



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

September 26, 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 **Monday, November 14, 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

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 LantermanPetris-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 *may* use and provide electronic recording of Unlawful Detainer Civil Limited Jurisdiction court trials and jury trials.

(b) May be Available. The services of official court reporter may be available during regular court hours for the following civil calendars: Pre-Trial Conferences, Court Trials, and Jury Trials.

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

(d) Bring Your Own. Parties have the right to arrange, at their own expense, for the presence of court reporters if the services of an official court reporter are not available for a proceeding (Government Code § 68086 & California Rules of Court, Rule 2.956).

(i) In accordance with California Rules of Court Rule 2.956, a party requesting an official court reporter must file the Request for an Official Court Reporter for any hearings and trials for which an official court reporter may not or will not be available, and the Court will provide one if available.

a. Local Court Form CV-69, Request for an Official Court Reporter for Civil Court Proceedings, must be filed at least 10 calendar days prior to the scheduled hearing or trial date for which you are requesting an official court reporter.

b. The Court will inform the requesting attorney or self-represented litigant by way of email at least 5 calendar days prior to the scheduled hearing or trial date if an official court reporter CANNOT be provided.

c. If you do not receive an email notification from the Court at least 5 calendar days prior to the scheduled hearing or trial date, it means that an official court reporter will be provided.

(ii) Fee waiver recipients who want a verbatim record of a trial court proceedings must notify the Court in writing by filing Judicial Council form FW-020 at least 10 calendar days in advance of the scheduled hearing or trial date. (See Jameson v Desta (2018) 5 Cal.5th 594) If a fee waiver litigant requests the presence of an official court reporter and it appears that none can be made available, the proceeding will be continued until such time as an official court reporter can be provided.

(e) Contracting with a Court Reporter Pro Tempore. If the services of an official court reporter are not available for a hearing or trial, a party may arrange for court reporter pro tempore services at their own expense, pursuant to Gov. Code § 68086 and CRC 2.956.

(i) *A party requesting appointment of an official reporter pro tempore must complete and sign Local Form CV-68 (Request for an Official Court Reporter for Civil Court Proceedings), and provide it to the Judicial Officer at the commencement of the proceeding.*

(ii) *The Judicial Officer must sign Local Form CV-68 (Request for an Official Court Reporter for Civil Court Proceedings) appointing the reporter as an official reporter pro tempore, before the reporter may report the proceeding. The appointment of the reporter pro tempore will be noted in the Minutes, and the courtroom clerk will file the document. There can only be one official record of court proceedings, and only a reporter appointed by the Court may report a court proceeding (Code of Civil Procedure § 273). Only one reporter will be allowed to report a court proceeding at any given time. If the parties cannot agree on a reporter, the Judicial Officer will make the selection.*

(iii) *The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees (CRC rule 2.956(c)). All fees must be paid directly to the court reporter. These expenses may be recoverable as part of a party's costs as provided by law (Government Code § 68086(a)(4)).*

(iv) *If a party arranges and pays for the attendance of a certified shorthand court reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties will be charged by the Court for the reporter's attendance fee provided for in Government Code sections 68086(a)(1) or (b)(1).*

(f) *Court Reporter Pro Tempore Requirements. By signing Local Form CV-68 (Request for an Official Court Reporter for Civil Court Proceedings), and accepting the appointment as an Official Court Reporter Pro Tempore for that proceeding, the court reporter pro tempore shall take and subscribe to the Constitutional Oath of Office, and confirm and agree that he or she:*

(i) *Has a valid, current California Certified Shorthand Reporter License;*

(ii) *Is in good standing with the Court Reporters Board of California;*

(iii) *Will maintain current contact information with the Court;*

(iv) *Understands and acknowledges that all fees for reporting services, including appearance, transcript, and real-time fees, are the responsibility of the party(ies) who arranged for the reporter's services, and no such fees may be charged to the Court;*

(v) *Will comply with all statutes and rules applicable to an Official Reporters Pro Tempore, including the duty to prepare transcripts, both trial and appellate, timely, and in the required form; and*

(vi) *Will comply with the Court's requirements as stated in the Official Court Reporter Pro Tempore Policy (on the Court's website) regarding uploading electronic notes on a timely basis.*

(Adopted, effective January 1, 2020; Amended, effective July 1, 2020; Amended, effective July 1, 2022; *Amended, effective January 1, 2023.*)

Rule 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, misdemeanor out-of-custody arraignments, misdemeanor pretrial conferences, misdemeanor jury trial readiness, misdemeanor sentencings, misdemeanor domestic violence reviews, misdemeanor domestic

violence pretrial conferences, misdemeanor Penal Code Section 1370 proceedings, traffic arraignments, traffic court trials, traffic night court, and misdemeanor 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 ~~may~~ 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, misdemeanor domestic violence pretrial conferences, ***misdemeanor domestic violence reviews, and misdemeanor cases in collaborative courts such as Military Diversion Court, Drug Court, Treatment Court, Bridges, Pathways, DUI Court, and Penal Code 1370 proceeding.***

(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; ***Amended effective January 1, 2023.***)

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.

