



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
Hall of Justice and Records
400 County Center
Redwood City, California 94063-0965

NEAL TANIGUCHI (650) 261-5016
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

March 30, 2021

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on July 1, 2021. The Court invites you to review and provide your comment on these proposals pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

smsccomment@sanmateocourt.org

with a subject line stating "Comments on Proposed Rule Changes". Please state the proposal number, the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than **2:30 P.M., May 14, 2021.**

Sincerely,
Neal Taniguchi, Court Executive Officer

A handwritten signature in dark ink, appearing to read "Blake Cox".

By: Blake Cox
Court Rules Committee Staff

Proposal #1 Effective July 1, 2021

Title	LOCAL RULES 1.4 Record On Appeal
Proposed Changes	<p data-bbox="487 294 1023 325">Local Rule 1.4 RECORD ON APPEAL</p> <p data-bbox="560 352 820 388">(a) <u>Civil Appeals.</u></p> <p data-bbox="633 415 1550 766">(1) <u>Contents.</u> The “record on appeal” includes the clerk’s transcript or agreed statement (CRC rule 8.830(a)(1)) and may include the reporter’s transcript, an agreed statement, or a settled statement on appeal (CRC rule 8.830(a)(2)). The record shall be designated by notice filed in the trial court. (CRC rule 8.831.). If the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957 and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal:</p> <p data-bbox="633 793 1550 982">(A) The trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision; or</p> <p data-bbox="633 1010 1550 1123">(B) The trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision. (CRC rule 8.837(d)(6).)</p> <p data-bbox="633 1150 1550 1423">(2) <u>Clerk’s Transcript.</u> Within ten days of notification by the clerk of the trial court’s appeals division of the estimate of the cost of the preparation of the clerk’s transcript, appellant shall make arrangement for payment of the required fees. (CRC rule 8.832(c)(3).) <i>The completed, official Clerk’s Transcript will be electronically transmitted to the attorney(s) of record and/or appellant, via PDF or a link to the document. No paper copy will be produced by the court.</i></p> <p data-bbox="560 1451 803 1486">(3)-(5) Unchanged</p> <p data-bbox="560 1514 868 1549">(b) <u>Criminal Appeals.</u></p> <p data-bbox="633 1577 1550 1843">(1) <u>Contents.</u> The “record on appeal” includes the clerk’s transcript, and may include a reporter’s transcript or statement on appeal (CRC rule 8.860) and exhibits (CRC rule 8.870). If the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957 and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal:</p>

(A) The trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision; or

(B) The trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision. (CRC rule 8.869(d)(6).)

(2) Clerk's Transcript. Upon filing of a Notice of Appeal, the clerk's transcript is prepared by the trial court Clerk without written request or payment of fees by the appellant. (CRC rules 8.861 through 8.863.) ***The completed, official Clerk's Transcript will be electronically transmitted to the attorney(s) of record and/or appellant, via PDF or a link to the document. A paper copy will be produced for the felony criminal defendant.***

(3)-(5) Unchanged

(Adopted, eff. Jan. 1, 2009) (Amended, effective July 1, 2009) (Amended, effective Jan. 1, 2020) ***(Amended, effective July 1, 2021).***

Proposal #2 Effective July 1, 2021

Title	LOCAL RULES DIVISION II, COURT MANAGEMENT
Proposed Changes	<p data-bbox="495 354 1177 386"><u>Rule 2.1.5 Permissive Electronic filing of Documents</u></p> <p data-bbox="495 428 1526 606">A. <i>All parties are permitted to electronically file documents in any action for Adoption, or any action under the jurisdiction of the Juvenile Court.</i> The Court does not presently <i>have permissive</i> permit electronic filing in other types of cases. (See Local Rule 2.1.7 for mandatory electronic filing of documents.)</p> <p data-bbox="495 648 560 669">* * *</p> <p data-bbox="495 722 1510 861">(Adopted, effective January 1, 2014) (Amended, effective January 1, 2017)(Amended, effective July 1, 2017) (Amended, effective January 1, 2019)(Amended, effective July 1, 2019) (Amended January 1, 2020) (Amended July 1, 2020) (<i>Amended, effective July 1, 2021</i>).</p> <p data-bbox="495 903 1193 934"><u>Rule 2.1.7 Mandatory Electronic Filing of Documents</u></p> <p data-bbox="495 976 1534 1131">(a) (1) Except for self-represented litigants, all parties are required to electronically file documents in all actions or proceedings brought under the Family Code, and all actions or proceedings to which the Probate Code applies, pursuant to CRC Rule 7.802.</p> <p data-bbox="495 1197 1526 1304">(2) Except for self-represented litigants, all parties are required to electronically file documents in all Civil Limited cases and in all Civil Unlimited cases.</p> <p data-bbox="495 1346 1502 1486">(3) Except for self-represented litigants, all parties are required to electronically file documents in all civil class actions, civil coordinated actions, civil actions provisionally complex under CRC Rule 3.400(c), and civil actions deemed complex pursuant to CRC Rule 3.403.</p> <p data-bbox="495 1528 1494 1635">(4) Except for self-represented litigants, all parties are required to electronically file documents in all actions under the jurisdiction of the Small Claims Court, pursuant to Code of Civil Procedure Section 116.110 et seq.</p> <p data-bbox="495 1677 1542 1785">(5) Except for self-represented litigants, all parties are required to electronically file documents in all Unlawful Detainer actions brought under Code of Civil Procedure Sections 1159 through 1179a.</p> <p data-bbox="495 1827 1518 1890">(6) Except for self-represented litigants, all parties are required to electronically file all documents, subsequent to the filing of the Complaint, in all</p>

felony, misdemeanor, and infraction Criminal actions, except for Traffic Court cases.

