

SUPERIOR COURT OF CALIFORNIA COUNTY OF MONO

RULES OF COURT

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**SUPERIOR COURT OF CALIFORNIA COUNTY OF MONO  
LOCAL  
RULES**

**CHAPTER 1. INTRODUCTORY**

**RULE 1.1 ADOPTION OF RULES**

These rules are adopted by the Superior Court of the County of Mono pursuant to Government Code §§68070 and 68071, and California Rules of Court, Rule 10.613, and are effective July 1, 2001.

*(Effective July 1, 2001, amended July 1, 2017, amended July 1, 2024).*

**RULE 1.2 REPEAL OF PRIOR RULES**

Upon the effective date of these rules, all other rules heretofore adopted by this court shall be repealed, provided that no action theretofore taken in compliance with such rules shall be made or deemed invalid or ineffective by such repeal.

*(Effective July 1, 2001).*

**RULE 1.3 CITATION**

These rules shall be known and cited as the Superior Court Rules and at all times be supplementary and subject to any and all rules heretofore and hereafter adopted for the courts by the Judicial Council of California.

*(Effective July 1, 2001).*

**RULE 1.4 CONSTRUCTION AND APPLICATION**

These rules shall be liberally construed to serve the proper and efficient administration of the business and affairs of this court and to promote and facilitate the administration of justice by the courts.

*(Effective July 1, 2001).*

**RULE 1.5 DEFINITION OF TERMS**

The definitions set forth in the California Rules of Court apply with equal force and for all purposes to the local rules unless the context or subject matter otherwise requires. Set forth below are definitions of selected terms used in these rules:

**Court:** The word court shall mean the particular court in which a matter is pending, unless otherwise specifically noted and shall include and apply to:

--Any judge who is appointed or elected a member of this court;

--Any judge, including a retired judge, who is assigned by the Chairperson of the Judicial Council to serve this court;

--Any commissioner or referee who is appointed by the judges of this court;

--Any retired commissioner who is assigned by the Presiding Judge pursuant to Government Code §72190 to serve the court; and,--Any member of the State Bar of California ordered to act as a temporary judge to serve this court pursuant to Article VI, Section 21 of the California Constitution and Rule 2.830 to 2.834 of the California Rules of Court.

**California Rules of Court:** California Rules of Court mean the rules of court administration, practice and procedure adopted by the Judicial Council of California.

**Judicial Officer:** The term judicial officer includes any judge who is appointed or elected a member of this court and any commissioner or referee who is appointed by the judges of this court.

**Presiding Judge:** The word, Presiding Judge, shall mean the Presiding Judge of the Superior court of Mono County. The presiding judge shall be selected in accordance with Government Code §69508.5 and Rule 10.602 of the California Rules of Court.

**Clerk:** The word Clerk includes the Court Executive Officer and any duly appointed and sworn deputy clerks of the courts.

**Person:** The word person includes corporations, associations, public entities and all other entities as well as natural persons.

**Paper:** The word paper includes all documents except as otherwise provided in the California Rules of Court.

**Judgment:** The word judgment includes and applies to any judgment and to any order or decree from which an appeal lies.

*(Effective July 1, 2004. amended effective date July 1, 2017)*

## **RULE 1.6 AMENDMENT AND REPEAL**

These rules may be amended by the Presiding Judge after consultation with the judges of the court in which these rules shall apply.

*(Effective July 1, 2001).*

## **CHAPTER 2. ADMINISTRATION OF THE COURTS; FAIRNESS; COURTROOM DECORUM**

### **ADMINISTRATION**

#### **RULE 2.1 LOCATION**

Sessions of the court shall be held in Bridgeport and Mammoth Lakes, CA.

*(Effective July 1, 2001).*

## **RULE 2.2 HOLIDAYS**

If any day on which an act is required by these rules to be done falls on a holiday as defined in Code of Civil Procedure §1354 and Government Code §6700, the act may be performed with the same effect as if it had been performed on the required day on the next succeeding court day after the holiday.

*(Effective July 1, 2001, amended July 1, 2024).*

## **RULE 2.3 PRESIDING JUDGE**

The superior court shall have a presiding judge, to be selected as set forth in Rule 1.5.  
*(Effective July 1, 2001)*

## **RULE 2.4 JUDICIAL OFFICER VACATION DAYS**

A day of vacation for a judge of the Superior Court of California, County of Mono, is an approved absence from the Court for one full business day. Other absences from the Court listed in Rule 10.603, California Rules of Court, section (C) (2) (H) are excluded from this definition.

*(Effective July 1, 2024)*

## **FAIRNESS**

## **RULE 2.5 GENDER NEUTRAL LANGUAGE**

The court shall use gender neutral language in all local rules, forms and court documents and shall provide for periodic review to insure the continued use of gender neutral language. These changes will be made as local rules, forms and documents are modified for other reasons.

*(Effective. July 1, 2001).*

## **RULE 2.6 COMPLAINTS RE: BIAS OR SEXUAL HARASSMENT**

Court employees, attendants and officers of the court will not engage in any conduct or activity that produces or contributes to bias or sexual harassment in the court system.

Any person who observes or believes they have been subjected to bias or sexual harassment shall immediately report the incident to the court's Executive Officer. The Executive officer shall have the following duties and powers:

- a. Investigate any complaints promptly and thoroughly.
- b. Ensure that the complainant's rights are protected.
- c. When appropriate, consult with attorneys and/or members of the public.
- d. Maintain confidentiality.
- e. Maintain quarterly report on complaints received, if any.
- f. Make recommendations for policy or procedure changes, training, and any other means that will prevent and eliminate bias and /or sexual harassment in the court system.

*(Effective July 1, 2001).*

## **COURTROOM DECORUM**

### **RULE 2.7 GENERAL POLICY**

- a. These rules have been adopted to foster orderly proceedings and respect for the Constitution of the United States, the constitution of the State of California, the laws of this state, and the Superior Court.
- b. The rules set forth herein shall apply in all superior court proceedings unless a judicial officer orders otherwise in a particular circumstance. A judicial officer, upon appropriate application in a particular case, may waive the application of any particular rule or may impose additional rules applicable to such case.
- c. Each attorney who appears in court should:
  1. Pursuant to Business and Professions Code §6068(e) "maintain the respect due to the courts of justice and judicial officers."
  2. Be polite and considerate toward opposing counsel, opposing parties, witnesses, and members of the court's staff.
  3. Be familiar with the rules and guidelines set forth in this chapter as well as other applicable statutes and rules of conduct, ethics, and professionalism.
  4. Make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules, and make a reasonable attempt to see that such persons abide by these rules.

*(Effective July 1, 2001, amended July 1, 2024).*

### **RULE 2.8 ATTIRE**

All attorneys, litigants, witnesses and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court.

- a. **Litigants and Attendees.** All persons in the courtroom should dress in a manner that is not offensive or distracting to others of usual sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear



in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court: sunglasses, hats, or any clothing that displays inappropriate words or pictures.

Bailiffs will remove any person from court who violates this rule. This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- b. **Attorneys.** Attorneys should be neatly and appropriately dressed in business attire for all court appearances.

*(Effective July 1, 2001).*

## **RULE 2.9 GENERAL COURTROOM BEHAVIOR**

Persons in the courtroom shall not:

Talk to clerks when the court is in session, except conversation that may be necessary in relation to the matter at that moment before the court.

- a. Converse with anyone in a manner that is distracting to the proceedings then before the court.
- b. Eat, drink, chew gum, or read newspapers.
- c. Visibly or audibly display approval or disapproval, agreement or disagreement with any testimony, ruling, or statement of the court, counsel, or a witness.
- d. Communicate in any way with a prisoner.

