



**Superior Court of California
County of Sonoma
Summary of Proposed Amendments to the Local Rules**

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abcde Revised text
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RULE 1 ORGANIZATION GENERAL

~~1.1 Pursuant to Government Code §70200, there is one unified Superior Court for the County of Sonoma which is divided into a criminal division, a family law division, and a civil division which are governed by the following rules:~~

1.1 Organization

A. Pursuant to Government Code §70200, there is one unified Superior Court for the County of Sonoma, which is divided into a criminal division, a family law/probate division, a juvenile division and a civil division which are governed by the following rules:

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|------------------------------|--|
| Rule 2 | Rules Applicable to Small Claims Case and to Unlawful Detainer Cases |
| Rule 3 | Rules Applicable to Court Reporting Services |
| Rule 4 | Rules Applicable to All Civil Cases |
| Rule 5 | Rules Applicable to Civil Law and Motion Proceedings |
| Rule 6 | Rules Applicable to Probate Proceedings |
| Rule 7 | Rules Applicable to Default, Uncontested, and Compromise Proceedings |
| Rule 8 | Rules Applicable to Criminal Trial Proceedings |
| Rule 9 | Rules Applicable to Family Law Proceedings |
| Rule 10 | Rules Applicable to Juvenile Court Proceedings |
| Rule 11 | Rules Applicable to Appellate Division Proceedings |
| Rule 12 | Superior Court Commissioner |
| Rule 13 | Rules Applicable to Trial Jury Service |
| Rule 14 | Rule Prohibiting Smoking in Court Facilities |
| Rule 15 <u>14</u> | Rules Applicable to Grand Jury Service |
| Rule 16 <u>15</u> | Rules Applicable to Alternative Dispute Resolution (ADR) |

Rule 17 <u>16</u>	Applications for Ex Parte Orders
Rule 18 <u>17</u>	Rules Applicable to Filing and General Procedure
Rule 19 <u>18</u>	Executive Officer- Clerk of the Superior Court
Rule 20	Hours of Business
Rule 21 <u>19</u>	Rules Applicable to Media Coverage
Rule 23 <u>20</u>	Rules Applicable to Traffic Infractions
Rule 24 <u>21</u>	Communication Among Criminal, Family and Juvenile Courts
Rule 25	Rules Applicable to the Court's Courtroom Dress and Decorum Policy

(Eff. 1/1/1997; Rev. 7/1/2005, 1/1/2011, 1/1/2021, Renumbered 1/1/2023)

1.2-B. In the event of any inconsistency between these rules and any California statute or any of the rules in the California Rules of Court, the latter statute and/or rule shall control.

(Eff. 1/1/1997; Rev. 1/1/2001, Renumbered 1/1/2023)

1.2 HOURS OF BUSINESS

Excluding Court holidays or such other days as may be designated by the Court, the official hours of the Sonoma Superior Court are determined by the Presiding Judge and posted at the clerk's offices at each facility and on the Court's website.

A drop box is available for parties wishing to deposit documents after the end of the Court business day. However, documents left in the drop box after the end of the Court business day will be filed as of the following court business day.

(Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2010, Renumbered 1/1/2023, formerly Rule 20)

1.3 RULES APPLICABLE TO THE COURT'S COURTROOM DRESS AND DECORUM POLICY

Proper attire and decorum for a court appearance displays respect for the court and shows the court that the involved persons take the case seriously.

- A. The court may prohibit, in a courtroom, the wearing or displaying of clothing, tattoos, or other items that reasonably could be considered to intimidate witnesses or others present or to undermine the integrity of the judicial process.
- B. Persons who are not dressed in proper attire, as determined by the judicial officer, will be required to either remove or adjust the inappropriate clothing or to leave the courthouse and return at the date and time specified by the court.

- C. No one may create any disturbance in the courtroom while court is in session.
- D. All persons in a courtroom must turn off all cell phones and electronic devices and store them out of plain view.
- E. Eating, drinking, smoking, gum chewing, and tobacco are prohibited in any courtroom. Water may be provided at counsel table for the benefit of those participants during court proceedings including jurors, witnesses, counsel and litigants.
- F. Communication with inmates is prohibited.

(Eff. 7/1/2010, Renumbered 1/1/2023, formerly Rule 25)

1.4 RULE PROHIBITING SMOKING IN COURT FACILITIES

Smoking shall be prohibited in all public buildings, including all court areas, lobby areas, bathrooms, courtrooms, jury deliberation rooms, jury assembly areas and within 20 feet of main entrances, exits and operable windows of public buildings in accordance with Section 7597, Chapter 32, Division 7 of Title 1 of the Government Code.

