

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 24 and 25, 2014

effective on July 1, 2014, and January 1, 2015

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1 **Division 11. Law and Motion**

2
3 **Chapter 7. Petitions Under the California Environmental Quality Act**

4
5 **Chapter ~~8-7~~ Other Civil Petitions**

6
7 **Rule 3.1365. Petitions under the California Environmental Quality Act**

8
9 Rules for petitions for relief brought under the California Environmental Quality Act
10 have been renumbered and moved to division 22 of these rules, beginning with rule
11 3.2200.

12
13 *Rule 3.1365 adopted effective July 1, 2014.*

14
15 **Advisory Committee Comment**

16
17 Former rule 3.1365 on the form and format of administrative record lodged in a CEQA
18 proceeding has been renumbered as rule 3.2205.

19
20 **Division 22. Petitions Under the California Environmental Quality Act**

21
22 **Chapter 1. General Provisions**

23
24 **Rule 3.2200. Application**

25
26 Except as otherwise provided in chapter 2 for actions under Public Resources Code
27 sections 21168.6.6 and 21178–21189.3, the rules in this chapter apply to all actions
28 brought under the California Environmental Quality Act (CEQA) as set forth in division
29 13 of the Public Resources Code.

30
31 *Rule 3.2200 adopted effective July 1, 2014.*

32
33 **Rule ~~3.1365~~ 3.2205. Form and format of administrative record lodged in a CEQA**
34 **proceeding**

35
36 * * *

37
38 *Rule 3.2205 renumbered effective July 1, 2014; adopted as rule 3.1365 effective January 1, 2010.*

39
40 **Rule ~~3.1366~~ 3.2206. Lodging and service**

41
42 The party preparing the administrative record must lodge it with the court and serve it on
43 each party. A record in electronic format must comply with rule ~~3.1367~~2207. A record in

1 paper format must comply with rule 3.13682208. If the party preparing the administrative
2 record elects, is required by law, or is ordered to prepare an electronic version of the
3 record, (1) a court may require the party to lodge one copy of the record in paper format,
4 and (2) a party may request the record in paper format and pay the reasonable cost or
5 show good cause for a court order requiring the party preparing the administrative record
6 to serve the requesting party with one copy of the record in paper format.

7
8 *Rule 3.2206 renumbered and amended effective July 1, 2014; adopted as rule 3.1366 effective*
9 *January 1, 2010.*

10
11 **Rule ~~3.1367~~ 3.2207. Electronic format**

12
13 **(a) Requirements**

14
15 The electronic version of the administrative record lodged in the court in a
16 proceeding brought under the California Environmental Quality Act must be:

17
18 (1) In compliance with rule 3.13652205;

19
20 (2)–(5) * * *

21
22 The electronic version of the index required under rule 3.13652205(b) may include
23 hyperlinks to the indexed documents.

24
25 *(Subd (a) amended effective July 1, 2014.)*

26
27 **(b) Documents not included**

28
29 Unless otherwise required by law, any document that is part of the administrative
30 record and for which it is not feasible to create an electronic version may be
31 provided in paper format only. Not feasible means that it would be reduced in size
32 or otherwise altered to such an extent that it would not be easily readable.

33
34 *(Subd (b) amended effective July 1, 2014.)*

35
36 *Rule 3.2207 renumbered and amended effective July 1, 2014; adopted as rule 3.1367 effective*
37 *January 1, 2010.*

38
39 **Rule ~~3.1368~~ 3.2208. Paper format**

40
41 * * *

42

1 *Rule 3.2208 renumbered effective July 1, 2014; adopted as rule 3.1368 effective January 1, 2010;*
2 *previously amended effective January 1, 2014.*

3
4 **Chapter 2. California Environmental Quality Act Proceedings Under Public**
5 **Resources Code Sections 21168.6.6 and 21178–21189.3**

6
7 **Article 1. General Provisions**

8
9 **Rule 3.2220. Definitions and application**

10
11 **(a) Definitions**

12
13 As used in this chapter:

14
15 (1) An “environmental leadership development project” or “leadership project”
16 means a project certified by the Governor under Public Resources Code
17 sections 21182–21184.

18
19 (2) The “Sacramento entertainment and sports center project” or “Sacramento
20 arena project” means an entertainment and sports center project as defined by
21 Public Resources Code section 21168.6.6, for which the proponent provided
22 notice of election to proceed under that statute described in section
23 21168.6.6(j)(1).

24
25 **(b) Proceedings governed**

26
27 The rules in this chapter govern actions or proceedings brought to attack, review,
28 set aside, void, or annul the certification of the environmental impact report or the
29 grant of any project approvals for the Sacramento arena project or a leadership
30 project. Except as otherwise provided in Public Resources Code sections 21168.6.6
31 and 21178–21189.3 and these rules, the provisions of the Public Resources Code
32 and the CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code
33 Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to attack,
34 review, set aside, void, or annul acts or decisions of a public agency on the grounds
35 of noncompliance with the California Environmental Quality Act and the rules of
36 court generally apply in proceedings governed by this rule.

37
38 **(c) Complex case rules**

39
40 Any action or proceeding governed by these rules is exempted from the rules
41 regarding complex cases.

42
43 *Rule 3.2220 adopted effective July 1, 2014.*

1
2 **Rule 3.2221. Time**

3
4 **(a) Extensions of time**

5
6 The court may order extensions of time only for good cause and in order to
7 promote the interests of justice.

8
9 **(b) Extensions of time by parties**

10
11 If the parties stipulate to extend the time for performing any acts in actions
12 governed by these rules, they are deemed to have agreed that the time for resolving
13 the action may be extended beyond 270 days by the number of days by which the
14 performance of the act has been stipulated to be extended, and to that extent to have
15 waived any objection to noncompliance with the deadlines for completing review
16 stated in Public Resources Code sections 21168.6.6(c)–(d) and 21185. Any such
17 stipulation must be approved by the court.

18
19 **(c) Sanctions for failure to comply with rules**

20
21 If a party fails to comply with any time requirements provided in these rules or
22 ordered by the court, the court may issue an order to show cause as to why one of
23 the following sanctions should not be imposed:

- 24
25 (1) Reduction of time otherwise permitted under these rules for the performance
26 of other acts by that party;
27
28 (2) If the failure to comply is by petitioner or plaintiff, dismissal of the petition;
29
30 (3) If the failure to comply is by respondent or a real party in interest, removal of
31 the action from the expedited procedures provided under Public Resources
32 Code sections 21168.6.6(c)–(d) and 21185 and these rules; or
33
34 (4) Any other sanction that the court finds appropriate.

35
36 *Rule 3.2221 adopted effective July 1, 2014.*

37
38 **Rule 3.2222. Filing and service**

39
40 **(a) Electronic filing**

41

1 All pleadings and other documents filed in actions or proceedings governed by this
2 chapter must be filed electronically, unless the action or proceeding is in a court
3 that does not provide for electronic filing of documents.
4

5 **(b) Service**
6

7 Other than the petition, which must be served personally, all documents that the
8 rules in this chapter require be served on the parties must be served personally or
9 electronically. All parties represented by counsel are deemed to have agreed to
10 accept electronic service. All self-represented parties may agree to such service.
11

12 **(c) Service of petition in action regarding Sacramento arena project**
13

14 Service of the petition or complaint in an action governed by these rules and
15 relating to a Sacramento arena project must be made according to the rules in
16 article 2.
17

18 **(d) Service of petition in action regarding leadership project**
19

20 If the petition or complaint in an action governed by these rules and relating to a
21 leadership project is not personally served on any respondent public agency, any
22 real party in interest, and the Attorney General within three court days following
23 filing of the petition, the time for filing petitioner's briefs on the merits provided in
24 rule 3.2227(a) and rule 8.702(e) will be decreased by one day for every additional
25 two court days in which service is not completed, unless otherwise ordered by the
26 court for good cause shown.
27

28 **(e) Exemption from extension of time**
29

30 The extension of time provided in Code of Civil Procedure section 1010.6 for
31 service completed by electronic means does not apply to any service in actions
32 governed by these rules.
33

34 *Rule 3.2222 adopted effective July 1, 2014.*
35

36 **Advisory Committee Comment**
37

38 Parties should note that, while Public Resources Code section 21167 provides the statute of
39 limitations for filing petitions under the California Environment Quality Act, these rules provide
40 an incentive for parties to file actions governed by these rules more quickly, in the form of extra
41 briefing time for petitioners who file within 10 days of the issuance of a Notice of Determination.
42 See rule 3.2227(a).
43

1
2 **Rule 3.2223. Petition**

3
4 In addition to any other applicable requirements, the petition must:

- 5
6 (1) On the first page, directly below the case number, indicate that the matter is
7 either a “Sacramento Arena CEQA Challenge” or an “Environmental
8 Leadership CEQA Challenge”;
9
10 (2) State either:
11
12 (A) The proponent of the project at issue provided notice to the lead agency
13 that it was proceeding under Public Resources Code section 21168.6.6
14 and is subject to this rule; or
15
16 (B) The project at issue was certified by the Governor as a leadership
17 project under Public Resources Code sections 21182–21184 and is
18 subject to this rule;
19
20 (3) If a leadership project, provide notice that the person or entity that applied for
21 certification of the project as a leadership project must, if the matter goes to
22 the Court of Appeal, make the payments required by Public Resources Code
23 section 21183(f); and
24
25 (4) Be verified.
26

27 *Rule 3.2223 adopted effective July 1, 2014.*
28

29 **Rule 3.2224. Response to petition**

30
31 **(a) Responsive pleadings and motions**

32
33 Respondent and any real party in interest must serve and file any answer to the
34 petition; any motion challenging the sufficiency of the petition, including any
35 motion to dismiss the petition; any other response to the petition; any motion to
36 change venue; or any motion to intervene within 10 days after service of petition or
37 complaint on that party or within the time ordered by the court. Any such answer,
38 motion, or other response from the same party must be filed concurrently.
39

40 **(b) Opposition**
41

1 Any opposition or other response to a motion challenging the sufficiency of the
2 petition or to change venue must be served and filed within 10 days after the
3 motion is served.

