

Superior Court of California County of Mendocino



Proposed Changes to Local Rules and Local Fees

Publication Date: October 2, 2026

Deadline for Comment: November 16, 2026, by 4:00 p.m.

Effective Date: January 1, 2027

Summary of Proposed Changes to Local Rules for January 1, 2027

Summary of Changes	
Rule:	Changes:
1.8	Wording amended.
1.10	Wording amended.
1.15	Wording amended.
1.24	Wording amended.
1.27	Wording amended.
1.28	Wording amended.
1.29	Wording amended.
1.30	Wording amended.
1.31	Wording amended.
1.32	Wording amended.
2.1	New rule.
2.2	Renumbered. Former rule 2.1.
2.3	Renumbered. Wording amended. Former rule 2.2.
2.4	Renumbered. Wording amended. Former rule 2.3.
2.5	Renumbered. Former rule 2.4.
2.6	Renumbered. Wording amended. Former rule 2.5.
2.7	Renumbered. Former rule 2.6.
2.8	Renumbered. Wording amended. Former rule 2.7.
2.9	Renumbered. Former rule 2.8.
2.10	Renumbered. Wording amended. Former rule 2.9.
2.11	Renumbered. Former rule 2.10.
2.12	Renumbered. Wording amended. Former rule 2.11.
2.13	Renumbered. Former rule 2.12.
2.14	Renumbered. Former rule 2.14.
2.15	Renumbered. Former rule 2.15.
2.16	Renumbered. Former rule 2.16.
2.17	Renumbered. Wording amended. Former rule 2.17.
2.18	New rule.
2.19	New rule.
2.20	New rule.
4.3	Wording amended.
4.9	Wording amended.
4.11	Wording amended.
6.2	New rule.
6.3	New rule.
6.4	New rule.
6.5	New rule.

Summary of Changes	
Rule:	Changes:
6.6	New rule.
6.7	New rule.
6.8	Renumbered. Wording amended. Former rule 6.2.
6.9	New rule.
6.10	New rule.
6.11	New rule.
6.12	New rule.
6.13	New rule.
6.14	Renumbered. Former rule 6.3.
6.15	Renumbered. Former rule 6.4.
6.16	Renumbered. Former rule 6.5.
6.17	New rule.
6.18	New rule.
6.19	New rule.
6.20	New rule.
6.21	New rule.
6.22	New rule.
AMENDED FORMS	
MFL-250	Amended wording.
MMC-980	New form.

Chapter 1: General Court Rules

General Rules

1.1 Citation

These rules will be known and cited as the "Local Rules of the Superior Court of California, County of Mendocino," and always be supplementary to and subject to statutes, the California Rules of Court, and any rules adopted by the Judicial Council of California and will be construed and applied so they do not conflict with such rules and statutes.

(Effective 1/1/99; amended 7/1/08; renumbered 7/1/19)

1.2 Failure to Comply with Local Rules or Orders of the Court

In the event of any failure to comply with the local rules, the California Rules of Court, or any order of the court related thereto, the court may impose upon the offending party, attorney, or both, sanctions which may include, but are not limited to, requiring the filing of an attorney's compliance statement, attorney's case schedule, monetary sanctions, attorney's fees, expenses, striking pleadings, entering the default of any party, dismissal of the action, and/or contempt, and any other sanctions authorized by Government Code § 68609(d) and any other statute.

(Effective 1/1/99; amended 1/1/03; renumbered & amended 7/1/08; renumbered 1/1/10; renumbered 7/1/19)

1.3 Administration of the Courts

- a. **Location.** Sessions of the court will be held in Ukiah and Fort Bragg, California.
- b. **Sessions of the Court.** Court sessions are established to provide the most efficient operation of the court for the benefit of the public. Calendared matters or court sessions may change at the court's discretion.
- c. **Complaints Regarding: Bias or Sexual Harassment.** Court employees and judicial officers will not engage in any conduct or activity that causes or contributes to bias or sexual harassment in the court system. Any person who observes or believes he or she has been subjected to bias or sexual harassment must immediately report the incident to Court Administration.
- d. **Emergencies and Evacuations.** The Mendocino County Sheriff's Department will be responsible for the welfare and security of all occupants and visitors in the courthouse facilities and has the authority to order an evacuation of the courthouse as authorized under Penal Code § 409.5. All judicial officers and staff must follow the directions of the Sheriff's Department in the event of an emergency and/or evacuation.

(Effective 7/1/19; amended 7/1/21; amended 7/1/24)

1.4 Courtroom Conduct

- a. **Attorney/Party Conduct.** Attorneys and parties appearing in court will be respectful of the court, its judicial officers, and staff. Further, attorneys and parties will behave in a polite and professional manner toward opposing counsel, opposing parties, witnesses, and members of the court staff. Attorneys and parties appearing in pro per must be familiar with the rules and guidelines set forth in these local rules as well as other applicable statutes and rules of conduct, ethics, and professionalism. Finally, attorneys will make reasonable efforts to advise clients, witnesses, and others accompanying them of these rules.
- b. **Visitors in the Courtroom.** Visitors are individuals that are not parties or participants in any proceedings taking place in a courtroom. Visitors in the courtroom will not talk to court staff when the court is in session unless they are asked to do so by a judge or staff member. They will not converse with anyone in a manner that is distracting to the proceedings before the court. They will not eat or drink in the courtroom. They will not visibly or audibly display approval, disapproval, agreement, or disagreement with any testimony, ruling or statement of the court, parties, or witnesses.
- c. **Attire.** Individuals entering a courtroom will be properly attired and will not appear in court barefoot, with a bare midriff or wearing sunglasses, hats, shorts, tank tops or any clothing that displays inappropriate words, symbols, or pictures. Attorneys will wear appropriate business attire.

This rule does not limit the power of any judicial officer to further prescribe appropriate attire in the courtroom.

- d. **Court Telephones and Cellular Phone.** No one other than a judicial officer or court staff will use a courtroom telephone without the express permission of the court.

Cellular phones will not be used to place calls in the courtroom at any time. All ring tones, alerts, and alarms must be silenced when in the courtroom.

(Effective 7/1/19; amended 1/1/24; amended 7/1/26)

1.5 Communications to Court or Jury

- a. Counsel will instruct their staff, clients, witnesses, and other related persons not to have communication with court staff pertaining to the pending litigation unless it is on the record with all parties present.
- b. Counsel will instruct their clients, witnesses, and others associated with the case to have no communication whatsoever with any juror or alternate juror.

(Effective 1/1/99; renumbered 7/1/08; renumbered 1/1/19; renumbered & amended 7/1/19)

- Bonds and undertakings.
- d. In juvenile actions:
- Order Shortening Time requests or motions;
 - Requests for Disclosure of Juvenile Records
- e. In civil actions:
- Bonds if money is to be held by the court;
 - All undertakings;
 - Order Shortening Time requests or motions.
- f. In family law actions:
- Order Shortening Time requests or motions;
 - Judicial Council form FL700 Joint Petition for Divorce or Legal Separation.
7. **E-filing Deadline for Cases on Calendar the Next Day in Criminal, Juvenile Delinquency, and Juvenile Dependency Cases.** E-filing parties and their counsel must comply with all filing deadlines in State law, California Rules of Court, and these local rules. In addition, if parties or their counsel are filing criminal, juvenile delinquency, or juvenile dependency documents on the day before a matter is on calendar, the documents must be e-filed no later than 3:00 pm.
8. **E-filing Deadline for Cases on Calendar in Civil, Family Law, and Probate Cases.** Documents in civil, family law, and probate cases must be e-filed no later than two (2) full business days prior to the court hearing.
9. **Return of E-filed documents.** Documents that have been e-filed will be processed and returned by the clerk's office within two (2) business days.
10. **Matters Requiring Immediate Judicial Attention:** Matters requiring judicial attention within one (1) business day must be filed in-person at the clerk's office and must not be e-filed.
- b. **Confidential Notification in Caption Section of Lodged and Filed Documents.** Parties, their counsel, and other filers that file or lodge documents with the court, either through electronic filing or in person at the public counter, must clearly indicate in the caption section of the filing if the document is to be filed or lodged as non-viewable by the opposing parties, their counsel or other justice partners. Filers must use the wording "FILED UNDER SEAL" to indicate that the document must not be viewable by the opposing party or parties, opposing counsel, or other justice partners. If the filer uses this wording on their documents, only judges and court staff will be able to view the documents. The court will only place restrictions on viewing such documents if the documents are appropriately labeled by the filer.

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- c. **Tribal Court Protective Orders.** Tribal Court Protective Orders that are entitled to be registered under Family Code § 6404 may be filed directly with the clerk's office by email at tribal.orders@mendocino.courts.ca.gov pursuant to California Rules of Court rules 2.300 – 2.305, and 5.386.
- d. **Conforming Copies.** The clerk will conform three (3) copies of any document at the time of filing.
- e. **Ukiah Drop Box.** Self-represented litigants filing civil, family law, and probate pleadings in Ukiah may place their documents into a drop box in lieu of standing in line at the clerk's window. Matters requiring immediate judicial attention (i.e. requests for temporary orders, requests for restraining orders based on domestic violence or civil harassment, *ex parte* filings, etc.) should not be deposited in the drop box.

Self-represented parties may place their pleadings in the drop box located on the main floor of the Ukiah courthouse throughout the business day. Documents date and time stamped on or before 5:00 p.m. will be filed as of the date received. Documents *not* date and time stamped will be filed the next business day regardless of when the documents were placed in the drop box. The clerk will conform three (3) copies of each document and place the conformed copies in either the public pick-up basket located in room 107 or return by regular mail if a self-addressed stamped envelope is provided. A self-addressed envelope of sufficient size, with sufficient postage affixed, is required for mailing of file documents to the filing party. Filed documents that do not have return envelopes with sufficient postage will be retained in the clerk's office for 30 days from the date of filing. If unclaimed, the documents will be destroyed.

If a courtesy copy is required for the filing and has not been provided, the clerk will retain one (1) conformed copy as the courtesy copy.

Incomplete documents, documents without the appropriate filing fees (if applicable), or documents submitted in error will be returned to the filing party unprocessed. Filing parties assume the risk for documents deposited in the drop box in lieu of being filed directly with the clerk.

When placing documents in the drop box, filing parties will:

1. Use the electronic time stamp located on top of the drop box to stamp documents with the date and time on the back of the last page.
2. Ensure that documents are in order and securely clipped together or placed in an envelope.
3. Securely affix checks or money orders, with the appropriate fees, to the front of the documents. Do NOT attach cash to documents deposited in the drop box.

- f. **Ten Mile Branch Drop Box.** The Clerk's Office at the Ten Mile Branch court in Fort Bragg is closed between 12:00 pm and 1:00 pm. Self-represented litigants filing civil, family law, and probate pleadings may place their documents into the "drop box" during the lunch hour. Additionally, payment of criminal and traffic fines can be placed into the "drop box". Items placed in the "drop box" will be processed immediately upon reopening of the Clerk's Office.
- g. **"Courtesy Copies" for Specified Court Hearings**

The court encourages litigants or their counsel to email courtesy copies of filed documents to the court and all parties to the matter. Electronic delivery of courtesy copies is encouraged.

Electronic delivery of courtesy copies is not a substitute for filing and service as required by the Code of Civil Procedures, the Penal Code, and the California Rules of Court. All departments will accept electronic delivery of courtesy copies.

Generic email addresses have been established for courtesy copies. Emails with attached copies are to be sent to each department as follows:

DepartmentA@mendocino.courts.ca.gov
DepartmentB@mendocino.courts.ca.gov
DepartmentC@mendocino.courts.ca.gov
DepartmentCS@mendocino.courts.ca.gov (Child Support cases only)
DepartmentE@mendocino.courts.ca.gov
DepartmentF@mendocino.courts.ca.gov
DepartmentG@mendocino.courts.ca.gov
DepartmentH@mendocino.courts.ca.gov
DepartmentTM@mendocino.courts.ca.gov

Emailed courtesy copies must conform to the following specifications:

1. All courtesy copies must be exact electronic copies of the documents as filed with the court
2. Only documents in PDF format will be accepted
3. The transmitting email and attached courtesy copies must be copied to all parties who have provided an email address
4. Emailed documents must have a file name in the following uniform format:

[case number].[short title of document].[date of hearing].pdf
For example, 1234567.OppositiontoDemurrer.010116.pdf

5. The combined size of the email and all attachments cannot exceed 25 megabytes (MB)
6. The court will not read or consider any text included in the email.

(Effective 7/1/21; amended 1/1/22; amended 1/1/23; amended 7/1/23; amended 1/1/24; amended 7/1/24; amended 7/1/25; renumbered & amended 7/1/26; amended 1/1/27)

1.9 Application for Waiver of Court Fees

- a. Pursuant to California Rules of Court rule 3.50, parties may file an application for a fee waiver if they meet the standards of eligibility set forth in Government Code §§ 68632 and 68633.
- b. Applicants for a waiver of court fees must file a completed Judicial Council of California form [FW-001 Request to Waive Court Fees](#) along with a prepared [FW-003 Order on Court Fee Waiver](#).
- c. Clerks are authorized to grant initial fee waiver applications that meet the standards noted in section (a) of this local rule.

(Effective 1/1/20; amended 7/1/22; amended 1/1/23; renumbered 7/1/26)

1.10 Remote Appearances by Persons with Mobility Issues

The Ukiah Courthouse has one elevator that does not stop at every floor of the facility. The court authorizes any defendant, litigant, witness, attorney, or other party to a case that has a mobility issue (e.g. using a wheelchair, walker, cane or other mobility device) to appear remotely for his or her proceeding by notifying the court of such remote appearance.

The court must be notified of a remote appearance in advance of the hearing date. Individuals with mobility issues must notify Court Administration in Room 303 at the Ukiah Courthouse by phone at (707) 463-4664 or by email at court.administration@mendocino.courts.ca.gov no later than noon two (2) business days prior to the hearing. The requesting party must provide an email address or cell phone number when making the request.

(Effective 7/1/26)

1.11 Remote Proceedings

- a. Effective January 1, 2022, pursuant to the newly enacted Code of Civil Procedure § 367.75, remote proceedings requirements differ between criminal and civil proceedings. Civil cases defined in California Rules of Court rule 1.6 include all cases except criminal cases and petitions for habeas corpus. For remote proceedings requirements in criminal cases, see local rule 1.11. For remote proceedings requirements in civil cases, see local rule 1.12. For remote proceeding requirements in juvenile dependency cases, see local rule 1.12 and 1.13.

- b. “Remote appearances” means the appearance at a court hearing using remote technology by a party, defendant, attorney, witness, victim, or others (social workers, tribal representatives, CASA, other experts.). Information on remote appearances can be found on the Remote Appearance page of the court’s public website.
- c. “Remote proceeding” means a proceeding conducted in whole or in part using remote technology.
- d. “Remote technology” means technology that provides for the transmission of video and audio signals or audio signals alone, including, but not limited to, a computer, tablet, telephone, cellphone, or other electronic communication device.
- e. **Telephonic Appearance Requirements.** Telephonic appearances require sufficient connectivity and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by telephone to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by phone or if there is a distraction or disturbance that interferes with the hearing.
- f. **Video Appearance Requirements.** Video appearances require sufficient internet speed and connectivity to stream video, a device capable of capturing and displaying a clear audio and visual stream, and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by video to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by video or if there is a distraction or disturbance that interferes with the hearing. See the Remote Appearance page on the court’s website for technical requirements and other instructions.
- g. **Court’s Discretion to Require In-Person Appearances.** Nothing limits the court’s ability to order personal appearance instead of a remote appearance. The court retains full discretion to conclude a remote appearance and reschedule the hearing for another date and time due to delay or other concern due to disruption, noise, misconduct, communication problems, technical problems, other issues, or in the interest of justice.

If the court determines that an in-person appearance would materially assist in the determination of the proceeding or in the effective management or resolution of the case, the court may order an in-person appearance.

- h. **Appearance in Person after Requesting a Remote Appearance.** In civil and juvenile dependency proceedings, a party that has given notice that it intends to appear remotely may instead choose to appear in person. If the proceeding is an evidentiary hearing or trial, the party must provide reasonable notice of the in-person appearance to the court and the other parties who have appeared in the case.

i. **General Rules and Requirements.** Participants must:

1. Ensure that they have sufficient battery power for the entire hearing. Access to charging equipment is recommended. Parties must also ensure that they have access to a sufficiently strong internet connection for the duration of the hearing. If appearing by telephone, a land line is preferred, but if using a cellular phone, the cellular connection must be strong enough to enable the court and other parties to hear the entire duration of the call.
2. Eliminate ambient or distracting noises and ensure consistent lighting during the hearing.
3. Connect to the court session at least five (5) minutes before the scheduled court appearance.
4. Mute their device and not speak until it is clear that it is their turn to speak, or their case is called.
5. Speak directly into the microphone on the device used to connect to the court session. Participants must identify themselves each time they speak, speak slowly, and avoid interrupting others.
6. Participate with the same degree of courtesy, decorum, use of appropriate language, and courtroom etiquette as required for an in-person appearance. If appearing by video, participants must dress appropriately in the same manner as they would for an in-person court appearance.
7. Not record or broadcast the remote appearance in compliance with California Rules of Court rule 1.150. Existing rules and procedures regarding the making of the record via court reporter or electronic device, or for obtaining a transcript after the hearing apply to video appearances. A violation of this local rule may result in the imposition of sanctions set forth in California Rules of Court rule 1.150(f).
8. Exhibits that parties wish to present may be submitted via e-filing and served on other parties pursuant to local rule 1.8(a)(5).

Self-represented litigants who are not e-filing their documents must file their exhibits, with local form MEX-171 Exhibit Cover Sheet, in the clerk's office five (5) business days before the hearing and must serve their exhibits on the opposing party two (2) business days before the hearing.

Exhibits in other electronic formats (i.e. USB ~~flash~~ drive, CD, DVD, etc.) must be filed in person, at the clerk's window, with local form [MEX-175 Electronic Media Exhibit Cover Sheet](#). They must be clearly labeled with

the following: the case name, the case number, and the hearing date, time, and department. Transcripts for audio exhibits must be included with the initial filing of an audio exhibit. Exhibits filed in an electronic format must be filed five (5) business days before the hearing and served on all parties a minimum of two (2) business days prior to the hearing.

Exhibits that have not been submitted for filing prior to a hearing and are submitted during the hearing by a party who is appearing remotely, may not be accepted for consideration if the exhibits are not accessible to the Court, other parties, or witnesses. The court clerk will not scan or e-mail exhibits that have not been made accessible to the Court or other parties or witnesses prior to the hearing.

*(Effective 7/1/21; amended 1/1/22; amended 1/5/22; amended 1/1/23; amended 1/1/24; renumbered & amended 7/1/26; **amended 1/1/27**)*

1.12 Remote Proceedings in Criminal Matters

- a. Remote appearances in criminal matters are authorized as defined in Penal Code § 977.
- b. **Out of Custody Defendants.** Out-of-custody defendants requesting to appear remotely for the initial court appearance, arraignment, plea, and all other proceedings must obtain written authorization from the court. Defendants must file local form [MCR-115 Request for Remote Appearance in a Criminal Proceeding](#) with the clerk no later than noon two (2) business days prior to the hearing to request a remote appearance. Such requests must be approved by the judge hearing the matter. Defendants must contact the court by 1:00 pm the business day before the hearing to find out whether the request is granted or denied. If the request has been denied or if the court clerk has not received the judge's ruling, the defendant must appear in person.

Out of custody defendants must appear in person for any evidentiary hearing, court trial, or jury trial.
- c. **In Custody Defendants.** In-custody defendants in felony cases will appear remotely from the institution where they are incarcerated for the initial court appearance, arraignment, plea, and all other proceedings, except preliminary hearings, jury trials, or court trials, unless they have been ordered to appear in person by the court.
- d. The District Attorney's Office, Public Defender's Office, Alternate Defender's Office, appointed counsel, retained counsel, Probation Department, expert witnesses, and law enforcement officers may appear remotely for pretrial and post-judgment proceedings.
- e. **Traffic Infraction Matters.** Defendants, counsel, and law enforcement officers may appear remotely for court trial. Defendants have the right to require the

officer to appear in person at the trial and may request a continuance to a date when the officer can appear in person.

