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

March 11, 2021

## **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 2.10 ASSIGNMENT OF MATTERS IN CENTRAL DISTRICT – CRIMINAL DIVISION  
Amend rule to update proceedings assignment location.
- Rule 2.13 ASSIGNMENT OF MATTERS – PROBATE DIVISION AND MENTAL HEALTH MATTERS  
Amend rule to update proceedings assignment location.
- Rule 2.21 AVAILABILITY OF COURT REPORTERS  
Amend rule to address changes to California Rules of Court, Rule 2.956, and unavailability of court reporters for limited civil, infraction and misdemeanor criminal cases.
- Rule 5.22 MINOR'S CONTRACT PROCEDURE  
Amend rule to correct attachment indicators.
- Rule 9.2 APPEALS  
Amend rule to change procedure for record in limited civil, infraction, and misdemeanor criminal cases.
- Rule 9.5 RECORD ON APPEAL  
Amend rule to delineate record on appeal for limited civil, infraction and misdemeanor criminal cases.
- Rule 9.11 WRITS  
Amend rule to add a subsection pertaining to official electronic recordings.

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) no later than 5:00 p.m. on Monday, **April 26, 2021**.

**View LASC Local Rules at <http://www.lacourt.org>**

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2.10 ASSIGNMENT OF MATTERS IN CENTRAL DISTRICT – CRIMINAL DIVISION

Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions, proceedings, and procedures are assigned in the CENTRAL DISTRICT as follows. These assignments do not apply to matters heard in the other districts.

Arraignment, felony complaint	Clara Shortridge Foltz Criminal Justice Center (Foltz-CJC): Department 30 Metro: Department 66 East LA: Department 1/ site judge
Arraignment, misdemeanor complaint	Foltz-CJC: Males in custody: Department 40 Females in custody and all out of custody: Department 48 Metropolitan Branch: Departments 60 and 66 for City Attorney filings Departments 62 and 65 for District Attorney filings East LA: Based on case number, inquire at courthouse
Certificate of rehabilitation and pardon, petition for	Department 100
Corum nobis, petition for writ of	Department where case is, or was last, pending
Exhume a body for criminal investigation	Department 100
Expungement - felony case, Foltz-CJC only	Department 100
Expungement - misdemeanor case, Foltz-CJC only	Department 56
Firearm return, restoration of right to own (Welf. & Inst. Code, §§ 8100, 8103)	Mental Health Departments
Firearm return, all other	Department where case is, or was last, pending
Habeas corpus, involuntary commitment (Welf. & Inst. Code, §§ 5254.1 and 5275)	Mental Health Departments
Habeas corpus, person held for extradition	Department 100
Habeas corpus under the Hague Convention on International Child Abduction	Department 2 Stanley Mosk Courthouse
Habeas corpus, all other	See Local Rule 8.33
Mandate or prohibition in felony case, after holding order	Court of Appeal
Mandate or prohibition in felony case,	Department 100

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prior to holding order	
Mandate or prohibition in misdemeanor or infraction case	Appellate Division
Mental competence trial and hearing, <del>felony case, after holding order</del>	<del>Department where case is assigned</del> <b>Mental Health Departments</b>
<del>Mental competence trial and hearing, felony case, — prior to holding order</del>	<del>Mental Health Departments</del>
<del>Mental competence trial and hearing, — misdemeanor or infraction case</del>	<del>Mental Health Departments</del>
Mentally disordered sex offender, extension proceeding (Welf. & Inst. Code, § 6300)	Mental Health Departments
<i>Pro per</i> privileges at variance with policy	Department where case is pending

(Rule 2.10 [as Rule 2.7 7/1/2011, 12/21/2011, 1/1/2012, 7/1/2012, 5/17/2013, 7/1/2014, 7/1/2015, 1/1/2017, 7/1/2017, 7/1/2018, 1/1/2019, 1/1/2020] amended and effective \_\_\_\_\_)

SUPERIOR COURT OF CALIFORNIA  
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1 2.13 ASSIGNMENT OF MATTERS - PROBATE DIVISION and MENTAL HEALTH  
2 MATTERS

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4 Subject to the authority of the Presiding Judge to apportion the work of the court, the following actions,  
5 proceedings, and procedures are assigned in the CENTRAL DISTRICT as follows. These assignments  
6 do not apply to matters heard in the other districts.