4
5 *Rule 3.2224 adopted effective July 1, 2014.*

6
7 **Rule 3.2225. Administrative record**

8
9 **(a) Lodging and service**

10
11 Within 10 days after the petition is served on the lead public agency, that agency
12 must lodge the certified final administrative record in electronic form with the court
13 and serve notice on petitioner and real party in interest that the record has been
14 lodged with the court. Within that same time, the agency must serve a copy of the
15 administrative record in electronic form on any petitioner and real party in interest
16 who has not already been provided a copy.

17
18 **(b) Paper copy of record**

19
20 (1) On request of the court, the lead agency shall provide the court with the
21 record in paper format.

22
23 (2) On request and payment of the reasonable cost of preparation, or on order of
24 the court for good cause shown, the lead agency shall provide a party with the
25 record in paper format.

26
27 **(c) Motions regarding the record**

28
29 Unless otherwise ordered by the court:

30
31 (1) Any request to augment or otherwise change the contents of the
32 administrative record must be made by motion served and filed no later than
33 the filing of that party's initial brief.

34
35 (2) Any opposition or other response to the motion must be served and filed
36 within 10 days after the motion is filed.

37
38 (3) Any motion regarding the record will be heard at the time of the hearing on
39 the merits of the petition unless the court orders otherwise.

40
41 *Rule 3.2225 adopted effective July 1, 2014.*

42

1 **Rule 3.2226. Initial case management conference**

2
3 **(a) Timing of conference**

4
5 The court should hold an initial case management conference within 30 days of the
6 filing of the petition or complaint.

7
8 **(b) Notice**

9
10 Petitioner must provide notice of the case management conference to respondent,
11 real party in interest, and any responsible agency or party to the action who has
12 been served before the case management conference, within one court day of
13 receiving notice from the court or at time of service of the petition or complaint,
14 whichever is later.

15
16 **(c) Subjects for consideration**

17
18 At the conference, the court should consider the following subjects:

- 19
20 (1) Whether all parties named in the petition or complaint have been served;
21
22 (2) Whether a list of responsible agencies has been provided, and notice provided
23 to each;
24
25 (3) Whether all responsive pleadings have been filed, and if not, when they must
26 be filed, and whether any hearing is required to address them;
27
28 (4) Whether severance, bifurcation, or consolidation with other actions is
29 desirable, and if so, a relevant briefing schedule;
30
31 (5) Whether to appoint a liaison or lead counsel, and either a briefing schedule
32 on this issue or the actual appointment of counsel;
33
34 (6) Whether the administrative record has been certified and served on all
35 parties, whether there are any issues with it, and whether the court wants to
36 receive a paper copy;
37
38 (7) Whether the parties anticipate any motions before the hearing on the merits
39 concerning discovery, injunctions, or other matters, and if so, a briefing
40 schedule for these motions;
41
42 (8) What issues the parties intend to raise in their briefs on the merits, and
43 whether any limitation of issues to be briefed and argued is appropriate;

- 1
2 (9) Whether a schedule for briefs on the merits different from the schedule
3 provided in these rules is appropriate;
4
5 (10) Whether the submission of joint briefs on the merits is appropriate, and the
6 page limitations on all briefs, whether aggregate per side or per brief;
7
8 (11) When the hearing on the merits of the petition will be held, and the amount of
9 time appropriate for it;
10
11 (12) The potential for settlement, and whether a schedule for settlement
12 conferences or alternative dispute resolution should be set;
13
14 (13) Any stipulations between the parties;
15
16 (14) Whether a further case management conference should be set; and
17
18 (15) Any other matters that the court finds appropriate.
19

20 **(d) Joint case management conference statements**

21
22 At least three court days before the case management conference, petitioner and all
23 parties that have been served with the petition must serve and file a joint case
24 management conference statement that addresses the issues identified in (c) and
25 any other pertinent issues.
26

27 **(e) Preparation for the conference**

28
29 At the conference, lead counsel for each party and each self-represented party must
30 appear by telephone or personally, must be familiar with the case, and must be
31 prepared to discuss and commit to the party's position on the issues listed in (c).
32

33 *Rule 3.2226 adopted effective July 1, 2014.*
34

35 **Rule 3.2227. Briefing and Hearing**

36
37 **(a) Briefing schedule**

38
39 Unless otherwise ordered by the court:
40

- 41 (1) Within 5 days after filing its brief, each party must submit an electronic
42 version of the brief that contains hyperlinks to material cited in the brief,
43 including electronically searchable copies of the administrative record, cited

1 decisions, and any other brief in the case filed electronically by the parties.
2 Such briefs must comply with any local requirements of the reviewing court
3 relating to e-briefs.

4
5 (2) The petitioner must serve and file its brief within 25 days after the case
6 management conference, unless petitioner served and filed the petition within
7 10 days of the public agency's issuance of its Notice of Determination, in
8 which case petitioner must file and serve its brief within 35 days after the
9 case management conference.

10
11 (3) Within 25 days after the petitioner's brief is filed, the respondent public
12 agency must—and any real party in interest may—serve and file a
13 respondent's brief. Respondents and real parties must file a single joint brief,
14 unless otherwise ordered by the court.

15
16 (4) Within 5 days after the respondent's brief is filed, the parties must jointly file
17 an appendix of excerpts that contain the documents or pertinent excerpts of
18 the documents cited in the parties' briefs.

19
20 (5) Within 10 days after the respondent's brief is filed, the petitioner may serve
21 and file a reply brief.

22
23 **(b) Hearing**

24
25 (1) The hearing should be held within 80 days of the case management
26 conference, extended by the number of days to which the parties have
27 stipulated to extend the briefing schedule.

28
29 (2) If the court has, within 90 days of the filing of the petition or complaint, set a
30 hearing date, the provision in Public Resources Code section 21167.4 that
31 petitioner request a hearing date within 90 days is deemed to have been met,
32 and no further request is required.

33
34 *Rule 3.2227 adopted effective July 1, 2014.*

35
36 **Rule 3.2228. Judgment**

37
38 The court should issue its decision and final order, writ, or judgment within 30 days of
39 the completion of the hearing in the action. The court must include a written statement of
40 the factual and legal basis for its decision. Code of Civil Procedure section 632 does not
41 apply to actions governed by the rules in this division.

42
43 *Rule 3.2228 adopted effective July 1, 2014.*

1
2 **Rule 3.2229. Notice of settlement**

3
4 The petitioner or plaintiff must immediately notify the court if the case is settled.

5
6 *Rule 3.2229 adopted effective July 1, 2014.*

7
8 **Rule 3.2230. Settlement procedures and statement of issues**

9
10 In cases governed by the rules in this chapter, unless otherwise ordered by the court, the
11 procedures described in Public Resources Code section 21167.8, including the filing of a
12 statement of issues, are deemed to have been met by the parties addressing the potential
13 for settlement and narrowing of issues within the case management conference statement
14 and discussing those points as part of the case management conference.

15
16 *Rule 3.2230 adopted effective July 1, 2014.*

17
18 **Rule 3.2231. Postjudgment motions**

19
20 **(a) Exemption from statutory provisions**

21
22 In any actions governed by the rules in this article, any postjudgment motion except
23 for a motion for attorney's fees and costs is governed by this rule. Such motions are
24 exempt from the timing requirements otherwise applicable to postjudgment
25 motions under Code of Civil Procedure section 1005. Motions in Sacramento arena
26 project cases are also exempt from the timing and procedural requirements of Code
27 of Civil Procedure sections 659 and 663.

28
29 **(b) Time for postjudgment motions**

30
31 **(1) Time for motions under Code of Civil Procedure section 473**

32
33 Moving party must serve and file any motion before the earlier of:

34
35 **(A) Five days after the court clerk mails to the moving party a document**
36 **entitled "Notice of Entry" of judgment or a file-stamped copy of the**
37 **judgment, showing the date either was served; or**

38
39 **(B) Five days after the moving party is served by any party with a written**
40 **notice of judgment or a file-stamped copy of the judgment,**
41 **accompanied by a proof of service.**
42

1 (2) Time for motions for new trial or motions to vacate judgment

2
3 Moving party in Sacramento arena project cases must serve and file motion
4 before the earlier of:

5
6 (A) Five days after the court clerk mails to the moving party a document
7 entitled “Notice of Entry” of judgment or a file-stamped copy of the
8 judgment, showing the date either was served; or

9
10 (B) Five days after the moving party is served by any party with a written
11 notice of judgment or a file-stamped copy of the judgment,
12 accompanied by a proof of service.

13
14 (c) **Memorandum**

15
16 A memorandum in support of a postjudgment motion may be no longer than 15
17 pages.

18
19 (d) **Opposition to motion**

20
21 Any opposition to the motion must be served and filed within five days of service
22 of the moving papers and may be no longer than 15 pages.

23
24 (e) **Reply**

25
26 Any reply brief must be served and filed within two court days of service of the
27 opposition papers and may be no longer than 5 pages.

28
29 (f) **Hearing and decision**

30
31 The court may set a hearing on the motion at its discretion. The court should issue
32 its decision on the motion within 15 days of the filing of the motion.

33
34 *Rule 3.2231 adopted effective July 1, 2014.*

35
36 **Article 2. CEQA Challenges to Approval of Sacramento Arena Project**

37
38 **Rule 3.2235. Application**

39
40 This article governs any action or proceeding brought to attack, review, set aside, void, or
41 annul the certification of the environmental impact report or any project approvals for the
42 Sacramento arena project.

43

1 *Rule 3.2235 adopted effective July 1, 2014.*

2
3 **Rule 3.2236. Service of Petition**

4
5 **(a) Respondent**

6
7 Unless the respondent public agency has agreed to accept service of summons
8 electronically, the petitioner or plaintiff must personally serve the petition or
9 complaint on the respondent public agency within three court days after the date of
10 filing.

11
12 **(b) Real parties in interest**

13
14 The petitioner or plaintiff must serve the petition or complaint on any real party in
15 interest named in the pleading within three court days after the date of filing.

