



SHERRI R. CARTER  
EXECUTIVE OFFICER / CLERK OF COURT

111 NORTH HILL STREET  
LOS ANGELES, CA 90012-3014

# *Superior Court of California* *County of Los Angeles*

March 15, 2019

## **PROPOSED REVISIONS TO LOCAL COURT RULES**

Pursuant to California Rules of Court, Rule 10.613(g), the following proposed amendments to the Local Rules are hereby distributed for comment. The affected rules are:

- Rule 1.9 COURT COMMISSIONERS  
Amend rule regarding selection process for commissioners.
- Rule 2.18 APPLICATION TO PROCEED IN FORMA PAUPERIS (Cal. Rules of Court, rule 3.50 et seq.)  
Amend rule to update locations.
- Rule 2.22 FACSIMILE FILING IN CIVIL, FAMILY LAW, AND PROBATE CASES; ELECTRONIC DELIVERY IN CIVIL PERSONAL INJURY COURT  
Amend rule to reflect changes in court policy regarding facsimile filing.
- Rule 2.24 TRIALS BEFORE TEMPORARY JUDGES AND REFERENCES  
Amend rule to reflect change in appointment of Family Law temporary judge.
- Rule 3.4 TIME FOR FILING PAPERS  
Amend rule to include electronic filing.
- Rule 3.5 TIME FOR HEARINGS  
Amend rule to update procedures.
- Rule 3.79 ADMONITIONS TO JURORS  
Amend rule to include clerk duties.
- Rule 3.213 FORM OF JUDGMENT  
Amend rule to update procedure for record maintenance and storage.
- Rule 3.232 CEQA ACTIONS  
Amend rule to correct language.
- Rule 3.240 INITIAL CASE MANAGEMENT CONFERENCE  
Amend rule to correct language.
- Rule 3.245 MANDATORY SETTLEMENT CONFERENCE  
Amend rule to correct language.
- Rules 4.29 ORDERS  
Amend rules to change "PVP" to "Court-Appointed Counsel Panel."

- Rule 4.123 PROBATE VOLUNTEER PANEL GENERAL ELIGIBILITY REQUIREMENTS AND PROCEDURE FOR APPOINTMENT TO THE PANEL  
Amend rules to change “PVP” to “Court-Appointed Counsel Panel.”
- Rule 4.124 PROBATE VOLUNTEER PANEL - REQUIREMENTS FOR SPECIFIC AREAS OF INTEREST  
Amend rules to change “PVP” to “Court-Appointed Counsel Panel.”
- Rule 4.125 ETHICAL GUIDELINES  
Amend rules to change “PVP” to “Court-Appointed Counsel Panel.”
- Rule 4.126 PVP ATTORNEY APPOINTMENTS ARE PERSONAL  
Amend rules to change “PVP” to “Court-Appointed Counsel Panel.”
- Rule 4.127 WRITTEN REPORT AND COMPENSATION FOR PVP ATTORNEYS  
Amend rules to change “PVP” to “Court-Appointed Counsel Panel.”
- Rule 4.137 COURT-APPOINTED COUNSEL FOR LANTERMAN-PETRIS-SHORT (“LPS”) CONSERVATORSHIPS – ELIGIBILITY REQUIREMENTS  
Add new rule to Probate Division regarding court-appointed counsel.
- Rule 7.3 PUBLIC AND MEDIA COURTROOM ACCESS  
Amend rule regarding petition for access to juvenile records to conduct research. Update locations and names.
- Rule 7.13 FOSTER PARENT APPEARANCES AND PARTICIPATION  
Repeal rule regarding foster parent appearances.
- Rule 7.17 LEGAL REPRESENTATION  
Amend rule regarding appointment of counsel.
- Rule 9.2 APPEALS  
Amend rule regarding notice of official electronic recording as record of oral proceedings.
- Rule 9.5 RECORD ON APPEAL  
Amend rule regarding official electronic recording as record of oral proceedings.
- Rule 9.6 BRIEFS  
Amend rule to include requirement for citation to a matter in an electronic recording.
- Rule 9.7 ORAL ARGUMENT  
Amend rule to correct web address.

The proposed amendments were reviewed and approved by both the Los Angeles Superior Court’s Rules Committee and Executive Committee. Comments must be submitted via email at [localrulescomments@lacourt.org](mailto:localrulescomments@lacourt.org), or in writing, to: Sandra Pigati-Pizano, Room 620, Judicial and Executive Support, Los Angeles Superior Court, 111 North Hill Street, Los Angeles, CA 90012. Comments must be received no later than 5:00 p.m. on **April 29, 2019**.

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           1.9 COURT COMMISSIONERS

2           (a) Eligibility. An applicant for appointment as a court commissioner must be a member of the  
3 State Bar and have been admitted to practice before the Supreme Court of California for at least ten  
4 years. (Cal. Rules of Court, rule 10.701.)

5           (b) Application Form. The Committee on Personnel and Budget shall prescribe the form of  
6 written application for appointment as a court commissioner.

7           (c) Selection Process. The Presiding Judge shall appoint a committee of **not less than** ten  
8 judges to review the application of each applicant. The committee shall designate which applicants it  
9 finds to be qualified and rank them in the order of preference.

10           (d) Vacancy. When the Presiding Judge determines that a vacancy is to be filled in the office  
11 of court commissioner, he or she shall designate the date by which all judges must cast their votes. Not  
12 less than ten days prior to that date, a ballot containing the names of all approved applicants in the  
13 order in which they have been ranked shall be delivered to each judge of the court.

14           (e) Optional Procedure. After distribution of the ballot and prior to the last day for casting  
15 ballots, the Presiding Judge may call a special meeting of the judges at which the approved applicants  
16 are introduced.

17           (f) Voting. Each judge voting to fill a vacancy in the office of court commissioner shall cause  
18 his or her secret ballot to be delivered to the Office of the Presiding Judge no later than 4:00 p.m. on  
19 the date previously designated by the Presiding Judge. The Office of the Presiding Judge will cause  
20 the Canvassing Committee to count the ballots cast and certify to the Presiding Judge the name of the  
21 applicant or applicants, not exceeding the number of vacancies to be filled, who received the highest  
22 votes. Those persons are selected as commissioners.

23           If two candidates receive the same number of votes, the candidate with the highest ranking  
24 established by the Selection Committee will be appointed to the court commissioner position.

25           (g) Removal from the List. The Personnel and Budget Committee may remove a candidate's  
26 name from the certification list for good cause and he or she will not be eligible for appointment.

27           (h) Order of Appointment. The Presiding Judge shall issue a written order appointing each  
28 applicant certified to be a court commissioner.

29           (i) Expiration of List. When the list of approved applicants consists of less than three names,  
30 or the Executive Committee or a majority of all the judges of the court so orders, the list of approved  
31 applicants will expire and a call for applicants shall be made.

32           (j) Bail Setting Duty. Each commissioner, in rotation, will serve in setting bail both during  
33 and after court hours and on Saturdays, Sundays, and legal holidays. No compensatory pay or time will  
34 be afforded for this service. This service may be concurrent with TRO/EPO service.

35           (k) Temporary Telephonic Restraining Orders/Emergency Protective Orders (TRO/EPO).  
36 Each commissioner, in rotation, will serve in hearing requests for temporary telephonic restraining  
37 orders and emergency protective orders after court hours and on Saturdays, Sundays and legal holidays  
38 and during court hours when the judicial officer assigned to this duty is unavailable. The commissioner  
39 will not be required to attend to his or her regular duties on days assigned to this service. No  
40 compensatory pay or time will be afforded for this service.

41           (l) Status and Benefits.

42           (1) Status. Commissioners are elected by the judges of the court and appointed to the  
43 office of commissioner, on the policy-making level with respect to the exercise of the constitutional  
44 judicial power of the state, and, like judges, are not employees for the purposes of the protections

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

45 provided by Titles 29 and 42 of the United States Code. (29 U.S.C.A., §§ 5621 and 2601 *et seq.*, 42  
46 U.S.C.A., §§ 2000e(f) and 12101.) Commissioners serve at the pleasure of the court and are not subject  
47 to other vested terms of service. Commissioners are judges within the meaning of the Code of Judicial  
48 Conduct (Canon 6A) and must comply with that Code, as well as with these Local Rules and such  
49 policies and procedures related to their service as commissioners as the court adopts.

50 (2) Sick leave and vacation. Commissioners shall be treated as County employees with  
51 an “L” sub-item for purposes of participating in County benefit plans. As provided in Los Angeles  
52 County Code section 5.27.200, for both judges and commissioners, participation in the County  
53 MegaFlex plan is in lieu of any similar court-provided benefits, including specified number of vacation  
54 and sick leave days. Although there is no vested right to leave for vacation or illness, commissioners  
55 shall be treated as judges for the purposes of time off under the guidelines set forth in the court’s  
56 vacation plan.

57 (3) Absences in excess of vacation plan guidelines. Unless the Presiding Judge  
58 authorizes additional days in furtherance of the interests of the court as authorized by the California  
59 Rules of Court, absences in excess of the guidelines set forth in the court’s vacation plan shall be  
60 without pay, and may result in separation from court service.

61 (4) Disability. To provide for the continuation of salary in the event of an extended  
62 absence caused by illness, injury or disability, the MegaFlex plan currently available to designated  
63 court employees includes a core short term disability benefit. Commissioners who are absent in excess  
64 of 14 consecutive calendar days due to reasons of illness, injury or disability are required to apply for  
65 Short-Term Disability (“STD”) benefits. Failure to do so may result in salary discontinuance. A  
66 commissioner who remains absent from the court after applying for and being denied STD benefits  
67 will be placed on no-pay status while the court determines whether to effect a separation from service.  
68 A commissioner who has purchased Long-Term Disability (“LTD”) insurance coverage and who  
69 remains absent from the court after exhausting STD benefits, having applied for and been denied LTD  
70 benefits, will be placed in a no-pay status while the court determines whether to separate him or her  
71 from service.

72 (m) Ninety Days to Determine Matters.

73 (1) It is the duty of a commissioner to determine promptly all matters pending before  
74 him or her and in all cases to do so within 90 days after a matter has been submitted for decision.

75 (2) Each subordinate judicial officer shall monthly make and subscribe an affidavit  
76 stating that no cause before him or her remains pending and undetermined for 90 days after it has been  
77 submitted for ruling or decision.

