

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 25, 2008,  
effective on July 1, 2008

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1 **Rule 1.6. Definitions and use of terms**

2  
3 As used in the California Rules of Court, unless the context or subject matter  
4 otherwise requires:

5  
6 (1)–(14) \*\*\*

7  
8 (15) “Party” is a person appearing in an action. ~~A party may be~~ Parties include  
9 both self-represented or persons and persons represented by an attorney of  
10 record. “Party,” “plaintiff,” “People of the State of California,” “applicant,”  
11 “petitioner,” “defendant,” “respondent,” “other parent,” or any other  
12 designation of a party includes the party’s attorney of record.

13  
14 (16)–(23) \*\*\*

15  
16 *Rule 1.6 amended effective July 1, 2008; adopted as rule 200.1 effective January 1, 2003;*  
17 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
18 *July 1, 2007.*

19  
20 **Rule 1.45. Judicial Council pleading forms**

21  
22 **(a) Pleading forms**

23  
24 The forms listed under the “Pleading” heading on the list of Judicial Council  
25 forms in Appendix A to the California Rules of Court (~~forms 982.1(1)–~~  
26 ~~982.1(95))~~ are approved by the Judicial Council.

27  
28 *(Subd (a) amended effective July 1, 2008; previously amended effective July 1, 1999,*  
29 *January 1, 2005, and January 1, 2007.)*

30  
31 **(b)–(c) \*\*\***

32  
33 *Rule 1.45 amended effective July 1, 2008; adopted as rule 982.1 effective January 1, 1982;*  
34 *previously amended effective July 1, 1995, July 1, 1996, January 1, 1997, July 1, 1999, and*  
35 *January 1, 2005; previously amended and renumbered as rule 201.2 effective January 1, 2003;*  
36 *previously amended and renumbered effective January 1, 2007.*

37  
38 **Rule 2.306. Service of papers by fax transmission**

39  
40 **(a)–(c) \*\*\***

41  
42 **(d) Notice period extended**

43

1 Except as provided in (~~e~~), any prescribed period of notice and any right or  
2 duty to do any act or make any response within any prescribed period or on a  
3 date certain after the service of a document served by fax transmission is  
4 extended by two court days.

5  
6 *(Subd (d) amended effective July 1, 2008; adopted as part of subd (b) effective March 1,*  
7 *1992; previously amended and lettered as subd (c) effective January 1, 2007; previously*  
8 *relettered as subd (d) effective January 1, 2008.)*  
9

10 **(e) Extension inapplicable to certain motions**

11  
12 The extension provided in (~~e~~) does not apply to extend the time for the  
13 filing of:

14  
15 (1)–(3) \*\*\*

16  
17 *(Subd (e) amended effective July 1, 2008; adopted as part of subd (b) effective March 1,*  
18 *1992; previously amended and lettered as subd (d) effective January 1, 2007; previously*  
19 *relettered as subd (e) effective January 1, 2007.)*  
20

21 **(f)–(h) \*\*\***

22  
23 *Rule 2.306 amended effective July 1, 2008; adopted as rule 2008 effective March 1, 1992;*  
24 *previously amended effective July 1, 1997, May 1, 1998, and January 1, 2008; previously*  
25 *amended and renumbered effective January 1, 2007.*  
26

27 **Title 3. Civil Rules**

28  
29 **Division 6. Proceedings**

30  
31 **Chapter 3. Hearings and, Conferences, and Proceedings**

32  
33 *Chapter 3 amended effective July 1, 2008.*  
34

35 **Division 7. Civil Case Management**

36  
37 **Chapter 4. Management of Collections Cases**

38  
39 *Chapter 4 adopted effective July 1, 2008.*  
40

41 **Rule 3.740. Collections cases**

42 \*\*\*

43  
44 **Rule 3.741. Settlement of collections case**

45 \*\*\*

1 **Chapter 45. Management of Complex Cases**

2  
3 *Chapter 5 renumbered effective July 1, 2008; adopted as chapter 4 effective January 1, 2007.*

4  
5 **Chapter 56. Management of Class Actions**

6  
7 *Chapter 6 renumbered effective July 1, 2008; adopted as chapter 5 effective January 1, 2007.*

8  
9 **Rule 3.1112. Motions—and other pleadings**

10  
11 **(a)–(d) \*\*\***

12  
13 **(e) Additional requirements for motions**

14  
15 In addition to the requirements of this rule, a motion relating to the subjects  
16 specified in chapter 6 of this division must comply with any additional  
17 requirements in that chapter.

