

LOS ANGELES SUPERIOR COURT

LOCAL RULES

Effective July 1, 2011

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CHAPTER ONE

DEFINITIONS AND GOVERNANCE

DEFINITIONS

1.1 DEFINITIONS AND USE OF TERMS

As used in these Local Rules, unless the context or subject matter otherwise requires:

- a) The term “action” includes a special proceeding.
- b) The term “attorney” means a member of the State Bar of California and any lawyer admitted to practice *pro hac vice* before the court.
- c) The term “branch court” means a district courthouse in which no supervising judge sits.
- d) The term “civil case” means a case prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil cases include all cases except criminal cases and petitions for writ of habeas corpus.
- e) The term “clerk” means the Clerk and any deputy clerks of the Superior Court of Los Angeles County, except that for purposes of service of a statement of disqualification for cause on the judge’s clerk, pursuant to Code of Civil Procedure section 170.3(c)(1), “clerk” means the judicial assistant serving in a courtroom as his or her clerk.
- f) The term “court” means the Superior Court of Los Angeles County.
- g) The term “court day” means a day on which the court is open.
- h) The term “counsel” means an attorney of record; when the Local Rules impose a duty, the term “counsel,” includes self-represented litigants.
- i) The term “County” means Los Angeles County.
- j) The term “criminal case” means a proceeding by which a party charged with a public offense is accused and prosecuted for the offense.
- k) The term “day” means calendar day.
- l) The term “declaration” means either a declaration that complies with Code of Civil Procedure section 2015.5 or an affidavit.
- m) The term “direct calendar judge” means a judge assigned to handle cases on an individual or all purpose calendar. “Direct calendar cases” means cases so assigned.
- n) “Judge” and “judicial officer” includes judges, commissioners, and referees, except as used in this chapter for the election of (1) the Presiding Judge (Rule 1.5), (2) the Executive Committee (Rule 1.7), and (3) commissioners (Rule 1.9).
- o) The term “limited civil case” and “unlimited civil case” are defined in Code of Civil Procedure section 85 *et seq.*
- p) The term “Local Rules” means the “Los Angeles County Superior Court Rules.”
- q) The term “master calendar assigned judge” means a judge who will handle cases assigned from a master calendar court. “Master calendar cases” means cases so assigned.

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- r) The term “party” is a person appearing in an action. Parties include both self-represented persons and persons represented by an attorney of record.
- s) The term “person” includes a corporation or other legal entity as well as a natural person.
- t) The term “Presiding Judge” and “Assistant Presiding Judge” are those judges elected by the eligible judges of the Court pursuant to Local Rule 1.2 *et seq.*
- u) The term “self-represented litigant” or “*pro per*” means a party not represented by counsel.
- v) The term “service” means service in the manner prescribed by a statute or rule.
- w) The term “site judge” means that judge appointed by the Presiding Judge under Local Rule 1.2 to preside in a branch court.
- x) The term “subordinate judicial officer” means a commissioner or referee.
- y) The term “supervising judge” means a judge appointed by the Presiding Judge under Local Rule 1.2 to preside in a district other than the Central District or a branch court.
- z) Words of authority:
 - (1) “Must” is mandatory.
 - (2) “May” is permissive.
 - (3) “May not” and “must not” mean ‘is not permitted to.’
 - (4) “Will” expresses a future contingency or predicts action by a court or person in the ordinary course of events, but does not signify a mandatory duty.
 - (5) “Should” expresses a preference or a nonbinding recommendation.
 - (6) “Shall” means ‘has a duty to,’ but when referring to an action of a judge, does not signify a mandatory duty.

(Rule 1.1 new and effective July 1, 2011)

GOVERNANCE

1.2 PRESIDING JUDGE

The business of the court shall be supervised by one of the judges who shall be elected by the eligible judges of the court, as provided in Local Rule 1.5 and designated as the Presiding Judge. The Presiding Judge shall be a member and chair of the Executive Committee. He or she shall assign judges to sit in various departments of the court, other than the Appellate Division, pursuant to California Rules of Court, rule 10.603. The Presiding Judge shall designate a judge as the supervising judge for each division, and to preside in each district other than the Central District, and a site judge for each branch court. In making judicial assignments, the Presiding Judge shall take into account those factors listed in California Rules of Court, rule 10.603(c).

(Rule 1.2 new and effective July 1, 2011)

1.3 ASSISTANT PRESIDING JUDGE

In the absence of the Presiding Judge, his or her powers will be exercised by the Assistant Presiding Judge, who shall be a member and vice-chair of the Executive Committee.

(Rule 1.3 new and effective July 1, 2011)

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1.4 ACTING PRESIDING JUDGE

In the absence of both the Presiding Judge and Assistant Presiding Judge, the powers of the Presiding Judge will be exercised by a judge designated by the Presiding Judge to be the Acting Presiding Judge.

(Rule 1.4 new and effective July 1, 2011)

1.5 ELECTION OF PRESIDING, ASSISTANT PRESIDING JUDGE

(a) Nomination. A judge may be nominated for election as either Presiding Judge or Assistant Presiding Judge when the following form is completed, signed by not less than eight nor more than ten judges of the court and filed with the Presiding Judge between noon on the first Wednesday in September and noon on the second Wednesday in September. The nominee shall designate his or her acceptance of nomination for one office only.

NOMINATION

We, the undersigned, nominate Judge _____ for election as Presiding Judge-Assistant Presiding Judge. (strike one)

DESIGNATION

I accept nomination for the office of (strike one) Presiding Judge-Assistant Presiding Judge only.

(b) Distribution of Ballots. On or before the fourth Wednesday in September, the Presiding Judge shall cause two separate ballots to be distributed to each judge then holding office. One ballot must contain in random order, if more than one judge is nominated, the names of the judges who have been nominated for election as Presiding Judge. The second ballot must contain in random order, if more than one judge is nominated, the names of the judges who have been nominated for election as Assistant Presiding Judge.

The order in which judges' names will be listed on the ballots will be determined by a random draw of the letters of the alphabet to be conducted in the office of the Executive Officer/Clerk of the Superior Court ("Executive Officer") following the close of nominations at noon on the second Wednesday of September.

(c) Voting. Each judge to whom ballots have been distributed may vote for one nominee for Presiding Judge and one nominee for Assistant Presiding Judge, then shall place the ballots in a blank envelope, place this envelope in a second envelope, sign his or her name to the outer envelope and send it to the senior judge of the court, in care of the Executive Officer. It must be received in the office of the Executive Officer no later than noon of the first Wednesday in October, and any ballot, whether regular or absentee, received after that hour must not be counted.

(d) Absentee Ballots. Any judge who will be absent from the County for any part of the period commencing the Friday after the last Wednesday in September and ending the first Wednesday in October, may obtain an Absentee Ballot from the Presiding Judge. The Absentee Ballot must list nominees as provided in subsection (b).

Absentee Ballots must be processed and sent as provided in subdivision (c).

(e) Count of Vote. A committee, composed of the three judges available who have the greatest seniority on the court ("canvassing committee"), shall meet on the first Wednesday in October at noon, remove all blank envelopes from the outer envelopes, then remove all ballots from the blank envelopes and count the vote.

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(f) Majority Vote. If a nominee for either office receives a majority of the votes cast for that office, he or she is elected. If there are only two nominees for an office and the vote for that office is tied, the judge having the greater seniority is elected. The committee shall certify the results of the election to the judges of the court. Except in the case of a tie when there are only two nominees, the term “majority” means “more than one-half.” To calculate a majority, the total of all votes cast for all nominees for a particular office is divided by two. Any nominee who has more votes than the resulting figure has a majority and has been elected. (For example, when 31 votes are cast, 31 divided by 2 is 15 ½. A nominee with 16 votes has a majority.)

(g) Less Than Majority Vote Run-off Election. If an office is not filled by majority vote, the committee shall certify to the Presiding Judge the names of the two judges receiving the highest and second highest number of votes without specification of the number of votes received. On or before the second Wednesday in October, the Presiding Judge shall cause a ballot containing those names in random order consistent with subdivision 1.5(b) to be distributed to the judges eligible to vote.

Each judge voting in the run-off election must send his or her ballot as provided above. Ballots must be received in the office of the Executive Officer not later than noon on the third Wednesday in October. Any ballot received after that hour must not be counted.

A committee, comprised as provided in subdivision (e), shall meet at noon on the third Wednesday in October and count the second ballots. The judge receiving the highest number of votes, or in case of a tie vote the judge having the greater seniority, is elected. The committee shall certify the results of the election to the judges of the court.

(h) Term of Office. The term of office of the Presiding Judge and Assistant Presiding Judge is two years commencing on January 1 following the election. (Cal. Rules of Court, rule 10.602(c).)

(i) Vacancy in Office of Presiding Judge. If, for any cause, the office of Presiding Judge becomes vacant during any year, it shall be filled by election in the manner provided above, but nominations shall be filed no later than noon on the tenth court day following the date the Executive Committee declares the office vacant. The steps provided above shall then be taken at the time intervals indicated above without reference to the specific months named. A judge elected to fill a vacancy serves for the remainder of the incomplete term.

(j) Uncontested Offices. If election to either office is uncontested after the time for filing nomination forms has expired, ballots for that office need not be distributed, and an election committee as provided in subdivision (e) shall forthwith certify the election of the sole candidate for the office by the unanimous vote of the court.

(k) Removal of Presiding Judge or Assistant Presiding Judge. A majority of the judges of the court at any time may, by written order, call a meeting of the judges at the time and place specified in the order for the purpose of considering whether the Presiding Judge or Assistant Presiding Judge should be removed from office. A copy of the order must be sent to each judge not a signatory to the order at least five days prior to the date of the meeting. An affirmative vote equal in number to the majority of the judges of the court removes the incumbent from office.

(l) Filling Mid-Year Vacancy in Office of Assistant Presiding Judge. If a vacancy exists in the office of Assistant Presiding Judge, the Presiding Judge may call for an election to fill that vacancy for the unexpired portion of the term. The election will be held on a date specified in the call for that election. The sequence of events provided for by subdivisions (a) through (i) will apply to the election provided for by this subdivision, except for the months in which those events are to occur.

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(Rule 1.5 new and effective July 1, 2011)

1.6 EXECUTIVE OFFICER/CLERK OF THE SUPERIOR COURT

(a) Intent of Rule. It is the intent of the court by adopting this rule to provide that the duties of the Executive Officer be performed by one individual who will not hold any other position in state or county government.

(b) Overall Administrative Supervision. All the court's trial court employees (Gov. Code, § 71601(l)), although treated as County employees for purposes of salary and benefits in accordance with Government Code section 69894.3 and the memorandum of understanding entered into with the County pursuant to Government Code section 71627(e)(2)(B), nevertheless serve and are responsible to the court, and the overall administrative supervisor of all trial court employees other than subordinate judicial officers is the Executive Officer.

(c) Selection.

(1) The Executive Officer serves at the pleasure of the judges of the court.

(2) In filling the position of Executive Officer, or in the event of a vacancy in the office, the Presiding Judge shall appoint a selection committee for the purpose of instituting and implementing procedures to select the Executive Officer or fill the vacancy.

(3) The selection committee shall develop a plan to follow in filling the position or vacancy and present it to the Executive Committee for its approval.

(4) The selection committee shall review the background, experience and qualifications of the applicants and recommend to the judges not less than three applicants whom it finds to be best qualified for the position.

(5) The judges shall review the background, experience and qualifications of the applicants submitted by the selection committee and shall select one of the applicants to fill the position or vacancy. The judges shall vote by secret ballot. A majority vote of the judges of the court is required to elect the Executive Officer.

(d) Qualifications. The qualifications of the Executive Officer are as follows:

(1) He or she must be a citizen of the United States;

(2) It is preferable that he or she has had experience in a highly responsible administrative capacity in private or public employment; and

(3) It is also preferable that he or she has substantial knowledge of government, judicial administration, personnel management, finance administration, and the legislative process, a working knowledge of systems and procedure analysis and automation techniques, access and fairness, and public relations, either in private or public employment, and the ability to work with others.

(e) Powers and Duties. Pursuant to Government Code section 71620 and California Rules of Court, rule 10.610, the court declares that, under the direction of the Presiding Judge, the powers and duties of the Executive Officer include:

(1) To execute, on behalf of the court and subject to the supervision and direction of the Presiding Judge, the administrative supervision and control of the non-judicial activities of the court;

(2) To establish those divisions in the office of Executive Officer as may be deemed advisable, subject to the approval of the Executive Committee;

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(3) To delegate his or her duties where necessary, and to assign or supervise and direct the work of all non-judicial officers and employees of the court;

(4) To administer a system of personnel administration in accordance with written policies approved by the Executive Committee;

(5) To prepare and administer the budget of the court and to represent the court in any matters pertaining to the budget which may be under consideration by the Board of Supervisors and/or the Trial Court Budget Commission, as directed by the Presiding Judge;

(6) To maintain all accounting and property control records, including payroll records of the court and records with respect to compensation of assigned judges;

(7) To purchase law libraries, supplies and equipment for the judges and for supporting court personnel, and to control their storage and distribution;

(8) To represent the court in its negotiations relative to the establishment and maintenance of courtrooms, chambers and offices, as directed by the Presiding Judge;

(9) To initiate studies and prepare appropriate recommendations and reports to the Presiding Judge, to committees of the court and to the court relating to the business of the court and its administration, including studies relating to the operations of special departments and branches;

(10) To collect, compile and analyze statistical data on a continuing basis concerning the status of judicial and non-judicial business of the court, and the preparation of periodic reports based on such data;

(11) To serve in a liaison capacity for the court, as directed by the Presiding Judge, with the Judicial Council, committees of the Legislature, the Board of Supervisors, the County Chief Executive Officer, County Sheriff, State Bar of California, bar associations and civic groups, with reference to matters relative to the administration of the court;

(12) To make arrangements for and to attend all meetings of the judges of the court, assist the Presiding Judge in the preparation of agenda, and as Secretary of the Court, to prepare minutes of all meetings of the judges. The Executive Officer must also attend meetings of committees of the court upon request of the committee chair or the Presiding Judge;

(13) To serve as Jury Commissioner of the Court;

(14) To prepare an annual report concerning the operation of the office during the preceding calendar year, together with recommendations to improve the administration of the court and the expeditious disposition of its business;

(15) To employ and assign officers or attachés to perform the duties outlined in Government Code section 69894.5 and 71800 *et seq.* (Trial Court Interpreter Employment and Labor Relations Act);

(16) To exercise and perform all of the powers, duties and responsibilities of the County Clerk and Clerk of the Superior Court required or permitted by the court to be exercised or performed by the Executive Officer in connection with judicial actions, proceedings and records under Government Code section 69841 *et seq.* Those powers, duties and responsibilities include:

a) To accept, process and file papers in connection with any action or proceeding before the court, including but not limited to those relating to the court's original jurisdiction, appellate jurisdiction and appeals from the court; to maintain and manage court records; to microfilm court records; to keep and dispose of papers, documents, files and exhibits in accordance with law;

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b) To maintain indexes of all court files; to keep a register of actions or its alternate;

c) To issue process and notice; to accept service on parties; to enter defaults; to transmit transcripts on change of venue;

d) To be present at each session of court and with the judge in chambers when required; to administer oaths; to keep the minutes and other records of the court;

e) To enter orders, findings, judgments and decrees; to accept confessions of judgment for filing; to authenticate records; to certify abstracts of judgment; to keep a judgment book or its equivalent;

f) To collect, receipt, deposit and account for fees for filing, for preparing or certifying copies and for other fees; to receive jury fees, bonds, undertakings, fines, forfeitures and revenues; to keep money deposited in court, including but not limited to funds received in connection with minor's compromises; to recover county costs in judicial commitment proceedings;

g) To maintain statistical and financial records; to prepare reports to the Judicial Council and other state and county offices as required by law or policy;

h) To prepare the clerk's transcript on appeal and transmit the record and exhibits to the reviewing court;

i) To receive wills of decedents;

j) To take bail and related matters as provided in the Penal Code;

k) To manage court calendars, including the calendaring of cases and hearings and the maintenance of court calendars and schedules;

l) To print and sell court forms and rules of court; to procure supplies;

m) To keep and affix the seal of the court to appropriate instruments;

n) To keep and maintain in his or her office in each district, a separate file for each civil action or proceeding pending in that district, in which he or she must place and keep, except as otherwise provided in these rules, the original of all pleadings and other papers on file in the action or proceeding, whether filed before or after the adoption of this rule;

o) To keep in his or her office in each city in which a department of a district is or shall be established a register of actions in paper or electronic form for all civil actions and proceedings pending in the department or departments there established;

p) To enter the minutes of the proceedings of the court in minute books or in electronic form;

q) To execute documents on order of the court. (*See* Local Rule 3.213(c).);

r) Subject to approval of the Presiding Judge, to appoint those deputies pursuant to Government Code section 71620 as are necessary to ensure the prompt and faithful execution and discharge of the duties and responsibilities of his or her office;

(17) To negotiate contracts on behalf of the court, in accordance with established contracting procedures and all applicable laws; and

(18) To perform other duties as the Presiding Judge directs.

(f) Directives to the Executive Officer. Except as otherwise authorized by the Presiding Judge, all orders and directives of the court to the Executive Officer shall be transmitted by the Presiding Judge. All requests by judges or by committees of the court for the assistance of the Executive Officer or of his or her staff shall be directed to the Presiding Judge.

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(g) Executive Officer Pro Tempore. In the temporary absence of the Executive Officer/Clerk of the Superior Court, he or she may, with the approval of the Presiding Judge, designate one of his or her principal subordinates as Executive Officer *pro tempore*. In the event of a vacancy in the office or the temporary absence of the Executive Officer, without having designated a subordinate to act in his or her place, the Presiding Judge may temporarily designate an Executive Officer *pro tempore*, who will have all the powers and duties of the Executive Officer.

(Rule 1.6 new and effective July 1, 2011)

1.7 EXECUTIVE COMMITTEE

(a) Powers. There shall be an Executive Committee of the judges of the court. Unless otherwise ordered by the judges or provided by law, the California Rules of Court, or these Local Rules, the Executive Committee has authority to act for and on behalf of the judges on any matters affecting the court as to which the judges have the power to act, other than the adoption of an amendment of these rules. In addition, except for rules contained in Chapter One, the Executive Committee at the request of the Presiding Judge may temporarily suspend any of these Local Rules as may be necessary to permit the Presiding Judge to carry out his or her responsibilities under California Rules of Court, rule 10.603, to deal with budgetary shortfalls, provided a formal amendment is promptly submitted to the judges for their consideration without unreasonable delay. Any temporary suspension will remain in effect only as long as is reasonably necessary for the formal amendment to be considered and become effective.

(b) Meetings. The committee shall meet at least once each calendar month and a majority of the members of the committee will constitute a quorum. The Presiding Judge shall act as chair. Meetings must be open to any judge or commissioner of the court, except under unanimous vote of the members present. A non-member of the committee may be heard only by the consent of the committee.

(c) Minutes. Minutes of each meeting must be kept and a copy distributed to each judge of the court within 25 days after the meeting.

(d) Submission by Non-Member. Any judge, not a member of the committee, who desires the committee to consider any matter, shall submit a written request to the chair not less than one day prior to the meeting of the committee.

(e) Eligibility. Only a judge currently sitting and who will be in office on the ninth day of the ensuing year is eligible to vote as a member of or be elected to the Executive Committee. Additionally, judges will only be eligible to vote in the election for the district to which they will be assigned on the date the successful candidate takes office. A judge who has been an elected member of the Executive Committee during any two of the three years preceding the election is not eligible for election by his/her district.

The limitation on eligibility contained in this section does not apply to a judge who has been elected to fill an unexpired term on the Executive Committee of less than nine months.

(f) Nomination. A judge may nominate himself or herself, or another judge for election to the Executive Committee by completing the following form and filing it with the Presiding Judge between noon on the first Monday in November and noon on the third Wednesday in November. (If, when judicial assignments are announced for the forthcoming year, a nominated judge is not assigned for the forthcoming year to the district for which he or she was nominated, the nomination period for that district shall be reopened from 9:00 a.m. on the first Monday following Thanksgiving

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and close at 4:00 p.m. on the second Monday following Thanksgiving, to permit one or more additional nominations to be made by completing the following form and filing it with the Presiding Judge during that one-week period.) If nominated, the nominee shall designate his or her acceptance of nomination on the form.

NOMINATION

I, the undersigned, nominate Judge _____ for election as _____ District's representative to the Executive Committee.

(Signature of Nominating Judge)

ACCEPTANCE OF NOMINATION/ANNOUNCEMENT FOR ELECTION

I accept nomination/announce for the office of _____ District's representative to the Executive Committee.

(Candidate's Signature)

(g) Membership and Representation.

(1) The Executive Committee shall be comprised of twenty-two voting members.

(2) Eighteen members shall be elected by the judges for a term of one year.

a) one member shall be elected by and from among the judges assigned to each of the 11 outlying districts.

b) seven members shall be elected by and from among the judges assigned to the Central District.

(3) The Presiding Judge and Assistant Presiding Judge are voting members.

(4) Two commissioners shall be elected by the court's commissioners as voting members. Commissioner members are not permitted to vote on matters concerning commissioners.

(h) Distribution of Ballots. On the first Wednesday following Thanksgiving, after the announcement of judicial assignments for the forthcoming year, the Presiding Judge shall distribute to the members of each district a ballot containing the names of the nominated judges for the district. (If the nomination period is extended pursuant to subdivision (f) the ballots shall be distributed in the affected district(s) by the second Wednesday after Thanksgiving.) If more than one judge is nominated, each district ballot must contain in random order, the names of the judges who have been nominated for election as Executive Committee representative.

The Executive Officer will determine the order in which judges' names will be listed on the ballots by a random draw of the letters of the alphabet following the close of nominations at noon on the third Wednesday of November. All judges who are eligible candidates, but did not submit a "Declaration of Candidacy/Nomination," will be listed on the ballot in alphabetical order.

(i) Voting by Judges.

(1) To vote, each eligible judge, in a district other than the Central District, shall place a mark opposite the name of his or her choice, place the ballot in a blank envelope, place this envelope in a second envelope, sign his or her name on the outer envelope and send it to the judge

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having the greatest seniority on the court, in care of the Presiding Judge's Office, so that it is received no later than noon on the second Wednesday after Thanksgiving.

(2) Each judge in the Central District eligible to vote shall place a mark opposite the name of up to seven of his or her choices, then shall place the ballot in a blank envelope, place this envelope in a second envelope, sign his/her name on the outer envelope and send it to the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, so that it is received no later than noon on the second Wednesday after Thanksgiving.

(3) If the nomination period is extended pursuant to subdivision (f), voted ballots from the affected district(s) shall reach the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, no later than noon on the third Wednesday after Thanksgiving.

(j) Count of Vote. The Canvassing Committee shall meet at noon on the second Wednesday after Thanksgiving, remove all blank envelopes from the outer envelopes, remove all ballots from the blank envelopes and tabulate the ballots of each district. (If the nomination period is extended pursuant to subdivision (f), the tabulation of the ballots from the affected district(s) shall occur at noon on the third Wednesday following Thanksgiving.)

(k) Majority Vote. Any judge who receives a majority of the votes cast by a district is elected the representative of that district on the Executive Committee. "Majority" vote has the same meaning as described in Local Rule 1.5(f) of these rules.

(l) Failure to Elect.

(1) In any district other than the Central District, if no nominee receives a majority vote, the Canvassing Committee shall give the Presiding Judge the names of the two judges receiving the highest and second highest number of votes from the district. In case of a tie vote in a two person contest, the committee shall give the Presiding Judge the names of the judges who received the tie vote.

(2) If fewer than seven Central District representative candidates receive a majority of the votes cast, the canvassing committee shall give the Presiding Judge the names of the judges who were not elected but who otherwise received the highest number of votes so that there are twice as many names as there are unfilled representative positions. The committee shall include on the list the name of the judge receiving the lowest number of votes qualifying him or her to be named on the list submitted.

(m) Second Ballot. On or before the third Monday after Thanksgiving, the Presiding Judge shall distribute to the members of each district with representative positions remaining unfilled a second ballot containing only the names of the judges who are on the list of remaining candidates for unfilled positions in the district(s) as determined pursuant to subdivision (l). (If the nomination period is extended pursuant to subdivision (f), any necessary second ballot in the affected district(s) will be distributed by the fourth Tuesday following Thanksgiving.) The judges of the district(s) eligible to vote shall mark and transmit their ballots to the judge having the greatest seniority on the court, in care of the Presiding Judge's Office, on or before noon on the fourth Monday after Thanksgiving, at which time the Canvassing Committee shall count the vote. (If the nomination period is extended pursuant to subdivision (f), the count of the second vote for the affected district(s) will be conducted on the first Thursday following the first Saturday of the new year.) The number of judges equal to the number of unfilled positions in the district(s) receiving the highest number of votes will be deemed elected and in case of a tie vote, the judge having the greatest seniority will be deemed elected.

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(n) Vacancies. A vacancy on the Executive Committee occurs if a member is assigned to another department outside the boundaries of the district he or she was elected to represent. Other causes of vacancies include but are not limited to extended illness, leave, or assignment to another court.

A vacancy on the Executive Committee will be filled by a vote of the district from which the member was originally elected. The election must be held and completed within 40 days after the vacancy occurs. The voting shall conform to the procedures set forth in this Section except that (1) the Presiding Judge shall distribute the ballots to the members of the district within ten days following the vacancy; (2) the marked ballots shall reach the senior judge before the 20th day; (3) if no judge receives a majority vote, a second ballot shall be distributed before the 30th day, and within ten days thereafter the marked ballots shall be sent to the senior judge at which time the Canvassing Committee shall count the vote and certify to the Presiding Judge the name of the judge elected.

(o) Ex officio members. The Presiding Judge of the Juvenile Court, the Supervising Judge of the Criminal Division, the Supervising Judge of the Civil Division, the Supervising Judge of the Family Law Division, the Supervising Judge of the Probate Division, and the Chair of the Personnel and Budget Committee are *ex officio* members of the Executive Committee. An *ex officio* member may vote only when serving as chair of the committee, and then only when a vote is required to break a tie.

(p) Commissioner members. The two commissioner members will be elected at-large to one year terms by the commissioners of the court in the manner and by the procedures as the commissioners may decide. The names of the commissioner members elected for the following calendar year shall be set forth in a notice signed by three commissioners of the court, which notice shall be delivered to the Presiding Judge between the last Monday in November and the first Wednesday in December of each year.

(q) Cumulative Voting Not Permitted. Cumulative voting is not permitted for election of Executive Committee members.

(Rule 1.7 new and effective July 1, 2011)

1.8 STANDING COMMITTEES

At the beginning of each year, the Presiding Judge shall appoint the following standing committees, each to consist of not less than five judges:

- Committee on Bench and Bar;
- Committee on Civil & Small Claims;
- Committee on Criminal Court Matters;
- Committee on Education;
- Committee on Emergency Preparedness;
- Committee on Family Law;
- Committee on Grand Jurors;
- Committee on Judges' Retirement Benefits;
- Committee on Juvenile Departments;
- Committee on Legislation;
- Committee on Mental Health;
- Committee on Personnel and Budget;
- Committee on Probate Departments;

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Committee on Rules; and
Committee on Trial Jurors.

(Rule 1.8 new and effective July 1, 2011)

1.9 COURT COMMISSIONERS

(a) Eligibility. An applicant for appointment as a court commissioner must be a member of the State Bar and have been admitted to practice before the Supreme Court of California for at least ten years. (Cal. Rules of Court, rule 10.701.)

(b) Application Form. The Committee on Personnel and Budget shall prescribe the form of written application for appointment as a court commissioner.

(c) Selection Process. The Presiding Judge shall appoint a committee of ten judges to review the application of each applicant. The committee shall designate which applicants it finds to be qualified and rank them in the order of preference.

(d) Vacancy. When the Presiding Judge determines that a vacancy is to be filled in the office of court commissioner, he or she shall designate the date by which all judges must cast their votes. Not less than ten days prior to that date, a ballot containing the names of all approved applicants in the order in which they have been ranked shall be delivered to each judge of the court.

(e) Optional Procedure. After distribution of the ballot and prior to the last day for casting ballots, the Presiding Judge may call a special meeting of the judges at which the approved applicants are introduced.

(f) Voting. Each judge voting to fill a vacancy in the office of court commissioner shall cause his or her secret ballot to be delivered to the Office of the Presiding Judge no later than 4:00 p.m. on the date previously designated by the Presiding Judge. The Office of the Presiding Judge will cause the Canvassing Committee to count the ballots cast and certify to the Presiding Judge the name of the applicant or applicants, not exceeding the number of vacancies to be filled, who received the highest votes. Those persons are selected as commissioners.

If two candidates receive the same number of votes, the candidate with the highest ranking established by the Selection Committee will be appointed to the court commissioner position.

(g) Removal from the List. The Personnel and Budget Committee may remove a candidate's name from the certification list for good cause and he or she will not be eligible for appointment.

(h) Order of Appointment. The Presiding Judge shall issue a written order appointing each applicant certified to be a court commissioner.

(i) Expiration of List. When the list of approved applicants consists of less than three names, or the Executive Committee or a majority of all the judges of the court so orders, the list of approved applicants will expire and a call for applicants shall be made.

(j) Bail Setting Duty. Each commissioner, in rotation, will serve in setting bail both during and after court hours and on Saturdays, Sundays, and legal holidays. No compensatory pay or time will be afforded for this service. This service may be concurrent with TRO/EPO service.

(k) Temporary Telephonic Restraining Orders/Emergency Protective Orders (TRO/EPO). Each commissioner, in rotation, will serve in hearing requests for temporary telephonic restraining orders and emergency protective orders after court hours and on Saturdays, Sundays and legal holidays and during court hours when the judicial officer assigned to this duty is unavailable. The commissioner will not be required to attend to his or her regular duties on days assigned to this service. No compensatory pay or time will be afforded for this service.

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(l) Status and Benefits.

(1) Status. Commissioners are elected by the judges of the court and appointed to the office of commissioner, on the policy-making level with respect to the exercise of the constitutional judicial power of the state, and, like judges, are not employees for the purposes of the protections provided by Titles 29 and 42 of the United States Code. (29 U.S.C.A., §§ 5621 and 2601 *et seq.*, 42 U.S.C.A., §§ 2000e(f) and 12101.) Commissioners serve at the pleasure of the court and are not subject to other vested terms of service. Commissioners are judges within the meaning of the Code of Judicial Conduct (Canon 6A) and must comply with that Code, as well as with these Local Rules and such policies and procedures related to their service as commissioners as the court adopts.

(2) Sick leave and vacation. Commissioners shall be treated as County employees with an “L” sub-item for purposes of participating in County benefit plans. As provided in Los Angeles County Code section 5.27.200, for both judges and commissioners, participation in the County MegaFlex plan is in lieu of any similar court-provided benefits, including specified number of vacation and sick leave days. Although there is no vested right to leave for vacation or illness, commissioners shall be treated as judges for the purposes of time off under the guidelines set forth in the court's vacation plan.

(3) Absences in excess of vacation plan guidelines. Unless the Presiding Judge authorizes additional days in furtherance of the interests of the court as authorized by the California Rules of Court, absences in excess of the guidelines set forth in the court’s vacation plan shall be without pay, and may result in separation from court service.

(4) Disability. To provide for the continuation of salary in the event of an extended absence caused by illness, injury or disability, the MegaFlex plan currently available to designated court employees includes a core short term disability benefit. Commissioners who are absent in excess of 14 consecutive calendar days due to reasons of illness, injury or disability are required to apply for Short-Term Disability (“STD”) benefits. Failure to do so may result in salary discontinuance. A commissioner who remains absent from the court after applying for and being denied STD benefits will be placed on no-pay status while the court determines whether to effect a separation from service. A commissioner who has purchased Long-Term Disability (“LTD”) insurance coverage and who remains absent from the court after exhausting STD benefits, having applied for and been denied LTD benefits, will be placed in a no-pay status while the court determines whether to separate him or her from service.

(m) Ninety Days to Determine Matters.

(1) It is the duty of a commissioner to determine promptly all matters pending before him or her and in all cases to do so within 90 days after a matter has been submitted for decision.

(2) Each subordinate judicial officer shall monthly make and subscribe an affidavit stating that no cause before him or her remains pending and undetermined for 90 days after it has been submitted for ruling or decision.

(3) Any subordinate judicial officer who fails to comply with any provision of this subsection shall be reported to the Presiding Judge who shall take appropriate action including, but not limited to, suspension of salary or any other appropriate disciplinary action.

(n) Complaints Re Commissioners. Complaints regarding commissioners will be processed pursuant to California Rules of Court, rule 10.703.

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(o) Procedures for Suspension or Removal. The Presiding Judge shall initiate and carry out suspension or termination of services of a commissioner in accordance with the following procedures.

The Presiding Judge may:

(1) Suspend a commissioner with or without pay and advise the Commissioner of the reason(s) for the action in writing;

(2) Place the commissioner on administrative leave pending further review;

or

(3) Terminate the services of the commissioner.

(Rule 1.9 new and effective July 1, 2011)

1.10 MEETING OF JUDGES

Meetings of the judges, other than ones called to remove a Presiding Judge or Assistant Presiding Judge, shall be held at the call of the Presiding Judge or at the written request of 20 judges. The Presiding Judge must designate the time and place of the meetings and cause notice of the meeting to be given each judge either by mailing a notice to the judge or by leaving it at the judge's courtroom. Except for a meeting called to elect or to remove a Presiding Judge, notice of the meeting must be given at least three days before the day of the meeting. A judge who attends the meeting waives notice of the meeting for any purpose. A majority of all the judges of the court will constitute a quorum at any meeting of judges.

(Rule 1.10 new and effective July 1, 2011)

1.11 APPLICATION OF AND AMENDMENT TO OR REPEAL OF LOCAL RULES

The Local Rules are applicable to all courts in the County.

The Local Rules may be amended or repealed, and new rules may be added, by written order signed by a majority of the judges or by majority vote of the judges of the court who are present at a duly called meeting of the judges, if written notice of the exact wording of the proposed amendment, addition or repeal has been given to all the judges of the court at least seven days prior to such meeting. This rule will be liberally construed to permit adoption of amendments to the rules even when the amendments vary in nonmaterial respects with those proposed, if those adopted relate to those noticed.

(Rule 1.11 new and effective July 1, 2011)

1.12 RESERVED

1.13 BENEFITS

In accordance with Government Code sections 68220, 69894.3, and the memorandum of understanding entered into with the County pursuant to Government Code section 71627(e)(2)(B), all County benefits extended to employees and local officers by local ordinance are applicable to the court's trial court jurors, employees, and judges.

(Rule 1.13 new and effective July 1, 2011)

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1.14 SENIORITY

Judges' seniority will be determined based on a judge's original oath date as a judge in the County. The seniority of municipal court judges who became judges of the superior court as a result of unification of the municipal and superior courts will be based on the date of unification, and amongst those judges, their relative seniority will be based on the date of their oath of office as a municipal court judge in the County without regard to judicial district.

(Rule 1.14 new and effective July 1, 2011)

CHAPTER TWO

DISTRIBUTION OF COURT BUSINESS AND GENERAL PROVISIONS

DISTRIBUTION OF COURT BUSINESS

2.1 PRINCIPAL DIVISIONS OF THE COURT

Subject to the authority of the Presiding Judge to apportion the work of the court, the following are the principal divisions of the court:

(a) Civil Division. All departments in the Central District designated by the Presiding Judge to hear civil cases, and all departments in any other district designated by the supervising judge of that district to hear civil cases, constitute the Civil Division of the Los Angeles Superior Court. Included within the Civil Division are all small claims courts.

(b) Probate Division. All departments in the Central District designated by the Presiding Judge to hear probate cases, and all departments in any other district designated by the supervising judge of that district to hear probate cases, constitute the Probate Division of the Los Angeles Superior Court.

(c) Family Law Division. All departments in the Central District designated by the Presiding Judge to hear family law cases, and all departments in any other district designated by the supervising judge of that district to hear family law cases, constitute the Family Law Division of the Los Angeles Superior Court.

(d) Juvenile Division. All departments within the Los Angeles Superior Court designated by the Presiding Judge to hear juvenile court cases constitute the Juvenile Division of the Los Angeles Superior Court. Included within the Juvenile Division are all informal juvenile traffic courts.

(e) Criminal Division. All departments in the Central District designated by the Presiding Judge to hear criminal cases, and all departments in any other district designated by the supervising judge of that district to hear criminal cases, constitute the Criminal Division of the Los Angeles Superior Court. Included within the Criminal Division are the mental health courts and all adult traffic courts.

(f) Appellate Division. The department within the Central District designated by the Presiding Judge to hear appeals and writ petitions in limited civil and criminal cases constitutes the Appellate Division of the Los Angeles Superior Court.

(g) Authority of Supervising Judges. The supervising judge of each of the principal divisions of the court is the head of that division. Subject to the approval of the Executive Committee and the Presiding Judge, the supervising judge of each division has the authority to establish uniform policy and procedures applicable to all courts in that division.

(h) Courts of Divisional and District Supervising Judges. Subject to the authority of the Presiding Judge to assign judges to specific departments, the supervising judges of the principal divisions of the court are assigned as follows:

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(1) Civil Division	Department 1, Central District
(2) Probate Division	Department 5, Central District
(3) Family Law Division	Department 2, Central District
(4) Juvenile Division	Department 400, Central District
(5) Criminal Division	Department 100, Central District

As provided for in Local Rule 1.7(o), the divisional supervising judges are members *ex officio* of the court's Executive Committee.

Unless the Presiding Judge otherwise orders, district supervising judges select the department within that district in which they will preside. Unless the Presiding Judge or the district supervising judge otherwise order, site judges select the department in the courthouse in which they will preside.

(Rule 2.1 new and effective July 1, 2011)

2.2 DISTRICTS AND COURT SESSION LOCATIONS

(a) Districts. For administrative convenience, the court is divided into 12 geographic districts as follows:

- Central District
- East District
- North District
- North Central District
- North Valley District
- Northeast District
- Northwest District
- South District
- South Central District
- Southeast District
- Southwest District
- West District

The boundaries of each district are as specified in the Maps of Superior Court Districts that are attached to these Local Rules as Appendix 2.A.

(b) Location of Court Sessions. Sessions of the court will be held within districts at the following court location:

- Central District, (including outlying centrally administered juvenile courthouses):
 - Stanley Mosk (County) Courthouse, 111 North Hill Street, Los Angeles 90012
 - Clara Shortridge Foltz Criminal Justice Center, 210 West Temple Street, Los Angeles 90012
 - Edmund J. Edelman Children's Court, 201 Centre Plaza Drive, Monterey Park 91754
 - Mental Health Courthouse, 1150 North San Fernando Road, Los Angeles 90065
 - Metropolitan Courthouse, 1945 South Hill, Los Angeles 90007
 - East Los Angeles Courthouse, 4848 East Civic Center Way, Los Angeles, 90022
 - Eastlake Juvenile Courthouse, 1601 Eastlake Avenue, Los Angeles 90033
 - Central Arraignment Courts, 429 Bauchet Street, Los Angeles 90012
 - Central Civil West Courthouse, 600 South Commonwealth Avenue, Los Angeles 90005
 - Hollywood Courthouse, 5925 Hollywood Boulevard, Los Angeles 90028
 - Inglewood Juvenile Courthouse, 110 Regent Street, Inglewood 90301

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Los Padrinos Juvenile Courthouse, 7281 East Quill Drive, Downey 90242
Kenyon Juvenile Justice Center, 7625 South Central Avenue, Los Angeles 90001
Sylmar Juvenile Courthouse, 16350 Filbert Street, Sylmar 91342
Alfred J. McCourtney Juvenile Justice Center, 1040 W. Ave. J, Lancaster 93534;

East District, in:

Pomona Courthouse South, 400 Civic Center Plaza, Pomona 91766
Pomona Courthouse North, 350 West Mission Blvd, Pomona 91766
El Monte Courthouse, 11234 East Valley Boulevard, El Monte 91731
West Covina Courthouse, 1427 West Covina Parkway, West Covina 91790;

North District, in:

Michael D. Antonovich Antelope Valley Courthouse, 42011 4th Street West, Lancaster
93534;

North Central District, in:

Burbank Courthouse, 300 East Olive Avenue, Burbank 91502
Glendale Courthouse, 600 East Broadway, Glendale 91206;

Northeast District, in:

Pasadena Courthouse, 300 East Walnut Street, Pasadena 91101
Alhambra Courthouse, 150 West Commonwealth, Alhambra 91801;

North Valley District, in:

San Fernando Courthouse, 900 Third Street, San Fernando 91340
Chatsworth Courthouse, 9425 Penfield Avenue, Chatsworth 91311
Santa Clarita Courthouse, 23747 West Valencia Boulevard, Santa Clarita 91355;

Northwest District, in:

Van Nuys Courthouse East, 6230 Sylmar Avenue, Van Nuys 91401
Van Nuys Courthouse West, 14400 Erwin Street Mall, Van Nuys 91401;

South District, in:

Long Beach Courthouse, 415 West Ocean Boulevard, Long Beach 90802
San Pedro Courthouse, 505 South Centre, San Pedro 90731
San Pedro Courthouse Annex, 638 South Beacon Street, San Pedro 90731
Catalina Courthouse, 215 Summer Avenue, P.O. Box 677, Avalon 90704;

South Central District, in:

Compton Courthouse, 200 West Compton Boulevard, Compton 90220;

Southeast District, in:

Norwalk Courthouse, 12720 Norwalk Boulevard, Norwalk 90650
Bellflower Courthouse, 10025 East Flower Street, Bellflower 90706

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Downey Courthouse, 7500 East Imperial Highway, Downey 90242
Huntington Park Courthouse, 6548 Miles Avenue, Huntington Park 90255
Whittier Courthouse, 7339 South Painter Avenue, Whittier 90602;

Southwest District, in:

Torrance Courthouse, 825 Maple Avenue, Torrance 90503
Torrance Annex, 3221 Torrance Boulevard, Torrance 90503
Inglewood Courthouse, One Regent Street, Inglewood 90301;

West District, in:

Santa Monica Courthouse, 1725 Main Street, Santa Monica 90401
Beverly Hills Courthouse, 9355 Burton Way, Beverly Hills 90210
LA Airport Courthouse, 11701 South La Cienega Boulevard, Los Angeles 90045
Malibu Courthouse, 23525 Civic Center Way, Malibu 90265
West Los Angeles Courthouse, 1633 Purdue Avenue, Los Angeles 90025.

(Rule 2.2 new and effective July 1, 2011)

2.3 FILING AND TRANSFER OF ACTIONS

(a) Filing of Actions.

(1) Mandatory and Optional Filing of Unlimited Civil Actions.

(A) *Mandatory Filing:* Every unlimited civil action for bodily injury, wrongful death, or damage to real property must be filed in the district where the injury or damage occurred. “Bodily injury” is defined as actual physical damage to a person. Actions for emotional distress, defamation, discrimination, and malpractice other than medical malpractice are not included in this definition. “Damage to real property” is defined as actual physical damage to land, buildings or other items affixed to the land, including vegetation. Actions for quiet title, breach of real estate, or breach of construction contract are not included in this definition. The action must be filed at the filing window at the first civil courthouse location listed for that district in Local Rule 2.2, except that in the North Central District the action may be filed at either courthouse location in that district, and in the South District the action may be filed at either of the first two locations listed.

Every class action must be filed in the Central District.

Every petition for freedom from parental custody and control must be filed in the Central District.

Every appeal under Labor Code section 98.2 must be filed in the district where the office of the Labor Commissioner rendering the decision appealed from is located.

Every proceeding seeking a writ of prohibition or mandate (except as provided in subsection (B) below) must be filed in the Central District.

(B) *Optional Filing:* Except as set forth in subsection (A) above, an unlimited civil action or proceeding may be filed in the Central District or may be filed in a district other than the Central District, as determined by the description of the case below, in the following cases:

Abandonment, where petitioner resides;

Adoption, where petitioner resides;

Civil harassment, where one or more of the parties litigant reside;

Consent to adoption outside California, where consentor resides;

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Conservator, where petitioner or conservatee resides;
Contract, where performance is required by an express provision
or where defendant resides;
Dissolution of marriage, where petitioner or respondent resides;
Domestic violence restraining order, where one or more of the parties reside(s) or in
any district necessary to ensure the safety of the requesting party;
Elder or Dependent Adult Abuse restraining orders, when a general civil complaint
has not been filed, where one or more of the parties reside(s) or in any district
necessary to ensure the safety of the requesting party;
Eminent domain or inverse condemnation, where the property is located;
Family law miscellaneous complaints or petitions, where one or more of the parties
litigant reside;
Forcible entry, where the property is located;
Foreign custody (family law), where one or more of the parties litigant reside;
Foreign support (family law), where one or more of the parties litigant reside;
Guardianship, where petitioner or ward resides;
Habeas corpus, no prior or pending action, where the person is held;
Legal separation (family law), where one or more of the parties litigant reside;
Mandate, where the defendant functions wholly therein;
Name change, where the petitioner resides;
Personal property, where the property is located;
Probate, where decedent resided or petitioner resides;
Prohibition, where the defendant functions wholly therein;
Real property, where the property is located;
Receivership, where the defendant functions wholly therein;
Review, where the defendant functions wholly therein;
Small claims appeal, where the lower court is located;
Title to real property, where the property is located;
Tort, where the cause of action arose;
Transferred action, where the lower court is located;
Unlawful detainer, where the property is located;
Voiding of marriage, where petitioner or respondent resides.

(C) *Certificate Required For Civil Action Filings*: Other than electronically filed family law cases initiated by the district attorney, a civil action or proceeding presented for filing in any district must be accompanied by a separate page bearing the title of the court and cause, stating which of the grounds specified in this rule authorizes the filing in such district and shall be signed by counsel, or the plaintiff if he or she is self-represented. If the ground is the residence of a party, his or her name and residence must be stated. A copy of the certificate must be served with the summons and complaint or petition. This certificate is in addition to the case cover sheet required by the California Rules of Court.

(2) Mandatory Filing of Small Claims and Limited Civil Actions. Every small claims and limited civil action must be filed in and will be assigned to the nearest or most accessible courthouse where the court tries that type of case, which is determined according to the following method.

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- First: By determining what city or community contains the location that determines the proper venue for the trial of the case as specified in Code of Civil Procedure sections 392 through 395, 760.050 or 872.110, or in Civil Code sections 1812.10 or 2984.4.
- Second: By then determining the proper postal zip code that the United States Postal Service has assigned to the location determining venue as described above.
- Third: By then referring to the chart set forth in Appendix 2.B to determine which courthouse serves the zip code and community area that determines the proper venue for trial.
A case must be filed in, and will be assigned to, the courthouse serving the zip code and community area that would be a proper place for trial determined according to the foregoing method.

By way of example, a limited civil personal injury action in which a defendant resides in that portion of zip code 90002 lying within the City of Lynwood, all other defendants reside in that portion of zip code 90002 lying outside the City of Lynwood and the injury occurred in zip code 90009 must be filed in the Compton Courthouse, the Stanley Mosk Courthouse, or the Beverly Hills Courthouse.

(3) Mandatory Filing of Criminal and Traffic Cases. Every indictment by the Grand Jury must be filed in Department 100 in the Central District. Every criminal complaint must be filed within the judicial district, as delineated on the Maps of Superior Court Districts (Appendix 2.A), where the offense is alleged to have occurred. Within a judicial district, criminal complaints must be filed at the courthouse handling criminal matters which serves the city or unincorporated area where the offense is alleged to have occurred. Where more than one offense is alleged to have been committed, and the offenses were committed in different districts, the complaint may be filed in any district where one of the offenses was allegedly committed. The Supervising Judge of the Criminal Division may require, and, upon a showing of good cause, permit, a case or a class of cases to be filed in a district or at a courthouse other than in accordance with this rule.

(b) Transfer of Actions to Another District.

(1) Whenever, in the opinion of the Presiding Judge, the calendar in any district, including the Central District, has become so congested as to jeopardize the right of a party to a speedy trial or to materially interfere with the proper handling of the judicial business in the district, or for the convenience of witnesses or to otherwise promote the ends of justice, he or she may order the transfer of one or more cases pending in that district to another district, or may order that a case which by this Chapter is to be filed in that district must be filed in a different district.

(2) The Supervising Judge of the Civil Division may, for the convenience of witnesses or to promote the ends of justice, transfer a civil case from one district to another. Motions to transfer a civil action from one district to another, including motions based upon a failure to file the case in accordance with the requirements set forth in this Chapter must be made in Department 1 in the Central District.

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(3) The Supervising Judge of the Criminal Division may, for the convenience of witnesses or to promote the ends of justice, transfer a criminal case from one district to another. Motions to transfer a criminal action from one district to another, including motions based upon a failure to file the case in accordance with the requirements set forth in this Chapter, must be made in Department 100 in the Central District.

(4) The Supervising Judge of the Family Law Division may, for the convenience of witnesses or to promote the ends of justice, transfer a family law case from one district to another. Motions to transfer a family law action from one district to another, including motions based upon a failure to file the case in accordance with the requirements set forth in this Chapter, must be made in Department 2 in the Central District.

(5) The Presiding Judge of the Juvenile Court may, for the convenience of witnesses or to promote the ends of justice, transfer a juvenile case from one district to another. Motions to transfer a juvenile case from one district to another, including motions based upon a failure to file the case in accordance with the requirements set forth in this Chapter, must be made in Department 400 in the Central District.

(6) The Supervising Judge of the Probate Division may, for the convenience of witnesses or to promote the ends of justice, transfer a probate case from one district to another. Motions to transfer a probate case from one district to another, including motions based upon a failure to file the case in accordance with the requirements set forth in this Chapter must be made in Department 5 in the Central District.

(7) The supervising judge of each district may permit probate, guardianship, and conservatorship matters to be filed in his or her district that otherwise must be filed under this Chapter in a different district.

(Rule 2.3 new and effective July 1, 2011)

2.4 MASTER CALENDAR DEPARTMENTS

The following departments are designated as master calendar courts:

1. Department 1 - Central Civil;
2. Department 100 - Felony Master Calendar - Foltz;
3. Department 94 - Unlawful Detainers - Mosk;
4. Department 56 - Misdemeanor Trial Master Calendar - Foltz;
5. Department 77 — Limited Civil, Mosk;
6. Departments of the supervising judges of the Civil, Criminal, Probate, Family Law, and Juvenile Court Divisions;
7. The department where the district supervising judge presides;
8. The department where the courthouse site judge presides;
9. A department that is acting as a master calendar court at the direction of a supervising or site judge; and
10. Other departments that may be designated by order of the Presiding Judge, or his or her designee, including supervising judges.

In the event the Presiding Judge, or his or her designee, designates a department as a master calendar court, that designation will be posted in the office of the Clerk and on the court's official website at: <http://www.lasuperiorcourt.org>.

(Rule 2.4 new and effective July 1, 2011)

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2.5 GENERAL PROVISIONS FOR SECTION 170.6 CHALLENGES

A challenge under Code of Civil Procedure section 170.6 must be made orally under oath or by written motion, supported by a declaration.

(a) Direct Calendar Case. A section 170.6 challenge to a direct calendar judge assigned to a case for all purposes must be made (1) for a civil, probate, family law, or juvenile case within 15 days of the party's notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, and (2) for a criminal case, within ten days of the party's notice of the all-purpose assignment or, if the party has not yet appeared, within ten days of the party's first appearance. Pursuant to Code of Civil Procedure section 1013, an additional five days is added to the notice if it was served by mail within California, and ten days if served by mail outside of California but within the United States.

Upon a timely and proper challenge, the direct calendar judge will immediately transfer the case to the appropriate supervising judge for reassignment for all purposes. Neither a proper challenge under Code of Civil Procedure section 170.6, nor a direct calendar judge's voluntary recusal from the case, will result in the case being re-designated as a master calendar case.

(b) Master Calendar Case. A section 170.6 challenge to a judge who is assigned a "trial ready" case for trial or other limited proceeding by a supervising judge or master calendar court must be made in accordance with the master calendar rule. Section 170.6 provides that, when a master calendar court assigns the trial or limited proceeding, the challenge must be made orally in open court or in writing in the master calendar department. If counsel have been placed on call, the master calendar rule does not apply. Instead, the general 170.6 rule applies and the challenge must be made before the commencement of the trial or hearing.

(c) Challenges Under Code of Civil Procedure Section 170.6 Following Reversal on Appeal. Upon a reversal of a decision by an appellate court and remand to the trial court, the case shall be returned to the last assigned court. The 60 day period for filing any section 170.6 challenge after reversal and remand shall begin to run from the date of issuance of the remittitur by the appellate court.

(d) Civil Division 170.6 Challenges.

(1) Central District. Where a trial ready case is transferred from a direct calendar, all-purpose court to another all-purpose or a long-cause court for trial, Department 1 designates the direct calendar judge transferring the case to inform the parties that the master calendar rule applies to the reassignment and that any 170.6 challenge must be made that same day in Department 1 prior to the time set for the first appearance in the newly assigned court.

For purposes of a section 170.6 challenge, the unlimited civil courts and specialized civil courts (writs and receivers) are direct calendar courts with an all-purpose assignment to which the 15-day all-purpose assignment rule applies. In specialized unlimited civil courts deciding a provisional remedy (*e.g.*, writ of attachment, writ of possession, temporary restraining order, preliminary injunction, receiver) or other special portion of a case without handling the entire action (*e.g.*, *in forma pauperis* application, enforcement of judgment), then either (1) the general rule of section 170.6 applies and the challenge can be made any time before the hearing commences, or (2) where the identity of the judge is known at least ten days before the hearing, section 170.6's 10-day/5-day rule applies and the challenge must be made at least five days before the hearing.

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In limited civil courts, assignments for trial are made by a master calendar court (Department 77), and the master calendar rule applies. Counsel are advised to check with the Supervising Judge of the Civil Division, or the individual courtroom, to determine what rule applies to a particular case.

(2) Other Districts. Unlimited civil courts in other districts generally are direct calendar courts with an all-purpose assignment to which the 15-day all-purpose assignment rule of section 170.6 applies. Limited civil courts may be all-purpose assignment, or may be assigned cases by a master calendar court. Counsel are advised to check with the district's supervising or site judge, or the individual courtroom, to determine what rule applies to a particular case.

(3) Reassignment/Transfer to Another Department. When Department 1 or a district supervising judge reassigns a case not ready for trial after a proper challenge, the reassigning judge is not acting as a true master calendar court and the 15 day all-purpose assignment rule applies to the newly assigned judge.

(e) Criminal Division Section 170.6 Challenges.

(1) Central.

(A) Foltz Criminal Justice Center. Felony cases are set in direct calendar courts and transferred to Department 100 when ready for trial. They are then assigned for trial by Department 100, acting as a master calendar court, for which the master calendar provisions of section 170.6 apply. Misdemeanors are initially assigned to the pretrial master calendar court and then transferred to Department 56 when ready for trial. Department 56, acting as a master calendar court, then assigns the case for trial, and the master calendar rule of section 170.6 applies to the judge assigned for trial. Cases assigned to the complex criminal litigation ("9th floor") courts are direct calendar cases to which the all-purpose assignment rule of section 170.6 applies. A section 170.6 challenge must be made within ten days of notice of the all-purpose assignment or, if the party has not yet appeared, within ten days of the party's first appearance, as extended by Code of Civil Procedure section 1013.

(B) Metropolitan, East Los Angeles, and Hollywood Courts. All cases are assigned to direct calendar courts and the ten day all-purpose assignment rule of section 170.6 applies. A section 170.6 challenge must be made within ten days of notice of the all-purpose assignment or, if the party has not yet appeared, within ten days of the party's first appearance, as extended by Code of Civil Procedure section 1013. If the direct calendar court is engaged and transfers a case that is ready for trial to another court, then the direct calendar court acts at the direction of the supervising judge as a master calendar court. The master calendar rule of section 170.6 applies to the newly assigned judge, and a challenge to the new judge must be made in the transferring court.

(2) Other Districts. Felonies and misdemeanors in districts other than the Central District are assigned in one of the following three ways. The districts vary in which it applies, and counsel are advised to check with the district's supervising or site judge, or the individual courtroom, to determine what rule applies to a particular case.

(A) Direct Calendar Assignment. The case is set in a direct calendar court as an all-purpose assignment, and the all-purpose assignment rule of section 170.6 applies. A section 170.6 challenge must be made within ten days of notice of the all-purpose assignment or, if the party has not yet appeared, within ten days of the party's first appearance, as extended by Code of Civil Procedure section 1013. If the direct calendar court is engaged and transfers a case ready for trial

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to another court, then the direct calendar court is acting at the direction of the supervising judge as a master calendar court, the master calendar rule of section 170.6 applies to the newly assigned judge, and the challenge must be made in the transferring court.

(B) Mixed Direct Calendar/Master Calendar Assignment. The case is set in a direct calendar court and transferred to a master calendar court when ready for trial. Either the supervising or site judge acts as the master calendar court, or there is a dedicated master calendar court. The master calendar rule of section 170.6 applies to the judge assigned for trial, and any challenge must be made in the master calendar court.

(C) Master Calendar Assignment. The case is initially assigned to a master calendar court. When the case is ready for trial, it is assigned to an available trial court. Either the supervising/site judge acts as the master calendar court, or there is a dedicated master calendar court. The master calendar rule of section 170.6 applies to the judge assigned for trial, and any challenge must be made in the master calendar court.

(f) Family Law Division Section 170.6 Challenges.

(1) Time Limitation. For purposes of a section 170.6 challenge, except as stated below, all judges in the Family Law Division are assigned for all purposes and a challenge must be made within 15 days of notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, as extended by Code of Civil Procedure section 1013.

(2) Long Cause Reassignment. Where a case designated as "long cause" has been transferred to Department 2 for assignment, Department 2 generally does not act as a true master calendar court and a challenge to the judge who is assigned must be made within 15 days of notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, as extended by Code of Civil Procedure section 1013. An exception occurs where the case is trial-ready at the time Department 2 assigns it. In that circumstance, Department 2 acts as a master calendar court and a challenge to the judge assigned for trial must be made in Department 2 at the time of assignment.

(g) Probate Division Section 170.6 Challenges.

(1) Time Limitation. For purposes of a section 170.6 challenge, all probate departments are direct calendar courts in which a case is assigned for all purposes. A section 170.6 challenge must be made within 15 days of notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, as extended by Code of Civil Procedure section 1013.

(2) Reassignment/Transfer to Another Department. A reassignment of a probate case to another probate or civil department for trial or other limited purpose is an assignment from a master calendar court to which the master calendar rule of section 170.6 applies.

Where a case is transferred from another district to Department 5 for purposes of reassignment, Department 5 acts as a master calendar court in transferring the case. The master calendar rule of section 170.6 applies to any challenge of the newly assigned judge.

(h) Juvenile Court Division Section 170.6 Challenges.

(1) Time Limitation. For purposes of a section 170.6 challenge, some judges in the Juvenile Division are direct calendar courts to which a case is assigned for all purposes and the all-purpose assignment rule of section 170.6 applies. A section 170.6 challenge must be made within 15 days of notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, as extended by Code of Civil Procedure section 1013. Other judges

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are assigned on a temporary basis in a particular courtroom. The ten-day/five-day rule of section 170.6 applies to a judge assigned on a temporary basis, and the challenge must be made at least five days before the hearing. Counsel are advised to check with the Presiding Judge of the Juvenile Division, or the individual courtroom, to determine what rule applies to a particular case.

(2) Reassignment/Transfer to Another Department. Upon a timely and proper section 170.6 challenge, the Supervising Judge of the Juvenile Division will reassign the case if it should be assigned to a juvenile court. An adoptions case will be transferred to the Stanley Mosk Courthouse for the Presiding Judge to reassign. In either instance, the reassigning court does not act as a true master calendar court and the challenge to the reassigned court must be made within 15 days of notice of the all-purpose assignment or, if the party has not yet appeared, within 15 days of the party's first appearance, as extended by Code of Civil Procedure section 1013.

(Rule 2.5 new and effective July 1, 2011)

2.6 DESIGNATION OF DEPARTMENTS TO HANDLE SPECIFIC TYPES OF MATTERS

The Presiding Judge may in any district, including the Central District, designate certain departments or groups of departments to handle specific types of matters, including but not limited to:

Attachments and Writs of Possession	Family Law
Civil Master Calendar	Juvenile Delinquency
Civil Individual Calendar	Juvenile Dependency
Class Actions	Mental Health
Complex Civil Litigation	Parking Ticket Appeals
Complex Criminal Litigation	Probate
Criminal Arraignments	Small Claims
Criminal Drug Courts	Supplemental Civil Proceedings
Criminal Early Disposition Courts	Traffic and Vehicle Code
Criminal Master Calendar	Unlawful Detainers
Criminal Preliminary Hearings	Writs and Receivers
Criminal Trials	
Eminent Domain	

The Presiding Judge may designate such other departments or groups of departments as specialized courts as he or she thinks are necessary or convenient for the operation of the court.

The Presiding Judge may delegate the authority to designate such courts to the Assistant Presiding Judge, the divisional supervising judges, or the district supervising judges.

(Rule 2.6 new and effective July 1, 2011)

2.7 ASSIGNMENT OF MATTERS TO CENTRAL DISTRICT DEPARTMENTS

Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the Central District as follows:

(a) APPELLATE DIVISION:

Appeals from judgments and orders in misdemeanor, Appellate Division infraction, and limited civil cases (except small claims cases), from anywhere in the County. Petitions for writs of mandate, prohibition

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and review, in misdemeanor, infraction and limited civil cases, from anywhere in the County.

Habeas corpus petitions filed in conjunction with Department 70
misdemeanor, infraction or limited civil appeals. Evidentiary hearings may be assigned to the Criminal Division by the Criminal Division Supervising Judge upon request of Department 70.

(b) CIVIL DIVISION:

(1) General Unlimited Civil Cases and Proceedings:

(A) *Asbestos Litigation General Orders and Motions:* Department 1

The Los Angeles Asbestos Litigation has been determined to be complex litigation within the meaning of California Standards of Judicial Administration, Standard 3.10. As a consequence, the court has issued a number of General Orders applying to all asbestos litigation. Second Amended General Order No. 3 provides for two special files for the General Orders: The file entitled *In re Los Angeles Asbestos Litigation - General Orders # C 700000* (the “General Order File”) shall contain all current General Orders, and no other documents. The file entitled *In re Los Angeles Asbestos Litigation Motions Re General Orders # C 700002* (the “General Order Motion File”) shall contain all law and motion pleadings regarding the General Orders. The original court files for # C 700000 and # C 700002 shall be maintained in the courtroom of the Supervising Judge of the Civil Division, Department 1, Stanley Mosk Courthouse. The General Orders also are available on the court’s website: www.lasuperiorcourt.org. Second Amended General Order No. 3 provides special procedures to create, modify, or terminate, a General Order. Any proposed motion regarding a General Order must be authorized by the Supervising Judge of the Civil Division prior to filing.

(B) *Attachment and Writ of Possession Matters:* Department 12

- Writs of attachment, application for and other proceedings in connection with,

- Writs of possession, application for and other proceedings in connection with,

Hearing fees required by the court’s Schedule of Fees must be paid in Room 102, Mosk Courthouse before filing papers in Department 12.

(C) *Civil Harassment Petitions:*

Civil Harassment Petitions Department 75

(unless accepted on transfer by the family law court)

(Code Civ. Proc., §§ 527.6, 527.8)

(D) *Eminent Domain:*

All eminent domain or Direct Calendar Courts

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inverse condemnation cases will be assigned to a direct calendar court for “all purposes,” including post-judgment motions to enforce the judgment and applications to withdraw funds on deposit after the case has been closed.

(E) *Guardian ad Litem appointments:*

Guardian *ad litem* appointments for a particular case Department 97
Petitions for general guardianships and not for a particular case Probate Division

(F) *Long Cause Cases:*

A “long cause case” is defined as a trial that will take at least twenty court days, excluding jury selection and jury deliberation. Long cause cases are the primary responsibility of the direct calendar judge or other judge initially assigned to try the case. If that judge cannot try the case due to its length, it may be transferred to the Supervising Judge of the Civil Division for assignment to a long cause trial judge sitting in the Central District.

(G) *Supplemental and Miscellaneous Proceedings:*

Enforcement of Judgment Proceedings:

All enforcement Department 1A
of judgment proceedings except contempt proceedings, appointment of receiver after judgment, and any enforcement of judgment proceedings in an eminent domain action. Examples of enforcement of judgment proceedings include:

- Application for post-judgment examination hearings
- Charging orders
- Claim of exemption hearings
- Court order of sale for real property dwelling pursuant to a writ of execution
- Debtor examination hearings
- Hearing on third party claims pursuant to writ of execution
- Motions for assignment orders
- Third party examination hearings
- *See also*, Code of Civil Procedure sections 680.010 through 720.800

Escheat, hearings on petitions for relief Department 1A

Ex parte orders shortening time in Department 1 Department 1A

In forma pauperis applications for civil limited and Department 1A
unlimited actions (except family law and probate)
and for appeals to the appellate court

In forma pauperis applications for small claims Department 97

Name change, petitions and hearings (*See* Local Rule 3.5(a)(5).) Department 1A

Newspaper, petition to establish standing Department 1A

Publication of summons, application and orders for, Department 97
(*See* Local Rule 3.5(a)(5).)

Service on Secretary of State of summons on corporation, Department 97

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application and orders for
Voter information, petition to declare confidential Department 1A
(Elections Code, § 2166)

(H) *Writs and Receivers Matters and Special Proceedings:*

Matters assigned to Department 85 or Department 86 for all purposes pursuant to this rule will be assigned by the clerk at the time of filing, using a random system to insure that no party or person can control or determine in advance to which department a case is assigned.

Matters assigned for all purposes to an unlimited civil trial department, in which certain procedures are to be heard in Department 85 or 86 pursuant to this rule will be heard in Department 85, if the case number is odd, and in Department 86, if the case number is even.

Noticed motions and other noticed proceedings are heard on odd-numbered days in Department 85 and on even-numbered days in Department 86 at 9:30 a.m. *Ex parte* matters are heard daily in both departments at 8:30 a.m.

(i) *Injunctive Relief, Unlimited Civil Cases*

In all unlimited civil cases, the following matters are to be heard in the direct calendar court:

- A noticed motion for a preliminary injunction, no matter when made;
- An *ex parte* application for an order shortening time for hearing on a motion for a preliminary injunction, made after an initial status conference or case management conference has been held;
- An *ex parte* application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made after an initial status conference or case management conference has been held;
- Any noticed motion or *ex parte* application to dissolve or modify a preliminary injunction made after an initial status conference or case management conference has been held;

In all unlimited civil cases, the following matters are heard in Department 85 or Department 86:

- An *ex parte* application for a temporary restraining order, or an application for an order to show cause re preliminary injunction, made before an initial status conference or case management conference has been held in the direct calendar court;
- An *ex parte* application for an order shortening time for hearing on a motion for a preliminary injunction, made before an initial status conference or case management conference has been held in the direct calendar court. If the application for shortened time is granted, the motion for preliminary injunction shall also be heard in Department 85 or 86;
- A demurrer or motion heard while an application for a preliminary injunction or motion for the appointment of a receiver is pending in Department 85 or 86.

An application for an injunction in connection with a civil harassment petition (Code Civ. Proc., §§ 527.6 & 527.8), with or without a temporary restraining order, is assigned as provided in Local Rule 2.7(b)(1)(C).

(ii) *Receivers:*

- A motion for the appointment of a receiver (and all matters pertaining to the receivership), with the exception below, is assigned to Department 85 or 86;
- An application for the appointment of a receiver pursuant to a provision for the assignment of rents and profits contained in a deed of trust which predominantly involves collection of rent, (and all matters pertaining to such receivership), is assigned to Department 12. If a receiver is appointed, any

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causes of action in the underlying complaint for judicial foreclosure or specific performance of a provision in a deed of trust for assignment of rents and profits, are assigned for all purposes to Department 12, notwithstanding other provisions of these rules.

(iii) Special Proceedings Heard in Writs and Receivers Departments

The following special proceedings, when filed in or transferred to the Central District, are assigned to Department 85 or to Department 86 for all purposes:

- Cemetery, petition to replat or vacate (Health and Safety Code, §§ 8701-8715);
- Common interest development, petition to reduce votes required to amend declaration of covenants and restrictions (Civil Code, §1356);
- Contempt, order to show cause and trial (*see* Local Rule 3.11);
- Corporations, petition to take jurisdiction over voluntary winding up (Corp. Code, § 1904), involuntary winding up of corporation (Corp. Code, § 1806), after a decree or stipulation of winding up, and petition to fix value of shares (Corp. Code, § 2000);
- Declaratory relief, only when joined with a petition for a writ of review, mandate or prohibition;
- Director, petition to appoint provisional director (Corp. Code, § 308);
- Director, petition to determine election (Corp. Code, §§ 709, 5617, 7616 and 9418);
- Insurance company, insolvency proceedings;
- Late claim proceeding (Gov. Code, § 946.6), unless the underlying case has been filed and is pending, in which case the petition is to be heard in the direct calendar court to which the underlying case is assigned;
- Law practice, assumption of jurisdiction over (Bus. & Prof. Code, §§ 6126.3, 6180.2 and 6190)
- Limited liability company, petition ordering winding up (Corp. Code, §§ 17352(b), 17353(b));
- Limited partnership, petition ordering winding up (Corp. Code, § 15683);
- Mandate, petition for writ of (except where assigned to the Appellate Division by these rules);
- Partnership, application for judicial supervision of winding up (Corp. Code, § 16803);
- Prohibition, petition for writ of (except where assigned to the Appellate Division by these rules);
- Review, petition for writ of (except where assigned to the Appellate Division by these rules);

(2) Limited civil and small claims cases and proceedings

(Including small claims appeals and unlawful detainer cases):

- Assignment orders, application for Department 97
- Claim of exemption Department 97
- Default prove-ups Department 97
- Dissolve or modify preliminary injunction, motion to Department where
case is assigned*
- Enforcement of judgment
- *Ex parte* applications Department 97
(pre-trial unlawful detainer)
- *Ex parte* applications (post-judgment unlawful detainer) Department 94
- *Ex parte* applications (limited civil) Department 77
- Injunctive relief, with or without temporary restraining order Department where
case is assigned*
- Master calendar (including small claims appeals) Department 77
- Minor's compromise hearings Department 97

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- Miscellaneous post-judgment motions Department 97
- Post-judgment debtor and third party examinations Department 1A
- Publication of summons, application Department 97
and orders for, (*See* Local Rule 3.5(a)(5).)
- Receiver, application for appointment of, other Department 85 or 86
than under a provision for assignment of rents and profits
- Receiver, application for appointment of, Department 12
under a provision for assignment of rents and profits
- Service on Secretary of State of summons on Department 97
corporation, application and orders for
- Small claims law and motion, pretrial Department 90
- Small claims trials Department 90
- Unlawful detainer law and motion: Department 97
 - Arrieta claim (of right to possession)
 - change of venue
 - summary judgment
 - miscellaneous motions
 - to quash service of summons and complaint
 - to strike
 - to compel production of documents, responses to interrogatories and a deposition
 - to dismiss
 - to transfer
- Unlawful detainer master calendar Department 94
- Vacate and set aside judgment, motion to Department 97

* If the case is pending in the limited civil master calendar court, that court may assign the application to a trial court for hearing and determination.

(c) CRIMINAL DIVISION (Including Mental Health Matters):

(1) Criminal matters:

- Arraignments, felony complaints Division 30 CJC
Division 69 Metro
Division 5 East LA
- Arraignments, misdemeanor complaints Central Arraignment Court:
All courts
Metropolitan Branch:
Dept's 60 and 66 for City Attorney filings
Dept's 62, 65 and 68 for District Attorney filings
Hollywood: Inquire at courthouse
East LA: Inquire at courthouse
- Certificate of rehabilitation and pardon, petition for Department 100
- Corum nobis, petition for writ of Department where case is or was
last pending
- Exhume a body for criminal investigation Department 100
- Expungements - felony cases Clara Shortridge Foltz Courthouse
(CJC) only Department 100
- Expungements - misdemeanor cases CJC only Department 56

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- Firearm return/restoration of right to own, etc.
(Welf. & Inst. Code, §§ 8100, 8103) Department 95
- Firearm return, all other Department where case is or was
last pending
- Habeas corpus, involuntary commitment
(Welf. & Inst. Code, §§ 5254.1 and 5275) Department 95
- Habeas corpus, person held for extradition Department 100
- Habeas corpus under the Hague Convention on
International Child Abduction Department 2 Mosk
- Habeas corpus, all other See Local Rules 2.7(a) and 8.33.
- Insanity and mental competence trials and hearings, felony cases:
prior to holding order Department 95
after holding order Department where case assigned
- Insanity and mental competence trials and hearings,
misdemeanor and infraction cases Department 95
- Mandate or prohibition in felony cases,
prior to holding order Department 100
after holding order Court of Appeal
- Mandate or prohibition
in misdemeanor and infraction cases Appellate Division
- Mentally disordered sex offender proceedings under former
(Welf. & Inst. Code, § 6300) Department 100
- *Pro per* privileges at variance with policy Department where case pending
(2) Mental health matters
(A) Civil commitment proceedings - not LPS
- Developmentally disabled commitments Department 95
(*In Re Hop*)
- Mental retardation commitments Department 95
(Welf. & Inst. Code, § 6500)
- *In Re Roger S.* pre-commitment hearing Department 95
(B) Civil commitment proceedings - LPS
- Accountings, conservatorship Department 95
- Appeal of medication capacity findings and order
(*de novo* hearing) (Welf. & Inst. Code, § 5334(e)(1)) Department 95
- Conservatorship
(Welf. & Inst. Code, § 5350) Department 95
- ECT capacity hearing
(Welf. & Inst. Code, §§ 5326.7, 5326.75) Department 95
- *Ex parte* petition for temporary conservatorship
by County Mental Health Director/Public Guardian Department 95
- Mentally disordered person dangerous to others
proceedings (Welf. & Inst. Code, § 5300) Department 95
- Site-based certification review hearings
(*Doe vs. Gallinot*), (Welf. & Inst. Code, § 5256) Department 95

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- Site-based medication capacity hearings
(Welf. & Inst. Code, § 5332) Department 95
- (C) Criminally-related proceedings
- Commitment, judicial review Department 95
- Continued involuntary treatment,
mentally disordered offenders (Pen. Code, § 2972) Department 95
- Extensions of commitment and re-commitment to California Youth Authority
(Welf. & Inst. Code, § 1800) Department 95
- Firearm return/restoration of right to own, etc.
(Welf. & Inst. Code, §§ 8100, 8103) Department 95
- Insanity and mental competence trials and hearings,
 - felony cases: prior to holding order Department 95
 - after holding order Court where case assigned
- Insanity and mental competence trials and hearings,
misdemeanor and infraction cases Department 95
- Mentally disordered sex offenders proceedings
(former Welf. & Inst. Code, § 6300) Department 95
- Narcotic addiction (Welf. & Inst. Code, §§ 3050, 3051) Department 95
- Petition to extend commitment and
re-commitment of defendant found not guilty by reason of insanity
(Pen. Code, § 1026.5(b)) Department 95
- Petition to release following restoration to sanity
(Pen. Code, § 1026.2) Department 95
- Sexually violent predator, pre-trial and post-trial issues Department 95B
- Sexually violent predator trial Department 100,
for assignment to a trial court

(d) FAMILY LAW DIVISION:

Any matter arising under the Family Code, excluding emancipation of minors and adoption, and other matters specifically assigned to other departments by these rules or order of court, is assigned to the Family Law Division. Family Law Division courts in the Central District are direct calendar courts, with the following exceptions:

- Child support cases *See also* Local Rule 5.25
- Defaults Department 2
- Domestic violence restraining orders Department 8
- Habeas corpus under the Hague Convention on International Child Abduction Department 2
- Guardianship of minors when related to a family law child custody proceeding
are also assigned to the Family Law Division *See also* Local Rule 5.2

(e) JUVENILE DIVISION:

Any matter arising under the Juvenile Court Law is assigned to the Juvenile Division, including:

- Emancipation of minors, petition for
- Habeas corpus, petition for writ of, minor under 18, under arrest
- Medical treatment for minor, petition to provide

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- Parental custody and control, petition to free a minor from, filed by Department of Adoptions, and proceedings to determine the necessity of parental consent directly related thereto

(f) **PROBATE DIVISION:**

Any matter arising under the Probate Code, and any other action, proceeding or procedure which by statute is to be heard by a judge hearing probate matters is assigned to the Probate Division. (*See, e.g.*, proceedings to establish record of birth, death or marriage under Health & Safety Code, § 10550 *et seq.*)

Compromise of a minor's claim prior to trial in a civil case is assigned to the Probate Division, if the direct calendar judge who participated in a conference at which the compromise was accomplished is unavailable. If an application is made to the direct calendar judge for a special needs trust for the benefit of a minor or an incompetent person under Probate Code section 3602 or 3611, the terms of the trust shall be reviewed and approved by the Probate Division.

Any proceeding to make a withdrawal from an account blocked for the benefit of a minor or an incapacitated person is assigned to the Probate Division.

(Rule 2.7 new and effective July 1, 2011)

- 2.8 **RESERVED**
- 2.9 **RESERVED**
- 2.10 **RESERVED**
- 2.11 **RESERVED**
- 2.12 **RESERVED**
- 2.13 **RESERVED**

GENERAL PROVISIONS

2.14 **EMERGENCY CLOSURE OF COURTHOUSE**

If a courthouse is closed due to any emergency or government proclamation, all matters calendared at that time will be heard on the next day that courthouse is open, unless otherwise provided by order of the court.

(Rule 2.14 new and effective July 1, 2011)

2.15 **HOLIDAYS**

If any day on which an act required to be done by these rules or by court order falls on a legal holiday, the act may be performed on the next succeeding court day.

(Rule 2.15 new and effective July 1, 2011)

2.16 **HOURS OF COURT, APPEARANCES OF COUNSEL**

(a) Hours. Sessions of departments will be from 8:30 a.m. to 12:00 noon and from 1:30 p.m. to 4:30 p.m. The Presiding Judge, by written order, may provide for a variance from these hours. Default proceedings in family law and pretrial hearings assigned to civil trial departments will be set for 8:30 a.m. For direct calendar courts, civil trials will commence after the calendar call or 9:00 a.m., whichever is later, unless the court orders otherwise. For all other civil courts, civil trials will commence by 9:00 a.m., unless the court orders otherwise.

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(b) Opening of Sessions. Morning and afternoon sessions will be opened by the bailiff, court attendant, or clerk. After a recess during a session, the bailiff, court attendant, or clerk will call for order and state that the court is again in session.

(c) Conflicting Appearances; Precedence.

1) Except as otherwise expressly provided law or by the California Rules of Court, where a counsel has conflicting court appearances, the following priorities apply: (1) criminal jury trial; (2) civil jury trial; and (3) all other judicial business. Participation by counsel in jury trials in criminal cases takes precedence over all other judicial business. Participation by counsel in civil jury trials takes precedence over all other judicial business except jury trials in criminal cases.

2) Between the hours of 9:30 a.m. and 12:00 noon and 1:30 p.m. and 4:30 p.m., no judge shall require counsel to appear who is engaged in a civil or criminal jury trial elsewhere, except as previously agreed to by the judge before whom counsel is presently engaged.

3) Counsel have an obligation to avoid scheduling conflicts where possible. If counsel has two or more court appearances that conflict, he or she must timely inform the courts involved.

4) For the purpose of this rule, motions made before jury selection has commenced (such as motions for a continuance of a jury trial) will not be considered a jury trial.

(Rule 2.16 new and effective July 1, 2011)

2.17 PHOTOGRAPHING, RECORDING AND BROADCASTING IN COURT

(a) Definitions. This rule adopts the definitions contained in California Rules of Court, rule 1.150(b), except as follows:

1) The term “media coverage” means any photographing, recording or broadcasting in court by the media;

2) The term “court” means any courtroom or courthouse in the County where the court conducts business, including all entrances, exits, hallways, escalators, elevators, and adjacent or subterranean court parking areas. It does not include the offices in any courthouse occupied by independent agencies such as the County of Los Angeles, including the Offices of the District Attorney and the Public Defender;

3) The term “designated media area” means any area so designated by the Presiding Judge, supervising judge, or site judge.

(b) Court Order Required. While in court, no one may engage in photographing, recording, or broadcasting, or activate any camera, microphone, recorder or broadcasting device, except:

1) in a courtroom where the judge has issued an order allowing media coverage under California Rules of Court, rule 1.150 and Local Rule 2.17(d), or expressly granted permission, under California Rules of Court, rule 1.150(d) or otherwise, to photograph, record, and/or broadcast; or

2) outside the courtroom, if it is: i) in a designated media area, or ii) with prior written permission from the Presiding Judge, supervising judge, or site judge. No one may carry any camera, microphone, or recording equipment, or activate the image or sound capturing feature of any computer, mobile telephone, watch or other similar equipment in a courtroom without express written permission from the appropriate judicial officer.

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(c) No Obstruction of Public Access. Persons engaged in photographing, recording and broadcasting must not obstruct pedestrian traffic, create traffic congestion or otherwise impede access to court proceedings, offices, services or facilities.

(d) Written Media Requests Required. Persons requesting media coverage of any type, including pool cameras, must complete and submit for judicial approval Judicial Council form MC-500, specifying: i) the time estimate for coverage; ii) the proposed placement of cameras, microphones and other equipment; and iii) whether the coverage will be disseminated live or recorded for future dissemination.

(e) Submission of Media Requests to Public Information Office. Before filing Judicial Council Forms MC-500 and MC-510 in court or submitting them to any judge, persons requesting media coverage must deliver or electronically submit originals or copies to the Public Information Office, Stanley Mosk Courthouse, 111 N. Hill St., Room 107A, Los Angeles, CA 90012 (Fax: 213-621-7642; Telephone: 213-974-5227).

(f) Responsibility for Compliance with Rules. Media (as defined in California Rules of Court, rule 1.150(b)(2)), and any other person seeking to photograph, record or broadcast in court must be familiar with, and comply with this rule and the California Rules of Court, rule 1.150.

(g) No Restriction On Judicial Discretion. This rule does not restrict a judge's discretion to regulate sound or image capturing, photographing, recording or broadcasting in his or her courtroom.
(Rule 2.17 new and effective July 1, 2011)

2.18 APPLICATION TO PROCEED *IN FORMA PAUPERIS* (Cal. Rules of Court, rule 3.50 *et seq.*)

(a) Central District. In the Central District, applications must be presented as follows:

- a) Unlimited civil, limited civil cases, and appeals from limited civil to the Appellate Division: Room 111A;
- b) Probate cases: Room 258;
- c) Family law cases: Department 2;
- d) Appeals to the Court of Appeal: Room 111;
- e) Small claims cases to the Small Claims Office, Room 429.

(b) Other Districts. In other districts, applications shall be presented in the place designated by the Supervising Judge.

(Rule 2.18 new and effective July 1, 2011)

2.19 SELECTION OF TRIAL JURORS

(a) Source of Names; Method. The names of prospective trial jurors will be taken from the last published and available registered voters' list and Department of Motor Vehicles records of the County through the use of automated random selection. An estimate must be based on the number of jurors needed to make up the list for the period required, and automated random selection used by the Jury Commissioner must be based on such estimate.

(b) Competency of Prospective Jurors. The Jury Commissioner must determine the statutory qualifications of each prospective juror and exclude from service those the commissioner finds not to be qualified to act as a trial jurors.

(c) Excuse from Jury Duty. The Jury Commissioner must determine excuses from jury service under Code of Civil Procedure section 204(b). Before granting or refusing any excuse from jury service, the Commissioner must fairly weigh and consider all pertinent data, documents, and

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information submitted by or on behalf of the prospective juror and must, whenever the Commissioner deems it necessary or desirable, personally interview the prospective juror.

(d) Jurors' Meals Expense; Limitations. Jurors sitting on criminal cases who are placed in the physical custody of the bailiff by the court during lunch hours or overnight and are not released during mealtimes will be allowed the actual cost of meals, not to exceed a maximum for each meal as fixed by the Committee on Personnel and Budget.

(e) Deposit of Civil Jury Fees. The trial date assigned in a civil action will be the actual date of trial for all purposes of notification and deposit of jury fees.

Twenty-five days prior to the date set for trial in any civil action in which a jury is demanded, the party demanding the jury trial must deposit in accordance with Code of Civil Procedure section 631(b) an advance jury fee of \$150. At the beginning of the second and each succeeding day of jury selection, and promptly after the jury is sworn, the party must deposit with the clerk, the additional sum necessary to reimburse the court for the fees and mileage for all jurors appearing for *voir dire* that day, except for any juror who that day appeared in another case after being excused. On the second day of the court session following the swearing of the jury to try the case, and on any succeeding day, the party must, at the beginning of the day, deposit with the clerk a sum equal to one day's fees and the mileage for all sworn jurors and alternates.

(f) Forfeiture of Fees. If a trial does not proceed on the date set because the case is settled, or a continuance is granted on motion of the party depositing the fees, or if the party demanding the jury trial waives the jury, and there has been insufficient time to notify the jurors, any advance jury fee deposited by a party participating in the settlement or who has moved for a continuance or waived the jury, and any additional sums necessary to reimburse the court for jury fees and mileage due for that day will be forfeited, unless the court for good cause orders otherwise. In those cases in which the Jury Commissioner is not notified by 2:00 p.m. of the court day preceding the trial date, any advanced jury fees will be forfeited.

Motions by a party or parties requesting waiver of jury fees or a refund of deposits will be heard by the judge to whom the case was assigned for trial, or the courthouse Site or Supervising Judge.

(Rule 2.19 new and effective July 1, 2011)

2.20 JUROR INTERFERENCE

Except as may be authorized by a judge, no person may distribute or attempt to distribute any written materials tending to influence, interfere, or impede the lawful discharge of the duties of a trial juror, or communicate or attempt to communicate with any person summoned, drawn, or serving as a trial juror for purposes of influencing, interfering, or impeding the lawful discharge of the duties of a trial juror in, or within 50 yards of any public entrance to, the facilities within which the court conducts jury trials.

(Rule 2.20 new and effective July 1, 2011)

2.21 COURT REPORTING IN CIVIL, FAMILY LAW, AND PROBATE CASES

(a) Unlimited Civil Cases. Official court reporters are normally available for reporting all trials in unlimited civil cases. Official court reporters are also normally available for reporting law and motion matters in all departments dedicated to unlimited jurisdiction cases. The departments listed in Appendix 2.C, Column B, normally have court reporters available.

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(b) Limited Civil Cases. Official court reporters are not normally available to report matters in limited civil cases. The departments listed in Appendix 2.C, Column C, normally do not have court reporters available.

(c) Court Reporting in Family Law Cases. Official court reporters are normally available for reporting all proceedings in family law cases as listed on Appendix 2.C, Column B.

(d) Court Reporting in Probate Cases. Official court reporters are normally available for reporting all proceedings in probate cases, as listed in Appendix 2.C, Column B.

(e) Notice of Nonavailability of Court Reporter for Non-Trial Matters. If the services of an official court reporter will not be available during a hearing on law and motion or other non-trial matter in an unlimited civil family law or probate case, that fact must be noted on the court's official calendar.

(f) Procedure for Court Reporter Services. Any party desiring the services of a court reporter for a proceeding in a department that normally does not have a court reporter available must file a written request for a reporter five days before the proceeding with the Court Reporter Services, Room 234, 111 No. Hill Street, Los Angeles, CA 90012. (Tel: 213-974-5403; FAX: 213-620-0017.) Unless a fee waiver has been obtained, that party will be responsible for paying the regular court reporter service fees mandated by Government Code section 68086. If a party requests the presence of an official court reporter and it appears that a reporter will not be available, the Court Reporter Services must notify the party of that fact as soon as possible before the trial.

(g) Party May Procure Reporter. If the services of an official court reporter are not available for a hearing or trial, a party may arrange for the presence of a certified shorthand reporter to serve as an official reporter *pro tempore*. If such an arrangement is made, it is the responsibility of the arranging party to pay the reporter's fee for attendance at the proceedings. The expense of a court reporter may be recoverable as part of the costs, as provided by law.

(h) No Additional Charge if Party Arranges for Reporter. If a party arranges and pays for the attendance of a certified shorthand reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, that party will not be charged the reporter's attendance fee provided for in Government Code sections 68086(a)(1) or (b)(1).

(Rule 2.21 new and effective July 1, 2011)

2.22 FACSIMILE FILING IN CIVIL, FAMILY LAW, AND PROBATE CASES

(a) Authorization to Accept Facsimile Filing. The court permits facsimile filing in general civil, family law, and probate cases pursuant to California Rules of Court, rule 2.3000 *et seq.* and the following rules.

(b) Facsimile Filing Procedure. The court will receive a facsimile filing at the clerk's office in each courthouse. The court will also receive a direct facsimile filing for an action in the department handling that case if facsimile equipment has been installed in that department for facsimile filing. The clerk's office must make available a list of facsimile telephone numbers for each location where facsimile filing is accepted, and must update this list as changes occur.

(1) A facsimile filed document must be accompanied by the Facsimile Transmission Cover Sheet (Form JC 2009).

(2) The court's facsimile equipment will be available 24 hours per day. A facsimile received for filing on a court holiday or after 4:30 p.m. on a court day after the time at which the

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clerk stops accepting filings at the filing counter will be deemed to have been filed on the next court day.

(3) The filing party bears sole responsibility for the proper facsimile transmission of a document from the filing party's facsimile equipment to the court's equipment, and subsequent confirmation of filing.

(4) The clerk will provide confirmation of the receipt of a facsimile-filed document, beyond the standard confirmation option of facsimile machines, upon payment of the fee set pursuant to the court's fee schedule (currently \$3.50).

(5) The clerk will charge a facsimile usage fee of \$0.50 per page, including the cover sheet and all tab pages, along with any filing fees normally associated with the document. All fees will be charged to the filing party's Visa or MasterCard account.

(6) The court will not accept a facsimile-filed document in any location other than the clerk's office of the courthouse where the document is required to be filed, or a department where direct filing has been authorized.

(7) A fax filing must comply with California Rules of Court, rules 2.301 through 2.305.

(8) A party must not submit a document for facsimile filing where the exhibits, declarations, or other attachments collectively exceed ten pages.

(9) A document received by facsimile that does not conform to the above requirements will not be accepted for filing.

(Rule 2.22 new and effective July 1, 2011)

2.23 APPLICATION TO RECONSIDER, VACATE, OR MODIFY ORDERS OR JUDGMENT WHEN ORIGINAL JUDGE UNAVAILABLE

If a judge who made an order or judgment is unavailable to reconsider, vacate, or modify the order or judgment, then a party must apply to the following to reconsider, vacate, or modify the order or judgment:

1) if the case is filed in the Central District, the supervising judge of the appropriate principal division of the court; or,

2) if the case is filed in another district, (a) to the site judge for the courthouse in which the case is filed if the case is filed in a courthouse that has a site judge or (b) to the supervising judge for the district in which the case is filed if the case is filed in a courthouse that does not have a site judge.

(Rule 2.23 new and effective July 1, 2011)

2.24 TRIALS BEFORE TEMPORARY JUDGES AND REFERENCES

(a) Definitions of Temporary Judge and Referee.

(1) A "temporary judge" is an attorney appointed by the court upon stipulation of the parties to decide the case under Article VI, Section 21 of the California Constitution. Trials before temporary judges are governed by California Rules of Court, rules 2.830-2.834. The appointment of a temporary judge, including in family law and probate cases, is made by the Supervising Judge of the Civil Division. (*See* Cal. Rules of Court, rule 2.831(b).)

(2) A "referee" is a person appointed by the court to hear issues in a case, which may include trial. A reference made per agreement of the parties is governed by Code of Civil Procedure

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section 638, and a reference made upon motion of a party or on the court's own motion is governed by Code of Civil Procedure section 639. (*See also* Cal. Rules of Court, rules 3.900-3.910.) The Supervising Judge of the Civil Division appoints a referee who will hear the case for all purposes, including judgment. The trial court appoints a referee who will hear limited issues and issue a report and recommendation for the trial court's approval. (Cal. Rules of Court, rule 3.901(a).)

(b) Proceedings Open to the Public. All proceedings before a temporary judge or referee must be open to the public, with no restriction on attendance that would not be applicable if the proceedings were held in a courthouse. The stipulation for appointment of temporary judge or agreement for a reference must set forth the name and telephone number of a person for any member of the public to contact in order to attend a proceeding that would be open to the public if held in a courthouse. A notice containing such name and address shall be posted by the clerk as required by California Rules of Court, rules 2.831 and 3.900 *et seq.*

(c) Court File Open for Public Inspection. The court file must not be removed from the courthouse and must remain available for public inspection as if the case were being heard by the court.

(d) Sealing Orders and Confidentiality Agreements. A motion for sealing or for approval of a confidentiality agreement must be made to the Supervising Judge of the Civil Division, not to the temporary judge or referee.

(e) Scheduling of Hearings. The scheduling of hearings before the temporary judge or referee shall be arranged by the parties directly with such temporary judge or referee without participation by the court. A party must file all documents with the court, and must furnish pertinent copies to the temporary judge or referee.

(f) Appointment of Temporary Judge. Before submitting a stipulation for appointment of a temporary judge to the court, the parties must agree upon the identity of the attorney who will try the case, obtain that attorney's agreement to do so, and fix a date by which all proceedings within the court's jurisdiction will be completed.

The stipulation and proposed order for appointment of a privately compensated temporary judge shall be submitted to the Supervising Judge of the Civil Division pursuant to California Rules of Court, rule 2.831.

(g) Representations by the Stipulating Parties. By submitting the stipulation and proposed order to the court, the stipulating parties and their attorneys represent that (1) they are the only parties to the case, and (2) no new parties will be added.

(h) Application of Trial Court Delay Reduction Rules. Upon the signing of the proposed order by the Supervising Judge of the Civil Division, the action shall be exempt from the trial court delay reduction rules of California Rules of Court, rule 3.700 *et seq.* Until the order is signed, the case remains subject to the delay reduction rules, and all previously ordered deadlines, hearings, and other orders made in the case remain in full force and effect.

(i) Deadline for Completion of Proceedings. The court's approval of the parties' agreed upon completion date for all proceedings within the court's jurisdiction constitutes a court order to all parties, attorneys, and the temporary judge to complete the proceedings by that date. The date will not be extended except by further order of the Supervising Judge of the Civil Division, and violation of the order is sanctionable under California Rules of Court, rule 2.30.

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(j) Use of Public Facilities. The Supervising Judge of the Civil Division may permit a temporary judge to use public facilities, when they are available, upon payment of a reasonable fee set by the Supervising Judge.

(k) Exhibits. All exhibits must be as available for public inspection as if the case were being tried by the court. Upon the temporary judge's final determination of the cause, all exhibits must be delivered to the clerk's office properly marked and with proper exhibit receipt form completed, unless a written stipulation for the return or disposal of such exhibits has been approved by the temporary judge and filed.