78 (3) Any subordinate judicial officer who fails to comply with any provision of this  
79 subsection shall be reported to the Presiding Judge who shall take appropriate action including, but not  
80 limited to, suspension of salary or any other appropriate disciplinary action.

81 (n) Complaints Re Commissioners. Complaints regarding commissioners will be processed  
82 pursuant to California Rules of Court, rule 10.703.

83 (o) Procedures for Suspension or Removal. The Presiding Judge shall initiate and carry out  
84 suspension or termination of services of a commissioner in accordance with the following procedures.

85 The Presiding Judge may:

86 (1) Suspend a commissioner with or without pay and advise the Commissioner of the  
87 reason(s) for the action in writing;

88 (2) Place the commissioner on administrative leave pending further review; or

89 (3) Terminate the services of the commissioner.

90 (Rule 1.9 [7/1/2011] amended and effective \_\_\_\_\_)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 2.18 APPLICATION TO PROCEED *IN FORMA PAUPERIS* (Cal. Rules of Court, rule 3.50 *et*  
2 *seq.*)

3 (a) Central District. In the Central District, applications must be ~~presented~~ **filed in the**  
4 **Stanley Mosk Courthouse** as follows:

5 (1) Unlimited civil, limited civil cases, ~~and appeals from limited civil to the~~  
6 ~~Appellate Division;~~ **self-represented parties may file in Room Room-111A 102,**  
7 **represented parties must adhere to the mandatory electronic filing**  
8 **requirements;**

9 (2) **Appeals from limited civil to the Appellate Division - Room 111A;**

10 (3) **Complex civil - 1st Floor Complex Filing Window;**

11 (4) Probate cases ~~:- Room 258;~~ **self-represented parties may file in Room 429,**  
12 **represented parties must adhere to the mandatory electronic filing requirements;**

13 (3) Family law cases ~~:- Department 2;~~ **Room 426;**

14 (4) Appeals to the Court of Appeal: ~~:-~~ Room 111;

15 (5) Small claims cases ~~:- to the Small Claims Office,~~ Room 113; **and**

16 (8) **Unlawful detainer - 1st Floor Unlawful Detainer Filing Window.**

17 (b) Other Districts. In other districts, applications shall be ~~presented~~ **filed** in the place  
18 designated by the Supervising Judge.

19 (Rule 2.18 [7/1/2011, 1/1/2019] amended and effective \_\_\_\_\_)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           2.22   FACSIMILE FILING IN ~~CIVIL,~~ **SMALL CLAIMS AND** FAMILY LAW, ~~AND~~  
2 ~~PROBATE CASES; ELECTRONIC DELIVERY IN CIVIL PERSONAL INJURY COURT~~

3           (a) Authorization to Accept Facsimile Filing. The court permits facsimile filing in **general**  
4 ~~civil (except for cases assigned to the Personal Injury courts),~~ **small claims and** family law, ~~and~~  
5 ~~probate~~ cases pursuant to California Rules of Court, rule 2.300 *et seq.* and the following rules.

6           (b) Facsimile Filing Procedure. The court will receive a facsimile filing at the clerk's office  
7 in each courthouse. The court will also receive a direct facsimile filing for an action in the department  
8 handling that case if facsimile equipment has been installed in that department for facsimile filing. The  
9 clerk's office must make available a list of facsimile telephone numbers for each location where  
10 facsimile filing is accepted, and must update this list as changes occur.

11           (1) A facsimile filed document must be accompanied by the Facsimile Transmission  
12 Cover Sheet (Form JC 2009).

13           (2) The court's facsimile equipment will be available 24 hours per day. A facsimile  
14 received for filing on a court holiday or after 4:30 p.m. on a court day after the time at which the clerk  
15 stops accepting filings at the filing counter will be deemed to have been filed on the next court day.

16           (3) The filing party bears sole responsibility for the proper facsimile transmission of a  
17 document from the filing party's facsimile equipment to the court's equipment, and subsequent  
18 confirmation of filing.

19           (4) The clerk will provide confirmation of the receipt of a facsimile-filed document,  
20 beyond the standard confirmation option of facsimile machines, upon payment of the fee set pursuant  
21 to the court's fee schedule.

22           (5) The clerk will charge a facsimile usage fee per page, including the cover sheet and  
23 all tab pages, set pursuant to the court's fee schedule, along with any filing fees normally associated  
24 with the document. All fees will be charged to the filing party's Visa or MasterCard account.

25           (6) The court will not accept a facsimile-filed document in any location other than the  
26 clerk's office of the courthouse where the document is required to be filed, or a department where  
27 direct filing has been authorized.

28           (7) A fax filing must comply with California Rules of Court, rules 2.301 through 2.305.

29           (8) A party must not submit a document for facsimile filing where the exhibits,  
30 declarations, or other attachments collectively exceed ten pages.

31           (9) A document received by facsimile that does not conform to the above requirements  
32 will not be accepted for filing.  
33

34           ~~(c) Authorization to Accept Electronic Delivery in Personal Injury Courts. As of March~~  
35 ~~1, 2016, the court will permit electronic delivery of filings in the general civil Personal Injury~~  
36 ~~courts pursuant to California Rules of Court, rule 2.252 et seq. and the following rules.~~

37           ~~(1) Parties electing to participate in the electronic delivery process must submit~~  
38 ~~all documents to the court's approved electronic service provider pursuant to California Rules~~  
39 ~~of Court, rule 2.255. Parties must also comply with the terms and conditions of electronic~~  
40 ~~delivery set forth on the Los Angeles Superior Court website at [www.lacourt.org](http://www.lacourt.org).~~

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

41                    ~~(2) Claims involving an attorney-client fee dispute, documents in which the filing~~  
42 ~~party is a minor, legally incompetent person, or person for whom a conservator has been~~  
43 ~~appointed, Requests to Waive Court Fees (FW-001) and Requests for Accommodations by~~  
44 ~~Persons with Disabilities (MC-410), must not be filed via the electronic delivery service.~~

45                    (Rule 2.22 [7/1/2011, 1/1/2012, 1/1/2014, 7/1/2016] amended and effective \_\_\_\_\_)  
46

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           2.24       TRIALS BEFORE TEMPORARY JUDGES AND REFERENCES

2           (a) Definitions of Temporary Judge and Referee.

3                   (1) A “temporary judge” is an attorney appointed by the court upon stipulation of the  
4 parties to decide the case under Article VI, Section 21 of the California Constitution. Trials before  
5 temporary judges are governed by California Rules of Court, rules 2.830-2.834. ~~The appointment of~~  
6 ~~a temporary judge, including in family law and probate cases, is made by the Supervising Judge~~  
7 ~~of the Civil Division.~~ **The Supervising Judge of Civil appoints the temporary judge in all cases**  
8 **except family law cases. The Supervising Judge of the Family Law Division appoints the**  
9 **temporary judge in family law cases.** (See Cal. Rules of Court, rule 2.831(b).)

10                   (2) A “referee” is a person appointed by the court to hear issues in a case, which may  
11 include trial. A reference made per agreement of the parties is governed by Code of Civil Procedure  
12 section 638, and a reference made upon motion of a party or on the court’s own motion is governed by  
13 Code of Civil Procedure section 639. (See also Cal. Rules of Court, rules 3.900-3.910.) The  
14  
15 Supervising Judge of the Civil **or Family Law** Division appoints a referee who will hear the case for  
16  
17 all purposes, including judgment. The trial court appoints a referee who will hear limited issues and  
18 issue a report and recommendation for the trial court’s approval. (Cal. Rules of Court, rule 3.901(a).)

19                   (b) Proceedings Open to the Public. All proceedings before a temporary judge or referee must  
20 be open to the public, with no restriction on attendance that would not be applicable if the proceedings  
21 were held in a courthouse. The stipulation for appointment of temporary judge or agreement for a  
22 reference must set forth the name and telephone number of a person for any member of the public to  
23 contact in order to attend a proceeding that would be open to the public if held in a courthouse. A  
24 notice containing such name and address shall be posted by the clerk as required by California Rules  
25 of Court, rules 2.831 and 3.900 *et seq.*

26                   (c) Court File Open for Public Inspection. The court file must not be removed from the  
27 courthouse and must remain available for public inspection as if the case were being heard by the court.

28                   (d) Sealing Orders and Confidentiality Agreements. A motion for sealing or for approval of a  
29 confidentiality agreement must be made to the Supervising Judge of the Civil Division **or the**  
30 **Supervising Judge of the Family Law Division**, not to the temporary judge or referee.

31                   (e) Scheduling of Hearings. The scheduling of hearings before the temporary judge or referee  
32 shall be arranged by the parties directly with such temporary judge or referee without participation by  
33 the court. A party must file all documents with the court, and must furnish pertinent copies to the  
34 temporary judge or referee.

35                   (f) Appointment of Temporary Judge. Before submitting a stipulation for appointment of a  
36 temporary judge to the court, the parties must agree upon the identity of the attorney who will try the  
37 case, obtain that attorney’s agreement to do so, and fix a date by which all proceedings within the  
38 court’s jurisdiction will be completed.

39  
40                   The **parties must submit the** stipulation and proposed order for appointment of a privately  
41 compensated temporary judge ~~shall be submitted~~ to the Supervising Judge of the Civil Division **or**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

42 **Family Law Division as designated in subdivision (a)(1).** ~~pursuant to California Rules of Court,~~  
43 ~~rule 2.831.~~

44 (g) Representations by the Stipulating Parties. By submitting the stipulation and proposed  
45 order to the court, the stipulating parties and their attorneys represent that (1) they are the only parties  
46 to the case, and (2) no new parties will be added.

47 (h) Application of Trial Court Delay Reduction Rules. Upon the signing of the proposed order  
48 by the Supervising Judge of the Civil Division, the action shall be exempt from the trial court delay  
49 reduction rules of California Rules of Court, rule 3.700 *et seq.* Until the order is signed, the case  
50 remains subject to the delay reduction rules, and all previously ordered deadlines, hearings, and other  
51 orders made in the case remain in full force and effect.

52 (i) Deadline for Completion of Proceedings. The court's approval of the parties' agreed upon  
53 completion date for all proceedings within the court's jurisdiction constitutes a court order to all parties,  
54 attorneys, and the temporary judge to complete the proceedings by that date. The date will not be  
55 extended except by further order of the Supervising Judge of the Civil **or Family Law** Division, and  
56 violation of the order is sanctionable under California Rules of Court, rule 2.30.