18  
19 *(Subd (e) amended effective July 1, 2008; previously amended effective January 1, 2007.)*

20  
21 **(f) \*\*\***

22  
23 *Rule 3.1112 amended effective July 1, 2008; adopted as rule 312 effective July 1, 1997;*  
24 *previously amended and renumbered effective January 1, 2007.*

25  
26  
27 **Rule 3.1350. Motion for summary judgment or summary adjudication**

28  
29 **(a)–(g) \*\*\***

30  
31 **(h) Format for separate statements**

32  
33 Supporting and opposing separate statements in a motion for summary  
34 judgment must follow this format:

35  
36 \*\*\*

37  
38 Supporting and opposing separate statements in a motion for summary  
39 adjudication must follow this format:

40  
41 Supporting statement:

42  
43 **ISSUE 1—THE FIRST CAUSE OF ACTION FOR**

1 NEGLIGENCE IS BARRED BECAUSE PLAINTIFF  
2  
3 EXPRESSLY ASSUMED THE RISK OF INJURY  
4

5 Moving Party's Undisputed Material  
6 Facts and Supporting Evidence:

Opposing Party's Response and  
Supporting Evidence:

7  
8 1. Plaintiff was injured while mountain  
9 climbing on a trip with Any Company  
10 USA. Plaintiff's deposition, 12:3-4.

11  
12 2. Before leaving on the mountain  
13 climbing trip, plaintiff signed a  
14 ~~complete~~ waiver of liability for acts  
15 of negligence. Smith declaration,  
16 5:4-5; waiver of liability,  
17 Ex. A to Smith declaration.

18  
19 Opposing statement:

20  
21 \*\*\*

22  
23 *(Subd (h) amended effective July 1, 2008; previously amended effective January 1, 1999,*  
24 *January 1, 2002, and January 1, 2008.)*

25  
26 **(i)** \*\*\*

27  
28 *Rule 3.1350 amended effective July 1, 2008; adopted as rule 342 effective July 1, 1997;*  
29 *previously amended effective January 1, 1999, January 1, 2002, and January 1, 2008; previously*  
30 *amended and renumbered effective January 1, 2007.*

31  
32 **Rule 3.1702. Claiming attorney's fees**

33  
34 **(a)–(b)** \*\*\*

35  
36 **(c) Attorney's fees on appeal**

37  
38 (1) *Time for motion*

39  
40 A notice of motion to claim attorney's fees on appeal—other than the  
41 attorney's fees on appeal claimed under (b)—under a statute or contract  
42 requiring the court to determine entitlement to the fees, the amount of  
43 the fees, or both, must be served and filed within the time for serving  
44 and filing the memorandum of costs under rule ~~8.276(d)~~ 8.278(c)(1).

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44

(2) \*\*\*

*(Subd (c) amended effective July 1, 2008; previously amended effective January 1, 1999, January 1, 2006, and January 1, 2007.)*

**(d)–(e) \*\*\***

*Rule 3.1702 amended effective July 1, 2008; adopted as rule 870.2 effective January 1, 1994; previously amended effective January 1, 1999, and January 1, 2006; previously amended and renumbered effective January 1, 2007.*

**Rule 5.324. Telephone appearance in title IV-D hearings and conferences**

**(a)–(i) \*\*\***

**(j) Vendors, procedure, audibility, reporting, and information**

Subdivisions ~~(f)~~ (i) through ~~(j)~~ (m) of rule 3.670 apply to telephone appearances under this rule.

*(Subd (j) amended effective July 1, 2008; previously amended effective January 1, 2007.)*

**(k) \*\*\***

*Rule 5.324 amended effective July 1, 2008; adopted effective July 1, 2005; previously amended effective January 1, 2007, and January 1, 2008.*

**Rule 7.1062. The good cause exception to notice of the hearing on a petition for appointment of a temporary conservator**

**(a)–(b) \*\*\***

**(c) Court may change the time or manner of giving notice**

An exception to the notice requirement of section 2250(ee) may include one or any combination of the following:

**(1)–(3) \*\*\***

*(Subd (c) amended effective July 1, 2008.)*

**(d)–(e) \*\*\***

1 Rule 7.1062 amended effective July 1, 2008; adopted effective January 1, 2008.

2  
3 **Rule 8.32. Address and telephone number of record; notice of change**

4  
5 (a) \*\*\*

6  
7 (b) **Notice of change**

8  
9 (1) An attorney or unrepresented party whose address or telephone number  
10 changes while a case is pending must promptly serve and file a written  
11 notice of the change in the reviewing court in which the case is pending.