16
17 **(c) Attorney General**

18
19 The petitioner or plaintiff must serve the petition or complaint on the Attorney
20 General within three court days after the date of filing

21
22 **(d) Responsible agencies**

23
24 The petitioner or plaintiff must serve the petition or complaint on any responsible
25 agencies or public agencies with jurisdiction over a natural resource affected by the
26 project within two court days of receipt of a list of such agencies from respondent
27 public agency.

28
29 **(e) Proof of service**

30
31 The petitioner or plaintiff must file proof of service on each respondent, real party
32 in interest, or agency within one court day of completion of service.

33
34 *Rule 3.2236 adopted effective July 1, 2014.*

35
36 **Rule 3.2237. List of responsible parties**

37
38 Respondent public agency must provide the petitioner or plaintiff, not later than three
39 court days following service of the petition or complaint on the public agency, with a list
40 of responsible agencies and any public agency having jurisdiction over a natural resource
41 affected by the project.

42
43 *Rule 3.2237 adopted effective July 1, 2014.*

1
2 **Chapter 4: Protective Orders**
3

4 **Rule 5.495. Firearm relinquishment procedures**
5

6 **(a) Application of rule**
7

8 This rule applies when a family or juvenile law domestic violence protective order
9 as defined in Family Code section 6218 or Welfare and Institutions Code section
10 213.5 is issued or in effect.
11

12 **(b) Purpose**
13

14 This rule addresses situations in which information is presented to the court about
15 firearms and provides the court with options for appropriately addressing the issue.
16 This rule is intended to:
17

18 (1) Assist courts issuing domestic violence protective orders in determining
19 whether a restrained person has a firearm in or subject to his or her
20 immediate possession or control.
21

22 (2) Assist courts that have issued domestic violence protective orders in
23 determining whether a restrained person has complied with the court's order
24 to relinquish, store, or sell the firearm under Family Code section 6389(c).
25

26 **(c) Firearm determination**
27

28 When relevant information is presented to the court at any noticed hearing that a
29 restrained person has a firearm, the court must consider that information to
30 determine, by a preponderance of the evidence, whether the person subject to a
31 protective order as defined in Family Code section 6218 or Welfare and Institutions
32 Code section 213.5 has a firearm in or subject to his or her immediate possession or
33 control in violation of Family Code section 6389.
34

35 **(d) Determination procedures**
36

37 (1) In making a determination under this rule, the court may consider whether the
38 restrained person filed a firearm relinquishment, storage, or sales receipt or if
39 an exemption from the firearm prohibition was granted under Family Code
40 section 6389(h).
41

42 (2) The court may make the determination at any noticed hearing when a
43 domestic violence protective order is issued, at a subsequent review hearing,

1 or at any subsequent family or juvenile law hearing while the order remains
2 in effect.

3
4 (3) If the court makes a determination that the restrained person has a firearm in
5 violation of Family Code section 6389, the court must make a written record
6 of the determination and provide a copy to any party who is present at the
7 hearing and, upon request, to any party not present at the hearing.

8
9 **(e) Subsequent review hearing**

10
11 (1) When presented with information under (c), the court may set a review
12 hearing to determine whether a violation of Family Code section 6389 has
13 taken place.

14
15 (2) The review hearing must be held within 10 court days after the noticed
16 hearing at which the information was presented. If the restrained person is not
17 present when the court sets the review hearing, the protected person must
18 provide notice of the review hearing to the restrained person at least 2 court
19 days before the review hearing, in accordance with Code of Civil Procedure
20 414.10, by personal service or by mail to the restrained person's last known
21 address.

22
23 (3) The court may for good cause extend the date of the review hearing for a
24 reasonable period or remove it from the calendar.

25
26 (4) The court must order the restrained person to appear at the review hearing.

27
28 (5) The court may conduct the review hearing in the absence of the protected
29 person.

30
31 (6) Nothing in this rule prohibits the court from permitting a party to appear by
32 telephone under California Rules of Court, rule 5.9.

33
34 **(f) Child custody and visitation**

35
36 (1) If the court determines that the restrained person has a firearm in violation of
37 Family Code section 6389, the court must consider that determination when
38 deciding whether the restrained person has overcome the presumption in
39 Family Code section 3044.

40
41 (2) An order for custody or visitation issued at any time during a family law
42 matter must be made in a manner that ensures the health, safety, and welfare
43 of the child and the safety of all family members, as specified in Family Code

1 section 3020. The court must consider whether the best interest of the child,
2 based on the circumstances of the case, requires that any visitation or custody
3 arrangement be limited to situations in which a third person, specified by the
4 court, is present, or that visitation or custody be suspended or denied, as
5 specified in Family Code section 6323(d).

6
7 (3) An order for visitation issued at any time during a juvenile court matter must
8 not jeopardize the safety of the child, as specified in Welfare and Institutions
9 Code section 362.1.

10
11 **(g) Other orders**

12
13 (1) The court may consider a determination that the restrained person has a
14 firearm in violation of Family Code section 6389 in issuing:

15
16 (A) An order to show cause for contempt under section 1209(a)(5) of the
17 Code of Civil Procedure for failure to comply with the court’s order to
18 surrender or sell a firearm; or

19
20 (B) An order for money sanctions under section 177.5 of the Code of Civil
21 Procedure.

22
23 (2) This rule should not be construed to limit the court’s power to issue orders it
24 is otherwise authorized or required to issue.

25
26 *Rule 5.495 adopted effective July 1, 2014.*

27
28 **Advisory Committee Comment**

29
30 When issuing a family or juvenile law domestic violence protective order as defined in Family
31 Code section 6218 or Welfare and Institutions Code section 213.5, ex parte or after a noticed
32 hearing, the court is required to order a restrained person “to relinquish any firearm in [that
33 person’s] immediate possession or control or subject to [that person’s] immediate possession or
34 control.” (Fam. Code, § 6389(c)(1).) Several mandatory Judicial Council forms—*Temporary*
35 *Restraining Order* (form DV-110), *Restraining Order After Hearing* (form DV-130), and *Notice*
36 *of Hearing and Temporary Restraining Order—Juvenile* (form JV-250)—include mandatory
37 orders in bold type that the restrained person must sell to or store with a licensed gun dealer or
38 turn in to a law enforcement agency any guns or other firearms within his or her immediate
39 possession or control within 24 hours after service of the order and must file a receipt with the
40 court showing compliance with the order within 48 hours of receiving the order. California law
41 requires personal service of the request for and any temporary protective order at least five days
42 before the hearing, unless the court issues an order shortening time for service. Therefore, by the

1 date of the hearing, the restrained person should have relinquished, stored, or sold his or her
2 firearms and submitted a receipt to the court.

3
4 Courts are encouraged to develop local procedures to calendar firearm relinquishment review
5 hearings for restrained persons.

6
7 Section (f) of this rule restates existing law on the safety and welfare of children and family
8 members and recognizes the safety issues associated with the presence of prohibited firearms.

9
10 Although this rule does not require the court to compel a restrained person to testify, the court
11 may wish to advise a party of his or her privilege against self-incrimination under the Fifth
12 Amendment to the United States Constitution. The court may also consider whether to grant use
13 immunity under Family Code section 6389(d).

14
15 **Rule 5.630. Restraining orders**

16
17 **(a)–(f) * * ***

18
19 **(g) Service of restraining order**

20
21 When service of *Notice of Hearing and Temporary Restraining Order—Juvenile*
22 (form JV-250) or *Restraining Order—Juvenile* (form JV-255) is made, it must be
23 served with a blank *Proof of Firearms Turned In, ~~or Sold,~~ or Stored* (form DV-
24 800/JV-252) and *How Do I Turn In, ~~or Sell,~~ or Store My Firearms?* (form DV-800-
25 INFO/JV-252-INFO). Failure to serve form JV-252 or JV-252-INFO does not
26 make service of form JV-250 or form JV-255 invalid.

27
28 *(Subd (g) amended effective July 1, 2014; adopted effective January 1, 2012; previously*
29 *amended effective January 1, 2014.)*

30
31 **(h) Firearm relinquishment**

32
33 The firearm relinquishment procedures in rule 5.495 apply to restraining orders
34 issued under section 213.5.

35
36 *(Subd (h) adopted effective July 1, 2014.)*

37
38 **(h)(i) * * ***

39
40 *(Subd (i) relettered effective July 1, 2014; adopted as subd (h) effective January 1, 2012.)*

41

1 ~~(i)~~ * * *

2
3 *(Subd (j) relettered effective July 1, 2014; adopted as subd (i) effective January 1, 2003;*
4 *previously amended effective January 1, 2007, and January 1, 2012.)*

5
6 ~~(j)~~ * * *

7
8 *(Subd (k) relettered effective July 1, 2014; adopted as subd (j) effective January 1, 2012;*
9 *previously amended effective January 1, 2014.)*

10
11 ~~(k)~~ **Restraining orders issued by other courts**

12
13 ~~(1) A restraining order issued by the juvenile court under section 213.5 takes~~
14 ~~precedence over any other court order except the following:~~

15
16 ~~(A) A conflicting criminal court order; or~~

17
18 ~~(B) An Emergency Protective Order that is more restrictive than the~~
19 ~~juvenile court order.~~

20
21 *Rule 5.630 amended effective July 1, 2014; adopted as rule 1429.5 effective January 1, 2000;*
22 *amended and renumbered effective January 1, 2007; previously amended effective January 1,*
23 *2003, January 1, 2004, January 1, 2012, and January 1, 2014.*

24
25 **Rule 8.104. Time to appeal**

26
27 **(a) Normal time**

28
29 (1) Unless a statute, ~~or~~ rule 8.108, or rule 8.702 provides otherwise, a notice of
30 appeal must be filed on or before the earliest of:

31
32 (A)–(C) * * *

33
34 (2)–(3) * * *

35
36 *(Subd (a) amended effective July 1, 2014; previously amended effective January 1, 2007,*
37 *January 1, 2010, and July 1, 2012.)*