57 (j) Use of Public Facilities. The Supervising Judge of the Civil **or Family Law** Division may  
58 permit a temporary judge to use public facilities, when they are available, upon payment of a reasonable  
59 fee set by the Supervising Judge.  
60

61 (k) Exhibits. All exhibits must be as available for public inspection as if the case were being  
62 tried by the court. Upon the temporary judge's final determination of the cause, all exhibits must be  
63 delivered to the clerk's office properly marked and with proper exhibit receipt form completed, unless  
64 a written stipulation for the return or disposal of such exhibits has been approved by the temporary  
65 judge and filed.

66 (l) Filing of Original Papers and Orders. All original papers must be filed with the court, and  
67 all applicable fees paid, within the same time and in the same manner as would be required if the court  
68 were trying the case. Signed orders of the temporary judge must be presented for filing to the clerk in  
69 Department 1, **or Department 2 for Family Law cases,** of the Stanley Mosk Courthouse. Minute  
70 orders will not be accepted unless they are signed by the temporary judge. If a minute order format is  
71 used, the order must set forth the name, address, telephone number, and CSR number of any privately  
72 retained court reporter or, if electronic reporting is used, the minute order must so state.

73 (m) Court Approval Required. A written agreement for an order directing a reference is subject  
74 to the court's approval, and the court may, in its discretion, refuse to approve the reference.

75 (n) Listing of Referred Issues. If the reference concerns are less than all issues in the case, the  
76 agreement and the proposed order shall either (1) enumerate each issue to be determined by the referee  
77 or (2) state that the referee is to decide all issues except those enumerated, which will be reserved for  
78 decision by the court.

79 (o) Deadline for Completion. The date by which the referee's decision must be reported to the  
80 court may be extended only by order of the court, and all proceedings before the referee must be  
81 scheduled and conducted in order to meet the reporting date. A failure to complete the reference by  
82 said date is sanctionable under California Rules of Court, rule 2.30.

83 (Rule 2.24 [7/1/2011, 7/1/2014, 7/1/2018] amended and effective \_\_\_\_\_)  
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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1        3.4 ~~TIME FOR~~ **ELECTRONIC** FILING PAPERS

2            (a) ~~Time for Filing.~~ **Mandatory Electronic Filing.** Pursuant to the operative General  
3 **Order re Mandatory Electronic Filing for Civil (“General Order”)**, represented parties in civil  
4 **actions must file documents electronically, unless the court exempts parties from doing so. The**  
5 **electronic filing of documents must be effected using an approved electronic service provider.**  
6 **Electronic service provider information is available on the court’s website at [www.lacourt.org](http://www.lacourt.org).**

7            (b) **Exemptions from Mandatory Electronic Filing.** Self-represented litigants are  
8 **exempt from mandatory electronic filing requirements. Although not required, self-represented**  
9 **litigants are encouraged to participate in electronic filing and service. In addition, represented**  
10 **parties may apply for exemption from electronic filing requirements as set forth in the operative**  
11 **General Order.**

12            (c) **Timing for Electronic Filing.** Any document received electronically before  
13 **midnight on a court day is deemed to have been filed on that court day if accepted for filing. Any**  
14 **document received on a non-court day is deemed to have been filed on the next court day if**  
15 **accepted for filing. (Cal. Rules of Court, rule 2.253(b)(6); Code Civ. Proc., § 1010.6(b)(3).) This**  
16 **Rule does not affect the timing requirements for any documents that must be filed by a**  
17 **designated time on the due date.**

18            (d) **Timing for Exempted Filing.** All **exempted filings** ~~documents for which the court~~  
19 ~~charges a fee~~ must be filed at the clerk’s filing window no later than 4:30 p.m. ~~Opposition or reply~~  
20 ~~papers must be filed in the department not later than 4:30 p.m., or other time or location ordered~~  
21 ~~by the court.~~ The clerk’s office will open to the public at 8:30 a.m. for filing documents and other  
22 official public services, and close at 4:30 p.m. each court day. Except as directed by the court, the  
23 clerk may not allow the public to enter the offices for the purpose of filing papers or obtaining other  
24 official services after 4:30 p.m. Persons in the clerk’s office at 4:30 p.m. may complete their filing.

25            (e) **Lodged Materials.** All separate exhibits (*i.e.*, deposition transcripts, bulky items, *etc.*)  
26 not attached to filed papers and presented for motions and trials must be lodged with the court in time  
27 for the hearing, or at such other time as the court orders. All lodged exhibits will be returned to counsel  
28 for preservation after the hearing unless ordered by the court. A party must either submit a self-

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

29 addressed stamped envelope with lodged material, or submit an attorney-service pick-up slip where  
30 the attorney service has been instructed by counsel to pick up the lodged material without reminder  
31 from the clerk.

32 **(f) Time for Electronic Filing of Ex Parte Applications. Electronic filing of ex parte**  
33 **applications must be filed pursuant to the timing set forth in the operative General Order. In the**  
34 **Central District, if a party is exempt from electronic filing, *ex parte* application papers for all**  
35 **limited civil matters, including unlawful detainer matters, must be filed at the first floor filing**  
36 **window at the Stanley Mosk courthouse, and fees paid, by 11:00 a.m.**

37 (Rule 3.4 [7/1/2011] amended and effective \_\_\_\_\_)  
38

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 3.5 TIME FOR HEARINGS

2 ~~(a)~~ Time of Hearing. In the Central District, except as stated below, unlimited civil law and  
3 motion matters, including *ex parte* applications, will be heard by the Direct Calendar, Specialized Civil  
4 Court, and Master Calendar Court judges in their respective departments at 8:30 a.m. each day.

5 ~~(a1)~~ Writs and Receivers Departments. Noticed motions and other noticed proceedings  
6 are heard in Departments 82, 85, and 86 (“writs and receivers departments”) on the following calendar  
7 days and times: (a) Department 82 (Tuesday 8:30 a.m. and Thursday 1:30 p.m.), (b) Department 85  
8 (Tuesday 1:30 p.m. and Thursday 8:30 a.m.) and (c) Department 86 (Wednesday 8:30 am. and Friday  
9 1:30 p.m.) *Ex parte* applications are heard daily in the writs and receivers departments at 8:30 a.m.  
10 ~~All ex parte applications, including an ex parte application for a temporary restraining order or  
11 order shortening time for a preliminary injunction properly filed in the writs and receivers  
12 departments (see Local Rule 2.7(b)(1)(G)), must be presented when the courts open at 8:30 a.m.  
13 No ex parte application filed after 8:45 a.m. will be heard until the next court day.~~

14 ~~(b2)~~ Limited Unlawful Detainers and Limited Civil. ~~Ex parte application papers for  
15 limited unlawful detainer matters must be filed in Room 102 and fees paid by 11:00 a.m. Ex parte  
16 applications are heard at 1:30 p.m. In all other limited civil matters, ex parte application fees must  
17 be paid in Room 102 by 1:00 p.m. Ex parte application papers must be filed in Department 94  
18 and will be heard in that department at 1:30 p.m. No ex parte application filed after 1:45 p.m.  
19 will be heard until the next court day.~~

20 ~~(c3)~~ Supplemental and Miscellaneous Proceedings in the Central District. To determine  
21 the days, times, and places for supplemental and miscellaneous proceedings in the Central District,  
22 counsel should check the court’s website at “[www.lacourt.org](http://www.lacourt.org)”.

23 ~~(d4)~~ Districts Other Than Central District. To determine the days, times, and places for  
24 matters heard in districts other than the Central District, counsel should consult with the office of the  
25 supervising judge of the district.

26 (Rule 3.5 [7/1/2011, 5/17/2013, 7/1/2014, 1/1/2018, 1/1/2019]  
27 amended and effective\_\_\_\_\_)





SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           3.232 CEQA ACTIONS

2           (a) Application of Mandamus Rules. Unless otherwise noted, the rules for prerogative writs  
3 also apply to mandamus actions challenging an agency decision under the California Environmental  
4 Quality Act (“CEQA”) (Pub. Res. Code, § 21000 *et seq.*).

5           (b) Where Filed. Notwithstanding Local Rule 2.3, CEQA actions must be filed in the Central  
6 District where they will be ~~assigned~~ **referred** to Department 1, as master calendar, for reassignment  
7 for all purposes, including any requests for a temporary restraining order or preliminary injunction, to  
8 judges designated by the Presiding Judge pursuant to Public Resources Code section 21167.1.

9           (c) Notice of Preparation of the Administrative Record. In accordance with Public Resources  
10 Code section 21167.6(a), the petitioner must serve the responding agency with either a request for  
11 preparation of the administrative record or a notice of election to prepare the record within ten business  
12 days after the action is filed.

13           (d) Preparing the Administrative Record.

14                   (1) Preparation by the Respondent Public Agency.

15                           (A) Under Public Resources Code section 21167.6(a), a petitioner may elect that  
16 the respondent agency prepare the record. To do so, the petitioner must file a request that the respondent  
17 agency prepare the record at the time of filing the petition, and serve the request on the agency within  
18 ten business days.

19                           (B) Within 20 calendar days after receipt of petitioner’s request, the respondent  
20 public agency must serve on all parties a preliminary notification of the estimated cost, setting forth an  
21 estimated range for the number of pages, the agency’s customary charge for copying per page, and any  
22 other estimated reasonable costs that will be charged for a copy of the record. The preliminary  
23 notification must also state the location(s) of the documents anticipated to be included in the  
24 administrative record, and the contact person(s) for an inspection of the documents as the record is  
25 being prepared. The preliminary notification must be supplemented by the agency from time to time  
26 as additional documents are located or determined appropriate for inclusion in the record.

27                           (C) Within 40 calendar days after service of the request that it prepare the record,  
28 the agency must serve all parties with a detailed index of the documents constituting the proposed  
29 record and a supplemental estimated cost for the record.

30                           (D) Within seven calendar days after receipt of the index, the petitioner and any  
31 real parties-in-interest must serve a list of all documents or items that the party contends should be  
32 added to, or deleted from, the record.

33                   (2) Preparation by Petitioner.

34                           (A) The petitioner may choose to prepare the record by serving the respondent  
35 agency with a notice of election to prepare the record within ten business days of filing suit.  
36 Alternatively, the petitioner may notify the agency in writing within the same time period that the  
37 petitioner is considering an election to prepare the record.