(c) Consistent with Standard 10.20(c) of the Standards of Judicial Administration, and in collaboration with the San Mateo County Bar Association, the Committee for Professional Equality is and was established, co-sponsored by this Court. The purpose of the Committee for Professional Equality is to increase awareness and educate members of the legal profession about issues of bias, including sponsoring and supporting educational programs designed to eliminate unconscious and explicit biases within the courts and legal communities. The members of the Committee shall include at least one active San Mateo County judge and one retired San Mateo County judge, one court administrator, one attorney member of the San Mateo County Bar Association, one non-attorney community member, and one attorney member of the San Mateo County Bar Association's Women Lawyers Section. The members shall sit for three years on rotating terms.

(Adopted effective July 1, 2022; *Amended effective January 1, 2023.*)

Rule 3.1100 Mandatory Settlement Conferences

(a) In all general civil cases ~~actions~~ as defined in CRC Rule 1.6(4), and in any complex cases in the discretion of the assigned Civil Judge, **and in any Probate matters subject to Local Rule 4.3(c)**, the civil case will be set for a Mandatory Settlement Conference prior to trial. The Mandatory Settlement Conference will be conducted by a Civil Judge **or Probate Judge** who is not assigned as the single-assigned judge for that ~~civil~~ case.

* * *

Rule 4.2 Hearing

A. Hearing Schedule. ~~As of February 16, 2021, Probate matters~~ **generally** will be heard on Monday through Friday in the designated Probate Department. ~~The Probate Calendar will generally be heard at 9:00 a.m.,~~ **except for one Thursday and one Friday per month** although Thursday's Probate Calendar may sometimes be heard at 2:00 p.m. instead of 9:00 a.m. Please check with the Court Clerk's Office, Probate Division or the Court's website at www.sanmateocourt.org for ~~the future~~ schedule changes. LPS conservatorship matters are heard by the Court on Tuesdays in the designated Probate Department at 11:00 a.m.

* * *

(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; Amended, effective July 1, 2004; Amended, effective July 1, 2006; Amended effective January 1, 2007; Amended, effective July 1, 2021; **Amended, effective January 1, 2023.**)

Rule 4.3 Probate Trials and Contested Matters

(a) **All trials and contested hearings in any proceedings under the Probate Code, which trial or contested hearing is estimated to take less than three court days (i.e., five half days or less), will be heard and set on the calendar of the designated Probate Department.**

(b) **All trials and contested hearings in any proceedings under the Probate Code, which trial or contested hearing (requiring adjudication of disputed material facts) is estimated to take three court days or more (i.e., six half days or more), will be heard and set on the Master Calendar for assignment, after the parties have participated in a Mandatory Settlement Conference**

(c) **All parties in any proceedings under the Probate Code, where the trial or other contested hearing (requiring adjudication of disputed material facts) is estimated to take three court days or more (i.e., six half days or more), must participate in a Mandatory Settlement Conference, and comply with Local Rule 3.1100.**

(Prior Rule 4.3 adopted July 1, 1996 was repealed July 1, 2004; **new Rule 4.3 Adopted effective January 1, 2023.**)

Rule 4.4 Length of Hearing

The estimated length of the hearing shall determine on which calendar the matter is to be set.

~~(a)A.~~ All matters estimated by counsel/self-represented party to last no longer than fifteen (15) minutes in duration shall be set on the daily ~~p~~**Probate e**Calendar.

~~(b)B.~~ All matters estimated by counsel/***self-represented party*** to require a hearing of longer than fifteen (15) minutes shall be set on the ***Probate*** long-cause calendar. Long cause matters will be specially set in the designated ~~p~~**Probate d**Department depending upon the ~~court's~~ ***Probate e***Calendar and availability. Counsel/self-represented parties shall ~~notify~~ ***contact*** the clerk of the court in the ~~Probate d~~**Department** to ~~receive~~ ***obtain*** a special set hearing date and time ***prior to filing the initial application or motion to be set for hearing.*** ~~If the court calendar and availability do not permit the hearing of the long cause matter, counsel/self-represented parties will be directed to notify the Master Calendar Coordinator (650) 261-5020 to obtain a date on the master calendar.~~

(i) When a matter is put on the long cause calendar, all papers in support or opposition of the matter must be filed and served five (5) court days in advance of the hearing date ~~in the office of the clerk of the Court, Probate Division.~~

(ii) All long cause matters shall comply with the Law and Motion rules.

