in all cases (said sum representing the court's costs in reprocessing the defendant); and

(b) Where the defendant has been transported back to Colusa County at public expense, those expenses shall be assessed at actual cost.

(B) SOURCE OF BAIL - PENAL CODE SECTION 1275.1 - PROCEDURE

When a Source of Bail Order pursuant to Penal Code Section 1275.1 has been signed by a judge in a case, the following procedure shall be followed by the defendant in calendaring the matter for hearing to show that no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained:

(1) The Request for Hearing shall be accompanied by a declaration or offer of proof setting forth the following:

(a) The identity of the bail agent and surety, or, if there is no surety, the depositor;

(b) The source of the bond premium, including name and address of person(s) proposing to pay said premium; and

(c) The source of the security or pledge, including the name and address of the owner, and description of the property.

(2) The declaration or offer of proof shall be filed and personally served on the District Attorney not later than twenty-four (24) hours before the hearing.

(3) At the hearing, the defendant shall produce the bail agent, the person proposing to pay the premium, and the person proposing to provide the security for examination and cross-examination.

(Amended, effective 1/1/07)

RULE 6.03 ARREST AND SEARCH WARRANTS

(A) All requests for arrest warrants and search warrants shall first be presented to the District Attorney for review and approval before delivery to the court. All supporting declarations on arrest warrants shall be fully dated and executed before being considered by a judge.

(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.

(Amended, effective 7/1/15, previously amended, effective 7/1/01)

RULE 6.04 RESERVED

SECTION 7
CRIMINAL RULES - MISDEMEANOR PRETRIAL CONFERENCE AND PRETRIAL PROCEEDINGS

RULE 7.01 NEGOTIATIONS PRIOR TO PRETRIAL CONFERENCE

(A) Counsel are strongly encouraged to meet and discuss actions informally in an attempt to resolve matters prior to the pretrial conference.

(B) Prosecution should deliver to defense counsel a formal offer for resolution prior to the day of readiness conference.

(C) Defense counsel should appear at the pretrial conference having already discussed the case and prosecution's offer with the defendant.

(Amended, effective 7/1/97)

RULE 7.02 RESERVED

RULE 7.03 PRETRIAL MOTIONS

(A) All Statutory and Rules of Court procedures control, and the court hereby incorporates by reference the requirements of California Rules of Court, Rule 4.111 pertaining to the making and timing of pretrial motions and opposition thereto, in Superior Courts.

(B) In the event that the moving papers are not timely filed for the assigned hearing date without good cause demonstrated, the motion may be deemed waived by the moving party.

(C) Failure to serve or file papers in opposition to a motion or other application to the court for an order, other than an ex-parte application, may, in the court's discretion, be deemed a waiver of any objections and an admission that the motion or other application is meritorious. Notwithstanding the foregoing, in any matter in which the opposition is based upon a factual dispute, only, as distinguished from a disputed legal issue, opposition papers shall not be required.

(D) If any authority other than California cases, statutes, constitutional provisions or State or local rules is cited in any Motion or Memorandum of Points and Authorities, a copy shall be attached to the papers in which the authorities are cited and tabbed as exhibits. If a California case is cited before the time it is published in the Advance Sheets of the Official Reports, a copy of that case shall also be attached and be tabbed.

(E) Motions to continue any hearing, including trial, are disfavored and shall be denied unless the moving party, pursuant to and in accordance with Penal Code Section 1050, presents affirmative proof that the ends of justice require a continuance. A

stipulation by all parties to continue a hearing does not constitute good cause, by itself. Substitution of counsel does not automatically constitute good cause for a continuance.

(F) Reserved
(Amended, effective 1/1/07)

RULE 7.04 TRIAL SETTINGS

Trial dates will generally be set at the first appearance of counsel or at the pretrial conference. Generally, the court will select a trial date approximately thirty (30) days from the pretrial conference or first appearance of counsel.
(Amended, effective 7/1/97)

RULE 7.05 PRETRIAL CALENDAR

(A) All counsel shall attend a trial readiness conference, generally held within two (2) weeks prior to the jury trial date, prepared to indicate to the court a readiness to proceed to jury trial. The obligations of the parties and counsel are as set forth in California Rules of Court, Rule 4.112 pertaining to Superior Courts, and incorporated herein by this reference.

(B) Defense counsel trying the case shall be present at the trial readiness conference. Defense counsel shall insure the defendant(s) presence.

(C) Both sides shall be fully prepared and able to discuss the facts of the case and the availability of witnesses for trial. The trial readiness conference shall not be continued without actual good cause shown, as defined in Penal Code Section 1050. It is the policy of the court to conduct one trial readiness conference for each case.

