

TITLE 1. Rules Applicable to All Courts

Chapter 1. Preliminary Rules

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Rule 1.1. The California Rules of Court

These rules are entitled the California Rules of Court.

Rule 1.1 adopted effective January 1, 2007.

Rule 1.2. Title

The rules in this title of the California Rules of Court may be referred to as the Rules Applicable to All Courts.

Rule 1.2 adopted effective January 1, 2007.

Rule 1.3. Authority

The rules in the California Rules of Court are adopted by the Judicial Council of California under the authority of article VI, section 6, of the Constitution of the State of California, unless otherwise indicated. The rules in division 5 of title 8 and in title 9 were adopted by the Supreme Court.

Rule 1.3 amended effective January 1, 2008; adopted effective January 1, 2007.

Rule 1.4. Contents of the rules

(a) The titles

The California Rules of Court includes the following titles:

- (1) Title 1. Rules Applicable to All Courts;
- (2) Title 2. Trial Court Rules;
- (3) Title 3. Civil Rules;
- (4) Title 4. Criminal Rules;

- (5) Title 5. Family and Juvenile Rules;
- (6) Title 6. [Reserved];
- (7) Title 7. Probate Rules;
- (8) Title 8. Appellate Rules;
- (9) Title 9. Rules on Law Practice, Attorneys, and Judges; and
- (10) Title 10. Judicial Administration Rules.

(b) Standards of Judicial Administration

The California Rules of Court includes the Standards of Judicial Administration adopted by the Judicial Council.

(c) Ethics Standards for Neutral Arbitrators in Contractual Arbitrations

The California Rules of Court includes Ethics Standards for Neutral Arbitrators in Contractual Arbitrations adopted by the Judicial Council under the authority of Code of Civil Procedure section 1281.85.

(Subd (c) relettered effective January 1, 2008; adopted as subd (d) effective January 1, 2007.)

(d) The appendixes

The California Rules of Court includes the following appendixes:

- (1) Appendix A. Judicial Council Legal Forms List;
- (2) Appendix B. Liability Limits of a Parent or Guardian Having Custody and Control of a Minor for the Torts of a Minor;
- (3) Appendix C. Guidelines for the Operation of Family Law Information Centers and Family Law Facilitator Offices; and
- (4) Appendix D. Judicial Council Governance Policies.

(Subd (d) amended effective August 14, 2009; adopted as subd (e) effective January 1, 2007; previously relettered effective January 1, 2008.)

Rule 1.4 amended effective August 14, 2009; adopted effective January 1, 2007; previously amended effective January 1, 2008.

Rule 1.5. Construction of rules and standards

(a) Construction

The rules and standards of the California Rules of Court must be liberally construed to ensure the just and speedy determination of the proceedings that they govern.

(b) Terminology

As used in the rules and standards:

- (1) “Must” is mandatory;
- (2) “May” is permissive;
- (3) “May not” means 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; and
- (5) “Should” expresses a preference or a nonbinding recommendation.

(c) Standards

Standards are guidelines or goals recommended by the Judicial Council. The nonbinding nature of standards is indicated by the use of “should” in the standards instead of the mandatory “must” used in the rules.

(d) Construction of additional terms

In the rules:

- (1) Each tense (past, present, or future) includes the others;
- (2) Each gender (masculine, feminine, or neuter) includes the others; and
- (3) Each number (singular or plural) includes the other.

Rule 1.5 adopted effective January 1, 2007.

Rule 1.6. Definitions and use of terms

As used in the California Rules of Court, unless the context or subject matter otherwise requires:

- (1) “Action” includes special proceeding.

- (2) “Case” includes action or proceeding.
- (3) “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 habeas corpus.
- (4) “General civil case” means all civil cases except probate, guardianship, conservatorship, juvenile, and family law proceedings (including proceedings under divisions 6–9 of the Family Code, Uniform Parentage Act, Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings), small claims proceedings, unlawful detainer proceedings, and “other civil petitions” described in (5).
- (5) “Civil petitions” that are not general civil cases include petitions to prevent civil harassment, elder abuse, and workplace violence; petitions for name change; election contest petitions; and petitions for relief from late claims.
- (6) “Unlimited civil cases” and “limited civil cases” are defined in Code of Civil Procedure section 85 et seq.
- (7) “Criminal case” means a proceeding by which a party charged with a public offense is accused and prosecuted for the offense.
- (8) “Rule” means a rule of the California Rules of Court.
- (9) “Local rule” means every rule, regulation, order, policy, form, or standard of general application adopted by a court to govern practice and procedure in that court or by a judge of the court to govern practice or procedure in that judge’s courtroom.
- (10) “Chief Justice” and “presiding justice” include the Acting Chief Justice and the acting presiding justice, respectively.
- (11) “Presiding judge” includes the acting presiding judge or the judicial officer designated by the presiding judge.
- (12) “Judge” includes, as applicable, a judge of the superior court, a commissioner, or a temporary judge.
- (13) “Temporary judge” means an active or inactive member of the State Bar of California who, under article VI, section 21 of the California Constitution and these rules, serves or expects to serve as a judge once, sporadically, or regularly on a part-time basis under a separate court appointment for each period of service or each case heard.