(7) Effective January 1, 2022, except for self-represented litigants, all parties are required to electronically file all documents in all actions for Adoption, and all actions under the jurisdiction of the Juvenile Court.

(b) Pursuant to CRC Rule 2.252(e), in a proceeding that requires the filing of an original document, an electronic filer may file an electronic copy of a document if the original document is then filed with the court within 10 calendar days.

(c) Pursuant to CCP Section 1010.6(d)(4) and CRC Rule 2.253(b)(1), self-represented parties are exempt from any mandatory electronic filing requirements, but are permitted to and encouraged to electronically file documents, if they so choose.

(d) A party that is subject to mandatory electronic filing may seek to be excused therefrom by submitting a Request for Exemption from Mandatory Electronic Filing and Service, Judicial Council form EFS-007, and obtaining a court order granting the request.

(Adopted, effective January 1, 2020) (Amended, effective July 1, 2020)
(Amended, effective July 1, 2021).

Rule 2.1.8 Documents That Cannot Be Electronically Filed

As an exception to Rule 2.1.5 and Rule 2.1.7, certain documents cannot be electronically filed (or lodged) with the Court, and must be filed by conventional means, i.e., paper documents. At present, documents that cannot be electronically filed (or lodged) and must be submitted in paper form, include the following:

(a) In All Actions: Ex parte applications and all other ex parte filings; ~~stipulation and proposed order; orders after hearing; order of examination~~; trial exhibits; administrative records; writs; abstracts; subpoenas; requests for judgment; ~~proposed judgments~~; bonds and undertakings; out-of-state commissions; out-of-state judgments; subpoenas for out-of-state actions; ~~all appeal documents including notice of appeal~~;

(b) In Probate actions: Wills; codicils; estate planning documents; documents lodged pursuant to Probate Code section 2620; letters of administration; letters of testamentary; certified copy of death certificate; letters of conservatorship, guardianship, or temporary guardianship or conservatorship; ***proposed judgments***;

(c) In General Civil actions: ~~Mandatory settlement conference statements;~~ Certificate of Fact form DL30; *proposed judgments*;

(d) In Criminal actions: Complaint, and all documents filed before the Complaint; *proposed judgments*;

(e) In Family Law actions: *Section 170.1 judicial challenge for cause.* ~~Summary dissolution cases; peremptory judicial challenges.~~

A list of such documents is regularly updated on the Court's website, as the Court continues to expand its electronic filing capabilities.

(Adopted, effective January 1, 2020) (Amended, effective July 1, 2020)
(*Amended, effective July 1, 2021*).

Proposal #3 Effective July 1, 2021

Title	LOCAL RULES DIVISION III DIRECT CALENDAR CIVIL DEPARTMENTS ASSIGNMENT, CASE MANAGEMENT, AND LAW AND MOTION
Proposed Changes	<p><u>Rule 3.10 Tentative Rulings on Calendar of the Presiding Judge</u></p> <p>(a) Reference California Rules of Court, rule 3.1308</p> <p>(b) Availability. A tentative ruling on any law and motion matter <i>on the Calendar of the Presiding Judge</i> may be obtained by telephoning (650) 261-5019, after 3:00 p.m. on the first court day immediately preceding the hearing on the motion or by accessing the Court's website at http://www.sanmateocourt.org/director.php?filename=/lawmotion/alltentrules.php</p> <p>(c) Notice of Intent to Appear. Reference California Rules of Court, rule 3.1308(a)(1).</p> <p>(i) Parties intending to appear on the <i>any law and motion</i> matter on the Calendar of the Presiding Judge shall notify the Department of the Presiding Judge and state their intent to appear. Parties shall follow the instructions as directed on the telephone Tentative Ruling notification message or on the Court's website.</p> <p>(ii) A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Department of the Presiding Judge must notify that department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing PJLawAndMotion@sanmateocourt.org with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.</p> <p>(Adopted, effective July 1, 2000) (Amended, effective January 1, 2007) (Amended, effective July 1, 2007)(Amended, effective January 1, 2014) (Amended, effective January 1, 2020) (Amended effective January 1, 2021.) <i>(Amended, effective July 1, 2021)</i></p> <p><u>Rule 3.19 Ex Parte Applications and Orders</u></p> <p>***</p> <p>(B.) Time and Place.</p> <p>Ex parte applications for all matters to be heard by the Presiding Judge, as set forth in Local Rule 3-2 3.401(b), and any petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to CCP Sections</p>

527.6 or 527.8, shall be submitted and heard at 2:00 p.m. Monday through Friday in the Department of the Presiding Judge. Except for ex parte applications seeking Civil Harassment or Workplace Violence Temporary Restraining Orders, or where the ex parte applicant has previously been granted a fee waiver, the applicant shall pay the ex parte application filing fee to the Clerk of the Court, located in Room A on the first floor of the Hall of Justice in Redwood City, prior to presenting the ex parte application to the Presiding Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department of the Presiding Judge no later than 2:15 p.m. on the date of the ex parte hearing.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007).
(Amended, effective January 1, 2019) (Amended, effective January 1, 2020)
(Amended effective January 1, 2021) (*Amended, effective July 1, 2021*).

CIVIL LAW & MOTION CALENDAR

Rule 3.400 Law and Motion in Single Assigned Civil Cases. All Law and Motion matters in all general civil cases as defined by Rule 1.6(4) of the California Rules of Court, and all unlawful detainer actions pursuant to Code of Civil Procedure Section 1159 *et seq.*, are heard by the Civil Judge assigned to that civil case.