(D) The court will be prepared to accept dispositions at the trial readiness conference. Following confirmation of the jury trial, the court will not accept any dispositions other than dismissal of the complaint in its entirety by the People, or a plea of guilty to the complaint in its entirety by the defendant(s). This practice is adopted due to the fact that this court orders a jury panel for a specific case and the cancellation of a jury will result in unnecessary expenditure of public funds and the denial of the use of that trial date for another case.
(Amended, effective 7/1/01)

RULE 7.06 RESERVED

SECTION 8
CRIMINAL RULES - DISCOVERY

RULE 8.01 DISCOVERY

(A) Discovery shall be governed by the provisions of Penal Code Section 1054, et seq.

(B) The obligation to make discovery is an automatic, reciprocal, and continuing obligation.

(C) Unless otherwise ordered, a motion in a criminal case for the discovery of information or evidence shall be in writing and, absent an order shortening time, shall be subject to the time standards contained in California Rules of Court, Rule 4.111, which is incorporated herein by this reference.

(D) In misdemeanor cases, all discovery shall be timely sought so that the attorneys are adequately prepared to discuss the case at the trial readiness conference.

(E) In the event of a failure to comply with this Rule or an order of discovery, the court may grant a continuance, exclude the evidence not disclosed, dismiss the case if required by the United States Constitution, or order any other relief or sanction available at law or under these Rules.

(Amended, effective 7/1/01)

SECTION 9
CRIMINAL RULES - TRIAL

RULE 9.01 RESERVED

RULE 9.02 MOTIONS AT TRIAL

Motions that are out of the ordinary or unusual (e.g. complex or extensive motions in limine) shall be made in writing, served upon opposing counsel, and filed at or before the trial readiness calendar.

(Adopted, effective 7/1/92)

RULE 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.

(Amended, effective 7/1/15 and previously amended, effective 1/1/07)

SECTION 10
CRIMINAL RULES - PRELIMINARY EXAMINATIONS

RULE 10.01 TIME ESTIMATES FOR PRELIMINARY EXAMINATIONS

Counsel shall, at the time of setting, or as soon as possible thereafter, identify to the setting judge, any matter which can realistically be expected to take a half hour or more to present. Those matters not so designated will be assumed to require less than a half hour and will be appropriately calendared.
(Adopted, effective 7/1/92)

RULE 10.02 CONTINUANCES OF PRELIMINARY EXAMINATIONS

Motions to continue the preliminary examination are disfavored and shall be denied unless the moving party, pursuant to and in accordance with Penal Code Section 1050 and the particular statues pertaining to continuances of preliminary examinations, presents affirmative proof that the ends of justice require a continuance. A stipulation by all parties to continue the preliminary examination does not constitute good cause, by itself. Substitution of counsel does not automatically constitute good cause for a continuance.
(Adopted, effective 7/1/92)

SECTION 11
RULES RELATING TO TRAFFIC INFRACTION TRIALS

RULE 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.
(Amended, effective 7/1/15, and previously adopted, effective 7/1/92)

RULE 11.02 TIME AND PLACE

Infraction trials shall be held Mondays at 3:30 p.m., or set on special calendars to be announced by the court, from time to time.
(Amended, effective 7/1/15, and previously amended, effective 7/1/01)

RULE 11.03 SCHEDULING AND BAIL

All defendants requesting an infraction court trial shall post bail pursuant to Vehicle Code Section 40519 and only upon receipt of bail shall a date for trial be set. The requirement to post bail can only be waived by the court under unusual circumstances where the interest of justice so requires. The posting of bail is necessary to guarantee the appearance of the defendant and to apply toward the payment of any fine or assessment prescribed by the court in the event of conviction. Bail shall include all assessments under Section 42006 of the Vehicle Code and Section 1464 of the Penal Code.
(Adopted, effective 7/1/92)

RULE 11.04 APPEARANCES

No party shall be represented by counsel on the special traffic infraction trial calendars identified in this Rule. The defendant shall be present or the matter will proceed in accordance with Vehicle Code Section 40512.5, which reads, in pertinent part, as follows:

> "Section 40512.5. If at the time when the case is called for trial the defendant does not appear either in person or by counsel and has not requested in writing that the trial proceed in his or her absence, the Court may declare the bail forfeited and may in its discretion order that no further proceeding be had in the case, or the Court may act pursuant to Section 1043 of the Penal Code. However, if the defendant has been charged with violation of Section 23111 or 23112, or subdivision (a) of Section 23113, and he has been previously convicted of a violation of the same section, the court may declare the bail forfeited, but shall issue a bench warrant for arrest of the person charged, except in cases where the magistrate finds that undue hardship will be imposed upon the defendant by requiring him to appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in such case."