- (14) "Person" includes a corporation or other legal entity as well as a natural person.
- (15) "Party" is a person appearing in an action. Parties include both self-represented persons and persons represented by an attorney of record. "Party," "plaintiff," "People of the State of California," "applicant," "petitioner," "defendant," "respondent," "other parent," or any other designation of a party includes the party's attorney of record.
- (16) "Attorney" means a member of the State Bar of California.
- (17) "Counsel" means an attorney.
- (18) "Sheriff" includes marshal.
- (19) "Service" means service in the manner prescribed by a statute or rule.
- (20) "Memorandum" means a written document containing: a statement of facts; a concise statement of the law, evidence, and arguments relied on; and a discussion of the statutes, cases, rules, and other legal sources relied on in support of the position advanced.
- (21) "Declaration" includes "affidavit."
- (22) "Recycled" as applied to paper means "recycled printing and writing paper" as defined by section 12209 of the Public Contract Code.
- (23) "California Courts Web Site" means the Web site established by the Judicial Council that includes news and information, reference materials, rules and forms, and a self-help center. The address is: *www.courtinfo.ca.gov*.

Rule 1.6 amended effective July 1, 2008; adopted as rule 200.1 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective July 1, 2007.

Chapter 2. Timing and Holidays

Rule 1.10. Time for actions

Rule 1.11. Holiday falling on a Saturday or Sunday

Rule 1.10. Time for actions

(a) Computation of time

The time in which any act provided by these rules is to be performed is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or other legal holiday, and then it is also excluded.

(Subd (a) amended effective January 1, 2007.)

(b) Holidays

Unless otherwise provided by law, if the last day for the performance of any act that is required by these rules to be performed within a specific period of time falls on a Saturday, Sunday, or other legal holiday, the period is extended to and includes the next day that is not a holiday.

(Subd (b) amended effective January 1, 2007.)

(c) Extending or shortening time

Unless otherwise provided by law, the court may extend or shorten the time within which a party must perform any act under the rules.

(Subd (c) amended effective January 1, 2007.)

Rule 1.10 amended and renumbered effective January 1, 2007; adopted as rule 200.3 effective January 1, 2003.

Rule 1.11. Holiday falling on a Saturday or Sunday

When a judicial holiday specified by Code of Civil Procedure section 135 falls on a Saturday, the courts must observe the holiday on the preceding Friday. When a judicial holiday specified by Code of Civil Procedure section 135 falls on a Sunday, the courts must observe the holiday on the following Monday.

Rule 1.11 amended and renumbered effective January 1, 2007; adopted as rule 987 effective January 1, 1986, operative January 1, 1989.

Chapter 3. Service and Filing

Rule 1.20 Filing

Rule 1.21. Service

Rule 1.22. Recycled paper

Rule 1.20. Filing

(a) Effective date of filing

Unless otherwise provided, a document is deemed filed on the date it is received by the court clerk.

(Subd (a) amended and lettered effective January 1, 2008; adopted as unlettered subd effective January 1, 2007.)

(b) Protection of privacy

(1) *Scope*

The requirements of this subdivision that parties or their attorneys must not include, or must redact, certain identifiers from documents or records filed with the court do not apply to documents or records that by court order or operation of law are filed in their entirety either confidentially or under seal.

(2) *Exclusion or redaction of identifiers*

To protect personal privacy and other legitimate interests, parties and their attorneys must not include, or must redact where inclusion is necessary, the following identifiers from all pleadings and other papers filed in the court's public file, whether filed in paper or electronic form, unless otherwise provided by law or ordered by the court:

- (A) Social security numbers. If an individual's social security number is required in a pleading or other paper filed in the public file, only the last four digits of that number may be used.
- (B) Financial account numbers. If financial account numbers are required in a pleading or other paper filed in the public file, only the last four digits of these numbers may be used.