(Adopted, effective January 1, 2021)

Rule 3.401 Matters Not Heard in Civil Law and Motion Calendar. To be clear, the following matters are *not* single assigned to any Civil Judge for determination:

(a) **Post-Trial Motions.** All post-trial motions shall be heard by the judge or commissioner who presided over the trial in that civil action.

(b) **Matters on Presiding Judge's Calendar.** The following Law & Motion matters and ex parte applications should be scheduled on the Presiding Judge's Calendar, to be determined by the Presiding Judge or other designated judicial officer:

- (i) Petitions for name change;
- (ii) Petitions for gender change;
- (iii) Vexatious litigant motions pursuant to C.C.P. Sections 391-391.8; ~~and~~
- (iv) Petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to C.C.P. Section 527.6 or 527.8, and CRC Rules 3.1160-3.1161;
- (v) *Gun violence restraining orders and emergency protective orders;*

- (vi) Petitions for prohibition of firearms; and*
- (vii) Original petitions for minor's compromise (not part of an existing civil case).*

(c) **Matters on Probate Calendar.** The following Law & Motion matters and ex parte applications should be scheduled on the calendar of the Probate Department, to be determined by the Probate Judge or other designated judicial officer:

- (i) All matters identified in Local Rule 4.1; and
- (ii) All Lanterman-Petris-Short Act conservatorship proceedings.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

Rule 3.402 **Scheduling Civil Law and Motion Hearings.** To reserve *calendar* a date and time for the hearing of any motion in a general civil action or unlawful detainer action assigned to a Civil Judge, the requesting party shall consult the assigned Civil Department's Law & Motion Calendar Availability section of the Court's website at www.sanmateocourt.org, and reserve *select* an available date for hearing. ~~In the discretion of the assigned Civil Judge, complex civil cases may be required to calendar any law and motion matters~~ *To calendar a date and time for hearing of any motion in a civil action designated a complex case under Local Rule 3.300, the requesting party shall contact the department of the assigned Civil Judge to obtain and serve a date for hearing* on a separate Complex Civil Law & Motion Calendar for that Civil Department.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

3.700 **Informal Discovery Conferences in General Civil Actions.**

(a) **Mandatory Informal Discovery Conference.** Pursuant to Code of Civil Procedure Section 2016.080, in all general civil cases actions as defined by CRC Rule 1.6(4), no party may move to compel discovery or file any other discovery motion until the parties have had an Informal Discovery Conference with the Court. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.

(b) **Permissive Informal Discovery Conference with Third Parties.** The procedures set forth in Local ~~R~~rule 3.700 apply to parties. With regard to discovery disputes with non-parties, the non-parties may elect to participate in the Informal Discovery Conference procedure, but are not required to do so.

(c) **Conducted by Civil Commissioner.** Informal Discovery Conferences will be scheduled with and conducted by the Civil Commissioner. As an Informal Discovery Conference does not involve the adjudication of any issue of disputed law or fact by the Civil Commissioner, Code of Civil Procedure

Section 170.6 does not apply. Pursuant to Code of Civil Procedure Section 2016.080(e), the outcome of an Informal Discovery Conference does not bar a party from subsequently filing a discovery motion or prejudice the disposition of a discovery motion.

(d) **Remote Only ~~by Conference Call~~.** Informal Discovery Conferences *in general civil cases* are conducted remote only by **Zoom** ~~telephone conference call, set up by the party requesting the IDC~~, and are *not* recorded by any party and are *not* reported by any court reporter.

(e) **Request for Informal Discovery Conference.**

(i) To request an Informal Discovery Conference, counsel must contact the Court by email at IDC@sanmateocourt.org, which email must be contemporaneously copied to counsel for all parties to the action and any self-represented parties. Any party requesting an Informal Discovery Conference shall identify the case name and number, the name of the party requesting the Informal Discovery Conference, the date and time reserved by that party for the Informal Discovery Conference, *and* the estimated length of the IDC session, ~~and the telephone number and any access code for the IDC conference call (which the requesting party is required to set up and schedule themselves).~~

(ii) To reserve a date and time for the Informal Discovery Conference, the requesting party shall consult the Informal Discovery Conference Calendar Availability section of the Court's website at www.sanmateocourt.org, and ~~reserve~~ *request in the email (under subsection (e)(i) above)* an available IDC session for a date that is, at least, ten calendar days, but no later than 29 calendar days, from the date of the request for Informal Discovery Conference.

(f) **Tolling of Deadline to File Motion.** Pursuant to Code of Civil Procedure Section 2016.080(c)(2), the time for bringing any motion to compel or other discovery motion is tolled starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motion.

(g) **Email Correspondence Detailing Discovery Dispute.**

(i) Within five (5) calendar days of the initial email request to the Court for an Informal Discovery Request, the disputing parties shall, jointly or separately, email correspondence to the Court at IDC@sanmateocourt.org, and contemporaneously to all parties, an electronic letter of no more than five (5) pages, without attachments, summarizing the discovery dispute(s). It shall include on the first line (i) the case name and number, (ii) the date and time reserved by the parties for the Informal Discovery Conference, *and* (iii) the estimated length of the IDC session, ~~and (iv) the telephone number and any access code for the IDC conference call (which the requesting party is required to set up and schedule themselves).~~

(ii) Failure to timely provide the Court with email correspondence summarizing the discovery dispute(s) may, and likely will, result in the Informal Discovery Conference being vacated/cancelled, and tolling of the time to file and serve any discovery motion will cease.

* * *

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

3.800 Scope. These Rules 3.800 *et seq.* apply to Case Management of all general civil cases as defined by Rule 1.6(4) of the California Rules of Court, which are not complex cases. These Rules are adopted to meet and advance the goals of Government Code Sections 68603 and 68602, Section 2.2 of the Standards of Judicial Administration, and Rules 3.710-3.735, 10.900, and 10.901 of the California Rules of Court.

