



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

March 10, 2015

Action Requested

Please review for March 17 meeting

To

Members of the Rules and Policy
Subcommittee

Deadline

March 17, 2015

From

Patrick O'Donnell, Attorney
Tara Lundstrom, Attorney
Legal Services

Contact

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Subject

Rules Modernization Project - Phase 1

Executive Summary

Over the past three months, members of the Rules and Policy Subcommittee have assisted advisory committees in carrying out phase 1 of the Rules Modernization Project. This endeavor consists of proposing technical, non-substantive changes to the California Rules of Court to facilitate e-business, e-filing, and e-service.

Attached for the subcommittee's review is an Invitation to Comment (ITC) containing proposed amendments to titles 2, 3, 4, 5, and 7. These proposed amendments have been recommended by the Civil and Small Claims Advisory Committee, the Traffic Law Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Probate Law Advisory Committee. The Appellate Advisory Committee and the Joint Appellate Technology Subcommittee are still in the process of reviewing title 8. Once they have finished, their recommended amendments will be included in the ITC.

Members of the Rules and Policy Subcommittee

March 10, 2015

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Subcommittee's task

For the meeting on March 17, 2015, the subcommittee is tasked with reviewing the attached ITC and:

- Asking staff or subcommittee members for further information and analysis; or
- Recommending to CTAC to recommend to RUPRO that all or part of the proposal be approved for circulation as drafted or as amended by the subcommittee; or
- Rejecting the proposal.

Attachment

- Invitation to Comment, Rules Modernization Project – phase 1

JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

[ItC prefix as assigned]-__

Title	Action Requested
Rules Modernization Project: Modernize the Rules of Court to Facilitate E-Business, E-Filing, and E-Service	Review and submit comments by July 17, 2015
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend titles 2, 3, 4, 5, 7, and 8 (Cal. Rules of Court, rules 2.3, 2.10, 2.102, 2.103, 2.104, 2.106, 2.107, 2.108, 2.111, 2.113, 2.114, 2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, 2.1100, 3.254, 3.524, 3.544, 3.670, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1354, 3.1590, 3.1700, 3.1900, 3.2107, 4.102, 5.50, 5.83, 5.91, 5.215, 5.242, 5.275, 5.534, 5.906, and 7.802)	January 1, 2016
Proposed by	Contact
Court Technology Advisory Committee	Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov
Hon. Terence L. Bruiniers	Tara Lundstrom, 415-865-7650 tara.lundstrom@jud.ca.gov

Executive Summary and Origin

The Court Technology Advisory Committee (CTAC) proposes to amend various rules in titles 2, 3, 4, 5, 7, and 8 of the California Rules of Court. This proposal would introduce minor, non-substantive amendments to the rules in order to facilitate modern e-business practices, e-filing, and e-service. The Civil and Small Claims Advisory Committee, the Traffic Advisory Committee, the Family and Juvenile Law Advisory Committee, the Probate Law Advisory Committee, and the Appellate Advisory Committee have also reviewed and recommended the amendments to the rules in their respective subject matter areas.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Background

Recognizing that courts are swiftly proceeding to a paperless world, CTAC is leading the Rules Modernization Project, a collaborative effort to comprehensively review and modernize the California Rules of Court so that they will be consistent with and foster modern e-business practices. To ensure that each title is revised in view of any statutory requirements and policy concerns unique to that area of law, CTAC is coordinating with six other advisory committees with relevant subject matter expertise.

The Rules Modernization Project is being carried out in two phases. This rules proposal marks the culmination of phase 1: an initial round of technical rule amendments to address language in the rules that is incompatible with the current statutes and rules governing e-filing and e-service and with e-business practices in general. Next year, CTAC will undertake phase 2, which will involve a more in-depth examination of any statutes and rules that may hinder e-business practices.

The Proposal

This proposal would make minor, technical amendments to the rules in titles 2, 3, 4, 5, 7, and 8.

Proposed amendments to title 2

The proposed amendments to title 2 would:

- Define “papers” as including not only papers in a tangible or physical form, but also in an electronic form (see amended rule 2.3(2));
- Strike references to “typewriter,” “typewriting,” and “typewritten” (see amended rules 2.3(3) and 2.150(a));
- Add a new rule defining the scope of the trial court rules to include documents filed both on paper and electronically (see new rule 2.10);
- Amend language to clarify when certain formatting rules apply to electronic documents (see amended rules 2.103, 2.104, 2.106, 2.107, 2.108(4)), 2.111(3), 2.113, 2.114, 2.115, and 2.117), electronic forms (see amended rules 2.133 and 2.134(a)–(c), 2.150), and jury instructions filed electronically (see amended rule 2.1055(b)(4));
- Extend the application of the general rules on forms in chapter 2 to forms filed electronically (see amended rule 2.130);
- Amend the definition of “record” to apply to records filed or lodged electronically (see amended rule 2.550(b)(1));
- Amend the rule for filing records under seal to recognize that records and notices may be transmitted electronically and kept by the court in electronic form (see amended rule 2.551);
- Amend the rule for filing confidential name change records under seal to recognize that petitions may be transmitted electronically (see amended rule 2.577(d) and (f));
- Amend the rules governing motions to withdraw stipulations to court-appointed temporary judges to allow the moving party to provide copies of the motion to the

presiding and temporary judge by electronic means (see amended rules 2.816(e)(3) and 2.831(f));¹ and

- Allow electronic service on the Attorney General of copies of a judgment and notice of judgment declaring a state statute or regulation unconstitutional (see amended rule 2.1100).

Proposed amendments to title 3

The proposed amendments to title 3 would:

- Insert an e-service exception to the duties associated with maintaining and updating the list of parties and their addresses (see amended rule 3.254(a) and (b));
- Amend language in the rules to recognize e-filing and e-service (see amended rules 3.524(a)(2), 3.544(a), 3.670(h)(1)(B), 3.815(b)(2)–(3), 3.823(d), 3.827(b), 3.1010(b)(1), 3.1109(a), 3.1300(a), 3.1302(a), 3.1320(c), 3.1326, 3.1327(a) and (c), 3.1330, 3.1340(b), 3.1346, 3.1347(a) and (c), 3.1350(e), 3.1351(a) and (c), 3.1700(a)(1) and (b)(1), 3.1900, and 3.2107(a)–(b));
- Establish that the times prescribed in the rule governing evidence at arbitration hearings are increased by two days where service is accomplished by electronic means (see amended rule 3.823(d));
- Require that appointed referees provide their e-mail addresses (see amended rule 3.931(b));
- Correct a cross-reference to the appellate court rules (see amended rule 3.1109(c));
- Clarify whether certain formatting rules apply to motions papers filed electronically (see amended rules 3.1110(e)–(f) and 3.1113(i)(1)–(2) and (m));
- Require that ex-parte applications state the e-mail addresses of attorneys or parties (see amended rule 3.1202(a));
- Recognize that rule 2.259(c) applies to motion papers filed electronically (see amended rule 3.1300(e));
- Require that any materials lodged electronically specify an electronic address to which they may be returned and allow the clerk to return them by electronic means (see amended rule 3.1302(b));
- Require the clerk to post electronically a general schedule for law and motion hearings (see amended rule 3.1304(a));
- Authorize a court to require that a party submitting written objections provide the proposed order accompanying the objections in electronic form (see amended rule 3.1354(c)); and
- Recognize that the court may electronically sign written judgments (see amended rule 3.1590(l)).