(Eff. 1/1/1997; Rev. 7/1/2007, Renumbered 1/1/2023, formerly Rule 14)

1.5 RULES APPLICABLE TO REMOTE APPEARANCES PER CASE TYPE

A. Purpose

The purpose of this rule is to provide greater access to justice, promote court efficiency, and facilitate remote appearances consistent with Code of Civil Procedure section 367.75 and California Rules of Court, Rule 3.672. The subsections concerning remote hearings in domestic violence and gun violence restraining order matters are adopted pursuant to Family Code section 6308(b) and Penal Code section 18123(b). This rule sets forth the remote proceeding protocols for civil case types as stated below.

B. General Provisions Regarding Remote Appearances

1. Except as otherwise set forth in this rule or ordered by the Court, trials and evidentiary hearings will be held in person. A judicial officer may order that a specific evidentiary hearing or trial be conducted by remote appearance, in whole or in part. In that instance any party objecting to the remote hearing or trial shall file their objection as provided in

Rule 3.672(h) or, at the Court's discretion, may raise the objection at the time the matter is discussed with the Court, if insufficient time otherwise exists to comply with Rule 3.672(h).

2. Unless an in-person appearance is expressly ordered by the court or otherwise required by law, attorneys and self-represented parties are permitted to appear at a non-evidentiary hearing via remote technology rather than in person. Parties who appear remotely will be deemed to have requested a remote appearance without having previously filed a Notice of Remote Appearance and received an approved Order Regarding Remote Appearance. In any hearing not specifically set by the Court to be conducted by remote appearance, a party may appear remotely upon a judicial officer's finding under Rule 3.672(j)(2) of good cause, unforeseen circumstances or that the remote appearance would promote access to justice. However, parties should be aware that the Court does not automatically open a remote court session (i.e., Zoom session) for every hearing. If the Court is not informed prior to the start of a hearing that a remote appearance is sought, and the Court has not opened a remote session, any attempt at a remote appearance at the time of the hearing will be unsuccessful.
3. Any party intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text message. No advance notice to the court is required prior to the date of the hearing.
4. A judicial officer may elect to terminate a remote hearing and continue the matter to a future in-person hearing pursuant to Code of Civil Procedure section 367.75(b) or Rule 3.672(d).
5. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

C. Non-evidentiary Civil Cases

1. Parties in civil case management, civil law and motion and other non-evidentiary civil matters (such a minor's compromise petition) may appear remotely as set forth above.
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons

entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text message.

D. Civil Evidentiary Hearings and Trials

1. For evidentiary hearings and jury or bench trials, including small claims trials, parties and witnesses must appear in person unless the Court has granted prior express authorization for a remote appearance.
2. The time frames and procedures for remote appearance requests and oppositions are set forth in Rule 3.672(h).

E. Small Claims

Any party intending to appear remotely must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail, or text message. No advance notice to the court is required prior to the date of the hearing. A judicial officer may elect to terminate a remote hearing and continue the matter to a future in-person hearing pursuant to Code of Civil Procedure section 367.75(b) or Rule 3.672(d).

Our remote hearing is subject to all local rules and rules of court governing decorum in the courtroom. Our remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photographs or reproduce any hearing or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

F. Unlawful Detainer Matters

All unlawful detainer matters, including law and motion matters, shall be presumed to require an in-person appearance. To obtain permission to appear remotely in any unlawful detainer matter, the procedures identified in section (d) above, addressing evidentiary proceedings, apply equally to unlawful detainer cases.

G. Temporary Restraining Orders in Civil Harassment, Elder Abuse, Workplace Violence, and School Site Violence Matters

Ex parte requests for temporary restraining orders will be ruled upon on the pleadings without a hearing. All later proceedings set for hearing shall be presumed to require an in-person appearance. To obtain permission to appear remotely in any hearing on a Civil Harassment, Elder Abuse, Workplace Violence or School Site Violence Restraining Order case the procedures identified in section (d) above, addressing evidentiary proceedings, apply equally to hearings for Civil Harassment, Elder Abuse, Workplace

Violence and School Site Violence Restraining Order Cases.

H. Probate Matters

1. Parties in any non-evidentiary hearing set in the Probate Department may appear remotely as set forth in subsection (c).
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text message.
3. For evidentiary hearings and trials, the provisions of subsection (d) shall apply.

I. Family Law Matters

1. Parties in any non-evidentiary hearing set in the Family Law Department may appear remotely as set forth in subsection (c).
2. The Court waives notice of parties appearing remotely for these matters. Parties do not need to file a Notice of Remote Appearance or obtain an Order Regarding Remote Appearance. The party appearing remotely must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text message.
3. For evidentiary hearings and trials, the provisions of subsection (d) shall apply.