(Adopted, effective January 1, 2021)

3.801 Setting of the Initial Case Management Conference. Upon the filing of an initial complaint ~~or petition~~ in all general civil cases, as defined by CRC Rule 1.6(4), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and Setting of Case Management Conference. The initial Case Management Conference shall be set for a date within 120 days of filing the complaint, and scheduled before the Civil Commissioner.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

3.802 Petitions for Writ and CEQA Actions. Upon the filing of any petition for writ (*or other petition not identified in Local Rule 3.401*), or of any action under CEQA (whether by complaint or by petition for writ), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and ~~Setting~~ **Notice** of Case Management *and Trial Setting* Conference. The initial Case Management *and Trial Setting* Conference shall be set for a date within sixty (60) days, and scheduled before the assigned Civil Judge. Petitions for Writ and CEQA cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; *except that* at the same time as service of the petition for writ or CEQA complaint/petition, plaintiff/petitioner must also serve all defendants, respondents and real parties in interest with the Notice of Assignment for ~~All~~ Purposes and ~~Setting~~ **Notice** of Case Management *and Trial Setting* Conference.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

3.803 Complex Civil Cases. Upon the filing of any complaint in a provisionally complex cases or a civil case deemed complex, the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes, Designation

as Complex Case, Setting of Case Management **and Trial Setting** Conference, and Complex Fees **Due**. The initial Case Management **and Trial Setting** Conference shall be set for a date within ninety (90) days, and scheduled before the assigned Civil Judge. Complex civil cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; *except that* at the same time as service of the complaint and summons, plaintiff must also serve all defendants with Plaintiff's Civil Case Cover Sheet (per CRC Rule 3.220) and Notice of Assignment for All Purposes, Designation as Complex Case, Setting of Case Management **and Trial Setting** Conference, and Complex Fees **Due**. Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

3.804 Service of Process Requirements.

- (a) At the same time as service of the complaint and summons, plaintiff must also serve all defendants with the following documents:
- (i) Plaintiff's Civil Case Cover Sheet, if required by CRC Rule 3.220;
 - (ii) Notice of Assignment for All Purposes and **Setting Notice** of Case Management Conference;
 - (iii) Court's ADR information package, per CRC Rule 3.221; and
 - (iv) A blank form of the Case Management Statement (CM-110).
- (b) Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.
- (c) Pursuant to CRC Rule 3.110(c), any cross-complaint adding a new party must be served upon all named cross-defendants (and contemporaneously served upon all parties who previously appeared in that civil case), and proofs of service of process upon the new parties must be filed within thirty (30) days of the filing of the cross-complaint.

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

Rule 3.1000 Post-ADR Case Management and Trial Setting Conference.

(a) After the parties have participated in an ADR process in any general civil case, the Court will issue notice setting a Case Management and Trial Setting Conference before the assigned Civil Judge. At the Case Management and Trial Setting Conference, the Civil Judge will consider the facts and circumstances identified in CRC Rules 3.728 and 3.729. Trial counsel for all parties shall attend the Case Management and Trial Setting Conference. Thereafter, the ***Court will issue notice(s) of*** ~~Civil Judge will issue a Case Management and Trial Setting Order, including~~ the date set for Mandatory Settlement Conference, the date set for commencement of trial, whether the trial will be by court or jury, and the anticipated length of trial.

(b) At least fifteen (15) calendar days before the date of the Case Management and Trial Setting Conference, counsel for the parties and any self-represented parties shall file and serve, jointly or individually, a written Case Management and Trial Setting Conference in prose and in detail, *not* using the standardized Judicial Council form CM-110. The Case Management and Trial Setting Conference Statement shall include all items set forth in CRC Rule 3.717 and any relevant facts or circumstances regarding the setting of the trial date as set forth in CRC Rule 3.729. The Case Management and Trial Setting Conference Statement shall also include information as to the status of completion of production of documents, the status of completion of party and witness depositions, and the status of expert witness discovery.

((Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

Rule 3.1100 Mandatory Settlement Conferences

~~**COURTCALL TELEPHONIC APPEARANCES**~~

~~Rule 3.1500 Reference CRC, Rule 3.670.~~

~~(a) Telephonic appearances through the use of CourtCall, an independent vendor, are permitted at all Case Management Conferences, Case Management and Trial Setting Conferences, and Law and Motion hearings in all general civil cases and unlawful detainer actions, unless otherwise ordered by the Court. Appearance by CourtCall is *not* permitted for Pretrial Conferences, Settlement Conferences, Mandatory Settlement Conference, or trial, unless otherwise ordered by the Court.~~

~~(b) A party choosing to appear by CourtCall must serve and file a Request for Telephone Appearance Form with CourtCall not less than five (5) court days prior to the conference or hearing. Copies of the Request for CourtCall Appearance form and accompanying information sheet are available in the Clerk's office. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. CourtCall will send confirmation of the request to parties.~~

~~—— (c) —— On the day of the conference or hearing, counsel and parties appearing by CourtCall must check in five minutes prior to time set for the conference or hearing. Check in is accomplished by dialing that Department's dedicated toll-free teleconference number and access code that will be provided by CourtCall in its confirmation. Any attorney or party calling after the check in period shall be considered late for the conference or hearing and shall be treated in the same manner as if the person had personally appeared late for the conference or hearing.~~

(Adopted, effective January 1, 2021) (*Amended, effective July 1, 2021*).