(l) Filing of Original Papers and Orders. All original papers must be filed with the court within the same time and in the same manner as would be required if it were trying the case. Signed orders of the temporary judge must be presented for filing to the Assistant Division Chief in Room 109 of the Stanley Mosk Courthouse if the case is pending in the Central District, and to the person designated by the supervising judge if the case is pending in another district. Minute orders will not be accepted unless they are signed by the temporary judge. If a minute order format is used, the order must set forth the name, address, telephone number, and CSR number of any privately retained court reporter or, if electronic reporting is used, the minute order must so state.

(m) Court Approval Required. A written agreement for an order directing a reference is subject to the court's approval, and the court may, in its discretion, refuse to approve the reference.

(n) Listing of Referred Issues. If the reference concerns are less than all issues in the case, the agreement and the proposed order shall either (1) enumerate each issue to be determined by the referee or (2) state that the referee is to decide all issues except those enumerated, which will be reserved for decision by the court.

(o) Deadline for Completion. The date by which the referee's decision must be reported to the court may be extended only by order of the court, and all proceedings before the referee must be scheduled and conducted in order to meet the reporting date. A failure to complete the reference by said date is sanctionable under California Rules of Court, rule 2.30.

(Rule 2.24 new and effective July 1, 2011)

2.25 CIVIL GRAND JURY

(a) Drawn and Impaneled Yearly. A Civil Grand Jury shall be drawn and impaneled once each fiscal year commencing July 1 by the Presiding Judge.

(b) Nominations by Judges Each November.

(1) On or before the first court day in November of each year, each judge of the court may nominate and transmit to the Presiding Judge the names of two persons to be placed upon a list from which the court shall select the persons from whom the Grand Jury for the ensuing year shall be drawn. The Grand & Trial Jurors Committee shall nominate such additional persons as necessary to provide a list the composition of which conforms to the requirements of law. The persons so nominated shall be persons qualified for such selection under the provisions of Penal Code sections 893-902. The nominations shall be made in writing and shall state the name, approximate age, residence address, and occupation of each person nominated.

(2) Each judge shall advise his or her prospective nominees that it is the policy of the court that they may not become personally active in campaigns of any candidates for political office or for or against any political proposition during their period of service as grand jurors.

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(c) List of Nominees, Distribution and Filing. The Presiding Judge shall distribute to each judge of the court a list of nominees in a form indicating the judge who nominated each nominee. Copies of the list will be furnished to the media and filed with the Jury Commissioner where the list must be open for public inspection.

(d) Committee on Selection of Grand Jurors. Prior to publication of the list, the Presiding Judge shall submit the list to the Committee on Grand and Trial Jurors. Any judge or member of the public may submit objections to a nominee to the Committee. The names of the members of the committee must be filed with the Jury Commissioner and published with the list of nominees.

(e) Investigation of Nominees; Objections; Withdrawal of Nomination. The Presiding Judge shall direct such interviews and preliminary investigation of the nominees as may be suggested by the committee. Additionally, each judge shall make such investigation of the prospective grand jurors as the judge deems appropriate and may communicate to the Committee any objections the judge has. The Committee may consider information from any source concerning any nominee. The Committee shall transmit such objections or information to the judge who nominated the prospective grand juror. A judge may withdraw the name of his or her nominee by informing the Committee of such withdrawal.

(f) Written Report and Approval of Nominees.

(1) Committee Report. On or before April 30th, the Committee shall present to the Presiding Judge a written report concerning each nominee and shall set forth any objections to a nominee and recommend whether the nominee should remain on the list. This report must be confidential and not disclosed to the public. Any written objections or replies thereto must be appended to the report.

(2) Approval of List of Nominees. Upon receipt of the report, the Presiding Judge may call a meeting of the judges to be held on or before the tenth day of May, or may cause a list to be circulated to a majority of the judges of the court before that date for the purpose of approving the list. The names of all nominees, together with the report of the Committee, shall be presented to and considered by the judges. Those nominees who are approved by a majority of the judges of the court will constitute the Grand Jury list, which list must be filed with the County Clerk and made a public record.

(Rule 2.25 new and effective July 1, 2011)

2.26 **ADVERTISING IN COURTROOMS**

No one is permitted to display calendar or other printed or written matter containing advertising in any courtroom, except that the judge may approve display of non-profit organizations' continuing legal education announcements.

(Rule 2.26 new and effective July 1, 2011)

2.27 **RESERVED**

2.28 **RESERVED**

2.29 **RESERVED**

2.30 **RESERVED**

CHAPTER THREE

CIVIL DIVISION RULES

3.1 APPLICABILITY

This chapter applies to all civil limited and unlimited cases within the Civil Division of the court. As used in this chapter, the term “counsel” includes self-represented litigants. (Local Rule 1.1).

(Rule 3.1 new and effective July 1, 2011)

GENERAL PROVISIONS

3.2 ASSIGNMENT OF CASES

The Presiding Judge, or his or her designee, shall decide whether the civil limited and unlimited cases in a particular district will be assigned as direct calendar cases or master calendar cases. The selection of either direct calendar or master calendar for unlimited cases in a district does not mean that limited cases will be assigned in the same manner; limited and unlimited cases may be treated differently for assignment purposes.

(Rule 3.2 new and effective July 1, 2011)

3.3 ASSIGNMENT OF DIRECT CALENDAR CASES

(a) Proportionate Assignment. A *pro rata* share of all cases filed in or transferred to any district shall be assigned for all purposes to each judge assigned to hear direct calendar cases in that district.

(b) Regulation of Case Assignment. The clerk must take all reasonably appropriate steps, including a system of random use of case numbers, to ensure that neither any party nor any counsel will be able to anticipate a case assignment. The name of the judge to whom the case is assigned will be designated by the clerk on the summons and the complaint.

(c) Notice of Case Assignment. At the time that a civil case is filed, the clerk must provide a Notice of Case Assignment, which must indicate the name of the judge to whom the case has been assigned. Each plaintiff (and cross-complainant) must serve a copy of the notice, with the complaint (and cross-complaint), and give notice of any date set for a case management or status conference.

(d) Improper Refiling. A party must not dismiss and then refile a case for the purpose of obtaining a different judge. Whenever a case is dismissed by a party or by the court prior to judgment and a new action is later filed containing the same or essentially the same claims and the same or essentially the same parties, the new action will be assigned, unless the Presiding Judge for good cause orders otherwise, to the judge to whom the first case had been assigned. When multiple cases involving the same or essentially the same claims, and the same or essentially the same parties, are filed on the same date, the cases shall be assigned to the judge to whom the low numbered case (or first filed case) has been assigned, whether or not that case has been dismissed.

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(e) Duty of Counsel. Every counsel in the second action referred to in subdivision (d) above must immediately bring the fact of the dismissal and refile to the attention of the court. Counsel for plaintiff or cross-complainant (if the earlier action is renewed in a cross-complaint) must do so at the time that pleading is filed. Counsel for all other parties must do so upon their first appearance, or as soon thereafter as they discover the facts. The notice must be given in a “Notice of Related Case” as provided in California Rules of Court, rule 3.300.

(f) Related Cases. (Cal. Rules of Court, rule 3.300.)

(1) Where one of the cases listed in a Notice of Related Cases has been assigned to a Complex Litigation department, the judge in the Complex Litigation department shall determine whether the cases will be ordered related and assigned to the Complex Litigation department;

(2) Where the cases listed in a Notice of Related Cases contains a probate or family law case, Department 2 shall determine whether the cases shall be ordered related and, if so, to which department they shall be assigned if the cases are all pending in the Central District or pending in two different districts. If the cases are all pending in one district that is other than the Central District, the Supervising Judge of that district shall determine whether the cases shall be ordered related and, if so, to which department they shall be assigned;

(3) In the event that the pertinent judge under California Rules of Court, rule 3.300(h)(1)(A)(B)(C), does not order related any of the cases set forth in the Notice of Related Cases, any party may file an application to have the cases related. Department One shall hear the application, if the cases are all pending in the Central District or pending in two different districts. If the cases are all pending in one district that is other than the Central District, the application shall be heard by the Supervising Judge of that district. The application must be served on each party in every case listed in the Notice of Related Cases, with proof of service attached.

(4) Every counsel in cases that have been related must inform the court of all pending alternative dispute resolution (“ADR”) proceedings in the related cases. If one or more of the ADR proceedings is court-sponsored, every counsel must also inform the ADR Office that the cases have been related.

(g) Consolidation of Cases.

(1) Cases may not be consolidated unless they are in the same department. A motion to consolidate two or more cases may be noticed and heard after the cases, initially filed in different departments, have been related into a single department, or if the cases were already assigned to that department.

(2) Upon consolidation of cases, the first filed case will be the lead case, unless otherwise ordered by the court. After consolidation, all future papers to be filed in the consolidated case must be filed only in the case designated as the lead case.

(3) Before consolidation of a limited case with an unlimited case, the limited case must be reclassified as an unlimited case and the reclassification fee paid.

(h) Coordination of Non-Complex Cases. A civil case which is not complex as defined by Standard 3.10 of the Standards of Judicial Administration may be transferred to the court from a superior court in another county, if it involves a common question of fact or law within the meaning of Code of Civil Procedure section 404. The coordination motion shall be made in compliance with the procedures established by California Rules of Court, rule 3.500. Coordination motions seeking to transfer a case or cases to the Central District shall be filed and heard in Department 2.

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Coordination motions seeking to transfer a case or cases to a district other than the Central District shall be heard by the supervising judge in that district.

(i) Assignment for All Purposes. Cases are assigned for all purposes, including trial. Except as the Presiding Judge may otherwise direct, each judge shall schedule, hear and decide all matters for each case assigned. Requests for entry of default judgment pursuant to Code of Civil Procedure section 585 may be heard by a default department to be determined by the supervising judge without otherwise affecting the assignment of the underlying case to the direct calendar judge.

(j) Effect of Judge Unavailability. Whenever a judge is unavailable to perform his or her duties, the cases previously assigned to that judge shall be reassigned to another judge as the Presiding Judge determines.

(k) Complex Litigation.

(1) The Complex Litigation Program of the Los Angeles Superior Court will consist of the departments designated by order of the Presiding Judge. Complex cases must be filed in the districts designated according to Local Rule 2.3. Complex cases must be designated or counter-designated in the civil cover sheet as provided by California Rules of Court, rules 3.401-3.402.

(2) The Assistant Supervising Judge, Complex Litigation Courts, (or his or her designee) (collectively, “Complex Supervising Judge”) shall review all cases in which a plaintiff/petitioner or a defendant/respondent has designated or counter-designated the case as complex and all cases that are designated on the civil cover sheet as “provisionally” complex (*see* California Rules of Court, rule 3.400(c)). This review shall be conducted as soon as feasible after the case is filed, in consultation with the judge to whom the case is assigned. The Complex Supervising Judge shall determine (with or without a hearing) whether or not the case should be designated as complex pursuant to California Rules of Court, rule 3.403. If the matter is designated as complex and if all parties have not yet paid the complex case fee required by Government Code section 26826.4, the court shall order payment of that fee.

(3) If the Complex Supervising Judge designates a case as complex, he or she shall inquire whether the judge to whom the case has been assigned elects to keep the case and handle it for all purposes, including trial. If that judge does not elect to keep the case, the case will be reassigned to a judge sitting in a complex litigation department. The judge who manages the complex case should do so with due consideration of Standard 3.10 of the Judicial Administration Standards and the case management concepts set forth in the Deskbook on Complex Civil Litigation published by the Judicial Council of California.

(4) Nothing in this rule will be construed to alter the continuing power of a judge assigned to a case to decide at a later date that the case is complex or that a case previously declared to be complex is not. (*See* Cal. Rules of Court, rule 3.403(b).)

(5) In the event that the judge to whom a case is assigned determines that a case is a complex case even though the Complex Supervising Judge did not designate it as one, the judge may seek to transfer the case to the Complex Litigation Program in the following manner. The judge or the parties, on order of the court, shall complete the Complex Civil Case Questionnaire designated by the Complex Supervising Judge, who shall determine (with or without a hearing), whether or not the case should be assigned to the Complex Litigation Program in light of the caseload of the Program, the relative complexity of the case compared with cases then assigned to the Program, and the length of time the case has been pending.

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(6) The policy of the court, consistent with California Rules of Court, rule 3.403, is that the issue of whether a case is complex should be decided as soon as feasible after a case is filed.

(Rule 3.3 new and effective July 1, 2011)

3.4 TIME FOR FILING PAPERS

(a) Time for Filing. All documents for which the court charges a fee must be filed at the clerk's filing window no later than 4:30 p.m. Opposition or reply papers must be filed in the department not later than 4:30 p.m., or other time or location ordered by the court.

The clerk's office will open to the public at 8:30 a.m. for filing documents and other official public services, and close at 4:30 p.m. each court day. Except as directed by the court, the clerk may not allow the public to enter the offices for the purpose of filing papers or obtaining other official services after 4:30 p.m. Persons in the clerk's office at 4:30 p.m. may complete their filing.

(b) Lodged Materials. All separate exhibits (*i.e.*, deposition transcripts, bulky items, *etc.*) not attached to filed papers and presented for motions and trials must be lodged with the court in time for the hearing or at such other time as the court orders. All lodged exhibits will be returned to counsel for preservation after the hearing unless ordered by the court. A party must either submit a self-addressed stamped envelope with lodged material, or submit an attorney-service pick-up slip where the attorney service has been instructed by counsel to pick up the lodged material without reminder from the clerk.

(Rule 3.4 new and effective July 1, 2011)

3.5 TIME FOR HEARINGS

(a) Time of Hearing. In the Central District, except as stated below, law and motion matters, including *ex parte* applications, will be heard by the direct calendar judges in their respective departments at 8:30 a.m. each day.

(1) Departments 85 and 86. Noticed motions and other noticed proceedings are heard on odd-numbered days in Department 85 and on even-numbered days in Department 86 at 9:30 a.m. *Ex parte* applications are heard daily in both departments at 8:30 a.m. All *ex parte* applications, including an *ex parte* application for a temporary restraining order or order shortening time for a preliminary injunction properly filed in Department 85 or 86 (*see* Local Rule 2.5(b)(1)(H)), must be presented when the courts open at 8:30 a.m. No *ex parte* application filed after 8:45 a.m. will be heard until the next court day.

(2) Department 12. Noticed motions and other noticed proceedings regarding rents and profits receiverships or writs of attachment/possession are heard daily in Department 12 at 9:30 a.m. Proofs of service must be filed in Department 12 five days before hearing as required by California Rules of Court, rule 3.1300(c).

Ex parte matters are heard daily at 8:30 a.m. No *ex parte* application filed after 8:45 a.m. will be heard until the next court day.

(3) Limited Unlawful Detainers. In limited unlawful detainers in Departments 94 and 97, *ex parte* applications are heard at 1:30 p.m. All papers must be filed in Room 102 by 1:00 p.m.

(4) Civil Harassment Applications. *Ex parte* applications for civil harassment restraining orders are heard daily from 8:30 a.m. to noon, and from 1:30 p.m. to 4:00 p.m. All papers must be filed in the clerk's office by 3:30 p.m. in order to be heard that day.

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(5) Supplemental and Miscellaneous Hearings in the Central District. Supplemental and miscellaneous proceedings in the Central District are heard in Department 1A as follows:

(A) *Ex parte* applications are heard at 8:30 a.m. daily. All papers must be presented to the clerk in Room 542.

(B) Noticed Hearings:

(i) Noticed motions are heard at 9:00 a.m. on Tuesdays. The court, in its discretion, may allow one stipulated continuance for a period not to exceed 30 days. The stipulated continuance must be filed directly in Department 1A at least three court days immediately preceding the hearing date.

(ii) All judgment debtor proceedings are heard at 9:00 a.m. on Mondays and Wednesdays.

(iii) Name Change Hearings are heard at 9:00 a.m. on Thursdays and Fridays. An appearance by the petitioner or the attorney of record is mandatory at a hearing on a Petition for Change of Name.

(C) Other Orders. Applications and Orders for Publication and Applications and Orders for Service of Summons on the Secretary of State presented in Room 102 will not be processed immediately, but will be available for pickup within five court days.

(b) Districts Other Than Central District. To determine the days, times, and places for matters heard in districts other than the Central District, counsel should consult with the office of the supervising judge of the district.

(Rule 3.5 new and effective July 1, 2011)

3.6 TELEPHONIC APPEARANCES

(a) Compliance with California Rules of Court. Counsel desiring to appear by telephone must comply with the procedures set forth in California Rules of Court, rule 3.670.

(b) Private Vendor for Appearances. The court has entered into a contract with a private vendor which provides for teleconferencing services for court appearances before those judges who elect to participate in the contractor's program. Counsel who are contacted by the contractor must follow the contractor's instructions for the telephonic appearance. The contractor may charge counsel appearing by telephone a reasonable fee, specified in the contract, for the contractor's services. Unless notified to the contrary by the contractor or by the clerk, a party requesting to appear by telephone must telephone the clerk in the department in which the hearing is calendared no less than 15 minutes before the time at which the hearing is set, and must follow the instructions of the clerk with respect to implementation of the telephonic appearance.

(c) Timing of Appearance. A hearing in which a telephonic appearance is noticed must be set on the court's regular calendar at the same time as all similar matters not involving telephonic appearances are heard.

(Rule 3.6 new and effective July 1, 2011)

3.7 EVIDENCE AT HEARING

Oral testimony is not allowed without court permission. A party seeking permission to introduce oral evidence must file the statement required by California Rules of Court, rule 3.1306, and must include in the statement the reason why the evidence cannot be presented by declaration.

(Rule 3.7 new and effective July 1, 2011)

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3.8 JUDICIAL NOTICE

A party requesting judicial notice of material must comply with California Rules of Court, rule 3.1306.

(a) Court Files. If the matter to be judicially noticed is contained in a file of the district in which the motion is to be heard, the party must notify the clerk that the file is requested at least five days prior to the hearing. The request must be made by separate document containing the case name and number and be filed directly in the department in which the matter is noticed. The file must be received by the department in which the matter is to be heard at least two court days before the hearing so that it is available to the judge when he or she is preparing for the hearing. Counsel must also provide the court with a copy of the material to be noticed.

(b) Files from Other Courts. If the matter to be judicially noticed is contained in a file of any other court or of a district other than the one in which the matter is to be heard, counsel must either obtain the file for the date of the hearing, or file with the moving papers a certified copy of the portion of the record for which judicial notice is requested.

(Rule 3.8 new and effective July 1, 2011)

3.9 JUDICIAL REFERENCE (Code Civ. Proc., § 638 *et seq.*; Cal. Rules of Court, rules 3.900, 3.920; Local Rule 2.24.)

(a) Availability of Referee. Prior to entry of an order of reference, counsel must discuss the availability of a proposed referee and his or her charges and required terms of payment.

(b) Form for Approval. For pretrial matters, the referee must include in the report a place for the judge to enter an order if the judge accepts the report. If the referee's report is rejected, the judge will prepare a new order or direct a party to prepare it.

(c) Judgment. If by stipulation the referee will hear the entire case, the prevailing party must file a noticed motion requesting the court issue judgment consistent with the report of the referee. (Code Civ. Proc., § 644.)

(Rule 3.9 new and effective July 1, 2011)

3.10 SANCTIONS

The court may impose appropriate sanctions for the failure or refusal to comply with the the rules in this chapter, including the time standards and/or deadlines, and any court order made pursuant to the rules. Counsel are directed to Code of Civil Procedure sections 128, 128.7, 177.5, 575.2, 583.150, 583.430, 2016.010-2036.050, Government Code section 68608, and California Rules of Court, rule 2.30. The sanctions may be imposed on a party and, if appropriate, on counsel for that party.

(Rule 3.10 new and effective July 1, 2011)

3.11 CONTEMPT

A direct contempt committed in the immediate view and presence of the judge in court or in chambers will be handled by the judge before whom the contempt occurs. Indirect contempts may be heard in the department to which the case is assigned or that court may transfer the contempt proceeding to (1) the appropriate writs and receivers department, if it is a Central District case, or (2) the supervising judge of the district, if it is a case filed in another district.

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(a) Order to Show Cause. Although Code of Civil Procedure section 1212 permits a warrant of attachment against the person charged with contempt, the standard procedure is section 1212's alternative method of issuance of an order to show cause ("OSC") re: contempt. An OSC will issue if the affidavit is sufficient, and the OSC must then be personally served on the accused person. The OSC may issue upon *ex parte* application, but only if the requesting party has complied with the notification requirements of California Rules of Court, rule 3.1204. If the accused person is served with the OSC and fails to appear, the court may issue a body attachment.

(b) Trial. The hearing on the OSC re: contempt is in the nature of a quasi-criminal trial. The accused person has the right to appointed counsel, to remain silent, to confront and cross-examine witnesses, and to be proven guilty beyond a reasonable doubt. The only major difference between contempt and a criminal trial is that the accused person has no right to a jury. The moving party must appear for the trial with witnesses prepared to testify unless the accused person stipulates in writing that the moving party's declarations will constitute the case-in-chief against him or her. If there is no stipulation, the parties should stipulate that the moving parties' declarations will constitute the direct testimony of each declarant, with the declarant then subject to cross-examination.

(c) Punishment. If the court finds the accused person guilty, the court may impose a fine of up to \$1,000, imprison the person for up to five days, or both, for each act of contempt. (Code Civ. Proc., § 1218.) When the contempt consists of the omission to perform an act which is yet in the power of the person to perform, the court may order that the person be imprisoned until the act is performed. (Code Civ. Proc., § 1219.)

(Rule 3.11 new and effective July 1, 2011)

- 3.12 **RESERVED**
- 3.13 **RESERVED**
- 3.14 **RESERVED**
- 3.15 **RESERVED**
- 3.16 **RESERVED**
- 3.17 **RESERVED**
- 3.18 **RESERVED**
- 3.19 **RESERVED**
- 3.20 **RESERVED**
- 3.21 **RESERVED**

CASE MANAGEMENT AND DISPOSITION

3.22 CASE REMOVED TO FEDERAL COURT

If a case is removed to federal court, the court will order a date, not earlier than 90 days from the date of removal, by which counsel must file a Notice of Status of Removed Case. If the case has not remanded to the trial court by that time, it will be recorded as completed without the need to conduct a further status conference.

(Rule 3.22 new and effective July 1, 2011)

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3.23 TRIAL DELAY REDUCTION

Government Code section 68607 of the Trial Court Delay Reduction Act of 1986 (Gov. Code, § 68600 *et seq.*) imposes upon the judges assigned to delay reduction programs the “. . . responsibility to eliminate delay in the progress and ultimate resolution of litigation, to assume and maintain control over the pace of litigation, to actively manage the processing of litigation from commencement to disposition, and to compel attorneys and litigants to prepare and resolve all litigation without delay, from the filing of the first document invoking court jurisdiction to final disposition of the action.” California Rules of Court, rule 3.714(b), provides that civil cases should be managed to achieve the following disposition time standard: (1) the disposition of 75% of all unlimited civil cases within 12 months, 85% within 18 months, and 100% within 24 months, of filing; and (2) the disposition of 90% of all limited civil cases within 12 months, 98% within 18 months, and 100% within 24 months, of filing.

The court adopts and will follow this standard. In adhering to the time standard, the court recognizes that some cases are more complex than others and that each case must be managed on its merits to achieve a fair and efficient resolution. (Cal. Rules of Court, rule 3.714(b)(3).)

Nothing in this rule in any way alters the primary responsibility of judges sitting in civil courts to handle on a priority basis criminal cases as they are assigned.

(Rule 3.23 new and effective July 1, 2011)

3.24 CASE MANAGEMENT

(a) Purpose. The court adopts the following rules concerning case management for all civil cases pursuant to California Rules of Court, rule 3.711, and to advance the goals of Government Code section 68603 and Standard 2.1 of the Standards of Judicial Administration.

(b) Cases Exempted. The following civil matters are not subject to case management conference or review: (1) small claims matters; (2) matters assigned for all purposes based on subject matter (*e.g.*, mandamus, name change petitions, civil harassment petitions); (3) cases stayed because of a bankruptcy, an installment settlement, or having been removed to federal court; (4) uninsured motorist cases for 180 days after filing; (5) "collections cases" (defined as an action for the recovery of not more than \$25,000 of money owed in a sum stated to be certain arising from a credit transaction) where there has been no responsive pleading filed under California Rules of Court, rule 3.712(d); and (6) cases coordinated by a petition for coordination under California Rules of Court, rule 3.501 *et seq.* (Cal. Rules of Court, rule 3.721; Gov. Code., § 68608(a).)

An “Uninsured Motorist Case” is a civil action for damages filed against a defendant who is an uninsured motorist where the plaintiff’s claim is subject to an arbitration provision as defined by Government Code section 68609.5 and Insurance Code section 11580.2. Plaintiff must identify the case as “Uninsured Motorist” by so stating on the face of the complaint or by filing a subsequent “Notice of Uninsured Motorist Designation” as soon as that fact becomes known. The case management rules shall apply to Uninsured Motorist Cases 180 days after filing. (Cal. Rules of Court, rule 3.712.)

(c) Differentiation of Cases to Achieve Goals (Cal. Rules of Court, rule 3.714).

(1) Evaluation and Assignment. At the first status conference or at an earlier time deemed appropriate by the court, the court shall evaluate the case as provided in subdivision (d) below. After evaluation, the court shall assign the case to one of the three case-management plans in subdivision (c)(2) or exempt the case under subdivision (c)(3) from the case-disposition time goals

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provided in California Rules of Court, rule 3.714(b), and Standard 2.2 of the Judicial Administration Standards. The court may modify the assigned case-management plan at any time for good cause shown.

(2) Case-management plans. The plans for disposition of civil cases from the date of filing are as follows:

- (a) Plan 1, disposition within 12 months;
- (b) Plan 2, disposition within 18 months; and
- (c) Plan 3, disposition within 24 months.

(3) Exceptional cases. The court may, in the interest of justice, exempt a civil case from the case-disposition time goals if it finds the case involves exceptional circumstances that will prevent the court and the parties from meeting the goals and deadlines imposed by the program. In making the determination, the court shall be guided by subdivision (d) below. If the court exempts the case from the case-disposition time goals, the court shall establish a case-progression plan and monitor the case to ensure timely disposition consistent with the exceptional circumstances, with a goal for disposition within three years.

(d) Case Evaluation Factors (Cal. Rules of Court, rule 3.715). In setting or exempting a case from a case disposition time goal, the court shall estimate the maximum time that will reasonably be required to dispose of the case in a just and effective manner. The court shall consider the following factors and any other information the court deems relevant, understanding that no one factor or set of factors controls and that cases may have unique characteristics incapable of precise definition:

- (1) Type and subject matter of the action;
- (2) Number of causes of action or affirmative defenses alleged;
- (3) Number of parties with separate interests;
- (4) Number of cross-complaints and the subject matter;
- (5) Complexity of issues, including issues of first impression;
- (6) Difficulty in identifying, locating, and serving parties;
- (7) Nature and extent of discovery anticipated;
- (8) Number and location of percipient and expert witnesses;
- (9) Estimated length of trial;
- (10) Whether some or all issues can be arbitrated, or should be referred to any other form of ADR;
- (11) Statutory priority for the issues;
- (12) Likelihood of review by writ or appeal;
- (13) Amount in controversy and the type of remedy sought, including measure of damages;
- (14) Pendency of other actions or proceedings which may affect the case;
- (15) Nature and extent of law and motion proceedings anticipated;
- (16) Nature and extent of the injuries and damages;
- (17) Pendency of under-insured claims; and
- (18) Any other factor that would affect the time for disposition of the case.

(Rule 3.24 new and effective July 1, 2011)

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3.25 CASE MANAGEMENT CONFERENCE

(a) Case Management Conference/Review.

(1) Except for cases exempt under California Rules of Court, rule 3.721, in all unlimited civil cases, the case management conference shall be held not later than 180 days after the complaint is filed. At the case management conference, counsel must appear and be fully prepared to discuss, and the court may make orders concerning, the matters set forth in California Rules of Court, rule 3.727.

(2) In all limited civil cases, the court shall conduct a case management conference or review no later than 180 days after the complaint is filed. A case management conference shall not be held and counsel need not attend a case management conference unless ordered by the court.

(3) After the case management conference or review, the court must enter a case management order in accordance with California Rules of Court, rule 3.728.

(b) Conduct of Case Management Conference/Review.

(1) Unless the court orders another time period, no later than 30 calendar days before the date set for the case management conference or review, counsel must meet and confer, in person or by telephone, to consider each of the issues identified in California Rules of Court, rules 3.724 and 3.727.

(2) No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement using Judicial Council Form CM-110, and serve it on all parties in the case. (Cal. Rules of Court, rule 3.725.)

(c) Setting the Trial Date. In setting a trial date, the court shall be guided by the case disposition time goals set forth in Local Rule 3.23 and California Rules of Court, rule 3.714, and shall apply the relevant facts and circumstances set forth in California Rules of Court, rule 3.729. There will be no delay in setting a case for trial because counsel have delayed conducting discovery or otherwise delayed processing the case.

(d) Alternative Dispute Resolution. The court shall refer all appropriate cases to judicial arbitration or mediation consistent with Government Code section 68616(g).

(e) Settlement Conference. The court may set a settlement conference on its own motion or at the request of any party.

(1) Attendance. Unless expressly excused for good cause by the judge, all persons whose consent is required to effect a binding settlement must be personally present at a scheduled settlement conference, including the following: (1) the parties (unless consent of a party is not required for settlement); (2) an authorized representative of any insurance company which has coverage, or has coverage at issue, in the case; and (3) an authorized representative of a corporation or other business or government entity which is a party. These persons must have full authority to negotiate and make decisions on settlement of the case.

(2) Excuse From Attendance. A request to be excused from attending the settlement conference made by a person who is required to personally attend must be made by written stipulation of the parties or an *ex parte* application made in compliance with Local Rule 3.5. A person excused by the court must be available for telephone communication with counsel and the court at the time set for the settlement conference.

(3) Familiarity with Case. Counsel must attend the settlement conference and be familiar with the pertinent available evidence involving both liability and damages. Counsel must

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be prepared to discuss the case in depth and, except for good cause shown, must be the person who will try the case.

(4) Liens. Plaintiff's counsel must ascertain whether there are liens which bear on a potential settlement and, if so, request the claimants or their representatives to attend the settlement conference or be available for telephone communication during the conference.

(f) Written Statements for Settlement Conferences. Each party must submit to the court and serve all other parties a written statement no later than five calendar days before the conference.

The written statement must contain a concise statement of the material facts of the case and the factual and legal contentions in dispute. The statement must identify all parties and their capacities in the action and contain citations of authorities which support legal propositions important to resolution of the case. The written statement of a party claiming damages must list all special damages claimed, including all expenses incurred up to the time of the settlement conference, state any amounts claimed as general and punitive damages, and provide a total amount of damages claimed. The written statement must also include the general status of the case, including settlement offers.

The written statement must be submitted directly to the courtroom in which the settlement conference is calendared and not sent to the clerk's office. The written statements will not be filed; they are only used at the settlement conference and will be returned to counsel or destroyed at the conclusion of the conference.

(g) Notification of Settlement. (Cal. Rules of Court, rule 3.1385.) If a case is settled, plaintiff's counsel must immediately file written notice of the settlement or other disposition with the court and serve a copy of the notice on any ADR neutral involved in the case and the ADR clerk. Plaintiff's counsel also must immediately give oral notice to these persons if a hearing, conference, or trial is imminent.

If plaintiff's counsel fails to notify a court-connected ADR neutral of a settlement at least two days before a scheduled hearing, conference, or trial, the court may order plaintiff's counsel to compensate the neutral in an amount not less than \$150 nor more than \$450. The ADR neutral's application for compensation must be filed within five court days after the scheduled hearing, conference, or trial. If a dismissal has been filed, the court will retain jurisdiction to hear the application for compensation.

(h) Final Trial Preparation. Counsel must attend a final status conference, which the court will set not more than ten days prior to the trial date. The direct calendar judge will hold the final status conference in a direct calendar case. The final status conference in a master calendar assigned case will be held in a department designated by the master calendar court.

(1) At least five days prior to the final status conference, counsel must serve and file lists of pre-marked exhibits to be used at trial (Local Rules 3.151, 3.53, and 3.149), jury instruction requests, trial witness lists, and a proposed short statement of the case to be read to the jury panel explaining the case. Failure to exchange and file these items may result in not being able to call witnesses, present exhibits at trial, or have a jury trial. If trial does not commence within 30 days of the set trial date, a party has the right to request a modification of any final status conference order or any previously submitted required exchange list.

(2) In a direct calendar case, the parties must file and serve any trial preparation motions and dispositive motions, other than summary judgment motions, including motions *in limine* or bifurcation motion, with timely statutory notice so as to be heard on the day of the final status

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conference. Unless the court orders otherwise, lead trial counsel must attend the final status conference. At this conference, the court will also consider, *inter alia*, major evidentiary issues and special verdict issues.

(3) In a master calendar assigned case, the parties must file and serve trial preparation motions and dispositive motions at least five days before the final status conference, which shall be heard on the first day of trial.

(4) At the final status conference, the court will consider severing for trial all unserved or recently served fictitiously named parties.

(i) Discretionary Final Status Conference Preparation Orders. Nothing in this rule precludes the court, in its discretion and pursuant to the case differentiation principles of case management (Cal. Rules of Court, rule 3.710 *et seq.*), from ordering different trial preparation procedures, including the following:

(1) A final status conference held more than ten days before the trial date;

(2) An “in person” meeting of counsel before the final status conference concerning the submission to the court of joint trial documents;

(3) The submission of trial documents to the court more than five days before the final status conference;

(4) A joint statement to be read to the jury;

(5) A joint witness list;

(6) A joint exhibit list;

(7) A set of agreed jury instructions (and, if necessary, a separate set of instructions to which there is disagreement), in the proper format with all changes and modifications applicable to the case in accordance with California Rules of Court, rule 2.1055, (*i.e.*, correct references to the parties, no blanks, brackets, empty spaces or inapplicable options); and

(8) An agreed special verdict form with interrogatories.

(j) Reasonable Trial Time Estimate. Counsel must provide the court with reasonable and accurate time estimates for trial. If the time estimate of either party is exceeded, the court may, in its discretion, deem one or both parties to have rested, deem the matter submitted, continue the trial to a new trial date, or declare a mistrial.

(Rule 3.25 new and effective July 1, 2011)

3.26 LITIGATION CONDUCT

The guidelines adopted by the Los Angeles County Bar Association are adopted as civility in litigation recommendations to members of the bar, and are contained in Appendix 3.A.

(Rule 3.26 new and effective July 1, 2011)

3.27 **RESERVED**

3.28 **RESERVED**

3.29 **RESERVED**

3.30 **RESERVED**

3.31 **RESERVED**

3.32 **RESERVED**

3.33 **RESERVED**

3.34 **RESERVED**

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3.35 **RESERVED**

3.36 **RESERVED**

CIVIL TRIAL PROCEDURE

3.37 **ENFORCEMENT AND SANCTIONS**

The following rules concerning the conduct of trial (Local Rules 3.37 through 3.193) apply to all direct calendar and master calendar assigned civil cases. In the discretion of the trial judge, the civil trial rules may be applied differently in a particular case or not at all. The rules are not intended to infringe on the discretion of the trial judge in the conduct of trial proceedings.

Counsel must be thoroughly familiar with these civil trial rules. The court may impose appropriate sanctions for a failure by a party or counsel to comply with these rules, including dismissal, striking of pleadings, vacation of trial date, and monetary sanctions in the amount of costs and actual expenses, including reasonable attorneys' fees incurred by other parties. Monetary sanctions payable to the court also may be imposed against a party, the party's attorney, or a witness.

(Rule 3.37 new and effective July 1, 2011)

3.38 **RESERVED**

3.39 **RESERVED**

3.40 **RESERVED**

3.41 **RESERVED**

GENERAL COURTROOM DECORUM

3.42 **INAPPROPRIATE CONDUCT**

Persons in the courtroom must not talk, read papers, chew gum, eat, or use a cell phone, while court is in session.

(Rule 3.42 new and effective July 1, 2011)

3.43 **INAPPROPRIATE DRESS**

Persons in the courtroom may not dress in an inappropriate manner so as to be distracting to others of usual sensibilities.

Attorneys and court personnel should be dressed in accordance with current customs as to their business or work attire.

(Rule 3.43 new and effective July 1, 2011)

3.44 **RESERVED**

3.45 **RESERVED**

3.46 **RESERVED**

3.47 **RESERVED**

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PRETRIAL PREPARATION AND RULINGS

3.48 TRIAL CONFERENCE

Before a panel of prospective jurors is summoned, the trial judge will determine if a jury trial has been properly demanded, with fees timely posted, and if a jury will be waived. If trial is by jury, the trial judge may determine the following items:

(a) Voir Dire Examination. The areas of proposed voir dire interrogation to be directed to prospective jurors and whether there is any contention that the case is one of "unusual circumstances" or contains "unique or complex elements, legal or factual" within the meaning of Standards of Judicial Administration, Standard 3.25, such that usually improper voir dire questions may be asked or limited preinstruction concerning the law may be appropriate.

The trial judge will normally follow the voir dire procedures and utilize the questions, or those substantially similar set forth in Standards of Judicial Administration, Standard 3.25;

(b) Statement of Case Read to Jury Panel. The text of a brief statement of the case suitable to be read by the trial judge to the panel of prospective jurors (*see* Local Rule 3.25(h));

(c) Fewer Than Twelve Jurors. Whether a stipulation may be reached to the effect that fewer than 12 jurors may sit in the case;

(d) Number of Alternate Jurors. The number of alternate jurors, if any, to be selected;

(e) Stipulation to Excuse Jurors. Whether a stipulation may be reached to excuse jurors who express a desire not to sit because of potential length of the trial; and

(f) Determination of Sides and Allocation of Peremptory Challenges. In multiple party cases, whether there are issues as to the number of "sides" and allocation of peremptory challenges within the meaning of Code of Civil Procedure section 231 and, if so, whether a stipulation may be reached on that issue.

(Rule 3.48 new and effective July 1, 2011)

3.49 STIPULATIONS

(a) Request For Stipulation. At the pretrial conference the trial judge may request counsel to stipulate in writing that:

(1) unless called to the attention of the court, all jurors will be deemed to be in the jury box and in their proper places upon court reconvening after each recess or adjournment;

(2) after having given the admonition required by Code of Civil Procedure section 611, the court at each subsequent recess or adjournment need not repeat or remind the jury of the admonition theretofore given;

(3) in the absence of any counsel the court may:

(A) upon the request of the jury, read to the jury any or all instructions previously given;

(B) have read to the jury, at its request, any portions of the evidence given in the trial and may supply the jury, on its request, with any of the exhibits received in evidence;

(C) call the jury into the courtroom to ascertain whether or not a verdict is probable, to receive the verdict of the jury and poll the jury; and

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(D) in the event of the failure of the jury to reach a verdict, permit the jurors to separate and resume their deliberations on the morning of the next court day or such other time as may be fixed by the court.

(b) Other Judge Acting after Submission. In the absence of the trial judge after the original submission of the case to the jury, any judge of this court may act in place of the absent trial judge to and including the time of discharge of the jury; and

(c) Stay of Execution. In the event of a judgment in favor of the plaintiff, a stay of execution may be issued to be effective for a period of ten days after determination of a motion for a new trial or until ten days after expiration of the time to file notice of intention to move for a new trial.

(Rule 3.49 new and effective July 1, 2011)

3.50 REQUESTS FOR JUDGE TO ASK SPECIFIC QUESTIONS

A party requesting the trial judge to voir dire the prospective jurors with questions that are not set forth in Standards of Judicial Administration, Standard 3.25(c), must prepare and submit to the court those proposed questions in writing and serve a copy on the other parties.

(Rule 3.50 new and effective July 1, 2011)

3.51 PERSONS WITH DISABILITIES

In addition to complying with all applicable laws relating to accessibility, the court may confer with counsel concerning how courtroom facilities and procedures may further reasonably accommodate disabled trial participants.

(Rule 3.51 new and effective July 1, 2011)

3.52 MARKING OF EXHIBITS

All exhibits must be exchanged and pre-numbered, except for those anticipated in good faith to be used for impeachment. All exhibits must be pre-numbered before any reference thereto by counsel or a witness.

(Rule 3.52 new and effective July 1, 2011)

3.53 UNIFORM METHOD OF MARKING EXHIBITS

The most efficient method of marking exhibits is the use of arabic numerals in which each party is allocated a block of numbers to be used sequentially. For instance, plaintiff may be allocated numbers 1 to 200, the first defendant numbers 201 to 400, and the second defendant numbers 401 to 600.

Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order to facilitate reference to the document during interrogation of witnesses.

(Rule 3.53 new and effective July 1, 2011)

3.54 DOCUMENTS PRODUCED THROUGH A NONPARTY

If a party proposes to obtain documents in the custody of a nonparty, as by a subpoena duces tecum, and those documents may be produced by certification or otherwise in lieu of personal appearance by a witness custodian, the request for those documents must specify that they be delivered not later than the first day for which the trial is calendared.

(Rule 3.54 new and effective July 1, 2011)

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3.55 LIST OF CHANGES IN DEPOSITION

If any changes are made in a deposition by the deponent after the taking of the deposition, counsel for a party deponent or in the case of a non-party deponent, the counsel who requested the taking of the deposition, must prepare and submit to all other counsel in the case a list of such changes, including the page and line numbers thereof.

(Rule 3.55 new and effective July 1, 2011)

3.56 SIGNING, CERTIFICATION AND LODGING OF DEPOSITIONS

Unless the signing of a deposition is waived, or certification by the deposition officer is obtained pursuant to Code of Civil Procedure section 2025.540, all depositions must be signed and lodged with the clerk of the trial court before the commencement of trial.

(Rule 3.56 new and effective July 1, 2011)

3.57 MOTIONS *IN LIMINE*

(a) Required Declaration. Motions made for the purpose of precluding the mention or display of inadmissible and prejudicial matter in the presence of the jury must be accompanied by a declaration that includes the following:

(1) Specific identification of the matter alleged to be inadmissible and prejudicial;
(2) A representation to the court that the subject of the motion has been discussed with opposing counsel, and that opposing counsel has either indicated that such matter will be mentioned or displayed in the presence of the jury before it is admitted in evidence or that counsel has refused to stipulate that such matter will not be mentioned or displayed in the presence of the jury unless and until it is admitted in evidence;

(3) A statement of the specific prejudice that will be suffered by the moving party if the motion is not granted; and

(4) If the motion seeks to make binding an answer given in response to discovery, the declaration must set forth the question and the answer and state why the use of the answer for impeachment will not adequately protect the moving party against prejudice in the event that evidence inconsistent with the answer is offered.

(b) Summary Adjudication Improper. A motion *in limine* may not be used for the purpose of seeking summary judgment or the summary adjudication of an issue or issues. Those motions may only be made in compliance with Code of Civil Procedure section 437c and applicable court rules.

(c) Bifurcation of Issues Improper. A motion *in limine* may not be used for the purpose of seeking an order to try an issue before the trial of another issue or issues. That motion may only be made in compliance with Code of Civil Procedure section 598.

(d) Timing of Ruling. The court may defer ruling upon a motion *in limine*, and may order that no mention or display of the matter that is the subject of the motion be made in the presence of the jury unless and until the court orders otherwise. If the court so orders, or if the motion is granted, it is the duty of counsel to instruct associates, clients, witnesses, and other persons under their control that no mention or display be made in the presence of the jury of the matter that is the subject of the motion.

(Rule 3.57 new and effective July 1, 2011)

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3.58 MOTIONS FOR A VIEW TO BE TAKEN

A motion for a view to be taken must be made at the earliest possible time.

(Rule 3.58 new and effective July 1, 2011)

3.59 **RESERVED**

3.60 **RESERVED**

3.61 **RESERVED**

3.62 **RESERVED**

3.63 **RESERVED**

3.64 **RESERVED**

3.65 **RESERVED**

3.66 **RESERVED**

3.67 **RESERVED**

3.68 **RESERVED**

3.69 **RESERVED**

JURY SELECTION

3.70 NUMBER OF JURORS AND ALTERNATES

In the absence of a stipulation that a verdict may be returned by 11 or fewer jurors, the trial judge will usually direct the selection of alternate jurors as follows:

(1) If the trial time estimate is over three trial days, but less than seven trial days, two alternates;

(2) If the trial time estimate is over six trial days, but less than 21 trial days, three alternates;

(3) If the trial time estimate is over 20 trial days, four alternates.

If a stipulation is reached that a verdict may be returned by 11 or fewer jurors, the trial judge will usually direct the selection of one less alternate for each juror less than 12 required for a verdict.

(Rule 3.70 new and effective July 1, 2011)

3.71 FILLING THE JURY BOX

There is no uniform method of seating prospective jurors. Counsel may inquire of the clerk before the commencement of jury selection as to the particular seating method used in that courtroom.

(Rule 3.71 new and effective July 1, 2011)

3.72 QUESTIONING JURY PANEL ON HARDSHIP

The trial judge will ascertain from the entire panel in the courtroom or through the Jury Commissioner whether it would be difficult or impossible for anyone to serve. This should be done as early in jury selection as possible.

(Rule 3.72 new and effective July 1, 2011)

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3.73 STATEMENT OF THE CASE TO PROSPECTIVE JURORS

The trial judge may read to the prospective jurors a brief statement of the case, or pursuant to California Rules of Court, rule 2.1034, may allow the parties to deliver mini-opening statements.
(Rule 3.73 new and effective July 1, 2011)

3.74 CHALLENGES FOR CAUSE (Code Civ. Proc., § 227)

Upon completion of voir dire examination of all prospective jurors in the jury box, or of a prospective juror individually, counsel must state whether the party passes for cause. A challenge for cause must be made outside the hearing of the jury panel.
(Rule 3.74 new and effective July 1, 2011)

3.75 PEREMPTORY CHALLENGES

If there are more than two sides, the trial judge may 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.
(Rule 3.75 new and effective July 1, 2011)

3.76 EXCUSING PROSPECTIVE JURORS

When counsel exercises a peremptory challenge, the request to thank and excuse a particular juror must be made to the court, and not directly to the prospective juror.

When a prospective juror is excused upon exercise of a challenge or by stipulation, the juror must return to the jury assembly room.

(Rule 3.76 new and effective July 1, 2011)

3.77 VOIR DIRE OF REPLACEMENTS

When a prospective juror seated in the jury box or in an alternate seat is excused, the replacement juror may be asked by the trial judge (a) whether the questions asked and answers given previously have been heard and understood, and (b) whether, other than with regard to personal matters such as prior jury service, area of residence, employment and family, the juror's answers would be different from the previous answers in any substantial respect. If the replacement answers in the affirmative, the trial judge should inquire further about those differing answers.

Upon completion of his or her voir dire examination of the replacement, the trial judge shall inquire whether counsel wish to conduct a supplemental examination and, if so, permit it in accordance with Code of Civil Procedure section 222.5 and California Rules of Court, rule 3.1540.

(Rule 3.77 new and effective July 1, 2011)

3.78 SELECTING ALTERNATE JURORS

Unless counsel stipulate otherwise, after the jury is selected and sworn, the trial judge may direct the clerk to draw the appropriate number of names to fill the seats for any alternates, and the voir dire examination may proceed in the same manner as provided above.

(Rule 3.78 new and effective July 1, 2011)

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3.79 ADMONITIONS TO JURORS

After the jury is sworn by the clerk to try the cause but before inviting opening statements, the trial judge may admonish the jurors, including alternates, generally, as follows:

(1) that they are to refrain from communicating in writing or by other means about the case; use the jury room rather than remaining in the courtroom or hallway; and avoid approaching, or conversing with counsel, litigants, and witnesses;

(2) That it is improper for jurors to conduct any independent investigation of the facts or the law, visit the scene, conduct experiments (scientific or otherwise), or consult reference works (books, texts, periodicals, *etc.*) for additional information;

(3) That if a juror has a question or communication for the trial judge (*e.g.*, regarding time scheduling), it should be transmitted through the bailiff or court attendant;

(4) That each juror is to wear their juror badge throughout the day;

(5) That the bailiff or court attendant is in charge of the jury's physical facilities and supplies;

(6) That the jurors will be supplied with note pads and pencils on which they may take notes on the case only for their own personal use, the notes may not be removed from the courtroom, but the jurors may take the notes into the jury room once they commence deliberations on the case;

(7) The hours and days for sessions and recesses of the court and the need for punctuality. The jurors will be advised of the court department number and phone number;

(8) The substance of any preinstruction of law which the trial judge determines to be appropriate; and

(9) That, as with other statements of counsel, the opening statement is not evidence but only an outline of what counsel expect to prove.

(Rule 3.79 new and effective July 1, 2011)

3.80 ADMONITION UPON SEPARATION OF JURORS

At the conclusion of each court day during the trial or jury deliberations and whenever the jury is permitted to separate overnight, unless waived by stipulation, the trial judge will admonish the jury in accordance with Code of Civil Procedure section 611. After the cause has been submitted to the jury, the trial judge may also admonish them that they should converse among themselves about the case only in the jury room and only after the entire jury has assembled therein.

(Rule 3.80 new and effective July 1, 2011)

3.81 EXCHANGE OF INFORMATION ABOUT FUTURE SCHEDULING

In order to facilitate efficient scheduling of future witnesses and court time, counsel must communicate with one another and exchange good faith estimates of the length of witness examination together with any other information pertinent to trial scheduling.

(Rule 3.81 new and effective July 1, 2011)

3.82 **RESERVED**

3.83 **RESERVED**

3.84 **RESERVED**

3.85 **RESERVED**

3.86 **RESERVED**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

- 3.87 **RESERVED**
- 3.88 **RESERVED**
- 3.89 **RESERVED**
- 3.90 **RESERVED**
- 3.91 **RESERVED**

TRIAL DECORUM AND OPENING STATEMENTS

3.92 SEATING OF COUNSEL

Unless otherwise indicated by the court, plaintiff's counsel will be seated adjacent to the jury box.

(Rule 3.92 new and effective July 1, 2011)

3.93 MULTIPLE COUNSEL

During open court proceedings, absent unusual circumstances, only one attorney for a party may perform any one of the following functions -- select a jury, deliver an opening statement, deliver a final argument, examine any particular witness, cross examine any particular witness, or argue an issue.

(Rule 3.93 new and effective July 1, 2011)

3.94 TRAVERSING "WELL"

Except with approval of the court, persons in the courtroom may not traverse the area between the bench and counsel table. Counsel must so instruct parties they represent, witnesses they call and persons accompanying them.

(Rule 3.94 new and effective July 1, 2011)

3.95 ADDRESSING THE JUDGE

When addressing the trial judge in court, "Your Honor" is proper. "Judge," "Judge (Name)," "ma'am," or "sir" is improper.

(Rule 3.95 new and effective July 1, 2011)

3.96 ADDRESSING OTHERS

During trial, counsel must not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).

(Rule 3.96 new and effective July 1, 2011)

3.97 USE OF GRAPHIC DEVICES IN OPENING STATEMENTS

In opening statements to the jury by counsel, no display to the jury or reference should be made to any chart, graph, map, picture, model, video, or any other graphic device or presentation except (1) when marked as an exhibit and received in evidence, (2) by stipulation of counsel, or (3) with leave of court. With prior approval of the court, counsel may use the chalkboard or paper for illustrative purposes during opening statements.

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(Rule 3.97 new and effective July 1, 2011)

3.98 JUROR REPLACEMENT

If the replacement of a regular juror is required, an alternate may be selected by lot if there are two or more alternates, unless counsel have stipulated to another procedure. (*See* Code Civ. Proc., §§ 233, 234.)

(Rule 3.98 new and effective July 1, 2011)

3.99 MOTIONS

Motions for judgment on the pleadings, directed verdict, and mistrial must be made and argued outside the hearing of the jurors, but if the ruling thereon affects the issues to be tried by the jury, the trial judge, after consulting with counsel, may advise the jurors thereon. Upon granting a motion to strike any evidence or argument to the jury, the trial judge will admonish the jury to disregard the matter stricken.

(Rule 3.99 new and effective July 1, 2011)

3.100 **RESERVED**

3.101 **RESERVED**

3.102 **RESERVED**

3.103 **RESERVED**

3.104 **RESERVED**

WITNESSES

3.105 USE OF INTERPRETERS

The party calling a witness for whom an interpreter is required must provide in advance for, and compensate a court interpreter. Interpreters in civil actions are not supplied by the court. A list of some court interpreters offering their services may be obtained by communicating with the court's Division of Interpreter Assignments (Telephone number: 213-974-6708).

(Rule 3.105 new and effective July 1, 2011)

3.106 "ON-CALL" WITNESSES

Counsel with a witness "on call" bears the responsibility of having the witness present in court when needed.

(Rule 3.106 new and effective July 1, 2011)

3.107 ANTICIPATION OF SENSITIVE AREAS OF INQUIRY

Before inquiring into evidence which may reasonably be anticipated to be inflammatory or highly prejudicial and potentially excludable pursuant to Evidence Code section 352, counsel must bring the intended area of inquiry to the attention of the other party and the trial judge outside the hearing of the jurors.

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(Rule 3.107 new and effective July 1, 2011)

3.108 ADMONITION TO WITNESSES

Before a witness takes the stand, the counsel calling the witness should admonish him or her to be responsive to the questions and to wait until a question is completed and a ruling made on any objection before answering.

Counsel should not admonish a witness while on the stand about the manner of answering questions, but may request the court to admonish the witness.

(Rule 3.108 new and effective July 1, 2011)

3.109 EXAMINATION FROM COUNSEL TABLE

Ordinarily, counsel must remain at a lectern or behind the counsel table when examining a witness.

(Rule 3.109 new and effective July 1, 2011)

3.110 APPROACHING A WITNESS

Unless the court otherwise directs, counsel need not request permission from the court to approach a witness solely for the purpose of showing the witness a document or other object. Before approaching a witness for any other purpose, a party must request permission from the court.

(Rule 3.110 new and effective July 1, 2011)

3.111 QUESTIONS NOT BE INTERRUPTED

Counsel ordinarily should not interrupt an incomplete question to object unless the question is both patently objectionable and at least arguably prejudicial.

(Rule 3.111 new and effective July 1, 2011)

3.112 EFFECT OF ASKING ANOTHER QUESTION

Counsel must not repeat the witness' answer to the prior question before asking another question.

Counsel must wait until the witness has completed the answer before asking another question.

If counsel asks a new question before the witness answers the pending question or an objection thereto is ruled upon, counsel will be deemed to have withdrawn the earlier question.

(Rule 3.112 new and effective July 1, 2011)

3.113 COMPLETION OF WITNESS TESTIMONY

A witness testimony should be completed before other evidence is taken except by leave of court. When the testimony of a witness is concluded, the witness should be excused by the court, except upon good cause shown to the court, in which case the trial judge may excuse the witness subject to being recalled upon reasonable notice to be given the witness by the party desiring to recall the witness.

(Rule 3.113 new and effective July 1, 2011)

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3.114 CONSULTATION WITH WITNESS ON THE STAND

No consultations between counsel and a witness while on the stand will be permitted without leave of court.

(Rule 3.114 new and effective July 1, 2011)

3.115 **RESERVED**

3.116 **RESERVED**

3.117 **RESERVED**

3.118 **RESERVED**

3.119 **RESERVED**

CONDUCT OF COUNSEL AND PARTIES

3.120 POLICY AGAINST INDICATION AS TO TESTIMONY

Persons in the courtroom, including the parties and counsel, must not indicate, by facial expression, shaking of the head, gesturing, shouts, or other conduct their disagreement with or approval of testimony or other evidence. Counsel must so instruct parties they represent, witnesses they call, and any persons accompanying them.

(Rule 3.120 new and effective July 1, 2011)

3.121 STAND TO OBJECT AND ARGUE

Counsel must stand when addressing the court, except when stating only the legal grounds for an objection to evidence without argument.

(Rule 3.121 new and effective July 1, 2011)

3.122 ARGUMENT ADDRESSED TO COURT

Argument, objections, and requests by counsel during trial must be directed to the court and not to adversaries.

(Rule 3.122 new and effective July 1, 2011)

3.123 ARGUMENTS TO BE OUT OF JURY'S HEARING

Although an evidentiary objection and a statement of the brief legal grounds ordinarily may be offered within the jurors' hearing, arguments must be held outside the hearing of the jurors at the side bench or, in cases of extended discussion, after the jury has been excused, or in chambers to the extent that the judge permits it.

Counsel wishing to argue any matter of law must ask the court for leave to argue outside the hearing of the jurors. Upon such a request first being granted in a trial, the trial judge may advise the jurors that matters of law are for the court rather than the jury and that discussions concerning the law outside the jurors' hearing are necessary and proper for counsel to request.

Such arguments by counsel, whether at the side bench, upon the excuse of the jury, or in chambers, should be reported and kept brief and few in number.

(Rule 3.123 new and effective July 1, 2011)

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3.124 OFFERS OF PROOF TO BE OUT OF JURY'S HEARING

Offers of proof and arguments thereon shall be made outside the hearing of jurors. Counsel wishing to make an offer of proof must ask the court for leave before advancing the offer.

(Rule 3.124 new and effective July 1, 2011)

3.125 OFFERS TO STIPULATE TO BE OUT OF JURY'S HEARING

Offers to stipulate must be made outside the hearing of jurors. While the court is in session, counsel wishing to stipulate must first obtain leave of court and then confer with other counsel outside the hearing of the jurors.

(Rule 3.125 new and effective July 1, 2011)

3.126 REQUESTS TO ADVERSARIES TO BE OUT OF JURY'S HEARING

Requests by a party to an adversary for objects or information purportedly in the possession of the adversary must be made outside the hearing of jurors.

(Rule 3.126 new and effective July 1, 2011)

3.127 REQUESTS TO THE REPORTER ADDRESSED TO COURT

Any request for the court reporter or recorder to read or mark the record or to go "off-the-record" must be addressed to the court outside the presence of the jury, and not to the reporter or recorder.

(Rule 3.127 new and effective July 1, 2011)

3.128 COMMUNICATION TO COURT BY PARTIES AND WITNESSES

Ex parte communication with the court is prohibited. Counsel must instruct their clients and witnesses that they must not communicate with the court about any subject of the pending litigation except on the record with all counsel present. The court will promptly disclose any violation of the foregoing rule to all parties and it will be made a part of the record.

(Rule 3.128 new and effective July 1, 2011)

3.129 ADDRESS TO COURT BY REPRESENTED PARTY OR WITNESS

A party or witness represented by counsel seeking to address the court directly may be instructed by the court to confer with such counsel. Thereafter, the court will confer with counsel outside the hearing of the jury concerning the subject matter of such communication and determine whether or not such party or witness will be permitted to address the court, and if so, the limits thereon.

(Rule 3.129 new and effective July 1, 2011)

3.130 COMMUNICATION TO JURORS BY PARTIES AND WITNESSES

Counsel must instruct their clients and witnesses that they must not communicate with any juror.

(Rule 3.130 new and effective July 1, 2011)

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3.131 COUNSEL'S USE OF CHALKBOARD AND PAPER DURING PRESENTATION OF EVIDENCE

Without the consent of the trial judge, counsel may not, during presentation of evidence, use a chalkboard or paper on a bulletin board to summarize, diagram, calculate, or outline testimony or evidence.

(Rule 3.131 new and effective July 1, 2011)

3.132 "OFF-THE-RECORD" CONFERENCES

Conferences touching upon any subject of the pending litigation should be held on the record if requested by any party. If substantive matters are touched upon in any off the record conference with the trial judge, a reported conference should be conducted forthwith at which the same parties are present and the substantive matters should be recited or summarized to give the parties the opportunity to complete the record.

(Rule 3.132 new and effective July 1, 2011)

3.133 EVIDENCE ADMITTED FOR A LIMITED PURPOSE

When evidence is received for a limited purpose or as against less than all parties, the trial judge may so instruct the jury at the time of the admission thereof.

(Rule 3.133 new and effective July 1, 2011)

3.134 QUESTIONING BY JUDGE

The trial judge ordinarily will not examine a witness until the parties have completed questioning the witness. If a witness is referring to graphic evidence (*e.g.*, pointing to "here" and "there" on a map), the trial judge may make such inquiries and give such direction that the record is complete and intelligible regarding the points of reference. When the judge completes such questions, all parties may have the opportunity to examine upon the matters touched upon by the judge.

(Rule 3.134 new and effective July 1, 2011)

3.135 EXCLUSION OF EVIDENCE ON COURT'S OWN MOTION

The court on its own motion may exclude irrelevant evidence or evidence excludable under Evidence Code section 352. Ordinarily, the court will not act on its own motion to exclude evidence which may be inadmissible for other reasons.

(Rule 3.135 new and effective July 1, 2011)

3.136 ADVICE TO JURY ABOUT COURT-APPOINTED EXPERT

Upon appointment by the court of an expert to testify as a witness, the trial judge may advise the jury of the fact of the court appointment.

(Rule 3.136 new and effective July 1, 2011)

3.137 ADVICE BY COURT AS TO SELF-INCRIMINATION

Whenever there is a likelihood of self-incrimination by a witness not represented by counsel present in court, the trial judge may advise the witness, outside the hearing of jurors, of the privilege against self-incrimination.

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(Rule 3.137 new and effective July 1, 2011)

- 3.138 **RESERVED**
- 3.139 **RESERVED**
- 3.140 **RESERVED**
- 3.141 **RESERVED**
- 3.142 **RESERVED**
- 3.143 **RESERVED**
- 3.144 **RESERVED**
- 3.145 **RESERVED**
- 3.146 **RESERVED**
- 3.147 **RESERVED**

EXHIBITS

3.148 **LARGE, DANGEROUS AND BULKY EXHIBITS**

Counsel should substitute by photograph, technical report or dummy object, those proposed exhibits which are (1) inherently dangerous (*e.g.*, products that are highly explosive, toxic, corrosive or flammable such as TNT, sulfuric acid, gasoline), or (2) large and cumbersome (*e.g.*, ladder, sewer pipe, automobile chassis).

If counsel believes that such an exhibit should be brought into the courtroom, a request to do so must be made to the trial judge outside the jury's hearing. At the end of the trial, the court may require large, dangerous, and bulky exhibits to be returned to the party offering the exhibit in evidence.

(Rule 3.148 new and effective July 1, 2011)

3.149 **ORAL IDENTIFICATION OF EXHIBITS AT FIRST REFERENCE**

Upon the first reference to an exhibit, counsel must briefly identify it, but not describe its contents.

(Rule 3.149 new and effective July 1, 2011)

3.150 **EXHIBITS TO HAVE BEEN SHOWN TO ADVERSARIES BEFORE FIRST REFERENCE**

Before the first reference to any exhibit, the proponent must show it to opposing counsel for review. (*See also*, Local Rule 3.25(h).)

(Rule 3.150 new and effective July 1, 2011)

3.151 **MARKING OF EXHIBITS FIRST DISCLOSED DURING TRIAL**

Counsel must mark for identification an exhibit which has not been pre-marked and which is being used for impeachment before showing the exhibit to opposing counsel or referring to it. To avoid disruption and delay, the exhibit should be presented to the clerk for formal marking after the evidence regarding it is taken.

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(Rule 3.151 new and effective July 1, 2011)

3.152 WHEN EXHIBITS OFFERED

Unless the trial judge otherwise directs, counsel must offer an exhibit into evidence as soon as the evidentiary foundation for its admission has been established and not accumulate exhibits to offer at the conclusion of the party's case.

(Rule 3.152 new and effective July 1, 2011)

3.153 MAPS, PLANS AND DIAGRAMS

Any map, plan, or diagram offered in evidence should clearly show whether or not it has been prepared to scale, and if so, what scale was used.

(Rule 3.153 new and effective July 1, 2011)

3.154 RETURN OF EXHIBITS

Immediately upon conclusion of the examination of a witness with an exhibit, counsel must return it to a place designated by the court.

(Rule 3.154 new and effective July 1, 2011)

3.155 WHEN EXHIBITS TO BE PUBLISHED TO JURORS

Exhibits admitted into evidence which are subject to cursory examination, such as photographs and some other demonstrative evidence, may be published to the jury only with leave of court. Where leave is granted and the jury will handle the exhibit, counsel must hand it to the bailiff or court attendant for publication to the jury. Counsel may not proceed with any examination while the jury is reviewing the exhibit.

Exhibits admitted into evidence which are not subject to cursory examination must not be handed to jurors until they retire to deliberate. In the event a party contends that an exhibit not subject to cursory examination is critical and should be handed to jurors during the course of the trial, leave must be requested from the trial judge. Such party should be prepared to furnish sufficient copies of the exhibit, if reasonably practicable, for all jurors and alternates to have their own copy. The jurors and alternates should return their copy of the exhibit to the bailiff or court attendant upon concluding their examination. Enlargements or projections of exhibits should be used in lieu of, and in preference to, furnishing such copies for the jurors.

(Rule 3.155 new and effective July 1, 2011)

3.156 EXHIBITS NOT TO BE PLACED IN JURORS' HANDS

In the court's discretion, exhibits admitted into evidence are sent to the jury room for deliberation. An exhibit will not go to the jury room, if:

- (1) It is inherently dangerous, or creates a health or safety hazard;
- (2) It cannot be readily understood by persons without expertise, *e.g.*, an X-ray;
- (3) It is inflammatory or its prejudicial effect outweighs its probative value, *e.g.*, a bloody shirt; or
- (4) It includes matter as an integral part which cannot be readily deleted and which is inadmissible or within subdivisions (1), (2) or (3).

(Rule 3.156 new and effective July 1, 2011)

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3.157 EXHIBITS ADMITTED IN PART

If an exhibit admitted into evidence contains some inadmissible matter (*e.g.*, a reference to insurance, excluded hearsay, opinion or other evidence lacking foundation), the trial judge, outside the hearing of the jury, will specify the excluded matter and withhold delivery of such exhibit to the jurors unless and until the inadmissible matter is deleted.

The deletion may be accomplished by photocopying in a manner in which the inadmissible portions are redacted. The party offering the exhibit should prepare and furnish the copy.

If redaction by photocopying is not practical, the parties should seek to stipulate to an appropriate means of providing the exhibit to the jury. Otherwise, the admissible matter only may be read into evidence.

(Rule 3.157 new and effective July 1, 2011)

3.158 USE OF DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSION

Before reading into evidence any portion of any deposition, interrogatory or request for admission, or showing any video deposition, counsel must obtain leave of court and must then advise the court and opposing counsel which pages and lines of the deposition or the numbers of the interrogatories or requests for admission are to be read. Prior to such reading, opposing counsel must be given a reasonable opportunity to read the same and interpose any objections thereto.

If counsel intends to read multiple interrogatories into evidence, that counsel should make extracts of the pertinent portions of questions and answers and furnish sufficient copies for adversaries and the court before reading. Those extracts should be prepared in a form so that the question answered immediately precedes the answer and the date or other description of the particular set of interrogatories appear on the extract. The same procedure will apply to requests for admissions and responses thereto.

(Rule 3.158 new and effective July 1, 2011)

3.159 CUSTODY OF TRIAL EXHIBITS AFTER TRIAL

Trial exhibits, both those received into evidence and those marked during trial for identification, will be returned to counsel for use in connection with post-trial proceedings or any appeal. The court may consult with counsel concerning which counsel will take custody of the trial exhibits and what procedures will be followed in the event any trial exhibits are needed for a post-trial proceeding or appeal.

(Rule 3.159 new and effective July 1, 2011)

3.160 **RESERVED**

3.161 **RESERVED**

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3.168 **RESERVED**

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3.169 **RESERVED**

JURY INSTRUCTIONS

3.170 **DUTY OF COUNSEL TO MODIFY CACI INSTRUCTIONS**

Before delivery of proposed CACI or other instructions to the trial judge and opposing counsel, counsel must fill in all blanks, make all strike-outs, insertions and modifications therein which are appropriate to the case. Submission of a form which requires additions or modifications to constitute a complete and intelligible instruction will not be deemed a request for such instruction.

(Rule 3.170 new and effective July 1, 2011)

3.171 **FORM OF PROPOSED JURY INSTRUCTIONS (Code Civ. Proc., §§ 607a, 609.)**

All proposed jury instructions, except CACI instructions, must conform to the requirements of California Rules of Court, rule 2.1055, including citations of authorities for the instruction, indication of the party requesting the instruction, and how the instruction has been modified from a related CACI instruction. Any jury instructions requested after the conclusion of taking evidence must be in writing.

The court, in its discretion, may permit instructions to be sent into the jury room in "booklet format" in which the text of the instruction is printed continuously on the page and may result in several instructions to the page. The booklet instructions may be accompanied by a table of contents.

(Rule 3.171 new and effective July 1, 2011)

3.172 **JURY INSTRUCTION CONFERENCE**

The trial judge will hold a conference outside the presence of the jury before final argument and after submission to the trial judge of all proposed jury instructions, verdict and findings forms. Ordinarily, a reporter or recorder is not required for the commencement of such conference.

In the event the trial judge intends to give any instructions or use any form of verdict or findings on the court's own motion, such instructions, verdicts, or findings may be delivered to counsel.

The trial judge will then discuss with counsel:

(1) Whether any requested proposed instructions, verdicts, or findings are patently inappropriate and will be voluntarily withdrawn;

(2) Whether there are instructions, verdicts, or findings which are appropriate and may be given without objection; and

(3) Whether there is any other modification to which the parties will stipulate.

Counsel must meet prior to this conference to discuss each other's jury instructions and classify them into categories (1), (2) and (3) above.

The unreported conference will generally result in clarification of the matters, and creation of three categories of instructions, verdicts, or findings that will be withdrawn, given without objection, or given as modified by stipulation. Thereafter, the conference may be reported and the trial judge may confirm for the record the matters agreed upon. The trial judge may also specify those

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instructions, verdicts, and findings forms the court proposes to give, refuse, or modify. The court will hear any objections to the foregoing and rule thereon.

(Rule 3.172 new and effective July 1, 2011)

3.173 WHEN INSTRUCTIONS TO BE READ TO THE JURY

After making the final determination concerning the instructions to be given to the jury, the trial judge may give consideration to the following alternative procedures:

(1) The instructions may be read to the jury after the conclusion of final arguments;

(2) The instructions, except the concluding instructions, if any, may be read to the jury before final arguments; or

(3) The instructions in the categories of introductory instructions, those relating to terminology, and those relating to burden of proof, evaluation of evidence, depositions, interrogatories, admissions, stipulations, and expert testimony may be read at the outset of the trial before the introduction of evidence, with the remaining instructions given during appropriate times during the presentation of evidence, as the specific circumstances justify.

(Rule 3.173 new and effective July 1, 2011)

3.174 USE OF JURY INSTRUCTIONS IN JURY ROOM

The trial judge may determine whether the jury, upon retiring to deliberate, will take a copy of the written jury instructions into the jury room. If this procedure is used, counsel must take care to remove the title, citation of authority, and identity of the party requesting the instruction. Care must also be taken to assure that stricken portions are totally obliterated and any handwritten additions are completely legible. It is the responsibility of counsel to supply the court with instructions that comply with the "sanitizing" process.

(Rule 3.174 new and effective July 1, 2011)

3.175 RESERVED

3.176 RESERVED

3.177 RESERVED

3.178 RESERVED

3.179 RESERVED

FINAL ARGUMENT

3.180 GRAPHIC DEVICES USED IN ARGUMENT

A graphic device (*e.g.*, chart, summary, or model) which is not in evidence and is to be used for illustration only in argument must be shown to opposing counsel before commencement of the argument. Upon request by opposing counsel, it must remain available for reference and be marked for identification.

(Rule 3.180 new and effective July 1, 2011)

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3.181 CLOSING ARGUMENTS

Counsel must not misstate the evidence or the law and must be as concise as the cause permits during closing argument. Counsel may use a chalkboard or paper to summarize testimony, diagram, calculate, or outline unless the court for good cause limits such use. Any graphic device or presentation received in evidence may also be used during closing argument. The length of argument may be limited by the trial judge. All final arguments will be reported in the absence of a stipulation by all counsel that reporting argument is waived.

(Rule 3.181 new and effective July 1, 2011)

3.182 FAMILIARITY WITH JURORS TO BE AVOIDED

Counsel must not address or refer to jurors individually or by name or occupation and must not address a juror by the first name in voir dire examination, during closing argument, or any other time during trial.

(Rule 3.182 new and effective July 1, 2011)

3.183 OBJECTIONS TO CLOSING ARGUMENT

Any objection to a closing argument should be argued outside the jurors' hearing at the side bench. If the trial judge is uncertain about whether there has been a misstatement of the evidence in final argument, the jurors may be advised to consult their own memories and notes.

(Rule 3.183 new and effective July 1, 2011)

3.184 **RESERVED**

3.185 **RESERVED**

3.186 **RESERVED**

3.187 **RESERVED**

3.188 **RESERVED**

3.189 **RESERVED**

JURY DELIBERATION

3.190 QUESTIONS BY JURORS

If the jury has a question regarding the case, the trial judge should instruct the presiding juror to write the question and submit it to the court through the bailiff, court attendant, or clerk. Upon receipt of the question, the trial judge should review it with counsel outside the presence of the jury, and discuss with them an appropriate answer to be given the jury. Such conference should be reported on the record. The answer to the question should be stated to the jury in open court or written on the question form and returned to the jury. The written question must be made part of the record in the absence of a stipulation to the contrary.

(Rule 3.190 new and effective July 1, 2011)

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3.191 WHEN JURY UNABLE TO AGREE

If the jury is unable to reach a verdict after deliberating for a substantial time, the trial judge may, in order to ascertain whether continued deliberation should be ordered, inquire of the presiding juror in open court whether in the presiding juror's opinion further deliberations might reasonably be expected to result in a verdict. If the answer is in the negative, the trial judge may make the same inquiry of the other jurors. The trial judge also may inquire of the presiding juror as to the jury's numerical division, but not which side the numerical division favors.

(Rule 3.191 new and effective July 1, 2011)

3.192 RECEIVING VERDICTS AND POLLING JURY

Upon advice from the presiding juror that a verdict has been reached, the trial judge should direct the presiding juror to hand all verdict forms (signed and unsigned) to the bailiff or court attendant for delivery to the judge, who should thereupon examine them. If the verdict or verdicts appear correct and complete to the trial judge, they should be handed to the clerk to be read into the record. If the verdict or verdicts are incorrect or incomplete, the trial judge should call counsel to the side bench to review the form or forms with counsel and to discuss with them any inquiries to be directed to the presiding juror and the possible return of the verdict form or forms to the presiding juror with instructions concerning clarification, completion, or revision. If the form or forms are returned to the presiding juror, the jury ordinarily should be sent back to the jury room to complete, clarify or revise them.

Upon the return of a general or special verdict or special findings, the court should poll the jury upon the request of any party. Polling may be conducted by the clerk at trial judge's direction, or by the trial judge. In the event of a general verdict without special findings, each juror separately may be asked: "Is the verdict as read your personal verdict?"

In the event of a general verdict with special findings, or in the event of a special verdict, each juror separately may be asked whether each response contained therein: "Is the response to that question (or issue) your personal response?"

(Rule 3.192 new and effective July 1, 2011)

3.193 DISCHARGE OF JURY

In discharging the jury, the trial judge may:

- (1) thank the jury for their service;
 - (2) abstain from commenting as to the judge's view of the propriety of any verdict or findings or failure to reach same;
 - (3) advise the jurors that they may, but need not, speak with anyone about the case;
- and
- (4) specify where and when any jurors are to return for further service.

(Rule 3.193 new and effective July 1, 2011)

3.194 RESERVED

3.195 RESERVED

3.196 RESERVED

3.197 RESERVED

3.198 RESERVED

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3.199 **RESERVED**

DEFAULT JUDGMENT

3.200 **REQUEST TO ENTER DEFAULT**

(a) Failure to Answer. A request to enter default for failure to timely file an answer initially must be directed to the clerk. If the clerk rejects a request to enter default, the defect cannot be cured to the clerk's satisfaction, and counsel disagrees with the clerk, then counsel may apply for *ex parte* relief to the direct calendar judge or supervising judge, whichever is appropriate.

(b) Other Defaults. A request to enter default for failure to make discovery, failure to comply with court order, or other ground of default must be directed to the direct calendar judge or supervising judge, whichever is appropriate.

(Rule 3.200 new and effective July 1, 2011)

3.201 **PROCEDURES FOR OBTAINING DEFAULT JUDGMENT** (Cal. Rules of Court, rule 3.1800.)

(a) Submission on Declarations Preferred. Determination of applications for default judgment on declarations pursuant to Code of Civil Procedure section 585(d) is the preferred procedure. Declarations must comply with Code of Civil Procedure section 2015.5.

(b) Live Testimony Prove-up Hearings. Live testimony prove-up hearings will be scheduled only if the law requires live testimony (*e.g.*, quiet title), or the court otherwise orders it.

(Rule 3.201 new and effective July 1, 2011)

3.202 **PENDING MOTIONS TO VACATE DEFAULT**

A party applying for default judgment while a motion to vacate default is pending must advise the court of the pendency of the motion. If the party wishes to pursue judgment while the motion is pending, that party must present a showing of emergency justifying the entry of default judgment prior to hearing of the motion.

(Rule 3.202 new and effective July 1, 2011)

3.203 **SERVICE BY PUBLICATION**

When service has been effected by publication, an application for a default judgment on declarations must include a declaration regarding service of the application papers in compliance with Code of Civil Procedure section 587.

(Rule 3.203 new and effective July 1, 2011)

3.204 **WRITTEN OBLIGATIONS TO PAY MONEY**

An application for default judgment on a written obligation to pay money must, unless otherwise ordered, be accompanied by the original writing for cancellation pursuant to California Rules of Court, rule 3.1806.

(Rule 3.204 new and effective July 1, 2011)

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3.205 EVIDENTIARY STANDARDS

(a) Court to Hear Evidence. The court may enter judgment as appears from the evidence to be just pursuant to Code of Civil Procedure section 585(b).

(b) Authentication. Unauthenticated documents will not be received in evidence unless their authenticity has been pleaded in the complaint and admitted by entry of default.

(c) Hearsay. The court, in its discretion, may disregard hearsay.

(d) Foundation. The court, in its discretion, may disregard evidence lacking foundation, including declarations on the merits by attorneys or assignees which lack foundation as to their personal knowledge.

(Rule 3.205 new and effective July 1, 2011)

3.206 INTEREST

If interest is requested in excess of the usury limitations of California Constitution Article XV, Section 1, proof must be presented of plaintiff's exemption from the usury limitations unless an exemption has been pleaded in the complaint and admitted by the entry of default.

(Rule 3.206 new and effective July 1, 2011)

3.207 ATTORNEYS' FEES

(a) Fee Schedule. If attorneys' fees are awarded on default, they shall be determined in accordance with Local Rule 3.214.

(b) Contractual Provision. When the basis for a claim of attorneys' fees is a contractual provision, the precise clause providing for fees must be cited.

(Rule 3.207 new and effective July 1, 2011)

3.208 **RESERVED**

3.209 **RESERVED**

3.210 **RESERVED**

3.211 **RESERVED**

3.212 **RESERVED**

FORM AND EXECUTION OF JUDGMENT; ATTORNEYS' FEES

3.213 FORM OF JUDGMENT

(a) Original and Copy. Whenever a proposed judgment is submitted to the court, the original shall be accompanied by a complete, legible copy.

(b) Form of Judgment. Judicial Council judgment forms must be used whenever required. When a lengthy or detailed judgment is necessary, or when different relief is sought against different defendants, a specially prepared judgment may be used. Specially prepared judgments must include 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.

(c) Execution by Clerk of Documents. If a judgment awards real or personal property and the necessary documents for the transfer are not at that time executed, the court will order the

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execution of those necessary documents by the proper party by a date certain. On order of the court, the Clerk has the authority to execute documents specified in the court's order if the obligated party failed to do so.

(d) Entry of Judgments, Orders, and Decrees. Judgments, orders, and decrees rendered by the court will be entered by the clerk in judgment books kept by the clerk either in the Public Services Division of the Central District or the clerk's office in each of the several districts. The judgment, order, or decree will be entered in the judgment books in the district in which it was rendered.

(e) Possession Plus Money. If plaintiff seeks recovery of both an amount owed and goods in which plaintiff holds a security interest to secure payment of the amount owed, the judgment must provide that sale of the goods should first take place pursuant to Uniform Commercial Code section 9504 and thereafter the proceeds of the sale will be credited against the amount owed prior to issuance of a writ of execution on the balance .

(Rule 3.213 new and effective July 1, 2011)

3.214 ATTORNEYS' FEES

(a) Contract Provision or Note. When a promissory note, contract, or statute provides for the recovery of reasonable attorneys' fees, the following schedule will apply to the amount of the new judgment unless otherwise determined by the court.

Default case:

\$0.01 to \$1,000, 15% with a minimum of \$75.00;
\$1,000.01 to \$10,000, \$150 plus 6% of the excess over \$1,000;
\$10,000.01 to \$50,000, \$690 plus 3% of the excess over \$10,000;
\$50,000.01 to \$100,000, \$1,890 plus 2% of the excess over \$50,000;
Over \$100,000, \$2,890 plus 1% of the excess over \$100,000.

Contested case (unless otherwise determined by the court):

\$0.01 to \$1,000, 15% with a minimum of \$100;
\$1,000.01 to \$10,000, \$150 plus 8% of the excess over \$1,000;
\$10,000.01 to \$50,000, \$870 plus 6% of the excess over \$10,000;
\$50,000.01 to \$100,000, \$3,270 plus 4% of the excess over \$50,000;
Over \$100,000, \$5,270 plus 2% of the excess over \$100,000.

(b) Mortgage or Trust Deed. When a mortgage or trust deed is foreclosed which provides for the recovery of reasonable attorneys' fees, the applicable fee in subdivision (a) above will be increased by 10%.

(c) Foreclosure of Assessment or Bond Lien. When the lien of a street or other assessment or of a bond issued for the cost of a public improvement is foreclosed, the fee will be computed as provided in subdivision (a), except that the minimum will be \$75.00 where only one assessment or bond is being foreclosed in the action, and \$20.00 additional for the second and each additional assessment or bond.

(d) Itemization as to Extraordinary Services. An application for a fee greater than listed in the foregoing schedule because of extraordinary services must include an itemized statement of the services rendered or to be rendered.

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(e) Services Benefitting a Minor. No attorneys' fees for services benefitting a minor shall be allowed in any action except upon application in open court after notice to the minor's guardian, each of the minor's parents, and the minor (if the minor is over 14 years old).

(Rule 3.214 new and effective July 1, 2011)

3.215 **RESERVED**
3.216 **RESERVED**
3.217 **RESERVED**
3.218 **RESERVED**
3.219 **RESERVED**

ENFORCEMENT OF JUDGMENT

3.220 POST-JUDGMENT ORDERS

(a) Application for Money Deposited (Code Civ. Proc., §§ 708.710 - 708.795). An application for an order for the payment of money which has been deposited with the clerk of the court pursuant to Code of Civil Procedure section 708.710 *et seq.* must state: (1) the amount of money and date it was deposited with the clerk, (2) any amount previously received by the applicant, and (3) whether a claim of exemption or motion to vacate the judgment has been filed. The clerk will endorse on the application the amount of money on deposit.

(b) Property Otherwise Deposited. An application to receive personal property or money, other than that deposited pursuant to Code of Civil Procedure sections 708.710 – 708.795, must state: (1) when, why and by whom it was deposited, (2) any term or condition of the deposit, (3) the name and address of every person claiming any interest in it, and (4) the reason the claimant is entitled to receive it. The clerk will endorse on the application the amount of money or description of the property on deposit. The judge may require the applicant to proceed on noticed motion.

(c) Execution on Installment Order or Judgment. An application for the issuance of a writ of execution as to an order or judgment for the payment of money in installments must state: (1) the pertinent provisions of the order or judgment, (2) the total amount which has been paid, (3) the amount of principal then due, and (4) the calculations as to any interest claimed. If the applicant is an assignee of the original creditor, the applicant must attach a copy of the assignment and state the date of service or notice of the assignment to the judgment debtor.

(Rule 3.220 new and effective July 1, 2011)

3.221 JUDGMENT DEBTOR PROCEEDINGS

(a) Application.

(1) A natural person must be named on the order to appear for examination proceedings on behalf of a corporation, company, partnership or other business entity, unless the court otherwise orders for good cause shown in a written declaration.

(2) The clerk will give notice of the date and time for hearing.

(3) A copy of the judgment must be provided with the application.

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(4) The application must be filed in the district in which the judgment was entered. If the courthouse where judgment was entered provides for judgment debtor's proceedings, the application for a debtor's proceeding must be filed in that courthouse. If not, the application must be filed in the courthouse where the district's supervising judge is located.

(b) Proof of Service.

(1) After service of the notice and application, proof of service of an order issued pursuant to Code of Civil Procedure sections 708.110, 708.120, or 708.130 must be filed directly with the clerk in the assigned department no later than 4:00 p.m., three court days before the hearing date, unless otherwise ordered by the court.

(2) Failure to file proofs of service will result in the proceeding being taken off calendar without costs awarded to the applicant. No further hearing will be scheduled earlier than 120 days from the date of the originally scheduled hearing, except for good cause shown in a written declaration.

(c) Failure to Appear at Hearing by Applicant.

(1) If the applicant fails to appear, and the person, firm, entity or corporation named in the order appears, the proceeding will be taken off calendar without costs awarded to the applicant.

(2) No further hearing will be scheduled earlier than 120 days from the date of the originally scheduled hearing, except for good cause shown in a written declaration.

(d) Failure to Appear at Hearing by Person Ordered to Appear. If a person ordered to appear fails to appear at the time and place specified in the order, and the proceeding has not been dismissed or taken off calendar, the applicant may request that the court issue an arrest warrant for the non-appearing person.

(1) On the first failure to appear, except for good cause shown, the court shall issue and hold the arrest warrant to the next available date and order the applicant to give written notice to the non-appearing person informing him or her that an arrest warrant will issue if he or she does not appear for examination on the continued date.

(2) The applicant must pay forthwith the service fee required by Government Code section 26744 (applies when the warrant is issued and not held).

(e) Continuance. No continuance will be granted unless both the applicant and the person to be examined appear on the date of the examination or the applicant appears with a valid proof of service for the non-appearing person.

(f) Claims of Non-Service. If the person ordered to appear denies service of the order for appearance, the court shall conduct a hearing solely to determine if proper service was made. The court may continue the examination to permit any person to present evidence in support or in opposition to the claim of non-service. If the court determines that service was not made, it may dismiss the proceeding without costs awarded to the applicant.

(g) Claims That Statements in the Application Are Untrue. When the truth of material facts set forth in the application filed in support of an order issued pursuant to Code of Civil Procedure sections 708.110, 708.120, or 708.130 is disputed by the person, firm, or corporation to whom the order was directed, the court shall conduct a hearing. If the court finds that material facts set forth in the application are untrue, the court shall dismiss the proceeding without costs awarded to the applicant.

(Rule 3.221 new and effective July 1, 2011)

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3.222 WRITS OF EXECUTION, POSSESSION AND SALE

(a) Papers Required. A party who applies for a writ of execution, possession and sale or related orders must file the following papers:

(1) Application for Issuance of Writs of Execution, Possession and Sale and Related Orders;

(2) The Writ of Possession, Sale and Execution and Related Orders, completed in full except for the seal and signature of the deputy clerk.

(b) Location of Filing. The Application and Writ and Related Orders must be filed in the clerk's office as follows:

(1) In the Central District, Room 426, Judgments Section.

(2) In other districts, the department or office designated by the supervising judge.

(Rule 3.222 new and effective July 1, 2011)

3.223 WRIT OF EXECUTION ON A DWELLING

(a) Evidence Required. An application for an order for sale of a dwelling must provide at the hearing competent evidence of the following:

(1) The fair market value of the property by a real estate expert;

(2) Litigation guarantee or title report that contains a legal description of the property, the names of the current owners, a list of all deeds of trust, abstracts of judgments, tax liens and other liens recorded against the property, whether a declaration of homestead has been recorded, whether a current homeowner's exemption or disabled veteran's exemption has been filed with the county assessor, and the persons claiming such exemption;

(3) The amount of any liens or encumbrances on the dwelling, and the names and addresses of the lienholders and when the judgment creditor's lien attached. The judgment creditor must ascertain the precise amounts of obligations secured by senior liens by making a written demand for beneficiary statements from senior lienholders pursuant to Civil Code section 2943. The judgment creditor may need to conduct an examination pursuant to Code of Civil Procedure sections 708.120 or 708.130 to determine the precise amounts of the junior liens, the daily rate of interest due on the senior and junior liens, and encumbrances of record; and

(4) The date of service on the judgment creditor of the levying officer's notice that the dwelling was levied upon.

(b) Certified Order. The clerk will provide the judgment creditor with a certified copy of the court order for transmittal to the levying officer. If the judgment was entered in another court, the clerk also will provide a certified copy of the order for transmittal to the clerk of the court in which the judgment was entered.

(Rule 3.223 new and effective July 1, 2011)

3.224 **RESERVED**

3.225 **RESERVED**

3.226 **RESERVED**

3.227 **RESERVED**

3.228 **RESERVED**

3.229 **RESERVED**

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SPECIAL PROCEEDINGS

3.230 SMALL CLAIMS

(a) Trial Preparation. In small claims court cases (1) the parties must exchange exhibits, (2) the parties must inform the clerk before trial of any special challenges to be made, such as venue, and (3) any party needing an interpreter is responsible for obtaining the services of an interpreter.

(b) Failure to Appear for Trial.

(1) If the plaintiff fails to appear, the case may be dismissed or judgment for defendant may be entered after evidence is presented. The court should advise the defendant that the plaintiff may file a motion to vacate the judgment.

(2) If a defendant who has filed an answer fails to appear, judgment may be awarded to plaintiff, but only after evidence is submitted.

(3) If both parties fail to appear on the date set for trial, the court will dismiss the case without prejudice.

(Rule 3.230 new and effective July 1, 2011)

3.231 PREROGATIVE WRITS

(a) Alternative Writ or Noticed Motion for a Peremptory Writ. A prerogative writ, also known as an extraordinary writ, begins with filing a verified petition. (Code Civ. Proc., § 1096.) Mandamus is the customary prerogative writ sought in the trial court. There are two means by which a party may set a mandamus petition for trial: noticed motion for a peremptory writ and alternative writ. The noticed motion procedure is strongly preferred by the court.

(b) Noticed Motion for a Peremptory Writ. A petitioner filing a noticed motion for peremptory writ may file a verified petition for the writ and then serve it on the respondent and any real party-in-interest in the manner of serving summons and complaint. (Code Civ. Proc., § 1088.5.)

(1) Trial Setting Conference. The court will hold a trial setting conference at which it will set the dates for record preparation, briefing of the motion, and a hearing date. The hearing on the motion is the trial of the case.

(2) Timing of the Hearing. The court generally will not set the matter for hearing until it is assured that any required administrative record has been prepared or that there is adequate time for gathering and organizing the evidence in a traditional mandamus case. Setting trial before these assurances have been made would only unnecessarily clog the court's calendar and require continuance of trial.

(c) Alternative Writ. A petitioner seeking issuance of an alternative writ must apply first for the alternative writ directing the agency to take action or, in the alternative, show cause why it has not done so. (Code Civ. Proc., § 1087.) The application must be accompanied by a memorandum of points and authorities. The court may grant the alternative writ and set an order to show cause, or it may deny the writ outright. An alternative writ issued by a trial court is not a determination of the petition's final merit. It serves the function of a summons and, when properly served, provides the trial court with jurisdiction over the opposing party. If an alternative writ is granted, the subsequent order to show cause hearing is the hearing on the merits of the petition.

(1) Prior Service of Application. An alternative writ may not issue on an *ex parte* basis without proper notification. Absent a showing of good cause or waiver by the responding

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party, the petition, application for alternative writ, memorandum, and proposed alternative writ must be served on the respondent and any real party-in-interest pursuant to Code of Civil Procedure section 1010 *et seq.* at least five days before the alternative writ hearing. Although service by mail is permitted, personal service is preferred. Proof of service is required with the application. (Code Civ. Proc., § 1107.)

(2) Briefing Schedule and Hearing Date. Issuance of the alternative writ places the matter on the court's calendar for an order to show cause hearing. It does not by itself result in a stay or afford any affirmative relief. A briefing schedule will be set by the court as part of the alternative writ.

(3) Service of Alternative Writ. The alternative writ and the order for its issuance (as well as the petition and other supporting papers if not previously served in this manner) must be served on the respondent and any real party-in-interest in the manner of serving summons and complaint, unless the court orders otherwise. (Code Civ. Proc., § 1096.)

(d) Service of a Board or Commission. Where service is required under either the noticed motion or alternative writ procedure, if the respondent or real party-in-interest is a board or commission, service must be made upon the presiding officer, or upon the secretary, or upon a majority of the members of such board or commission.

(e) Request for Stay. Upon filing the petition, and whether proceeding by noticed motion for a peremptory writ or alternative writ, a petitioner may make an *ex parte* application to stay the agency's decision in an administrative mandamus case under Code of Civil Procedure section 1094.5(h)(1), (if the agency is a licensed hospital or any state agency and a hearing was required by a statute to be conducted in accordance with the Administrative Procedures Act (Gov. Code, §§ 11340-11529)), or under Code of Civil Procedure section 1094.5(g). A stay of an agency decision in a traditional mandamus case is governed by principles for injunctive relief.

(f) Pleadings. The rules of practice governing civil actions are generally applicable to writ proceedings. (Code Civ. Proc., § 1109.) The respondent agency and real party-in-interest may file a demurrer, motion to strike, answer, or otherwise appear.

(g) Preparation of the Record. A record is required for administrative mandamus and for traditional mandamus review of quasi-legislative agency actions. The record in administrative mandamus cases generally consists of the pleadings, all notices and orders, the exhibits presented at hearing, all written evidence, the proposed and final decision, any post-decision actions, and any reporter's transcripts. In cases under Code of Civil Procedure section 1094.5, the petitioner must ensure that the record is prepared as necessary for the court's decision. The petitioner may elect to prepare the record or ask the respondent agency to prepare the record. As transcripts are often prepared separately by a court reporter, a petitioner often must contact both the respondent agency and the reporter to obtain the complete record. In cases under Code of Civil Procedure section 1094.6, the local agency must prepare the record. Whichever party prepares the record, the parties must cooperate to ensure timely completion of a record which they agree is complete and accurate. Under both Code of Civil Procedure sections 1094.5 and 1094.6, the petitioner bears the cost of preparing the record unless proceeding *in forma pauperis*, and in that circumstance the respondent bears the cost.

(1) The record must be consecutively numbered ("Bates-stamped") from beginning to end, including any transcript pages, and the parties must cite only to Bates-stamped page numbers in their briefs (*e.g.*, "AR 23").