J. Domestic Violence and Gun Violence Restraining Orders

1. Instructions for remote appearances in domestic violence and gun violence restraining order hearings will be posted on the Court's webpage: <http://sonoma.courts.ca.gov/self-help/domestic-violence>.
2. The Court designates the judicial assistant for the department hearing each respective case as the phone number for the public to call to obtain assistance regarding a remote appearance. The designated judicial assistant phone numbers will be posted on the restraining order webpage above. These phone numbers will be staffed from 30 minutes prior to the start of the court session at which the hearing will take place and during that court session.

K. Criminal Matters

Please see Rule 8.13

L. **Juvenile Matters**

Please see Rule 10.4

(Eff. 1/1/2023)

**RULE 2 RULES APPLICABLE TO SMALL CLAIMS CASES AND TO
UNLAWFUL DETAINER CASES**

2.1 SMALL CLAIMS CASES

A. Identification of Authorized Agent for Service

*** If plaintiff requests, and pays for, the clerk to provide service upon defendant(s) pursuant to Code of Civil Procedure §116.340(a)(1) and one or more of the defendants is a business, plaintiff shall include the names(s) and address(es) of the authorized agent(s) for service, identified as such, in parentheses beneath the name of each defendant business.

B. Law and Motion

*** All law and motion matters in small claims actions shall be scheduled as designated by the Civil Division Supervising Judge. Hearing dates may be obtained as indicated in Rule 5.1.B herein.

C. Trial Setting

*** A trial date will be assigned by the clerk upon the filing of the Plaintiff's Claim.

Small Claims matters are heard by judges pro tempore pursuant to stipulation of the parties. Where parties are unwilling to so stipulate, the matter will be reassigned for hearing, on a different date and at a different time, before a judge or court commissioner.

D. Submitting Evidence

Pursuant to California Code of Civil Procedure §116.520, parties in a Small Claims matter have the right to present evidence and witnesses at the hearing in support of their respective positions. In order to facilitate remote appearances, all parties shall send a copy of any evidence they want the Court to consider to all other parties at least 10 days in advance of the hearing date. The party who sent the evidence must be prepared to provide proof of sending the evidence if the court requests proof. The party must also submit any evidence to be considered by the Court to the court at least 10 days prior to the hearing. All evidence shall be submitted with the Exchange and Submission of Evidence local form number SC-10.

A party may send the exhibits to the court electronically by e-mail at SCtrials@sonomacourt.org. Exhibits that are delivered via e-mail may not exceed 10 pages, including any exhibits. This e-mail address is for the sole purpose of the submission of exhibits. Unauthorized e-mails will not be read and will be deleted without any further action being taken. Ex Parte communications

shall not be sent to the above e-mail address and any such communications will not be read or considered by the assigned judge hearing the matter.

A party's failure to exchange and submit evidence to the court with proof of compliance and mailing, may result in the evidence not being considered by the court.

D-E. Exhibits after Trial

Upon the conclusion of the trial, the Clerk's Office will not accept additional exhibits for the Court's consideration unless specifically requested by the Court at the time of trial. Exhibits introduced in a small claims case will be destroyed in sixty (60) calendar days following the final determination of the action unless return is personally requested by the litigant and a self-addressed stamped envelope with enough pre-paid postage is submitted at the time of submission of evidence to the court or at the time of hearing.

E. F. Appeals

*** Small claims appeals will be heard as designated by the Supervising Judge of the Civil Division.

Upon the filing of a notice of appeal and payment of the required filing fees, the Clerk's Office will schedule a trial de novo.

(Eff. 1/1/1997; Rev. 1/1/2005, 1/1/2021, Rev 1/1/2023)

2.2 UNLAWFUL DETAINER CASES

~~It is the policy of this Court that neither a property manager nor a lease holder can file an unlawful detainer complaint on behalf of the property owner. Corporations, as well as property managers, need attorneys at law to appear in Superior Court.~~

~~If the clerk, inadvertently files a complaint brought by a management company or corporation in pro per, the clerk is ordered to refuse to enter defendant's default or to enter a clerk's judgment for possession unless and until the management company or corporation substitutes in an attorney of record.~~

A. *Trial Setting**

1. When a case is ready for trial any party to the action (by and through their attorney of record if represented) may file and serve a request to set the time of the trial which shall include the following trial information:
 - a. Time estimate for trial in hours or days;
 - b. Whether or not a jury is requested;
 - c. Whether there has/have been any previous request(s) for trial and the file date(s), if any; and
 - d. Whether or not an official court reporter is requested at trial.
2. Any party may (by and through their attorney of record, if represented), following notice of a request to set the time of the trial and not less than five (5) calendar days prior to the date set for trial, separately demand trial by jury. Such demand shall state whether there has been a previous request for trial and the file date (if known), whether or not an official court reporter is requested at trial, and may include a separate time estimate for trial. Failure to deposit jury fees at least five (5) days prior to the date set for trial shall constitute a waiver of jury trial pursuant to Code of Civil Procedure §631.
3. Unlawful Detainer actions shall be assigned directly for trial by the clerk and without the appearance of counsel.