¹ The proposed amendments to rule 2.851 on filing sealed records in the trial courts, unlike most of the other proposed rule amendments, are not solely technical and non-substantive. However, they are closely based on the recent amendments to rule 8.46 that changed the appellate rule on sealed records to reflect modern business practices.

Proposed amendments to title 4

The proposed amendment to title 4 would:

- Allow courts to e-mail copies of countywide bail and penalty schedules to the Judicial Council (see amended rule 4.102).

Proposed amendments to title 5

The proposed amendments to title 5 would:

- Delete references to the back side of a summons (see amended rules 5.50(b) and (c)(1)–(2) and 5.91);
- Allow court employees to notify parties of deficiencies in their paperwork by any means approved by the court (see amended rule 5.83(d)(5));
- Replace references to “videotapes” (see amended rules 5.215(d)(5) and 5.242(k)(4)(G)); and
- Add definitions for “software,” “default settings,” and “contains” (see amended rule 5.275(g)(1)–(3).)

Proposed amendments to title 7

The proposed amendment to title 7 would:

- Clarify that Code of Civil Procedure section 1010.6 and rules 2.250 to 2.261 apply in contested probate proceedings (see new rule 7.802).

Proposed amendments to title 8

The proposed amendments to title 8 would:

- [To be added by the Appellate Advisory Committee]

Alternatives Considered

As an alternative to making technical changes at this time, CTAC considered deferring action and proposing a single rules proposal that would include both substantive and technical changes to the rules at a later date. One benefit of this approach would be to increase the project’s overall efficiency by reviewing and ultimately implementing all changes at the same time. By dividing the work into technical and substantive phases, however, the council will be able modernize the rules, to the extent possible, on a more responsive timeline for those courts that are already implementing e-filing and e-service and adopting e-business practices.

Implementation Requirements, Costs, and Operational Impacts

Because the proposal does not introduce substantive changes to the rules, CTAC does not anticipate that the rule will incur any new costs or require implementation. To the extent that the proposal clarifies existing law, it will facilitate e-business, e-filing, and e-service in the trial and appellate courts and provide cost-efficiencies.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following costs and implementation matters:

- Would the proposal provide cost savings?
- What would the implementation requirements be for courts?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

Attachments

1. Cal. Rules of Court, title 2
2. Cal. Rules of Court, title 3
3. Cal. Rules of Court, title 4
4. Cal. Rules of Court, title 5
5. Cal. Rules of Court, title 7
6. Cal. Rules of Court, title 8

California Rules of Court, title 2, rules 2.3, 2.10, 2.102, 2.103, 2.104, 2.106, 2.107, 2.108, 2.111, 2.113, 2.114, 2.115, 2.117, 2.130, 2.133, 2.134, 2.150, 2.550, 2.551, 2.577, 2.816, 2.831, 2.1055, and 2.1100, would be amended to read:

1 **Title 2. Trial Court Rules**

2
3 **Rule 2.3. Definitions**

4
5 As used in the Trial Court Rules, unless the context or subject matter otherwise requires:

- 6
7 (1) “Court” means the superior court;
8
9 (2) “Papers” includes all documents, except exhibits and copies of exhibits, that are
10 offered for filing in any case, but does not include Judicial Council and local court
11 forms, records on appeal in limited civil cases, or briefs filed in appellate divisions,
12 ~~and~~ Unless the context clearly provides otherwise, “papers” need not be in a
13 tangible or physical form but may be in an electronic form.
14
15 (3) “Written,” and “writing,” ~~“typewritten,” and “typewriting”~~ include other methods
16 of printing letters and words equivalent in legibility to ~~typewriting~~ printing on a
17 word processor.

18 * * *

19 **Rule 2.10. Scope of rules [Reserved]**

20
21 These rules apply to documents filed and served electronically as well as in paper form,
22 unless otherwise provided.

23
24 **Rule 2.102. One-sided paper**

25
26 When papers are not filed electronically, ~~On papers,~~ only one side of each page may be
27 used.

28
29 **Rule 2.103. Size, quality, and color, ~~and size of paper~~**

30
31 All papers filed must be 8½ by 11 inches. All papers not filed electronically must be on
32 opaque, unglazed paper, white or unbleached, of standard quality not less than 20-pound
33 weight, ~~8½ by 11 inches.~~

34
35 **Rule 2.104. Printing; type size**

36
37 All papers not filed electronically must be printed ~~or typewritten~~ or be prepared by a
38 photocopying or other duplication process that will produce clear and permanent copies
39 equally as legible as printing in type not smaller than 12 points.

40
41 * * *

1 **Rule 2.106. Font color of print**

2
3 The font color of ~~print~~ must be black or blue-black.

4
5 **Rule 2.107. Margins**

6
7 The left margin of each page must be at least one inch from the left edge of ~~the paper~~ and
8 the right margin at least 1/2 inch from the right edge of ~~the paper~~.

9
10 **Rule 2.108. Spacing and numbering of lines**

11
12 The spacing and numbering of lines on a page must be as follows:

13
14 (1)-(3) * * *

15
16 (4) Line numbers must be placed at the left margin and separated from the text of ~~the~~
17 ~~paper~~ by a vertical column of space at least 1/5 inch wide or a single or double
18 vertical line. Each line number must be aligned with a line of type, or the line
19 numbers must be evenly spaced vertically on the page. Line numbers must be
20 consecutively numbered, beginning with the number 1 on each page. There must be
21 at least three line numbers for every vertical inch on the page.

22
23 * * *

24 **Rule 2.111. Format of first page**

25
26 The first page of each paper must be in the following form:

27
28 (1)-(2) * * *

29
30 (3) On line 8, at or below 3 1/3 inches from the top of the ~~paper~~ page, the title of the
31 court.

32
33 (4)-(11) * * *

34
35 * * *

36 **Rule 2.113. Binding**

37
38 Each paper not filed electronically must consist entirely of original pages without riders
39 and must be firmly bound together at the top.

40
41 **Rule 2.114. Exhibits**

1 Exhibits submitted with papers not filed electronically may be fastened to pages of the
2 specified size and, when prepared by a machine copying process, must be equal to
3 ~~typewritten~~ computer processed materials in legibility and permanency of image.
4

5 **Rule 2.115. Hole punching**

6
7 When papers are not filed electronically, each paper presented for filing must contain two
8 prepunched normal-sized holes, centered 2½ inches apart and 5/8 inch from the top of the
9 paper.

10 * * *

11 **Rule 2.117. Conformed copies of papers**

12
13 All copies of papers served must conform to the original papers filed, including the
14 numbering of lines, pagination, additions, deletions, and interlineations except that, with
15 the agreement of the other party, a party -serving papers by non-electronic means may
16 serve that other party with papers printed on both sides of the page.

17
18 * * *

19 **Rule 2.130. Application**

20
21 The rules in this chapter apply to Judicial Council forms, local court forms, and all other
22 official forms to be filed in the trial courts. The rules apply to forms filed both in paper
23 form and electronically, unless otherwise specified.

24
25 * * *

26 **Rule 2.133. Hole punching**

27
28 All forms not filed electronically must contain two prepunched normal-sized holes,
29 centered 2½ inches apart and 5/8 inch from the top of the form.