38
39 ~~(b)–(e)~~ * * *

40
41 *Rule 8.104 amended effective July 1, 2014; repealed and adopted as rule 2 effective January 1,*
42 *2002; previously amended and renumbered effective January 1, 2007; previously amended*
43 *effective January 1, 2005, January 1, 2010, January 1, 2011, July 1, 2011, and July 1, 2012.*

1
2 **Chapter 8. Miscellaneous Writs**
3

4 **Rule 8.497. Review of California Environmental Quality Act cases under Public**
5 **Resources Code sections 21178–21189.3**
6

7 **(a) Application**
8

9 (1) ~~This rule governs actions or proceedings in the Court of Appeal alleging that~~
10 ~~a public agency has approved or is undertaking an environmental leadership~~
11 ~~development project in violation of the California Environmental Quality~~
12 ~~Act. As used in this rule, an “environmental leadership development project”~~
13 ~~or “leadership project” means a project certified by the Governor under~~
14 ~~Public Resources Code sections 21182–21184.~~

15
16 (2) ~~Except as otherwise provided in Public Resources Code sections 21178–~~
17 ~~21189.3 and this rule, the provisions of the Public Resources Code and the~~
18 ~~CEQA Guidelines adopted by the Natural Resources Agency (Cal. Code~~
19 ~~Regs., tit. 14, § 15000 et seq.) governing judicial actions or proceedings to~~
20 ~~attack, review, set aside, void, or annul acts or decisions of a public agency~~
21 ~~on the grounds of noncompliance with the California Environmental Quality~~
22 ~~Act apply in proceedings governed by this rule.~~

23
24 **(b) Service**
25

26 ~~Except as otherwise provided by law, all documents that this rule requires be~~
27 ~~served on the parties must be served by personal delivery, electronic service,~~
28 ~~express mail, or other means consistent with Code of Civil Procedure sections~~
29 ~~1010, 1011, 1012, and 1013 and reasonably calculated to ensure delivery of the~~
30 ~~document to the parties not later than the close of the business day after the~~
31 ~~document is filed or lodged with the court.~~

32
33 **(c) Petition**
34

35 (1) *Service and filing*
36

37 ~~A person alleging that a public agency has approved or is undertaking a~~
38 ~~leadership project in violation of the California Environmental Quality Act~~
39 ~~must serve and file a petition for a writ of mandate in the Court of Appeal~~
40 ~~with geographic jurisdiction over the project.~~
41

1 (2) *Form and contents*

2
3 In addition to any other applicable requirements, the petition must:

4
5 (A) ~~State that the project at issue was certified by the Governor as a~~
6 ~~leadership project under Public Resources Code sections 21182–21184~~
7 ~~and is subject to this rule;~~

8
9 (B) ~~Provide notice that the person or entity that applied for certification of~~
10 ~~the project as a leadership project must make the payments required by~~
11 ~~(h);~~

12
13 (C) ~~Include any other claims required to be concurrently filed by the~~
14 ~~petitioner under Public Resources Code section 21185; and~~

15
16 (D) ~~Be verified.~~

17
18 **(d) Administrative record**

19
20 (1) *Lodging and service*

21
22 ~~Within 10 days after the petition is served on the lead public agency, that~~
23 ~~agency must lodge the certified final administrative record with the Court of~~
24 ~~Appeal and serve on the parties a copy of the certified final administrative~~
25 ~~record and notice that the record has been lodged with the court.~~

26
27 (2) *Form and contents*

28
29 (A) ~~Unless otherwise ordered by the Court of Appeal, the lead agency must~~
30 ~~lodge with the court one copy of the record in electronic format and one~~
31 ~~copy in paper format and serve on each party one copy of the record in~~
32 ~~electronic format. The record in electronic format must comply with~~
33 ~~rules 3.1365 and 3.1367. The record in paper format must comply with~~
34 ~~rules 3.1365 and 3.1368.~~

35
36 (B) ~~A party may request the record in paper format and pay the reasonable~~
37 ~~cost or show good cause for a court order requiring the lead agency to~~
38 ~~serve the requesting party with one copy of the record in paper format.~~

39
40 (C) ~~The record must include all of the materials specified in Public~~
41 ~~Resources Code section 21167.6.~~

42
43 (3) *Motions regarding the record*

- 1
2 (A) ~~Any request to augment or otherwise change the contents of the~~
3 ~~administrative record must be made by motion in the Court of Appeal.~~
4 ~~The motion must be served and filed within 25 days after the record is~~
5 ~~served.~~
6
7 (B) ~~Any opposition or other response to the motion must be served and~~
8 ~~filed within 10 days after the motion is filed.~~
9
10 (C) ~~The Court of Appeal may appoint a special master to hear and decide~~
11 ~~any motion regarding the record. The order appointing the special~~
12 ~~master may specify the time within which the special master is required~~
13 ~~to file a decision.~~

14
15 (e) **Notice of settlement**

16
17 ~~The petitioner must immediately notify the court if the case is settled.~~

18
19 (f) **Response to petition**

- 20
21 (1) ~~Within 25 days after service of the administrative record or within the time~~
22 ~~ordered by the court, the respondent and any real party in interest must serve~~
23 ~~and file any answer to the petition; any motion challenging the sufficiency of~~
24 ~~the petition, including any motion to dismiss the petition; and any other~~
25 ~~response to the petition. Any such answer, motion, or other response from the~~
26 ~~same party must be filed concurrently.~~
27
28 (2) ~~Any opposition or other response to a motion challenging the sufficiency of~~
29 ~~the petition must be served and filed within 10 days after the motion is filed.~~

30
31 (g) **Briefs**

32
33 (1) *Service and filing*

34
35 ~~Unless otherwise ordered by the court:~~

- 36
37 (A) ~~The petitioner must serve and file its brief within 40 days after the~~
38 ~~administrative record is served.~~
39
40 (B) ~~Within 30 days after the petitioner's brief is filed, the respondent public~~
41 ~~agency must—and any real party in interest may—serve and file a~~
42 ~~respondent's brief.~~
43

1 (C) Within 20 days after the respondent's brief is filed, the petitioner may
2 serve and file a reply brief.

3
4 (2) *Form and contents*

5
6 The briefs must comply as nearly as possible with rule 8.204.

7
8 **(h) ~~Certificate of Interested Entities or Persons~~**

9
10 (1) ~~Each party other than a public agency must comply with the requirements of~~
11 ~~rule 8.208 concerning serving and filing a *Certificate of Interested Entities or*~~
12 ~~*Persons*.~~

13
14 (2) ~~The petitioner's certificate must be included in the petition. Other parties~~
15 ~~must include their certificate in their brief, or if the party files an answer or~~
16 ~~other response to the petition, a motion, an application, or an opposition to a~~
17 ~~motion or application in the Court of Appeal before filing its brief, the party~~
18 ~~must serve and file its certificate at the time it files the first answer, response,~~
19 ~~motion, application, or opposition. The certificate must appear after the cover~~
20 ~~and before any tables.~~

21
22 (3) ~~If a party fails to file a certificate as required under (1) and (2), the clerk must~~
23 ~~notify the party by mail that the party must file the certificate within 10 days~~
24 ~~after the clerk's notice is mailed and that failure to comply will result in one~~
25 ~~of the following sanctions:~~

26
27 (A) ~~If the party is the petitioner, the court will strike the petition; or~~

28
29 (B) ~~If the party is the real party in interest, the court will strike the~~
30 ~~document.~~

31
32 (4) ~~If the party fails to comply with the notice under (3), the court may impose~~
33 ~~the sanctions specified in the notice.~~

34
35 **(i) ~~Court costs~~**

36
37 (1) ~~In fulfillment of the provision in Public Resources Code section 21183~~
38 ~~regarding payment of the Court of Appeal's costs:~~

39
40 (A) ~~Within 10 days after service of the petition on the real party in interest,~~
41 ~~the person who applied for certification of the project as a leadership~~
42 ~~project must pay a fee of \$100,000 to the Court of Appeal.~~

43

1 (B) If the Court of Appeal incurs any of the following costs, the person
2 who applied for certification of the project as a leadership project must
3 also pay, within 10 days of being ordered by the court, the following
4 costs or estimated costs:

5
6 (i) The costs of any special master appointed by the Court of Appeal
7 in the case; and

8
9 (ii) The costs of any contract personnel retained by the Court of
10 Appeal to work on the case.

11
12 (2) If the fee or costs under (1) are not timely paid, the Court of Appeal may
13 transfer the case to the superior court with geographic jurisdiction over the
14 project, and the case will proceed under the procedures applicable to projects
15 that have not been certified as leadership projects.

16
17 (j) **Extensions of time**

18
19 The court may order extensions of time only for good cause and in order to
20 promote the interests of justice.

21
22 *Rule 8.497 repealed effective July 1, 2014; adopted effective July 1, 2012.*

23
24 **Advisory Committee Comment**

25
26 **Subdivision (b).** This provision does not apply to service of the petition on the respondent public
27 agency or real party in interest because the method of service on these parties is set by Public
28 Resources Code sections 21167.6 and 21167.6.5.

29
30 **Subdivision (c).** Under this provision, a proceeding in the Court of Appeal is initiated by serving
31 and filing a petition for a writ of mandate as provided in rule 8.25, not by filing a complaint and
32 serving a summons and the complaint.

33
34 **Subdivision (d)(3)(C).** Public Resources Code section 21185 provides that the court may appoint
35 a master to assist the court in managing and processing cases subject to this rule. Appointment of
36 a special master to hear and decide motions regarding the record is just one example of when a
37 court might make such an appointment.

38
39 **Subdivision (f).** A party other than the petitioner who files an answer, motion, or other response
40 to a petition under (e) may be required to pay a filing fee under Government Code section 68926
41 if the answer, motion, or other response is the first document filed in the proceeding in the
42 reviewing court by that party. See rule 8.25(c).