(A) A party may have witnesses present and may request subpoenas for their appearance, but must do so at least five (5) days prior to the trial date.

(B) In the event a party desires to be represented by counsel, the party shall notify the court at least five (5) working days in advance of the scheduled trial date and the matter shall then be reset to an appropriate trial calendar.
(Amended, effective 7/1/97)

RULE 11.05 CONTINUANCES

No continuance of a trial shall be permitted unless the party requesting the continuance requests the same at least five (5) working days in advance of the trial date.

No continuance will be granted thereafter unless the interest of justice shall so require.
(Adopted, effective 7/1/92)

SECTION 12
MISCELLANEOUS TRAFFIC INFRACTION RULES

RULE 12.01 TRAFFIC SCHOOL

This court will permit attendance at a DMV-approved traffic school as a means of obtaining a dismissal of a traffic charge which is susceptible to dismissal upon successful completion of traffic school under California Law. Rules of eligibility and procedures for completing traffic school shall be established by the court, from time to time, and shall be made available to the general public in the clerk's office.
(Amended effective 1/1/07)

RULE 12.02 TRIALS BY WRITTEN DECLARATION

(A) ADOPTION OF TRIAL BY WRITTEN DECLARATION PROCEDURE

This court adopts the provisions of Vehicle Code Section 40902 except as limited herein.

(B) ELIGIBILITY

Any defendant shall be afforded a trial by written declaration for such charges as allowed by Vehicle Code Section 40902 upon written request.

(C) REQUIREMENT FOR POSTING OF BAIL

Any person requesting a trial by written declaration shall be informed of the requirement to post bail in the full amount specified by the bail schedule. Additionally, the person shall be notified that if he or she would desire to attend traffic school (in the event of a finding of guilty), they are to post the appropriate State Traffic School Fee, in addition to the bail amount. Failure to timely post bail shall be deemed to be a withdrawal of the request for trial by written declaration. Thereafter, a person shall not be afforded a trial by written declaration in that case, absent an order of the court, on good cause shown.

(D) USE OF JUDICIAL COUNCIL FORMS

Upon receipt of a request for trial by written declaration, the clerk shall provide to the defendant appropriate Judicial Council forms upon which to submit his or her declaration of facts. Trials by written declaration shall be submitted on forms prescribed by the Judicial Council.

(E) TIME LIMITS

A person having posted bail for a trial by written declaration shall adhere to the time limits set by the clerk of the court for submission of any required declarations,

exhibits or other evidence. Failure to submit said evidence in a timely manner shall result in a bail forfeiture without further proceedings.

(F) EVIDENCE

Pursuant to Vehicle Code Section 40902(c), this court will admit all relevant evidence including but not limited to the complaint, citation, police reports, written declaration of the defendant or any witness, photographs, drawings, diagrams or other probative evidence.

(Amended, effective 7/1/01)

SECTION 13
GENERAL CRIMINAL RULES

RULE 13.01 SANCTIONS

Rule 5.09 pertaining to civil actions is incorporated herein by this reference as though fully set forth at length, and is hereby made applicable to criminal actions in the court.
(Adopted, effective 7/1/92)

RULE 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.

(2) The Court does not intend for this Rule to have any effect on legitimate Colusa County business being conducted within these structures.

(B) COURT PROCEEDINGS

The recording or broadcast of any court proceeding, whether by photography or any other audio or visual recording or broadcast device, is prohibited unless prior approval by written request is obtained from the Judge conducting the proceeding. Media requests will be governed by California Rules of Court, Rule 1.150.

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

RULE 13.03 SENTENCE MODIFICATIONS

In cases in which the court has not lost jurisdiction and that defendant or counsel seeks modification of a term of probation, including a jail term, the clerk shall be contacted so that a hearing can be set before the bench officer who imposed the sentence, on a regular calendar over which that bench officer presides. The request for modification shall be in the form of a noticed motion, the time for filing and service of which shall be as set forth in California Rules of Court, Rule 4.111, absent an order shortening time obtained on written application, and for good cause shown. If the sentencing bench officer is unavailable to hear the motion timely, then the Presiding Judge or his or her designee shall hear the motion. Nothing in this Rule shall preclude pro per defendants from sending written requests for sentence modification to the sentencing judge's attention, nor shall it preclude bench officers from responding to such letter requests. In no event shall hearing on such an application take place following less than two (2) days actual notice to the District Attorney, unless time is expressly waived by the District Attorney.
(Amended, effective 7/1/01)