(Effective 1/5/22; amended 7/1/22; amended 1/1/23; amended 7/1/23; renumbered & amended 7/1/26)

1.13 Remote Proceedings in Civil and Family Law Matters

- a. Remote appearances are authorized in all civil proceedings pursuant to the Code of Civil Procedure § 367.75 except Court Trials and Jury Trials. This rule applies to civil cases as defined in California Rules of Court rule 3.672(c)(1) and includes petitions for restraining orders. See Rule 1.10 for general information and requirements for remote proceedings.

- b. **Remote Proceedings other than Evidentiary Hearings or Trials.**

1. Required Notice

- a. **Time of Notice for a Hearing with at Least Three (3) Business Days' Notice.** A party choosing to appear remotely in a proceeding set to occur within three (3) business days must provide notice of the party's intent to appear remotely within two (2) business days before the proceeding.

The party choosing remote appearance must file with the court a Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery at least two (2) business days prior to the proceeding, including email service, if parties or their counsel have consented to such service.

If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by notifying the court and all others who have appeared in the action by no later than noon one (1) business day before the proceeding.

- b. **Time of Notice for a Hearing with Less Than Three (3) Business Days' Notice.** A party choosing to appear remotely in a proceeding occurring in less than three (3) business days must provide notice as follows:

The party choosing remote appearance must notify the court and all persons entitled to receive notice by serving and filing a Judicial Council form [RA-010 Notice of Remote Appearance](#) along with the application or pleadings for the proceeding.

Any party other than the applicant or moving party that chooses to appear remotely must provide notice of their intent to the court and all other parties that have appeared in the action no later than noon the business day before the proceeding. If the notice is oral, it must be given in person or by telephone. If notice is in writing, it must be filed with the court on Judicial Council form [RA-010 Notice of Remote Appearance](#) and served on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery no later than noon on the business day prior to the proceeding. Service by email is authorized if parties or their counsel have consented to such service.

The parties filing the notice must provide a courtesy copy of this form to the department hearing the case pursuant to local rule 1.8(g).

c. **Remote proceedings for Evidentiary Hearings or Trials.**

1. Court's Notice of Remote Proceeding

Lanterman-Petris-Short conservatorship hearings and trials are typically calendared as remote proceedings:

A party may file Judicial Council form [RA-015 Opposition to Remote Proceedings at Evidentiary Hearing or Trial](#) to request that the court disallow remote appearance for a such a hearing or trial.

2. Party's Notice of Remote Proceeding.

This rule applies except in juvenile dependency proceedings; hearings and trials in which the court has determined that remote appearances are suitable in (c)(1) above; or if the court has granted special permission to a party upon a finding of good cause, unforeseen circumstances or that the remote appearance would promote access to justice.

a. **Time of Notice for Hearing or Trial with At Least 15 Business Days' Notice.** A party choosing to appear remotely at an evidentiary hearing or trial set to occur at least 15 business days later must provide notice of the party's intent to appear remotely.

The party choosing remote appearance must file with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice at least 10 business days before the hearing or trial. Service must be by any means authorized by law, including email service, if parties or their counsel have consented to such service.

If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by filing with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serving all others who have appeared in the action by no later than five (5) business day before the evidentiary hearing or trial.

- b. **Time of Notice for Hearing or Trial Held in Less Than 15 Business Days.** A party choosing to appear remotely at an evidentiary hearing or trial set to occur in less than 15 business days, including hearings on restraining orders and protective orders, must provide notice of the party's intent to appear remotely.
- i. If the hearing or trial is set to occur with at least three (3) business days' notice, the party choosing remote appearance must file with the court Judicial Council form [RA-010 Notice of Remote Appearance](#) and serve notice on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery at least two (2) business days prior to the proceeding, including email service, if parties or their counsel have consented to such service.
- If after receiving notice from a party choosing remote appearance, a person who has not given notice also decides to appear remotely may do so by notifying the court and all others who have appeared in the action by no later than noon the business day before the proceeding.
- ii. If the hearing or trial is set to occur in less than three (3) business days, the party choosing remote appearance must notify the court and all persons entitled to receive notice by serving and filing Judicial Council form [RA-010 Notice of Remote Appearance](#) along with the application or pleadings for the proceeding; or,

Any party other than the applicant or moving party that chooses to appear remotely must provide notice of their intent to the court and all other parties that have appeared in the action no later than noon the business day before the proceeding. If the notice is oral, it must be given in person or by telephone. If notice is in writing, it must be filed with the court on Judicial Council form [RA-010 Notice of Remote Appearance](#) and served on all other parties or persons entitled to receive notice. Service must be by any means authorized by law to ensure delivery no later than noon the business day prior to the proceeding. Service by

email is authorized if parties or their counsel have consented to such service.

The parties filing the notice must provide a courtesy copy of this form to the department hearing the case pursuant to local rule 1.8(g).

3. **Opposition to Remote Proceedings.** In response to a notice of a remote proceeding for an evidentiary hearing or trial, a party may make a showing to the court as to why a remote appearance should not be allowed by filing on the court Judicial Council form [RA-015 Opposition to Remote Proceedings at Evidentiary Hearing or Trial](#) and serving on all parties to the action at least five (5) business days before the hearing or trial for which the party receives at least 15 days' notice; or by noon the business day before the hearing or trial for which the party receives less than 15 days' notice.

The parties filing the opposition must provide a courtesy copy of this form to the department hearing the case, pursuant to local rule 1.8(g).

4. **Court Determination on Opposition.** The court will consider the following factors to determine whether a proceeding or parts of a proceeding will be conducted remotely over opposition:
 - a. an in-person appearance would materially assist in the determination of the hearing or trial, or in the effective resolution of case.
 - b. the quality of the audibility of the hearing may inhibit a court reporter's ability to accurately prepare a transcript of the hearing.
 - c. the quality of the technology or audibility of the hearing prevents an attorney from providing effective representation to the client.
 - d. the quality of the technology and audibility of the hearing inhibits a court interpreter's ability to provide language access to a limited English party.
 - e. any limited access to technology or transportation asserted by a party.

(Effective 1/5/22; amended 7/1/22; amended 1/1/23; amended 7/1/24; renumbered & amended 7/1/26)

1.14 Remote Proceedings in Juvenile Dependency Matters

- a. Remote appearances are authorized in juvenile dependency proceedings pursuant to Code of Civil Procedure § 367.75. California Rules of Court rule 3.672(i) and

local rule 1.12 apply in juvenile dependency matters. See local rule 1.10 for general information and requirements for remote proceedings.

- b. **Contested Hearings.** Any party who intends to call a witness at a contested hearing (excluding detention hearings) who is not a person identified in California Rule of Court 5.530 and have that person testify via remote technology, must give notice to the court and the other parties of such intention on Judicial Council form [RA-025 Request to Appear Remotely – Juvenile Dependency](#) at least 10 calendar days in advance of the hearing.

Any party may oppose the request to appear remotely by filing with the court Judicial Council form [RA-030 Request to Compel Physical Presence – Juvenile Dependency](#) no later than the close of business three (3) business days before the proceeding.

A courtesy copy of the opposition must be provided to the department hearing the case pursuant to local rule 1.8(g).

- c. **Determination of requests and oppositions.** The court may or may not grant the request for a witness to testify via remote technology regardless of whether all parties have given consent to the witness's remote appearance.

The court may deny a request to appear remotely if the court determines that an in-person appearance is necessary because:

1. the court cannot ensure that the remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding.
2. giving testimony via remote technology may cause undue prejudice to one or more parties or prevent the court from making credibility determinations.
3. for any other reason identified by the court.

- d. **Requirement for Attorneys to Appear in Court.** Any attorney asking for a contested hearing may be required to appear in court to conduct the hearing. Attorneys are encouraged to appear in court for such proceedings to ensure an accurate record of the proceedings.

(Effective 1/5/22; amended 3/4/22; amended 7/1/22; amended 1/1/23; renumbered & amended 7/1/26)

1.15 Ex Parte/Emergency Order Applications

- a. **Time of Ex Parte/Emergency Orders Review.** Contact the clerk's office, either by phone or in person, to reserve a date for review of an *ex parte*/emergency order application.

b. **Filing of Ex Parte/Emergency Orders Application.**

1. **Ex Parte/Emergency Orders Applications other than Personal Conduct Restraining Orders.** Applications for *ex parte*/emergency orders must be filed in the branch of the court where the *ex parte* has been reserved for review no later than 11:00 am on the day of the scheduled review in the clerk's office. E-filing of *ex parte* application is not allowed pursuant to local rule 1.8(a)(6).
2. **Restraining Orders/Preliminary Injunction Ex Parte Applications.** Applications for *ex parte* restraining orders/preliminary injunctions not filed on Judicial Council form DV-100, CH-100, EA-100, or GV-100 must be filed in the clerk's office of the branch of the court at which the *ex parte* has been reserved for review no later than 11:00 am on the day of the scheduled review either in person in the clerk's office. E-filing of *ex parte* application is not allowed pursuant to local rule 1.8(a)(6), or by e-filing pursuant to local rule 1.8(a).
- 2.3. **Personal Conduct Restraining Orders Ex Parte Applications.** Application for *ex parte* personal conduct restraining orders (filed on DV-100, CH-100, WV-100, GV-100, EA-100 only) must be filed in the branch of the court where the *ex parte* has been reserved for review no later than 11:00 a.m. on the day of the schedule review either in person in the clerk's office or by e-filing pursuant to local rule 1.8(a).

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c. **Notice of Ex Parte/Emergency Orders Application and Review**

1. Notice of intent to file an *ex parte*/emergency orders application must be given to the opposing party or attorney no later than 10:00 a.m. one (1) business day before the application is scheduled to be reviewed by the court.
2. **Ex Parte Applications and Notice**
 - a. Copies of all *ex parte*/emergency orders applications, including all declarations, attachments, and other supporting documents must be delivered to opposing parties or counsel by hand, fax, e-mail, text message, direct messaging through social media, or by e-filing service options (for restraining order applications) no later than 10:00 a.m. one (1) business day before the *ex parte* application is scheduled to be reviewed by the court. Documents being served via first class mail must be mailed at least five (5) business days before the *ex parte* review.
 - b. Prior to a review of an *ex parte* application for a restraining order, local form MMC-121 Declaration re: Notice upon Ex Parte Application for Orders must be completed and filed showing that

the opposing party received notification of the request for *ex parte* orders.

~~b.c.~~ Exhibits. Counsel or parties must submit a packet of exhibits which must include an index with pagination summarizing the relevance of each exhibit submitted.

~~e.d.~~ Notice regarding restraining orders may be waived if the court finds that:

- i. giving notice to the opposing party is impossible; or,
- ii. notice would frustrate the purpose of the order; or,
- iii. immediate or irreparable harm could be suffered if notice were given.

The party who requests the *ex parte* application without notice has the burden of presenting evidence which establishes a legal basis for waiver of notice.

d. **Opposition to an *Ex Parte* Application for Orders**

1. ***Ex Parte* Applications other than Restraining Orders and Restraining Order/Preliminary Injunction *Ex Parte* Applications.** Any opposition to an *ex parte* application (as defined in local rule 1.15(b)(1)/(2)) must be served on the opposing party and filed in person with the clerk in the branch of the court where the *ex parte* request has been reserved no later than 11:00 a.m. on the day of the scheduled review.

2. **Personal Conduct Restraining Order *Ex Parte* Applications.** Any opposition to an *ex parte* application for restraining order (as defined in 1.15(b)(3)) must be served on the opposing party and submitted to the court by e-filing, by e-mail at exparte@mendocino.courts.ca.gov, or filed in-person at the courthouse where the *ex parte* application review has been reserved no later than 11:00 a.m. on the day of the scheduled review.

e. **Judicial Review.** The court will review requests for *ex parte* orders each day between 11:30 a.m. and 3:00 p.m.-4:30 p.m.

1. **Orders Issued without Oral Argument.** If the court determines there is sufficient information to rule on *ex parte*/emergency orders without oral argument, the court's order will be issued no later than 3:00 p.m.-2:00 p.m. After 2:00-3:00 p.m., litigants can view the court's decision by looking up the case through re:SearchCA on the court's website.

2. **Oral Argument.** The court may request oral argument prior to ruling on the *ex parte*/emergency order. The clerk will notify the parties via email

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(preferred) or phone that oral argument will be heard and will advise the parties of the time and location for appearance. Parties or attorneys may appear at oral argument in person or remotely pursuant to local rules 1.11 and 1.13.

3. **Pick up of Orders.** Once signed by the court, litigants may pick up copies of orders in person from the clerk's office.
- f. **Failure to Appear at a Hearing.** The failure of the requesting party to appear at a hearing will result in the request for the order being dismissed without prejudice and any temporary orders will expire.
- g. **Requests to Set Aside or Modify *Ex Parte*/Emergency Orders:** A request to set aside or modify temporary *ex parte*/emergency orders may be filed prior to the scheduled hearing date set for permanent orders.
- h. **Additional *Ex Parte* Rules Pertaining to Family Law.** See local rule 4.6 for information on family law *ex parte* requests.

(Effective 7/1/21; renumbered 1/5/22; amended 1/1/23; amended 7/1/23, amended 1/1/24; renumbered & amended 7/1/26; **amended 1/1/27**)

1.16 Obtaining Copies of Exhibits or Viewing Exhibits

At the conclusion of a trial/hearing and before the exhibits and other materials are returned to the offering party pursuant to local rule 1.17 and 2.8(g), parties may request copies of the exhibits. Copies will be provided at the expense of the requesting party.

Exhibits that are retained by the court may be viewed upon request at the clerk's office. Exhibits that are ordered confidential or sealed, weapons, juvenile records, photographs protected pursuant to Penal Code § 1417.8, and other exhibits that are deemed sensitive may not be viewed Judicial Council form GC-360 Conservatorship Registration Cover Sheet and Attestation of Conservatee's Non-Residence in California, and Judicial Council form GC-360 Conservatorship Registrant's Acknowledgment of Receipt of Handbook for Conservators.

(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/24; renumbered & amended 7/1/26)

1.17 Return of Exhibits; Civil, Family Law, and Probate

Unless otherwise ordered, all exhibits and materials offered into evidence or otherwise presented at trials/hearings, including transcripts of depositions and administrative records, will be returned at the conclusion of the matter to the offering party. The custodial party must sign for all exhibits and materials returned by the clerk and must maintain all exhibits and other materials in the same condition as received until 60 days after a final judgment or dismissal of the entire case is entered.

(Effective 7/1/11; renumbered 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/26)

1.18 Order to Show Cause Regarding Dismissal of Pending Civil or Family Law Actions

In accordance with the Code of Civil Procedure and California Rules of Court, the court may, on its own motion, provide notice to parties in a civil or family law action of the court's intention to dismiss the action. The court will set a hearing on the dismissal and provide notice to all parties at least 20 calendar days before the hearing date. Orders to show cause regarding dismissal can be set for hearing for any of the following reasons:

- a. **Dismissal for Delay of Prosecution - No Proof of Service - Two (2) Years:** Cases in which the filing party has not provided proof of service, and the action has not been brought to trial or conditionally settled within two (2) years after the date the action was initiated.
- b. **Dismissal for Delay of Prosecution - Proof of Service Provided - Three (3) Years:** Cases in which the filing party has provided the court with proof of service, but the action has not been brought to trial or conditionally settled within three (3) years after the date the action was initiated.
- c. **Dismissal - No Proof of Service - Mandatory Time for Service of Summons - Three (3) Years:** Cases in which service of the summons and complaint have not been made timely.
- d. **Dismissal - Proof of Service Provided - Mandatory Time for Bringing an Action to Trial/New Trial - Five (5) Years:** Cases in which the action has not been brought to trial or new trial within five (5) years of the date the action was initiated.

(Effective 7/1/23; renumbered 7/1/26)

1.19 Dismissal of Civil or Family Law Actions: No Proof of Services of Summons

If a plaintiff or petitioner in a civil or family law action fails to file proof of service of summons within three (3) years of the date the action was originally filed, the court will issue an order of dismissal on its own motion.

(Effective 7/1/23; renumbered 7/1/26)

1.20 Transfer of Cases: All Case Types

All documents in cases that are ordered transferred to the jurisdiction of another county will be sent to the receiving county on a device used to store electronic media (e.g. thumb drive). The

device will be accompanied by any required filing fees or fee waiver forms, local form [MMC-323-327 Notice of Transfer and Acknowledgement of Receipt](#), and local form [MMC-322 Clerk's Certification of Entire Case File](#).

(Effective 7/1/23; renumbered 7/1/26)

1.21 Payment in Coin

Pursuant to Government Code § 68083.5, the court will not accept coins as payment of any bail, fine, or filing fee.

(Effective 7/1/05; amended 7/1/08; renumbered 7/1/11; renumbered & amended 1/1/18; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; renumbered 7/1/23; renumbered 7/1/26)

1.22 Assistance for Self-Represented Litigants

Self-represented litigants can visit the Self-Help Center for assistance with legal information and court procedures. The Self-Help Center aids in several areas of law that are regularly updated on the court website. Included in the Self-Help Center's services are the statutorily required services of:

- a. **Family Law Facilitator:** The Family Law Facilitator performs all duties permitted by the Family Law Facilitator Act, Family Code § 10000 *et seq.* The Facilitator will be available during office hours and during Case Management Conferences to aid self-represented litigants.
- b. **Small Claims Advisor:** Small claims advisory services required by Code of Civil Procedure §§ 116.260 and 116.940.

Please see the court website for the Self-Help Center available services, hours, and location. [Self-Help | Superior Court of California | County of Mendocino](#)

(Effective 1/1/17 renumbered 1/1/19; amended 1/1/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 7/1/26)

Research

1.23 Case Research

Requests for case information not available on the court's online information portal must be submitted on local form [MMC-900 Research Request Form](#), along with payment of the required fee. Completion of the requested research of archived cases will be completed within 30 calendar days.

(Effective 7/1/24; renumbered 7/1/26)

Jury Rules

1.24 Responsibility of Citizens

Jury service, unless expressly excused by law, is the responsibility of every citizen. It is the court's obligation to employ all necessary and appropriate means to ~~assure~~ensure that citizens fulfill this vital civic function. Persons qualified to perform the public duty of jury service will not be excused from such service except for the causes established by the Code of Civil Procedure §§ 203 and 204.

(Effective 1/1/25; renumbered 7/1/26; ~~amended~~ 1/1/27)

1.25 Jury Commissioner

As set forth in the Code of Civil Procedure § 190 *et seq.*, the Court Executive Officer is appointed as the Jury Commissioner and is designated to perform all functions appropriate to that position. These functions may be performed by a Deputy Jury Commissioner as may be designated by the Court Executive Officer.

(Effective 1/1/25; renumbered 7/1/26)

1.26 Jury Selection Boundaries and Lists

In accordance with the Code of Civil Procedure §190 *et seq.*, it is established that the entirety of Mendocino County will be one county-wide geographical selection area for the purpose of producing juror summons lists for both the Ukiah and Fort Bragg court locations.

All persons selected for jury duty will be selected at random from a master list composed of the population of Mendocino County using sources as identified in the Code of Civil Procedure § 197.

(Effective 1/1/25; renumbered 7/1/26)

1.27 Fulfillment of ~~Prior~~ Jury Service

Prospective jurors are summoned weekly for jury duty to either the Ukiah main courthouse or the Ten Mile (Fort Bragg) branch courthouse. If scheduled jury trials are cancelled prior to a prospective juror's appearance date and the juror is not required to appear in person for service, the prospective juror's service will be deemed complete for up to six (6) months, after which time the juror may be resummoned.

In accordance with the California Rules of Court, rules 2.1002 and 2.1008, jury service is considered fulfilled and prospective jurors will not be summoned again for a period of 12 months when the juror has completed one of the following:

- The juror has served on a jury trial through a verdict or other completion of the trial.

- The juror has been assigned to one or more trial departments for jury selection and has served until they have been excused by a judicial officer.
- The juror has appeared and checked in for jury service but has not been assigned to a trial department.
- The juror has served no more than five (5) court days on telephone standby for a possible in-person appearance.

