



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 20, 2023

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective January 1, 2024. 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 **Wednesday, November 8, 2023 at 4:30 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

<p>Title</p>	<p>LOCAL RULE 3.403 Tentative Rulings in Civil Law and Motion</p>
<p>Discussion</p>	<p>The Court is receiving proposed orders that summarize or paraphrase a lengthy tentative ruling, rather than recite the tentative decision.</p> <p>This amendment is modeled this on SF Superior Court LR 8.3(g), which states that:</p> <p>“The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the substantive portion of the tentative ruling and must bring the proposed order to the hearing even if the motion is not opposed or the tentative ruling is not contested. If the prevailing party is appearing at the hearing remotely, the proposed order may be sent to the court by an email to contestdept302tr@sftc.org. If the proposed order is for a summary judgment and/or adjudication motion, the proposed order must comply with requirements of CCP § 437c(g). If the proposed order is for a motion, such as a motion to withdraw as counsel, where there is a Judicial Council form order, the prevailing party should complete the Judicial Council form as the proposed order.”</p> <p>Cal. R. Ct., Rule 3.1312 provides that “Unless the parties waive notice or the court orders otherwise, the party prevailing on any motion must, within five days of the ruling, serve by any means authorized by law and reasonably calculated to ensure delivery to the other party or parties no later than the close of the next business day a proposed order for approval as conforming to the court's order. . . .” While the proposed local rule has the same objective, it’s a bit more specific than the CRC rule.</p>
<p>Proposed Changes (Insert any new text in bold and italicized font. Strike through any deleted text.)</p>	<p>(a) ...</p> <p>(b) Notice of Intent to Appear Required. Reference California Rules of Court, Rule 3.1308(a)(1).</p> <p>(i) A party intending to appear in order to contest the tentative ruling on a law and motion matter calendared for hearing must notify all counsel of record, self-represented parties, and the Civil Department of the Civil Judge assigned to that civil case by 4:00 p.m. on the court day before the hearing either by (A) emailing that Civil Department with that email contemporaneously copied to all parties or their counsel of record, or (B) by telephoning that Civil Department at the telephone number listed on the Court’s website.</p> <p>(ii) If notice is given by email, the contesting party must state in the subject line of the email the case name and case number. In the text of the email, the contesting party must state the specific motion, the party contesting, and the time estimate of counsel for oral argument by all parties. All emails must be sent in at least 12 point type. The Civil Department’s email address is for the sending and receiving of notices to contest tentative ruling, and is not a venue for back-and-forth communications with the Court. Communications to the Civil Department email address is not part of the official court files – just like a paper letter, they are not</p>

“filed” documents – and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(iii) If there is no contest to the tentative ruling, the Court will adopt the tentative as its order.

(iv) The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the tentative ruling. If the proposed order is for a motion that the Court granted and there is a mandatory Judicial Council form order (such as a motion to withdraw as counsel), the prevailing party should complete the Judicial Council form and submit it along with a copy of the tentative ruling.

Jan 24

Title LOCAL RULE 6.1 Hearing in Uncontested Matters in the Department of the Presiding Judge

Discussion Local Rule 6.1 is obsolete

Proposed Changes

(Insert any new text in bold and italicized font.

Strike through any deleted text.)

~~***Minors' settlements, adoptions and other uncontested matters identified in Local Rule 3.400(b) requiring hearing shall be assigned by the Presiding Judge to a department for hearing at 9:00 a.m. on any court day.***~~

~~***An application for a hearing in an uncontested matter must be made in writing and must be filed with the clerk of the court not less than five court days before the hearing. No matter will be set on the uncontested calendar until all required pleadings and other documents have been filed.***~~

Jan 24

Title LOCAL RULE 2.12, Court Reporter Availability in Civil Actions

Discussion The proposal is simply to correct the name of a form referenced within the rule.

Proposed Changes

(Insert any new text in bold and italicized font.

Strike through any deleted text.)

(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-PetrisShort Act pretrial conservatorship proceedings.

(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.

(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 **have signed by the official reporter pro tempore and sign** Local Form CV-68 (***Appointment of Official Court Reporter Pro Tempore 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 (***Appointment of Official Court Reporter Pro Tempore 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. Superior Court of California, County of San Mateo Div II - Rules 208 Revised 1/1/2023

(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 (***Appointment of Official Court Reporter Pro Tempore 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.