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(2) The record must be bound in appropriate side-bound binders. Spiral binding is preferred and three-ring binders are acceptable.

(3) The evidence in administrative mandamus cases is confined to the administrative record, unless the exception in Code of Civil Procedure section 1094.5(e) applies. Unless otherwise ordered, any motion to augment the record under Section 1094.5(e) must be filed as a noticed motion to be decided at the trial hearing.

(h) Preparation of Evidence in Traditional Mandamus. In traditional mandamus based on an agency's ministerial duty or informal action, and in other prerogative writs where no administrative hearing was required by law, the evidence is presented by way of declarations, deposition testimony, and documentary evidence unless a statute expressly provides for a record. Although the court has discretion to do so, it will rarely permit oral testimony. The evidence must be attached as exhibits to the parties' briefs or filed as a separate appendix. If separately presented, the evidence must be bound in appropriate side-bound binders. Spiral binding is preferred and three-ring binders are acceptable.

(i) Briefing. The parties are subject to the limits of 15 pages for the opening brief, 15 pages for the opposition, and ten pages for the reply as set forth in California Rules of Court, rule 3.1113(d), unless the parties seek, and the court grants, an order for oversized briefs.

(1) Traditional or Administrative Mandamus. The opening and opposition briefs must state the parties' respective positions on whether the petitioner is seeking traditional or administrative mandamus, or both. If the petition seeks both traditional and administrative mandamus, the briefs must specify the portion of supporting evidence pertaining to each mandamus claim.

(2) Statement of Facts. The opening and opposition briefs must contain a statement of facts which fairly and comprehensively sets forth the pertinent facts, whether or not beneficial to that party's position, and each material fact must be supported by a citation to a page or pages from the administrative record as follows: (AR 23).

(3) Scope of Review. The scope of the court's review – "substantial evidence" vs. "independent judgment" – depends upon the nature of the relief sought and a variety of other factors. The parties must state their position on this issue in the opening and opposition briefs.

(j) Joint Appendix. If the record or evidence is voluminous, the court may order that the parties prepare a joint appendix of the pages actually cited in all of the parties' briefs. The purpose of the joint appendix is to provide the court with an easy-to-use single binder of the evidence supporting the parties' respective positions. The joint appendix shall consist of the pages actually cited in the parties' briefs, no matter which party cited them, in consecutive numerical Bates-stamp order with side tabs separating the pages that come from different documents. (If a party believes that it is necessary to provide context to a cited page, that party may include a cover page or other pertinent pages from a document even though not actually cited.) The parties may highlight significant information on the pages in the joint appendix, and may use different colors in order to show which party highlighted the information on a particular page. The joint appendix must be contained in a spiral bound or three-ring binder.

(k) Lodging the Record. The record, and joint appendix if one is ordered, must be lodged when the petitioner's reply brief is filed unless the court orders otherwise.

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(l) Trial; No Default. The “trial” consists of oral argument by the parties. A writ of mandate cannot be granted by default; the case must be heard by the court whether or not the adverse party appears. (Code Civ. Proc., § 1088.)

(m) Judgment. After trial, the prevailing party will be ordered to prepare a proposed judgment and any writ of mandate, serve them on the opposing parties for approval as to form, wait ten days after service for any objections, meet and confer if there are objections, and then submit the proposed judgment and applicable writ along with a declaration stating the existence or non-existence of any unresolved objections. An order to show cause re: judgment hearing will be set for purposes of resolving any objections and signing the judgment. If the judgment has been signed, no appearance will be required, and the hearing will be taken off calendar.

(Rule 3.231 new and effective July 1, 2011)

3.232 CEQA ACTIONS

(a) Application of Mandamus Rules. Unless otherwise noted, the rules for prerogative writs also apply to mandamus actions challenging an agency decision under the California Environmental Quality Act (“CEQA”) (Publ. Res. Code, § 21000 *et seq.*).

(b) Where Filed. Notwithstanding Local Rules 2.1(c), 2.7(p) and 3.24, CEQA actions must be filed in the Central District where they will be assigned to Department 1, as master calendar, for reassignment for all purposes, including any requests for a temporary restraining order or preliminary injunction, to judges designated by the Presiding Judge pursuant to Public Resources Code section 21167.1.

(c) Notice of Preparation of the Administrative Record. In accordance with Public Resources Code section 21167.6(a), the petitioner must serve the responding agency with either a request for preparation of the administrative record or a notice of election to prepare the record within ten business days after the action is filed.

(d) Preparing the Administrative Record.

(1) Preparation by the Respondent Public Agency.

(i) Under Public Resources Code section 21167.6(a), a petitioner may elect that the respondent agency prepare the record. To do so, the petitioner must file a request that the respondent agency prepare the record at the time of filing the petition, and serve the request on the agency within ten business days.

(ii) Within 20 calendar days after receipt of petitioner’s request, the respondent public agency must serve on all parties a preliminary notification of the estimated cost, setting forth an estimated range for the number of pages, the agency’s customary charge for copying per page, and any other estimated reasonable costs that will be charged for a copy of the record. The preliminary notification must also state the location(s) of the documents anticipated to be included in the administrative record, and the contact person(s) for an inspection of the documents as the record is being prepared. The preliminary notification must be supplemented by the agency from time to time as additional documents are located or determined appropriate for inclusion in the record.

(iii) Within 40 calendar days after service of the request that it prepare the record, the agency must serve all parties with a detailed index of the documents constituting the proposed record and a supplemental estimated cost for the record.

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(iv) Within seven calendar days after receipt of the index, the petitioner and any real parties-in-interest must serve a list of all documents or items that the party contends should be added to, or deleted from, the record.

(2) Preparation by Petitioner.

(i) The petitioner may choose to prepare the record by serving the respondent agency with a notice of election to prepare the record within ten business days of filing suit. Alternatively, the petitioner may notify the agency in writing within the same time period that the petitioner is considering an election to prepare the record.

(ii) Within 20 calendar days after receipt of either notice, the agency must provide the preliminary notification discussed above. The agency must supplement the preliminary notice as additional documents are located or determined appropriate for inclusion in the record.

(iii) Within five calendar days after receipt of the preliminary notification, the petitioner may elect to prepare the record by serving the agency with a notice of election to prepare the record.

(iv) Within 20 calendar days after service of the preliminary notification, the petitioner must serve on all parties a detailed index of the documents constituting the proposed record.

(v) Within seven calendar days after receipt of the index, the agency and any real parties-in-interest must serve a list of all documents or items that the party contends should be added to, or deleted from, the record.

(e) Certifying the Record. The record must be certified by the agency before it is lodged with the court. If the agency prepared the record, it must certify the record no later than 60 days after service of the petitioner's request that it be prepared. (Pub. Res. Code, § 21167.6(b)(1).) If the petitioner elected to prepare the record, the petitioner must transmit it to the agency, so that it is certified no later than 60 calendar days after the tenth business day following filing of the lawsuit.

If the agency refuses to certify the entire record prepared by the petitioner, it must make a partial certification, specifying any alleged defects in the record. The parties may stipulate or apply *ex parte* for one or more extensions of time to prepare and certify the record, although no one extension may exceed 60 days without a court determination that a longer period is in the public interest. (Pub. Res. Code, § 21167.6(c).)

(f) Disputes Over the Contents of the Administrative Record. Any dispute over the contents of the record must be resolved by noticed motion calendared for hearing at the same time as hearing on the mandate petition, or earlier as the court directs.

(g) Lodging the Record. The certified record, which must be well-organized and consecutively paginated (Bates-stamped) as required by Local Rule 3.231(g), must be lodged with the court when petitioner's reply brief is filed. Any joint appendix ordered by the court also must be lodged with the reply brief.

(h) Trial Setting. Petitioner must request a hearing within 90 days of filing the petition. (Pub. Res. Code, § 21167.4.) The court will set the matter for a trial setting conference, at which a trial date and briefing schedule will be set. Ordinarily, the court will not set the matter for trial until it is assured that the administrative record is or will be ready. The hearing date shall be set on (1) a date not later than 160 days from the date on which petitioner's request for a hearing was filed, to the extent that is feasible, or (2) a later date upon a showing of good cause or a stipulation of the parties. (Pub. Res. Code, § 21167.4.)

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(i) Mediation. In accordance with Government Code section 66031, the parties may elect to mediate a CEQA action. They shall notify the court of the election at the trial setting conference.

(j) Settlement Meeting. The parties are required by Public Resources Code section 21167.8(a) to hold a settlement meeting within 45 days of service of the petition on the responding agency. If the parties agree that a settlement meeting within that time frame is premature, the settlement meeting may be continued, so that it takes place after the administrative record has been certified and served. If the parties do not agree that the early meeting is premature, an initial meeting must take place within 45 days of service and a second meeting must take place within five days after the administrative record has been served. The parties may, but are not required to, schedule additional meetings.

(k) Statement of Issues. The parties are required by Public Resources Code section 21167.8(f) to file and serve a statement of issues which will be used by the opposing party and the court in identifying the legal and factual contentions at trial. The statements of issues must be consistent with, and may not expand on, the scope of the pleadings.

(l) Trial Notebook. Petitioner must prepare a trial notebook to be lodged with the petitioner's reply brief. The trial notebook must consist of the petition, the answer(s), the briefs, any motions set to be heard at trial, the statement of issues, and any other document(s) agreed upon by the parties.

(m) Trial. At the outset of trial, the lodged administrative record will be deemed to have been received into evidence without the need for court order.

(Rule 3.232 new and effective July 1, 2011)

3.233 **RESERVED**

3.234 **RESERVED**

3.235 **RESERVED**

3.236 **RESERVED**

3.237 **RESERVED**

EMINENT DOMAIN

3.238 **EMINENT DOMAIN ACTIONS**

The following rules concern the scheduling and conduct of eminent domain and inverse condemnation proceedings filed in the County and governed by the Eminent Domain Law, Code of Civil Procedure section 1230.010 *et seq.*

(Rule 3.238 new and effective July 1, 2011)

3.239 **PRE-FILING TESTING FOR CONTAMINATION OR OTHER CONDITIONS**

To avoid disruption and delay in eminent domain proceedings as a result of the discovery of contamination or other conditions, condemnors should follow the procedures provided in Code of Civil Procedure section 1245.010 *et seq.* to petition to enter and test for such contamination or condition prior to filing the complaint in eminent domain.

If pre-condemnation testing is conducted, copies of any reports of that testing shall be promptly provided to the owner upon the owner's request. The public entity shall notify the owner

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in writing of the availability of any testing report within 20 days after the report is completed. The cost of making one copy of the report shall be borne by the public entity.

If a condemnation action is filed and prejudgment possession is sought, and if the condemnor is then aware of contamination or other condition that may affect the value or potential uses of the property, the condemnor shall notify the owner of the existence of the contamination or other condition at the time a deposit is made to take prejudgment possession.

(Rule 3.239 new and effective July 1, 2011)

3.240 INITIAL CASE MANAGEMENT CONFERENCE

The court will set an initial case management conference approximately 90 days after the complaint is filed. (*See* Cal. Rules of Court, rule 3.722.) The date designated may be changed only upon order of the court.

(a) Joint Case Management Statement. All counsel must meet and confer on the topics required by California Rules of Court, rule 3.724, in person or by telephone no later than 15 calendar days prior to the initial case management conference. The parties must file a joint case management statement, Judicial Council form CM-110, signed by all counsel, no later than five calendar days prior to the initial case management conference. The case management statement must attach an addendum addressing the following issues:

(i) Brief statement of the purpose of acquisition, the property address, portion of property being taken, nature of improvements, and zoning;

(ii) Names and capacities of parties served and of parties not yet served;

(iii) Scope of the taking, if less than fee simple;

(iv) Whether condemnor intends to acquire subject to any easements, leases or other interests of record;

(v) Right-to-take challenges or other affirmative defenses anticipated to be raised, and by which parties;

(vi) Whether severance damages, benefits, pre-condemnation damages, loss of goodwill, or compensation for inventory are being claimed, and if so, by which parties;

(vii) Whether condemnor intends to seek prejudgment possession. If so, the anticipated date of possession and whether any defendants object thereto;

(viii) Whether Code of Civil Procedure section 1260.040 legal issue motions are anticipated;

(ix) Whether condemnor intends to claim that soil or groundwater contamination or other conditions in or on the property will affect the opinion of value, and if so, whether exchange of reports of contamination and estimated cleanup costs should be exchanged in advance of exchange of appraisals;

(x) Whether condemnor intends to seek prejudgment access for inspections or testing. If so, the anticipated date(s) of access and whether any defendants object thereto;

(xi) Whether bonus value or other apportionment issues are anticipated;

(xii) Nature of any disputes regarding title, non-permitted improvements, ownership of improvements pertaining to the realty, or tax proration;

(xiii) Whether delays are anticipated because of relocation of tenants, structures, or utilities;

(xiv) Whether the parties stipulate to the date of valuation;

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(xv) Whether the parties stipulate to the exchange of the final statutory offer and demand at the mandatory settlement conference;

(xvi) Other matters to which the parties are prepared to stipulate; and

(xvii) Other matters that may affect pretrial scheduling.

Counsel must bring to the initial case management conference a written stipulation and order concerning facts or issues to which they have stipulated.

(b) Date for Exchange of Expert Witness Lists and Appraisals. At the initial case management conference, the court will set a date for the simultaneous exchange of expert witness lists and appraisals. The date of exchange will be no sooner than nine months after the complaint is filed and will be at least 90 days prior to trial, unless the court orders otherwise for good cause shown. The parties also may stipulate to the exchange of expert lists and appraisals outside of court.

The court has adopted this rule concerning exchange of expert lists and appraisals as a substitute for, and as deemed compliance with, the procedures set forth in Code of Civil Procedure sections 1258.210-1258.290. The parties are not required to file a formal demand for exchange of expert lists and appraisals as provided for in Code of Civil Procedure section 1258.210. (*See* Code Civ. Proc., §1258.300.)

(c) Trial Date. In setting the trial date, the court shall consider the fact that eminent domain cases have precedence over other civil matters for hearing or trial in accordance with Code of Civil Procedure section 1260.010. The trial date generally will be set not less than one year from the filing of the complaint.

(d) Case Management Order. In the case management order, the court will set dates for the expert witness list and appraisal exchange, a seven-month status conference, a mandatory settlement conference, a trial readiness conference, and trial.

(Rule 3.240 new and effective July 1, 2011)

3.241 EXPERT WITNESS LISTS

The list of expert witnesses which each party must prepare and exchange shall include the name, business or residence address, and business, occupation, or profession of each person intended to be called as an expert witness by the party, and a statement of the subject matter to which his or her testimony relates.

(Rule 3.241 new and effective July 1, 2011)

3.242 APPRAISALS

(a) When Required. A party must exchange an appraisal prepared by or for each witness, including an owner of a property, who will offer an opinion on any of the following:

(i) The value of the property being taken;

(ii) The amount of the damage, if any, to the remainder of the larger parcel from which such property is taken;

(iii) The amount of the benefit, if any, to the remainder of the larger parcel from which such property is taken; and

(iv) The amount of any other compensation, including business goodwill and fixtures and equipment, which is required to be paid by Chapter 9 (Code Civ. Proc., §1263.010 *et seq.*) or Chapter 10 (Code Civ. Proc., § 1265.010 *et seq.*) of the Eminent Domain Law.

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(b) Content of Appraisal. At a minimum, appraisals shall contain the information set forth in Code of Civil Procedure section 1258.260 and the reason(s) for the witness's opinion(s).

(Rule 3.242 new and effective July 1, 2011)

3.243 AMENDMENT OF EXPERT LISTS AND APPRAISALS AFTER EXCHANGE

A party seeking to amend a list of expert witnesses or an appraisal after the exchange must bring a noticed motion for leave to amend, unless the court orders a different schedule for good cause shown. The motion must attach the proposed amended expert list or appraisal. In determining whether to permit the amendment the court will consider the following factors:

(1) Whether the moving party in the exercise of reasonable diligence should have determined to call the witness, or discovered or listed the opinion or data, by the exchange date;

(2) Whether the moving party failed to determine to call the witness, or to discover or list the opinion or data, through mistake, inadvertence, surprise, or excusable neglect; and

(3) The extent to which the opposing party has relied upon the list of expert witnesses and the appraisal opinion and data, and will be prejudiced if the witness is called or there is testimony concerning the opinion or data.

(Rule 3.243 new and effective July 1, 2011)

3.244 EXCLUSION OF WITNESSES OR TESTIMONY FOR FAILURE TO PROPERLY EXCHANGE EXPERT LISTS AND APPRAISALS

If a party fails to properly exchange expert lists or appraisals as required by these rules, any affected party may move to preclude the witness from testifying to an opinion or data during the case-in-chief of the party offering the witness.

At the hearing on the motion, the court may, in its discretion and upon such terms as may be just, permit a party to call a witness, or permit a witness to testify on direct examination to an opinion or data, for which there was not a proper exchange. In making that determination the court will consider the following factors:

(1) Whether the moving party in the exercise of reasonable diligence should have determined to call the witness, or discovered or listed the opinion or data, by the exchange date;

(2) Whether the moving party failed to determine to call the witness, or to discover or list the opinion or data, through mistake, inadvertence, surprise, or excusable neglect; and

(3) The extent to which the opposing party has relied upon the list of expert witnesses and the appraisal opinion and data, and will be prejudiced if the witness is called or there is testimony concerning the opinion or data.

(Rule 3.244 new and effective July 1, 2011)

3.245 MANDATORY SETTLEMENT CONFERENCE

The court will hold a mandatory settlement conference in each case before trial. The settlement conference shall be scheduled a sufficient time after the exchange of appraisals to allow the parties to conduct expert depositions and engage in settlement discussions.

All counsel and all persons with settlement authority must attend the settlement conference in person unless prior arrangements have been made with the court for that person to appear by telephone.

(Rule 3.245 new and effective July 1, 2011)

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3.246 FINAL OFFER AND FINAL DEMAND

At least 20 calendar days prior to the date of trial, plaintiff must file with the court and serve on the defendant(s) its final offer for the property sought to be condemned, and defendant must file with the court and serve on the plaintiff its final demand. (Code Civ. Proc., § 1250.410.)

Alternatively, the parties may agree that the requirements of Code of Civil Procedure section 1250.410 will be satisfied by exchanging and filing final offers and demands at the conclusion of the mandatory settlement conference.

(Rule 3.246 new and effective July 1, 2011)

3.247 **RESERVED**

3.248 **RESERVED**

3.249 **RESERVED**

3.250 **RESERVED**

3.251 **RESERVED**

ALTERNATIVE DISPUTE RESOLUTION

3.252 APPLICABLE LAW

The following rules concern the court-annexed ADR programs of mediation, voluntary settlement conference, neutral evaluation, and judicial arbitration. They do not apply to private contractual arbitration pursuant to Code of Civil Procedure section 1280 *et seq.*

Counsel using these procedures must familiarize themselves with the following applicable statutes, California Rules of Court, and Local Rules:

(1) For mediation, the pertinent provisions are Code of Civil Procedure sections 1775-1775.15, California Rules of Court, rules 3.870- 3.878, as well as Local Rules 3.25(d), 3.252-3.262, 3.268-3.274, and 3.307-3.313;

(2) For neutral evaluation, the pertinent provisions are Local Rules 3.252-3.262, 3.280-3.286, and 3.307-3.13; and

(3) For judicial arbitration, the pertinent provisions are Code of Civil Procedure sections 1141.10-1141.31, California Rules of Court, rules 3.810- 3.830, and Local Rules 3.25(b)(2), 3.252-3.262, 3.292-3.301, 3.307-313.

Additional ADR information, including ADR forms, is on the court's website at lasuperiorcourt.org/ADR.

(Rule 3.252 new and effective July 1, 2011)

3.253 ADR ADMINISTRATOR

Management of court-annexed mediation, voluntary settlement conference, neutral evaluation and judicial arbitration is conducted generally under the supervision of the ADR Administrator appointed by the Presiding Judge. The Administrator's principal office is located in the Stanley Mosk Courthouse, Room 113. The Administrator also maintains an office and a representative (the ADR clerk) in each other courthouse where the ADR program is offered.

(Rule 3.253 new and effective July 1, 2011)

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3.254 ADR REFERRALS AND FURTHER STATUS CONFERENCE

The court will determine the suitability of a particular case for mediation, voluntary settlement conference, neutral evaluation, or arbitration on a case-by-case basis. The court will confer with counsel as to whether mediation, voluntary settlement conference, neutral evaluation, or arbitration offers a prospect of final disposition of the case without further proceedings. Counsel are encouraged to discuss the various ADR processes with their clients and explain the applicable confidentiality rules and non-binding nature of the selected ADR process. Whenever the court refers a case to mediation, neutral evaluation, or arbitration, it will set a completion date for the specified ADR process and a subsequent status conference.

Where an action was referred to the random select panel for mediation or arbitration, a hearing was scheduled, and the hearing did not go forward, the court will not refer the matter a second time.

(Rule 3.254 new and effective July 1, 2011)

3.255 ADR NEUTRAL SELECTION AND QUALIFICATIONS FOR ADR NEUTRAL PANELS

Prior to selecting an ADR neutral (mediator, neutral evaluator, or arbitrator), all ADR intake forms (LASC ADR Form Nos. 011 and 039) must be completed and submitted to the ADR office either in person, by facsimile, or if available, online. Each ADR process has a Random Select panel and a Party Select panel. For the neutral selection process and panel qualifications, refer to Appendix 3.B for mediation, Appendix 3.C for neutral evaluation, and Appendix 3.D for arbitration. If the parties decide to select a private neutral (Cal. Rules of Court, rules 3.812, 3.893) after initially selecting a neutral from the court's panel, plaintiff's counsel must immediately notify the ADR Department that the parties will not require the services of the court panel neutral.

(Rule 3.255 new and effective July 1, 2011)

3.256 RECUSAL AND DISQUALIFICATION OF ADR NEUTRAL

For the rules governing recusal and disqualification of an ADR neutral, refer to Appendices 3.E for mediators and neutral evaluators and 3.F for arbitrators (LASC ADR Form Nos. 077, 078).

(Rule 3.256 new and effective July 1, 2011)

3.257 RELATED/COORDINATED/CONSOLIDATED CASES

Counsel in cases that have been related, coordinated, or consolidated must inform the court if any of the cases has a pending ADR proceeding. If the pending ADR proceeding is a court-annexed ADR proceeding governed by these rules, counsel must also inform the ADR office.

(Rule 3.257 new and effective July 1, 2011)

3.258 INTERPRETERS

Any party desiring an interpreter for an ADR proceeding must make all arrangements directly with the interpreter and assume the costs of the interpreter's service unless otherwise ordered by the court. That party must notify the ADR office, all other parties, and the ADR neutral at least ten days before the hearing date or at the pre-hearing conference with the neutral, whichever is earlier.

(Rule 3.258 new and effective July 1, 2011)

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3.259 *EX PARTE* COMMUNICATION WITH ADR NEUTRAL

As used herein, the term “*ex parte* communication” means communication with the ADR neutral by counsel (which by definition includes self-represented litigants (Local Rule 3.1) outside the presence of opposing counsel.

(1) In mediation, *ex parte* communications with the mediator are not prohibited.

(2) In a neutral evaluation, unless counsel and the neutral evaluator agree to the contrary, and except with respect to scheduling matters, *ex parte* communication with the neutral evaluator must not occur until after the neutral evaluator has committed his or her evaluation to a writing.

(3) In an arbitration, except with respect to scheduling matters, *ex parte* communication with the arbitrator must not occur until after the arbitrator has filed and served the award of arbitration.

(Rule 3.259 new and effective July 1, 2011)

3.260 CONFIDENTIALITY

Except as provided below, court-annexed mediation and neutral evaluation is subject to the confidentiality privilege set forth in Evidence Code sections 703.5 and 1115-1128 and no communications made in connection with the mediation or the neutral evaluation, including the evaluation, may be disclosed to the judge or to anyone else not involved in the mediation or neutral evaluation unless otherwise agreed to by all parties. The mediator or neutral evaluator must require the parties and all persons attending the mediation or neutral evaluation meeting to sign a confidentiality agreement.

This rule does not prohibit:

(1) Disclosures as may be stipulated in writing by all parties and the mediator or neutral evaluator;

(2) A report to or inquiry by the ADR Administrator concerning a complaint against a mediator or a neutral evaluator;

(3) The neutral evaluator from discussing the neutral evaluation meeting with the court’s ADR staff, who shall maintain the confidentiality of the neutral evaluation meeting;

(4) Any participant or the mediator or neutral evaluator from responding to an appropriate request for information made by persons authorized by the ADR department of the clerk’s office to monitor or evaluate the court’s ADR program;

(5) Disclosures required by law; and

(6) A settlement agreement signed by all parties waiving the confidentiality provision of Evidence Code section 1152 *et seq.*, and which contains a provision asking the court to dismiss and retain jurisdiction to enforce the terms of the settlement agreement pursuant to Code of Civil Procedure section 664.6.

Arbitration proceedings and the arbitration award are not confidential.

(Rule 3.260 new and effective July 1, 2011)

3.261 NOTICE OF SETTLEMENT BEFORE ADR HEARING (Cal. Rules of Court, rule 3.1385)

If a case settles, plaintiff’s counsel must immediately serve a copy of written notice of the settlement or other disposition on the ADR neutral and the ADR office. If a mediation, voluntary settlement conference, neutral evaluation meeting, or arbitration is imminent, plaintiff’s counsel

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must also give this notice orally. If plaintiff's counsel fails to notify the ADR neutral of a settlement at least two days before a scheduled mediation, neutral evaluation meeting, or arbitration, the court may order the party to compensate the ADR neutral in an amount not less than \$150 and not greater than \$450. (*See* Local Rule 3.25(g).)

The neutral must file the Application and Motion for Compensation within five court days of the scheduled mediation, neutral evaluation meeting, or arbitration. If a dismissal has been filed, the court retains jurisdiction to hear the Application and Motion for Compensation.

(Rule 3.261 new and effective July 1, 2011)

3.262 SURVEY FORM

In all cases referred to an ADR process, within ten days after completion of the mediation, voluntary settlement conference, neutral evaluation meeting, or arbitration, the parties must complete and file with the ADR office the follow-up survey form (LASC ADR Form No. 025) approved by the Administrative Office of the Courts.

(Rule 3.262 new and effective July 1, 2011)

3.263 RESERVED

3.264 RESERVED

3.265 RESERVED

3.266 RESERVED

3.267 RESERVED

MEDIATION

3.268 SUMMARY DESCRIPTION OF MEDIATION

In mediation, a "mediator" is a neutral person who helps the parties try to reach a mutually acceptable resolution of the dispute. The mediator does not decide the dispute, but rather helps the parties communicate so they can settle the dispute themselves. Mediation leaves control of the outcome with the parties.

(Rule 3.268 new and effective July 1, 2011)

3.269 CASES WHICH MAY BE ORDERED INTO MEDIATION

Limited jurisdiction cases may not be ordered to mediation. The following unlimited actions may be ordered to mediation:

(1) Any action in which the court determines that the amount in controversy will not exceed \$50,000 for each plaintiff; and

(2) Any action in which each plaintiff timely agrees in writing that the amount in controversy will not exceed \$50,000.

(Rule 3.269 new and effective July 1, 2011)

3.270 CASES WHICH MAY BE REFERRED TO MEDIATION

Court-annexed mediation may be initiated at any time after the filing of the complaint in any of three ways:

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(1) In unlimited jurisdiction cases, where the court determines the controversy is suitable for mediation and the parties' consent;

(2) In limited jurisdiction cases, where all parties sign a stipulation to participate in a mediation; and

(3) In any case, regardless of the amount in controversy, in which all parties stipulate to mediation. The stipulation must be filed not later than 90 days before trial unless the court permits otherwise.

(Rule 3.270 new and effective July 1, 2011)

3.271 HEARINGS

(a) Setting Time and Place of Mediation. Within 15 days after his or her appointment, and after consulting with counsel for the parties, the mediator must set a time and place for mediation before the mediation completion date.

(b) Notice of Mediation. The mediator must send Notice of Mediation (LASC ADR Form No. 028) to all parties and the ADR office.

(c) Continuance of Mediation. If the parties request a continuance before the date set for mediation, the mediator should accommodate the request, if feasible. If the mediator is unable to accommodate the request, he or she must complete the Statement of Agreement/Non-Agreement indicating that a mediation was scheduled but did not take place.

(Rule 3.271 new and effective July 1, 2011)

3.272 APPEARANCES REQUIRED AT MEDIATION

Each party may have counsel present at all mediation sessions. Each party also must personally appear at the first mediation session, and at any subsequent session unless excused by the mediator. When the party is other than a natural person, it must appear through a representative with authority to resolve the dispute or, in the case of a governmental entity that requires approval of a settlement agreement, by an elected official or legislative body, through a representative with authority to recommend such an agreement. Representatives of insurers with decision-making authority are required to attend all mediation sessions, unless personal attendance is excused by the mediator.

(Rule 3.272 new and effective July 1, 2011)

3.273 SUBMISSION OF BRIEFS

Pursuant to California Rules of Court, rule 3.894(b)(2), the mediator may request a short statement providing information about the issues in dispute.

(Rule 3.273 new and effective July 1, 2011)

3.274 ADR REPORTS

(a) Attendance Sheet. The mediator must ask all participants to complete the attendance sheet stating their names, addresses, and telephone numbers.

(b) Statement of Agreement/Non-Agreement. At the conclusion of the mediation process, the mediator must serve the parties with a Statement of Agreement/Non-Agreement (LASC ADR Form No. 100). The mediator also must file the statement, accompanied by a proof of service on the parties, with the ADR office.

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(Rule 3.274 new and effective July 1, 2011)

3.275 **RESERVED**
3.276 **RESERVED**
3.277 **RESERVED**
3.278 **RESERVED**
3.279 **RESERVED**

NEUTRAL EVALUATION

3.280 SUMMARY DESCRIPTION OF NEUTRAL EVALUATION

A “neutral evaluator” is an objective, experienced attorney with expertise in the subject matter of the case. The neutral evaluator will convene an informal meeting of clients and counsel where the following occurs:

(1) Each side, (through counsel, clients or witnesses), will present evidence and argument supporting its case, (without regard to rules of evidence and without direct or cross-examination of witnesses). The neutral may ask questions in the interests of clarity and efficiency during a party’s presentation.

(2) After the initial presentations, the neutral evaluator may ask substantive questions and raise issues. Thereafter, each side may present a responsive presentation.

(3) Following the presentations and questioning, the neutral evaluator will identify areas of agreement and disagreement, clarify and focus the issues, and encourage the parties to enter into procedural and substantive stipulations.

(4) The neutral evaluator must prepare an evaluation outside the presence of the parties, which may include:

(A) An estimate, where feasible, of the likelihood of liability and the dollar range of damages, if any;

(B) An assessment of the relative strengths and weaknesses of each party’s case; and

(C) The reasoning that supports these assessments.

(5) The neutral evaluator must offer to present the evaluation to the parties, who may then ask either to:

(A) Hear the evaluation (which must be presented if any party so requests),

(B) Conduct focused discovery or make additional disclosures, or

(C) Postpone hearing the evaluation in order to engage in settlement discussions facilitated by the evaluator, which may be conducted in separate meetings with each side. Any such settlement discussions do not constitute mediation under the court’s ADR Program.

(6) If settlement discussions do not occur or do not resolve the case, the neutral evaluator may:

(A) Help the parties devise a plan for sharing additional information and/or conducting the key discovery that will expeditiously equip the parties to enter meaningful settlement discussions or position the case for disposition by motion or trial;

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(B) Help the parties to realistically assess litigation costs; and/or

(C) Determine whether some form of follow-up to the neutral evaluation would contribute to case development or settlement.

(Rule 3.280 new and effective July 1, 2011)

3.281 CASES ELIGIBLE FOR NEUTRAL EVALUATION

Neutral evaluation is available on a voluntary basis only and may not be ordered. If the case is an eligible case, the parties may at any time request a referral to the neutral evaluation program by filing a stipulation to participate in that program. Upon receipt of the stipulation, the court may refer the parties to neutral evaluation if it decides that the case is suitable.

A case will be eligible for one neutral evaluation program, if it is one of the following case types: employment, medical malpractice, legal malpractice, contract, unfair competition/trade secret, and real property. A case may be suitable if it has the following characteristics:

(1) Counsel or the parties are far apart on their views of the law and/or value of the case;

(2) The case involves technical or specialized subject matter, and it is important to have a neutral with expertise in that subject;

(3) Communication across party lines (about merits or procedure) could be improved;

(4) Equitable relief is sought and the parties, with the aid of a neutral expert, might agree on the terms of an injunction or consent decree; and/or

(5) The parties wish to communicate with each other about the case, but are not ready to discuss settlement.

(Rule 3.281 new and effective July 1, 2011)

3.282 HEARINGS

(a) Setting Time and Place of Evaluation Meeting. Within 15 days after his or her appointment, and after consulting with counsel for the parties, the neutral evaluator must set a time and place for the evaluation meeting before the neutral evaluation completion date.

(b) Notice of Evaluation Meeting. The neutral evaluator must send a Notice of Evaluation Meeting (LASC ADR Form No. 028) to all parties and the ADR office within fifteen days of the date of the notice of assignment. Notice of any continuance or cancellation of the evaluation meeting must also be served on all parties and the ADR office.

(c) Continuance of Evaluation Meeting. A requested continuance must not exceed 20 days and will be granted by the neutral evaluator only for good cause. The evaluation meeting must not be continued beyond the completion date except by order of the court. A request for extension of the deadline for conducting an evaluation meeting must be presented to the court either by motion, *ex parte* application, or stipulation no later than ten days before the completion date. If the request for the extension of the deadline is granted, the parties must notify the ADR office and the evaluator.

(Rule 3.282 new and effective July 1, 2011)

3.283 APPEARANCES REQUIRED AT THE EVALUATION MEETING

Each party may have counsel present at the neutral evaluation meeting. The parties also must personally appear at the evaluation meeting, unless all parties and the neutral evaluator specifically agree otherwise before the session. When the party is other than a natural person, it must appear

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through a representative with knowledge of the facts of the case and authority to resolve the dispute or, in the case of a governmental entity that requires approval of a settlement agreement by an elected official or legislative body, through a representative who is knowledgeable about the facts of the case and with authority to recommend such an agreement. Representatives of insurers with decision-making authority must attend the evaluation meeting, unless personal attendance is excused by the neutral evaluator.

(Rule 3.283 new and effective July 1, 2011)

3.284 SUBMISSION OF STATEMENTS AND DOCUMENTS

(a) Time for Submission. No later than seven days before the evaluation meeting, each party must submit a written Neutral Evaluation Statement directly to the neutral evaluator, serving it on all other parties.

(b) Prohibition Against Filing. The statements must not be filed and the court will not have access to them.

(c) Content of Statement. The statement may be in any format (pleading, letter, outline) as long as it is clear and concise. The statement should include, but is not limited to, the following:

(1) Identification of participants, by name and title or status:

(A) Person(s) with decision-making authority who, in addition to counsel, will attend the evaluation meeting as representative(s) of the party; and

(B) Person(s) connected with a party opponent (including an insurer representative) whose presence might substantially improve the utility of the evaluation meeting or the prospects for settlement.

(2) Required information:

(A) A brief statement of the facts of the case;

(B) Description of what plaintiff must prove in order to prevail and how plaintiff intends to make such proof;

(C) Description of what defendant must prove and how defendant intends to make such proof;

(D) Statement of the types and amounts of damages claimed; and

(E) Description of any discovery or evidentiary problems or related claims that may have an effect on the case.

(3) Whether there are legal or factual issues whose early resolution would reduce significantly the scope of the dispute.

(4) Highlighted copies of relevant documents which would materially advance the purposes of the evaluation meeting (*e.g.*, accident reports, medical reports, invoices evidencing special damages, dispositive motions and rulings, if any, *etc.*).

(Rule 3.284 new and effective July 1, 2011)

3.285 DISPOSITION OF STATEMENTS AND DOCUMENTS

Statements and documents received during the evaluation meeting must be returned after the evaluation meeting to the parties who offered them.

(Rule 3.285 new and effective July 1, 2011)

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3.286 ADR REPORT

Within ten days after the evaluation meeting, the neutral evaluator must file the ADR Outcome Form (LASC ADR Form No. 018) with the ADR office, indicating the date of the evaluation meeting, whether any follow up is scheduled, and whether the case settled, partially settled, or did not settle.

(Rule 3.286 new and effective July 1, 2011)

3.287 **RESERVED**

3.288 **RESERVED**

3.289 **RESERVED**

3.290 **RESERVED**

3.291 **RESERVED**

JUDICIAL ARBITRATION

3.292 SUMMARY DESCRIPTION OF ARBITRATION

In arbitration, an “arbitrator” is a neutral person who hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial, and the rules of evidence are often relaxed. Judicial arbitration is non-binding, which means that the parties are free to request a trial *de novo* if they do not accept the arbitrator’s decision.

(Rule 3.292 new and effective July 1, 2011)

3.293 CASES SUBJECT TO ARBITRATION

Judicial arbitration may be initiated by the court at any time after the filing of the complaint in any of three ways:

- (1) Where the court determines the controversy is amenable to arbitration pursuant to Code of Civil Procedure section 1141.10 *et seq.*;
- (2) Upon timely written election of the plaintiff agreeing that the award will not exceed \$50,000; and
- (3) Upon timely stipulation of the parties.

In categories (1) and (3), the arbitrator’s award is not limited to \$50,000 and may be for any amount.

(Rule 3.293 new and effective July 1, 2011)

3.294 CASES EXEMPT FROM ARBITRATION

The following actions are exempt from judicial arbitration as provided by California Rules of Court, rule 3.811, or other authority:

- (1) Actions containing a non-frivolous or insubstantial prayer for equitable relief;
- (2) Class actions;
- (3) Small claims actions or trial *de novo* on appeal;
- (4) Unlawful detainer proceedings;

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(5) Any action found by the court upon its own motion or on motion of a party not to be amenable to arbitration on the ground that arbitration would not reduce the probable time and expense necessary to resolve the litigation;

(6) All limited civil cases in which no jury trial is demanded and the estimated time for trial is less than three days (15 hours of court time); and

(7) A short cause case found by the court to be exempt from case management review pursuant to California Rules of Court, rule 3.735(b).

(Rule 3.294 new and effective July 1, 2011)

3.295 WITHDRAWAL FROM ARBITRATION

A case submitted to arbitration may only be withdrawn before hearing by court order upon stipulation or noticed motion and hearing in the department where the case is pending.

(Rule 3.295 new and effective July 1, 2011)

3.296 HEARINGS

(a) Pre-Arbitration Conference. The arbitrator may hold a pre-arbitration conference if he or she finds it helpful to confer with counsel informally before the arbitration begins. Attendees at such conference must be prepared to discuss (1) time estimate for hearing, (2) documentary evidence to be offered, (3) stipulations, (4) issues to be determined, and (5) depositions to be used. The arbitrator may conduct this conference by telephone.

(b) Setting Time and Place of Arbitration. The arbitrator must set the time and place for the arbitration after consultation with counsel for the parties and consistent with California Rules of Court, rule 3.817. The arbitrator must ensure that the arbitration is set prior to the arbitration completion date.

(c) Notice of Arbitration. The arbitrator must send a Notice of Arbitration (LASC ADR Form No. 028) to all parties and the ADR office.

(d) Continuance of Arbitration. The parties may stipulate to a continuance of the arbitration as provided for in California Rules of Court, rule 3.818. The arbitrator may also continue the arbitration on his or her own motion provided that the continuance does not at any one time exceed 20 days. The arbitration must not be continued beyond the completion date except by order of the court. If the request for the extension of deadline is granted, the parties must notify the ADR office and the arbitrator.

(Rule 3.296 new and effective July 1, 2011)

3.297 APPEARANCES REQUIRED AT ARBITRATION

Counsel (which includes by definition a self-represented party (Local Rule 3.1)) must appear at the arbitration. Counsel's non-appearance may subject that party and its attorney, after notice and an opportunity to be heard, to monetary sanctions. Sanctions may include, but are not limited to, suitable compensation to the arbitrator and to the parties who did appear at the arbitration, plus the attorney's fees incurred in making the request for sanctions.

(Rule 3.297 new and effective July 1, 2011)

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3.298 DISCOVERY DURING ARBITRATION

The right to conduct discovery before and after the arbitration is governed by California Rules of Court, rule 3.822.

(Rule 3.298 new and effective July 1, 2011)

3.299 SUBMISSION OF BRIEFS/EVIDENCE

The submission of evidence and briefs at the arbitration is governed by California Rules of Court, rule 3.823.

(Rule 3.299 new and effective July 1, 2011)

3.300 DISPOSITION OF EXHIBITS

Documents, statements, and exhibits received in evidence during the arbitration should be returned to the parties who offered them after the arbitrator issues the arbitration award. Many arbitrators request that the parties offer copies in evidence so that the arbitrator can discard them after the award of arbitration has been made. The arbitrator must not destroy original exhibits since they may be required in the event of a trial *de novo*.

(Rule 3.300 new and effective July 1, 2011)

3.301 ADR REPORTS

(a) Award of Arbitration. Consistent with California Rules of Court, rule 3.825, the arbitrator must serve the Award of Arbitration (LASC ADR Form No. 014) on each party within ten court days after the arbitration and on or before the arbitration completion date. The arbitrator also must file the award, accompanied by a proof of service on the parties, with the ADR office.

(b) Notice of Trial *De Novo*. A party requesting trial *de novo* must file the request (LASC ADR Form No. 102) with the ADR office, accompanied by a proof of service on all other parties, within thirty days of receipt of the arbitration award.

(Rule 3.301 new and effective July 1, 2011)

3.302 ARBITRATION PANELS

The arbitration panels maintained by the court pursuant to California Rules of Court, rule 3.814, will be made available for judicial arbitration of limited jurisdiction cases.

(Rule 3.302 new and effective July 1, 2011)

3.303 **RESERVED**

3.304 **RESERVED**

3.305 **RESERVED**

3.306 **RESERVED**

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**QUALITY ASSURANCE RULES APPLICABLE TO MEDIATION,
NEUTRAL EVALUATION, AND ARBITRATION**

3.307 QUALITY ASSURANCE SUBCOMMITTEE

The ADR department maintains panels for both Party Select and Random Select ADR neutrals. California Rules of Court, rule 3.865(a) mandates that any court maintaining a list of or assigning mediators must establish procedures for receiving, investigating, and resolving complaints against those mediators. The court has established procedures for mediators in accordance with California Rules of Court, rule 3.865(b), and uses the same procedures for all neutrals on its ADR panels.

The court's ADR Quality Assurance Subcommittee ("QAS") of the ADR Committee will be comprised of at least one judge and a small number of commissioners, referees, lawyers, ADR neutrals, and the court's ADR Administrator or the Administrator's designee. The ADR Administrator and the QAS fulfill the requirement of California Rules of Court, rule 3.866, for designation of a person to receive, coordinate, and investigate inquiries or complaints about the conduct of neutrals.

(Rule 3.307 new and effective July 1, 2011)

3.308 COMPLAINTS

Under the direction of the ADR Committee and the ADR Administrator, ADR staff will evaluate the merits of a complaint about an ADR neutral received from any source. If a complaint is deemed sufficiently meritorious, it will be placed on the QAS agenda to determine if further investigation is warranted.

A complaint is deemed sufficiently meritorious if it involves:

- (1) An alleged violation of a statute or the constitution of the State of California, a rule of the California Rules of Court specifically related to the conduct of mediators, or a Local Rule;
- (2) Alleged conduct of a nature that casts doubt upon the integrity of the ADR process; or
- (3) Alleged conduct that appears to be part of a continuing pattern that requires further investigation.

(Rule 3.308 new and effective July 1, 2011)

3.309 STAFF INQUIRIES

A staff inquiry is the first level of investigation after a complaint is received about an ADR neutral. A staff inquiry may, but need not, precede an investigation by the QAS. The purpose of a staff inquiry is to determine whether sufficient facts exist to warrant a further investigation by the QAS. At the conclusion of a staff inquiry, the following action may be taken:

- (1) Closure of the matter;
- (2) Issuance of an inquiry letter to the ADR neutral or the complaining party, as staff deems appropriate;
- (3) Issuance of an advisory letter, in consultation with the ADR Administrator and the QAS, suggesting corrective action; or

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(4) Placement of the complaint on the QAS agenda for a determination whether further investigation is warranted.

(Rule 3.309 new and effective July 1, 2011)

3.310 STAFF ACTION BETWEEN MEETINGS OF THE QAS

In a circumstance where a complaint or other information of misconduct comes to the attention of ADR staff between QAS meetings which appears to warrant suspension or removal from the court's ADR panel, the ADR Administrator may temporarily place a neutral on inactive status. The chairperson or acting chairperson of the QAS also may, in his or her discretion, authorize ADR staff to take such action as identified in Local Rule 3.309 as is necessary until the QAS can review the matter.

(Rule 3.310 new and effective July 1, 2011)

3.311 ADMONISHMENT TO ENSURE CONFIDENTIALITY

Persons questioned or interviewed in the course of a staff investigation of a complaint against an ADR neutral shall be admonished that the inquiry is confidential under California Rules of Court, rule 3.871(c).

(Rule 3.311 new and effective July 1, 2011)

3.312 RIGHT TO PROVIDE WRITTEN RESPONSE AND REQUEST RECONSIDERATION OF SUSPENSION OR REMOVAL

An ADR neutral has the right to provide a written response for consideration by the QAS and the ADR Committee to an allegation that could result in suspension or removal from an ADR panel.

A neutral may seek reconsideration of an action taken against him or her, and also may apply for reappointment following removal or suspension from an ADR panel.

(Rule 3.312 new and effective July 1, 2011)

3.313 CONFIDENTIALITY OF COMPLAINT FILES AND ACTIONS/NOTIFICATION TO COMPLAINANT

California Rules of Court, rule 3.871, specifically states that all procedures for handling complaints about the conduct of the ADR mediator must be designed to ensure confidentiality. The court has determined that the necessity of preserving the confidentiality of complaints against and investigations of all ADR neutrals outweighs the necessity for public disclosure, including to the neutral or complainant. A complainant and the subject ADR neutral may be notified (1) of the receipt of a complaint, and (2) when the matter has been deemed resolved. At the resolution of any staff inquiry or QAS investigation, the complainant will be advised if action approved by the QAS was undertaken to address the complaint, but no further details will be provided.

(Rule 3.313 new and effective July 1, 2011)

3.314 RESERVED

3.315 RESERVED

3.316 RESERVED

3.317 RESERVED

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3.318 **RESERVED**

VOLUNTARY SETTLEMENT CONFERENCE

3.319 **SUMMARY DESCRIPTION**

A “settlement officer” is an objective, experienced attorney with expertise in the subject matter of the case. The settlement officer will meet with the parties to review the issues, analyze the case, and consider settlement recommendations. A voluntary settlement conference (“VSC”) is available on a voluntary basis only and may not be ordered.

(Rule 3.319 new and effective July 1, 2011)

3.320 **CASES ELIGIBLE FOR A VOLUNTARY SETTLEMENT CONFERENCE**

The court may review the status of an automobile or slip and fall personal injury case at any time to determine if it is suitable for the VSC program. If the court so determines, it may make the referral and set the dates for completion of the VSC and a post-VSC status conference.

(Rule 3.320 new and effective July 1, 2011)

3.321 **SETTING CONFERENCE DATE**

Once the VSC has been scheduled, the date may not be changed. An action assigned to a VSC precludes assignment to any other form of court-sponsored *pro bono* ADR.

(Rule 3.321 new and effective July 1, 2011)

3.322 **ATTENDANCE**

Trial counsel for all parties appearing in the action and persons with full settlement authority must personally attend the conference unless excused by the court for good cause. If consent to settle is required for any reason, the party with consensual authority must personally be present at the conference. Counsel must be fully prepared to discuss the evidence involving both liability and damages.

(Rule 3.322 new and effective July 1, 2011)

3.323 **SETTLEMENT CONFERENCE STATEMENT**

No later than five court days before the initial date set for the settlement conference, each party must submit a settlement conference statement to the settlement officers and serve it on every other party, but not file it with the court. The settlement conference statement must contain a good faith demand (by each plaintiff), an itemization of the economic and non-economic damages (by each plaintiff), a good faith settlement offer (by each defendant), and a statement identifying and discussing in detail all facts and law pertinent to the issues of liability and damages as to the party.

(Rule 3.323 new and effective July 1, 2011)

3.324 **OFFERS TO COMPROMISE**

Evidence Code section 1152 concerning offers to compromise applies to the VSC.

(Rule 3.324 new and effective July 1, 2011)

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3.325 SETTLEMENT

If the case settles, all parties must notify the ADR office. If the settlement occurs within two days prior to the scheduled conference, plaintiff's counsel or the self-represented plaintiff shall immediately send a copy of written notice of settlement to the ADR office. If the settlement is reached during the settlement conference, the settlement may be enforced pursuant to Code of Civil Procedure section 664.6. In order to be enforceable and binding, the settlement agreement must either be reduced to writing and signed by all parties, adjusters, and counsel or agreed to "orally before the court."

(Rule 3.325 new and effective July 1, 2011)

3.326 **RESERVED**

3.327 **RESERVED**

3.328 **RESERVED**

3.329 **RESERVED**

3.330 **RESERVED**

3.331 **RESERVED**

3.332 **RESERVED**

3.333 **RESERVED**

3.334 **RESERVED**

CHAPTER FOUR

PROBATE DIVISION RULES

GENERAL PROVISIONS

4.1 APPLICABILITY OF RULES

(a) Applicability of Rules. The rules of this Chapter (“Probate Division Rules”) apply to all actions and proceedings to which the Probate Code applies and do not apply to any other action or proceeding.

(b) Rules of Construction. To the extent that the Probate Division Rules may add to existing statutory provisions relating to the same subject matter, they must be construed so as to implement the purposes of those statutes.

(c) Jurisdiction. The Probate Division Rules are not intended to expand or restrict the court’s jurisdiction in proceedings under the Probate Code.

(Rule 4.1 new and effective July 1, 2011)

4.2 EXCUSE FROM COMPLIANCE

The court for good cause may waive the application of the Probate Division Rules in an individual case.

(Rule 4.2 new and effective July 1, 2011)

4.3 PROBATE COURT INFORMATION

(a) District Courts Hearing Probate Matters. The following districts accept for filing and hear Probate matters:

<u>District</u>	<u>Case Number Prefixes</u>
Central District (Los Angeles)	BP/P
East District (Pomona)	KP/EAP
Northeast (Pasadena)	GP/NEP/NCP/EP/EP-B
North (Antelope Valley)	MP/NOP
Northwest (Van Nuys)	LP/PP/NWP/NVP
Southeast (Norwalk)	VP/SEP/SCP/TP
South (Long Beach)	NP/SOP
Southwest (Torrance)	YP/SWP
West (Santa Monica)	SP/WEP

(b) Addresses and Telephone Numbers and Calendaring Information. The address, telephone number, and calendaring information for each probate court is available online at www.lasuperiorcourt.org or by telephoning the pertinent courthouse.

(Rule 4.3 new and effective July 1, 2011)

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4.4 PROBATE ATTORNEY NOTES

(a) Probate Notes Available on the Web. “Probate Notes” are available in advance of a hearing at www.lasuperiorcourt.org. The commonly used abbreviations in the Probate Notes are set forth in Appendix 4.A.

(b) Clearing Probate Notes. The “Matters To Clear” section of the Probate Notes informs the parties of additional documents that are necessary to justify approval of the petition. Counsel must clear the items noted under the “Matters To Clear” section no later than 3:30 p.m. of the second court day preceding the hearing date.

(c) Updated Probate Notes. Counsel have the responsibility of confirming that the Probate Notes are updated after additional documents have been filed. If the Probate Notes have not been updated, counsel should contact the Probate Attorney in the Central District (and other districts, if available) via email.

(d) Failure to Clear Probate Notes. If the Probate Notes are not timely cleared, the court will continue the hearing, place the matter off calendar, deny the matter without prejudice, or take other action it deems necessary.

(Rule 4.4 new and effective July 1, 2011)

4.5 **RESERVED**

4.6 **RESERVED**

4.7 **RESERVED**

4.8 **RESERVED**

HEARINGS, *EX PARTE* PROCEDURES, AND TRIALS

4.9 SETTING OF PROBATE MATTER

A petition requiring a hearing will be assigned by the clerk at the time of filing. The petitioning party must insure that a hearing date has been assigned prior to leaving the filing window. A request for an early setting must be presented in the Office of the Probate Attorney and must be accompanied by a declaration of urgency. Such requests will be granted only if good cause has been shown; the convenience of counsel or a party does not constitute good cause.

(Rule 4.9 new and effective July 1, 2011)

4.10 RESETTING PETITION

A request to reset a petition previously placed off calendar must be made in the Probate Attorney’s Office. Supplemental papers setting forth the current status of the case must be presented at the time of the request.

(Rule 4.10 new and effective July 1, 2011)

4.11 CENTRAL DISTRICT - PROBATE LAW AND MOTION

(a) Setting Hearing for Law and Motion. Law and motion and discovery matters in the Central District are heard Monday through Friday at 10:00 a.m.

(b) Oppositions, Joinders, and Replies. In the Central District an opposition or joinder to a law and motion matter must be filed at the probate filing window. Replies to opposition papers must

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be filed in the department assigned to the case for hearing. The court will not consider surreply papers absent a showing of good cause.

(Rule 4.11 new and effective July 1, 2011)

4.12 *EX PARTE* PROCEDURES

(a) Timing in Central District. In the absence of exceptional circumstances, all *ex parte* matters in the Central District must be presented to the Probate Attorney's Office at 8:30 a.m. daily.

(b) Timing in Other Districts. *Ex parte* matters in other districts will be heard at the time and place designated by each district. Information concerning *ex parte* matters may be obtained at www.lasuperiorcourt.org or by telephoning the district courthouse.

(c) Preliminary Considerations:

(1) Payment of Filing Fees. A party must pay the filing fee and obtain the court file before presenting an *ex parte* matter to the Probate Attorney for review.

(2) Special Notices. The *ex parte* application, petition or motion must include an allegation that special notice has been given, has not been requested, or a written waiver of special notice has been filed as required by California Rules of Court, rule 7.55.

(d) Ex Parte Procedure. California Rules of Court, rule 3.1200 *et seq.*, must be followed for all *ex parte* applications.

(1) Emergency Ex Parte Matter. The court may set a hearing on an application for *ex parte* relief seeking immediate action where there is an opposition to the request.

(2) Drop-off Ex Parte Matter. *Ex parte* applications not seeking immediate action will be accepted for review as permitted by statute. These *ex parte* applications may be delivered to the Probate Attorney's Office at any time and will be reviewed by the Probate Attorney within five court days.

(3) Temporary Conservatorships and Guardianships. A petition for appointment of a temporary conservator or guardian, absent exigent circumstances, shall be set for hearing not less than five court days after filing. Hearing dates are assigned in the Probate Attorney's Office.

(4) Application for Nunc Pro Tunc Order. An application for a *nunc pro tunc* order may be presented *ex parte*.

(Rule 4.12 new and effective July 1, 2011)

4.13 PROBATE HEARINGS CANNOT BE ADVANCED

When a trust or decedent's estate matter has been set for hearing, or the hearing has been noticed and then continued to a definite date, the hearing will not be advanced to an earlier date. Additionally, the matter will not be heard on an earlier date by filing a new petition or an amended petition.

(Rule 4.13 new and effective July 1, 2011)

4.14 CONTINUANCE OF NON-TRIAL MATTERS

(a) Matters Not Ready for Hearing. If there has been no prior continuance, the court will usually continue for at least four weeks a matter that is not ready for hearing. A matter will be considered not ready for hearing when the Probate Notes state that there are unresolved procedural or factual issues, other than issues designated as "JTD" for the court to determine.

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If there are unresolved procedural or factual issues appearing in the Probate Notes on the second continued date, the matter will be placed off calendar or denied without prejudice, unless an oral motion for continuance is granted by the court.

(b) Continuance Pursuant to Stipulation. Matters will not be continued by stipulation of counsel without recommendation of the Probate Attorney or order of the court.

(c) Notice of Continued Matter. If a petition was properly noticed, new notice of the continued date is not required unless specifically ordered by the court. This rule does not apply to notice by citation.

(Rule 4.14 new and effective July 1, 2011)

4.15 TRIAL ON CONTESTED MATTERS IN CENTRAL DISTRICT

(a) Trial Setting. A contested matter will be set for trial. Counsel are required to provide the court with reasonable and accurate time estimates for trial. If the time estimate of either party is exceeded, the court may, in its discretion, deem the case submitted, declare a mistrial, or continue the matter to a new trial date.

(b) Alternative Dispute Resolution (ADR) Program. The court may refer a probate matter to the court's ADR program for *pro bono* mediation. The clerk will give counsel a form for Probate Referral to Court *Pro Bono* Panel. Counsel must immediately proceed to the ADR office to complete the ADR intake forms and mediator selection. The court's ADR rules are set forth in Local Rule 3.252 *et seq.*

(c) Joint Trial Statement.

(1) Meet and Confer. No later than thirty calendar days before the date set for trial, counsel must meet and confer, in person, in good faith to prepare a Joint Trial Statement. Although the petitioner has the duty to initiate the meet and confer process, the responding party(ies) must initiate it if the petitioner fails to timely do so. Both counsel are subject to imposition of monetary and/or other appropriate sanctions if the meet and confer process is not completed.

(2) Filing Joint Statement. The Joint Trial Statement must be filed directly with the clerk of the department where the matter is pending and served on all parties no later than ten calendar days before the trial date.

(3) Filing Separate Statement. In the rare case where the parties, after good faith attempts to do so, are unable to agree on a Joint Trial Statement, each party shall file directly with the clerk of the department where the matter is pending, and serve on all other parties, a Separate Trial Statement no later than ten calendar days before the trial date.

(4) Extension of Time. Compliance may be extended only by order of the court.

(d) Contents of Joint Trial Statement. The Joint Trial Statement or Separate Trial Statement must contain the following:

(1) Joint Statement Compliance. If the parties have failed to prepare and file a Joint Trial Statement, the Separate Trial Statement must summarize attempted compliance activity, including dates of meetings or discussions and total time spent in attempts to reach compliance;

(2) Expedited Presentation of the Case. The Statement must address in detail the use of summaries or statements, or other expedited means of presenting evidence including stipulated facts, agreements regarding admission of evidence, and agreements re summary of testimony;

(3) Factual Information. The Statement must include a complete and objective factual statement of the case including, as applicable a) the date of decedent's death and date of any wills

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or codicils, b) the date of appointment of personal representative/guardian/conservator, c) the names, ages and relationships of all persons relevant to the proceeding and names of counsel, d) the date and substance of any prior orders of the court, e) the filing date and substance of any documents pertinent to any contested issue (*e.g.*, inventories), f) the amount of any bond, and g) other relevant information.

(4) Uncontested Issues. The Statement must list and summarize all uncontested issues.

(5) Statement of Contested Issues. The Statement must include a concise statement of every contested issue. If the parties cannot agree on what the contested issues are, each issue must be noted with an identification of which party believes the issue to be contested and which party does not.

(6) Discussion of Contested Issues. For each contested issue, the Statement must present a brief but comprehensive discussion which includes the following:

a) Any factors relevant to that issue;
b) A list of all documents, schedules, or summaries to be offered at trial regarding the issue, a summary of each document's content and purpose, and a copy of each appraisal and expert report to be offered at trial;

c) For each percipient or expert witness that any party intends to call at trial, the witness' name and business address, a brief statement of the substance of the witness' testimony, and a time estimate for direct and cross-examination. This provision does not apply to any witness objectively and in good faith anticipated to be called solely for the purpose of impeachment; and

d) Any points and authorities relevant to a particular contested issue.

(e) Continuance. A trial may be continued for good cause only by order of the court. If all parties waive notice, an application for continuance may be presented *ex parte*. The application must be made at the earliest possible time and in no event less than one week prior to trial. A party's need for additional time to prepare for trial or to discuss settlement does not constitute good cause.

(f) Motions in Limine. Motions *in limine* must comply with the notice provisions of Code of Civil Procedure section 1005 and must be set for hearing no later than the first day of trial.

(Rule 4.15 new and effective July 1, 2011)

4.16 **RESERVED**

4.17 **RESERVED**

4.18 **RESERVED**

4.19 **RESERVED**

TRANSFERRING, CONSOLIDATING, AND RELATING CASES

4.20 **TRANSFER FROM ONE DISTRICT TO ANOTHER**

A motion to transfer from one district to another must be filed in the probate court of the district where the case is pending.

(Rule 4.20 new and effective July 1, 2011)

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4.21 CONSOLIDATION AND/OR TRANSFER OF CASES

When two or more petitions have been filed concerning the same decedent's estate, conservatee, minor or trust, the court may, in its sole discretion and on its own motion, consolidate them into the case assigned the lowest case number.

When two or more such petitions have been filed in different districts, the proceedings will be transferred to the district in which the first petition was filed, and the court may consider consolidating them.

Where cases have been transferred or consolidated, subsequent documents must be filed using the case number designated by the court in the consolidation and/or transfer order.

(Rule 4.21 new and effective July 1, 2011)

4.22 RELATED CASES

(a) Related Probate Cases. Two or more probate cases are related where they concern the same decedent, conservatee, ward, settlor/trustor or other substantially affected parties. Counsel must inform the court of all such related cases by filing and serving a notice of related cases in each case or by orally informing the court on the record. Related probate cases shall be transferred to the department to which the lead case is assigned, except where good cause is shown to the contrary. The first filed case shall be the lead case.

(b) Relating Probate Cases to Non-Probate Cases. The relation of non-probate cases to probate cases is governed by Local Rule 3.3(f) .

(Rule 4.22 new and effective July 1, 2011)

4.23 **RESERVED**

4.24 **RESERVED**

4.25 **RESERVED**

4.26 **RESERVED**

PLEADINGS

4.27 SUPPLEMENTAL AND AMENDED PLEADINGS

A "supplemental pleading" sets forth additional allegation after the original notification is filed, usually in response to Probate Notes. An "amended pleading" seeks new or additional relief from the original petition. An amended pleading requires the same notice (including publication) as the pleading it amends and must be filed and set for hearing as though an original petition. California Rules of Court, rule 7.104, governs the signing and filing of amended and supplemental pleadings.

(Rule 4.27 new and effective July 1, 2011)

4.28 OPPOSITION AND REPLY PLEADINGS

The Probate Code allows any interested person to appear and make a response or objection orally or in writing at or before the hearing. If a response or an objection is made at the time of the first hearing on a petition, the court will ordinarily continue the hearing to allow objections or a response to be filed and to allow the petitioner to file a reply to the response or the objections.

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If the court continues a matter to allow a written objection or response to be made, and the responding or objecting party fails to serve and file a timely objection or response, the court may deem the objections or responses waived.

(Rule 4.28 new and effective July 1, 2011)

4.29 ORDERS

(a) Orders in Contested Proceedings. Proposed orders must be separately lodged and not attached to the moving papers.

(b) Preparation of Order. Counsel must prepare proposed orders and decrees of the court where no Judicial Council form order is available.

(c) Probate Volunteer Panel (“PVP”) Attorney’s Approval of Order. For matters where the court has appointed a PVP Attorney, the PVP Attorney must indicate approval of the proposed order as to form by signing at the end of the proposed order. If the PVP Attorney’s signature is not obtained, a proof of service of the proposed order on the PVP Attorney must be submitted to the court with the proposed order.

(d) Content of Probate Order:

(1) Content of Order. The proposed order must contain the name of the judicial officer presiding, the date of the hearing, the department, and the names of all persons appearing at the hearing. The order must set forth, with the same particularity required of judgments in civil matters, all matters ruled upon by the court. No text may appear after the signature of the judicial officer.

(2) Order for Probate of Lost Will. The Judicial Council form “Order for Probate” must be used for an order probating a lost will with an attachment setting forth the terms of the lost will and/or codicil.

(3) Order Involving Real Property. An order affecting real property must include: a legal description of the real property, the street address (if applicable), and the Assessor’s Parcel Number (“APN”).

(4) Order Settling Account. An order settling an account must state the beginning and ending dates of the account period and contain general language approving the account report. The order must contain a statement of the balance of property on hand as reflected in the Summary of Account and the amount of cash included in the balance.

(5) Order Providing for Periodic Payments. An order providing for periodic payments must contain the following language “commencing _____ and continuing not to exceed _____ months.”

(e) Riders and Exhibits. When an order has attachments, the place for the judge’s signature must appear at the end of the last attachment and an appropriate notation must be made in the body of the order indicating that the signature is located at the end of the last attachment.

(f) Nunc Pro Tunc Order:

(1) Nunc Pro Tunc Order. When a signed order contains a clerical error, a party may obtain a corrected order by filing an application and presenting a proposed *nunc pro tunc* order correcting the error. The application for a *nunc pro tunc* order must include a supporting declaration and a proposed order. The documents must be presented with the court file to the Probate Attorney.

(2) Format of Order. The *nunc pro tunc* order must state substantially the following: “Upon the consideration of the application of _____, to correct a clerical error, the (identify the order to be corrected, giving the title and date thereof) is corrected, by striking the

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following (set forth the portion to be corrected) and by inserting in lieu thereof the following (set forth the corrected language)”.

To prevent confusion, the proposed order must strike the entire erroneous clause or sentence and then restate it as corrected.

(Rule 4.29 new and effective July 1, 2011)

4.30 ISSUANCE OF LETTERS TO PERSONAL REPRESENTATIVES OF DECEDENTS’ ESTATES

(a) Issuance of Letters. Where the court orders issuance of letters (testamentary/administration) to the personal representative of a decedent’s estate, the executed letters, the order of appointment, bond (if ordered), the Duties and Liabilities of the Personal Representative form, and the Confidential Supplement To Duties and Liabilities of Personal Representative form must be submitted to the clerk for issuance of the letters.

(b) Multiple Representatives. When the court appoints multiple representatives, the court will issue Letters jointly to all of the personal representatives appointed.

(c) Confidential Supplement to Duties and Liabilities of Personal Representative. The Confidential Supplement To Duties and Liabilities of Personal Representative form must be submitted by each personal representative and must contain the personal representative’s date of birth and driver’s license number. This confidential form must not be placed in the public court file.

(Rule 4.30 new and effective July 1, 2011)

4.31 **RESERVED**

4.32 **RESERVED**

4.33 **RESERVED**

4.34 **RESERVED**

**PROVISIONS COMMON TO VARIOUS CASE TYPES
AND MISCELLANEOUS PROCEEDINGS**

4.35 MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR A FIDUCIARY

When an attorney files a motion to withdraw as attorney of record for a fiduciary, service must be made by citation. The citation must be served in the manner provided in Code of Civil Procedure sections 415.10 or 415.30. If the fiduciary resides outside of California, service may also be made in the manner provided in Code of Civil Procedure section 415.40.

(Rule 4.35 new and effective July 1, 2011)

4.36 NOTICE

(a) Party Giving Notice. Where notice is required, counsel must file the notice form and proper proof of service with the court.

(b) Undelivered Notice. When notice is returned as undeliverable, the envelope containing such notice must be placed in the court’s file.

(Rule 4.36 new and effective July 1, 2011)

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4.37 PETITION TO DETERMINE TITLE TO REAL OR PERSONAL PROPERTY

(a) Caption and Setting. The caption of the petition must reference Probate Code section 850. Because of the 30-day notice requirement in Probate Code section 851, petitions will not be set for hearing sooner than six weeks from the date of filing. If counsel anticipates that there may be difficulties in completing the required service, a later date should be requested to avoid continuances.

(b) Notice of Hearing. The notice of hearing must contain the following:

(1) A description of the subject property sufficient to provide adequate notice to any party who might be interested in the property. For real property, the notice must state the street address or, if none, a description of the property's location.

(2) A statement advising any person interested in the property that he or she may file an answer to the petition.

(Rule 4.37 new and effective July 1, 2011)

4.38 APPRAISAL OF PERSONAL PROPERTY BEFORE SALE

When a party requests an order approving the sale of personal property, he or she must file an appraisal of the property.

An Inventory and Appraisal or a letter appraisal from the probate referee will satisfy this requirement.

(Rule 4.38 new and effective July 1, 2011)

4.39 SALE OF REAL PROPERTY SUBSEQUENT TO PUBLICATION

(a) Published Notice for Private Sale of Real Property Estate. If the Report of Sale and Petition for Order Confirming Sale of Real Property is filed prior to the date of sale stated in the notice, or if it indicates that the private sale took place prior to the date stated in the published notice, the sale will not be confirmed or the petition will be denied without prejudice.

(b) Sale of Specifically Devised Real Property. When a Report and Petition for Confirmation of Sale of Real Property is filed and set for hearing, notice of the time and place of hearing must be given to the specific devisee(s) unless the devisee(s)'s consent to the sale is filed.

(c) Increased Bid Form. When there is a successful overbid in open court on a sale of real property, counsel must complete and the successful bidder must sign and file a "Bid In Open Court on Sale of Real Property" form.

(d) Real Estate Commission. The court will not permit a commission to an agent, broker, or auctioneer in excess of five percent for the sale of improved real property unless justified by exceptional circumstances. A commission not to exceed ten percent will be permitted for the sale of raw land.

(Rule 4.39 new and effective July 1, 2011)

4.40 BORROWING AND REFINANCING

(a) Petition. A petition to borrow money or refinance property must include the following information:

- (1) The existing encumbrances on the estate's property, including whether there is a purchase money mortgage;
- (2) The efforts made to obtain the most favorable financing;
- (3) The estate's ability to service the debt;

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- (4) All loan costs, including but not limited to, loan discount points and broker's commission/fee; and
- (5) The sufficiency of the existing bond and the need for an additional bond, if any.

(Rule 4.40 new and effective July 1, 2011)

4.41 REDUCTION AND WAIVER OF BOND

(a) Change in Bond or Substitution of Surety. A court order is required to reduce the amount of the bond or to substitute a surety.

(b) Description of Bond in Account. The total amount of the bond posted, a statement on its sufficiency, and whether additional bond or a reduction in bond is needed must be set forth in the petition that accompanies an account.

(c) Request for Bond Waiver in Decedent's Estate Proceeding. In all cases where a bond is not waived in the will, or the proposed personal representative resides out-of-state, and a waiver of bond is being requested, the petitioner must submit a declaration which states: (1) the number of the estate's unsecured creditors and its estimated liability to such creditors; (2) whether the estate is solvent; (3) estimated tax liabilities of the estate, if any; (4) the amount of any known contingent liabilities; and (5) the due diligence performed to ascertain this information.

(d) Appearance Required in Decedent's Estate Proceeding. When a bond for the proposed personal representative is not waived in the will, the court may require an appearance at hearing for a bond waiver request.

(Rule 4.41 new and effective July 1, 2011)

4.42 BANK STATEMENT AND BLOCKED ACCOUNT

(a) Decedent's Estate and Trust. In decedent's estate and trust proceedings, all interim accounts must include an original bank statement showing the balance as of the ending date of the account period.

(b) Reconciliation. If the bank statement balance does not agree with the balance as reported in the account, the fiduciary must provide a written reconciliation.

(c) Confidential Financial Statement. If a bank account statement contains the estate's or trust's tax identification number or other personal information that would not ordinarily be disclosed in the account, inventory and appraisal or other non-confidential pleading filed in the action, the account statement must be filed under a separate case cover sheet and the caption must state "CONFIDENTIAL FINANCIAL STATEMENT" in capital letters so that it can be kept separately from the public record.

(d) Blocked Account. When the court has ordered estate or trust assets deposited in a blocked account in a financial institution or trust company, the petition for approval of account must state that funds or securities are on deposit in a blocked account and must provide proof from the institution that no funds may be withdrawn without a court order.

(Rule 4.42 new and effective July 1, 2011)

4.43 PAYMENT AND REIMBURSEMENT OF COSTS

(a) Non-Reimbursable Costs. The following items are not allowable as costs for reimbursement to an attorney or personal representative:

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- (1) Photocopies;
- (2) Postage;
- (3) Secretarial services;
- (4) Local telephone expense; and
- (5) Local travel and mileage.

(b) Discretionary Reimbursement. The following items are allowable as costs for reimbursement:

- (1) Air courier and local messenger services;
- (2) Long distance telephone expenses;
- (3) Long distance travel;
- (4) Extraordinary postage and copying;
- (5) Parking; and
- (6) Interpreter and translation services.

(Rule 4.43 new and effective July 1, 2011)

4.44 FINDINGS AS TO CHARACTER OF PROPERTY

(a) Community or Quasi-Community Property Character of Assets. A Spousal or Domestic Property Petition or a Petition for a Particular Transaction filed per Probate Code section 3100 *et seq.* that seeks a determination of the community or quasi-community property character of property must contain the following information:

- (1) The date and place of marriage;
- (2) A description and approximate values of real and personal property owned by the decedent or person lacking legal capacity on the date of marriage and a statement concerning the property's disposition, if any;
- (3) The decedent's or person lacking legal capacity's net worth at the time of marriage;
- (4) A description and approximate values and dates of receipt of all property received by the decedent or person lacking legal capacity, by gift, devise, joint tenancy, proceeds of life insurance, and other beneficiary designation after the date of marriage and a statement concerning the property's disposition, if any;
- (5) Dates of the decedent's or person lacking legal capacity's residency in California and information concerning the character of property acquired during periods of non-residency;
- (6) When the petition affects title to real property, a statement concerning the legal title to the real property at the decedent's date of death or at the date of filing the Petition for a Particular Transaction pursuant to Probate Code section 3100 *et seq.*;
- (7) When the petition concerns Individual Retirement Accounts ("IRA"), life insurance policies or other assets that have a beneficiary designation taking effect on death or a "pay on death" designation, the status of that designation as of the decedent's date of death or date of filing the Petition for a Particular Transaction pursuant to Probate Code section 3100 *et seq.*, including the names of beneficiaries or payees; and
- (8) Facts upon which the claim of community or quasi-community property is based.

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(b) Supporting Documents. Copies of documents supporting a claim of community or quasi-community character of subject property must be attached to the petition. Copies of written agreements between the decedent and the surviving spouse, or between the spouses, for purposes of proceeding brought pursuant to Probate Code section 3100 *et seq.*, providing for a non-*pro rata* division of the aggregate value of the community property or quasi-community property, or both, must be attached. Alternatively, the petition must include a statement that such agreements do not exist.

(c) Copies of Deeds. Where the petition affects title to real property, a copy of the deed(s) showing vesting at the decedent's date of death or at the time of filing of the Petition for a Particular Transaction pursuant to Probate Code section 3100 *et seq.* must be attached to the petition.

(d) Will as Basis for Passing Decedent's Property. Where the surviving spouse's or domestic partner's entitlement to the decedent's interest in property is based upon the decedent's will, and the will has not been offered for or admitted to probate, the petitioner must allege that the will has been filed with the court for safekeeping.

(e) Petitioner Is Not the Spouse or Domestic Partner. Where the petitioner is the personal representative or the conservator of the spouse or domestic partner, a copy of letters evidencing the appointment must be attached to the petition.

(f) Spousal or Domestic Property Petitions, Findings Regarding Character of Property. For spousal or domestic property petitions:

(1) Unless alleged and proved, the court will make no findings as to whether the property is community or quasi-community.

(2) Unless alleged and proved, the court will make no finding as to whether the property is separate property.

(Rule 4.44 new and effective July 1, 2011)

4.45 AFFIDAVITS FOR REAL PROPERTY OF SMALL VALUE

When an Affidavit for Real Property of Small Value is filed pursuant to Probate Code section 13200, one of the following must be attached to the affidavit:

(a) Decedent Died Testate. If the decedent died testate, a statement that the decedent died testate and an executed copy of the will; or

(b) Decedent Died Intestate. If the decedent died intestate, a statement identifying the relationship of the heir(s) which establishes the affiant's claim to entitlement.

(Rule 4.45 new and effective July 1, 2011)

4.46 **RESERVED**

4.47 **RESERVED**

4.48 **RESERVED**

4.49 **RESERVED**

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DECEDENT'S ESTATE PROCEEDINGS

4.50 APPOINTMENT OF SPECIAL ADMINISTRATOR

(a) Notice. Unless good cause is shown, petitions for special letters of administration will not be granted without notice to the surviving spouse, domestic partner, the person nominated as executor, and any other person whom the court in its discretion determines is entitled to notice.

(b) Preference. In making the appointment of a special administrator, the court will give preference to the person(s) entitled to letters testamentary or of administration. If a contest is pending, the court may appoint a disinterested person or the Public Administrator as special administrator.

(c) Bond. The special administrator, including a named executor, will be required to post a bond unless the court finds that the petition contains sufficient allegations to justify waiver.

(Rule 4.50 new and effective July 1, 2011)

4.51 DECLINATION AND CONSENT TO ACT

(a) Declination of Named Executor. If a named executor declines to act, that person's signed declination to act must be filed with the court.

(b) Consent to Act. If a petition requests appointment of a person other than or in addition to the petitioner, that person's signed consent to act must be filed with the court.

(Rule 4.51 new and effective July 1, 2011)

4.52 APPOINTMENT OF PUBLIC ADMINISTRATOR

(a) Appointment. Persons interested in having the Public Administrator appointed as personal representative should contact the Office of the Public Administrator and County Counsel's Office.

(b) Notice. In cases where it appears that the Public Administrator has priority, notice to the Public Administrator and County Counsel must be given.

(Rule 4.52 new and effective July 1, 2011)

4.53 CERTIFICATION OF WILLS AND CODICILS BY SELF-REPRESENTED PARTY

A self-represented party must attach a copy of the will or codicil with a clerk's filing stamp when filing the Proof of Subscribing Witness or Proof of Holographic Instrument form. A self-represented party may not certify the photographic copy of the will or codicil by completing the Attorney Certification on the Judicial Council form.

(Rule 4.53 new and effective July 1, 2011)

4.54 FOREIGN LANGUAGE WILL

If the will or codicil is in a foreign language, a translation of the document authenticated by a declaration from a Judicial Council certified or registered translator, must be attached as an exhibit to the petition.

(Rule 4.54 new and effective July 1, 2011)

4.55 SUBSEQUENT PETITION FOR PROBATE

Wills and codicils not included in a petition for probate of a will must be presented for probate in an amended or subsequent petition and new notice must be published and served.

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(Rule 4.55 new and effective July 1, 2011)

4.56 NOTICE TO CREDITORS

(a) Known and Reasonably Ascertainable Creditors. All known and reasonably ascertainable creditors must be notified of the administration of the estate using Judicial Council Notice of Administration To Creditors form. The notice(s) with proof of service must be filed with the court.

(b) Claims by Public Entities. Claims by public entities, including Medi-Cal, the California Victim Compensation and Governmental Claims Board, and Franchise Tax Board will not be barred unless actual notice is sent to the entity and the applicable statute of limitations has expired.

(Rule 4.56 new and effective July 1, 2011)

4.57 CREDITOR'S CLAIMS

(a) Creditor's Claim by Personal Representative or Representative's Attorney

(1) Personal Services. A creditor's claim by a personal representative or by the representative's attorney for fees for services personally rendered to the decedent must attach detailed invoices or other itemization of such services.

(2) Reimbursement for Debts. A creditor's claim by a personal representative or his/her attorney for reimbursement of debts or funeral expenses of the decedent must attach detailed invoices or other evidence of payment.

(b) Funeral and Interment Claims. Interest on creditor's claims for funeral interment will be awarded commencing 60 days after the date of death.

(Rule 4.57 new and effective July 1, 2011)

4.58 NOTICE OF PROPOSED ACTION

(a) Notice of Proposed Action. A Notice of Proposed Action must contain a description of the proposed action in reasonably specific terms. If the proposed action involves a sale or exchange of real property or option to purchase real property, the notice must include the material terms of the transaction including the sales price and commission(s) payable to the broker(s).

(b) Notice Filed. The Notice of Proposed Action, together with the proof of service, must be filed with the court.

(c) Petition for Distribution. A petition for distribution must contain a description of the actions taken by the personal representative under the Independent Administration of Estates Act. The personal representative must allege whether a Notice of Proposed Action was given, notice was waived, or consent was given by all affected parties.

(Rule 4.58 new and effective July 1, 2011)

4.59 PETITION FOR FAMILY ALLOWANCE

(a) Ex Parte Petition. When a petition for family allowance is presented *ex parte*, and the petitioner is not the personal representative, the personal representative's consent to the allowance or waiver of notice must be filed with the petition.

(b) Limitation on Period of Family Allowance. If filed before the Inventory and Appraisal, an order for family allowance will not be made for a period exceeding six months unless good cause is shown.

(c) Reasonableness and Eligibility. The petition for family allowance must state:

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- (1) The estimated monthly income of the proposed recipient, including any government benefits;
- (2) If the surviving spouse is the petitioner, the spouse's income from sources other than the estate and an itemization of the spouse's separate property;
- (3) For a petition seeking payments of \$1,000 or more per month, an itemized estimate of monthly expenses; and
- (4) When such itemized expenses include payments for real property, a statement showing how title to subject real property is vested.

(Rule 4.59 new and effective July 1, 2011)

4.60 HEIRSHIP DETERMINATION

(a) Notice of Hearing. A notice of hearing and a copy of the petition must be served on the affected parties and their attorneys of record.

(b) Notice to Attorney General. When notice to the Attorney General is required, a notice of hearing and a copy of the petition must be sent to the Attorney General, Charitable Trusts Section 1515 K. Street, Sacramento, CA 94244-2550.

(c) Contents of Petition. The petition must identify (by name, address and relationship to the decedent) the persons entitled to distribution of the decedent's estate. If the personal representative is the petitioner, the petition may propose alternative entitlements.

(d) Genealogical Chart. The petition must include a genealogical chart establishing the relationships between the decedent and the decedent's heirs.

(e) Escheat. When the petition for probate states that heirs are unknown, a potential for *escheat* exists and the petitioner must give notice to the California Attorney General.

(Rule 4.60 new and effective July 1, 2011)

4.61 PETITION FOR INSTRUCTIONS

(a) Limitations. The use of a petition for instructions by personal representatives is limited to those matters for which no other procedure is provided by statute.

(b) Specifying Instruction. The petition must state the instruction requested and must not be stated in the alternative.

(Rule 4.61 new and effective July 1, 2011)

4.62 DAMAGES FOR WRONGFUL DEATH/PHYSICAL INJURY OR PROPERTY DAMAGE

(a) Wrongful Death Damages. Damages for wrongful death are held by the personal representative for the benefit of the statutory beneficiaries and are not part of the estate.

(b) Physical Injury or Property Damages. Damages for physical injury to the decedent or property damage are part of the estate. The cause of action or the settlement proceeds must be inventoried.

(c) Court Approval. Compromise or settlement of wrongful death or injury claims of the decedent must be approved by the court, unless the personal representative compromises or settles the claim or action under the authority of the Independent Administration of Estates Act.

(Rule 4.62 new and effective July 1, 2011)

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4.63 PETITION FOR PRELIMINARY AND FINAL DISTRIBUTION

(a) Schedule of Creditors' Claims. A petition for preliminary and final distribution must state, for each claim presented:

- (1) Claimant's name;
- (2) Date of filing of the claim;
- (3) Nature of the claim;
- (4) Amount of the claim;
- (5) Disposition of the claim; and
- (6) If the claim was rejected, the date of service of the rejection and whether or not a lawsuit was filed.

(b) Medi-Cal Recipient. Petitions for distribution must state whether or not the decedent received Medi-Cal benefits or was the surviving spouse of a person who received Medi-Cal benefits. If such benefits were received, notice must be given to the Director of Health Services and the claim period must have expired before distribution will be made.

(c) Heir Confined in a Correctional Facility. A petition for distribution must state whether or not the personal representative or estate attorney knows or has reason to believe that an heir is confined in a prison or facility under the jurisdiction of the Department of Corrections and Rehabilitation or confined in any county or city jail, road camp, industrial farm, or other correctional facility. If distribution will be made to such a person, the petition for distribution must state that notice was given as provided in the Probate Code, and whether or not the California Victim Compensation and Government Claims Board has demanded collection of any outstanding restitution fines or orders.

(Rule 4.63 new and effective July 1, 2011)

4.64 PAYMENT OF COSTS OF ADMINISTRATION

A petition for final distribution or to terminate the proceeding must state that all charges for legal advertising, bond premiums, probate referee's services and costs of administration have been paid.

(Rule 4.64 new and effective July 1, 2011)

4.65 ALLEGATIONS REGARDING CREDITORS

Petitions for approval of account, waivers of account, or requesting distribution must state the efforts to locate known or reasonably ascertainable creditors and whether actual notice was given or required.

If actual notice to creditors was given the completed form of Notice of Administration To Creditors and a proof of service must be filed with the court. If there are no known or reasonably ascertainable creditors, the petition must so state.

(Rule 4.65 new and effective July 1, 2011)

4.66 MEDI-CAL NOTIFICATION

Petitions containing a request for distribution must allege notice to the Director of Health Services where required. Notice is not required, when neither the decedent nor the decedent's predeceased spouse, received Medi-Cal benefits, or when no claim will be made by the Department of Health Services because (1) the decedent died before June 28, 1981, (2) the decedent was under

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age 65 at date of death, (3) the decedent was survived by a spouse, minor child, or disabled child, or (4) the decedent's predeceased spouse died before June 30, 1993.

(Rule 4.66 new and effective July 1, 2011)

4.67 ALLEGATION RE CHARACTER OF PROPERTY

In addition to those allegations required by California Rules of Court, Title 7, a petition for distribution must contain the allegations set forth in Local Rule 4.44(a) through (c) to establish the community or quasi-community character of assets. The allegations are not required if the surviving spouse is the sole heir or devisee. This rule also will apply when a portion of the estate is attributable to the decedent's predeceased spouse under Probate Code section 6402.5.

(Rule 4.67 new and effective July 1, 2011)

4.68 PROVISION RE SURVIVORSHIP

When a spouse's or domestic partner's right to take under a will is conditioned on survival for a specified period of time, a Spousal Or Domestic Partner Property Petition may be filed prior to the expiration of the survivorship period, but no order passing the property to the surviving spouse or domestic partner will be made prior to the expiration of the survivorship period.

(Rule 4.68 new and effective July 1, 2011)

4.69 DESCRIPTION OF DISTRIBUTEES

(a) Names and Addresses. The names and addresses of all persons who are present and future distributees of the estate and whether they are adults or minors must be stated in all petitions for distribution. If distribution will not be made directly to a beneficiary, the name, address and fiduciary capacity of the recipient must be stated.

(b) Age of Minors and Others. In all cases where property will be distributed to a minor, the minor's age and birth date must be stated in the petition and the accompanying order.

If a trust beneficiary will receive distribution as an adult upon reaching a specific age, the petition and order must state the age and birth date of the beneficiary.

(Rule 4.69 new and effective July 1, 2011)

4.70 ORDER ESTABLISHING TESTAMENTARY TRUSTS

(a) Appointment of Testamentary Trustee Prior to Distribution. Upon filing of a petition, the court may appoint a testamentary trustee before the decree of distribution is made.

(b) Order Establishing Testamentary Trust. An order establishing a testamentary trust must incorporate the terms of trust in its entirety. The terms of the trust must be set forth in the present tense and in the third person and not quote from the will.

(Rule 4.70 new and effective July 1, 2011)

4.71 DISTRIBUTION OF DEVISE TO MINOR OR FIDUCIARY

(a) Distribution to Minors. When a minor is to receive a distribution from a decedent's estate, the petition must state the minor's date of birth and the age for delivery of property to the minor if the distribution is to be delayed beyond the age of majority. The following also must be filed:

(1) Where a guardian of the estate is required, a certified copy of Letters of Guardianship and a declaration concerning the adequacy of the guardian's bond;

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(2) Where the distribution does not exceed \$5,000 and the property is to be delivered to the minor's parent, the written assurance of such parent that the value of minor's estate does not exceed \$5,000; and

(3) Where the transfer is to be made to a custodian under the California Uniform Transfers To Minors Act, the written consent of the custodian.

(b) Distribution to Court Appointed Personal Representative of a Decedent's Estate, Conservator of the Estate or Guardian of the Estate. If a beneficiary's distribution will be made to a personal representative of a decedent's estate, conservator of an estate or guardian of an estate, a certified copy of letters must be attached to the petition.

(Rule 4.71 new and effective July 1, 2011)

4.72 POST-DECEASED DISTRIBUTEES DISTRIBUTION

Where distribution will be made to the successors-in-interest of a post-deceased distributee pursuant to Probate Code section 13100 *et seq.*, an affidavit or declaration pursuant to Probate Code section 13101 must be filed, which includes the following:

(a) Post-Deceased Distributee Died Testate. If a post-deceased distributee died testate, a statement that the decedent died testate, and attaching an executed copy of the will;

(b) Post Deceased Distributee Died Intestate. If the post-deceased distributee died intestate, a statement identifying the relationship of the heir(s) which establishes the affiant's or declarant's claim to distribution.

(Rule 4.72 new and effective July 1, 2011)

4.73 ASSIGNMENT OR TRANSFER OF INTEREST IN ESTATE

(a) Notification to Court. If the personal representative knows of an assignment or transfer of an interest in the estate by an heir or devisee, a petition for distribution affecting that heir or devisee's interest in the estate must include an allegation concerning the specifics of the assignment or transfer.

(b) Written Assignment or Transfer of Interest. The written assignment or document of transfer, signed by the heir or devisee, must be filed with the court.

(c) Distribution "Care of" Attorney. The court will not order distribution of an heir's or devisee's interest in the estate to the "care of" his or her attorney unless the written consent of the heir or devisee is filed.

(Rule 4.73 new and effective July 1, 2011)

4.74 RECEIPT OF DISTRIBUTION

(a) Distributee Receipt. A receipt of distribution shall be signed by the distributee personally. A receipt signed by an attorney-in-fact must attach an executed copy of the power of attorney and a certification under penalty of perjury by the attorney-in-fact that the power of attorney is in full force and effect and authorizes said action.

(b) Recorded Deed or Order in Lieu of Distributee's Receipt. For real property, recordation of the order for distribution or the deed suffices as a receipt for distribution of the property.

(Rule 4.74 new and effective July 1, 2011)

4.75 RESERVED

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- 4.76 **RESERVED**
- 4.77 **RESERVED**
- 4.78 **RESERVED**
- 4.79 **RESERVED**

GUARDIANSHIP PROCEEDINGS

4.80 APPOINTMENT OF GUARDIAN

(a) Single Petition for Multiple Minors. A single petition for appointment of a guardian must be used for multiple minors if the minors are siblings and the same guardian(s) will be appointed for all of them.

(b) Notification Filed with Petition. A Notification to Court of Address on Conservatorships/Guardianship (LASC form PRO 003) must be submitted with the petition for appointment of guardian (or successor guardian), and at the time letters of guardianship are presented for issuance.

(c) Appointment of Non-Relative Guardian. When the petition requests the appointment of a non-relative as guardian of the person, a notice of hearing with a copy of the petition must be mailed at least 15 days prior to the hearing date to:

Department of Children and Family Services
201 Centre Plaza Drive
Monterey Park, CA 91754

California Department of Social Services
744 P Street
Sacramento, CA 95814-6413

(Rule 4.80 new and effective July 1, 2011)

4.81 GUARDIANSHIP ACCOUNT OR WAIVER OF ACCOUNT

(a) Separate Accounting for Each Minor. When a guardian is appointed for more than one minor, the guardian must file a separate accounting for each minor.

(b) Waiver of Accounting When a Ward Reaches Majority. When a former ward who has reached the age of majority waives the guardian's final accounting, the court should not, but retains the discretion to, approve the waiver, unless the former ward is present at the hearing.

(Rule 4.81 new and effective July 1, 2011)

- 4.82 **RESERVED**
- 4.83 **RESERVED**
- 4.84 **RESERVED**
- 4.85 **RESERVED**

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CONSERVATORSHIP PROCEEDINGS

4.86 APPOINTMENT OF CONSERVATORS

(a) Form Filed with Petition. A Notification to Court of Address on Conservatorships/Guardianship and its Addendum (LASC form PRO 003) must be submitted with the petition for appointment of conservator (or successor conservator), and at the time letters of conservatorship are presented for issuance.

(b) Appointment of Private Professional Conservator. When appointment of a private professional conservator is sought, the petition must include the fiduciary's California Fiduciary Bureau's license number and a statement verifying his or her active status.

(Rule 4.86 new and effective July 1, 2011)

4.87 LANTERMAN-PETRIS-SHORT ("LPS") CONSERVATORSHIP

(a) LPS Conservatorship Proceeding. If the conservatee or proposed conservatee is currently under an LPS conservatorship, the petition must state the county where the LPS proceeding is pending, the case number, and the name and address of the LPS conservator.

(b) Notice to LPS Conservator. Notice must be given to the LPS conservator in the same manner as required for relatives within the second degree.

(Rule 4.87 new and effective July 1, 2011)

4.88 NOTICE OF ESTABLISHMENT OF CONSERVATORSHIP

The conservator of the estate must record a certified copy of letters of conservatorship with the county recorder in each county where the estate's real property is located, unless (a) the conservator in a limited conservatorship does not have the power to contract, or (b) the rights of the conservatee have been broadened pursuant to Probate Code section 1873 to include the power to enter into real property transactions without prior order.

(Rule 4.88 new and effective July 1, 2011)

4.89 CONSERVATORSHIP CARE PLAN

(a) Care Plan Form. A "Conservatorship Care Plan" form (LASC form PRO 023) must be used when a conservator files a personal care plan required by Probate Code section 2352.

(b) Notice to Court Investigator. When a Conservatorship Care Plan is filed a copy must be mailed to the Court Investigator's Office, 111 N. Hill Street, Room 250, Los Angeles, CA 90012.

(Rule 4.89 new and effective July 1, 2011)

4.90 COURT INVESTIGATOR'S ASSESSMENT

The conservator's account and/or report must state whether all court investigator's assessments have been paid. No final discharge will be granted until proof of payment is filed or payment of the assessments have been waived.

(Rule 4.90 new and effective July 1, 2011)

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4.91 RESIGNATION OF CONSERVATOR

(a) Effective Date of Resignation. A conservator may resign at any time. The resignation will not be effective until a successor conservator is appointed and the resignation is approved by the court.

(b) Final Account of Resigning Conservator. A final account of a resigning conservator will not be approved unless the successor conservator was served with a notice of hearing and copy of the proposed final account and/or petition for its approval.

(Rule 4.91 new and effective July 1, 2011)

4.92 NOTICE RE FINAL ACCOUNT UPON DEATH OF CONSERVATEE

Upon the death of the conservatee, a notice of hearing and a copy of the petition for settlement of a final account must be given to the personal representative, if any, of the deceased conservatee, and if none, to all known heirs at law, devisees, and other successors-in-interest.