Any prospective juror who has served on a grand jury, trial jury, or was summoned and appeared for jury service in any state or federal court during the 12 months preceding the appearance date on a new summons will be excused from service upon request by the juror.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered 1/1/23; renumbered 7/1/23; renumbered 7/1/24; renumbered & amended 1/1/25; renumbered 7/1/26; amended 1/1/27)

1.28 Failure to Appear for Jury Duty when Summoned

Any prospective ~~trial~~ juror who fails to appear or fails to contact the jury commissioner for a deferment request or to be excused from attendance when they have been summoned for service may be compelled to appear at an order to show cause hearing to explain to a judge why the juror disregarded the jury summons. Without good cause or a willingness to serve, the court may find the prospective juror in contempt and sanction the juror.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 7/1/24; renumbered & amended 1/1/25; renumbered 7/1/26; amended 1/1/27)

1.29 No Requests for Transfer of Jury Service Prior to Jury Voir Dire

No requests for transfer of jury service from one court ~~location~~house to the other will be granted ~~by court staff.~~

Prospective jurors are required to report for jury service to the courthouse that appears on their summons on the date and time specified. The judge presiding over the trial will hear juror hardships and will consider travel, disability, financial, or other hardship claims pursuant to the criteria set forth in Civil Code of Procedure § 203 and the California Rules of Court rule 2.1008 only if a juror is sent to a courtroom and is empaneled for the ~~V~~voir ~~D~~dire phase of the trial.

(Effective 1/1/24; renumbered 7/1/24; renumbered & amended 1/1/25; renumbered 7/1/26; amended 1/1/27)

1.30 Deferment of and Excusal from Jury Service

Deferment of jury service is preferred over excusing a prospective juror for a temporary hardship. The court allows a deferment of jury service up to six (6) months from the date of

service that appears on a juror's summons. No more than two (2) deferments of jury duty will be granted.

No class or category of persons will be automatically excluded from jury service, except as may be provided by law. A statutory exemption from jury service will be granted only when claimed by the eligible person. Inconvenience to a prospective juror or their employer is not an adequate reason for excusal from jury service, although it may be considered as a reason for deferral of service.

Notwithstanding local rule 1.29, upon request of a juror to be excused from jury service due to traveling an excessive distance for appearance at the location stated on their summons, the clerk will transfer the juror's service to the court branch located closest to the mailing address stated on their summons. If a juror's service cannot be transferred, the juror will be excused from jury service. "Excessive distance" is defined as travel time that exceeds two (2) hours from the juror's home to the location of the court. For consistency, the court uses Google maps to determine travel time and distance.

Jurors aged 75 years and older may choose to appear for jury service when summoned or may choose to be excused.

In accordance with California Rules of Court, Rules 2.1008 and 2.1009, jurors who are requesting to be excused from jury service, either temporarily or permanently, for a medical reason must submit their request in writing with a supporting letter, memo, or note on the letterhead of their treating health care provider. Documentation from a source other than the licensed health care provider treating the juror will be not accepted and a request for excusal from jury service will be denied.

Requests for deferment or excusal from jury service must be submitted in writing or electronically through the court's on-line jury system or by email at juryservices@mendocino.courts.ca.gov.

(Effective 7/1/25; renumbered & amended 7/1/26; amended 1/1/27)

Court Reporter Rules

1.31 Provision of Court Reporters

The court has a limited number of court reporters to create a verbatim record in proceedings. An official court reporter will be provided for the following court proceedings:

- a. Court proceedings covered by an official court reporter will include these statutorily mandated priority case types first:
 - a.1. Felony criminal proceedings (including preliminary hearings, other pretrial motions, and court or jury trials),
 - b.2. Juvenile proceedings,

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e.3. Lanterman-Petris-Short (LPS) Act Conservatorship proceedings

- b. Attorney/Party Hired Official Court Reporters: Should a party arrange to hire their own court reporter to guarantee coverage in a family law, civil, or probate matter, the hiring party must file local form MMC-980 Notice of Official Reporter Pro Tempore Appearance, with the court and serve the notice on all parties at least five (5) business days prior to the hearing date. The court has a limited number of court reporters to create a verbatim record in every proceeding. The court will prioritize assigning court reporters to juvenile, felony and LPS conservatorship hearings. If available, the court will also provide an official court reporter in family law proceedings.

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1.32 Use of Electronic Recording

In proceedings in which an official court reporter is not available, to ensure that a verbatim record is available in all proceeding the court will make a verbatim record of the proceeding by using electronic recording. Electronic recording will not be used in bench conferences, in camera hearings of any kind, Adult Drug Court, Behavioral Health Court, Family Dependency Drug Court, Juvenile Infractions, CARE Court, or Veteran's Court unless a defendant is being remanded or otherwise sanctioned. Pursuant to Government Code § 69957, electronic recording may be used in the following types of proceedings, when an official reporter is unavailable: infractions, misdemeanors, limited jurisdiction civil matters, and small claims.

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1.33 Electronic Filing of Court Ordered Transcripts

Staff reporters and pro tem court reporters must file transcripts electronically with the court. Electronic transcripts must conform to the following specifications:

- a. Electronic transcripts must have a file name in the following uniform format:

[year, month, day of proceeding; case name; type of proceeding]

Examples: Criminal case: Smith-John 20170817

Civil case: Smith-Jones 20170817

Juvenile or other confidential case: In the matter of JS 20170817

- b. There will be a notification placed in the court file indicating the title of the transcript.
- c. Court reporters must initiate email notifications to all parties and the court when transcripts are uploaded to the data repository.
- d. The date and time that a transcript is uploaded will constitute the filing date of the transcript

(Effective 1/1/18; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 7/1/21; renumbered 1/5/22; renumbered & amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

Interpreter Rules

1.34 Requests for Interpreters

- a. Parties who require an interpreter must notify the court at the first court appearance and must also file local form [MMC-110 Request for Interpreter](#) with the clerk at least 10 business days before the date of the trial, hearing, or other appearance for which the interpreter is required.

For criminal and juvenile matters, the court will provide certified, registered, or provisionally qualified interpreters. The court will diligently attempt to secure a qualified interpreter pursuant to the priorities and provisions set forth in Evidence Code § 756.

- b. **Responsibility for Notice:** The party needing the services of an interpreter is responsible for providing notice to the court.

The court will not grant continuances in proceedings where the court has obtained the services of court interpreters without a showing of good cause. Parties and counsel seeking continuance of proceedings with court interpreters must request continuances three (3) business days' prior to the date of the proceeding by submitting to the court local form [MMC-110 Request for Court Interpreter](#) advising the court that the interpreter will not be needed. Absent a showing of good cause and proper notice to the court, the judge may order that the cost of the interpreter be paid by the requesting party.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; amended 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

Attorney Fees

1.35 Court Appointed Attorneys: Standards of Experience, Allowable Fees, and Expenses

The following sets forth the process by which attorneys may submit billings pertaining to court appointments and fees allowable for such appointments.

a. Standard Billing Process

1. The court will allow attorney's fees and costs for services rendered and expenditures made by counsel properly appointed while matters are pending before the court. Appointment orders must be made before an attorney may begin billing for services and other costs pertaining to the appointment.
2. Application for the payment of fees and costs in misdemeanor or delinquency proceedings will ordinarily be made at the time of the final court disposition of the proceeding in which court appointed counsel served. In no event will the application be presented more than 60 days after the disposition of the case. The court reserves the right to reject any invoice presented for payment more than 60 days after the disposition of the case.
3. Pretrial interim application for fees may be made in cases involving the death penalty or life without the possibility of parole, or in exceptionally complex or lengthy cases upon request by appointed counsel. No pretrial interim authorization for fees will exceed the sum of \$3,000 per month, plus expenses, for lead counsel and \$1,500 per month, plus expenses, for associate counsel.
4. If an attorney believes that the case is of such a special or unusual nature that it is not possible to render services in accordance with the maximum fee schedule, he/she must file a declaration explaining why an exception to the maximum fee is sought. Upon review of such written declaration, a reasonable fee exceeding the limits set forth in this schedule may be established by the judge presiding in the case.
5. Except as set forth in local rule 1.39 below, attorneys will not receive extra compensation for normal operating expenses such as mileage, photocopies, and long-distance phone calls; extra compensation will be allowed for such expenses as fees for investigators and expert witnesses in accordance with these rules.
6. If an appointed attorney must appear in the court of another county on a case transferred from this court, the attorney will be entitled to reasonable travel and lodging expenses necessarily incurred in connection with his/her appearance in the court of the other county. The attorney will be reimbursed for necessary mileage and lodging at the rate allowed by the Judicial Council of California. Attorneys will not seek payment of fees for travel time.

7. Application for fees and costs must be completed on local form [MMC-131 Claim Form](#) itemizing the legal services rendered, the amount of time for such services, and any expenses incurred. Application for fees and costs must be submitted to the court for subsequent approval by the judge presiding in the case.
 8. Any requests for reimbursement of travel or lodging must be made by written declaration. All requests for such reimbursement must include itemized expenses with all applicable receipts attached. Travel expenses must be pre-approved by the judge presiding in the case.
- b. **Criminal and Juvenile (Welfare & Institutions Code § 602) Attorney Appointments:** Once approved by the judge presiding in the case, indigent defense costs in all criminal and juvenile (W&I Code § 602) matters are submitted to the County of Mendocino for payment, including all costs pertaining to the Office of the Public Defender and the Office of the Alternate Defender.
1. **Criminal and Juvenile Case Classifications**
 - a. **Class 1:** All homicides, whether capital or non-capital, and all offenses having a maximum sentence of life without possibility of parole, or in the discretion of the court, an aggregate state prison sentence of 25 years or more.
 - b. **Class 2:** All crimes for which the upper term of punishment is four (4) years or more, but less than Class 1.
 - c. **Class 3:** All other felonies, misdemeanors, and all juvenile matters.
 2. **Minimum Experience Requirements for Attorneys Appointed in Criminal and Juvenile (W&I Code § 602) Matters**
 - a. **Class 1:** Certified criminal law specialist or equivalent.
 - b. **Class 2:** Five (5) years' experience as an attorney, with a substantial part of such experience in criminal law.
 - c. **Class 3:** An attorney may be eligible for this class by providing oral or written proof of relevant experience and upon authorization of the judge presiding in the case.
 3. **Fee Schedule:** All criminal and juvenile (W&I Code § 602) attorneys must agree to handle all cases to which they are appointed at the rates established by the court. The court will periodically review and adjust rates as necessary.

- a. **Class 1:** The rate will be \$120.00 per hour, unless otherwise determined on a case-by-case basis.
 - b. **Class 2:** The rate will be \$95.00 per hour.
 - c. **Class 3:** The rate will be \$80.00 per hour.
- c. **Civil, Family Law, and Probate Attorney Appointments:** Costs pertaining to appointment of attorneys in civil, family law (typically minor's counsel pursuant to Family Code § 3150), and probate matters are submitted to the court for payment.

An attorney may be eligible for appointment in one of these case types by providing written proof of experience required by the California Rules of Court including but not limited to rules 5.242, 7.1101, 7.1105, or other applicable rules, and upon authorization by the judge presiding in the case. The fee for such appointments will be \$75.00 per hour.

- d. **Guardianship and Conservatorship Proceedings.** Attorneys for guardians or conservators are compensated according to the work performed. The size of the estate corpus and the responsibility assumed by the attorney are only two (2) of the factors considered in arriving at the value of the services. Application for the attorney's fees must be accompanied by a complete statement of the facts upon which the application is based, a detailed statement of the amount of time devoted to each component of the services, and the specific amount requested for each service.
- e. **Order for Payment.** Before any order for the payment of fees is made by the court, the attorney must provide proof of service that all parties entitled to notice have been given notice of the fee application.

(Effective 1/1/99; amended 7/1/99; amended 1/1/09; amended 1/1/10; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

1.36 Attorney's Fees and Representative's Fees for Extraordinary Services in Probate Proceedings or in any Probate Matter Where a Statutory Fee is not Established

- a. The court will take into consideration the statutory fee and whether it constitutes adequate compensation for all services rendered by the attorney or representative.
- b. Notwithstanding the principle stated in paragraph (a), extraordinary compensation will be paid when requested for the following services:
 - 1. Preparation of fiduciary tax returns and resolution of problems arising from the audit of such returns. Payments made to accountants or to other

tax preparers for such services and charged to the estate must be set forth in the request for extraordinary compensation.

2. Sales of property without a broker.
- c. Subject to the principle stated in paragraph (a), compensation for extraordinary services will be considered in the following situations:
1. Litigation on behalf of the estate.
 2. Operating or selling a business.
 3. Sales of estate property.
 4. Performance of any act resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of time.
- d. Application for compensation of extraordinary services will not be considered unless the title of the petition and the notice of hearing include a reference to the request. The prayer must set forth the specific amount of the request.
- e. The application for compensation of extraordinary services or any other services for which a fee is requested other than ordinary services must specify:
1. Date services rendered.
 2. Detailed description of services rendered.
 3. Hours spent on ordinary services.
 4. Hours spent on extraordinary services.
 5. Hourly rate; and
 6. Total amount requested

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

Guardian and Conservator Fees

1.37 Fees and Commission Fixed by Court Prior to Payment

There is no authority for the payment of any fees or commissions in decedent's estates, guardianships, or conservatorships in advance of a court order authorizing the same. Representatives will be surcharged interest to the date of any order authorizing such payment

unless in the case of a decedent's estate the written consent of the residuary beneficiaries is filed with the court and the amounts paid are reasonable and proper.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

1.38 Guardianship and Conservatorship Fees

Factors to be considered in determining the compensation allowable to guardians and conservators are:

- a. The gross income and assets of the estate.
- b. The success or failure of administration of the guardian or conservator.
- c. Any unusual skill or experience which the guardian or conservator in question may have brought to the work.
- d. The fidelity or disloyalty displayed by the guardian or conservator.
- e. The amount of risk and responsibility assumed by the guardian or conservator in carrying out such duties.
- f. The time expended by the guardian or conservator in carrying out such duties.
- g. The custom in the community as to charges exacted by trust companies and banks.
- h. The character of the work done during administration whether routine or involving skill and judgment.
- i. Any estimate which the guardian or conservator has given of the value of the guardian or conservator's own services (*Estate of Nazro*, (1971) 15 Cal.App.3rd218).

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

Investigation and Expert Fees

1.39 Investigation Fees and Expenses

- a. **Ancillary Funding Requests.** All ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted

to the court for review and authorization by the presiding judge or his/her designee.

- b. **Order of Appointment.** Orders appointing an investigator must provide a blank space for the judge to insert a dollar limit for the services to be provided.
- c. **Maximum Amount of Fees in Initial Application**
 - 1. **Cases Other Than Capital or Life Sentence Cases:** The initial application must not exceed the sum of \$3,000. Additional applications may be made upon showing that further investigation is necessary in an amount not to exceed \$2,000 per application.
 - 2. **Capital and Life Sentence Cases:** The initial application for capital and life sentence cases must not exceed \$5,000. Additional applications may be made upon showing that further investigation is necessary in an amount not to exceed \$3,000 per application.
 - 3. **All Cases:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by written declaration by the assigned counsel. The declaration must specify the nature and purpose of the proposed investigation and must contain an estimate of the fees and expenses involved. The court will consider payment for reasonable time spent writing reports.
- d. **Further Authorization of Fees.** If the authorization is reached, further judicial authorization must be obtained before additional billings may be submitted. Requests for additional investigative time must be accompanied by a detailed statement of the work performed up to that time. This detailed statement will not be treated as a request for payment unless the court has granted authorization for such billings.
- e. **License.** Upon request, investigators will provide the court with a copy of a valid investigator's license.
- f. **Hourly Rates.** Investigator fees will be paid at \$65.00 per hour. Reimbursement for copies of discovery and motions is not permitted.

The court will not approve payment for excessive time spent in conference with attorneys, experts, or the defendant. The billing must set forth a detailed explanation of the need for such conference time before the court will consider payment.

(Effective 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 7/1/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered & amended 7/1/26)

1.40 Fees in Guardianship or Conservatorship Investigations

Guardianship and conservatorship investigator fees will be reimbursed as follows, subject to review by the court:

- | | | |
|----|--------------------------------|-------|
| a. | Conservatorship investigation: | \$600 |
| b. | Conservatorship review: | \$300 |
| c. | Guardianship investigations: | \$500 |
| d. | Guardianship reviews: | \$200 |

(Effective 7/1/16; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; amended 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

1.41 Non-Psychiatric Expert Fees and Expenses

- a. **Ancillary Funding Requests.** All ancillary funding requests for investigation fees and expenses must be made in writing by the assigned counsel and submitted to the court for review and authorization by the presiding judge or his/her designee.
- b. **Amount of Fees:** In no event will the court grant fees or expenses not reasonably justified by the nature of the case as supported by the written declaration. The written declaration must specify:
 1. The nature, purpose, and materiality of the proposed expert services.
 2. The name of the expert to be retained.
 3. A brief statement of the experts' qualifications.
 4. The proposed expert's hourly fees for court work and courtroom testimony.
 5. An estimate of the fees and expenses involved; and
 6. A detailed explanation of any unusual or extraordinary requests.
- c. **Order for Fees and Expenses:** The order for expert fees and expenses must be on a form approved by this court.
- d. **Maximum Rates for Expert Services and Testimony:** Claims for expert services authorized pursuant to this rule will not exceed the amounts approved by the court.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

Claim for Payment

1.42 Claim for Payment

- a. **Submission of Claim for Payment.** Claimants, including attorneys, investigators, experts, expert witnesses, and others must submit billings when work on the case has been concluded, unless the time worked spans more than one (1) fiscal year. In such instances, claimants must submit billings for the work performed in the first fiscal year no later than July 15th. In all other instances, billings must be presented within 30 days of the conclusion of the case. In cases involving many hours of work, the court may authorize, in advance, interim billings. When interim billings are authorized, each bill must identify the time-period that it covers and be identified by a progress payment number (e.g. "Interim Billing No. 3").
- b. **Request for Payment.** The request for claimant fees and expenses must be in the form approved by this court. All claims for payment must include in the caption a cumulative total of all payments to date (if any). Subsequent claims must not include any expenses incurred prior to the date the last claim was submitted.

Claims for fees and expenses must be made on local form [MMC-131 Claim Form](#) and must include a copy of the court order appointing the claimant and awarding fees, as well as a detailed accounting of all claimed fees and expenses. Claim forms and attachments must be submitted to the Accounting Department, which will submit the claim to a judge to review and authorize the claim. Once approved, the claim will be processed by the court or the County of Mendocino.

- c. **Claims Requirements.** All claims must contain a detailed statement of services rendered. Time must be billed in increments of 1/10 hour. Each claim must clearly identify the work performed and the name of the person who performed it.

The following types of services must be separately identified:

- Travel time.
- Time spent interviewing witnesses, defendants, or parties.
- Time spent in conference with attorneys, other experts, or defendants.
- Time spent reviewing reports or other documents.
- Time spent measuring, diagramming, or photographing scenes, locations, persons, and objects.
- Time spent researching public records or obtaining documents or other information.

Mileage reimbursement will be based on the current mileage rate used by the Judicial Council of California. Mileage claims must be supported by MapQuest or other similar mapping program documentation.

- d. **Requests for Extraordinary Costs.** In no event will the court grant extraordinary fees or expenses not reasonably justified by the nature of the case, as supported by written declaration. The declaration must specify the nature and purpose of the proposed services and contain an estimate of the fees and expenses involved. Unusual or extraordinary requests must be justified in detail.

The court will NOT authorize payment without specific prior approval for:

- Clerical work
 - Courtroom observation
 - Travel costs (e.g. meals, lodging, airfare, travel time)
 - Copies of discovery or motions
 - Other unusual services
- e. **Claims Confidentiality.** Claimant billings will be treated as confidential in all criminal and juvenile cases.
- f. **Disclosure of Other Compensation for Services on Court Appointed Cases.** A claimant must disclose fully, in writing, any payment or other compensation received from any source other than the court for services rendered in connection with any case in which the claimant has been appointed.
- g. **Submission.** Claim forms may be submitted by in person or via email to accounting@mendocino.courts.ca.gov.