*(Effective July 1, 2001).*

## **RULE 2.10 COMMUNICATIONS TO COURT OR JURY**

- a. Counsel shall instruct their staff, the parties they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with the court touching upon any subject of the pending litigation except on the record with all counsel or parties appearing in propria persona present.
- b. Counsel shall instruct the parties that they represent, any associates of such parties who may attend court, and the witnesses they call that they shall have no communication with any juror or alternate juror.

*(Effective July 1, 2001).*

## **RULE 2.11 TELEPHONES, CELLULAR PHONES, AND PERSONAL DIGITAL DEVICES**

- a. No one other than a judicial officer or a member of the court's staff shall use a courtroom telephone without the specific permission of the court.

- b. Cellular phones and or personal digital devices shall not be used within the courtroom at any time, except for court related purpose by judicial officers, court staff, attorneys and self-represented litigants.
- c. All noise alert devices related to such cellular phones and personal digital devices shall be turned to silent mode when in the courtroom.

*(Effective July 1, 2001; amended July 1, 2017; amended July 1, 2024)*

#### **RULE 2.12 TRAVERSING THE WELL**

Persons in the courtroom should not traverse the area between the bench and counsel table, except with the express approval of the court. Counsel shall so instruct their clients, witnesses they call, and persons accompanying them.

*(Effective July 1, 2001).*

#### **RULE 2.13 EXAMINATION FROM COUNSEL TABLE**

Counsel, and parties appearing in propria persona, shall remain at a lectern or behind the counsel table when examining a witness. During trial, counsel shall not exhibit familiarity with witnesses, parties or other counsel, nor address them by use of first names (except children).

*(Effective July 1, 2001).*

#### **RULE 2.14 APPROACHING A WITNESS**

Before approaching a witness for any other purpose, a party shall request permission from the court

*(Effective July 1, 2001; amended July 1, 2024)*

#### **RULE 2.15 SMOKING, VAPING, AND TOBACCO USE**

Smoking, vaping, and tobacco use is prohibited throughout the courthouse. Persons desiring to smoke, vape, or use tobacco shall do so outside of the courthouse abiding to local and state ordinances with regard to distance from public entrances. Recesses during jury deliberation will be permitted at reasonable intervals to permit smoking, vaping, or tobacco use outside the courthouse.

*(Effective July 1, 2001; amended July 1, 2024).*

#### **RULE 2.16 FORM OF PAPERS PRESENTED FOR FILING**

All papers presented for filing shall comply with California Rules of Court, Rules 2.100 to 2.119. The use of white-out to delete or amend any of the contents of such papers is not permitted.

*(Effective July 1, 2001; amended January 1, 2003; amended date July 1, 2017)*

**RULE 2.17 REMOTE PROCEEDINGS: COURT PROCEEDINGS MAY BE HELD BY PHONE, CONFERENCE/VIDEO CONFERENCE IN THE EVENT OF HAZARDOUS WEATHER, NATURAL DISASTERS, OR EMERGENCY SITUATIONS.**

In an effort to ensure continuity of operations, court proceedings may be conducted remotely during times of hazardous weather, natural disasters, or emergency situations. Remote appearances may involve judicial officers, court staff, justice partners, defendants, other parties, and witnesses and will be conducted as outlined in rule 5.1.

When court proceedings are being held remotely under this rule the judicial officer will issue an order invoking this rule. Court staff will immediately notify justice partners of the order invoking this rule and provide a copy of the order by fax or email to the Sheriff Department Bailiffs, Probation Department, District's Attorneys' Office, Public Defenders, Highway Patrol Commanders, and the jailer at the Mono County Jail.

If a defendant in a criminal matter has a right to be personally present and does not agree to proceedings held by phone or video conference, the matter will be calendared. Nothing in this rule is intended to diminish access to justice and due process rights of all parties participating in court proceedings. Make sure we add in the procedure.

*(Effective date of February 17, 2017; amended July 1, 2024)*

**CHAPTER 3  
GENERAL PRETRIAL  
RULES**

**RULE 3.1 APPLICATION OF GENERAL COURT RULES**

These Rules are in addition to, and do not supersede, applicable state rules unless specifically authorized and so stated.

*(Effective July 1, 2001).*

**RULE 3.2 RELIEF FROM LOCAL RULES**

Relief from operation of these rules must be on prior request to the court. *(Effective July 1, 2001).*

**RULE 3.3 SANCTIONS**

Failure to comply with any local rule or California Rules of Court may subject the party to sanctions pursuant to California Rules of Court, Rule 2.30; Code of Civil Procedure sections 177.5 and 575.2.

*(Effective July 1, 2001; amended July 1, 2017)*

### **RULE 3.4 REGULAR LAW AND MOTION**

Civil Law and Motion matters are heard on Thursdays in Mammoth Lakes, and on Tuesdays as needed in Bridgeport. Contact court for date at [civil@mono.courts.ca.gov](mailto:civil@mono.courts.ca.gov). Matters in which the time estimates are 20 minutes or less are heard at 9:30 a.m.

Ex parte communication and mandatory settlement conference. Counsel and parties are expected to execute an Ex Parte Communication form allowing assigned judge to handle mandatory settlement conference.

*(Effective July 1, 2001; revised July 1, 2006; amended July 1, 2017; amended July 1, 2024)*

### **RULE 3.5 SHORT CAUSES**

Matters in which the time estimates are one-half day or less may be set on Law and Motion Day at such times as are approved in advance of setting by the Branch Calendaring Clerk.

*(Effective July 1, 2001.)*

### **RULE 3.8 SETTING CASES FOR TRIAL**

Cases may be set for trial without a trial setting conference. Trial dates will be selected by the judge assigned to the case, who will consider the nature of the case, the Case Management Statement, the attorney's availability calendar and the condition of the court's calendar. The place of trial will be selected by the court after consideration of the convenience of the witnesses and parties as well as the availability of courtrooms.

*(Effective July 1, 2001.)*

### **RULE 3.9 REQUESTS FOR CHANGES IN TRIAL DATES**

All requests for a change in trial date must either conform to section 3.10, or be brought by motion pursuant to California Rule of Court 3.1332.

*(Amended July 1, 2017; amended July 1, 2024)*

### **RULE 3.10 STIPULATION REGARDING CALENDARED MATTERS**

Stipulations to vacate a matter that has been calendared or for a change of a date for a matter that has been calendared by the court are joint requests by the stipulating parties that a date be changed. The originally calendared date will not automatically be changed. If the stipulation is that the matter be continued to a specific date, the stipulation must aver that the clerk's office has approved the availability of the proposed date.

Will need to address trials

*(Effective July 1, 2001.)*

### **RULE 3.11 TRIAL SETTING CONFERENCE/SETTLEMENT CONFERENCE**

Trial Setting Conference/Settlement Conferences are mandatory for any civil case where jury is demanded.

*(Effective July 1, 2001.)*

### **RULE 3.12 NOTICE OF TRIAL**

Following the trial setting conference, the Clerk shall mail notice of trial, unless counsel appeared in Court when Trial was set.

*(Effective July 1, 2001; amended July 1, 2017)*

### **RULE 3.13 PRETRIAL CONFERENCE**

A pre-trial conference will be set approximately two weeks prior to trial. Motions in limine shall be heard at the pretrial conference, and not on the day of trial. (see Rule 4.8).