(Rule 4.92 new and effective July 1, 2011)

- 4.93 **RESERVED**
- 4.94 **RESERVED**
- 4.95 **RESERVED**
- 4.96 **RESERVED**
- 4.97 **RESERVED**

**RULES COMMON TO CONSERVATORSHIP PROCEEDINGS, GUARDIANSHIPS
PROCEEDINGS, AND/OR TRUSTS CREATED OR FUNDED
BY COURT ORDER**

4.98 CONSERVATOR'S OR GUARDIAN'S INDEPENDENT POWERS

A request for independent powers under Probate Code section 2591 must justify the necessity for each power requested.

Where the power to sell real property is granted, the sale must be presented to the court for confirmation.

(Rule 4.98 new and effective July 1, 2011)

4.99 INVENTORY AND APPRAISAL OF BENEFITS

If the ward or conservatee receives pension, veterans, social security, welfare, or other periodic benefits, such benefits must be included in the inventory.

(Rule 4.99 new and effective July 1, 2011)

4.100 ACCOUNTS, REPORTS AND CONSERVATOR/GUARDIAN COMPENSATION

(a) Reconciliation of Financial Statements. Where a closing balance reported in the "Property on Hand" schedule (at end of the accounting period) and/or an Inventory and Appraisal (for first accountings) does not agree with the balance reported in its corresponding financial statement, the account must include a schedule with a detailed reconciliation.

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(b) Sufficiency of Bond. The petition for approval of an account must state the amount of the current bond, if any, and whether an additional bond or reduction of bond is necessary.

(c) Blocked Account. The petition for approval of an account must identify any funds on deposit in a blocked account. Proof of deposit and the blocked account status must be filed.

(d) Insured Account. No account balance may be larger than the amount insured.

(e) Vesting of Account. Financial institution accounts must be vested in the name of the fiduciary (*e.g.*, Joe Smith as conservator of the estate of Margaret Smith).

(f) Court Investigator's Assessment. A petition for approval of an account must state the amount of court investigator's assessments that have been paid and any amount due and owing. A receipt for payment must be filed, unless the conservator has obtained an order deferring or waiving payment of the assessment.

(g) Coordination of Hearings. Where a conservatee/ward is the settlor or a beneficiary of a trust that is subject to the court's continuing jurisdiction and the conservator/guardian is the trustee or co-trustee of the trust, the trustee's accounting must be set for hearing on the same day as the conservatorship/guardianship accounting.

(Rule 4.100 new and effective July 1, 2011)

4.101 ACCOUNTS AND INVENTORIES AND APPRAISALS - CONSERVATORS AND TRUSTEES OF TRUSTS SUBJECT TO THE COURT'S CONTINUING JURISDICTION

(a) Copies for the Court Investigator's Office. Conservators of the estate must mail, or cause to be mailed, copies of all accountings and Inventories and Appraisals to the Court Investigator's Office, 111 N. Hill Street, Room 250, Los Angeles, CA 90012. When a conservatee is a beneficiary of a trust subject to the court's continuing jurisdiction or supervision, the trustee must mail, or cause to be mailed, copies of the trust's accounting to the Court Investigator's Office.

(b) Lodging Original Financial Statements. All original financial account statements submitted by private professional fiduciaries in support of their account as required by Probate Code section 2620 must be lodged separately from the accounting with LASC form PRO 021. To facilitate return of the original documents, the fiduciary must submit a self-addressed, postage pre-paid, envelope, or else written instructions or authorization for pick-up by the fiduciary or his or her designee.

(Rule 4.101 new and effective July 1, 2011)

4.102 **RESERVED**

4.103 **RESERVED**

4.104 **RESERVED**

4.105 **RESERVED**

TRUST PROCEEDINGS

4.106 MULTIPLE PROBATE CODE SECTION 17200 *ET SEQ.* PETITIONS CONCERNING ONE TRUST

All petitions filed under Probate Code section 17200 *et seq.* which relate to the same trust must be filed under the same case number.

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Each petition filed under Probate Code section 17200 *et seq.*, whether or not filed in the same case file, must contain facts necessary to support the probate jurisdiction of the court and requires a new initial filing fee for each petition.

(Rule 4.106 new and effective July 1, 2011)

4.107 PETITION TO CONFIRM SALE OF TRUST REAL PROPERTY

When a trustee seeks court approval of a sale of trust real property, the sale must comply with the provisions of Probate Code section 10300 *et seq.* The trustee is required to publish a notice of intention to sell real property unless the trust gives the trustee the power to sell real property; the trust directs the property to be sold, or the value of the property does not exceed \$5,000 (Prob. Code, § 10301).

(Rule 4.107 new and effective July 1, 2011)

4.108 SETTLEMENT INVOLVING CHARITABLE TRUSTS

The Attorney General must be a party to a petition to modify or terminate a trust for charitable purposes.

(Rule 4.108 new and effective July 1, 2011)

4.109 TESTAMENTARY TRUSTEE ACCOUNT

The starting balance of the first account of a testamentary trustee must conform to the trustee's receipt(s) on file in the decedent's estate proceeding.

(Rule 4.109 new and effective July 1, 2011)

4.110 **RESERVED**

4.111 **RESERVED**

4.112 **RESERVED**

4.113 **RESERVED**

4.114 **RESERVED**

**MINOR'S COMPROMISE, COMPROMISE BY PERSON WITH DISABILITY,
AND TRUST FUNDED OR ESTABLISHED PURSUANT TO COURT ORDER**

4.115 SETTLEMENTS OF CLAIMS OF MINORS OR PERSONS WITH DISABILITIES
(INCLUDING ESTABLISHMENT AND FUNDING OF TRUSTS)

Where there is a judgment or settlement of claim(s), including a covenant not to sue, for a minor or person with a disability, as defined by Probate Code section 3603, the following procedures apply. (*See also* Code Civ. Proc., § 372; Prob. Code, § 2500 *et seq.*; Prob. Code, § 3500, Prob. Code, §§ 3600 - 3612; Standards of Judicial Administration, Section 7.10; and Cal. Rules of Court, rule 3.1384 and rule 7.950 *et seq.*)

(a) Proper Court to Approve Settlement.

(1) No Civil Action Pending. If no civil action is pending, the settlement must be approved by the probate court as provided in Probate Code sections 2505(b) and 3500.

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(2) Pending Civil Action. If a settlement for a minor or a person with a disability is reached in a pending civil action, the settlement must be approved in the court in which the action is pending (Prob. Code, § 2505(a)).

(b) Disposition of Proceeds. Proceeds from a settlement or judgment may be handled in the following manner (except for settlements made pursuant to Probate Code section 3500(d)):

(1) Distribution to a parent of a minor. (Prob Code, § 3611(e) and 3400 *et seq.*);

(2) Distribution to one or more insured blocked accounts deposited in financial institutions in California. (Prob. Code, § 3602(c)(1).) Deposits in financial institutions covered by FDIC insurance must not exceed the amount covered;

(3) Distribution to a guardian or conservator of the estate after filing of appropriate bond. (Prob. Code, § 3602(b) and 3611(a).);

(4) Distribution to a custodian under the Uniform Transfers to Minors Act. The custodian may be required to place the funds into a blocked account or be bonded in the amount required by Probate Code section 2320 *et seq.* (Prob. Code, §§ 3602(c) and 3611(f).);

(5) Purchase of a single-premium deferred annuity. (Prob. Code, §§ 3602(d) and 3611(b).);

(6) Creation and distribution to a special needs trust. (Prob. Code, §§ 3602(d) and 3611(c).); and

(7) Creation and distribution to a trust for a minor that is revocable at age 18. (Prob. Code, §§ 3602(c)(3) and 3611(g).)

(c) Special Needs Trusts. When the settlement proposes the establishment of a special needs or other trust as provided in Probate Code sections 3600 to 3612, the terms of the proposed trust must be reviewed by the Probate Department. The terms of the trust must include the provisions required in California Rules of Court, rule 7.903, and Local Rule 4.116.

(d) Orders.

(1) Order Approving Compromise. The order must be on Judicial Council form “Order Approving Compromise of Disputed Claim or Pending Action or Disposition of Proceeds of Judgment for Minor or Adult Person with a Disability.”

(2) Order Establishing Trust. When the order establishes a trust, the order must set forth the provisions of the trust in their entirety.

(e) Post-Judgment Procedure.

(1) Commencement of Trust Proceeding. An order approving a settlement must provide that the trustee(s) commence a separate trust proceeding with a probate case number in the County. A certified copy of the settlement order establishing the trust and a copy of the trustee’s bond(s) must be filed with the court as an attachment to a pleading which will create a new probate case. The accounting will be tracked by the court in the new probate case.

(2) Blocked Account: A certified or file endorsed copy of the Judicial Council form “Order To Deposit Money Into Blocked Account” must be delivered to the financial institution. The Judicial Council form “Receipt and Acknowledgment of Order for the Deposit of Money to Blocked Account” must be signed by the depository and promptly filed with the court pursuant to California Rules of Court, rule 7.953. Counsel must ensure that funds are deposited in accordance with the order. Attorney’s fees must not be paid until a receipt reflecting the deposit is filed with the court.

(3) Withdrawal of Funds from Blocked Account: In order to withdraw funds from a blocked account, Judicial Council form “Petition for Withdrawal of Funds from Blocked Account”

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must be filed in the probate court. Petitions may be presented *ex parte*. In Central District cases, contact Minor's Account Section, Stanley Mosk Courthouse, (213) 974-5519.

When withdrawal is sought because the minor has reached majority and the "Order To Deposit Money Into Blocked Account" is self executing, *i.e.*, provides for release when minor attains the age of 18, no petition is necessary and the former minor must contact the financial institution directly for release of funds.

(Rule 4.115 new and effective July 1, 2011)

4.116 TRUST CREATED OR FUNDED PURSUANT TO COURT ORDER

(a) Trusts Created or Funded by Court Order. Trusts created or funded by court order, including trusts created pursuant to Probate Code sections 2580 *et seq.* ("substituted judgment"), 3100 *et seq.* (relating to particular transactions for disabled spouses or registered domestic partners), and 3600 *et seq.* (relating to the compromises of claims of minors and persons with disabilities) are governed by California Rules of Court, rule 7.903. All such trusts must include provisions for protection of the trust assets against misuse and continuing supervision by the court. Except as provided in subdivision (c) herein, or unless the court otherwise orders for good cause shown, trusts created or funded by court order must:

- (1) not contain a no-contest provision;
- (2) prohibit modification or revocation without court approval;
- (3) clearly identify the trustee and any other person(s) with authority to direct the trustee to make disbursements;
- (4) prohibit investments by the trustee other than those permitted under Probate Code section 2574;
- (5) require persons identified in subdivision (3) to post bond in the amount required under Probate Code section 2320 *et seq.*;
- (6) require the trustee to file accounts and reports for court approval in the manner as frequency required by Probate Code sections 1060 *et seq.* and 2320 *et seq.*;
- (7) require court approval of changes in trustees and a court order appointing any successor trustee; and
- (8) require that compensation of the trustee, the members of any advisory committee, and the attorney for the trustee be in reasonable amounts as fixed by court order. The trust may provide for periodic payments of compensation, subject to the requirements of Probate Code section 2643 and California Rules of Court, rule 7.755.

(b) Additional Trust Requirements. The court may also require that the trust include the following provisions:

- (1) Where the trustee is a trust company (as defined in Financial Code section 107) and it petitions for fees, the petition must include a complete disclosure of any fees paid to a fiduciary and/or any affiliate as required by Probate Code section 16015 and Financial Code section 1561.1;
- (2) Any purchase of a personal residence for a beneficiary may be made only if authorized by the court pursuant to the rules applicable to conservatorships and guardianships. (*See* Prob. Code, § 2571.);

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(3) Any sale of a personal residence of the beneficiary may be made only if authorized by the court pursuant to the rules applicable to conservatorships and guardianships. (Prob. Code, § 2540(b).) Such sales must be returned to court for confirmation. (*See* Prob. Code, § 10300 *et seq.*); and

(4) The trustee may not borrow money, lend money, give security, lease, convey, or exchange any property of the estate without prior authorization of the court. (Prob Code, § 2550.)

(c) Rule Does Not Apply to Trusts Under \$20,000. Unless the court otherwise orders for good cause shown, this rule does not apply to trust instruments or trusts that have a total asset value of \$20,000 or less.

(Rule 4.116 new and effective July 1, 2011)

4.117 SPECIAL NEEDS TRUST CREATED BY COURT ORDER/JUDGMENT

A special needs trust is intended to allow the beneficiary to continue to maintain eligibility for certain needs-based government benefits, such as SSI or Medi-Cal. The trust contains limitations on the ability to use trust assets to pay for the beneficiary’s food, shelter, clothing and utilities, so that this eligibility for government benefits will not be impaired. (*See* 20 C.F.R. § 416.1130 *et seq.*, and 22 Cal. Code Regs., § 50509 *et seq.*)

Where special needs trusts are established by court order, federal law generally requires that the trust provide that upon termination of the trust Medi-Cal or any other Medicaid agency which has paid benefits to the beneficiary shall receive all amounts remaining in the trust up to an amount equal to the benefits paid (42 U.S.C. § 1396p(d)(4)(A)). The Department of Health Services promulgates general guidelines regarding special needs trusts, and the guidelines can be obtained by contacting that agency.

(Rule 4.117 new and effective July 1, 2011)

4.118 COURT PROCEEDING FOR TRUST ESTABLISHED UNDER PROBATE CODE SECTION 2580 OR 3100

When a trust is created under Probate Code section 2580 *et seq.* in a conservatorship proceeding, or pursuant to Probate Code section 3100 *et seq.*, all future proceedings relating to that trust must be filed as a new separate case.

(Rule 4.118 new and effective July 1, 2011)

4.119 **RESERVED**

4.120 **RESERVED**

4.121 **RESERVED**

4.122 **RESERVED**

PROBATE VOLUNTEER PANEL ATTORNEYS

4.123 PROBATE VOLUNTEER PANEL GENERAL ELIGIBILITY REQUIREMENTS AND PROCEDURE FOR APPOINTMENT TO THE PANEL

All Probate Volunteer Panel (“PVP”) Attorneys must meet the following general requirements:

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(a) Active Status with the State Bar. The attorney must have maintained active status with the State Bar of California for each of the preceding three years and have no disciplinary proceedings pending or filed against him or her during the preceding twelve months.

(b) Submit Application and Compliance Statement. The attorney must complete and submit the following:

- (1) An Application for Appointment to the Probate Volunteer Panel;
- (2) A Compliance Statement with the Application, and annually thereafter;

These forms may be obtained on-line at www.lasuperiorcourt.org, see "Probate," from the Probate Division, Stanley Mosk Courthouse, or by calling telephone number (213) 974-5471; and

(3) If seeking appointment in Conservatorship and/or Guardianship proceedings, Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorship/Guardianships. Annually thereafter, the attorney must submit Judicial Council form GC-011, Annual Certification of Court Appointed Attorney. These forms may be obtained by calling telephone number (213) 974-5501 or on-line at www.courts.ca.gov/forms.

(c) Educational and MCLE Requirements.

(1) The attorney must complete at least twelve hours of MCLE during his/her State Bar reporting period in the subjects of decedent estates, conservatorships/guardianships, or trust administration;

(2) The attorney must complete the mandatory PVP training course(s) within one year from submission of his or her application; and

(3) To qualify for appointment in conservatorship or guardianship proceedings, the attorney must satisfy the qualifications and continuing education requirements in California Rules of Court, rule 7.1101.

(d) Professional Liability Insurance. The attorney must carry professional liability insurance with policy limits consistent with the value of the matters handled, and at a minimum an amount of \$100,000 per claim and \$300,000 per year.

(Rule 4.123 new and effective July 1, 2011)

4.124 PROBATE VOLUNTEER PANEL - REQUIREMENTS FOR SPECIFIC AREAS OF INTEREST

(a) General Requirements for Specific Areas of Interest. PVP Attorneys must meet the following general requirements for specific area(s) of interest:

(1) Decedent Estate and Trust Administration. Prior to filing the application and within the past three years, the attorney must have represented parties in at least six different probate or trust administration court proceedings, including three decedent estate or trust proceedings from inception through final account and/or order for distribution.

The attorney must have experience and/or training in tax-related issues sufficient to enable him or her to identify tax issues from the facts of the case and to competently represent the client's interests concerning the potential tax consequences of the particular matter.

(2) Conservatorships. Attorneys representing conservatees in Conservatorship proceedings must satisfy the requirements of California Rules of Court Title Seven, rule 7.1101(b)(2).

(3) Guardianships. Attorneys representing conservatees in Guardianship proceedings must satisfy the requirements of California Rules of Court Title Seven, rule 7.1101(b)(1).

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(4) Conservatorships of the Person. Prior to filing the application and within the past five years, the attorney must have represented parties in at least four conservatorship of the person matters (including at least two proceedings from their inception) which involve securing the appointment and qualification of the conservator of the person.

(5) Limited Conservatorships. Attorneys representing limited conservatees in Conservatorship proceedings must satisfy the requirements of California Rules of Court Title Seven, rule 7.1101(b)(2). In addition, the attorney must understand the legal and medical issues arising out of developmental disabilities and the role of the Regional Center.

(6) Estate Planning and Taxation. Prior to filing the application and within the past three years, the attorney must have extensive experience in matters regarding estate planning, estate, gift, or income tax or related tax matters pertaining to trusts and decedent estates. The attorney must have represented parties in at least three substituted judgment (Prob. Code, § 2580 *et seq.*) or particular transactions matters. (Prob. Code, § 3100 *et seq.*)

(7) Medi-Cal Planning. Prior to filing the application and within the past three years, the attorney must have represented parties in at least three Probate Code section 3100 petitions, including at least two in which there was a request to increase either the Community/Spouse Resource Allowance and/or increase the Minimum Monthly Maintenance Need Allowance. The attorney must be familiar with the laws and regulations for Medi-Cal eligibility, and shall be knowledgeable on the rules regarding the increase of the CSRA/MMMNA, exempt assets, gifting rules, and tax ramifications related to Medi-Cal planning.

(8) Compromises/Judgments and Special Needs Trusts for Minors/Persons with Disabilities. Prior to filing the application and within the past three years, the attorney must have represented parties in at least three petitions for approval of compromise under Probate Code section 3500 or Code of Civil Procedure section 372, three of which involved creation of special needs trusts. The attorney must be familiar with the advantages and disadvantages of the various funding alternatives available under Probate Code section 3600 *et seq.*, and the application of MICRA to medical malpractice settlements.

(9) Fiduciary Appointments/Guardians *ad Litem*. The attorney must have at least ten years in practice, with recent experience serving as a fiduciary or guardian *ad litem*.

An attorney who acts as a guardian *ad litem* or fiduciary may not be covered by his or her professional liability insurance. Although insurance coverage is not a requirement, the attorney may wish to consult his or her professional liability insurance carrier prior to accepting such appointment.

(10) Evidence Code Section 730 Experts/Referees/Special Masters. The attorney must have at least ten years in practice, with experience serving as an Evidence Code section 730 expert, Code of Civil Procedure section 638 referee, or special master. The attorney also must have substantial expertise in the substantive area of law involved in the matter.

(11) Health Care Decisions for Adults Without Conservators and Tuberculosis Detention Proceedings/Capacity Determinations. Prior to filing the application and within the past three years, the attorney must have extensive experience in matters relating to medical treatment and bio-ethical issues. The attorney must be familiar with Probate Code section 3200 or Health and Safety Code section 121365 proceedings. These cases often involve complex treatment issues and may require immediate attorney response to medical emergencies. Consequently, the attorney must

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become familiar with the medical parameters underlying these issues in order to adequately represent the client's interests.

(b) MCLE Requirements for Specific Areas of Interest. PVP Attorneys must meet the following MCLE requirements for specific area(s) of interest:

(1) Conservators. The attorney must satisfy the educational requirements found in California Rules of Court Title Seven, rule 7.1101(f)(1).

(2) Guardians of the Estate. The attorney must satisfy the educational requirements found in California Rules of Court Title Seven, rule 7.1101(f)(1).

(3) Guardians of the Person. The attorney must satisfy the educational requirements found in California Rules of Court Title Seven, rule 7.1101(f)(2).

(4) Estate Planning and Taxation. The attorney must have at least ten hours of MCLE in the areas of estate planning and taxation during the attorney's State Bar reporting period.

(5) Limited Conservatorships/Conservatorships for Developmentally Disabled Adults. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships during the attorney's State Bar reporting period, and have attended the Limited Conservatorships PVP Training Program.

(6) Medi-Cal Planning. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships during the attorney's State Bar reporting period.

(7) Compromises/Judgments and Special Needs Trust for Minors/Incompetent Adults. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships during the attorney's State Bar reporting period.

(8) Health Care Decisions for Adults Without Conservators and Tuberculosis Detention Proceedings/Capacity Determinations. The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships during the attorney's State Bar reporting period.

(Rule 4.124 new and effective July 1, 2011)

4.125 ETHICAL GUIDELINES

PVP counsel's primary duty is to represent the interests of his or her client in accordance with applicable laws and ethical standards. The PVP attorney's secondary duty is to assist the court in the resolution of the matter to be decided. The PVP attorney must, if practical, ensure that the client is afforded an opportunity to address the court directly.

(Rule 4.125 new and effective July 1, 2011)

4.126 PVP ATTORNEY APPOINTMENTS ARE PERSONAL

PVP Attorney appointments are personal and cannot be delegated to other attorneys. Only the PVP attorney appointed by the court may render legal services to the client and appear at hearings.

(Rule 4.126 new and effective July 1, 2011)

4.127 WRITTEN REPORT AND COMPENSATION FOR PVP ATTORNEYS

(a) Written Report. PVP attorneys appointed by the court must file a written report with a verified statement that:

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(1) The PVP attorney is an active member of the State Bar of California and no disciplinary actions are pending and none were filed against him or her during the past twelve months;

(2) The PVP attorney has professional liability insurance coverage in effect with policy limits consistent with the value of the matter being handled; and

(3) The PVP attorney has not represented any party to the proceeding except as stated in the report. The statement must include the name of the party represented and a brief explanation of the representation. Cases where a PVP attorney has represented a private professional conservator in the proceeding must be included.

(b) Compensation for PVP Attorneys. A PVP attorney's request for compensation may be made as part of the written report filed with the court or otherwise orally at the hearing.

(1) A request for compensation for services in excess of five hours must be supported by a written fee declaration and served upon the appearing parties. The declaration must include a listing of services rendered by date, the service rendered, and the time devoted to that service.

(2) The PVP attorney will be awarded compensation at an hourly rate below market rates except in cases involving unusual problems requiring extraordinary expertise, or where the value of the estate warrants otherwise.

(3) If the person represented by the PVP attorney is unable to pay, the court may order the fees to be paid by the estate, a party, or the County where authorized by statute. A form requesting County-paid compensation may be obtained from the clerk.

(4) If the PVP attorney does not appear in court as part of his or her representation, he or she must file and set for hearing a petition for compensation.

(Rule 4.127 new and effective July 1, 2011)

4.128 **RESERVED**

4.129 **RESERVED**

4.130 **RESERVED**

CHAPTER FIVE

FAMILY DIVISION RULES

5.1 APPLICABILITY OF RULES; SANCTIONS

(a) Applicability of Rules. These Rules apply in all departments of the Family Law Division. Local Rule 1.1 defines “counsel” as including self-represented litigants and attorneys. Both will be held to the same standards of practice and procedure.

(b) Sanctions. For any noncompliance with these rules, the court may set an order to show cause why sanctions or other penalties should not be imposed pursuant to Code of Civil Procedure section 575.2.

(Rule 5.1 new and effective July 1, 2011)

5.2 MATTERS ASSIGNED TO FAMILY LAW DIVISION; COVER SHEET

All matters arising under the Family Code are assigned to the Family Law Division, except adoption, petitions for emancipation of minors (freedom from parental custody), and matters specifically assigned to another division by these rules or order of court.

Guardianship proceedings of minors, when related to a family law court child custody proceeding, are assigned to the Family Law Division.

The first paper filed by the petitioner in an action or proceeding must be accompanied by a Family Law Case Cover Sheet, form “FAM020.” All Family Law Division forms are located at website “lasuperiorcourt.org/familylaw”.

(Rule 5.2 new and effective July 1, 2011)

5.3 SESSION HOURS AND CALENDARING

(a) Ex Parte Applications. *Ex parte* applications and orders, including notice thereof, must comply with California Rules of Court, rule 3.1200 *et seq.*, except for good cause shown or as otherwise provided by law. In a Domestic Violence Protection Act proceeding, an application may be made without notice pursuant to Family Code section 6300.

(1) Domestic Violence Prevention Act Ex Parte Applications. An *ex parte* application brought under the Domestic Violence Prevention Act (Fam. Code, § 6200 *et seq.*) may be presented on any court day only from 8:30 a.m. until 11:30 a.m., and from 1:30 p.m. until 3:30 p.m.

(2) Non-Domestic Violence Protection Act Ex Parte Applications:

(A) Central District: An *ex parte* application, brought on a ground other than the Domestic Violence Prevention Act, may be presented on any court day only from 8:30 a.m. to 10:30 a.m. in the department in which the case is assigned; or, if the case has not yet been assigned, to Department 2.

(B) District Courts: Counsel should contact the courtroom to which the case is assigned to determine session hours.

(b) Central District.

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(1) Law and Motion and Orders to Show Cause: Central District: Orders to show cause hearings are set on Mondays, Tuesdays, and Wednesdays at 8:30 a.m. Law and motion matters are set on Mondays and Wednesdays at 8:45 a.m.

(2) Trials: Short cause trials (defined as less than five hours) are held on Wednesdays at 1:30 p.m. and Thursdays and Fridays at 8:30 a.m.

Long cause trials that are more than five hours long but that do not exceed five days are held on Wednesdays at 1:30 p.m. and on Thursdays and Fridays at 8:30 a.m.

The judge to whom the matter is assigned may refer a long cause trial that exceeds five days to the Supervising Judge (Department 2) for re-assignment for trial purposes only to the long cause trial court (Department 46). The session hours for the long cause trial court are Mondays through Fridays, 8:30 a.m. to 4:30 p.m.

(c) District Courts. Counsel should contact the courtroom to which the case is assigned to determine session hours for law and motion, orders to show cause, and trials.

(Rule 5.3 new and effective July 1, 2011)

5.4 RELATED FAMILY LAW CASES

Related family law cases, for the purpose of this section, are two or more cases in the Family Law Division, or, where applicable, in the Probate Division, that involve the same parties, and are based on issues governed by the Family Code or by the guardianship provisions of the Probate Code. (*See* California Rules of Court, rule 3.300.) Related family law cases must be assigned to the same department except as provided in Local Rule 5.24.

Counsel in any related case must promptly serve and file a notice of related cases as required by California Rules of Court, rules 3.300(a) and (b).

(Rule 5.4 new and effective July 1, 2011)

5.5 TRANSFER OF RELATED FAMILY LAW CASES

A department to which a related family law case is assigned may transfer such case to another family law department, or may cause another related family law case to be transferred to itself. Related family law cases must be transferred, except for good cause, to the department to which the lead case is assigned, according to the following guidelines.

(1) The first filed marital or Registered Domestic Partnership status case (dissolution, legal separation or nullity) must be the lead case;

(2) The first filed parentage case (Uniform Parentage Act) must be the lead case when there is no marital status case;

(3) Government parentage and support cases may be related to other family law cases pursuant to Local Rule 5.24;

(4) The first filed action for exclusive custody (Fam. Code, § 3120) must be the lead case when there is no marital status or parentage case;

(5) A Domestic Violence Protection Act (“DVPA”) case must not be the lead case over any other type of family law case. The first filed pending DVPA case must be the lead case. An application for a DVPA temporary restraining order will be assigned as provided in Local Rule 2.1(c). However, unless good cause is shown, the hearing on the DVPA restraining order will be set in the department which has been assigned the lead case.

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(6) A case opened to receive an order closing a dependency case must not be a lead case over any other type of family law case, and must be related to any other family law case involving the same minor child.

A department assigned related cases may consolidate or dismiss any of those cases as permitted by law.

(Rule 5.5 new and effective July 1, 2011)

5.6 REQUIREMENT TO MEET AND CONFER

Once papers have been filed in response to an order to show cause, the moving party must contact the opposing counsel in advance of the hearing to meet, confer, and ascertain whether issues can be settled without a contested hearing. The court may consider a failure to meet and confer when making an award of attorney's fees and/or sanctions. This rule does not apply to domestic violence matters, unless both parties are represented by an attorney.

(Rule 5.6 new and effective July 1, 2011)

5.7 CONTINUANCES

(a) Stipulated Continuances. A party seeking a telephonic continuance of a hearing on a motion or order to show cause must comply with the following. If all parties stipulate to a continuance, counsel seeking the continuance must inform the courtroom clerk by telephone or in person as soon as possible, and in any event, no later than 3:00 p.m. of the court day preceding the hearing, and must also seek a new hearing date from the clerk. The requesting counsel must state that he or she has spoken to the opposing counsel, and that opposing counsel has agreed to the continuance. The requesting counsel must also advise the clerk of the number of previous continuances of the motion or order to show cause. No continuance will be granted on the date set for hearing except upon appearance of counsel.

Only two continuances will be granted based upon a stipulation of counsel. A request for a further continuance requires an appearance of counsel and a showing of good cause. Despite a stipulation of counsel, the court retains discretion to deny a requested continuance, rule on the merits of the pending proceeding, or take the matter off calendar.

(b) Contested Continuances. Absent good cause, the court will not consider a contested application for a continuance, unless the requesting party tried to obtain a stipulation for a continuance at least two days prior to the hearing.

(Rule 5.7 new and effective July 1, 2011)

5.8 EVIDENTIARY OBJECTIONS

Except for good cause shown, evidentiary objections to a declaration submitted in connection with a motion or order to show cause must be in writing and served and filed at the same time as, but separately from the opposition or reply papers under Code of Civil Procedure section 1005, at least nine court days before the hearing for objections to the moving declarations and at least five court days before the hearing for objections to opposition declarations. Objections to reply declarations must be served and filed at least two court days before the hearing.

Each objection must be numbered and located within a copy of the declaration after the sentence or phrase that is objected to, along with the grounds for the objection. Brackets must be

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placed around the sentence or phrase to which the objection is made. The objecting party must also file a proposed order on the objection.

Declarations made in compliance with Code of Civil Procedure section 2015.5 will be received in evidence at the hearing, subject to the court's rulings on timely-filed written objections; or, if applicable, cross-examination of the declarants. Failure to file written objections does not prohibit a party from arguing that reduced or no weight should be given any declaration or any statement contained therein.

Oral evidentiary objections to a declaration submitted in connection with a motion or order to show cause may be presented by a party at any time or during the hearing.

(Rule 5.8 new and effective July 1, 2011)

5.9 FINANCIAL DECLARATIONS AND SUPPORTING DOCUMENTS

The parties must completely fill in all blanks on financial declarations (including the Income and Expense Declaration), as required by California Rules of Court, rule 5.128. If a party claims that a previously-filed financial declaration is "current" within the meaning of California Rules of Court, rule 5.128, a copy must be attached to the moving or responding papers.

In addition to the schedules and pay stubs required to be attached to the Income and Expense Declaration, the parties must bring to the hearing copies of state and federal income tax returns (including all supporting schedules) and all loan applications (whether or not the loan was granted) for the last two years.

(Rule 5.9 new and effective July 1, 2011)

5.10 EVIDENCE OF ATTORNEYS' FEES, EXPERTS' FEES AND COSTS

Any request, oral or written, for an order for payment by another party of attorneys' fees and court costs in excess of \$1,000, must be accompanied by a separate written fee declaration signed by the attorney or party seeking such order. A fee declaration may be supplemented at the time of the hearing to update the amount of the fees or costs requested. The failure to submit a fee declaration may result in an order limiting the evidence to that already before the court in the proceeding.

A fee declaration should include: (1) the services performed and costs incurred to date, (2) the time expended, (3) the hourly rate charged, if applicable, (4) the attorney's years of experience in practice and in family law, (5) professional certifications, (6) a good faith best estimate of future services to be performed, costs to be incurred and their necessity, (7) each party's access to community assets, (8) the specific amount requested, and the portion of the requested amount that has been paid by or on behalf of the requesting party, and (9) the amount of prior awards of fees and costs in the case.

If expert's fees are sought, the moving party must provide a statement setting forth the scope of the expert's assignment, the services performed, the time expended and costs incurred to date, an estimate of future services and costs, the specific amounts requested, and the necessity for the expert review.

(Rule 5.10 new and effective July 1, 2011)

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5.11 PREPARATION OF ORDERS AFTER HEARING

Unless otherwise ordered by the court or required by the California Rules of Court, counsel for the moving party must prepare a written order within five court days following a hearing, submit it to opposing counsel, for approval as to form, and file it with the court. If the moving party's counsel fails to prepare the order, or the opposing party's counsel files objections to the proposed order within five court days of service, the opposing party's counsel may prepare and submit the proposed order to the court with a proof of service on the moving party.

If the counsel disagree on the form of the proposed order, either party may request the court rule on objections as to form, by letter, with the applicable portions of the hearing transcript attached.

All orders after hearing must be filed in the department where the hearing was held.

(Rule 5.11 new and effective July 1, 2011)

5.12 FAMILY-CENTERED CASE RESOLUTION

It is the intent of the court to provide judicial assistance and management to the parties in family law cases in order to focus on early resolution of cases through settlement, expedite the processing of cases, and reduce the costs of litigation. (*See* Fam. Code, § 2450.)

The court may hold a status conference at the first hearing calendared by a party after the response to the Petition is filed. At the status conference, the court may review the progress of the case, identify unresolved issues, develop discovery plans and discuss the possibility of settlement.

At the status conference, counsel must inform the court of the following matters:

(1) the attendance of both parties at parents and children together ("PACT") and Family Court Services mediation;

(2) the service by both parties of a complete Preliminary Declaration of Disclosure;

(3) the filing with the court of a Declaration Regarding Service of Declaration of Disclosure and Income and Expense Declaration;

(4) the readiness of the parties to participate in mediation;

(5) the appropriateness of referral to arbitration;

(6) the willingness of the parties, to limit, schedule or expedite discovery, including the willingness to provide the opposing party, without a discovery request: (a) the name, address, and telephone number of each individual likely to have discoverable information that supports the party's disclosures, and (b) a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party and that supports the party's disclosures;

(7) the appropriateness of implementation of a family centered case resolution plan pursuant to Family Code section 2451; and

(8) the willingness of the parties to stipulate to the appointment of court experts, and allocate the expert's expense, or to schedule a hearing for the appointment and expense allocation of court experts.

At any status conference, the court may:

(1) schedule disclosure of expert witnesses, by stipulation;

(2) inquire whether issues can be narrowed by stipulation and set dates for the filing of stipulations;

(3) set dates for further status conferences, as needed, and no less often than every six months;

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- (4) set dates for other events that must take place before the next status conference;
- (5) set the date for trial and/or settlement conferences; and
- (6) take such other action, as permitted by law, which could promote the just and efficient disposition of the case.

Appearance by counsel at any status conference, either in person or by telephone (if approved in advance by the court), is mandatory. Failure to appear will result in the setting of an order to show cause why sanctions should not be imposed. No appearance is required if excused by the court, a judgment has been filed, or the case has been dismissed.

(Rule 5.12 new and effective July 1, 2011)

5.13 TRIAL SETTING

Either party may file a Request For Trial Setting. The court may set, in its discretion, the matter for trial, or may schedule a trial setting conference. The parties or their counsel will be notified by mail of the date and time of the trial or the trial setting conference.

Counsel are required to provide the court with reasonable and accurate time estimates for trial. If the time estimate of either party is exceeded during the trial, the court may, in its discretion, deem the case submitted, declare a mistrial, or continue the matter to a new trial date.

In the event that the case settles, both counsel must immediately notify the court, so that the trial date may be vacated.

(Rule 5.13 new and effective July 1, 2011)

5.14 MANDATORY SETTLEMENT CONFERENCES FOR LONG CAUSE TRIALS

In all long cause family law cases (defined in Local Rule 5.3 herein as five hours or more), a Mandatory Settlement Conference (“MSC”) will be set two weeks before trial, or as close to that time as the court’s calendar permits. In the Central District, the MSC will be set by Department 2. In other districts, the MSC will be set pursuant to district policy.

All parties and trial counsel must appear personally at the MSC.

The court’s role at the MSC is to assist the parties in settlement negotiations. Prior to the MSC, counsel must hold at least one face-to-face or telephonic settlement discussion, and make a full exchange of all pertinent information, including the information discussed below.

(a) Pre-MSC Requirements.

(1) Not less than seven calendar days before the scheduled MSC, each party must exchange on the other and lodge with Department 2 the following:

(i) A witness list identifying all non-party, non-impeachment lay and expert witnesses to be called at trial to prove that party’s case-in-chief, together with a brief description of each witness’s testimony;

(ii) An exhibit list identifying all non-impeachment exhibits to be offered at trial to prove the case-in-chief;

(iii) A MSC brief containing information as described below;

(iv) A current Income and Expense Declaration;

(v) A signed and dated Schedule of Assets and Debts with all necessary Continuation Declarations and appraisals or estimates of value for all items of property shown thereon; and

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(vi) A Jointly prepared Joint MSC Worksheet (the form of which is available in Department 2 or on the court's website) with attached applicable documentation for the characterization and value of each asset, the characterization and amount of each debt, and the amount of each reimbursement claimed with supporting documentation.

(2) Within five days of receiving the other party's exhibit list, a party may request in writing that the offering party provide a copy of any listed exhibits, which exhibits must be provided to the requesting party prior to the MSC date. The failure, without good cause, to make a timely request for a copy of an exhibit will preclude a claim of surprise.

(b) Contents of the MSC Brief. The MSC Brief must contain the following:

(1) The times and dates of the MSC and the trial, set forth in the caption;

(2) All relevant statistical facts, including the date of marriage, date of separation, length of marriage (in years and months); and the number and ages of minor children;

(3) A recitation of the facts of the case and its procedural history, identifying all previous orders bearing on any matter in dispute and followed by a brief discussion of the law on which a party relies as to each contested issue;

(4) Each party's specific proposals regarding child custody and child and/or spousal support, together with computer support printouts if applicable;

(5) For any case in which an item of personal or real property or an interest therein is claimed to be separate property and the other party has not stipulated thereto in open court, the date of acquisition, the encumbrances at acquisition, the title at acquisition, current value, and the amount of present encumbrances;

(6) The proposed division of community assets and community debts;

(7) The amount of any attorneys' fees, experts' fees, or costs being requested.

(8) A request for attorneys' fees, experts' fees, or costs must comply with the requirements of Local Rule 5.10.

(c) Sanctions for Failure to Comply with MSC Requirements. The failure, without good cause, to exchange and lodge the witness list described in subdivision (a)(1)(i) will preclude a party from calling any witness other than the parties at trial. The failure, without good cause, to lodge the exhibit list described in subdivision (a)(1)(ii), list a particular exhibit, or provide copies of exhibits as required by subdivision (a)(2), may result in sanctions, including, but not limited to, exclusion of the unlisted, non-impeachment exhibits at trial. The failure, without good cause, to comply with this rule also may result in monetary sanctions, including payment to the court or of the attorney's fees and costs incurred by the other party, and/or to the court and payment of money, including attorneys' fees and costs, incurred by the other party and/or taking the trial off calendar.

(Rule 5.14 new and effective July 1, 2011)

5.15 TRIAL

(a) Continuance. The trial date cannot be continued by stipulation (*see* Cal. Rules of Court) of the parties. At a hearing before the court, the court may, in its discretion, continue the trial date upon a showing of good cause. (*See* Cal. Rules of Court, rule 3.1332.)

(b) Pre-trial Filings. In long cause trials, at least seven days before the trial date, counsel must exchange and file with the court a trial brief in the format set forth for MSC briefs in Local Rule 5.14(b).

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In short cause trials, the court may, at its discretion, order counsel to comply with all or part of the disclosures and pleadings required for and MSC. (*See* Local Rule 5.14.)

A party seeking attorneys' fees, experts' fees, or costs must comply with Local Rule 5.10.

All exhibits listed in a party's exhibit list exchanged pursuant to the MSC rules must be pre-marked and exchanged at least five court days prior to the initial date set for hearing. Absent a showing of good cause, exhibits not pre-marked and exchanged will not be received in evidence.

Before trial begins, counsel must submit to the clerk all pre-marked exhibits and a second "working" copy for the court. All exhibits should be placed in a binder with appropriate tabs.

(c) Trial Procedure. Counsel should read and be familiar with Local Rules 3.37-3.159 regarding civil trial procedure.

(Rule 5.15 new and effective July 1, 2011)

5.16 JUDGMENT PROCEDURE

In every case in which the court asks a party to prepare and file a judgment, counsel for the party so ordered must serve the proposed judgment on opposing counsel for approval as to form and file the approved judgment with the court. If the party ordered to prepare the judgment fails to do so, or if the opposing party files objections to the proposed judgment within ten days of service, the opposing party's counsel may prepare and submit a proposed judgment to the court with a proof of service on the other party.

At the time the court orders the judgment prepared, the court will set an order to show cause re: entry of judgment. If the judgment approved as to form is received prior to this hearing, no appearance is necessary. If no judgment is received, sanctions may be imposed.

(a) Bifurcated Status Only Judgments. Parties in action for dissolution may file a bifurcated judgment on the issue of marital status only. The box on the Judicial Council Judgment form (FL-180) must be checked which provides that jurisdiction is reserved over all other issues and all present orders remain in effect.

A Preliminary Declaration of Disclosure with all required attachments must be served on the nonmoving party with the proposed judgment, unless it has been served previously and a proof of service is filed with the court.

(b) Stipulated Judgments on Further Reserved Issues. When all remaining issues have been resolved, a Stipulation for Judgment or Further Judgment Upon Reserved Issues may be submitted to the court without appearance. The proposed judgment must comply with the California Rules of Court. The following forms must be submitted:

(1) Original and three copies of the judgment. The court will retain the original and one copy;

(2) If child support has been ordered, the judgment must be accompanied by:

- a) A Stipulation to Establish or Modify Child Support and Order;
- b) If appropriate, an Order/Notice to Withhold Income for Child Support;
- c) If appropriate, a Stay of Service of Earnings Assignment Order;

(3) An Appearance, Stipulation and Waiver, including a stipulation that the matter may be heard by a commissioner sitting as a judge pro tempore;

(4) Declaration Regarding Service of the Final Declaration of Disclosure. If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the judgment;

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- (5) Original and two copies of the Notice of Entry of Judgment; and
 - (6) Two self-addressed, stamped envelopes, addressed to each counsel.
- (Rule 5.16 new and effective July 1, 2011)

5.17 DEFAULT OR UNCONTESTED JUDGMENT BY AFFIDAVIT

The following forms must be submitted to obtain a default or uncontested judgment:

- (1) Declaration for Default or Uncontested Dissolution;
- (2) Request for Default or Appearance, Stipulation and Waiver form, whichever applies;
- (3) Declaration Regarding Service of Declaration of Disclosure (Preliminary and/or Final, as necessary). If the Declaration Regarding Final Declaration of Disclosure is waived, the waiver must be a separate waiver, not included within the Judgment;
- (4) Original and three copies of the judgment. The court will retain the original and one copy;
- (5) Original and two copies of the Notice of Entry of Judgment; and
- (6) Two self-addressed, stamped envelopes, with the court's address as the return address;

As appropriate, the following forms are also required:

- (1) Current Income and Expense Declaration;
- (2) Stipulation to Establish Or Modify Child Support and Order;
- (3) Earnings Assignment Order; and
- (4) Property Declaration.

All forms must be completely filled out. A party may not request orders in the judgment which were not requested in the petition.

Unless there is a written agreement to the contrary, the following issues will require a court hearing:

- (1) Request to terminate the court's jurisdiction over spousal support in a marriage of ten years or longer;
- (2) Request for no visitation or for supervised visitation; and
- (3) Request for a specific amount of spousal support.

Filing fees will not be required from a defaulting party that has signed a judgment. The signature of the defaulting party must be notarized.

(Rule 5.17 new and effective July 1, 2011)

5.18 ALTERNATIVE DISPUTE RESOLUTION ("ADR") OF NON-CUSTODY DISPUTES

(a) Arbitration and Mediation. Pursuant to Family Code section 2554, the court may order parties to arbitration. In lieu of arbitration, the parties may elect mediation, pursuant to Code of Civil Procedure section 1141.10. Upon referral by a judicial officer to mediation, the parties must follow the ADR rules set forth in Local Rule 3.252 *et seq.*

(b) Mediator Qualifications. The qualifications necessary to serve on the family law mediation panel are found in Appendix 5.A to the Local Rules.

(Rule 5.18 new and effective July 1, 2011)

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5.19 FAMILY COURT SERVICES: MEDIATION, CUSTODY EVALUATIONS AND PARENT EDUCATION

Family Court Services must provide confidential mediation of child custody and visitation disputes, must provide a mediation orientation program as described below in subdivision (a)2(i), and will conduct or coordinate court-ordered evaluations. Family Court Services staff will aid parents making their own decisions regarding the care of their children.

(a) Family Court Services Mediation.

(1) This rule applies to all family law cases involving a dispute regarding child custody and/or visitation.

(2) The Family Code assigns jurisdiction over such matters disputes to the Conciliation Court. Family Court Services must provide the parents in such disputes with the following:

(i). A mediation orientation program which includes an explanation of the mediation process, educational material regarding the effects of parental separation and conflict on children, and information and referrals about domestic violence.

(ii). Mediation session(s) focused on the resolution of the custody and/or visitation dispute.

(3) Unless otherwise specified below, parents must attend a mediation orientation and a mediation session prior to appearing at an order to show cause hearing or trial regarding the custody and/or visitation of their children, unless they resolve all issues pertaining to custody and/or visitation prior to the date of hearing. Parents must attend the mediation orientation program once. An appointment for a mediation session will be obtained prior to obtaining an order to show cause hearing date or a trial date regarding child custody and/or visitation issues.

(i). Parties in cases filed under the DVPA may attend the mediation orientation program but are not required to do so.

(ii). Failure to attend the mediation orientation program will not preclude the Family Law Services Mediation Office from proceeding with a mediation session in a specific case.

(iii). Failure to attend the mediation orientation program will not preclude a court from making orders regarding a specific matter.

(iv). This rule and a schedule for the mediation orientation program will be provided by the clerk to the petitioner or moving party. The petitioner or moving party must serve the same, along with the Petition or order to show cause, on the responding party. The clerk will not schedule a court date for an order to show cause hearing regarding custody and/or visitation until the party has scheduled a mediation appointment with Family Court Services.

(v). Each party will receive a certificate of completion of the mediation orientation program. It is the responsibility of each party to provide proof of completion of the mediation orientation program upon request of the court.

Sanctions may be imposed by the court upon any party for failure to complete the mediation orientation program or Family Court Services mediation.

(b) Confidentiality of Family Court Services Proceedings.

(1) In any family law proceeding involving the custody or visitation of minor children, any written report or recommendation from the Child Custody Evaluation Unit of Family Court Services or from any person appointed by the court to render a report must be confidential and unavailable to any person except the court (including Juvenile Division), the Department of Children

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and Family Services, the parties, their attorneys, expert witnesses, and any person to whom the court grants access by written order made with prior notice to all parties. No person who has access to a report shall disclose its contents to any child who is the subject of the report.

(i.) Copies of the report must be furnished by Family Court Services to counsel at least ten days before any hearing or other action which is the subject of the report unless otherwise ordered by the court.

(ii.) The name and address of any party who becomes delinquent in payments owed to the court for work performed by the Child Custody Evaluations Office and the amount owed may be released by the court to a collections agency for the purpose of collecting the debt.

(iii.) Nothing in this rule shall prevent an evaluator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

(2) Except as provided here, it is the policy of the court that all Conciliation Court marriage counseling and family mediation services are confidential. Such confidentiality is essential to the effective functioning of the Conciliation Court.

(i.) Family Court Services staff must not disclose information to persons other than participants and their counsel, or produce records in violation of this policy. No Family Court Services staffperson, party, counsel, or participant may be compelled to testify concerning any information acquired--including, but not limited to, communications or observations made in connection with the provision of Conciliation Court services.

(ii.) Exceptions

Nothing in this rule restricts any person from reporting or serving as a witness where a crime has been committed, or is alleged to have been committed, in his or her presence;

Nothing in this rule restricts Family Court Services staff from complying with any law requiring reporting of child abuse and the fact that such a report was made or exists shall not be deemed confidential;

Nothing in this rule restricts Family Court Services staff from complying with the requirements of *Tarasoff v. The Regents of the University of California* (1976) 17 Cal.3d 425;

The fact that a Family Court Services mediation session took place, the time and place of that session, and the identities of participants shall not be deemed confidential;

The fact that an agreement was or was not reached and the contents of any signed stipulation and order resulting from a Conciliation Court session shall not be deemed confidential;

Nothing in this rule prevents a Family Court Services mediator from recommending that a matter be referred for a child custody evaluation, or that an attorney be appointed for a child or children;

Nothing in this rule prevents the Family Court Services mediator from meeting with the judge hearing a contested custody matter in an in-chambers conference with both attorneys and the parties when the parties themselves have both consented to such a conference following their completion of the mediation process.

Nothing in this rule prevents a mediator from disclosing the existence of another court case involving the children at issue or their parents, stepparents, or legal guardians for purposes of coordinating court hearings and delivery of services.

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(c) Adherence to Standards and Requests for Change of Family Court Services Mediator/Evaluator.

(1) Mediator. A request for a change of mediator must be addressed to a Supervisor, Family Court Services. If the request is not resolved to the satisfaction of the party seeking it, that party may bring the request to the attention of the Administrator, Family Court Services. The request will be granted only upon a showing of good cause.

(2) Evaluator. After a stipulation has been filed appointing the court's Child Custody Evaluations Office and an evaluator has been assigned, each side is permitted one peremptory challenge to the evaluator assigned within five court days of receiving the written notification of the assignment. Challenges for cause may be made at any point in the process through the Administrator of Family Court Services. An evaluator appointed to perform a Solution Focused Evaluation can only be challenged for cause.

(3) Good cause may include, but not be limited to, a showing that the mediator or evaluator is personally acquainted with a party or has a conflict of interest or appearance thereof with one of the parties or attorneys, or is otherwise unable to perform his or her duties in a fair and impartial manner.

(4) Complaints. A complaint about a Family Court Services mediator or evaluator must be addressed in writing to the Administrator, Family Court Services. A supervisor will review the complaint and the case file and discuss the matter with the individual mediator or evaluator who is the subject of the complaint. A written response will be sent to the person filing the complaint. If either the complainant or the mediator or evaluator is not satisfied with the action taken in connection with the complaint, it may be brought to the attention of the Administrator. If appropriate, corrective and/or disciplinary action will be taken with the individual staff person involved.

(5) Standards of Practice It is the responsibility of the court to assure that mediators and evaluators adhere to the Standards of Practice as set forth in the California Rules of Court, Chapter 5. The quality of service is monitored on an on-going basis by: (1) Regular training and clinical supervision of Family Court Services clinical staff and their work; and (2) Review sheets completed by judicial officers on child custody evaluations.

(d) Assessment of minor(s) seeking permission to marry.

(1) Statute requires court and parental consent for a minor seeking permission to marry.

(2) A minor seeking permission to marry must file with the Court a Request of Minor to Marry (FL-910) that includes written parental consent; and a proposed Order (FL-915).

(3) To assist the court in determining whether to grant the minor permission to marry, the minor and his or her prospective spouse are required to meet with a Family Court Services Specialist for an assessment for consent to marry.

(4) The Family Court Services Specialist must provide the court with a recommendation as to whether the application should be granted, denied, or deferred.

(5) The recommendation is confidential and unavailable to anyone except the court, the parties, and their attorneys, and will be placed in a confidential envelope.

(6) The court shall consider the application, recommendation, and such other matters it deems relevant and thereafter issue an order to grant or deny the Request of Minor to Marry.

(Rule 5.19 new and effective July 1, 2011)

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5.20 PRIVATE CHILD CUSTODY EVALUATIONS

(a) Peremptory Challenge. When a private evaluator is appointed, other than by stipulation, each side will be permitted one peremptory challenge of a specific evaluator. The challenge must be made within ten court days of the notice of appointment.

(b) Withdrawal From a Case. A private evaluator has the right to withdraw from a case upon a showing of good cause to the trial court making the appointment.

(c) Complaint Regarding Evaluator. A complaint regarding the conduct of, or procedure employed, by a court-appointed private child custody evaluator will be handled by the judge making the appointment and the appropriate professional licensing board. If the evaluator is listed in the court's Counselor and Evaluator Directory, the complaint judge may defer action to the Directory Administrator pursuant to subdivision (e), subsection (5), of this rule.

(d) Training. A person appointed as a child custody evaluator must complete a Declaration of Private Child Custody Evaluator Regarding Qualifications (Form FL-326) showing compliance with all applicable education, training, and experience requirements and file it in the clerk's office no later than ten days after notification of an appointment and before beginning any work on a child custody evaluation.

(e) Counselor and Evaluator Directory.

(1) In an effort to assist parties and their attorneys in locating mental health professionals who perform Child Custody Evaluations, the court has a list of mental health professionals who perform this service. The mental health professionals listed are not court employees and are not endorsed by the court.

(2) To be included in the Counselor and Evaluator Directory, a mental health professional must:

a. Be licensed in the State of California in one of the following areas: LCSW, MFT, clinical psychologist, or board certified psychiatrist;

b. Declare under penalty of perjury that he/she has performed five child custody evaluations within the last three years;

c. Declare under penalty of perjury that he/she has read The Standards of Practice for Court Appointed Child Custody Evaluations in the California Rules of Court and this Local Rule 5.21;

d. Complete any training required for child custody evaluators by statute or the California Rules of Court;

e. Have malpractice insurance coverage; and

f. Not use inclusion in the directory for advertising.

(3) Mental health professionals seeking inclusion in the directory must submit the following materials which will be made available to the public:

a. A signed application;

b. A current résumé;

c. A copy of the applicable clinical license;

d. Certificates of completion of 16 hours of advanced domestic violence training and annual updates as required by Family Code section 1816 and California Rules of Court, rule 5.230; and

e. Certificates of completion of 40 hours of initial education and training and annual updates as required by California Rules of Court, rule 5.225.

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(4) Upon appointment to perform an evaluation, a mental health professional must provide both parties with a letter describing his or her procedures, including that any written material submitted to the evaluator must be sent to the opposing party and that the final date by which written material must be submitted.

(5) Any court-ordered evaluation conducted by a mental health professional listed in the directory must be completed and mailed within ten weeks of the court's appointment and the evaluator's receipt of the required deposit, unless extenuating circumstances arise. If an extension is required, the evaluator will notify the court, both parties, and the Directory Administrator by letter. Reasons for the extension must be described in the letter.

(6) Upon request, the mental health professionals included in the directory must disclose any significant personal or professional relationship the evaluator has or has had with a party, attorney, or law firm in the instant case, including the number and nature of any services in the past 24 months in which the evaluator has been privately compensated by a party, attorney, or law firm in the instant case. The services may include, but are not limited to, services provided as an expert witness, consultant, evaluator, special master, mediator, or therapist.

(7) Challenges, Complaints, Removal from the Directory. The court reserves the right to remove any name from the directory upon written notification to the evaluator.

a. Reasons for removal may include, but are not limited to the (i) failure to maintain a clinical license in good standing, (ii) failure to remain current on training mandated by statute or the California Rules of Court, (iii) submission of work that does not meet the standard of practice for court-appointed evaluators, (iv) failure to submit work in a timely fashion, and (v) consistent refusal to accept court referrals.

b. A complaint regarding the content of the evaluation report or the conclusions reached by the evaluator must be made to the court hearing the custody matter at the time of trial.

c. A complaint about the ethical conduct of the evaluator must be made in writing to the Directory Administrator, and may also be made to the appropriate licensing board.

d. A complaint about the procedures used by an evaluator must be addressed in writing to the List Administrator.

e. Complaints addressed to the Directory Administrator will be reviewed and answered in writing. The Directory Administrator will provide a copy of the complaint to the evaluator who is the subject of the complaint.

f. A serious complaint regarding the conduct of procedures used by an evaluator will be reviewed by a committee appointed by the Supervising Judge of the Family Law Department. The committee will consist of the Directory Administrator, a family law judge, a court employed evaluator, and may also include a private evaluator and any other person appointed by the Family Law Division Supervising Judge. The committee will review the complaint with the evaluator. If the committee decides to remove the evaluator from the directory, the evaluator will be notified of that fact in writing. The decision of the committee will be final and not subject to further review. In reviewing a complaint, the members of the committee are persons performing quasi-judicial functions, and presiding at quasi-judicial proceedings within the meaning of Evidence Code section 703.5. The records and information in the possession of the committee regarding evaluators is official information acquired in confidence by public employees in the course of their

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duties, and not open, or officially disclosed to the public within the meaning of Evidence Code section 1040, subdivisions (b)(1) and (b)(2).

(Rule 5.20 new and effective July 1, 2011)

5.21 COMPLAINTS REGARDING MINOR'S COUNSEL

Complaints regarding the conduct and procedures employed by counsel appointed for a child pursuant to Family Code section 3150 *et seq.* will be handled by the judicial officer to whom the case is assigned. Complaints may also be made to the State Bar of California. Pursuant to noticed motion, application, or order to show cause, the judicial officer must determine what action should be taken, if any.

(Rule 5.21 new and effective July 1, 2011)

5.22 MINOR'S CONTRACT PROCEDURE

A petition for the confirmation of a minor's contract under Family Code section 6700 *et seq.* must be filed in Department 2. The contract for which confirmation is sought must be attached as an exhibit to the petition. The petition must be accompanied by a separately filed proposed order.

A proposed order confirming a minor's contract must direct petitioner, through his or her counsel, to file a declaration under penalty of perjury evidencing: (1) compliance with Family Code section 6752(b), and (2) that petitioner forwarded a copy of the order to the minor's guardian *ad litem* with a cover letter which included the language under Family Code section 6752(b).

Department 2 has continuing jurisdiction over the petition and any funds blocked pursuant to court order until the funds are released. A petition to amend a prior order pursuant to Family Code section 6752(b)(7), or a petition for withdrawal of funds from blocked account pursuant to Family Code section 6752(d)(5), must be supported by adequate declarations setting forth the reason and necessity of the requested action.

Applications for release of funds to the minor after reaching majority must be accompanied by proof that the minor has reached the age of eighteen or is emancipated.

The clerk will assess a fee for processing applications for release of funds from blocked minors accounts.

(Rule 5.22 new and effective July 1, 2011)

5.23 DUTIES OF FAMILY LAW FACILITATOR

Pursuant to the provisions of Family Code section 10005(a), duties of the Family Law Facilitator shall include the following:

(a) Meetings. Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to Family Code section 10012. Actions in which one or both of the parties are self-represented have priority;

(b) Stipulations. Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Family Code section 10003;

(c) Advice to Court. If the parties are unable to resolve issues with the assistance of the Family Law Facilitator, prior to or at the hearing, and at the request of the court, reviewing the paperwork, examining documents, preparing support schedules, and advising the court whether or not the matter is ready to proceed; and

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(d) Preparation of Order. Preparing formal orders consistent with the court's announced order in cases where both parties are self-represented.

(Rule 5.23 new and effective July 1, 2011)

5.24 ACTIONS FOR PATERNITY/PARENTAGE, CHILD AND SPOUSAL SUPPORT

(a) Central Civil West Courthouse. The following actions shall be heard at the Central Civil West Courthouse:

(1) Actions filed by the Child Support Services Department ("CSSD") pursuant to the Family Code for an order to establish paternity (parentage) and/or child support, to modify child support, to obtain retroactive child support; or to enforce a child, spousal or family support order;

(2) Actions filed, other than by the CSSD, involving only the modification or enforcement of a child, spousal or family support order or for the determination or collection of arrears in which the CSSD has made an appearance or is enforcing the child, spousal or family support order; and

(3) Actions which, upon proper notice, are transferred to Central Civil West at the request of parties with matters pending in the Central District or other district.

(b) Stanley Mosk Courthouse (Central) and District Court Family Law Departments. The following actions shall be heard in the Central District (Stanley Mosk Courthouse) and in any family law court in another district:

(1) Actions filed, other than by the CSSD, by any party pursuant to the Family Code to establish paternity (parentage) or an original order for child, spousal or family support;

(2) Actions filed, other than by the CSSD, by any party pursuant to the Family Code which involve issues in addition to child, spousal or family support, such as custody, visitation, division or control of property and personal restraining order; and

(3) All other actions not specified in subdivision (a) above, unless the CSSD files and serves a written request for transfer to the Central Civil West Courthouse at least fifteen days prior to the scheduled court date. The court before whom the action is pending shall rule on the request for transfer and, if granted, a new hearing date at Central Civil West Courthouse shall be set no later than fifteen days from the date of transfer.

(c) Incorrect Filing: Transfer to Central Civil West. An action which should have been filed at Central Civil West, pursuant to subdivision (a), and which has been incorrectly filed in another courthouse, must be transferred by the clerk to Central Civil West upon discovery of the error or upon written request by letter or fax from the CSSD. The clerk shall serve notice of the transfer, specifying the reason and a new hearing date at Central Civil West no later than fifteen days from the date of the transfer, on all parties.

(Rule 5.24 new and effective July 1, 2011)

5.25 DECLARATION/STATEMENT OF PROVIDER OF SUPERVISED VISITATION

Pursuant to Penal Code section 11166.5(d), all providers of supervised visitation who receive payment for their services must complete and file a declaration/statement as provided on court Form H272. The provider must attach a copy of proof of attendance at a training program to the form.

(Rule 5.25 new and effective July 1, 2011)

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5.26 COLLABORATIVE LAW CASES

(a) Designation. A case may be designated a “Collaborative Law Case” if the parties have signed a written Collaborative Law Agreement that provides for 1) a full exchange of information, 2) the withdrawal of the party’s attorney (whether or not said attorney is of record) upon the termination of the collaborative law process, and 3) the joint retention of any consultants needed to assist the parties in the collaborative law process, unless otherwise authorized by the written agreement of the parties. The words “Collaborative Law Case” shall be placed below the case number in the case caption on all documents filed. Attorneys representing parties to a Collaborative Law Case may be, but are not required to be, of record.

(b) Contested Matters. As long as a case is designated a Collaborative Law Case, no contested matters shall be filed. Collaborative Law Cases shall not be subject to Local Rule 5.12. A Collaborative Law Case filed in the Central District shall be assigned to Department 2 until its designation as a Collaborative Law Case terminates.

(c) Initial Assignment. For purposes of Code of Civil Procedure section 170.6, a Petition filed in the Central District with the words “Collaborative Law Case” in the box “Petition For” is assigned to Department 2 as a Master Calendar assignment.

(d) Termination. A party may terminate the designation of a case as a Collaborative Law Case without cause by serving written notice of termination on the opposing party and filing the notice with a proof of service. Any filing of a contested matter by either party will also terminate the designation of Collaborative Law Case, effective on the date of filing. Upon termination of the Collaborative Law Case designation, the status of any party’s attorney as attorney of record shall terminate without further notice. An attorney of record’s motion to withdraw from a Collaborative Law Case does not terminate the designation of Collaborative Law Case.

(Rule 5.26 new and effective July 1, 2011)

CHAPTER 6

ADOPTION RULES

6.1 AGENCY ADOPTION (Fam. Code, § 8700 *et seq.*)

(a) Filing Petition. An agency adoption case must be filed at the Children's Court, 201 Centre Plaza Drive, Monterey Park, CA 91754-2158, except that uncontested adoption cases may be filed and heard in the district where the petitioner resides. An uncontested adoption is defined as a case where the birth parents have signed a relinquishment, have/will consent to the adoption, or are deceased.

(b) Petition & Supporting Papers. An agency adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2. All adoption forms may be obtained at the court's website www.lasuperiorcourt.org, or from the applicable courthouse.) At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Joinder by Agency. The petitioner must arrange with the agency involved for any necessary joinder.

(d) Report by Agency. The petitioner must provide the agency with the case information in order for the agency to file the necessary reports, documents, and consent (Adoption Form 3) to facilitate the adoption.

(e) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), Adoption Order (Adoption Form 6), and an Adoption Expenses (Adoption Form 7). Agency adoptions are heard at the Children's Court in Department 421, and dependency adoptions are heard in the department where the dependency case originated. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.1 new and effective July 1, 2011)

6.2 INDEPENDENT ADOPTION (Fam. Code, § 8800 *et seq.*)

(a) Filing Petition. An independent adoption case must be filed at the Children's Court, except that an uncontested adoption case may be filed in the district where the petitioner resides. An uncontested adoption is defined as a case where the birth parent(s) have signed an Adoption Placement Agreement, have/will consent to the Adoption or are deceased.

(b) Petition & Supporting Papers. An independent adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2). If the petitioner is not related to the minor child being adopted, the Adoption Request must include an attached Adoption Placement Agreement or letters of guardianship. (*See* Fam. Code, § 8802.) At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Reports by Agency. The petitioner must provide the Los Angeles County Department of Children and Family Services Adoption Unit or other designated private agency with the applicable case information in order for the agency to file the necessary report and recommendation with the court. The court will not make an order of adoption until after the report and

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recommendation have been filed and considered. (*See* Fam. Code, §§ 8807, 8816, 8817, 8821.) The petitioner must pay the applicable fee for the agency's report. (*See* Fam. Code, § 8810.)

(d) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), Adoption Order (Adoption Form 6), and an Adoption Expenses (Adoption Form 7). Independent adoptions are heard at the Children's Court in Department 421. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.2 new and effective July 1, 2011)

6.3 STEPPARENT ADOPTION (Fam. Code, § 8000 *et seq.*)

(a) Filing Petition. A stepparent adoption case must be filed at the Children's Court, except that an uncontested adoption case, as defined in Local Rule 6.2(a), may be filed in the district where the petitioner resides.

(b) Petition & Supporting Papers. A stepparent adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2.) At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Reports by Designated Agency. The petitioner must provide the County Department of Children and Family Services ("DCFS") Adoption Unit or other designated private agency with the applicable case information in order for the agency to file the necessary report and recommendation with the court. The court will not make an order of adoption until after the report and recommendation have been filed and considered. (*See* Fam. Code, § 9001.) The petitioner must pay the applicable fee for the agency's report. (*See* Fam. Code, § 9002.)

(d) Hearing. After the agency report is served and filed, the petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), and an Adoption Order (Adoption Form 6). Stepparent adoptions are heard at the Children's Court in Department 421. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.3 new and effective July 1, 2011)

6.4 ADULT AND MARRIED MINORS ADOPTION (Fam. Code, § 9300 *et seq.*)

(a) Filing Petition. An adult or married minor adoption case must be filed at the Children's Court, or in the district where the petitioner or proposed adoptee resides.

(b) Petition & Supporting Papers. An adult or married minor adoption case must be commenced by filing a verified Petition and a Family Law Case Cover Sheet (Adoption Forms 8 and 2), along with the Consent of Spouse of Adopting Party (Adoption Form 9), Consent of Spouse of Adoptee (Adoption Form 10), an Agreement of Adoption (Adoption Form 11), a Decree of Adoption (Adoption Form 12), and an Application to Set Hearing (Adoption Form 13). At the Children's Court, the papers must be filed in Room 2100. In other districts, the papers must be filed where the district supervising judge directs.

(c) Report by Designated Agency. (Fam. Code, § 9325.) No investigation is required, but the court may require DCFS to investigate and make recommendations before the hearing.

(d) Hearing. Upon the filing of a petition for adult or married minor adoption, the clerk shall set the matter for a hearing. Adult and married minor adoptions are heard at the Children's Court

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in Department 421. Hearings in other districts will be set as directed by the district supervising judge. The clerk must mail notice of the hearing.

(Rule 6.4 new and effective July 1, 2011)

6.5 INTERCOUNTRY ADOPTION (Fam. Code, § 8900 *et seq.*)

(a) Filing Petition. An intercountry adoption case must be filed at the Children's Court.

(b) Petition & Supporting Papers. An intercountry adoption case must be commenced by filing an Adoption Request and a Family Law Case Cover Sheet. (Adoption Forms 1 and 2.) At the Children's Court, the papers must be filed in Room 2100.

(c) Joinder by Agency. The petitioner must arrange with the agency involved for any necessary joinder.

(d) Reports by Agency. The petitioner must provide the agency with the case information in order for the agency to file the necessary reports, documents, and consent (Adoption Form 3; Appendix 6.C) to facilitate the adoption. (*See* Fam. Code, §§ 8902, 8914, 8915.)

(e) Hearing. After the agency report is served and filed, Petitioner must file a Memorandum for Setting Hearing (Adoption Form 4), an Adoption Agreement (Adoption Form 5), an Adoption Order (Adoption Form 6), and an Adoption Expense (Adoption Form 7). Intercountry adoptions are heard at the Children's Court in Department 421. The clerk must mail notice of the hearing.

(f) Hague Convention. All applicable Intercountry adoptions must comply with the Hague Convention on Protection of Children and Co-operation Adoption Requirements.

(Rule 6.5 new and effective July 1, 2011)

6.6 PETITION TO DETERMINE PARENT AND CHILD RELATIONSHIP (Fam. Code, §§ 7630 *et seq.*, 7820.)

(a) Petition and Supporting Papers. A man who brings a Petition to Determine a Parent and Child Relationship to determine paternity of a child, and who has reason to believe that the child is in the physical or legal custody of an adoption agency or one or more persons (other than the child's mother) who are prospective adoptive parents, must file the paternity petition in the Children's Court, Room 2100, and serve the pleading on, and give notice of all proceedings to, the adoption agency and prospective adoptive parents. (*See* Fam. Code, § 7630(e)(2).)

(b) Joinder of Interested Parties. Upon filing a response, or on the court's own motion, the agency and prospective adoptive parents will be joined as parties to the paternity action without the necessity of a motion for joinder. A joined party is not required to pay a fee for participating in the action. (*See* Fam. Code, § 7630(e)(1).)

(c) Consolidation. The paternity action shall be consolidated with any Petition to Terminate Parental Rights in an adoption proceeding. (*See* Fam. Code, §§ 7630(d)(1), & 7630(d)(2).) A motion to consolidate may be heard by the family law court in which a paternity action has been filed, or in Department 421 of the Children's Court. The consolidated petitions will be heard in Department 421 of the Children's Court unless the family law court finds by clear and convincing evidence that transferring the petition to the Children's Court would pose a substantial hardship on the petitioner.

(d) Mandatory Stay. The paternity action will be stayed until the final determination of the Petition to Terminate Parental Rights in the adoption. (*See* Fam. Code, § 7662(c).)

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(e) Hearing. The clerk shall set a hearing on a paternity petition that has not been stayed after the petitioner files a request to set the hearing.

(f) Assisted Reproduction Action. A Petition to Determine a Parent and Child Relationship involving a matter where a child has been conceived as a result of assisted reproduction, as defined under Family Code section 7606, may be submitted before or after the child's birth as an *ex parte* application if all parties to the action: 1) have been served with the petition; 2) consent to the matter being heard on an *ex parte* basis; 3) consent to the relief sought; and 4) all parties have executed a waiver to issuance of a judgment and/or executed a waiver. The petition must be filed with the clerk of the Children's Court, Adoptions Division or the family law court. The *ex parte* application must be supported by: 1) a stipulation between the parties agreeing to the requested relief; 2) supporting declarations sufficient to support each fact asserted and the relief sought; 3) supporting points and authorities; 4) a signed advisement and waiver of rights form; and 5) a proposed judgment. Upon receipt of the application, the court will either grant the petition without a hearing, or set the matter for hearing. A hearing is required in Department 421 of the Children's Court. The clerk must direct counsel to provide notice of the hearing.

(Rule 6.6 new and effective July 1, 2011)

6.7 PETITION TO TERMINATE PARENTAL RIGHTS IN ADOPTION PROCEEDING (Fam. Code, § 7660 *et seq.*)

(a) Petition and Supporting Papers. A Petition to Determine Parental Rights and Necessity of Consent must be filed in Room 2100, and heard in Department 421, at the Children's Court. (Adoption Form 14.) The Notice of Hearing (Adoption Form 17) must be filed and must specify the date of the hearing consistent with Family Code section 7667. The alleged natural father must be served with the petition and notice of hearing. If the alleged natural father's location is unknown, the petitioner must conduct a due diligence search in the county of the alleged natural father's last known address, and obtain an order from the court dispensing with notice. (Adoption Forms 15 and 16.)

(b) Mandatory Stay. All proceedings affecting a child under Divisions 8 (commencing with Section 3000) to 11 (commencing with Section 6500), inclusive, and Parts 1 (commencing with Section 7500) to 3 (commencing with Section 7600), inclusive, must be stayed pending final determination of the petition to terminate parental rights. (*See* Fam. Code, § 7662(c).) A motion for a stay may be heard in either the court in which the custody, paternity, or guardianship case is filed, or in Department 421 of the Children's Court.

(c) Mandatory Consolidation. Any paternity action filed by an alleged father under Family Code section 7630 must be consolidated with the Petition to Terminate Parental Rights. (Fam. Code, § 7630(d)(2).) A motion to consolidate may be heard in either the family law court in which the paternity action has been filed, or in Department 421 of the Children's Court.

(Rule 6.7 new and effective July 1, 2011)

6.8 PETITION FOR FREEDOM FROM PARENTAL CUSTODY AND CONTROL (Fam. Code, § 7800 *et seq.*)

(a) Petition and Supporting Papers. A Petition for Freedom from Parental Custody and Control (Adoption Form 18) must be filed in Room 2100 at the Children's Court.

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(b) Citation. A Citation (Adoption Form 19) must be filed at the time the petition is filed. The citation must specify a date and time of hearing in Department 421 of the Children's Court consistent with Family Code section 7880. The petitioner must serve the Petition and Citation on the parent or parents against whom the Petition for Freedom from Parental Custody and Control is brought. If a parent cannot be located, the petitioner may apply to the court for permission to serve that parent by publication (Adoption Forms 20 and 21; Appendices 6.T and 6.U). Where there is service of a parent by publication, the petition and citation also must be served on any grandparents, brothers, sisters, uncles, aunts, and first cousins whose relationship and residence is known to the petitioner. (Fam. Code, § 7881.) If service by publication is requested, then a military search is required and a certificate/declaration re military service must be filed (Adoption Form 22).

(c) Reports by Designated Agency. When a petition is filed, the clerk shall immediately notify the juvenile probation officer to investigate the child's circumstances and his or her placement in the petitioner's home.

(d) Mandatory Stay. All proceedings affecting a child under Divisions 8 (commencing with Section 3000) to 11 (commencing with Section 6500), inclusive, and Parts 1 (commencing with Section 7500) to 3 (commencing with Section 7600), inclusive, must be stayed pending final determination of the petition to declare the minor free from parental custody and control. (See Fam. Code, § 7807.) A motion for a stay may be heard in either the court in which the custody, paternity, or guardianship case is pending or in Department 421 of the Children's Court.

(e) Mandatory Consolidation. Any paternity action filed by an alleged father under Family Code section 7630 must be consolidated with the Petition to Declare the Minor Free from Parental Custody and Control. (Fam. Code, § 7630(d)(2).) A motion to consolidate may be heard in either the family law court in which the paternity action has been filed, or in Department 421 of the Children's Court.

(Rule 6.8 new and effective July 1, 2011)

6.9 MANDATORY CONSOLIDATION OF GUARDIANSHIP AND ADOPTION CASES

(a) Notice. A party to an adoption action who becomes aware that the subject child is also the subject of a guardianship action must immediately provide the court and all other parties with written notice of the guardianship action. The notice must include the caption of the guardianship action and docket number, and must attach a copy of the guardianship petition (whether for a permanent or temporary guardianship) and any letters (whether permanent or temporary) of guardianship.

(b) Mandatory Consolidation. The Guardianship Petition must be consolidated with the Adoption Petition and the consolidated cases shall be heard and decided in the court in which the adoption case is pending. (Fam. Code, §§ 8714(e), 8714.5(f), 9000(d), 8802(d) & Prob. Code, § 1510(h).) A motion to consolidate may be heard in either the family law court in which the guardianship petition is pending or in Department 421 of the Children's Court.

(Rule 6.9 new and effective July 1, 2011)

6.10 PETITION TO TERMINATE PARENTAL RIGHTS IN GUARDIANSHIP (Prob. Code, § 1516.5.)

(a) Petition & Supporting Papers. A Petition for a Child to be Declared Free from the Parental Custody and Control of one or both parents under the provisions of Probate Code section

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1516.5 may be brought in a pending adoption or guardianship action, or in a separate action, pursuant to Family Code section 7800 *et seq.*

(b) Investigation. The court will appoint a court investigator or other qualified professional to investigate all pertinent factors. The investigator's findings shall be included in the written report required pursuant to Family Code section 7851.

(c) Parental Rights. The rights of the parent, including the right to notice and counsel, provided in Family Code section 7800 *et seq.*, will apply to the action.

(d) Mandatory Consolidation. The petition must be consolidated with any pending adoption action as required by Probate Code section 1510(h), and will be heard in Department 421 of the Children's Court. A motion to consolidate may be heard in either the family law court in which the adoption action is pending or in Department 421 of the Children's Court.

(e) Non-Applicability. This rule does not apply to any child who is a dependent of the juvenile court or an Indian child.

(Rule 6.10 new and effective July 1, 2011)

6.11 RELATED ADOPTION CASES

(a) Notice of Related Adoption Cases. Two or more adoption cases which involve the same adopting parent(s) and the same birth parents and concern issues governed by the Family Code are deemed to be related adoption cases. Counsel must inform the court of related adoption cases by filing and serving a notice of related cases in each case or by orally informing the court on the record. The first filed adoption action shall be the lead case.

(Rule 6.11 new and effective July 1, 2011)

6.12 DISCLOSURE OF INFORMATION REGARDING AN ADOPTION (Fam. Code, § 9200 *et seq.*)

The court will not authorize any person to inspect the court documents in an adoption case except in exceptional circumstances. A person filing a request to inspect documents must seek a review in Department 421 of the Children's Court.

(Rule 6.12 new and effective July 1, 2011)

6.13 SETTING ASIDE/VACATING ADOPTION (Fam. Code, § 9100)

(a) Filing Petition. A Petition to Set Aside/Vacate an adoption must be filed in Room 2100 at the Children's Court within 5 years after the entry of the order of adoption. The clerk shall notify the department in Sacramento that the petition has been filed.

(b) Hearing. The department shall file a report with the court within 60 days after the notice. The set aside hearing will take place in Department 421 of the Children's Court. The department shall appear at the hearing for the purpose of representing the adopted child.

(Rule 6.13 new and effective July 1, 2011)

6.14 EMANCIPATION OF MINORS LAW (Fam. Code, § 7001 *et seq.*)

(a) Filing Petition. A Petition for Declaration of Emancipation of a Minor and Notice of Hearing (Adoption Forms 23 and 24) must be filed in Room 2100 at the Children's Court, along with Emancipation of Minor Income and Expense Declaration (Adoption Form 25).

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(b) Hearing. The emancipation hearing will take place in Department 421 of the Children’s Court (Fam. Code, § 7120).

(Rule 6.14 new and effective July 1, 2011)

6.15 SPECIAL IMMIGRANT JUVENILE STATUS

(a) Jurisdiction. Special Immigrant Juvenile Status (“SIJS”) is a classification under federal law that assists children in obtaining lawful permanent residency. The court has jurisdiction under California law to make judicial determinations about the custody and care of juveniles within the meaning of the Immigration and Nationality Act, 8 United States Code section 1101(a)(27)(J), and 8 Code of Federal Regulation section 204.11(a) and (d) (2) (i).

(b) Findings. If a non-dependency adoption case is pending, before a child can apply to the U.S. Citizenship and Immigration Services (“CIS”) for SIJS eligibility, Department 421 of the Children’s Court must make several findings of fact.

(c) Hearing. If a non-dependency adoption case is pending, the SIJS motion must be filed in Room 2100 and heard in Department 421 of the Children’s Court.

(Rule 6.15 new and effective July 1, 2011)

6.16 EXCUSE FROM COMPLIANCE

(a) Applicability. The court for good cause may waive application of this Chapter in a particular case.

(Rule 6.16 new and effective July 1, 2011)

CHAPTER SEVEN

JUVENILE DIVISION RULES

JURISDICTION, CONFIDENTIALITY, AND ACCESS TO RECORDS PROCEEDINGS, OR JUVENILES

7.1 JURISDICTION

(a) Jurisdiction. Three classes of children come within the jurisdiction of the Juvenile Division: dependent children, status offenders, and youthful offenders. (Welf. & Inst. Code, §§ 300, 601, 602, and Cal. Rules of Court, rule 5.501 *et seq.*)

(b) Coordination of Custody Proceedings. Local Rule 8.34 governs the coordination of multiple proceedings involving the same child(ren). Counsel must be familiar with Local Rule 8.34 and Welfare and Institutions Code section 304, which gives the juvenile court jurisdiction during the pendency of a dependency action over all issues in proceedings under the Family Law and Probate codes that affect the custody of child(ren).

(1) Identification. The dependency court hearing a matter should determine at the earliest possible time whether a related family law or probate case is pending in another court. If there is a related dependency, family law or probate matter pending, the clerk in Department 400 of the dependency court must be immediately notified. Notification procedures are set forth in the dependency court's "Notification to Family Law/Probate Court of Active Dependency Case" procedure dated February 6, 2002, which is available at the court's website, at www.lasuperiorcourt.org, or from the juvenile court clerk's office.

(2) Coordination of Multiple Dependency Proceedings Involving Members of the Same Family. All attorneys and self-represented parties (collectively defined in Local Rule 1.1 as "counsel") must investigate the existence of any open, closed, or reactivated dependency cases that involve the parents, guardians, or other members of the same family. If counsel learns of a pending or closed case in another dependency department that involves members of the same family, the attorney or party must notify the judges presiding over the cases, who will advise the Supervising Judge of the Dependency Court (hereinafter in this Chapter, "Supervising Judge"). After consultation with those judges, the Supervising Judge will determine how, and in what department(s), the matters will be heard, transferred, consolidated, or coordinated.

(c) Welfare and Institutions Code Section 241.1 Joint Assessments Policy. Welfare and Institutions Code section 241.1 mandates a joint assessment by the Department of Children and Family Services ("DCFS") and the Probation Department for a child who appears to come within the description of both Welfare and Institutions Code sections 300 and 601 or 602. A referral for a joint assessment will be conducted pursuant to the Memorandum of Understanding between the juvenile court, DCFS, Probation Department and the Department of Mental Health. A copy of the Memorandum may be obtained from the court's website, at www.lasuperiorcourt.org, or from the juvenile court clerk's office.

(Rule 7.1 new and effective July 1, 2011)

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7.2 CONFIDENTIALITY OF JUVENILE CASE FILES

(a) General Confidentiality. Generally, juvenile case files are confidential except in certain circumstances. Documents in a juvenile case file also may be privileged or confidential because of other state law or federal law or regulation. Juvenile case files may not be obtained or inspected by either civil or criminal subpoena.

Welfare and Institutions Code section 827 governs access to juvenile case files. "Access" may include the inspection, copying, and/or dissemination of documents or information from the juvenile case file. If a person or agency is not entitled to access, he or she must file a petition with the Presiding Judge of the Juvenile Court.

(1) Definition of Juvenile Case File. Pursuant to Welfare and Institutions Code section 827 and California Rules of Court, rule 5.552(a), a "juvenile case file" include(s):

- a) All documents filed in a juvenile court case;
- b) Court reports prepared by probation officers, social workers, or court appointed special advocate ("CASA") volunteers;
- c) Documents made available to probation officers, social workers, or CASA volunteers in preparation of a court report;
- d) Documents relating to a child concerning whom a petition has been filed in juvenile court that are maintained in the office files of probation officers, social workers, or CASA volunteers;
- e) Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services program;
- f) Documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings; and
- g) Documents relating to juvenile contacts or investigations that are maintained by a law enforcement agency, the Probation Department, or DCFS, which are part of the juvenile case file even if juvenile court proceedings have not been initiated.

Documents that are not part of a juvenile case file and thus not under the jurisdiction of the juvenile court include, but are not limited to, i) documents in the file of an attorney for a party, ii) any document where the subject child has had no contact with law enforcement, DCFS, the Probation Department, or the juvenile court, and iii) documents in the personnel file of a social worker or probation officer.

(2) Persons or Entities Entitled to Inspect Juvenile Case Files. Welfare and Institutions Code section 827(a)(1) and California Rules of Court, rule 5.552(b), set forth the persons and entities entitled to inspect a juvenile case file without a court order. This right to inspect does not include: (i) court file documents that are placed in confidential envelopes (unless the person seeking to inspect these documents is the subject of the documents or attorney for the subject); and (ii) privileged documents in the DCFS or Probation Department file.

Persons or entities entitled to inspect a juvenile case file pursuant to Welfare and Institutions Code section 827 include:

- a) Court personnel;
- b) An attorney authorized to prosecute adult criminal or juvenile matters under California law (district attorney, city attorney, city prosecutor), or his or her agent with proper proof of affiliation;
- c) The subject child;

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- d) The subject child's parent or legal guardian;
- e) An attorney for a party in a juvenile court proceeding, including an appellate attorney, and the agent of such an attorney with proper proof of affiliation, a judge, probation officer and law enforcement officer actively participating in a criminal or juvenile proceeding involving the child as a party, victim, or witness;
- f) The superintendent and designee of the school district where the child is enrolled or attending school (*see* Welf. & Inst. Code, § 828.3);
- g) A member of child protective agencies per Penal Code section 11165.9 (police, sheriff, Probation Department, DCFS);
- h) The State Department of Social Services for the purposes delineated in Welfare and Institutions Code section 827(a)(1)(I);
- i) The State Department of Social Services legal staff or special investigators for the purposes delineated in Welfare and Institutions Code section 827(a)(1)(J);
- j) A member of a children's multi-disciplinary team (*see* also Welf. & Inst. Code, §§ 830 & 830.1, and 18951(d)), and a person or agency currently providing treatment or supervision of the minor including but not limited to: i) a physician, surgeon, or other health care provider as defined in Business and Professions Code section 6146(c)(2) and Penal Code section 11165.7(a)(21); ii) a psychotherapist as defined in Evidence Code section 1010; iii) a sexual assault or domestic violence counselor as defined in Evidence Code sections 1035.2 and 1037.1; iv) a group home or foster family agency social worker/case manager (*see* also Welf. & Inst. Code, § 18951(d)(4)); and v) a Regional Center consumer service coordinator;
- k) A family law judge hearing issues of custody and/or visitation in a particular case, and the following active participants in that case: i) a court-appointed counsel for the child; ii) a family court mediator; iii) a court-appointed evaluator; and iv) a person conducting a court-connected child custody evaluation, investigation, or assessment pursuant to Family Code section 3111 or 3118;
- l) A court-appointed investigator actively participating in a guardianship case;
- m) A local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders; and
- n) A juvenile justice commission established under Welfare and Institutions Code section 225.

(3) Persons or Entities Entitled to Copy Juvenile Case File Documents Without Court Order. A person or entity entitled to inspect a juvenile case file may obtain a copy of the file's documents except for documents that are confidential pursuant to a protective order or documents that are confidential pursuant to other state law or federal law or regulation (*e.g.*, psychotropic medication authorization requests and Evidence Code section 730 evaluations). Such documents must be placed in confidential envelopes.

The court may issue a protective order upon the motion of a party or attorney for a party in a juvenile matter to keep certain records confidential (*e.g.*, mental health, medical or educational records, criminal history printouts, or police reports). However, a subject of, or an attorney for a subject of, records under a protective order may obtain a copy of the records regardless of a protective order.

The requesting party bears the cost of copying documents from the juvenile case file except for the following persons or entities: a) a child in a pending juvenile court matter, and counsel

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appointed to represent a child pursuant to Welfare and Institutions Code section 317 or 634; b) a State, county or other governmental agency, and its counsel; and c) a person who has obtained a waiver of court fees and costs pursuant to California Rules of Court, rule 3.50 *et seq.*

(4) Persons or Entities Entitled to Disseminate Juvenile Case File Documents Without Court Order. A person or entity entitled to inspect and copy a juvenile case file may disseminate a document or information from that file only a) to other persons or entities that are also entitled to inspect and copy the file, and b) by attaching the document or information to a record in connection with and in the course of a criminal investigation or a proceeding brought to declare a person a dependent child or ward of the juvenile court.

This rule does not purport to supercede the right of a defendant in a criminal matter to obtain exculpatory juvenile case file evidence from the prosecution in accordance with *Brady v. Maryland* (1963) 373 U.S. 83. Records released pursuant to *Brady* may be used in the criminal proceeding without obtaining an order from the Presiding Judge of the Juvenile Court.

A person or entity entitled to copy a juvenile case file must file a petition with the Presiding Judge of the Juvenile Court in order to disseminate a document or information except as stated above.

(5) Persons or Entities That Need a Court Order to Access Juvenile Case Files. A person or entity not listed in Local Rule 7.002(a)(2) above must file a petition with the Presiding Judge of the Juvenile Court to inspect, copy, or disseminate a juvenile case file document or information.

(6) Access to Delinquency Records or Information Involving Offense(s) Listed in Welfare and Institutions Code section 676(a). The name of a child alleged to have committed one of the offenses listed in Welfare and Institutions Code section 676(a) is not confidential, unless the juvenile court orders the name to be confidential based on good cause. For a child accused of committing such an offense, the following documents are available for public inspection after the petition against the child has been sustained: a) the charging petition; b) the minutes of the proceeding; and c) the orders of adjudication and disposition of the court.

The court may grant a request by any party or probation officer to prohibit disclosure of the above documents if it appears that the harm to the child, victims, witnesses, or public from the public disclosure outweighs the benefit of public knowledge. If the court finds that the reason for prohibition is to protect the safety of the child, the court should make the finding in writing.

(b) Welfare and Institutions Code Section 827 Petitions. A Petition for Disclosure of Juvenile Court Records (Judicial Council Form JV-570) must be filed at the Children's Court clerk's office. The forms are available at the clerk's Office or on the Judicial Council website at www.courtinfo.ca.gov/forms. The petition will be forwarded to the office of the Presiding Judge of the Juvenile Court for review and decision.

(1) Filing Petition. The petitioner must submit the original petition for filing. An additional copy with a self-addressed stamped envelope must be included if the petitioner wants a conformed copy.

(2) Completing Petition. A failure to complete the petition as specified below may result in denial of the petition without prejudice.

a) Specific Information Must be Provided. The petition must provide the following information in order to establish good cause for access:

i) The specific records being sought; and

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ii) The type of access. If the petitioner seeks to inspect or copy records, the petition must state the specific reasons for such access. If the petitioner is seeking to disseminate the records, the petition must indicate to whom dissemination is sought and the purpose of dissemination.

b) Records Including More Than One Child. Where more than one child is included in a juvenile case file, the court may order the names and/or information of the other children redacted as a condition to granting access or copies of the record. Alternatively, the court may prohibit disclosure of the record where redaction is not practical or possible. In such cases, the petitioner may specifically request access to the file concerning all children.

c) Access for Purposes of Civil Litigation. If access is sought in relation to a pending civil litigation, the petitioner must attach a copy of the complaint, if any. Access will be granted consistent with the guidelines set forth in *Navajo Express v. Superior Court of San Mateo County* (1986) 186 Cal.App.3d 981.

d) Medical, Psychiatric, and Education Records. Except in limited situations where medical, psychiatric, and education records, including Evidence Code section 730 evaluations and psychotropic medication authorization requests, are available to a child's parent, legal guardian, or holder of a child's education rights, such confidential records will be placed in confidential envelopes in the court file, and may be accessed only by the subject of the record or his or her attorney. (This is not meant to preclude the parties and attorneys in a pending proceeding from obtaining a copy of a report that was previously distributed to all parties.) To obtain access to medical, psychiatric, or education records in the juvenile case file, a petitioner must: (1) specifically request the records; and (2) state specific reasons why the records should be disclosed. The Presiding Judge of the Juvenile Court or his or her designee will determine if good cause exists for the release of medical, psychiatric, or education records.

e) Subpoenaed Records. Confidential or privileged records received by subpoena and not used and/or distributed to the parties during the proceedings must be placed in a separate confidential envelope. The subpoenaed records will be available only to the subject of the records and the subject's attorney. Any other access to the subpoenaed records may occur only through court order pursuant to Welfare and Institutions Code section 827.

f) Child Abuse Reports. A child abuse report not in the court file is confidential pursuant to Penal Code section 11165 *et seq.*, and may be disclosed only to the persons and agencies provided in those sections, or by court order. To obtain access to a child abuse report, a petitioner must: (1) specifically request such reports; and (2) state specific reasons why the reports should be disclosed. The Presiding Judge of the Juvenile Court or his or her designee will determine if good cause exists for the release of the child abuse report based on the stated reasons.

(3) Notice. At least five calendar days before the petition is filed with the court, the petitioner must serve, or attempt to serve, a copy of the petition on the appropriate parties either personally or by first class mail.

a) Dependency Proceedings.

i) If the petitioner seeks access to juvenile case file records of a child currently under the jurisdiction of the dependency court, notice of the petition must be served on the child (if ten years

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or older), the attorney of record for the child, the parent(s) or legal guardian(s) of the child, County Counsel, and DCFS.

ii) If the petitioner seeks access to juvenile case file records of a child who is a former dependent of the juvenile court, notice of the petition shall be served on the child (if ten years or older), the parent(s) or legal guardian(s) of the child, County Counsel, and DCFS.

iii) If the petitioner seeks access to juvenile case file records of a child who had contact with DCFS but no dependency petition was filed, notice of the petition shall be served on the child (if ten years or older), the parent(s) or legal guardian(s) of the child, County Counsel, and DCFS.

b) Delinquency Proceedings.

i) If the petitioner seeks access to juvenile case file records of a child currently under the jurisdiction of the delinquency court, notice of the petition shall be served on the child (if eight years or older), the attorney of record for the child, the parent(s) or legal guardian(s) of the child (if under 18 years old), the District Attorney, and the Probation Department.

ii) If the petitioner seeks access to juvenile case file records of a child who was formerly under the jurisdiction of the delinquency court, notice of the petition shall be served on the child (if eight years or older), the parent(s) or legal guardian(s) of the child (if under 18 years old), the District Attorney, and the Probation Department.

iii) If the petitioner seeks access to juvenile case file records of a child who has had contact with the Probation Department but no delinquency petition was filed, notice of the petition shall be served on the child (if eight years or older), the parent(s) or legal guardian(s) of the child (if under 18 years old), the District Attorney, and the Probation Department.

c) Informal Juvenile and Traffic Court Proceedings. If the petitioner is seeking access to juvenile case file records of a child who appeared or has a pending matter in the Informal Juvenile and Traffic Court, notice of the petition must be served on the child (if eight years or older) and the parent(s) or guardian(s) of the child (if under 18 years old).