38                           (B) Within 20 calendar days after receipt of either notice, the agency must  
39 provide the preliminary notification discussed above. The agency must supplement the preliminary  
40 notice as additional documents are located or determined appropriate for inclusion in the record.

41                           (C) Within five calendar days after receipt of the preliminary notification, the  
42 petitioner may elect to prepare the record by serving the agency with a notice of election to prepare the  
43 record.

44                           (D) Within 20 calendar days after service of the preliminary notification, the  
45 petitioner must serve on all parties a detailed index of the documents constituting the proposed record.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

46 (E) Within seven calendar days after receipt of the index, the agency and any real  
47 parties-in-interest must serve a list of all documents or items that the party contends should be added  
48 to, or deleted from, the record.

49 (e) Certifying the Record. The record must be certified by the agency before it is lodged with  
50 the court. If the agency prepared the record, it must certify the record no later than 60 days after service  
51 of the petitioner's request that it be prepared. (Pub. Res. Code, § 21167.6(b)(1).) If the petitioner  
52 elected to prepare the record, the petitioner must transmit it to the agency, so that it is certified no later  
53 than 60 calendar days after the tenth business day following filing of the lawsuit.

54 If the agency refuses to certify the entire record prepared by the petitioner, it must make a  
55 partial certification, specifying any alleged defects in the record. The parties may stipulate or apply *ex*  
56 *parte* for one or more extensions of time to prepare and certify the record, although no one extension  
57 may exceed 60 days without a court determination that a longer period is in the public interest. (Pub.  
58 Res. Code, § 21167.6(c).)

59 (f) Disputes Over the Contents of the Administrative Record. Any dispute over the contents  
60 of the record must be resolved by noticed motion. A party considering filing a motion to augment  
61 should discuss the timing of the motion with the court at the trial setting conference.

62 (g) Lodging the Record. The certified record, which must be well-organized and consecutively  
63 paginated (Bates-stamped) as required by Local Rule 3.231(g), must be lodged with the court when  
64 petitioner's reply brief is filed. Any joint appendix ordered by the court also must be lodged with the  
65 reply brief.

66 (h) Trial Setting. Petitioner must request a hearing within 90 days of filing the petition. (Pub.  
67 Res. Code, § 21167.4.) The court will set the matter for a trial setting conference, at which a trial date  
68 and briefing schedule will be set. Ordinarily, the court will not set the matter for trial until it is assured  
69 that the administrative record is or will be ready. The hearing date shall be set on (1) a date not later  
70 than 160 days from the date on which petitioner's request for a hearing was filed, to the extent that is  
71 feasible, or (2) a later date upon a showing of good cause or a stipulation of the parties. (Pub. Res.  
72 Code, § 21167.4.)

73 (i) Mediation. In accordance with Government Code section 66031, the parties may elect to  
74 mediate a CEQA action. They shall notify the court of the election at the trial setting conference.

75 (j) Settlement Meeting. The parties are required by Public Resources Code section 21167.8(a)  
76 to hold a settlement meeting within 45 days of service of the petition on the responding agency. If the  
77 parties agree that a settlement meeting within that time frame is premature, the settlement meeting may  
78 be continued, so that it takes place after the administrative record has been certified and served. If the  
79 parties do not agree that the early meeting is premature, an initial meeting must take place within 45  
80 days of service and a meeting must take place within five days after the administrative record has been  
81 served. The parties may, but are not required to, schedule additional meetings.

82 (k) Statement of Issues. The parties are required by Public Resources Code section 21167.8(f)  
83 to file and serve a statement of issues which will be used by the opposing party and the court in  
84 identifying the legal and factual contentions at trial. The statements of issues must be consistent with,  
85 and may not expand on, the scope of the pleadings.

86 (l) Trial Notebook. Petitioner must prepare a trial notebook to be lodged with the petitioner's  
87 reply brief. The trial notebook must consist of the petition, the parties' briefs, any motions set to be  
88 heard at trial, the statement of issues, and any requests for judicial notice. The documents should be  
89 separated by labelled tabs.

90 (m) Trial. At the outset of trial, the lodged administrative record will be deemed to have been  
91 received into evidence without the need for court order.

92 (Rule 3.232 [7/1/2011, 5/17/2013, 7/1/2018, 1/1/2019] amended and effective \_\_\_\_\_)  
93

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           3.240 INITIAL CASE MANAGEMENT CONFERENCE

2           **Pursuant to California Rules of Court, rule 3.722,** ~~t~~he court will set an initial case  
3 management conference, ~~approximately 90 days after the complaint is filed. (See Cal. Rules of~~  
4 ~~Court, rule 3.722.)~~ The date designated may be changed only upon order of the court.

5           (a) Joint Case Management Statement. All counsel must meet and confer on the topics  
6 required by California Rules of Court, rule 3.724, in person or by telephone no later than 15 calendar  
7 days prior to the initial case management conference. The parties must file a joint case management  
8 statement, Judicial Council form CM-110, signed by all counsel, no later than five calendar days prior  
9 to the initial case management conference. The case management statement must attach an addendum  
10 addressing the following issues:

11           (1i) Brief statement of the purpose of acquisition, the property address, portion of  
12 property being taken, nature of improvements, and zoning;

13           (2ii) Names and capacities of parties served and of parties not yet served;

14           (3iii) Scope of the taking, if less than fee simple;

15           (4iv) Whether condemnor intends to acquire subject to any easements, leases or other  
16 interests of record;

17           (5v) Right-to-take challenges or other affirmative defenses anticipated to be raised, and  
18 by which parties;

19           (6vi) Whether severance damages, benefits, pre-condemnation damages, loss of  
20 goodwill, or compensation for inventory are being claimed, and if so, by which parties;

21           (7vii) Whether condemnor intends to seek prejudgment possession. If so, the  
22 anticipated date of possession and whether any defendants object thereto;

23           (8viii) Whether Code of Civil Procedure section 1260.040 legal issue motions are  
24 anticipated;

25           (9ix) Whether condemnor intends to claim that soil or groundwater contamination or  
26 other conditions in or on the property will affect the opinion of value, and if so, whether exchange of  
27 reports of contamination and estimated cleanup costs should be exchanged in advance of exchange of  
28 appraisals;

29           (10x) Whether condemnor intends to seek prejudgment access for inspections or  
30 testing. If so, the anticipated date(s) of access and whether any defendants object thereto;

31           (11xi) Whether bonus value or other apportionment issues are anticipated;





SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           4.29           ORDERS

2           (a) Orders in Contested Proceedings. Proposed orders must be separately lodged and not  
3 attached to the moving papers.

4           (b) Preparation of Order. Counsel must prepare proposed orders and decrees of the court where  
5 no Judicial Council form order is available.

6  
7           (c) ~~Probate Volunteer Court-Appointed Counsel~~ Panel (“PVP”) Attorney’s Approval of  
8 Order. For matters ~~where the court has appointed a PVP involving a Court-Appointed Counsel~~  
9 Panel A attorney, the ~~PVP-A~~ attorney must indicate approval of the proposed order as to form by  
10 signing at the end of the proposed order. If the ~~PVP-A~~ attorney’s signature is not obtained, a proof of  
11 service of the proposed order on the ~~PVP-A~~ attorney must be submitted to the court with the proposed  
12 order.

13           (d) Content of Probate Order:

14           (1) Content of Order. The proposed order must contain the name of the judicial officer  
15 presiding, the date of the hearing, the department, and the names of all persons appearing at the hearing.  
16 The order must set forth, with the same particularity required of judgments in civil matters, all matters  
17 ruled upon by the court. No text may appear after the signature of the judicial officer.

18           (2) Order for Probate of Lost Will. The Judicial Council form “Order for Probate” must  
19 be used for an order probating a lost will with an attachment setting forth the terms of the lost will  
20 and/or codicil.

21           (3) Order Involving Real Property. An order affecting real property must include: a  
22 legal description of the real property, the street address (if applicable), and the Assessor’s Parcel  
23 Number (“APN”).

24           (4) Order Settling Account. An order settling an account must state the beginning and  
25 ending dates of the account period and contain general language approving the account report. The  
26 order must contain a statement of the balance of property on hand as reflected in the Summary of  
27 Account and the amount of cash included in the balance.

28           (5) Order Providing for Periodic Payments. An order providing for periodic payments  
29 must contain the following language “commencing \_\_\_\_\_ and continuing not to exceed \_\_\_\_  
30 months.”

31           (e) Riders and Exhibits. When an order has attachments, the place for the judge’s signature  
32 must appear at the end of the last attachment and an appropriate notation must be made in the body of  
33 the order indicating that the signature is located at the end of the last attachment.

34           (f) Nunc Pro Tunc Order:

35           (1) Nunc Pro Tunc Order. When a signed order contains a clerical error, a party may  
36 obtain a corrected order by filing an application and presenting a proposed *nunc pro tunc* order  
37 correcting the error. The application for a *nunc pro tunc* order must include a supporting declaration  
38 and a proposed order.

39           (2) Format of Order. The *nunc pro tunc* order must state substantially the following:  
40 “Upon the consideration of the application of \_\_\_\_\_, to correct a clerical error, the (identify  
41 the order to be corrected, giving the title and date thereof) is corrected, by striking the following (set

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

42 forth the portion to be corrected) and by inserting in lieu thereof the following (set forth the corrected  
43 language)”.  
44

45 To prevent confusion, the proposed order must strike the entire erroneous clause or sentence  
46 and then restate it as corrected.  
47

(Rule 4.29 [7/1/2011, 1/1/2017] amended and effective \_\_\_\_\_)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 **PROBATE VOLUNTEER DIVISION COURT-APPOINTED COUNSEL** PANEL  
2 **ATTORNEYS**

3 4.123 **PROBATE VOLUNTEER COURT-APPOINTED COUNSEL** PANEL  
4 GENERAL ELIGIBILITY REQUIREMENTS AND PROCEDURE FOR APPOINTMENT TO  
5 THE PANEL

6 All ~~Probate Volunteer~~ **Court-Appointed Counsel** Panel (“PVP”) Attorneys must meet the  
7 following general requirements:

8 (a) Active Status with the State Bar. The attorney must have maintained active status with the  
9 State Bar of California for each of the preceding three years and have no disciplinary proceedings  
10 pending or filed against him or her during the preceding twelve months.