(3) *Responsibility of the filer*

The responsibility for excluding or redacting identifiers identified in (b)(2) from all documents filed with the court rests solely with the parties and their attorneys. The court clerk will not review each pleading or other paper for compliance with this provision.

(4) *Confidential reference list*

If the court orders on a showing of good cause, a party filing a document containing identifiers listed in (b)(2) may file, along with the redacted document that will be placed in the public file, a reference list. The reference list is confidential. A party filing a confidential reference list must use *Confidential Reference List of Identifiers* (form MC-120) for that purpose. The confidential list must identify each item of redacted information and specify an appropriate reference that uniquely corresponds to each item of

redacted information listed. All references in the case to the redacted identifiers included in the confidential reference list will be understood to refer to the corresponding complete identifier. A party may amend its reference list as of right.

(Subd (b) adopted effective January 1, 2008.)

Rule 1.20 amended effective January 1, 2008; adopted effective January 1, 2007.

Rule 1.21. Service

(a) Service on a party or attorney

Whenever a document is required to be served on a party, the service must be made on the party's attorney if the party is represented.

(Subd (a) amended effective January 1, 2007.)

(b) "Serve and file"

As used in these rules, unless a statute or rule provides for a different method for filing or service, a requirement to "serve and file" a document means that a copy of the document must be served on the attorney for each party separately represented, on each self-represented party, and on any other person or entity when required by statute, rule, or court order, and that the document and a proof of service of the document must be filed with the court.

(Subd (b) amended effective January 1, 2007.)

(c) "Proof of service"

As used in these rules, "proof of service" means a declaration stating that service has been made as provided in (a) and (b). If the proof of service names attorneys for separately represented parties, it must also state which party or parties each of the attorneys served is representing.

(Subd (c) adopted effective January 1, 2007.)

Rule 1.21 amended effective January 1, 2007; adopted effective January 1, 2007.

Rule 1.22. Recycled paper

(a) Use of recycled paper required

Recycled paper, as defined in rule 1.6, must be used for all original papers filed with the trial and appellate courts and for all copies of papers, documents, and exhibits, whether filed with the courts or served on other parties.

(b) Certification

Whenever the use of recycled paper is required by these rules, the attorney, party, or other person filing or serving a document certifies, by the act of filing or service, that the document was produced on paper purchased as recycled.

Rule 1.22 adopted effective January 1, 2007.

Chapter 4. Judicial Council Forms

Rule 1.30. Judicial Council forms

Rule 1.31. Mandatory forms

Rule 1.35. Optional forms

Rule 1.37. Use of forms

Rule 1.40. Statutory references on forms

Rule 1.41. Proofs of service on forms

Rule 1.42. Forms not to be rejected

Rule 1.43. Legibility

Rule 1.44. Electronically produced forms

Rule 1.45. Judicial Council pleading forms

Rule 1.51. California Law Enforcement Telecommunications System (CLETS) information form

Rule 1.30. Judicial Council forms

(a) Application

The rules in this chapter apply to Judicial Council forms.

(Subd (a) adopted effective January 1, 2007.)

(b) Mandatory or optional forms

Judicial Council forms are either mandatory or optional.

(Subd (b) relettered effective January 1, 2007; adopted as subd (a) effective January 1, 2003.)

Rule 1.30 amended and renumbered effective January 1, 2007; adopted as rule 982 effective November 10, 1969; previously amended effective November 23, 1969, July 1, 1970, November 23, 1970, January 1, 1971, January 1, 1972, March 4, 1972, July 1, 1972, March 7, 1973, January 1, 1975, July 1, 1975, July 1, 1976, January 1, 1977, July 1, 1977, January 1, 1978, October 1, 1978, January 1, 1979, July 1, 1980, January 1, 1981, July 1, 1983, July 1, 1988,

January 1, 1997, and January 1, 2006; amended and renumbered as rule 201.1 effective January 1, 2003.

Rule 1.31. Mandatory forms

(a) Use of mandatory forms and acceptance for filing

Forms adopted by the Judicial Council for mandatory use are forms prescribed under Government Code section 68511. Wherever applicable, they must be used by all parties and must be accepted for filing by all courts. In some areas, alternative mandatory forms have been adopted.

(b) List of mandatory forms

Each mandatory Judicial Council form is identified as mandatory by an asterisk (*) on the list of Judicial Council forms in Appendix A to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.