(4) Objections. Any objections to the petitioner's request for access to the juvenile case file must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date of service, if the petition was served by fax or personal service, or (b) 20 calendar days after date of service, if the petition was served by mail. In order to receive a copy of the court's decision on the petition, the person or agency filing an objection must include a self-addressed, stamped envelope.

a) Time for Objection Shortened for Good Cause. The petitioner may request that the time for filing an objection be shortened to a specific date. The request for shortened time must be supported by a separate declaration stating specific reasons why the objection period should

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be shortened. The Presiding Judge of the Juvenile Court or his or her designee will approve or deny the request based on whether good cause has been established in the declaration, or the matter may be set for a hearing.

(5) Court Ruling on Petition. The Presiding Judge of the Juvenile Court or his or her designee will approve or deny the petition, or set the matter for a hearing. If a petition involves an active case, the petition may be delegated to the court of record. The court may approve or deny the petition, or set the matter for a hearing within seven court days of the petition's receipt.

(6) Case Files of Deceased Dependent Children. If a child dies while he or she is under the jurisdiction of the dependency court, the juvenile case file of that child must be released to the public upon the filing of a petition, and after notice and an opportunity to object have been provided to interested parties.

The Presiding Judge of the Juvenile Court or his or her designee may limit or prohibit release of the juvenile case file, or any portion thereof, if that judge finds by the preponderance of evidence that release of the information is detrimental to the safety, protection, or physical, or emotional well-being of another child who is directly or indirectly connected to the dependency case that is the subject of the petition. The procedure for releasing records of a deceased child is pursuant to Welfare and Institutions Code section 827(a)(2).

Information relating to another child or which could identify another child must be redacted from any records prior to release, unless the court orders otherwise.

(c) Access to Probation and Department of Children and Family Services Records. A person or entity who is entitled to inspect a juvenile case file pursuant to Welfare and Institutions Code section 827(a)(1), or who has a court order from the Presiding Judge of the Juvenile Court or his or her designee, may access DCFS or Probation Department files by contacting the respective agency listed below:

Los Angeles County Probation Department
Custodian of Records
Hall of Records
320 W. Temple St., Suite 180
Los Angeles, California 90012
TEL: (213) 974-9029

Department of Children and Family Services
Subpoena Liaison
201 Centre Plaza Dr., First Floor
Monterey Park, California 91754-2159
TEL: (323) 526-6891

(Rule 7.2 new and effective July 1, 2011)

7.3 PUBLIC AND MEDIA COURTROOM ACCESS

(a) General Rule. Pursuant to Welfare & Institutions Code sections 346 and 676, dependency and delinquency proceedings are closed to the public unless the judge handling the proceeding grants access.

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(1) Access to Dependency Court Proceeding. Pursuant to Welfare and Institutions Code section 346, a member of the public will not be admitted to a dependency court hearing unless (a) a parent/guardian makes a request for admission of a person, and the minor who is the subject of the petition consents, (b) the subject minor makes a request for admission of a person, or (c) the judge admits a person deemed to have a direct and legitimate interest in a particular case or the work of the court.

(2) Access to Delinquency Court Proceeding. Pursuant to Welfare and Institutions Code section 676, a member of the public will not be admitted to a delinquency court hearing unless: (a) the minor who is the subject of the petition and any parent/guardian who is present request admission of a person, or (b) the judge admits a person deemed to have a direct and legitimate interest in the particular case or the work of the court.

a) Exceptions for Serious Violent Offenses. The public must be admitted to a delinquency court hearing that concerns a delinquency petition alleging the minor has violated one of the serious violent offenses listed in Welfare and Institutions Code section 676(a). If, however, the petition alleges that the minor has committed rape, sodomy, oral copulation, or rape with a foreign or unknown object, the public must not be admitted to a juvenile delinquency hearing where: (a) the district attorney makes a motion for a closed hearing upon the victim's request; or (b) during the victim's testimony, if the victim was under 16 years of age at the time of the offense.

(3) Conditions of Admission. Where a member of the public/media is admitted into a juvenile court proceeding, that person a) must provide appropriate identifying information to the court bailiff or clerk upon request, b) must conduct himself or herself in a manner consistent with the decorum and dignity of the courtroom, and c) must make any request to photograph, record, or broadcast the proceeding in accordance with California Rules of Court, rule 1.150.

(b) Observation Orders for Educational Purposes. For the purpose of general education regarding the juvenile court system, a request to observe a juvenile court proceeding may be filed in the office of the Presiding Judge of the Juvenile Court. The request must specify the reason for observation and must be filed so that the Presiding Judge of the Juvenile Court has time to consider the request and make the appropriate arrangements. An authorization for court observation will not permit (1) interviews of the parties, attorneys, or court staff, (2) photography, voice recording, and/or videotaping, and (3) public release of any information that identifies individuals or cases. An authorization for court observation remains subject to the discretion of the judge handling a particular proceeding.

(c) Requests for Interviewing, Photographing, Videotaping, or Voice Recording of Dependent/Delinquent Children. A member of the public or media representative must obtain a court order from the Presiding Judge of the Juvenile Court prior to contacting a child if (1) the person seeks to interview, photograph, videotape or voice record a child, who that person knows, or has reason to know, is under juvenile court jurisdiction and has been removed from the physical custody of the parent or legal guardian, and (2) confidential information regarding the child's case or dependency or wardship status may or will be disclosed as a result.

(1) Access to Dependent or Delinquent Children Without Court Permission. This rule does not prevent dependent or delinquent children from initiating contact with a person or media representative without court permission. This rule does not limit contact between a person or media representative and families, attorneys, detention facilities, or court-ordered placements. Finally, the rule does not suggest that children, their families, attorneys, or personnel of detention facilities or

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placements have any obligation to agree to an interview or to provide information to a media representative.

(2) Request Forms. A request for a court order permitting contact with a child must be sent to the office of the Presiding Judge of the Juvenile Court. (Juvenile Form 2) All of the court's juvenile forms are available on the court's website or in Room 2700 at the Children's Court. A failure to fully complete all sections of the form may result in a denial of the request without prejudice.

(3) Notice. At least five calendar days before filing, the person initiating the request must serve, or attempt to serve, a copy on the appropriate parties either personally, by fax, by first class mail, or email.

In a dependency proceeding, notice must be served on the child, the attorney of record for a child who is a dependent of the court, the parent(s) or guardian(s) of the child (who is under 18 years old) or their attorney, County Counsel, and DCFS.

In a delinquency proceeding, notice must be served on the child, attorney of record for a child who is a ward of the court, the parent(s) or guardian(s) of the child (who is under 18 years old), the District Attorney, and the Probation Department.

a) Objections. Any objections to the request must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date of service, if the request was served by fax, email, or personal service, or (b) 20 calendar days after date of service, if the request was served by mail. In order to receive a copy of the court's decision on the request, the person or agency filing an objection must include a self-addressed, stamped envelope.

b) Time for Objection Shortened for Good Cause. The requesting party may request the time allowed for objections to be shortened. The request for shortened time must provide timely notice to ensure any person/agency has an opportunity to object, and establish good cause why the objection period should be shortened. The Presiding Judge of the Juvenile Court will approve or deny the request based on whether good cause has been established, or set the matter for a hearing.

(4) Ex Parte Requests. The Presiding Judge of the Juvenile Court may grant a request on an *ex parte* basis, without the notice otherwise required, upon a showing of good cause.

(5) Evaluation on Case-by-Case Basis.

a) Detrimental to Child's Best Interests. The Presiding Judge of the Juvenile Court, or his or her designee, may deny the request if the court finds a reasonable likelihood that the requested contact will be detrimental to the child's best interests.

b) Burden of Proof. The person or agency opposing the request bears the burden of showing detriment to the child.

c) Pertinent Factors. In making its determination, the court may consider, but is not limited to, the following factors: age of the child, nature of the allegations in the case, child's expressed desire, child's physical and emotional health, extent of the present or expected publicity and its effect, if any, on the child and his or her family.

d) Protective Orders. Where it is necessary to protect the best interests of a child, the court may issue additional protective orders to maintain the confidentiality of the child's name and/or identity.

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(6) Prompt Determination of Request. Within five court days after the deadline for an opposition, the court will make a determination on the request, or set a hearing.

(7) Particularized Findings Where Request Is Denied. If the court denies the request, it will issue particularized findings as to why such denial is necessary to serve the child's best interests.

(d) Research Requests. A person or agency seeking to conduct research involving children under juvenile court jurisdiction for educational, scientific, or public policy purposes must petition the Supervising Judge for permission to do so. (Juvenile Form 3.)

(1) Petition Process.

a) Notice. At least five calendar days before filing, the petitioner must serve, or attempt to serve, a copy of the petition on the appropriate agencies and other interested parties either personally, by first class mail, or by email.

Research proposals involving dependent children must be sent to the following:

Department of Children and Family Services
Bureau of Information Services, Research Unit
425 Shatto Place, Room 401
Los Angeles, CA 90020
Phone: (213) 351-5696
Fax: (213) 637-4557

County Counsel's Office
201 Centre Plaza Drive, Suite 1
Monterey Park, CA 91754

Children's Law Center of Los Angeles
201 Centre Plaza Drive, Suite 10
Monterey Park, CA 91754
Attn: Executive Director

Los Angeles Dependency Lawyers, Inc.
1000 Corporate Center, Suite 308
Monterey Park, CA 91754

Research proposals involving delinquent children must be sent to the head of each delinquency panel for distribution to the other panel members, as well as to the following:

Los Angeles County Probation Department
Quality Assurance Services Bureau
Lynwood Regional Justice Center
11701 Alameda Street, Room 3144
Lynwood, CA 90262
TEL: (562) 940-2626 or (562) 940-2753

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FAX: (562) 803-0389

District Attorney's Office
Head Deputy — Juvenile Division
100 Oceangate, Suite 500
Long Beach, CA 90802

Public Defender's Office
Head Deputy — Juvenile Division
590 Hall of Records
320 W. Temple Street
Los Angeles, CA 90012

Alternate Public Defender's Office
Juvenile Division
1055 Wilshire Blvd., Suite 850
Los Angeles, CA 90017

b) Objections. Any objection to a research request for access to juvenile records must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after date of service, if the request was served by fax, personal service, or email, or (b) 20 calendar days after date of service, if served by mail. In order to receive a copy of the court's decision on the petition, the person/agency filing an objection must include a self-addressed envelope.

(2) Completing the Petition. The petition for access to juvenile records for research purposes must be submitted using the "Petition and Order for Research" form (Juvenile Form 6) and include a copy of any materials/questions to be utilized in the research. A petition for research conducted through a university or school must include a letter of approval from the school's human subjects committee or from a faculty advisor for a student request. The petitioner must provide in detail a) the purpose of the research project, b) a description of the information for which access is requested, c) a description of the subjects of the research, d) the methodology to be used to obtain the information, e) estimated start and completion dates, and f) any benefits the proposed project may have for the court, DCFS or the Probation Department.

(3) Requirements. The petitioner must agree to all of the following: a) pay any and all costs incidental to the research/record search; b) abide by all laws regarding confidentiality and the policies and procedures of DCFS, the Probation Department, and the court; c) insure no unauthorized person or agency has access to case specific information released to the petitioner; d) insure names and identifying information of minors are not used in any published documents (i.e., reports, evaluations); e) schedule access with the appropriate departments; f) submit all reports using case specific information for approval, prior to publication; and g) provide a copy of all research reports upon completion to the appropriate agency and the court.

(Rule 7.3 new and effective July 1, 2011)

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MEDICAL AND PSYCHIATRIC TREATMENT

7.4 MEDICAL CONSENT PROGRAM

(a) Medical Consent. Welfare and Institutions Code sections 369 and 739 set forth the responsibilities of the court, social worker, and probation officer for handling medical consent matters for minors in dependency and delinquency. DCFS is responsible for obtaining required court authorization or for authorizing necessary medical care for minors who come within the provisions of Welfare and Institutions Code section 300 (abused and neglected children), and the Probation Department is responsible for obtaining these authorizations for minors who come within the provisions of Welfare and Institutions Code sections 601 and 602 (status offenders and delinquent minors, respectively).

During court hours these matters must be handled according to DCFS and Probation procedures. The court will intervene only where a minor has been taken into temporary custody and the parents object to the treatment. (Welf. & Inst. Code, §§ 369(a) and 739(a).) In 1993, the Presiding Judge of the of the Juvenile Court issued a blanket order authorizing DCFS social workers to consent to medical treatment for children covered by Welfare and Institutions Code section 369(a).

(b) Notification. In a case where the court intervenes in providing consent for a medical procedure, the clerk must ensure that notice of the procedure and request for consent are given to the child's attorney and Court-Appointed Special Advocate ("CASA") at the earliest practicable time.

(c) Emergency Medical Consent. Emergency medical consent can be obtained through the agency responsible for the minor (DCFS or Probation). Pursuant to Welfare and Institutions Code sections 369(d) and 739(d) the social worker or probation officer, after making reasonable efforts to obtain parental consent, has the authority to grant "emergency medical treatment" for any minor who "requires immediate treatment for the alleviation of severe pain or an immediate diagnosis and treatment of an unforeseeable medical, surgical or dental, or other remedial condition or contagious disease which, if not immediately diagnosed and treated, would lead to serious disability or death" without need for a court order. The pertinent agency provides this medical consent service 24 hours a day, each day of the year.

(Rule 7.4 new and effective July 1, 2011)

7.5 LIFE-SUSTAINING MEDICAL TREATMENT

(a) Policy. The court has authority to order the withdrawal of Life-Sustaining Medical Treatment for children subject to juvenile court jurisdiction, including, but not limited to, children who are in a permanent unconscious condition, or who are in a terminal condition.

(b) Former "Baby Doe Policy".

(1) The 1993 Juvenile Court "Baby Doe Policy," has been renamed Life-Sustaining Medical Treatment ("LSMT") and is now contained in this rule.

(2) Brain Death. The term "brain death" is defined by Health and Safety Code section 7180. Children determined to be brain dead in accordance with the procedures set forth in Health and Safety Code section 7181 are not subject to Local Rule 7.5. Once a patient is determined brain dead, and such condition is confirmed by an independent physician pursuant to Health and Safety Code section 7181, the patient is legally dead and no criminal or civil liability will result from the

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termination of LSMT. A physician does not need court consent to terminate LSMT for any patient, adult or minor, who is legally dead.

(c) Court Designation. Motions and hearings regarding the commencement, continuation or cessation of LSMT must be filed and heard in the department to which the case is assigned.

(d) Definitions.

(1) Life-Sustaining Medical Treatment: Any medical procedure or intervention that will serve only to prolong a state of unconsciousness where there is a reasonable degree of medical authority that such state of unconsciousness is permanent, or prolong a terminal condition.

(2) Permanent Unconscious Condition: An incurable and irreversible condition that, within reasonable medical judgment, renders the patient in an irreversible coma or persistent vegetative state.

(3) Terminal Condition: An incurable and irreversible condition that, without the administration of life-sustaining medical treatment, will, within reasonable medical judgment, result in death within a relatively short time.

(e) Juvenile Court Jurisdiction. The juvenile court, upon a written recommendation from a licensed physician and/or surgeon, and after due notice to the parent, guardian, or person standing in loco parentis, may make an order authorizing the performance of necessary medical, surgical, dental, or other remedial care. (Welf. & Inst. Code, § 369 (b).) This rule grants the juvenile court limited jurisdiction to terminate LSMT in cases where:

- (1) The minor has been detained (i.e., taken into temporary protective custody by the DCFS pending the filing of a dependency petition);
- (2) A juvenile court petition has been filed concerning a minor; or
- (3) The minor has been declared, and remains, a dependent child of the juvenile court.

(f) Notice. The petitioner must serve all necessary parties with any motion regarding LSMT in accordance with Local Rule 7.16. The parties which must receive notice include all attorneys of record, mother, all alleged and presumed fathers, the legal guardian of the child, if any, the current caretaker of the child, and any CASA appointed to represent the child. If a parent's whereabouts are unknown, then a due diligence report must be provided at the time of the hearing of the motion unless such a report is already on file. A motion to withdraw LSMT cannot be heard without a filed proof of service of all necessary parties.

(g) Court Procedure.

(1) Attorney Appointment. The court will appoint an attorney to represent the minor (if the minor does not already have one) to protect the best interests of the minor;

(2) Medical Opinions. Two independent medical opinions, based upon a thorough examination of the minor, must be obtained on whether there is a reasonable possibility that LSMT will benefit the minor, and the appropriateness of the continuation or discontinuation of LSMT;

(3) Balancing Test. The court will conduct a hearing with live medical testimony to determine the best course of action for the minor, balancing whether a treatment which has at least a reasonable chance of providing benefits to the minor outweigh its burdens. Financial factors will not be considered in the balancing test.

(4) Burden of Proof. The petitioner bears the burden of proof by clear and convincing evidence.

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(h) Factors. The court may consider the following factors in determining whether the continuation or withdrawal of LSMT is in the minor's "best interests":

- (1) The minor's present level of physical, sensory, emotional and cognitive functioning;
- (2) The degree of physical pain resulting from the medical condition, treatment, and termination;
- (3) The degree of humiliation, dependence and loss of dignity probably resulting from the condition and treatment;
- (4) The quality of life, life expectancy and prognosis for recovery with and without treatment;
- (5) The various treatment options, and the risks, side effects and benefits of each of those options; and
- (6) Whether the minor's preference has been or can be ascertained. The weight of such preference depends upon the maturity of the minor.

(i) Medical Neglect of Disabled Infants With Life-Threatening Conditions. Pursuant to the requirements of the Federal Child Abuse and Prevention Treatment Act (CAPTA) (42 U.S.C.A., § 5101 *et seq.*), LSMT decisions regarding disabled infants with a life-threatening condition require special consideration.

(1) Definition of Medical Neglect. The CAPTA defines "medical neglect" for this purpose to include, but not limited to, "the withholding of medically indicated treatment from a disabled infant with a life-threatening condition."

(2) Definition of Withholding Medically Indicated Treatment. "The failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions."

(3) Exemption/Federal Law Regarding LSMT Decisions. A physician may withhold treatment (other than appropriate nutrition, hydration, or medication) to an infant when in the treating physician's (or physicians') reasonable medical judgment: (i) the infant is chronically and irreversibly comatose; (ii) the provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or (iii) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

(4) Resolution of Potential Conflict Between Local Rule 7.5 and Federal Law. In the event that there is a conflict between Local Rule 7.5 and the CAPTA regarding withdrawal or withholding of LSMT, the most restrictive provisions and procedures between the two will prevail.

(Rule 7.5 new and effective July 1, 2011)

7.6 PROCEDURES FOR HIV/AIDS TESTING OF DEPENDENT CHILDREN

(a) Policy. The juvenile court finds that it is necessary to engage in early intervention and to provide treatment for dependent children who are infected with the human immunodeficiency virus ("HIV"), the probable causative agent of acquired immune deficiency syndrome ("AIDS").

(b) Subject to Testing Without Court Order. If a child is taken into temporary custody pursuant to Welfare and Institutions Code sections 306(a)(2) and 309(b) and no petition has been

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filed with the dependency court, DCFS may conduct HIV testing without a court order if the child meets all of the following criteria:

(1) The child is under the age of 12 years as of the date the consent form is signed by DCFS;

(2) The child is placed in out-of-home care;

(3) The child's parent(s)/legal guardian(s) have refused to provide consent or their whereabouts are unknown; and

(4) The child (i) has a parent with a history of prostitution, intravenous drug use, hypodermic needle-sharing, and/or multiple sex partners whose personal histories are either unknown or known to include one or more of these risk behaviors, or (ii) is a victim of sexual abuse, the nature of which has placed the child at risk of exposure to HIV.

Pursuant to Welfare and Institutions Code section 369 and order by the Presiding Judge of the Juvenile Court, the Director of DCFS or the Director's designee, is authorized to consent to the child's evaluation for the presence of HIV infection and to receive the results of such testing and any diagnosis(es) derived therefrom.

If a Welfare and Institutions Code section 300 petition is subsequently filed, DCFS must submit a request for disclosure of the test result or diagnosis to the court prior to releasing the test result or diagnosis to any party or individual. (Welf. & Inst. Code, § 369; Health & Saf. Code, § 121020.)

(c) Authorization for Testing by Court Order. If a child is detained and a petition has been filed with the dependency court, DCFS must obtain a court order for HIV testing under the following circumstances.

(1) Children under the age of 12 years. If a child is under the age of 12, the child is deemed not competent to give consent for testing. DCFS must request a court order for testing of children under the age of 12 where the parent or legal guardian refuses to provide consent or there is no parent or legal guardian capable of providing consent.

(2) Children 12 years of age or older. If a child is 12 years of age or older and competent, the child must be given an opportunity to consent for testing. DCFS may seek a court order for testing only if the child refuses to consent to testing or the child is incompetent to make an informed decision.

(3) Factors for Court Authorization to Test. Where DCFS requests a court order for testing, the court may consider the following factors in determining whether to grant the request:

a) Age of the child;

b) The child is placed in out-of-home care;

c) The child's parent(s) or legal guardian(s) have refused to provide consent or their whereabouts are unknown; and

d) The child (i) has a parent with a history of prostitution, intravenous drug use, hypodermic needle-sharing, and/or multiple sex partners whose personal histories are either unknown or known to include one or more of these risk behaviors, or (ii) is a victim of sexual abuse, the nature of which has placed the child at risk of exposure to HIV.

(4) Notification of Request for Testing. In any case where DCFS seeks an order for testing, the clerk must ensure that notice of the request is given to the child's attorney and CASA, if any, at the earliest practicable time. (Health & Saf. Code, § 121020; Fam. Code, § 6926.)

(d) Disclosure of Confidential Test Result or Diagnosis.

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(1) Children 11 years of age and under. If authorization for testing is obtained for a child 11 years of age or younger, DCFS must provide the court with the result of such test in a sealed envelope marked “confidential.” DCFS must also submit a request to disclose the test result or diagnosis to pertinent persons, including the child’s attorney, out-of-home placement caregivers, parents (unless their parental rights have been terminated), legal guardian, prospective adoptive parents, and dentist or mental health practitioner who is currently providing professional services to the child, the nature of which creates a legal need to know the child’s HIV status.

(2) Children 12 years of age and older. If authorization for testing is obtained for a child 12 years of age or older, the child must be taken to his or her health care provider to discuss the result or diagnosis(es). DCFS must obtain a court order prior to releasing confidential test result or diagnosis(es) to pertinent persons if the child refuses to give consent for such release and DCFS believes there is a compelling reason to disclose against the child’s wishes.

(3) Court Order for Disclosure of Test Results. DCFS may not disclose the test results and any diagnosis(es) derived therefrom to any other parties, but may petition the judicial officer hearing the matter for such disclosure, upon a showing of good cause.

(e) Report for Presiding Judge. DCFS must report the names and case numbers of the children who have been tested pursuant to this rule to the Supervising Judge on a quarterly basis.
(Rule 7.6 new and effective July 1, 2011)

7.7 PRESCRIPTION AND ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS FOR DEPENDENTS AND WARDS OF THE JUVENILE COURT

The “Psychotropic Medication Protocol” governs the prescription and administration of psychotropic medications to children who are under the jurisdiction of the juvenile court. If a child is a dependent of the juvenile court pursuant to Welfare and Institutions Code section 300 and the child has been removed from the custody of the parent pursuant to Welfare and Institutions Code section 361, the prescribing physician must obtain court authorization regarding the prescription and administration of psychotropic medications for that child. If a child is a ward of the juvenile court pursuant to Welfare and Institutions Code sections 601 or 602, absent authorization of a parent or legal guardian, the prescribing physician must obtain court approval regarding the prescription and administration of psychotropic medications for that child. The current protocol is available at the Children’s Court clerk’s office.

(Rule 7.7 new and effective July 1, 2011)

7.8 SPECIALIZED MENTAL HEALTH TREATMENT OF DEPENDENT AND DELINQUENT CHILDREN

The specialized mental health treatment of children who are under the jurisdiction of the juvenile court is governed by Welfare and Institutions Code sections 319.1 and 635.1.

(Rule 7.8 new and effective July 1, 2011)

7.9 VOLUNTARY COMMITMENT OF DEPENDENT AND DELINQUENT MINORS FOR INPATIENT OR OUTPATIENT MENTAL HEALTH SERVICES

Welfare and Institutions Code section 6552 provides that a minor declared to be within the jurisdiction of the juvenile court may make voluntary application for inpatient or outpatient mental health services with the advice of an attorney.

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(a) Procedure. The application procedure is the only method by which the minor may be voluntarily admitted to an inpatient or outpatient mental health facility. The following three elements are required under Welfare and Institutions Code section 6552 for voluntary admission to inpatient or outpatient mental health treatment: (i) voluntary consent by the minor; (ii) the minor's consultation with an attorney; and (iii) juvenile court authorization.

(b) Role of Juvenile Court. In authorizing such application, the court must be satisfied from the evidence presented that: (i) the minor suffers from a mental disorder which may reasonably be expected to be cured or ameliorated by treatment offered by the hospital, facility or program in which the minor wishes to be placed; and (ii) there is no other available hospital, facility or program which might better serve the minor's medical needs and best interests.

The order must include findings as to the minor's advisement of rights pursuant to Welfare and Institutions Code section 6552, and the willingness or availability, or lack thereof, of the parent or legal guardian to sign papers for admission, diagnostics evaluation, educational testing, inpatient psychological and psychiatric treatment, and routine medical and dental care. In the event that the parent or legal guardian is unwilling or unavailable, the court may authorize DCFS to sign such papers, with the exception that authorization does not include the authority to sign for electro-shock or chemical shock therapy.

The court may conduct judicial reviews, permanency planning hearings and reviews of plans for all delinquent and dependent minors during any period(s) of mental health therapy and treatment.

(c) Role of DCFS, Probation Department and Mental Health Facilities. The Probation Department and DCFS must have a procedure for the minor's request to be made to the court at hearing.

Should the minor leave or demand to leave the hospital or facility prior to completion of the treatment program, the hospital must be directed to notify the pertinent agency (DCFS or the Probation Department) and the child's attorney of the termination of placement and arrange for the immediate return of the minor to court for further proceedings.

(Rule 7.9 new and effective July 1, 2011)

SPECIAL DEPARTMENTS

7.10 SPECIALLY DESIGNATED DEPARTMENTS

(a) ICWA Cases. The Indian Child Welfare Act of 1979 ("ICWA") 25 U.S.C. 1901 *et seq.* is federal legislation which preempts state law whenever an Indian child may be removed from the child's family. ICWA cases in California are governed by California Rules of Court, rule 5.664.

(1) If a dependency petition checks section l(l) of the Juvenile Dependency Petition (Version One) (JV-100) or section l(i) of the Juvenile Dependency Petition (Version Two) (JV-110), or if the court otherwise has reason to believe the child may be an Indian child, and the proceeding may result in the termination of parental rights to the child, notice must be given to the identified Indian tribe and/or Bureau of Indian Affairs by DCFS in Welfare and Institutions Code section 300 cases, and by the Probation Department in all Welfare and Institutions Code section 600 cases.

(2) Pending confirmation of a child's Indian status and tribal membership, the case will remain in the originating dependency department. Upon confirmation and notice from an Indian tribe that a child has been determined to be an Indian child, the case must be transferred for all

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purposes, with the advice and consent of the Supervising Judge, to the department handling Indian child cases.

(b) Deaf/Hard of Hearing Dependent Children/Families. All cases involving deaf and hard of hearing children or parents must be filed in the department specially designated for such cases by the Presiding Judge of the Juvenile Court. Where a case should have, but has not, been filed in the special department, it must be transferred to that department with the advice and consent of the Supervising Judge.

(Rule 7.10 new and effective July 1, 2011)

DEPENDENCY PROCEDURE AND PRACTICE

7.11 APPEARANCES AND DAILY COURTROOM PRACTICE IN DEPENDENCY COURT

(a) Policy. An attorney with matters in a dependency court must arrive in that department promptly at 8:30 a.m. If the attorney is unable to appear timely due to another judge's order to appear in his or her courtroom, the attorney must advise the clerk as soon as possible of the attorney's inability to appear. Upon arrival, the attorney must ascertain if his or her client is present and immediately check in with the courtroom clerk on each case on which the attorney will appear. The attorney must pick up court-ordered reports and evaluations, and consult with opposing counsel and DCFS courtroom officers. No person may open records and documents delivered to the court under seal pursuant to a subpoena unless and until directed to do so by the court. An attorney bears responsibility for determining if his or her client is coming to court. If a hearing is scheduled in another department, the attorney may not leave the courtroom unless the clerk is informed of the destination and the judge grants permission for the attorney to appear in another courtroom. Prior to leaving the courtroom for another department, the attorney must record his or her destination department on the chalkboard or extra copy of the calendar provided for this purpose.

(b) Session Hours. See Local Rule 2.16. No matter may be heard in any courtroom past 4:30 p.m. without prior approval of the Supervising Judge. If it is necessary to extend a hearing past 4:30 p.m., the judge should notify the Supervising Judge and the Sheriff by 4:00 p.m. on that day. No court may be in session past 5:00 p.m. on any given day.

(c) Conduct of Counsel and Parties in the Courtroom. Although Welfare and Institutions Code section 350(a)(1) authorizes juvenile proceedings to be conducted in an informal and non-adversarial atmosphere, attorneys must make every effort to comply with the civil trial procedure in Local Rule 3.37 *et seq.*

(Rule 7.11 new and effective July 1, 2011)

7.12 CHILDREN'S APPEARANCES

A subject child is entitled to attend court hearings. Every child four years or older must be advised by the children's services worker and/or attorney of record of the child's right to attend court hearings. The children's services worker is responsible for arranging the child's transportation to court. The child must attend court hearings unless his or her appearance is waived by his or her attorney of record. The clerk shall record the reasons for non-appearance in the minute order. In all cases, the attorney for the child must consult with the child and explain the outcome of the proceedings.

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(Rule 7.12 new and effective July 1, 2011)

7.13 FOSTER PARENT APPEARANCES AND PARTICIPATION

A caretaker of a child that is the subject of a dependency proceeding is entitled to notice of proceeding. While a caretaker does not automatically have the right to appear, the court may permit a caretaker to be present at a hearing if the caretaker has a direct and legitimate interest in the case.

(Rule 7.13 new and effective July 1, 2011)

7.14 FAILURE OF ATTORNEY TO APPEAR

If an attorney fails to appear at a scheduled hearing without good cause, the court may impose sanctions, including a monetary sanction, on the attorney.

(Rule 7.14 new and effective July 1, 2011)

7.15 REHEARING ON ORDER OF A COMMISSIONER OR REFEREE PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 252

(a) General Procedure. Applications and requests for rehearing pursuant to Welfare and Institutions Code section 252 must be filed in the juvenile court clerk's office in the courthouse where the order was made within the time frames authorized by that section and California Rules of Court, rule 5.542.

An application for rehearing must be personally served on all counsel. Within three court days of service of the application, responses, if any, must be served in the same manner as the application and filed in the clerk's office where the application was filed. The application, will thereafter be assigned to a judge for review.

(1) Rehearing Pursuant to Welfare and Institutions Code section 252. An application for rehearing may be filed by a child, parent, legal guardian, or DCFS. These rules, adopted pursuant to the provisions of Welfare and Institutions Code section 251, apply only to referees and commissioners sitting in juvenile proceedings. (Welf. & Inst. Code, § 247.) If there is a stipulation authorizing a commissioner or referee to sit as temporary judge, no rehearing right is available.

(2) Request for Stay on an Order of a Commissioner or Referee. If counsel intends to file an application or request for a rehearing, he or she may request a stay of the order of a commissioner or referee. The request for a stay must be made before the same commissioner or referee who made the order. The commissioner or referee may grant a stay for a reasonable period of time, or until a judge has ruled on the application for rehearing. If the application or request for rehearing is accompanied by a request for a stay, the clerk shall refer the stay request to the commissioner or referee who made the order. That judicial officer will immediately rule on the request for the stay, and send the ruling to the clerk's office for service.

A denial of a request for a stay by a commissioner or a referee may not be referred to a judge for review. The applicant's only remedy upon denial of a request for a stay is a petition for a writ of mandate or prohibition filed with the Court of Appeal. (Cal. Rules of Court, rule 5.585.)

(b) Forms. Application for Rehearing forms are available on the court's website or in the juvenile court clerk's office.

(Rule 7.15 new and effective July 1, 2011)

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7.16 MOTION REQUIREMENTS AND PROCEDURE

(a) Policy. A motion must be in writing and accompanied by a supporting affidavit or declaration and points and authorities, if applicable. The motion must be filed with the clerk in the department where the case is pending, and a date and time for the hearing of the motion must be obtained from the court clerk. If the department is closed, the motion must be filed in the clerk's office.

(b) Service. The moving party must serve the motion upon all other counsel in the case at least five calendar days but not less than three court days before the date of the hearing if served personally or by facsimile, and at least seven calendar days before the hearing if served by mail.

Any documents in opposition to the motion must be filed with the clerk where the matter is pending no later than the day before the date set for hearing. The opposition must be served on other counsel in the case at least the day before the hearing if served personally or by facsimile, and at least three calendar days before the hearing if served by mail.

(c) Emergency Application for Hearing. A party may file an *ex parte* application for hearing on an emergency basis, on condition that the date has been approved by the court and telephonic notice was given to all counsel not less than 24 hours in advance of the hearing date. The application must comply with California Rules of Court, rule 3.1200 *et seq.*

(d) Demurrer and Motion to Strike. A party may file a demurrer to challenge the legal sufficiency of a dependency petition that alleges facts which, even if determined to be true, (a) are not sufficient to state a cause of action, or (b) are not sufficiently clear or precise for the party to prepare a defense. A party may also move to strike certain allegations from the petition. (For convenience, both demurrers and motions to strike are referred to as "demurrers.")

Unless otherwise agreed upon, a demurrer must be made in writing and shall be before the entry of a denial or admission or plea of "no contest." Notice must be given at the detention hearing or first appearance after the petition or amended petition is filed.

A hearing on a demurrer shall be set on the calendar no later than ten calendar days following the notice of the demurrer. Counsel must file and serve personally or by facsimile the supporting memorandum of points and authorities no later than three court days prior to the hearing. The responding party must file and serve personally or by facsimile an opposing points and authorities no later than one day before the hearing.

If the demurrer is sustained, the court may grant leave to amend the petition upon terms as may be just and calendar a date within which any amendment or amended pleading must be filed. Absent unusual circumstances, the court will not continue the adjudication of the petition's merits in order for the amendment to occur. Counsel for DCFS should be prepared to amend the petition in a timely manner.

(e) Motion for Continuance. (Welf. & Inst. Code, §§ 322, 352, and 358.) Counsel must regard a date calendared for a dependency proceeding under Welfare and Institutions Code section 300 *et seq.* as definite court appointments. A case in which a child is detained under the sole allegation that a child is a person described in Welfare and Institutions Code section 300 shall be granted precedence on the court's calendar (Welf. & Inst. Code, § 345). Counsel appearing in other courts on the same date for which a dependency case is set shall advise the other courts of the precedence of the dependency matter.

If counsel intends to seek a continuance, counsel must inform opposing counsel of that fact at the first opportunity after the need for the continuance becomes apparent. The parties

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may not assume that a continuance motion will be granted. None of a stipulation between counsel, the convenience of the parties, a pending criminal prosecution, or a pending family law matter is sufficient by itself to establish good cause. A continuance will be granted only upon a showing of good cause, provided it is not contrary to the interests of the child. The court will give substantial weight to a child's need for prompt resolution of his or her custody status, the child's need for a stable environment, and the damage caused by prolonged temporary placements. If granted, the continuance will be only for that period shown to be necessary to establish good cause. When a continuance is granted, the reasons for granting the continuance request shall be entered in the minute order.

A motion for continuance must be in writing, attach declarations which allege facts sufficient to establish good cause for a continuance, and be filed at least two court days prior to the hearing date. In exceptional circumstances, the court may entertain an oral motion for continuance.

If a child has been removed from a parent or guardian's custody, no continuance will be granted that would result in completion of a disposition hearing pursuant to Welfare and Institutions Code section 361 more than 60 days after the hearing at which the child was removed or detained, unless there are exceptional circumstances. In that circumstance, the continuance may not cause completion of the disposition hearing more than six months after the detention hearing.

(Rule 7.16 new and effective July 1, 2011)

**APPOINTMENT OF COUNSEL
AND SPECIAL ADVOCATE**

7.17 LEGAL REPRESENTATION

(a) Appointment of Counsel for Adults. An adult "client" is defined as any parent, or guardian, or other adult who has been determined by the court to have standing. A client is entitled to be represented by competent legal counsel. "Competency" is defined by Rule 5.660 of the California Rules of Court.

When it appears that a client is presently financially unable to afford an attorney, the court will appoint an attorney unless the client has made a knowing and intelligent waiver of the right to counsel.

In a dependency case, an attorney shall be appointed to represent a client at the earliest possible stage of the proceeding. The appointed attorney must continue to represent the client unless relieved by the court.

An attorney representing a client in dependency court shall affirmatively inquire of their client as to whether he or she has reason to believe that any child appearing in the dependency court has Indian heritage under the ICWA. Every effort should be made by counsel to assist confirmation of a child's Indian status and tribal membership.

A client who receives legal counsel appointed by the court must meet with the financial office in the Children's Court for a determination of the client's ability to reimburse the County for the cost of appointed counsel. The appointed attorney bears the responsibility of ensuring that the client has the necessary paperwork for the financial office and knows where the office is.

(b) Appointment of Counsel for Children.

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(1) At the arraignment and detention hearing, or as soon thereafter as possible, the court will appoint for each child who is the subject of any dependency petition an attorney who shall also serve in the capacity of a Child Abuse Prevention and Treatment Act (“CAPTA”) guardian *ad litem* for the child, unless the court finds on the record that the child would not benefit from the appointment of an attorney for any purpose. California Rules of Court, rule 5.660.

(2) If the court does not appoint an attorney for the child, the court will make a referral for the appointment of a Court-Appointed Special Advocate (“CASA”) for the child to act in the capacity of a guardian *ad litem* (“GAL”).

(3) If the court does appoint an attorney for a child, that representation shall occur through the Children’s Law Center of Los Angeles (“CLC”).

(4) No child may be represented by the County Counsel, or any other attorney representing DCFS.

(c) Eligibility for Appointment as Counsel for Adults.

(1) California State Bar Membership. An attorney must be in good standing with the California State Bar at all times in order to be appointed to represent an adult client in a dependency proceeding.

(2) Education/Training. The attorney must complete a minimum of 8 hours of training or education in the area of juvenile dependency law or be able to show recent experience which demonstrates a competency in the area of juvenile dependency law.

i. The attorney must be familiar with Welfare and Institutions Code statutory requirements, the Evidence Code, local and state court rules, court policies, relevant case law, the practice guidelines set forth in the Local Rules, and the substantive, ethical, and procedural issues unique to the dependency court.

ii. The attorney must be familiar with the various stages of the court proceedings from arraignment and detention through review of permanency hearings. This includes, but is not limited to, the structure and functioning of the juvenile court, the CASA program, DCFS programs, policies, and procedures, issues related to reunification, placement, reasonable efforts, adoption, and permanency, and familiarity with the juvenile court’s mediation program.

iii. The attorney must be familiar with appellate and other review procedures including writs, rehearings, appeals, and other extraordinary remedies.

iv. An attorney who is new to dependency court must observe and/or be available to participate in each type of dependency hearing from detention through review of a permanency plan prior to accepting an appointment.

v. An attorney who is new to dependency court must visit three types of placements used to house dependent children such as emergency shelters, foster homes, or group homes.

vi. The attorney must be familiar with the effects of racial, cultural, ethnic, sexual orientation issues, and language differences with regard to child rearing, treatment, and placement practices and issues.

(d) Eligibility for Appointment as Counsel for Children. In addition to meeting the eligibility requirements for appointment as counsel for adults as provided in subdivision (c) above, an attorney seeking appointment as counsel to a child must be familiar with the following:

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(1) Child development stages including a child's cognitive, emotional, and social growth stages, language development, and patterns of child growth related to neglect and non-organic failure to thrive;

(2) Interviewing techniques for children, including techniques that are age-appropriate and take into consideration the type of abuse the child is alleged to have suffered;

(3) Child development as it relates to children as witnesses and the impact of the court process on a child;

(4) The types of placements available to children, and issues related to placement including, but not limited to (i) a working knowledge of licensing requirements for foster care and relative placements, (ii) the impact of multiple placements on the child, and the importance of maintaining sibling groups versus the best interests of each child in the sibling group, and (iii) the effect placement will have on visitation issues and on the delivery of services to children in placement;

(5) The educational, medical, mental health, dental, and other resources available for children in the dependency court system, the funding therefor, and the means of identifying the need for and the accessing of such resources;

(6) The emancipation laws, and the resources available to assist the dependent child to emancipate, including, but not limited to, DCFS's Independent Living Program, the requirements for and the availability of transitional housing, and the availability of funding to assist emancipating children in living independently; and

(7) The court's policy regarding joint reports for Welfare and Institutions Code section 300/602 children pursuant to Welfare and Institutions Code section 241.1, and all other policies and protocols regarding dependent children contained in this chapter.

(e) General Practice for Court-Appointed Attorneys in Dependency Court.

(1) The court-appointed attorney should make inquiries necessary to determine at the outset of the proceedings whether a conflict exists in the representation of a party.

(2) At a party's first appearance, the attorney should verify with the client, to the extent the information is known, the names, addresses, telephone numbers, and relationships of all persons entitled to receive notice of the proceedings, including the birth dates of each party and child. The attorney should also inquire as to the name, address, telephone number, and relationship of all known relatives and/or non-relative family members for possible placement of any detained child. If any relative and/or non-relative family member is identified, then the dependency court form entitled "Relative Information Sheet" must be completed and filed with the court.

(3) At a mother and/or father's first appearance, the attorney should make inquiry of the client as to the applicability of ICWA, and so inform the court.

(4) At a mother and/or father's first appearance, the attorney should make inquiry of the client as to paternity issues. The dependency court paternity questionnaire form must be completed by the mother and father in all cases and filed with the court in all cases. The "Paternity — Waiver of Rights" form (Judicial Council form JV-505) must be completed by any person claiming paternity status or non-paternity, which shall also be filed with the court.

(5) The attorney should have a complete familiarity with the facts of the case by reviewing the court file, especially when appointed to represent a party during the pendency of a case, and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise conducting an independent investigation.

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(6) The attorney should make all reasonable efforts to ensure that the client understands the court processes, proceedings, and the potential and actual consequences of the proceedings. Special efforts should be taken to ensure that a client understands these matters if the client demonstrates any evidence of being developmentally delayed, or exhibits signs that he/she is suffering from any cognitive or emotional problems which would affect the client's ability to comprehend any aspect of the dependency proceedings.

(7) The attorney must maintain a current business address and working telephone number and promptly notify a client of any change of address or telephone number. The attorney should provide the client with his or her business card.

(8) The attorney must show courtesy and respect to judicial officers, DCFS social workers, CASA, DCFS court officers, courtroom personnel, witnesses and all counsel.

(9) The attorney must be aware of children present in the courtroom, so that discussions of sensitive case issues, whether pertaining to a particular child or other children, are not overheard by the children or made in an insensitive manner.

(10) Settlement should be considered as soon as enough information is known about the case to make settlement discussions meaningful. In every case, the attorney should consider whether the client's interests could best be served and whether the case could be more appropriately resolved by mediation or other settlement discussions. The attorney must be familiar with the juvenile court's mediation program.

(f) Practice Guidelines for Representing Children in Dependency Court. In addition to the general practice, attorneys representing children have the following additional duties and responsibilities:

(1) The attorney must be familiar with the requirements of Welfare and Institutions Code section 317(e) for the representation of children, California Rules of Court, rule 5.660, regarding standards of representation, and 5.660, regarding caseload size;

(2) The attorney or his/her staff should separately interview each child four years of age or older, and should interview a younger child if it is determined that the child has sufficient language skills to communicate. The attorney should ascertain the child's wishes, needs, and background. Interviews should be done in an atmosphere where the child feels comfortable and privacy is ensured;

(3) At the initial interview, where possible, the attorney should inform the child, in language the child can comprehend, the nature of dependency proceedings, the role of a lawyer, the child's rights, including the right to confidentiality, and the nature of the subject matter of any petition and the contents of any related report; and

(4) The attorney should be actively involved in, and vigorously advocate at, every stage of the proceedings involving a child client and take any necessary legal steps that would promote and advance a child's right to receive all appropriate reunification and permanent placement services and all other services and resources to meet the child's educational, dental, medical, and mental health needs.

(g) Eligibility for Continued Practice in Dependency Court.

(1) Education/Training. A court-appointed attorney in dependency court must complete a total of 12 hours of continuing education credits each year. This training shall include mandatory attendance at the annual conference sponsored by the juvenile court and California State

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University, Los Angeles, and at least five hours of training offered at the Children's Court or other training approved by the juvenile court.

Ongoing training shall also include summaries of current changes in the dependency laws and statutes, summaries of recent and relevant case law, and information and instruction on child development, child abuse and neglect, family reunification and preservation, reasonable efforts, domestic violence, substance abuse, special education, mental health, government benefits, and cultural diversity issues.

(2) Evidence of Competence. The attorney must file in the office of the Presiding Judge of the Juvenile Court a certification of satisfaction, signed under penalty of perjury, of the continuing education requirements not later than February 15 of each year (Juvenile Form 4). An attorney's failure to comply with this requirement may result in the court's refusal to appoint the attorney.

(h) Caseloads for Children's Attorneys. The court adopts any caseload standards for children's attorneys established by the Judicial Council.

(Rule 7.17 new and effective July 1, 2011)

7.18 COURT-APPOINTED SPECIAL ADVOCATE

(a) Program. The CASA Program was established to serve the needs of abused and neglected children in the dependency court. The CASA Program recruits, trains, supervises, and supports community volunteers ("CASA volunteer") who investigate the circumstances of the child, facilitate the provision of services, monitor compliance with the orders of the court, and advocate in court and in the community for the best interests of the child. CASAs serve only at the pleasure of, and report directly to, the juvenile court. Their duties, responsibilities, and the limits of their authority are contained in and described by Welfare and Institutions Code sections 100-109.

(b) Referrals. The judicial officer, or any party may refer a case to the CASA Program at any point in the dependency proceedings. The CASA Program also may request that a referral be made by the judge in a case brought to the attention of the CASA Program. All referrals must be signed by the judge.

(c) Referral Criteria.

(1) Appropriate Referrals. Referrals to the CASA Program are appropriate when:

- i. The court needs specific information or would benefit from an independent investigation in order to make a decision regarding the child's welfare, except for information pertaining to allegations made in the petition;
- ii. There is an unnecessary delay in achieving family reunification, legal guardianship, adoption, or emancipation; and
- iii. The child has a specific unmet need and requires advocacy to obtain educational, medical, or other services. This does not include the need for a mentor, big brother or sister, or special friend.

(2) Inappropriate Referrals. Referrals are not appropriate when:

- i. The child's behavior and/or the circumstances of the case would place the CASA volunteer at risk;
- ii. The child is unwilling to participate in the services or cooperate with the advocate;
- iii. The child frequently is absent without permission; and

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iv. The child is placed outside of the County.

(d) Evaluation of a Referral. The CASA Program will evaluate the referral to determine if it is appropriate. In the event that the case is not accepted, the CASA Program will submit a report to the court stating the basis for declining the referral.

(e) Acceptance of a Referral. Once a case is accepted by the CASA Program, the court will sign an order appointing the identified CASA volunteer.

(f) Status of CASA Volunteers.

(1) Appointment. The CASA volunteer is appointed as a sworn officer, and serves at the pleasure of the court, and is bound by all the rules and standards set forth in Welfare and Institutions Code sections 102 and 103, and California Rules of Court, rule 5.655.

(2) Participation of CASAs, CASA Program Supervisors, and Attorneys for the CASA Program.

i. A CASA volunteer may be present at all hearings, sit at counsel table, and participate in reported conferences held in chambers. An advocate will not be excluded from reported proceedings for any reason, including the fact that he or she may give testimony in the case.

ii. A CASA volunteer for a child who has a child may participate in the dependency proceedings for both children.

iii. A Program supervisor may attend court hearings, participate in proceedings with or in lieu of the CASA volunteer, and may serve as the CASA volunteer on the case.

iv. An attorney representing the CASA Program may participate in any juvenile court proceeding in which any aspect of the CASA Program is at issue.

(3) Notice to CASA. Pursuant to Welfare and Institutions Code section 106, the CASA volunteer must be properly and timely noticed for all proceedings in the case on which he or she is appointed. The social worker on the case is responsible for providing notice to the CASA volunteer for regularly calendared matters. Any party requesting that a matter be added to the court's calendar is responsible for providing notice to the CASA volunteer.

(4) Reports. A CASA volunteer report will be considered by the judge. Minute orders shall reflect whether the CASA volunteer and/or the CASA supervisor was present at the hearing and that the CASA volunteer's report was read and considered by the court. The Child Advocates Office shall deliver sufficient copies of any CASA volunteer's report for all parties and their counsel (including parents appearing *in pro per*) to the court at least two court days prior to the relevant hearing. The court has discretion to admit a CASA report regardless of the time it was submitted.

(5) Distribution of reports. Only parties and their counsel are entitled to receive copies of the CASA volunteer's reports. *De facto* parents are entitled to receive copies of the CASA volunteer's report only if there is a court order directing distribution of the CASA volunteer's report to the *de facto* parent(s). Relatives, foster parents, service providers, and other interested parties are not entitled to receive a CASA volunteer's report in the absence of a court order.

(Rule 7.18 new and effective July 1, 2011)

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TIME LIMITATION AND PRE-HEARING ISSUES

7.19 TIME LIMITATIONS FOR DEPENDENCY PROCEEDINGS

Juvenile court policy is to comply strictly with the time lines for dependency hearings, unless good cause is shown for a continuance. (Welf. & Inst. Code, § 352; Cal. Rules of Court, rule 5.550(a)(2).)

(Rule 7.19 new and effective July 1, 2011)

7.20 DETENTION HEARINGS/CHILDREN IN SHELTER CARE

The dependency court endeavors to hear all detention matters before noon to assure the timely transfer or reassignment of cases when necessary.

The dependency court endeavors to hear all matters involving children in shelter care before the noon hour so that children will not remain in shelter care longer than necessary.

(Rule 7.20 new and effective July 1, 2011)

7.21 PRE-HEARING DISCOVERY

Pre-hearing discovery is governed by California Rules of Court, rules 5.544 and 5.546. Acquisition of confidential material not covered in California Rules of Court, rule 5.546, may be requested pursuant to Local Rule 7.2.

(Rule 7.21 new and effective July 1, 2011)

7.22 HEARINGS IN ABSENCE OF PARTIES

Absent good cause for a continuance, the court will conduct any properly noticed hearing whether parties are present or not.

(Rule 7.22 new and effective July 1, 2011)

RESOLUTION WITHOUT HEARING

7.23 MEDIATION

(a) Program (Purpose of Mediation; Process/Procedures to Arrange Mediation Conference).

(1) Purpose of Mediation Conference; Preference for Mediation. The purpose of dependency mediation is to involve family members and other parties in a confidential, non-adversarial process to understand and, where possible, resolve some or all of the issues, including the language of the petition, disposition, and questions of fact and law. The purpose of mediation is early and fair resolution of disputes for families involved in the court system. Some of the goals are to:

- i. Reduce trauma and promote communication among the parties;
- ii. Bring the parties and professionals together to ensure their understanding of the issues and individual perspectives of the participants in the case and the reasons for State intervention;
- iii. Orient parents, children, social workers, and other parties to the process and procedures related to the case;
- iv. Clarify the roles of the participants and preserve the rights of the parties;

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- v. Seek early resolution and implementation of family treatment or permanency plans;
- vi. Clearly define issues and make a prompt determination whether a case can be resolved by mediation or should be returned to the court; and
- vii. Reach agreements designed to protect the safety of all participants and to protect children from future acts of abuse or neglect, as well as protect children's relationships with their siblings.

The court prefers the mediation process as opposed to contested hearings wherever possible, reserving contested hearings exclusively for unresolved questions of fact and law.

Mediation as defined in this rule shall meet the requirements of California Rules of Court, rule 5.518, governing the standards of practice for court-connected child protection/dependency mediation.

(2) Referrals to Mediation Conference. Pursuant to Welfare and Institutions Code section 350, the court may order all parties and counsel to calendar a case for a confidential mediation conference. In addition, upon the agreement of all participating counsel, counsel may schedule a mediation conference in the absence of a court order by contacting the juvenile court mediation department's secretary.

A case may be referred to mediation at any stage of the dependency court process. A mediation conference shall be scheduled by appointment. A case referred to mediation on the day of a court appearance without a prior appointment shall be accommodated based on mediator availability.

(3) Scheduling of Mediation Conference. After a mediation conference is ordered or requested without court order and the mediation department has been contacted, the mediation secretary or clerk will schedule a conference with a mediator. Conferences will be scheduled for time slots as available on the mediation department calendar.

If, on the date scheduled for mediation, the identified mediator becomes unavailable, the mediation department will make available another mediator, whenever possible at the same time as originally scheduled. In branch courts providing mediation services, the clerk will send the mediation clerk a fax copy of the court's order for mediation, and the mediation clerk will record the date, time and case information.

A mediation conference referred at the time of the arraignment and detention hearing shall be calendared on an appointment basis for a time as close as possible to three weeks from the arraignment and detention hearing, and may be calendared later than the three week date only upon a showing of good cause and a court order with specific findings.

(4) Notification of Mediation Conference Date and Time; Appearance for Mediation Conference. The court will order the parties and counsel to return to the courthouse on the date and time set for mediation and report first to the courtroom before contacting the mediation secretary or designated mediator.

When the mediation conference is requested without a court order, the counsel who schedules the mediation conference must provide all other counsel with written notice of the conference, and all counsel must so inform their clients. On the date indicated in the notice, all parties and counsel (including Children's Social Worker ("CSW") when present) must report for mediation at or before the time scheduled, either report to the mediation secretary in the Children's Court, Room 2110 or to the identified mediator's office. DCFS liaisons to mediation also must

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check in with the mediation secretary or scheduled mediator prior to the time scheduled for the mediation conference, and confirm which liaison will be responsible for and participate in each mediation conference.

Counsel must advise the parties to telephone the courtroom (when the matter appears on calendar) and also the mediation secretary at the Children's Court at (323) 526-6671 if they expect to be late or are unable to attend the conference due to an emergency. This rule applies regardless of whether the case is scheduled in the Children's Court or a branch courthouse.

(5) Reports for Use at Mediation Conference. The court will order DCFS to provide the appropriate reports to counsel, parties, the mediator and, where applicable, the CASA volunteer. DCFS shall submit the reports to the department where the case is pending, with copies each to the mediation department and the DCFS liaison to mediation, no later than 2:00 p.m. two court days before the conference.

(6) Participation in Mediation Conference; Counsel Availability. In addition to counsel, the persons attending the mediation conference shall include as decision makers the parents, children (when appropriate), the assigned CSW or DCFS liaison, any appointed guardian *ad litem*, and any other person identified by the court as a party. At the discretion of the mediator, other persons may be permitted to participate, including family members, therapists, program representatives, caregivers, domestic violence support persons, and CASA volunteers appointed for the children.

When the CSW is not present, the DCFS liaison shall serve as the DCFS representative and have authority to make case-related decisions on behalf of DCFS without further approval.

All counsel must remain available to the mediator to participate in the mediation conference until the mediation conference concludes.

(7) Need for Timely Proceedings; Consequences of Noncompliance. The child's interests and the legislative intent that dependency cases proceed in a timely fashion require that hearings proceed on the date calendared. The failure of any person to comply with any court order described above — including attendance at a mediation conference and timely submission of court-ordered reports — may result in the imposition of monetary sanctions pursuant to Code of Civil Procedure section 177.5 upon written motion of another party or by the court.

(b) Confidentiality. The mediation conference will be deemed confidential. All forms of communication between and among the mediator, parties, counsel, and other participants in the mediation conference are confidential and may not be released except for the social study, the mediator's document for the court for the court at the conclusion of the mediation conference, and as compelled by statute. Welfare and Institutions Code section 350, California Rules of Court, rule 5.552, and California Evidence Code sections 703.5, 1115-1125(a)(4), and 1125(b) through 1128 apply to the dependency court mediation process.

(c) The Mediation Process. Initially, the mediator will meet with all counsel and the DCFS liaison to mediation concerning their perceptions of both the factual and legal issues in dispute and the areas of potential agreement. The parties will not be present during this phase of the conference. At various times, the mediator will meet with the parties, counsel, and others as a group and/or individually, at the mediator's discretion, prior to finalizing the written agreement and case plan.

If the initial discussion with the mediator produces a proposed agreement with respect to all or some of the issues, the proposed agreement will be presented to the parties. Where there is partial

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or no agreement on substantive issues, the parties shall identify any points of agreement and those issues that remain to be resolved. After the parties have discussed the proposed agreement and any other matters which the mediator deems relevant, the mediator will prepare a document recording interim, partial, full or no agreement, including the identification of unresolved issues, have the document signed by counsel and the parties, and submit it with the court file to the judge for review, approval, findings and orders.

(d) Mediation Conference Continued. Subject to the court's approval, a mediation conference that has begun but has not been concluded on the date scheduled may be continued to a future date at the mediator's discretion for the purpose of facilitating resolution of the matter. The mediator and counsel may agree to continue to a specific date without the need for court appearance where that date is available on the mediation department calendar. Additional continuances will be allowed only upon written stipulation of the parties based on adequate reasons and subject to court approval.

If the court adjourns prior to completion of the mediation conference and the parties and mediator want to further mediate, the court will order the attorneys and parties to remain and participate until the mediation conference concludes, with the matter trailing on the court calendar for submission of the mediation conference results, and without the requirement that the parties return on the date to which the matter trailed. Once a matter has been trailed in this manner and judicial findings and orders have been made, counsel must advise their clients of said orders and or any future court date requiring the appearance of the parties.

The judge will decide, on a case by case basis, whether or not to grant any continuance of the mediation conference if the parties fail to appear when proper notice or oral direction was previously given.

(e) Domestic Violence Protocol; Security. The mediation department's secretary must be advised at the time a conference is set or as soon thereafter as the information is known, when (1) counsel or any member of court staff is aware of a serious risk of violence, or (2) a restraining order has been issued against one or more persons involved in the mediation. The mediation department shall note this information by a means which preserves the confidentiality of these proceedings.

When the mediator has been advised of a serious risk of violence, he or she shall take steps to ensure that parties who pose an identified risk are seated and conferred with separately from the other parties or participants. The mediation department shall accommodate any party or participant who requests separate seating or conference session.

A counsel representing a client against whom a restraining order has been issued must contact the mediator at or before the time set for mediation conference, and wait until separate sessions for the restrained person can be arranged before directing that person to the mediator's office.

When the mediator has reason to believe that there is an imminent risk of violence by or to any of the parties to the mediation, the Sheriff's Office located at the facility where the mediation is occurring must be immediately notified for assistance. Mediation proceedings shall be suspended until peace is restored and/or the risk of violence eliminated. Court security personnel may be requested to accompany parties or participants within the courthouse in order to safeguard them from violence or the threat of violence.

Any alleged victim of domestic violence has the right to have a designated support person present during the mediation conference. The designated support person is controlled by the same

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confidentiality standards as any participant in the mediation conference, but unless otherwise ordered is not a participant in the discussion and decision-making process.

(Rule 7.23 new and effective July 1, 2011)

PRE-TRIAL PROCEDURE

7.24 MANDATORY SETTLEMENT CONFERENCE

At the request of counsel, or on the court's own motion, a matter may be set for a mandatory settlement conference for consideration of use of experts, potential stipulations as to issues, testimony or exhibits, narrowing of issues, evaluation of evidence, and case settlement.

The mandatory settlement conference may be set after the arraignment and detention hearing and must be set on or before the date scheduled for the jurisdiction hearing or any other contested hearing. The court should order that the jurisdiction/disposition report or any other relevant social worker report be prepared and made available by the social worker to the parties and their attorneys in advance of the settlement conference and in time for the parties to meet and confer for preparation of a joint trial statement.

The scheduling of the mandatory settlement conference may be considered good cause to continue the jurisdiction/disposition hearing beyond fifteen judicial days for a detained child if said continuance is not contrary to the child's interest. The disposition hearing shall not be later than 60 days from the date of the detention of the child.

The following procedures shall be followed in preparation for the settlement conference.

(a) Meet and Confer. Prior to the date set for the conference, counsel must meet and confer in good faith to prepare a joint trial statement. The failure to agree upon language to be included will not excuse a failure to file a joint trial statement and the parties must set forth the portions of a subject that they agree upon and then each party's version on that which they do not agree.

(b) Filing Trial Statement. The joint trial statement must be filed directly with the trial court and served on all parties no later than two court days before the day set for the conference.

(c) Extension of Time. The time for filing a joint trial statement may be extended only by order of court.

(d) Contents of Joint Trial Statement. The joint trial statement must contain the following:

1. Caption, date and time;
2. Factual information. A complete and objective factual statement of the case, including (i) a description (including filing date) of the petition forming the issues to be tried, (ii) the names, ages and relationships of all persons relevant to the proceeding and the names of their attorneys, (iii) the date and substance of any prior orders of the court which are pertinent, (iv) the date and substance of any documents which are pertinent to any contested issue, and (v) any other relevant information;

3. Expedited presentation of the case. Counsel must address the use of any expedited means of presenting evidence in an effort to reduce the length of trial, including stipulated facts, agreements regarding admission of evidence, and agreements regarding summaries of testimony. Each joint trial statement must include a stipulation listing (by reference to the exhibit list required by subsection 6.ii.a. of subdivision (d) all exhibits which may be received in evidence without

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objection, and a second stipulation listing (by reference to said exhibit list) all exhibits to which any objection as to foundation is waived;

4. Uncontested issues of fact and law. All uncontested issues shall be summarized;

5. Statement of contested issues of fact and law. A concise statement of each contested issue shall be included; and

6. Discussion of contested issues: A comprehensive discussion of each contested issue shall be provided, which shall include the following:

i. Any factors relevant to that issue;

ii. A list of all documents, schedules or summaries to be offered at trial on the issue, and a summary of their contents and purpose, copies of reports of experts to be offered at trial. The failure to comply with this provision may result in an order excluding the document, report, or testimony of the expert at trial;

iii. The name and business address of any percipient or expert witness whom a party intends to call at trial, and a brief statement setting forth the substance of the witnesses' testimony. This requirement does not apply to any witness anticipated in good faith to be called solely for the purpose of impeachment or rebuttal. The failure to comply with this provision may result in an order excluding witnesses, documents or expert testimony at trial;

iv. Any legal argument relevant to that particular issue on which a party intends to rely; and

v. Legal objections to evidence, including objections to witnesses, expert testimony, documents and reports.

(e) Non-compliance. If the parties fail to prepare and file a joint trial statement in accordance with these instructions, each party must summarize in writing the attempted compliance, including dates of meetings or discussions and total time spent in attempted compliance, and file a separate trial statement containing the required information. The failure to comply with the provisions of Local Rule 7.24 may result in sanctions.

(Rule 7.24 new and effective July 1, 2011)

TRIAL AND RELEASE BEFORE DISPOSITION

7.25 TRIAL IN PROGRESS

A trial in progress shall proceed continuously on a day-to-day basis. Counsel must be prepared to proceed with the trial in this manner.

(Rule 7.25 new and effective July 1, 2011)

7.26 APPOINTMENT OF EXPERTS

(a) Indigent Parties. Where a party cannot afford to employ an expert, and an expert is necessary to enable counsel to properly represent the party, counsel may move for the appointment of an expert pursuant to Evidence Code section 730 for the purpose of (i) assisting counsel in case preparation, and/or (ii) testifying at the adjudication, disposition, or other hearing. The motion must be made in writing and shall be heard in the department where the case is pending.

(b) Discoverability of Expert's Report. If the court appoints an expert, the appointed expert's report shall be discoverable. (*Collins v. Superior Court* (1977) 74 Cal.App.3d 47.)

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(c) Fees. Court-appointed experts shall be in accordance with the schedule approved by the Juvenile Court Committee for Court-Appointed Experts. No expert will be paid unless counsel has received the court's approval. Upon a showing of good cause, a judge may approve fees in excess of the schedule up to a limit of \$2,500, so long as the fees were approved by the court before they were incurred. Fees paid to the same expert in the same case in excess of \$2,500 must be approved by the Presiding Judge of the Juvenile Court.

(Rule 7.26 new and effective July 1, 2011)

7.27 LAY WITNESS FEES AND COSTS

(a) Authorization. Welfare and Institutions Code sections 341 and 664 permit the court discretion to order the payment of witness fees in the amount set forth in Government Code section 68093 for a person attending a hearing pursuant to subpoena.

(b) Policy. Witness fees for a subpoenaed witness will not be approved unless the request involves unusual circumstances which are either known to the judge or which are set forth in the a specific written request. A request for witness fees will be considered untimely unless submitted within 30 days of the witness' last court appearance.

(c) Procedure. A witness fee request must be submitted on either of two forms: (i) the "Request for Witness Fees" (available from the Office of the County Counsel) where County Counsel subpoenaed the witness; or (ii) the "Declaration and Order for Witness Fees" (available in the clerk's office) for all other subpoenaed witnesses.

A request for witness fees will be decided by the judicial officer who heard the proceedings for which the witness was subpoenaed. If that judge is unavailable, the judge currently assigned to the courtroom where the proceedings occurred shall consider the request. The request for witness fees must be submitted directly to the appropriate judge and not to the Presiding Judge of the Juvenile Court.

In each instance, the judge should ensure that the amount authorized for witness fees and mileage is specifically set forth in the authorization.

The clerk shall forward the authorization for fees to the Office of the County Counsel (if County Counsel subpoenaed the witness), or the court's Accounting Office for processing.

(Rule 7.27 new and effective July 1, 2011)

7.28 APPLICATION FOR DETENTION OR RELEASE OF CHILDREN IN DEPENDENCY COURT SUBSEQUENT TO DETENTION HEARING AND PRIOR TO DISPOSITION IN EMERGENCY AND NON-EMERGENCY SITUATIONS

(a) General Policy. A court procedure for an application for the detention or release of a child during the period subsequent to the court's detention order and prior to the dispositional hearing is authorized by Welfare and Institutions Code section 385. Nothing in this rule is intended to limit the court's power under Welfare and Institutions Code section 385 or the right of law enforcement or DCFS to take a child into temporary protective custody pending a hearing on the matter.

(1) Definitions. A detained child is one who has been previously detained by the court. A released child is one who has been released by the court to a parent or guardian, or who has never been detained.

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(2) Format of Papers. The requesting party must file an Application for Detention or an Application for Release setting forth the required statement of the facts sufficient to support the application.

(3) Filing of Papers and Location of Hearing. The application and any supporting documents must be filed with the clerk where the case is pending and heard in that department.

(b) Non-Emergency Applications for Detention or Release.

(1) In a case where a child was taken into temporary protective custody by DCFS or law enforcement, the matter must be filed within 48 hours, and shall be calendared for the next court day.

(2) In all other non-emergency cases, the matter shall be calendared for hearing not less than five days after filing the application. The requesting party must obtain a hearing date from the clerk. The requesting party must give notice, by telephone or facsimile to all counsel not less than 72 hours prior to the hearing date, including the date, time and location of the hearing, and the facts upon which the application is based. The receptionist for the County Counsel Juvenile Division at the facility where the hearing will be held is authorized to accept service for County Counsel.

(3) The requesting party must instruct any person or agency to whom a child four years of age or older has been released, or with whom the child is detained, to bring the child to court. If the child is detained in a shelter or non-relative foster home or group home, the requesting party must request DCFS to transport the child to court. If the case is already scheduled for another proceeding in the near future, the requesting party must attempt to calendar the application for that date.

(4) A response to the application must be filed with the clerk not later than one court day before the hearing unless good cause is shown. The responding party shall give notice that a response was filed by telephone or facsimile to all counsel not later than the date the response is filed. Said notice shall include a brief description of the basis for the response.

(5) A proof of service of the notice of filing an application or response as provided herein shall be filed on the hearing date.

(c) Emergency Applications for Detention or Release.

(1) In a case where an emergency necessitates consideration of detention or release of a child subsequent to the detention hearing and prior to the disposition hearing, an application for modification may be presented to the court. The application must comply with Local Rule 7.16(c) regarding emergency applications for hearing and California Rules of Court, rule 3.1200 *et seq.*, regarding *ex parte* applications and orders. This emergency application procedure does not apply to situations in which a child has been taken into temporary protective custody by DCFS or law enforcement.

(2) If the court does not find that a sufficient emergency exists, the application shall be set for hearing in accordance with the procedures for non-emergency applications for detention or release.

(d) Conduct of Hearings.

(1) The court may summarily deny an application on the date set for hearing if there are insufficient facts alleged in the application to warrant the relief requested.

(2) The court may rule on an application based on the facts contained in the application, facts presented orally to the court for an emergency detention, and facts presented in any

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response, with or without argument of counsel. The court also may receive evidence at the hearing before ruling on any application.

(3) The hearing on any application will be conducted in the same manner as an original hearing and is subject to the same burden of proof.

(4) The hearing on an application for release will be limited to consideration of new evidence or a change of circumstances sufficient to justify a change in the previous order.

(5) If the facts supporting a request for detention are also relevant to the jurisdictional hearing, an amended petition may be filed and an arraignment may be conducted on the amended petition at the time that the application for detention is heard.

(Rule 7.28 new and effective July 1, 2011)

MISCELLANEOUS PROVISIONS

7.29 FINANCIAL RESPONSIBILITY UNDER WELFARE AND INSTITUTIONS CODE SECTION 903

(a) Policy. Pursuant to Welfare and Institutions Code section 903 *et seq.*, the court is required to make an evaluation of the financial ability of parent(s) or guardian(s) to reimburse the County for legal services and cost of care, support and maintenance of a child placed, detained, or committed pursuant to order of the juvenile court.

(b) Time of Referral. Parents, legal guardians, and parties other than children, who receive appointed counsel will be ordered to immediately report to the court's Cost Recovery Division for a financial evaluation to determine the party's ability to pay for legal representation, following: 1) the first hearing in which an attorney is appointed to represent that party in a dependency proceeding, and 2) the adjudication hearing.

(Rule 7.29 new and effective July 1, 2011)

7.30 DEPENDENCY COURT TORT POLICY

(a) Representation of Dependent Children in Tort Actions. The Juvenile Court Dependency Tort Policy, established pursuant to Welfare and Institutions Code section 317(e), sets forth the duties and obligations of a child's dependency attorney, tort attorney, and guardian *ad litem* in potential tort cases only. The Juvenile Court Tort Policy establishes the exclusive procedure for the referral of tort cases and specifies the manner in which tort attorneys and guardians *ad litem* are appointed to represent dependent children. No attorney may represent a dependent child in a potential tort action unless appointed for that purpose by the Presiding Judge of the Juvenile Court. A copy of the Juvenile Court Tort Policy may be obtained by calling the Presiding Judge's Office at (323) 526-6377.

(b) Reporting Duties of Child's Dependency Attorney.

(1) Duty to Report Injuries. Pursuant to the Juvenile Court Dependency Tort Policy, an attorney representing a child in a dependency proceeding must investigate and report to the Presiding Judge of the Juvenile Court any injury or condition of the child which could form the basis of a tort claim against a third party. The attorney has no obligation to report injuries to the Presiding Judge of the Juvenile Court when (i) the child is deceased, (ii) the child is placed with a parent, or (iii) the injury was allegedly caused by a parent or step-parent.

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(2) Duty to Report Termination of Juvenile Court Jurisdiction. The child's dependency attorney must notify the office of the Presiding Judge of the Juvenile Court, when the juvenile court where the dependency case was heard terminates jurisdiction. Such notification must include the reason for the termination, and where and with whom the child is residing.

If jurisdiction is terminated because the child has been declared a ward pursuant to Welfare and Institutions Code section 602, the procedures outlined in the Juvenile Court Dependency Tort Policy must be followed to the extent possible as if the child remained a dependent.

(c) Procedure for Filing an Injury Report Pursuant to Subdivision (b). The child's dependency attorney must report the injury to the Presiding Judge of the Juvenile Court using the form "Report of Child's Injuries Pursuant to Welfare and Institutions Code section 317, subdivision (e)" (Juvenile Form 5) available online at the court's website and in the clerk's office at the Children's Court.

Three typed copies must be filed in the Office of the Presiding Judge of the Juvenile Court. One copy must be filed in the dependency court of record.

The report must be filed no later than 30 days from receipt of notice of the child's injury. The child's dependency attorney must include in the report as much information and substantiating documentation as possible, and must provide supplementary material to the Presiding Judge of the Juvenile Court as it becomes available, noting the earlier filed report(s). Separate reports must be filed for each potential claim.

(d) Penalty for Failure to Report. The failure of a dependency attorney to adhere to the reporting requirements of the Juvenile Court Dependency Tort Policy may result in appropriate action by the Presiding Judge of the Juvenile Court including monetary sanctions, removal from the dependency court panel, and report to the State Bar. Similar actions may be taken if a tort attorney fails to adhere to the procedures outlined in the policy.

(Rule 7.30 new and effective July 1, 2011)

7.31 PETITION PURSUANT TO WELFARE AND INSTITUTIONS CODE SECTION 331

A petition filed pursuant to Welfare and Institutions Code section 331 must be filed in the clerk's office of the Children's Court, which must refer the matter to the Supervising Judge for review and further proceedings.

(Rule 7.31 new and effective July 1, 2011)

7.32 CLIENT COMPLAINT PROCESS

(a) Client Complaint Form. A party in a juvenile proceeding seeking to lodge a complaint about his or her court-appointed attorney must fill out a "Client Complaint Form." Forms are available in the clerk's office at all juvenile courts.

(b) Filing the Complaint. The Client Complaint Form must be completed with specificity, and submitted to the clerk's office at the Children's Court, or mailed to the Presiding Judge of the Juvenile Court. All delinquency complaints will be reviewed by the Presiding Judge of the Juvenile Court. All dependency complaints will be forwarded for review to the Supervising Judge.

(c) Review of the Complaint. The Presiding Judge of the Juvenile Court or the Supervising Judge will review the complaint and forward a copy to the attorney who is the subject of the complaint, the attorney's supervisor if one exists. The Presiding Judge of the Juvenile Court or the Supervising Judge will send a letter to the complainant stating that the matter has been brought to the attention of the attorney and the attorney's supervisor. If the matter has not been resolved to the

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satisfaction of the complainant, then a motion may be filed with the court of record to relieve the attorney and/or the matter may be referred to the State Bar for review.

(d) Confidential Files. The juvenile court shall maintain a permanent file of all attorney complaints, attorney responses, and documentation of the actions taken, if any.

(Rule 7.32 new and effective July 1, 2011)

7.33 JUVENILE COURT BLANKET ORDERS

The juvenile court finds that a blanket order is necessary for court administration and case management under certain circumstances. Copies of all existing blanket orders issued by the Presiding Judge of the Juvenile Court are available at the clerk's office of the Children's Court, or on the court's website: www.lasuperiorcourt.org.

(Rule 7.33 new and effective July 1, 2011)

CHAPTER EIGHT
CRIMINAL DIVISION RULES

PREAMBLE

The procedures contained in this Chapter are intended to supplement the procedural provisions of the Penal Code and Criminal Rules, California Rules of Court, rule 4.1 *et seq.* Counsel and parties, including self-represented parties, are expected to be thoroughly familiar with all procedural provisions contained in the Penal Code, the California Rules of Court, and this Chapter.

ASSIGNMENT OF CASES AND BAIL

8.1 DUTIES OF SUPERVISING JUDGE OF THE CRIMINAL DIVISION

(a) Responsibility of the Supervising Judge. The Supervising Judge of the Criminal Division (“Supervising Judge”), or another judge designated by the Supervising Judge shall preside in Department 100 and has the authority to assign criminal cases for trial to any court throughout the county, hear Grand Jury matters, resolve issues relating to pending death penalty cases and assist other courts in coordination of criminal calendars. The Supervising Judge may designate any other judge to assist in these duties.

(b) Direct Calendar Courts. The Supervising Judge may designate certain criminal courts in the Central District to be felony direct calendar courts. Judges in those courts shall handle all cases assigned to them for all purposes. Direct calendar court judges shall make every reasonable effort to manage their calendar so as to avoid the need to reassign cases.

(c) Master Calendar Trial Courts. The Supervising Judge may designate certain criminal courts in the Central District to be felony trial courts. Assignment of cases to trial courts shall be made by Department 100 as a master calendar court for all purposes.

(d) Other Criminal Courts. The Supervising Judge may designate other criminal courts within the Central District to handle specialized criminal matters. These courts may include felony and misdemeanor arraignment courts, preliminary hearing courts, misdemeanor master calendar courts, drug courts, traffic infraction courts, and post-conviction matter courts.

(Rule 8.1 new and effective July 1, 2011)

8.2 FILING AND TRANSFER OF CASES

(a) Filing of Cases. Indictments, criminal complaints, and informations must be filed in accordance with Local Rule 2.3(a)(3).

(b) Transfer of Cases. Whenever the Presiding Judge or the Supervising Judge determines that the calendar in any district, including the Central District, has become so congested as to jeopardize the right of a party to a speedy trial or to interfere with the proper handling of the judicial business in that district or for security or calendar administration reasons, he or she may order the

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transfer of one or more pending criminal cases to another district for trial, or may order the filing of cases in a different district.

(Rule 8.2 new and effective July 1, 2011)

8.3 BAIL MATTERS

(a) Bail Schedule. The Supervising Judge shall appoint a Bail Committee within the Criminal Division. The Bail Committee must prepare and annually revise a Uniform Countywide Misdemeanor/Infraction Bail Schedule and a Uniform Countywide Felony Bail Schedule. In preparing and revising the Felony Bail Schedule, the Bail Committee must consider the factors specified in Penal Code section 1269b(e). The preparation and distribution of a bail schedule must comply with the requirements of Penal Code section 1269b(f). The Bail Committee must submit a bail schedule to the Executive Committee, and it will be deemed adopted by the judges of the court when approved by the Executive Committee. A bail schedule will be effective on the date adopted or as specified by the Executive Committee.

(b) Bail Schedule Deviation During Non-Court Hours. All pre-arraignment requests to increase or decrease bail, or for an own-recognizance release, must be made through the Bail Deviation Program of the Los Angeles County Probation Department. Law enforcement may make a request to increase bail by telephoning (213) 351-0373 between 6:30 a.m. and midnight. A defendant or defendant's representative may make a request to decrease bail or for an own-recognizance release by telephoning (213) 351-0311 between 6:30 a.m. and midnight.

(c) Information to Support a Bail Deviation Request. The Bail Deviation Program may request certain information in evaluating a bail deviation request, including, but not limited to: (1) the name, address, and telephone number of the person seeking the deviation and relationship to the defendant; (2) name and booking number of the defendant; (3) charge(s) on which the defendant is being held; (4) date and time of arrest; (5) address and telephone number of the jail or station at which the defendant is being held; (6) date, time and court location for the defendant's arraignment; (7) the defendant's age, marital status, length of residence in the community, employment history, and community ties; (8) the defendant's prior criminal record; and (9) any facts justifying the requested deviation.

(d) Notice to Appear. Every release pursuant to the bail schedule must specify the court location, date and time that the defendant must appear.

(e) Repetitive Applications to Change Bail. A court may refuse to hear repetitive applications to increase or decrease bail, or for an own recognizance release, except as provided by statute, or on a showing of unusual or changed circumstances. The application must be made to the judge before whom the defendant's case is then pending.

(f) Motions to Reinstate and Exonerate Bail. Motions to reinstate and exonerate bail bonds or bail deposits in all criminal cases where the defendant is not surrendered in open court, must be in writing and supported by appropriate declarations and points and authorities.

(Rule 8.3 new and effective July 1, 2011)

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PRE-TRIAL PRACTICE AND PROCEDURE

8.4 PRELIMINARY HEARING TRANSCRIPTS

(a) Filing. Preliminary hearing transcripts must be filed with the clerk, on or before the close of business of the tenth day following the day on which the defendant is held to answer, at the specific location designated by the clerk for that purpose. In the event the tenth day is a Saturday, Sunday or holiday, the transcript must be filed not later than 10:00 a.m. on the next court day.

(b) Delivery of Transcript. The clerk must forthwith deliver the transcript to the department where the defendant is to be arraigned.

(Rule 8.4 new and effective July 1, 2011)

8.5 FILING OF INFORMATION, CONTINUANCE AND EARLY DISPOSITION

(a) Filing of Information. The information must be filed in the courtroom where the case is set for arraignment.

(b) Continuance of Arraignment. An arraignment will not be continued except upon a showing of good cause, and should not be continued longer than 14 days.

(Rule 8.5 new and effective July 1, 2011)

8.6 MOTION REQUIREMENTS

(a) Orders Shortening Time. Counsel seeking an order shortening time must file an Application for an Order Shortening Time setting forth good cause, and facts concerning notice to, and the position of, opposing counsel and co-counsel.

(b) Separate Captioning and Lodging of Proposed Orders; Form. The moving party must not include the proposed order as part of the notice of motion, a memorandum of points and authorities or as an exhibit or attachment to either. The moving party must prepare the proposed order as a separately captioned document, and must lodge it with the clerk at the same time the notice of motion or stipulation is filed. The proposed order must be served on all other parties with the notice of motion. The clerk must not file the order until approved and signed by the judge.

The proposed order must be denominated as a "[PROPOSED] ORDER." If the order is granted, the court will strike the word "[PROPOSED]" upon signature. At least two lines of the text of any proposed order must appear on the page that has the line provided for the judge's signature. Next to the signature line must be the word "Dated" with a blank left for the judge to write in the date. At least two lines above the signature line must be left blank for the judge's signature. There must be no writing of any kind below the judge's signature.

(c) Separate Original Pleadings For Each Case. When a party has several open cases pending in the same court or before the same judicial officer, and seeks by notice of motion, or otherwise, identical orders or other relief in each case (such as a motion to consolidate or a motion to continue), the moving party must file a separately captioned notice of motion in each case and must not file one pleading containing all the case numbers in each case.

If a party has only one open case, and all other pending cases are probation violations that previously have been ordered to follow the open case, then the pleading must only be filed in the open case.

(d) Resubmission of Motions Previously Acted Upon. If any motion, or other application for an order, has been made to any judge of the court and has been denied in whole or in part or has

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been granted conditionally, any subsequent motion for the same relief in whole or in part, whether upon the same or any allegedly different state of facts, must be presented to the same judge whenever possible. If presented to a different judge, the moving party must file and serve a declaration setting forth the material facts and circumstances as to each prior motion or application, including the date and judge involved in the prior motion, the ruling, decision or order made, the new or different facts or circumstances claimed to warrant relief, and the reason facts or circumstances were not presented to the judge who earlier ruled on the motion. Any failure to comply with the foregoing requirements is a basis for setting aside any order made on the subsequent motion, either *sua sponte* or upon motion or application, and the offending party or attorney may be subject to monetary sanctions pursuant to Code of Civil Procedure section 177.5.

(Rule 8.6 new and effective July 1, 2011)

8.7 MOTIONS TO CONTINUE

(a) Motions in Writing. No proceeding in any criminal case will be continued except upon compliance with Penal Code section 1050. A motion for a continuance must be in writing setting forth the grounds supporting the continuance, the opposition or consent of opposing and co-counsel and a suggestion for a new date.

(b) Sanctions. A moving party who does not comply with these rules and without good cause for such failure, may be subject to the sanctions set forth in Penal Code sections 1050 and 1050.5, including denial of the continuance.

(Rule 8.7 new and effective July 1, 2011)

8.8 *EX PARTE* APPLICATION

An application for an order *ex parte*, other than for a medical examination in the jail, must be in writing and must include all of the following: (1) an application containing the case caption and stating the relief requested; (2) a declaration containing competent testimony as to the need for the order; (3) a brief memorandum of points and authorities specifying both the authority to grant the relief *ex parte* and supporting the relief sought; and (4) a separately captioned proposed order. (See Local Rule 8.6(b).)

(Rule 8.8 new and effective July 1, 2011)

8.9 FACSIMILE FILING AND SERVICE OF DOCUMENTS

Facsimile filing and service is governed by California Rules of Court, rules 2.301 through 2.306. The facsimile telephone number for each criminal department is available upon request from that department. The following motions and documents in criminal actions may be filed by facsimile unless they exceed a total of ten pages: Motions to Continue under Penal Code section 1050, Motions for Bail Review, Penal Code Section 995 Motions, Motions to Compel Discovery, Motions to Suppress Evidence under Penal Code Section 1538.5, and Sentencing Memoranda. No other documents may be filed by facsimile.

The clerk must accept for filing any document listed within the page limit that has been received by facsimile.

(Rule 8.9 new and effective July 1, 2011)

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8.10 READINESS TO PROCEED

(a) Readiness to Proceed. Counsel must be ready to proceed at the scheduled time. Conferences with the defendant, witnesses or other counsel must be held outside of court hours. The court may not be able to afford counsel time to confer prior to the hearing.

(b) Stand-In Counsel. Counsel actually engaged in trial, or in a preliminary hearing, must make arrangements to have other counsel appear specially for any matters that conflict with the trial or preliminary hearing.

(c) Priority To Multiple-Defendant Cases. Except as otherwise provided by law, the court shall, and counsel must, give priority to all multiple-defendant cases.

(Rule 8.10 new and effective July 1, 2011)

8.11 SCHEDULING CONFLICTS

(a) Scheduling Appearances. Counsel must attempt to avoid scheduling conflicts, and make every effort to avoid scheduling appearances in more than one district in the same morning or afternoon.

(b) Punctuality. It is counsel's responsibility to determine the time at which his or her presence is required in each courtroom. Counsel must appear punctually at that time, unless he or she has another scheduled appearance at the same time and the other matter has statutory priority. If counsel has conflicting appearances, counsel must contact the court that does not have statutory or rule priority at least one court day prior to the scheduled appearance and provide the location, the time and case name and number of the other appearance, and the time when counsel expects to be able to appear.

(Rule 8.11 new and effective July 1, 2011)

8.12 REQUESTING CALENDAR PRIORITY

(a) Calendar Priority. An attorney desiring calendar priority must apprise the clerk prior to calendar call of the reason for the request. The clerk must bring that information to the attention of the judge. All attorneys engaged in trial in another court must advise the court in which a calendar matter is scheduled of that trial status and request priority.

(b) Engaged in Trial. The policy of the superior court is that all counsel who are engaged in trial are to be released from other calendar obligations no later than 9:30 a.m. if counsel has requested priority in the calendar court.

(Rule 8.12 new and effective July 1, 2011)

8.13 APPEARANCES IN BOTH A CRIMINAL DEPARTMENT AND A JUVENILE DEPARTMENT

When counsel has appearances in both a criminal department and a juvenile department, counsel may appear first in the juvenile department. Counsel must notify the criminal department of the juvenile department appearance and request priority in the juvenile department. Counsel should not schedule appearances in both criminal and juvenile departments on the same day.

When a witness has appearances in both a criminal department and a juvenile department, the witness may appear first in the juvenile department. The party calling the witness must notify the criminal department of the juvenile department appearance and request priority in the juvenile

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department. Counsel should not schedule a witness to appear in both criminal and juvenile departments on the same day.

(Rule 8.13 new and effective July 1, 2011)

8.14 DELIVERY OF PROBATION DEPARTMENT REPORTS

All Probation Department reports must be delivered to the requesting judge no later than noon of the court day preceding the hearing which gave rise to the need for the report. Any request seeking an extension of time in which to complete the report must be in writing and delivered in compliance with this rule.

(Rule 8.14 new and effective July 1, 2011)

TRIAL AND SENTENCING

8.15 TRIAL PRIORITY

In setting priority for trial, the court will weigh the following:

- (1) Speedy trial considerations under Penal Code section 1382 including both sides' right to a speedy trial;
- (2) The number of co-counsel and the number of defendants;
- (3) Whether the victim or material witness is a minor, aged, medically infirmed or needs to travel a lengthy distance;
- (4) The age of the case;
- (5) The length of time necessary to conclude the trial;
- (6) Prior continuances granted and the reasons for them;
- (7) The number of witnesses and availability; and
- (8) Any other priority established by law.

(Rule 8.15 new and effective July 1, 2011)

8.16 WRITTEN JUROR QUESTIONNAIRES

Parties may only use written questionnaires, to be filled out by prospective jurors, upon a showing of good cause or in the interests of justice.

(Rule 8.16 new and effective July 1, 2011)

8.17 OBTAINING COURT FILES

Any party seeking to introduce evidence of prior convictions, or any other information contained within court files, in any proceeding must, prior to the trial date, obtain certified copies only of the relevant documents from the Clerk's Office where the file is located. A request for certified copies must be made a sufficient time before trial so as not to delay the trial. The original files will not be sent to the trial court unless the court orders so for good cause on written application. Failure to obtain the documents in a timely fashion will not be good cause for a continuance.

(Rule 8.17 new and effective July 1, 2011)

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8.18 WITNESS FEES

The court will authorize payment of fees and expenses of non-expert witnesses in accordance with Penal Code section 1329. The court will authorize payment of fees and expenses of defense expert witnesses upon a showing of good cause and in accordance with Penal Code section 987.2. The court will not authorize payment of expert witness fees or other costs incurred by the prosecution.

(Rule 8.18 new and effective July 1, 2011)

8.19 TRIAL EXHIBITS

(a) Marking Exhibits; Exhibit Lists. Prior to trial, after consultation with the clerk regarding marking of exhibits, counsel for the prosecution and the defense must provide an exhibit list to the court. The prosecution must use numbers to identify their exhibits. The defense must use letters. No exhibit may be referred to in open court unless opposing counsel has had an opportunity to examine it. Documentary exhibits consisting of more than one page must be internally paginated in sequential numerical order to facilitate reference to the document during the examination of witnesses.

(b) Hazardous Material. In the interest of public health and safety, no hazardous material, including any controlled substance as defined by Health and Safety Code section 11007, no paraphernalia or packaging containing residues of those substances, no hypodermic needles or syringes, and no other items that the trial court may deem toxic, may be brought to the courtroom or received into evidence, except as provided by Penal Code section 1417.3(b).

(Rule 8.19 new and effective July 1, 2011)

8.20 MATTERS TO BE CONSIDERED AT TIME SET FOR SENTENCING

(a) Written Material. Any party desiring the sentencing court to review any written material must lodge the material with the court and give it to opposing counsel no later than noon of the court day preceding the sentencing date.

(b) Oral Presentation. Any party desiring to have persons other than counsel and the defendant speak at time of sentencing must notify the sentencing court of the number of persons, the general nature of their comments, and the length of their presentation no later than noon on the court day preceding the sentencing date.

(c) Sanctions. Failure to comply with this rule may result in the sentencing court excluding or disregarding the proffered material.

(Rule 8.20 new and effective July 1, 2011)

8.21 ORDER SEEKING RETURN OF PROPERTY

A defendant moving for return of property must give notice of the motion to the arresting agency and the prosecuting agency, unless otherwise ordered or specifically provided for by law. If the motion is granted, the proposed order for return of property must be approved as to form and content by the prosecuting agency prior to presentment for the court's signature.

(Rule 8.21 new and effective July 1, 2011)

8.22 **RESERVED**

8.23 **RESERVED**

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- 8.24 **RESERVED**
- 8.25 **RESERVED**
- 8.26 **RESERVED**
- 8.27 **RESERVED**
- 8.28 **RESERVED**
- 8.29 **RESERVED**
- 8.30 **RESERVED**
- 8.31 **RESERVED**

POST-CONVICTION RELIEF

8.32 **MODIFICATION, TERMINATION, OR REVOCATION OF PROBATION/SENTENCE**

(a) Applications for Revocation, Modification or Termination of Probation. An application to revoke, modify or terminate probation or a conditional sentence, or to recall a warrant thereon, must be made and determined as follows:

(1) No Open Case. If there is no new criminal case (“open case”) pending against the probationer, the application must be filed and determined in the court where the plea or verdict was taken, unless:

(A) at the time probation was granted or reinstated, the judge granting probation filed a written request in the case file and had it entered into the docket, that he or she hear and determine all probation violations. In that case, the judge originally granting probation may hear and determine all applications; or

(B) probation was granted after a guilty or no contest plea was taken in an Early Disposition Program court. In that case the application must be filed and determined in the court to which the case would have been transferred for arraignment on the information, had the defendant been held to answer on the complaint.

(2) With an Open Case. If there is an open case pending against the probationer, the application must, except as provided hereinafter, be heard and determined by the judge handling the open case, at or before the time the open case is determined. If, however, the judge who granted probation, at the time probation was granted or reinstated, filed a written request in the case file and had it entered into the docket that he or she hear and determine all violations, then the judge originally granting probation may hear and determine all probation violations. Probationary matters ordinarily shall follow the open case. This rule applies, regardless of whether the open case is a misdemeanor and the probationary case is a felony, or *vice versa*, and regardless of whether the open case and the probationary case are in the same district or different districts.

(b) Application to Recall and Modify a Sentence. An application to recall and modify a sentence shall be heard and determined in the same manner as an application for revocation, modification or termination of probation as set forth in subdivision (a)(1) above.

(Rule 8.32 new and effective July 1, 2011)

8.33 **PETITIONS FOR HABEAS CORPUS OR OTHER EXTRAORDINARY RELIEF**

(a) Felony Cases. A petition for writ of habeas corpus in felony cases must be filed, as follows:

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(1) To Review a Judge's Order or Ruling Made After the Preliminary Hearing. If the petition seeks a review of a judge's ruling or order made after the defendant's preliminary hearing has been completed, the petition must be filed in the district where the case is or was last pending, and promptly presented, as follows:

a) To the Supervising Judge of the Criminal Division (sitting as a master calendar judge), if the case is or was last pending in the Central District; or

b) To the supervising judge of the district (sitting as a master calendar judge) of the district where the case is or was last pending.

The supervising judge shall then assign the matter to a judge other than the judge whose order or ruling is sought to be reviewed.

(2) To Review Matters Other Than a Judge's Ruling or Order Arising After the Preliminary Hearing. If the petition seeks review of a matter other than a judge's ruling or order that occurred after completion of the defendant's preliminary hearing, it must be filed in the district where the case is or was last pending, and promptly presented to the judge in the department where the case is or was last assigned. If that department is no longer handling criminal matters, the petition must promptly be presented, as follows:

a) To the Supervising Judge of the Criminal Division (sitting as a master calendar judge), if the case was heard or is pending in the Central District; or

b) To the supervising judge of the district (sitting as a master calendar judge), where the case is or was last pending.

(3) To Review a Ruling, Order or Other Matter Arising Prior to the Preliminary Hearing. If the petition seeks review of a judge's ruling, order or other matter made prior to completion of the defendant's preliminary hearing, it must be filed in the Central District and promptly presented to the Supervising Judge of the Criminal Division.