RULE 13.04 CLAIMS FOR PAYMENT BY COURT-APPOINTED COUNSEL

A claim for attorney fees and/or for reimbursement of expenses by an attorney appointed by the court to represent an indigent defendant in a criminal action shall be submitted to the presiding judge of the criminal calendar if a trial were held, no later than sixty (60) days following judgment and sentencing. Failure by the attorney to comply with this requirement shall be deemed a waiver of the claim and right to reimbursement. The claim shall include an itemized statement of the services rendered, the time devoted to each service, the sum requested for each item of service, the date of service, the items and amounts of reasonably necessary expenses incurred, and the total amount requested by such attorney.

Before incurring expenses for ancillary services, which are defined to include, without limitation, services of investigators, experts, paralegals, and transcriptionists who are not salaried employees of the attorney, the attorney shall make written application for authorization from the court to do so. Such application shall be supported by a declaration made under penalty of perjury, setting forth the following facts:

1. The reason such services are reasonably necessary in the preparation of a defense;

2. The type of service being requested;

3. The name of the provider being requested and a brief statement of the provider's qualifications to provide the requested services; and,

4. A request for authorization to spend up to a specific dollar amount.

(Amended, effective 1/1/00)

SECTION 14
FAMILY LAW RULES

RULE 14.01 MEET AND CONFER REQUIREMENT

No matter (including request for order, 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.
(Amended, effective 7/1/15, previously adopted, effective 7/1/92)

RULE 14.02 RECOMMENDATIONS OF MEDIATOR

Court-designated mediators of child custody and visitation disputes are hereby authorized to render a recommendation to the court as to the custody or visitation of the child, or children, involved.
(Adopted, effective 7/1/92)

RULE 14.03 FAMILY LAW FACILITATOR

The Family Law Facilitator provided for pursuant to Division 14 of the Family Code, shall under the supervision, and at the direction of the Presiding Judge or the Presiding Judge's designee, in addition to providing the services set forth in Family Code Section 10004, be responsible to discharge the additional duties set forth in Family Code Section 10005.
(Adopted, effective 7/20/98)

RULE 14.04 APPOINTMENT OF COURT-APPOINTED INVESTIGATOR

(A) APPLICABILITY

In any case in which custody and/or visitation are in dispute, the court may appoint an investigator and order that a child custody/visitation investigation and/or evaluation be conducted if, in the opinion of the court, or upon the recommendation of a mediator, there is a need for such service. The court shall appoint an investigator in accordance with Evidence Code Section 730 and Family Code Sections 1816, 3110 and 3111.

(B) CHALLENGES TO COURT-APPOINTED INVESTIGATOR

No peremptory challenge of a court-appointed investigator shall be allowed.

(C) EX PARTE CONTACT PROHIBITED

No party or attorney for a party shall initiate contact with a court-appointed investigator, orally or in writing, to discuss the merits of the case without giving the other party notice and an opportunity to be present or to receive a copy of a written communication. Nothing in this Rule shall prohibit the court-appointed investigator from contacting either party or attorney.

(D) CONTACT BETWEEN COURT-APPOINTED INVESTIGATOR AND MINOR CHILDREN

The court relies on the judgment of the investigator and other persons appointed, as a part of the investigation, in making decisions as to whether children will be interviewed, under what circumstances children will be interviewed, and in justifying such decisions in a particular case. Except in extraordinary circumstances, including the potential for danger to the child, children will be informed that the information provided by the child will not be confidential. A child seen by the investigator with one parent will also be seen with the other parent. At the discretion of the investigator, interviews with siblings may be separate. Unless ordered by the court, an investigation shall not be based on an interview with only one parent.

(E) INVESTIGATION REPORT

The court order appointing the investigator shall state the date the court-appointed investigator shall return and file the report with the court. Generally, the court will order the report filed within sixty (60) calendar days from the date of appointment. The date for return of the report may be extended by order of the court or written agreement of the parties. The report shall be in writing and shall be distributed to the court, all counsel, and to the parties if they are unrepresented ten (10) calendar days prior to hearing. All written reports and recommendations of the court-appointed investigator shall be served upon the parties or attorneys consistent with Family Code Section 3111.

(F) ACCESS TO THE REPORT

Any written report or recommendation from the court-appointed investigator or the person appointed by the court to render a report as a part of the investigation shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to whom the court expressly grants access by written order made with prior notice to all parties. No person who has access to a report shall make copies of the report or disclose the contents of the report to any child.