7 (a) Probate.

8 Any matter arising under the Probate Code, and any other action, proceeding, or procedure  
9 which by statute is to be heard by a judge hearing probate matters, is assigned to the Probate Division.  
10 (See, e.g., proceedings to establish record of birth, death or marriage under Health & Safety Code, §  
11 10550, et seq.)

12 A petition for compromise of a minor's or disabled person's claim when no civil case has been  
13 filed is assigned to the Probate Division. When a civil settlement or judgment includes a special needs  
14 trust for the benefit of a minor or an incompetent person under Probate Code section 3602 or 3611, the  
15 terms of the trust shall be reviewed and approved by the Probate Division pursuant to Local Rules  
16 4.115 - 4.117.

17 Any proceeding to make a withdrawal from an account blocked for the benefit of a minor or  
18 an incapacitated person is assigned to the Probate Division.

19 An application for appointment of general guardianship is heard in the Probate Division. An  
20 application for a guardian *ad litem* is heard in the division hearing the matter.

21 (b) Mental Health Matters.

22 Accounting of LPS conservatorship	Mental Health Departments
23 Appeal of medication capacity findings and order ( <i>de novo</i> 24 hearing) (Welf. & Inst. Code, § 5334(e)(1))	Mental Health Departments
25 Developmental disability commitment 26 ( <i>In Re Hop</i> ; Welf. & Inst. Code, § 6500)	Mental Health Departments
27 ECT capacity hearing 28 (Welf. & Inst. Code, §§ 5326.7, 5326.75)	Mental Health Departments
29 <i>Ex parte</i> petition for temporary LPS conservatorship by 30 County Mental Health Director/Public Guardian	Mental Health Departments
31 <i>In Re Roger S.</i> pre-commitment hearing	Mental Health Departments
32 LPS conservatorship 33 (Welf. & Inst. Code, § 5350)	Mental Health Departments
34 Mentally disordered person dangerous to others proceeding 35 (Welf. & Inst. Code, § 5300)	Mental Health Departments
36 Site-based certification review hearing 37 ( <i>Doe vs. Gallinot</i> ; Welf. & Inst. Code, § 5256)	Mental Health Departments
38 Site-based medication capacity hearing 39 (Welf. & Inst. Code, § 5332)	Mental Health Departments

40 (c) Criminally-Related Proceedings.

41 Commitment, judicial review	Mental Health Departments
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Continued involuntary treatment, mentally disordered offenders (Pen. Code, § 2972)	Mental Health Departments
Extension of commitment and re-commitment to California Youth Authority (Welf. & Inst. Code, § 1800)	Mental Health Departments
Firearm return and restoration of right to own (Welf. & Inst. Code, §§ 8100, 8103)	Mental Health Departments
Mental competence trial and hearing, <del>felony case, — after holding order</del>	<del>Court where case is assigned</del> Mental Health Departments
<del>Mental competence trial and hearing, felony case, — prior to holding order</del>	<del>Mental Health Department</del>
<del>Mental competence trial and hearing, misdemeanor or infraction case</del>	<del>Mental Health Department</del>
Mentally disordered sex offenders proceeding (former Welf. & Inst. Code, § 6300)	Mental Health Departments
Petition to extend commitment and re-commitment of defendant found not guilty by reason of insanity (Pen. Code, § 1026.5(b))	Mental Health Departments
Petition to release following restoration to sanity (Pen. Code, § 1026.2)	Mental Health Departments
Qawi petition	Mental Health Departments
Sexually violent predator, after probable cause hearing, and pre-trial matter	Department 56S, Clara Shortridge Foltz Criminal Justice Center
Sexually violent predator, petition prior to probable cause hearing	Mental Health Departments
Sexually violent predator, probable cause hearing	Department 56, for assignment to a criminal court
Sexually violent predator trial	Department 100, for assignment to a trial court

(Rule 2.13 [as Rule 2.7 7/1/2011, 12/21/2011, 1/1/2012, 7/1/2012, 5/17/2013, 7/1/2014, 7/1/2015, 1/1/2017, 7/1/2017, 7/1/2018, 1/1/2019, 1/1/2020] amended and effective \_\_\_\_\_)

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1 2.21 AVAILABILITY OF COURT REPORTERS

2 (a) Unlimited Civil Cases. Official court reporters are not normally available for reporting  
3 trials in unlimited civil cases. Official court reporters are also not normally available for reporting law  
4 and motion matters in departments dedicated to unlimited jurisdiction cases, except as specifically  
5 listed on the court's website.