(4) Special Rule for Certain State Prison Inmate Petitions. Notwithstanding subsections (1), (2) or (3) above, a writ petition by a state prison inmate seeking relief concerning failure to admit evidence of intimate partner battering, post-sentencing time credits, state prison time credits, state prison custodial conditions (including access to inmate property and treatment by custodial officials or other inmates), denial of parole, or DNA exoneration testing, must be filed in the Central District and promptly presented to the Supervising Judge.

(5) Inmate Petitions Regarding Lost, Stolen or Destroyed Property. A petition by an inmate seeking as the principal relief the value of lost, stolen or destroyed property will be deemed to be a petition for a writ of mandate and must be filed in the Civil Division. Inmate petitions for a writ of mandate must demonstrate exhaustion of administrative remedies under Title 15 of the California Code of Regulations. A petition must not include habeas corpus claims with mandate claims.

(b) Misdemeanor and Infraction Cases. Petitions for writ of habeas corpus in misdemeanor and infraction cases must be filed as follows:

(1) In Conjunction With an Appeal. If a petition is filed in conjunction with an appeal to the Appellate Division, the petition must be filed in Department 70, Room 607, Mosk Courthouse. (See Local Rule 2.7(a).)

(2) Not In Conjunction With an Appeal. If there is no pending appeal, the petition must be filed in the Central District and promptly presented to the assistant supervising judge of the Criminal Division, Limited Criminal Cases.

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(c) When Deemed Submitted. A habeas corpus petition is submitted for decision for purposes of the 90-day rule (Cal. Const. Art VI, Sec. 19) at the conclusion of the evidentiary hearing, if one is held. If there is supplemental briefing after the conclusion of the evidentiary hearing, the matter is submitted when all supplemental briefing is filed with the court.

(Rule 8.33 new and effective July 1, 2011)

DOMESTIC VIOLENCE AND CHILD CUSTODY ORDERS

8.34 COURT COMMUNICATION PROTOCOL

(a) Purpose. This rule sets forth the court communication protocol for Domestic Violence and Child Custody Orders as required by the California Rules of Court. This protocol is intended to avoid the issuance of conflicting orders when possible, and to permit appropriate visitation between a restrained person and his or her child while providing for the safety of all victims and witnesses. Furthermore, the best interests of the child, litigants and the court are promoted by early identification and coordination of proceedings involving the same child or the child's caretaker(s). To that end, this rule is also designed to ensure that all judicial officers have information about the existence of overlapping cases. This rule recognizes the statutory requirement that criminal protective orders have precedence over all other contact orders, but acknowledges that there are situations where it is appropriate to permit visitation between a criminal defendant and his or her child.

(b) Notice of Pending Cases and Orders.

1) Court Inquiry. Before issuing a criminal or non-criminal protective order, or a custody or visitation order, the judicial officer should inquire of the parties and the attorneys whether the court has any cases in which there are criminal or civil protective orders, or custody and visitation orders that involve the child of the parties in the current case. To the extent that resources are available, the names of the children at issue in dependency, family law and probate guardianship cases should be searched in the Children's Index for the existence of other cases involving the same children and this information shall be provided to the judicial officer hearing the current case.

2) Duties of Attorneys and Self-Represented Parties in Dependency, Family Law and Probate Guardianship Cases. All attorneys and self-represented parties must inform the judicial officer in the trial court about any cases in another court in which there are criminal or non-criminal protective orders or custody and visitation orders that involve the child of the parties in the current case. In family law and probate guardianship cases, the information must be provided on form, Fl 105/GC 120, Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), until such time as the Judicial Council publishes a form specifically for this purpose. Additionally, it is the responsibility of all attorneys and self-represented parties to inform the court if at any time subsequent to the filing of the initial petition they become aware that another case exists involving the children at issue in the current case.

3) Dependency Court Notification to Family Law and Probate Courts. When there is an open dependency case or when a new petition has been filed and, upon notification and verification of overlapping case, a minute order is executed informing the other court that a petition has been filed in juvenile court and, until that petition has been dismissed or dependency court jurisdiction terminated, all issues regarding custody, including visitation, must be heard by the

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juvenile court pursuant to Welfare and Institutions Code section 304. The minute order shall be forwarded to appropriate other court administrator(s) who will then send notice to the trial court with the overlapping case(s). The judicial assistant in the trial court with the overlapping case will send out notice to the parties in their case. The judicial assistant in dependency court will send out notice to the dependency court parties and their attorneys.

4) Prosecuting Attorney's Duty. Pursuant to Penal Code section 273.75, the prosecuting attorney must investigate whether there are any criminal or civil protective orders or custody and visitation orders that involve a child of a related party in a domestic violence charge. The prosecuting attorney must inform the judicial officer whether or not there are any existing orders. The prosecuting agency must complete and file with the complaint, an information, or an indictment a Protective and Restraining Order Worksheet (Appendix 8.E) listing the case number and court location of the protective, visitation, or restraining order issued.

When the criminal court issues a protective order against a defendant who has a pending dependency, family law, or probate guardianship case, the prosecuting attorney must send relevant information regarding the contents of the order issued in the criminal proceedings, and any information regarding a conviction of the defendant, to the other court immediately after the order has been issued. To the extent that resources and overlapping case information is available, the Criminal Court will forward a copy of the protective order to the appropriate dependency, family law or probate court administrator(s) for notification to the trial court.

(c) Communication Regarding Restraining Order.

1) Temporary or Permanent Non-Criminal Restraining Order. When a family, dependency, or probate court issues a temporary or permanent restraining order and the restrained person or the protected person is known to have another dependency, family law, or probate guardianship case involving the same children, a copy of the restraining order must be sent to the court with the overlapping case.

When a family law court issues a temporary restraining order for parties known to have an active dependency case, the hearing on the permanent order must be set in the dependency courtroom to which that case is assigned.

(d) Modification of Criminal Protective Order.

1) Notice to Criminal Court. If a criminal court protective order exists and a judicial officer in another court has a case in which he or she determines that it is appropriate to permit visitation different than that provided for in the criminal protective order, the judicial assistant for that judicial officer must contact the judicial assistant for the judicial officer currently assigned to the criminal case to request a modification. The criminal judicial assistant must notify the judicial assistant of the judicial officer who is requesting the modification that his or her request and proposed modification have been received.

2) Notice to Parties. The criminal judicial assistant must notify in writing all parties in the criminal case about the modification request and the proposed modification. If, within 15 days of the mailing of the notice, there is no objection to the proposed modification, the criminal protective order may be modified as requested. If the criminal court judicial officer or either party in the criminal case objects to the proposed modification, the criminal court judicial officer shall conduct a hearing within 30 days. The criminal court judicial assistant must provide notice of the hearing to the parties in its case, as well as to the judicial officer requesting the modification who, in turn, shall provide notice to all parties to the juvenile, family law or probate guardianship case.

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All noticed parties may be heard at the modification hearing. At the conclusion of that hearing, the criminal court judicial assistant must notify the requesting court judge of the ruling on the proposed modification.

(e) Definition. A child is a “child of the party” if that party is a biological parent, has legal or physical custody, or is a legal guardian, or the child regularly resides with the party.

(Rule 8.34 new and effective July 1, 2011)

- 8.35 **RESERVED**
- 8.36 **RESERVED**
- 8.37 **RESERVED**
- 8.38 **RESERVED**
- 8.39 **RESERVED**

CAPITAL CASES

8.40 **CAPITAL CASES PROCEDURE**

(a) Appearance Log. Primary counsel for each defendant and the prosecution must provide the court with a log of each court appearance within 30 days of the first appearance in the court. The log must briefly describe the nature of each appearance and must be substantially in the form of the sample log contained in Appendix 8.B.

(b) Penal Code Section 987.9 Log. Logged appearances must distinguish between Penal Code section 987.9 appearances and all other appearances. A separate log of Penal Code section 987.9 appearances must be maintained by the primary counsel for each defendant and provided, under seal, with the final list of appearances required within 60 days of the sentencing date. The Criminal Courts Coordinator's Office must maintain the Penal Code section 987.9 log for *pro per* defendants. The log must be substantially in the form of the sample log contained in Appendix 8.B.

(c) Substitution of Attorney. In the event of any substitution of attorney at any stage of the case, the relieved attorney must provide a log of all appearances to substituting counsel within five days of being relieved. If prior counsel fails to provide the appearance log as required, substituting counsel must advise the court immediately.

(d) Daily Transcripts. Court policy provides that counsel for each party are entitled to a copy of the daily transcript in capital cases. Counsel must bring any discrepancies or omissions to the court's attention within ten days of receipt of the transcript. This may be done orally on the record, outside the presence of the jury, or in writing.

If there is no dispute concerning a discrepancy or omission in a transcript, the court shall order the record corrected forthwith. If a dispute exists with respect to any discrepancy or omission, the court shall hold a hearing within two days of receiving oral or written notification from any counsel on the case. The court shall make findings and orders on any disputed matters within five days of such hearing.

(e) Capital Case Guidelines and Checklist for Counsel. The general guidelines for counsel in capital cases are to be complied with unless otherwise ordered by the court. Failure to comply with the guidelines may result in sanctions being imposed or compensation for appointed counsel being withheld.

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The original checklist must be retained in the case file. Each counsel shall receive a copy of the signed original checklist at the time it is initially signed. (*See* Appendix 8.A.)

In each capital case the judge to whom the case is assigned shall keep the checklist as part of the case file and shall initial and date the checklist as each part thereof is completed. The format of the checklist shall be substantially in the format shown in Appendix 8.A.

(f) Exhibit Lists. Within 30 days of the first court appearance, primary counsel must provide the court with a list of all exhibits introduced by each party at any pretrial hearings, motions pursuant to Evidence Code section 402 or preliminary hearings. Upon conviction and imposition of sentence, each primary counsel must submit a final list of all exhibits marked, including any exhibits or items that were referred to but not previously marked. The format of the lists must be substantially in the format shown in Appendix 8.C.

(Rule 8.40 new and effective July 1, 2011)

8.41 RECORD CERTIFICATION IN CAPITAL CASES

(a) Post-Sentence Certification Timelines and Procedures. The timelines and procedures for certification of the record for completeness and accuracy are set out in Rules 8.619 and 8.622 of the California Rules of Court.

Trial counsel must notify the trial court if all daily reporter's transcripts are not received within five days after sentence is imposed.

Trial counsel must make themselves available for further hearings to facilitate the certification of the record as directed by the court.

Primary counsel must continue to represent the defendant until the entire record on the automatic appeal is certified.

(b) Retention of Records. Counsel must maintain and preserve all files and records indefinitely, unless otherwise authorized by a court of competent jurisdiction after noticed motion, served on appellate counsel.

(c) Guidelines for Appellate Counsel.

(1) Service on Counsel. At the time of serving appellate counsel with copies of the record on appeal, the clerk must serve a copy of the Record Certification Guidelines for Appellate Counsel in Death Penalty Appeals, substantially in the format shown in Appendix 8.D, on each appellate counsel.

(2) Request for Addition or Correction. A request for addition to or correction of the record pursuant to California Rules of Court, rule 8.616, must be accompanied by either the material that is the subject of the addition or correction, when feasible, or a declaration that counsel will submit the requested material to the clerk within ten days after the request is granted. A copy of each request for addition or correction must be served on the Criminal Appeals Section of the clerk's office.

(3) Format of Requests for Addition or Correction. All requests for addition or correction must be submitted at the same time, where feasible. Any subsequent request must be accompanied by counsel's declaration explaining why the items were not included in the initial request.

(Rule 8.41 new and effective July 1, 2011)

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PRO PER ISSUES

8.42 *PRO PER* DEFENDANTS IN CRIMINAL CASES

(a) Application. This rule governs defendants acting in *pro per* in criminal proceedings and delineates their privileges. This rule has the force and effect of a procedural statute and will be strictly followed. A defendant who fails to follow these rules may lose *pro per* status or *pro per* privileges. A defendant requesting *pro per* status must file an affidavit or declaration stating that he or she is familiar with this rule and that he or she understands that the failure to adhere to this rule will result in appropriate sanctions including, but not limited to, the loss of *pro per* status or privileges.

(b) Sheriff's Authority. The Sheriff has the exclusive authority to house inmates and take such other action authorized by law as is necessary to maintain jail security, discipline, and safety and provide for the operation of the jail.

(c) Procedure.

(1) Notice of Hearing and Filing of Papers. Motions, applications for court orders, and other court documents must be filed with the clerk where the case is then pending, and a copy must be served on the prosecuting attorney and all other attorneys or parties *in pro per* ten days in advance of any proposed hearing date, in accordance with applicable law. Service by mail is acceptable. Any kind of writing or typing paper may be used, but all documents must be legibly printed in pencil or typed. Unless a hearing date for the motion was previously scheduled by the court, motions and other applications for hearings must contain a proposed hearing date in the first paragraph. The first paragraph must also contain a brief statement of the order or orders requested.

(2) Subpoena Power. A defendant may use the subpoena power of the court to compel the attendance of witnesses. The Sheriff will furnish subpoena forms for use by *pro per* inmates who request them. A *pro per* defendant must not subpoena individuals to annoy, embarrass, or harass any witness. To do so will be deemed an abuse of process. Individuals who lack personal knowledge concerning the factual issues of any hearing pending before the court must not be subpoenaed without prior court authorization. Violations of these rules may result in the loss of *pro per* status or privileges.

Prior to issuing any subpoena for jail personnel, witnesses in the custody of the Sheriff or other governmental agencies, or such other witnesses as the court may designate, the defendant must furnish a confidential offer of proof to the court as to the anticipated testimony of the witness and explain how that testimony is relevant to the issues pending before the court.

If a subpoena is issued for facility commanders or other Sheriff executives, the Sheriff may substitute officers familiar with jail procedures or specific issues.

Any service of subpoenas by the Sheriff must be accomplished through the Sheriff's Civil Division.

(3) Motions Concerning Jail Conditions. Before an inmate files a motion or writ with the court complaining of conditions of confinement or alleging violations of jail rules (including alleged violations of this *pro per* rule), he or she must first file a written complaint with the facility commander, unless it can be shown that substantial prejudice would result. The facility commander must investigate the inmate complaint and within ten calendar days provide the inmate with a written response.

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If the complaint is not resolved by the facility commander's written response and if the inmate chooses to file a motion or writ, the inmate must attach to any papers filed with the court a copy of the inmate's complaint and the response of the facility commander. If an inmate claims that substantial prejudice would result from following the facility complaint procedure, the inmate must submit a detailed statement setting forth the basis for the claim of substantial prejudice.

All motions, writs or other requests as described in this paragraph must be served on the Office of the County Counsel, Room 407, Sheriff's Department Headquarters, 4700 Ramona Boulevard, Monterey Park, CA 91754.

Upon receiving a motion concerning a *pro per* defendant's jail conditions, the court may calendar a hearing date; direct that subpoenas be served upon necessary witnesses, direct the inmate's complaint to the Commander in charge of the facility where the inmate is housed for further consideration, or direct the Office of the County Counsel to file an answer. The answer may include recommendations concerning possible resolution. If County Counsel files an answer, the defendant will have an opportunity to file a response. After considering all documents, the court may issue orders without further hearing.

(d) Privileges.

(1) Library Privileges. The Sheriff must provide and maintain a law library for use by inmates granted *pro per* status. All *pro per* inmates are entitled to a maximum of two hours per day of law library access. The law library must operate seven days per week.

The Sheriff must maintain a log which shows the time and date each *pro per* inmate uses the law library. The log must be retained for five years.

The Sheriff may designate the time and place of an inmate's law library access, and may assign inmates into groups based upon safety, security, and efficient use of available facilities.

It is the inmate's responsibility to avail himself or herself of the law library during his or her scheduled time. The Sheriff may, but is not required to, provide make-up time. The Sheriff is under no obligation to provide any law books, other legal reference materials, or copies thereof to any inmate in his or her living area.

An inmate exercising *pro per* privileges has an affirmative duty to exercise the privileges in such a manner as not to infringe upon the exercise of *pro per* privileges by other inmates.

The use of the library is restricted to legal research and telephone calls directly related to an inmate's case. An inmate violating this section will be orally warned and may be summarily removed from the library for the balance of the particular session. The warning must be documented. Repeated violations will result in further disciplinary action and possible loss of *pro per* status or privileges.

All library law books and source materials must be used in the library and must not be removed. Law library materials found in an inmate's cell are contraband and subject the inmate to discipline. Theft, possession or destruction of law books or source materials from the library will result in discipline and will result in the loss of *pro per* status or privileges.

(2) Library Telephone Privileges. Telephones will be maintained in the library for use during normal library time. The Sheriff may restrict telephone use to outgoing calls. All phone

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calls made in the law library must be related to the inmate's case. All phone calls are made at the inmate's expense.

(3) Legal Forms. The Sheriff may provide legal forms for inmate use. Any forms not provided may be obtained and given to the inmate by a legal runner or investigator.

(4) Legal Visits. A *pro per* inmate may request one person to act as a legal runner. The legal runner must be approved by the Sheriff and may be rejected for security concerns. Inmates granted *pro per* status must receive extended visitation to confer with a legal runner or witnesses. The legal runner may visit and confer with the inmate during normal hours of inmate visiting for a maximum of thirty minutes each day. The Sheriff may revoke approval of a legal runner's status for disruptive conduct or violations of security procedures.

The court may authorize compensation for the legal runner not to exceed seven dollars per visit to a maximum of \$105 per case.

A *pro per* inmate must submit a list of prospective material witnesses to the Sheriff. An inmate may interview listed witnesses during normal visitation. Witness interviews are limited to one per day and 30 minutes in length.

Interviews with material witnesses in the custody of the Sheriff or other governmental agencies are only permitted by court order. A *pro per* inmate must submit to the court a confidential offer of proof as to the anticipated testimony of such witness pursuant to subdivision (b)(2) above. The court may reject a request for an interview if the offer of proof fails to demonstrate good cause for the interview. An interview is limited to 30 minutes.

The time allotted for a witness interview will not be extended and cannot be combined with time periods allotted for legal runner visits or regular visits.

(5) Legal Materials and Legal Correspondence. A *pro per* inmate may accumulate legal materials, including reports, notes, court documents, other materials relating to his or her criminal case, and legal correspondence. "Legal correspondence" is defined as any confidential communication between an inmate and any state or federal court, with any attorney licensed to practice law in any state or the District of Columbia, the holder of any public office, the Department of Corrections and Rehabilitation, any facility commander where the inmate may be housed, or the Sheriff. An envelope containing legal correspondence must clearly indicate on the outside that it contains confidential legal correspondence.

a) It is the inmate's responsibility to store legal materials within his or her living area in a safe and sanitary fashion. If the accumulated materials jeopardize the safety or security of the facility, the Sheriff may request the inmate to take appropriate remedial action. If the inmate fails to take such remedial action within a reasonable time, the Sheriff may remove excess property as designated by the inmate. Property removed must be stored by the Sheriff on behalf of the inmate or released to any person designated by the inmate. If the inmate fails to designate property to be removed, the Sheriff must apply to the court for an order designating which property is to be stored.

b) It is the responsibility of the inmate to keep any legal materials separate and apart from his or her other personal property. The Sheriff may treat any legal materials which are stored with items of personal property such as soap, shampoo, food products, newspapers, and magazines as regular inmate property.

c) Legal materials may be searched only in the presence of the inmate. The Sheriff may inspect the materials for contraband, but must not read the contents of the materials.

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d) Incoming and outgoing legal correspondence may be searched for contraband only in the presence of the inmate. The Sheriff may physically inspect the materials for contraband, but must not read the contents of the materials.

e) Upon the transfer of a *pro per* inmate to another facility, he or she must be allowed to maintain possession of his or her legal material during the transfer. If an emergency requires an inmate's separation from his or her legal material, the legal material must be either sealed and stored in the inmate's name or released to any person designated by the inmate.

(6) Legal Supplies. A *pro per* inmates may use paper, carbon paper, pencils, and erasers. These items may be purchased from the Jail Canteen by the inmate or given to the inmate from an outside source through the legal deputy. Items brought to the jail by outside sources are subject to reasonable security checks and restrictions imposed by the Sheriff.

No metal fasteners, except staples, will be permitted. Cord or plastic fasteners may be used to secure pages or transcripts. No ink pens or markers of any type are permitted. Inmates may use one personal typewriter in the Law Library. The typewriter must be manual and will only be admitted to the jail after a security check. The typewriter will remain in the custody of the Sheriff when not in use.

(7) Indigent Supplies and Funds. Upon order of the court the Sheriff will provide legal supplies to an indigent *pro per* inmate consisting of one legal tablet, ten sheets of typing paper, one pencil, four sheets of carbon paper, and four envelopes. Indigent supplies will be given weekly.

Upon order of the court, the Sheriff will deposit a maximum of \$60 in an indigent inmate's jail trust account. These funds may be used for witness phone calls, postage, purchasing additional supplies, or for other needs directly related to the inmate's case. All receipts for purchases of legal supplies must be retained by the inmate. Before indigent funds are allowed, the court may require the inmate to expend personal funds he or she has on deposit in his or her jail trust account.

(e) Investigators. An inmate may retain the services of a state licensed investigator to assist in the preparation of the case. Upon proof to the court of an inmate's indigence and need for an investigator, the court may appoint a state licensed investigator.

An inmate must be permitted to confer with a licensed investigator during the normal hours of visiting. The Sheriff has the discretion to allow this visitation in an attorney room at such time as the Sheriff deems appropriate. Unless specifically authorized by the Sheriff, an inmate may not use private booths to confer with a licensed investigator.

(f) Requests for Additional Privileges or Funds. All requests for additional or special privileges, or treatment different from other *pro per* inmates, must be filed with the trial court. These requests must be accompanied by an affidavit detailing why the additional privilege or treatment is necessary. Requests for additional funds must be accompanied by a detailed accounting showing how the original funds were expended.

(g) Inmate Discipline and Revocation of *Pro Per* Status and Privileges. A *pro per* inmate is subject to discipline for violations of jail rules and regulations in the same manner as all other inmates. All reports of inmate discipline must be filed with the court. After reviewing the discipline report, the court may request the Sheriff to apply for an order modifying or revoking the inmate's *pro per* privileges or status.

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The Sheriff may apply for an order modifying or revoking some or all of an inmate's *pro per* privileges or status for cause. Except in emergency situations, *pro per* privileges must not be revoked or modified as a concomitant of either jail discipline or administrative segregation without complying with the following procedures:

(1) The inmate is given notice of the charges upon which the proposed revocation, modification, or administrative segregation is based at least 24 hours in advance of a hearing before the jail's decision-maker.

(2) The inmate is given the opportunity to appear before the decision-maker within 48 hours.

(3) The inmate is given the opportunity to present witnesses and documentary evidence. The decision-maker may restrict the presentation of live witnesses, if necessary, to preserve the facility's safety or security.

(4) The inmate is given a written statement of the evidence relied upon and the reasons for the action taken. If witness safety or facility security requires, the description of items of evidence maybe redacted from the statement.

(5) As soon as practical after the hearing, but in no event later than two court days after the hearing, the Sheriff must notify the court before which the inmate's case is pending of the request to revoke or modify the *pro per* privileges of the inmate. In circumstances where the inmate is *pro per* on multiple cases, the notice must list all cases in which the defendant is acting in *pro per* and must be filed in the court handling *pro per* matters. This notice must include a copy of the decision-making body's report and all available discipline reports. Unless the safety of the inmate, the safety of other inmates or jail staff would be jeopardized, the inmate's *pro per* privileges must not be revoked or modified until the court modifies the order granting *pro per* privileges. In emergency situations the Sheriff may immediately suspend all *pro per* privileges, provided that the notice given to the court specifically states the privileges restricted and the emergency justifying the action taken. The Sheriff must give notice to the court as soon as practical under the circumstances.

(6) The court receiving the notice outlined in subdivision (f)(5) shall review the request or decision of the Sheriff. Pending a hearing, the court may direct the Sheriff to reinstate any or all privileges that were suspended due to an emergency. The court shall calendar a hearing within a reasonable time. The inmate will be entitled to appear at the hearing and present material and relevant evidence and objections.

(h) Temporary Suspension of *Pro Per* Privileges for Medical or Psychiatric Necessity. The Sheriff may temporarily suspend any or all of an inmate's privileges based upon a determination by a treating physician or psychiatrist that use of any or all of the privileges afforded *pro per* inmates will endanger the health and welfare of the *pro per* inmate, other *pro per* inmates, or staff. Any temporary suspension under this paragraph may last only as long as the medical or psychiatric conditions require the limitation, and the Sheriff must continue to provide all privileges that medical and/or mental health staff deem consistent with the ongoing care of the *pro per* inmate.

(1) The Sheriff must notify all affected courts in writing of the suspension of *pro per* privileges, which *pro per* privileges were suspended, and the reasons for the temporary suspension of *pro per* privileges. Upon the request of the inmate, the court shall calendar a hearing within a reasonable time. The inmate will be entitled to appear at the hearing and to present such evidence and objections as are material and relevant.

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(2) The fact that a *pro per* inmate is under medical or psychiatric care does not limit the Sheriff's rights to proceed under subdivision (f) in circumstances where the inmate has violated jail rules or the provision of these rules.

(3) The Sheriff must promptly notify the court in writing upon the restoration of in-custody *pro per* privileges.

(i) Pro Per Committee. The Supervising Judge may appoint a committee of judges to act as the Los Angeles County *Pro Per* Committee within the Criminal Division. The committee shall meet with members of the Sheriff's Department no less than once annually to review, modify or update these rules.

(j) Natural Disasters. In the event of a natural disaster or other emergency condition, the Sheriff may temporarily suspend inmate *pro per* privileges. Notice must be given to the Supervising Judge of the Criminal Division as soon as practical under the circumstances of the disaster. *Pro per* privileges must resume as soon as possible.

(k) Duration of Privileges. An inmate's *pro per* privileges and status as a *pro per* defendant terminate upon sentencing. A requests for *pro per* privileges after sentencing must be made to the sentencing court.

(Rule 8.42 new and effective July 1, 2011)

8.43 STANDBY COUNSEL IN CRIMINAL CASES

(a) Appointment. When a defendant is charged with a felony and is granted *pro per* status, the Court shall appoint standby counsel. In all other cases, the appointment of standby counsel is within the discretion of the court. Standby counsel must normally be appointed from the ICDA list.

(b) Duties, Not Advising Counsel. Standby counsel must not act as advisory counsel nor provide the defendant with legal advice. Instead, standby counsel must be present at all stages of the trial and be ready to take over the trial in the event that the defendant's *pro per* status is revoked or relinquished.

(c) To be Provided Discovery. The prosecuting attorney must make available to standby counsel all discovery provided to the *pro per* defendant. Standby counsel will be compensated for preparation at current ICDA rates.

(d) Compensation for Appearances. If the court requires standby counsel to be present for any pre-trial hearing, counsel will be compensated for each appearance at current ICDA rates.

(e) Change in Status. If a defendant's *pro per* status is relinquished or revoked prior to trial, defendant's prior counsel, if any, ordinarily will be reappointed as defense counsel. If the relinquishment occurs close to trial and prior counsel cannot be ready without a continuance, the court, in its discretion, may decline to continue the trial and may appoint standby counsel as defense counsel.

(Rule 8.43 new and effective July 1, 2011)

8.44 **RESERVED**

8.45 **RESERVED**

8.46 **RESERVED**

8.47 **RESERVED**

8.48 **RESERVED**

8.49 **RESERVED**

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MENTAL HEALTH MATTERS

8.50 JUDICIAL COMMITMENT

(a) Requirements. A petition for commitment must generally allege the statutory basis for commitment. Every petition must include a sworn affidavit or declaration signed under penalty of perjury and documentary evidence in support of the commitment. Petitioner must give notice to respondent personally and to the Public Defender's Office. A petition for an extended commitment must be timely filed. A petition must have a proof of service attached.

(b) Counsel's Duty to Advise Respondent of Rights. Counsel for respondent must advise respondent of the right to appear at all proceedings, including the hearing on the petition for commitment. Counsel for respondent must also advise respondent of the right to a jury trial or a trial by the court, the right to confront and cross-examine adverse witnesses, to present evidence on respondent's behalf using the free subpoena power of the court, and the privilege against self-incrimination. Counsel must advise respondent that if a commitment is granted, the People may subsequently seek renewed commitments.

(c) Waiver. Counsel must advise respondent of the consequences of waiving these rights. The court may accept a written waiver of each of these rights if the waiver is signed by respondent and notarized or witnessed by counsel. The waiver must specify that respondent understands that he or she faces the possibility of renewed commitments which could last for his or her lifetime.

(Rule 8.50 new and effective July 1, 2011)

8.51 MEDICATION CAPACITY/RIESE HEARINGS (FACILITY-BASED)

(a) Hearing Request Procedure. Medication Capacity Hearings pursuant to Welfare & Institutions Code section 5332 are facility-based hearings which may be requested by filing a "Petition and Declaration of Service Regarding Capacity to Give Informed Consent to Medication." A petition may be filed by facsimile at (323) 223-3538. The petition must indicate the availability of the treating physician and, if an interpreter is necessary for the patient, the language required. The person filing the petition must telephone the court's hearing coordinator at (323) 226-2911 to ensure that the court has received the request for the medication capacity hearing.

(b) Notice. The treating facility representative who filed the petition must personally inform the patient in writing of the time and place of the hearing on the same day that the court receives notice in compliance with Welfare and Institutions Code section 5334(a).

(c) Patients' Rights Advocate Access To Patient's Record. A patient's rights advocate will be provided in accordance with Welfare and Institutions Code section 5333(d). Facilities must allow patient's rights advocates unabridged access to the patient, the patient's record, and any other information needed in preparation for the hearing.

(d) Hearing Coordinator. The court's hearing coordinator will determine the schedule of medication capacity hearings and must notify the facility's patients' rights office and the appropriate hearing office of the next day's schedule of hearings. The hearing coordinator must also notify the advocate of any patient transfers, discharges, or changes of status which would affect the hearing. The court's hearing coordinator must notify all involved facility liaison persons of the time of the hearing(s) scheduled for the next court day. The court's hearing coordinator must arrange to provide an interpreter at the hearing if one is indicated.

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(e) The Hearing. The facility must ensure that the patient is present at the appointed time of the hearing unless the patient has waived his or her presence. The hearing will be closed to all but necessary participants except for persons expressly invited by the patient, and permitted to attend in the hearing officer's discretion, and persons permitted to attend by the hearing officer for safety reasons or training purposes.

(1) Presentation of Evidence. The current treating physician must be the person presenting evidence that the patient lacks the capacity to refuse prescribed medication. The physician must be a member of the facility staff designated by the facility director and must have personally discussed the prescribed treatment with the patient.

(2) Standard. The hearing officer will apply the clear and convincing evidence standard to determine the patient's capacity to consent to medication.

(3) Decision. At the conclusion of the hearing, the decision shall be announced orally followed by a written decision given to the patient, advocate and facility director to be placed in the patient's chart by the facility director or his or her designee.

(f) Appeal. The facility or the patient may request judicial review following an adverse determination. A patient may request judicial review by notifying a member of the facility staff, the mental health courts, or the patients' rights office. A patient requesting a judicial review will be represented by the Public Defender's Office or privately retained counsel. A private facility requesting judicial review must be represented by a privately retained attorney. A public facility will be represented by a county counsel or district attorney. On a patient's petition, the treating physician may appear with counsel. The mental health court will conduct the review hearing within two court days after a petition is filed. A petition is deemed filed when it is sent by facsimile to the mental health court at (323) 223-3538 and petitioner has also telephoned to the court's hearing coordinator at (323) 226-2911 to verify receipt of the petition.

(g) Holding periods. Each additional holding period necessitates a new medication capacity hearing if the patient continues to refuse medication, unless the hearing was conducted during the initial 72-hour evaluation period, in which case, the finding of the hearing officer continues through the expiration of the 14-day hold. If a refusing patient is placed on Temporary Conservatorship under Welfare and Institutions Code section 5352.1, the treating facility may request a judicial hearing by contacting County Counsel's Office.

(Rule 8.51 new and effective July 1, 2011)

8.52 ELECTROCONVULSIVE THERAPY HEARINGS FOR INVOLUNTARILY HELD PATIENTS

The patient's attending physician through counsel may petition the court for an evidentiary hearing to determine the capacity of a patient who is involuntarily hospitalized to consent to or refuse electroconvulsive therapy ("ECT").

(a) Contents. The petition must contain a declaration by the treating physician in accordance with Welfare and Institutions Code section 5326.7. The declaration must state that two psychologists or neurologists have consulted and have approved the proposed treatment. The declaration must also specify which physician was appointed by the County Mental Health Director and which physician was designated by the treating facility/hospital.

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(b) Notice. At least 48 hours before filing the ECT Petition, petitioner must serve the petition upon the Public Defender or other attorney representing the patient. The petition and accompanying documents may be served by facsimile.

(c) Proof of Service. The proof of service of the petition must be filed with the clerk of the court at the time the petition is filed.

(d) Hearing Date and Time. The clerk's office of the court will set a date and time for hearing and will notify all the parties listed in the proof of service.

(e) Hearing. The patient and adult responsible relative, if the patient has designated one, must be present at the ECT hearing. Petitioner must bring all medical records to court and permit inspection and copying prior to the hearing. The County Counsel's Office will provide representation at an ECT Hearing for a county hospital through the Department of Health Services. If the treating facility is a private hospital, the attending physician must appear with the legal counsel provided by the hospital.

(Rule 8.52 new and effective July 1, 2011)

8.53 PETITION FOR RESTORATION OF RIGHT TO POSSESS A FIREARM

(a) Petition. A petition for restoration of the right to own, possess, control, receive, or purchase a firearm pursuant to Welfare and Institutions Code section 8103(f)(1), and any supporting documentation must be filed with the clerk's office of the mental health court. The petition must include a discharge summary prepared by the last inpatient facility which provided involuntary treatment. In addition, if a firearm has been confiscated and the petition seeks to regain the firearm, a detailed description of the firearm, the name of the agency which removed the firearm, and a copy of the receipt given by the agency upon removal must be attached to the petition. At the hearing, the court may also require written verification from a treating therapist stating that the petitioner will be able to use the firearm in a safe manner.

(b) The Hearing. The clerk will send a notice of the hearing date to petitioner. The petitioner must attend the hearing, and may represent him or her self, or be represented by privately retained counsel. If the court decides in petitioner's favor, petitioner must prepare an order restoring the petitioner's right to possess a firearm for the court's signature. If the petitioner regains the right to buy or possess firearms, the court will send notice to the Department of Justice.

(c) Return of Firearm in Court or Law Enforcement Custody. Penal Code section 12021.3(b) prohibits return of a firearm in court or law enforcement custody to anyone unless the California Department of Justice has determined that the person is legally eligible to possess a firearm. If the firearm is in the custody of the court, the court will not order a firearm returned until the provisions of that section are complied with, and petitioner has obtained a written notification from the California Department of Justice that the petitioner is eligible to possess a firearm. If the firearm is in law enforcement custody, the court will not order it returned and petitioner must present the written notification from the Department of Justice directly to the law enforcement agency.

(Rule 8.53 new and effective July 1, 2011)

8.54 EX PARTE REQUESTS

An *ex parte* filing made in the mental health courts under the Welfare and Institutions Code must comply with California Rules of Court, rule 3.1200 *et seq.* Additionally, the moving party must

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provide notice regarding the *ex parte* request to the institution, if any, in which the person is confined, and opposing counsel, and file a proof of service listing the names of all persons notified.
(Rule 8.54 new and effective July 1, 2011)

8.55 **RESERVED**
8.56 **RESERVED**
8.57 **RESERVED**
8.58 **RESERVED**
8.59 **RESERVED**

TRAFFIC MATTERS

8.60 **INFRACTION TRIAL BY DECLARATION**

A person charged with an infraction may request a trial by written declaration by submitting a declaration and posting bail at the same time. (*See Veh. Code, § 40902(b).*)
(Rule 8.60 new and effective July 1, 2011)

8.61 **INFRACTION TRIAL *DE NOVO***

A person found guilty after an infraction trial by declaration may request a trial *de novo*. (*See Veh. Code, § 40902(d).*)
(Rule 8.61 new and effective July 1, 2011)

8.62 **INFRACTION SUMMARY TRIAL**

A person charged with an infraction may request a summary trial pursuant to Vehicle Code section 40901.
(Rule 8.621 new and effective July 1, 2011)

8.63 **DISMISSAL AFTER PROOF OF CORRECTION**

Upon timely presentation of proof of correction and payment of the fee, the clerk must enter an order of dismissal with respect to offenses enumerated in Vehicle Code section 40303.5 This rule applies only in cases where the citing officer has indicated on the notice to appear that the violation is correctable.
(Rule 8.63 new and effective July 1, 2011)

CHAPTER NINE

APPELLATE DIVISION RULES

9.1 GENERAL PROVISION

(a) Assignment of Judges.

(1) Appellate Division. Four judges are assigned to the Appellate Division by the Chairperson of the Judicial Council. The Appellate Division is in Room 607 in the Stanley Mosk Courthouse.

(2) Department 70. Each judge assigned to the Appellate Division is also assigned individually on a rotating basis to Department 70 of the Central District, Room 607 of the Stanley Mosk Courthouse. The judge in Department 70 hears and decides petitions for writ of habeas corpus filed in conjunction with an appeal pending in the Appellate Division. This assigned judge's decision is not subject to review by the Appellate Division.

(b) Appellate Jurisdiction.

(1) The Appellate Division has jurisdiction over all appeals arising from all misdemeanor, infraction and limited civil cases in the County (except small claims appeals and parking citation appeals) and over all motions and petitions for stay orders in connection with such appeals. (Code Civ. Proc., § 77(e).)

(2) Decisions. A panel of three judges participates in each matter before the court. The concurrence of at least two judges is required for a decision in any case. (Code Civ. Proc., § 77(a), (b) and (d).)

(c) Writ Jurisdiction.

(1) The Appellate Division has jurisdiction over all petitions for writs of mandate, prohibition, and review (certiorari) in any misdemeanor, infraction, or limited civil case. (Code Civ. Proc., §§ 1068(b), 1085(b) and 1103(b).)

(2) Decision. A panel of three judges participates in each petition for writs of mandate, prohibition, and review (certiorari) in any misdemeanor, infraction, or limited civil case. The concurrence of at least two judges is required for a decision in any petition for a writ. (Code Civ. Proc., § 77(a), (b) and (d).)

(Rule 9.1 new and effective July 1, 2011)

9.2 APPEALS

(a) Notice of Appeal.

(1) Jurisdiction. The Appellate Division has appellate jurisdiction only over cases in which a notice of appeal was filed. (Cal. Rules of Court, rules 8.821 (civil appeals), 8.852 (misdemeanor appeals) and 8.901 (infraction appeals).)

(2) Where filed. The notice of appeal must be filed in the trial court from which the appeal is being taken.

(3) Late Filing/Motion to Dismiss.

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a) An application for relief from a late filing of notice of appeal or a motion to dismiss on grounds of late filing of notice of appeal must be filed in the Appellate Division, and must comply with Local Rule 9.9.

b) On a party's request or on the court's own motion, the court may place the motion on calendar for a hearing.

(4) Filing Fees.

a) Filing fees must be paid in the trial court, or in room 102.

b) For litigants who qualify, filing fees shall be waived by the court. Applications for fee waivers must be filed in the trial court at the time of filing the notice of appeal. (Cal. Rules of Court, rule 8.821(b)(1).)

(Rule 9.2 new and effective July 1, 2011)

9.3 STAY ORDERS IN PENDING APPEALS

(a) Notice. Applications for stay orders must comply with Local Rule 9.9.

(b) Civil Appeals.

(1) Before Filing Notice of Appeal. Applications for stay orders before notice of appeal has been filed must be filed in the trial court. (Code Civ. Proc., § 918.)

(2) After Filing Notice of Appeal.

a) Applications for stay orders pending appeal after notice of appeal has been filed must be filed in the Appellate Division. Applications and response to applications must be filed and served pursuant to Local Rule 9.9. (*See* Cal. Rules of Court, rule 8.705(a).)

b) Applications for stay orders are ruled upon, without hearing, by the court, which may request opposition papers be filed before ruling.

c) In unlawful detainer actions, the applicant must seek a stay from the trial court before seeking relief in the Appellate Division. (Code Civ. Proc., § 1176.)

(3) Supersedeas.

a) Filing. Petitions for writ of supersedeas must be filed in the Appellate Division and must comply with California Rules of Court, rule 8.824.

b) Service. Petitions for writ of supersedeas must be served in accordance with California Rules of Court, rule 8.824, and must be accompanied by proof of service at the time of filing. Petitions and opposition to petitions must be filed and served pursuant to Local Rule 9.9.

c) Decision. Petitions for writ of supersedeas are ruled upon without hearing by the court, which may request that opposition papers be filed before ruling on the petition. In appropriate cases, the court may set the matter for oral argument.

d) Showing required.

1) Civil cases. A petition may be granted only on a showing of exceptional circumstances.

2) Unlawful detainer. Petitions must meet the requirements of Code of Civil Procedure section 1176.

e) Ex parte proceedings.

1) Pending the court's ruling on a *supersedeas* petition, an application for temporary stay may be granted *ex parte* upon a showing of good cause and upon the giving of notice to the opposing party in accordance with California Rules of Court, rule 3.1200 *et seq.*

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2) The *ex parte* application must be filed in the Appellate Division, Room 607, Stanley Mosk Courthouse, at 8:30 a.m., Monday through Friday. Applications are ruled upon without a hearing by the court.

(c) Criminal Appeals.

(1) Stay of Execution.

a) An application for stay of execution must first be made in the trial court, and, if denied, may then be made in the Appellate Division. (*See* Pen. Code, § 1467; Cal. Rules of Court, rule 8.854(b).)

b) Applications for stay orders must be filed in the Appellate Division and served on opposing counsel in accord with Local Rule 9.9.

c) The court rules upon application for stays without a hearing.

(2) Request for Bail Reduction on Appeal.

a) An application for bail reduction must first be made in the trial court, and if denied, may then be made in the Appellate Division. (Pen. Code, § 1272.)

b) The court rules upon applications for bail reduction without hearing.

(d) Bonds on Appeal.

All proceedings concerning bonds on appeal must be brought in the trial court.

(Rule 9.3 new and effective July 1, 2011)

9.4 APPOINTED COUNSEL IN MISDEMEANOR APPEALS

(a) Right to Counsel. A defendant appealing a misdemeanor conviction, who had appointed counsel at trial or who has otherwise met the standards for appointed counsel, is entitled to appointed counsel on appeal. (Cal. Rules of Court, rule 8.851(a).)

(b) Applications for Appointed Counsel.

(1) A party meeting the standards may apply for appointment of counsel in the Appellate Division. The application must comply with California Rules of Court, rule 8.851(b).

(2) If a defendant was not represented by appointed counsel in the trial court, the application for appointed counsel must include a declaration of indigency. (Cal. Judicial Council Form MC-210.) All applications for appointment of counsel are decided without a hearing. (Cal. Rules of Court, rule 8.851(b)(2); Local Rule 9.9(e).)

(3) List of Attorneys. Appointments are made by the Appellate Division from the list of attorneys maintained by the Appellate Division.

(Rule 9.4 new and effective July 1, 2011)

9.5 RECORD ON APPEAL

(a) Civil Appeals.

(1) Contents. The record on appeal includes those items specified by California Rules of Court, rule 8.830.

(2) Designation of the Record. The parties must comply with the California Rules of Court governing the method and time limits for designating the record on appeal and are responsible for assuring that the required record is paid for, prepared, and transmitted to the Appellate Division. (Cal. Rules of Court, rules 8.831, 8.832(b),(c), 8.834, 8.836, and 8.837.)

(3) Burden of Providing the Record. Appellant has the burden of ensuring that the Appellate Division has an adequate record for review. Any party who desires the court to review

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testimony must provide either a reporter's transcript, an agreed statement, or a statement on appeal. (Cal. Rules of Court, rules 8.834, 8.836 and 8.837.) Any party desiring the court to review exhibits must cause the exhibits to be transmitted to the Appellate Division. (Cal. Rules of Court, rule 8.843.)

(b) Misdemeanor and Infraction Appeals.

(1) Contents. The record on appeal includes those items specified by California Rules of Court, rule 8.860 and 8.910.

(2) Clerk's Transcript. The clerk's transcript, consisting of the items specified by California Rules of Court, rule 8.861 and rule 8.912, is prepared immediately after the notice of appeal is filed without request or payment by the appellant. (Cal. Rules of Court, rules 8.862(a) and 8.913.)

(3) Reporter's Transcript or Statement. Appellant has the burden of ensuring that the Appellate Division has an adequate record for review of the issues being raised on appeal. If this includes a record of the oral trial proceedings, the appellant must timely file in the trial court a notice of election to proceed on appeal with either the reporter's transcript or a statement on appeal. (Cal. Rules of Court, rules 8.864 and 8.915.) Thereafter, appellant must comply with the California Rules of Court to insure the timely preparation and transmittal of record of the oral proceedings to the Appellate Division. (Cal. Rules of Court, rules 8.864(a), (d), 8.866(a), 8.869, 8.915, and 8.916.)

(4) Exhibits. Any party who wants the Appellate Division to consider exhibits that were admitted, refused, or lodged in the trial court, must comply with California Rules of Court, rule 8.870 or 8.921.

(Rule 9.5 new and effective July 1, 2011)

9.6 BRIEFS

(a) Time for Filing.

(1) Order for Filing. After the record on appeal has been filed, the Appellate Division will issue a notice setting the briefing schedule. (Cal. Rules of Court, rules 8.881, 8.925.)

(2) Failure to Comply. The failure of the appellant in a civil, misdemeanor, or an infraction appeal to timely file an opening brief will result in a clerk's notice of default, and the failure to cure the default may result in dismissal of the appeal. The failure of the respondent in a civil case to file its brief may result in the appeal being decided on the appellant's brief and any oral argument by appellant. The failure of the defendant, who is the respondent in a misdemeanor or infraction appeal, to timely file its brief, will result in a clerk's notice of default, and the failure to cure the default will result in the appeal being decided on the appellant's brief and any oral argument by appellant. (Cal. Rules of Court, rules 882, subd. (c), & 8.927(b).)

(b) Content and Format. All briefs filed in a civil or misdemeanor appeal must comply with California Rules of Court, rule 8.883, and in an infraction appeal with rule 8.892. Briefs must be two-hole punched at the top and secured with an Acco-type fastener. No attachments, including exhibits, are permitted.

(c) Length. Unless permission is obtained from the Presiding Judge of the Appellate Division, briefs in a civil or misdemeanor appeal shall not exceed 6,800 words, including footnotes, if produced by a computer, or 20 pages if produced by a typewriter; and in an infraction appeal must not exceed 5,100 words, including footnotes, if produced by a computer, or 15 pages if produced by

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a typewriter. Noncompliant briefs are subject to sanctions. (Cal. Rules of Court, rules 8.883(b), (d), 8.928(b), (d).)

Permission must be obtained by application in accordance with Local Rule 9.9.

(d) Service. A copy of all briefs must be served on opposing counsel and the trial court. (See Cal. Rules of Court, rules 8.25, 8.883(e), and 8.927(c).)

(e) Extension of Time. An application for extension of time to file a brief must be filed in the Appellate Division in accordance with Local Rule 9.9 before the brief is due and must be supported by good cause. (Cal. Rules of Court, rules 8.810, 8.811, 8.882(b)(3).)

(f) Wende Briefs. *People v. Wende* shall be cited on the cover, or the first page if there is no cover, of any brief requesting the Appellate Division to review the record on appeal to determine if there are any arguable issues that may require briefing. (*People v. Wende* (1979) 25 Cal.3d 436.)
(Rule 9.6 new and effective July 1, 2011)

9.7 ORAL ARGUMENT

(a) Date and Time.

(1) Date. The parties will receive at least 20 days notice of the date for the oral argument. (Cal. Rules of Court, rules 8.885(c), 8.929(c).)

(2) Time.

a) Criminal matters: 9:00 a.m.

b) Civil matters: 1:30 p.m.

(b) Failure to Appear. If a party fails to appear at oral argument when the case is called, the case will be deemed submitted. A motion to vacate an order taking a cause under submission must comply with Local Rule 9.9(b).

(c) Continuances. Continuances will only be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Presiding Judge. Written applications for continuance must comply with Local Rule 9.9, and shall be ruled upon, without hearing, by the court.

(d) Amount of Time to Argue. Each side is permitted ten minutes to argue in a civil or misdemeanor appeal and five minutes in an infraction appeal. (Cal. Rules of Court, rules 8.885(d)(2), 8.929(d)(2).)

(e) Tentative Rulings. Tentative rulings are issued in most cases, indicating the court's initial proposed views or questions concerning a case. The court is not bound by a tentative ruling, whether or not a party has submitted the case based on the stated tentative ruling. Tentative rulings will be available: (1) on the afternoon before calendar (a) on the court's website at www.lasuperiorcourt.org, select Appellate Division, Tentative Rulings, or (b) by telephone; and (2) will be posted outside the courtroom on the day of the hearing.

(f) Supplemental Briefing. Supplemental briefing will be permitted when the court intends to decide a case upon the basis of an issue not briefed or proposed by any party. (Gov. Code, § 68081.)

(Rule 9.7 new and effective July 1, 2011)

9.8 JUDGMENT

(a) Time for Decision. The court shall decide a case within 90 days after submission. (Cal. Const., art. 6, § 19.)

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(b) Opinion. The court will generally file an opinion on each appeal but is not required to do so. (*See* Cal. Rules of Court, rule 8.887(a).)

(c) Publication. An opinion is published in whole or in part in the Official Reports when a majority of the judges in the Appellate Division who participated in the opinion certifies that the opinion meets one or more of the standards set forth in California Rules of Court, rule 8.1005(c), and the Court of Appeal does not order the case transferred to it for hearing and decision. (Cal. Rules of Court, rules 8.1005(c), 8.1002.)

(Rule 9.8 new and effective July 1, 2011)

9.9 APPLICATIONS AND MOTIONS

(a) Routine Applications. Applications, as defined by California Rules of Court, rule 8.806, shall be served on opposing counsel and filed in the Appellate Division. Applications must be supported by a declaration under penalty of perjury. (Cal. Rules of Court, rules 8.806(a), (b), 8.810.)

(b) Motions. Written motions must be served on all parties and must be filed in the Appellate Division in connection with all matters or where a party is in default. (Cal. Rules of Court, rules 8.808, 8.812.)

(c) Motions to Withdraw as Counsel. Motions to withdraw as counsel of record must comply with the requirements of Code of Civil Procedure sections 284 and 285, and California Rules of Court, rule 8.814.

(d) Motions Before Record Filed. Civil motions filed before the Appellate Division has received the record on appeal must be accompanied by documents sufficient to permit review.

(e) Ruling on Applications and Motions. The court will rule on applications and motions made pursuant to this rule after an opposition has been filed or the time to file an opposition has expired. Rulings are made without hearing. The court may, however, on the request of a party or on its own motion, place a matter on calendar for hearing. (Cal. Rules of Court, rule 8.808(a), (b).)

(f) Abandonment. A civil appeal may be abandoned by filing a written abandonment in the Appellate Division. (Cal. Rules of Court, rule 8.825(b).) In order to abandon a misdemeanor or infraction appeal, a written abandonment, signed by the appellant or his or her attorney, must be filed in the Appellate Division. (Cal. Rules of Court, rule 8.555(a), (b)(1) and rule 8.904(a), (b)(1).)

(Rule 9.9 new and effective July 1, 2011)

9.10 EXTENSIONS AND RELIEF FROM DEFAULT

(a) Where Application For Extension Filed. An application for extension of time filed prior to the expiration of the time to prepare the record on appeal must be filed in the trial court, while application for relief from default for any failure to comply with a rule must be filed in the Appellate Division. (Cal. Rules of Court, rules 8.810 (b), (c), and 8.812.)

(b) Denial or Failure To Grant By Trial Court. If an extension of time is denied by the trial court, application may be made to the Appellate Division in accordance with Local Rule 9.9, and will be ruled upon, without hearing, by the court.

(c) Reinstatement of Appeal. A motion to reinstate an appeal after dismissal must follow the procedure set forth in Local Rule 9.9(b).

(Rule 9.10 new and effective July 1, 2011)

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9.11 WRITS

(a) Form and Notice. A writ petition must comply with all applicable statutes and the California Rules of Court. (*See* Code Civ. Proc., §§ 1067-1108; Cal. Rules of Court, rules 8.930-8.936.)

(b) Writs Involving Felony Matters Prior to the Preliminary Hearing. In felony cases where the ruling, order or other matter arose prior to the completion of the preliminary hearing, petitions for writs of mandate, prohibition, review (certiorari), habeas corpus or any other petition for extraordinary relief, must be filed in the Central District and promptly presented to the Supervising Judge of the Criminal Division. (*See* Local Rule 8.33(a)(3).) Subdivisions (c), (c)(2)a), (c)(3), and (d) of this rule apply to petitions filed with the Supervising Judge of the Criminal Division.

(c) Filing and Service of Writs.

(1) Filing.

a) Where Filed. The original petition with proof of service must be filed in Room 102 of the Stanley Mosk Courthouse.

b) When Filed. A writ petition generally must be filed within the statutory period for an appeal.

(2) Filing Fees.

a) Criminal Cases. No filing fees are required in a criminal case.

b) Civil Cases. The filing fee for a civil writ petition is the same as that in the schedule for the filing of civil cases.

(3) Service. The petition must be served on all parties and the trial court before filing.

(4) Lodging With the Clerk. Petitioner must lodge a file-stamped, conformed copy of the petition, and may include a proposed alternative writ, with the clerk in Room 607 of the Stanley Mosk Courthouse.

(d) Writ Proceedings and Decisions. The court may:

(1) Continue the matter and request supplementary documents or preliminary opposition;

(2) Summarily deny the petition without hearing;

(3) Notify the parties of the court's intent to issue the peremptory writ in the first instance (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171.); or

(4) Issue an alternative writ or order to show cause and set the matter for a hearing, after which, a decision will be made. If an alternative writ is issued, a certified copy of the writ or order shall be promptly sent to the parties. (Cal. Rules of Court, rule 8.934(a).)

(e) Habeas Corpus Filed in Conjunction with an Appeal Pending in the Appellate Division.

(1) The petition must be verified.

(2) The petition must be served on the trial judge and on the People before filing.

(3) The petition must be filed in Department 70, Room 607, of the Stanley Mosk Courthouse.

(4) No filing fee is required.

(Rule 9.11 new and effective July 1, 2011)

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LOS ANGELES SUPERIOR COURT
LOCAL RULES

Appendices

SUPERIOR COURT OF CALIFORNIA
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**CHAPTER TWO
GENERAL PROVISIONS AND DISTRIBUTION
OF COURT BUSINESS**

APPENDIX 2.A

MAPS

Reference

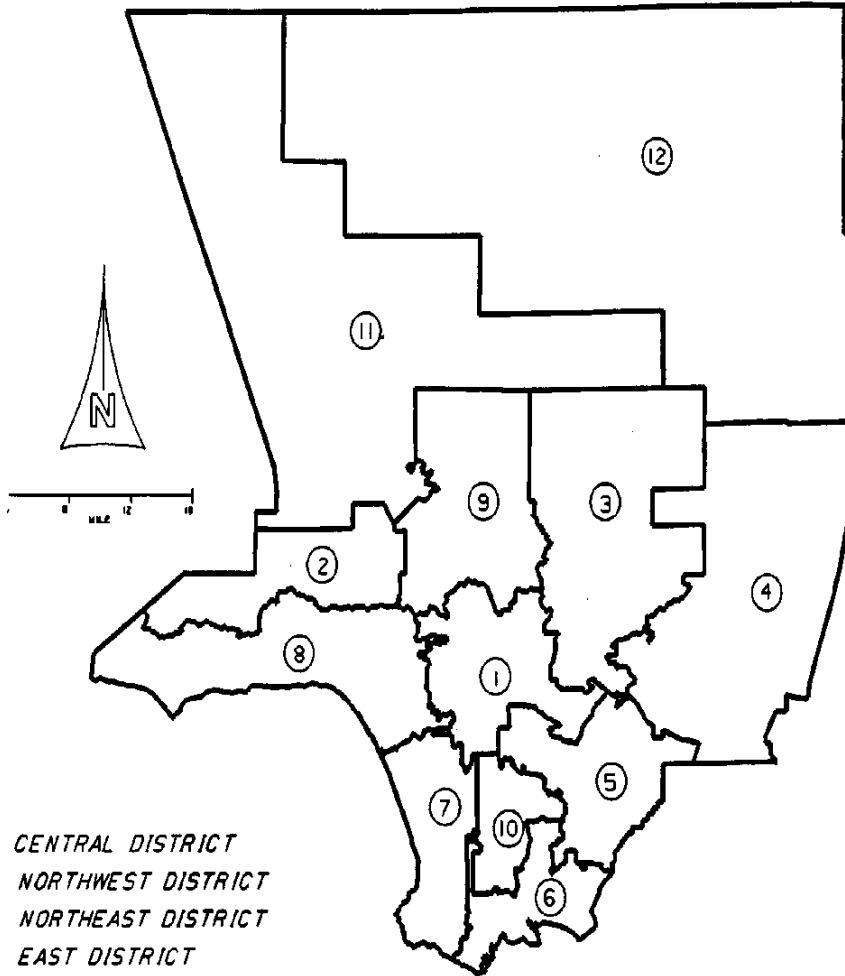
Local Rule 2.2

DISTRICTS AND COURT SESSION LOCATIONS

Subdivision (a) Districts

*SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES*

INDEX MAP



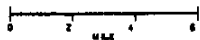
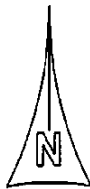
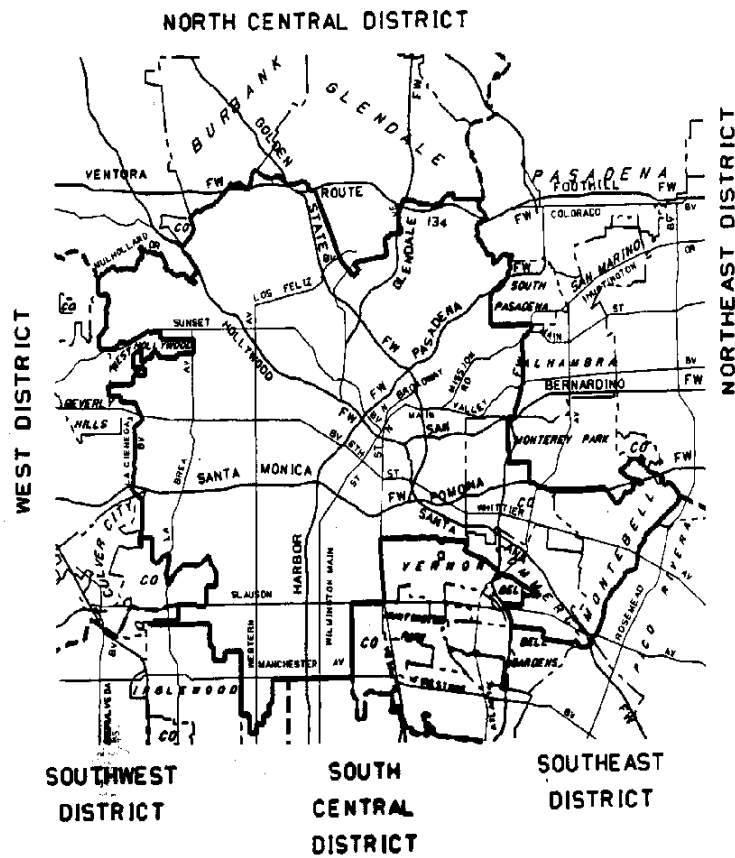
- 1 CENTRAL DISTRICT
- 2 NORTHWEST DISTRICT
- 3 NORTHEAST DISTRICT
- 4 EAST DISTRICT
- 5 SOUTHEAST DISTRICT
- 6 SOUTH DISTRICT
- 7 SOUTHWEST DISTRICT
- 8 WEST DISTRICT
- 9 NORTH CENTRAL DISTRICT
- 10 SOUTH CENTRAL DISTRICT
- 11 NORTH VALLEY DISTRICT
- 12 NORTH DISTRICT

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

PART NAME : MSS.SPDCRM.SUP-COURT
PLOT FILE : MSS.SPDCRM.SUP-COURT.PLOT
REV. DATE : 12-03-83

*SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES*

① CENTRAL DISTRICT



PART NAME : MSS.SPDCEN.SUP-COURT
PLOT FILE : MSS.SPDCEN.SUP-COURT.PLOT1

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CAL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

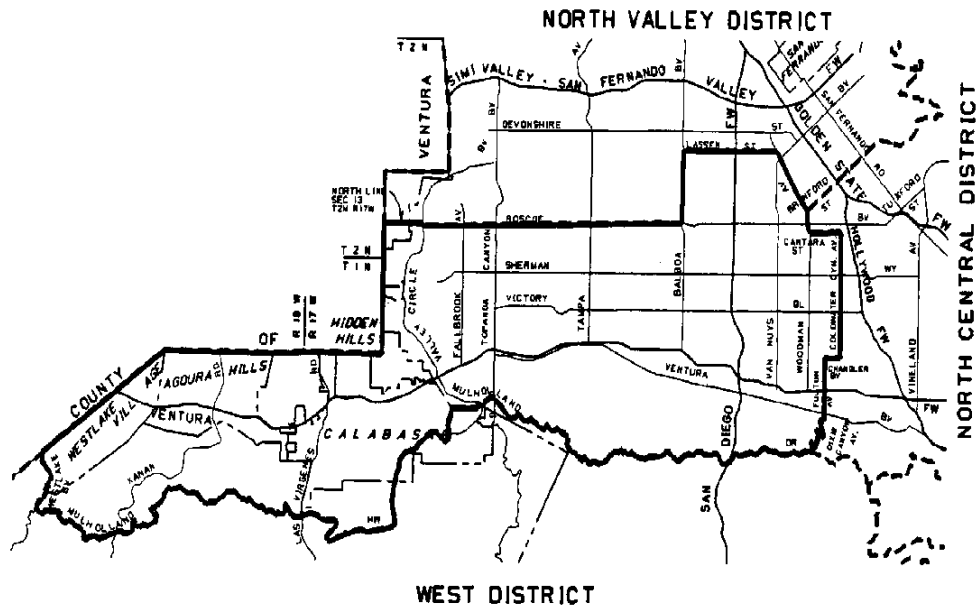
§1.16.070 of the Los Angeles, CA County Code: Central District.

The Central District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the intersection of the west line of Section 6, Township 1 South, Range 14 West, S.B.M., with the centerline of Mulholland Drive; thence easterly along said centerline and following the same in all its various courses and curves to a line that is perpendicular to the northeasterly line of Cahuenga Boulevard West and that passes through the intersection of the southwesterly line of said Cahuenga Boulevard West with the easterly line of said Mulholland Drive; thence northeasterly along said perpendicular line to said northeasterly line of Cahuenga Boulevard West; thence northwesterly along said northeasterly line to the southeasterly line of Lot D, as shown on map filed in Case No. 70672 of the Superior Court of the state of California for the county of Los Angeles; thence northeasterly along said southeasterly line to an angle point in the boundary of the city of Los Angeles; thence northeasterly along said boundary and following the same in all its various courses to the most southerly southeasterly corner of the Lankershim Addition annexation to the city of Los Angeles; if thence northwesterly in a direct line approximately 75 feet to the most southerly corner of the city of Burbank; thence northeasterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the boundary of the city of Monterey Park; thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to an angle point in the boundary of the city of Montebello (at the most westerly northwesterly corner of said last-mentioned city); thence easterly along the boundary of said last-mentioned city and following the same in all its various courses and curves to the boundary of the city of Commerce; thence southwesterly along the boundary of said last-mentioned city and following the same in all its various courses and curves to the boundary of the city of Los Angeles; thence westerly along the boundary of said last-mentioned city and following the same in all its various courses and curves to the centerline of Manchester Avenue (at Central Avenue); thence westerly along the centerline of Manchester Avenue to the centerline of Vermont Avenue; thence southerly along the centerline of Vermont Avenue a distance of 190 feet to the boundary of the city of Los Angeles; thence westerly along the boundary of said last-mentioned city and following the same in all its various courses to the centerline of La Tijera Boulevard; thence northeasterly along said centerline of La Tijera Boulevard to the boundary of said city of Los Angeles; thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Culver City; thence northerly along said last-mentioned boundary and following the same in all its various courses and curves to the centerline of La Cienega Avenue; thence northerly along said last-mentioned centerline and continuing northerly along the centerline of La Cienega Boulevard and following the same in all its various courses and curves to the boundary of said city of Los Angeles (just northerly of Olympic Boulevard); thence northeasterly along said last-mentioned boundary and following the same in all its various courses and curves to said west line of Section 6, Township 1 South, Range 14 West, S.B.M.; thence northerly along section line to the point of beginning. (Ord. 11718 § 1 (part), 1978: Ord. 9935 § 2 (part), 1969: Ord. 9743 § 2 (part), 1969: Ord. 7626 Art. 2 § 21, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

② NORTHWEST DISTRICT



PART NAME : MSS.SPQ.CYM.SUP-COURT
PLOT FILE : MSS.SPQ.CYM.SUP-COURT.PL072

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

§1.16.160 of the Los Angeles, CA County Code: Northwest District.

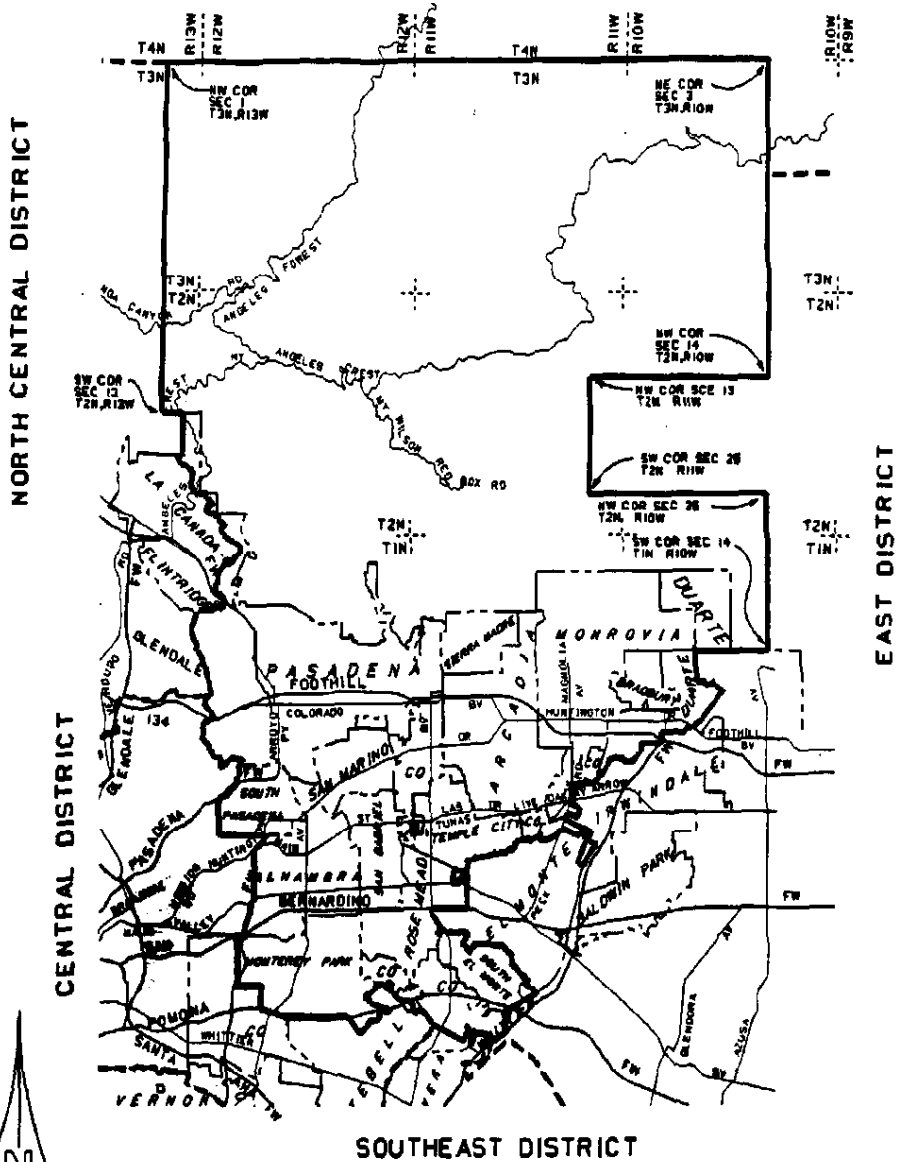
The Northwest District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the intersection of the centerline of Branford Street and the centerline of Woodman Avenue; thence southeasterly along said last-mentioned centerline to the centerline of Wentworth Street; thence continuing southeasterly and southerly along said centerline of Woodman Avenue to the centerline of Cantara Street; thence easterly along said last-mentioned centerline to the centerline of Coldwater Canyon Avenue; thence southerly, southeasterly and southerly along said last-mentioned centerline to the centerline of Hatteras Street; thence southerly in a direct line to the intersection of said centerline of Coldwater Canyon Avenue, with the most northerly right-of-way line of Chandler Boulevard; thence westerly along said most northerly right-of-way line to the centerline of Fulton Avenue; thence southerly along said last-mentioned centerline to the centerline of Valley Vista Boulevard; thence westerly along said last-mentioned centerline to the centerline of Dixie Canyon Avenue; thence southeasterly along said last-mentioned centerline and following the same in all its various courses and curves to the centerline of Mulholland Drive; thence westerly along said last-mentioned centerline and following the same in all its various courses and curves to the centerline of Mulholland Highway, (approximately one-half mile westerly of Topanga Canyon Boulevard); thence southerly along said last-mentioned centerline to the boundary of the city of Los Angeles; thence northwesterly, westerly, southerly and westerly along said last-mentioned boundary to the centerline of Old Topanga Canyon Road; thence southerly, southwestwesterly and westerly along said last-mentioned centerline, and continuing westerly along the centerline of Mulholland Highway and following the same in all its various courses and curves to a line that is radial thereto and passes through the intersection of the northerly line of Mulholland Highway with the centerline of Decker Road (in the southeast quarter of Fractional Section 3, Township 1 South, Range 19 West, S.B.M.); thence northerly along said radial line to said intersection; thence northerly along said last-mentioned centerline and following the same in all its various courses and curves to the boundary of the county of Los Angeles; thence northerly, easterly and northerly along said last-mentioned boundary to the north line of Section 33, Township 2 North, Range 17 West, S.B.M.; thence easterly along section lines to the northeast corner of Fractional Section 34, said last-mentioned township and range; thence southerly along the east line of said last-mentioned fractional section to the westerly prolongation of the centerline of Roscoe Boulevard; thence easterly along said last-mentioned prolongation and centerline to the centerline of Balboa Boulevard; thence northerly along said last-mentioned centerline to the centerline of Lassen Street; thence easterly along said last-mentioned centerline to the centerline of Woodman Avenue; thence southeasterly along said last-mentioned centerline to the point of beginning. (Ord. 83-0049 § 2, 1983; Ord. 7626 Art. 2 § 29, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

③ NORTHEAST DISTRICT

NORTH VALLEY DISTRICT



FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

PART NAME : MSS.SPO.CRM.SUP-COURT
PLOT FILE : MSS.SPO.CRM.SUP-COURT.PL.073

§1.16.090 of the Los Angeles, CA County Code: Northeast District.

The Northeast District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

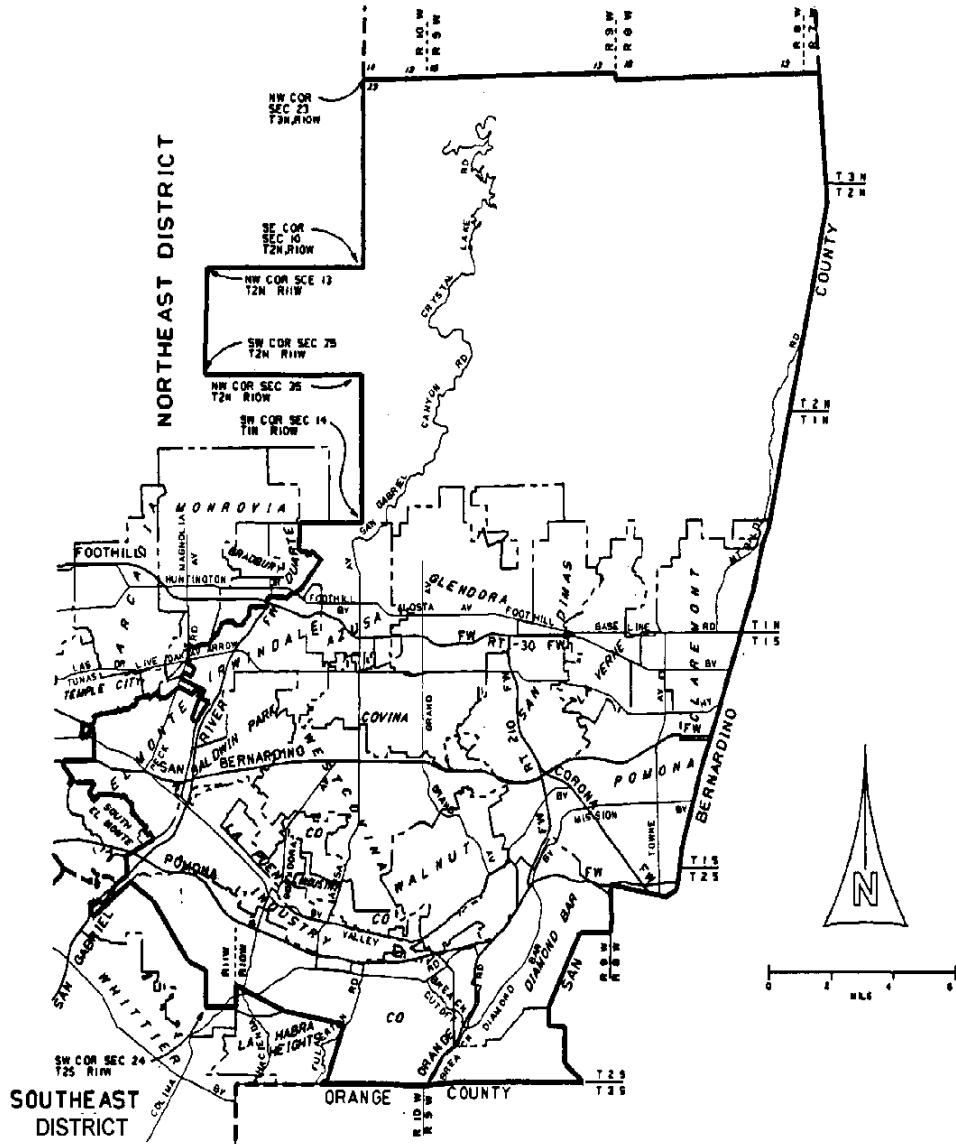
Beginning at the northeast corner of Section 3, Township 3 North, Range 10 West, S.B.B. & M.; thence southerly along section lines to the north line of Township 2 North, Range 10 West, S.B.B. & M.; thence along township line to the northwest corner of Section 2, said last-mentioned township and range; thence southerly along section lines to the northwest corner of Section 14, said last-mentioned township and range; thence westerly along section lines to the range line between Ranges 10 and 11 West, S.B.B. & M.; thence along said range line to the northeast corner of Section 13, Township 2 North, Range 11 West, S.B.B. & M.; thence westerly along section line to the northwest corner of said last-mentioned section; thence southerly along section lines to the southwest corner of Section 25, said last-mentioned township and range; thence easterly along section line to said range line between Ranges 10 and 11 West; thence along said range line to the northwest corner of Section 31, said Township 2 North, Range 10 West; thence easterly along section lines to the northwest corner of Section 35, said last-mentioned township and range; thence southerly along section line to the north line of Township 1 North, Range 10 West, S.B.B. & M.; thence along township line to the northwest corner of Section 2, said last-mentioned township and range; thence southerly along section lines to the southwest corner of Section 14, said last-mentioned township and range; thence westerly along section line to an angle point in the boundary of the city of Duarte (at the southeast corner of Section 16, said last-mentioned township and range); thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Irwindale; thence northwesterly along said last-mentioned boundary and following the same in all its various courses and curves to the northerly right-of-way line of West Ramona Boulevard; thence westerly along said last-mentioned northerly line and continuing westerly along the northerly right-of-way line of San Bernardino Road to the boundary of the city of El Monte; thence northerly along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the southerly right-of-way line of said San Bernardino Road, approximately 600 feet westerly from Cogswell Road; thence northerly, at right angles to said southerly right-of-way line, to the centerline of said San Bernardino Road; thence easterly along said centerline and continuing easterly along the centerline of said West Ramona Boulevard to the boundary of the city of Baldwin Park; thence southerly along the most westerly boundary of said last-mentioned city and the southerly prolongation thereof to the centerline of the San Bernardino Freeway; thence westerly along said last-mentioned centerline to the boundary of the city of Industry; thence northeasterly along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the westerly line of the San Gabriel River, approximately 300 feet southerly of Valley Boulevard; thence southerly and southwesterly along the westerly and northwesterly lines of said San Gabriel River to the centerline of Peck Road; thence southerly along said last-mentioned centerline to the southeasterly line of said San Gabriel River; thence northeasterly along said

last-mentioned southeasterly line to an angle point in the boundary of said city of Industry; thence southerly along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the centerline of Rose Hills Road, formerly Cliota Street (along the southeasterly line of the Los Angeles and Salt Lake Railroad right-of-way); thence southeasterly along said last-mentioned centerline to the centerline of Workman Mill Road; thence southwesterly along said last-mentioned centerline and following the same in all its various courses and curves to an angle point in the boundary of the city of Whittier; thence southwesterly along said last-mentioned boundary and following the same in all its various courses to the centerline of Beverly Boulevard; thence northwesterly along said last-mentioned centerline to the boundary of the city of Pico Rivera; thence northeasterly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Montebello; thence northeasterly along said last-mentioned boundary and following the same in all its various courses to an angle point in the boundary of the city of Monterey Park; thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Los Angeles; thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Pasadena; thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to the south line of Section 13, Township 2 North, Range 13 West, S.B.B. & M.; thence westerly along section line to the southwest corner of said last-mentioned section; thence northerly along section lines to the south line of Township 3 North, Range 13 West, S.B.B. & M.; thence westerly along township line to the southwest corner of Section 36, said last-mentioned township and range; thence northerly parallel with range line between Ranges 12 and 13 West, S.B.B. & M., to the township line between Townships 3 and 4 North, S.B.B. & M.; thence easterly along said last-mentioned township line to the point of beginning. (Ord. 7626 Art. 2 § 23, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

④ EAST DISTRICT

NORTH VALLEY DISTRICT



FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

PART NAME : MSS.SPQ.CKM.SUP-COURT
PLOT FILE : MSS.SPQ.CKM.SUP-COURT.PLOT4

§1.16.100 of the Los Angeles, CA County Code: East District.

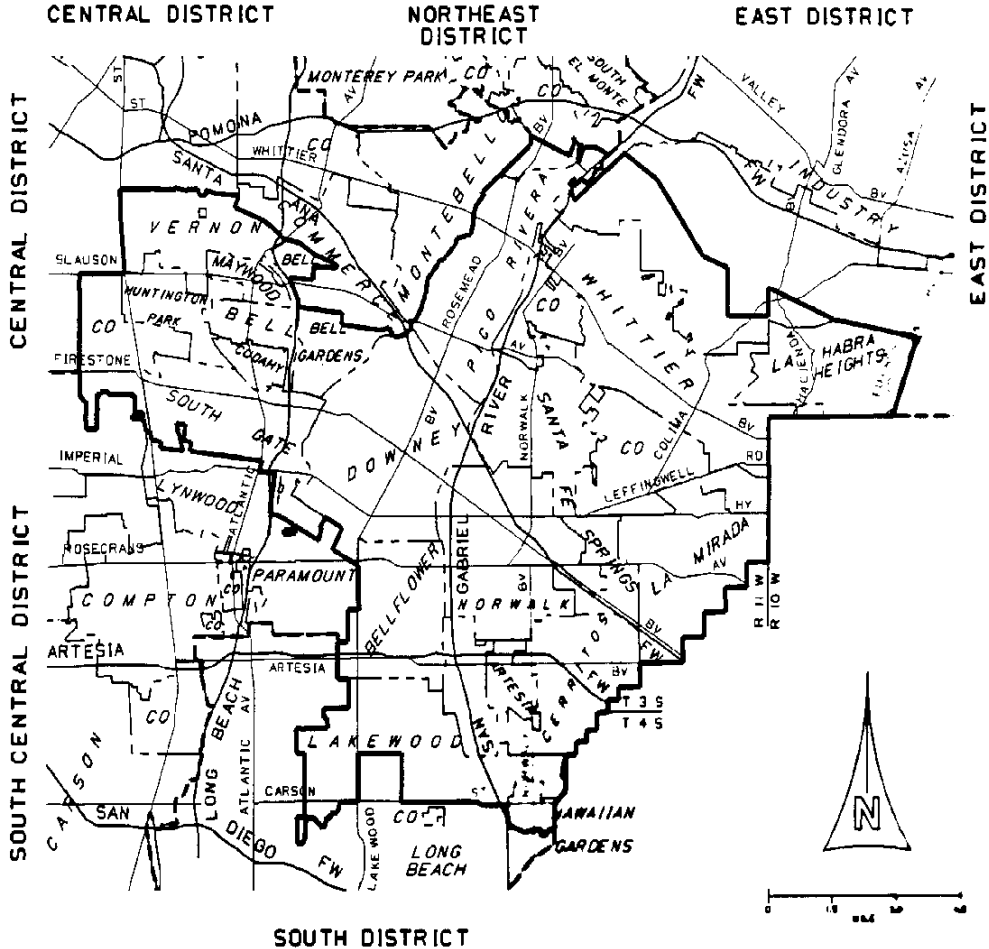
The East District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the intersection of the easterly boundary of the county of Los Angeles, with the south line of Section 18, Township 3 North, Range 7 West, S.B.B. & M.; thence westerly along section line to the southwest corner of said section; thence southerly along range line to the southeast corner of Section 13, Township 3 North, Range 8 West, S.B.B. & M.; thence westerly along section lines to the southwest corner of Section 18, said last-mentioned township and range; thence northerly along range line to the southeast corner of Section 13, Township 3 North, Range 9 West, S.B.B. & M.; thence westerly along section lines to the north line of Township 2 North, Range 10 West, S.B.B. & M.; thence along township line to the northwest corner of Section 2, said last-mentioned township and range; thence southerly along section lines to the northwest corner of Section 14, said last-mentioned township and range; thence westerly along section lines to the range line between Ranges 10 and 11 West, S.B.B. & M.; thence along said last-mentioned range line to the northeast corner of Section 13, Township 2 North, Range 11 West, S.B.B. & M.; thence westerly along section line to the northwest corner of said last-mentioned section; thence southerly along section lines to the southwest corner of Section 25, said last-mentioned township and range; thence easterly along section line to said range line between Ranges 10 and 11 West; thence along said last-mentioned range line to the northwest corner of Section 31, said Township 2 North, Range 10 West; thence easterly along section lines to the northwest corner of Section 35, said last-mentioned township and range; thence southerly along section line to the north line of Township 1 North, Range 10 West, S.B.B. & M.; thence along township line to the northwest corner of Section 2, said last-mentioned township and range; thence southerly along section lines to the southwest corner of Section 14, said last-mentioned township and range; thence westerly along section line to an angle point in the boundary of the city of Duarte (at the southeast corner of Section 16, said last-mentioned township and range); thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to the boundary of the city of Irwindale; thence northwesterly along said last-mentioned boundary and following the same in all its various courses and curves to the northerly right-of-way line of West Ramona Boulevard; thence westerly along said last-mentioned northerly line and continuing westerly along the northerly right-of-way line of San Bernardino Road to the boundary of the city of El Monte; thence northerly along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the southerly right-of-way line of said San Bernardino Road, approximately 600 feet westerly from Cogswell Road; thence northerly, at right angles to said southerly right-of-way line, to the centerline of said San Bernardino Road; thence easterly along said centerline and continuing easterly along the centerline of said West Ramona Boulevard to the boundary of the city of Baldwin Park; thence southerly along the most westerly boundary of said last-mentioned city and the southerly prolongation thereof to the centerline of the San Bernardino Freeway; thence westerly along said last-mentioned centerline to the boundary of the city of Industry; thence northeasterly

along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the westerly line of the San Gabriel River, approximately 300 feet southerly of Valley Boulevard; thence southerly and southwesterly along the westerly and northwesterly lines of said San Gabriel River to the centerline of Peck Road; thence southerly along said last-mentioned centerline to the southeasterly line of said San Gabriel River; thence northeasterly along said last-mentioned southeasterly line to an angle point in the boundary of said city of Industry; thence southerly along said last-mentioned boundary and following the same in all its various courses and curves to its intersection with the centerline of Rose Hills Road, formerly Cliota Street (along the southeasterly line of the Los Angeles and Salt Lake Railroad right-of-way); thence continuing northeasterly along the boundary of said city of Industry to the southwesterly boundary of the Rancho La Puente, as shown on map of Township 2 South, Range 11 West, S.B.B. & M.; thence southeasterly along said last-mentioned boundary and following the same in all its various courses to the west line of Fractional Section 13, Township 2 South, Range 11 West, S.B.B. & M.; thence southerly along section lines to the southwest corner of Fractional Section 24, said last-mentioned township and range; thence easterly along section line to the southeast corner of said last-mentioned section; thence along said range line between Ranges 10 and 11 West, S.B.B. & M., to the southwest corner of Fractional Section 19, Township 2 South, Range 10, West, S.B.B. & M.; thence easterly along section line to the centerline of Hacienda Boulevard; thence southeasterly along said last-mentioned centerline and following the same in all its various courses and curves to the boundary of said county of Los Angeles; thence easterly along said last-mentioned boundary and following the same in all its various courses to the point of beginning. (Ord. 7655 § 1, 1959; Ord. 7626 Art. 2 § 24, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

5 SOUTHEAST DISTRICT



FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CAL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

PART NAME : MSS.SPD.CKM.SUP-COURT
PLOT FILE : MSS.SPD.CKM.SUP-COURT.PLOTS

§1.16.110 of the Los Angeles, CA County Code: Southeast District.

The Southeast District hereby established shall consist of all that part of the county of Los Angeles lying within the boundaries of the ~~San Antonio~~ **Southeast** Judicial District; ~~the South Gate Judicial District,*~~ the Downey Judicial District, the Los Cerritos Judicial District, and the Whittier Judicial District. (Ord. 9743 § 2 (part), 1969: Ord. 7626 Art. 2 § 25, 1959.)

(* The San Antonio and South Gate Judicial Districts were disestablished in 1984 and reconstituted as the Southeast Judicial District.)

§1.20.250 of the Los Angeles, CA County Code: Southeast Judicial District.

The Southeast Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the most westerly northeasterly corner of the city of Vernon, said corner being a point in the southerly boundary of the city of Los Angeles; thence easterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to its first intersection with the boundary of the city of Commerce; thence southerly along said last-mentioned boundary and following the same in all its various courses and curves to its first intersection with the boundary of the city of Bell Gardens; thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to its first intersection with the boundary of the city of South Gate; thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the southeasterly corner of Imperial Bridge Territory exclusion from the city of South Gate; thence westerly along the southerly line of said exclusion to the boundary of the city of Lynwood; thence northerly along said last-mentioned boundary to the boundary of the city of South Gate (in Imperial Highway); thence westerly along the boundary of the city of South Gate and following the same in all its various courses and curves to the northwesterly corner of that certain parcel of land described in deed recorded in Book 19191, page 373 of Official Records, in the office of the recorder of the county of Los Angeles; thence westerly along the westerly prolongation of the northerly line of said certain parcel of land to the centerline of Alameda Street; thence northerly along said centerline to the southerly boundary of the city of Huntington Park (along Florence Avenue); thence westerly, northerly, westerly and northerly along said last-mentioned boundary to the boundary of the city of Los Angeles (along Slauson Avenue); thence easterly and northerly along the boundary of the city of Los Angeles to the point of beginning. (Ord. 84-0289 2, 1984: Ord. 9733 § 1 (part), 1969: Ord. 7938 § 1 (part), 1961: Ord. 7824 § 3 (part), 1960: Ord. 7335 § 1 (part), 1958: Ord. 7238 § 1 (part), 1957: Ord. 5791 § 27, 1951.)

§1.20.100 of the Los Angeles, CA County Code: Downey Judicial District.

The Downey Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

A. Parcel 1. Beginning at the intersection of the centerline of the Rio Hondo Channel (500 feet wide), as shown on County Surveyor's Filed Map No. 18225, Sheet 8, on file in the office of the county engineer of the county of Los Angeles, with the centerline of Telegraph Road; thence southeasterly along the boundary of the city of Downey and following the same in all its various courses and curves to the boundary of the city of Norwalk; thence easterly along the boundary of the city of Norwalk and following the same in all its various courses and curves to the boundary of the city of Downey; thence westerly along the boundary of the city of Downey and following the same in all its various courses and curves to the point of beginning.

B. Parcel 2. Beginning at the intersection of the centerline of Imperial Highway and the boundary of the city of Santa Fe Springs (along Shoemaker Avenue); thence easterly along said centerline of Imperial Highway to the boundary of the city of La Mirada; thence easterly along said boundary of the city of La Mirada and following the same in all its various courses and curves to the centerline of Imperial Highway; thence easterly along said last-mentioned centerline to the boundary of the county of Los Angeles; thence southerly along the boundary of the county of Los Angeles and following the same in all its various courses to the boundary of the city of Cerritos; thence northerly along said last-mentioned boundary to the boundary of the city of Santa Fe Springs; thence northerly along the boundary of the city of Santa Fe Springs and following the same in all its various courses to the point of beginning. (Ord. 9733 § 1 (part), 1969: Ord. 8083 § 1 (part), 1961: Ord. 7824 § 1 (part), 1960: Ord. 7238 § 1 (part), 1957: Ord. 7009 § 1 (part), 1956: Ord. 5791 § 9, 1951.)

§1.20.160 of the Los Angeles, CA County Code: Los Cerritos Judicial District.

The Los Cerritos Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

A. Parcel 1. Beginning at the most westerly southwesterly corner of the city of Bellflower; thence northerly along the boundary of the city of Bellflower and following the same in all of its various courses and curves to the boundary of the city of Norwalk; thence southerly along the boundary of the city of Norwalk and following the same in all its various courses and curves to the westerly line of Shoemaker Avenue; thence easterly along the boundary of the city of Cerritos and following the same in all its various courses to the boundary of the county of Los Angeles; thence southerly along the boundary of the county of Los Angeles

and following the same in all its various courses to the boundary of the city of Long Beach; thence westerly along the boundary of the city of Long Beach and following the same in all its various courses and curves to the point of beginning.

B. Parcel 2. Beginning at an angle point in the boundary of the city of Long Beach at the intersection of Woodruff Avenue and Conant Street; thence northerly along the boundary of the city of Long Beach and following the same in all its various courses to the point of beginning.

C. Parcel 3. Beginning at an angle point in the boundary of the city of Long Beach at the intersection of Wardlow Road and Woodruff Avenue; thence westerly along the boundary of the city of Long Beach and following the same in all its various courses to the point of beginning.

D. Parcel 4. Beginning at the intersection of the boundary of the county of Los Angeles, with the south line of Section 25, Township 4 South, Range 12 West, in the Rancho Los Alamitos, as shown on map recorded in Book 700, pages 138 to 141 inclusive, of Deeds, in the office of the recorder of the county of Los Angeles; thence westerly along said south line to the boundary of the city of Long Beach; thence northeasterly along the boundary of the city of Long Beach and following the same in all its various courses and curves to the boundary of the county of Los Angeles; thence southwesterly along the boundary of said county and following the same in all its various courses to the point of beginning.

E. Parcel 5. Beginning at an angle point in the boundary of the city of Long Beach, said angle point being in the westerly line of Lot 10 in Block 28 of the California Cooperative Colony Tract, as shown on map recorded in Book 21, pages 15 and 16 of Miscellaneous Records, in the office of the recorder of the county of Los Angeles; thence northerly along the boundary of the city of Long Beach and following the same in all its various courses to the point of beginning.

F. Parcel 6. Beginning at an angle point in the boundary of the city of Long Beach at the intersection of South Street and Cherry Avenue; thence easterly along the boundary of the city of Long Beach and following the same in all its various courses to the point of beginning. (Ord. 9733 § 1 (part), 1969: Ord. 7938 § 2, 1961; Ord. 7873 § 1, 1960; Ord. 7824 § 3 (part), 1960: Ord. 7238 § 1 (part), 1957: Ord. 7009 § 1 (part), 1956: Ord. 5791 § 16, 1951.)

§1.20.260 of the Los Angeles, CA County Code: Whittier Judicial District.

