



**Superior Court of California  
County of Sonoma  
Summary of Proposed Amendments to the Local Rules  
Eff. 01/01/2026**

~~abcde~~ Deleted text  
abcde New/Revised text  
abcde Unchanged text

Proposed Amendments to Local Rules

Rule 9

Rule 11

Rule 16

Rule 17

**PLEASE NOTE:** If a rule or a subsection to a rule does not appear in this document, it remains unchanged from the 07/01/2025 edition.

**RULE 9 RULES APPLICABLE TO FAMILY LAW PROCEEDINGS**

**9.11 DOMESTIC VIOLENCE RESTRAINING ORDERS (FAMILY CODE §§ 6200-6389)**

- A. Notice of the intent to file an ex-parte/emergency Request for Domestic Violence Restraining Order (DV-100) or Request to Change or End Restraining Order (DV-300), and delivery of the application, including all declarations, attachments, and documents intended for court review, must be given to the opposing party or attorney by 10:00 a.m. the day before the application is scheduled to be reviewed by the assigned judicial officer. The notice requirement can be waived by the Court if (1) notice is impossible, (2) notice would frustrate the very purpose of the

order, or (3) immediate and irreparable harm could be suffered if notice were given. See Local Form FL--~~016040~~ for information for applicants. A completed FL-~~016040~~ must be submitted when making a request for ex parte/emergency Domestic Violence orders.

- B. Opposition papers must be received by 8:30 a.m. on the day of the review. A copy of the opposition papers shall also be served personally, by fax or e-mail on the opposing party by 8:00 a.m. on the day of judicial review. If service of the opposition papers is not possible, a declaration shall be filed providing the reasons for the lack of service. See Local Form FL-~~016040~~.
- C. Judicial review of the requests for temporary orders shall be conducted Monday through Friday beginning at 8:30 a.m. by a judicial officer designated by the Presiding Judge. At the discretion of the judicial officer, oral argument may be taken. If this is to occur, the court will notify counsel or parties by noon on the day of the review. If counsel or parties wish to appear by telephone, their pleadings shall so indicate.

(Eff. 7/1/13; Renumbered 1/1/2016; 7/1/2017, 7/1/2024, 7/1/2025, [1/1/2026](#))

## **9.20 FAMILY LAW SETTLEMENT CONFERENCES**

- A. Family law judicial officers may refer cases for a Settlement Conference which shall be conducted by a settlement conference officer as directed by the family law judicial officers. When setting a settlement conference date, the Court ~~may~~ ~~shall always~~ set a Case Management Conference ~~or Master Calendar~~ date following the settlement conference date. The Court will serve all parties personally or by mail.

### **B. Interdisciplinary Settlement Conference Pilot Program**

For child custody matters, the Court may, in its discretion, appoint a panel to assist the Court and the parties at the settlement conference. The panel may include attorneys, mediators, and/or mental health professionals. Experience requirements for panelists may be obtained from the Family Law Supervising Judge's Judicial Assistant or from the Court's website. Any such panelists will be appointed to serve as the Court's own expert pursuant to Evidence Code § 730, and the Court may find good cause to permit the panelists to review Family Court

Services' recommendations and other confidential information in the file, pursuant to Family Code § 3025.5.

- C.** To request a Settlement Conference, parties (or their attorney, if represented) shall submit Local Form FL-074, Request/Response to Request for Settlement Conference or Settlement Conference and Trial. The family law judicial officer will review cases set on the domestic, Case Management Conference, Child Support, and Trial calendars. If the court determines the case could benefit from a Settlement Conference, an order will be entered and a date for the conference will be set as well as a Case Management Conference date. The court will serve all parties with an order regarding the conference personally or by mail. Settlement Conferences will be scheduled only if Preliminary Declarations of Disclosure have been exchanged and an FL-141 has been filed by both parties or the requesting party has complied and there is good cause for proceeding without the other party having filed the Preliminary Declaration of Disclosure and FL-141.
- D.** The request will be reviewed by a family law judicial officer. If the judicial officer determines a Settlement Conference is appropriate, the Court will issue an order and serve the parties and/or attorneys with the order setting both a Settlement Conference and a Case Management Conference. If the party requesting a Settlement Conference and/or Trial has provided a Preliminary Declaration of Disclosure and the responding party has not, if the Court does not set a Settlement Conference and/or Trial Date, the Court will place the matter on the next scheduled Case Management Conference at which time the Court may issue orders relating to the non-complying party's failure to exchange Preliminary Declaration of Disclosure, including, but not limited to, an order to comply, sanctions, and setting a trial and settlement conference as originally requested.
- E.** Each party shall serve and submit Local Form FL-048, Settlement Conference Statement/Trial Brief prior to the conference. The Statement shall be filed ten (10) calendar days prior to the Settlement Conference. The Statement shall be stamped as "received." Failure to submit a Statement in a timely manner may result in the Court doing one or more of the following: 1) Rescheduling the Settlement Conference with the same panelist; 2) ordering the non-complying party to pay sanctions.
- F.** Any request to drop or continue the Settlement Conference and Case Management Conference must be made to the Family Law Judicial Assistant by 5:00 p.m. at least three (3) court days prior to the conference. Absent extraordinary circumstances, making a request in an untimely manner or failing to appear at the Settlement Conference may result in the Court ordering such party to pay sanctions. The Court will not drop the Case Management Conference unless a