43

1 ~~Subdivision (g). On application of the parties or on its own motion, the court may set different~~
2 ~~briefing periods. For example, if a motion to augment or otherwise modify the contents of the~~
3 ~~record is filed, the court might order that petitioner’s brief be filed within a specified time after~~
4 ~~that motion is decided.~~

5
6 **Chapter 11. Review of California Environmental Quality Act Cases Under Public**
7 **Resources Code Sections 21168.6.6 and 21178–21189.3**

8
9 **Rule 8.700. Definitions and application**

10
11 **(a) Definitions**

12
13 As used in this chapter:

- 14
15 (1) An “environmental leadership development project” or “leadership project”
16 means a project certified by the Governor under Public Resources Code
17 sections 21182–21184.
18
19 (2) The “Sacramento entertainment and sports center project” or “Sacramento
20 arena project” means the entertainment and sports center project as defined
21 by Public Resources Code section 21168.6.6, for which the proponent
22 provided notice of election to proceed under that statute as described in
23 section 21168.6.6(j)(1).

24
25 **(b) Proceedings governed**

26
27 The rules in this chapter govern appeals and writ proceedings in the Court of
28 Appeal to review a superior court judgment or order in an action or proceeding
29 brought to attack, review, set aside, void, or annul the certification of the
30 environmental impact report or the granting of any project approvals for an
31 environmental leadership development project or the Sacramento arena project.

32
33 *Rule 8.700 adopted effective July 1, 2014.*

34
35 **Rule 8.701. Filing and service**

36
37 **(a) Service**

38
39 Except when the court orders otherwise under (b) or as otherwise provided by law,
40 all documents that the rules in this chapter require be served on the parties must be
41 served by personal delivery, electronic service, express mail, or other means
42 consistent with Code of Civil Procedure sections 1010, 1011, 1012, and 1013 and
43 reasonably calculated to ensure delivery of the document to the parties not later

1 than the close of the business day after the document is filed or lodged with the
2 court.

3
4 **(b) Electronic filing and service**

5
6 Notwithstanding rules 8.71(a) and 8.73, the court may order that:

7
8 (1) All documents be filed electronically;

9
10 (2) All documents be served electronically on parties who have stipulated to
11 electronic service. All parties represented by counsel are deemed to have
12 stipulated to electronic service. All self-represented parties may so stipulate.

13
14 **(c) Exemption from extension of time**

15
16 The extension of time provided in Code of Civil Procedure section 1010.6 for
17 service completed by electronic means does not apply to any service in actions
18 governed by these rules.

19
20 *Rule 8.701 adopted effective July 1, 2014.*

21
22 **Rule 8.702. Appeals**

23
24 **(a) Application of general rules for civil appeals**

25
26 Except as otherwise provided by the rules in this chapter, rules 8.100–8.278,
27 relating to civil appeals, apply to appeals under this chapter.

28
29 **(b) Notice of appeal**

30
31 (1) Time to appeal

32
33 The notice of appeal must be served and filed on or before the earlier of:

34
35 (A) Five court days after the superior court clerk serves on the party filing
36 the notice of appeal a document entitled “Notice of Entry” of judgment
37 or a file-stamped copy of the judgment, showing the date either was
38 served; or

39
40 (B) Five court days after the party filing the notice of appeal serves or is
41 served by a party with a document entitled “Notice of Entry” of
42 judgment or a file-stamped copy of the judgment, accompanied by
43 proof of service.

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43

(2) Contents of notice of appeal

The notice of appeal must:

- (A) State that the superior court judgment or order being appealed is governed by the rules in this chapter;
- (B) Indicate whether the judgment or order pertains to the Sacramento arena project or a leadership project; and
- (C) If the judgment or order being appealed pertains to a leadership project, provide notice that the person or entity that applied for certification of the project as a leadership project must make the payments required by rule 8.705.

(c) **Extending the time to appeal**

(1) Motion for new trial

If any party serves and files a valid notice of intention to move for a new trial or, under rule 3.2237, a valid motion for a new trial and that motion is denied, the time to appeal from the judgment is extended for all parties until the earlier of:

- (A) Five court days after the superior court clerk or a party serves an order denying the motion or a notice of entry of that order; or
- (B) Five court days after denial of the motion by operation of law.

(2) Motion to vacate judgment

If, within the time prescribed by subdivision (b) to appeal from the judgment, any party serves and files a valid notice of intention to move—or a valid motion—to vacate the judgment and that motion is denied, the time to appeal from the judgment is extended for all parties until five court days after the superior court clerk or a party serves an order denying the motion or a notice of entry of that order.

(3) Motion to reconsider appealable order

If any party serves and files a valid motion to reconsider an appealable order under Code of Civil Procedure section 1008, subdivision (a), the time to

1 appeal from that order is extended for all parties until five court days after the
2 superior court clerk or a party serves an order denying the motion or a notice
3 of entry of that order.

4
5 (4) Cross-appeal

6
7 If an appellant timely appeals from a judgment or appealable order, the time
8 for any other party to appeal from the same judgment or order is extended
9 until five court days after the superior court clerk serves notification of the
10 first appeal.

11
12 **(d) Record on appeal**

13
14 (1) Record of written documents

15
16 The record of the written documents from the superior court proceedings
17 other than the administrative record must be in the form of a joint appendix
18 or separate appellant's and respondent's appendixes under rule 8.124.

19
20 (2) Record of the oral proceedings

21
22 (A) The appellant must serve and file with its notice of appeal a notice
23 designating the record under rule 8.121 specifying whether the
24 appellant elects to proceed with or without a record of the oral
25 proceedings in the trial court. If the appellant elects to proceed with a
26 record of the oral proceedings in the trial court, the notice must
27 designate a reporter's transcript.

28
29 (B) Any party that submits a copy of a Transcript Reimbursement Fund
30 application in lieu of a deposit under rule 8.130(b)(3) must serve all
31 other parties with notice of this submission when the party serves its
32 notice of designation of the record. Within five days after service of
33 this notice, any other party may submit to the trial court the required
34 deposit for the reporter's transcript under rule 8.130(b)(1), the
35 reporter's written waiver of the deposit under rule 8.130(b)(3)(A), or a
36 certified transcript of all of the proceedings designated by the party
37 under rule 8.130(b)(3)(C).

38
39 (C) Within 10 days after the superior court notifies the court reporter to
40 prepare the transcript under rule 8.130(d)(2), the reporter must prepare
41 and certify an original of the transcript and file the original and
42 required number of copies in superior court.

1 (D) If the appellant does not present its notice of designation as required
2 under (A) or if any designating party does not submit the required
3 deposit for the reporter’s transcript under rule 8.130(b)(1) or a
4 permissible substitute under rule 8.130(b)(3) with its notice of
5 designation or otherwise fails to timely do another act required to
6 procure the record, the superior court clerk must serve the defaulting
7 party with a notice indicating that the party must do the required act
8 within two court days of service of the clerk’s notice or the reviewing
9 court may impose one of the following sanctions:

10
11 (i) If the defaulting party is the appellant, the court may dismiss the
12 appeal; or

13
14 (ii) If the defaulting party is the respondent, the court may proceed
15 with the appeal on the record designated by the appellant.

16
17 (e) **Superior court clerk duties**

18
19 Within five court days following the filing of a notice of appeal under this rule, the
20 superior court clerk must:

21
22 (1) Serve the following on each party:

23 (A) Notification of the filing of the notice of appeal; and

24 (B) A copy of the register of actions, if any.

25
26
27 (2) Transmit the following to the reviewing court clerk:

28 (A) A copy of the notice of appeal;

29 (B) A copy of the appellant’s notice designating the record; and

30 (C) An electronic copy of the administrative record.

31
32
33
34
35 (f) **Briefing**

36 (1) Electronic filing

37
38 Unless otherwise ordered by the reviewing court, all briefs must be
39 electronically filed.

1 (2) Time to serve and file briefs

2
3 Unless otherwise ordered by the reviewing court:

4
5 (A) An appellant must serve and file its opening brief within 25 days after
6 the notice of appeal is served and filed.

7
8 (B) A respondent must serve and file its brief within 25 days after the
9 appellant files its opening brief.

10
11 (C) An appellant must serve and file its reply brief, if any, within 15 days
12 after the respondent files its brief.

13
14 (3) Contents and form of briefs

15
16 (A) The briefs must comply as nearly as possible with rule 8.204.

17
18 (B) If a designated reporter's transcript has not been filed at least 5 days
19 before the date by which a brief must be filed, an initial version of the
20 brief may be served and filed in which references to a matter in the
21 reporter's transcript are not supported by a citation to the volume and
22 page number of the reporter's transcript where the matter appears.
23 Within 10 days after the reporter's transcript is filed, a revised version
24 of the brief must be served and filed in which all references to a matter
25 in the reporter's transcript must be supported by a citation to the
26 volume and page number of the reporter's transcript where the matter
27 appears.

28
29 (C) Unless otherwise ordered by the court, within 5 days after filing its
30 brief, each party must submit an electronic version of the brief that
31 contains hyperlinks to material cited in the brief, including
32 electronically searchable copies of the record on appeal, cited
33 decisions, and the parties' other briefs. Such briefs must comply with
34 any local requirements of the reviewing court relating to e-briefs.

35
36 (4) Extensions of time to file briefs

37
38 If the parties stipulate to extend the time to file a brief under rule 8.212(b),
39 they are deemed to have agreed that the time for resolving the action may be
40 extended beyond 270 days by the number of days by which the parties
41 stipulated to extend the time for filing the brief and, to that extent, to have
42 waived any objection to noncompliance with the deadlines for completing

1 review stated in Public Resources Code sections 21168.6.6(c)–(d) and 21185
2 for the duration of the stipulated extension.