The Whittier Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

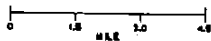
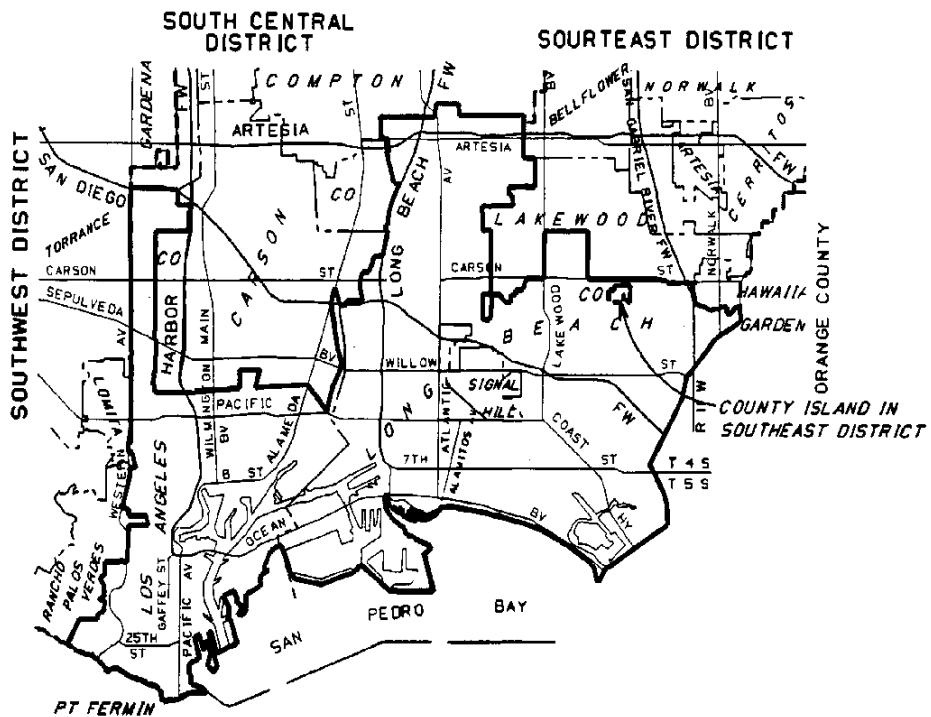
Beginning at the intersection of the northeasterly boundary of the city of Montebello with the centerline of Lincoln Avenue; thence northeasterly along the centerline of Lincoln Avenue to the centerline of San Gabriel Boulevard; thence

southeasterly along the centerline of San Gabriel Boulevard and southeasterly along the centerline of Siphon Road and the southeasterly prolongation thereof to the centerline of the San Gabriel River, as shown on County Surveyor's Filed Map No. 10872, Sheet 2 on file in the office of the county engineer of the county of Los Angeles; thence northeasterly along the centerline of said river and following the same in all its various courses and curves to its first intersection with the boundary of Rancho Paso de Bartolo as shown on map recorded in Book 1, page 73 of Record of Surveys, in the office of the recorder of said county; thence northeasterly along said last-mentioned boundary and following the same in all its various courses to the boundary of the city of Industry; thence southwesterly along said last-mentioned boundary and following the same in all its various courses to its first intersection with the boundary of Rancho La Puente as shown on map of Township 2 South, Range 11 West, S.B.M.; thence southeasterly along the boundary of said last-mentioned rancho and following the same in all its various courses to the west line of Fractional Section 13, Township 2 South, Range 11 West, S.B.M.; thence southerly along section lines to the southwest corner of Section 24, said township and range; thence easterly along section line to the southeast corner of said Section 24; thence northerly along range line between Ranges 10 and 11 West, S.B.M. to the southwesterly boundary of said Rancho La Puente; thence southeasterly along the boundary of said last-mentioned rancho and following the same in all its various courses to the northeasterly corner of the Rancho La Habra, as shown on map recorded in Book 1, pages 275 and 276 of Patents in the office of said recorder; thence southwesterly along the boundary of said last-mentioned rancho to the southerly boundary of the county of Los Angeles; thence westerly along the boundary of said county of Los Angeles and following the same in all its various courses to the centerline of Imperial Highway; thence westerly along said last-mentioned centerline to the boundary of the city of La Mirada; thence northerly along said boundary of the city of La Mirada and following the same in all its various courses and curves to the centerline of Imperial Highway; thence westerly along said last-mentioned centerline to the boundary of the city of Santa Fe Springs; thence southerly along said boundary of the city of Santa Fe Springs and following the same in all its various courses to the boundary of the city of Norwalk; thence northerly along the boundary of the city of Norwalk and following the same in all its various courses and curves to the most westerly corner of Tract No. 16167 as shown on map recorded in Book 542, pages 17 to 21 inclusive, of Maps in the office of the recorder of said county (along the northeasterly line of the Santa Ana Freeway); thence northwesterly along the boundary of the city of Santa Fe Springs and following the same in all its various course; and curves to the boundary of the city of Pico Rivera; thence northeasterly along the boundary of the city of Pico Rivera and following the same in all its various courses to the most southerly corner of the city of Montebello; thence northeasterly along the boundary of said city of Montebello and following the same in all its various courses to the point of beginning. (Ord. 9733 § 1 (part), 1969: Ord. 7938 § 1 (part), 1961: Ord. 7824 § 3 (part), 1960: Ord. 7335 § 1 (part), 1958: Ord. 7238 § 1 (part), 1957: Ord. 5791 § 27, 1951.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

⑥ SOUTH DISTRICT

CATALINA AND SAN CLEMENTE ISLANDS
ARE INCLUDED IN THE SOUTH DISTRICT



PART NAME : MSS.SPDCOM.SUP-COURT
PLOT FILE : MSS.SPDCOM.SUP-COURT.PLOT8

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

§1.16.130 of the Los Angeles, CA County Code: South District.

The South District hereby established shall consist of all that part of the county of Los Angeles lying within the boundaries of the Long Beach Judicial District, ~~the Catalina Judicial District~~* and that part of the Los Angeles Judicial District which lies southerly of that portion of the center of the San Diego Freeway between Western Avenue and the Harbor Freeway. (Ord. 9935 § 2 (part), 1969: Ord. 9743 § 2 (part), 1969: Ord. 7626 Art. 2 § 26, 1959.)

(* The Catalina Judicial District was disestablished, and the Santa Catalina and San Clemente islands incorporated into the Los Angeles Judicial District, in 1994.)

§1.20.140 of the Los Angeles, CA County Code: Long Beach Judicial District.

The Long Beach Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the northwesterly corner of the city of Long Beach (near the westerly terminus of the northerly line of 72nd Street in said city); thence easterly along the boundary of said city and following the same in all its various courses to the south line of Section 25, Township 4 South, Range 12 West in the Rancho Los Alamitos as shown on map recorded in Book 700, pages 138 to 141 inclusive, of Deeds, in the office of the recorder of the county of Los Angeles; thence easterly along said south line to the southeasterly boundary of the county of Los Angeles; thence southwesterly along the boundary of said county and following the same in all its various courses to its first intersection with the boundary of the city of Los Angeles (in the Pacific Ocean); thence northwesterly along the boundary of said last-mentioned city and following the same in all its various courses and curves to the northerly boundary of the city of Long Beach (in 223rd Street); thence easterly along the boundary of said last-mentioned city and following the same in all its various courses to the point of beginning.

1. Excepting therefrom that portion thereof within the following described boundaries: Beginning at an angle point in the boundary of the city of Long Beach, said angle point being in the westerly line of Lot 10 in Block 28 of the California Cooperative Colony Tract, as shown on map recorded in Book 21, pages 15 and 16 of Miscellaneous Records, in the office of the recorder of the county of Los Angeles; thence northerly along the boundary of said city and following the same in all its various courses to the point of beginning.

2. Also excepting therefrom that portion thereof within the following described boundaries: Beginning at an angle point in the boundary of the city of Long Beach at the intersection of South Street and Cherry Avenue; thence easterly

along the boundary of said city and following the same in all its various courses to the point of beginning.

3. Also excepting therefrom that portion thereof within the following described boundaries: Beginning at an angle point in the boundary of the city of Long Beach at the intersection of Wardlow Road and Woodruff Avenue; thence westerly along the boundary of said city and following the same in all its various courses to the point of beginning.

4. Also excepting therefrom that portion thereof within the following described boundaries: Beginning at an angle point in the boundary of the city of Long Beach at the intersection of Woodruff Avenue and Conant Street; thence northerly along the boundary of said city and following the same in all its various courses to the point of beginning. (Ord. 9733 § 1 (part), 1969: Ord. 5791 § 14, 1951.)

§1.20.150 of the Los Angeles, CA County Code: Los Angeles Judicial District.

Los Angeles Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

All of Santa Catalina Island and San Clemente Island, both lying in the Pacific Ocean southwesterly from the Los Angeles Harbor.

Beginning at the northwest corner of Lot 2, Fractional Section 23, Township 2 North, Range 17 West, S.B.M., said corner being an angle point in the boundary of the city of Los Angeles; thence easterly along said boundary and following the same in all its various courses and curves to the most westerly northwesterly corner of the city of Huntington Park (in Slauson Avenue); thence southerly, easterly, southerly and easterly along the boundary of the city of Huntington Park to the centerline of Alameda Street (from the south); thence southerly along said centerline to the westerly prolongation of the northerly line of that certain parcel of land described in deed recorded in Book 19191, page 373 of Official Records, in the office of the recorder of the county of Los Angeles; thence easterly along said prolongation to the westerly boundary of the city of South Gate (along Alameda Street); thence southerly along the boundary of the city of South Gate to the northerly boundary of the city of Lynwood (along 103rd Street); thence westerly along said last-mentioned boundary of the city of Los Angeles; and following the same in all its various courses and curves to an angle point in the boundary of the city of Long Beach (in the Pacific Ocean); thence westerly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to its intersection with the centerline of La Cienega Boulevard (at 116th Street); thence southerly along said last-mentioned centerline to the centerline of 119th Place; thence westerly along said last-mentioned centerline to the southerly prolongation of that certain course

having a bearing and length of N 00° 05'53" W 306.99 feet in the westerly boundary of Parcel 1 of Parcel Map No. 18568, as shown on map filed in Book 213, pages 76 to 85 inclusive, of Parcel Maps, in the office of said recorder; thence northerly along said last-mentioned prolongation and continuing northerly along the boundary of said parcel map and following the same in all its various courses and curves to the centerline of 118th Street; thence westerly along said last-mentioned centerline to the centerline of Isis Avenue; thence northerly along said last-mentioned centerline to the boundary of the city of Los Angeles (along 116th Street); thence westerly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the most westerly corner of the city of El Segundo (in the Pacific Ocean); thence northwesterly along the boundary of the city of Los Angeles to the most southerly corner of the city of Santa Monica (in the Pacific Ocean); thence northeasterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the most westerly corner of the city of Santa Monica (in the Pacific Ocean); thence northwesterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the point of beginning.

Excepting therefrom those portions thereof within the boundaries of the judicial districts listed below:

Beverly Hills;

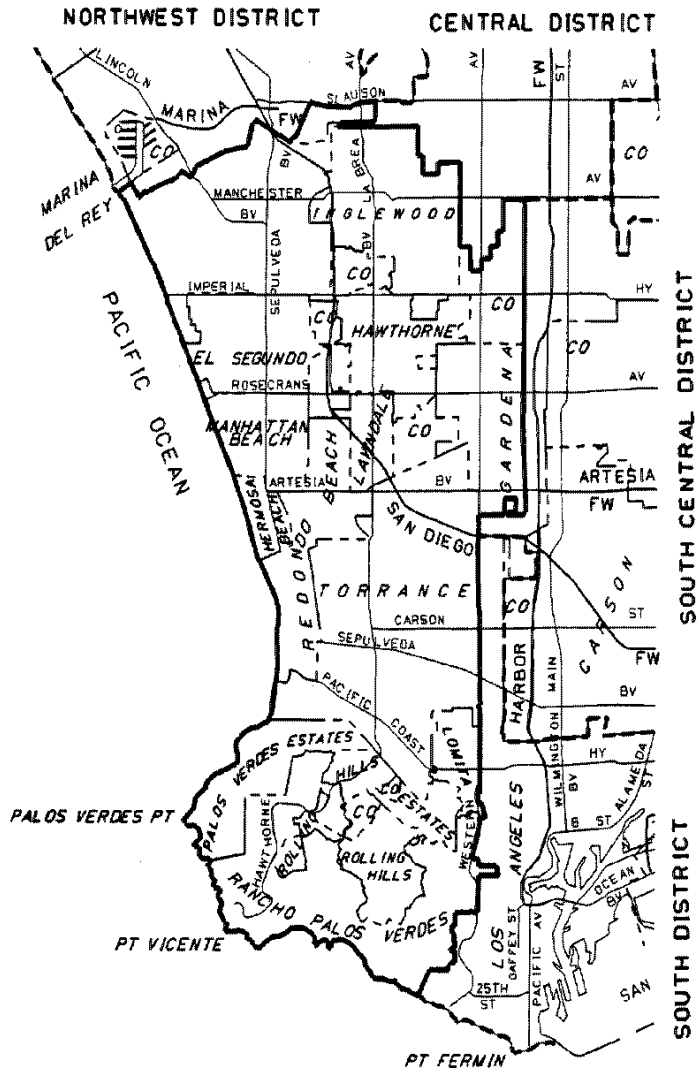
Culver;

Inglewood;

Santa Monica. (Ord. 99-0045 § 3, 1999: Ord. 94-0091 § 3, 1994: Ord. 84-0239 § 1, 1984: Ord. 9733 § 1 (part), 1969: Ord. 5791 § 15, 1951.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

⑦ SOUTHWEST DISTRICT



PART NAME : MSS.SP.D.CRM.SUP-COURT
PLOT FILE : MSS.SP.D.CRM.SUP-COURT.PL.077

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
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§1.16.140 of the Los Angeles, CA County Code: Southwest District.

The Southwest District hereby established shall consist of all that part of the county of Los Angeles lying within the boundaries of the entire Inglewood Judicial District, the entire South Bay Judicial District and that part of the Los Angeles Judicial District lying within the following described boundaries:

Beginning at the intersection of the centerline of La Tijera Boulevard and the northerly boundary of the city of Inglewood; thence northeasterly along said centerline of La Tijera Boulevard to the boundary of the city of Los Angeles; thence westerly along said last-mentioned boundary and following the same in all its various courses and curves to the most easterly corner of Lot 3 of Tract No. 25165 as shown on map recorded in Book 674, pages 30 to 34 inclusive, of Maps, in the office of the recorder of the county of Los Angeles; thence southwesterly in a direct line through the most southerly corner of said Lot 3 (said last-mentioned line being the approximate southeasterly line and its southwesterly prolongation of the Marina Del Rey Entrance Channel) to the boundary of said city of Los Angeles (in the Pacific Ocean); thence southeasterly along said last-mentioned boundary and following the same in all its various courses and curves to the point of beginning. (Ord. 9743 § 2 (part), 1969: Ord. 7626 Art. 2 § 27, 1959.)

§1.20.130 of the Los Angeles, CA County Code: Inglewood Judicial District.

The Inglewood Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

A. Parcel 1. Beginning at the most southerly corner of Centinela-Slauson Annexation No. 1 to the city of Culver City; thence southeasterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the northerly line of that portion of Slauson Avenue shown as Parcel 15 on map filed as Exhibit A in Case No. 267025 of the Superior Court of the state of California for the county of Los Angeles; thence westerly along said northerly line and continuing westerly along the northerly line of Slauson Avenue 100 feet wide, as shown on said map, to the boundary of the city of Culver City; thence southerly along said last-mentioned boundary and following the same in all its various courses to the point of beginning.

B. Parcel 2. Beginning at the northeast corner of Lot 4 of Fractional Section 20, Township 2 South, Range 14 West, S.B.M., said corner being an angle point in the boundary of the city of Los Angeles; thence easterly along the boundary of said city and following the same in all its various courses to its first intersection with the boundary of the city of Gardena; thence westerly along the boundary of said city of Gardena and following the same in all its various courses to the centerline of Rosecrans Avenue; thence westerly along said centerline to its first intersection with the boundary of the city of Hawthorne; thence southwesterly along said last-mentioned boundary and following the same in all its various courses to its first intersection with the boundary of the city of El Segundo; thence westerly along the boundary of said city of El Segundo and following the

same in all its various courses to its first intersection with the boundary of said city of Los Angeles (in the Pacific Ocean); thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the centerline of Isis Avenue (at 116th Street); thence southerly along said last-mentioned centerline to the centerline of 118th Street; thence easterly along said last-mentioned centerline to its first intersection with the boundary of Parcel Map No. 18568, as shown on map filed in Book 213, pages 76 to 85 inclusive, of Parcel Maps, in the office of the recorder of the county of Los Angeles; thence southerly along said last-mentioned boundary and following the same in all its various courses and curves to the northerly terminus of that certain course having a bearing and length of N 00° 05'53" W 306.99 feet in the westerly boundary of Parcel 1 of said parcel map; thence southerly along said certain course and its southerly prolongation to the centerline of 119th Place; thence easterly along said last-mentioned centerline to the centerline of La Cienega Boulevard; thence northerly along said last-mentioned centerline to its intersection with the boundary of the city of Los Angeles (at 116th Street); thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the point of beginning. (Ord. 99-0045 § 2, 1999: Ord. 9733 § 1 (part), 1969: Ord. 7747 § 1 (part), 1960: Ord. 6782 § 1 (part), 1955: Ord. 5791 § 13, 1951.)

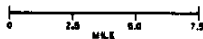
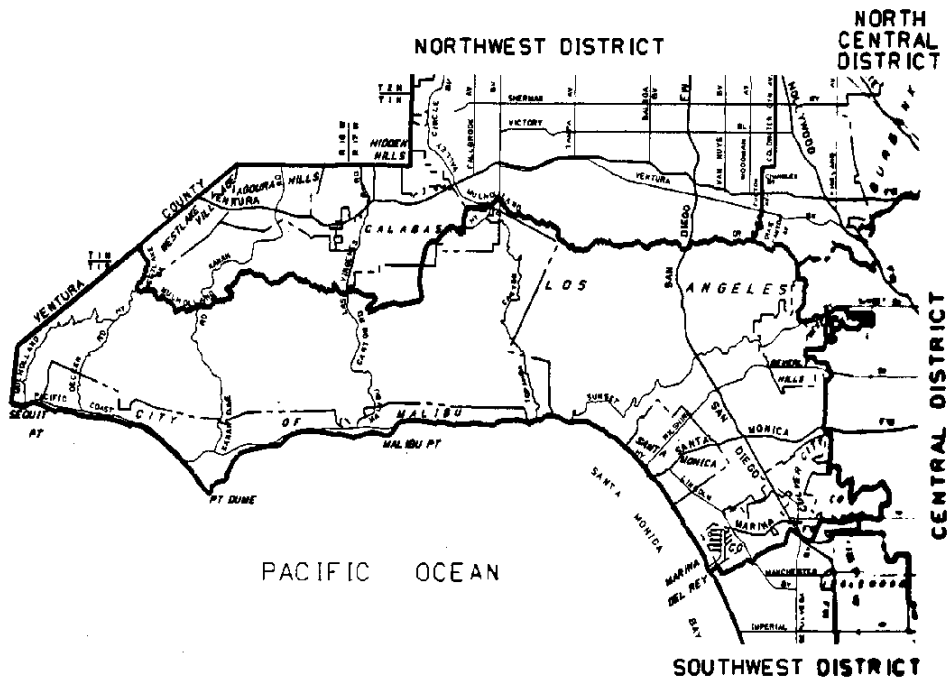
§1.20.240 of the Los Angeles, CA County Code: South Bay Judicial District.

The South Bay Judicial District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the most westerly corner of the city of Manhattan Beach (in the Pacific Ocean); thence easterly along the boundary of the city of El Segundo and following the same in all its various courses to its first intersection with the boundary of the city of Hawthorne; thence easterly along said last-mentioned boundary and following the same in all its various courses to the centerline of Rosecrans Avenue (east of Yukon Avenue); thence easterly along said centerline of Rosecrans Avenue to the boundary of the city of Gardena; thence northerly along the boundary of said last-mentioned city and following the same in all its various courses to its first intersection with the boundary of the city of Los Angeles; thence southerly along the boundary of said last-mentioned city and following the same in all its various courses and curves to the southwesterly boundary of the county of Los Angeles (in the Pacific Ocean); thence northwesterly along the boundary of said county and following the same in all its various courses and curves to the point of beginning. (Ord. 9733 § 1 (part), 1969: Ord. 7747 § 1 (part), 1960: Ord. 6782 § 1 (part), 1955: Ord. 5791 § 25, 1951.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

⑧ WEST DISTRICT



PART NAME : MSS.SPD.CKM.SUP-COURT
BY AT FILE : MCC.CAD.PCM.CID.CADIST.DI.OTD

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
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§1.16.150 of the Los Angeles, CA County Code: West District.

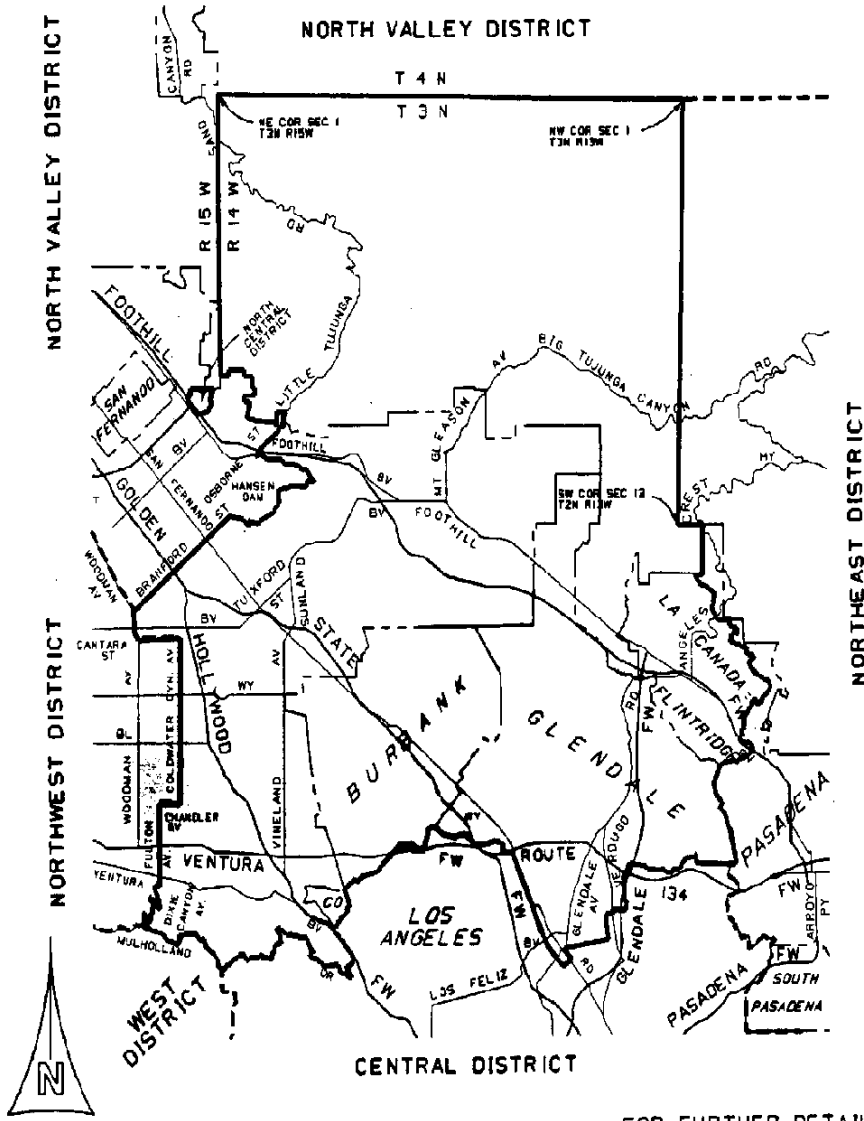
The West District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the intersection of the centerline of Decker Road, with the northwesterly boundary of the county of Los Angeles; thence southwesterly along the boundary of said county of Los Angeles and following the same in all its various courses and curves to its intersection (in the Pacific Ocean) with the southwesterly prolongation of a direct line which connects the most southerly and most easterly corners of Lot 3 of Tract No. 25166 as shown on map recorded in Book 674, pages 30 to 34 inclusive, of Maps, in the office of the recorder of the county of Los Angeles (said last-mentioned line being the approximate southeasterly line and its southwesterly prolongation of the Marina Del Rey Entrance Channel); thence northeasterly along said southwesterly prolongation and direct line to said most easterly corner of Lot 3; thence southwesterly along the boundary of the city of Los Angeles and following the same in all its various courses to the most southerly corner of the city of Culver City; thence southeasterly along the boundary of said city of Los Angeles and following the same in all its various courses and curves to the boundary of said city of Culver City; thence northerly along said last-mentioned boundary and following the same in all its various courses and curves to the centerline of La Cienega Avenue; thence northerly along said last-mentioned centerline and continuing northerly along the centerline of La Cienega Boulevard and following the same in all its various courses and curves to the boundary of said city of Los Angeles (just northerly of Olympic Boulevard); thence northeasterly along said last-mentioned boundary and following the same in all its various courses and curves to the west line of Section 6, Township 1 South, Range 14 West, S.B.M.; thence northerly along section line to the centerline of Mulholland Drive; thence westerly along said last-mentioned centerline and following the same in all its various courses and curves to the centerline of Mulholland Highway (approximately one-half mile westerly of Topanga Canyon Boulevard); thence southerly along said last-mentioned centerline to the boundary of said city of Los Angeles; thence northwesterly, westerly, southerly and westerly along said last-mentioned boundary to the center-line of Old Topanga Canyon Road; thence southerly, southwesterly and westerly along said last-mentioned centerline, and continuing westerly along the centerline of Mulholland Highway and following the same in all its various courses and curves to a line that is radial thereto and passes through the intersection of the northerly line of Mulholland Highway with said centerline of Decker Road (in the southeast quarter of Fractional Section 3, Township 1 South, Range 19 West, S.B.M.); thence northerly along said radial line to said intersection; thence northerly along said last-mentioned centerline and following the same in all its various courses and curves to the point of beginning.

Excepting therefrom that portion within the Inglewood Judicial District. (Ord. 9743 § 2 (part), 1969; Ord. 7626 Art. 2 § 28, 1959.)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

9 NORTH CENTRAL DISTRICT



FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
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§1.16.080 of the Los Angeles, CA County Code: North Central District.

The North Central District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Parcel 1

Beginning at the northeast corner of Section 1, Township 3 North, Range 15 West, S.B.M.; thence southerly along range line to the north line of Lot 13 in Section 31, Township 3 North, Range 14 West, S.B.M.; thence easterly along the boundary of the city of Los Angeles, and following the same in all its various courses to the centerline of Osborne Street; thence southwesterly, westerly and southwesterly along said centerline to the centerline of Eldridge Avenue; thence southeasterly along said last-mentioned centerline to the centerline of Foothill Boulevard; thence easterly along said last-mentioned centerline to the northwesterly prolongation of the northeasterly line of Parcel 230, as shown on Sheet 11 of the map of the Hansen Flood Control Basin, filed as County Surveyor's Filed Map No. 11880, on file in the office of the engineer of the county of Los Angeles; thence southeasterly along said northwesterly prolongation and northeasterly line to the northerly line of Parcel 231, as shown on said map; thence easterly in a direct line to the northeasterly corner of said Parcel 231; thence southeasterly in a direct line to the northwesterly corner of Parcel 243, as shown on Sheet 12 of said map; thence easterly along the exterior boundaries of the Hansen Flood Control Basin as shown on Sheet 1 of said map and following the same in all its various courses and curves to the centerline of Branford Street; thence southwesterly along said last-mentioned centerline to the centerline of Woodman Avenue; thence southeasterly along said last-mentioned centerline to the centerline of Wentworth Street; thence continuing southeasterly and southerly along said centerline of Woodman Avenue to the centerline of Cantara Street; thence easterly along said last-mentioned centerline to the centerline of Coldwater Canyon Avenue; thence southerly, southeasterly and southerly along said last-mentioned centerline to the centerline of Hatteras Street; thence southerly in a direct line to the intersection of said centerline of Coldwater Canyon Avenue, with the most northerly right-of-way line of Chandler Boulevard; thence westerly along said most northerly right-of-way line to the centerline of Fulton Avenue; thence southerly along said last-mentioned centerline to the centerline of Valley Vista Boulevard; thence westerly along said last-mentioned centerline to the centerline of Dixie Canyon Avenue; thence southeasterly along said last-mentioned centerline and following the same in all its various courses and curves to the centerline of Mulholland Drive; thence easterly along said last-mentioned centerline and following the same in all its various courses and curves to a line that is perpendicular to the northeasterly line of Cahuenga Boulevard West and that passes through the intersection of the southwesterly line of said Cahuenga Boulevard West with the easterly line of said Mulholland Drive; thence northeasterly along said perpendicular line to said northeasterly line of Cahuenga Boulevard West; thence northwesterly along said last-mentioned northeasterly line to the southeasterly line of Lot D, as shown on map filed in Case No. 70672 of the Superior Court of the state of California in and for said county; thence northeasterly along said southeasterly line to an angle point in the

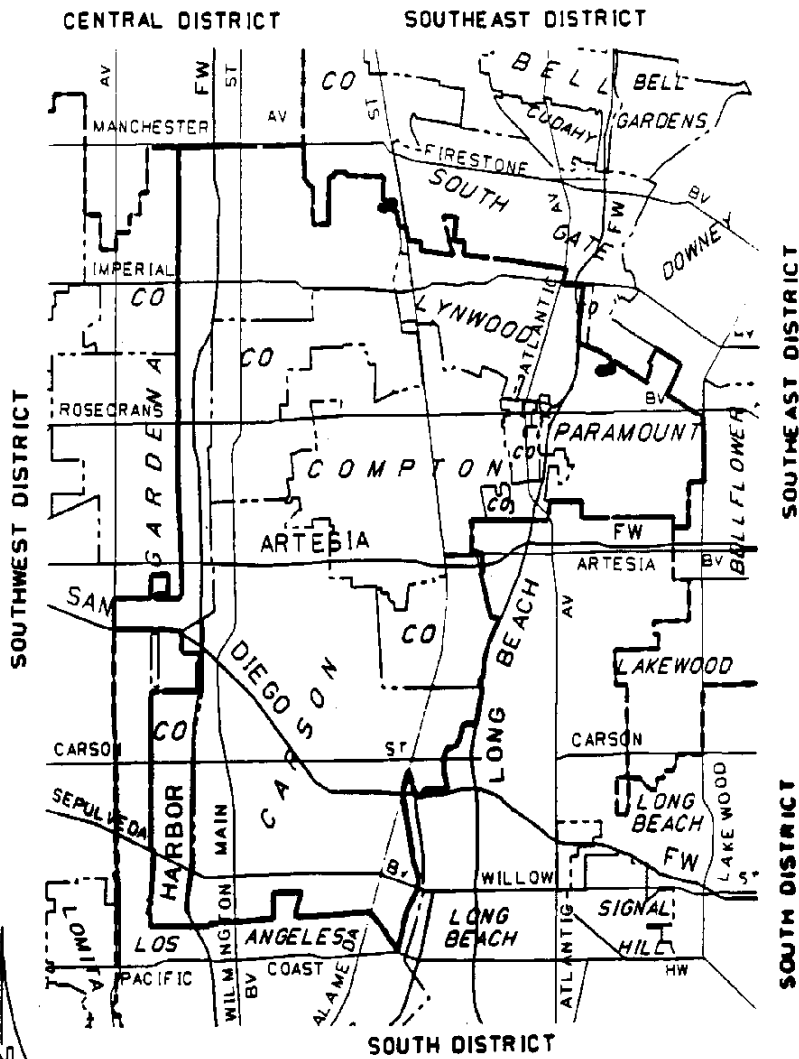
boundary of the city of Los Angeles; thence northeasterly along said last-mentioned boundary and following the same in all its various courses to the most southerly southeasterly corner of the "Lankershim Addition" annexation to the city of Los Angeles; thence northwesterly in a direct line approximately 75 feet to the most southerly corner of the city of Burbank; thence northeasterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to an angle point in the boundary of the city of Pasadena; thence easterly along said last-mentioned boundary and following the same in all its various courses and curves to the south line of Section 13, Township 2 North, Range 13 West, S.B.M.; thence westerly along section line to the southwest corner of said last-mentioned section; thence northerly along section lines to the south line of Township 3 North, Range 13 West, S.B.M.; thence westerly along township line to the southwest corner of Section 36, said last-mentioned township and range; thence northerly parallel with the range line between Ranges 12 and 13 West, S.B.M., to the township line between Townships 3 and 4 North, S.B.M.; thence westerly along said last-mentioned township line to the point of beginning.

Parcel 2

Beginning at the intersection of the westerly line of Lopez Canyon Road, 40 feet wide, described in deed, recorded in Book 10757, page 57 of Official Records, in the office of the recorder of the county of Los Angeles and the north line of Section 1, Township 2 North, Range 15 West, S.B.M.; thence westerly along section line to the first angle point in the boundary of the city of Los Angeles; thence continuing westerly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the point of beginning. (Ord. 83-0049 § 2, 1983; Ord. 7626 Art. 2 § 29, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

⑩ SOUTH CENTRAL DISTRICT



0 1 MILE
PART NAME : MSS.SP.CTRV.SUP-COURT
IN AT THE USE ONLY FOR SUP-COURT PLOT

FOR FURTHER DETAILS
DISTRICT BOUNDARIES C
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

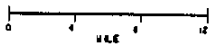
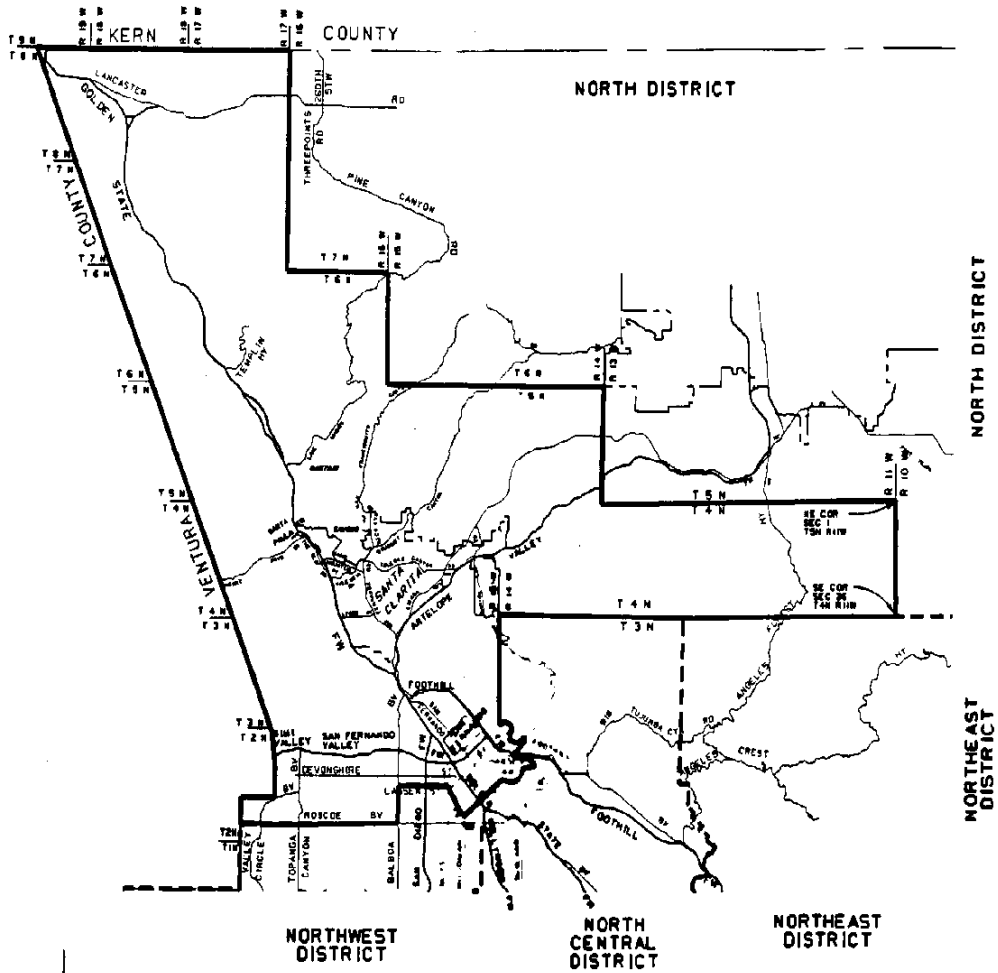
§1.16.120 of the Los Angeles, CA County Code: South Central District.

The South Central District hereby established shall consist of all that part of the county of Los Angeles lying within the boundaries of the Compton Judicial District and that part of the Los Angeles Judicial District lying within the following described boundaries:

Beginning at the intersection of the centerline of Vermont Avenue and the boundary of the city of Los Angeles, said intersection lying southerly along said centerline 190 feet from the centerline of Manchester Avenue; thence northerly along the centerline of Vermont Avenue to the centerline of Manchester Avenue; thence easterly along the centerline of Manchester Avenue to the first intersection with the boundary of the city of Los Angeles; thence easterly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the centerline of the San Diego Freeway; thence westerly along the centerline of the San Diego Freeway to the boundary of the city of Los Angeles (in Western Avenue); thence northerly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the point of beginning. (Ord. 11718 § 1 (part), 1978: Ord. 9935 § 1, 1969: Ord. 7626 Art. 2 § 30, 1959.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

11 NORTH VALLEY DISTRICT



PART NAME : MSS.SPDCM.SUP-COURT
DRAWN BY : MSS.SPDCM.SUP-COURT

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

§1.16.165 of the Los Angeles, CA County Code: North Valley District.

The North Valley District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

A. Beginning at the intersection of the north line of Section 33, Township 2 North, Range 17 West S.B.M., and the boundary of the county of Los Angeles; thence northerly along said boundary and following the same in all its various courses to the northeast corner of Section 1, Township 8 North, Range 17 West, S.B.M.; thence southerly along the range line between Ranges 17 and 16 West, S.B.M. to the southeast corner of Section 36, Township 7 North, Range 17 West, S.B.M.; thence easterly along the township line between Townships 6 and 7 North, S.B.M. to the northeast corner of Section 1, Township 6 North, Range 16 West, S.B.M.; thence southerly along the range line between Ranges 16 and 15 West, S.B.M. to the southeast corner of Section 36, said Township 6 North, Range 16 West, S.B.M.; thence easterly along the township line between Townships 5 and 6 North, S.B.M. to the northeast corner of Section 1, Township 5 North, Range 14 West, S.B.M.; thence southerly along the range line between Ranges 14 and 13 West, S.B.M. to the southeast corner of Section 36, said Township 5 North, Range 14 West, S.B.M.; thence easterly along the township line between Townships 4 and 5 North, S.B.M. to the northeast corner of Section 1, Township 4 North, Range 11 West, S.B.M.; ***thence southerly along the range line between Ranges 11 and 10 West, S.B.M. to the southeast corner of Section 36, said Township 4 North, Range 11 West, S.B.M.;**** thence westerly along the township line between Townships 3 and 4 North, S.B.M., to the northeast corner of Section 1, Township 3 North, Range 15 West, S.B.M.; thence southerly along range line between Ranges 15 and 14 West, S.B.M., to the north line of Lot 13 in Section 31, Township 3 North, Range 14 West, S.B.M.; thence easterly along the boundary of the city of Los Angeles and following the same in all its various courses to the centerline of Osborne Street; thence southwesterly, westerly and southwesterly along said last-mentioned centerline to the centerline of Eldridge Avenue; thence southeasterly along said last-mentioned centerline to the centerline of Foothill Boulevard; thence easterly along said last-mentioned centerline to the northwesterly prolongation of the northeasterly line of Parcel 230, as shown on Sheet 11 of the map of the Hansen Flood Control Basin, filed as County Surveyor's Filed Map No. 11880, in the office of the county engineer of said county; thence southeasterly along said northwesterly prolongation and northeasterly line to the northerly line of Parcel 231, as shown on said map; thence easterly in a direct line to the northeasterly corner of said Parcel 231; thence southeasterly in a direct line to the northwesterly corner of Parcel 243, as shown on Sheet 12 of said map; thence easterly along the exterior of boundaries of said Hansen Flood Control Basin as shown on Sheet 1 of said map, and following the same in all its various courses and curves to the centerline of Branford Street; thence southwesterly along said last-mentioned centerline to the centerline of Woodman Avenue; thence northwesterly along said last-mentioned centerline to the centerline of Lassen Street; thence westerly along said last-mentioned centerline to the centerline of Balboa Boulevard; thence southerly along said last-mentioned centerline to the centerline of Roscoe Boulevard; thence westerly along said last-mentioned

centerline and its westerly prolongation to the east line of Fractional Section 34, Township 2 North, Range 17 West, S.B.M.; thence northerly along said east line to the northeast corner of said last-mentioned section; thence westerly along section lines to the point of beginning.

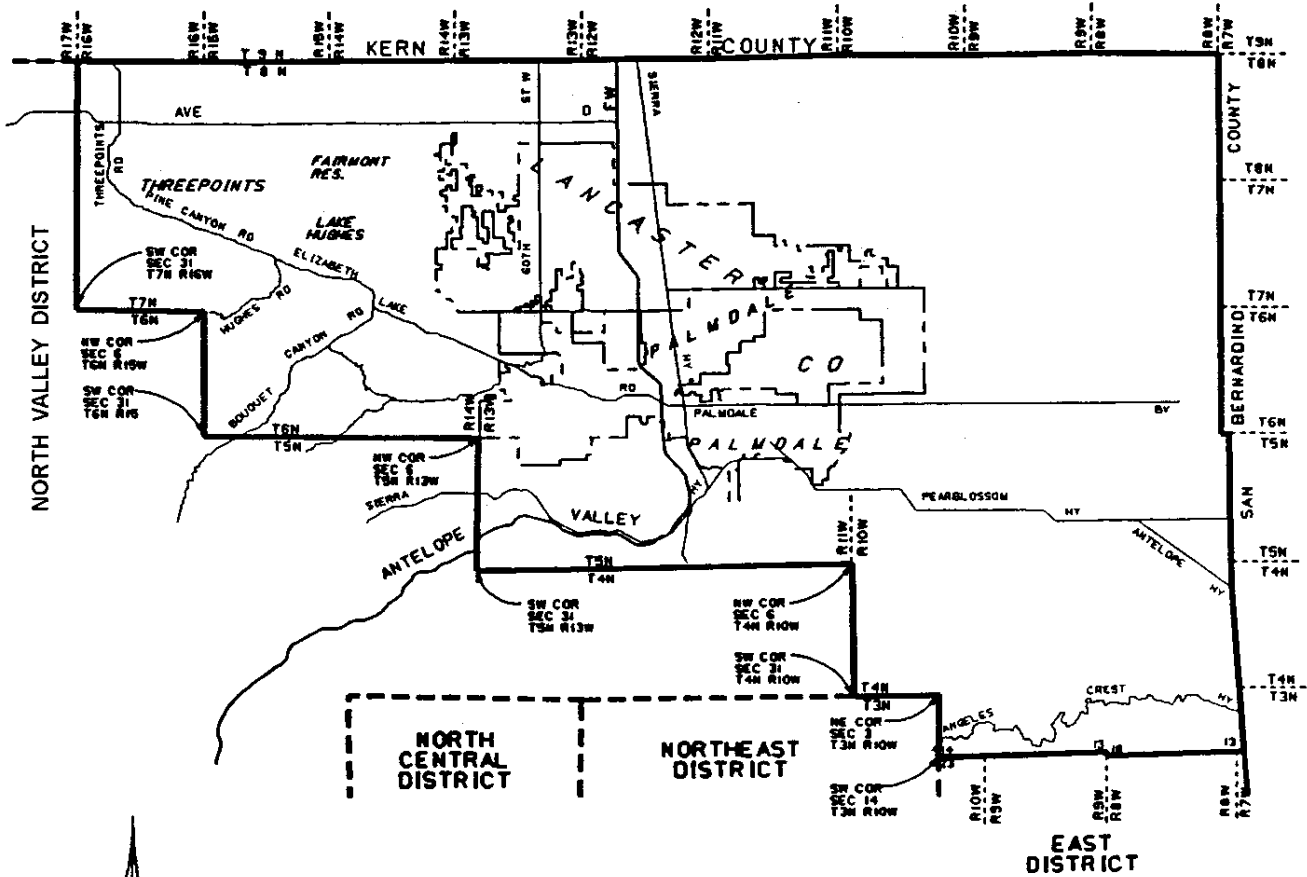
B. Excepting therefrom that portion thereof within the following described boundaries:

Beginning at the intersection of the westerly line of Lopez Canyon Road, 40 feet wide, described in deed recorded in Book 10757, page 57 of Official Records, in the office of the recorder of the county of Los Angeles, and the north line of Section 1, Township 2 North, Range 15 West, S.B.M.; thence westerly along section line to the first angle point in the boundary of the city of Los Angeles; thence continuing westerly along the boundary of the city of Los Angeles and following the same in all its various courses and curves to the point of beginning. (Ord. 92-0133 § 1, 1992: Ord. 83-0049 § 4, 1983.)

(* This portion of description was inadvertently omitted from the Ordinance.)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

(12) NORTH DISTRICT



PART NAME : MSS.SP.D.KRM.SUP.COURT

FOR FURTHER DETAILS ON
DISTRICT BOUNDARIES CALL
DEPT. OF PUBLIC WORKS
(626) 458 - 7035

§1.16.166 of the Los Angeles, CA County Code: North District.

The North District hereby established shall consist of all that part of the county of Los Angeles lying within the following described boundaries:

Beginning at the intersection of the boundary of the county of Los Angeles and the south line of Section 18, Township 3 North, Range 7 West, S.B.M.; thence westerly along said south line to the southwest corner of said section; thence southerly along the range line between Ranges 7 and 8 West, S.B.M. to the southeast corner of Section 13, Township 3 North, Range 8 West, S.B.M.; thence westerly along section lines to the southwest corner of Section 18, said last-mentioned township and range; thence northerly along the range line between Ranges 8 and 9 West, S.B.M. to the southeast corner of Section 13, Township 3 North, Range 9 West, S.B.M.; thence westerly along section lines to the southwest corner of Section 14, Township 3 North, Range 10 West, S.B.M.; thence northerly along section lines to the northeast corner of Section 3, said last-mentioned township and range; thence westerly along the township line between Townships 3 and 4 North, S.B.M., to the southwest corner of Section 31, Township 4 North, Range 10 West, S.B.M., thence northerly along the range line between Ranges 10 and 11 West, S.B.M. to the northwest corner of Section 6, said Township 4 North, Range 10 West, S.B.M.; thence westerly along the township line between Townships 4 and 5 North, S.B.M., to the southwest corner of Section 31, Township 5 North, Range 13 West, S.B.M.; thence northerly along the range line between Ranges 13 and 14 West, S.B.M. to the northwest corner of Section 6, said Township 5 North, Range 13 West, S.B.M.; thence westerly along the township line between Townships 5 and 6 North, S.B.M. to the southwest corner of Section 31, Township 6 North, Range 15 West, S.B.M.; thence northerly along the range line between Ranges 15 and 16 West, S.B.M. to the northwest corner of Section 6, said Township 6 North, Range 15 West, S.B.M.; thence westerly along the township line between Townships 6 and 7 North, S.B.M. to the southwest corner of Section 31, Township 7 North, Range 16 West, S.B.M.; thence northerly along the range line between Ranges 16 and 17 West, S.B.M., to said boundary of the county of Los Angeles; thence easterly and southerly along said boundary to the point of beginning. (Ord. 92-0133 § 2, 1992.)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

CHAPTER TWO
GENERAL PROVISIONS AND DISTRIBUTION
OF COURT BUSINESS

APPENDIX 2.B

ZIP CODE & COURTHOUSE LOCATION LIST

The following list of zip codes and courthouse locations is placed here at the end of Chapter Two to assist all persons with reference to Rule 2.3(a)(2) Mandatory Filing of Small Claims and Limited Civil Actions.

<u>ZIP CODE</u>	<u>COURTHOUSE LOCATION</u>
90001 (HUNT. PARK)	HUNTINGTON PARK
90001 (ALL OTHER)	STANLEY MOSK (COUNTY) COURTHOUSE
90002 (LYNWOOD)	COMPTON
90002 (ALL OTHER)	STANLEY MOSK (COUNTY) COURTHOUSE
90003-90007	STANLEY MOSK (COUNTY) COURTHOUSE
90008	SANTA MONICA
90009	SANTA MONICA (Unlawful Detainer)
90009	WEST LOS ANGELES (Small Claims)
90009	BEVERLY HILLS (Limited Civil)
90010-90021	STANLEY MOSK (COUNTY) COURTHOUSE
90022	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90022	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90023 (COUNTY AREA)	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90023 (COUNTY AREA)	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90023 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90023 (VERNON)	HUNTINGTON PARK
90024-90025	SANTA MONICA (Unlawful Detainer)
90024-90025	WEST LOS ANGELES (Small Claims)
90024-90025	BEVERLY HILLS (Limited Civil)
90026-90033	STANLEY MOSK (COUNTY) COURTHOUSE
90034-90035	SANTA MONICA (Unlawful Detainer)
90034-90035	WEST LOS ANGELES (Small Claims)
90034-90035	BEVERLY HILLS (Limited Civil)
90036-90037	STANLEY MOSK (COUNTY) COURTHOUSE
90038 (WEST HOLLYWOOD)	BEVERLY HILLS
90038 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90039	STANLEY MOSK (COUNTY) COURTHOUSE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

90040 (COMMERCE)	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90040 (COMMERCE)	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90040 (ALL OTHER)	HUNTINGTON PARK
90041-90042	STANLEY MOSK (COUNTY) COURTHOUSE
90043	SANTA MONICA
90044 (COUNTY AREA)	INGLEWOOD
90044 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90045 (DEL AIRE)	INGLEWOOD
90045 (ALL OTHER)	SANTA MONICA
90046	BEVERLY HILLS
90047 (COUNTY AREA)	INGLEWOOD
90047 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90048	BEVERLY HILLS
90049	SANTA MONICA (Unlawful Detainer)
90049	WEST LOS ANGELES (Small Claims)
90049	BEVERLY HILLS (Limited Civil)
90050-90055	STANLEY MOSK (COUNTY) COURTHOUSE
90056 (COUNTY AREA)	INGLEWOOD
90056 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90057	STANLEY MOSK (COUNTY) COURTHOUSE
90058 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90058 (VERNON)	HUNTINGTON PARK
90059 (COUNTY AREA)	COMPTON
90059 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90060	STANLEY MOSK (COUNTY) COURTHOUSE
90061 (COUNTY AREA)	COMPTON
90061 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90062	STANLEY MOSK (COUNTY) COURTHOUSE
90063 (COUNTY AREA)	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90063 (COUNTY AREA)	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90063 (LA CITY)	STANLEY MOSK (COUNTY) COURTHOUSE
90063 (MONTEREY PARK)	ALHAMBRA
90064	SANTA MONICA (Unlawful Detainer)
90064	WEST LOS ANGELES (Small Claims)
90064	BEVERLY HILLS (Limited Civil)
90065	STANLEY MOSK (COUNTY) COURTHOUSE
90066	SANTA MONICA
90067	SANTA MONICA (Unlawful Detainer)
90067	WEST LOS ANGELES (Small Claims)
90067	BEVERLY HILLS (Limited Civil)
90068	STANLEY MOSK (COUNTY) COURTHOUSE
90069	BEVERLY HILLS
90070-90072	STANLEY MOSK (COUNTY) COURTHOUSE
90073	SANTA MONICA
90074-90076	STANLEY MOSK (COUNTY) COURTHOUSE
90077	SANTA MONICA (Unlawful Detainer)
90077	WEST LOS ANGELES (Small Claims)
90077	BEVERLY HILLS (Limited Civil)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

90078-90079	STANLEY MOSK (COUNTY) COURTHOUSE
90080-90081	SANTA MONICA (Unlawful Detainer)
90080-90081	WEST LOS ANGELES (Small Claims)
90080-90081	BEVERLY HILLS (Limited Civil)
90082	STANLEY MOSK (COUNTY) COURTHOUSE
90083	SANTA MONICA (Unlawful Detainer)
90083	WEST LOS ANGELES (Small Claims)
90083	BEVERLY HILLS (Limited Civil)
90084-90089	STANLEY MOSK (COUNTY) COURTHOUSE
90091	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90091	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90093	STANLEY MOSK (COUNTY) COURTHOUSE
90094	SANTA MONICA
90095	SANTA MONICA (Unlawful Detainer)
90095	WEST LOS ANGELES (Small Claims)
90095	BEVERLY HILLS (Limited Civil)
90096	HUNTINGTON PARK
90097-90102	STANLEY MOSK (COUNTY) COURTHOUSE
90103	HUNTINGTON PARK
90174-90189	STANLEY MOSK (COUNTY) COURTHOUSE
90201-90202	HUNTINGTON PARK
90209-90213	BEVERLY HILLS
90220-90224	COMPTON
90230-90233	SANTA MONICA
90239-90242	DOWNEY
90245	INGLEWOOD
90247 (GARDENA)	TORRANCE
90247 (LA CITY)	SAN PEDRO
90248 (GARDENA)	TORRANCE
90248 (LA CITY)	SAN PEDRO
90248 (ALL OTHER)	COMPTON
90249	TORRANCE
90250-90251	INGLEWOOD
90254	TORRANCE
90255	HUNTINGTON PARK
90260	TORRANCE
90261	INGLEWOOD
90262	COMPTON
90263-90265	MALIBU
90266-90267	TORRANCE
90270	HUNTINGTON PARK
90272	SANTA MONICA
90274-90278	TORRANCE
90280	HUNTINGTON PARK
90290	MALIBU
90291	SANTA MONICA
90292	SANTA MONICA
90293-90294	SANTA MONICA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

90295 (COUNTY AREA)	SANTA MONICA
90295 (LA CITY)	SANTA MONICA (Unlawful Detainer)
90295 (LA CITY)	WEST LOS ANGELES (Small Claims)
90295 (LA CITY)	BEVERLY HILLS (Limited Civil)
90296	SANTA MONICA (Unlawful Detainer)
90296	WEST LOS ANGELES (Small Claims)
90296	BEVERLY HILLS (Limited Civil)
90301-90398	INGLEWOOD
90401-90411	SANTA MONICA
90501 (LA CITY)	SAN PEDRO
90501 (TORRANCE)	TORRANCE
90502 (COUNTY AREA)	COMPTON
90502 (LA CITY)	SAN PEDRO
90503-90510	TORRANCE
90601 (INDUSTRY)	WEST COVINA
90601 (ALL OTHER)	WHITTIER
90602- 90633*	WHITTIER
90637-90639*	DOWNEY
90640	EAST LOS ANGELES (Small Claims and Unlawful Detainer cases)
90640	STANLEY MOSK (COUNTY) COURTHOUSE (Civil)
90650-90659	DOWNEY
90660-90671	WHITTIER
90701-90703	BELLFLOWER
90704	CATALINA
90706-90707	BELLFLOWER
90710 (COUNTY AREA)	COMPTON
90710 (LA CITY)	SAN PEDRO
90711-90716	BELLFLOWER
90717 (LOMITA)	TORRANCE
90717 (LA CITY)	SAN PEDRO
90723	COMPTON
90731-90744	SAN PEDRO
90745-90747	COMPTON
90748	SAN PEDRO
90749	COMPTON
90755	LONG BEACH
90801-90804	LONG BEACH
90805 (LAKEWOOD)	BELLFLOWER
90805 (LONG BEACH)	LONG BEACH
90806-90807	LONG BEACH
90808 (COUNTY AREA)	BELLFLOWER
90808 (LONG BEACH)	LONG BEACH
90809	LONG BEACH
90810 (CARSON)	COMPTON
90810 (LA CITY)	SAN PEDRO
90810 (LONG BEACH)	LONG BEACH
90813-90899	LONG BEACH
91001-91003	PASADENA

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

91006-91010	ALHAMBRA
91011-91012	GLENDALE OR BURBANK
91016-91017	ALHAMBRA
91020-91021	GLENDALE OR BURBANK
91023-91031	PASADENA
91040 -91043	CHATSWORTH (Civil)
91040-91043	SAN FERNANDO (Small Claims only)
91046	GLENDALE OR BURBANK
91050-91051	PASADENA
91066-91077	ALHAMBRA
91101-91191	PASADENA
91201-91226	GLENDALE OR BURBANK
91301 (MALIBU LAKE)	MALIBU
91301 (ALL OTHER)	VAN NUYS
91302 (SOUTH OF MULHOLLAND)	MALIBU
91302 (ALL OTHER)	VAN NUYS
91303-91309	VAN NUYS
91310	SANTA CLARITA
91311-91313	CHATSWORTH
91316	VAN NUYS
91321-91322	SANTA CLARITA
91324-91326	CHATSWORTH
91327-91329	CHATSWORTH
91330	CHATSWORTH
91331-91334	CHATSWORTH (Civil)
91331-91334	SAN FERNANDO (Small Claims only)
91335-91337	VAN NUYS
91340-91342	CHATSWORTH (Civil)
91340-91342	SAN FERNANDO (Small Claims only)
91343- 91344	CHATSWORTH
91345-91346	CHATSWORTH (Civil)
91345-91346	SAN FERNANDO (Small Claims only)
91350 (AGUA DULCE)	ANTELOPE VALLEY
91350 (GREEN VALLEY)	ANTELOPE VALLEY
91350 (ALL OTHER)	SANTA CLARITA
91351	SANTA CLARITA
91352-91353	CHATSWORTH (Civil)
91352-91353	SAN FERNANDO (Small Claims only)
91354-91355	SANTA CLARITA
91356-91377	VAN NUYS
91380-91387	SANTA CLARITA
91388	VAN NUYS
91390 (AGUA DULCE)	ANTELOPE VALLEY
91390 (ALL OTHER)	SANTA CLARITA
91392-91395	CHATSWORTH (Civil)
91392-91395	SAN FERNANDO (Small Claims only)
91396-91499	VAN NUYS
91501- 91526	GLENDALE OR BURBANK

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

91601-91618	VAN NUYS
91702-91706	WEST COVINA
91711	POMONA
91714-91724	WEST COVINA
91731-91735	EL MONTE
91732 (INDUSTRY)	WEST COVINA
91732 (EL MONTE)	EL MONTE
91740-91741	WEST COVINA
91744 (LA PUENTE)	EL MONTE
91744 (ALL OTHER)	WEST COVINA
91745 (WHITTIER)	WHITTIER
91745 (ALL OTHER)	WEST COVINA
91746 (LA PUENTE)	EL MONTE
91746 (ALL OTHER)	WEST COVINA
91747	EL MONTE
91748	WEST COVINA
91749	EL MONTE
91750	POMONA
91754-91756	ALHAMBRA
91759*	POMONA
91765-91769	POMONA
91770 (ROSEMEAD)	EL MONTE
91770 (ALL OTHER)	ALHAMBRA
91771-91772	EL MONTE
91773	POMONA
91775-91780	ALHAMBRA
91788	POMONA
91789 (INDUSTRY)	WEST COVINA
91789 (ALL OTHER)	POMONA
91790-91793	WEST COVINA
91795	POMONA
91797	WEST COVINA
91799	POMONA
91801-91899	ALHAMBRA
92397*	ANTELOPE VALLEY
92823*	POMONA
93243*	SANTA CLARITA
93510-93523*	ANTELOPE VALLEY
93532 (SANDBERG)	SANTA CLARITA
93532 (ALL OTHER)	ANTELOPE VALLEY
93534-93535	ANTELOPE VALLEY
93536 (NEENACH)	SANTA CLARITA
93536 (ALL OTHER)	ANTELOPE VALLEY
93539-93599*	ANTELOPE VALLEY

*These zip codes apply only to lawsuits that fall within Los Angeles County.

Revised and effective 1/1/08.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**CHAPTER TWO
GENERAL PROVISIONS AND DISTRIBUTION
OF COURT BUSINESS**

APPENDIX 2.C

**CHART OF REPORTER ASSIGNED & UNASSIGNED
CIVIL COURTROOMS
FOR THE SUPERIOR COURT, COUNTY OF LOS ANGELES,
ARRANGED ADMINISTRATIVELY BY DISTRICT
(Ref. L.A.S.C. LOCAL RULE 2.21 Court Reporting In Civil, Family Law, and
Probate Cases)**

Column A COURT DISTRICT	Column B DEPARTMENTS THAT NORMALLY HAVE A REPORTER	Column C DEPARTMENTS THAT NORMALLY DO NOT HAVE A REPORTER
CENTRAL DISTRICT Stanley Mosk (County) Courthouse 111 North Hill Street Los Angeles 90012	Unlimited Civil 1, 1A, 3, 12, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 61, 62, 64, 68, 69, 71, 72, 74, 78, 85, 86, 89, 96 Civil Harassments 75 Family Law 2, 2B, 2C, 2D, 6, 7, 8, 22, 27, 43, 46, 60, 63, 65, 67, 79, 82, 83, 84, 87, 88 Probate 5, 9, 11, 99	Limited Civil 10, 73, 76, 77, 80, 81 Miscellaneous Limited & Unlimited Civil 97 Unlawful Detainer 94, 97 Settlement Courts 4, 18, 21, 98 Small Claims 90
East Los Angeles Courthouse 4848 East Civic Center Way Los Angeles 90022	Unlimited Civil n/a Family Law n/a Probate n/a Unlawful Detainer 7* Small Claims 7*	Limited Civil n/a

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Column A COURT DISTRICT	Column B DEPARTMENTS THAT NORMALLY HAVE A REPORTER	Column C DEPARTMENTS THAT NORMALLY DO NOT HAVE A REPORTER
Central Civil West Courthouse 600 South Commonwealth Avenue, Los Angeles 90005	Unlimited Civil . . . 307, 308, 309, 322, 323, 324 Family Law . . . 2E, 2F, 2G, 2H Probate n/a	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a
East District Pomona Courthouse South 400 Civic Center Plaza Pomona 91766	Unlimited Civil . . . G, H, J, O, R Family Law B, C, D Probate A	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a
Pomona Courthouse North 350 West Mission Blvd Pomona 91766	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 5 Unlawful Detainer 5 Small Claims 5
El Monte Courthouse 11234 East Valley Boulevard El Monte 91731	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 1 Unlawful Detainer 1 Small Claims 1
West Covina Courthouse 1427 West Covina Parkway West Covina 91790	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 2 Unlawful Detainer 2 Small Claims 2
North District Antelope Valley Courthouse 42011 4 th Street West Lancaster 93534	Unlimited Civil A-10, A-11 Family Law A-12, A-13 Probate A-12 Limited Civil A-10*, A-11* Unlawful Detainer A-10*, A-11* Small Claims A-10* A-11*, A-16*	
North Central District Burbank Courthouse 300 East Olive Burbank 91502	Unlimited Civil A, B Family Law C Probate n/a Unlawful Detainer A*, B*	Limited Civil n/a Small Claims n/a
Glendale Courthouse 600 East Broadway Glendale 91206	Unlimited Civil D, E Family Law n/a Probate n/a	Limited Civil 3 Unlawful Detainer 3 Small Claims 5

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Column A COURT DISTRICT	Column B DEPARTMENTS THAT NORMALLY HAVE A REPORTER	Column C DEPARTMENTS THAT NORMALLY DO NOT HAVE A REPORTER
Northeast District Pasadena Courthouse 300 East Walnut Avenue Pasadena 91101	Unlimited Civil: P, R, S Family Law K, L Probate A	Limited Civil n/a Unlawful Detainer n/a Small Claims 7
Alhambra Courthouse 150 West Commonwealth Alhambra 91801	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 2 Unlawful Detainer 2 Small Claims 2
North Valley District San Fernando Courthouse 900 Third Street San Fernando 91340	Unlimited Civil n/a Family Law J, K Probate n/a	Limited Civil n/a/ Unlawful Detainer n/a
Chatsworth Courthouse 9425 Penfield Avenue Chatsworth 91311	Unlimited Civil . . F46, F47, F49 F50 Family Law n/a Probate n/a	Limited Civil F44 Unlawful Detainer F43 Small Claims F43
Santa Clarita Courthouse 23747 West Valencia Blvd. Santa Clarita 91355	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 4 Unlawful Detainer 4 Small Claims 4
Northwest District Van Nuys Courthouse East 6230 Sylmar Avenue Van Nuys 91401	Unlimited Civil B, D, I, M, Q, T, Y Family Law J, K, L Probate C	Limited Civil . . . 106, 108, H Unlawful Detainer P Small Claims Z
South District Long Beach Courthouse 415 West Ocean Boulevard Long Beach 90802	Unlimited Civil 11, B, H Family Law A, N Probate 11	Limited Civil 4, G Unlawful Detainer Small Claims
San Pedro Courthouse 505 South Centre San Pedro 90731	Unlimited Civil 85, 86 Family Law (TRO) 88A Probate n/a	Limited Civil 87 Unlawful Detainer 88A Small Claims 88A
San Pedro Courthouse Annex 638 South Beacon San Pedro 90731	Unlimited Civil 88C Family Law n/a Probate n/a	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Column A COURT DISTRICT	Column B DEPARTMENTS THAT NORMALLY HAVE A REPORTER	Column C DEPARTMENTS THAT NORMALLY DO NOT HAVE A REPORTER
Catalina Courthouse 215 Summer Avenue P.O. Box 677 Avalon 90704	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 001** Unlawful Detainer 001** Small Claims 001** <i>** (Court in session only on Fridays)</i>
South Central District Compton Courthouse 200 West Compton Boulevard Compton 90220	Unlimited Civil A, B, Family Law M Probate n/a	Limited Civil N Unlawful Detainer N Small Claims N
Southeast District Norwalk Courthouse 12720 Norwalk Boulevard Norwalk 90650	Unlimited Civil . . . C, D, E, F, G, H, K, P, R, W Family Law A, Y, Z Probate L	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a
Bellflower Courthouse 10025 East Flower Street Bellflower 90706	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 1 Unlawful Detainer 1 Small Claims 1
Downey Courthouse 7500 East Imperial Highway Downey 90241	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 8 Unlawful Detainer 1 Small Claims 1
Huntington Park Courthouse 6548 Miles Avenue Huntington Park 90255	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 2 Unlawful Detainer 2 Small Claims 2
Whittier Courthouse 7339 South Painter Avenue Whittier 90602	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil 6 Unlawful Detainer 6 Small Claims 6
Southwest District Torrance Courthouse 825 Maple Avenue Torrance 90503	Unlimited Civil B, D, E Family Law H, J Probate 1 Civil Harassments 8 Small Claims 8* Unlawful Detainer 8*	Limited Civil 1
Inglewood Courthouse One Regent Street Inglewood 90301	Unlimited Civil n/a Family Law N Probate n/a	Limited Civil 8 Unlawful Detainer n/a Small Claims n/a

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<u>Column A</u> COURT DISTRICT	<u>Column B</u> DEPARTMENTS THAT NORMALLY HAVE A REPORTER	<u>Column C</u> DEPARTMENTS THAT NORMALLY DO NOT HAVE A REPORTER
Redondo Beach Courthouse 117 West Torrance Boulevard Redondo Beach 90277	Unlimited Civil 9, 11, M Family Law n/a Probate n/a	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a
West District Santa Monica Courthouse 1725 Main Street Santa Monica 90401	Unlimited Civil A, B, F, I, J, K, M, N (<i>except Fridays</i>), O, P, R Family Law E Probate N (<i>Fridays</i>) Limited Civil D* (<i>Monday-Friday</i>)	Unlawful Detainer (<i>Monday & Wednesday</i>) S Small Claims (<i>Monday</i>) S (<i>Tuesday - Friday</i>) Q
Beverly Hills Courthouse 9355 Burton Way Beverly Hills 90210	Unlimited Civil X Family Law n/a Probate n/a Limited Civil 6* Unlawful Detainer 6* Small Claims 6*	Small Claims 4 Limited Civil 5
Malibu Courthouse 23525 West Civic Center Way Malibu 90265	Unlimited Civil W Family Law n/a Probate n/a Limited Civil 1*, 3* Unlawful Detainer 1* Small Claims 3*	
West Los Angeles Courthouse 1633 Purdue Avenue Los Angeles 90025	Unlimited Civil n/a Family Law n/a Probate n/a	Limited Civil n/a Unlawful Detainer n/a Small Claims n/a

(Rev. 07/2011)

CHAPTER THREE CIVIL DIVISION

APPENDIX 3.A

GUIDELINES FOR CIVILITY IN LITIGATION

The court adopts the following “guidelines” for civility in litigation recommended by the Los Angeles County Bar Association. The trial court has the discretion whether or not to enforce these guidelines in a particular case.

(a) Continuances and Extensions of Time.

(1) First requests for reasonable extensions of time to respond to litigation deadlines, whether relating to pleadings, discovery or motions, should be granted as a matter of courtesy unless time is of the essence, even where the requesting counsel has previously refused to grant an extension.

(2) After a first extension, the decision on any request for an additional extension of time should balance the need for expedition against the deference one should ordinarily give to an opponent’s schedule of professional and personal engagements, the reasonableness of the length of extension requested, the opponent’s willingness to grant reciprocal extensions, the time actually needed for the task, and whether it is likely a court would grant the extension if asked to do so.

(3) A lawyer should advise clients against the strategy of granting no time extensions for the sake of appearing “tough.”

(4) A lawyer must not seek extensions or continuances for the purpose of harassment or prolonging litigation.

(5) A lawyer must not attach unfair and extraneous conditions to granting a requested extension. A lawyer is entitled to impose conditions that preserve the rights that an extension might jeopardize or that impose reciprocal scheduling concessions. A lawyer should not seek to preclude an opponent’s substantive rights, such as his or her right to move against a complaint.

(b) Service of Papers.

(1) The timing and manner of service of papers must not be used to the disadvantage of the party receiving the papers.

(2) Papers must not be served so close to a court appearance as to inhibit the ability of opposing counsel to prepare for that appearance or, where permitted by law, to respond to the papers.

(3) Papers must not be served in order to take advantage of an opponent’s absence from the office or at a time designed to be inconvenient, such as late on Friday afternoon or the day preceding a secular or religious holiday.

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(4) Service must be made personally or by facsimile transmission when it is likely that service by mail, though permitted by law, will prejudice the opposing party.

(c) Written Submissions to a Court, Including Briefs, Memoranda, Affidavits and Declarations.

(1) Written briefs or memoranda or points and authorities must not rely on facts not properly part of the record. A litigant may present historical, economic, or sociological facts that are a matter of common knowledge.

(2) Written submissions and oral presentations must not disparage the intelligence, ethics, morals, integrity or personal behavior of an adversary, unless directly and necessarily in issue.

(d) Communications With Adversaries.

(1) Counsel should at all times be civil and courteous in communicating with adversaries, whether in writing or orally.

(2) Letters must not be written to impute to an adversary a position not actually taken by him or her or to create “a record” of events that have not occurred.

(3) Letters intended only to make a record should be used sparingly and only when thought to be necessary under all the circumstances.

(4) Unless specifically permitted or invited by the court, letters between counsel must not be sent to judges.

(e) Depositions.

(1) Depositions must be taken only where actually needed to ascertain facts or information or to perpetuate testimony. They must never be used as a means of harassment or to generate expense.

(2) In scheduling depositions, reasonable consideration should be given to accommodating schedules of opposing counsel and the deponent, where possible to do so without prejudicing the client’s rights.

(3) When a deposition has been noticed by another party for a date in the reasonably near future, counsel should not notice another deposition for an earlier date that could interfere with the first noticed deposition without the agreement of opposing counsel.

(4) Counsel must not attempt to postpone a deposition for dilatory purposes, and may only seek delay to meet real scheduling problems.

(5) Counsel should not inquire into a deponent’s personal affairs or question a deponent’s integrity unless the inquiry is relevant to a material issue in the action.

(6) Counsel should refrain from repetitive, argumentative, or harassing questions.

(7) Counsel defending a deposition must limit objections to well founded legal objections that are necessary to protect the client’s interest. Counsel should bear in mind that most objections are preserved and need be interposed to the form of a question or to assert a privilege.

(8) While a question is pending, counsel must not, through objections or otherwise, coach the deponent or suggest answers.

(9) Counsel must not direct a deponent to refuse to answer questions unless they seek privileged information.

(10) Counsel must refrain from self-serving speeches during a deposition.

(11) Counsel must not engage in any conduct during a deposition that would not

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be allowed in court.

(f) Document Demands.

(1) Demands for production of documents should be limited to documents actually and reasonably believed to be needed for the prosecution or defense of an action and must not be made to harass or embarrass a party or witness or to impose an inordinate burden or expense in responding.

(2) Demands for document production should not be so broad as to encompass documents clearly not relevant to a material issue in the case.

(3) In responding to document demands, counsel must not interpret the requests in an artificially restrictive manner in order to avoid disclosure.

(4) Documents may be withheld on the grounds of privilege only where appropriate.

(5) Counsel must not produce documents in a disorganized or unintelligible fashion, or in a way calculated to hide or obscure the existence of particular documents.

(6) Document production must not be delayed to prevent opposing counsel from inspecting documents prior to scheduled depositions or for other improper tactical reason.

(g) Interrogatories.

(1) Interrogatories should be used sparingly and never to harass or impose undue burden or expense on an adversary.

(2) Interrogatories must not be interpreted by the recipient in an artificially restrictive manner in order to avoid answers that are truly responsive.

(3) Objections to interrogatories must be based on a good faith belief in their merit and not for the purpose of withholding relevant information. If an interrogatory is objectionable only in part, the unobjectionable portion must be answered.

(h) Motion Practice.

(1) Before filing a motion, counsel shall engage in more than a mere *pro forma* discussion of its merit in an effort to resolve the issue.

(2) A lawyer must not force an adversary to make a motion and then not oppose it.

(i) Dealing with Non-Party Witness.

(1) Counsel must not issue subpoenas to non-party witnesses except for appearance at a hearing, trial, or deposition.

(2) Deposition subpoenas must be accompanied by notices of deposition with service on all counsel.

(3) Where counsel obtains documents pursuant to a deposition subpoena, copies of the documents must be made available to the adversary at the expense of the party issuing the subpoena even if the deposition is canceled or adjourned.

(j) Ex Parte Communications with the Court.

(1) A lawyer must avoid *ex parte* communication with a judge (or the judge's research attorney) on the substance of a case pending before that judge. (2) Where the law permits an *ex parte* application to the court, a lawyer must make diligent efforts to notify the opposing party or a lawyer known to represent or likely to represent the opposing party and make reasonable efforts to accommodate the schedule of the party or lawyer to permit that person to be present when the application is made.

(3) Where an *ex parte* application is made to the court in a situation of

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irreparable harm or immediate danger (Cal. Rules of Court, rule 3.1202(c)), a lawyer must make the application (including an application for an order shortening time) only where a the harm or danger actually exists so that the lawyer's client will be seriously prejudiced by a failure to make the application on regular notice.

(k) Settlement and Alternative Dispute Resolution.

(1) Except where strong and overriding issues of principle preclude settlement, an attorney must raise and explore the issue of settlement in every case as soon as enough is known about the case to make settlement discussions meaningful.

(2) Counsel must not falsely hold out the possibility of settlement as a means for adjourning discovery or delaying trial.

(3) In every case, counsel should consider and discuss with the client whether the client's interest could be adequately served and the controversy more expeditiously and economically disposed of by arbitration, mediation, or other form of alternative dispute resolution.

(4) Counsel are encouraged to discuss the various alternative dispute resolution processes with the client and explain the confidential and non-binding nature of specific procedures.

(l) Trials and Hearings.

(1) Counsel must be punctual and prepared for any court appearance.

(2) Counsel must always treat parties, counsel, witnesses, jurors or prospective jurors, court personnel, and the judge with courtesy and civility.

CHAPTER THREE CIVIL DIVISION

ALTERNATE DISPUTE RESOLUTION

APPENDIX 3.B

CIVIL MEDIATION PANEL REQUIREMENTS

SELECTION PROCESS:

I. Random Select Panel

To utilize the Random Select Panel, the parties must provide the case criteria, which includes the type of ADR process requested, area of law, jurisdiction, location, and special needs, if any, to the ADR staff. The ADR staff will enter the case criteria on the Court website which then selects, on a random basis, one neutral who meets the case criteria. The fact that the randomly selected mediator is not an attorney will not be ground for disqualification

II. Party Select Panel

To utilize the Party Select Panel, the parties may enter the case criteria on the Court website and make their choice of a particular neutral from the Party Pay Panel. In order to avoid neutral conflict or unavailability, the parties may select the names of two neutrals and enter their names on the ADR Case Referral Intake in order of preference.

QUALIFICATION PROCESS

The following minimum qualifications are required to join the Civil Mediation Panel:

I. Random Select Panel

A. ALL APPLICANTS

A minimum of 40 hours mediation training in the following areas:

1. Core/Classroom Training

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A minimum of 20 hours training from a single mediation training provider whose curriculum includes the following content:

- a. Principles of Alternative Dispute Resolution, including mediation theories and styles
- b. Confidentiality
- c. Ethics
- d. Initiating the mediation process – convening, opening
- e. Managing the mediation process – negotiating, caucus strategies, managing parties/relationships, managing content
- f. Effective communication techniques – between parties and mediator and between parties
- g. Managing challenges in dealing with different cultures, gender differences, language barriers, and other unique situations
- h. Methods for breaking impasse
- i. Methods of bringing closure to the process – emotional and documentary

2. Practical Training

- a. A minimum of 10 hours mediating the litigated case training, which may include role play, observation and lecture, from a single training provider (the provider may be the same one used to complete Part A.1. or it may be a different provider); and
- b. Completion of 5 mediations (either litigated cases or community-based cases) that are at least two hours in length.

B. NON-ATTORNEY APPLICANTS

In addition to the requirements in Part A, the following requirements must be met:

1. Bachelor's degree from an accredited college or university.
2. A minimum of 3 hours litigation nuts and bolts training from a single training provider (the provider may be the same one used to complete Part A.1. and/or A.2. or it may be a different provider) whose curriculum includes legal terminology, and litigation processes, rules, and procedures.

C. ATTORNEY APPLICANTS

In addition to the requirements in part A, proof of membership in good standing with a State Bar must be provided.

D. NON-ATTORNEY APPLICANTS

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In addition to the requirements in part A, the following must be provided:

1. Copy of bachelor's diploma from accredited university or college.
2. Proof of membership in good standing with all applicable licensing agencies.
3. Certificate of completion of legal nuts and bolts training required in part B of the Qualification Process section.
4. Completed LASC Security Clearance. (State Bar membership that includes a background check satisfies this requirement.)
5. Completed Request for Live Scan Service. (State Bar membership that includes fingerprinting satisfies this requirement.)

II. Party Select Panel:

1. Completion of at least twenty-five (25) Random Select court-annexed mediations from the L.A. Superior Court, each with a minimum hearing time of two (2) hours. Mediators who have previously met this requirement through prior service on the Court's panel will be eligible;
2. Continuing membership in the Court's existing Random Select Mediation Panel and completion of at least four (4) random select mediations for the LASC each year;
3. Agreement to provide convening time, brief review and, preparation time on a pro bono basis. The parties (collectively) may be charged \$150.00 per hour for the first three (3) hours of hearing time. Thereafter, the parties may be charged for additional hearing time on an hourly basis at rates established by the mediator if the parties consent thereto in writing;
4. Completion of ten (10) hours of Continuing Education (CE) annually, five (5) hours of which shall involve advanced mediation skills training and five (5) of which shall involve education in substantive areas of the law, and submission of a CE compliance affidavit to the ADR Office each year;
5. Maintenance of a place of business in which to conduct mediations, or the ability to conduct mediations in an attorney's or client's place of business. If such place of business is in the mediator's home, the mediator must have technological and administrative support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the mediator or his/her staff); and
6. Each party select panelist must continue membership in the LASC Civil Random Select Mediation Panel and comply with its requirements.

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REQUIREMENTS FOR ALL CIVIL MEDIATION PANEL MEMBERS

1. Completed Application for Appointment to ADR Panel (LAADR 006), available at <http://www.lasuperiorcourt.org/adr>. The application requires information about the applicant's demonstrated experience in the areas of law or subject matter selected to mediate.
2. Certificate of completion of Core/Classroom Training required in part A.1. of the Qualification Process section.
3. Certificate of completion of Practical Training required in part A.2. of the Qualification Process section.
4. Submit the completed ADR Neutral Confirmation (LAADR 054) certifying awareness of and agreement to comply with all statutes, rules, policies, procedures, and processes related to LASC mediation, including the Rules of Conduct for Mediators in Court-Connected Mediation Programs.
5. Attend the first available LASC Court-Annexed ADR Neutral Orientation. NOTE: No assignments will be made until this requirement has been met.
6. Maintain a place of business to conduct mediations, or have the ability to conduct mediations in an attorney's or client's place of business. If the place of business is the mediator's home, the mediator must have space to accommodate confidential discussions and have technological support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the mediator or his/her staff). Indicate if place of business is ADA compliant.
7. Participate in the Random Select Mediation Panel by making himself/herself available to accept a minimum of one (1) case per month and actually mediating at least two (2) court cases assigned from the panel per year.
8. Agree to be observed by and receive feedback from the ADR Administrator or designee at any time during an assigned Court mediation.
9. Attend 15 hours of continuing mediation training every three years.
10. Submit every three years thereafter:
 - a. A short form application indicating changes related to applicant's experience, licensing, education, and other pertinent areas;
 - b. Certificates of completion demonstrating compliance with the continuing

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education requirement for each year after the initial application is accepted;
and

- c. Proof of membership in good standing with the State Bar and/or other applicable licensing agencies.

CHAPTER THREE CIVIL DIVISION

ALTERNATE DISPUTE RESOLUTION

APPENDIX 3.C

CIVIL NEUTRAL EVALUATION PANEL REQUIREMENTS

SELECTION PROCESS:

I. Random Select Panel

To utilize the Random Select Panel, the parties must provide the case criteria, which includes the type of ADR process requested, area of law, jurisdiction, location, and special needs, if any, to the ADR staff. The ADR staff will enter the case criteria on the Court website which then selects, on a random basis, one neutral who meets the case criteria.

II. Party Select Panel

To utilize the Party Select Panel, the parties may enter the case criteria on the Court website and make their choice of a particular neutral from the Party Pay Panel. In order to avoid neutral conflict or unavailability, the parties may select the names of two neutrals and enter their names on the ADR Case Referral Intake in order of preference.

QUALIFICATION PROCESS

The following qualifications are required to join the Civil Neutral Evaluation (NE) Panel:

I. Random Select Panel

10. Active or inactive membership in good standing with the California State Bar;
11. Minimum ten (10) years legal experience;

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12. Expertise in the substantive law of the case;
13. Attend neutral evaluation orientation training (no assignments will be made until completion of this requirement); and
14. Compliance with the appropriate NE procedures.

II. Party Select Panel

1. Completion of at least ten (10) NE sessions in cases referred by the LASC, each session with a minimum hearing time of two (2) hours;
2. Continuing membership in the Court's existing Random Select NE Panel;
3. Agree to complete four (4) pro bono NE sessions for each year; and
4. Active or inactive membership in good standing with the California State Bar.

REQUIREMENTS FOR ALL NE PANEL MEMBERS

- Complete an Application for Appointment to ADR Panel (LAADR 006), available at www.lasuperiorcourt.org/adr.
- Complete a supplemental NE Application (LAADR 074).
- Attend the first available LASC ADR Neutral Evaluation Orientation. NOTE: No assignments will be made until this requirement has been met.
- Maintain a place of business to conduct evaluations, or have the ability to conduct evaluations in an attorney's or client's place of business. If the place of business is the evaluator's home, the evaluator must have space to accommodate confidential discussions and have technological support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the evaluator or his/her staff). Indicate if place of business is ADA compliant.

Any neutral inactive for one (1) year will be removed from the panel. The neutral may reapply for appointment in accordance with the requirements set forth above.

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ALTERNATE DISPUTE RESOLUTION

APPENDIX 3.D

CIVIL ARBITRATION PANEL REQUIREMENTS

SELECTION PROCESS:

I. Random Select Panel

To utilize the Random Select Panel, the parties must provide the case criteria, which includes the type of ADR process requested, area of law, jurisdiction, location, and special needs, if any, to the ADR staff. The ADR staff will enter the case criteria on the Court website which then selects, on a random basis, one neutral who meets the case criteria.

II. Party Select Panel

To utilize the Party Select Panel, the parties may enter the case criteria on the Court website and make their choice of a particular neutral from the Party Pay Panel. In order to avoid neutral conflict or unavailability, the parties may select the names of two neutrals and enter their names on the ADR Case Referral Intake in order of preference.

QUALIFICATION PROCESS:

The following minimum qualifications are required to join the Civil Arbitration Panel:

I. Random Select Panel

5. Active or inactive membership in good standing with the California State Bar; and
6. A substantial amount of trial experience and 5 years in the practice of law for unlimited jurisdiction cases; 3 years for limited jurisdiction cases.

II. Party Select Panel

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1. Completion of at least ten (10) Random Select arbitration hearings. Arbitrators who have previously met this requirement through prior service on the Court's panel will be eligible.
2. Active or inactive membership in good standing with the California State Bar; and
3. Participate in the Random Select Arbitration Panel by making himself/herself available to accept a minimum of one (1) case per month and actually conducting at least two (2) court cases assigned from the panel per year.

REQUIREMENTS FOR ALL ARBITRATION PANEL MEMBERS

1. Completed Application for Appointment to ADR Panel (LAADR 006), available at www.lasuperiorcourt.org/adr. The application requires information about the applicant's demonstrated experience in the areas of law or subject matter selected to arbitrate.
2. Submit the completed ADR Neutral Confirmation (LAADR 054) agreeing to serve and justly try all matters submitted to the panelist, and certifying awareness of and agreement to comply with all statutes, rules, policies, procedures, and processes related to LASC arbitration.
3. Attend the first available LASC Court-Annexed ADR Neutral Orientation.
4. Maintain a place of business to conduct arbitrations, or have the ability to conduct arbitrations in an attorney's or client's place of business. If the place of business is the arbitrator's home, the arbitrator must have space to accommodate confidential discussions and have technological support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the arbitrator or his/her staff).
5. Agree to be observed by and receive feedback from the ADR Administrator or designee at any time during an assigned Court arbitration.
6. Submit every three years thereafter:
 - d. A short form application indicating changes related to applicant's experience, licensing, education, and other pertinent areas; and
 - e. Proof of active or inactive membership in good standing with the California State Bar.

Any neutral inactive for one (1) year will be removed from the panel. The neutral may reapply for appointment in accordance with the requirements set forth above.

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ALTERNATE DISPUTE RESOLUTION

APPENDIX 3.E

ADR NEUTRAL RECUSAL & DISQUALIFICATION GUIDELINES

INTRODUCTION

The court-connected neutral¹ may withdraw or be disqualified and removed from a case on the grounds and by the procedures specified below.

The court-connected neutral shall make all reasonable efforts to fulfill his/her case assignment to promote efficiency of ADR case administration and to proceed with the ADR process in a manner that maintains the integrity of the Court.

DEFINITIONS

- Recusal – Voluntary disqualification or withdrawal by a neutral.
- Request for Disqualification – Party-requested disqualification of a neutral for a specified reason.
- Peremptory Challenge – Party-requested disqualification of a neutral without cause.

MEDIATOR

C. *Applicable Standards* — No person should serve as a mediator for the Los Angeles Superior Court ADR program if he/she is in violation of:

7. The standards set forth in Code of Civil Procedure section 170.1;

¹As used herein, “neutral” means arbitrator or mediator.

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8. The standards set forth in California Rules of Court, rule 3.855;
9. Any other applicable standard of professional responsibility or rule of conduct;
or
10. Any additional rules or standards adopted by the Court.

B. *Mandatory Grounds for Disqualification**

Pursuant to California Rules of Court, rule 3.855, a mediator must either decline to serve or withdraw from a case if the mediator (or, in certain circumstances, his/her immediate family members):

1. Has personal knowledge of disputed evidentiary facts;
2. Served as a lawyer in the case or in any other case involving the same issues and parties; or served as a lawyer for, or gave advice to, any party in the present case;
3. Has a financial interest in the subject matter in a case or with a party to the dispute;
4. Is a party to the case, or an officer, director, or trustee of a party;
5. Has a familial relationship with an attorney for either side in the case;
6. Is in the private practice of law with a lawyer in the case;
7. Believes his/her recusal would further the interests of justice;
8. Substantially doubts his/her capacity to be impartial or a person aware of the facts might reasonably entertain a doubt that the mediator would be able to be impartial;
9. Has a permanent or temporary physical impairment preventing the mediator from properly conducting the mediation;
10. Believes his/her participation in the case would jeopardize the integrity of the court or the mediation process.

****For a detailed discussion, refer directly to Code of Civil Procedure section 170.1 and California Rules of Court, rule 3.855.***

C. *Mediator Recusal*

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1. Policy

- f. A mediator is required to withdraw on objection by one of the parties following the mediator's disclosures or upon independent discovery of circumstances that would call into question the mediator's impartiality.
- g. A mediator may recuse himself/herself due to scheduling conflicts that would prevent the mediator from properly hearing the matter, but such grounds for recusal should not be misused.

2. Procedure

- a. The mediator must file a Notice of ADR Neutral Recusal with the assigning ADR clerk within five (5) days of assignment to a case or discovery of the conflict. The notice must include a clear explanation of the reason for such recusal without disclosing confidential information, as well as a proof of service to all parties.
- b. The ADR clerk shall assign a new mediator within five (5) days thereafter and inform the parties and the former mediator.

D. Request for Disqualification of Mediator

1. Policy

- a. If a mediator who should disqualify himself/herself refuses or fails to do so, any party may submit a request to the ADR Department to remove the mediator from the case.

2. Procedure

- a. The party must submit the Request for Disqualification of ADR Neutral, specifying the basis for the disqualification, with a proof of service to all parties and the mediator, to the assigning ADR clerk within five (5) days of learning of the potential conflict or such party shall be deemed to have waived the objection.
- b. The ADR clerk shall assign a new mediator within five (5) days thereafter and inform the parties and the former mediator.

CHAPTER THREE CIVIL DIVISION

ALTERNATE DISPUTE RESOLUTION

APPENDIX 3.F

ADR NEUTRAL RECUSAL & DISQUALIFICATION GUIDELINES

INTRODUCTION

The court-connected neutral² may withdraw or be disqualified and removed from a case on the grounds and by the procedures specified below.

The court-connected neutral shall make all reasonable efforts to fulfill his/her case assignment to promote efficiency of ADR case administration and to proceed with the ADR process in a manner that maintains the integrity of the Court.

DEFINITIONS

- **Recusal** – Voluntary disqualification or withdrawal by a neutral.
- **Request for Disqualification** – Party-requested disqualification of a neutral for a specified reason.
- **Peremptory Challenge** – Party-requested disqualification of a neutral without cause.

ARBITRATOR

D. *Applicable Standards* — No person should serve as an arbitrator for the Los Angeles Superior Court ADR program if he/she is in violation of:

3. The standards set forth in Code of Civil Procedure section 170.1;

²As used herein, “neutral” means arbitrator or mediator.

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4. Subdivisions (D)(2)(f) and (D)(2)(g) of Canon 6 of the Code of Judicial Ethics;
5. The standards set forth in California Rules of Court, rule 3.816;
6. Any other applicable standard of professional responsibility or rule of conduct;
or
7. Any additional rules or standards adopted by the Court.

B. *Mandatory Grounds for Disqualification**

Pursuant to Code of Civil Procedure section 1141.18 and California Rules of Court, rule 3.816, an arbitrator must either decline to serve or withdraw from a case if the arbitrator (or, in certain circumstances, his/her immediate family members):

1. Has personal knowledge of disputed evidentiary facts;
2. Served as a lawyer in the case or in any other case involving the same issues and parties; or served as a lawyer for, or gave advice to, any party in the present case;
3. Has a financial interest in the subject matter in a case or with a party to the dispute;
4. Is a party to the case, or an officer, director, or trustee of a party;
5. Has a familial relationship with an attorney for either side in the case;
6. Is in the private practice of law with a lawyer in the case;
7. Believes his/her recusal would further the interests of justice;
8. Substantially doubts his/her capacity to be impartial or a person aware of the facts might reasonably entertain a doubt that the arbitrator would be able to be impartial;
9. Has a permanent or temporary physical impairment preventing the arbitrator from properly conducting the arbitration.

****For a detailed discussion, refer directly to Code of Civil Procedure section 170.1 and California Rules of Court, rule 3.816.***

C. Arbitrator Recusal

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1. Policy

- c. An arbitrator is required to disqualify himself/herself, upon demand of any party made before the conclusion of the arbitration on any of the grounds specified in B.
- d. An arbitrator may recuse himself/herself due to scheduling conflicts that would prevent the arbitrator from properly hearing the matter, but such grounds for recusal should not be misused.

2. Procedure

- a. The arbitrator must file a Notice of ADR Neutral Recusal with the assigning ADR clerk within five (5) days of assignment to a case or discovery of the conflict. The notice must include a clear explanation of the reason for such recusal without disclosing confidential information, as well as a proof of service to all parties.
- b. The ADR clerk shall assign a new arbitrator within five (5) days thereafter and inform the parties and the former arbitrator.

D. Request for Disqualification of Arbitrator

1. Policy

- a. If an arbitrator who should disqualify himself/herself for cause refuses or fails to do so, any party may seek the disqualification of the arbitrator.

2. Procedure

- a. The party must submit the Request for Disqualification of ADR Neutral, specifying the basis for the disqualification, with a proof of service to all parties and the arbitrator, to the assigning ADR clerk within five (5) days of learning of the potential conflict or such party shall be deemed to have waived the objection. Within five (5) days of service, the arbitrator may consent to the disqualification by checking the box indicating so on the Request for Disqualification of ADR Neutral and submitting same, with a proof of service to all parties, to the assigning ADR clerk.
- b. If the arbitrator does not consent to the disqualification or the requesting party does not hear from the arbitrator, the party may file a motion to disqualify the arbitrator by following the procedure set forth in Code of Civil Procedure section 170.3. The statement of disqualification must be personally served upon the arbitrator, as provided in Section 170.3, and a copy should be served upon the assigning ADR clerk.

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COUNTY OF LOS ANGELES

- c. The arbitrator may consent to the disqualification or file an answer thereto as provided in Code of Civil Procedure section 170.3, and shall include the assigning ADR clerk in the proof of service thereof.
- d. If an arbitrator fails to file a timely verified answer to the statement of disqualification within 10 days of service of the statement of disqualification, the arbitrator shall be deemed to have consented to the disqualification but shall not be deemed to have admitted the matters set forth in the statement.
- e. In the absence of an objection contained in the papers filed pursuant to Code of Civil Procedure section 170.3, it will be presumed that the parties have stipulated to the Superior Court judge presiding on the underlying case to determine the question of disqualification.
- f. The moving party shall notify the ADR clerk within 24 hours of a determination by the court that the arbitrator is disqualified.
- g. Upon receipt of notice of voluntary recusal from the arbitrator or of a determination by the court that the arbitrator is disqualified, the ADR clerk shall assign a new arbitrator within five (5) days thereafter and inform the parties and the former arbitrator.

E. *Peremptory Challenge of Arbitrator*

1. Policy

- a. Pursuant to Code of Civil Procedure section 1141.18, any party may request the disqualification of one assigned arbitrator on the grounds and by the procedures specified in Code of Civil Procedure section 170.6, regardless of whether prejudice exists and without cause in any single action for any reason. In actions where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action, only one peremptory challenge for each side may be made in any one action.

2. Procedure

- a. The party must submit the Peremptory Challenge of Arbitrator, with a proof of service to all parties and the arbitrator, to the assigning ADR clerk within five (5) days after notice of assignment.
- b. The ADR clerk shall assign a new arbitrator within five (5) days thereafter and inform the parties and the former arbitrator.