12  
13 (2) \*\*\*

14  
15 *(Subd (b) amended effective July 1, 2008; adopted as subd (a) effective January 1, 2005;*  
16 *previously amended and relettered effective January 1, 2007.)*

17  
18 (c) \*\*\*

19  
20 (d) **Multiple ~~offices~~addresses**

21  
22 If an attorney or an unrepresented party has more than one ~~office~~ address,  
23 only one ~~office~~ address for that attorney or unrepresented party may be used  
24 in a given case.

25  
26 *(Subd (d) amended effective July 1, 2008; adopted as subd (c) effective January 1, 2005;*  
27 *previously amended and relettered effective January 1, 2007; previously amended effective*  
28 *January 1, 2008.)*

29  
30 *Rule 8.32 amended effective July 1, 2008; repealed and adopted as rule 40.5 effective January 1,*  
31 *2005; previously amended and renumbered effective January 1, 2007; previously amended*  
32 *effective January 1, 2008.*

33  
34 **Rule 8.130. Reporter's transcript**

35  
36 (a)–(e) \*\*\*

37  
38 (f) **Filing the transcript; copies; payment**

39  
40 (1) Within 30 days after notice is received under (c)(2) or mailed under  
41 ~~(d)(2)(1)~~, the reporter must prepare and certify an original of the  
42 transcript and file it in superior court. The reporter must also file one  
43 copy of the original transcript, or more than one copy if multiple  
44 appellants equally share the cost of preparing the record (see rule

1 8.147(a)(2)). Only the reviewing court can extend the time to prepare  
2 the reporter's transcript (see rule 8.60).

3  
4 (2)–(4) \*\*\*

5  
6 *(Subd (f) amended effective July 1, 2008; previously amended effective January 1, 2007.)*

7  
8 **(g) \*\*\***

9  
10 *Rule 8.130 amended effective July 1, 2008; repealed and adopted as rule 4 effective January 1,*  
11 *2002; previously amended effective January 1, 2005, and January 1, 2008; previously amended*  
12 *and renumbered effective January 1, 2007.*

13  
14  
15 **Rule 8.544. Costs and sanctions**

16  
17 In a civil case, the Supreme Court may direct the Court of Appeal to award costs,  
18 if any; or may order the parties to bear their own costs; or may make any other  
19 award of costs the Supreme Court deems proper. The Supreme Court may impose  
20 sanctions on a party or an attorney under rule 8.276(~~e~~) for committing any  
21 unreasonable violation of these rules.

22  
23 *Rule 8.544 amended effective July 1, 2008; adopted as rule 29.7 effective January 1, 2003;*  
24 *previously amended and renumbered effective January 1, 2007.*

25  
26 **Advisory Committee Comment**

27  
28 If the Supreme Court makes an award of costs, the party claiming such costs must proceed under  
29 rule ~~8.276(d)~~ 8.278(c).

30  
31 **Rule 10.106. Judicial branch travel expense reimbursement policy**

32  
33 **(a) Adoption**

34  
35 The Judicial Council must adopt a fiscally responsible judicial branch travel  
36 expense reimbursement policy, under Government Code section 68506.5,  
37 that provides appropriate accountability for the use of public resources.  
38 Before adopting the initial policy, the Judicial Council must receive  
39 comments from the courts, court employee organizations, and other  
40 interested groups.

41  
42 **(b) Applicability**

1 The judicial branch travel expense reimbursement policy applies to official  
2 state business travel by:

3  
4 (1) Judicial officers and judicial officers sitting by assignment;

5  
6 (2) Officers, employees, retired annuitants, and members of the Supreme  
7 Court, the Courts of Appeal, superior courts, the Judicial Council, the  
8 Administrative Office of the Courts, the Habeas Corpus Resource  
9 Center, and the Commission on Judicial Performance; and

10  
11 (3) Members of task forces, working groups, commissions, or similar  
12 bodies appointed by the Chief Justice, the Judicial Council, or the  
13 Administrative Director of the Courts.

14  
15 **(c) Amendments**

16  
17 The Judicial Council delegates to the Administrative Director of the Courts,  
18 under article VI, section 6(c) of the California Constitution and other  
19 applicable law, the authority to make technical changes and clarifications to  
20 the judicial branch travel expense reimbursement policy. The changes and  
21 clarifications must be fiscally responsible, provide for appropriate  
22 accountability, and be in general compliance with the policy initially adopted  
23 by the Judicial Council.