(c) Identification of mandatory forms

Forms adopted by the Judicial Council for mandatory use bear the words “Form Adopted for Mandatory Use,” “Mandatory Form,” or “Form Adopted for Alternative Mandatory Use” in the lower left corner of the first page.

(d) Words on forms

Publishers and courts reprinting a mandatory Judicial Council form in effect before July 1, 1999, must add the words “Mandatory Form” to the bottom of the first page.

(e) No alteration of forms

Except as provided in rule 3.52(6), concerning court fee waiver orders, rule 5.504, concerning court orders in juvenile court proceedings, and rule 7.101.5, concerning court orders in proceedings under the Probate Code, courts may not require the use of an altered mandatory Judicial Council form in place of the Judicial Council form. However, a judicial officer may modify a Judicial Council form order as necessary or appropriate to adjudicate a particular case.

(Subd (e) amended effective July 1, 2009; previously amended effective January 1, 2007, and January 1, 2009.)

(f) No colored forms

Courts may not require that any mandatory Judicial Council form be submitted on any color of paper other than white.

(g) Orders not on mandatory forms

An otherwise legally sufficient court order for which there is a mandatory Judicial Council form is not invalid or unenforceable because the order is not prepared on a Judicial Council form or the correct Judicial Council form.

Rule 1.31 amended effective July 1, 2009; adopted effective January 1, 2007; previously amended effective January 1, 2007, and January 1, 2009.

Rule 1.35. Optional forms

(a) Use of optional forms and acceptance for filing

Forms approved by the Judicial Council for optional use, wherever applicable, may be used by parties and must be accepted for filing by all courts.

(b) List of optional forms

Each optional Judicial Council form appears without an asterisk (*) on the list of Judicial Council forms in Appendix A to the California Rules of Court. The list is available on the California Courts Web site at www.courtinfo.ca.gov/forms.

(c) Identification of optional forms

Forms approved by the Judicial Council for optional use bear the words “Form Approved for Optional Use” or “Optional Form” in the lower left corner of the first page.

(d) Words on forms

Publishers and courts reprinting an optional Judicial Council form in effect before July 1, 1999, must add the words “Optional Form” to the bottom of the first page.

(e) No alteration of forms

Courts may not require the use of an altered optional Judicial Council form in place of the Judicial Council form. However, a judicial officer may modify a Judicial Council form order as necessary or appropriate to adjudicate a particular case.

(Subd (e) amended effective January 1, 2009.)

(f) No colored forms

Courts may not require that any optional Judicial Council form be submitted on any color of paper other than white.

Rule 1.35 amended effective January 1, 2009; adopted effective January 1, 2007.

Rule 1.37. Use of forms

A person serving and filing a Judicial Council form must use the current version of the form adopted or approved by the council, unless a rule in the California Rules of Court allows the use of a different form.

Rule 1.37 adopted effective January 1, 2007.

Rule 1.40. Statutory references on forms

The references to statutes and rules at the bottom of Judicial Council forms are advisory only. The presence or absence of a particular reference is not a ground for rejecting a form otherwise applicable in the action or proceeding for the purpose presented.

Rule 1.40 adopted effective January 1, 2007.

Rule 1.41. Proofs of service on forms

Proofs of service are included on some Judicial Council forms solely for the convenience of the parties. A party may use an included proof of service or any other proper proof of service.

Rule 1.41 adopted effective January 1, 2007.

Rule 1.42. Forms not to be rejected

A court must not reject for filing a Judicial Council form for any of the following reasons:

- (1) The form lacks the preprinted title and address of the court;
- (2) The form lacks the name of the clerk;
- (3) The preprinted title and address of another court or its clerk's name is legibly modified;
- (4) The form lacks the court's local form number;
- (5) The form lacks any other material added by a court, unless the material is required by the Judicial Council;
- (6) The form is printed by a publisher or another court;
- (7) The form is imprinted with the name or symbol of the publisher, unless the name or symbol replaces or obscures any material on the printed form;

- (8) The form is legibly and obviously modified to correct a code section number or to comply with the law under which the form is filed; or
- (9) The form is not the latest version of the form adopted or approved by the Judicial Council.

Rule 1.42 amended effective January 1, 2007; adopted effective January 1, 2007.

Rule 1.43. Legibility

A Judicial Council form filed must be a true copy of the original form and must be as legible as a printed form.

Rule 1.43 adopted effective January 1, 2007.

Rule 1.44. Electronically produced forms

A party or attorney may file a duplicate of a Judicial Council form produced by a computer and a printer or similar device with a resolution of at least 300 dots per inch.