3
4 **(5) Failure to file brief**

5
6 If a party fails to timely file an appellant’s opening brief or a respondent’s
7 brief, the reviewing court clerk must serve the party with a notice indicating
8 that if the required brief is not filed within two court days of service of the
9 clerk’s notice, the court may impose one of the following sanctions:

10
11 **(A) If the brief is an appellant’s opening brief, the court may dismiss the**
12 **appeal;**

13
14 **(B) If the brief is a respondent’s brief, the court may decide the appeal on**
15 **the record, the opening brief, and any oral argument by the appellant;**
16 **or**

17
18 **(C) Any other sanction that the court finds appropriate.**

19
20 **(g) Oral argument**

21
22 Unless otherwise ordered by the reviewing court, oral argument will be held within
23 45 days after the last reply brief is filed. The reviewing court clerk must send a
24 notice of the time and place of oral argument to all parties at least 15 days before
25 the argument date. The presiding justice may shorten the notice period for good
26 cause; in that event, the clerk must immediately notify the parties by telephone or
27 other expeditious method.

28
29 *Rule 8.702 adopted effective July 1, 2014.*

30
31 **Advisory Committee Comment**

32
33 **Subdivision (b).** It is very important to note that the time period to file a notice of appeal under
34 this rule is the same time period for filing most postjudgment motions in a case regarding the
35 Sacramento arena project, and in a case regarding a leadership project, the deadline for filing a
36 notice of appeal may be earlier than the deadline for filing a motion for a new trial, a motion for
37 reconsideration, or a motion to vacate the judgment.

38
39 **Rule 8.703. Writ proceedings**

40
41 **(a) Application of general rules for writ proceedings**

42

1 Except as otherwise provided by the rules in this chapter, rules 8.485–8.493—
2 relating to writs of mandate, certiorari, and prohibition in the Supreme Court and
3 Court of Appeal—apply to writ proceedings under this chapter.

4
5 **(b) Petition**

6
7 **(1) Time for filing petition**

8
9 A petition for a writ challenging a superior court judgment or order governed
10 by the rules in this chapter must be served and filed on or before the earliest
11 of:

12
13 **(A) Thirty days after the superior court clerk serves on the party filing the**
14 **petition a document entitled “Notice of Entry” of judgment or order, or**
15 **a file-stamped copy of the judgment or order, showing the date either**
16 **was served; or**

17
18 **(B) Thirty days after the party filing the petition serves or is served by a**
19 **party with a document entitled “Notice of Entry” of judgment or order,**
20 **or a file-stamped copy of the judgment or order, accompanied by proof**
21 **of service.**

22
23 **(2) Contents of petition**

24
25 In addition to any other applicable requirements, the petition must:

26
27 **(A) State that the superior court judgment or order being challenged is**
28 **governed by the rules in this chapter;**

29
30 **(B) Indicate whether the judgment or order pertains to the Sacramento**
31 **arena project or a leadership project; and**

32
33 **(C) If the judgment or order pertains to a leadership project, provide notice**
34 **that the person or entity that applied for certification of the project as a**
35 **leadership project must make the payments required by 8.705.**

36
37 *Rule 8.703 adopted effective July 1, 2014.*

38
39 **Rule 8.705. Court of Appeal costs in leadership projects**

40
41 In fulfillment of the provision in Public Resources Code section 21183 regarding
42 payment of the Court of Appeal’s costs with respect to cases concerning leadership
43 projects:

- 1
2 (1) Within 10 days after service of the notice of appeal or petition in a case concerning
3 a leadership project, the person who applied for certification of the project as a
4 leadership project must pay a fee of \$100,000 to the Court of Appeal.
5
6 (2) If the Court of Appeal incurs any of the following costs, the person who applied for
7 certification of the project as a leadership project must also pay, within 10 days of
8 being ordered by the court, the following costs or estimated costs:
9
10 (A) The costs of any special master appointed by the Court of Appeal in the case;
11 and
12
13 (B) The costs of any contract personnel retained by the Court of Appeal to work
14 on the case.
15
16 (3) If the party fails to timely pay the fee or costs specified in this rule, the court may
17 impose sanctions that the court finds appropriate after notifying the party and
18 providing the party with an opportunity to pay the required fee or costs.
19

20 *Rule 8.705 adopted effective July 1, 2014.*

21
22 **Rule 10.40. Appellate Advisory Committee**

23
24 **(a)–(b) * * ***

25
26 **(c) Membership**

27
28 The committee must include at least one member from each of the following
29 categories:

30
31 (1)—(8) * * *

32
33 (9) State Public Defender; ~~and~~

34
35 (10) Appellate lawyer of the Attorney General’s Office; and

36
37 (11) Appellate lawyer of the Court of Appeal or Supreme Court.

38
39 *(Subd (c) amended effective July 1, 2014; previously amended effective January 1, 2002,*
40 *and January 1, 2007.)*
41

1 *Rule 10.40 amended effective July 1, 2014; adopted as rule 6.40 effective January 1, 1999;*
2 *previously amended effective January 1, 2002; previously amended and renumbered effective*
3 *January 1, 2007.*

4
5 **Chapter 3. Judicial Council Advisory Body Meetings**

6
7 **Rule 10.75. Meetings of advisory bodies**

8
9 **(a) Intent**

10
11 The Judicial Council intends by this rule to supplement and expand on existing
12 rules and procedures providing public access to the council and its advisory bodies.
13 Existing rules and procedures provide for circulation of advisory body proposals
14 regarding rules, forms, standards, and jury instructions for public comment, posting
15 of written reports for the council on the California Courts website
16 (www.courts.ca.gov), public attendance and comment during council meetings, real
17 time audio casts of council meetings, and public posting of council meeting
18 minutes. This rule expands public access to advisory body meetings.

19
20 **(b) Advisory bodies and chairs**

21
22 (1) “Advisory bodies,” as used in this rule, means any multimember body created
23 by the Judicial Council to review issues and report to the council. For
24 purposes of this rule, subcommittees that are composed of less than a
25 majority of the members of the advisory body are not advisory bodies.
26 However, standing subcommittees that are charged with addressing a topic as
27 a continuing matter are advisory bodies for purposes of this rule irrespective
28 of their composition.

29
30 (2) “Chair,” as used in this rule, includes a chair’s designee.

31
32 **(c) Open meetings**

33
34 (1) Meetings

35
36 Advisory body meetings to review issues that the advisory body will report to
37 the Judicial Council are open to the public, except as otherwise provided in
38 this rule. A meeting open to the public includes a budget meeting, which is a
39 meeting or portion of a meeting to discuss a proposed recommendation of the
40 advisory body that the Judicial Council approve an allocation or direct an
41 expenditure of public funds. A majority of advisory body members must not
42 decide a matter included on a posted agenda for an upcoming meeting in
43 advance of the meeting.

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(2) Exempt bodies

The meetings of the following advisory bodies and their subcommittees are exempt from the requirements of this rule:

- (A) Advisory Committee on Civil Jury Instructions;
- (B) Advisory Committee on Criminal Jury Instructions; and
- (C) Litigation Management Committee.

(3) Rule committees

With the exception of any budget meetings, the meetings of the rule committees listed in this subdivision and of their subcommittees are closed unless the chair concludes that a particular agenda item may be addressed in open session. Any budget meeting must be open to the public.

- (A) Appellate Advisory Committee;
- (B) Civil and Small Claims Advisory Committee;
- (C) Criminal Law Advisory Committee;
- (D) Family and Juvenile Law Advisory Committee;
- (E) Probate and Mental Health Advisory Committee; and
- (F) Traffic Advisory Committee.

(d) Closed sessions

The chair of an advisory body or an advisory body subcommittee may close a meeting, or portion of a meeting, to discuss any of the following:

- (1) The appointment, qualifications, performance, or health of an individual, or other information that, if discussed in public, would constitute an unwarranted invasion of personal privacy;
- (2) Claims, administrative claims, agency investigations, or pending or reasonably anticipated litigation naming, or reasonably anticipated to name, a judicial branch entity or a member, officer, or employee of such an entity;

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- (3) Negotiations concerning a contract, a labor issue, or legislation;
- (4) The price and terms of payment for the purchase, sale, exchange, or lease of real property for a judicial branch facility before the property has been acquired or the relevant contracts have been executed;
- (5) Security plans or procedures or other matters that if discussed in public would compromise the safety of the public or of judicial branch officers or personnel or the security of judicial branch facilities or equipment, including electronic data;
- (6) Non-final audit reports or proposed responses to such reports;
- (7) Trade secrets or privileged or confidential commercial and financial information;
- (8) Development, modification, or approval of any licensing or other professional examination or examination procedure;
- (9) Evaluation of individual grant applications; or
- (10) Topics that judicial officers may not discuss in public without risking a violation of the California Code of Judicial Ethics, necessitating recusal, or encouraging disqualification motions or peremptory challenges against them, including proposed legislation, rules, forms, standards of judicial administration, or jury instructions.

(e) Notice of meetings

- (1) Regular meetings
Public notice must be given of the date and agenda of each meeting that is subject to this rule, whether open or closed, at least five business days before the meeting.
- (2) Urgent circumstances
A meeting that is subject to this rule may be conducted on 24-hours notice in case of urgent circumstances requiring prompt action. The minutes of such meetings must briefly state the facts creating the urgent circumstances requiring prompt action and the action taken.

1 **(f) Form of notice**

2
3 (1) The notice and agenda for a meeting subject to this rule, whether open or
4 closed, must be posted on the California Courts website.

5
6 (2) The notice for meetings subject to this rule must state whether the meeting is
7 open or closed. If a meeting is closed or partially closed, the notice must
8 identify the closed agenda items and the specific subdivision of this rule
9 authorizing the closure.

10
11 (3) For meetings that are open in part or in full, the notice must provide:

12
13 (A) The telephone number or other electronic means that a member of the
14 public may use to attend the meeting;

15
16 (B) The time of the meeting, whether the public may attend in person, and,
17 if so, the meeting location; and

18
19 (C) The e-mail address or other electronic means that the public may use to
20 submit written comments regarding agenda items or requests to make
21 an audio recording of a meeting.

22
23 **(g) Contents of agenda**

24
25 The agenda for a meeting subject to this rule, whether open or closed, must contain
26 a brief description of each item to be considered during the meeting. If a meeting is
27 closed or partially closed, the agenda must identify the specific subdivision of this
28 rule authorizing the closure.

