



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

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RULE 1 GENERAL

1.6 BIAS COMPLAINT PROCEDURE PURSUANT TO CALIFORNIA RULES OF COURT, STANDARD 10.20(d)

A. Purpose

To preserve the integrity and impartiality of the judicial system, the Court shall:

1. Ensure fairness. Ensure that courtroom proceedings are conducted in a manner that is fair and impartial to all of the participants.
2. Refrain from and prohibit biased conduct. In all courtroom proceedings, refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status, including whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants.
3. Ensure unbiased decisions. Ensure that all orders, rulings, and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by stereotypes or biases.

B. Notice of Concern Procedure

If an individual has a concern about compliance with the mandates set forth above in subsection (a) by the Court or by any courtroom participant, then:

1. The individual may submit a written Notice of Concern to the Presiding Judge or Court Executive Officer, which identifies all courtroom participants and the specific behavior or conduct occurring in the courtroom of concern.
2. The intent of the Notice of Concern procedure is to educate all parties with the purpose of ameliorating the concern rather than disciplining the person who is the subject of the notice.
3. To the extent possible and unless disclosure is required by law, the Court shall protect the confidentiality of the noticing party, the person who is the subject of the notice, and other interested persons.
4. The focus of this procedure is on incidents of concern:
 - a. Bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status.
 - b. Whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants; and
 - c. Where the incident does not warrant discipline but requires education and correction.
5. Courtroom activities constituting legitimate advocacy when matters are concerning age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, and socioeconomic status which are relevant to issues in the courtroom proceeding are exempt from this Notice of Concern procedure.

C. Complaint Procedures

1. With respect to any incident that if substantiated would warrant discipline against a judge, the concerned individual may file a formal complaint with the Commission on Judicial Performance.
2. Nothing in this procedure in any way shall limit the ability of any person to submit a formal complaint of misconduct regarding any courtroom participant to

the Commission on Judicial Performance or the appropriate disciplinary body.

3. A complaint about a courtroom participant should be sent as follows:
 - a. Complaint regarding a Superior Court Judge:

The Commission on Judicial Performance (CJP)
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102
Website: https://cjp.ca.gov/file_a_complaint/
 - b. Complaint regarding a Court Commissioner:

Presiding Judge
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, California 95403
 - c. Complaint regarding a Member of Court Staff or a Court Contractor:

Court Executive Officer
Sonoma County Superior Court
600 Administration Drive
Santa Rosa, California 95403
 - d. Complaint regarding an Attorney:

State Bar of California
100 Howard Street
San Francisco, California 94105
Website: www.calbar.ca.gov/Public/Complaints-Claims
 - e. Complaint regarding a Courtroom Bailiff:

Sonoma County Sheriff
Sonoma County Sheriff's Office
Sheriff-Professional-Standards@sonoma-county.org

(Adopted 7/1/2023)

RULE 3 RULES APPLICABLE TO COURT REPORTING SERVICES

3.5 PROCURING PRIVATE CERTIFIED COURT REPORTER

- A.** Any party who desires a verbatim record from which a transcript can later be prepared, may procure the services of a qualified private certified court reporter pro tempore to report any scheduled evidentiary hearing or trial (see Government Code section 70044 and California Rules of Court, Rule 2.956). The Court does not provide referrals to private court reporting service providers and does not have any contractual or employment obligation related to pro tempore reporters hired by the parties for this purpose. It is the party's responsibility to arrange for and pay the outside reporter's fee for attendance at the proceedings, but the expense may be recoverable as part of the costs, as provided by law. (See California Rules of Court, Rule 2.956(c).)
- B.** The party procuring the qualified court reporter must provide a proposed order appointing the reporter for the Court's signature. The proposed order can be presented to the Court at the start of proceedings for the day.
- C.** The Court hereby adopts the Appointment of Official Reporter Pro Tempore as Local Form number RP-001 for mandatory use.
- D.** Nothing in this order alters the right of a litigant who has been granted a fee waiver under Government Code section 68631 et seq., to a court-provided court reporter. Such litigant should submit Judicial Council form FW-020 to the court as far in advance of trial as possible once the need for a court reporter is determined.
- E.** In the event the parties proceed to trial without a court reporter, the parties' attorneys, or any self-represented parties, shall be required at the end of every day of trial to create and stipulate to a settled statement of facts encompassing the trial proceedings for that day. The settled statement of facts must consist of a condensed narrative of trial proceedings for that day and include a concise factual summary of the evidence and the testimony of each witness. (CRC Rule 8.137.)