Judgment resolving all issues is submitted to the Court prior to the Case Management Conference date.

#### **G. Appearances**

Each party and principal trial attorney for each party shall attend the Settlement Conference. The Settlement Conference shall be conducted by a Settlement Conference officer to be appointed by the court. Unless notified otherwise, appearance by all parties is mandatory. An attorney or party who fails to attend or participate effectively in any Settlement Conference may be subject to sanctions. Any alternative to personal appearance shall be pre-approved by a judicial officer. When the local child support agency has intervened in a case, the agency will determine if its appearance is necessary and notify the Court whether it intends to appear. The agency may appear by telephone. Settlement Conferences will last a maximum of three (3) hours or until the parties are excused by the Settlement Conference officer. Parties and counsel are expected to be present for the entire Settlement Conference, with the exception of the local child support agency, which may appear for support-related issues alone. If the agency is a party to the action, any settlement involving support issues requires the agency's signature.

- H.** If a complete settlement is not reached at the Settlement Conference, the case shall remain set for a Case Management Conference so the court can determine the next steps needed to resolve the case.

(Eff. 1/1/2005; Revised and renumbered 1/1/2016, Rev. 7/1/2022, 7/1/2024, 1/1/2025, 7/1/2025, [1/1/2026](#))

### **9.21 CHILD CUSTODY SETTLEMENT CONFERENCES**

Upon the filing of the Child Custody Evaluation Report with the court, a Settlement Conference ~~and Case Management Conference~~ regarding the issues of child custody and parenting plan only shall be scheduled by the judicial assistant of the assigned Family Law departments to be held as soon as possible with a judicial officer. [The Court may either set a Case Management Conference or Master Calendar date following the Settlement Conference.](#) The custody evaluator may be present at the Settlement Conference when requested by either party or at the direction of the Court.

Once a Child Custody Evaluation Report has been filed with the court, the clerk shall lodge the report in the court's file as confidential and forward it to the judicial assistant of the assigned Family Law departments. The judicial assistant shall schedule a custody Settlement Conference as soon as possible. In the event of an unavoidable conflict, a party or attorney shall have a limited time to reschedule the Settlement Conference. Stipulation of the parties alone is not good cause for continuance of the Settlement Conference.

At any time following the Settlement Conference, any party may, upon noticed (Request for Order) motion timely served upon all parties, request that the court make interim orders regarding custody and/or parenting plan pending trial. The supporting declaration

shall set forth with specificity the facts that support an interim change of custody and/or parenting plan orders prior to the trial. The declaration shall also address the recommendations in the custody evaluation report and set forth a specific proposal for interim orders.

A Statement of Issues for Settlement Conference or Trial (Local Form FL-002) is not required for Settlement Conferences regarding child custody and parenting plan only.

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2009, 7/1/2009, 1/1/2010, 7/1/2010; Renumbered 7/1/2011 – formerly Rule 9.19; Renumbered 1/1/2012 – formerly Rule 9.20, Rev. 7/1/2012, 7/1/2013, 1/1/2021; Renumbered 1/1/2016; Rev. 7/1/2022, [1/1/2026](#))

## **9.23 TRIAL AND EVIDENTIARY HEARINGS**

These proceedings are intended to take more time so that the parties may call and question witnesses, testify themselves, and submit documentary evidence for the court to review.