Rule 1.44 adopted effective January 1, 2007.

Rule 1.45. Judicial Council pleading forms

(a) Pleading forms

The forms listed under the “Pleading” heading on the list of Judicial Council forms in Appendix A to the California Rules of Court are approved by the Judicial Council.

(Subd (a) amended effective July 1, 2008; previously amended effective July 1, 1999, January 1, 2005, and January 1, 2007.)

(b) Cause of action forms

Any approved cause of action form may be attached to any approved form of complaint or cross-complaint.

(Subd (b) adopted effective January 1, 1982.)

(c) Other causes of action

A cause of action for which no form has been approved may be prepared in the format prescribed by the rules in chapter 1 of division 2 of title 2 and attached to any approved form of complaint or cross-complaint. Each paragraph within a cause of action must be numbered consecutively beginning with one. Each paragraph

number must be preceded with one or more identifying letters derived from the title of the cause of action.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 1982; previously amended effective January 1, 2003.)

Rule 1.45 amended effective July 1, 2008; adopted as rule 982.1 effective January 1, 1982; previously amended effective July 1, 1995, July 1, 1996, January 1, 1997, July 1, 1999, and January 1, 2005; previously amended and renumbered as rule 201.2 effective January 1, 2003; previously amended and renumbered effective January 1, 2007.

Rule 1.51. California Law Enforcement Telecommunications System (CLETS) information form

(a) Confidential CLETS Information form to be submitted to the court

A person requesting protective orders under Code of Civil Procedure section 527.6, 527.8, or 527.85; Family Code section 6320; or Welfare and Institutions Code section 213.5 or 15657.03 must submit to the court with the request a completed *Confidential CLETS Information* form.

(b) Confidentiality of the form

The *Confidential CLETS Information* form is confidential, and access to the information on the form is limited to the persons listed in (c).

(c) Access to information on the form

The *Confidential CLETS Information* form must not be included in the court file. After the form is submitted to the court, only the following persons may have access to the information on the form:

- (1) Authorized court personnel; and
- (2) Law enforcement and other personnel authorized by the California Department of Justice to transmit or receive CLETS information.

(d) Amendment of the form

A person requesting protective orders or the person's attorney may submit an amended *Confidential CLETS Information* form as a matter of right to provide updated or more complete and accurate information.

(e) Retention and destruction of the form

- (1) When a *Confidential CLETS Information* form is submitted to the court, the court, if a temporary restraining order or order after hearing is entered, may:

- (A) Transmit the form to a law enforcement agency for entry into CLETS and not retain any copy; or
 - (B) Enter the information on the form into CLETS itself and promptly destroy the form or delete it from its records.
- (2) If no temporary restraining order or order after hearing is entered, the court may promptly destroy the form or delete it from its records.
 - (3) Until the court has completed (1) or (2), the form must be retained in a secure manner that prevents access to the information on the form except to those persons identified in (c).

Rule 1.51 adopted effective January 1, 2011.

Chapter 5. Accommodations

Rule 1.100. Requests for accommodations by persons with disabilities

Rule 1.100. Requests for accommodations by persons with disabilities

(a) Definitions

As used in this rule:

- (1) “Persons with disabilities” means individuals covered by California Civil Code section 51 et seq.; the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); or other applicable state and federal laws. This definition includes persons who have a physical or mental impairment that limits one or more of the major life activities, have a record of such an impairment, or are regarded as having such an impairment.
- (2) “Applicant” means any lawyer, party, witness, juror, or other person with an interest in attending any proceeding before any court of this state.
- (3) “Accommodations” means actions that result in court services, programs, or activities being readily accessible to and usable by persons with disabilities. Accommodations may include making reasonable modifications in policies, practices, and procedures; furnishing, at no charge, to persons with disabilities, auxiliary aids and services, equipment, devices, materials in alternative formats, readers, or certified interpreters for persons with hearing impairments; relocating services or programs to accessible facilities; or providing services at alternative sites. Although not required where other actions are effective in providing access to court services, programs, or

activities, alteration of existing facilities by the responsible entity may be an accommodation.

(Subd (a) amended and relettered effective January 1, 2007; adopted as subd (b) effective January 1, 1996; previously amended effective January 1, 2006.)

(b) Policy

It is the policy of the courts of this state to ensure that persons with disabilities have equal and full access to the judicial system. To ensure access to the courts for persons with disabilities, each superior and appellate court must delegate at least one person to be the ADA coordinator, also known as the access coordinator, or designee to address requests for accommodations. This rule is not intended to impose limitations or to invalidate the remedies, rights, and procedures accorded to persons with disabilities under state or federal law.