(G) GRIEVANCE PROCEDURE

Grievances raised in connection with court-ordered investigations shall be made in writing, signed, under penalty of perjury, by the party filing the grievance, and addressed to the Judge.

(Amended, effective 1/1/07)

RULE 14.05 ACCEPTANCE OF HANDWRITTEN PLEADINGS FOR PRO PER PARTIES

The Judges of the Superior Court recognize that improving the public's access to the court is a high priority. The clerk's office will accept handwritten pleadings that are neat and legible in all family law matters from pro per litigants in blue or black ink. The judicial officer and/or clerk's office have the discretion to reject handwritten pleadings that are not neat or legible.

(Adopted, effective 1/1/00)

SECTION 15
PROBATE RULES

RULE 15.01 CAPTION OF PETITIONS AND POSTING

The caption of a petition shall be all-inclusive as to the order sought so that the matter may be properly calendared and posted, and any filing fees determined. If any part of the estate is to be distributed to a trust, the caption shall so indicate.

(Adopted, effective 7/1/92)

RULE 15.02 SIGNING AND VERIFICATION OF PLEADINGS

Pleadings shall be signed by the attorney and each representative, trustee, guardian, or conservator. The pleadings shall be verified by a representative, trustee, guardian, or conservator personally and not by the attorney.

(Adopted, effective 7/1/92)

RULE 15.03 ADDITIONAL NOTICE REQUIREMENTS

A copy of the petition shall be served with each notice of hearing when served on a person requesting special notice or where the petition is the accounting of a testamentary trustee. Where the fiduciary or attorney is requesting fees or commissions other than those computed by Probate Code Sections 10800 and 10810, the notice of hearing and a copy of the petition shall be served on all interested parties. The proof of service shall show service of the copy of the petition as well as the notice of hearing.

(Adopted, effective 7/1/92)

RULE 15.04 WORDING OF PROBATE ORDER

Probate orders shall be worded so that their general effect may be determined without reference to the petition on which they are based.
(Adopted, effective 7/1/92)

RULE 15.05 TIME FOR SUBMITTING ORDERS AND AFFIDAVITS OF PUBLICATION

All orders prepared by the moving party and affidavits of publication shall be filed or lodged with the clerk at least three (3) court days before the date of hearing.
(Adopted, effective 7/1/92)

RULE 15.06 UNCONTESTED MATTERS

(A) **APPEARANCE OF COUNSEL** (Probate Code Section 1000)

(1) Except as otherwise provided by law, all verified petitions in probate matters may be deemed submitted without an appearance, except that the attorney or petitioner shall appear on a petition for confirmation of sale of (1) real property, or (2) personal property valued in excess of one hundred dollars ($100). As used in this Rule, "verified" means verified by the petitioner. Before denying any petition where there is no appearance under this Rule, the court will continue the matter two (2) weeks, or until the next succeeding calendar, whichever is later, to give the petitioner or the petitioner's attorney opportunity to appear. If there is no appearance or other response by the petitioner or the petitioner's attorney at the continued hearing, the court may drop the matter from the calendar.

(2) The petitioner or the petitioner's attorney shall appear on all petitions for appointment of guardian or conservator.

Comment: It is the responsibility of the attorney to determine whether the matter has been approved or continued.
(Amended, effective 7/1/97)

RULE 15.07 ORDER FOR FAMILY ALLOWANCE

The duration of an order for family allowance is limited to six (6) months if no inventory and appraisement has been filed, and is limited to one year if an inventory and appraisement has been filed.

Comment: The court discourages requests for retroactive (nunc pro tunc) payment of family allowance. Requests for family allowance should be made in a timely fashion.
(Adopted, effective 7/1/92)

RULE 15.08 NONSTATUTORY FEES AND COMMISSIONS

A petition for services other than statutory compensation rendered in a probate or other proceeding shall include: (1) a declaration by the attorney, personal representative, trustee or other fiduciary of the services rendered or to be rendered by each of them itemizing their services by date, time and service rendered; (2) the sum requested for each item of service, together with the total amount requested for such services (and not merely "reasonable fees"); and (3) a reference in the caption and prayer to the additional fees. In determining such fees, the court shall consider the difficulty of the tasks performed, the reasonable value of time expended, the amount of the estate accounted for, and whether an accounting is waived.
(Adopted, effective 7/1/92)

RULE 15.09 REQUIRED MATTERS IN A PETITION FOR FINAL DISTRIBUTION

In addition to items otherwise required by law, a petition for final distribution shall contain the following matters, unless set forth in the account and report:

(A) A full and complete description of all assets on hand.