### **A. Setting Issues for Trial**

1. A family law contested cause may be set for trial by filing Sonoma County Local Form FL-074, Request/Response to Request for Settlement Conference, Trial or Default Hearing. The request for trial may be presented to the judicial officer at the domestic calendar hearing. If no hearing is pending, the request shall be served and filed with the family law clerk. The request for trial does not need to be filed as a joint request of the parties.
2. For contested causes set for trial directly from a domestic calendar, the judicial officer retains the discretion to set one or more of the following hearings: (1) Case Management Conference; (2) Settlement Conference.
3. Upon the filing of the Sonoma County Local Form FL-074 Request/Response to Request for Settlement Conference, Trial or Default Hearing, a Case Management Conference shall be scheduled before the judicial officer assigned to the case pursuant to Sonoma County Local Rule, Rule 9.2. Case Management Conference may be scheduled within thirty (30) days of the filing of the request for trial. The court shall serve all parties or attorneys with a notice of Case Management Conference.
4. If it is determined that a trial is necessary, the Court shall either set the trial date far enough out for the parties to be able to comply with the discovery deadlines set forth in the California Code of Civil Procedure, or obtain a stipulation from the parties regarding the discovery cut off dates and set the trial date accordingly.

5. No matter will be set for trial until and unless the parties have exchanged their Preliminary Declarations of Disclosure and, if required, filed form FL-141, Declaration Regarding Service of Declaration of Disclosure.

**B. Case Management Conference**

If the court sets a Case Management Conference in lieu of a Settlement Conference or trial date, the parties or attorneys shall file a Case Management Conference Statement, form FL-092, ten (10) calendar days prior to the conference. At the Case Management Conference, the court will review the status of the case and may make orders pursuant to Sonoma County Local Rule, Rule 9.10.

**C. Statement of Issues**

If a Statement of Issues was submitted for a settlement conference, the Statement of Issues shall be deemed the Statement of Issues for trial and filed in the court file unless, at the time of the settlement conference, the party indicates they will be filing another Statement of Issues ten (10) calendar days prior to the trial date.

If a settlement conference was not held, the parties or attorneys shall file a Statement of Issues for Settlement Conference or Trial, Sonoma County form FL002, ten (10) calendar days prior to the trial date.

The statement of issues shall include all information requested in the Statement of Issues, Sonoma County form FL002.

**D. Meet and Confer**

The parties, and attorneys, if any, shall meet and confer in a good faith effort to resolve all of the issues in the case. The parties, and attorneys, if any, shall state in the statement of issues the dates they met and conferred.

**E. Continuing a Trial**

1. Continuing ~~Domestic and Child Support~~ Trials by Stipulation

The court, upon a showing of good cause, may grant stipulated requests to continue a trial. The stipulated request shall be submitted to the assigned judicial officer by noon ten (10) calendar days prior to the hearing date. Counsel or parties shall submit a stipulation to continue, a declaration stating why the continuance is necessary, and a proposed order for

continuance. The court has discretion to determine if good cause exists to grant the continuance of the hearing. Stipulation by itself does not constitute good cause for granting a continuance.

2. Continuing Trials by Motion

~~Any motion which seeks to advance or continue a settlement conference, or any trial shall be set on the Domestic or Child Support calendar of the judicial officer assigned to hear the case. Requests for an order shortening time for service of a motion to continue shall be submitted to the judicial officer assigned to hear the case.~~

~~Any motion for continuance request to advance or continue a trial may be set for a hearing at the direction of the judicial officer assigned to hear the case. must be calendared for hearing at least seven (7) calendar days in advance of the trial (or other hearing) date, unless good cause is shown for a shortening of such time. Stipulation by itself does not constitute good cause for granting a continuance.~~

**F. Contempt Proceedings**

The defendant in contempt proceedings shall not be required to comply with the meet and confer rules set forth above or participate in the preparation of the statement of issues.

**G. Master Calendar Call**

All matters to be set for trial shall be called on the assigned Master Calendar, or on another date set by the judicial officer, which will not be considered the initial trial date for discovery purposes. A matter will not proceed to trial on the date of the Master Calendar, at which time a specific date and time for commencement of the trial will be set.

(Eff. 7/1/2005; Rev. 7/1/2006, 7/1/2007, 1/1/2008, 1/1/2009, 7/1/2009, 7/1/2010; Revised and Renumbered 7/1/2011 – formerly Rule 9.20; Renumbered 1/1/2012 – formerly Rule 9.21, Rev. 7/1/2012, Rev. 7/1/2013, 7/1/2015, 1/1/2021, Renumbered 1/1/2016; 7/1/2017, 7/1/2025, [1/1/2026](#))

**9.26 JUDGMENTS**

**D. Bifurcation of Marital Status**

Contested bifurcation motions in cases where both parties have appeared are law and motion matters governed by Local Rule 9.19.