(Effective 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered & amended 7/1/23; renumbered & amended 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered & amended 7/1/26)

Use of Electronic Devices or Cameras for Making Photographs, Videotapes, or Audio Recordings in the Courthouse

1.43 Media Coverage

No filming, photography or electronic recording is permitted in courthouses unless expressly authorized by the court or consistent with California Rules of Court rule 1.150, Government Code section 68150, and/or these local rules.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered & amended 7/1/26)

1.44 Requests for Photography, Videotaping or Audio Recording

Requests for any type of video, still photography or audio coverage, including pool cameras, in a courtroom for a specific court proceeding must be made in compliance with California Rules of Court rule 1.150(e)(1). Requests must be submitted on Judicial Council form [MC-500 Media Request to Photograph, Record, or Broadcast](#) and accompanied by the [MC-510 Order on Media Request to Permit Coverage](#) to Court Administration in Room 303 at the Ukiah courthouse or via email to court.administration@mendocino.courts.ca.gov.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

1.45 Use of Handheld Electronic Devices, Photography, Videotaping and Audio Recording Devices

As permitted by California law, visitors to the courthouses are authorized to photograph publicly available court case records generally accessible through the court's electronic case information system, re:Search CA. Records that may be photographed include, but are not limited to, dockets, filed documents, case summaries and other information. The court may set reasonable limits on the use of the visitors' equipment necessary to prohibit the copying of records from being an unreasonable burden to the orderly function of the court or that prevent other visitors from having access to the kiosks that provide these records.

If a visitor requires certification, exemplification, or any other official acknowledgement from the court as to the authenticity of court case records, the visitor will be required to purchase these documents according to fees listed on the court's fee schedule.

With the exception of court case records, the following limitations apply to the use of handheld electronic devices, photography, videotaping, or audio recording, unless an exception is expressly permitted by written judicial order or as permitted by local rule 1.44:

- a. Videotaping, photographing, or electronic recording by the media and/or the public is not permitted in any part of the courthouse, including but not limited to, lobby areas, halls, stairs, elevators, clerks' windows, or meeting rooms.
- b. Video equipment, photography equipment, and electronic recording devices must be turned off while transporting them in any area of the court.
- c. All audible electronic devices must be turned off when they are in the courtrooms.
- d. Any photography of the interior of a courtroom through the glass door windows or from the doorway of a courtroom is prohibited, even if an exception is granted for courthouse areas outside the courtroom.

- e. When audio and/or video recording is not permitted by a judicial officer, electronic recording devices may be taken into the courtroom only if they are turned off and remain inside an enclosed case.
- f. Attorneys, parties, experts, and witnesses involved in a proceeding may use their electronic devices to perform court related functions while in the courtroom.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/20; renumbered 1/1/21; renumbered & amended 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered & amended 1/1/24; renumbered & amended 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered & amended 7/1/26)

1.46 Prohibited Coverage

In accordance with California Rule of Court rule 1.150(e)(6) and these local rules, the media and public are prohibited from audio or video recording and photography of any of the following:

- a. A proceeding closed to the public.
- b. Jurors or spectators.
- c. Jury selection.
- d. Conferences between an attorney and client/witness, interpreter, and party/witness.
- e. Conferences between attorneys.
- f. Conferences between counsel and a judicial officer at the bench ("sidebars").
- g. Proceedings held in chambers.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 1/1/26)

1.47 Areas in Court Facilities Where Media Activities are Authorized

Photos, news conferences, and on-camera statements are allowed only in areas specified for that purpose. Requests for media photos and interviews must be made to the presiding judge.

The media must not impede access to the courthouse for court staff, visitors, and other members of the public.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

1.48 Ceremonial Events

Unless the court orders otherwise, these rules do not prohibit photography or recording of ceremonial events held by the court, a governmental agency or bar association; mock trial competitions; weddings; adoptions; or other authorized events held in a courtroom when court is not in session.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

1.49 Body Worn Cameras

Law enforcement officers with body worn cameras will not activate the recording functions of the camera or microphone in the courthouse unless they are involved in a law enforcement incident that may result in an arrest.

(Effective 1/1/19; renumbered & amended 7/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

Court Security

1.50 Court Security

- a. The courthouses in Ukiah and Fort Bragg require perimeter screening before entering either facility. Upon entering these facilities, all members of the public, attorneys, court staff, county staff, and off-duty peace officers will be subject to search using a walk-through metal detector, x-ray screening of all non-food items, and visual inspection of food containers. At the direction of court security personnel, persons entering the facility may be required to submit to additional metal detection scanning with a handheld device.
- b. Court employee work areas are restricted to court personnel and judicial officers. County employees who may be delivering mail or performing other services, and vendors performing services authorized by the court will be permitted into these restricted areas.

County employees whose duty stations are located in the courthouse facility must adhere to these court security rules and may not possess weapons or dangerous items or materials in any court facility except as specified below.
- c. On duty peace officers, including probation officers, either in uniform or, if not in uniform, presenting picture identification to security staff, who are attending law enforcement business at the courthouse facility, may be admitted without being searched. Security personnel may verify the identity of any officer by requesting

proper identification. If the identity of an officer cannot be verified through identification carried by the officer or through reasonable efforts by security personnel, this exemption will not apply.

Area tribal police officers may enter the courthouse carrying their duty weapons if they are in uniform, on duty, and are able to present a valid police department identification card.

Peace officers, including probation officers and tribal police officers, appearing on personal matters may not bring weapons into any court facility pursuant to Penal Code § 171(b)(2)(B).

- d. Weapons or dangerous items or materials cannot be brought into a courthouse facility, unless in the possession of an on-duty peace officer as described in (c) above. Weapons or dangerous materials will be authorized to enter the courthouse when they are to be used as evidence in court, are properly secured to prevent accidental discharge or release, and are being delivered to court by someone authorized by state law to do so.

Weapons, dangerous items, or materials include:

1. Items prohibited by Penal Code § 171b, including firearms, knives, tear gas weapons, laser or stun guns, instruments that expel metallic projectiles, spot markers, and paint guns.
2. Items prohibited by Penal Code § 1202, including undetectable and disguised firearms, metal knuckles, hand grenades, clubs, and blackjacks.
3. Any explosive or incendiary device, or any toxic, radioactive, or flammable material.
4. Any item that could be used to stab, cut or to commit mayhem, such as pointed scissors, letter openers, pocketknives, glass bottles, screwdrivers, awls, saw blades, and stakes.
5. Any item which could be used as a club, such as a hammer.

The following items are excluded from the definition of weapons or dangerous items or materials.

1. Food, beverages, and non-sharp utensils carried into a court facility by court or county employees assigned to work within the courthouse facility, or by jurors displaying valid juror identification.
2. Tools and flammable materials required for authorized facility maintenance or construction in approved containers and are being transported by someone authorized to do so within the facility.

- e. Tampering with security equipment or attempting to bypass the security screening is a violation of this local rule and punishable through contempt proceedings.

(Effective 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 1/5/22; amended 1/1/23; renumbered 7/1/23; renumbered 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

Court Collections Program

1.51 Court Collections

For cases filed on or after February 8, 2021, defendants that fail to pay or appear in court on infraction matters shall be referred to the Court Collections Program. Defendants that fail to make court ordered payments on criminal fines, fees and penalty assessments will also be referred to the Court Collections Program.

Once referred to the Court Collections Program, defendants will have an opportunity to set up payment plans to resolve these outstanding accounts. If defendants fail to resolve the outstanding balances, the Court Collections Program may refer these unpaid debts to the Franchise Tax Board which has the authority to intercept tax refunds, garnish wages, and seize bank accounts.

For cases filed before February 8, 2021, defendants with unpaid infraction, misdemeanor or felony fines, fees and penalty assessments will be referred to the County of Mendocino's Collection Program.

(Effective 1/1/24; renumbered 7/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

1.52 Overpayment on Criminal and Traffic Cases

Overpayments on felony, misdemeanor, or infraction cases may occur because a defendant overpays the amount due or the California Franchise Tax Board, through its Tax Intercept or Court-Ordered Debt Programs, collects more from a defendant than is owed on a particular case. If a defendant, his/her representative, or the Franchise Tax Board overpays the amount due on felony, misdemeanor, or infraction fines and fees on a particular case, the court will determine whether there are other adjudicated cases with outstanding balances due. If there are such cases, the court will apply the overpayment to those cases, starting with the oldest outstanding balance(s) due. The court will only issue a refund to a defendant if there are no outstanding balances due on adjudicated cases or there are pending cases that have not yet been adjudicated.

(Effective 7/1/25; renumbered 7/1/26)

1.53 Payment Plans in Delinquent Criminal and Traffic Cases

Thirty (30) days following a final notice to defendants of unpaid and delinquent fines, fees and forfeitures, the court shall submit the unpaid delinquent debt to California Franchise Tax Board

for further collection efforts. Once the case is transferred to the Franchise Tax Board, the court will no longer set up payment plans with defendants to pay outstanding fines, fees and forfeitures.

For cases submitted to the Franchise Tax Board's Tax Intercept Program, defendants on existing payment plans may have their state tax refunds reduced by the amount of the outstanding debt. Defendants may continue to make their monthly installment payments to the court while the Tax Intercept Program is reviewing tax refunds for individuals with outstanding court debt.

For cases submitted to the Franchise Tax Board's Court Ordered Debt Program, the court will terminate existing payment plans and direct the defendants to the Court Ordered Debt Program to set up payment plans with that office.

(Effective 7/1/26)

Use of Generative Artificial Intelligence in Court Cases

1.54 Definition of Generative Artificial Intelligence (Gen AI)

For the purposes of these Local Rules, generative artificial intelligence (Gen AI) is an emerging technology capable of creating original court case documents on behalf of attorneys and litigants that choose to make use of this technology.

(Effective 7/1/26)

1.55 Prohibition of Submission of Pleadings or Other Case Documents Using Gen AI

The court prohibits the submission of pleadings or other filed or lodged court case documents containing legal argument and/or citations generated by AI unless the filer carefully checks every case citation, fact and argument to make sure they are accurate, relevant and proper. No party or attorney may delegate this responsibility to AI or any other form of technology. The court will assume that any filed or lodged document in case cases will have undergone this rigorous review and scrutiny by the filer.

(Effective 7/1/26)

Chapter 2: Civil Court Rules

2.1 Alternative Dispute Resolution (ADR)

There are alternatives, called Alternative Dispute Resolution (ADR), to court trials or jury trials. The court encourages timely resolution of cases and strongly supports and promotes the use of ADR as the court has long recognized the value of early case management intervention and other ways for parties to reach a resolution in civil cases. It is the court's expectation that litigants will utilize some form of ADR as a mechanism for case settlement prior to trial. Notwithstanding Local Rule 2.8, the civil judge may order litigants to participate in settlement conferences. For more information see local form MCV-100 Alternative Dispute Resolution Information.

(Effective 1/1/27)

2.2 Case Management Conferences

Case Management Conferences will be conducted in all new Unlawful Detainer, Limited Civil, and Unlimited Civil actions.

a. Setting of Case Management Conference and Order to Show Cause Hearing:

1. Unlawful Detainer Actions:

A joint Case Management Conference and Order to Show Cause hearing for failure to timely file a proof of service will be set in all Unlawful Detainer actions for a date not later than 45 days after the filing of the complaint. The hearing will be vacated upon the timely filing of the required proof of service, or a dismissal of the action, and parties will not be required to appear.

A joint Case Management Conference and Order to Show Cause hearing for failure to dismiss or file a default judgment will be set for a date not later than 395 days after the filing of the complaint. The hearing will be vacated upon the filing of a dismissal of the action, or a defaulted judgment, and parties will not be required to appear.

The court may impose sanctions for failure to comply with service and/or default deadlines.

2. Limited Civil Actions:

In accordance with California Rules of Court, Rule 3.740, a joint Case Management Conference and Order to Show Cause hearing for failure to timely file a proof of service will be set in all Limited Civil actions for a date not later than 180 days after the filing of the complaint. The hearing will be vacated upon the timely filing of the required proof of service, or a

dismissal of the action, and parties will not be required to appear. The court may impose sanctions for failure to comply with service.

Additionally, a joint Case Management Conference and Order to Show Cause hearing for failure to dismiss or file a default judgment will be set for a date not later than 395 days after the filing of the complaint. The hearing will be vacated upon the filing of a dismissal of the action, or a defaulted judgment, and parties will not be required to appear. The court may impose sanctions for failure to dismiss or comply with default deadlines.

Upon filing of an answer, a Case Management Conference regarding case status will be set and noticed for a date not later than 120 days after the filing of the answer.

3. **Unlimited Civil Actions:**

A joint Case Management Conference and Order to Show Cause hearing for failure to timely file a proof of service will be set in all Unlimited Civil actions for a date not later than 75 days after the filing of the complaint. The hearing will be vacated upon the timely filing of the required proof of service, or a dismissal of the action, and parties will not be required to appear. The court may impose sanctions for failure to dismiss or comply with service deadlines.

In accordance with California Rules of Court, Rules 3.722-3.730, a Case Management Conference will be set for a date 120 days after the filing of the complaint.

b. **Required Pleadings:**

All Unlawful Detainer and Limited Civil complaints filed and submitted pursuant to local rule 1.8, must include local form [MCV-102 Notice of Limited Civil Case Management Conference and Order to Show Cause re: Failure to Comply with the case name completed.](#)

All Unlimited Civil complaints filed and submitted pursuant to local rule 1.8, must include local form [MCV-101 Notice of Case Management Conference and Order to Show Cause re: Failure to Comply with Service Deadlines](#) with the case name completed.

The court clerk will set the required hearing dates and will return the form to the e-filer. For filings submitted by any means other than e-filing, the clerk will prepare and deliver the *Notice* form to the filing party at the time that the complaint is filed. The party filing the initial pleading must serve a copy of the completed notice on all parties named in the pleading, together with the summons, complaint, and other initial pleadings.

If a cross-complaint names new parties in an action, the cross-complainant will serve copies of the completed notice on all new parties at the same time the cross-complaint is served.

(Effective 1/1/13; renumbered 1/1/19; amended 1/1/21; amended 1/1/22; amended 1/1/23; amended 7/1/25; amended 7/1/26; renumbered 1/1/27)

2.22.3 Continuances

- a. Except in unlimited civil or probate matters, Parties may continue a civil hearing or trial date to a date approved by the clerk one (1) time by stipulation and payment of applicable fees.
- b. Additional continuances may be obtained by written stipulation of the parties with approval of the court. Parties must submit a fully executed stipulation and proposed order demonstrating good cause for the continuance before the scheduled hearing/trial date.
- c. Alf a party who announces in open court that a law and motion hearing has been continued by stipulation, written notice of the continued hearing date must be filed and served on all parties ~~must file and serve written notice on all parties of the continued hearing date.~~
- d. A party seeking a continuance of any motion or trial without a stipulation of the parties must do so by noticed motion, *ex parte* application, or oral motion in open court showing good cause for the continuance.
- e. For proceedings in which any party has requested a court interpreter, the party seeking the continuance shall give five (5) business days' notice prior to the date of the proceeding and serve such notice on the court and opposing party. Upon receipt of such notice and within three (3) business days prior to the date of the proceeding, the party requesting the interpreter must comply with the interpreter cancellation notification process specified in local rule 1.34(b).

(Effective 1/1/99; amended 1/1/03; amended 7/1/08; amended 7/1/12; renumbered & amended 1/1/13; renumbered 1/1/19; amended 1/1/21; amended 7/1/22; amended 7/1/25; amended 7/1/26; renumbered & amended 1/1/27)

2.32.4 The Pretrial Conference

- a. A pretrial conference may be held in any long cause matter on the civil active list whether scheduled for jury trial or court trial. The pretrial conference must be attended by counsel who will try the case and all unrepresented parties.
- b. **Pretrial Statement Required**
 1. Pursuant to the order setting the action for pretrial conference, counsel must file a Joint Pretrial Statement or separate Pretrial Statement no less

than five (5) business days before the scheduled pretrial conference.
Pretrial statements will not exceed 10 pages.

2. Counsel and unrepresented parties must meet in good faith to prepare the pretrial statement(s) to narrow down the legal and factual issues which the court will have to try, arrive at stipulations, and attempt settlement of the action at least 15 days prior to the pretrial conference.
3. **Form and Contents of Pretrial Statement.** The pretrial statement must include the name of the parties submitting the statement, set forth the nature of the action, and include the following items in the following order:
 - a. **Jurisdiction and Venue:** List of jurisdiction or venue disputes including the supporting legal and factual issues.
 - b. **Substance of the Action:** Description of the claims, defenses, and issues to be decided in impartial and non-argumentative language suitable for reading to the jury at trial.
 - c. **Undisputed Facts:** Statement of the agreed upon undisputed facts to be incorporated into the trial record without supporting testimony and exhibits.
 - d. **Disputed Facts:** Statement of all disputed factual issues.
 - e. **Disputed Evidence:** Summary of anticipated disputes concerning admissibility of evidence.
 - f. **Relief Sought:** Statement of the relief claimed, including an itemization of monetary damages sought.
 - g. **Abandoned Issues:** Statement of abandoned issues raised in the original pleadings (i.e. causes of action, affirmative defenses).
 - h. **Previous Motions:** List of all filed motions in the proceeding and the disposition of each.
 - i. **Witnesses:** List of all witnesses likely to be called at trial, in person or by deposition, with a description of the substance of the testimony to be given after each name. Impeachment or rebuttal witnesses are excluded from this list.
 - j. **Exhibits, Schedules, and Summaries:** List of all documents and items to be offered as exhibits at trial including a description of its substance, purpose, and identity of the sponsoring witness after each exhibit. Only listed exhibits will be permitted at trial except

as otherwise provided in the pretrial order. Impeachment or rebuttal exhibits are excluded from this list.

- k. **Discovery Documents:** List of all answers to interrogatories and responses to requests for admission that are to be offered at trial.
 - l. **Discovery or Motions:** Requests for additional discovery or pretrial motions.
 - m. **Stipulations:** List of stipulations requested or offered for pretrial or trial purposes.
 - n. **Amendments and Dismissals:** List of amended pleadings, dismissals, additions or substitutions of parties, or dispositions as to defaulting parties.
 - o. **Settlement:** A statement summarizing the status of settlement negotiations indicating whether further negotiations or settlement conferences might be productive.
 - p. **Agreed Statement:** Indication if an agreed upon statement of facts, in whole or in part, is feasible and desired.
 - q. **Bifurcation, Separate Trial of Issues:** Statement of whether bifurcation or a separate trial of specific issues is feasible and desired.
 - r. **Appointment and Limitation of Experts:** Indication if an impartial expert witness appointed by the court is required and whether limitation of expert witnesses is feasible and desired.
 - s. **Estimate of Trial Time:** Estimate of the number of court days expected for the presentation of each party's case. Counsel are expected to reduce the time required for trial by all feasible means, including stipulation, agreed statement of facts, expedited means of presenting testimony and exhibits, and avoidance of cumulative proof.
 - t. **Attorney's Fees:** List of attorney's fees requested, the legal and factual basis for the request, and the time and manner for the fees to be ascertained.
 - u. **Miscellaneous:** Any other comments, suggestions, or information that might aid in the determination of the action.
- c. **Additional Requirements for Pretrial Conference.** Unless otherwise ordered, parties must file with the court and serve on opposing parties' copies of the following:

1. **Trial Briefs.** On or before the date of the pretrial conference. ~~If a pretrial conference is not held, No~~ later than the Friday before trial ~~in the even that no pretrial conference is scheduled.~~
2. **Motions in Limine Pursuant to Local Rule 2.4(a).** No less than five (5) business days before the pretrial conference.
3. **Jury Voir Dire Questions Pursuant to California Rules of Court rule 3.1549.** No less than five (5) business days before the pretrial conference.
4. **Proposed Jury Instructions Pursuant to California Rules of Court rules 2.1055 and 2.1058.** No less than five (5) business days before the pretrial conference.
5. **Proposed General or Special Verdict Forms.** No less than five (5) business days before the pretrial conference.
6. **List of Exhibits Pursuant to Local Rule 2.5.** On or before the date of the pretrial conference

(Effective 1/1/13; renumbered 1/1/19; amended 1/2/21; renumbered & amended 1/1/27)

2.42.5 Motions, Evidence or Other Trial-Related Matters

- a. **Motions in Limine:** Unless otherwise ordered, each party must file and serve all motions in limine on significant disputed issues of law and foreseeable procedural or evidentiary issues no less than five (5) business days before the date of the pretrial conference. Written opposition to a motion in limine, if any, must be filed and served at least one (1) business day prior to the pretrial conference. Counsel and self-represented litigants must be prepared to argue motions in limine at the pretrial conference.
- b. **Meet and Confer prior to Filing Motion.** Prior to filing any motion, the moving party must make a reasonable, good faith attempt to resolve the matter. A declaration of facts supporting the party's attempt to meet and confer or explaining why such an attempt would not be reasonable must be filed with the motion. If resolution is not possible, the moving party must attempt to coordinate a hearing date with the opposing party or parties.
- c. **Motions to Compel Entry of Judgment.** Motions to compel entry of judgment pursuant to Code of Civil Procedure § 664.6 will be heard in the department of the judge before whom the parties stipulated.
- d. ~~**Reporting of Law & Motion Matters.** This court does not regularly provide for reporting of hearings in civil or probate matters.~~

(Effective 1/1/21; amended 7/1/22; amended 1/1/25; renumbered 1/1/27)

2.52.6 Exhibits

- a. **Meet and Confer re Trial Exhibits:** Before the Pretrial Conference, parties must meet and discuss documentary evidence, including any deposition excerpts, discovery responses, summaries, charts, or other physical evidence each party may offer at trial. The parties must attempt to resolve any objections that may arise. Any unresolved evidentiary issues must be brought to the court's attention at the pretrial conference.
- b. **Depositions and Administrative Records:** Any depositions or administrative records submitted to the court as exhibits must be submitted on a USB ~~flash~~ drive clearly labeled with the case name, case number, and contents of the USB drive.
- c. **Pre-Marking Exhibits for use at Trial:** Parties are encouraged to pre-mark exhibits for use at trial. The clerk will be available to pre-mark exhibits at the pretrial conference and before court starts on each day of trial. Please do not ask the clerk to pre-mark exhibits while court is in session.
- d. **Exhibit List:** Each party will provide the clerk with a list of exhibits including a brief description of each item that the party expects to offer at trial.
- e. **Copies of Exhibits:** Parties must bring extra copies of documentary exhibits for opposing counsel and the court, including copies of any depositions, administrative records, or excerpts of same. To assist in keeping track of trial exhibits, parties may stipulate ~~that to show~~ witnesses will be shown copies instead of marked trial exhibits.
- f. **Trial Binders:** Trial binders containing multiple exhibits will not be marked with evidence tags. Each exhibit must be separately marked for identification.
- g. **Post-Trial Return of Exhibits:** Unless otherwise ordered, all exhibits will be returned to the custody of the offering party at the conclusion of trial. Prior to exhibits being returned, parties may request that the clerk provide a certified copy of any exhibits at the requesting party's expense.