(Adopted, effective July 1, 1996; Amended, effective January 1, 2000; Amended, effective July 1, 2004; Amended, effective July 1, 2009; Amended, effective January 1, 2014; ***Amended, effective January 1, 2023.***)

Rule 4.6 Appearance

A. * * *

B. ~~Telephone Appearance. Except in petitions to appoint a conservator or guardian, or confirm a sale of property, telephone appearances may be allowed in matters where counsel has made arrangements through CourtCall. References is made to Local Rule 4.2. **REPEALED.** Please see Local Rule 4.2(d).~~

(Adopted, effective July 1, 1996; Amended, effective January 1, 2000; amended, effective July 1, 2004; Amended, effective January 1, 2011; Amended, effective July 1, 2012; Amended, effective January 1, 2018; ***Amended, effective January 1, 2023.***)

Rule 5.7 Requests for Orders, Order to Show Cause, and Notice of Motion

* * *

F. Conduct of Hearings.

* * *

2. Calendar Calls: The calendar for each session shall begin promptly at the appointed time and place designated on the notice of hearing. The supervising judge of the Family Law Department may change the times for calendar calls and notice thereof will be published in the legal newspapers in the county and/or posted outside the affected courtrooms. ***The Court allows for remote appearances by way of Zoom Audio/Video for certain family law calendars and hearing types. Please refer to the Calendar Appearance Requirement Matrix, on the court's website (www.sanmateocourt.org) for specific details as to which calendars allow remote appearances. For those calendars where remote appearances are permitted, appearances by video are strongly preferred; audio-only appearances, through the video vendor, currently Zoom, are permitted only if video is completely unavailable. However, in all evidentiary hearings where a party or witness is appearing remotely, video is required. Any attorney or party joining the Zoom meeting after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing. The Court will provide a telephone number on the website (www.sanmateocourt.org) for litigants and attorneys to obtain assistance regarding remote appearances. The telephone line will be open 30 minutes before the start of a court hearing and will remain open for the duration of the court session.***

* * *

(Adopted, effective January 1, 2000; Amended and renumbered (formerly Rule 5.6), effective January 1, 2004; Amended, effective January 1, 2005; Amended, effective January 1, 2007; Amended, effective January 1, 2010; Amended, effective July 1, 2010; Amended, effective July 1, 2011; Amended, effective July 1, 2012; Amended, effective July 1, 2013; Amended, effective January 1, 2014; ***Amended, effective January 1, 2023.***)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO <input type="checkbox"/> HALL OF JUSTICE – 400 COUNTY CENTER, REDWOOD CITY, CA, 94063 <input type="checkbox"/> NORTHERN BRANCH – 1050 MISSION ROAD, SOUTH SAN FRANCISCO, CA 94080 <input type="checkbox"/> JUVENILE BRANCH – 222 PAUL SCANNELL DRIVE, SAN MATEO, CA 94402 <input type="checkbox"/> CENTRAL BRANCH – 800 NORTH HUMBOLDT STREET, SAN MATEO, CA 94401	FOR COURT USE ONLY
Plaintiff(s)/Petitioner(s):	
Defendant(s)/Respondent(s):	DEPT:
APPOINTMENT OF OFFICIAL COURT REPORTER PRO TEMPORE	CASE NUMBER(S):

1. Reporter Information

Name:

License No.:

Bus. Address:

Tel. No.:

E-mail:

2. Constitutional Oath of Office

I, _____,

do solemnly swear (or affirm) that I will support and defend the Constitution of United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

3. Court Reporter Agreement

By signing this agreement, and accepting the appointment as an Official Court Reporter Pro Tempore for this proceeding, the reporter takes and subscribes to the Constitutional Oath of Office above, and confirms and agrees that he or she: (1) Has a valid, current California Certified Shorthand Reporter License; (2) Is in good standing with the Court Reporters Board of California; (3) Will maintain current contact information with the Court; (4) Understands and acknowledges that all fees for reporting services, including appearance, transcript, and real-time fees, are the responsibility of the party(ies) who arranged for the reporter services, and no such fees may be charged to the Court; (5) Will comply with all statutes and rules applicable to an Official Court Reporters Pro Tempore, including the duty to prepare transcripts, both trial and appellate, timely, and in the required form; (6) and Will comply with the Court's requirements as stated in the *Official Court Reporter Pro Tempore Policy (on the Court's website)* regarding uploading electronic notes on a timely basis.