30
31 **Rule 2.134. Forms longer than one page**

32
33 **(a) Single side may be used**

34
35 If a form not filed electronically is longer than one page, the form may be printed
36 on sheets printed only on one side even if the original has two sides to a sheet.
37

38 **(b) Two-sided forms must be tumbled**

39
40 If a form not filed electronically is filed on a sheet printed on two sides, the reverse
41 side must be rotated 180 degrees (printed head to foot).
42

1 (c) **Multiple-page forms must be bound**

2
3 If a form not filed electronically is longer than one page, it must be firmly bound at
4 the top.

5 * * *

6
7 **Rule 2.150. Authorization for computer-generated ~~or typewritten~~ forms for proof**
8 **of service of summons and complaint**

9
10 (a) **Computer-generated ~~or typewritten~~ forms; conditions**

11
12 Notwithstanding the adoption of mandatory form *Proof of Service of Summons*
13 (form POS-010), a form for proof of service of a summons and complaint prepared
14 entirely by word processor, ~~typewriter~~, or similar process may be used for proof of
15 service in any applicable action or proceeding if the following conditions are met:

16
17 (1)–(4) * * *

18
19 (5) The text of form POS-010 must be copied in the same order as it appears on
20 ~~the printed~~ form POS-010 using the same item numbers. A declaration of
21 diligence may be attached to the proof of service or inserted as item 5b(5).

22
23 (6) Areas marked “For Court Use” must be copied in the same general locations
24 and occupy approximately the same amount of space as on ~~the printed~~ form
25 POS-010.

26
27 (7)–(8) * * *

28
29 (9) Material that would have been ~~typed~~ entered onto ~~the printed~~ form POS-010
30 must be ~~typed~~ entered with each line indented 3 inches from the left margin.

31
32 (b) **Compliance with rule * * ***

33
34 **Advisory Committee Comment**

35
36 This rule is intended to permit process servers and others to prepare their own shortened versions
37 of *Proof of Service of Summons* (form POS-010) containing only the information that is relevant
38 to show the method of service used.

39
40 * * *

1 **Rule 2.550. Sealed records**

2
3 **(a) Application * * ***

4
5
6 **(b) Definitions**

7
8 As used in this chapter:

9
10 (1) "Record." Unless the context indicates otherwise, "record" means all or a
11 portion of any document, paper, exhibit, transcript, or other thing filed or
12 lodged with the court, by electronic means or otherwise.

13
14 (2)–(3) * * *

15
16 **(c)–(e) * * ***

17
18 * * *

19
20 **Rule 2.551. Procedures for filing records under seal**

21
22 **(a) * * ***

23
24 **(b) Motion or application to seal a record**

25
26 (1) *Motion or application required* * * *

27
28 (2) *Service of motion or application*

29
30 A copy of the motion or application must be served on all parties that have
31 appeared in the case. Unless the court orders otherwise, any party that already
32 ~~possesses copies of~~ had access to the records to be placed under seal must be
33 served with a complete, unredacted version of all papers as well as a redacted
34 version. Other parties must be served with only the public redacted version.
35 If a party's attorney but not the party had access to the record, only the
36 party's attorney may be served with the complete, unredacted version.

37
38 (3) *Procedure for party not intending to file motion or application*

39
40 (A) * * *

41
42 (B) If the party that produced the documents and was served with the notice
43 under (A)(iii) fails to file a motion or an application to seal the records

1 within 10 days or to obtain a court order extending the time to file such
2 a motion or an application, the clerk must promptly remove all the
3 documents in (A)(i) from the envelope, ~~or~~ container, or secure
4 electronic file where they are located and place them in the public file.
5 If the party files a motion or an application to seal within 10 days or
6 such later time as the court has ordered, these documents are to remain
7 conditionally under seal until the court rules on the motion or
8 application and thereafter are to be filed as ordered by the court.

9
10 (4) *Lodging of record pending determination of motion or application* * * *

11
12 (5) *Redacted and unredacted versions*

13
14 If necessary to prevent disclosure, any motion or application, any opposition,
15 and any supporting documents must be filed in a public redacted version and
16 lodged in a complete, unredacted version conditionally under seal. The cover
17 of the redacted version must identify it as “Public—Redacts materials from
18 conditionally sealed record.” The cover of the unredacted version must
19 identify it as “May Not Be Examined Without Court Order—Contains
20 material from conditionally sealed record”.

21
22 (6) *Return of lodged record*

23
24 If the court denies the motion or application to seal, the clerk must return the
25 lodged record to the submitting party and must not place it in the case file
26 unless that party notifies the clerk in writing ~~within 10 days after the order~~
27 ~~denying the motion or application~~ that the record is to be filed. Unless
28 otherwise ordered by the court, the submitting party must notify the clerk
29 within 10 days after the order denying the motion or application.

30
31 (c) * * *

32
33 (d) **Procedure for lodging of records**

34
35 (1) A record that may be filed under seal must be transmitted to the court in a
36 secure manner that preserves the confidentiality of the records to be lodged.
37 If the record is transmitted in paper form, it must be put in an envelope or
38 other appropriate container, sealed in the envelope or container, and lodged
39 with the court.

40
41 (2) The materials to be lodged under seal must be clearly identified as
42 “CONDITIONALLY UNDER SEAL.” If the materials are transmitted in

1 paper form, the envelope or container lodged with the court must be labeled
2 “CONDITIONALLY UNDER SEAL.”

3
4 (3) The party submitting the lodged record must affix to the electronic
5 transmission, the envelope or the container a cover sheet that:

6
7 (A)–(B) * * *

8
9 (4) * * *

10
11 **(e) Order**

12
13 (1) If the court grants an order sealing a record, the clerk ~~must substitute on the~~
14 ~~envelope or container for the label required by (d)(2) a label prominently~~
15 ~~stating “SEALED BY ORDER OF THE COURT ON (DATE),” and must~~
16 ~~replace the cover sheet required by (d)(3) with a filed-endorsed copy of the~~
17 ~~court’s order. In addition, if the confidential record is in paper format, the~~
18 ~~clerk must substitute on the envelope or container for the label required by~~
19 ~~(d)(2) a label prominently stating “SEALED BY ORDER OF THE COURT~~
20 ~~ON (DATE),” and If the sealed record is in an electronic format, the clerk~~
21 must place the record ordered sealed in a secure electronic file clearly
22 identified as sealed by court order on a specified date.

23
24 (2) The order must state whether—in addition to the sealed records ~~in the~~
25 ~~envelope or container~~—the order itself, the register of actions, any other court
26 records, or any other records relating to the case are to be sealed.

27
28 (3) * * *

29
30 (4) Unless the sealing order provides otherwise, it prohibits the parties from
31 disclosing the contents of any materials that have been sealed in anything that
32 is subsequently publicly filed records or papers.

33
34
35 **(f)–(g) * * ***

36
37 **(h) Motion, application, or petition to unseal records**

38
39 (1)–(2) * * *

40
41 (3) If the court proposes to order a record unsealed on its own motion, the court
42 must ~~mail~~ give notice to the parties stating the reason for unsealing the record
43 ~~therefor.~~ Unless otherwise ordered by the court, any party may serve and file an

1 opposition within 10 days after the notice is provided ~~mailed or within such~~
2 ~~time as the court specifies.~~ and any other party may file a response within 5
3 days after the filing of an opposition.

4
5 (4) * * *

6 (5) The order unsealing a record must state whether the record is unsealed entirely
7 or in part. If the court’s order unseals only part of the record or unseals the
8 record only as to certain persons, the order must specify the particular records
9 that are unsealed, the particular persons who may have access to the record, or
10 both. If, in addition to the records in the envelope, ~~or~~ secure
11 electronic file, the court has previously ordered the sealing order, the register of
12 actions, or any other court records relating to the case to be sealed, the
13 unsealing order must state whether these additional records are unsealed.