(Subd (b) adopted effective January 1, 2007.)

(c) Process for requesting accommodations

The process for requesting accommodations is as follows:

- (1) Requests for accommodations under this rule may be presented ex parte on a form approved by the Judicial Council, in another written format, or orally. Requests must be forwarded to the ADA coordinator, also known as the access coordinator, or designee, within the time frame provided in (c)(3).
- (2) Requests for accommodations must include a description of the accommodation sought, along with a statement of the impairment that necessitates the accommodation. The court, in its discretion, may require the applicant to provide additional information about the impairment.
- (3) Requests for accommodations must be made as far in advance as possible, and in any event must be made no fewer than 5 court days before the requested implementation date. The court may, in its discretion, waive this requirement.
- (4) The court must keep confidential all information of the applicant concerning the request for accommodation, unless confidentiality is waived in writing by the applicant or disclosure is required by law. The applicant's identity and confidential information may not be disclosed to the public or to persons other than those involved in the accommodation process. Confidential information includes all medical information pertaining to the applicant, and all oral or written communication from the applicant concerning the request for accommodation.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(d) Permitted communication

Communications under this rule must address only the accommodation requested by the applicant and must not address, in any manner, the subject matter or merits of the proceedings before the court.

(Subd (d) amended effective January 1, 2006.)

(e) Response to accommodation request

The court must respond to a request for accommodation as follows:

- (1) In determining whether to grant an accommodation request or provide an appropriate alternative accommodation, the court must consider, but is not limited by, California Civil Code section 51 et seq., the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101, et seq.), and other applicable state and federal laws.
- (2) The court must promptly inform the applicant of the determination to grant or deny an accommodation request. If the accommodation request is denied in whole or in part, the response must be in writing. On request of the applicant, the court may also provide an additional response in an alternative format. The response to the applicant must indicate:
 - (A) Whether the request for accommodation is granted or denied, in whole or in part, or an alternative accommodation is granted;
 - (B) If the request for accommodation is denied, in whole or in part, the reason therefor;
 - (C) The nature of any accommodation to be provided;
 - (D) The duration of any accommodation to be provided; and
 - (E) If the response is in writing, the date the response was delivered in person or sent to the applicant.

(Subd (e) amended effective January 1, 2010; previously amended effective January 1, 2006, and January 1, 2007.)

(f) Denial of accommodation request

A request for accommodation may be denied only when the court determines that:

- (1) The applicant has failed to satisfy the requirements of this rule;
- (2) The requested accommodation would create an undue financial or administrative burden on the court; or
- (3) The requested accommodation would fundamentally alter the nature of the service, program, or activity.

(Subd (f) amended effective January 1, 2007; previously amended effective January 1, 2006.)

(g) Review procedure

- (1) If the determination to grant or deny a request for accommodation is made by nonjudicial court personnel, an applicant or any participant in the proceeding may submit a written request for review of that determination to the presiding judge or designated judicial officer. The request for review must be submitted within 10 days of the date the response under (e)(2) was delivered in person or sent.
- (2) If the determination to grant or deny a request for accommodation is made by a presiding judge or another judicial officer, an applicant or any participant in the proceeding may file a petition for a writ of mandate under rules 8.485–8.493 or 8.930–8.936 in the appropriate reviewing court. The petition must be filed within 10 days of the date the response under (e)(2) was delivered in person or sent to the petitioner. For purposes of this rule, only those participants in the proceeding who were notified by the court of the determination to grant or deny the request for accommodation are considered real parties in interest in a writ proceeding. The petition for the writ must be served on the respondent court and any real party in interest as defined in this rule.
- (3) The confidentiality of all information of the applicant concerning the request for accommodation and review under (g)(1) or (2) must be maintained as required under (c)(4).

(Subd (g) amended effective January 1, 2010; previously amended effective January 1, 2006.)

(h) Duration of accommodations

The accommodation by the court must be provided for the duration indicated in the response to the request for accommodation and must remain in effect for the period specified. The court may provide an accommodation for an indefinite period of time, for a limited period of time, or for a particular matter or appearance.

(Subd (h) amended effective January 1, 2006.)

Rule 1.100 amended effective January 1, 2010; adopted as rule 989.3 effective January 1, 1996; previously amended effective January 1, 2006; previously amended and renumbered effective January 1, 2007.