B. *When an unlawful detainer becomes an ordinary civil case and plaintiff has filed an amended complaint, the clerk shall re-designate the case and it shall proceed as a general civil case in either the limited or unlimited jurisdiction, as appropriate.**

C. *Default and Compromise**

1. Presentation of Default Judgment

Pursuant to Code of Civil Procedure §585(d), any default judgment may be proven upon proper presentation of declarations or affidavits without appearance of the party seeking default judgment or the necessity of scheduling a hearing, unless after reviewing the application the Court requests otherwise.

2. Time Frames for Presentation of Defaults

Requests to enter default and default judgments are to be presented to the Court or the clerk when applicable no later than 90 calendar days from the filing of the complaint. If no default judgment or order granting an extension of time is on file by the 90th day from the filing of the

complaint, the unlawful detainer action will be dismissed, upon the Court's own motion, without prejudice.

3. Disposition of Fictitious Defendants (Cross-Defendants)

All unnamed parties (unknown defendants as described in Code of Civil Procedure §474) must be disposed of, i.e., dismissed with or without prejudice, prior to entry of final judgment. Failure to comply may result in any judgment being returned unsigned or in the issuance of an order to show cause entailing possible sanctions.

D. *Law and Motion**

All law and motion matters in unlawful detainer actions shall be scheduled on the Unlawful Detainer Law & Motion Calendar as designated by the Supervising Judge of the Civil Division. Hearing dates may be obtained as indicated in Rule 5.1.A herein. No tentative rulings will be made available for matters on this calendar.

E. Schedule of Attorney's Fees

~~Rule 7.3 of these rules is inapplicable to unlawful detainer actions because the gravamen of the complaint is possession and because Code of Civil Procedure §1169 applies. Only the Court can enter money judgments, including attorney fees, in unlawful detainer actions. Generally, where attorney fees are due, the Court will fix them at \$300.00 for default judgments and \$375.00 for court trials absent satisfactory proof to the Court that the difficulty, risk, course of negotiations, necessary discovery, etc., justify a higher award.~~

For default unlawful detainer actions, the default amount for attorney fees shall be \$600.00. Any party seeking attorney fees in excess of those provided for herein shall submit a declaration for submission to the court, substantiating the extraordinary fees.

To recover attorney fees following trial of an unlawful detainer action, the prevailing party or parties must file a post-trial motion for an award of attorney fees under the applicable contract or statute.

RULE 4 RULES APPLICABLE TO ALL CIVIL CASES

4.6 MANDATORY SETTLEMENT CONFERENCE

A mandatory settlement conference may be held in cases set for trial at the discretion of the assigned Judge. These settlement conferences shall be at such times and places as designated by the ~~Assigned Judge~~, pro tem panelist, as set forth in the Notice of Mandatory Settlement Conference and Trial.

Not later than five (5) court days before the date set for the settlement conference, each party shall ~~do the following: Deliver~~ deliver their Settlement Conference Statement directly to the pro tem panelist(s); ~~lodge the original with the appropriate Court Settlement Conference Coordinator;~~ and serve a copy on opposing counsel. ~~Settlement conference statements shall be available to the Court.~~ At the conclusion of the settlement conference, the pro tem panelist(s) shall make a report to the Court as to whether the case settled, and, if not, the last settlement offer(s) and demand(s), the likelihood of settlement, any identifiable obstacles to settlement, and other matters as requested by the Court.

The date, time, and location of the settlement conference must be typed on the first page of the statement. The parties shall notify the panelist(s) and appropriate settlement conference coordinator of a pre-conference settlement. Failure to comply will result in monetary sanctions being imposed.

(Eff. 1/1/1997; Rev. 7/1/2006, 1/1/2007, 7/1/2008, 1/1/2014, renumbered 1/1/2016; Rev. 7/1/2018, 1/1/2021, 1/1/2023)

4.13 DISCOVERY FACILITATOR PROGRAM

- A. Policy of the Sonoma County Superior Court:** It shall be the policy of the Sonoma County Superior Court to encourage use of the Discovery Facilitator Program in connection with any discovery dispute that arises in a civil case. Participation in the Discovery Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Discovery Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the ~~Assigned Judge's judicial assistant in chambers~~ Civil Clerk's office for review and processing. ~~Should counsel require an endorsed filed copy of such document, a self-addressed stamped envelope should be left with the judicial assistant.~~ It is intended that participation in the Discovery Facilitator Program shall not delay the scheduling or hearing of any discovery motion.