14
15 * * *

16
17 **Rule 2.577. Procedures for filing confidential name change records under seal**

18
19 (a)–(c) * * *

20
21 **(d) Procedure for lodging of petition for name change**

22
23 (1) The records that may be filed under seal must be lodged with the court. If
24 they are transmitted on paper, they must be placed in a sealed envelope. If
25 they are transmitted electronically, they must be transmitted to the court in a
26 secure manner that preserves the confidentiality of the documents to be
27 lodged.

28
29 (2) If the petitioner is transmitting the petition on paper, the petitioner must
30 complete and affix to the envelope a completed *Confidential Cover Sheet—*
31 *Name Change Proceeding Under Address Confidentiality Program (Safe at*
32 *Home)* (form NC-400) and in the space under the title and case number mark
33 it “CONDITIONALLY UNDER SEAL.” If the petitioner is transmitting
34 electronically, the first page of the electronic transmission must be a
35 completed *Confidential Cover Sheet—Name Change Proceeding Under*
36 *Address Confidentiality Program (Safe at Home)* (form NC-400) with the
37 space under the title and case number marked “CONDITIONALLY UNDER
38 SEAL.”

39
40 (3) On receipt of a petition lodged under this rule, the clerk must endorse the
41 ~~affixed~~ cover sheet with the date of its receipt and must retain but not file the
42 record unless the court orders it filed.

43
44 (4) * * *

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(e) * * *

(f) Order

(1)–(2) * * *

(3) For petitions transmitted in paper form, if the court grants an order sealing a record, the clerk must strike out the notation required by (d)(2) on the Confidential Cover Sheet that the matter is filed “CONDITIONALLY UNDER SEAL,” and add a notation to that sheet prominently stating “SEALED BY ORDER OF THE COURT ON (DATE),” and file the documents under seal. For petitions transmitted electronically, the clerk must replace the cover sheet with a file endorsed copy of the court’s order and place the record in a secure electronic file clearly identified as sealed by the court on a specific date.

(4)–(5) * * *

(g)–(h) * * *

* * *

Rule 2.816. Stipulation to court-appointed temporary judge

(a)–(d) * * *

(e) Application or motion to withdraw stipulation

An application or motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation. In addition:

(1)–(2) * * *

(3) The application or motion must be served and filed, and the moving party must ~~mail or deliver~~ provide a copy to the presiding judge.

(4) * * *

* * *

Rule 2.831. Temporary judge - stipulation, order, oath, assignment, disclosure, and disqualification

1 (a)–(e) * * *

2
3 **(f) Motion to withdraw stipulation**

4
5 A motion to withdraw a stipulation for the appointment of a temporary judge must
6 be supported by a declaration of facts establishing good cause for permitting the
7 party to withdraw the stipulation, and must be heard by the presiding judge or a
8 judge designated by the presiding judge. A declaration that a ruling is based on
9 error of fact or law does not establish good cause for withdrawing a stipulation.
10 Notice of the motion must be served and filed, and the moving party must ~~mail or~~
11 ~~deliver~~ provide a copy to the temporary judge. If the motion to withdraw the
12 stipulation is based on grounds for the disqualification of the temporary judge first
13 learned or arising after the temporary judge has made one or more rulings, but
14 before the temporary judge has completed judicial action in the proceeding, the
15 provisions of rule 2.816(e)(4) apply. If a motion to withdraw a stipulation is
16 granted, the presiding judge must assign the case for hearing or trial as promptly as
17 possible.

18 * * *

19
20 **Rule 2.1055. Proposed jury instructions**

21
22 (a) * * *

23
24 **(b) Form and format of proposed instructions**

25
26 (1)–(3) * * *

27
28 (4) Each set of proposed jury instructions filed on paper must be bound loosely.

29
30 (c)–(e) * * *

31
32 * * *

33
34 **Rule 2.1100. Notice when statute or regulation declared unconstitutional**

35
36 Within 10 days after a court has entered judgment in a contested action or special
37 proceeding in which the court has declared unconstitutional a state statute or regulation,
38 the prevailing party, or as otherwise ordered by the court, must ~~mail~~ serve a copy of the
39 judgment and a notice of entry of judgment ~~to~~ on the Attorney General and file a proof of
40 service with the court.

California Rules of Court, title 3, rules 3.254, 3.524, 3.544, 3.670, 3.815, 3.823, 3.827, 3.931, 3.1010, 3.1109, 3.1110, 3.1113, 3.1202, 3.1300, 3.1302, 3.1304, 3.1320, 3.1326, 3.1327, 3.1330, 3.1340, 3.1346, 3.1347, 3.1350, 3.1351, 3.1354, 3.1590, 3.1700, 3.1900, and 3.2107, would be amended to read:

1 **Title 3. Civil Rules**

2
3 * * *

4 **Rule 3.254. List of parties**

5
6 **(a) Duties of first-named plaintiff or petitioner**

7
8 Except as provided under rule 2.251 for electronic service, if more than two parties
9 have appeared in a case and are represented by different counsel, the plaintiff or
10 petitioner named first in the complaint or petition must:

- 11
12 (1) Maintain a current list of the parties and their addresses for service of notice
13 on each party; and
14
15 (2) Furnish a copy of the list on request to any party or the court.

16
17 **(b) Duties of each party**

18
19 Except as provided under rule 2.251 for electronic service, each party must:

- 20
21 (1) Furnish the first-named plaintiff or petitioner with its current address for
22 service of notice when it first appears in the action;
23
24 (2) Furnish the first-named plaintiff or petitioner with any changes in its address
25 for service of notice; and
26
27 (3) If it serves an order, notice, or pleading on a party who has not yet appeared
28 in the action, serve a copy of the list required under (a) at the same time as
29 the order, notice, or pleading is served.

30
31 * * *

32 **Rule 3.524. Order assigning coordination motion judge**

33
34 **(a) Contents of order**

35
36 An order by the Chair of the Judicial Council assigning a coordination motion
37 judge to determine whether coordination is appropriate, or authorizing the presiding
38 judge of a court to assign the matter to judicial officers of the court to make the
39 determination in the same manner as assignments are made in other civil cases,
40 must include the following:
41

- 1 (1) The special title and number assigned to the coordination proceeding; and
2
3 (2) The court's address or electronic service address for submitting all
4 subsequent documents to be considered by the coordination motion judge.
5

6 (b) * * *

7
8 * * *

9 **Rule 3.544. Add-on cases**

10
11 (a) **Request to coordinate add-on case**

12
13 A request to coordinate an add-on case must comply with the requirements of rules
14 3.520 through 3.523, except that the request must be submitted to the coordination
15 trial judge under Code of Civil Procedure section 404.4, with proof of ~~mailing~~
16 service of one copy ~~to~~ on the Chair of the Judicial Council and proof of service as
17 required by rule 3.510.
18

19 (b)–(d) * * *

20
21 * * *

22 **Rule 3.670. Telephone appearance**

23
24 (a)–(g) * * *

25
26 (h) **Notice by party**

- 27
28 (1) Except as provided in (6), a party choosing to appear by telephone at a
29 hearing, conference, or proceeding, other than on an ex parte application,
30 under this rule must either:
31
32 (A) Place the phrase "Telephone Appearance" below the title of the
33 moving, opposing, or reply papers; or
34
35 (B) At least two court days before the appearance, notify the court and all
36 other parties of the party's intent to appear by telephone. If the notice is
37 oral, it must be given either in person or by telephone. If the notice is in
38 writing, it must be given by filing a "Notice of Intent to Appear by
39 Telephone" with the court at least two court days before the appearance
40 and by serving the notice at the same time on all other parties by
41 personal delivery, fax transmission, express mail, ~~e-mail~~ electronic
42 service if such service is required by local rule or court order or agreed

1 to by the parties, or other means reasonably calculated to ensure
2 delivery to the parties no later than the close of the next business day.