Advisory Committee Comment

Subdivision (g)(2). Which court is the “appropriate reviewing court” under this rule depends on the court in which the accommodation decision is made and the nature of the underlying case. If the accommodation decision is made by a superior court judicial officer and the underlying case is a limited civil, misdemeanor, or infraction case, the appropriate reviewing court is the appellate division of the superior court. If the accommodation decision is made by a superior court judicial officer and the case is anything other than a limited civil, misdemeanor, or infraction case, such as a family law, unlimited civil, or felony case, the appropriate reviewing court is the Court of Appeal. If the accommodation decision is made by a judicial officer of the Court of Appeal, the appropriate reviewing court is the California Supreme Court.

Chapter 6. Public Access to Court Proceedings

Rule 1.150. Photographing, recording, and broadcasting in court

Rule 1.150. Photographing, recording, and broadcasting in court

(a) Introduction

The judiciary is responsible for ensuring the fair and equal administration of justice. The judiciary adjudicates controversies, both civil and criminal, in accordance with established legal procedures in the calmness and solemnity of the courtroom. Photographing, recording, and broadcasting of courtroom proceedings may be permitted as circumscribed in this rule if executed in a manner that ensures that the fairness and dignity of the proceedings are not adversely affected. This rule does not create a presumption for or against granting permission to photograph, record, or broadcast court proceedings.

(Subd (a) adopted effective January 1, 1997.)

(b) Definitions

As used in this rule:

- (1) “Media coverage” means any photographing, recording, or broadcasting of court proceedings by the media using television, radio, photographic, or recording equipment.
- (2) “Media” or “media agency” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television

station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

- (3) “Court” means the courtroom at issue, the courthouse, and its entrances and exits.
- (4) “Judge” means the judicial officer or officers assigned to or presiding at the proceeding, except as provided in (e)(1) if no judge has been assigned.
- (5) “Photographing” means recording a likeness, regardless of the method used, including by digital or photographic methods. As used in this rule, photographing does not include drawings or sketchings of the court proceedings.
- (6) “Recording” means the use of any analog or digital device to aurally or visually preserve court proceedings. As used in this rule, recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.
- (7) “Broadcasting” means a visual or aural transmission or signal, by any method, of the court proceedings, including any electronic transmission or transmission by sound waves.

(Subd (b) amended effective January 1, 2007; adopted as subd (a) effective July 1, 1984; previously amended and relettered as subd (b) effective January 1, 1997; previously amended effective January 1, 2006.)

(c) Photographing, recording, and broadcasting prohibited

Except as provided in this rule, court proceedings may not be photographed, recorded, or broadcast. This rule does not prohibit courts from photographing or videotaping sessions for judicial education or publications and is not intended to apply to closed-circuit television broadcasts solely within the courthouse or between court facilities if the broadcasts are controlled by the court and court personnel.

(Subd (c) amended effective January 1, 2006; adopted effective January 1, 1997.)

(d) Personal recording devices

The judge may permit inconspicuous personal recording devices to be used by persons in a courtroom to make sound recordings as personal notes of the proceedings. A person proposing to use a recording device must obtain advance permission from the judge. The recordings must not be used for any purpose other than as personal notes.

(Subd (d) amended effective January 1, 2007; adopted as subd (c) effective July 1, 1984; previously amended and relettered as subd (d) effective January 1, 1997; previously amended effective January 1, 2006.)

(e) Media coverage

Media coverage may be permitted only on written order of the judge as provided in this subdivision. The judge in his or her discretion may permit, refuse, limit, or terminate media coverage. This rule does not otherwise limit or restrict the right of the media to cover and report court proceedings.

(1) Request for order

The media may request an order on *Media Request to Photograph, Record, or Broadcast* (form MC-500). The form must be filed at least five court days before the portion of the proceeding to be covered unless good cause is shown. A completed, proposed order on *Order on Media Request to Permit Coverage* (form MC-510) must be filed with the request. The judge assigned to the proceeding must rule on the request. If no judge has been assigned, the request will be submitted to the judge supervising the calendar department, and thereafter be ruled on by the judge assigned to the proceeding. The clerk must promptly notify the parties that a request has been filed.

(2) Hearing on request

The judge may hold a hearing on the request or may rule on the request without a hearing.