NOTE: CCP § 1013 SHALL APPLY TO ALL NOTICES SERVED PURSUANT TO THIS RULE.

- B. ***Discovery Facilitator Panel:** A list of qualified discovery facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association.

Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.

- C. ***Participation by Stipulation:** A discovery dispute or potential dispute may be referred to the Discovery Facilitator Program pursuant to stipulation by the parties or their counsel of record.

- D. Mandatory Participation:** The Court may require participation in the Discovery Facilitator Program in the following instances:

1. At any time after the filing of a discovery motion, the Court may, in its discretion, issue an Order referring the motion to the Discovery Facilitator Program. In the event any party desires not to submit the motion to the Discovery Facilitator Program, within five (5) calendar days of service of the order referring the case to the Discovery Facilitator Program, such party may file with the ~~Assigned Judge's judicial assistant~~ Civil Clerk's office a "Notice of Intent to Opt Out of Discovery Facilitator Program", and the order issued pursuant to this subparagraph shall be vacated.

2. ***In the event any party desires a dispute or potential dispute to be included in the Discovery Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The Court shall hear from all parties on the issue at the case management conference, and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Discovery Facilitator Program.

3. ***In the event a party desires that a dispute or potential dispute be included in the Discovery Facilitator Program prior to the time of the next scheduled case management conference, or at a time when no further case management conferences are scheduled, such party may bring a motion in accordance with Sonoma County Local Rules, rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Discovery Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

- E. Selection of a Discovery Facilitator:** The moving party shall contact opposing party (ies) and make a reasonable and good faith attempt to informally select a

discovery facilitator from the list of potential discovery facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the Court by filing a stipulation with the ~~Assigned Judge's judicial assistant~~ Civil Clerk's office if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the assigned Judge's judicial assistant and the discovery facilitator shall be selected as follows:

1. ***The judicial assistant shall select, at random, a number of names from the list of potential discovery facilitators equal to the number of sides, plus one, and mail to the parties or their counsel of record, the "Notice and Order Re: Inclusion in Discovery Facilitator Program".
2. Each side has five (5) calendar days from the date of service by mail of the "Notice and Order Re: Inclusion in Discovery Facilitator Program" to file a written rejection entitled "Notice of Rejection of Discovery Facilitator" (to be submitted to the ~~Assigned Judge's judicial assistant in chambers~~ Civil Clerk's office, of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.
3. ***Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.
4. ***The judicial assistant shall assign the case to a discovery facilitator and shall serve by mail the "Notice and Order of Appointment of Discovery Facilitator" on all parties or their counsel of record. Upon receipt of the "Notice and Order of Appointment of Discovery Facilitator", the parties shall forthwith deliver to the facilitator copies of all pleadings concerning the discovery dispute.

The discovery facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the discovery dispute.

4.16 DEMURRER FACILITATOR PROGRAM

- A. Policy of the Sonoma County Superior Court:** It shall be the policy of the Sonoma County Superior Court to encourage use of the Demurrer Facilitator Program in connection with any demurrer that is filed with respect to any pleading in a civil case. Participation in the Demurrer Facilitator Program shall be deemed to satisfy a party's obligation to meet and confer under applicable law. All Demurrer Facilitator Program related documents, with the exception of the moving papers and any opposition and reply thereto, shall be submitted to the ~~Assigned Judge's judicial assistant in chambers~~ Civil Clerk's office for review and processing. ~~Should counsel require an endorsed filed copy of such document, a self-addressed stamped envelope shall be left with the judicial~~

~~assistant.~~ It is intended that: 1) participation in the Demurrer Facilitator Program shall not delay the scheduling or hearing of any demurrer; and 2) demurrer facilitators shall not render substantive findings of fact or law, as their purpose shall be to encourage voluntary resolution through a facilitative process.

NOTE: CCP § 1013 SHALL APPLY TO ALL NOTICES SERVED PURSUANT TO THIS RULE.