6 A party who has not received a fee waiver pursuant to California Rules of Court, rule 3.55(7)  
7 seeking a verbatim record must do so by arranging for a certified shorthand reporter to serve as an  
8 official pro tempore reporter as set forth in subsection (e) below.

9 A party who has received a fee waiver may request an official court reporter pursuant to  
10 California Rules of Court, rule 2.956~~(b)(3)~~**(c)(2)**. The request must be made by using the local form,  
11 Request for Court Reporting Services by a Party with Fee Waiver (LACIV 269), **or Judicial Council**  
12 **form FW-020** and ~~must~~**should** be filed at least ten calendar days before the hearing or trial for which  
13 the reporter is requested. If the requesting party received less than ten days' notice of the hearing or  
14 trial, the requesting party must file the request as soon as practicable. If a request is timely submitted,  
15 the clerk will notify the requestor as soon as possible if no official court reporter will be available.  
16 Given the limited availability of official court reporters, notice of the availability of a court reporter  
17 may not be given until the day of the trial or hearing.

18 (b) Limited Civil, Misdemeanor Cases and Infractions. Official court reporters are not  
19 normally available to report matters in limited civil, **misdemeanor or infraction** cases. These  
20 proceedings are electronically recorded by the court to make the official verbatim record of  
21 proceedings as provided in Government Code section 69957, and California Rules of Court, rules 2.952  
22 and 2.956(c), unless a party arranges for a court reporter pursuant to subsection (e).

23 (c) Court Reporting in **Felony** Criminal, Juvenile, Family Law, and Probate Cases. Official  
24 court reporters are normally available for reporting all proceedings in **felony** criminal, juvenile, family  
25 law and probate cases.

26 (d) Notice of Nonavailability of Court Reporter for Non-Trial Matters. If the services of an  
27 official court reporter will not be available during a proceeding in a **felony** criminal, juvenile, family  
28 law or probate case, that fact will be noted on the court's official calendar on the court's website.

29 (e) Procedure for Court Reporter Services. A party desiring a court reporter's services for a  
30 proceeding for which the court does not make a court reporter available may arrange for the  
31 appointment of a court approved official court reporter from a list maintained by the court, or may, by  
32 stipulation, arrange for the appointment of a privately retained certified shorthand reporter, in  
33 accordance with the procedures posted on the court's website and available in the clerk's office. If an  
34 arrangement for a court reporter is made under this subdivision, it is the responsibility of the arranging  
35 party or parties to pay the reporter's fee for attendance at the proceedings.

36 (Rule 2.21 [7/1/2011, 1/1/2013, 8/31/2018] amended and effective \_\_\_\_\_)  
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1 5.22 MINOR'S CONTRACT PROCEDURE

2 (a) Use of Mandatory Forms. A petitioner must use the mandatory forms, as applicable,  
3 denominated as Petition to Approve Contract(s) of Minor(s) (FAM 172), Additional Minors-  
4 Attachment **AB** to Petition (FAM 174), Parental Quitclaim-Attachment **BC** to Petition (FAM 175),  
5 Waiver of Notice-Attachment D to Petition (FAM 176), Additional Contracts-Attachment E to Petition  
6 (FAM 177), Declaration of Lender-Attachment F to Petition (FAM 178), Additional Facts-Attachment  
7 G to Petition (FAM 179), Order Approving Contract(s) of Minor(s) (FAM 180), Additional Minors-  
8 Attachment A to Order (FAM 181), and Additional Contracts-Attachment B to Order (FAM 182).