REMOTE APPEARANCES

Rule 3.1500 Remote Appearances

Unless otherwise ordered by the Court, parties may appear remotely in all general civil cases, unlawful detainer actions, and complex cases. Parties must follow the remote appearance requirements of the department of the assigned Civil Judge, which are available on the Court's website www.sanmateocourt.org under the Civil Department section, and click on the assigned Civil Judge's name to link to their remote appearance information and their department's procedures.

(Adopted, effective January 1, 2020) (*Amended, effective July 1, 2021*).

Proposal #4 Effective July 1, 2021	
Title	LOCAL RULE 3.904 – Stipulations to Private Appropriate Dispute Resolution
Summary	The proposed changes are to highlight the importance of recently established ADR orders to warrant compliance.
Discussion	<p>Amending sections B and D with minor additions and phrasing changes will substantiate the significance of ADR orders, and affirm the deadlines for compliance.</p> <p>Section D also corrects the process in which to obtain an extension to complete the ADR process.</p>
Proposed Changes	<p>Rule 3.904</p> <p>[A. omitted, no changes requested]</p> <p>(b) If a case is at-issue and all counsel and self-represented parties have indicated in their Case Management Statements that they are willing to participate in ADR and all willing to proceed to the same ADR process, such as mediation, private arbitration, or neutral evaluation (other than judicial arbitration), the general civil case will be referred by the Court to the ADR <i>Department Analyst for issuance of a formal ADR order</i>. Counsel and self-represented parties will be instructed to <i>shall</i> sign and submit a formal Stipulation and Order to ADR within 21 days from the date of issuance of the ADR order.</p> <p>[C. omitted, no changes requested]</p> <p>(d) The ADR process shall be completed within ninety (90) days, unless a request for continuance is made by ex parte application (prior to the expiration of the 90 days) and is granted <i>submitting an extension request online at https://www.sanmateocourt.org/court_divisions/adr/civil/stipulation_extension.php</i>.</p> <p>[E. omitted, no changes requested]</p> <p>(Adopted, effective January 1, 2021), (<i>Amended, effective July 1, 2021</i>).</p>

Proposal #5 Effective July 1, 2021

Title	LOCAL RULE 3.905 – Completion of ADR Process
Summary	Proposed amendments reestablish sections which were removed since the most recent update, while also creating a new process to assist with tracking the completion of ADR.
Discussion	<p>Section B adds an additional required form necessary to track the outcome of all cases submitted to ADR. By filing a Statement of Nonagreement, the ADR department will use the code entered by the clerk’s office for this form when filed to locate the cases that have completed ADR and did not reach a settlement for further action.</p> <p>Section C reinstates the obligation to return evaluations within 10 days of after completing the ADR process.</p> <p>Section D reinstates the complaint process in the event there is a concern or complaint with the ADR process, including the panelists.</p>
Proposed Changes	<p>Rule 3.905 Completion of ADR Process.</p> <p>[A. omitted, no changes requested]</p> <p>(b) Upon the completion of the selected ADR process, if not all disputes are resolved, <i>parties shall sign and file a Statement of Nonagreement (ADR-CV-11) to facilitate the setting of the</i> post-ADR Case Management and Trial Setting Conference before the assigned Civil Judge.</p> <p><i>(c) To maintain the quality of ADR services the court requires cooperation from all parties, counsel and ADR providers in completing ADR evaluation forms, and returning these forms to the ADR department within 10 calendar days of the completion of the ADR process.</i></p> <p><i>(d) <u>ADR Program Complaint Policy:</u> If mediation session participants have a concern about the mediation process or the conduct of a mediator affiliated with the court’s program, the court encourages them to speak directly with the mediator first. In accordance with California Rules of Court §3.865 et seq., parties may also address written complaints, referencing the specific Rule of Court allegedly violated, to the Court’s Civil ADR Program. (For complete complaint procedure guidelines, see court web site: https://www.sanmateocourt.org/court_divisions/adr/civil)</i></p> <p>(Adopted, effective January 1, 2021), (Amended, effective July 1, 2021).</p>

Proposal #6 Effective July 1, 2021	
Title	LOCAL RULE 4.1 General Provisions
Discussion	This section ends the practice of parties consenting to venue in San Mateo County, which has resulted in an overload of resources spent on out-of-county residents.
Proposed Changes (Insert any new text in <i>bold and italicized font</i> . Strike through any deleted text.)	<p>G. Venue for Probate Cases All proceedings under the Probate Code are to be filed with the Probate Division's Clerk's Office at the Hall of Justice, 400 County Center, first floor, Redwood City, California. All Probate Court proceedings will <i>also</i> be heard at the Southern Division in Redwood City, California, unless otherwise ordered by the Presiding Judge or a designated Supervising Judge pursuant to Local Rule 6.9. <i>Only Probate matters properly venued in San Mateo County under the Probate Code will be accepted for filing or considered as ex parte matters in San Mateo County. Consents to venue will not be accepted.</i></p> <p><i>(See Probate Code 7051, 17005.)</i></p> <p>(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; effective July 1, 2004; Amended, effective January 1, 2013; Amended, effective July 1, 2013, Amended, effctv January 1, 2014; Amended, effective January 1, 2018; Amended, effective January 1, 2019; <i>Amended, effective July 1, 2021).</i></p>