The following documents are required for bifurcation of status only judgments:

1.     ~~2.~~ Bifurcation without Agreement

- a.     Declaration Regarding Service of Preliminary Declaration of Disclosure from Petitioner (FL-141).
- b.     Request for Order (FL-300) for Bifurcation and Request or Response to Request for Separate Trial (FL-315). Sonoma County requires a hearing for bifurcation of marital status that proceeds by default. The hearing must be set at least six months from the service date of the petition on the Respondent.
- c.     Declaration for Default or Uncontested Dissolution (FL-170)
- d.     Status Only Judgment (FL-180)
- e.     Notice of Entry of Judgment (FL-190) with a stamped, self-addressed envelope for each party. The submitting party must provide enough postage for return of all documents submitted.
- f.
- g.     Bifurcation of Status of Marriage or Domestic Partnership – Attachment (FL-347).

2.     ~~3.~~ Bifurcation by Stipulation

- a.     Appearance, Stipulations and Waivers (indicate on the form that the parties are stipulating to bifurcation of the marital status) ~~or separate stipulation and order.~~
- b.     Declaration for Uncontested Dissolution or Legal Separation (Form FL-170). Status Only” to be written within the box containing the document title.
- c.     Declaration Regarding Service of Preliminary Declarations of Disclosure from both parties (or service of the preliminary declarations of disclosure may be deferred if stipulated to in writing.)



- d. Status Only Judgment (Form FL-180)
- e. Notice of Entry of Judgment (FL-190) with a self-addressed, stamped envelope for each party. The submitting party must provide enough postage for return of all documents submitted.
- f. Bifurcation of Status of Marriage or Domestic Partnership – Attachment. (Form FL-347)

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2007, 7/1/2009, 7/1/2010, 1/1/2022; Renumbered 7/1/2011 formerly Rule 9.23; Renumbered 1/1/2012 – formerly Rule 9.24, Rev. 7/1/2012, 1/1/2013, 7/1/2013, 7/1/2014; 7/1/2015, Revised and renumbered 1/1/2016, [Revised and renumbered 1/1/2026](#))

## **RULE 11 RULES APPLICABLE TO APPELLATE DIVISION PROCEEDINGS**

### **11.1 LIMITED CIVIL CASES**

- ~~A. — The Notice of Appeal and any subsequent appellate documents shall be filed in the Civil Division Clerk's Office.~~
- ~~B. — Pursuant to California Rules of Court, Rule 8.833, the original trial court file will be used instead of a clerk's transcript. No separate case file shall be created for the purpose of the appeal.~~
- ~~C. — Under California Rules of Court, Rule 8.835 (c), in a civil limited appeal, the parties, by a filed written stipulation or on order of the trial court under California Rules of Court, Rule 8.837 (d) (6), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of the reporter's transcript or settled statement.~~
- ~~D. — This rule does not relieve appellant of their duty under California Rules of Court, Rule 8.831, to serve and file a notice designating the papers or records on file or lodged with the clerk, including the clerk's minutes and any written opinion of the trial court and exhibits either admitted in evidence or rejected, and any notices, affidavits, orders, and written instructions given or refused, upon which they intend to base the appeal. Nor does this rule preclude respondent from serving and filing a notice designating, pursuant to California Rules of Court, Rule 8.832(b), additional papers or records, including the clerk's minutes, any written opinion of the trial court, and exhibits either admitted in evidence or rejected, and any notices, affidavits, orders, and written instructions given or refused which they wish to have considered by the appellate division.~~

~~E. The clerk's charges, under California Rules of Court, Rule 8.833(b) shall be a flat rate published in the fee schedule under the appeals section. The appellant shall deposit with the clerk, at the time of the filing of the notice, the amount of the charges as shown in the Court's fee schedule or file concurrently an Application for Waiver of Court Fees and Costs accompanied by an Order on Application for Waiver of Court Fees and Costs, unless the filing party has already obtained, within six months preceding, an Order on Application for Waiver of Court Fees and Costs which includes a waiver pursuant to California Rules of Court, Rule 3.50, et seq. If the appellant fails to deposit the necessary fees or to file a request for waiver of the fees the clerk must promptly notify the appellant in writing that the appeal will be dismissed unless, within 15 days after the notice is sent the appellant either (A) makes the deposit; or (B) files an application for a waiver under rule 3.50, et seq. The respondent's notice need not be accompanied by a deposit.~~

~~F. Within ten (10) calendar days of the filing of the notice(s) designating the record, the clerk shall arrange the entire original limited civil case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index. If no notice to prepare a reporter's transcript has been filed pursuant to California Rules of Court, Rule 8.831(b)(5), the clerk shall forthwith notify the parties of the briefing schedule. If a notice to prepare a reporter's transcript has been filed, the clerk shall wait until that transcript has been filed before setting the case for briefing and notifying the parties thereof. Upon receipt of briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.~~