11 (b) Submit Application and Compliance Statement. The attorney must complete and submit  
12 the following:

- 13 (1) An Application for Appointment to the Probate Volunteer Panel;  
14 (2) A Compliance Statement with the Application, and annually thereafter;

15 These forms may be obtained on-line at [www.lasuperiorecourt.org](http://www.lasuperiorecourt.org) **lacourt.org**, see “Probate,”  
16 from the Probate Division, Stanley Mosk Courthouse, or by calling telephone number (213)-~~974-~~  
17 ~~5471~~ **830-0850**; and

18 (3) If seeking appointment in Conservatorship and/or Guardianship proceedings,  
19 Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court  
20 Appointment in Conservatorship/Guardianships. Annually thereafter, the attorney must submit Judicial  
21 Council form GC-011, Annual Certification of Court Appointed Attorney. These forms may be  
22 obtained ~~by calling telephone number (213) 974-5501 or~~ on-line at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

23 (c) Educational and MCLE Requirements.

24 (1) The attorney must complete at least twelve hours of MCLE during his/her State  
25 Bar reporting period in the subjects of decedent estates, conservatorships/guardianships, or trust  
26 administration;

27 (2) The attorney must complete the mandatory ~~PVP~~ **Court-Appointed Counsel**  
28 **Panel** training course(s) within one year from submission of his or her application; and

29 (3) To qualify for appointment in conservatorship or guardianship proceedings, the  
30 attorney must satisfy the qualifications and continuing education requirements in California Rules of  
31 Court, rule 7.1101.

32 (d) Professional Liability Insurance. The attorney must carry professional liability insurance  
33 with policy limits consistent with the value of the matters handled, and at a minimum an amount of  
34 \$100,000 per claim and \$300,000 per year.

35 (Rule 4.123 [7/ 1/2011], amended and effective \_\_\_\_\_)  
36

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1        4.124        ~~PROBATE VOLUNTEER~~ **COURT-APPOINTED COUNSEL**    PANEL -  
2        REQUIREMENTS FOR SPECIFIC AREAS OF INTEREST

3            (a) General Requirements for Specific Areas of Interest. ~~PVP~~ **Court-Appointed Counsel**

4 **Panel A** attorneys must meet the following general requirements for specific area(s) of interest:

5            (1) Decedent Estate and Trust Administration. Prior to filing the application and within  
6 the past three years, the attorney must have represented parties in at least six different probate or trust  
7 administration court proceedings, including three decedent estate or trust proceedings from inception  
8 through final account and/or order for distribution.

9            The attorney must have experience and/or training in tax-related issues  
10 sufficient to enable him or her to identify tax issues from the facts of the case and to competently  
11 represent the client's interests concerning the potential tax consequences of the particular matter.

12            (2) Conservatorships. Attorneys representing conservatees in Conservatorship  
13 proceedings must satisfy the requirements of California Rules of Court Title Seven, rule 7.1101(b)(2).

14            (3) Guardianships. Attorneys representing conservatees in Guardianship proceedings  
15 must satisfy the requirements of California Rules of Court Title Seven, rule 7.1101(b)(1).

16            (4) Conservatorships of the Person. Prior to filing the application and within the past  
17 five years, the attorney must have represented parties in at least four conservatorship of the person  
18 matters (including at least two proceedings from their inception) which involve securing the  
19 appointment and qualification of the conservator of the person.

20            (5) Limited Conservatorships. Attorneys representing limited conservatees in  
21 Conservatorship proceedings must satisfy the requirements of California Rules of Court Title Seven,  
22 rule 7.1101(b)(2). In addition, the attorney must understand the legal and medical issues arising out  
23 of developmental disabilities and the role of the Regional Center.

24            (6) Estate Planning and Taxation. Prior to filing the application and within the past  
25 three years, the attorney must have extensive experience in matters regarding estate planning, estate,  
26 gift, or income tax or related tax matters pertaining to trusts and decedent estates. The attorney must  
27 have represented parties in at least three substituted judgment (Prob. Code, § 2580 *et seq.*) or particular  
28 transactions matters. (Prob. Code, § 3100 *et seq.*)

29            (7) Medi-Cal Planning. Prior to filing the application and within the past three years,  
30 the attorney must have represented parties in at least three Probate Code section 3100 petitions,  
31 including at least two in which there was a request to increase either the Community/Spouse Resource  
32 Allowance and/or increase the Minimum Monthly Maintenance Need Allowance. The attorney must  
33 be familiar with the laws and regulations for Medi-Cal eligibility, and shall be knowledgeable on the  
34 rules regarding the increase of the CSRA/MMMNA, exempt assets, gifting rules, and tax ramifications  
35 related to Medi-Cal planning.

36            (8) Compromises/Judgments and Special Needs Trusts for Minors/Persons with  
37 Disabilities. Prior to filing the application and within the past three years, the attorney must have  
38 represented parties in at least three petitions for approval of compromise under Probate Code section  
39 3500 or Code of Civil Procedure section 372, three of which involved creation of special needs trusts.  
40 The attorney must be familiar with the advantages and disadvantages of the various funding  
41 alternatives available under Probate Code section 3600 *et seq.*, and the application of MICRA to  
42 medical malpractice settlements.

43            (9) Fiduciary Appointments/Guardians *ad Litem*. The attorney must have at least ten  
44 years in practice, with recent experience serving as a fiduciary or guardian *ad litem*.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

45 An attorney who acts as a guardian *ad litem* or fiduciary may not be covered by his or  
46 her professional liability insurance. Although insurance coverage is not a requirement, the attorney  
47 may wish to consult his or her professional liability insurance carrier prior to accepting such  
48 appointment.

49 (10) Evidence Code Section 730 Experts/Referees/Special Masters. The attorney must  
50 have at least ten years in practice, with experience serving as an Evidence Code section 730 expert,  
51 Code of Civil Procedure section 638 referee, or special master. The attorney also must have substantial  
52 expertise in the substantive area of law involved in the matter.

53 (11) Health Care Decisions for Adults Without Conservators and Tuberculosis  
54 Detention Proceedings/Capacity Determinations. Prior to filing the application and within the past  
55 three years, the attorney must have extensive experience in matters relating to medical treatment and  
56 bio-ethical issues. The attorney must be familiar with Probate Code section 3200 or Health and Safety  
57 Code section 121365 proceedings. These cases often involve complex treatment issues and may  
58 require immediate attorney response to medical emergencies. Consequently, the attorney must become  
59 familiar with the medical parameters underlying these issues in order to adequately represent the  
60 client's interests.

61 (b) MCLE Requirements for Specific Areas of Interest. ~~PVP~~ **Court-Appointed Counsel**

62 **Panel A** attorneys must meet the following MCLE requirements for specific area(s) of interest:

63 (1) Conservators. The attorney must satisfy the educational requirements found in  
64 California Rules of Court Title Seven, rule 7.1101(f)(1).

65 (2) Guardians of the Estate. The attorney must satisfy the educational requirements  
66 found in California Rules of Court Title Seven, rule 7.1101(f)(1).

67 (3) Guardians of the Person. The attorney must satisfy the educational requirements  
68 found in California Rules of Court Title Seven, rule 7.1101(f)(2).

69 (4) Estate Planning and Taxation. The attorney must have at least ten hours of MCLE  
70 in the areas of estate planning and taxation during the attorney's State Bar reporting period.

71 (5) Limited Conservatorships/Conservatorships for Developmentally Disabled Adults.  
72 The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships  
73 during the attorney's State Bar reporting period, and have attended the Limited Conservatorships ~~PVP~~  
74 **Court-Appointed Counsel Panel** Training Program.

75 (6) Medi-Cal Planning. The attorney must have at least three hours of MCLE in the  
76 areas of guardianships/conservatorships during the attorney's State Bar reporting period.

77 (7) Compromises/Judgments and Special Needs Trust for Minors/Incompetent Adults.  
78 The attorney must have at least three hours of MCLE in the areas of guardianships/conservatorships  
79 during the attorney's State Bar reporting period.

80 (8) Health Care Decisions for Adults Without Conservators and Tuberculosis  
81 Detention Proceedings/Capacity Determinations. The attorney must have at least three hours of MCLE  
82 in the areas of guardianships/conservatorships during the attorney's State Bar reporting period.

83 (Rule 4.124 [7/1/2011], amended and effective \_\_\_\_\_)  
84





SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 4.127 WRITTEN REPORT AND COMPENSATION FOR ~~PVP~~ **COURT-APPOINTED**  
2 **COUNSEL PANEL** ATTORNEYS

3 (a) Written Report. ~~PVP~~ **Court-Appointed Counsel Panel** attorneys ~~appointed by the court~~  
4 must file a written report with a verified statement that:

5 (1) The ~~PVP~~ **Court-Appointed Counsel Panel** attorney is an active member of the  
6 State Bar of California and no disciplinary actions are pending and none were filed against him or her  
7 during the past twelve months;

8 (2) The ~~PVP~~ **Court-Appointed Counsel Panel** attorney has professional liability  
9 insurance coverage in effect with policy limits consistent with the value of the matter being handled;  
10 and

11 (3) The ~~PVP~~ **Court-Appointed Counsel Panel** attorney has not represented any party  
12 to the proceeding except as stated in the report. The statement must include the name of the party  
13 represented and a brief explanation of the representation. Cases where a ~~PVP~~ **Court-Appointed**  
14 **Counsel Panel** attorney has represented a private professional conservator in the proceeding must be  
15 included.

16 (b) Compensation for ~~PVP~~ **Court-Appointed Counsel Panel** Attorneys. ~~A PVP~~ **A Court-**  
17 **Appointed Counsel Panel** attorney's request for compensation may be made as part of the written  
18 report filed with the court or otherwise orally at the hearing.

19 (1) A request for compensation for services in excess of five hours must be supported  
20 by a written fee declaration and served upon the appearing parties. The declaration must include a  
21 listing of services rendered by date, the service rendered, and the time devoted to that service.

22 (2) The ~~PVP~~ **Court-Appointed Counsel Panel** attorney will be awarded  
23 compensation at an hourly rate below market rates except in cases involving unusual problems  
24 requiring extraordinary expertise, or where the value of the estate warrants otherwise.