3
4 (2) If after receiving notice from another party as provided under (1) a party that
5 has not given notice also decides to appear by telephone, the party may do so
6 by notifying the court and all other parties that have appeared in the action,
7 no later than noon on the court day before the appearance, of its intent to
8 appear by telephone.

9
10 (3) An applicant choosing to appear by telephone at an ex parte appearance
11 under this rule must:

12
13 (A) Place the phrase “Telephone Appearance” below the title of the
14 application papers;

15
16 (B) File and serve the papers in such a way that they will be received by the
17 court and all parties by no later than 10:00 a.m. two court days before
18 the ex parte appearance; and

19
20 (C) If provided by local rule, ensure that copies of the papers are received
21 in the department in which the matter is to be considered.

22
23 (4) Any party other than an applicant choosing to appear by telephone at an ex
24 parte appearance under this rule must notify the court and all other parties
25 that have appeared in the action, no later than 2:00 p.m. on the court day
26 before the appearance, of its intent to appear by telephone. If the notice is
27 oral, it must be given either in person or by telephone. If the notice is in
28 writing, it must be given by filing a “Notice of Intent to Appear by
29 Telephone” with the court and by serving the notice at the same time on all
30 other parties by any means authorized by law reasonably calculated to ensure
31 delivery to the parties no later than the close of business on the court day
32 before the appearance.

33
34 (5) If a party that has given notice that it intends to appear by telephone under (1)
35 subsequently chooses to appear in person, the party may appear in person.

36
37 (6) A party may ask the court for leave to appear by telephone without the notice
38 provided for under (1)–(4). The court should permit the party to appear by
39 telephone upon a showing of good cause or unforeseen circumstances.

40
41 **(i)–(q) * * ***

42
43 * * *

1 **Rule 3.815. Selection of the arbitrator**

2
3 (a) * * *

4
5 (b) **Selection absent stipulation or local procedures**

6
7 If the arbitrator has not been selected by stipulation and the court has not adopted
8 local rules or procedures for the selection of the arbitrator as permitted under (c),
9 the arbitrator will be selected as follows:

- 10
11 (1) Within 15 days after a case is set for arbitration under rule 3.812, the
12 administrator must determine the number of clearly adverse sides in the case;
13 in the absence of a cross-complaint bringing in a new party, the administrator
14 may assume there are two sides. A dispute as to the number or identity of
15 sides must be decided by the presiding judge in the same manner as disputes
16 in determining sides entitled to preemptory challenges of jurors.
- 17
18 (2) The administrator must select at random a number of names equal to the
19 number of sides, plus one, and ~~mail~~ send the list of randomly selected names
20 to counsel for the parties.
- 21
22 (3) Each side has 10 days from the date of ~~mailing~~ on which the list was sent to
23 file a rejection, in writing, of no more than one name on the list; if there are
24 two or more parties on a side, they must join in the rejection of a single name.
- 25
26 (4) Promptly on the expiration of the 10-day period, the administrator must
27 appoint, at random, one of the persons on the list whose name was not
28 rejected, if more than one name remains.
- 29
30 (5) The administrator must assign the case to the arbitrator appointed and must
31 give notice of the appointment to the arbitrator and to all parties.

32
33 (c)–(f) * * *

34
35 * * *

36 **Rule 3.823. Rules of evidence at arbitration hearing**

37
38 (a)–(c) * * *

39
40 (d) **Delivery of documents**

41
42 For purposes of this rule, “delivery” of a document or notice may be accomplished
43 manually, by electronic means under Code of Civil Procedure section 1010.6 and

1 rule 2.251, or by mail in the manner provided by Code of Civil Procedure section
2 1013. If service is by electronic means, the times prescribed in this rule for delivery
3 of documents, notices, and demands are increased by two days. If service is by
4 mail, the times prescribed in this rule ~~for delivery of documents, notices, and~~
5 ~~demands~~ are increased by five days.

6
7 * * *

8 **Rule 3.827. Entry of award as judgment**

9
10 (a) * * *

11
12 (b) **Notice of entry of judgment**

13
14 Promptly upon entry of the award as a judgment, the clerk must ~~mail~~ serve notice
15 of entry of judgment to all parties who have appeared in the case and must execute
16 a certificate of ~~mailing~~ service and place it in the court's file in the case.

17
18 (c) * * *

19
20 * * *

21 **Rule 3.931. Open proceedings, notice of proceedings, and order for hearing site**

22
23 (a) * * *

24
25 (b) **Notice regarding proceedings before referee**

26
27 (1) In each case in which he or she is appointed, a referee must file a statement
28 that provides the name, telephone number, e-mail address, and mailing
29 address of a person who may be contacted to obtain information about the
30 date, time, location, and general nature of all hearings scheduled in matters
31 pending before the referee that would be open to the public if held before a
32 judge. This statement must be filed at the same time as the referee's
33 certification under rule 3.904(a) or 3.924(a). If there is any change in this
34 contact information, the referee must promptly file a revised statement with
35 the court.

36
37 (2) In addition to providing the information required under (1), the statement
38 filed by a referee may also provide the address of a publicly accessible Web
39 site at which the referee will maintain a current calendar setting forth the
40 date, time, location, and general nature of any hearings scheduled in the
41 matter that would be open to the public if held before a judge.
42

1 (3) The clerk must post the information from the statement filed by the referee in
2 the court facility.

3

4 (c) * * *

5

6

* * *

7 **Rule 3.1010. Oral depositions by telephone, videoconference, or other remote**
8 **electronic means**

9

10 (a) * * *

11

12 **(b) Appearing and participating in depositions**

13

14 Any party may appear and participate in an oral deposition by telephone,
15 videoconference, or other remote electronic means, provided:

16

17 (1) Written notice of such appearance is served by personal delivery, e-mail, or
18 fax at least three court days before the deposition;

19

20 (2) The party so appearing makes all arrangements and pays all expenses
21 incurred for the appearance.

22

23 (c)–(e) * * *

24

25

* * *

26 **Rule 3.1109. Notice of determination of submitted matters**

27

28 **(a) Notice by clerk**

29

30 When the court rules on a motion or makes an order or renders a judgment in a
31 matter it has taken under submission, the clerk must immediately notify the parties
32 of the ruling, order, or judgment. The notification, which must specifically identify
33 the matter ruled on, may be given by serving electronically or mailing the parties a
34 copy of the ruling, order, or judgment, and it constitutes service of notice only if
35 the clerk is required to give notice under Code of Civil Procedure section 664.5.

36

37 (b) * * *

38

39 **(c) Time not extended by failure of clerk to give notice**

40

41 The failure of the clerk to give the notice required by this rule does not extend the
42 time provided by law for performing any act except as provided in rules 8.104(a) or
43 8.8248.822(a).