~~G. This rule shall not be deemed to preclude the parties' rights to proceed pursuant to California Rules of Court, Rule 8.836 or 8.837.~~

~~H. Pursuant to California Rules of Court, Rule 8.834(d)(1) all certified shorthand court reporters transcribing misdemeanor and limited civil matters for appeal pursuant to California Rules of Court, Rule 8.834 shall automatically be granted a 30 day extension. All transcripts where a defendant appeals from a Judgement of conviction shall be due within 50 days after the filing of the Notice of Appeal.~~

- A. The Notice of Appeal and the CRC 8.831 Notice designating the record on appeal shall be filed in the trial court. All subsequent filings shall be filed in the Civil Appeals Department. The parties shall comply with any Electronic Filing requirements.
- B. In all cases, appellant must file a timely and complete CRC 8.831 Notice designating the record on appeal.

- C. The Appellate Division does not allow for the use of the “court file” in lieu of a clerk’s transcript on appeal. Instead, a record of the written documents from the trial court proceedings must be in the form of one of the following: (1) a clerk’s transcript under CRC 8.832; (2) an appendix under CRC 8.845; or (3) an agreed statement under CRC 8.836.
- D. If an appellant wants to raise any issue that requires consideration of the oral proceedings in the trial court, the record on appeal must include a record of these oral proceedings in the form of one of the following: (1) a reporter’s transcript under CRC 8.834 or a transcript prepared from an official electronic recording under CRC 8.835(b); (2) on stipulation of the parties or on order of the trial court under CRC 8.837(d)(6), the original of an official electronic recording of the trial court proceedings, or a copy made by the court, which may be transmitted as the record of these oral proceedings without being transcribed, pursuant to CRC 8.830(a)(2)(B) and CRC 8.835(c); (3) an agreed statement under CRC 8.836; or (4) a statement on appeal under CRC 8.837.
- E. If a party wants the Appellate Division to consider any original exhibits from the trial court proceedings, the party shall comply with CRC 8.843’s requirements for having those exhibits transmitted to the Appellate Division.
- F. The Civil Appeals Department shall issue a briefing schedule pursuant to the timelines set forth in CRC 8.882.

(Eff. 1/1/1997; Rev. 7/1/2003, 1/1/2007, 7/1/2008, 7/1/2011, 1/1/15; 1/1/2017, 1/1/2024, [1/1/2026](#))

## **11.2 MISDEMEANOR CRIMINAL CASES**

- ~~A. The Notice of Appeal and any subsequent appellate documents shall be filed in the Criminal Division Clerk’s Office.~~
- ~~B. Pursuant to California Rule of Court, Rule 8.863, the original trial court file will be used instead of a clerk’s transcript. No separate case file shall be created for the purpose of the appeal.~~
- ~~C. Under California Rules of Court, Rule 8.868 (c), in a misdemeanor appeal, the parties, by a filed written stipulation or on order of the trial court under California Rules of Court, Rule 8.869 (d)(6), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of the reporter’s transcript or settled statement.~~

~~D. Within twenty (20) calendar days of the filing of the notice of appeal, the clerk shall arrange the entire original criminal case file in chronological order, number the pages, and attach a chronological index and a list of attorneys of record indicating the parties they represent. The clerk shall send copies of the index to counsel of record for each party and to each unrepresented party for use in paginating their files in accordance with the chronological index. Counsel for the parties may request in writing that the clerk's office make copies of specified portions of the file. Counsel shall use the request form provided by the clerk's office for this purpose. Counsel will be notified by the clerk's office when the copied documents are ready for pickup by counsel.~~

~~E. Upon written request, the clerk's office will provide to counsel for the parties a print out of the complete computer generated docket for the case on appeal.~~

~~F. Neither the Public Defender's Office nor private defense counsel appointed by the court to represent an indigent defendant will be charged any costs or fees for copies of documents provided by the clerk's office pursuant to requests made under this rule. All non-indigent parties and all counsel for non-indigent parties shall be required to pay all costs and fees for documents provided by the clerk's office pursuant to requests made under this rule at the time of placing the order for the documents.~~

~~G. Pursuant to California Rules of Court, Rule 8.864, the appellant must notify the trial court whether they elect to proceed with or without a record of the oral proceedings in the trial court and must specify which form of the record of oral proceedings appellant elects to use. If appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in California Rules of Court, Rule 8.869 for obtaining a settled statement.~~

~~H. Once the record is complete and filed, the clerk shall notify the parties of the briefing schedule. Upon receipt of the briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.~~

A. The Notice of Appeal and the CRC 8.864 Notice of election regarding a record of oral proceedings in the trial court shall be filed in the trial court. All subsequent filings shall be filed in the Criminal Appeals Department. The parties shall comply with any Electronic Filing requirements.