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**CHAPTER FOUR
PROBATE**

APPENDIX 4.A

COMMONLY USED ABBREVIATIONS

Acct	Account
Admin	Administrator
Admin CTA	Administrator with Will Annexed
Aff	Affidavit/Prob C 8100 Ntc
A.O.	Attorney Order
Apprl	Appraisal
ARA	Account, Report, Acts
Auth	Authority/Authorize
Bene	Beneficiary
Cite	Citation
Cod	Codicil
Consee	Conservatee
Consr	Conservator
Cont	Continue
C/P	Community property
CRC	California Rules of Court, Title 7 [Probate]
DCFS	Department of Children and Family Services
D/D	Date of Death
Decd	Decedent/deceased
DHS	Department of Health Services
DMH	Department of Mental Health
Dist	Distribution
DOB	Date of Birth
DSS	Department of Social Services
DWOP	Deny without prejudice
Ex	Extraordinary
Extr	Executor
FBO	For Benefit of
FMV	Fair market value
GAL	Guardian ad Litem
Gdn	Guardian
Holo	Holographic
IAEA	Independent Administration of Estates Act

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I&A	Inventory & Appraisal
ITF	In Trust For
J/T	Joint Tenancy
JTD	Judge To Determine
Juris	Jurisdiction
LASC Ch 10	Chapter 10 of Los Angeles Superior Court Rules
Ltd	Limited
Ltrs	Letters
M.O	Minute Order
Ntc	Notice
NTE	Not To Exceed
Objs	Objections
Objr	Objector
O/C	Off Calendar
OTR	Ordered To Return
o/w	Otherwise
PA	Public Administrator
P&E	Person & Estate
Pers Rep	Personal Representative
Petr	Petitioner
Prob C	Probate Code
P/P	Personal property
Pub	Publication
PVP	Probate Volunteer Panel Attorney
R/A	Request of Attorney
Reapprl	Reappraisal
RFA	Recommended for Approval
R/P	Real property
S/P	Separate Property
Spec Admin	Special Administrator
Spec Ntc/copy	Special Notice & Copy
Stat	Statutory
Succ	Successor
Supp req	Supplement required
Tee	Trustee
Temp	Temporary
Tr	Trust
T/T	Take Testimony
VA	Veteran's Administration

CHAPTER FIVE FAMILY LAW DIVISION

APPENDIX 5.A

FAMILY LAW MEDIATION NON-CUSTODY PANEL REQUIREMENTS

SELECTION PROCESS:

I. Random Select Panel

To utilize the Random Select Panel, the parties must provide the case criteria, which includes the type of ADR process requested, area of law, jurisdiction, location, and special needs, if any, to the ADR staff. The ADR staff will enter the case criteria on the Court website which then selects, on a random basis, one neutral who meets the case criteria. The fact that the randomly selected mediator is not an attorney will not be a ground for disqualification.

II. Party Select Panel

To utilize the Party Select Panel, the parties may enter the case criteria on the Court website and make their choice of a particular neutral from the Party Pay Panel. In order to avoid neutral conflict or unavailability, the parties may select the names of two neutrals and enter their names on the ADR Case Referral Intake in order of preference.

QUALIFICATION PROCESS

The following qualifications are required to join the Court's Family Law Non-Custody Mediation Panel:

I. Random Select Panel

D. The applicant must be a member in good standing with the California State Bar with two (2) years experience in family law;

E. A minimum of 40 hours mediation training in the following areas:

3. Core/Classroom Training

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A minimum of 20 hours training from a single mediation training provider whose curriculum includes the following content:

- c. Principles of Alternative Dispute Resolution, including mediation theories and styles
- d. Confidentiality
- e. Ethics
- f. Initiating the mediation process – convening, opening
- g. Managing the mediation process – negotiating, caucus strategies, managing parties/relationships, managing content
- h. Effective communication techniques – between parties and mediator and between parties
- i. Managing challenges in dealing with different cultures, gender differences, language barriers, and other unique situations
- j. Methods for breaking impasse
- ii. Methods of bringing closure to the process – emotional and documentary

4. Practical Training

- a. A minimum of 10 hours mediating the litigated case training, which may include role play, observation and lecture, from a single training provider (the provider may be the same one used to complete Part A.1. or it may be a different provider); and
- b. Completion of 5 mediations (either litigated cases or community-based cases) that are at least two hours in length;
- c. Eight (8) hours of CLE on an annual basis.

II. Party Select Panel

- A. The applicant must be a member in good standing with the California State Bar with 80% of their practice Family Law for the past five (5) years;
- B. Minimum of 40 hours mediation training as described in I.B;
- C. Completion of at least ten (10) Random Select Court-annexed mediations from the L.A. Superior Court, each with a minimum hearing time of two (2) hours or the case settled at mediation in less than two (2) hours. Mediators who have previously met this requirement through prior service on the Court's panel will be eligible;
- D. Available to accept one random select mediation case per month with a

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minimum of three hour hearing time;

E. \$150.00 per hour with a minimum of a three hour session. After three hours the parties may stipulate to continue at the mediator's private rate;

F. Eight (8) hours of CLE on an annual basis.

REQUIREMENTS FOR ALL FAMILY LAW NON-CUSTODY PANEL MEMBERS

- Complete an Application for Appointment to ADR Panel (LAADR 006), available at www.lasuperiorcourt.org/adr.
- Certificate of completion of Core/Classroom Training required in part B.1. of the Qualification Process section.
- Certificate of completion of Practical Training required in part B.2. of the Qualification Process section.
- Maintain a place of business to conduct mediations, or have the ability to conduct mediations in an attorney's or client's place of business. If the place of business is the mediator's home, the mediator must have space to accommodate confidential discussions and have technological support commensurate with running a business (e.g., a separate telephone line that is answered in a timely fashion by the mediator or his/her staff). Indicate if place of business is ADA compliant.
- Any neutral inactive for one (1) year will be removed from the panel. The neutral may reapply for appointment in accordance with the requirements set forth above.

**CHAPTER 8
CRIMINAL DIVISION**

CAPITAL CASES

APPENDIX 8.A

**CAPITAL CASE CHECKLIST AND
GUIDELINES FOR COUNSEL**

People of the State of California)
)
)
vs.) Case No.
)
)
)
)
)
)
_____)

The following general guidelines for counsel in capital cases are to be complied with, unless otherwise ordered by the court. Failure to comply with these guidelines may result in sanctions being imposed or compensation for appointed counsel being withheld.

The original of this checklist will be retained in the case file. Each counsel will receive a copy of the signed original.

I. PRETRIAL Initial When Complete

A. Appearance Log _____

Primary counsel for each defendant and for the prosecution are to provide the court with a log of every court appearance within 30 days of the first appearance in the Superior Court. This must include all appearances and briefly describe the nature of each appearance.

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Logged appearances must distinguish between Penal Code section 987.9 appearances and all other appearances. A separate log of Penal Code section 987.9 appearances must be maintained by the primary counsel for each defendant, sealed, and filed with the court at the same time that the final list of all Superior Court appearances is required to be filed with the court, but in no case later than 60 days after imposition of sentence.

In the event of any substitution of attorney at any stage of the case, the relieved attorney must provide a log of all appearances to substituting counsel within 5 days of being relieved. If prior counsel fails to provide the appearance log as required, substituting counsel must advise the court immediately.

B. Motions and Orders _____

Within 15 days of assignment to a trial department primary counsel for each defendant and the prosecuting attorney must jointly submit a list of all motions and issues that have been ruled on and all motions that have been filed but are awaiting resolution. This list must denote the court's rulings in all cases where rulings have been issued.

C. Exhibits _____

Within 30 days of the first appearance in the Superior Court primary counsel for each defendant and the prosecuting attorney must provide the trial court with a list of all exhibits introduced by that party at any pretrial hearings, motions pursuant to Section 402 of the Evidence Code, or preliminary hearings.

D. Juror Questionnaires _____

In any case where the trial judge indicates that a jury questionnaire will be utilized, primary counsel for each defendant and the prosecuting attorney must meet at least 30 days prior to the trial date to exchange proposed questionnaires and to prepare a consolidated questionnaire for the trial court. The consolidated questionnaire must be submitted to the trial court at least 15 days prior to the trial date.

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II. TRIAL

A. Transcripts

Court policy provides that counsel for each party are entitled to a copy of the daily transcript in capital cases. Counsel must bring any discrepancies or omissions to the court's attention within 10 days of the receipt of the transcript. This may be done orally, on the record, outside the presence of the jury, or in writing.

If there is no dispute concerning a discrepancy or omission in a transcript the court shall order the record corrected forthwith. If a dispute exists with respect to any such discrepancy or omission the court shall hold a hearing within 2 days of receiving oral or written notification from any counsel on the case. The trial court shall make findings and orders on any disputed matters within 5 days of such hearing.

B. Juror Questionnaires

Counsel and all other persons involved in the representation of a party are NOT to disclose the content of any completed jury questionnaires to anyone without the prior approval of the court.

One blank original of any questionnaire used in the case will be retained and marked as a court exhibit. The original completed questionnaires must be marked as a court exhibit.

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III. POST-SENTENCE

A. Post-Sentence Hearing

A post-sentence record certification hearing must be automatically set by the courtroom clerk within 60 days of the date of imposition of sentence. Trial counsel must be prepared to proceed with certification of the record on the appeal at this hearing. Any final corrections to the reporter's transcripts must be addressed at this hearing. Trial counsel must notify the trial court if all reporter's daily transcripts are not received within 5 days after sentence is imposed.

Trial counsel must make themselves available for further hearings to facilitate the certification of the record as directed by the trial court.

In order to expedite certification of the entire record on appeal in all capital cases, defendant's primary trial counsel, whether retained by the defendant or appointed by the court, must continue to represent the defendant until the entire record on the automatic appeal is certified in accordance with the mandate of Penal Code section 1240.1(e)(1).

A request for augmentation to or correction of the clerk's transcript must include, where feasible, the material that is proposed to be included in the clerk's transcript. Any such request must be made within 20 days of the receipt of the clerk's transcript.

B. Appointed Counsel

Pursuant to Penal Code section 1240.1(e)(1), all trial counsel are to assist and cooperate with appellate counsel in the completion of the record certification process.

Trial counsel must maintain and preserve all files and records indefinitely, unless otherwise authorized by a court of competent jurisdiction, after notice to appellate counsel.

C. Final Lists

Within 60 days of the sentence date primary counsel for each defendant and the prosecuting attorney must provide the court with the following:

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1. A list of all court appearances with a brief description of the nature of the appearance. This document must include a separate list, under seal, of all appearances pursuant to Section 987.9 of the Penal Code with a brief description of the request and ruling of the court. _____

2. A list of all motions filed by that party setting forth the court's ruling on each such motion. _____

3. A complete list of all jury instructions submitted by that party, setting forth any that were withdrawn or refused. _____

4. A complete list of all exhibits marked by that party including those not admitted into evidence. Any exhibits or items that were referred to but not previously submitted must be included and marked as a court exhibit. _____

IV. RECEIPT FOR GUIDELINES

A copy of these guidelines have been received by counsel in the above entitled case:

_____ Signature	_____ Date	_____ Signature	_____ Date
_____ Name Printed		_____ Name Printed	
_____ Signature	_____ Date		
_____ Name Printed			

**CHAPTER EIGHT
CRIMINAL DIVISION**

APPENDIX 8.B

**CAPITAL CASE LOG
OF ATTORNEY APPEARANCES**

People of the State of California) Case No. _____
)
)
 vs.) CAPITAL CASE LOG OF ATTORNEY
) APPEARANCES
) Regular Appearances
) 987.9 Penal Code Appearances*
 _____)

Page 1 of _____ Pages

*NOTE: Due to the confidential nature of appearances pursuant to Penal Code section 987.9, they must be maintained and reported on a separate log. Each log must include appearances .

Name of Attorney: _____ Signature _____
(Typed or printed)

Date	Court Dept./Div.	Nature of Appearance

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**CHAPTER EIGHT
CRIMINAL DIVISION**

APPENDIX 8.C

EXHIBITS

People of the State of California)
)
)
vs.)
)
)
)
)
_____)

Case No. _____

EXHIBITS

People
 Defendant _____

Page 1 of _____ Pages

NO.	ID.	EV	DESCRIPTION	NO.	ID.	EV.	DESCRIPTION

CHAPTER EIGHT CRIMINAL DIVISION

APPENDIX 8.D

RECORD CERTIFICATION GUIDELINES FOR APPELLATE COUNSEL

Upon receipt of copies of appeal transcripts by counsel on appeal for a defendant sentenced to death, pursuant to California Rules of Court, rule 8.625, appellate counsel must:

I. Review the Entire Record for Completeness and Accuracy

If it appears that the 20 days allowed by Rule 8.600 is insufficient time within which to review the record and determine the necessity for corrections and/or augmentations, counsel may request an extension not to exceed 60 days. The request for extension must be directed to the Supreme Court.

II. File Timely Requests for Corrections and/or Augmentation

A. A request for augmentation of the record pursuant to California Rules of Court, rule 8.625 must be submitted to the trial court with a proposed order for signature by the court, and be accompanied by either:

1. The material that is the subject of the augmentation, when feasible.
2. A declaration that counsel will submit the requested material to the clerk within 10 days after the request is granted or that counsel is unable to provide the requested material, setting forth the reasons in detail.

In any case where the requested material is contained within a transcript which has not been previously delivered to the court, the Judge presiding over the certification process must order such transcript prepared, at County expense, without undue delay.

A copy of each request for augmentation or correction must also be served on the Criminal Appeals Section of the Superior Court Executive Officer/Clerk's Office.

B. Where feasible, all requests for augmentations must be submitted at the same

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time. Any subsequent requests must be accompanied by counsel's declaration specifying the reason(s) the items were not included in the initial request.

- C. Where feasible, a request for correction of any material prepared for augmentation must be made within 20 days of receipt of such material by counsel.

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**Superior Court of California
County of Los Angeles
Los Angeles Superior Court Local Rules
Old Rule Number to New Rule Number**

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
1.0	Presiding Judge	1.2	Presiding Judge
1.1	Assistant Presiding Judge	1.3	Assistant Presiding Judge
1.2	Acting Presiding Judge	1.4	Acting Presiding Judge
1.3	Election of Presiding, Assistant Presiding Judge	1.5	Election of Presiding, Assistant Presiding Judge
1.4	Executive Officer/Clerk of the Superior Court	1.6	Executive Officer/Clerk of the Superior Court
1.5	Executive Committee	1.7	Executive Committee
1.6	Standing Committees	1.8	Standing Committees
1.7	Court Commissioner	1.9	Court Commissioners
1.8	Arbitration Panels	3.302	Arbitration Panels
1.9	Meeting of Judges	1.10	Meeting of Judges
1.10	Application of and Amendment to or Repeal of Rules	1.11	Application of and Amendment to or Repeal of Rules
1.11	Advertising in Courtrooms	2.26	Advertising in Courtrooms
1.12	Benefits	1.13	Benefits
1.13	Seniority	1.14	Seniority
2.0(a)	District Sessions, Filing and Transfer of Actions	2.2	Districts and Court Session Locations
2.0(b)	Mandatory Filing	2.3(a)(1)(A)	Mandatory Filing
2.0(c)	Optional Filing	2.3(a)(1)(B)	Optional Filing
2.0(d)	Certificate Required	2.3(a)(1)(C)	Certificate Required for Civil

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
			Action Filings
2.0(f)	Transfer	2.3(b)	Transfer of Actions to Another District
2.0(g)	Master Calendar Departments	2.4	Master Calendar Departments
2.2	Divisions	2.1	Principal Divisions of the Court
2.3	Supervising Judges, Civil and Criminal Divisions	2.1(g)	Authority of Supervising Judges
2.4	Central District Departments	2.6	Designations of Departments to Handle specific Types of Matters
2.5	Assignment of Matters to Central District Departments	2.7	Assignment of Matters to Central District Departments
2.6	Court Communication Protocol for Domestic Violence and Child Custody Orders	8.34	Court Communication Protocol
3.0	Judgments	3.213(a)	Form of Judgment
3.1	Post-Judgment Orders	3.220	Post-Judgment Orders
3.2	Attorney's Fees	3.214	Attorney's Fees
3.3	Application for Reconsideration of, to Vacate, or to Enter Nunc Pro Tunc Orders	2.23	Application to Reconsider, Vacate or Modify Orders or Judgment When Original Judge Unavailable
3.4	Judgment Debtor Proceedings	3.221	Judgment Debtor Proceedings
3.5	Writs of Execution, Possession and Sale	3.222	Writs of Execution, Possession and Sale
3.6	Writ of Execution On A Dwelling	3.223	Writ of Execution On A Dwelling

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
4.0	Session Hours and Opening of Session	2.16	Hours of Court, Appearances of Counsel
4.1	Recording and Photographing in the Courthouse	2.17	Photographing, Recording and Broadcasting in Court
4.2	Court Reporting in Civil Cases	2.21	Court Reporting in Civil, Family and Probate Cases
5.0	Selection of Jurors	2.19	Selection of Trial Jurors
5.1	Grand Jury	2.25	Civil Grand Jury
5.2	Juror Interference	2.20	Juror Interference
6.0	Duties of Supervising Judge of the Criminal Division	8.1	Duties of Supervising Judge of the Criminal Division
6.1	Filing and Transfer of Cases	8.2	Filing and Transfer of Cases
6.2	Preliminary Hearing Transcripts	8.4	Preliminary Hearing Transcripts
6.3	Filing of Information, Continuance and Early Disposition	8.5	Filing of Information, Continuance and Early Disposition
6.5	Motions Requirements	8.6	Motion Requirements
6.6	Motions to Continue	8.7	Motions to Continue
6.7	Fax Filing and Service of Specified Motions	8.9	Facsimile Filing and Service of Documents
6.8	Appearances in Both a Criminal Department and a Juvenile Department	8.13	Appearances in Both a Criminal Department and a Juvenile Department
6.10	Delivery of Probation Department Reports	8.14	Delivery of Probation Department Reports
6.13	Matters to Be Considered At Time Set for Sentencing	8.20	Matters to Be Considered At Time Set for Sentencing

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
6.14	Orders Seeking Return of Property	8.21	Orders Seeking Return of Property
6.15	Bail Matters	8.3	Bail Matters
6.16	Bail Reductions or Increases	8.3(e)	Repetitive Applications to Change Bail
6.17	Reinstatement and Exoneration of Bail	8.3(f)	Motions to Reinstate and Exonerate Bail
6.18	Requesting Calendar Priority	8.12	Scheduling Conflicts
6.18(a)	Engaged in Trial	8.12(b)	Engaged in Trial
6.18(b)	Calendar Priority Department	8.12(a)	Requesting Calendar Priority
6.19	Trial Priority	8.15	Trial Priority
6.20(c)	Readiness to Proceed	8.10	Readiness to Proceed
6.22	Written Juror Questionnaires	8.16	Written Juror Questionnaires
6.24	Obtaining Court Files	8.17	Obtaining Court Files
6.27	Witness Fees	8.18	Witness Fees
6.28	Trial Exhibits	8.19	Trial Exhibits
6.30	Modification, Termination, or Revocation of Probation/sentence	8.32	Modification, Termination, or Revocation of Probation/sentence
6.32	Petitions for Habeas Corpus or Other Extraordinary Relief	8.33	Petitions for Habeas Corpus or Other Extraordinary Relief
6.34	Emergency Closure of Courthouse	2.14	Emergency Closure of Courthouse
6.35	Holidays	2.15	Holidays

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
6.39	Capital Cases Procedures	8.40	Capital Cases Procedures
6.40	Post-Sentence Procedures in Capital Cases	8.41	Post-Sentence Procedures in Capital Cases
6.41	Pro Per Defendants in Criminal Cases	8.42	Pro Per Defendants in Criminal Cases
NEW		8.43	Standby Counsel in Criminal Cases
7.0	Introduction	3.23	Trial Delay Reduction
7.2(a)	Application Civil Cases	3.2	Assignment of Cases
7.2(b)	Cases Exempted	3.24(b)	Cases Exempted
7.2(d)	Criminal Cases	3.23	Trial Delay Reduction
7.3	Assignment of I/C Cases	3.3	Assignment of Direct Calendar Cases
7.5	Challenge to Assigned Judge	2.5	General Provisions for Section 170.6 Challenges
7.6	Differential Case Management Rules	3.24	Case Management
7.8	Case Removed to Federal Court	3.22	Case Removed to Federal Court
7.9	Case Management Conferences	3.25	Case Management Conferences
7.12	Litigation Conduct	3.26	Litigation Conduct
7.13	Sanctions	3.10	Sanctions
7.20	Telephonic Appearances	3.6	Telephonic Appearances
8.0	Enforcement and Sanctions	3.37	Enforcement and Sanctions

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
8.1	Talking, Smoking, Chewing Gum and Eating, etc.	3.42	Inappropriate Conduct
8.2	Inappropriate Dress	3.43	Inappropriate Dress
8.3	Traversing "Well"	3.94	Traversing "Well"
8.4	Seating of Counsel	3.92	Seating of Counsel
8.5	Addressing the Judge	3.95	Addressing the Judge
8.6	Requests to the Reporter Addressed to Court	3.127	Requests to the Reporter Addressed to Court
8.7	"Off-The-Record" Conferences	3.132	"Off-The-Record" Conferences
8.8	Address to Court by Represented Party or Witness	3.129	Address to Court by Represented Party or Witness
8.9	Examination From Counsel Table	3.109	Examination From Counsel Table
8.10	Approaching A Witness	3.110	Approaching A Witness
8.11	Stand to Object and Argue	3.121	Stand to Object and Argue
8.12	Counsel's Use of Blackboard and Paper During Presentation of Evidence	3.131	Counsel's Use of Chalkboard and Paper During Presentation of Evidence
8.13	Communication to Court by Parties and Witnesses	3.128	Communication to Court by Parties and Witnesses
8.14	Argument Addressed to Court	3.122	Argument Addressed to Court
8.15	Addressing Others	3.96	Addressing Others
8.16	Familiarity With Jurors to Be Avoided	3.182	Familiarity With Jurors to Be Avoided

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
8.17	Communication to Jurors by Parties and Witnesses	3.130	Communication to Jurors by Parties and Witnesses
8.18	Use of Interpreters	3.105	Use of Interpreters
8.19	Persons With Disabilities	3.51	Persons With Disabilities
8.20	Trial Conference	3.48	Trial Conference
8.20 (g)	Stipulations	3.49	Stipulations
8.20 (h)	Request for Judge to Ask Specific Questions	3.50	Requests for Judge to Ask Specific Questions
8.22	Number of Jurors and Alternates	3.70	Number of Jurors and Alternates
8.22 (last ¶)	Number of Jurors and Alternates	3.98	Juror Replacement
8.24	Jury Instruction Conference	3.172	Jury Instruction Conference
8.25	Duty of Counsel to Modify CACI Instructions	3.170	Duty of Counsel to Modify CACI Instructions
8.26	Form of Proposed Jury Instructions(Code Civ. Proc., §§ 607a, 609)	3.171	Form of Proposed Jury Instructions(Code Civ. Proc., §§ 607a, 609)
8.28	Filling the Jury Box	3.71	Filling the Jury Box
8.29	Questioning Jury Panel On Hardship	3.72	Questioning Jury Panel On Hardship
8.30	Statement of the Case to Prospective Jurors	3.73	Statement of the Case to Prospective Jurors
8.32	Challenge for Cause (Code Civ. Proc., § 227)	3.74	Challenges for Cause (Code Civ. Proc., § 227)
8.33	Peremptory Challenges	3.75	Peremptory Challenges

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
8.34	Excusing Prospective Jurors	3.76	Excusing Prospective Jurors
8.35	Voir Dire of Replacements	3.77	Voir Dire of Replacements
8.36	Selecting Alternate Jurors	3.78	Selecting Alternate Jurors
8.37	Admonitions to Jurors	3.79	Admonitions to Jurors
8.39	Multiple Counsel	3.93	Multiple Counsel
8.40	Use of Graphic Devices in Opening Statements	3.97	Use of Graphic Devices in Opening Statements
8.41	Arguments to Be Out of Jury's Hearing	3.123 ¶3	Arguments to Be Out of Jury's Hearing
8.42	Offers of Proof to Be Out of Jury's Hearing	3.124	Offers of Proof to Be Out of Jury's Hearing
8.43	Offers to Stipulate to Be Out of Jury's Hearing	3.125	Offers to Stipulate to Be Out of Jury's Hearing
8.45	Requests to Adversaries to Be Out of Jury's Hearing	3.126	Requests to Adversaries to Be Out of Jury's Hearing
8.46	Anticipation of Sensitive Areas of Inquiry	3.107	Anticipation of Sensitive Areas of Inquiry
8.47	Motions	3.99	Motions
8.48	Advice to Jury As to Court Expert	3.136	Advice to Jury About Court-Appointed Expert
8.49	Final Arguments	3.181	Closing Arguments
8.50	Objections to Final Argument	3.183	Objections to Closing Argument
8.51	When Instructions to Be Read to the Jury	3.173	When Instructions to Be Read to the Jury
8.52	Use of Jury Instructions in Jury Room	3.174	Use of Jury Instructions in Jury Room

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
8.53	When Jurors Unable to Agree	3.191	When Jurors Unable to Agree
8.54	Admonition Upon Separation of Jurors	3.80	Admonition Upon Separation of Jurors
8.55	Questions by Jurors	3.190	Questions by Jurors
8.56	Receiving Verdicts and Polling Jury	3.192	Receiving Verdicts and Polling Jury
8.57	Discharge of Jury	3.193	Discharge of Jury
8.58	Documents Produced Through A Nonparty	3.54	Documents Produced Through A Nonparty
8.59	Large, Dangerous and Bulky Exhibits	3.148	Large, Dangerous and Bulky Exhibits
8.60	Marking of Exhibits	3.52	Marking of Exhibits
8.61	Marking of Exhibits First Disclosed During Trial	3.151	Marking of Exhibits First Disclosed During Trial
8.62	Uniform Method of Marking Exhibits	3.53	Uniform Method of Marking Exhibits
8.63	Oral Identification of Exhibits At First Reference	3.149	Oral Identification of Exhibits At First Reference
8.64	Exhibits to Have Been Shown to Adversaries Before First Reference	3.150	Exhibits to Have Been Shown to Adversaries Before First Reference
8.65	When Exhibits Offered	3.152	When Exhibits Offered
8.66	When Exhibits to Be Given to Jurors	3.155	When Exhibits to Be Published to Jurors
8.67	Exhibits Not to Be Placed in Jurors' Hands	3.156	Exhibits Not to Be Placed in Jurors' Hands
8.68	Exhibits Admitted in Part	3.157	Exhibits Admitted in Part

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
8.69	Evidence Admitted for A Limited Purpose	3.133	Evidence Admitted for A Limited Purpose
8.70	Use of Depositions, Interrogatories and Requests for Admission	3.158	Use of Depositions, Interrogatories and Requests for Admission
8.71	Signing, Certification and Lodging of Depositions	3.56	Signing, Certification and Lodging of Depositions
8.72	List of Changes in Deposition	3.55	List of Changes in Deposition
8.73	Return of Exhibits	3.154	Return of Exhibits
8.74	Graphic Devices Used in Argument	3.180	Graphic Devices Used in Argument
8.75	Maps, Plans and Diagrams	3.153	Maps, Plans and Diagrams
8.76	Objections to Be Succinctly Stated	3.123 ¶1	Arguments to be Out of Jury's Hearing
8.77	Response to Objections and Arguments Thereon	3.123 ¶2	Arguments to be Out of Jury's Hearing
8.78	Admonition to Witnesses	3.108	Admonition to Witnesses
8.79	Questions Not Be Interrupted	3.111	Questions Not Be Interrupted
8.80	Effect of Asking Another Question	3.112	Effect of Asking Another Question
8.81	Exchange of Information As to Future Scheduling	3.81	Exchange of Information About Future Scheduling
8.82	"On-Call" Witnesses	3.106	"On-Call" Witnesses
8.83	Completion of Witness' Testimony	3.113	Completion of Witness' Testimony
8.86	Consultation With Witness On the Stand	3.114	Consultation With Witness On the Stand

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8.88	Questioning by Judge	3.134	Questioning by Judge
8.89	Exclusion of Evidence On Court's Own Motion	3.135	Exclusion of Evidence On Court's Own Motion
8.90	Advice by Court As to Self-Incrimination	3.137	Advice by Court As to Self-Incrimination
8.91	Policy Against Indication As to Testimony	3.120	Policy Against Indication As to Testimony
8.92	Motions in Limine	3.57	Motions in Limine
8.93	Motions for A View to Be Taken	3.58	Motions for A View to Be Taken
8.96	Form of Judgment	3.213(b)	Form of Judgment
8.98	Failure to Appear	3.230(b)	Small Claims Failure to Appear for Trial
8.99	Trial	3.230(a)	Small Claims Trial Preparation
9.0(a)	Time of Hearing and Filing of Papers	3.4(a)	Time for Filing
9.0(b)	Lodged Materials	3.4(b)	Lodged Materials
9.0(d)	Time of Hearing	3.5(a)	Time of Hearing
9.1	Evidence At Hearing	3.7	Evidence at Hearing
9.2	Judicial Notice	3.8	Judicial Notice
9.3	Reference (Code Civ. Proc., § 638, et seq.; Cal. Rules of Court, Rules 3.900, 3.920	3.9	Judicial Reference (Code Civ. Proc., § 638, et seq.; Cal. Rules of Court, Rules 3.900, 3.920
9.4(a)	Assignment for All Purposes	2.7(b)(1)(H)	Assignment of Matters to Central District Departments
9.4(b)	Assignment for Limited Purpose	2.7(b)(1)(H)	Assignment of Matters to

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			Central District Departments
9.4(c)	Rents and Profits Receiverships	2.7(b)(1)(H)(ii)	Assignment of Matters to Central District Departments
9.4(d)	Days and Times of Hearing in Department 85 and Department 86	3.5(a)(1)	Department 85 and 86
9.4(e)	Days and Times of Hearings in Department 59 and Department 56	3.5(a)(2)	Department 12
9.4(f)	Districts other than Central District	3.5(b)	Districts other than Central District
9.5	Prerogative Writs	3.231	Prerogative Writs
9.6	Injunctions	2.7(b)(1)(H)(i)	Injunctive Relief, Unlimited Civil Cases
9.7	Contempt	3.11	Contempt
9.8	Application for Relief From Claim Filing Requirements	2.7(b)(1)(H)(iii)	Assignment of Matters to Central District Departments
9.9	Time of Ex Parte Hearings	3.5	Time for Hearings
9.10	Request to Enter Default	3.200	Request to Enter Default
9.11	Procedures for Obtaining Default Judgment	3.201	Procedures for Obtaining Default Judgment
9.13	Written Obligations to Pay Money	3.204	Written Obligations to Pay Money
9.14	Interest	3.206	Interest
9.15	Attorney's Fees	3.207	Attorney's Fees
9.16	Service by Publication	3.203	Service by Publication
9.17	Pending Motions to Vacate Default	3.202	Pending Motions to Vacate Default

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
9.18	Evidentiary Standards	3.205	Evidentiary Standards
9.19	Departments Assigned	2.7(b)(1)(B)	Assignment of Matters to Central District Departments
9.20	Time and Place for Proceedings	3.5(a)(2)	Department 12
9.21	Payment of Fee for Filing of Papers in Proceedings for Writ of Attachment / Possession After Hearing	2.7(b)(1)(B)	Assignment of Matters to Central District Departments
9.22	Departments Assigned	2.7(b)(1)(G)	Assignment of Matters to Central District Departments
9.23	Time and Place for Supplemental Proceedings	3.5(a)(5)	Supplemental and Miscellaneous Hearings in the Central District
9.24	Mandate Actions Under Public Resources Code Section 21000 Et Seq. (CEQA)	3.232	CEQA Actions
9.25	Application to Proceed in Forma Pauperis	2.18	Application to Proceed in Forma Pauperis
10.0	Applicability of Rules	4.1	Applicability of Rules
10.1	Excuse From Compliance	4.2	Excuse From Compliance
10.2	Probate Court Information	4.3	Probate Court Information
10.3	Probate Attorney's Notes	4.4	Probate Attorney's Notes
10.4	Probate Note Abbreviations	4.4(a)	Probate Notes Available on the Web
10.5	Setting of Probate Matters	4.9	Setting of Probate Matters
10.6	Resetting Petitions	4.10	Resetting Petitions
10.7	Central District—Probate Law and	4.11	Central District—Probate Law

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	Motion Matters		and Motion Matters
10.8	Ex Parte Procedures	4.12	Ex Parte Procedures
10.9	Probate Hearings Cannot be Advanced	4.13	Probate Hearings Cannot be Advanced
10.10	Continuances of Non-Trial Matters	4.14	Continuances of Non-Trial Matters
10.12	Trials on Contested Matters in Central District	4.15	Trial on Contested Matters in Central District
10.13	Transfers from One District to Another	4.20	Transfers from One District to Another
10.14	Consolidation and/or Transfer of Cases	4.21	Consolidation and/or Transfer of Cases
10.15	Related Cases	4.22	Related Cases
10.18	Supplemental and Amended Pleadings	4.27	Supplemental and Amended Pleadings
10.19	Opposition and Reply Pleadings	4.28	Opposition and Reply Pleadings
10.20	Orders	4.29	Orders
10.21	Issuance of Letters to Personal Representatives of Decedents' Estates	4.30	Issuance of Letters to Personal Representatives of Decedents' Estates
10.22	Motions to Withdraw as Attorney of Record—Citation Required for Fiduciary	4.35	Motion to Withdraw as Attorney of Record for a Fiduciary
10.23	Party to Give Notice	4.36	Notice
10.24	Petition to Determine Title to Real or Personal Property	4.37	Petition to Determine Title to Real or Personal Property

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10.25	Appraisal of Personal Property Before Sale	4.38	Appraisal of Personal Property Before Sale
10.26	Sales of Real Property	4.39	Sale of Real Property Subsequent to Publication
10.27	Borrowing and Refinancing	4.40	Borrowing and Refinancing
10.28	Reduction and Waiver of Bond	4.41	Reduction and Waiver of Bond
10.29	Bank Statements and Blocked Accounts	4.42	Bank Statement and Blocked Accounts
10.31	Payment and Reimbursement of Costs	4.43	Payment and Reimbursement of Costs
10.32	Findings as to Character of Property	4.44	Findings as to Character of Property
10.33	Affidavits for Real Property of Small Value Probate Code Section 13200 et seq.	4.45	Affidavits for Real Property of Small Value
10.34	Appointment of Special Administrators	4.50	Appointment of Special Administrators
10.35	Declinations and Consents to Act	4.51	Declinations and Consents to Act
10.36	Appointment of Public Administrator	4.52	Appointment of Public Administrator
10.37	Proof of Wills and Codicils	4.53	Certification of Wills and Codicils by Self-Represented Party
10.38	Foreign Language Will	4.54	Foreign Language Will
10.39	Subsequent Petitions for Probate	4.55	Subsequent Petitions for Probate
10.41	Notice to Creditors	4.56	Notice to Creditors

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10.42	Creditor's Claims	4.57	Creditor's Claims
10.43	Notice of Proposed Action	4.58	Notice of Proposed Action
10.44	Petition for Family Allowance	4.59	Petition for Family Allowance
10.45	Heirship Determinations	4.60	Heirship Determinations
10.46	Petitions for Instructions	4.61	Petitions for Instructions
10.47	Collection of Damages for Wrongful Death / Physical Injury or Property Damage	4.62	Damages for Wrongful Death / Physical Injury or Property Damage
10.48	Petitions for Preliminary and Final Distribution	4.63	Petitions for Preliminary and Final Distribution
10.49	Payment of Costs of Administration	4.64	Payment of Costs of Administration
10.50	Allegations Regarding Creditors	4.65	Allegations Regarding Creditors
10.51	Medi-Cal Notification	4.66	Medi-Cal Notification
10.54	Allegation Re Character of Property	4.67	Allegation Re Character of Property
10.55	Provisions Re Survivorship	4.68	Provisions Re Survivorship
10.56	Description of Distributees	4.69	Description of Distributees
10.57	Orders Establishing Testamentary Trusts	4.70	Orders Establishing Testamentary Trusts
10.58	Documents to be on File Before Order for Distribution of Devise to Minor or Fiduciary	4.71	Distribution of Devise to Minor or Fiduciary
10.59	Post Deceased Distributees, Distribution Pursuant to Probate Code Section 13100 et seq.	4.72	Post Deceased Distributees, Distribution

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10.60	Assignment or Transfer of Interest in Estate	4.73	Assignment or Transfer of Interest in Estate
10.61	Receipts of Distribution	4.74	Receipts of Distribution
10.62	Appointment of Guardians	4.80	Appointment of Guardians
10.63	Guardianship Accounts or Waivers of Accounts	4.81	Guardianship Accounts or Waivers of Accounts
10.64	Appointment of Conservators	4.86	Appointment of Conservators
10.65	Lanterman—Petris—Short (LPS) Conservatorship	4.87	Lanterman—Petris—Short (“LPS”) Conservatorship
10.66	Notice of Establishment of Conservatorship	4.88	Notice of Establishment of Conservatorship
10.67	Conservatorship Care Plan	4.89	Conservatorship Care Plan
10.68	Court Investigator’s Assessments	4.90	Court Investigator’s Assessments
10.69	Resignation of Conservator	4.91	Resignation of Conservator
10.70	Notice Re Final Account Upon Death of Conservatee	4.92	Notice Re Final Account Upon Death of Conservatee
10.71	Conservator’s or Guardian’s Independent Powers	4.98	Conservator’s or Guardian’s Independent Powers
10.72	Inventory and Appraisal of Benefits	4.99	Inventory and Appraisal of Benefits
10.73	Accounts, Reports and Conservator / Guardian Compensation	4.100	Accounts, Reports and Conservator / Guardian Compensation
10.74	Accounts and Inventories and Appraisals—Conservators and Trustees of Trusts Subject to the Court’s Continuing Jurisdiction	4.101	Accounts and Inventories and Appraisals—Conservators and Trustees of Trusts Subject to the Court’s Continuing

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			Jurisdiction
10.75	Multiple Probate Code Section 17200 et seq. Petitions Concerning One Trust	4.106	Multiple Probate Code Section 17200 et seq. Petitions Concerning One Trust
10.76	Petitions to Confirm Sale of Trust Real Property	4.107	Petitions to Confirm Sale of Trust Real Property
10.77	Settlements Involving Charitable Trusts	4.108	Settlements Involving Charitable Trusts
10.78	Testamentary Trustees' Accounts	4.109	Testamentary Trustees' Accounts
10.79	Settlements or Judgments Relating to Claims of Minors or Persons with Disabilities (Including Establishment and Funding of Trusts)	4.115	Settlements of Claims of Minors or Persons with Disabilities (Including Establishment and Funding of Trusts)
10.80	Trusts Created or Funded Pursuant to Court Order Including Civil Judgment	4.116	Trust Created or Funded Pursuant to Court Order
10.81	Special Needs Trust Created by Court Order / Judgment	4.117	Special Needs Trust Created by Court Order / Judgment
10.82	NEW Court Proceedings Required for Trusts Established Under Probate Code Section 2580 or 3100	4.118	Court Proceeding for Trusts Established Under Probate Code Section 2580 or 3100
10.83	Probate Volunteer Panel General Eligibility Requirements and Procedures for Appointment to the Panel	4.123	Probate Volunteer Panel General Eligibility Requirements and Procedures for Appointment to the Panel
10.84	Probate Volunteer Panel—Requirements for Specific Areas of Interest	4.124	Probate Volunteer Panel—Requirements for Specific Areas of Interest
10.85	Ethical Guidelines	4.125	Ethical Guidelines
10.86	PVP Attorney Appointments are	4.126	PVP Attorney Appointments are

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	Personal		Personal
10.87	Written Reports and Compensation for Court-Appointed Attorneys	4.127	Written Report and Compensation for PVP Attorneys
11.0	General Provision	9.1	General Provision
11.1	Appeals	9.2	Appeals
11.2	Stay Orders in Pending Appeals	9.3	Stay Orders in Pending Appeals
11.3	Appointed Counsel in Misdemeanor Appeals	9.4	Appointed Counsel in Misdemeanor Appeals
11.4	Record On Appeal	9.5	Record On Appeal
11.5	Briefs	9.6	Briefs
11.6	Oral Argument	9.7	Oral Argument
11.7	Judgment	9.8	Judgment
11.8	Applications and Motions	9.9	Applications and Motions
11.9	Extensions and Relief From Default	9.10	Extensions and Relief From Default
11.10	Writs	9.11	Writs
12.0	Applicable Law and Rules to Alternative Dispute Resolution (ADR) Processes	3.252	Applicable Law
12.1	ADR Administrator	3.253	ADR Administrator
12.2	ADR Referrals and Further Status Conference	3.254	ADR Referrals and Further Status Conference

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
12.3	ADR Neutral Selection and Qualifications for ADR Neutral Panels	3.255	ADR Neutral Selection and Qualifications for ADR Neutral Panels
12.4	Recusal and Disqualification of ADR Neutral	3.256	Recusal and Disqualification of ADR Neutral
12.5	Related / Coordinated / Consolidated Cases	3.257	Related / Coordinated / Consolidated Cases
12.6	Interpreters	3.258	Interpreters
12.7	Ex Parte Communication with ADR Neutral	3.259	Ex Parte Communication with ADR Neutral
12.8	Confidentiality	3.260	Confidentiality
12.9	Notice of Settlement Before ADR Hearing	3.261	Notice of Settlement Before ADR Hearing
12.10	Survey Form	3.262	Survey Form
12.11	Summary Description of Mediation	3.268	Summary Description of Mediation
12.12	Cases Which May Be Ordered Into Mediation	3.269	Cases Which May Be Ordered Into Mediation
12.13	Cases Which May Be Referred Into Mediation	3.270	Cases Which May Be Referred Into Mediation
12.14	Hearings	3.271	Hearings
12.15	Appearances Required at Mediation	3.272	Appearances Required at Mediation
12.17	Submission of Briefs	3.273	Submission of Briefs
12.18	ADR Reports	3.274	ADR Reports
12.19	Summary Description of Neutral Evaluation	3.280	Summary Description of Neutral Evaluation

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
12.20	Cases Eligible for Neutral Evaluation	3.281	Cases Eligible for Neutral Evaluation
12.21	Hearings	3.282	Hearings
12.22	Appearances Required at the Evaluation Meeting	3.283	Appearances Required at the Evaluation Meeting
12.24	Submission of Statements and Documents	3.284	Submission of Statements and Documents
12.25	Disposition of Statements and Documents	3.285	Disposition of Statements and Documents
12.26	ADR Report	3.286	ADR Report
12.27	Summary Description of Arbitration	3.292	Summary Description of Arbitration
12.28	Cases Subject to Arbitration	3.293	Cases Subject to Arbitration
12.29	Cases Exempt From Arbitration	3.294	Cases Exempt From Arbitration
12.30	Withdrawal From Arbitration	3.295	Withdrawal From Arbitration
12.31	Hearings	3.296	Hearings
12.32	Appearances Required at Arbitration	3.297	Appearances Required at Arbitration
12.33	Discovery During Arbitration	3.298	Discovery During Arbitration
12.34	Submission of Briefs / Evidence	3.299	Submission of Briefs / Evidence
12.35	Disposition of Exhibits	3.300	Disposition of Exhibits
12.36	ADR Reports	3.301	ADR Reports
12.37	Quality Assurance Subcommittee	3.307	Quality Assurance Subcommittee

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12.38	Complaints	3.308	Complaints
12.39	Staff Inquires	3.309	Staff Inquires
12.40	Staff Action Between Meetings of the QAS	3.310	Staff Action Between Meetings of the QAS
12.41	Admonishment to Ensure Confidentiality	3.311	Admonishment to Ensure Confidentiality
12.42	Right to Provide Written Response and Request Reconsideration of Suspension or Removal	3.312	Right to Provide Written Response and Request Reconsideration of Suspension or Removal
12.43	Confidentiality of Complaint Files and Actions / Notification to Complainant	3.313	Confidentiality of Complaint Files and Actions / Notification to Complainant
12.44	Proceedings to be Open to the Public	2.24(b)	Proceedings Open to the Public
12.45	Court Files to Remain Open for Public Inspection	2.24(c)	Court File Open for Publics Inspection
12.46	Sealing Orders and Confidentiality Agreements	2.24(d)	Sealing Orders and Confidentiality Agreements
12.47	Hearings	2.24(e)	Scheduling of Hearings
12.49	Matters to be Agreed Upon in Order Stipulating to Appointment of Temporary Judge	2.24(f)	Appointment of Temporary Judge
12.50	Submission of Stipulation	2.24(f)	Appointment of Temporary Judge
12.51	Representations by the Stipulating Parties	2.24(g)	Representations by the Stipulating Parties
12.52	Application of Trial Court Delay Reduction Rules to Proceedings Before Temporary Judges	2.24(h)	Application of Trial Court Delay Reduction Rules

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12.53	Deadline for Completion of Proceedings Before Temporary Judge	2.24(i)	Deadline for Completion of Proceedings
12.54	Use of Public Facilities	2.24(j)	Use of Public Facilities
12.55	Exhibits	2.24(k)	Exhibits
12.56	Filing of Original Papers and Orders of Temporary Judge	2.24(l)	Filing of Original Papers and Orders
12.57	Reference Subject to Approval by Court	2.24(m)	Court Approval Required
12.58	Issues to be Specified	2.24(n)	Listing of Referred Issues
12.59	Deadline for Completion of Reference	2.24(o)	Deadline for Completion
12.60	Summary Description	3.319	Summary Description
12.61	Cases Eligible for Voluntary Settlement Conference	3.320	Cases Eligible for Voluntary Settlement Conference
12.62	Setting Conference Date	3.321	Setting Conference Date
12.63	Attendance	3.322	Attendance
12.64	Settlement Conference Statement	3.323	Settlement Conference Statement
12.65	Offers to Compromise	3.324	Offers to Compromise
12.66	Settlement	3.325	Settlement
13.1	Agency Adoptions	6.1	Agency Adoptions
13.2	Independent Adoptions	6.2	Independent Adoptions
13.3	Stepparent Adoptions	6.3	Stepparent Adoptions

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
13.4	Adult and Married Minors Adoptions	6.4	Adult and Married Minors Adoptions
13.5	Intercountry Adoptions	6.5	Intercountry Adoptions
13.6	Petition to Determine Parent and Child Relationship	6.6	Petition to Determine Parent and Child Relationship
13.7	Petition to Terminate Parental Rights in Adoption Proceedings	6.7	Petition to Terminate Parental Rights in Adoption Proceedings
13.8	Petition for Freedom From Custody and Control	6.8	Petition for Freedom From Custody and Control
14.0	Application	5.1	Applicability of Rules; Sanctions
14.1	Matters Assigned to Family Law Departments	5.2	Matters Assigned to Family Law Division; Cover Sheet
14.2	Cover Sheet	5.2	Matters Assigned to Family Law Division; Cover Sheet
14.3	Session Hours	5.3	Session Hours and Calendaring
14.4	Related Family Law Cases	5.4	Related Family Law Cases
14.5	Transfer of Related Family Law Cases	5.5	Transfer of Related Family Law Cases
14.6	Meet and Confer Requirements	5.6	Requirement to Meet and Confer
14.7	Continuances	5.7	Continuances
14.8	Evidentiary Objections	5.8	Evidentiary Objections
14.9	Financial Declarations and Supporting Documents	5.9	Financial Declarations and Supporting Documents
14.10	Evidence of Attorney's Fees, Expert's Fees and Costs	5.10	Evidence of Attorney's Fees, Expert's Fees and Costs

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
14.11	Preparation of Orders After Hearing	5.11	Preparation of Orders After Hearing
14.12	Case Management Proceedings	5.12	Family Centered Case Resolution
14.13	Setting of Contested Trials	5.13	Trial Setting
14.14	Mandatory Settlement Conferences for Long Cause Trials	5.14	Mandatory Settlement Conferences for Long Cause Trials
14.15	Trials	5.15	Trials
14.16	Judgment Procedure	5.16	Judgment Procedure
14.17	Bifurcated Status Only Judgments	5.16(a)	Bifurcated Status Only Judgments
14.18	Stipulated Judgments On Further Reserved Issues	5.16(b)	Stipulated Judgments On Further Reserved Issues
14.19	Default or Uncontested Judgments by Affidavit	5.17	Default or Uncontested Judgments by Affidavit
14.20	Family Court Services: Mediation, Custody Evaluations and Parent Education	5.19	Family Court Services: Mediation, Custody Evaluations and Parent Education
14.21	Private Child Custody Evaluations	5.20	Private Child Custody Evaluations
14.22	Minor's Contract Procedure	5.22	Minor's Contract Procedure
14.23	Family Law Facilitator's and Family Law Information Center	5.23	Duties of Family Law Facilitator
14.24	Paternity, Child and Spousal Support Actions	5.24	Actions for Paternity/Parentage, Child and Spousal Support
14.25	Declaration / Statement of Provider of Supervised Visitation	5.25	Declaration / Statement of Provider of Supervised

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			Visitation
14.26	Collaborative Law Cases	5.26	Collaborative Law Cases
14.27	Ex Parte Notice, Application and Orders	5.3(a)(3)	Ex Parte Applications
14.28	Complaints Regarding Minor's Counsel	5.21	Complaints Regarding Minor's Counsel
16.0	Eminent Domain		Note – The Eminent Domain provisions were substantially rewritten and appear at NEW rules 3.238 – 3.246
17.0	Court Jurisdiction	7.1	Jurisdiction
17.1	Confidentiality of Juvenile Case Files	7.2	Confidentiality of Juvenile Case Files
17.2	Public and Media Access	7.3	Public and Media Courtroom Access
17.3	Medical Consent Program	7.4	Medical Consent Program
17.4	Life Sustaining Medical Treatment (LSMT)	7.5	Life Sustaining Medical Treatment (LSMT)
17.5	Procedures for HIV/AIDS Testing of Dependent Children	7.6	Procedures for HIV/AIDS Testing of Dependent Children
17.6	Prescription and Administration of Psychotropic Medications for Dependents and Wards of the Juvenile Court	7.7	Prescription and Administration of Psychotropic Medications for Dependents and Wards of the Juvenile Court
17.7	Specialized Mental Health Treatment of Dependent and Delinquent Children	7.8	Specialized Mental Health Treatment of Dependent and Delinquent Children
17.7.1	Voluntary Commitment of Dependent and Delinquent Minors for Inpatient	7.9	Voluntary Commitment of Dependent and Delinquent Minors for Inpatient or

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Old Rule Number	Old Rule Title	New Rule Number	New Rule Title
	or Outpatient Mental Health Services		Outpatient Mental Health Services
17.8	Specially Designated Departments	7.10	Specially Designated Departments
17.9	Appearances and Daily Courtroom Practice in Dependency Court	7.11	Appearances and Daily Courtroom Practice in Dependency Court
17.10	Children's Appearances	7.12	Children's Appearances
17.11	Foster Parent Appearances and Participation	7.13	Foster Parent Appearances and Participation
17.12	Failure of Attorney to Appear	7.14	Failure of Attorney to Appear
17.14	Rehearings On Orders and Findings of A Commissioner or Referee Pursuant to Welfare and Institutions Code Section 252	7.15	Rehearing On Order of a Commissioner or Referee Pursuant to Welfare and Institutions Code Section 252
17.15	Motion Requirements and Procedures	7.16	Motion Requirements and Procedures
17.16	Legal Representation	7.17	Legal Representation
17.17	Court-Appointed Special Advocate (CASA)	7.18	Court-Appointed Special Advocate (CASA)
17.18	Time Limitations for Dependency Proceedings	7.19	Time Limitations for Dependency Proceedings
17.19	Detention Hearings / Children in Shelter Care	7.20	Detention Hearings / Children in Shelter Care
17.20	Prehearing Discovery	7.21	Pre-hearing Discovery
17.21	Hearings in Absence of Parties	7.22	Hearings in Absence of Parties
17.22	Mediation	7.23	Mediation

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17.23	Mandatory Settlement Conference	7.24	Mandatory Settlement Conference
17.24	Trials in Progress	7.25	Trial in Progress
17.25	Appointment of Experts	7.26	Appointment of Experts
17.26	Lay Witness Fees and Costs	7.27	Lay Witness Fees and Costs
17.27	Application for Detention or Release of Children in Dependency Court Subsequent to Detention Hearing and Prior to Disposition in Emergency and Non-Emergency Situations	7.28	Application for Detention or Release of Children in Dependency Court Subsequent to Detention Hearing and Prior to Disposition in Emergency and Non-Emergency Situations
17.28	Financial Responsibility Under Welfare and Institutions Code Section 903	7.29	Financial Responsibility Under Welfare and Institutions Code Section 903
17.29	Dependency Court Tort Policy	7.30	Dependency Court Tort Policy
17.30	Petition Pursuant to Welfare and Institutions Code Section 331	7.31	Petition Pursuant to Welfare and Institutions Code Section 331
17.31	Client Complaint Process	7.32	Client Complaint Process
17.32	Juvenile Court Blanket Orders	7.33	Juvenile Court Blanket Orders
18.1	Facsimile Filing	2.22	Facsimile Filing in Civil, Family Law, and Probate Cases
19.0	Judicial Commitments	8.50	Judicial Commitments
19.1	Medication Capacity / Riese Hearings (Facility-Based)	8.51	Medication Capacity / Riese Hearings (Facility-Based)
19.2	Capacity: ECT Hearings for Involuntarily Held Patients for Intensive Treatment	8.52	Electroconvulsive Therapy Hearings for Involuntarily Held Patients

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19.3	Firearm Return	8.53	Petition for Restoration of Right to Possess a Firearm
19.4	Ex Parte Requests	8.54	Ex Parte Requests
20.0	Infraction Trials by Declaration	8.60	Infraction Trial by Declaration
20.1	Trials De Novo	8.61	Infraction Trial De Novo
20.2	Infraction Summary Trials	8.62	Infraction Summary Trial
20.3	Dismissals	8.63	Dismissals After Proof of Correction

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1.1	NEW	Definitions and Governance	
1.2	1.0	Presiding Judge	Presiding Judge
1.3	1.1	Assistant Presiding Judge	Assistant Presiding Judge
1.4	1.2	Acting Presiding Judge	Acting Presiding Judge
1.5	1.3	Election of Presiding, Assistant Presiding Judge	Election of Presiding, Assistant Presiding Judge
1.6	1.4	Executive Officer/Clerk of the Superior Court	Executive Officer/Clerk of the Superior Court
1.7	1.5	Executive Committee	Executive Committee
1.8	1.6	Standing Committees	Standing Committees
1.9	1.7	Court Commissioners	Court Commissioner
1.10	1.9	Meeting of Judges	Meeting of Judges
1.11	1.10	Application of and Amendment to or Repeal of Rules	Application of and Amendment to or Repeal of Rules
1.13	1.12	Benefits	Benefits
1.14	1.13	Seniority	Seniority
2.1	2.2	Principal Divisions of the Court	Divisions
2.1(g)	2.3	Authority of Supervising Judges	Supervising Judges, Civil and Criminal Divisions
2.2	2.0(a)	Districts and Court Session Locations	District Sessions, Filing and Transfer of Actions
2.3(a)(1)(A)	2.0(b)	Mandatory Filing	Mandatory Filing
2.3(a)(1)(B)	2.0(c)	Optional Filing	Optional Filing

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2.3(a)(1)(C)	2.0(d)	Certificate Required for Civil Action Filings	Certificate Required
2.3(b)	2.0(f)	Transfer of Actions to Another District	Transfer
2.4	2.0(g)	Master Calendar Departments	Master Calendar Departments
2.5	7.5	General Provisions for Section 170.6 Challenges	Challenge to Assigned Judge
2.6	2.4	Designations of Departments to Handle specific Types of Matters	Central District Departments
2.7	2.5	Assignment of Matters to Central District Departments	Assignment of Matters to Central District Departments
2.7(b)(1)(B)	9.19	Assignment of Matters to Central District Departments	Departments Assigned
2.7(b)(1)(B)	9.21	Assignment of Matters to Central District Departments	Payment of Fee for Filing of Papers in Proceedings for Writ of Attachment / Possession After Hearing
2.7(b)(1)(H)(i)	9.6	Injunctive Relief, Unlimited Civil Cases	Injunctions
2.7(b)(1)(H)(ii)	9.4(c)	Assignment of Matters to Central District Departments	Rents and Profits Receiverships
2.7(b)(1)(H)(iii)	9.8	Assignment of Matters to Central District Departments	Application for Relief From Claim Filing Requirements
2.7(b)(1)(G)	9.22	Assignment of Matters to Central District Departments	Departments Assigned
2.7(b)(1)(H)	9.4(a)	Assignment of Matters to Central District Departments	Assignment for All Purposes
2.7(b)(1)(H)	9.4(b)	Assignment of Matters to Central District Departments	Assignment for Limited Purpose
2.14	6.34	Emergency Closure of Courthouse	Emergency Closure of Courthouse

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2.15	6.35	Holidays	Holidays
2.16	4.0	Hours of Court, Appearances of Counsel	Session Hours and Opening of Session
2.17	4.1	Photographing, Recording and Broadcasting in Court	Recording and Photographing in the Courthouse
2.18	9.25	Application to Proceed in Forma Pauperis	Application to Proceed in Forma Pauperis
2.19	5.0	Selection of Trial Jurors	Selection of Jurors
2.20	5.2	Juror Interference	Juror Interference
2.21	4.2	Court Reporting in Civil, Family and Probate Cases	Court Reporting in Civil Cases
2.22	18.1	Facsimile Filing in Civil, Family Law, and Probate Cases	Facsimile Filing
2.23	3.3	Application to Reconsider, Vacate or Modify Orders or Judgment When Original Judge Unavailable	Application for Reconsideration of, to Vacate, or to Enter Nunc Pro Tunc Orders
2.24(b)	12.44	Proceedings Open to the Public	Proceedings to be Open to the Public
2.24(c)	12.45	Court File Open for Publics Inspection	Court Files to Remain Open for Public Inspection
2.24(d)	12.46	Sealing Orders and Confidentiality Agreements	Sealing Orders and Confidentiality Agreements
2.24(e)	12.47	Scheduling of Hearings	Hearings
2.24(f)	12.49	Appointment of Temporary Judge	Matters to be Agreed Upon in Order Stipulating to Appointment of Temporary Judge
2.24(f)	12.50	Appointment of Temporary Judge	Submission of Stipulation

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2.24(g)	12.51	Representations by the Stipulating Parties	Representations by the Stipulating Parties
2.24(h)	12.52	Application of Trial Court Delay Reduction Rules	Application of Trial Court Delay Reduction Rules to Proceedings Before Temporary Judges
2.24(i)	12.53	Deadline for Completion of Proceedings	Deadline for Completion of Proceedings Before Temporary Judge
2.24(j)	12.54	Use of Public Facilities	Use of Public Facilities
2.24(k)	12.55	Exhibits	Exhibits
2.24(l)	12.56	Filing of Original Papers and Orders	Filing of Original Papers and Orders of Temporary Judge
2.24(m)	12.57	Court Approval Required	Reference Subject to Approval by Court
2.24(n)	12.58	Listing of Referred Issues	Issues to be Specified
2.24(o)	12.59	Deadline for Completion	Deadline for Completion of Reference
2.25	5.1	Civil Grand Jury	Grand Jury
2.26	1.11	Advertising in Courtrooms	Advertising in Courtrooms
3.1	NEW	Applicability	
3.2	7.2(a)	Assignment of Cases	Application Civil Cases
3.3	7.3	Assignment of Direct Calendar Cases	Assignment of I/C Cases
3.4(a)	9.0(a)	Time for Filing	Time of Hearing and Filing of Papers
3.4(b)	9.0(b)	Lodged Materials	Lodged Materials

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3.5	9.9	Time for Hearings	Time of Ex Parte Hearings
3.5(a)	9.0(d)	Time of Hearing	Time of Hearing
3.5(a)(1)	9.4(d)	Department 85 and 86	Days and Times of Hearing in Department 85 and Department 86
3.5(a)(2)	9.4(e)	Department 12	Days and Times of Hearings in Department 59 and Department 56
3.5(a)(2)	9.20	Department 12	Time and Place for Proceedings
3.5(a)(5)	9.23	Supplemental and Miscellaneous Hearings in the Central District	Time and Place for Supplemental Proceedings
3.5(b)	9.4(f)	Districts other than Central District	Districts other than Central District
3.6	7.20	Telephonic Appearances	Telephonic Appearances
3.7	9.1	Evidence at Hearing	Evidence At Hearing
3.8	9.2	Judicial Notice	Judicial Notice
3.9	9.3	Judicial Reference (Code Civ. Proc., § 638, et seq.; Cal. Rules of Court, Rules 3.900, 3.920	Reference (Code Civ. Proc., § 638, et seq.; Cal. Rules of Court, Rules 3.900, 3.920
3.10	7.13	Sanctions	Sanctions
3.11	9.7	Contempt	Contempt
3.22	7.8	Case Removed to Federal Court	Case Removed to Federal Court
3.23	7.2(d)	Trial Delay Reduction	Criminal Cases
3.23	7.0	Trial Delay Reduction	Introduction

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3.24	7.6	Case Management	Differential Case Management Rules
3.24(b)	7.2(b)	Cases Exempted	Cases Exempted
3.25	7.9	Case Management Conferences	Case Management Conferences
3.26	7.12	Litigation Conduct	Litigation Conduct
3.37	8.0	Enforcement and Sanctions	Enforcement and Sanctions
3.42	8.1	Inappropriate Conduct	Talking, Smoking, Chewing Gum and Eating, etc.
3.43	8.2	Inappropriate Dress	Inappropriate Dress
3.48	8.20	Trial Conference	Trial Conference
3.49	8.20 (g)	Stipulations	Stipulations
3.50	8.20 (h)	Requests for Judge to Ask Specific Questions	Request for Judge to Ask Specific Questions
3.51	8.19	Persons With Disabilities	Persons With Disabilities
3.52	8.60	Marking of Exhibits	Marking of Exhibits
3.53	8.62	Uniform Method of Marking Exhibits	Uniform Method of Marking Exhibits
3.54	8.58	Documents Produced Through A Nonparty	Documents Produced Through A Nonparty
3.55	8.72	List of Changes in Deposition	List of Changes in Deposition
3.56	8.71	Signing, Certification and Lodging of Depositions	Signing, Certification and Lodging of Depositions
3.57	8.92	Motions in Limine	Motions in Limine
3.58	8.93	Motions for A View to Be Taken	Motions for A View to Be Taken

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3.70	8.22	Number of Jurors and Alternates	Number of Jurors and Alternates
3.71	8.28	Filling the Jury Box	Filling the Jury Box
3.72	8.29	Questioning Jury Panel On Hardship	Questioning Jury Panel On Hardship
3.73	8.30	Statement of the Case to Prospective Jurors	Statement of the Case to Prospective Jurors
3.74	8.32	Challenges for Cause (Code Civ. Proc., § 227)	Challenge for Cause (Code Civ. Proc., § 227)
3.75	8.33	Peremptory Challenges	Peremptory Challenges
3.76	8.34	Excusing Prospective Jurors	Excusing Prospective Jurors
3.77	8.35	Voir Dire of Replacements	Voir Dire of Replacements
3.78	8.36	Selecting Alternate Jurors	Selecting Alternate Jurors
3.79	8.37	Admonitions to Jurors	Admonitions to Jurors
3.80	8.54	Admonition Upon Separation of Jurors	Admonition Upon Separation of Jurors
3.81	8.81	Exchange of Information About Future Scheduling	Exchange of Information As to Future Scheduling
3.92	8.4	Seating of Counsel	Seating of Counsel
3.93	8.39	Multiple Counsel	Multiple Counsel
3.94	8.3	Traversing "Well"	Traversing "Well"
3.95	8.5	Addressing the Judge	Addressing the Judge
3.96	8.15	Addressing Others	Addressing Others
3.97	8.40	Use of Graphic Devices in Opening Statements	Use of Graphic Devices in Opening Statements

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3.98	8.22 (last ¶)	Juror Replacement	Number of Jurors and Alternates
3.99	8.47	Motions	Motions
3.105	8.18	Use of Interpreters	Use of Interpreters
3.106	8.82	“On-Call” Witnesses	“On-Call” Witnesses
3.107	8.46	Anticipation of Sensitive Areas of Inquiry	Anticipation of Sensitive Areas of Inquiry
3.108	8.78	Admonition to Witnesses	Admonition to Witnesses
3.109	8.9	Examination From Counsel Table	Examination From Counsel Table
3.110	8.10	Approaching A Witness	Approaching A Witness
3.111	8.79	Questions Not Be Interrupted	Questions Not Be Interrupted
3.112	8.80	Effect of Asking Another Question	Effect of Asking Another Question
3.113	8.83	Completion of Witness’ Testimony	Completion of Witness’ Testimony
3.114	8.86	Consultation With Witness On the Stand	Consultation With Witness On the Stand
3.120	8.91	Policy Against Indication As to Testimony	Policy Against Indication As to Testimony
3.121	8.11	Stand to Object and Argue	Stand to Object and Argue
3.122	8.14	Argument Addressed to Court	Argument Addressed to Court
3.123 ¶1	8.76	Arguments to be Out of Jury’s Hearing	Objections to Be Succinctly Stated
3.123 ¶2	8.77	Arguments to be Out of Jury’s Hearing	Response to Objections and Arguments Thereon

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3.123 ¶3	8.41	Arguments to Be Out of Jury's Hearing	Arguments to Be Out of Jury's Hearing
3.124	8.42	Offers of Proof to Be Out of Jury's Hearing	Offers of Proof to Be Out of Jury's Hearing
3.125	8.43	Offers to Stipulate to Be Out of Jury's Hearing	Offers to Stipulate to Be Out of Jury's Hearing
3.126	8.45	Requests to Adversaries to Be Out of Jury's Hearing	Requests to Adversaries to Be Out of Jury's Hearing
3.127	8.6	Requests to the Reporter Addressed to Court	Requests to the Reporter Addressed to Court
3.128	8.13	Communication to Court by Parties and Witnesses	Communication to Court by Parties and Witnesses
3.129	8.8	Address to Court by Represented Party or Witness	Address to Court by Represented Party or Witness
3.130	8.17	Communication to Jurors by Parties and Witnesses	Communication to Jurors by Parties and Witnesses
3.131	8.12	Counsel's Use of Chalkboard and Paper During Presentation of Evidence	Counsel's Use of Blackboard and Paper During Presentation of Evidence
3.132	8.7	"Off-The-Record" Conferences	"Off-The-Record" Conferences
3.133	8.69	Evidence Admitted for A Limited Purpose	Evidence Admitted for A Limited Purpose
3.134	8.88	Questioning by Judge	Questioning by Judge
3.135	8.89	Exclusion of Evidence On Court's Own Motion	Exclusion of Evidence On Court's Own Motion
3.136	8.48	Advice to Jury About Court-Appointed Expert	Advice to Jury As to Court Expert
3.137	8.90	Advice by Court As to Self-Incrimination	Advice by Court As to Self-Incrimination
3.148	8.59	Large, Dangerous and Bulky Exhibits	Large, Dangerous and Bulky Exhibits

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New Rule Number	Old Rule Number	New Rule Title	Old Rule Title
3.149	8.63	Oral Identification of Exhibits At First Reference	Oral Identification of Exhibits At First Reference
3.150	8.64	Exhibits to Have Been Shown to Adversaries Before First Reference	Exhibits to Have Been Shown to Adversaries Before First Reference
3.151	8.61	Marking of Exhibits First Disclosed During Trial	Marking of Exhibits First Disclosed During Trial
3.152	8.65	When Exhibits Offered	When Exhibits Offered
3.153	8.75	Maps, Plans and Diagrams	Maps, Plans and Diagrams
3.154	8.73	Return of Exhibits	Return of Exhibits
3.155	8.66	When Exhibits to Be Published to Jurors	When Exhibits to Be Given to Jurors
3.156	8.67	Exhibits Not to Be Placed in Jurors' Hands	Exhibits Not to Be Placed in Jurors' Hands
3.157	8.68	Exhibits Admitted in Part	Exhibits Admitted in Part
3.158	8.70	Use of Depositions, Interrogatories and Requests for Admission	Use of Depositions, Interrogatories and Requests for Admission
3.159	NEW	Custody of Trial Exhibits After Trial	
3.170	8.25	Duty of Counsel to Modify CACI Instructions	Duty of Counsel to Modify CACI Instructions
3.171	8.26	Form of Proposed Jury Instructions(Code Civ. Proc., §§ 607a, 609)	Form of Proposed Jury Instructions(Code Civ. Proc., §§ 607a, 609)
3.172	8.24	Jury Instruction Conference	Jury Instruction Conference
3.173	8.51	When Instructions to Be Read to the Jury	When Instructions to Be Read to the Jury

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3.174	8.52	Use of Jury Instructions in Jury Room	Use of Jury Instructions in Jury Room
3.180	8.74	Graphic Devices Used in Argument	Graphic Devices Used in Argument
3.181	8.49	Closing Arguments	Final Arguments
3.182	8.16	Familiarity With Jurors to Be Avoided	Familiarity With Jurors to Be Avoided
3.183	8.50	Objections to Closing Argument	Objections to Final Argument
3.190	8.55	Questions by Jurors	Questions by Jurors
3.191	8.53	When Jurors Unable to Agree	When Jurors Unable to Agree
3.192	8.56	Receiving Verdicts and Polling Jury	Receiving Verdicts and Polling Jury
3.193	8.57	Discharge of Jury	Discharge of Jury
3.200	9.10	Request to Enter Default	Request to Enter Default
3.201	9.11	Procedures for Obtaining Default Judgment	Procedures for Obtaining Default Judgment
3.202	9.17	Pending Motions to Vacate Default	Pending Motions to Vacate Default
3.203	9.16	Service by Publication	Service by Publication
3.204	9.13	Written Obligations to Pay Money	Written Obligations to Pay Money
3.205	9.18	Evidentiary Standards	Evidentiary Standards
3.206	9.14	Interest	Interest
3.207	9.15	Attorney's Fees	Attorney's Fees
3.213(a)	3.0	Form of Judgment	Judgments

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3.213(b)	8.96	Form of Judgment	Form of Judgment
3.214	3.2	Attorney's Fees	Attorney's Fees
3.220	3.1	Post-Judgment Orders	Post-Judgment Orders
3.221	3.4	Judgment Debtor Proceedings	Judgment Debtor Proceedings
3.222	3.5	Writs of Execution, Possession and Sale	Writs of Execution, Possession and Sale
3.223	3.6	Writ of Execution On A Dwelling	Writ of Execution On A Dwelling
3.230(a)	8.99	Small Claims Trial Preparation	Trial
3.230(b)	8.98	Small Claims Failure to Appear for Trial	Failure to Appear
3.231	9.5	Prerogative Writs	Prerogative Writs
3.232	9.24	CEQA Actions	Mandate Actions Under Public Resources Code Section 21000 Et Seq. (CEQA)
3.238	NEW	Eminent Domain Actions	
3.239	NEW	Pre-filing Testing for Contamination or Other Conditions	
3.240	NEW	Initial Case Management Conference	
3.241	NEW	Expert Witness Lists	
3.242	NEW	Appraisals	
3.243	NEW	Amendment of Expert Lists and Appraisals after Exchange	

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New Rule Number	Old Rule Number	New Rule Title	Old Rule Title
3.244	NEW	Exclusion of Witnesses or Testimony for Failure to Properly Exchange Expert Lists and Appraisals	
3.245	NEW	Mandatory Settlement Conferences	
3.246	NEW	Final Offer and Final Demand	
3.252	12.0	Applicable Law	Applicable Law and Rules to Alternative Dispute Resolution (ADR) Processes
3.253	12.1	ADR Administrator	ADR Administrator
3.254	12.2	ADR Referrals and Further Status Conference	ADR Referrals and Further Status Conference
3.255	12.3	ADR Neutral Selection and Qualifications for ADR Neutral Panels	ADR Neutral Selection and Qualifications for ADR Neutral Panels
3.256	12.4	Recusal and Disqualification of ADR Neutral	Recusal and Disqualification of ADR Neutral
3.257	12.5	Related / Coordinated / Consolidated Cases	Related / Coordinated / Consolidated Cases
3.258	12.6	Interpreters	Interpreters
3.259	12.7	Ex Parte Communication with ADR Neutral	Ex Parte Communication with ADR Neutral
3.260	12.8	Confidentiality	Confidentiality
3.261	12.9	Notice of Settlement Before ADR Hearing	Notice of Settlement Before ADR Hearing
3.262	12.10	Survey Form	Survey Form
3.268	12.11	Summary Description of Mediation	Summary Description of Mediation

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3.269	12.12	Cases Which May Be Ordered Into Mediation	Cases Which May Be Ordered Into Mediation
3.270	12.13	Cases Which May Be Referred Into Mediation	Cases Which May Be Referred Into Mediation
3.271	12.14	Hearings	Hearings
3.272	12.15	Appearances Required at Mediation	Appearances Required at Mediation
3.273	12.17	Submission of Briefs	Submission of Briefs
3.274	12.18	ADR Reports	ADR Reports
3.280	12.19	Summary Description of Neutral Evaluation	Summary Description of Neutral Evaluation
3.281	12.20	Cases Eligible for Neutral Evaluation	Cases Eligible for Neutral Evaluation
3.282	12.21	Hearings	Hearings
3.283	12.22	Appearances Required at the Evaluation Meeting	Appearances Required at the Evaluation Meeting
3.284	12.24	Submission of Statements and Documents	Submission of Statements and Documents
3.285	12.25	Disposition of Statements and Documents	Disposition of Statements and Documents
3.286	12.26	ADR Report	ADR Report
3.292	12.27	Summary Description of Arbitration	Summary Description of Arbitration
3.293	12.28	Cases Subject to Arbitration	Cases Subject to Arbitration
3.294	12.29	Cases Exempt From Arbitration	Cases Exempt From Arbitration
3.295	12.30	Withdrawal From Arbitration	Withdrawal From Arbitration

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3.296	12.31	Hearings	Hearings
3.297	12.32	Appearances Required at Arbitration	Appearances Required at Arbitration
3.298	12.33	Discovery During Arbitration	Discovery During Arbitration
3.299	12.34	Submission of Briefs / Evidence	Submission of Briefs / Evidence
3.300	12.35	Disposition of Exhibits	Disposition of Exhibits
3.301	12.36	ADR Reports	ADR Reports
3.302	1.8	Arbitration Panels	Arbitration Panels
3.307	12.37	Quality Assurance Subcommittee	Quality Assurance Subcommittee
3.308	12.38	Complaints	Complaints
3.309	12.39	Staff Inquires	Staff Inquires
3.310	12.40	Staff Action Between Meetings of the QAS	Staff Action Between Meetings of the QAS
3.311	12.41	Admonishment to Ensure Confidentiality	Admonishment to Ensure Confidentiality
3.312	12.42	Right to Provide Written Response and Request Reconsideration of Suspension or Removal	Right to Provide Written Response and Request Reconsideration of Suspension or Removal
3.313	12.43	Confidentiality of Complaint Files and Actions / Notification to Complainant	Confidentiality of Complaint Files and Actions / Notification to Complainant
3.319	12.60	Summary Description	Summary Description
3.320	12.61	Cases Eligible for Voluntary Settlement Conference	Cases Eligible for Voluntary Settlement Conference

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3.321	12.62	Setting Conference Date	Setting Conference Date
3.322	12.63	Attendance	Attendance
3.323	12.64	Settlement Conference Statement	Settlement Conference Statement
3.324	12.65	Offers to Compromise	Offers to Compromise
3.325	12.66	Settlement	Settlement
4.1	10.0	Applicability of Rules	Applicability of Rules
4.2	10.1	Excuse From Compliance	Excuse From Compliance
4.3	10.2	Probate Court Information	Probate Court Information
4.4	10.3	Probate Attorney's Notes	Probate Attorney's Notes
4.4(a)	10.4	Probate Notes Available on the Web	Probate Note Abbreviations
4.9	10.5	Setting of Probate Matters	Setting of Probate Matters
4.10	10.6	Resetting Petitions	Resetting Petitions
4.11	10.7	Central District—Probate Law and Motion Matters	Central District—Probate Law and Motion Matters
4.12	10.8	Ex Parte Procedures	Ex Parte Procedures
4.13	10.9	Probate Hearings Cannot be Advanced	Probate Hearings Cannot be Advanced
4.14	10.10	Continuances of Non-Trial Matters	Continuances of Non-Trial Matters
4.15	10.12	Trial on Contested Matters in Central District	Trials on Contested Matters in Central District
4.20	10.13	Transfers from One District to Another	Transfers from One District to Another

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4.21	10.14	Consolidation and/or Transfer of Cases	Consolidation and/or Transfer of Cases
4.22	10.15	Related Cases	Related Cases
4.27	10.18	Supplemental and Amended Pleadings	Supplemental and Amended Pleadings
4.28	10.19	Opposition and Reply Pleadings	Opposition and Reply Pleadings
4.29	10.20	Orders	Orders
4.30	10.21	Issuance of Letters to Personal Representatives of Decedents' Estates	Issuance of Letters to Personal Representatives of Decedents' Estates
4.35	10.22	Motion to Withdraw as Attorney of Record for a Fiduciary	Motions to Withdraw as Attorney of Record—Citation Required for Fiduciary
4.36	10.23	Notice	Party to Give Notice
4.37	10.24	Petition to Determine Title to Real or Personal Property	Petition to Determine Title to Real or Personal Property
4.38	10.25	Appraisal of Personal Property Before Sale	Appraisal of Personal Property Before Sale
4.39	10.26	Sale of Real Property Subsequent to Publication	Sales of Real Property
4.40	10.27	Borrowing and Refinancing	Borrowing and Refinancing
4.41	10.28	Reduction and Waiver of Bond	Reduction and Waiver of Bond
4.42	10.29	Bank Statement and Blocked Accounts	Bank Statements and Blocked Accounts
4.43	10.31	Payment and Reimbursement of Costs	Payment and Reimbursement of Costs
4.44	10.32	Findings as to Character of Property	Findings as to Character of Property

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New Rule Number	Old Rule Number	New Rule Title	Old Rule Title
4.45	10.33	Affidavits for Real Property of Small Value	Affidavits for Real Property of Small Value Probate Code Section 13200 et seq.
4.50	10.34	Appointment of Special Administrators	Appointment of Special Administrators
4.51	10.35	Declinations and Consents to Act	Declinations and Consents to Act
4.52	10.36	Appointment of Public Administrator	Appointment of Public Administrator
4.53	10.37	Certification of Wills and Codicils by Self-Represented Party	Proof of Wills and Codicils
4.54	10.38	Foreign Language Will	Foreign Language Will
4.55	10.39	Subsequent Petitions for Probate	Subsequent Petitions for Probate
4.56	10.41	Notice to Creditors	Notice to Creditors
4.57	10.42	Creditor's Claims	Creditor's Claims
4.58	10.43	Notice of Proposed Action	Notice of Proposed Action
4.59	10.44	Petition for Family Allowance	Petition for Family Allowance
4.60	10.45	Heirship Determinations	Heirship Determinations
4.61	10.46	Petitions for Instructions	Petitions for Instructions
4.62	10.47	Damages for Wrongful Death / Physical Injury or Property Damage	Collection of Damages for Wrongful Death / Physical Injury or Property Damage
4.63	10.48	Petitions for Preliminary and Final Distribution	Petitions for Preliminary and Final Distribution
4.64	10.49	Payment of Costs of Administration	Payment of Costs of Administration

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4.65	10.50	Allegations Regarding Creditors	Allegations Regarding Creditors
4.66	10.51	Medi-Cal Notification	Medi-Cal Notification
4.67	10.54	Allegation Re Character of Property	Allegation Re Character of Property
4.68	10.55	Provisions Re Survivorship	Provisions Re Survivorship
4.69	10.56	Description of Distributees	Description of Distributees
4.70	10.57	Orders Establishing Testamentary Trusts	Orders Establishing Testamentary Trusts
4.71	10.58	Distribution of Devise to Minor or Fiduciary	Documents to be on File Before Order for Distribution of Devise to Minor or Fiduciary
4.72	10.59	Post Deceased Distributees, Distribution	Post Deceased Distributees, Distribution Pursuant to Probate Code Section 13100 et seq.
4.73	10.60	Assignment or Transfer of Interest in Estate	Assignment or Transfer of Interest in Estate
4.74	10.61	Receipts of Distribution	Receipts of Distribution
4.80	10.62	Appointment of Guardians	Appointment of Guardians
4.81	10.63	Guardianship Accounts or Waivers of Accounts	Guardianship Accounts or Waivers of Accounts
4.86	10.64	Appointment of Conservators	Appointment of Conservators
4.87	10.65	Lanterman—Petris—Short (“LPS”) Conservatorship	Lanterman—Petris—Short (LPS) Conservatorship
4.88	10.66	Notice of Establishment of Conservatorship	Notice of Establishment of Conservatorship
4.89	10.67	Conservatorship Care Plan	Conservatorship Care Plan

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4.90	10.68	Court Investigator's Assessments	Court Investigator's Assessments
4.91	10.69	Resignation of Conservator	Resignation of Conservator
4.92	10.70	Notice Re Final Account Upon Death of Conservatee	Notice Re Final Account Upon Death of Conservatee
4.98	10.71	Conservator's or Guardian's Independent Powers	Conservator's or Guardian's Independent Powers
4.99	10.72	Inventory and Appraisal of Benefits	Inventory and Appraisal of Benefits
4.100	10.73	Accounts, Reports and Conservator / Guardian Compensation	Accounts, Reports and Conservator / Guardian Compensation
4.101	10.74	Accounts and Inventories and Appraisals—Conservators and Trustees of Trusts Subject to the Court's Continuing Jurisdiction	Accounts and Inventories and Appraisals—Conservators and Trustees of Trusts Subject to the Court's Continuing Jurisdiction
4.106	10.75	Multiple Probate Code Section 17200 et seq. Petitions Concerning One Trust	Multiple Probate Code Section 17200 et seq. Petitions Concerning One Trust
4.107	10.76	Petitions to Confirm Sale of Trust Real Property	Petitions to Confirm Sale of Trust Real Property
4.108	10.77	Settlements Involving Charitable Trusts	Settlements Involving Charitable Trusts
4.109	10.78	Testamentary Trustees' Accounts	Testamentary Trustees' Accounts
4.115	10.79	Settlements of Claims of Minors or Persons with Disabilities (Including Establishment and Funding of Trusts)	Settlements or Judgments Relating to Claims of Minors or Persons with Disabilities (Including Establishment and Funding of Trusts)

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4.116	10.80	Trust Created or Funded Pursuant to Court Order	Trusts Created or Funded Pursuant to Court Order Including Civil Judgment
4.117	10.81	Special Needs Trust Created by Court Order / Judgment	Special Needs Trust Created by Court Order / Judgment
4.118	10.82	Court Proceeding for Trusts Established Under Probate Code Section 2580 or 3100	NEW Court Proceedings Required for Trusts Established Under Probate Code Section 2580 or 3100
4.123	10.83	Probate Volunteer Panel General Eligibility Requirements and Procedures for Appointment to the Panel	Probate Volunteer Panel General Eligibility Requirements and Procedures for Appointment to the Panel
4.124	10.84	Probate Volunteer Panel—Requirements for Specific Areas of Interest	Probate Volunteer Panel—Requirements for Specific Areas of Interest
4.125	10.85	Ethical Guidelines	Ethical Guidelines
4.126	10.86	PVP Attorney Appointments are Personal	PVP Attorney Appointments are Personal
4.127	10.87	Written Report and Compensation for PVP Attorneys	Written Reports and Compensation for Court-Appointed Attorneys
5.1	14.0	Applicability of Rules; Sanctions	Application
5.2	14.1	Matters Assigned to Family Law Division; Cover Sheet	Matters Assigned to Family Law Departments
5.2	14.2	Matters Assigned to Family Law Division; Cover Sheet	Cover Sheet
5.3	14.3	Session Hours and Calendaring	Session Hours
5.3(a)(3)	14.27	Ex Parte Applications	Ex Parte Notice, Application and Orders
5.4	14.4	Related Family Law Cases	Related Family Law Cases

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New Rule Number	Old Rule Number	New Rule Title	Old Rule Title
5.5	14.5	Transfer of Related Family Law Cases	Transfer of Related Family Law Cases
5.6	14.6	Requirement to Meet and Confer	Meet and Confer Requirements
5.7	14.7	Continuances	Continuances
5.8	14.8	Evidentiary Objections	Evidentiary Objections
5.9	14.9	Financial Declarations and Supporting Documents	Financial Declarations and Supporting Documents
5.10	14.10	Evidence of Attorney's Fees, Expert's Fees and Costs	Evidence of Attorney's Fees, Expert's Fees and Costs
5.11	14.11	Preparation of Orders After Hearing	Preparation of Orders After Hearing
5.12	14.12	Family Centered Case Resolution	Case Management Proceedings
5.13	14.13	Trial Setting	Setting of Contested Trials
5.14	14.14	Mandatory Settlement Conferences for Long Cause Trials	Mandatory Settlement Conferences for Long Cause Trials
5.15	14.15	Trials	Trials
5.16	14.16	Judgment Procedure	Judgment Procedure
5.16(a)	14.17	Bifurcated Status Only Judgments	Bifurcated Status Only Judgments
5.16(b)	14.18	Stipulated Judgments On Further Reserved Issues	Stipulated Judgments On Further Reserved Issues
5.17	14.19	Default or Uncontested Judgments by Affidavit	Default or Uncontested Judgments by Affidavit
5.18	NEW	Alternate Dispute Resolution (ADR) of Non-Custody Disputes	

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5.19	14.20	Family Court Services: Mediation, Custody Evaluations and Parent Education	Family Court Services: Mediation, Custody Evaluations and Parent Education
5.20	14.21	Private Child Custody Evaluations	Private Child Custody Evaluations
5.21	14.28	Complaints Regarding Minor's Counsel	Complaints Regarding Minor's Counsel
5.22	14.22	Minor's Contract Procedure	Minor's Contract Procedure
5.23	14.23	Duties of Family Law Facilitator	Family Law Facilitator's and Family Law Information Center
5.24	14.24	Actions for Paternity/Parentage, Child and Spousal Support	Paternity, Child and Spousal Support Actions
5.25	14.25	Declaration / Statement of Provider of Supervised Visitation	Declaration / Statement of Provider of Supervised Visitation
5.26	14.26	Collaborative Law Cases	Collaborative Law Cases
6.1	13.1	Agency Adoptions	Agency Adoptions
6.2	13.2	Independent Adoptions	Independent Adoptions
6.3	13.3	Stepparent Adoptions	Stepparent Adoptions
6.4	13.4	Adult and Married Minors Adoptions	Adult and Married Minors Adoptions
6.5	13.5	Intercountry Adoptions	Intercountry Adoptions
6.6	13.6	Petition to Determine Parent and Child Relationship	Petition to Determine Parent and Child Relationship
6.7	13.7	Petition to Terminate Parental Rights in Adoption Proceedings	Petition to Terminate Parental Rights in Adoption Proceedings
6.8	13.8	Petition for Freedom From Custody and Control	Petition for Freedom From Custody and Control

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6.9	NEW	Mandatory Consolidation of Guardianship and Adoption Cases	
6.10	NEW	Petition to Terminate Parental Rights in Guardianship	
6.11	NEW	Related Adoption Cases	
6.12	NEW	Disclosure of Information Regarding an Adoption	
6.13	NEW	Setting Aside/Vacating Adoption	
6.14	NEW	Emancipation of Minors Law	
6.15	NEW	Special Immigrant Juvenile Status	
6.16	NEW	Excuse From Compliance	
7.1	17.0	Jurisdiction	Court Jurisdiction
7.2	17.1	Confidentiality of Juvenile Case Files	Confidentiality of Juvenile Case Files
7.3	17.2	Public and Media Courtroom Access	Public and Media Access
7.4	17.3	Medical Consent Program	Medical Consent Program
7.5	17.4	Life Sustaining Medical Treatment (LSMT)	Life Sustaining Medical Treatment (LSMT)
7.6	17.5	Procedures for HIV/AIDS Testing of Dependent Children	Procedures for HIV/AIDS Testing of Dependent Children
7.7	17.6	Prescription and Administration of Psychotropic Medications for Dependents and Wards of the Juvenile Court	Prescription and Administration of Psychotropic Medications for Dependents and Wards of the Juvenile Court

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7.8	17.7	Specialized Mental Health Treatment of Dependent and Delinquent Children	Specialized Mental Health Treatment of Dependent and Delinquent Children
7.9	17.7.1	Voluntary Commitment of Dependent and Delinquent Minors for Inpatient or Outpatient Mental Health Services	Voluntary Commitment of Dependent and Delinquent Minors for Inpatient or Outpatient Mental Health Services
7.10	17.8	Specially Designated Departments	Specially Designated Departments
7.11	17.9	Appearances and Daily Courtroom Practice in Dependency Court	Appearances and Daily Courtroom Practice in Dependency Court
7.12	17.10	Children's Appearances	Children's Appearances
7.13	17.11	Foster Parent Appearances and Participation	Foster Parent Appearances and Participation
7.14	17.12	Failure of Attorney to Appear	Failure of Attorney to Appear
7.15	17.14	Rehearing On Order of a Commissioner or Referee Pursuant to Welfare and Institutions Code Section 252	Rehearings On Orders and Findings of A Commissioner or Referee Pursuant to Welfare and Institutions Code Section 252
7.16	17.15	Motion Requirements and Procedures	Motion Requirements and Procedures
7.17	17.16	Legal Representation	Legal Representation
7.18	17.17	Court-Appointed Special Advocate (CASA)	Court-Appointed Special Advocate (CASA)
7.19	17.18	Time Limitations for Dependency Proceedings	Time Limitations for Dependency Proceedings
7.20	17.19	Detention Hearings / Children in Shelter Care	Detention Hearings / Children in Shelter Care

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7.21	17.20	Pre-hearing Discovery	Prehearing Discovery
7.22	17.21	Hearings in Absence of Parties	Hearings in Absence of Parties
7.23	17.22	Mediation	Mediation
7.24	17.23	Mandatory Settlement Conference	Mandatory Settlement Conference
7.25	17.24	Trial in Progress	Trials in Progress
7.26	17.25	Appointment of Experts	Appointment of Experts
7.27	17.26	Lay Witness Fees and Costs	Lay Witness Fees and Costs
7.28	17.27	Application for Detention or Release of Children in Dependency Court Subsequent to Detention Hearing and Prior to Disposition in Emergency and Non-Emergency Situations	Application for Detention or Release of Children in Dependency Court Subsequent to Detention Hearing and Prior to Disposition in Emergency and Non-Emergency Situations
7.29	17.28	Financial Responsibility Under Welfare and Institutions Code Section 903	Financial Responsibility Under Welfare and Institutions Code Section 903
7.30	17.29	Dependency Court Tort Policy	Dependency Court Tort Policy
7.31	17.30	Petition Pursuant to Welfare and Institutions Code Section 331	Petition Pursuant to Welfare and Institutions Code Section 331
7.32	17.31	Client Complaint Process	Client Complaint Process
7.33	17.32	Juvenile Court Blanket Orders	Juvenile Court Blanket Orders
8.1	6.0	Duties of Supervising Judge of the Criminal Division	Duties of Supervising Judge of the Criminal Division
8.2	6.1	Filing and Transfer of Cases	Filing and Transfer of Cases

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8.3	6.15	Bail Matters	Bail Matters
8.3(e)	6.16	Repetitive Applications to Change Bail	Bail Reductions or Increases
8.3(f)	6.17	Motions to Reinstate and Exonerate Bail	Reinstatement and Exoneration of Bail
8.4	6.2	Preliminary Hearing Transcripts	Preliminary Hearing Transcripts
8.5	6.3	Filing of Information, Continuance and Early Disposition	Filing of Information, Continuance and Early Disposition
8.6	6.5	Motion Requirements	Motions Requirements
8.7	6.6	Motions to Continue	Motions to Continue
8.8	NEW	Ex Parte Application	
8.9	6.7	Facsimile Filing and Service of Documents	Fax Filing and Service of Specified Motions
8.10	6.20(c)	Readiness to Proceed	Readiness to Proceed
8.12	6.18	Scheduling Conflicts	Requesting Calendar Priority
8.12(a)	6.18(b)	Requesting Calendar Priority	Calendar Priority Department
8.12(b)	6.18(a)	Engaged in Trial	Engaged in Trial
8.13	6.8	Appearances in Both a Criminal Department and a Juvenile Department	Appearances in Both a Criminal Department and a Juvenile Department
8.14	6.10	Delivery of Probation Department Reports	Delivery of Probation Department Reports
8.15	6.19	Trial Priority	Trial Priority
8.16	6.22	Written Juror Questionnaires	Written Juror Questionnaires

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8.17	6.24	Obtaining Court Files	Obtaining Court Files
8.18	6.27	Witness Fees	Witness Fees
8.19	6.28	Trial Exhibits	Trial Exhibits
8.20	6.13	Matters to Be Considered At Time Set for Sentencing	Matters to Be Considered At Time Set for Sentencing
8.21	6.14	Orders Seeking Return of Property	Orders Seeking Return of Property
8.32	6.30	Modification, Termination, or Revocation of Probation/sentence	Modification, Termination, or Revocation of Probation/sentence
8.33	6.32	Petitions for Habeas Corpus or Other Extraordinary Relief	Petitions for Habeas Corpus or Other Extraordinary Relief
8.34	2.6	Court Communication Protocol	Court Communication Protocol for Domestic Violence and Child Custody Orders
8.40	6.39	Capital Cases Procedures	Capital Cases Procedures
8.41	6.40	Post-Sentence Procedures in Capital Cases	Post-Sentence Procedures in Capital Cases
8.42	6.41	Pro Per Defendants in Criminal Cases	Pro Per Defendants in Criminal Cases
8.43	NEW	Standby Counsel in Criminal Cases	
8.50	19.0	Judicial Commitments	Judicial Commitments
8.51	19.1	Medication Capacity / Riese Hearings (Facility-Based)	Medication Capacity / Riese Hearings (Facility-Based)
8.52	19.2	Electroconvulsive Therapy Hearings for Involuntarily Held Patients	Capacity: ECT Hearings for Involuntarily Held Patients for Intensive Treatment

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8.53	19.3	Petition For Restoration of Right to Possess a Firearm	Firearm Return
8.54	19.4	Ex Parte Requests	Ex Parte Requests
8.60	20.0	Infraction Trial by Declaration	Infraction Trials by Declaration
8.61	20.1	Infraction Trial De Novo	Trials De Novo
8.62	20.2	Infraction Summary Trial	Infraction Summary Trials
8.63	20.3	Dismissals After Proof of Correction	Dismissals
9.1	11.0	General Provision	General Provision
9.2	11.1	Appeals	Appeals
9.3	11.2	Stay Orders in Pending Appeals	Stay Orders in Pending Appeals
9.4	11.3	Appointed Counsel in Misdemeanor Appeals	Appointed Counsel in Misdemeanor Appeals
9.5	11.4	Record On Appeal	Record On Appeal
9.6	11.5	Briefs	Briefs
9.7	11.6	Oral Argument	Oral Argument
9.8	11.7	Judgment	Judgment
9.9	11.8	Applications and Motions	Applications and Motions
9.10	11.9	Extensions and Relief From Default	Extensions and Relief From Default
9.11	11.10	Writs	Writs