24  
25 *Rule 10.106 adopted effective July 1, 2008.*

26  
27 **Rule 10.462. Minimum education requirements and expectations for trial**  
28 **court judges and subordinate judicial officers**

29  
30 **(a)–(b) \*\*\***

31  
32 **(c) Content-based requirements**

33  
34 (1) Each new trial court judge and subordinate judicial officer must  
35 complete the “new judge education” provided by the Administrative  
36 Office of the Courts’ Education Division/Center for Judicial Education  
37 and Research (CJER) as follows:

38  
39 (A) The New Judge Orientation Program within six months of taking  
40 the oath as a judge or subordinate judicial officer. For purposes of  
41 the New Judge Orientation Program, a judge or subordinate  
42 judicial officer is considered “new” only once, and any judge or  
43 subordinate judicial officer who has completed the New Judge

1                   Orientation Program, as required under this rule or under former  
2 rule 970, is not required to complete the program again. A judge  
3 or subordinate judicial officer who was appointed, elected, or  
4 hired before rule 970 was adopted on January 1, 1996, is not  
5 required to complete the program.

6  
7                   (B)–(C) \*\*\*

8  
9                   (2)–(4) \*\*\*\*

10  
11                   *(Subd (c) amended effective July 1, 2008; previously amended effective January 1, 2008.)*

12  
13                   (d)–(g) \*\*\*

14  
15                   *Rule 10.462 amended effective July 1, 2008; adopted effective January 1, 2007; previously*  
16 *amended effective January 1, 2008.*

17  
18                   **Rule 10.491. Minimum education requirements for Administrative Office of**  
19                   **the Courts executives, managers, supervisors, and other employees**

20  
21                   (a)–(e) \*\*\*

22  
23                   **(f) Responsibilities of Administrative Director of the Courts and of AOC**  
24                   **executives, managers, and supervisors**

25  
26                   The Administrative Director of the Courts and each AOC executive,  
27 manager, and supervisor:

28  
29                   (1)–(3) \*\*\*

30  
31                   (4) Must ensure that executives, managers, supervisors, and other  
32 employees are reimbursed by the AOC in accordance with the travel  
33 policies issued by the Administrative Office of the Courts for travel  
34 expenses incurred in attending in-state education programs as a  
35 participant in order to complete the minimum education requirements  
36 in (b)–(c). Provisions for these expenses must be part of the AOC’s  
37 budget. The Administrative Director of the Courts may approve  
38 reimbursement of travel expenses incurred by executives, managers,  
39 supervisors, and other ~~court personnel~~ employees in attending out-of-  
40 state education programs as participants.

41  
42                   *(Subd (f) amended effective July 1, 2008.)*

43  
44                   *Rule 10.491 amended effective July 1, 2008; adopted effective January 1, 2008.*

1  
2 **Rule 10.701. Qualifications and education of subordinate judicial officers**

3  
4 (a)–(c) \*\*\*

5  
6 **(d) Juvenile referees and hearing officers**

7  
8 A person appointed as a juvenile referee or as a hearing officer under  
9 Welfare and Institutions Code sections 247, 255, or 5256.1 must meet the  
10 qualification requirements established by those sections. Such a person is  
11 ineligible to exercise the powers and perform the duties of another type of  
12 subordinate judicial officer unless he or she meets the qualifications  
13 established in (b).

14  
15 *(Subd (d) amended effective July 1, 2008; previously amended effective January 1, 2007.)*

16  
17 *Rule 10.701 amended effective July 1, 2008; adopted as rule 6.660 effective January 1, 2003;*  
18 *previously amended and renumbered effective January 1, 2007.*

19  
20  
21 **Division 4. Trial Court Administration**

22  
23 **Chapter 14. Management of Self-Help Centers**

24  
25 *Chapter 14 adopted effective July 1, 2008.*

26  
27 **Rule 10.960. Court self-help centers**

28 \*\*\*

29  
30 **Standard 10.16. Model code of ethics for court employees**

31  
32 Each trial and appellate court should adopt a code of ethical behavior for its  
33 support staff, and in doing so should consider rule 10.650~~670~~(c)(12) of the  
34 California Rules of Court, and the model Code of Ethics for the Court Employees  
35 of California approved by the Judicial Council on May 17, 1994, and any  
36 subsequent revisions. The approved model code is published by the  
37 Administrative Office of the Courts.

38  
39 *Standard 10.16 amended effective July 1, 2008; adopted as sec. 35 effective July 1, 1994;*  
40 *previously amended and renumbered effective January 1, 2007.*