B. The Appellate Division does not allow for the use of the "court file" in lieu of a clerk's transcript on appeal. Instead, a record of the written documents from the trial court proceedings must be in the form of one of the following: (1) a clerk's transcript under CRC 8.861; or (2) a "limited normal record" under CRC 8.867.

- C. In all cases, appellant must file a timely and complete CRC 8.864 Notice of election as to whether appellant elects to proceed with or without a record of the oral proceedings in the trial court and (if appellant elects to proceed with a record of oral proceedings) an election regarding the form of the record of the oral proceedings in the trial court the appellant elects to use: (1) a reporter's transcript under CRC 8.865-8.867; (2) a transcript prepared from an official electronic recording of the proceedings under CRC 8.868(b); (3) an official electronic recording of the proceedings under CRC 8.868(c) (an election of this form requires the appellant to attach a copy of the stipulation required under CRC 8.868(c)); or (4) a statement on appeal under CRC 8.869.
- D. If a party wants the Appellate Division to consider any original exhibits from the trial court proceedings, the party shall comply with CRC 8.870's requirements for having those exhibits transmitted to the Appellate Division.
- E. The Criminal Appeals Department shall issue a briefing schedule pursuant to the timelines set forth in CRC 8.882.
- F. In the event appellate counsel files an Opening Brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 or *People v. Delgadillo* (2022) 14 Cal.5<sup>th</sup> 216, the cover sheet of the Opening Brief shall expressly state that the brief is submitted on behalf of appellant in accordance with the procedures outlined in the *Wende* case or the *Delgadillo* case (or words substantially to that effect). For appeals filed pursuant to the *Wende* procedures, the People shall not submit a response to the *Wende* appeal unless directed to do so. The *Wende* appeal will be placed on an appellate calendar, but no oral argument will occur on the appeal unless expressly ordered by the Appellate Division. For appeals filed pursuant to the *Delgadillo* procedures, the Appellate Division will follow the *Delgadillo* procedures when receiving a *Delgadillo* appeal, and the People shall not submit a response to the *Delgadillo* appeal unless directed to do so.

(Eff. 1/1/1997; Rev. 1/1/2000, 1/1/2007, 7/1/2008, 7/1/2011; 1/1/2015, 1/1/2024, [1/1/2026](#))

### **11.3 TRAFFIC CASES**

- A. ~~Upon filing of a Notice of Appeal in a traffic case, or an infraction handled by the traffic division of this court, the traffic department will construct a case file for use in the appeal. This file will consist of the original citation, minutes from the hearing, all correspondence and any other documents available. Pursuant to~~

California Rules of Court, Rule 8.914, this trial court file will be used instead of a clerk's transcript.

- B.** ~~Traffic and infraction cases generally do not have a court reporter present, nor is electronic recording generally employed. Pursuant to California Rules of Court, Rule 8.915, appellant must notify the court of an election to proceed with a statement on appeal. If, pursuant to California Rules of Court, Rule 9.915, appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in California Rules of Court, Rule 8.916 for preparing/settling the statement. If the traffic or infraction case was recorded electronically, then under California Rules of Court, Rule 8.915(a)(2), the parties may, by a filed written stipulation or on order of the trial court under California Rules of Court, Rule 8.916(d)(6), designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter's transcript or settled statement.~~
- C.** ~~Traffic and infraction cases generally do not have a court reporter present, nor is electronic recording currently employed. Pursuant to California Rules of Court, Rule 8.915, appellant must notify the court of an election to proceed with a statement on appeal. If, pursuant to California Rules of Court, Rule 9.915, appellant elects to proceed with a statement on appeal, appellant must follow the rules set forth in California Rules of Court, Rule 8.916 for preparing/settling the statement.~~
- D.** ~~Within twenty (20) calendar days of the filing of the notice of appeal, the constructed file will be arranged in chronological order with the pages numbered. A chronological index and a list of attorneys of record indicating the parties they represent will be prepared and included in the file.~~
- E.** ~~Within ten (10) calendar days after certification of the statement on appeal, a complete copy of this file, including the chronological index and attorney listing will be sent to all parties to the case and the file will be transferred to the appellate division forthwith for processing.~~
- F.** ~~Upon receipt of the record of appeal, the appellate clerk shall notify the parties of the briefing schedule. Upon receipt of briefs, or the expiration of time to file respondent's and/or closing briefs, the clerk shall set the appeal for hearing and notify all parties of the hearing date and location.~~