*(Effective July 1, 2001.)*

## **CHAPTER 4 CIVIL CASE MANAGEMENT**

### **RULE 4.1 SCOPE OF CHAPTER**

This chapter applies to all general civil cases filed after July 1, 1992, “General Civil Case” means all civil cases except probate, guardianship, conservatorship, family law (including proceedings under the Family Law Act, Uniform Parentage Act, and Uniform Child Custody Jurisdiction Enforcement Act, freedom from parental custody and control proceedings, and adoption proceeding), juvenile court proceedings, small claims appeals, and “other civil petitions” as defined in the Regulation on Superior Court Reports to the Judicial Council, including petitions for writ of mandate of prohibition, temporary restraining order, harassment restraining order, domestic violence restraining order, writ of possession, appointment of a receiver, release of property from lien, and change of name.

*(Effective July 1, 2001; amended July 1, 2024)*

### **RULE 4.2 DEFINITIONS**

- (A) The term “counsel” includes parties representing themselves;
- (B) The term “defendant” also includes

cross-defendant. *(Effective July 1, 2001; amended July*

### **RULE 4.3 TRANSFERRED CASES**

All cases transferred from another jurisdiction are subject to this Rule. *(Effective Jul 1, 2001).*

### **RULE 4.4 CIVIL LITIGATION DELAY REDUCTION**

(A) It is the policy of the Court to conclude 98% of all civil litigation cases within eighteen (18) months of the filing of the complaint and 100% within twenty-four (24) months.

(B) It is the policy of the Court that, once any date has been set, it cannot be changed without a showing of good cause.

*(Effective July 1, 2001; amended July 1, 2024).*

### **RULE 4.5 SERVICE OF SUMMONS**

(A) Within sixty (60) days of the filing, the Complaint must be served and a proof of service filed with the Court. When a complaint is voluntarily amended for the first time, pursuant to the California Code of Civil Procedures 472, before the defendant answers (even after demurrer), the time herein shall run from the file date of the amended complaint.

(B) Upon failure to serve the Complaint and file a proof of service as required above, an Order to Show Cause shall be issued as to why counsel should not be sanctioned for failure to comply with this Rule.

(C) Responsive papers to the Order to Show Cause must be filed and served five (5) days in advance of the hearing.

*(Effective July 1, 2001; amended July 1, 2024).*

### **RULE 4.6 RESPONSIVE PLEADINGS**

(A) Each party served shall file and serve all necessary responsive pleadings within the time required by law.

(B) Absent the filing of the responsive pleadings, the plaintiff is required, within sixty (60) days after the statutory time for filing the responsive pleadings, to request the entry of default, as herein provided. Failing that, an Order to Show Cause will issue as to why sanctions should not be imposed.

(C) After a request for entry of default is filed, the Court will set and notice the case for default judgment hearing. In lieu of appearance and in an appropriate case, a declaration under Code of Civil Procedure Section 585 may be submitted.

(D) Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.

(E) Parties may seek to set aside a default by a stipulation submitted with a proposed Order. If the Court approves the Order, an Answer or other pleading must be filed within ten (10) days of the filing of the Order.

*(Effective July 1, 2001; amended July 1, 2024).*

#### **RULE 4.7 CASE MANAGEMENT CONFERENCE**

Case Management Conferences shall be conducted pursuant to California Rules of Court, Rules 3.720 to 3.730.

(A) **Filing of Complaint.** Upon filing a Complaint, the plaintiff shall receive the following from the Clerk:

- (1) Summons and Complaint indicating case number.
- (2) Notice and date of the Case Management Conference which will be set within one hundred eighty (180) days of the filing of the original complaint; and
- (3) A Notice of Filing Complaint and Dispute Resolution Packet.

(B) **Notice.** At the time of serving the Summons and Complaint (and a cross-complaint upon a new party), the responding party shall be served with the Notice of initial Case Management Conference.

(C) **Case Management Conference.** Counsel for each appearing party shall attend the Case Management Conference, shall be familiar with the case, and shall be prepared to discuss all matters. Counsel who fail to attend or participate shall be subject to sanctions. At the Case Management Conference, the Court may make all the appropriate pretrial orders, which can include the following:

- (1) *Alternative Dispute Resolution.* The Court may make Orders on stipulations to binding arbitration and filing of the award, and/or set a future status conference date for referral to arbitration. The Court shall examine and consider alternative dispute resolution programs or procedures available to the parties;
- (2) *Discovery.* Orders establishing a plan regulating the timing, scope, issues, and deadlines for completing any remaining discovery;
- (3) *Law and Motion.* Orders scheduling dates by which law and motion matters must be completed;
- (4) *Subsequent Conferences and Trial Date.* Orders setting further interim status conferences and setting the issue conference/trial date. (Failure to file cross-complaints shall not be considered a valid ground for enlarging the time for trial, arbitration, or other processes). Untimely cross-complaints shall, in most cases, be served so as not to delay the orderly processes of the Court.

- (5) Counsel and self-represented parties are not to attend an initial Case Management Conference in limited civil cases unless ordered to do so by the Court.

*(Effective July 1, 2001; revised January 1, 2003; revised July 1, 2006; revised July 1, 2017; amended July 1, 2024)*

## **RULE 4.8 PRETRIAL CONFERENCES**

As to all cases, approximately fourteen (14) days prior to the trial date, a Pretrial Conference will be held before the trial judge in which all matters necessary to be resolved before trial will be before the Court. All trial counsel must be present, along with all principals or clients and claims representatives if ordered by the Court.

- (A) **Motions in Limine.** All motions in limine must be in writing and are to be filed and served at least three (3) court days before the conference.
- (B) **Pretrial Conference Statement.** A “Pretrial Conference Statement” must be filed with the Court five (5) court days prior to the Pretrial Conference. The following shall be included in this statement and will be considered at the conference.
- (1) A statement of facts, law and respective contentions of the parties regarding liability, damages, nature and extent of injuries, any unusual evidentiary or legal issues anticipated at trial, and all matters of fact believed by any party to be appropriate for stipulations;
  - (2) All witness lists, a brief statement of anticipated testimony, an exhibit list, jury instructions, any witness issues, interpreter needs, need for a court reporter, proposed verdict;
  - (3) A proposed statement of the case to be read to the jury.

*(Effective July 1, 2001; amended July 1, 2024)*

## **RULE 4.9 SANCTIONS**

If the Court finds that any party has not proceeded with due diligence or has otherwise failed to comply with these rules, sanctions may be imposed.

*(Effective July 1, 2001).*

## **RULE 4.10 SETTLEMENT CONFERENCES**

### **4.10.1 Presence of Accessibility of Attorneys, Parties and Others**

At the mandatory settlement conference, *each party appearing in an action must be personally present (remote or in-person) or must be immediately accessible by telephone at all times during the conference. Corporate parties and governmental entities must be represented by a responsible officer in addition to and separate from counsel for such parties – authorized to make all decisions regarding the case, subject only to the approval of any governing board*



having the ultimate power to make such decisions. By way of illustrating the legal capacity of the representative of a governmental party, it is expected that the responsible officer, in the case of a city, would be the city manager, mayor or authorized public official at the “Department Manager” level and, in the case of a county, would be the county administrator, chairman of the Board of Supervisors, or authorized public official at the “Department Manager” level. For every party appearing in the action, counsel who will actually try the case must attend the conference. In any tort case wherein a party who might be liable for damages has insurance coverage, the insurance company shall have present, or immediately accessible by telephone throughout the entire duration of the conference, a representative who shall be authorized to make all decisions regarding the case.

*(Effective July 1, 2001; amended July 1, 2024).*

#### **4.10.2 DUTIES OF COUNSEL PRIOR TO CONFERENCE**

**(A) Settlement Conference Statement.** At least five (5) court days before the conference, counsel for each party will file with the Clerk of this Court, and serve upon all other counsel, a detailed settlement conference statement. The statement will not form a part of the Clerk’s file but will be retained by the settlement conference judge following the conference, if a party designates the statement as a confidential statement. Any party’s settlement conference statement may incorporate another party’s settlement conference statement by reference.

