



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

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

March 23, 2022

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The Court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

smsccomment@sanmateocourt.org

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

Comments must be received by no later than **Tuesday, May 10, 2022 at 2:30 P.M.**

Sincerely,
Neal Taniguchi, Court Executive Officer

A handwritten signature in cursive script that reads "Blake Cox".

By: Blake Cox
Court Rules Committee Staff

**San Mateo County Superior Court
Proposed Local Rule Changes, Spring 2022
Effective July 1, 2022**

PROPOSED AMENDED LOCAL RULE 2.12:

2.12 Court Reporter Availability in Civil Actions

(a) Unavailable.

(i) The services of official court reporters are not normally available during regular court hours for the following civil departments and calendars: Case Management Conferences, *Case Management and Trial Setting Conferences, Informal Discovery Conferences, Mandatory Settlement Conferences, Post-Judgment Orders of Examination, Orders to Show Cause (set for the Civil Commissioner)*, Unlawful Detainer pretrial conferences, *Unlawful Detainer Limited Jurisdiction Court Trials, Unlawful Detainer Limited Jurisdiction Jury Trials*, Small Claims actions, Small Claims appeals, Small Claims night court, and Lanterman-Petris-Short Act pretrial conservatorship proceedings. *The services of an official court reporter will be available for Complex Case Management Conferences if held in conjunction with (or on the same calendar with) motions set for hearing on the Complex Law & Motion calendar.*

(ii) *Pursuant to Government Code Section 69957, when a court reporter is not available or not demanded, the Court will use and provide electronic recording of Unlawful Detainer Civil Limited Jurisdiction court trials and jury trials.*

(b) Available. The services of official court reporters are normally available during regular court hours for all other civil departments and calendars, not identified in subsection (a).

(Adopted, effective January 1, 2020; Amended, effective July 1, 2020; *Amended effective July 1, 2022.*)

PROPOSED NEW LOCAL RULE 2.13:

Rule 2.13 Policy Against Bias

(a) *It is the policy of the Court to refrain from and prevent biased conduct. In all court interactions, it is the policy of the Court that its judicial officers and its employees should refrain from engaging in conduct and should take action to prevent others from engaging in conduct that exhibits bias, including but not limited to bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and Code of Judicial Ethics, canon 3(B)(5), whether that bias is directed toward counsel, court staff, witnesses, parties, jurors, or any other person. This*

policy does not preclude legitimate comment or advocacy when such classifications are issues in court proceeding, nor preclude the Court from considering such classifications when necessary or relevant to the proper exercise of adjudicatory or administrative functions.

(b) Any violation of the policy against bias committed by any judge or commissioner or judge pro tem or Court Executive Officer of this Court, should be reported in writing directly to the Presiding Judge or the Assistant Presiding Judge. Any violation of the policy against bias committed by any court-appointed referee should be reported in writing directly to the Presiding Judge, the Assistant Presiding Judge, or the sitting judge who appointed that referee. Any violation of the policy against bias committed by any court employee or court administrator should be reported in writing directly to the Court Executive Officer. Any violation of the policy against bias committed by any persons appearing in Court, including but not limited to parties, attorneys, witnesses, or jurors, should be reported in writing directly to the judicial officer before whom the proceedings were conducted.

(Adopted effective July 1, 2022.)

PROPOSED AMENDED LOCAL RULE 3.700(f):

Rule 3.700 Informal Discovery Conferences in General Civil Actions

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(f) Tolling of Deadline to File Motion. Pursuant to Code of Civil Procedure Section 2016.080(c)(2), the time for bringing any motion to compel or other discovery motion is tolled starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motions. ***Tolling shall be automatically lifted upon completion of the Informal Discovery Conference; and the time in which to bring a discovery motion shall continue to run thereafter, unless otherwise agreed by the parties in writing, or unless otherwise agreed by the parties at the Informal Discovery Conference and placed in the Court's Minutes including an affirmative waiver of the statutory requirement that it be in writing.***

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(Adopted effective January 1, 2021; Amended effective July 1, 2021; Amended effective July 1, 2022.)

PROPOSED AMENDED LOCAL RULE 9.12:

9.12 Court Reporter Availability in Criminal Actions

(a) Unavailability.

(i) The services of official court reporters are not normally available during regular court hours for the following criminal departments and calendars: ***misdemeanor court trials and jury trials, misdemeanor pretrial motions and motions in limine, Mmisdemeanor out-of-custody arraignments, Mmisdemeanor pretrial conferences, Mmisdemeanor jury trial readiness call jury trial, Misdemeanor disposition/confirm, misdemeanor sentencings, Mmisdemeanor domestic violence reviews, Mmisdemeanor domestic violence pretrial conferences, Mmisdemeanor Penal Code Section 1370 proceedings, Ttraffic arraignments, Ttraffic court trials, Ttraffic night court, and Mmisdemeanor cases in collaborative courts such as Military Diversion Court, Drug Court, Treatment Court, Bridges, Pathways, and DUI Court.***

(ii) ***Pursuant to Government Code Section 69957, when a court reporter is not available, the Court will use and provide electronic recording of misdemeanor court trials and jury trials, misdemeanor pretrial motions and motions in limine, misdemeanor out-of-custody arraignments, misdemeanor jury trial readiness, misdemeanor pretrial conferences, and misdemeanor domestic violence pretrial conferences.***

(b) Available. The services of official court reporters are normally available during regular court hours for all other criminal departments and calendars, not identified in subsection (a).

(Adopted effective January 1, 2020; ***Amended effective July 1, 2022.***)