### **11.3 INFRACTION CASES**

- A. The Notice of Appeal and the CRC 8.915 Notice regarding a record of oral proceedings shall be filed in the trial court. All subsequent filings shall be filed in the Traffic Appeals Department if trial court proceedings occurred in the Traffic Department. The parties shall comply with any Electronic Filing requirements.
- B. The Appellate Division does not allow for the use of the “case file” in lieu of a clerk’s transcript on appeal. Instead, a record of the written documents from the trial court proceedings must be in the form of one of the following: (1) a clerk’s transcript under CRC 8.912; (2) a “stipulated” limited record under CRC 8.910(b) (which requires the appellant to present the written stipulation to the Clerk’s Office); or (3) a “limited normal transcript” under CRC 8.920.
- C. In all cases, appellant must file a timely and complete CRC 8.915 Notice of election as to whether appellant elects to proceed with or without a record of the oral proceedings in the trial court and (if appellant elects to proceed with a record of oral proceedings) an election regarding the form of the record of the oral proceedings in the trial court the appellant elects to use: (1) a statement on appeal under CRC 8.916; (2) an official electronic recording of the proceedings under CRC 8.917(c) (which requires appellant to attached to the notice a copy of the stipulation required under CRC 8.917(c)); or (3) a reporter’s transcript under CRC 8.918-8.920 or a transcript prepared from an official electronic recording of the proceedings under CRC 8.917(b).
- D. Pursuant to CRC 8.916(d)(6), if the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957 and the trial court judge determines that it would save court time and resources, the trial judge may elect to transmit the original electronic record of the trial court proceedings (or a copy made by the court) to the Appellate Division instead of settling a proposed statement on appeal.

- E. If a party wants the Appellate Division to consider any original exhibits from the trial court proceedings, the party shall comply with CRC 8.921's requirements for having those exhibits transmitted to the Appellate Division.
- F. The Clerk's Office shall issue a briefing schedule pursuant to the timelines set forth in CRC 8.926.

(Eff 7/1/2011; Rev. 1/1/2015, Revised and Renumbered 1/1/26)

#### **11.4 — BRIEFS**

- ~~A. — All briefs filed with the Appellate Division shall be accompanied by three additional copies (this includes a service copy for the trial judge).~~
- ~~B. — In the event appellate counsel files an opening brief pursuant to People v. Wende (1979) 25 Cal.3d 436, the cover sheet of the brief shall state explicitly: "BRIEF SUBMITTED ON BEHALF OF APPELLANT IN ACCORDANCE WITH PROCEDURES OUTLINED IN PEOPLE V. WENDE (1979) 25 CAL.3d 436" or words substantially to that effect. Cases in which appellant has filed a Wende brief shall be placed on calendar, but no oral argument shall occur without the approval of the presiding judge of the Appellate Division. The District Attorney shall not submit a response to a Wende brief unless directed to do so by the court. If oral argument is requested by the court, all parties will be so notified~~

#### **11.4 PETITIONS FOR WRITS OF MANDATE AND PROHIBITION**

- A. Petitions for Writs of Mandate or Prohibition directed to the Appellate Division (and all subsequent filings in the writ proceeding) shall be filed in the Criminal Division's Clerk's Office if the underlying case is a criminal action, or in the Civil Clerk's Office if the underlying case is a civil action. The parties shall comply with any Electronic Filing requirements.
- B. When a stay of proceedings is requested by a petition for Writ of Mandate and/or Prohibition, the circumstances necessitating the stay and its urgency shall be explained in the petition and the request ("STAY REQUESTED") shall be



prominently noted on the cover of the petition. The cover of the petition must also identify the nature and date of the proceeding or act for which the stay is requested. The department and the name of the Judicial Office whose order the petition seeks to stay must also appear on the cover of the petition or at the beginning of the text.

C. Petitioner shall present proposed orders concurrently with the petition.

D. The petition shall include a reference to the underlying or related case(s) in the caption.

(Eff. 1/1/1997; Rev. 1/1/1999, 7/1/2008; Renumbered 7/1/2011 – formerly Rule 11.3; Rev. 1/1/2013; Revised and Renumbered 1/1/26)

;

~~(Eff 1/1/2012, Rev 1/1/2023, 1/1/2024)~~

## ~~11.5 — ORAL ARGUMENT~~

### ~~A. — Oral Argument~~

- ~~1. — Not later than twenty calendar days prior to the date set for oral argument, the parties may file and serve a Notice of Waiver of Oral Argument.~~
- ~~2. — If both parties file a Waiver of Oral Argument, the matter will be deemed submitted on the briefs on the date set for argument, unless the court requests oral argument and notifies the parties of the request.~~

## 11.5 PETITIONS FOR WRITS OF SUPERSEDEAS

- A. Petitions for Writs of Supersedeas directed to the Appellate Division (and all subsequent filings in the writ proceeding) shall be filed in the Criminal Division Clerk's Office if the underlying case is a criminal action, or in the Civil Clerk's Office if the underlying case is a civil action. The parties shall comply with any Electronic Filing requirements.
- B. Petitioner shall present all proposed orders concurrently with the submission of the petition.