29
30 **(h) Meeting materials**

31
32 Materials for an open meeting must be posted on the California Courts website at
33 least three business days before the date of the meeting, except in extraordinary
34 circumstances.

35
36 **(i) Public attendance**

37
38 The public may attend open sessions of advisory body meetings by telephone or
39 other available electronic means. If the members of an advisory body gather in
40 person at a single location for a meeting, the public may attend in person at that
41 location if the chair concludes security measures permit.

42

1 **(j) Conduct at meeting**

2
3 Members of the public who attend open meetings in person must remain orderly.
4 The chair may order the removal of any disorderly person.
5

6 **(k) Public comment**

7
8 **(1) Written comment**

9
10 The public may submit written comments for any agenda item of a regularly
11 noticed open meeting up to one complete business day before the meeting.
12

13 **(2) In-person comment**

14
15 If security measures permit public attendance at an open in-person advisory
16 body meeting, the meeting must include an opportunity for public comment
17 on each agenda item before the advisory body considers the item. Requests to
18 comment on an agenda item must be submitted before the meeting begins,
19 indicating the speaker's name, the name of the organization that the speaker
20 represents, if any, and the agenda item that the public comment will address.
21 The advisory body chair may grant a request to comment on an agenda item
22 that is received after a meeting has begun.
23

24 **(3) Reasonable limits and timing**

25
26 The advisory body chair has discretion to establish reasonable limits on the
27 length of time for each speaker and the total amount of time permitted for
28 public comment. The chair may also decide whether public comments will be
29 heard at the beginning of the meeting or in advance of the agenda items.
30

31 **(l) Making an audio recording of a meeting**

32
33 An advisory body chair may permit a member of the public to make an audio
34 recording of an open meeting, or the open portion of a meeting, if a written request
35 is submitted at least two business days before the meeting.
36

37 **(m) Minutes as official records**

38
39 Minutes of each meeting subject to this rule, whether open or closed, must be
40 prepared for approval at a future meeting. When approved by the advisory body,
41 the minutes constitute the official record of the meeting. Approved minutes for the
42 open portion of a meeting must be posted on the California Courts website.
43

1 **(n) Adjourned meetings**

2
3 An advisory body chair may adjourn a meeting to reconvene at a specified time
4 without issuing a new notice under (e)(1), provided that, if open agenda items
5 remain for discussion, notice of the adjourned meeting is posted on the California
6 Courts website 24 hours before the meeting reconvenes. The notice must identify
7 any remaining open agenda items to be discussed, the time that the meeting will
8 reconvene, the telephone number that the public may use to attend the meeting, and
9 if the public may attend the reconvened meeting in person, the location. The
10 advisory body may not consider new agenda items when the meeting reconvenes
11 except as permitted under (e)(2).

12
13 **(o) Action by e-mail between meetings**

14
15 An advisory body may take action by e-mail between meetings in circumstances
16 specified in this subdivision.

17
18 **(1) Circumstances**

19
20 An advisory body chair may distribute a proposal by e-mail to all advisory
21 body members for action between meetings if:

22
23 **(A) The advisory body discussed and considered the proposal at a previous**
24 **meeting but concluded additional information was needed; or**

25
26 **(B) The chair concludes that prompt action is needed.**

27
28 **(2) Notice**

29
30 If an e-mail proposal concerns a matter that otherwise must be discussed in
31 an open meeting, the advisory body must provide public notice and allow one
32 complete business day for public comment concerning the proposal before
33 acting on the proposal. The notice must be posted on the California Courts
34 website and must provide an e-mail address to which the public may submit
35 written comments. The advisory body may forego public comment if the
36 chair concludes that prompt action is required.

37
38 **(3) Communications**

39
40 If an e-mail proposal concerns a matter that otherwise must be discussed in
41 an open meeting, after distribution of the proposal and until the advisory
42 body has acted, advisory body members must restrict their communications

1 with each other about the proposal to e-mail. This restriction only applies to
2 proposals distributed under this subdivision.

3
4 (4) *Official record*

5
6 Written minutes describing the action taken on an e-mail proposal that
7 otherwise must be discussed in an open meeting must be prepared for
8 approval at a future meeting. The minutes must attach any public comments
9 received. When approved by the advisory body, the minutes constitute the
10 official record of the proposal. Approved minutes for such a proposal must be
11 posted to the California Courts website. The e-mails exchanged concerning a
12 proposal that otherwise would have been considered in a closed meeting will
13 constitute the official record of the proposal.

14
15 (p) **Review requirement**

16
17 The Judicial Council will review the impact of this rule within one year of the
18 rule’s adoption and periodically thereafter to determine whether amendments are
19 needed. In conducting its review, the council will consider, among other factors,
20 the public interest in access to meetings of the council’s advisory bodies, the
21 obligation of the judiciary to comply with judicial ethics standards, and the public
22 interest in the ability of advisory bodies to effectively assist the Judicial Council by
23 offering policy recommendations and alternatives for improving the administration
24 of justice.

25
26 *Rule 10.75 adopted effective July 1, 2014.*

27
28 **Advisory Committee Comment**

29
30 **Subdivisions (a) and (c)(1).** This rule expands public access to Judicial Council advisory bodies.
31 The council recognizes the important public interest in access to those meetings and to
32 information regarding administration and governance of the judicial branch. Meetings of the
33 Judicial Council are open, and notice and materials for those meetings are provided to the public,
34 under rules 10.5 and 10.6. Rules in Division 1 of Title 10 describe the council’s advisory bodies
35 and require that proposals for rules, standards, forms, and jury instructions be circulated for
36 public comment. (See Cal. Rules of Court, rules 10.10–10.22, 10.30–10.70.) Reports to the
37 council presenting proposals and recommendations are publicly posted on the California Courts
38 website (www.courts.ca.gov). Internal committee chairs report at each council meeting regarding
39 the activities of the internal committees in the period since the last council meeting, and internal
40 committee meeting minutes also are posted on the California Courts website. This rule expands
41 on those existing rules and procedures to increase public access by opening the meetings of
42 advisory bodies to review issues that the advisory body will report to the council. The rule does
43 not apply to meetings that do not involve review of issues to be reported to the council, such as

1 meetings providing education and training of members, discussion of best practices, or sharing of
2 information of general interest unrelated to advice or reports to the council. Those non-advisory
3 matters are outside the scope of this rule.

4
5 **Subdivision (b)(1).** The definition provided in (b)(1) is intended exclusively for this rule and
6 includes internal committees, advisory committees, task forces, and other similar multimember
7 bodies that the council creates to review issues and report to it. (Cf. Cal. Rules of Court,
8 rule 10.30(a) [“Judicial Council advisory bodies are typically advisory committees and task
9 forces].)

10
11 **Subdivisions (c)(2), (c)(3), and (d)(10).** The Code of Judicial Ethics governs the conduct of
12 judges and is binding upon them. It establishes high standards of conduct that judges must
13 personally observe, maintain, and enforce at all times to promote and protect public confidence in
14 the integrity and impartiality of the judiciary. (See Code Judicial Ethics, Preamble, canon 1,
15 canon 2A.) Among other things, compliance with these high ethical standards means avoiding
16 conduct that could suggest a judge does not have an open mind in considering issues that may
17 come before the judge. (*Id.*, canon 2A.) Judges also are prohibited from making public comments
18 about a pending or impending proceeding (*id.*, canon 3B(9)), signifying that they may not
19 publicly discuss case law that has not reached final disposition through the appellate process, or
20 pending or anticipated litigation, conduct that would be required to participate in the work
21 covered by the referenced subdivisions. Ethical standards also direct that they hear and decide all
22 matters assigned to them, avoiding extrajudicial duties that would lead to their frequent
23 disqualification. (*Id.*, canons 3B(1), 4A(4).)

24
25 The work of the three advisory bodies listed in subdivision (c)(2) exclusively involves discussion
26 of topics that are uniquely difficult or impossible for judges to address while honoring the
27 detailed ethical standards governing the judiciary. For example, as required by rule, the Litigation
28 Management Committee discusses pending or anticipated claims and litigation against judicial
29 officers, courts, and court employees. Jury instruction committees also may discuss decisions or
30 rulings issued in cases that have not reached final resolution through the appellate process. Thus,
31 opening the meetings of these three committees would result in precluding judges, who are
32 specially learned in the law, from meaningful participation on those committees.
33 Subdivision (c)(2) is added to avoid this result.

34
35 The work of the six rule committees listed in subdivision (c)(3) almost always will trigger similar
36 issues. Those bodies focus primarily on developing, and providing input concerning, proposed
37 legislation, rules, forms, and standards of judicial administration. That work necessarily entails a
38 complex interchange of views, consideration of multiple perspectives, and the vetting of opposing
39 legal arguments, which judges cannot undertake in public without risk that their comments will
40 be misunderstood or used as a basis for disqualification or challenge. Service on the referenced
41 committees, and public participation in discussing the referenced topics, may make it difficult for
42 a judge to hear and decide all matters assigned to the judge and conceivably could lead to
43 frequent disqualification of the judge, exposing the judge to risk of an ethical violation. This may

1 create significant practical issues for courts related to judicial workloads, while also deterring
2 individuals specially learned in the law from serving on advisory bodies, in turn depriving the
3 public of the benefits of their training and experience in crafting procedures for the effective and
4 efficient administration of justice. Subdivisions (c)(3) and (d)(10) are intended to prevent such
5 deleterious results by clarifying that meetings of the six rule committees whose work almost
6 entirely focuses on these topics ordinarily will be closed and that meetings of other bodies
7 performing similar functions also will be closed as the chairs deem appropriate, with the
8 exception that any budget meetings must be open.

9
10 **Subdivision (d)(7).** Definitions of the terms “trade secret,” “privileged information,” and
11 “confidential commercial and financial information,” are provided in rule 10.500(f)(10).