Proposal #7 Effective July 1, 2021

Title	LOCAL RULE 4.2 Hearing
Discussion	Updates the hearing schedule in the Probate Department to reflect its current practice. Removes telephonic appearances as an option for parties appearing remotely and provides for video (Zoom) appearances instead.
Proposed Changes	<p>A. <u>Hearing Schedule.</u> As of January 1, 2004 February 16, 2021, Probate matters will be heard on Monday, Tuesday, Wednesday and through Friday in the designated Probate Department at 9:00 a.m.. <i>The Probate Calendar will generally be heard at 9:00 a.m., although Thursday's Probate Calendar may sometimes be heard at 2:00 p.m. instead of 9:00 a.m.</i> Please check with the Court Clerk's Office, Probate Division or the Court's website at www.sanmateocourt.org for future schedule changes. There is no regular probate calendar on Thursdays. LPS conservatorship matters are heard by the Court on Wednesday Tuesdays in the designated Probate Deartment at 11:00 a.m.</p> <p>B-C Unchanged</p> <p>D. Telephonic Appearances</p> <p>(1) Telephonic appearances on the probate calendar are governed by California Rules of Court, Rule 3.670.</p> <p>(2) Judicial Approval. Telephonic appearances through the use of an independent vendor, currently CourtCall, are permitted at certain probate hearings. Telephonic appearances are not permitted for initial conservatorship and guardianship appointments (Probate Code, §1514, §1825), petitions for Temporary Restraining Orders (e.g., elder abuse cases) or any other matters within the court's discretion. See Rule 4.6.</p> <p>(3) Procedure. A party wishing to make a telephone appearance that has been permitted by the court must serve and file a Request for Telephone Appearance Form with CourtCall not later than 4:30 p.m. on the first court day prior to the appearance. Copies of the Request For CourtCall Appearance form and accompanying information sheet are available in the Clerk's office. There is a fee to parties for each CourtCall appearance and fees are paid directly to CourtCall. CourtCall will fax confirmation of the request to parties. On the day of the hearing, counsel and parties appearing by CourtCall must check in five minutes prior to the hearing. Check-in is accomplished by dialing the courtroom's dedicated toll-free teleconference number and access code that will be provided by CourtCall in the confirmation. Any attorney or party calling after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing.</p> <p>(4) Referral to ADR. At the hearing, parties may be referred to an appropriate dispute resolution ("ADR") process (e.g., mediation, arbitration or neutral</p>

evaluation). If parties are referred to ADR, they must redial the dedicated toll-free teleconference number immediately following their appearance and use a second CourtCall access code to telephonically appear at the ADR referral meeting with court ADR staff. If a case has been referred to ADR, a party's court appearance is not complete until they have also telephonically appeared at the mandatory ADR referral.

D. Video Appearances

(1) Judicial Approval. Video appearances through the use of an independent vendor, currently Zoom, are permitted at certain probate hearings, as indicated in the Tentative Rulings. Video appearances are not permitted for initial conservatorship and guardianship appointments (Probate Code, §1514, §1825), petitions for Temporary Restraining Orders (e.g., elder abuse cases) or any other matters within the court's discretion. See Rule 4.6

(2) Procedure. On the day of the hearing, counsel and parties appearing by video (or audio-only) must check-in fifteen minutes prior to the hearing. Video (& if video is unavailable audio-only) check-in can be accomplished by using the credentials/passwords shown at the top of the Probate Tentative Rulings page. Remote appearances by video are strongly preferred; audio-only appearances, through the video vendor, currently Zoom, are permitted only if video is completely unavailable. Once the hearing begins, all parties appearing remotely must mute their microphones until their line number is called.

Any attorney or party joining the Zoom meeting after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing.

(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; Amended, effective July 1, 2004, Amended, effective July 1, 2006) (Amended, effective January 1, 2007) (Amended, effective July 1, 2021).

Proposal #8 Effective July 1, 2021

Title	LOCAL RULE 4.8 Caption
Discussion	The purpose of the amendment is to require attorneys and self-represented parties to provide their email address because so many fail to do so. Further changes provide additional applicable law in support of Local Rule.
Proposed Changes	<p>Rule 4.8</p> <p>All probate pleadings shall conform to the caption requirements of Code of Civil Procedure §422.30(a), <i>et seq. and CRC Rule 2.111</i>. In addition, all probate pleadings must clearly and completely identify the nature of the relief sought or granted. The caption of the pleading shall include the date, time and location of any scheduled hearing. All pleadings shall have identified the attorney of record or state that the party is appearing in pro per. A facsimile number, if available, shall be included below the attorney's/self-represented party's telephone number <i>and email address</i>. Reference: CCP § 422.30(a), California Rules of Court, Rules <i>2.111</i>, 3.1110 and 7.102.</p> <p>(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004) (Amended, eff. January 1, 2007) (<i>Amended, effective July 1, 2021</i>).</p>

Proposal #9 Effective July 1, 2021	
Title	LOCAL RULE 4.18.4 Supplement to Petition for Probate
Discussion	<p>This is a new section that requires a proposed executor or administrator to provide Judicial Council form DE-147S, which is a supplement to required form DE-147 (Duties and Liabilities of Personal Representative). The Supplement requests that the proposed personal representative provide his or her name, date of birth and driver's license number along with the state of issuance. The information is necessary to ensure that the personal representative can be found in the event of disappearance or malfeasance.</p>
Proposed Changes	<p>Local Rule 4.18.4:</p> <p>A petitioner for probate shall file with the clerk a completed form DE-147S, which the clerk shall file confidentially, and not as part of the public court file.</p> <p><i>Reference: Probate Code Sections 8404(a) and 8404(b)</i></p> <p><i>(Adopted, effective July 1, 2021)</i></p>

Proposal #10 Effective July 1, 2021

Title	LOCAL RULE 4.25 Non-Resident Executors of Administrators
Discussion	This section is superseded by subsequent case law and the Probate Code. A nonresident personal representative may not waive bond due to jurisdictional concerns and in order to protect creditors.
Proposed Changes	<p>Local Rule 4.25:</p> <p>A nonresident nominated to serve as personal representative without bond shall be required to post bond in such amount as the Court determines, absent a waiver of bond by all parties entitled to distribution.</p> <p>Reference: Probate Code 8480-8488 and 9700-9705; and California Rule of Court, Rules 7.201-7.206.</p> <p><i>Reference: Probate Code 8480-8488 and 8570-8577; and California Rules of Court, Rules 7.201, 7.206.</i></p> <p>(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004) (<i>Amended, effective July 1, 2021.</i>)</p>