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Chapter 2. Format of Motion Papers

* * *

Rule 3.1110. General format

(a)–(d) * * *

(e) Binding

For motions filed on paper, all pages of each document and exhibit must be attached together at the top by a method that permits pages to be easily turned and the entire content of each page to be read.

(f) Format of exhibits

For motions filed on paper, each exhibit must be separated by a hard 8½ x 11 sheet with hard paper or plastic tabs extending below the bottom of the page, bearing the exhibit designation. For all motions, an index to exhibits must be provided. Pages from a single deposition and associated exhibits must be designated as a single exhibit.

(g) * * *

* * *

Rule 3.1113. Memorandum

(a)–(h) * * *

(i) Copies of authorities

(1) A judge may require that if any authority other than California cases, statutes, constitutional provisions, or state or local rules is cited, a copy of the authority must be lodged with the papers that cite the authority and tabbed or separated as required by rule 3.1110(f).

(2) If a California case is cited before the time it is published in the advance sheets of the Official Reports, the party must include the title, case number, date of decision, and, if from the Court of Appeal, district of the Court of Appeal in which the case was decided. A judge may require that a copy of that case must be lodged and tabbed or separated as required by rule 3.1110(f).

1 (3) Upon the request of a party to the action, any party citing any authority other
2 than California cases, statutes, constitutional provisions, or state or local rules
3 must promptly provide a copy of such authority to the requesting party.
4

5 (j)-(l) * * *

6
7 **(m) Proposed orders or judgments**
8

9 If a proposed order or judgment is submitted, it must be lodged and served with the
10 moving papers but must not be attached to them. The requirements for proposed
11 orders, including the requirements for submitting proposed orders by electronic
12 means, are stated in rule 3.1312.
13

14 * * *

15 **Rule 3.1202. Contents of application**
16

17 **(a) Identification of attorney or party**
18

19 An ex parte application must state the name, address, e-mail address, and telephone
20 number of any attorney known to the applicant to be an attorney for any party or, if
21 no such attorney is known, the name, address, e-mail address, and telephone
22 number of the party if known to the applicant.
23

24 (b) * * *

25 * * *

26
27 **Rule 3.1300. Time for filing and service of motion papers**
28

29 **(a) In general**
30

31 Unless otherwise ordered or specifically provided by law, all moving and
32 supporting papers must be served and filed in accordance with Code of Civil
33 Procedure section 1005 and, when applicable, the statutes and rules providing for
34 electronic filing and service.
35

36 (b)-(d) * * *

37
38 **(e) Computation of time**
39

40 A paper submitted before the close of the clerk's office to the public on the day the
41 paper is due is deemed timely filed. Under rule 2.259(c), a court may provide by
42 local rule that a paper filed electronically before midnight on a court day is deemed
43 filed on that court day.

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* * *

Rule 3.1302. Place and manner of filing

(a) Papers filed in clerk’s office

Unless otherwise provided by local rule or specified in a court’s protocol for electronic filing, all papers relating to a law and motion proceeding must be filed in the clerk’s office.

(b) Requirements for lodged material

Material lodged physically with the clerk must be accompanied by an addressed envelope with sufficient postage for mailing the material. Material lodged electronically must clearly specify the electronic address to which the materials may be returned. After determination of the matter, the clerk may mail or send the material back to the party lodging it.

* * *

Rule 3.1304. Time of hearing

(a) General schedule

The clerk must post electronically and at the court house a general schedule showing the days and departments for holding each type of law and motion hearing.

(b)–(d) * * *

* * *

Rule 3.1320. Demurrers

(a)–(b) * * *

(c) Notice of hearing

A party filing a demurrer must serve and file therewith a notice of hearing that must specify a hearing date in accordance with the provisions of Code of Civil Procedure section 1005 and, if service is by electronic means, in accordance with the requirements of Code of Civil Procedure section 1010.6(a)(4) and rule 2.251(h)(2).

(d)–(j) * * *

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* * *

Rule 3.1326. Motions for change of venue

Following denial of a motion to transfer under Code of Civil Procedure section 396b, unless otherwise ordered, 30 calendar days are deemed granted defendant to move to strike, demur, or otherwise plead if the defendant has not previously filed a response. If a motion to transfer is granted, 30 calendar days are deemed granted from the date the receiving court ~~mails~~ sends notice of receipt of the case and its new case number.

* * *

Rule 3.1327. Motions to quash or to stay action in summary proceeding involving possession of real property

(a) Notice

In an unlawful detainer action or other action brought under chapter 4 of title 3 of part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a motion to quash service of summons on the ground of lack of jurisdiction or to stay or dismiss the action on the ground of inconvenient forum must be given in compliance with Code of Civil Procedure sections 1010.6 or 1013 and 1167.4.

(b) * * *

(c) Written opposition in advance of hearing

If a party seeks to have a written opposition considered in advance of the hearing, the written opposition must be filed and served on or before the court day before the hearing. Service must be by personal delivery, electronic service, facsimile transmission, express mail, or other means consistent with Code of Civil Procedure sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties no later than the close of business on the court day before the hearing. The court, in its discretion, may consider written opposition filed later.

* * *

Rule 3.1330. Motion concerning arbitration

A petition to compel arbitration or to stay proceedings pursuant to Code of Civil Procedure sections 1281.2 and 1281.4 must state, in addition to other required allegations, the provisions of the written agreement and the paragraph that provides for arbitration. The provisions must be stated verbatim or a copy must be physically or electronically attached to the petition and incorporated by reference.

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* * *

Rule 3.1340. Motion for discretionary dismissal after two years for delay in prosecution

(a) * * *

(b) **Notice of court’s intention to dismiss**

If the court intends to dismiss an action on its own motion, the clerk must set a hearing on the dismissal and ~~mail~~ send notice to all parties at least 20 days before the hearing date.

(c) * * * *

* * *

Rule 3.1346. Service of motion papers on nonparty deponent

A written notice and all moving papers supporting a motion to compel an answer to a deposition question or to compel production of a document or tangible thing from a nonparty deponent must be personally served on the nonparty deponent unless the nonparty deponent agrees to accept service by mail or electronic service at an address or electronic service address specified on the deposition record.

Rule 3.1347. Discovery motions in summary proceeding involving possession of real property

(a) **Notice**

In an unlawful detainer action or other action brought under chapter 4 of title 3 of part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a discovery motion must be given in compliance with Code of Civil Procedure sections 1010.6 or 1013 and 1170.8.

(b) * * *

(c) **Written opposition in advance of hearing**

If a party seeks to have a written opposition considered in advance of the hearing, the written opposition must be served and filed on or before the court day before the hearing. Service must be by personal delivery, electronic service, facsimile transmission, express mail, or other means consistent with Code of Civil Procedure sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure

1 delivery to the other party or parties no later than the close of business on the court
2 day before the hearing. The court, in its discretion, may consider written opposition
3 filed later.

4
5 * * *

6 **Rule 3.1350. Motion for summary judgment or summary adjudication**

7
8 **(a)–(d)** * * *

9
10 **(e) Documents in opposition to motion**

11
12 Except as provided in Code of Civil Procedure section 437c(r) and rule 3.1351, the
13 opposition to a motion must consist of the following documents, separately ~~stapled~~
14 combined and titled as shown:

- 15
16 (1) [*Opposing party's*] memorandum in opposition to [*moving party's*] motion
17 for summary judgment or summary adjudication or both;
18
19 (2) [*Opposing party's*] separate statement of undisputed material facts in
20 opposition to [*moving party's*] motion for summary judgment or summary
21 adjudication or both;
22
23 (3) [*Opposing party's*] evidence in opposition to [*moving party's*] motion for
24 summary judgment or summary adjudication or both (if appropriate); and
25
26 (4) [*Opposing party's*] request for judicial notice in opposition to [*moving*
27 *party's*] motion for summary judgment or summary adjudication or both (if
28 appropriate).