**(B) Content.** In every case, the statement will contain a summary of the facts, the harm claimed by plaintiff to have been produced by defendant’s conduct and the legal issues involved as well as a proposal for the settlement of the case.

**(C) Tort Actions – Damages.** In actions seeking damages for injury to person or property, the statement shall contain a detailed summary of all items of claimed damage and a statement that copies of all medical or other bills evidencing some damage have been delivered to opposing counsel. In actions seeking damages for personal injury, the statement of each party shall have attached to it a copy of that party’s most recent medical report and a statement that either copies of all medical reports in the possession of that party have been delivered to all other parties or that, for a specified reason, certain reports will not be so delivered.

**(D)** When damage for earning or profit loss is claimed, the claimant’s statement shall show in detail how the amount of the claimed loss is composed and shall include a statement that copies of all wage statements or other earnings or profit records available to the claimant have been delivered to opposing counsel.

**(E)** Ex Parte communication and mandatory settlement conference. Counsel and parties are expected to execute an Ex Parte Communication form allowing assigned judge to handle mandatory settlement conference.

*(Effective July 1, 2001; amended July 1, 2017; amended July 1, 2024)*

#### **4.10.3 DUTIES OF COUNSEL AT CONFERENCES**

Each attorney attending a mandatory settlement conference has a duty to be thoroughly familiar with the relevant

evidence available pertaining to all issues and shall be prepared to discuss all aspects of the case.

*(Effective July 1, 2001; amended July 1, 2024).*

#### **4.10.4 VACATING CONFERENCES**

*(Effective July 1, 2001; repealed July 1, 2024)*

#### **4.10.4 SANCTIONS**

The failure of any person to appear at, prepare for, or participate in good faith in a mandatory settlement conference, in conformity with the requirements of this chapter, unless good cause is shown for such failure, is an unlawful interference with the proceedings of the Court and may result in sanctions as set forth in Chapter 3 of these Rules.

*(Effective July 1, 2001; renumbered July 1, 2024).*

### **RULE 4.11 PRESENTATION, FILING AND SERVICE OF COURT PAPERS**

#### **4.11.1 PROPOSED JUDGMENTS, DECREES AND ORDERS**

In uncontested proceedings (e.g., uncontested dissolution of marriage, default judgment, and routine probate applications), an original and one copy of the proposed judgment, decree or order sought in the proceeding shall be presented to the Clerk. The copy mentioned in the foregoing requirement is in addition to any copy which counsel desire to have endorsed and returned to counsel by the Clerk.

*(Effective July 1, 2001; amended July 1, 2024).*

#### **RULE 4.11.2 FILING AND SERVICE OF ORDERS**

All written orders, including orders to show cause, orders for examination of judgment debtors, temporary restraining orders and injunctions, signed by a judge, shall be filed forthwith. An endorsed copy shall be served upon the parties to be notified thereof and an endorsed copy, bearing proof of service, shall be filed prior to the hearing.

*(Effective July 1, 2001).*

#### **RULE 4.11.3 EX PARTE APPLICATIONS**

A hearing date and time for ex parte applications and order must be made in advance by contacting the Superior Court Clerk's office. Unless otherwise herein directed or unless otherwise specifically ordered all ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders (except probate orders) sought in the civil law and motion department or in the family law department shall be made pursuant to California Rules of Court, rule 3.1200.

*(Effective July 1, 2001; amended January 1, 2003; amended July 1, 2024).*

#### **RULE 4.11.4 HEADINGS ON PLEADINGS IDENTIFYING PARTIES**

*(Effective July 1, 2001; amended July 1, 2017; repealed July 1, 2024)*

### **CHAPTER 5 REMOTE APPEARANCES AND ELECTRONIC FILING**

#### **RULE 5.1 REMOTE APPEARANCES**

- A. This Local Rule is adopted pursuant to Code of Civil Procedure section 367.75 and California Rule of Court, rule 3.672. Requirements for notice are set forth in Rule 3.672 and below. The subsection concerning remote hearings in domestic violence and gun violence restraining order matters is adopted pursuant to Family Code §6308(b) and Penal Code § 18123(b). Where they conflict, these rules supersede other previously enacted rules, emergency rules, or directives concerning remote appearances.
- B. General Provisions Regarding Remote Appearances
1. The Court has two remote appearance platforms available: Zoom (audio and video) and CourtCall (audio only). They may be used concurrently during the same Court session unless otherwise determined by the judicial officer. The Court may, at its discretion and upon notice to the public, move to a single service provider for all remote hearings.
  2. Remote appearances in contested hearings, excluding those described in subsection (c), shall be by video. Audio-only appearances shall not be permitted for such hearings unless specifically permitted by the judicial officer.
  3. A remote hearing is subject to all laws governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.
  4. A judicial officer may order that a specific hearing be conducted by remote appearance. If that hearing is an evidentiary hearing or trial, parties objecting to the remote hearing shall file their objection as provided in California Rule of Court 3.672(h).
  5. In any hearing not specifically set by the court to be conducted by remote appearance, a party who has failed to provide a notice of remote appearance may appear remotely upon a judicial officer's finding under California Rule of Court 3.672(j)(2) of good cause, unforeseen circumstances, or that the remote appearance would promote access to justice.
  6. A judicial officer may elect to terminate a remote hearing and continue the matter to a later in-person appearance should the judicial officer find that any of the criteria of Code of Civil Procedure section 367.75(b) and/or Rule of Court 3.672(d) are met.
- C. Civil Case Management, Law & Motion, and Ex Parte Hearings; Short-Cause Family Matters
1. Parties in civil case management, civil law and motion, civil ex parte (not including domestic violence restraining orders), and short-cause family law matters may stipulate either orally or in writing to waive notice of other parties' remote appearance.

2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance, but must serve the notice as set forth in Rule 3.672 unless the parties have stipulated to waive notice.

D. Civil Evidentiary Hearings, Settlement Conferences, and Trials

1. For evidentiary hearings, settlement conferences, and bench or jury trials, parties must appear in person unless the Court has granted prior express written authorization for a remote appearance.
2. The time frames and procedures for remote appearance requests and oppositions are set forth in Rule 3.672(h).
3. Courtesy copies of any requests or oppositions shall be filed with the department.
4. Nothing in this section shall be interpreted to require personal appearance of an expert witness unless the judicial officer has previously found good cause for the expert witness to appear in person.

E. Probate Matters

1. For probate hearings other than evidentiary hearings, settlement conferences, and trials, parties may stipulate either orally or in writing to waive notice of other parties' remote appearance.
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance, but must serve the notice as set forth in California Rule of Court 3.672 unless the parties have stipulated to waive notice.
3. For evidentiary hearings, settlement conferences, and trials, the provisions of subsection (d) shall apply.

F. Juvenile Dependency Matters.

1. The provisions of California Rule of Court 3.672 (i) shall apply to Juvenile Dependency matters.
2. All confidentiality requirements applicable to in-person Juvenile Dependency proceedings shall apply equally to remote hearings. In the event the Court cannot ensure that a remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding, the judicial officer may order any person to appear in-person, and may elect to terminate a remote hearing and continue the matter for a later in-person appearance.

G. Special Rules for Domestic Violence and Gun Violence Restraining Orders

1. Instructions for remote appearances in domestic violence and gun violence restraining order hearings will be posted to the Court's restraining order webpage: <https://www.cc-courts.org/restraining-orders/restraining-orders.aspx>.
2. The Court designates the departmental phone number for the department hearing each respective order as the phone number for the public to call to obtain assistance regarding a remote appearance. The designated departmental phone numbers will be posted on the restraining order webpage above. These phone numbers will be staffed from 30 minutes prior to the start of the court session at which the hearing will take place and during that court session.