(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered & amended 1/1/2; amended 7/1/24; renumbered & amended 1/1/27)

2.62.7 Tentative Rulings

- a. Tentative rulings are issued at the court's discretion. If a tentative ruling has not been issued, parties or their attorney(s) of record are to appear at the scheduled hearing.
- b. **Tentative Rulings are available on the Court's Website.** Civil and probate tentative rulings for matters set on the law and motion calendar are issued no later

than 3:00 p.m. the business day before the scheduled hearing. Tentative rulings are available on the court's website.

c. **Oral Argument**

1. The court may request oral argument in its tentative ruling and may specify the issues on which the court wants to hear argument.
2. If not requested by the court, oral argument will be permitted only if a party notifies the court and all other parties by 4:00 p.m. the business day before the hearing of the party's intent to appear. Notification to the court should be sent via email to tr@mendocino.courts.ca.gov.
3. Oral argument will be heard each Friday on the law and motion calendar unless otherwise set by the court.

- d. The tentative ruling will become the ruling of the court if the court has not requested oral argument and notice of intent to appear has not been given. The prevailing party must prepare and submit a proposed order unless a proposed order consistent with the tentative decision has previously been lodged with the court.

(Effective 7/1/12; renumbered 1/1/13; amended 1/1/13; renumbered 1/1/19; renumbered & amended 1/1/21; renumbered & amended 7/1/21; amended 1/1/23; amended 1/1/25; amended 7/1/25; renumbered 1/1/27)

2.72.8 Mandatory Settlement Conference. Prior to trial, the court will set a mandatory settlement conference with a judge or neutral settlement conference official. The settlement conference official will not decide the case but will help parties in evaluating the strengths and weaknesses of their case and will help them negotiate a possible settlement that is satisfactory to all parties. Parties that participate in other forms of Alternative Dispute Resolution (ADR) may be exempted from participating in a mandatory settlement conference. Parties required to attend are set forth in California Rules of Court, rule 3.1380(b).

- a. **Settlement Conference Statement.** A detailed Settlement Conference Statement must be submitted pursuant to California Rules of Court rule 3.1380(c).
- b. Parties claiming damages in a personal injury action must bring all reports and records of all examining doctors to the settlement conference. A list of all special damages claimed, with supporting evidence, must be available for examination by the settlement conference judge. The special damages for each plaintiff should be up to date, listed separately, totaled, and categorized as health care (including medical, hospital, ambulance, and drugs) and loss of earnings, if any. Opposing parties must bring copies of all reports and records of all examining doctors who examined the plaintiff, employed by them or their insurance carrier if any, for consideration by the settlement conference judge.

- c. All parties will organize, in advance, and bring to the conference such medical reports and records, any depositions (with relevant pages and lines pre-marked), photographs, books, records, diagrams, maps, bills, contracts, memoranda, and all other documents pertinent to settlement of the case for examination by the settlement conference judge.
- d. All parties will set forth the date, amount, and terms of the highest offer and the lowest demand by each party, as well as the insurance coverage limits available to each party defendant or plaintiff.
- e. All parties must ascertain whether there are claims or liens which may affect a settlement. A written request to attend the settlement conference must be sent to such claimants, lienholders or their representatives and a copy of the request must be brought to the settlement conference.
- f. **Duties of Party at Conference.** All parties attending a mandatory settlement conference must be thoroughly familiar with the relevant evidence available to him/her pertaining to all issues and be prepared to discuss all aspects of the case. Additionally, the attorney for each party requesting a jury trial in a case where the right is not guaranteed by law or in a case in which special verdicts or findings of the jury will be required, must present any special verdict form or interrogatories which will be required for the resolution of the case by the jury.
- g. **Appearance at Mandatory Settlement Conference.** All persons whose consent is required to settle a case, including but not limited to named parties, corporate officer(s) or insurance representatives, must personally attend the mandatory settlement conference unless excused by the court. California Rule of Court, rule 3.1380(c) is strictly enforced.
 - 1. **Remote Appearance.** Any party who wishes to appear via telephone must contact the settlement conference official to arrange the telephonic appearance. Video appearances at mandatory settlement conferences are not allowed.
 - 2. The court, in its discretion, may require the personal attendance of a party at the mandatory settlement conference even if travel more than 150 miles is required.
- h. **Settlement of Case:**

In any civil action where Judicial Council form CM-200 Notice of Settlement of Entire Case has been filed indicating that an unconditional or conditional settlement has been reached, and in which the filing party fails to file a dismissal, enter judgment, or request reinstatement of the case, an Order to Show Cause hearing will be set and noticed for a date not later than 30 days after the date indicated on the notice of settlement in which a request for dismissal was to have been filed.

Parties and/or counsel are required to appear at the Order to Cause hearing to show cause as to why sanctions should not be imposed to failure to dismiss, enter judgment, or request reinstatement of the action.

Upon filing of a dismissal of the action or a request for judgment or reinstatement of the action, the Order to Show Cause hearing will be vacated, and the appearance of parties and/or counsel will not be required.

(Effective 1/1/21; renumbered & amended 7/1/21; amended 7/1/22; amended 7/1/23; amended 7/1/25; *renumbered & amended 1/1/27*)

2.82.9 Electronic Service/Notification (CCP § 1010.6)

- a. **Mandatory Electronic Service / Notification:** Except for documents requiring service by registered or certified mail, the court will electronically serve all documents issued by the court on all parties subject to mandatory e-filing pursuant to Local Rule 1.8 and any party bound by court order to use electronic service.

Unrepresented parties may consent to electronic service of documents issued by the court by filing Judicial Council form [EFS-005-CV Consent to Electronic Service and Notice of Electronic Service Address](#) with the court.

- b. **Provide and Maintain Updated E-Mail Address:**

Parties subject to mandatory electronic service, or unrepresented parties who have consented to electronic service, are required to provide the court with an accurate e-mail address. Parties who provide more than one e-mail address are required to designate one address as the primary address to which documents will be sent. It is the responsibility of the parties to keep the court informed of any changes to an e-mail address.

- c. **Request for Exemption from Electronic Service or Withdrawal of Consent to Electronic Service:**

Parties subject to mandatory electronic service may request an exemption from electronic service by filing Judicial Council form [EFS-007 Request for Exemption from Mandatory Electronic Filing and Service](#) and lodging Judicial Council form [EFS-008 Order of Exemption from Electronic Filing and Service](#)

An unrepresented party must file Judicial Council form [EFS-006 Withdrawal of Consent to Electronic Service](#) to withdraw consent to electronic service.

(Effective 1/1/25; *renumbered 1/1/27*)

2.92.10 Prove Up Hearing for Default Judgments

In any quiet title action or complaint alleging fraud, a complaint where damages were requested according to proof, or a complaint requesting punitive damages, the court will set a prove-up hearing upon any request for a default judgment. The court may require a prove-up hearing in any other action where a default judgment is requested.

(Effective 7/1/24; renumbered 1/1/25; renumbered & amended 1/1/27)

2.402.11 Attorney as Witness in Jury Trial

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

(Effective 1/1/13; renumbered 1/1/19; renumbered 1/1/20; renumbered 1/1/21; renumbered 7/1/21; renumbered 7/1/24; renumbered 1/1/25; renumbered 1/1/27)

2.412.12 Submission and Lodging of Administrative Records

In all matters in which an Administrative Record is lodged with the court, the record must be submitted on a USB ~~flash~~-drive. The USB ~~flash~~-drive must be clearly labeled "ADMINISTRATIVE RECORD" and must include the case name, case number, ~~and~~ the name of the party submitting the record, and the date submitted.

Once submitted, the clerk will indicate the date the record was lodged on the label of the USB ~~flash~~-drive, will enter the lodging of the record in the court's case management system, and will store the USB ~~flash~~-drive until after the case is final termination of all required appeal periods.

(Effective 1/1/23; renumbered 7/1/24; renumbered 1/1/25; renumbered & amended 1/1/27)

2.422.13 Attorney Fee Schedule in a Default Action on a Note or Contract

- a. Any request for attorney fees on a default action on a note or contract to be issued by the clerk must be accompanied by a declaration from the attorney that they will accept the amount as set forth below in section b below. If no declaration is attached, no fees will be awarded unless the attorney sets a hearing before the judge.
- b. Exclusive of costs, counsel fees will be awarded in a default action on a promissory note or contract providing for the payment of counsel fees as follows:
 - 25% of the first \$5,000 with a minimum of \$250
 - 10% of the amount over \$5,000
 - In any default action where the attorneys' fees request exceeds \$7,500, a prove up hearing may be required to establish the reasonableness of the requested fees.

(Effective 7/1/25; renumbered 1/1/27)

Small Claims

2.432.14 Service by Certified Mail

The court clerk will attempt to serve a plaintiff's claim on a corporation, partnership, or agency by certified mail with return receipt requested. Plaintiff must submit local form [MMC-300 Certified Mail Statement \(Small Claims\)](#) with the required service fee when requesting the clerk to attempt service by certified mail (fee waivers are not applicable).

(Effective 7/1/24; renumbered 1/1/25; renumbered 7/1/25; [renumbered 1/1/27](#))

2.442.15 Delay Reduction

- a. **Resetting of scheduled hearing:** If a plaintiff is unable to serve a defendant prior to a scheduled hearing, the plaintiff may request the court clerk to reset the scheduled hearing. A scheduled hearing may only be reset one time, and the request must be made at least three (3) business days prior to the scheduled hearing. Further continuance requests must be submitted in writing using the appropriate Judicial Council form.
- b. **Plaintiff's Failure to Appear:** A Plaintiff's failure to appear for a scheduled Small Claims hearing may result in the dismissal of the case.
- c. **Failure to File Proof of Service:** Failure to file proof of service in compliance with CCP section 116.340(c) may result in the matter being dismissed.

(Effective 7/1/24; renumbered 1/1/25; renumbered 7/1/25; [renumbered 1/1/27](#))

Unlawful Detainer Actions

2.452.16 Trial Setting

- a. **Unlimited Unlawful Detainer Actions:** It is the responsibility of the parties in an unlimited unlawful detainer action to notify the court that they are entitled to an expedited trial.
- b. **Limited Unlawful Detainer Actions:** When a limited unlawful detainer case is ready for trial, any party to the action may file and serve a request for trial using the mandatory Judicial Council form [UD-150 Request / Counter-Request to Set Case for Trial – Unlawful Detainer](#). The form must be completed in its entirety and the proof of service on the reverse side of the form must be filled out and submitted after the opposing party has been served with the request or counter-request for trial.
- c. Upon receipt of a request for trial, if no jury trial is demanded, the clerk will set the trial date pursuant to the time standards set forth in the Code of Civil

Procedure section 1170.5 and will promptly notify all parties in writing of the trial date.

1. If a counter-request for jury trial is demanded in an unlawful detainer action, such demand must be made no later than five (5) calendar days after notice of a trial date set by the clerk, if the party was served with the notice by email or by personal service, or ten (10) days if notice is mailed by the clerk of the court.
2. If a timely demand for jury trial is filed, the set trial date will be converted to a Trial Readiness/Pre-Trial Conference hearing date for setting of a jury trial date. The court may consider dates of unavailability; however, trials will be scheduled according to the court's calendar and within the timeframes prescribed by statute.

Parties who are completely familiar with the case and who possess the authority to enter into stipulations must be present at the scheduled hearing. Any orders made will be binding on the parties and will not be subject to reconsideration due to a party or an attorney's unfamiliarity with the case at the time of the hearing. The parties must be prepared to discuss any unusual evidentiary or legal issues anticipated during the trial and all remaining matters believed by any party to be appropriate for stipulation.

(Effective 7/1/26; *renumbered 1/1/27*)

2.162.17 Jury Trial Fees

Advance jury fees must be paid pursuant to the Code of Civil Procedure sections 631 and 631.2 and must be deposited with the clerk's office ~~at least five (5) calendar days prior to the date of trial or before the initial case management conference.~~ At the commencement of the second day of trial, and on each succeeding day of trial, fees in a sum equal to one day's jury fees and mileage must be deposited with the clerk's office prior to start of each day of trial. If, during ~~voir dire or~~ trial, the party responsible for jury fees waives the jury or fails to pay the required jury fees on the second day or any subsequent day, the other party may preserve their right to jury trial by depositing the fees. If no other party deposits the required jury fees, the jury is deemed waived and the trial will proceed without a jury.

If relief is sought for the waiver of jury fees, the mandatory Judicial Council form [FW-002 Request to Waive Additional Court Fees](#) with an accompanying mandatory Judicial Council form [FW-003 Order on Court Fee Waiver](#), must be filed at least five (5) business days prior to the date of the trial. The forms will be submitted to a judicial officer for review and decision.

(Effective 7/1/26; *renumbered & amended 1/1/27*)

Writs and Petitions for Review (including California Environmental Quality Act (CEQA) Actions)

2.18 Administrative and Traditional Writ of Mandamus Briefing Schedules and Page Limits

Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition must be filed in accordance with the following schedule and page limits:

1. The opening memorandum of points and authorities must be filed at least 45 calendar days prior to the hearing date. The opening memoranda will not exceed 7,500 words.
2. The opposition memorandum must be filed at least 25 calendar days prior to the hearing date. The opposition memoranda will not exceed 7,500 words.
3. The reply memorandum must be filed at least 15 calendar days prior to the hearing. The reply memorandum will not exceed 5,000 words.

Attorneys must, on a separate page following the final page of the memorandum, certify compliance with this requirement using substantially the following language:

I, [attorney name], counsel for [party], hereby certify, under local rule 2.18, that I prepared the foregoing memorandum of points and authorities on behalf of my client, and that the word count for this briefing is [insert word count], which does not include the cover, the tables, signature blocks, or this certification. This briefing complies with the rule, which limits briefing to [insert the appropriate number] words. I certify that I prepared this document in [insert software name such as Word 2010], and that this is the word count [Word] generated for this document.

Dated: _____

[Attorney name] Attorney for [party]

Alternatively, any party may file a motion to file an oversized brief consistent with the procedure specified in California Rules of Court, rule 3.1113(e). Any motion to be heard prior to the merits of a writ petition must comply with the filing schedule and page limits specified in California Rules of Court, rules 3.1113 and 3.1300.

(Effective 1/1/27)

2.19 Writs of Mandate Challenging Government Approvals and CEQA Matters

a. Setting of an Initial Case Management Conference:

1. A non-CEQA Writ of Mandate will be set for an initial case management conference by the clerk of the court within 60 days of case initiation.
2. A CEQA Writ of Mandate will be set for an initial case management conference by the clerk of the court within 30 days of case initiation.

- b. **Alternative Dispute Resolution (ADR).** Notwithstanding local rule 2.1, all counsel must review Government Code §§ 66030-66035, and Public Resources Code §§ 21167.8 and 21167.9, or their successor rules or statutes, and be prepared to discuss Alternative Dispute Resolution (ADR) during the initial Case Management Conference.
- c. **Initial Case Management Conference** All parties who have been served and are completely familiar with the case and possess the authority to enter into stipulation will appear, in person or remotely, for an initial Case Management Conference. All parties must be prepared to discuss the following items at this conference:
1. Alternative Dispute Resolution
 2. Status of pleadings, service, record preparation, and request for hearing
 3. Setting of briefing schedule and hearing dates
 4. Other matters that require the court's attention.
- d. **Administrative Record**
1. **Preparing the Administrative Record:** A petitioner may choose to prepare the record or may elect that the respondent public agency prepares the record pursuant to Public Resources Code § 21167.6(a). Timelines for preparation of the record will be as follows:
 - A. Within 20 calendar days:
 - i. Preparation by Petitioner: The agency must provide preliminary notification of the location(s) of the documents anticipated to be included in the administrative record and the contact person(s) for an inspection of the documents as the record is being prepared. The agency must supplement the preliminary notice as additional documents are located or determined appropriate for inclusion in the record.
 - ii. Preparation by Respondent Public Agency: Preliminary notification of the estimated cost to prepare the record must be served by the respondent public agency on all parties and must include:
 1. an estimated range for the number of pages
 2. the agency's customary charge for copying per page
 3. any other estimated reasonable costs that will be charged for a copy of the record
 4. location(s) of the documents anticipated to be included in the administrative record

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5. the contact person(s) for an inspection of the documents as the record is being prepared.
- B. Within five (5) calendar days after receipt of the preliminary notification, the petitioner may elect to prepare the record by serving the agency with a notice of election to prepare the record.
- C. Service of Index:
- i. Preparation by Petitioner: Within 20 calendar days, the petitioner must serve all parties with a detailed index of the documents, including hyperlinks to each document, constituting the proposed record.
- ii. Preparation by Respondent Public Agency: Within 40 calendar days after service of the request, the respondent public agency must serve all parties with a detailed index of the documents, including hyperlinks to each document, constituting the proposed record and a supplemental estimated cost for the record.
- D. Within seven (7) calendar days after receipt of the index the petitioner or agency and any real parties-in-interest must serve a list of all documents or items that the party contends should be added to or deleted from to record.
2. **Contents of the Administrative Record:** The lead agency must resolve any disputes over the contents of the Administrative Record. Any party who disagrees with the contents of the record must file a Motion to Augment or Strike the Record in accordance with the California Rules of Court and this rule.
3. **Format of the Administrative:** All Administrative Records for actions filed under CEQA must comply with the California Rules of Court, rules 3.2200 through 3.2208.
- A. **Electronic Format:** The entire Administrative Record must be lodged in electronic format, pursuant to California Rules of Court, rule 3.2207, except for any portion for which it is not feasible to create an electronic version as set forth with California Rules of Court, rule 3.2207(b).
- In all matters in which an Administrative Record is lodged with the court, the record must be submitted on a USB drive. The USB drive must be clearly labeled "ADMINISTRATIVE RECORD" and must include the case name, case number, and the name of the party submitting the record.

Once submitted, the clerk will indicate the date the Administrative Record was lodged on the label of the USB drive, will enter the lodging of the record in the court's case management system, and will store the USB drive until after the termination of all required appeal periods.

B. **Citing Electronic Format:** Should any party cite to a portion of the record that is otherwise lodged and served only in electronic format, the party must also lodge and serve a paper copy of cited pages by providing them together as an appendix of excerpts as noted in Rule 2.2205(c). These must be bound as the record is bound.