- B. ***Demurrer Facilitator Panel:** A list of qualified demurrer facilitators shall be maintained at the Sonoma County Superior Court, with the assistance of the Sonoma County Bar Association. Each panelist must be an active member of the State Bar with at least ten (10) years' experience, or a retired judge, and approved by the Presiding Judge or the Supervising Judge of the Civil Division of the Sonoma County Superior Court.
- C. ***Participation by Stipulation:** A dispute or potential dispute regarding a demurrer and any corresponding motion (i.e., demurrer and motion to strike) may be referred to the Demurrer Facilitator Program pursuant to stipulation by the parties or their counsel of record.
- D. Mandatory Participation:** The Court may require participation in the Demurrer Facilitator Program in the following instances:
1. At any time after the filing of a demurrer the Court may, in its discretion, issue an order referring the demurrer to the Demurrer Facilitator Program. In the event any party desires not to submit the motion to the Demurrer Facilitator Program, within five (5) calendar days of service of the order referring the case to the Demurrer Facilitator Program such party may file with the ~~Assigned Judge's judicial assistant~~ Civil Clerk's office a "Notice of Intent to Opt Out of Demurrer Facilitator Program," and the order issued pursuant to this subparagraph shall be vacated.
 2. ***In the event any party desires a dispute or potential dispute to be included in the Demurrer Facilitator Program, such party may request referral to the program in paragraph 19 (entitled, "Other Issues") of the Case Management Statement. The Court shall hear from all parties on the issue at the Case Management Conference and shall determine, in its discretion, whether such dispute or potential dispute shall be included in the Demurrer Facilitator Program.
 3. ***In the event a party desires that a dispute or potential dispute be included in the Demurrer Facilitator Program prior to the time of the next scheduled Case Management Conference, or at a time when no further Case Management Conference is scheduled, such party may bring a motion in accordance with Sonoma County Local Rule 5, and applicable provisions of the Code of Civil Procedure and California Rules of Court, for referral of the matter to the Demurrer Facilitator Program. Such motion must be accompanied by a declaration setting forth a basis for good cause for inclusion in the program.

E. Selection of a Demurrer Facilitator: The moving party shall contact opposing party(ies) and make a reasonable and good faith attempt to informally select a demurrer facilitator from the list of potential demurrer facilitators maintained by the Sonoma County Superior Court. The parties shall promptly notify the Court by filing a stipulation with the ~~Assigned Judge's judicial assistant~~ Civil Clerk's office if they choose a facilitator on their own. If the parties cannot agree, the moving party shall contact the Assigned Judge's judicial assistant and the demurrer facilitator shall be selected as follows:

1. ***The judicial assistant shall select, at random, a number of names from the list of potential demurrer facilitators equal to the number of sides, plus one, and mail or email to the parties or their counsel of record the "Notice and Order Re: Inclusion in Demurrer Facilitator Program."
2. Each side has five (5) calendar days from the date of service of the "Notice and Order Re: Inclusion in Demurrer Facilitator Program" to file a written rejection entitled "Notice of Rejection of Demurrer Facilitator" to be submitted to ~~the Assigned Judge's judicial assistant in chambers~~ Civil Clerk's office, of no more than one name on the list. If there are two or more parties on a side, they must join in the rejection of a single name.
3. ***Promptly on the expiration of the five (5) day period, the judicial assistant shall appoint, at random, one of the persons on the list whose name was not rejected, if more than one name remains.
4. *** The judicial assistant shall assign the case to a demurrer facilitator and shall serve by mail or email the "Notice and Order of Appointment of Demurrer Facilitator" on all parties or their counsel of record. Upon receipt of the "Notice and Order of Appointment of Demurrer Facilitator," the parties shall forthwith deliver to the demurrer facilitator copies of all pleadings concerning the discovery dispute. The demurrer facilitator shall establish the procedures in each case to be utilized by the parties, through telephone conferences, exchange(s) of letters or emails, and/or in-person conferences for discussion and possible resolution of the dispute.

RULE 8 RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.1 CRIMINAL COURTS: ASSIGNMENT OF CASES

All criminal felony matters, including ~~violations~~ violations of felony probation, ~~shall be initially set in the designated Early Case Resolution Department (ECR). If a felony case is not resolved in the Early Case Resolution Department, it shall be assigned for “all purposes” to a felony trial another department on a predetermined alphabetical split basis~~ from Arraignment on the Complaint through Sentencing.

All criminal misdemeanor matters, ~~with the exception of misdemeanor Domestic Violence cases,~~ shall be assigned for “all purposes” to a misdemeanor department on a predetermined ~~alphabetical split~~ basis.