(B) Facts specifically showing the entitlement of each heir to the portion of the estate to be distributed to that heir, including any information concerning predeceased children.

(C) A computation of the attorney fees and representative commissions requested.

(D) A statement regarding payment of all taxes pursuant to Probate Code Section 9650.

(E) If the decree of distribution is to distribute assets in kind in a manner that all persons will not share equally in each asset and the distribution is other than pursuant to the will or the laws of intestate succession, then an agreement must be signed by each heir and devisee with the signatures acknowledged accepting the plan of distribution.

(F) A schedule of claims showing the name of the claimant, amount claimed, date presented, date allowed, and, if paid, the date of payment. As to any claims rejected, the date of rejection must be set forth, and the original of the notice of rejection with affidavit of mailing to the creditor must be filed.

(G) The terms of any testamentary trust must be set out in full in the petition and order and not merely incorporated by reference.

(H) An itemization of costs for which counsel has been paid or is seeking reimbursement. Ordinary overhead items, including, but not limited to, costs of duplication of documents, telephone calls, and automobile mileage are not proper cost items.

(I) A schedule showing the proration of taxes, fees, and costs.

(J) A statement of what property is separate and what property is community.

(K) If distribution is to be made pursuant to an assignment of interest, the assignment shall be filed and acknowledged and the details of the consideration set forth.

(L) If distribution is to be made to a trust, either an acknowledged statement by the trustee accepting the property under the terms of the trust, or a petition by the executor or administrator for the designation of a substitute trustee shall be filed.

(M) If the distribution is to be made to a minor or an incompetent, either facts showing compliance with Probate Code Section 3300, et seq., or current certified copies of letters of conservatorship or guardianship of the estate shall be filed.

(Adopted, effective 7/1/92)

RULE 15.10 REQUIRED FORM OF ACCOUNTS

All accounts filed in probate proceedings, including guardianship, conservatorship, and trust accounts, shall contain a summary or recapitulation showing:

(A) Amount of inventory and appraisement if first account, or amount chargeable from prior account.

(B) Amount of receipts, excluding capital items.

(C) Gain on sales or other disposition of assets.

(D) Amount of disbursements.

(E) Loss on sales or other disposition of assets.

(F) Amount of property on hand.

A suggested form of summary is as follows:

The petitioner is chargeable and is entitled to the credits, respectively, as set forth in this summary of account. The following supporting schedules are attached hereto and incorporated herein by reference:

SUMMARY OF ACCOUNT

Charges

Amount of Inventory and Appraisement (or, if subsequent account, amount chargeable from prior account).	$	_____
Receipts During Account Period (Schedule "A").	$	_____
Gain on Sales (Schedule "B").	$	_____
TOTAL CHARGES	$	_____

Credits

Disbursements During Account Period (Schedule "C").	$	_____
Loss on Sales (Schedule "D").	$	_____
Other Credits (property distributed, homestead, or other property set apart) (Schedule "E").	$	_____
Property on Hand (Schedule "F").	$	_____
TOTAL CREDITS	$	_____

The summary should be supported by detailed schedules. The schedules of receipts and of disbursements should show the nature or purpose of each item and date thereof. The schedule of property on hand should describe each item and indicate the appraised value.
(Adopted, effective 7/1/92)

RULE 15.11 PETITION TO ESTABLISH FACT OF DEATH

A petition to establish the fact of death, (terminate a joint tenancy or life estate) shall be verified and shall have attached as exhibits:

(A) A copy of any instrument relating to any interest in the property; and

(B) A copy of the death certificate.

Comment: There is no statutory provision for the determination by a court for attorney fees in proceedings for termination of joint tenancy or a life estate. No request for fees for services of this character should be made.
(Adopted, effective 7/1/92)

RULE 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:

(A) Conservators of the person and conservators of the estate for all conservatorships shall file a General Plan with the court within 90 days from their appointment. At the time of the initial hearing the court will set a date for the matter to be placed on calendar for confirmation of the filing of the General Plan. No appearances are required if the plan has been filed within the prescribed time limits.

(B) The General Plan for a conservator of the person should describe the conservatee's social, physical and emotional circumstances and identify significant deficits which affect the conservatee's daily activities. There should also be a detailed explanation of the type of and level of services that will be provided which will satisfy the conservatee's basic and extraordinary personal needs.