25 (3) If the person represented by the ~~PVP~~ **Court-Appointed Counsel Panel** attorney  
26 is unable to pay, the court may order the fees to be paid by the estate, a party, or the County where  
27 authorized by statute. A form requesting County-paid compensation may be obtained from the clerk.

28 (4) If the ~~PVP~~ **Court-Appointed Counsel Panel** attorney does not appear in court as  
29 part of his or her representation, he or she must file and set for hearing a petition for compensation.

30 (Rule 4.127 [7/ 1/2011], amended and effective \_\_\_\_\_)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 4.137 ~~RESERVED~~ **COURT-APPOINTED COUNSEL FOR LANTERMAN-PETRIS-SHORT**  
2 **(“LPS”) CONSERVATORSHIPS – ELIGIBILITY REQUIREMENTS**

3 **To be eligible for court appointment in an LPS Conservatorship matter under Welfare &**  
4 **Institutions Code section 5365 or 5370.1, an attorney must meet the education and experience**  
5 **requirements for appointment of Probate Court-Appointed Counsel set forth in California Rules**  
6 **of Court, rule 7.1101.**

7 (Rule 4.137 new and effective \_\_\_\_\_)  
8

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           7.3           PUBLIC AND MEDIA COURTROOM ACCESS

2           (a) General Rule. Pursuant to Welfare & Institutions Code sections 346 and 676, dependency  
3 and delinquency proceedings are closed to the public unless the judge handling the proceeding grants  
4 access.

5                   (1) Access to Dependency Court Proceeding. Pursuant to Welfare and Institutions  
6 Code section 346, a member of the public will not be admitted to a dependency court hearing unless  
7 (a) a parent/guardian makes a request for admission of a person, and the minor who is the subject of  
8 the petition consents, (b) the subject minor makes a request for admission of a person, or (c) the judge  
9 admits a person deemed to have a direct and legitimate interest in a particular case or the work of the  
10 court.

11                   (2) Access to Delinquency Court Proceeding. Pursuant to Welfare and Institutions  
12 Code section 676, a member of the public will not be admitted to a delinquency court hearing unless:  
13 (a) the minor who is the subject of the petition and any parent/guardian who is present request  
14 admission of a person, or (b) the judge admits a person deemed to have a direct and legitimate interest  
15 in the particular case or the work of the court.

16                   a) ~~\_\_\_\_\_~~ Exceptions for Serious Violent Offenses. The public must be admitted to a  
17 delinquency court hearing that concerns a delinquency petition alleging the minor has violated one of  
18 the serious violent offenses listed in Welfare and Institutions Code section 676(a). If, however, the  
19 petition alleges that the minor has committed rape, sodomy, oral copulation, or rape with a foreign or  
20 unknown object, the public must not be admitted to a juvenile delinquency hearing where: (a) the  
21 district attorney makes a motion for a closed hearing upon the victim's request; or (b) during the  
22 victim's testimony, if the victim was under 16 years of age at the time of the offense.

23                   (3) Conditions of Admission. Where a member of the public/media is admitted into a  
24 juvenile court proceeding, that person a) must provide appropriate identifying information to the court  
25 bailiff or clerk upon request, b) must conduct himself or herself in a manner consistent with the  
26 decorum and dignity of the courtroom, and c) must make any request to photograph, record, or  
27 broadcast the proceeding in accordance with California Rules of Court, rule 1.150.

28                   (b) Observation Orders for Educational Purposes. For the purpose of general education  
29 regarding the juvenile court system, a request to observe a juvenile court proceeding may be filed in  
30 the office of the Presiding Judge of the Juvenile Court. The request must specify the reason for  
31 observation and must be filed so that the Presiding Judge of the Juvenile Court has time to consider  
32 the request and make the appropriate arrangements. An authorization for court observation will not  
33 permit (1) interviews of the parties, attorneys, or court staff, (2) photography, voice recording, and/or  
34 videotaping, and (3) public release of any information that identifies individuals or cases. An  
35 authorization for court observation remains subject to the discretion of the judge handling a particular  
36 proceeding.

37                   (c) Requests for Interviewing, Photographing, Videotaping, or Voice Recording of  
38 Dependent/Delinquent Children. A member of the public or media representative must obtain a court  
39 order from the Presiding Judge of the Juvenile Court prior to contacting a child if (1) the person seeks  
40 to interview, photograph, videotape or voice record a child, who that person knows, or has reason to  
41 know, is under juvenile court jurisdiction and has been removed from the physical custody of the parent  
42 or legal guardian, and (2) confidential information regarding the child's case or dependency or  
43 wardship status may or will be disclosed as a result.

44                   (1) Access to Dependent or Delinquent Children Without Court Permission. This rule  
45 does not prevent dependent or delinquent children from initiating contact with a person or media

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

46 representative without court permission. This rule does not limit contact between a person or media  
47 representative and families, attorneys, detention facilities, or court-ordered placements. Finally, the  
48 rule does not suggest that children, their families, attorneys, or personnel of detention facilities or  
49 placements have any obligation to agree to an interview or to provide information to a media  
50 representative.

51 (2) Request Forms. A request for a court order permitting contact with a child must  
52 be sent to the office of the Presiding Judge of the Juvenile Court. (Juvenile Form 2) All of the court's  
53 juvenile forms are available on the court's website or in Room 2700 at the Children's Court. A failure  
54 to fully complete all sections of the form may result in a denial of the request without prejudice.

55 (3) Notice. At least five calendar days before filing, the person initiating the request  
56 must serve, or attempt to serve, a copy on the appropriate parties either personally, by fax, by first class  
57 mail, or email.

58 In a dependency proceeding, notice must be served on the child, the attorney of record  
59 for a child who is a dependent of the court, the parent(s) or guardian(s) of the child (who is under 18  
60 years old) or their attorney, County Counsel, and DCFS.

61 In a delinquency proceeding, notice must be served on the child, attorney of record for  
62 a child who is a ward of the court, the parent(s) or guardian(s) of the child (who is under 18 years old),  
63 the District Attorney, and the Probation Department.

64 (Aa) Objections. Any objections to the request must be submitted in writing  
65 to, and received by, the Presiding Judge of the Juvenile Court no later than (a) 15 calendar days after  
66 date of service, if the request was served by fax, email, or personal service, or (b) 20 calendar days  
67 after date of service, if the request was served by mail. In order to receive a copy of the court's decision  
68 on the request, the person or agency filing an objection must include a self-addressed, stamped  
69 envelope.

70 (Bb) Time for Objection Shortened for Good Cause. The requesting party may  
71 request the time allowed for objections to be shortened. The request for shortened time must provide  
72 timely notice to ensure any person/agency has an opportunity to object, and establish good cause why  
73 the objection period should be shortened. The Presiding Judge of the Juvenile Court will approve or  
74 deny the request based on whether good cause has been established, or set the matter for a hearing.

75 (4) Ex Parte Requests. The Presiding Judge of the Juvenile Court may grant a request  
76 on an *ex parte* basis, without the notice otherwise required, upon a showing of good cause.

77 (5) Evaluation on Case-by-Case Basis.

78 (Aa) Detrimental to Child's Best Interests. The Presiding Judge of the Juvenile  
79 Court, or his or her designee, may deny the request if the court finds a reasonable likelihood that the  
80 requested contact will be detrimental to the child's best interests.

81 (Bb) Burden of Proof. The person or agency opposing the request bears the  
82 burden of showing detriment to the child.

83 (Ce) Pertinent Factors. In making its determination, the court may consider, but  
84 is not limited to, the following factors: age of the child, nature of the allegations in the case, child's  
85 expressed desire, child's physical and emotional health, extent of the present or expected publicity and  
86 its effect, if any, on the child and his or her family.

87 (Dd) Protective Orders. Where it is necessary to protect the best interests of a  
88 child, the court may issue additional protective orders to maintain the confidentiality of the child's  
89 name and/or identity.

90 (6) Prompt Determination of Request. Within five court days after the deadline for an  
91 opposition, the court will make a determination on the request, or set a hearing.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

92 (7) Particularized Findings Where Request Is Denied. If the court denies the request,  
93 it will issue particularized findings as to why such denial is necessary to serve the child's best interests.

94 (d) Research Requests. A person or agency seeking to conduct research involving children  
95 under juvenile court jurisdiction for educational, scientific, or public policy purposes must petition the  
96 ~~Supervising~~ **Presiding** Judge for permission to do so. (Juvenile Form 3.)

97 (1) Petition Process.

98 **(Aa)** Notice. At least five calendar days before filing, the petitioner must serve,  
99 or attempt to serve, a copy of the petition on the appropriate agencies and other interested parties either  
100 personally, by first class mail, or by email.

101 Research proposals involving dependent children must be sent to the following:

102  
103 Department of Children and Family Services  
104 Bureau of Information Services, Research Unit  
105 425 Shatto Place, Room 401  
106 Los Angeles, CA 90020  
107 **Phone: (213) 351-5696**  
108 **Fax: (213) 637-4557**

109  
110 County Counsel's Office  
111 201 Centre Plaza Drive, Suite 1  
112 Monterey Park, CA 91754

113  
114 Children's Law Center of Los Angeles  
115 ~~201 Centre Plaza Drive, Suite 10~~ **101 Centre Plaza Drive**  
116 Monterey Park, CA 91754  
117 Attn: Executive Director

118  
119 Los Angeles Dependency Lawyers, Inc.  
120 1000 Corporate Center, Suite 308  
121 Monterey Park, CA 91754

122  
123 Research proposals involving delinquent children must be sent to the head of  
124 each delinquency panel for distribution to the other panel members, as well as **to the head of**  
125 **each delinquency panel for distribution to the other panel members, as well as** to the following:

126  
127 Los Angeles County Probation Department  
128 ~~Quality Assurance Services Bureau~~  
129 ~~Lynwood Regional Justice Center~~  
130 ~~11701 Alameda Street, Room 3144~~  
131 ~~Lynwood, CA 90262~~  
132 ~~TEL: (562) 940-2626 or (562) 940-2753~~  
133 ~~FAX: (562) 803-0389~~

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

134 **Gary Akopyan, (or other designee)**  
135 **9150 E. Imperial Highway**  
136 **Downey, CA 90242**

137  
138 District Attorney's Office  
139 Head Deputy — Juvenile Division  
140 100 Oceangate, Suite 500  
141 Long Beach, CA 90802

142  
143 Public Defender's Office  
144 Head Deputy — Juvenile Division  
145 590 Hall of Records  
146 320 W. Temple Street  
147 Los Angeles, CA 90012

148  
149 Alternate Public Defender's Office  
150 Juvenile Division  
151 ~~1055 Wilshire Blvd., Suite 850~~  
152 ~~Los Angeles, CA 90017~~  
153 **210 W. Temple Street, 18th floor**  
154 **Los Angeles, CA 90012**

155  
156 **Independent Juvenile Defender Program**  
157 **Los Angeles County Bar Association**  
158 **P.O. Box 55020**  
159 **Los Angeles, CA 90055-2020**

160  
161 **(Bb)**Objections. Any objection to a research request for access to juvenile  
162 records must be submitted in writing to, and received by, the Presiding Judge of the Juvenile Court no  
163 later than (a) 15 calendar days after date of service, if the request was served by fax, personal service,  
164 or email, or (b) 20 calendar days after date of service, if served by mail. In order to receive a copy of  
165 the court's decision on the petition, the person/agency filing an objection must include a self-addressed  
166 envelope.