~~A Defendant with a hyphenated last name shall be assigned an alphabetical split based on the first last name.~~

A copy of the Criminal Division Schedule may be obtained from the Superior Court Clerk’s Office Criminal Division, or on our website: www.sonoma.courts.ca.gov

(Eff. 1/1/1997; Rev. 1/1/2005, 7/1/2009, 7/1/2015, 1/1/2021, 1/1/2023)

8.2 VIOLATION OF PROBATION

A. Assignment of Cases

All violations of probation shall be assigned to a criminal department on a predetermined ~~alphabetical split~~ basis. Violations of formal probation in domestic violence cases shall initially be assigned to the domestic violence court.

(Rev. 1/1/2023)

8.13 Remote Appearance Rule for Criminal Matters

The court may permit remote appearances for defendants, victims, and attorneys subject to the following limitations and discretion of the judicial officer in the courtroom.

- A. Remote appearances for defendants in criminal cases will be permitted pursuant to Penal Code section 977 et. seq.
- B. Remote evidentiary hearings will be permitted pursuant to Penal Code section 977.3.
- C. Remote appearances for victims in criminal cases will be permitted. The prosecuting attorney shall notify the judicial officer prior to calling the case that victims wish to appear remotely. Victims shall follow all remote appearance rules.
- D. Remote appearances shall be limited to defendants, victims and attorneys.
- E. A remote appearance is still a court appearance. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.
- F. Any victim, defendant or attorney appearing remotely is expected to:
 - 1. follow proper courtroom decorum including attire. If the attire is inappropriate for a courtroom, it is inappropriate for a remote appearance.
 - 2. turn on the camera prior to calling that individual's case.
 - 3. remain muted unless speaking.
 - 4. use an identifiable and accurate name.
 - 5. appear in a quiet location that is free from distraction and noise.
 - 6. understand how to use the remote technology prior to the appearance.
 - 7. have wi-fi or other cell service access to ensure there are no connectivity problems.
- G. Any victim, defendant or attorney appearing remotely that is unable to comply with the expectations (above) shall be required to appear in-person at all future court dates.
- H. Each judicial officer shall have discretion whether to maintain a remote waiting room for defendants, attorneys or victims wishing to appear remotely.
- I. Any defendant, victim or attorney that appears remotely and loses connectivity shall be responsible for determining the next court date. The judicial officer has discretion

- to issue, or issue and stay, a bench warrant for any defendant that loses connectivity prior to setting the next court appearance.
- J. The judicial officer has discretion whether to recall a warrant if a defendant makes a remote appearance.
- K. The judicial officer has discretion whether to address an alleged violation of a court order, violation of pretrial release, violation of probation or any other violation of court supervision if a defendant makes a remote appearance.
- L. The judicial officer shall have discretion to require an in-person appearance of any defendant, attorney, or victim at any court hearing.

(Eff. 1/1/2023)

RULE 10 RULES APPLICABLE TO JUVENILE COURT PROCEEDINGS

(Rule 10 became effective 1/1/1997)

10.4 ATTENDANCE AT HEARINGS (CRC, RULE 5.530) AND OTHER PROCEEDINGS

***Unless excused by the Court, each adult party and attorney shall attend each scheduled Juvenile Court hearing, including settlement conferences and mediation sessions.

***In Juvenile Justice matters, minors shall attend all hearings unless specifically excused by the Court or Probation. If a minor is in placement or foster care out of county or out of state, the physical presence of the minor can be excused and the minor may appear electronically.

A. Remote Appearance Rule for Juvenile Justice

1. Except as otherwise set forth in this rule or ordered by the Court, trials and evidentiary hearings will be held in person. A judicial officer may order that a specific evidentiary hearing or trial be conducted by remote appearance.
2. Unless an in-person appearance is expressly ordered by the court or otherwise required by law, attorneys and parties are permitted to appear at a non-evidentiary hearing via remote technology rather than in person. Parties who appear remotely will be deemed to have requested a remote appearance. In any hearing not specifically set by the Court to be conducted by remote appearance, a party may appear remotely upon a judicial officer's finding of good cause, unforeseen circumstances or that the remote appearance will promote access to justice.
3. Pursuant to Welfare & Institutions Code 676(a), the court may allow persons deemed to have a direct and legitimate interest in a particular case or the work of the court to appear remotely. The court must apply the same confidentiality requirements to a remote juvenile justice proceeding as apply to a justice proceeding conducted in person.
4. Any party intending to appear remotely for non-evidentiary proceedings must provide notice to all parties or persons entitled to receive notice prior to the commencement of the hearing. The notice may be given informally, including by telephone, e-mail or text message. No advance notice to the court is required prior to the date of the hearing.
5. A judicial officer may elect to terminate a remote hearing and continue the matter to a future in-person hearing.