9 (b) Filing of Petition. A petition for the confirmation of a minor's contract under Family Code  
10 section 6750 *et seq.* must be filed in Department 2. The contract for which confirmation is sought must  
11 be attached as an exhibit to the petition. The petition must be accompanied by a separately filed  
12 proposed order.

13 (c) Compliance With Family Code Section 6752(d). A proposed order confirming a minor's  
14 contract must direct petitioner, through his or her counsel, to file a declaration under penalty of perjury  
15 evidencing: (1) compliance with Family Code section 6752(b), and (2) that petitioner forwarded a copy  
16 of the order to the minor's guardian *ad litem* with a cover letter which included the language under  
17 Family Code section 6752(d).

18 (d) Continuing Jurisdiction. Department 2 has continuing jurisdiction over the petition and any  
19 funds blocked pursuant to court order until the funds are released. A petition for withdrawal of funds  
20 from blocked account pursuant to Family Code section 6752(b)(7) or section 6752(c)(5), must be  
21 supported by adequate declarations setting forth the reason and necessity of the requested action.

22 (e) Fees. The clerk will assess a fee for processing petitions for withdrawal of funds from  
23 blocked minors accounts.

24 (Rule 5.22 [7/1/2011, 1/1/2012, 7/1/2017, 7/1/2020] amended and effective \_\_\_\_\_)  
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1 9.2 APPEALS

2 (a) Notice of Appeal.

3 (1) Jurisdiction. The Appellate Division has appellate jurisdiction only over cases in  
4 which a notice of appeal was filed. (Cal. Rules of Court, rules 8.821 (civil appeals), 8.852  
5 (misdemeanor appeals) and 8.901 (infraction appeals).)

6 (2) Where filed. The notice of appeal must be filed in the trial court from which the  
7 appeal is being taken.

8 (3) Late Filing/Motion to Dismiss.

9 (A) An application for relief from a late filing of notice of appeal or a motion  
10 to dismiss on grounds of late filing of notice of appeal must be filed in the Appellate Division, and  
11 must comply with Local Rule 9.9.

12 (B) On a party's request or on the court's own motion, the court may place the  
13 motion on calendar for a hearing.

14 (4) Filing Fees.

15 (A) Filing fees must be paid in the trial court, or in room 102.

16 (B) For litigants who qualify, filing fees shall be waived by the court.  
17 Applications for fee waivers must be filed in the trial court at the time of filing the notice of appeal.  
18 (Cal. Rules of Court, rule 8.821(b)(1).)

19 (5) Notice of Official Electronic Recording as Record of Oral Proceedings. When a  
20 notice of appeal is filed, the trial court clerk must promptly send a notification to the attorney of record  
21 for each party and to any unrepresented party that when any party elects to use the official electronic  
22 recording as the record of the oral proceedings, in the absence of a filed written objection, the court  
23 will presume a stipulation of the parties pursuant to California Rules of Court, rules 8.831(b)(6),  
24 8.864(a)(2) and 8.915(a)(2), ~~and will provide an electronic copy of the recording of the trial court  
25 proceedings, as the official record of the oral proceedings, to all parties without fee, and will construe  
26 a request for a transcript from an official electronic recording as a request for a copy of the official  
27 electronic recording.~~

28 **(A) For a limited civil or infraction case, the court will provide an electronic  
29 copy of the trial court proceedings, as the official record of the oral proceedings, to all parties without  
30 fee, and will construe a request for a transcript from an official electronic recording in a limited civil  
31 or infraction case as a request for a copy of the official electronic recording.**

32 **(B) For a misdemeanor criminal case, the court will provide a written  
33 transcript of the trial court proceedings under rule 2.952, as the official record of the oral  
34 proceedings, to all parties, without fee. (Cal. Rules of Court, rule 8.835(b)).**

35 Any written objection must be filed with the trial court appeals clerk within ten days  
36 of the mailing of Notification provided above.