Date:

Signature of Official Court Reporter Pro Tempore**ORDER APPOINTING OFFICIAL COURT REPORTER PRO TEMPORE**

GRANTED. Pursuant to Gov. Code §§ 68086 & 70044 and California Rules of Court, rule 2.956, the above-identified certified shorthand reporter is appointed as an Official Court Reporter Pro Tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement set forth above.

 DENIED.**IT IS SO ORDERED.**_____
Judge/Commissioner of the Superior Court

Date:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO <input type="checkbox"/> HALL OF JUSTICE – 400 COUNTY CENTER, REDWOOD CITY, CA, 94063 <input type="checkbox"/> NORTHERN BRANCH – 1050 MISSION ROAD, SOUTH SAN FRANCISCO, CA 94080 <input type="checkbox"/> JUVENILE BRANCH – 222 PAUL SCANNELL DRIVE, SAN MATEO, CA 94402 <input type="checkbox"/> CENTRAL BRANCH – 800 NORTH HUMBOLDT STREET, SAN MATEO, CA 94401	FOR COURT USE ONLY
Plaintiff(s)/Petitioner(s):	
Defendant(s)/Respondent(s):	DEPT:
REQUEST FOR AN OFFICIAL COURT REPORTER FOR CIVIL COURT PROCEEDINGS	CASE NUMBER(S):

In accordance with California Rules of Court Rule 2.956, a party requesting an official court reporter must file this Request for an Official Court Reporter. The request must be filed at least 10 calendar days prior to the hearing or trial date for which you are requesting an official court reporter. The Court will inform the requesting attorney or self-represented litigant by way of email at least 5 calendar days prior to the hearing or trial date if an official court reporter CANNOT be provided. **If you do not receive an email notification from the Court at least 5 calendars days prior to the hearing or trial date, it means that an official court reporter will be provided.**

Date(s) of Hearing or Trial:

Time(s) of Hearing or Trial:

Requesting Party: Plaintiff Defendant Other

Name of Attorney or Self-Represented Litigant:

Email:

Phone Number:

CONFIDENTIAL (DO NOT ATTACH TO PETITION)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, Address) TELEPHONE NO: _____ FAX NO.(Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	Reserved for Clerk's Office Stamp
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO Hall of Justice, Probate Division, 1 st Floor400 County Center Redwood City, CA 94063	
GUARDIANSHIP OF (Name): _____	
Notification to Court of Addresses for Guardianship	CASE NUMBER: _____

Date of Original Appointment: _____

Date of Hearing: _____ Original Accounting Address Change

Indicate any special issues relating to a guardianship investigation (Examples: language spoken, personal safety, communication issues, etc.): _____

(Proposed) Ward:

Name: _____

Address: _____ Zip: _____

Phone No. _____

(Proposed) Guardian:

Name: _____ Relationship: _____

Address: _____ Zip: _____

Phone No. _____ Email: _____

(Proposed) Co-Guardian:

Name: _____ Relationship: _____

Address: _____ Zip: _____

Phone No. _____ Email: _____

NOTE: This form shall be filed at the following times:

1. By the Proposed Guardian with the Petition for Guardianship
2. By the Guardian when filing a Petition for Accounting
3. By the Guardian upon change of location (address) by the Ward and/or Guardian

Notification to Court of Addresses for Guardianship

GUARDIANSHIP OF (Name):	CASE NUMBER:
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Attorney for (Proposed) Ward:

Name/Firm: _____
Address: _____ Zip: _____
Phone No. _____ Fax No.: _____
Email: _____

Attorney for (Proposed) Guardian: (if applicable)

Name/Firm: _____
Address: _____ Zip: _____
Phone No. _____ Fax No.: _____
Email: _____

Attorney for Parents: (if applicable)

Name/Firm: _____
Address: _____ Zip: _____
Phone No. _____ Fax No.: _____
Email: _____

(Proposed) Ward's Physician/Practitioner:

Name: _____
Institution (if applicable): _____
Address: _____ Zip: _____
Phone No.: _____

Notification to Court of Addresses for Guardianship

GUARDIANSHIP OF (Name):	CASE NUMBER:
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LIST OF WARD'S RELATIVES/FRIENDS

Mother:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Father:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Maternal Grandmother:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Maternal Grandfather:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Paternal Grandmother:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Paternal Grandfather:

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Notification to Court of Addresses for Guardianship

GUARDIANSHIP OF <i>(Name)</i> :	CASE NUMBER:
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Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Sibling (Over age 12):

Name: _____
Address: _____ Zip: _____
Phone No. _____
Email: _____

Notification to Court of Addresses for Guardianship