6. A remote hearing is subject to all Local Rules and Rules of Court governing decorum in the courtroom. A remote hearing is also subject to all laws and rules governing confidentiality, photographing and recordings of proceedings in a courtroom. No one appearing remotely may record, photograph or reproduce any hearing, or any part of a hearing, including any screenshots. Any person who violates this provision shall be subject to all sanctions provided under the law for a like action in an in-person hearing.

B. Remote Appearance Rule for Juvenile Dependency Matters

1. The provisions of Rule 3.672(i) shall apply to Juvenile Dependency matters.
2. All confidentiality requirements applicable to in-person Juvenile Dependency proceedings shall apply equally to remote hearings. In the event the Court cannot ensure that a remote appearance will have the privacy and security necessary to preserve the confidentiality of the proceeding, the judicial officer may order any person to appear in-person and may elect to terminate a remote hearing and continue the matter for a later in-person appearance.

RULE 11 RULES APPLICABLE TO APPELLATE DIVISION PROCEEDINGS

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 Appeals Clerk's Office ~~presented, plus three copies, in person, to the chambers of the Presiding Judge of the Superior Court.~~
2. All subsequent pleadings, plus three copies, shall be filed in the Appeals ~~Civil~~ Clerks 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 Order(s)

***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.

(Effective 1/1/2012; Revised 1/1/2023)

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 Appeals Clerk's Office ~~presented, plus three copies, in person, to the chambers of the Presiding Judge of the Superior Court.~~
2. All subsequent pleadings, plus three copies, shall be filed in the Appeals Civil Clerk's Office.

B. Proposed Order(s)

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

(Eff. 1/1/2013; Revised 1/1/2023).

~~RULE 14~~ — ~~RULE PROHIBITING SMOKING IN COURT FACILITIES~~

~~Smoking shall be prohibited in all public buildings, including all court areas, lobby areas, bathrooms, courtrooms, jury deliberation rooms, jury assembly areas and within 20 feet of main entrances, exits and operable windows of public buildings in accordance with Section 7597, Chapter 32, Division 7 of Title 1 of the Government Code. (Eff. 1/1/1997; Rev. 7/1/2007)~~

~~RULE 15~~ RULE 14 *RULES APPLICABLE TO CIVIL GRAND JURY SERVICE**

~~RULE 16~~ RULE 15 *RULES APPLICABLE TO ALTERNATIVE DISPUTE RESOLUTION (ADR)**

~~RULE 17~~ RULE 16 *APPLICATIONS FOR EX PARTE ORDERS**

~~RULE 18~~ RULE 17 *RULES APPLICABLE TO FILING AND GENERAL PROCEDURE**

~~RULE 19~~ RULE 18 *EXECUTIVE OFFICER-CLERK OF THE SUPERIOR COURT**

~~RULE 20~~ — ~~HOURS OF BUSINESS~~

~~Excluding Court holidays or such other days as may be designated by the Court, the official hours of the Sonoma Superior Court are determined by the Presiding Judge and posted at the clerk's offices at each facility and on the Court's website.~~

~~A drop box is available for parties wishing to deposit documents after the end of the Court business day. However, documents left in the drop box after the end of the Court business day will be filed as of the following court business day. (Eff. 1/1/1997; Rev. 1/1/2006, 1/1/2010)~~

~~RULE 21~~ RULE 19 *RULES APPLICABLE TO MEDIA COVERAGE**

~~RULE 23~~ RULE 20 *RULES APPLICABLE TO TRAFFIC INFRACTIONS**

~~RULE 24~~ RULE 21 *COMMUNICATION AMONG CRIMINAL, FAMILY AND JUVENILE COURTS**

RULE 25 — ~~RULES APPLICABLE TO THE COURT'S COURTROOM DRESS AND DECORUM POLICY~~

~~Proper attire and decorum for a court appearance displays respect for the court and shows the court that the involved persons take the case seriously.~~

- ~~1. — The court may prohibit, in a courtroom, the wearing or displaying of clothing, tattoos, or other items that reasonably could be considered to intimidate witnesses or others present or to undermine the integrity of the judicial process.~~
- ~~2. — Persons who are not dressed in proper attire, as determined by the judicial officer, will be required to either remove or adjust the inappropriate clothing or to leave the courthouse and return at the date and time specified by the court.~~
- ~~3. — No one may create any disturbance in the courtroom while court is in session.~~
- ~~4. — All persons in a courtroom must turn off all cell phones and electronic devices and store them out of plain view.~~
- ~~5. — Eating, drinking, smoking, gum chewing and tobacco are prohibited in any courtroom. Water may be provided at counsel table for the benefit of those participants during court proceedings including jurors, witnesses, counsel and litigants.~~
- ~~6. — Communication with inmates is prohibited.~~

~~(Eff. 7/1/2010)~~