Proposal #11 Effective July 1, 2021

Title	LOCAL RULE 4.76 Temporary Conservatorship
Summary	<p>Update filing instructions to clarify that a temporary conservatorship can only be filed in person after the initial petition has been filed and accepted.</p> <p>Provides email as a means of contacting the probate court investigators.</p> <p>Adds a form to the list of required forms that was previously omitted in error.</p>
Discussion	<p>Provides instructions to attorneys to avoid confusion and frustration. Please note, the is the same change that is being requested regarding 4.77.14 Temporary Guardianships – Emergency Situations Only.</p>
Proposed Changes	<p>Rule 4.76 Temporary Conservatorships.</p> <p>A. In exigent circumstances, petitions may be presented ex parte between 2:00 -3:30 p.m. (M, T, W, Th, F). On those days that the Probate Presiding Judge is not available, the petitioner shall present his/her petition to the court’s Presiding Judge or the judge designated to hear ex parte matters. A separate petition for the appointment of a regular conservator must first be on file and a hearing date assigned before a petition for temporary conservator will be considered. Forms necessary for temporary appointment of conservator are as follows:</p> <ul style="list-style-type: none">(1) Petition for Appointment of Temporary Conservator (GC-110);(2) Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator (Judicial Council form GC-112) and Order on Ex Parte application (Judicial Council form GC-115);(3) Order Appointing Temporary Conservator (GC-141);(4) Proof of service regarding 5-day personal service of ex parte petition to proposed conservatee (if matter contested); and(5) Letters of Temporary Conservatorship (GC-150) and Temporary Bond Certificate (for estates). <p><i>(6) Declaration Re: Notice of Ex Pate Application for Orders (local form PR-9)</i></p> <p>B. Prior Review and Filing</p> <ul style="list-style-type: none">(1) Both temporary and permanent conservatorship petitions and subsequent filings must be filed at the Probate Clerk’s office before presentation to the Court. <i>Represented parties must ensure that the separate petition for the appointment of a regular conservator has been e-filed <u>and accepted</u>, prior to filing the petition for temporary conservatorship. Self-represented parties may present both sets of documents at the clerk’s office.</i> All filings regarding conservatorships must be accompanied by an original and two copies.(2) All petitions for temporary conservatorships must be filed in the Probate Clerk’s Office before it is screened by the Court Investigator’s Office. After

the Court Investigator screens the petition, the Court Investigator will present the petition to the judicial officer for review and ruling. It is recommended that an appointment for screening of the petition by the Court Investigator be made by *emailing a copy of the unfiled documents ahead of time to PCI@sanmateocourt.org, parties may also call*ing 650-261-5068.

[Sections C-F omitted, no changes requested.]

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)
 (Amended, effective July 1, 2006) (Amended, effective January 1, 2007)
 (Amended, effective January 1, 2009) (Amended, effective July 1, 2009),
 (Amended, effective January 1, 2012) (Amended, effective January 1, 2020)
(Amended, effective July 1, 2021).

Proposal #12 Effective July 1, 2021	
Title	LOCAL RULE 4.77.1 Petition for General Guardianship
Summary	Delete out of date paragraph.
Discussion	Paragraph 5 advises guardians to purchase a video at the clerk's office which is no longer sold/relevant.
Proposed Changes	<p>Rule 4.77.1 Petition for General Guardianship [Introduction and sections 1-4 omitted, no changes requested.</p> <p>5. It is recommended that every petitioner purchase a copy of the film, Becoming a Guardian, produced by the Judicial Council and the Superior Court, County of Solano. The video, DVD, or CD-ROM version of the film is available from the Probate Clerk's Office at a minimal cost. A copy of the video is available for viewing at the Clerk's Office in the Self-Help Center at the Hall of Justice.</p> <p>(Adopted, effective July 1, 2004 [formerly Rule 4.77 (a), (c), and (d)]) (Amended, effective July 1, 2006) (Amended, effective January 1, 2012) <i>(Amended, effective July 1, 2021).</i></p>

Proposal #13 Effective July 1, 2021

Title	LOCAL RULE 4.77.14 Temporary Guardianships – Emergency Situations Only.
Summary	Update filing instructions to clarify that a temporary conservatorship can only be filed in person after the initial petition has been filed and accepted. Provides email as a means of contacting the probate court investigators.
Discussion	Provides instructions to attorneys to avoid confusion and frustration. Please note, this is the same change that is being requested regarding 4.76 Temporary Conservatorship
Proposed Changes	<p>Rule 4.77.14 Temporary Guardianship - Emergency Situations Only</p> <p>A. If temporary guardianship is necessary, the court may consider the application with a short notice period (5 court days) or no notice (ex parte) [Prob.C. §2250]. In exigent circumstances, petitions may be presented ex parte between 2:00 – 3:30 p.m. (M,TU, W, TH,F) On those days that the Probate Presiding Judge is not available, the petitioner shall present his/her petition to the court’s Presiding Judge or the judge designated to hear ex parte matters. It is the policy of the Court not to change the residence of the proposed ward absent exigent circumstances and a recommendation by the Court Investigation unit.</p> <p>[Sections B-D omitted, no changes requested.]</p> <p>E. Filing and Prior Review of Documents</p> <p>1. All documents shall be filed with the Court Clerk’s Office, Room A, at the Probate counter at 400 County Center, 1st floor, Redwood City. <i>Represented parties must ensure that the separate petition for the appointment of a regular conservator has been e-filed <u>and accepted</u>, prior to filing the petition for temporary conservatorship. Self-represented parties may present both sets of documents at the clerk’s office.</i></p> <p>2. All petitions for temporary guardianship must be filed in the Probate Clerk’s Office before it is screened by the Court Investigator’s Office. After the Court Investigator screens the petition, the Court Investigator will present the petition to the judicial officer for review and ruling. It is recommended that an appointment for screening of the petition by the Court Investigator be made by <i>emailing a copy of the unfiled documents ahead of time to <u>PCI@sanmateocourt.org</u>, parties may also call</i> ing 650-261-5068.</p> <p>[Sections F-H omitted, no changed requested.]</p> <p>(Adopted, effective July 1, 2004) (Amended, effective July 1, 2005) (Amended, effective July 1, 2006) (Amended, effective January 1, 2009) (Amended, effective July 1, 2009)(Amended, effective January 1, 2011)</p>