29
30 **(f)–(i)** * * *

31
32 * * *

33 **Rule 3.1351. Motions for summary judgment in summary proceeding involving**
34 **possession of real property**

35
36 **(a) Notice**

37
38 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
39 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
40 motion for summary judgment must be given in compliance with Code of Civil
41 Procedure sections 1010.6 or 1013 and 1170.7.
42

1 (b) * * *

2
3 (c) **Written opposition in advance of hearing**

4
5 If a party seeks to have a written opposition considered in advance of the hearing,
6 the written opposition must be filed and served on or before the court day before
7 the hearing. Service must be by personal delivery, electronic service, facsimile
8 transmission, express mail, or other means consistent with Code of Civil Procedure
9 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
10 delivery to the other party or parties no later than the close of business on the court
11 day before the hearing. The court, in its discretion, may consider written opposition
12 filed later.

13
14 * * *

15 **Rule 3.1352. Objections to evidence**

16
17 A party desiring to make objections to evidence in the papers on a motion for summary
18 judgment must either:

- 19
20 (1) Submit objections in writing under rule 3.1354; or
21
22 (2) Make arrangements for a court reporter to be present at the hearing.

23
24 * * *

25 **Rule 3.1354. Written objections to evidence**

26
27 (a)–(b) * * *

28
29 (c) **Proposed order**

30
31 A party submitting written objections to evidence must submit with the objections a
32 proposed order. The proposed order must include places for the court to indicate
33 whether it has sustained or overruled each objection. It must also include a place
34 for the signature of the judge. The court may require that the proposed order be
35 provided in electronic form. The proposed order must be in one of the following
36 two formats:

37
38 *(First Format):*

39 **Objections to Jackson Declaration**

40
41 **Objection Number 1**

1 “Johnson told me that no widgets were ever received.” (Jackson declaration, page 3, lines
2 7–8.)

3

4 **Grounds for Objection 1:** Hearsay (Evid. Code, § 1200); lack of personal knowledge
5 (Evid. Code, § 702(a)).

6

Court’s Ruling on Objection 1:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

7

8

Objection Number 2

9

10 “A lot of people find widgets to be very useful.” (Jackson declaration, page 17, line 5.)

11

12 **Grounds for Objection 2:** Irrelevant (Evid. Code, §§ 210, 350–351).

13

Court’s Ruling on Objection 2:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

14

15 *(Second Format):*

16

Objections to Jackson Declaration

17

18

Material Objected to:	Grounds for Objection:	Ruling on the Objection
1. Jackson declaration, page 3, lines 7–8: “Johnson told me that no widgets were ever received.”	Hearsay (Evid. Code, § 1200); lack of personal knowledge (Evid. Code, § 702(a)).	Sustained: _____ Overruled: _____
2. Jackson declaration, page 17, line 5: “A lot of people find widgets to be very useful.”	Irrelevant (Evid. Code, §§210, 350–351).	Sustained: _____ Overruled: _____
Date: _____	_____	_____ Judge

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Rule 3.1590. Announcement of tentative decision, statement of decision, and judgment

(a)–(k) ***

(l) Signature and filing of judgment

If a written judgment is required, the court must sign and file the judgment within 50 days after the announcement or service of the tentative decision, whichever is later, or, if a hearing was held under (k), within 10 days after the hearing. An electronic signature by the court is as effective as an original signature. The judgment constitutes the decision on which judgment is to be entered under Code of Civil Procedure section 664.

(m)–(n) ***

* * *

Rule 3.1700. Prejudgment costs

(a) Claiming costs

(1) *Trial costs*

A prevailing party who claims costs must serve and file a memorandum of costs within 15 days after the date of mailing service of the notice of entry of judgment or dismissal by the clerk under Code of Civil Procedure section 664.5 or the date of service of written notice of entry of judgment or dismissal, or within 180 days after entry of judgment, whichever is first. The memorandum of costs must be verified by a statement of the party, attorney, or agent that to the best of his or her knowledge the items of cost are correct and were necessarily incurred in the case.

(2) * * *

(b) Contesting costs

(1) *Striking and taxing costs*

Any notice of motion to strike or to tax costs must be served and filed 15 days after service of the cost memorandum. If the cost memorandum was served by mail, the period is extended as provided in Code of Civil Procedure

1 section 1013. If the cost memorandum was served electronically, the period is
2 extended as provided in Code of Civil Procedure section 1010.6(a)(4).

3
4 (2)–(4) * * *

5
6 * * *

7 **Rule 3.1900. Notice of renewal of judgment**

8
9 A copy of the application for renewal of judgment must be physically or electronically
10 attached to the notice of renewal of judgment required by Code of Civil Procedure
11 section 683.160.

12
13 * * *

14 **Rule 3.2107. Request for court order**

15
16 **(a) Request before trial**

17
18 If a party files a written request for a court order before the hearing on the claim,
19 the requesting party must mail, ~~or~~ personally deliver, or if agreed on by the parties
20 electronically serve a copy to all other parties in the case. The other parties must be
21 given an opportunity to answer or respond to the request before or at the hearing.
22 This subdivision does not apply to a request to postpone the hearing date if the
23 plaintiff's claim has not been served.

24
25 **(b) Request after trial**

26
27 If a party files a written request for a court order after notice of entry of judgment,
28 the clerk must ~~mail~~ send a copy of the request to all other parties in the action. A
29 party has 10 calendar days from the date on which the clerk ~~mailed~~ sent the request
30 to file a response before the court makes an order. The court may schedule a
31 hearing on the request, except that if the request is to vacate the judgment for lack
32 of appearance by the plaintiff, the court must hold a hearing. The court may give
33 notice of any scheduled hearing with notice of the request, but the hearing must be
34 scheduled at least 11 calendar days after the clerk has ~~mailed~~ sent the request.
35

Rule 4.102 of the California Rules of Court would be amended, effective January 1, 2016, to read:

Title 4. Criminal Rules

* * *

Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game, forestry, public utilities, parks and recreation, business licensing

The Judicial Council of California has established the policy of promulgating uniform bail and penalty schedules for certain offenses in order to achieve a standard of uniformity in the handling of these offenses.

In general, bail is used to ensure the presence of the defendant before the court. Under Vehicle Code sections 40512 and 13103, bail may also be forfeited and forfeiture may be ordered without the necessity of any further court proceedings and be treated as a conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum is a fine imposed as all or a portion of a sentence imposed.

To achieve substantial uniformity of bail and penalties throughout the state in traffic, boating, fish and game, forestry, public utilities, parks and recreation, and business licensing cases, the trial court judges, in performing their duty under Penal Code section 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, must give consideration to the Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail and Penalty Schedule for infraction violations of the Vehicle Code will be established by the Judicial Council in accordance with Vehicle Code section 40310. Judges must give consideration to requiring additional bail for aggravating or enhancing factors.