(Eff. 1/1/2013, Rev. 1/1/2023; Revised and Renumbered 1/1/2026)

## **11.6 — PETITIONS FOR WRITS OF MANDATE AND PROHIBITION**

### **A. — Filing**

- ~~1. — All Petitions for Writs of Mandate or Prohibition directed to the Appellate Division of the Superior Court shall be filed in the Criminal Division Clerk's Office if the underlying case is a Criminal or Traffic action, or in the Civil Clerk's Office if the underlying case is a Civil action.~~
- ~~2. — All subsequent pleadings, plus three copies, shall be filed in the appropriate Clerk's Office.~~

### **B. — Stay Requested**

~~When a stay of proceedings is requested by a petition for Writ of Prohibition and/or Mandate, the circumstances necessitating the stay and its urgency shall be explained in the petition and the request ("STAY REQUESTED") shall be prominently noted on the cover of the petition. The cover of the petition must also identify the nature and date of the proceeding or act for which the stay is requested. The department and the name of the judge whose order the petition seeks to stay must also appear on the cover of the petition or at the beginning of the text.~~

### **C. — Proposed Orders**

~~—Petitioner shall present proposed orders concurrently with the petition.~~

### **D. — Identification of Underlying Case or Cases**

~~The petition shall include a reference to the underlying or related case(s) in the caption.~~

(Eff 1/1/2012, Rev 1/1/2023, 1/1/2024, [Deleted 1/1/26](#))

## **11.7 — PETITIONS FOR WRITS OF SUPERSEDEAS**

### **A. — Filing**

- ~~1. All Petitions for Writs of Supersedeas directed to the Appellate Division of the Superior Court shall be filed in the Criminal Division Clerk's Office if the underlying case is a Criminal or Traffic action, or in the Civil Clerk's Office if the underlying case is a Civil action.~~
- ~~2. All subsequent pleadings, plus three copies, shall be filed in the appropriate clerk's office as set forth above.~~

~~**B. Proposed Orders**~~

~~Petitioner shall present all proposed orders concurrently with the submission of the petition.~~

(Eff. 1/1/2013, Rev. 1/1/2023; [Deleted 1/1/26](#))

**RULE 16 APPLICATIONS FOR EX PARTE ORDERS**

**16.7 UNAVAILABILITY OF ASSIGNED JUDGE**

If the judge to whom an application should be presented under this rule is unavailable (i.e., not physically present) or is disqualified, or in cases of emergency, the application may be presented to another judge. [Local Form CV-40 Declaration in Support or Urgent Ex Parte Application is required to be submitted with such request.](#)

[\(Rev. 1/1/2026\)](#)

**RULE 17 RULES APPLICABLE TO FILING AND GENERAL PROCEDURE**

**17.22 MANDATORY ELECTRONIC FILING**

- A. Subject to the exceptions in Local Rule 17.23, all represented parties, other represented persons, and all attorneys, including but not limited to consulting attorneys, mediator/attorneys, and document-preparer attorneys, are required to electronically file documents pursuant to Code of Civil Procedure, § 1010.6 and California Rules of Court, Rule 2.250 et seq for the following case types/categories:

1. All Civil Matters

2. All Probate Matters
3. All Family Law Matters (including Department of Child Support Services matters)
4. [All Criminal Matters](#)
5. [All Juvenile Matters](#)

~~B. Subject to the exceptions in Local Rule 17.23, all represented parties, other represented persons, and all attorneys, including but not limited to consulting attorneys, mediator/attorneys, and document preparer attorneys may electronically file documents pursuant to Code of Civil Procedure, § 1010.6 and California Rules of Court, Rule 2.250 et seq for the following case types/categories:~~

- ~~1. All Criminal Matters~~
- ~~2. All Juvenile Matters~~

C. Self-represented parties, or other self-represented persons, are exempt from mandatory electronic filing requirements pursuant to California Rules of Court, Rule 2.253 subdivision (b)(2).

(Adopted 1/1/2020, Rev 7/1/2023, 1/1/2025, 7/1/2025, [1/1/2026](#))