	(Amended, effective January 1, 2014) (Amended, effective January 1, 2020) <i>(Amended, effective July 1, 2021).</i>
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Proposal #14 Effective July 1, 2021

Title	LOCAL RULE 5.13 – Family Court Services
Summary	Updates rule to reflect current practice of allowing remote mediation as appropriate.
Discussion	<p>Allows Family Court Services (FCS) to offer remote appointments when appropriate including for public health reason, litigant convenience (to decrease our no-show rate) and to provide safety for survivors of domestic violence. Allows accommodations for language needs remotely for the Parent Orientation.</p> <p>Our previous rule only allowed telephone appointment (no video sessions), and this was only permitted in very limited circumstances. FCS has experience a much lower no-show rate, and had a much easier time scheduling prompt appointments by allowing remote appointments due to COVID. Customers have expressed that their employers are much more willing to give them time off for the appointment rather than the much longer period that would be involved in an on-site appointment.</p>
Proposed Changes (insert text of new rule or changes here with track changes)	<p>[Section A omitted, no changes.]</p> <p>[Section B 1-2 omitted, no changes.]</p> <p>B. . .</p> <p>3. Parent Orientation Workshop: All parties filing a Request for Order related to custody and visitation of minor children are required to complete a parent orientation workshop prior to their FCS appointment. Parties can meet this requirement by:</p> <ul style="list-style-type: none"> a) Viewing the Orientation and Parent Handbook online at www.sanmateocourt.org/fcs. Parties are required to bring their certificate of completion to their appointment. b) The Parent Orientation Workshop is offered online as a convenience to the parties. However, if due to disability or language barrier a party <i>needs to request an accommodation</i> prefers to attend an in-person Parent Orientation Workshop, they may call FCS at 650-261-5080. Any party with limited computer access may call FCS at 650-261-5080 for a list of options to access the online Parent Orientation Workshop at a Court or community location. <p>[Section B 4-5 omitted, no changes.]</p> <p>6. Remote Appointments: Telephone Conferences: If a personal meeting with a counselor at FCS is not feasible, such as when one party resides outside of the nine Bay Area counties, a session may be conducted by telephone. The parties or counsel for the parties shall advise FCS of the need for telephonic appearance and provide appropriate telephone numbers. <i>Family Court Services has the discretion to set remote video, telephone, or in-person appointments in accordance with departmental policies.</i> It is the responsibility of the <i>each party</i> not appearing in person <i>to join the</i></p>

remote video session and/or place the telephone call to FCS at the time of the appointment (i.e., FCS does not call the parties).

[Section B 7-14 omitted, no changes.]

[Section C omitted, no changes.]

(Adopted, effective January 1, 2000)(Renumbered (formerly 5.11) and Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective July 1, 2010) (Amended, effective January 1, 2011).(Amended, effective January 1, 2012) (Amended, effective January 1, 2013) (Amended, effective July 1, 2013) (Amended, effective January 1, 2014)(Amended, effective January 1, 2016) (Amended, effective July 1, 2018) (Amended, effective January 1, 2020) (***Amended, effective July 1, 2021***).

Proposal #15 Effective July 1, 2021

Title	LOCAL RULE 5.17 – Court Ordered Supervised Visitation
Summary	CRC 5.20 requires that court create local rules containing the requirements that supervisors file declarations regarding their qualifications.
Discussion	Updates local rules to comply with CRC 5.20
Proposed Changes (insert text of new rule or changes here with track changes)	<p><u>RULE 5.17 Court Ordered Supervised Visitation</u></p> <ol style="list-style-type: none"><i>1. All person supervising visitation are required to meet the standards outlined in CRC 5.20, including appropriate background checks. To ensure that these standards are met, supervisors are required to file a declaration regarding their qualification as follows.</i><ol style="list-style-type: none"><i>a. Non-professional visitation supervisors are required to file the Declaration of Supervised Visitation Provider (Nonprofessional) (form FL-324(NP)) prior to serving as a visitation supervisor.</i><i>b. Professional visitation providers are required to file Declaration of Supervised Visitation Provider (Professional) (form FL-324(P)), in each case prior to serving as a visitation supervisor for those parties. This form must also be refiled with any reports filed under CRC 5.20(j)(3).</i><i>2. Filed forms FL-324(P) and FL-324(NP) shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to who the court expressly grants access by written order made with prior notice to all parties.</i><i>3. Visitation supervisors are encouraged to review the materials available at https://www.courts.ca.gov/cfcc-accesstovisitation.htm regarding the role and duties of a supervisor.</i> <p><i>(Adopted, effective July 1, 2021).</i></p>