After a court adopts a countywide bail and penalty schedule, under Penal Code section 1269b, the court must, as soon as practicable, mail or e-mail a copy of the schedule to the Judicial Council with a report stating how the revised schedule differs from the council's uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule, uniform fish and game bail and penalty schedule, uniform forestry bail and penalty schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation bail and penalty schedule, or uniform business licensing bail and penalty schedule.

The purpose of this uniform bail and penalty schedule is to:

(1)-(2) * * *

Rules 5.50, 5.83, 5.91, 5.215, 5.242, 5.275, 5.534 and 5.906 of the California Rules of Court would be amended, effective January 1, 2016, to read:

Title 5. Family and Juvenile Rules

* * *

Rule 5.50. Papers issued by the court

(a) * * *

(b) **Automatic temporary family law restraining order in summons; handling by clerk**

Under Family Code section 233, in proceedings for dissolution, legal separation, or nullity of a marriage or domestic partnership and in parentage proceedings, the clerk of the court must issue a summons that includes automatic temporary (standard) restraining orders ~~on the reverse side of the summons.~~

(1) The summons and standard restraining orders must be issued and filed in the same manner as a summons in a civil action and must be served and enforced in the manner prescribed for any other restraining order.

(2) If service is by publication, the publication need not include the standard restraining orders.

(c) **Individual restraining order**

(1) On application of a party and as provided in the Family Code, a court may issue any individual restraining order that appears to be reasonable or necessary, including those automatic temporary restraining orders in (b) included ~~on the back of~~ in the family law summons under Family Code section 233.

(2) Individual restraining orders supersede the standard family law restraining orders ~~on the back of~~ in the Family Law and Uniform Parentage Act summonses.

* * *

Rule 5.83. Family centered case resolution

(a)–(c) * * *

(d) **Family centered case resolution conferences**

(1)–(4) * * *

(5) Nothing in this rule prohibits an employee of the court from reviewing the file and notifying the parties of any deficiencies in their paperwork before the parties appear in front of a judicial officer at a family centered case resolution

1 conference. This type of assistance can occur by telephone, in person, ~~or~~ in
2 writing, or by other means approved by the court, on or before each
3 scheduled family centered case resolution conference. However, this type of
4 procedural assistance is not intended to replace family centered case
5 resolution plan management or to create a barrier to litigants' access to a
6 judicial officer.

7
8 (e)–(g) * * *

9
10 * * *

11 **Rule 5.91. Individual restraining order**

12
13 On a party's request for order and as provided in the Family Code, a court may issue any
14 individual restraining order that appears to be reasonable or necessary, including those
15 automatic temporary restraining orders included ~~on the back of~~ in the family law
16 summons. Individual orders supersede the standard family law restraining orders ~~on the~~
17 ~~back of~~ in the Family Law and Uniform Parentage Act summonses.

18
19 * * *

20 **Rule 5.215. Domestic violence protocol for Family Court Services**

21
22 (a)–(c) * * *

23
24 (d) **Family Court Services: Description and duties**

25
26 (1)–(4) * * *

27
28 (5) *Providing information*

29
30 Family Court Services staff must provide information to families accessing
31 their services about the effects of domestic violence on adults and children.
32 Family Court Services programs, including but not limited to orientation
33 programs, must provide information and materials that describe Family Court
34 Services policy and procedures with respect to domestic violence. ~~Where~~
35 Whenever possible, the videotapes provided information delivered in video
36 or audiovisual format should be closed-captioned.

37
38 (6)–(8) * * *

39
40 (e)–(j) * * *

41
42 * * *

43 **Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to**
44 **represent a child in family law proceedings**

1 (a)–(j) * * *

2
3 (k) **Other considerations**

4
5 Counsel is not required to assume the responsibilities of a social worker, probation
6 officer, child custody evaluator, or mediator and is not expected to provide
7 nonlegal services to the child. Subject to the terms of the court’s order of
8 appointment, counsel for a child may take the following actions to implement his or
9 her statutory duties in representing a child in a family law proceeding:

10
11 (1)–(3) * * *

12
13 (4) Conduct thorough, continuing, and independent investigations and discovery
14 to protect the child’s interest, which may include:

15
16 (A)–(F) * * *

17
18 (G) Reviewing relevant photographs, video-s or audiotapes recordings, and
19 other evidence;

20
21 (H)–(L) * * *

22
23 (5) * * *

24
25 * * *

26 **Rule 5.275. Standards for computer software to assist in determining support**

27
28 (a)–(f) * * *

29
30 (g) **Definitions**

31
32 As used in this ~~rule~~ chapter:

33
34 (1) “Software” refers to any program or digital application used to calculate the
35 appropriate amount of child or spousal support.

36
37 (2) “Default settings” refers to the status in which the software first starts when it
38 is installed on a computer system. The software may permit the default
39 settings to be changed by the user, either on a temporary or a permanent
40 basis, if (1) the user is permitted to change the settings back to the default
41 without reinstalling the software, (2) the computer screen prominently
42 indicates whether the software is set to the default settings, and (3) any
43 printout from the software prominently indicates whether the software is set
44 to the default settings.

1 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
2 *Care* (form JV-468) may be:

- 3
- 4 (A) Filed with the juvenile court that maintained general jurisdiction; or
- 5
- 6 (B) Submitted to the juvenile court in the county in which the nonminor
- 7 currently resides, after which:
- 8
- 9 (i) The court clerk must record the date and time received on the
- 10 face of the originals submitted and provide a copy of the originals
- 11 marked as received to the nonminor at no cost to ~~the~~ him or her.
- 12
- 13 (ii) To ensure receipt of the original form JV-466 and, if submitted,
- 14 the form JV-468 by the court of general jurisdiction within five
- 15 court days as required in section 388(e), the court clerk must
- 16 forward those originals to the clerk of the court of general
- 17 jurisdiction within two court days of submission of the originals
- 18 by the nonminor.
- 19
- 20 (iii) The court in the county in which the nonminor resides is
- 21 responsible for all costs of processing, copying, and forwarding
- 22 the form JV-466 and form JV-468 to the clerk of the court of
- 23 general jurisdiction.
- 24
- 25 (iv) The court clerk in the county in which the nonminor resides must
- 26 retain a copy of the documents submitted.
- 27
- 28 (v) The form JV-466 and, if submitted, the form JV-468 must be
- 29 filed immediately upon receipt by the clerk of the juvenile court
- 30 of general jurisdiction.
- 31
- 32 (C) For a nonminor living outside the state of California, the form JV-466
- 33 and, if the nonminor wishes to keep his or her contact information
- 34 confidential, the form JV-468 must be filed with the juvenile court of
- 35 general jurisdiction.
- 36

37 (3)–(5) * * *

38

39 (d)–(i) * * *

Rule 7.802 of the California Rules of Court would be adopted, effective January 1, 2016, to read:

1 **Title 7. Probate Rules**

2
3 * * *

4 **Chapter 17. Contested Hearings and Trials**

5
6 **Rule 7.802. Electronic Filing and Service in Contested Probate Proceedings**

7
8 The provisions of Code of Civil Procedure 1010.6 and rules 2.250–2.261 of the
9 California Rules of Court concerning filing and service by electronic means apply to
10 contested proceedings under the Probate Code and the Probate Rules to the same extent
11 as they apply to other contested civil proceedings in each superior court in this state.

Rules *** of the California Rules of Court would be adopted, effective January 1, 2016, to read:

1
2
3
4

Title 8. Appellate Rules

[To be added based on recommendations of the Appellate Advisory Committee and the Joint Appellate Technology Subcommittee.]