*(Effective July 1, 2001, adopted January 1, 2003; amended effective July 1, 2008; amended July 1, 2024).*

**RULE 5.2 ELECTRONIC FILING**

- A. **AUTHORITY:** The Superior Court of California, County of Mono, permits the electronic filing (eFiling) of documents in accordance with California Code of Civil Procedure 1010.6 and California Rules of Court Rule 2.250 et seq., for specified matters as listed on the Court's website at [www.mono.courts.ca.gov](http://www.mono.courts.ca.gov).
- B. Use of eFiling is permissive and in-person filings will continue to be accepted at the Clerk's office. eFiling can be changed to a mandatory requirement at any time through further orders of this Court.
- C. Any documents received electronically by the Court between 12:00 a.m. and 11:59 p.m. on any court day, are deemed filed that same day. Any documents received electronically on a non-court day (i.e., weekend or holiday) are deemed filed on the next court day.
- D. Filings will not be accepted by this Court through any other electronic methods (for example, email or fax for the following case types: Civil, Family Law, Small Claims and Probate.
- E. eFilings must be submitted through an authorized Electronic Filing Service Provider (EFSP). Each EFSP may charge a transaction fee. EFSP fees are waived for parties with an active fee waiver and government entities. A list of authorized EFSPs is maintained on the Court's website.
- F. Documents submitted through eFiling must be in PDF Format, text searchable, and viewable on any standard PDF viewer.
- 1) All documents equal to or exceeding 10 pages and containing multiple exhibits or sections must be bookmarked with the title of the corresponding exhibit or section.
  - 2) All documents submitted electronically must include page numbers.
  - 3) A printed courtesy copy (along with proof of electronic submission) is required for all Motions of Summary Judgment, Motions for Summary Adjudication, and Anti-SLAPP Motions, including all supporting documents, regardless of the number of pages. The printed courtesy copy should be provided the same day the electronic copy is submitted.
- G. The following documents are excluded from eFiling and must be submitted in paper format:
- 1) Original will and codicil
  - 2) Peremptory Challenges or Challenges for Cause of a Judicial Officer pursuant to Code of Civil Procedure sections 170.6 or 170.3
  - 3) Any ex parte application that is filed concurrently with a new complaint.
  - 4) Out-of-State Commission
  - 5) Documents submitted conditionally under seal
  - 6) Certificate of Facts Re Unsatisfied Judgment
  - 7) Bonds/undertaking
  - 8) Exhibits to be lodged for hearings or trials.
  - 9) Subpoenaed documents
  - 10) Request for Administrative Records
  - 11) Affidavit Re Real Property of Small Value (Probate)

- 12) Copy requests
- 13) Any document ordered by the Court to be submitted in paper format
- 14) Family Law:
  - a. Request for Entry of Default
  - b. Notice of Entry of Judgment
  - c. Out-of-State Judgments or Orders to be Registered
  - d. Exhibits to be lodged for Hearings or Trials
  - e. Child Custody Evaluation Reports

*(Effective July 1, 2001; amended July 1, 2017; amended July 1, 2024, effective date TBD)*

### **RULE 5.3 TELEPHONE APPEARANCE AND FACSIMILE FILING**

*(Effective July 1, 2001; amended July 1, 2017; repealed July 1, 2024)*

### **RULE 5.4 FACSIMILE FILING REQUIREMENTS**

*(Effective July 1, 2001; repealed July 1, 2024).*

## **CHAPTER 6 COURT REPORTERS**

### **RULE 6.1 COURT PROVIDED COURT REPORTERS**

The court shall provide a court reporter in all matters statutorily required (Felony criminal proceedings, juvenile proceedings, etc.). For law and motion calendars, the court may provide a court reporter if the court has sufficient funding. On or before August 31<sup>st</sup> of each year, the court will make a determination if the court has sufficient funding. The court will publicize that determination in accordance with California Rule of Court 2.956.

*(Effective July 1, 2001; amended July 1, 2017; amended July 1, 2024)*

### **RULE 6.2 REQUESTING A COURT REPORTER FOR NON-MANDATORY CASES TYPES**

In accordance with Gov. Code §68086 and California Rule of Court Rule 2.956 when a party requests a court reporter and the reporter is not required by the foregoing rule or by statute to report the court proceeding, such party shall provide and pay for a certified court reporter approved by the court.

*(Effective July 1, 2001; amended July 1, 2017; amended July 1, 2024)*

### **RULE 6.3 TIME ALLOTTED WITHOUT COST TO PARTY**

All civil proceedings where the court provides a reporter, including family law proceedings, of less than one hour in duration will be reported without cost to any party. A fee for reporting services will be charged for all matters lasting more than one hour.

#### **RULE 6.4 TRANSCRIPT REQUESTS**

Any party requesting a transcript in any civil proceeding, including family law proceedings, shall order from and pay for such transcript directly with the court reporter.

(Effective July 1, 2001).

### **CHAPTER 7 MISCELLANEOUS RULES**

#### **RULE 7.1 ATTORNEY FEES IN CIVIL ACTIONS OR PROCEEDINGS**

(A) In actions on promissory notes and contracts providing for the payment of attorney fees, whenever a prevailing party is entitled to the recovery of reasonable attorney fees, the following schedule shall be considered by the court, in its discretion, in awarding attorney's fees:

- (1) *Default Action.* Exclusive of costs and interest,
- (a) Twenty-five percent (25%) of the first two thousand dollars (\$2,000) awarded as damages;
  - (b) Twenty percent (20%) of the next four thousand dollars (\$4,000);
  - (c) Fifteen percent (15%) of the next four thousand dollars (\$4,000);
  - (d) Ten percent (10%) of the next ten thousand dollars (\$10,000);
  - (e) Five percent (5%) of the next thirty thousand dollars (\$30,000); and
  - (f) Two percent (2%) of amounts in excess of the first fifty thousand dollars (\$50,000).

(2) *Contested Action.* The same amount as computed under paragraph (A)(1), increased by such compensation computed on an hourly or per-day basis for any additional research, general preparation, trial or other services as may be allowed by the court.

(B) Where a defendant is the prevailing party, the fees will be fixed by reasonable compensation computed on an hourly or per-day basis for research, general preparation, trial or other services rendered.

(C) Where a prevailing party is entitled to the recovery of reasonable attorney fees in an otherwise appropriate clerk's judgment, the Clerk shall include attorney fees computed pursuant to the fee schedule contained in this Rule.

(D) In any case where a party claims fees in excess of those allowed by this Rule, application for attorney fees shall be made to the court, supported by declarations setting forth the factual basis for the claimed attorney fees. The fees thereupon be fixed by the court.

(Effective July 1, 2005; amended July 1, 2024).

**RULE 7.2 ATTORNEY FEES IN RESIDENTIAL UNLAWFUL DETAINER ACTIONS**

In actions for residential unlawful detainer, the attorney fees awarded by the Court will not, under normal circumstances, exceed three hundred dollars (\$300) in cases by default where the defendant has filed no answer pursuant to Code of Civil Procedure Section 1170, or four hundred dollars (\$400) in cases uncontested at trial where the defendant has filed an answer.

*(Effective July 1, 2005).*

**CHAPTER 8  
FAMILY LAW RULES****RULE 8.1 CHILD CUSTODY AND/OR VISITATION****Section A Applicability/General Procedure**

- (1) This rule applies to all Family Law cases involving a dispute regarding child custody and/or visitation, including any action for Dissolution of Marriage, Legal Separation, Paternity (excluding District Attorney actions) or Domestic Violence.
- (2) This rule and the name and telephone number of the Family Court Services Coordinator (FCSC) shall be provided by the clerk of the court to a petitioner upon any filing of a petition or moving papers. The petitioner shall serve the same, along with the petition or moving papers, on the responding party.
- (3) The clerk of the court will not schedule a court date until the requirements set forth in Section B of this rule have been met.