C. **Paper Format:** Unless the Court orders otherwise, the party preparing the record must also lodge and serve documents identified in California Rules of Court, rule 3.2205(a)(1)(A)-(G) in paper format which may be bound or submitted in binders. The remainder of the record, in chronological order as identified in Rule 3.2205(a)(1)(H), must be provided solely in electronic format, unless this court orders otherwise or a party requests a paper copy in accordance with California Rules of Court, rule 3.2206.

D. **Paper Copy Required by Court:** If the court requires a paper copy of any portion of the record which originally had been lodged only in an electronic format, the submitting party must provide a paper copy, at its own expense, within 14 days of the court order to do so. This obligation lasts as long as the applicable record retention period. The timing of the lodging of a hardcopy of the record with the clerk of the court will be as ordered. Citations to the Administrative Record in the briefs must include hyperlinks to the cited portion of the electronic records.

4. **Certifying the Administrative Record.** Before it is lodged with the court, the record must be certified pursuant to Public Resources Code § 21167.6(b)(1). Parties may stipulate or submit an *ex parte* request for an extension of time to prepare and certify the record pursuant to Public Resources Code § 21167.6(c).

5. **Lodging the Administrative Record.** The certified record, which must be well-organized and consecutively paginated, must be lodged with the court when petitioner's reply brief is filed. Any joint appendix ordered by the court also must be lodged with the reply brief. Lodging of records must comply with local rule 2.12 herein.

e. **Motions to Augment or Strike.** Any party wishing to file a Motion to Augment or Strike the Administrative Record must file the motion at the same time they are filing their opening brief on the merits. Briefs on Motions to Augment or Strike

must be separate from the briefs on the merits and must adhere to California Rules of Court, rule 3.1113. Opposition and reply briefs for motions to strike must be filed at the same time as opposition and reply briefs on the merits.

- f. **Motions, Demurrers, Orders to Show Cause, and Other Matters Requiring Hearing.** All motions, demurrers, requests for orders to show cause, and other matters or applications requiring a hearing in any action involving CEQA must be filed and calendared directly through the clerk's office and served on all other parties.
- g. **Length of Briefs.** All briefs must be limited to word count limits per document specified in local rule 2.18, unless otherwise ordered by the court.
- h. **Settlement Meeting.** The parties are required by Public Resources Code § 21167.8(a) to hold a settlement meeting within 45 days of service of the petition on the responding agency. If the parties agree that a settlement meeting within that time frame is premature, the settlement meeting may be continued so that it takes place after the administrative record has been certified and served. If the parties do not agree that the early meeting is premature, an initial meeting must take place within 45 days of service and a meeting must take place within five (5) days after the administrative record has been served. The parties may, but are not required to, schedule additional meetings.
- i. **Statement of Issues.** The parties are required by Public Resources Code § 21167.8(f) to file and serve a statement of issues which will be used by the opposing party and the court in identifying the legal and factual contentions at trial. The statements of issues must be consistent with, and may not expand on, the scope of the pleadings.

(Effective 1/1/2027)

2.20 Election Writ

- a. All petitions for writ of mandate that qualify as a priority election matter pursuant to Elections Code § 13314, Government Code § 83121, or Code of Civil Procedure § 460.7 must include the language "PRIORITY ELECTION MATTER" on the right side of the caption on the petition and any amended petitions, and must include a citation to the applicable legal authority qualifying the particular petition as a priority election matter.
- b. Beneath the designation of "PRIORITY ELECTION MATTER" the caption of any petition that qualifies as a priority election matter must also contain the deadline imposed by the applicable statute or agency by which the court must take final action on the merits of the petition.

(Effective 1/1/2027)

Chapter 4: Family Court Rules

4.1 Scope

Family law matters include all matters related to the Family Law Act, Uniform Parentage Act, the Domestic Violence Prevention Act, the Uniform Child Custody Jurisdiction Act, and the Domestic Partnership Act. Guardianship proceedings under the Probate Code will be treated as Family Law matters subject to the rules set forth in this chapter. Title IV-D actions heard by the Child Support Commissioner will be treated as Family Law matters subject to the rules set forth in this chapter.

(Effective 1/1/17; renumbered 1/1/19; amended 1/1/24)

4.2 Family Law Case Management

In accordance with California Rules of Court, Rule 5.83, the court actively manages dissolution, legal separation, nullity, parentage, and child custody and support cases to reduce unnecessary delay and expense, encourage active progress in resolving cases, and facilitate early settlement.

- a. All new filings submitted pursuant to local rule 1.8 must include local form [MFL-250 Notice of Family Law Case Management Conference and Order to Show Cause re: Failure to Comply with Service Deadlines](#) with the case name completed. The clerk will set the required hearing dates and return the form to the e-filer. For new filings submitted by any non-e-filing means, the clerk will prepare and deliver local form [MFL-250 Notice of Family Law Case Management Conference and Order to Show Cause re: Failure to Comply with Service Deadlines](#) to the filing party when the petition is filed.
- b. **Scheduling of Family Law Case Management Conferences and Order to Show Cause Hearing:**
 1. An initial joint Family Law Case Management Conference and an Order to Show Cause hearing for failure to timely file a proof of service will be scheduled by the clerk for petitions for dissolution, legal separation, nullity, parentage, or child custody and support. The court will set the Order to Show Cause hearing for a date not later than 65-70 days after the filing date of the petition. The hearing will be vacated upon timely filing of the required proof of service, or a dismissal of the action, and parties will not be required to appear.
 2. The court will schedule an additional case management conference within 180 days of the filing of a petition. Two subsequent case management conferences will be scheduled within 180 days of a previous case management conference. Thereafter, an Order to Show Cause hearing for failure to timely obtain judgment or otherwise move the case forward will be set for a date not later than 30 days after the third and final case management conference. A Case Management Conference or an Order to

Show Cause hearing will be vacated upon filing of a judgment, a trial request, or dismissal of the action, and parties will not be required to appear. The court may impose sanctions for failure to dismiss or otherwise timely resolve the case.

- c. **Petitioner Must Serve Notice of Family Law Case Management Conference and Order to Show Cause:** A copy of the completed local form [MFL-250 Notice of Family Law Case Management Conference and Order to Show Cause re: Failure to Comply with Service Deadlines](#) must be served on the responding party with the summons and petition. Proof of service must be promptly filed with the court. The summons, petition, and notice of case management conference must be served within 60 days of the date the case was filed. The court may impose sanctions for failure to comply with service deadlines.
- d. **Family Law Case Status Reports:** Each party must file and serve local form [MFL-251 Family Law Case Status Report](#) at least five (5) business days prior to the family law case management conference. . If this form is filed early, parties do not need to appear for the case management conference.
- e. **Appearance at Family Law Case Management Conference:** Parties or their counsel must appear at the family law case management conference, unless the Family Law Case Status Report has been timely filed. The court will review the status of the case, discovery issues, settlement options, alternative dispute resolution, and unresolved issues and may make any orders which it deems necessary.

(Effective 1/1/17; renumbered 1/1/19; renumbered & amended 7/1/19; amended 7/1/21; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; amended 7/1/25)

4.3 Requests for Orders

- a. **Calendaring a Hearing on a Request for Order:** Requests for Orders must be ~~filed~~ on Judicial Council form [FL-300 Request for Order/Change/Temporary Emergency Orders](#). Requests for Orders regarding custody and visitation of children, child support, spousal support, property control, and other issues are set on the law and motion calendar and are limited to ~~2030~~ minutes. If parties or counsel believe the matter will exceed ~~2030~~ minutes, a stipulated continuance for evidentiary hearing may be filed or the matter may remain on the law and motion calendar for the purpose of setting and/or requesting ~~interim~~temporary orders prior to the evidentiary hearing. Pursuant to California Rules of Court, rule 5.113, necessary interim orders based on the filed pleadings will be issued at the court's discretion. In child and spousal support matters, interim orders will be based on the parties income and expense declarations filed with the court.
- b. **Meet and Confer Requirement:** At least five (5) businesses days prior to the hearing on a Request for Order, parties or their counsel must meet and confer in a good faith effort to resolve all issues. All documents relevant to the Request for

Order must be exchanged between the parties prior to or at the meet and confer session. Failure to meet and confer may result in the matter being dropped from the calendar or continued to allow the parties additional time to meet and confer and will be considered by the court in connection with any request for award of attorney's fees or sanctions.

c. Witness and Exhibit Lists

1. At least five (5) business days prior to an evidentiary hearing or trial, the parties must file with the court and serve on all parties a witness list with a brief description of the anticipated testimony. If the witness list is not filed with the court and served on all parties prior to the hearing, the court may, in its discretion, exclude a witness from testifying and proceed with the evidentiary hearing or trial. Additionally, the court may grant a brief continuance upon request of the parties and will make appropriate interim orders pending the continued hearing.
2. At least five (5) business days prior to an evidentiary hearing or trial, the parties must file with the court and serve on all parties an exhibit list. If an exhibit list is not filed with the court and served on all parties prior to the hearing, the court may, in its discretion, exclude an exhibit from the exhibit list and proceed with the evidentiary hearing or trial. Additionally, the court may grant a brief continuance upon request of the parties and will make appropriate interim orders pending the continued hearing.

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e.d. Unserved Request for Order: If a Request for Order has not been timely served, the moving party must submit a completed Judicial Council form [FL-306 Request to Reschedule Hearing](#). The court will not hear a Request for Order unless:

1. a proof of service demonstrating timely service has been filed by the moving party, or
2. the opposing party personally appears and waives any defect in service on the record in open court.

Even when the opposing party appears, the court will not hear a Request for Order unless valid proof of service of summons and petition has been filed.

d.e. Evidence Required for Hearings Involving Financial Issues

1. **Income and Expense Declaration:** Parties must complete Judicial Council form [FL-150 Income and Expense Declaration](#) with financial information for the prior three (3) months and must file this declaration with the court for any hearing involving financial issues, including support and attorney fees and costs. Supplemental, updated, or responsive Income and Expense Declarations must be served at least five (5) business days before the hearing. The gross income of all persons living with the party must be provided on the Income and Expense Declaration. All cash, funds

on deposit, stocks, bonds, and other assets that can be converted to cash must be fully disclosed.

All sections of the declaration must be completed. A response of "unknown" does not meet the requirements of this rule. Failure to submit complete financial information by the requesting party may result in a denial of the Request for Orders. Failure to submit complete financial information by the responding party may result in a granting of the Request for Orders.

2. **Disclosure of Income Tax Returns:** Parties must provide copies of their most recently filed state and federal income tax returns. Copies of tax returns must include all schedules and any supporting W-2s, 1099s, K-1s, award letters, brokerage reports, rental income agreements, or other documents used to verify income.

When child, family, or spousal support is requested, a party may require the opposing party to provide copies of both state and federal income tax returns pursuant to Family Code § 3552. A request for tax returns must be made no later than 10:00 a.m. five (5) business days before the hearing. Copies of the tax returns and supporting schedules must be provided to the requesting party or counsel the earlier of five (5) business days after the request or 10:00 a.m. two (2) business days before the hearing and must not be filed with the court except as provided in Family Code § 3552.

3. **Child and Temporary Spousal Support Guidelines:** Using the financial information provided by the parties, the court calculates guideline child support (except in Department of Child Support Services enforcement actions) and temporary spousal support.
4. **Deviations from Guideline Child Support or Temporary Spousal Support:** The court may deviate from the calculated guideline support amount for good cause. If a party contests the amount of support as calculated under the guideline formula, that party must file a declaration stating the requested amount of support and the factual and legal bases justifying the deviation from guideline.
5. **Request for Attorney Fees**
 - a. **Attorney Declaration:** A request for attorney fees or costs exceeding \$2,000 must be accompanied by a declaration completed by the attorney stating the attorney's hourly rate, the amount of fees due and payable, how fees requested were or will be spent, identification of a source for payment of the fees, and all facts that may be relevant to the court's determination of the reasonableness of the fees.

- b. **Deferment of Attorney's Fees and Costs:** The court will defer any decision on attorney's fee requests and will not review an attorney's fee related declarations until all other issues have been ruled on by the court.
6. **Request for Expert Fees:** A request for expert fees must be accompanied by a declaration completed by the expert and include the expert's hourly rate, the scope of the expert's work, and an estimate of the number of hours required to complete the work.
7. **Request for Modification of Prior Support Orders:** Declarations submitted in support of any request for modification of a prior child or spousal support order must include specific facts demonstrating a change of circumstances.

e.f. Continuances

1. **Stipulated Continuances:** After a Request for Order has been served, three (3) continuances requested by a party may be obtained by stipulation.
2. **Continuances for Good Cause:**
 - a. Except as provided in paragraph (e)(1), a request for continuance of a hearing on a Request for Order must be supported by good cause. ~~An ex parte request to continue a Request for Orders hearing must be made on Judicial Council form FL-306 Request to Reschedule Hearing. The party filing an ex parte request to continue a Request for Order hearing must follow the notice and filing procedures set forth in local rule 4.4(e) and 4.4(d).~~
 - i. Requests for a continuance in a Request for Orders hearing must be made on Judicial Council form FL-306 Request to Reschedule Hearing.
 - ii. Requests for a continuance in a Request for Orders with Temporary Emergency Orders must be made on Judicial Council form FL-307 Request to Reschedule Hearing Involving Temporary Emergency Orders.
 - b. Notice and Service. The party filing the ex parte request to continue must file proof of notice and service with the court. Submitting parties may use Judicial Council form FL-303 Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders to comply with the proof of notice and service requirement.

f.c. Hearings on Request for Order

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1. **Personal or Remote Appearance Required:** Parties or their counsel must appear in person or remotely at the hearing on a Request for Order. Any party who wishes to appear remotely must follow the procedures set forth in local rules 1.11 and 1.13.
2. **Late Appearance:** If for any reason an attorney or party is unable to be present at the time the matter is called for hearing, the party or counsel must immediately notify the clerk and the opposing party of the delay by phone.
3. **Failure to Appear:** Failure of the moving party or their counsel to appear without notice to the responding party will generally result in the matter being set for review on a date determined by the court. However, if a party who has filed a response to a Request for Order regarding custody and visitation appears and asks to go forward, the court may continue the matter and assess attorney's fees to the moving party or enter an order on the pleading and testimony of the responding party.

(Effective 1/1/17; amended 7/1/18; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20; amended 7/1/21; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; amended 7/1/25; amended 7/1/26; amended 1/1/27)

4.4 *Ex Parte*/Emergency Family Law Orders

- a. Information concerning general procedures for filing *ex parte*/emergency order applications can be found in local rule 1.15.
- b. ***Ex Parte*/Emergency Orders Are Disfavored Except Upon Strong Showing of Potential Harm.** The court does not grant *ex parte*/emergency orders on the following subjects without a strong factual showing of grave danger, emergency, or severe detriment to a party or a child prior to the time the issues can be properly set for a noticed hearing with all parties present and given an opportunity to be heard:
 1. Establishing or modifying child custody and visitation orders
 2. Temporary use or possession of personal property
 3. Temporary financial orders, including but not limited to temporary spousal support or child support
 4. Removal of one party from the family home
- c. **Declarations in Support of *Ex Parte*/Emergency Orders**
 1. Declarations must be based upon personal knowledge of the declarant. The court may decide not to consider the merits of an unsubstantiated

declaration which is based on hearsay and not subject to any recognized hearsay exception in deciding whether or not to grant *ex parte*/emergency relief.

2. Declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened or has actually occurred. Conclusions, feelings, wishes or fears will not support a request for *ex parte*/emergency relief.
3. The court must have accurate, complete information before deciding whether to issue an *ex parte*/emergency order. Accordingly, parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. **Parties must disclose whether the requested *ex parte*/emergency order will result in a change in the current child sharing and custody arrangements, financial support, or use of personal or real property.**

d. **Notice to Opposing Party**

1. Prior to review of an *ex parte* application for a court order, a declaration regarding notice must be completed and filed with the court showing that the opposing party received notification of the request for *ex parte* orders as follows:
 - a. For an *ex parte* request for Domestic Violence Restraining Order, local form [MMC-121 Declaration re: Notice upon Ex Parte Application for Orders](#) must be filed.
 - b. For a request for temporary emergency court orders (TECO), Judicial Council form [FL-303 Declaration regarding Notice and Service of Request for Temporary Emergency \(Ex Parte\) Orders](#) must be filed.

(Effective 7/1/21; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; amended 7/1/25; amended 7/1/26)

4.5 Supervised Visitation

The court may order that visitation between a parent and minor children be supervised to ensure the physical security or emotional wellbeing of the children. Supervised visits may be conducted in person or remotely via telephone or video.

The court may also order a parent to use the services of a professional visitation supervisor who charges a fee for their services. The court may allocate the cost of supervision between the parents at the time of referral for paid supervised visitation.

Any report from a professional visitation supervisor, agency, or program pertaining to ordered supervised visitation must be submitted to the court either via the Court's Mendocino Court External Partners SharePoint or by filing a written report with the clerk's office.

(Effective 7/1/21; renumbered 1/1/23; renumbered & amended 1/1/24; amended 7/1/24; amended 7/1/25)

4.6 Child Custody and Visitation

a. Mediation

1. **Participation in Mediation Is Required:** Parties must attend mediation before hearings or trial when proceedings involve contested issues regarding child custody or visitation. Mediation sessions occur in person, by telephone, or by video. Failure to attend a scheduled mediation without good cause may result in sanctions against the party who fails to attend, which may include, but are not limited to, monetary sanctions, denial of relief sought, dismissal of Request for Order, entry of substantive orders, or contempt.
2. **Appearance for Mediation.** Parties must complete and return local form [MFL-230 Family Mediation Intake Form](#) by email or in person prior to the mediation session. Parties must follow the procedures set forth in local rules 1.11 if appearing remotely by video or phone at mediation.
3. **Non-Recommendating Confidential Mediation:** Mediation sessions are confidential. The mediator conducting a confidential mediation will not make a report or recommendation to the court regarding the child sharing arrangements for the children. The mediator may make notifications to the court and other agencies as follows:
 - a. **Child at Risk:** As a mandated reporter, the mediator will make a report to Child Protective Services if the mediator believes that a child is at risk of abuse, neglect, or exploitation.
 - b. **Threats of Death or Bodily Injury:** The mediator will report to law enforcement threats of death or great bodily harm made to a party, any other person, or the mediator.
 - c. **Minor's Counsel:** The mediator may request that the court consider appointing counsel to represent the child(ren).
4. **Children May Not Participate in Mediation Without Prior Authorization:** A child who is old enough to express a meaningful preference about custody or visitation may participate in mediation with the consent of all parties and prior authorization of the mediator. Parties must not bring a child to court with the expectation that the child will be

allowed to participate in mediation prior to obtaining the consent of the other party and the mediator.

5. **Mediator May Not be a Witness:** The mediator may not be called as a witness at any court hearing regarding any matter discussed during confidential mediation.
 6. **Parties Do Not Reach Agreement:** If the parties do not reach agreement on some or all the issues presented at mediation, the mediator will schedule a court hearing date and notify parties and their counsel.
 7. **Ex Parte Communication:** With the exception of scheduling appointments and as provided in Family Code § 216, there must be no *ex parte* communication between the parties or their counsel (including minor's counsel) and the mediator. Copies of relevant documents must be provided to the other party or their counsel at the same time they are provided to the mediator.
 8. **Spanish Mediation:** The court provides mediation in Spanish by appointment.
 9. **Interpreters:** For languages other than Spanish, the court will attempt to obtain the services of a certified or registered interpreter for mediation if required by one or more of the parties. If a certified or registered interpreter is not available, a neutral person fluent in English and the party's native language may be provisionally qualified by the judge pursuant to California Rules of Court rule 2.893 to interpret for the party in mediation after signing a confidentiality agreement. In no case may a child of the parties serve as an interpreter.
- b. **Co-Parenting Workshop:** The court requires each parent to attend a co-parenting workshop in a dissolution, legal separation or nullity case involving children, an action to determine parentage, or to establish and/or modify custody and visitation.

A list of approved classes is available from the mediator.

Parties should complete their co-parenting workshop as soon as possible and submit a certificate of completion to the court. If in-person classes are offered, parties will not participate in the same class. The completion of or failure to complete the workshop will be considered in any custody/visitation hearings.

c. **Appointment of Counsel for the Child**

1. **Generally:** The court may appoint counsel to represent the best interests of the child pursuant to Family Code § 3151.