(C) The General Plan for a conservator of the estate should describe the status of the conservatee's economic circumstances. It should identify any significant problem areas with regard to the maintenance of, possession of and handling of physical assets of the conservatee. It should further specify the manner and type of investment, sources of income and procedures for handling income and expenses. It should set forth any plans for sales of assets, changes of investments, or use of investment advisors or fiduciaries for handling the conservatee's assets. The plan should set forth the procedure which will be used to identify the funds necessary to satisfy the conservatee's basic and extraordinary financial needs.

(Amended, effective 7/1/15, and previously adopted, effective 1/1/07)

RULE 15.13 GUARDIANSHIPS – ANNUAL REPORTS

To ensure compliance with the annual reporting requirement of Probate Code §1513.2 and California Rules of Court, Rule 7.1003, a hearing date will be scheduled for no later than one month after the anniversary date of the date of every order appointing a person as a guardian. The clerk will mail to the guardian Judicial Council Form GC-251, Confidential Guardianship Status Report, at least one month before the hearing date. If the report is filed prior to the date for the hearing, no appearance will be necessary unless the court orders otherwise, and the next annual reporting date will be scheduled.

(Adopted, effective 1/1/07)

SECTION 16
JUVENILE COURT RULES

RULE 16.01 TIME LINES

Attorneys for parties are required to adhere to the statutory time lines for all hearings. Time waivers will be accepted and continuances granted only on a showing of exceptional circumstances.

(Amended, effective 1/1/07)

RULE 16.02 ATTORNEYS FOR PARTIES

(A) GENERAL COMPETENCY REQUIREMENT

All attorneys appearing in juvenile dependency proceedings shall, at a minimum, comply with the standards of competence required by California Rules of Court, Rule 5.660. In addition, all attorneys appearing in juvenile proceedings shall comply with the minimum standards of training and experience set forth in these rules.

(B) MINIMUM STANDARDS OF TRAINING AND EXPERIENCE

Each attorney appearing in a dependency proceeding shall have either:

(1) Within the preceding three (3) years, participated in at least eight (8) hours of training or education in juvenile dependency law as specified in California Rules of Court, Rule 5.660; or

(2) At least 24 hours of experience within the preceding year in dependency proceedings in which the attorney has demonstrated competence in the representations of his or her clients in said proceedings.

(C) ATTORNEY COMPETENCY CERTIFICATION

(1) Each attorney appearing in dependency proceedings on the effective date of these rules, who believes that he or she meets the minimum standards of training and experience set forth in these rules shall complete and submit to the court, within 30 days of the effective date of these rules, the Certificate of Attorney Competency attached as Appendix 'A'. After the effective date of these rules, any attorney appearing in a dependency matter for the first time shall complete and submit a Certification of Attorney Competency to the court within ten (10) days of his or her first appearance in a dependency matter.

(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 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.

(D) DEEMED COMPETENT

Upon submission of a Certification of Attorney Competence which demonstrates that the attorney has met the minimum standards of training and experience of these rules, the attorney shall be deemed competent to practice before the court in dependency proceedings unless the court determines, based on conduct or performance of the attorney before the court in a dependency proceeding within the six (6) month period prior to the submission of the certification to the court, that the attorney does not meet minimum competency standards. In such case, the court shall proceed under subdivision (F) of this rule.

(E) RENEWAL OF COMPETENCY CERTIFICATION

In order to retain his or her certification to practice in dependency proceedings, each attorney previously certified by the court shall submit a new Certification of Attorney Competency to the court in or before January 31 of the third year after the year in which the attorney is first certified, and then every third year thereafter. The attorney shall attach to the renewal Certification of Attorney Competence evidence that he or she has completed at least eight (8) hours of continuing training or education directly related to dependency proceedings since the attorney was last certified. If a certified attorney fails to comply with this rule, the court shall proceed under subdivision (F) of this rule.

(F) FAILURE OF ATTORNEY TO BE CERTIFIED

If an attorney fails to meet the minimum competency standards of these rules, the court shall notify the attorney that he or she will be decertified. That attorney shall

have 20 days from the date of the mailing of the notice to submit evidence of compliance with the training and education requirements for certification or renewal of certification to practice in dependency proceedings in the court. If the attorney fails to submit the required evidence, the court shall order that certified counsel be substituted for the counsel who fails to complete the required training, except in cases where a party is represented by retained counsel. In the case of retained counsel, the court shall notify the party that his or her attorney has failed to meet the minimum standards required by these rules. The determination whether to obtain substitute private counsel shall be solely within the discretion of the party so notified.