**Section B Family Court Services Mediation Completion Requirements**

- (1) The parties shall contact the Family Court Services Coordinator to set up an appointment to attend a mediation orientation session (a pre-mediation video) explaining the mediation process. The parties may attend the orientation session separately. Both parties must attend the orientation session unless the court has specifically ordered otherwise. Generally, the court will not exempt parties from attending the orientation session unless it would cause undue hardship (i.e., you reside out of state and the court has authorized telephonic mediation).
- (2) After attending the orientation session the parties will be given a form verifying the parties attendance and a list of approved "court mediators". (Court mediators have agreed to the court's compensation schedule, and have demonstrated they meet the qualifications for a mediator set forth in the California Family Code and California Rules of Court). The parties must give the verification form to their attorneys for filing with the court, or if the parties don't have attorneys, they should bring the form with them to the next court appearance at which time deliver it to the court clerk.
- (3) The parties are directed to agree on a mediator. You may select any mediator you wish, however, the court can only pay for mediation provided by a mediator who is on the court's list



of approved “court mediators”. If you elect to use a mediator who is not on the court’s list you will be responsible for paying the mediator’s fees. If the parties cannot agree on a mediator, the FCSC will select a mediator from the list of “court mediators” at random. The parties shall each have one peremptory challenge of a mediator if the FCSC random selection is required.

(4) The mediation session shall be held in private and all communications from the parties to the mediator shall be deemed official information within the meaning of Evidence Code Section 1040. Only the parents or the parties involved in the action shall be present in the mediation session.

(5) It is the parties’ responsibility to schedule the mediation with the mediator selected, and to attend the mediation session as scheduled, prior to the date of any child custody and/or visitation hearing. The FCSC will verify attendance with the mediator; and, if mediation has been completed, the FCSC will notify the clerk of the court to schedule a hearing date.

(6) Pursuant to §575.2 of the Code of Civil Procedure, appropriate sanctions may be imposed by the court upon any party for failure to attend the orientation session or mediation.

(7) If after mediation all issues regarding custody and/or visitation have been resolved the parties shall file a stipulation to that effect.

### **Section C Custody and/or Visitation Issues Filed Under the Domestic Violence Act**

(a) Separate Mediation Sessions. In any proceeding for which mediation is required and there is a history of domestic violence between the parties, or where a protective order as defined in Family Code §6218 is in effect, then at the request of the party who alleges domestic violence (in a written declaration under penalty of perjury) or who is protected by the order, the appointed Mediator shall meet with the parties individually, and at separate times.

(b) Conducting the Mediation. If the parties agree to meet jointly rather than individually with the Mediator, then during the mediation a support person may accompany any party who is protected by a restraining order. However, the mediator may exclude a support person from a session if that person disrupts the process of mediation.

### **Section D Custody and/or Visitation Evaluations**

(1) The court may order an investigation or evaluation pursuant to California Rule of Court 5.220 of a family and the other pertinent parties, and a report thereon, to assist it in assessing the health, safety, welfare and best interests of a minor child or children, when there are disputed custody and/or visitation issues.

(2) Where the parties stipulate to such an investigation or evaluation, such stipulation will be approved only where the court deems it to be warranted.

(3) The parties may stipulate to an investigator or evaluator. However, absent such stipulation, the court will appoint an investigator or evaluator of its selection, or may for good cause appoint someone other than as stipulated. In any event, any investigator or evaluator appointed by the court shall meet the requirements set forth in Rules 5.220, 5.225 and 5.230 of the California Rules of Court. Investigators/evaluators appointed by the court are not subject to peremptory challenge.

(4) At the time an evaluation order is executed, whether pursuant to stipulation or otherwise, the costs associated with evaluations must be determined. The court will order payment according to the Court's assessment of ability to pay. Generally, fees are not waived for these evaluations. The court will require an initial deposit of the estimated costs thereof, but not less than \$1,500 to be made by the parties prior to commencement of the evaluation.

(5) A copy of the evaluator's report shall be provided to the court and to any attorneys of record not less than ten (10) days before any related hearings. A copy of the report may be made available for review in the courtroom to self-represented parties only upon order of the court. The report may not be used for any purpose other than as evidence at a custody or visitation hearing, unless otherwise ordered by the court. The court's copy of the report shall be placed in a confidential envelope, to be kept in the court file, not to be opened, except by a judicial officer or as may otherwise be ordered by the court after prior notice to all parties.

(6) Grievances in connection with court-ordered evaluations shall be presented, in writing to the Presiding Judge within ten (10) days of receipt of the report and such grievances shall be addressed at the scheduled custody hearing.

*(Rule 7.1 renumbered rule 8.1 July 1, 2005; adopted July 1, 2001; revised January 1, 2003; July 1, 2017.)*

## **RULE 8.2 FINANCIAL DECLARATIONS**

In all proceedings brought under the Family Code, prior to every default hearing and every contested hearing, there shall be filed by each party an income and expense declaration and a property declaration, using the applicable Judicial Council forms unless the matter to be considered at the hearing does not involve the consideration of any financial issue. Such statements shall show conditions as they existed no earlier than three (3) weeks prior to the hearing, shall be completely filled out so that every blank calling for information available to the declarant is filled out (with the word "none", if that be an appropriate response), and shall be filed no later than the Court day prior to the hearing, unless an earlier filing is required by rule or statute.

*(Rule 7.2 renumbered rule 8.2 effective July 1, 2005; adopted effective July 1, 2001; amended July 1, 2017).*

## **RULE 8.3 PRE-HEARING CONFERENCE**

No matter (including a motion, order to show cause, or trial) in a proceeding brought under the Family Code will be heard until counsel, with their respective clients are either physically present or immediately physically available, or parties in pro per, have met and conferred in a good faith effort to resolve all issues. Such Conference shall include an exchange of all documents which may be relevant to contested issues or which may be offered in evidence. At the onset of the hearing on the matter, counsel, or parties in pro per, will be expected to represent to the Court that there has been compliance with this rule. Non-compliance with the rule may result in the matter being dropped from the calendar or continued, or the rejection of documents not exchanged, or other appropriate sanctions.

*(Rule 7.3 renumbered rule 8.3 July 1, 2005; adopted July 1, 2001; amended July 1, 2017).*

**CHAPTER 9  
PROBATE RULES**

**RULE 9.1 TAX CERTIFICATES**

All real and personal property taxes due on estate assets must be paid prior to final distribution. A Property Tax Clearance Certificate (required to be on file prior to final distribution) will be issued by the Mono County Tax Collector after the Assessor has received all of the following documents:

- (A) A copy of the Petition for Probate.
- (B) Change of ownership statement for each parcel of real property in Mono County in which decedent owned an interest, if such real property will be included in the Inventory of estate assets.
- (C) An endorsed copy of each Inventory filed in the estate. Receipt by the Assessor of an endorsed copy of any Inventory marked "Final" will act as an automatic request for issuance of the Property Tax Clearance Certificate.

If it is likely that a final Inventory will not be on file within ninety (90) days of the date of death, mail directly to the Assessor within that period a copy of the Inventory that the personal representative plans to file (appraised values are not necessary), and thereafter furnish the Assessor with endorsed copies of the Inventories actually filed.