12
13 **Subdivision (k)(1).** Due to budget constraints, members’ schedules, and the geographic diversity
14 of most committees’ membership, advisory body meetings typically are held via teleconference
15 or other method not requiring the members’ in person attendance. Because judicial officer and
16 attorney members may have limited time for meetings (e.g., only a lunch hour), the volume of
17 advisory body business to be accomplished in those periods may be considerable, and the costs of
18 coordinating teleconferences that would accommodate spoken comments from the public would
19 be significant in the aggregate, the rule only provides for public comment in writing. To ensure
20 sufficient time for advisory body staff to gather and distribute written comments to members, and
21 for members to review comments before the meeting, the rule requires that comments be
22 submitted one complete business day before the meeting.

23 24 **Chapter 34. Administrative Office of the Courts**

25 26 27 **Ethics Standards for Neutral Arbitrators in Contractual Arbitration**

28 29 **Standard 8. Additional disclosures in consumer arbitrations administered by a** 30 **provider organization**

31 32 **(a) General provisions**

33 34 **(1) *Reliance on information provided by provider organization***

35
36 Except as to the information in (c)(1), an arbitrator may rely on information
37 supplied by the administering provider organization in making the disclosures
38 required by this standard only if the provider organization represents that the
39 information the arbitrator is relying on is current through the end of the
40 immediately preceding calendar quarter or more recent. If the information
41 that must be disclosed is available on the Internet, the arbitrator may comply
42 with the obligation to disclose this information by providing in the disclosure
43 statement required under standard 7(c)(1) the Internet address of the specific

1 web page at which the information is located and notifying the party that the
2 arbitrator will supply hard copies of this information upon request.

3
4 (2) * * *

5
6 *(Subd (a) amended effective July 1, 2014.)*

7
8 **(b)–(d)** * * *

9
10 *Standard 8 amended effective July 1, 2014.*

11
12

Changes effective January 1, 2015:

1
2 **Rule 5.522. ~~Fax~~Remote filing**

3
4 **(a) Applicability and definitions**

5
6 (1) This rule applies to juvenile court proceedings in courts that permit fax or
7 electronic filing by local rule or other written instruction.

8
9 (2) As used in this rule, ~~“fax,” “facsimile transmission” or “fax transmission,”~~
10 ~~“facsimile machine” or “fax machine,” “facsimile filing” or~~ and “fax filing,”
11 and “fax” are defined in rule 2.301. A fax machine also includes any
12 electronic device capable of receiving a fax transmission, as defined in rule
13 2.301.

14
15 (3) As used in this rule, “electronic filing” is defined in rule 2.250. Rule 2.250
16 also defines other terms used in this rule related to electronic filing, such as
17 “document,” “electronic filer,” “electronic filing service provider,” “regular
18 filing hours,” and “close of business.”

19
20 *(Subd (a) amended effective January 1, 2015; previously amended effective January 1,*
21 *2007.)*

22
23 **(b) Electronic filing**

24
25 (1) A court may allow for the electronic filing of documents in juvenile
26 dependency and delinquency proceedings as provided under, and consistent
27 with, rule 2.252 et seq.

28
29 (2) A court may allow for the electronic filing of documents directly with the
30 court or may provide by local rule for indirect filing through an electronic
31 filing service provider that has in place systems to ensure the integrity and
32 confidentiality of transmission of records and adheres to the requirements of
33 rule 2.256(a)(1).

34
35 (3) Electronic filing must be conducted in a manner that preserves and ensures
36 the confidentiality of records by encryption or other secure methods.

37
38 (4) This rule does not incorporate the electronic service provisions in rule 2.251.

39
40 *(Subd (b) adopted effective January 1, 2015.)*

41
42 **(b) ~~Juvenile court documents that may be filed by fax~~**

1 **(c) Fax filing**

2
3 **(1) Juvenile court documents that may be filed by fax**

4
5 The following documents may be filed in juvenile court by the use of a fax
6 machine: petitions filed under sections 300, ~~342, 387, 388,~~ 601, 602, ~~342,~~
7 ~~387, 388, 777,~~ and 778. Other documents may be filed by the use of a fax
8 machine if permitted by local rule ~~or other written instruction~~ as specified in
9 (a).

10
11 **(e) ~~Persons and agencies that may file by fax~~**

12
13 **(2) Persons and agencies that may file by fax**

14
15 Only the following persons and agencies may file documents by the use of a
16 fax machine, as stated in (b)(c)(1): any named party to the proceeding; any
17 attorney of record in the proceeding; the county welfare department; the
18 probation department; the office of the district attorney; the office of the
19 county counsel; a CASA volunteer appointed in the case.

20
21 **(A) Any named party to the proceeding;**

22
23 **(B) Any attorney of record in the proceeding;**

24
25 **(C) The county child welfare department;**

26
27 **(D) The probation department;**

28
29 **(E) The office of the district attorney;**

30
31 **(F) The office of the county counsel; and**

32
33 **(G) A Court Appointed Special Advocate (CASA) volunteer appointed in**
34 **the case.**

35
36 **(d) ~~Procedures for fax filing~~**

37
38 **(3) Procedures for fax filing**

39
40 A ~~party or agency person~~ described in (c)(2) may file by fax directly to any
41 juvenile court that has provided for fax filing by local rule ~~or other written~~
42 ~~instruction~~. The local rule or other written instruction must provide the fax

1 telephone number or numbers for filings and the business hours during which
2 fax filings will be accepted.

3
4 **(e) ~~Mandatory cover sheet~~**

5
6 **(4) Mandatory cover sheet**

7
8 A fax filing must be accompanied by *Fax Filing Cover Sheet* (form JV-520).
9 The cover sheet must be the first page of the transferred document. The court
10 is not required to retain or file a copy of the cover sheet.

11
12 **(f) ~~Signatures~~**

13
14 **(5) Signatures**

15
16 Notwithstanding any provision of law to the contrary, a signature produced
17 by fax transmission is an original signature.

18
19 **(g) ~~Confidentiality requirements~~**

20
21 **(6) Confidentiality requirements**

22
23 ~~In order to~~ To secure the confidentiality of the documents subject to filing by
24 fax, the following procedures are required:

25
26 ~~(1)(A)~~ (A) ~~The In each~~ clerk's office designated to receive such documents,
27 must have either a separate fax machine must be provided and
28 dedicated solely to the receipt of the documents described in (b)(c)(1)
29 or a fax machine that is set up with a protocol to preserve the
30 confidentiality of the documents described in (c)(1); and

31
32 ~~(2)~~ The telephone number to be used for these filings must be made
33 available only to those persons and agencies described in (c); and

34
35 ~~(3)(B)~~ (B) Any document received for fax filing must be filed or submitted
36 to the court immediately on receipt and must not be placed or stored
37 where anyone not entitled to access may examine it.

38
39 *(Subd (c) adopted and amended effective January 1, 2015; previously subd (b)–(g);*
40 *previously amended effective January 1, 2007.)*

41
42 *Rule 5.522 amended effective January 1, 2015; adopted as rule 1406.5 effective January 1, 1999;*
43 *previously amended and renumbered effective January 1, 2007.*

1
2 **Rule 10.474. Trial court managers, supervisors, and other personnel**

3
4 **(a)–(b) * * ***

5
6 **(c) Hours-based requirements**

7
8 (1)–(2) * * *

9
10 (3) ~~The first two-year period for all court managers, supervisors, and other~~
11 ~~personnel begins on January 1, 2007.~~ The orientation education required for
12 new managers, supervisors, and other personnel under (b) does not apply
13 toward the required hours of continuing education because it must be
14 completed before they enter the two-year period. Each new manager,
15 supervisor, or employee enters the two-year continuing education period on
16 the first day of the quarter following his or her completion of the orientation
17 education required under (b); the quarters begin on January 1, April 1, July 1,
18 and October 1. Each manager, supervisor, or employee who enters the two-
19 year continuing education period after it has begun must complete a prorated
20 number of continuing education hours for that two-year period, based on the
21 number of quarters remaining in it.

22
23 (4) * * *

24
25 (5) Each hour of participation in traditional (live, face-to-face) education;
26 distance education such as broadcasts, videoconferences, and online
27 coursework; and faculty service counts toward the requirement on an hour-
28 for-hour basis. ~~Each manager, supervisor, and employee must complete at~~
29 ~~least half of his or her continuing education hours requirement as a~~
30 ~~participant in traditional (live, face-to-face) education. The individual may~~
31 ~~complete the balance of his or her education hours requirement through any~~
32 ~~other means with no limitation on any particular type of education. The court~~
33 executive officer has discretion to determine the number of hours, if any, of
34 traditional (live, face-to-face) education required to meet the continuing
35 education requirement. Self-directed study is encouraged for professional
36 development but does not apply toward the required hours.

37
38 (6)–(7) * * *

39
40 *(Subd (c) amended effective January 1, 2015; previously amended effective January 1,*
41 *2008, January 1, 2012, and January 1, 2013.)*
42

1 (d) **Extension of time**

2
3 (1) For good cause, the executive officer ~~or a supervisor, if delegated by the~~
4 ~~executive officer,~~ may grant a ~~six-month~~ one-year extension of time to
5 complete the education requirements in this rule. If an extension is granted,
6 the subsequent two-year compliance period begins immediately after the
7 extended compliance period ends, unless otherwise determined by the
8 executive officer.

9
10 (2) If the executive officer ~~or supervisor~~ grants a request for an extension of
11 time, the manager, supervisor, or employee who made the request, in
12 consultation with the executive officer ~~or supervisor,~~ must also pursue
13 interim means of obtaining relevant educational content.

14
15 (3) ~~An extension of time to complete the hours-based requirement does not affect~~
16 ~~the timing of the next two-year period.~~

17
18 *(Subd (d) amended effective January 1, 2015.)*

19
20 (e) * * *

21
22 *Rule 10.474 amended effective January 1, 2015; adopted as rule 10.464 effective January 1,*
23 *2007; previously amended and renumbered effective January 1, 2008; previously amended*
24 *effective January 1, 2012, and January 1, 2013.*

25
26 **Advisory Committee Comment**

27
28 The time frame for completion of compliance courses based on statutory or regulatory mandates
29 is unaffected by the one-year extension in (d)(1).

30