2. **Compensation of Counsel:** When appointed, counsel will receive a reasonable sum for compensation and expenses. Compensation and expenses will be determined by the court and paid by the parents proportionally as determined by the court or by the court pursuant to Family Code § 3153. Counsel must comply with the billing procedures set forth in local rule 1.42.
3. **Complaints:** A parent's complaints about court-appointed counsel for a child must be made in writing to the family law judge and provided to all parties. The court will determine what action, if any, to take, including whether the complaint should be referred to the appropriate professional licensing board. The court will explain its decision in a written ruling or on the record in open court. If a child complains about his or her court-appointed attorney, the court may follow the procedures set forth above or hold a confidential hearing.

d. **Child's Participation in Custody Proceedings**

1. **Court to Determine Nature of Child's Participation Prior to Custody Proceeding:** The court will determine whether participation in a custody proceeding is in a child's best interest and how the child's input will be received (Family Code § 3042 and California Rules of Court rule 5.250). Accordingly:
 - a. No party or their counsel, including court-appointed counsel for a child, will bring a child to court with the expectation that the child will participate in a custody proceeding *unless* the court has previously entered an oral or written order authorizing the child's participation.
 - b. Parties or their counsel who have information that a child wishes to address the court must inform the court and all other parties at the earliest opportunity.
 - c. A mediator who has information that a child wishes to address the court must promptly inform the court and provide notice to all parties or their counsel.
2. **Procedure for Obtaining Court Order Regarding Child's Participation in Custody Proceeding.** Parties or their counsel may request a court order regarding a child's participation in a custody proceeding by any of the following methods:
 - a. If the child is at least 14 years of age:
 - i. The child or child's counsel may ask the judge in open court or in writing for an opportunity to address the court regarding custody and visitation issues. If the request is in

writing and has not been served on all parties, the court must ensure that the written request is served on the parties or their counsel and that the parties have an opportunity to respond before ruling on the child's request.

- ii. The parties may submit a stipulation signed by all parties or their counsel, including the child or child's counsel, setting forth how the child will participate in the custody proceeding and requesting that the court adopt the stipulation as the court order. The court may set a hearing to determine if the stipulation is in the child's best interest.

b. If the child is under 14 years of age:

- i. The parties may submit a stipulation signed by all parties or their counsel, including the child's counsel, setting forth how the child will participate in the custody proceedings and requesting that the court adopt the stipulation as the court order. The court may set a hearing to determine if the stipulation is in the child's best interest.
- ii. Parties or their counsel may file a noticed Request for Order to determine whether a child may participate in a custody proceeding and in what manner the child will participate.
- iii. At the time a custody matter is set for a trial or an evidentiary hearing, parties or their counsel may make an oral motion requesting a child participate in the trial or evidentiary hearing.

3. Evidentiary Issues

- a. If the court decides that a child may be called as a witness in a custody proceeding, the court must rule upon the issues set forth in California Rules of Court rule 5.250(d).
- b. If the parties stipulate or the court orders that a child's input may be received by way of a child interview (California Rules of Court rule 5.250(e)), the stipulation and order will provide that the court may receive in evidence a written summary of the child interview or hear the testimony of the professional who conducted the child interview, including statements made by the child during the interview. All other objections to the written summary or testimony are preserved by the court.

(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20; amended 7/1/21; amended 1/1/22; amended 7/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; amended 1/1/25; amended 7/1/25; amended 7/1/26)

4.7 Default or Uncontested Judgments

- a. **By Affidavit or Declaration:** To obtain a Judgment of Dissolution or Legal Separation by Declaration (non-appearance), the following completed forms must be submitted to the court:
 1. Judicial Council form [FL-170 Declaration for Default or Uncontested Dissolution or Legal Separation](#), signed by one of the parties. In the absence of an agreement between the parties, the relief sought in the declaration must agree with relief sought in the petition and must include information about public assistance received by either party.
 2. Judicial Council form [FL-150 Current Income and Expense Declaration](#) if support is to be ordered, there are minor children and child support is not reserved, or the marriage has existed for 10 years or more, unless parties have otherwise agreed in a Marital Settlement Agreement or stipulation.
 3. Judicial Council form [FL-165 Request to Enter Default](#) or Judicial Council form [FL-130 Appearance, Stipulations and Waivers](#) whichever applies.
 4. Judicial Council form [FL-180 Judgment](#).
 5. Judicial Council form [FL-190 Notice of Entry of Judgment](#).
- b. **Acknowledgment of Receipt of Proof of Service:** No default will be entered without filing Judicial Council form [FL-115 Proof of Service of Summons](#) with the court. Unless the court orders otherwise, a default will not be entered based on a Judicial Council form [FL-117 Notice and Acknowledgment of Receipt](#) signed by a person other than the party to whom it is directed or their counsel.
- c. **Child Support, Spousal Support, or Attorney Fees Awards:** No award of child support, spousal support, or attorney fees will be granted unless there is an attached written agreement between the parties settling those issues, or sufficient information on which the court may calculate the amount of support for an order, including a fully completed and executed Judicial Council form [FL-150 Income and Expense Declaration](#) with information on both parties where available and a support calculation, if applicable. If either party is receiving public assistance, the signature of an attorney in the Department of Child Support Services consenting to the child support provision must be included with the proposed judgment.
- d. **Community and/or Separate Property and Debts:** No division of community property (assets or debts) or confirmation of separate property will be ordered unless there is an attached written agreement between the parties settling those issues or a completed Judicial Council Form [FL-160 Property Declaration](#)

attached to a Judicial Council form [FL-165 Request to Enter Default](#) and served on the opposing party prior to or at the time the default is entered.

- e. **Custody and Visitation:** A declaration under penalty of perjury must be submitted with the judgment if supervised visitation or denial of visitation is requested unless a written agreement of the parties concerning custody and visitation is submitted with the judgment. The declaration must be mailed to the defaulting party with a Judicial Council form [FL-165 Request to Enter Default](#) and proof of mailing must be filed with the court. The declaration must include the following:
1. **Where a party is seeking to deny visitation between the child and the defaulting party:** The specific reasons visitation should be denied; the date the last visitation between the child and the defaulting party occurred; and the defaulting party's address or a statement that the whereabouts of the defaulting party is unknown.
 2. **Where a party is seeking supervised visitation between a child and the defaulting party:** The reasons such visitation should be supervised; when and where supervised visitation should occur; the name and address of the person or agency to perform the supervision; and the method by which the supervisor is to be compensated.
 3. **Other information:** The date the parties separated, the identity of the primary caretaker of the child during the six (6) months prior to separation, and the extent of contact between the child and the non-caretaker parent during that time.
- f. If the court requires additional information to enter a default or uncontested judgment, the party or parties will receive notice of the date and time to appear for the hearing.

(Effective 1/1/17; renumbered 1/1/19; renumbered 7/1/19; renumbered 1/1/23; renumbered & amended 1/1/24)

4.8 Bifurcation of Matters

In dissolution, legal separation, and establishment of parental relationship matters filed with the court where there may be child support, health insurance, custody, or visitation issues, the court may bifurcate the child-related orders and rulings from other family law issues so that the parties can seek judgment of dissolution, legal separation, or parentage while the court retains jurisdiction over the issues involving child support, custody and visitation. The court may also bifurcate issues pertaining to spousal support, valuation of assets, division of property and debts, attorney's fees and costs, and other issues specific to the underlying family law case. As authorized in California Code of Civil Procedures section 583.161(d) and Family Code section 2337(a), the court may sever and grant an early and separate trial on the issue of dissolution and legal separation apart from other issues, including those related to minor children. The court

may grant entry of judgment of dissolution or legal separation and shall expressly reserve jurisdiction for later determination all other pending issues.

(Effective 7/1/26)

4.9 Family Law Trials

- a. **Trial Setting:** At any time after a response to the petition has been filed, either party or their counsel may request that a trial date be set by filing local form [MFL-143 Request for Trial – Family Law](#) or by orally requesting a trial date at any family law case management conference.
- b. **Settlement Conferences:** Pursuant to California Rules of Court rule 3.1380 and depending on the availability of a judicial officer or a family law attorney to act as settlement conference official, on a case by case basis, a settlement conference may be set at the discretion of the family law judge or at the request of the parties. Settlement conferences must be conducted in compliance with local rule 4.10.
- c. **Parties to Exchange Information and Trial Briefs Prior to Trial:** Parties must exchange evidentiary documents that will be presented at trial, motions in limine, trial briefs, and other documents expected to be used at trial in accordance with local rules 2.1 through 2.6. Written opposition to motions in limine must be filed two (2) business days prior to the hearing or trial.
- d. **Continuances:** Continuances of family law trials are governed by local rule 4.3.

(Effective 1/1/17; amended 7/1/18; renumbered & amended 1/1/19; renumbered & amended 7/1/19; amended 1/1/20; amended 7/1/21; renumbered & amended 1/1/23; renumbered & amended 1/1/24; amended 7/1/25; amended 7/1/26; amended 1/1/27)

4.10 Settlement Conferences

- a. **Settlement Conference Statements**
 1. **Time for Lodging and Service.** At least five (5) calendar days before the settlement conference, each party must prepare, lodge with the court, and serve on the other party, a Settlement Conference Statement as set forth below. Service by mail requires an additional five (5) calendar days' notice.
 2. **Contents**
 - a. **Income and Expenses:** In all cases where support or attorney fees are at issue, a current Judicial Council Form [FL-150 Income and Expense Declaration](#) must be prepared, signed, and dated. All income and other financial information as required by local rule 4.3(d) must be attached.

- b. **Assets and Liabilities:** In all cases where property issues (characterization, division, and/or valuation) are unresolved, each party must prepare a comprehensive inventory of all assets (real and personal) and liabilities claimed as community property and/or community debt on Judicial Council form [FL-142 Schedule of Assets and Debts](#). Parties must include a proposal for the division of property and assets.

In all cases where the characterization of real or personal property of the parties (whether community or separate) or reimbursement for contributions to the community from a separate property source is at issue, the parties must set forth all facts upon which their claims are based and cite appropriate legal authorities for each of those claims.

- c. **Child and Spousal Support:** Parties must specify their positions regarding the amount of child support and/or amount and duration of spousal support. Calculations showing guideline child support must be included. If any child is a recipient of public assistance, and the Department of Child Support Services is the assignee of the support, the statement must show that the Department of Child Support Services has been notified of the time and date of the Settlement Conference and has been provided copies of all pertinent, current financial documents (*i.e.* Income and Expense Declarations, support calculations, etc.).
- d. **Attorney Fees, Accountant Fees, Expert Fees, and Costs:** Parties must include their positions regarding requests for attorney and accountant fees, other expert fees, and court costs. Such requests must be supported by adequate documentation.

(Effective 1/1/17; renumbered & amended 1/1/19; renumbered & amended 7/1/19; renumbered & amended 1/1/23; amended 7/1/23; renumbered & amended 1/1/24; amended 7/1/25; renumbered 7/1/26)

4.11 Mandatory Requirements for Child Support Matters

- a. **Required documents.** Parties or their counsel must complete and file a signed Judicial Council form [FL-150 Income and Expense Declaration](#) at the time of filing a motion to modify child support or a request for attorney's fees and costs.

Parties or their counsel must complete and file a signed Judicial Council form [FL-150 Income and Expense Declaration](#) at the time of filing an Answer or Response motion to modify child support or a request for attorney's fees and costs.

Failure to submit the required Income and Expense Declaration may result in the pleading being rejected for filing or may cause a hearing to be continued until such time as the required information is filed. Such failure to submit the required

Income and Expense Declaration may result in a dismissal if the petitioner has failed to file the required information or an order granting the Request for Order if the respondent party has failed to file the required information.

- b. **Meet and Confer.** If the Department of Child Support Services is the assignee of the support, parties or their counsel must meet and confer with the Department of Child Support Services in a good faith effort to resolve all issues prior to the hearing on the request for order.

All documents relevant to the request for order must be exchanged prior to, or at the beginning of, the meet and confer session.

Failure to meet and confer may result in the matter being continued to another hearing date to allow parties additional time to meet and confer. Failure on the part of either party will be considered by the court in connection with any request for an award of attorney's fees and costs or sanctions.

- c. **Department of Child Support Services.** The Department of Child Support Services is exempt from this requirement unless it is practicable for the Department to have a party complete and sign the Income and Expense Declaration form. However, the Department is required to include a completed Income and Expense Declaration if the Department is filing a request for order, answer or response pertaining to a modification of child support or demand for attorney's fees and costs on behalf of a self-represented party.

(Effective 1/1/25; amended 7/1/25; renumbered 7/1/26; amended 1/1/27)

4.12 Electronic Service/Notification (CCP § 1010.6)

- d. **Mandatory Electronic Service / Notification:** Except for documents requiring service by registered or certified mail, the court will electronically serve all documents issued by the court on all parties subject to mandatory e-filing pursuant to Local Rule 1.8 and any party bound by court order to use electronic service.

Unrepresented parties may consent to electronic service of documents issued by the court by filing Judicial Council form [EFS-005-CV Consent to Electronic Service and Notice of Electronic Service Address](#) with the court.

- e. **Provide and Maintain Updated E-Mail Address:**

A party subject to mandatory electronic service, or a self-represented party who has consented to electronic service, is required to provide the court with an accurate e-mail address. Parties who provide more than one e-mail address are required to designate one address as the primary address to which documents will be sent. It is the responsibility of the parties to keep the court informed of any change to e-mail addresses.

f. Request for Exemption from Electronic Service or Withdrawal of Consent to Electronic Service:

Parties subject to mandatory electronic service may request an exemption from electronic service by filing Judicial Council form [EFS-007 Request for Exemption from Mandatory Electronic Filing and Service](#) and lodging Judicial Council form [EFS-008 Order of Exemption from Electronic Filing and Service](#).

A self-represented party must file Judicial Council form [EFS-006 Withdrawal of Consent to Electronic Service](#) to withdraw consent to electronic service.

(Effective 1/1/25; amended 7/1/25; renumbered & amended 7/1/26)

4.13 Family Law Facilitator Complaint Procedure

Complaints regarding services provided by the Family Law Facilitator must be in writing using local form [MFL-270 Client Complaint Form](#) and submitted to the Court Executive Officer. The Court Executive Officer or designee will investigate such complaints and respond in writing to the complainant within 30 days. The court's findings and decision, which will be final.

(Effective 7/1/19; amended 7/1/21; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

4.14 Family Law Facilitator Disqualification Procedure

Family Law Facilitators must disqualify themselves from assisting parties if they deem that they are biased against one or more parties in a family law matter. The court will contact neighboring courts to seek assistance from a Family Law Facilitator on behalf of the parties.

(Effective 7/1/19; amended 1/1/22; renumbered & amended 1/1/23; renumbered & amended 1/1/24; renumbered 1/1/25; renumbered 7/1/25; renumbered 7/1/26)

4.15 Family Law Mediator Complaint Procedure

A party or their counsel wishing to lodge a complaint about a mediator must complete local form [MFL-270 Client Complaint Form](#) and submit it to the Court Executive Officer at the earliest opportunity. The Court Executive Officer or designee will investigate the complaint which will include consultation with the mediator. Within 30 days of receiving the complaint, the complainant will be informed in writing of the court's findings and decision, which will be final.

(Effective 1/1/24; renumbered 1/1/25; renumbered & amended 7/1/25; renumbered 7/1/26)

Chapter 6: Probate Court Rules

6.1 Submission of Matter Without Appearance by Counsel or Witnesses

A matter that by law may be determined by declaration, affidavit or verified pleading and without testimony may ordinarily be submitted for appropriate action by the court without appearance by counsel or witnesses provided that all necessary papers, including declarations and proposed orders must be delivered to the clerk within the time limit prescribed. The proposed orders must bear the date on which the hearing is originally noticed.

- a. All filings of probate matters setting a hearing must be filed no later than 1:30 p.m. four court days before hearing. All filings for a hearing that are presented to the clerk after 1:30 p.m. will be set for the next probate calendar allowing for four (4) court days before the hearing. The clerk will not accept any moving papers setting a hearing date less than four (4) days from the filing date unless a signed court order shortening time is presented along with the moving papers.
- b. Failure of the moving party to appear at a required hearing may result in the matter being dropped from the calendar.
- c. Counsel for the moving party must promptly notify the court when a matter is to be dropped from the calendar.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 1/1/22)

Conservatorships

6.2 Current Address, Phone Number, and E-Mail Address

- a. **Change of Address of Conservatee.** Whenever the address of a conservatee has changed, Judicial Council form GC-079 Pre-Move Notice of Change of Residence or Judicial Council form GC-080 Post-Move Notice of Change of Residence must be filed within the timeframe required by law.
- b. **Change of Address, Phone Number and/or E-Mail Address of Conservator or Attorney of Record.** All conservators and attorneys of record are required to promptly notice the court and the Probate Investigator of any changes to their address(es), phone number(s), and/or e-mail address(es).

(Effective 1/1/27)

6.3 Ex Parte/Emergency Probate Conservatorship Orders

- a. Please review local rule 1.15 for general procedures on filing *ex parte*/Emergency Order applications. All requests for emergency orders must be forwarded immediately to the court and the probate investigator by the clerks' office.

b. **Ex Parte/Emergency Orders Disfavored Except Upon Strong Showing of Potential Harm.** It is the policy of this court not to grant *ex parte*/emergency orders in probate conservatorship cases without a strong factual showing that the proposed conservatee is in immediate and grave danger of physical or irreparable financial harm.

c. **Declarations in Support of Ex Parte/Emergency Orders**

1. All declarations in support of *ex parte*/emergency orders must be based upon personal knowledge of the declarant. The court may decide not to consider the merits of an unsubstantiated declaration based on hearsay and not subject to any recognized hearsay exception in deciding the request for *ex parte*/emergency relief.
2. All declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened or caused. Conclusions, feelings, wishes, or fears will not support a request for *ex parte*/emergency relief.
3. The court must have accurate, complete information before deciding a request for *ex parte*/emergency orders. Parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. **PARTIES MUST DISCLOSE WHETHER THE REQUESTED EX PARTE/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE CURRENT STATUS OR CIRCUMSTANCES OF THE CONSERVATEE.**

d. **Setting of Hearing.** An *ex parte* request for conservatorship will be set on the court's *ex parte* calendar and will be reviewed in chambers upon submission of the petition and required declarations. If the request is granted after a showing of immediate danger to the proposed conservatee, the matter will be set for hearing.

(Effective 1/1/27)

6.4 Required Documents in Probate Conservatorship Cases

In addition to the pleadings and papers required in a conservatorship matter, Judicial Council forms GC-005 Application for Appointment of Counsel, GC-006 Order Appointing Legal Counsel, and GC-330 Order Appointing Court Investigator are required to be completed and submitted for filing or lodging at the same time the petition is submitted for filing. Upon filing of the petition, the clerk of the court will submit the forms to the judge for review and signature.

(Effective 1/1/27)

6.5 Probate Conservatorship Accountings

- a. **Inventory and Appraisal.** The inventory and appraisal (I&A) is due 90 days from appointment of conservator.
- b. **Account and Reports.** The account must be filed within 10 weeks of the conclusion of the accounting period. The report accompanying each accounting must include a disclosure of any actual or potential conflicts of interest as required by law. If no disclosures are required, pursuant to Probate Code sections 2111.5, 2351(d), 2359(c)(2), and 2403(c)(2), the conservator must state such in the report.
- c. **Final Accounting after Death of Conservatee.** Upon the death of a conservatee, the conservator must file a final accounting of the estate within 60 days.

(Effective 1/1/27)

6.6 Court Ordered Review Hearings in Probate Conservatorships

At the hearing approving a conservatorship petition, the court will set compliance hearing dates as follows:

- a. Within 90 days of appointment, the conservator must file an inventory and appraisal and Judicial Council form GC-341 Notice of Conservatee's Rights - Probate.
- b. Within 120 days of appointment, the conservator must file Judicial Council form GC-355 Confidential Conservatorship Care Plan – Part 1 and Part 2 (Medical Information), as applicable pursuant to Probate Code section 2351.2.
- c. Within one (1) year of appointment, the conservator must file the first accounting.
- d. Within two (2) years of filing the previous accounting, unless otherwise directed by the court, the conservator must file the subsequent accounting pursuant to Probate Code 2620.