*(Rule 8.1 renumbered rule 9.1 effective July 1, 2005; adopted effective July 1, 2001).*

**CHAPTER 10  
CRIMINAL  
RULES**

**RULE 10.1 FILING OF MISDEMEANORS.**

Except as ordered upon a showing of good cause, the complaint shall be presented to the clerk for filing not later than (i) 3:00 p.m. on the day before the defendant's first appearance, if the defendant is in custody; or (ii) 3:00 p.m. of the second calendar day preceding the date of first appearance, if the defendant is not in custody. The district attorney shall provide a copy of the complaint for distribution to the defendant at the time of arraignment.

*(Rule 9.1 renumbered rule 101 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 10.2 FILING OF FELONIES.**

Except as ordered upon a showing of good cause, the information or indictment shall be presented to the clerk for filing not later than 12:00 noon on the day before defendant's first appearance for arraignment on the Information.

*(Rule 9.2 renumbered rule 10.2 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 10.3 COUNTER ARRAIGNMENTS IN MISDEMEANOR MATTERS.**

Entry of plea, time waiver, and request to continue for pretrial in misdemeanor matters only can be handled through counter arraignment form (see Appendix A) for defendants represented by counsel. Counter arraignment forms must be received by the clerk no later than 3:00 p.m. the day before the scheduled arraignment.

*(Rule 9.3 renumbered rule 10.3 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 10.4 TRIAL SETTING**

*(Rule 9.4 renumbered rule 10.4 effective July 1, 2005; repealed effective July 1, 2006; adopted effective July 1, 2001).*

**RULE 10.5 TRIAL CONFIRMATION HEARING**

All criminal matters set for jury trial will be set for trial confirmation hearing at least fourteen (14) days prior to trial. All other criminal trials, or probation revocation hearings, will be set for pretrial at least one day prior to date of hearing or trial.

Confirmation of jury trial constitutes a representation by counsel that they are ready to proceed to trial. No continuance of the trial will be granted without compliance with Penal Code §1050 procedures.

*(Rule 9.5 renumbered rule 10.5 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 10.6 PRETRIAL MOTIONS**

All pretrial motions, including in limine motions, shall be set for hearing on or before the date set for trial confirmation hearing

*(Rule 9.6 renumbered rule 10.6 effective July 1, 2005; adopted effective July 1, 2004).*

**RULE 10.7 PRETRIAL CONFERENCE**

A pretrial conference shall be set prior to trial. At least seven (7) days prior to the date set for pretrial, the District Attorney and defense counsel shall confer and discuss the issues to be addressed. Any offers which the District Attorney proposes to make at pretrial shall be disclosed to defense counsel at said conference. Defense counsel shall forthwith communicate any such offers to the defendant, and shall respond to the District Attorney's offer prior to the date scheduled for pretrial.

*(Rule 9.7 renumbered rule 10.7 effective July 1, 2005; adopted July 1, 2001.)*

**RULE 10.8 CRIMINAL DISCOVERY**

Criminal Discovery shall be conducted pursuant to the provisions of the California Penal Code, and Case Law.

*(Rule 9.8 renumbered rule 10.8 effective July 1, 2005; adopted July 1, 2001).*

**CHAPTER 11  
JUVENILE COURT RULES****RULE 11.1 TIMELINESS**

Unless otherwise specifically approved by the Court, accompanied by applicable time waivers, attorneys for parties are required to adhere to the statutory timeliness for all filings and hearings.

*(Rule 10.1 renumbered rule 11.1 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 11.2 MANDATORY SETTLEMENT CONFERENCE**

In every dependency case in which a Petition for Jurisdiction has been filed, the Court shall set a Mandatory Settlement Conference prior to the date for the Jurisdictional Hearing in order to afford all parties and their counsel the opportunity to attempt to resolve the matter by Stipulation without the necessity of Jurisdictional Hearing.

*(Rule 10.2 renumbered rule 11.2 effective July 1, 2005; adopted effective July 1, 2001).*

**RULE 11.3 COPETENCY OF COUNSEL IN DEPENDENCY PROCEEDINGS****Section A Purpose and Applicability**

This rule is established to comply with Section 317 of the Welfare and Institutions Code and Rule 5.660 of the California Rules of Court. On proper application and showing, the requirements of these Rules pertaining to competence of counsel can be waived or modified when necessary to provide counsel in juvenile dependency cases (Court automatically appoints counsel for children for duration of court's juris over minor child. Counsel will only be relieved upon proper motion and order of the Court.)

**Section B General Competency Requirement**

Any party in a dependency proceeding who is represented by an attorney is entitled to competent counsel.

[Definition] "Competent counsel" means an attorney who is a member in good standing of the State Bar of California, who has participated in training in the law of juvenile dependency, and who demonstrates adequate forensic skills, knowledge and comprehension of the statutory scheme, the purposes and goals of dependency proceedings, the specific statutes, rules of court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs.

- (1) [Evidence of Competence] The court may require evidence of competency of any attorney appointed to represent a party in a dependency proceeding.
- (2) [Experience and Education] Only those attorneys who have completed a minimum of eight (8) hours of training or education in the area of juvenile dependency, or who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. Training and education must include information on child development, child abuse, domestic violence, family reunification and preservation. Within every three years attorneys must complete at least eight (8) hours of continuing education related to dependency proceedings.
- (3) [Standards of Representation] Attorneys or their agents are expected to meet regularly with clients including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers and other professionals associated with the client's case, Superior Court of California, County of Mono, to work with other counsel to resolve disputed aspects of a case without a contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship.

**Section C Procedures For Reviewing and Resolving Complaints**

- (1) Any party to a dependency proceeding may lodge a written complaint with the Court concerning the performance of his or her appointed counsel in that proceeding.
- (2) When counsel is appointed the Court shall advise each adult, in general terms, of the procedure for lodging complaints with the Court concerning the performance of an appointed attorney. In the case of a minor client the notice shall be given to the current caretaker of the child.
- (3) All complaints to the Court shall be in writing and directed to the judge assigned to the proceeding and filed with a court clerk. The Court shall review all complaints received. If the Court determines that the complaint presents reasonable cause to believe that the attorney may have failed to act competently or professionally, the Court shall notify the attorney in question of the complaint and shall give the attorney the opportunity to respond in writing within 10 court days, or up to 30 calendar days if good cause shown. The Court shall review the complaint and response and make additional inquiry to determine if the attorney acted incompetently or unprofessional. If the Court so finds, the Court may replace the attorney, impose sanctions as provided by law and/or refer the matter to the State Bar of California for further action. The Court shall notify the attorney and the party in writing of its determination concerning the allegations of the complaint.

#### **Section D Time Lines/Procedures**

Attorneys for parties are required to adhere to the statutory time lines (Rules of court, Welfare and Institutions Code) for all hearings.

*(Effective July, 2006; amended July 1, 2017)*

## **CHAPTER 12 FAMILY LAW FACILITATOR RULES**

### **RULE 12.1 ADDITIONAL FACILITATOR DUTIES**

(A) In addition to the duties designated by the Family Law Facilitator Act, the duties of the family law facilitator may include, but are not limited to, the following:

- (1) Meeting with litigants to mediate issues of child support, spousal support, and maintenance of health insurance, subject to §10012 of the Family Code. Actions in which one or both of the parties are unrepresented by counsel shall have priority.
- (2) Drafting stipulations to include all issues agreed to by the parties, which may include issues other than those specified in Section §10003 of the Family Code.
- (3) If the parties are unable to resolve issues with the assistance of the family law facilitator, prior to or at the hearing, and at the request of the court, the family law facilitator shall review the paperwork, examine documents, prepare support schedules, and advise the judge whether or not the matter is ready to proceed.
- (4) Assisting the clerk in maintaining records.
- (5) Preparing formal orders consistent with the court's announced order in cases where both parties are unrepresented.
- (6) Serving as a special master in proceedings and making findings to the court unless they have served as a mediator in that case.