(3) Factors to be considered by the judge

In ruling on the request, the judge is to consider the following factors:

- (A) The importance of maintaining public trust and confidence in the judicial system;
- (B) The importance of promoting public access to the judicial system;
- (C) The parties' support of or opposition to the request;
- (D) The nature of the case;
- (E) The privacy rights of all participants in the proceeding, including witnesses, jurors, and victims;
- (F) The effect on any minor who is a party, prospective witness, victim, or other participant in the proceeding;

- (G) The effect on the parties' ability to select a fair and unbiased jury;
- (H) The effect on any ongoing law enforcement activity in the case;
- (I) The effect on any unresolved identification issues;
- (J) The effect on any subsequent proceedings in the case;
- (K) The effect of coverage on the willingness of witnesses to cooperate, including the risk that coverage will engender threats to the health or safety of any witness;
- (L) The effect on excluded witnesses who would have access to the televised testimony of prior witnesses;
- (M) The scope of the coverage and whether partial coverage might unfairly influence or distract the jury;
- (N) The difficulty of jury selection if a mistrial is declared;
- (O) The security and dignity of the court;
- (P) Undue administrative or financial burden to the court or participants;
- (Q) The interference with neighboring courtrooms;
- (R) The maintenance of the orderly conduct of the proceeding; and
- (S) Any other factor the judge deems relevant.

(4) *Order permitting media coverage*

The judge ruling on the request to permit media coverage is not required to make findings or a statement of decision. The order may incorporate any local rule or order of the presiding or supervising judge regulating media activity outside of the courtroom. The judge may condition the order permitting media coverage on the media agency's agreement to pay any increased court-incurred costs resulting from the permitted media coverage (for example, for additional court security or utility service). Each media agency is responsible for ensuring that all its media personnel who cover the court proceeding know and follow the provisions of the court order and this rule.

(5) *Modified order*

The order permitting media coverage may be modified or terminated on the

judge's own motion or on application to the judge without the necessity of a prior hearing or written findings. Notice of the application and any modification or termination ordered under the application must be given to the parties and each media agency permitted by the previous order to cover the proceeding.

(6) *Prohibited coverage*

The judge may not permit media coverage of the following:

- (A) Proceedings held in chambers;
- (B) Proceedings closed to the public;
- (C) Jury selection;
- (D) Jurors or spectators; or
- (E) Conferences between an attorney and a client, witness, or aide; between attorneys; or between counsel and the judge at the bench.

(7) *Equipment and personnel*

The judge may require media agencies to demonstrate that proposed personnel and equipment comply with this rule. The judge may specify the placement of media personnel and equipment to permit reasonable media coverage without disruption of the proceedings.

(8) *Normal requirements for media coverage of proceedings*

Unless the judge in his or her discretion orders otherwise, the following requirements apply to media coverage of court proceedings:

- (A) One television camera and one still photographer will be permitted.
- (B) The equipment used may not produce distracting sound or light. Signal lights or devices to show when equipment is operating may not be visible.
- (C) An order permitting or requiring modification of existing sound or lighting systems is deemed to require that the modifications be installed, maintained, and removed without public expense or disruption of proceedings.
- (D) Microphones and wiring must be unobtrusively located in places approved by the judge and must be operated by one person.

- (E) Operators may not move equipment or enter or leave the courtroom while the court is in session, or otherwise cause a distraction.
- (F) Equipment or clothing must not bear the insignia or marking of a media agency.

(9) *Media pooling*

If two or more media agencies of the same type request media coverage of a proceeding, they must file a joint statement of agreed arrangements. If they are unable to agree, the judge may deny media coverage by that type of media agency.

(Subd (e) amended effective January 1, 2007; adopted as subd (b) effective July 1, 1984; previously amended and relettered as subd (e) effective January 1, 1997; previously amended effective January 1, 2006.)

(f) Sanctions

Any violation of this rule or an order made under this rule is an unlawful interference with the proceedings of the court and may be the basis for an order terminating media coverage, a citation for contempt of court, or an order imposing monetary or other sanctions as provided by law.

(Subd (f) amended and relettered as subd (f) effective January 1, 1997; adopted as subd (e) effective July 1, 1984.)

Rule 1.150 amended and renumbered effective January 1, 2007; adopted as rule 980 effective July 1, 1984; previously amended effective January 1, 1997, and January 1, 2006.

Chapter 7. Form and Format of Papers

Chapter 7 adopted effective January 1, 2008.

Rule 1.200. Format of citations

Rule 1.200. Format of citations

Citations to cases and other authorities in all documents filed in the courts must be in the style established by either the *California Style Manual* or *The Bluebook: A Uniform System of Citation*, at the option of the party filing the document. The same style must be used consistently throughout the document.

Rule 1.200 adopted effective January 1, 2008.