37 (Rule 9.2 [7/1/2011, 7/1/2019] amended and effective \_\_\_\_\_)

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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 statement,  
12 or a statement on appeal. (Cal. Rules of Court, rules 8.834, 8.835, 8.836 and 8.837.) Any party desiring  
13 the court to review exhibits must cause the exhibits to be transmitted to the Appellate Division. (Cal.  
14 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 in  
24 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.) Thereafter,  
26 appellant must comply with the California Rules of Court to insure the timely preparation and  
27 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, **or a written transcript of the**  
34 **electronic recording made by the court** to be transmitted as the record of the oral proceedings when  
35 the trial court proceedings were officially recorded under Government Code section 69957(a) for a  
36 limited civil, misdemeanor or infraction case, and the electronic recording was prepared in compliance  
37 with applicable rules regarding electronic recording of court proceedings.

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

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45 **For a misdemeanor criminal case, the court will provide a written transcript of the recording**  
46 **of the trial court proceedings, pursuant to California Rules of Court rules 8.864(a) and 8.868(b) as**  
47 **the official record of the oral proceedings, to all parties, without fee.**

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49 (Rule 9.5 [7/1/2011, 7/1/2019] amended and effective \_\_\_\_\_)  
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1 9.11 WRITS

2 (a) Form and Notice. A writ petition must comply with all applicable statutes and the  
3 California Rules of Court. (*See* Code Civ. Proc., §§ 1067-1108; Cal. Rules of Court, rules 8.930-8.936.)

4 (b) Writs Involving Felony Matters Prior to the Defendant Being Held to Answer. In felony  
5 cases where the ruling, order or other matter arose prior to the completion of the preliminary hearing,  
6 petitions for writs of mandate, prohibition, review (certiorari), habeas corpus or any other petition for  
7 extraordinary relief, must be filed in Department 100 in the Central District. (*See* Local Rule  
8 8.33(a)(2).) Subdivisions (c), (c)(2)a), (c)(3), and (d) of this rule apply to petitions filed in Department  
9 100.

10 (c) Filing and Service of Writs.

11 (1) Filing.

12 a) Where Filed. The original petition with proof of service must be filed in Room  
13 102 of the Stanley Mosk Courthouse.

14 b) When Filed. A writ petition generally must be filed within the statutory period  
15 for an appeal.

16 (2) Filing Fees.

17 a) Criminal Cases. No filing fees are required in a criminal case.

18 b) Civil Cases. The filing fee for a civil writ petition is the same as that in the  
19 schedule for the filing of civil cases.

20 (3) Service. The petition must be served on all parties and the trial court before filing.

21 (4) Lodging With the Clerk. Petitioner must lodge a file-stamped, conformed copy of  
22 the petition, and may include a proposed alternative writ, with the clerk in Room 607 of the Stanley  
23 Mosk Courthouse.

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25 **(d) Official Electronic Recording. The court permits the original of an official electronic**  
26 **recording, or a copy made by the court, to be transmitted for use as a supporting document to**  
27 **the Petition for Writ proceedings as specified in California Rules of Court 8.931(b)(1)(D), when**  
28 **the proceedings were officially recorded under Government Code section 69957(a) for a limited**  
29 **civil, misdemeanor or infraction case, and the electronic recording was prepared in compliance**  
30 **with applicable rules regarding electronic recording of court proceedings.**

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32 (de) Writ Proceedings and Decisions. The court may:

33 (1) Continue the matter and request supplementary documents or preliminary  
34 opposition;

35 (2) Summarily deny the petition without hearing;

36 (3) Notify the parties of the court's intent to issue the peremptory writ in the first  
37 instance (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171.); or

38 (4) Issue an alternative writ or order to show cause and set the matter for a hearing,  
39 after which, a decision will be made. If an alternative writ is issued, a certified copy of the writ or  
40 order shall be promptly sent to the parties. (Cal. Rules of Court, rule 8.934(a).)

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- 41 (e) Habeas Corpus Filed in Conjunction with an Appeal Pending in the Appellate Division. |  
42 (1) The petition must be verified.  
43 (2) The petition must be served on the trial judge and on the People before filing.  
44 (3) The petition must be filed in Department 70, Room 607, of the Stanley Mosk  
45 Courthouse.  
46 (4) No filing fee is required.  
47 (Rule 9.11 [7/1/2011, 1/1/2016] amended and effective \_\_\_\_\_)  
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