(G) OUT-OF-COUNTY ATTORNEYS

In the case of an attorney who maintains his or her principal office outside of this county, proof of certification by the juvenile court of the California county in which the attorney's principal office is located shall be sufficient evidence of competence to appear in dependency proceedings in this county.

(H) ATTORNEYS AND GUARDIANS AD LITEM FOR CHILDREN

The court does not utilize Court Appointed Special Advocates. An attorney will be appointed for any unrepresented child who is the subject of a petition under Welfare and Institutions Code §300 and in any case in which a prosecution is initiated under the Penal Code arising from neglect or abuse of the child. Any such court-appointed attorney shall maintain a caseload that allows him or her to perform the duties required by Welfare and Institutions Code §317(e) and meet the standards of representation required by California Rules of Court, Rule 5.660. The attorney shall also serve as the child's guardian ad litem in the proceeding unless the court determines a conflict exists between the roles and responsibilities of the child's attorney and the child's guardian ad litem, in which event the court will appoint another attorney to serve as the child's guardian ad litem.

(Amended, effective 7/1/15, previously amended, effective 1/1/07)

RULE 16.03 APPOINTMENT FOR PARENTS

The court shall appoint the Public Defender to represent parents and guardians who qualify for appointed counsel.

(A) Parents and guardians seeking appointed counsel shall be required to make oral request to the court for such appointment.

(B) Notification of the appointment shall be communicated on the record.

(C) Procedures for billing shall be determined by the office of the Colusa County Collector.

(D) The court shall be responsible for assigning particular attorneys to each case.
(Adopted, effective 7/1/97)

RULE 16.04 APPOINTMENT FOR CHILDREN

The court shall appoint the Public Defender to represent children whom the court determines would benefit from the appointment of counsel.

(A) Appointments shall be made for all children at the time any juvenile matter is filed in the court.

(B) Notification of the appointment shall be communicated by minute order.

(C) Procedures for billing shall be determined by the office of the Colusa County Collector.

(D) The court shall be responsible for assigning particular attorneys to each case.
(Adopted, effective 7/1/97)

RULE 16.05 CONFLICTS

In the event of a conflict, the court shall appoint any of the other contract Public Defenders or the District Attorney or County Counsel to represent a parent or guardian, and to represent a child.
(Adopted, effective 7/1/97)

RULE 16.06 CLIENT COMPLAINTS

Complaints or questions by a party regarding representation shall be addressed as follows:

(A) Complaints or questions shall initially be referred to any agency or law firm appointed to represent the client.

(B) If the issue remains unresolved, or if there is no designated agency or law firm, the party may submit the complaint to the court in writing. The court may follow one of the following procedures:

(1) Conduct its own review of the complaint or question and take appropriate action if required, or;

(2) Appoint a panel of attorneys not associated with the particular case to review and comment on the complaint or question and report its findings and recommendations to the court. The court may accept or reject the recommendations of the panel or may conduct its own review, thereafter taking appropriate action as determined by the court to be necessary.

(Adopted, effective 7/1/97)

RULE 16.07 ATTORNEY FOR THE CHILD

Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceedings within or outside the juvenile court system.

(A) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of age, and shall interview any child four (4) years or older so the attorney may effectively represent to the court how the child's wishes and interests may best be addressed.

(B) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.

(1) Judicial Council forms Juvenile Dependency Petition (JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the court and request direction from the court.

(2) Upon receipt of the request by counsel for instructions from the court, the court shall do one or all of the following:

(a) Refer the matter to the appropriate agency for further investigation, and require a report to the court and counsel within a reasonable time;

(b) Authorize and direct the child's attorney to initiate and pursue appropriate action;

(c) Appoint a guardian ad litem for the child if one is required to initiate and pursue appropriate action;

(d) Take any other action to protect the interests and rights of the child.

(Adopted, effective 7/1/97)

RULE 16.08 RESERVED

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COLUSA COUNTY SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF COLUSA

SITTING AS A JUVENILE COURT

CERTIFICATION OF ATTORNEY COMPETENCY

I, _____,
Name *Office Address* *Telephone Number*

am an attorney licensed to practice in the State of California. My State Bar Number is _____.

I hereby certify that I meet the minimum standards for practice before a Juvenile Court set forth in California Rules of Court, Rule 5.660, and Local Rule 16.02 and that I have completed the minimum requirements for training, education and/or experience as set forth below.

Training and Education: (Attach copies of MCLE certificates or other documentation of attendance)

Course Title	**Date Completed**	**Hours**	**Provider**

Summary of Juvenile Dependency Experience:

Dated: _____ _____
(Signature)

APPENDIX "A"

Local Rule 16.02(C), effective 1/1/07

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