167 (2) Completing the Petition. The petition for access to juvenile records for research  
168 purposes must be submitted using the "Petition and Order for Research" form (Juvenile Form 6) and  
169 include a copy of any materials/questions to be utilized in the research. ~~A petition for research~~  
170 ~~conducted through a university or school must include a letter of approval from the school's~~  
171 ~~human subjects committee or from a faculty advisor for a student request.~~ **Any petition for**  
172 **research proposing to conduct human subject research, as defined in 45 Code of Federal**  
173 **Regulations section 46, must be accompanied by approval from an Institutional Review Board**  
174 **("IRB"). If the petitioner is a student, that request must be accompanied by an approval letter**  
175 **from the IRB of the student's university and an approval letter from a faculty advisor.** The

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

176 petitioner must provide in detail a) the purpose of the research project, b) a description of the  
177 information for which access is requested, c) a description of the subjects of the research, d) the  
178 methodology to be used to obtain the information, e) estimated start and completion dates, and f) any  
179 benefits the proposed project may have for the court, DCFS or the Probation Department.

180 (3) Requirements. The petitioner must agree to all of the following: a) pay any and all  
181 costs incidental to the research/record search; b) abide by all laws regarding confidentiality and the  
182 policies and procedures of DCFS, the Probation Department, and the court; c) insure no unauthorized  
183 person or agency has access to case specific information released to the petitioner; d) insure names and  
184 identifying information of minors are not used in any published documents (i.e., reports, evaluations);  
185 e) schedule access with the appropriate departments; f) submit all reports using case specific  
186 information for approval, prior to publication; and g) provide a copy of all research reports upon  
187 completion to the appropriate agency and the court.

188 (Rule 7.3 [7/1/2011] amended and effective \_\_\_\_\_)

189



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1 7.17 LEGAL REPRESENTATION

2 (a) Appointment of Counsel for Adults. An adult “client” is defined as any parent, ~~or~~ guardian,  
3 **de facto parent**, or other adult who has been determined by the court to have standing. A client is  
4 entitled to be represented by competent legal counsel. “Competency” is defined by Rule 5.660 of the  
5 California Rules of Court.

6 When it appears that a ~~client~~ **parent or guardian** is presently financially unable to  
7 afford an attorney, the court ~~will~~ **shall** appoint an attorney unless the ~~client~~ **parent or guardian** has  
8 made a knowing and intelligent waiver of the right to counsel. **When a de facto parent, or another**  
9 **adult who has been determined by the court to have standing, is presently financially unable to**  
10 **afford an attorney, the court may appoint an attorney.**

11 In a dependency case, an attorney shall be appointed to represent a client at the earliest  
12 possible stage of the proceeding. The appointed attorney must continue to represent the client unless  
13 relieved by the court.

14 An attorney representing a client in dependency court shall affirmatively inquire of  
15 their client as to whether he or she has reason to believe that any child appearing in the dependency  
16 court has Indian heritage under the ICWA. Every effort should be made by counsel to assist  
17 confirmation of a child’s Indian status and tribal membership.

18 A client who receives legal counsel appointed by the court must meet with the financial  
19 office in the Children’s Court for a determination of the client’s ability to reimburse the County for the  
20 cost of appointed counsel. The appointed attorney bears the responsibility of ensuring that the client  
21 has the necessary paperwork for the financial office and knows where the office is.

22 (b) Appointment of Counsel for Children.

23 (1) At the arraignment and detention hearing, or as soon thereafter as possible, the  
24 court will appoint for each child who is the subject of any dependency petition an attorney who shall  
25 also serve in the capacity of a Child Abuse Prevention and Treatment Act (“CAPTA”) guardian *ad*  
26 *litem* for the child, unless the court finds on the record that the child would not benefit from the  
27 appointment of an attorney for any purpose. California Rules of Court, rule 5.660.

28 (2) If the court does not appoint an attorney for the child, the court will make a referral  
29 for the appointment of a Court-Appointed Special Advocate (“CASA”) for the child to act in the  
30 capacity of a guardian *ad litem* (“GAL”).

31 (3) If the court does appoint an attorney for a child, that representation shall occur  
32 through the Children’s Law Center of Los Angeles (“CLC”).

33 (4) No child may be represented by the County Counsel, or any other attorney  
34 representing DCFS.

35 (c) Eligibility for Appointment as Counsel for Adults.

36 (1) California State Bar Membership. An attorney must be in good standing with the  
37 California State Bar at all times in order to be appointed to represent an adult client in a dependency  
38 proceeding.

39 (2) Education/Training. The attorney must complete a minimum of 8 hours of training  
40 or education in the area of juvenile dependency law or be able to show recent experience which  
41 demonstrates a competency in the area of juvenile dependency law.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

42                   (A) ~~ii~~. The attorney must be familiar with Welfare and Institutions Code  
43 statutory requirements, the Evidence Code, local and state court rules, court policies, relevant case law,  
44 the practice guidelines set forth in the Local Rules, and the substantive, ethical, and procedural issues  
45 unique to the dependency court.

46                   (B) ~~ii~~. The attorney must be familiar with the various stages of the court  
47 proceedings from arraignment and detention through review of permanency hearings. This includes,  
48 but is not limited to, the structure and functioning of the juvenile court, the CASA program, DCFS  
49 programs, policies, and procedures, issues related to reunification, placement, reasonable efforts,  
50 adoption, and permanency, and familiarity with the juvenile court's mediation program.

51                   (C) ~~iii~~. The attorney must be familiar with appellate and other review  
52 procedures including writs, rehearings, appeals, and other extraordinary remedies.

53                   (D) ~~iv~~. An attorney who is new to dependency court must observe and/or be  
54 available to participate in each type of dependency hearing from detention through review of a  
55 permanency plan prior to accepting an appointment.

56                   (E) ~~v~~. An attorney who is new to dependency court must visit three types of  
57 placements used to house dependent children such as emergency shelters, foster homes, or group  
58 homes.

59                   (F) ~~vi~~. The attorney must be familiar with the effects of racial, cultural, ethnic,  
60 sexual orientation issues, and language differences with regard to child rearing, treatment, and  
61 placement practices and issues.

62                   (d) Eligibility for Appointment as Counsel for Children. In addition to meeting the eligibility  
63 requirements for appointment as counsel for adults as provided in subdivision (c) above, an attorney  
64 seeking appointment as counsel to a child must be familiar with the following:

65                   (1) Child development stages including a child's cognitive, emotional, and social  
66 growth stages, language development, and patterns of child growth related to neglect and non-organic  
67 failure to thrive;

68                   (2) Interviewing techniques for children, including techniques that are age-appropriate  
69 and take into consideration the type of abuse the child is alleged to have suffered;

70                   (3) Child development as it relates to children as witnesses and the impact of the court  
71 process on a child;

72                   (4) The types of placements available to children, and issues related to placement  
73 including, but not limited to (i) a working knowledge of licensing requirements for foster care and  
74 relative placements, (ii) the impact of multiple placements on the child, and the importance of  
75 maintaining sibling groups versus the best interests of each child in the sibling group, and (iii) the  
76 effect placement will have on visitation issues and on the delivery of services to children in placement;

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

77 (5) The educational, medical, mental health, dental, and other resources available for  
78 children in the dependency court system, the funding therefor, and the means of identifying the need  
79 for and the accessing of such resources;

80 (6) The emancipation laws, and the resources available to assist the dependent child to  
81 emancipate, including, but not limited to, DCFS's Independent Living Program, the requirements for  
82 and the availability of transitional housing, and the availability of funding to assist emancipating  
83 children in living independently; and

84 (7) The court's policy regarding joint reports for Welfare and Institutions Code section  
85 300/602 children pursuant to Welfare and Institutions Code section 241.1, and all other policies and  
86 protocols regarding dependent children contained in this chapter.

87 (e) General Practice for Court-Appointed Attorneys in Dependency Court.

88 (1) The court-appointed attorney should make inquiries necessary to determine at the  
89 outset of the proceedings whether a conflict exists in the representation of a party.

90 (2) At a party's first appearance, the attorney should verify with the client, to the extent  
91 the information is known, the names, addresses, telephone numbers, and relationships of all persons  
92 entitled to receive notice of the proceedings, including the birth dates of each party and child. The  
93 attorney should also inquire as to the name, address, telephone number, and relationship of all known  
94 relatives and/or non-relative family members for possible placement of any detained child. If any  
95 relative and/or non-relative family member is identified, then the dependency court form entitled  
96 "Relative Information Sheet" must be completed and filed with the court.

97 (3) At a mother and/or father's first appearance, the attorney should make inquiry of  
98 the client as to the applicability of ICWA, and so inform the court.

99 (4) At a mother and/or father's first appearance, the attorney should make inquiry of  
100 the client as to paternity issues. The dependency court paternity questionnaire form must be completed  
101 by the mother and father in all cases and filed with the court in all cases. The "Paternity — Waiver of  
102 Rights" form (Judicial Council form JV-505) must be completed by any person claiming paternity  
103 status or non-paternity, which shall also be filed with the court.

104 (5) The attorney should have a complete familiarity with the facts of the case by  
105 reviewing the court file, especially when appointed to represent a party during the pendency of a case,  
106 and by bringing discovery motions, interviewing witnesses, procuring experts, and otherwise  
107 conducting an independent investigation.