Upon filing of any of the required documents prior to the compliance hearing date(s) established above, the hearing dates will be vacated and parties do not need to appear. However, if any of the required documents have not been filed as required, the conservator and all attorneys of record will be required to appear for the hearing, or the court will set and notice an order to show cause hearing. If the documents are filed prior to the order to show cause hearing, the hearing will be vacated and parties do not need to appear. If the documents are not filed prior to the order to show cause hearing, the conservator and all attorneys of record will be required to appear to show cause as to why the conservator should not be suspended, removed, or otherwise sanctioned pursuant to Code of Civil Procedure §§ 177.5 or 575.5, and/or why counsel should not be appointed to represent the conservatee.

(Effective 1/1/27)

6.7 Lanterman-Petris-Short (LPS) Conservatorships

- a. **Re-Establishment of LPS Conservatorship.** No less than 30 days prior to the date of the scheduled termination of the conservatorship, the conservator must file a petition to re-establish the conservatorship and a request for hearing must be filed with the court. A proposed notice of termination must be submitted with the petition and request for hearing.
- b. **Hearing.** Upon receipt of a petition to re-establish the conservatorship and a request for hearing, the clerk of the court will calendar the matter within 21 to 30 days from the date of filing.
- c. **Termination of LPS Conservatorship.** An LPS Conservatorship may be terminated if a petition to re-establish conservatorship is not timely filed, if the judge denies the petition to re-establish conservatorship, or with a signed order terminating the conservatorship. Parties may also file a motion for early termination of conservatorship when the conservatee has reached treatment goals, the conservatee is no longer considered gravely disabled, and/or the conservatee's whereabouts are unknown.

(Effective 1/1/27)

Guardianships

6.26.8 *Ex Parte*/Emergency Probate Guardianship Orders

- a. Please review local rule 1.15 for general procedures on filing Probate Guardianship *ex parte*/Emergency Order applications.
- b. ***Ex Parte*/Emergency Orders Disfavored Except Upon Strong Showing of Potential Harm.** It is the policy of this court not to grant *ex parte*/emergency orders in probate guardianship cases without a strong factual showing of grave danger, emergency, or severe detriment to a party or a child prior to the time the issues can be properly set for a noticed hearing with the parties present and afforded an opportunity to be heard.
- c. **Declarations in Support of *Ex Parte*/Emergency Orders**
 1. All declarations in support of *ex parte*/emergency orders must be based upon personal knowledge of the declarant. The court may decide not to consider the merits of an unsubstantiated declaration based on hearsay and not subject to any recognized hearsay exception in deciding the request for *ex parte*/emergency relief.
 2. All declarations in support of *ex parte*/emergency relief must specifically describe the dates of incidents, provide a detailed factual description of what happened, and identify the specific harm which has been threatened

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or caused. Conclusions, feelings, wishes, or fears will not support a request for *ex parte*/emergency relief.

3. The court must have accurate, complete information before deciding a request for *ex parte*/emergency orders. Parties and attorneys must fully disclose relevant facts in preparing declarations in support of *ex parte*/emergency orders. YOU MUST DISCLOSE WHETHER THE REQUESTED *EX PARTE*/EMERGENCY ORDER WILL RESULT IN A CHANGE OF THE STATUS QUO.

- d. **Setting of Hearing:** An *ex parte* request for guardianship will be reviewed in chambers upon submittal of the petition and required declarations. If the request is granted after a showing of immediate danger to the minor(s), and that there has been a good faith attempt to notice all applicable parties, the matter will be set for a status hearing within 21 to 25 days.

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(Effective 7/1/21; renumbered & amended 1/1/22; amended 7/1/22; amended 1/1/23; amended 7/1/26; renumbered & amended 1/1/27)

6.9 Setting Hearing Dates for Temporary and General (Permanent) Guardianship Orders

- a. **Temporary Guardianship.** A hearing on a request for temporary guardianship orders will be set seven (7) calendar days from the date of filing to allow for the 5-day notice requirement of all applicable parties. The Probate Investigator will be appointed at the hearing upon granting of the petition for temporary guardianship and a status hearing will be set within 21 to 25 days.
- b. **General (Permanent) Guardianship.** A hearing on a request for a general (permanent) guardianship will be set 30 calendar days from the date of filing to allow for the 15-day notice requirement of all applicable parties.

(Effective 1/1/27)

6.10 Order Dispensing Notice

Any petitioner in a guardianship matter that files a request for an order to dispense notice must, at the time of filing the request, also file an affidavit stating all attempts to serve the applicable parties.

(Effective 1/1/27)

6.11 Annual Status Reports

Pursuant to Probate Code § 1513.2, a confidential guardianship report is due annually. The court will annually mail notice to a guardian to complete and submit the required status report. If a guardian fails to complete and submit the status report timely, a second notice will be issued. Failure to complete and submit the required status report after issuance of the second notice will

result in the setting of an order to show cause hearing being as to why the report was not completed. The court's Probate Investigator will be re-appointed for the limited scope of investigating the matter for possible removal of the guardian and/or termination of the guardianship.

(Effective 1/1/27)

6.12 Current Address, Phone Number, and E-Mail Address

All guardians and attorneys of record are required to keep the court and the Probate Investigator informed of their current address(es), phone number(s) and e-mail address(es), as well as the current address and phone number of the minor(s).

(Effective 1/1/27)

6.13 Guardianship of Estate – Accountings and Reports

- a. **Inventory and Appraisal.** At the hearing to appoint a guardian of the estate, a compliance hearing will be set approximately 120 days out to ensure that an Inventory and Appraisal (I&A) has been filed as is required by law. If the I&A has been filed, if the bond is sufficient, if receipts for any blocked accounts have been filed, and the notice required by law has been provided, the hearing will be vacated, and parties do not need to appear. If the requirements have not been met, an appearance by the guardian and counsel of record will be required to appear at the hearing.
- b. **Accounts and Reports.** The report accompanying each accounting must contain a statement of the age, health, and whereabouts of the minor(s). In addition, the report should contain an allegation concerning the amount of bond currently in effect and should address the question of the adequacy of the bond.

The report should also include a disclosure of any actual or potential conflicts of interest as required by law. If no disclosures are required, pursuant to Probate Code §§ 2111.5, 2351(d), 2401(c), and 2403(c)(2), the guardian(s) must state this in the report.

Request for waivers of interim accounts or of final accounts on termination of the guardianship will not be accepted.

(Effective 1/1/27)

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Compromise of Claims of Minors and Incompetent Persons

6.36.14Compromise of Claims

All petitions and orders for the compromise of claims of minors or incompetent persons pursuant to Probate Code § 3500 and Code of Civil Procedure § 372, must comply with the California Rules of Court and the following:

- a. The petition must contain a full disclosure of all information which has any bearing upon the reasonableness of the compromise and settlement, such as the sums, if any, to be paid to the other claimants in the same case.
- b. In any case in which the court orders the sum received by the minor to be deposited in a financial institution, the order must contain the additional wording, "a certified or endorsed copy of this order shall be delivered to the manager of said financial institution to be deposited, and that there shall be a receipt of said financial institution filed with the clerk of the department in which the compromise was approved, acknowledging receipt of both the sum deposited and said order."
- c. The receipt of the financial institution must include the name of the account, account number, account type, the initial deposit amount, the amount on deposit as of the date of the receipt, and the date the account was opened. The receipt should acknowledge that "No withdrawals of principal or interest be made from said account (s) without the written order under this case name and number therefore signed by a judge and bearing the seal of said court. The monies are not the subject of escheat."
- d. It is the duty of the petitioner or their counsel to file the receipt described above with the court no later than 15 days after the order requiring the sum to be deposited in a financial institution.
- e. In any case where the court order was made prior to March 4, 1972, any use of or reference to the words "age of majority," "adult," "age of minority," "minor" or words of similar intent must make reference to persons older or younger than 21 years of age, consistent with the law then in effect, provided, however, that such orders made prior to March 4, 1972, will be subject to amendment to reflect the new age of majority where such amendment is deemed proper in the discretion of the court. In orders made for compromise on or after March 4, 1972, the age of majority will be 18 years of age.
- f. If no action is pending, or if an action is pending and settlement is reached before trial has commenced, a petition for compromise of the claims of minors or incompetent persons must be filed and heard in the department regularly hearing probate matters. If a petition is presented after the trial has commenced, approval of the settlement will be made in the trial department.

(Effective 1/1/99; amended 1/1/00; amended 7/1/08; amended 1/1/09; amended 1/1/10; renumbered 1/1/19; renumbered & amended 1/1/22; renumbered 1/1/27)

6.46.15Attorney's Fees for Compromise

The attorney's fees set forth on an application for approval of compromise of a claim will be considered reasonable under normal circumstances. In computing fees on the basis of the amount of the judgment, special damages allotted to the parents and costs paid or incurred by any attorney must be first deducted.

- a. Settlement without commencement of a court trial, under either Code of Civil Procedure § 372 or Probate Code § 3500: 25 %.
- b. Recovery of judgment or obtaining settlement after court trial has commenced: 33-1/3 %.
- c. Settlement after filing appellant's opening brief on appeal: 40 %.

The foregoing fees will be subject to variation by the court in cases involving unusual circumstances or conditions to meet such circumstances or conditions.

In actions governed by the Medical Injury Compensation Reform Act (MICRA), the fees authorized by this rule may not exceed the amount of fees permitted by 6146(a) of the Business and Professions Code. To the extent the fees permitted by 6146(a) exceed the fees allowed under this rule, the provisions of this rule will prevail.

(Effective 1/1/99; renumbered 1/1/19; renumbered & amended 1/1/22; renumbered 1/1/27)

6.56.16 Withdrawal of Funds

- a. It is the duty and the policy of the court to protect the funds of minors and not to allow withdrawals except in very urgent and unusual situations. It is the duty of parents of minors to provide for their support and education. Funds belonging to minors should not ordinarily be used for such purposes. The court will never allow withdrawals for the benefit of parents or any person other than the minor.
- b. Requests for withdrawal of funds deposited for minors and incompetent persons will be allowed upon filing a verified petition or ex parte application which must include a showing of the amounts previously withdrawn, the balance on deposit at the time of filing the petition, a justification for the withdrawal (including the reasons why the parents or parent are unable to provide the needed funds) and the attorney's fees, if any, that are requested.
- c. The order will fix such fees and no other fees will be charged. In the absence of unusual circumstances where the attorney for the petitioner was allowed fees at the time of settlement, the court will consider this an incidental service for which payment has been included in the original allowance.
- d. Any order authorizing the withdrawal of funds for the purpose of transferring funds from one financial institution to another must include the language contained in local rule 6.3(b) and provide that the draft of the institution from which the funds are withdrawn must be payable to the financial institution to which the funds are to be transferred for deposit in such a blocked account. A

receipt from the financial institution to which the funds are transferred containing the information and language contained in local rule 6.3(c) must be filed with the court.

- e. Applications for withdrawal of sums will be filed and heard in the probate department.

(Effective 1/1/99; renumbered & amended 1/1/19; renumbered & amended 1/1/22; renumbered 1/1/27)

Decedent's Estates and Trusts

6.17 Review Hearings after Order for Probate and/or Issuance of Letters

a. Decedent's Estates:

1. **Inventory Review Hearing:** In compliance with Probate Code § 8800, the court requires that an inventory and appraisal be filed within four (4) months of the issuance of letters. The court will set an inventory review hearing within five (5) months of issuance of letters for review and status of the matter. The personal representative will be required to appear at the hearing to make a report. If the personal representative files an inventory and appraisal report with the court five (5) business days prior to the hearing, unless ordered by the judge to appear, their appearance at the hearing will be waived.
2. **Estate Discharge Review Hearing:** In compliance with Probate Code § 12200, the court will set an estate discharge review hearing within 18 months of the issuance of letters. The personal representative will be required to appear at the hearing to make a report as to the status of administration. If the personal representative files a status report with the court five (5) court days prior to the hearing, unless ordered by the judge to appear, their appearance at the hearing will be waived and either the judge will order final discharge of the estate or, a further status hearing will be set within six (6) months, and every six (6) months thereafter for further case management until discharge. The hearing(s) will be vacated upon the filing of an order for final distribution and discharge of the estate, and parties do not need to appear.

b. Trusts:

1. **Status Review Hearings:** The court will set a status review hearing within 12 months of filing of the order and/or issuance of letters for review and status, as needed. The trustee will be required to appear at the hearing to make a report as to status of the trust. If the trustee files a report with the court five (5) court days prior to the hearing, unless ordered by the judge to appear, their appearance at the hearing will be

waived. A status review hearing will be set annually thereafter for further case management until there is a final order of the court.

(Effective 1/1/27)

Petition to Establish Fact of Birth / Death / Marriage

6.18 Petition to Establish Fact of Birth / Death / Marriage

At the time of filing any petition, a hearing will be set within 10 days, unless otherwise requested by the party filing the petition. The judge may issue a tentative ruling, in which case parties should review the tentative ruling to determine if they need to appear at the hearing or may pick up the signed order from the court clerk's office.

(Effective 1/1/27)

6.19 Petition to Establish Fact of Death

- a. **Filing Under Decedent's Name.** A petition to establish fact of death must be filed in the name of the deceased person.
- b. **Death Certificate.** A certified copy of the death certificate must be attached to the petition.
- c. **Property Description.** If real property is affected, a copy of the document showing the decedent's interest must be attached to the petition, or a verified petition must set forth the entire instrument vesting title, including the recordation data. If personal property is affected, the location and description of the property must be attached to the petition, and the decedent's interest must be described.

(Effective 1/1/27)

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6.20 Petition to Establish Fact of Marriage

- a. **Proof of Service.** A petitioner filing a petition to establish fact of marriage is also required to file proof of service, indicating service of the petition on their spouse a minimum of five (5) days prior to the hearing.
- b. **Opposition.** Any opposition to the petition to establish fact of marriage must be filed no less than two (2) days prior to the hearing.

(Effective 1/1/27)

Affidavit of Small Estates

6.21 Definition of Small Estate

A small estate is generally defined as an estate in which the total value of personal and certain real property falls below a statutory limit, allowing heirs to use simplified procedures instead of full probate procedures. The small estate limits are adjusted every three (3) years to account for inflation. For deaths occurring on or after April 1, 2025, the small estate threshold is \$208,850 for personal property, such as bank accounts, vehicles, investments, and personal belongings that do not automatically pass to beneficiaries. Estates with real property may qualify under separate simplified procedures if the primary residence is worth up to \$750,000.

Qualifications of a small estate are as follows:

- a. The gross value of the decedent's property cannot exceed the current threshold for personal property or the simplified real property limit (see rule 6.22).
- b. The estate must primarily consist of personal property
- c. Debts and funeral expenses must be paid, or provisions for payment must have been made.
- d. No other probate proceeding is pending or has been previously conducted for the estate.
- e. At least 40 days have passed since the decedent's death.

(Effective 1/1/27)

6.22 Affidavit re: Real Property of Small Value and Required Documentation

Pursuant to Probate Code § 13200, the heirs of a deceased person whose property is valued at \$55,425 or less may, after six (6) months from the death of the decedent, file Judicial Council form DE-305 Affidavit re: Real Property of Small Value to transfer the real property without a full probate proceeding so long as no other probate proceeding is pending or has been previously conducted for the estate and there is not a dispute among heirs.

All parties claiming interest under the will or intestate succession must complete the DE-305 form with notarized signatures and should attach the following:

- a. Legal Description and assessor's parcel number (APN) of the property, copied exactly from the deed or other legal instrument
- b. Copy of the will, if the decedent left one, or reference to intestate succession under Probate Code §§ 6401 and 6402
- c. An inventory and appraisal of the decedent's interest in the property, prepared by a probate referee appointed in the county where the property is located, may be required.

Prior to completing the DE-305 Affidavit form, it is recommended that the affiant carefully review Judicial Council form DE-300 Maximum Values for Small Estate Set-Aside &

Disposition of Estate Without Administration regarding specific information as to what constitutes the values of a small estate to ensure that they qualify for this type of pleading.

Upon receipt by the court, the clerk will review the submitted affidavit and verify that all required documents are attached and that other required information is stated in the affidavit. If the affidavit is complete, the clerk will file and certify the document and will return it to the affiant. If the affidavit is incomplete, the clerk will return it to the affiant without filing the document.

(Effective 1/1/27)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO	
☐ UKIAH Courthouse 100 North State Street Ukiah, CA 95482	☐ TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA 95437
PETITIONER/PLAINTIFF: VS: RESPONDENT/DEFENDANT:	
CASE NUMBER:	
NOTICE OF FAMILY LAW CASE MANAGEMENT CONFERENCE and ORDER TO SHOW CAUSE re: FAILURE TO COMPLY (California Rules of Court, Rule 5.83; Family Code § 2450; Code of Civil Procedure §§ 583.210, 583.310, and Standing Order 2025-03)	

Pursuant to California Rules of Court, Title 5, and Standing Order 2025-04, Petitioner must serve a copy of this Notice of Family Law Case Management Conference, together with the summons and petition on Respondent. The court will strictly monitor compliance and may impose sanctions and will dismiss a petition for repeated failures to comply.

This case is assigned to the Honorable _____ for all purposes.

1. **Parties/counsel to this action must comply** with required filing and service deadlines **or appear at** an Order to Show Cause re: Failure to File Proof of Service hearing on _____ at _____ in Department _____ of the above referenced court.
2. **Parties/counsel must appear for a Case Management Conference on** _____ at _____ in Department _____ of the above referenced court.

INSTRUCTIONS FOR THE PETITIONER:

- a. **You must serve the respondent** with the *Petition*, *Summons*, and a copy of this *Notice*. A *Proof of Service* must be filed within 60 days of case initiation (CRC § 5.83). The Order to Show Cause hearing will be vacated upon timely filing of the *Proof of Service* and parties will not be required to appear.
- b. **If a response from the respondent is not filed** within 30 calendar days after service of the *Petition*, you must file with the court the necessary documents to obtain a default judgment and conclude your case. The Family Law Case Management Conference hearing date will be cancelled, and your appearance will not be required once you file the default judgment.
- c. **If the respondent files a response** within 30 calendar days after the petition has been served, you must file with the court and mail the respondent a completed *Family Law Case Status Report* (local form MFL-251) at least 15 days before the Family Law Case Management Conference. **Appearance at the Family Law Case Management Conference is mandatory.** Remote appearances are authorized pursuant to Local Rules 1. 119 and 1. 1244.

INSTRUCTIONS FOR THE RESPONDENT:

- a. If you plan to do so, you must file your response with the court and serve the petitioner within 30 days after you have been served with the *Petition*.
- b. If you do not file a timely response, the petitioner may file documents to obtain a default judgment, and your case will be concluded by the court without your involvement.

~~d-c.~~ If you file a response you must mail to the petitioner a completed *Family Law Case Status Report* (local form MFL-251) at least five (5)~~45~~ days before the Family Law Case Management Conference. **Appearance at the Family Law Case Management Conference is mandatory.** Remote appearances are authorized pursuant to Local Rules 1. 119 and 1. 124.

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If you need help, you may contact the Self-Help Center at the Ukiah Courthouse.

Forms can be obtained from the Self-Help Center or the court's website at www.mendocino.courts.ca.gov.

Dated: _____ KIM TURNER, Clerk of the Court

Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address) _____ TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO	
☐ UKIAH Courthouse 100 North State Street Ukiah, CA 95482	☐ TEN MILE Branch Court 700 South Franklin Street Fort Bragg, CA 95437
PETITIONER/PLAINTIFF: _____ VS: RESPONDENT/DEFENDANT: _____	
CASE NUMBER: _____	
<u>NOTICE OF OFFICIAL REPORTER PRO TEMPORE APPEARANCE</u>	

To each party and their attorney(s) of record:

1. ☐ The following party or ☐ the attorney for:

- a. ☐ petitioner/plaintiff (name): _____
 b. ☐ respondent/defendant (name): _____

has hired an Official Reporter Pro Tempore to transcribe the following proceedings _____ at _____ in
 Department _____ of the above-referenced court.

2. Official Reporter Pro Tempore Information:

- a. Name: _____
 b. CSR #: _____
 c. Address: _____
 d. Phone Number: _____
 e. Email Address: _____

3. The Official Reporter Pro Tempore will be appearing ☐ in person or ☐ remotely for this hearing. If
 appearing remotely, the court reporter must identify who they are and their CSR number for the record.

4. The court has the right to require that the Official Reporter Pro Tempore appear in person for any
 proceeding.

Dated: < CurrDate >

 By: Counsel for

OR:

 By: Party

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