(B) If staff and other resources are available and the duties listed in subdivision (A) have been accomplished, the duties of the family law facilitator may also include the following:

- (1) Assisting the court with research and any other responsibilities which will enable the court to be responsive to the litigants' needs.
- (2) Developing programs for bar and community outreach through day and evening programs, videotapes, and other innovative means that will assist unrepresented and financially disadvantaged litigants in gaining meaningful access to family court. These programs shall specifically include information concerning underutilized legislation, such as expedited child support orders and preexisting, court-sponsored programs such as appointment of attorneys for children.

*(Rule 11.1 renumbered rule 12.1 July 1, 2005; adopted July 1, 2001; amended July 1, 2017).*

## **CHAPTER 13 JURY RULES**

### **RULE 13.1 REQUEST FOR JURY TRIAL IN EQUITY CASES, ETC.**

A party desiring a jury trial where the right thereto is not guaranteed by law will be deemed to have waived a jury trial unless the party has complied with California Rules of Court, rule 377.

*(Rule 12.1 renumbered rule 13.1 effective July 1, 2005; adopted effective July 1, 2001).*

### **RULE 13.2 VERDICT FORMS AND INTERROGATORIES**



A party requesting a jury trial shall submit to the trial judge at the times required by these rule and in no event later than 9:30 a.m. on the first morning of trial every form of special and general verdict and every form of interrogatory which may be required for disposition of the case.

*(Rule 12.2 renumbered rule 13.2 July 1, 2005; adopted July 1, 2001).*

### **RULE 13.3 REQUEST FOR JURY INSTRUCTIONS**

Requested jury instructions shall be delivered to the trial judge at the times provided herein, or at such other times provided herein, or at such other times as may be ordered by the court. Additional supplementary instructions may be received by the trial judge at such time and on such conditions as may be just.

The request for jury instructions shall have a face sheet with the court cause and action number which will also contain a list of CACI (Judicial Council Civil Jury Instructions) and CALCRIM (Judicial Council Criminal Jury Instructions) instructions requested. Such lists shall have two columns: (1) CACI or CALCRIM number; and, (2) the title of the instruction.

Attached to said cover sheet shall be copies of all CACI and CALCRIM instructions requested with all blanks filled in and all surplusage blocked out. All other instructions requested by a party shall be described in the cover sheet and attached thereto. All such instructions shall be in a form that may be appropriately delivered to the jury for their reference in the jury room (The instructions shall *not* be denominated "Plaintiff's Instruction" or "Defendant's Instruction.")

*(Rule 12.3 renumbered rule 13.3, July 1, 2006; amended July 1, 2005; adopted July 1, 2001).*

### **RULE 13.4 ATTORNEY TESTIFYING MAY NOT ARGUE THE CASE**

An attorney testifying on the merits of the case as a witness on behalf of his client shall not argue the case to the jury unless by permission of the court.

*(Rule 12.4 renumbered rule 13.4 July 1, 2005; adopted July 1, 2001).*

### **RULE 13.5 DEPOSIT NONREFUNDABLE OF JURY FEES**

A deposit of jury fees in the statutory amount shall be made by the party requesting a trial by jury as provided in section 631 of the Code of Civil Procedure. In the event that a jury is not required for the trial of any case for which a deposit of jury fees has been made, the deposit will be appropriated by the court.

*(Rule 12.5 renumbered rule 13.5 July 1, 2005; adopted July 1, 2001; amended July 1, 2017)*

### **RULE 13.6 JURY PANELS**

For all trials scheduled in Bridgeport, jurors shall be summoned from Northern Mono County only.

For all trials scheduled in Mammoth Lakes, jurors shall be summoned from Southern Mono county only. The trial judge, in his discretion, may order a jury panel from throughout the county.

Northern Mono County is hereby designated as the following zip codes: 93517, 93541, 96107 & 96133. Southern Mono County is hereby designated as the following zip codes: 93512, 93514, 93529 & 93546.

*(Rule 12.6 renumbered rule 13.6 effective July 1, 2005; adopted July 1, 2001).*

## **CHAPTER 14 JURY COMMISSIONER**

### **RULE 14.1 STANDING ORDER FOR DRAWING OF JURY**

Whenever the business of the Court, shall require the attendance of a trial jury, the Jury Commissioner shall direct that a trial jury venire be drawn and summoned to attend before the Court in such a number and at such a time as shall be appropriate for the conduct of the trials for which juries are required. This rule constitutes a continuing delegation to the Jury Commissioner of the Court's authority pursuant to Code of Civil Procedure §196.

*(Rule 13.1 renumbered rule 14.1 July 1, 2005; adopted July 1, 2001).*

### **RULE 14.2 EXCUSES FROM TRIAL JURY SERVICE**

Excuses from trial jury service shall be administered pursuant to Code of Civil Procedures §204 and California Rules of Court, Rule 2.1008.

*(Rule 13.2 renumbered rule 14.2 July 1, 2005; adopted July 1, 2002; amended July 1, 2017).*

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## APPENDIX B

LIST OF LOCAL FORMS  
ALPHABETICAL

<b>Discipline</b>	<b>Name of Form</b>	<b>Form #</b>	<b>Effective or Revised</b>	<b>Optional or Mandatory</b>
Criminal	Can't Afford to Pay Fine Form	914230	1/20/2021	Optional
Criminal	Can't Afford to Pay Fine Form (Spanish)	914232	6/17/2022	Optional
Traffic	Certificate of Correction (Vehicle Infraction)	948911	12/30/2020	Optional
Criminal	Counter Arraignment (Attorneys Only)	914240	2/9/2021	Optional
Criminal	Mental Health Diversion Packet	920130	3/19/2021	Mandatory
Criminal	Military Diversion Request and Order	941510	3/19/2021	Mandatory
Criminal	Misdemeanor Diversion Request and Order	957821	3/11/2021	Mandatory
Criminal	Notice of Motion & Motion to Continue (Infractions)	941254	11/28/2017	Optional
Criminal	Proposition 47: Petition & Order for Resentencing Pursuant to PC 1170.18	978853	1/23/2015	Optional
Criminal	Request Changes Based on False Identification	915111	11/30/2017	Mandatory
Criminal	Request Changes Based on False Identification (Spanish)	915112	11/30/2017	Mandatory
Family	Request to Vacate Domestic Violence Restraining Order	257140	11/28/2017	Optional

## APPENDIX C

LIST OF LOCAL FORMS  
NUMERICAL

<b>Discipline</b>	<b>Name of Form</b>	<b>Form #</b>	<b>Effective or Revised</b>	<b>Optional or Mandatory</b>
Family	Request to Vacate Domestic Violence Restraining Order	257140	11/28/2017	Optional
Criminal	Can't Afford to Pay Fine Form	914230	1/20/2021	Optional
Criminal	Can't Afford to Pay Fine Form (Spanish)	914232	6/17/2022	Optional
Criminal	Counter Arraignment (Attorneys Only)	914240	2/9/2021	Optional
Criminal	Request Changes Based on False Identification	915111	11/30/2017	Mandatory
Criminal	Request Changes Based on False Identification (Spanish)	915112	11/30/2017	Mandatory
Criminal	Mental Health Diversion Packet	920130	3/19/2021	Mandatory
Criminal	Notice of Motion & Motion to Continue (Infractions)	941254	11/28/2017	Optional
Criminal	Military Diversion Request and Order	941510	3/19/2021	Mandatory
Traffic	Certificate of Correction (Vehicle Infraction)	948911	12/30/2020	Optional
Criminal	Misdemeanor Diversion Request and Order	957821	3/11/2021	Mandatory
Criminal	Proposition 47: Petition & Order for Resentencing Pursuant to PC 1170.18	978853	1/23/2015	Optional