108 (6) The attorney should make all reasonable efforts to ensure that the client  
109 understands the court processes, proceedings, and the potential and actual consequences of the  
110 proceedings. Special efforts should be taken to ensure that a client understands these matters if the  
111 client demonstrates any evidence of being developmentally delayed, or exhibits signs that he/she is  
112 suffering from any cognitive or emotional problems which would affect the client's ability to  
113 comprehend any aspect of the dependency proceedings.

114 (7) The attorney must maintain a current business address and working telephone  
115 number and promptly notify a client of any change of address or telephone number. The attorney  
116 should provide the client with his or her business card.

117 (8) The attorney must show courtesy and respect to judicial officers, DCFS social  
118 workers, CASA, DCFS court officers, courtroom personnel, witnesses and all counsel.

119 (9) The attorney must be aware of children present in the courtroom, so that  
120 discussions of sensitive case issues, whether pertaining to a particular child or other children, are not  
121 overheard by the children or made in an insensitive manner.

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

122 (10) Settlement should be considered as soon as enough information is known about  
123 the case to make settlement discussions meaningful. In every case, the attorney should consider  
124 whether the client's interests could best be served and whether the case could be more appropriately  
125 resolved by mediation or other settlement discussions. The attorney must be familiar with the juvenile  
126 court's mediation program.

127 (f) Practice Guidelines for Representing Children in Dependency Court. In addition to the  
128 general practice, attorneys representing children have the following additional duties and  
129 responsibilities:

130 (1) The attorney must be familiar with the requirements of Welfare and Institutions  
131 Code section 317(e) for the representation of children, California Rules of Court, rule 5.660, regarding  
132 standards of representation, and 5.660, regarding caseload size;

133 (2) The attorney or his/her staff should separately interview each child four years of  
134 age or older, and should interview a younger child if it is determined that the child has sufficient  
135 language skills to communicate. The attorney should ascertain the child's wishes, needs, and  
136 background. Interviews should be done in an atmosphere where the child feels comfortable and  
137 privacy is ensured;

138 (3) At the initial interview, where possible, the attorney should inform the child, in  
139 language the child can comprehend, the nature of dependency proceedings, the role of a lawyer, the  
140 child's rights, including the right to confidentiality, and the nature of the subject matter of any petition  
141 and the contents of any related report; and

142 (4) The attorney should be actively involved in, and vigorously advocate at, every  
143 stage of the proceedings involving a child client and take any necessary legal steps that would promote  
144 and advance a child's right to receive all appropriate reunification and permanent placement services  
145 and all other services and resources to meet the child's educational, dental, medical, and mental health  
146 needs.

147 (g) Eligibility for Continued Practice in Dependency Court.

148 (1) Education/Training. A court-appointed attorney in dependency court must  
149 complete a total of 12 hours of continuing education credits each year. This training shall include  
150 mandatory attendance at the annual conference sponsored by the juvenile court and California State  
151 University, Los Angeles, and at least five hours of training offered at the Children's Court or other  
152 training approved by the juvenile court.

153 Ongoing training shall also include summaries of current changes in the dependency  
154 laws and statutes, summaries of recent and relevant case law, and information and instruction on child  
155 development, child abuse and neglect, family reunification and preservation, reasonable efforts,  
156 domestic violence, substance abuse, special education, mental health, government benefits, and  
157 cultural diversity issues.

158 (2) Evidence of Competence. The attorney must file in the office of the Presiding  
159 Judge of the Juvenile Court a certification of satisfaction, signed under penalty of perjury, of the  
160 continuing education requirements not later than February 15 of each year (Juvenile Form 4). An  
161 attorney's failure to comply with this requirement may result in the court's refusal to appoint the  
162 attorney.

163 (h) Caseloads for Children's Attorneys. The court adopts any caseload standards for children's  
164 attorneys established by the Judicial Council.

165 (Rule 7.17 [7/1/2011] amended and effective \_\_\_\_\_)

166



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           9.5           RECORD ON APPEAL

2           (a) Civil Appeals.

3           (1) Contents. The record on appeal includes those items specified by California Rules  
4 of Court, rule 8.830.

5           (2) Designation of the Record. The parties must comply with the California Rules of  
6 Court governing the method and time limits for designating the record on appeal and are responsible  
7 for assuring that the required record is paid for, prepared, and transmitted to the Appellate Division.  
8 (Cal. Rules of Court, rules 8.831, 8.832(b),(c), 8.834, **8.835**, 8.836, and 8.837.)

9           (3) Burden of Providing the Record. Appellant has the burden of ensuring that the  
10 Appellate Division has an adequate record for review. Any party who desires the court to review  
11 testimony must provide either a reporter's transcript, **official electronic recording**, an agreed  
12 statement, or a statement on appeal. (Cal. Rules of Court, rules 8.834, **8.835**, 8.836 and 8.837.) Any  
13 party desiring the court to review exhibits must cause the exhibits to be transmitted to the Appellate  
14 Division. (Cal. Rules of Court, rule 8.843.)

15           (b) Misdemeanor and Infraction Appeals.

16           (1) Contents. The record on appeal includes those items specified by California Rules  
17 of Court, rule 8.860 and 8.910.

18           (2) Clerk's Transcript. The clerk's transcript, consisting of the items specified by  
19 California Rules of Court, rule 8.861 and rule 8.912, is prepared immediately after the notice of appeal  
20 is filed without request or payment by the appellant. (Cal. Rules of Court, rules 8.862(a) and 8.913.)

21           (3) Reporter's Transcript, **Official Electronic Recording**, or Statement. Appellant has  
22 the burden of ensuring that the Appellate Division has an adequate record for review of the issues being  
23 raised on appeal. If this includes a record of the oral trial proceedings, the appellant must timely file  
24 in the trial court a notice of election to proceed on appeal with either the reporter's transcript, **official**  
25 **electronic recording**, or a statement on appeal. (Cal. Rules of Court, rules 8.864 and 8.915.)  
26 Thereafter, appellant must comply with the California Rules of Court to insure the timely preparation  
27 and transmittal of record of the oral proceedings to the Appellate Division. (Cal. Rules of Court, rules  
28 8.864(a), (d), 8.866(a), 8.869, 8.915, and 8.916.)

29           (4) Exhibits. Any party who wants the Appellate Division to consider exhibits that  
30 were admitted, refused, or lodged in the trial court, must comply with California Rules of Court, rule  
31 8.870 or 8.921.

32           **(c) Official Electronic Recording. The court permits the original of an official electronic**  
33 **recording of the trial court proceedings, or a copy made by the court, to be transmitted as the**  
34 **record of the oral proceedings when the trial court proceedings were officially recorded under**  
35 **Government Code section 69957(a) for a limited civil, misdemeanor or infraction case, and the**  
36

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

37 **electronic recording was prepared in compliance with applicable rules regarding electronic**  
38 **recording of court proceedings.**

39 **In the absence of a filed written objection, the court will presume a stipulation of**  
40 **the parties pursuant to California Rules of Court, rules 8.835(c), 8.864(a)(2) and 8.917(c) and**  
41 **will provide an electronic copy of the recording of the trial court proceedings, as the official**  
42 **record of the oral proceedings, to all parties without fee, and will construe a request for a**  
43 **transcript from an official electronic recording as a request for a copy of the official electronic**  
44 **recording.**

45 (Rule 9.5 [7/1/2011] amended and effective \_\_\_\_\_)  
46

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

1           9.6 BRIEFS

2           (a) Time for Filing.

3                   (1) Order for Filing. After the record on appeal has been filed, the Appellate Division  
4 will issue a notice setting the briefing schedule. (Cal. Rules of Court, rules 8.881, 8.925.)

5                   (2) Failure to Comply. The failure of the appellant in a civil, misdemeanor, or an  
6 infraction appeal to timely file an opening brief will result in a clerk's notice of default, and the failure  
7 to cure the default may result in dismissal of the appeal. The failure of the respondent in a civil case  
8 to file its brief may result in the appeal being decided on the appellant's brief and any oral argument  
9 by appellant. The failure of the defendant, who is the respondent in a misdemeanor or infraction  
10 appeal, to timely file its brief, will result in a clerk's notice of default, and the failure to cure the default  
11 will result in the appeal being decided on the appellant's brief and any oral argument by appellant.  
12 (Cal. Rules of Court, rules 882, subd. (c), & 8.927(b).)

13                   (b) Content and Format. All briefs filed in a civil or misdemeanor appeal must comply with  
14 California Rules of Court, rule 8.883, and in an infraction appeal with rule 8.928. Briefs must be two-  
15 hole punched at the top and secured with an Acco-type fastener. No attachments, including exhibits,  
16 are permitted. **In any case in which the official electronic recording is used as the official record  
17 on appeal, each brief must support any reference to a matter in the record by a citation to the  
18 time stamp where, in the electronic recording, the matter appears.**

19                   (c) Length. Unless permission is obtained from the Presiding Judge of the Appellate Division,  
20 briefs in a civil or misdemeanor appeal shall not exceed 6,800 words, including footnotes, if produced  
21 by a computer, or 20 pages if produced by a typewriter; and in an infraction appeal must not exceed  
22 5,100 words, including footnotes, if produced by a computer, or 15 pages if produced by a typewriter.  
23 Noncompliant briefs are subject to sanctions. (Cal. Rules of Court, rules 8.883(b), (d), 8.928(b), (d).)

24                           Permission must be obtained by application in accordance with Local Rule 9.9.

25                   (d) Service. A copy of all briefs must be served on opposing counsel and the trial court. (See  
26 Cal. Rules of Court, rules 8.25, 8.883(e), and 8.927(c).)

27                   (e) Extension of Time. An application for extension of time to file a brief must be filed in the  
28 Appellate Division in accordance with Local Rule 9.9 before the brief is due and must be supported by  
29 good cause. (Cal. Rules of Court, rules 8.810, 8.811, 8.882(b)(3).)

30                   (f) Wende Briefs. *People v. Wende* shall be cited on the cover, or the first page if there is no  
31 cover, of any brief requesting the Appellate Division to review the record on appeal to determine if  
32 there are any arguable issues that may require briefing. (*People v. Wende* (1979) 25 Cal.3d 436.)

33   (Rule 9.6 [7/1/2011, 7/1/2015] amended and effective \_\_\_\_\_)