(Adopted 7/1/23)

RULE 4 RULES APPLICABLE TO ALL CIVIL CASES

4.10 PRETRIAL MATTERS AND COMMENCEMENT OF TRIAL [Repealed]

A. Uniform Procedures

The procedures prescribed in this rule apply uniformly to trials throughout the Civil Division except in expedited jury trials under Code of Civil Procedure section 630.01 et seq., which are governed by California Rules of Court, rules 3.1545–3.1552. Judges may, in the exercise of discretion, order different procedures based on the particular requirements of an individual case.

B. Trial

Each case is called for trial on the Friday as specified by the court in its Notice of Settlement Conference and trial as served on all parties. Unless otherwise ordered, parties should expect and be prepared to begin the trial of a case on the first date of Trial.

C. Duty to Meet and Confer

At least seven court days before trial, all attorneys of record and unrepresented parties must meet and confer in a good faith effort to reach agreement and enter into written stipulations or written joint statements on the matters described in subdivisions D and G of this rule. All such stipulations and statements must be filed, and courtesy copies delivered, at the time and in the manner stated in subdivisions D and G. A stipulation or joint statement may be filed instead of any submission of an individual party that this rule requires or permits.

D. Pretrial Documents

By 3:30 p.m. on the sixth court day before trial or as otherwise ordered by the court, the parties must file the documents listed below with the Civil Clerk's Office, serve the documents on all parties, and deliver endorsed copies to the chambers of the Assigned Judge the same day. Timelines for the submittal of pretrial documents for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at his or her discretion.

1. Any proposed voir dire questions which, due to unusual or sensitive circumstances, a party requests the judge to ask prospective jurors.

2. Any proposed jury questionnaire.
3. A joint list, in alphabetical order, of all witnesses to be called, indicating which party intends to call each witness. The list should also note any anticipated issue concerning a witness that might require the court's attention, including but not limited to scheduling constraints, health problems, security precautions, and the need for a translator or interpreter.
4. A joint estimate of the length of the trial.
5. A joint neutral statement of the case to be read to the jury.
6. All motions in limine. Any written opposition to a motion in limine must be filed with the Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. three court day before trial.
7. Identification by each party of all deposition testimony that the party intends to offer in evidence on the ground that the witness is unavailable to testify at trial, designated by witness, date or volume, and pages and lines.
8. A list of all requested California Civil Jury Instructions (CACI) by number, in numerical order, with titles.
9. A list of all proposed CACI jury instructions and special jury instructions, with all proposed wording.
10. All proposed verdict forms.
11. Signed copies of the Trial Orders of the Court, containing those provisions to which the parties have stipulated.

E. Exhibits to Be Used in Opening Statement and/or Trial

On the day that motions in limine are heard, prior to that hearing, each party must show all other parties all electronic presentations, demonstrative exhibits, charts, diagrams, photographs, enlargements, and all other tangible things that the party intends to use in the party's opening statement and/or during trial. Any party who objects to any such material must make the objection at the hearing of the motions in limine, and the judge will rule on all such objections presented.

F. Trial Briefs

The court finds trial briefs to be very helpful and encourages their submission. Any trial brief must be filed with the Civil Clerk's Office, and an endorsed filed copy delivered to the Assigned Judge, by 3:30 p.m. six court days before trial. This does not preclude supplemental briefs on specific issues that arise during the trial.

Timelines for the submittal of trial briefs for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at his or her discretion.

G. Jury Instructions and Verdict Forms

1. In every jury trial, before the first witness is sworn, six court days prior to the first day of trial, each party must deliver to the judge, and serve upon all other parties, all proposed jury instructions on all applicable law disclosed by the pleadings, and all proposed verdict forms.
2. Before closing argument begins, each party must deliver to the judge and serve upon all other parties any additional proposed jury instructions on questions of law arising from the evidence that were not disclosed by the pleadings.
3. Each proposed jury instructions must be printed in black ink on a separate piece of paper. Proposed instructions must not identify the requesting party or any party or counsel in the case. The jury instructions must be assembled in a packet with a face sheet that lists all requested instructions and the requesting parties.
4. Timelines for the submittal of jury instructions and verdict forms for matters coming before the court under the Lanterman-Petris-Short Act are set by the judge presiding over that matter at his or her discretion.

H. Service of Trial Documents

All documents authorized by this rule that a party files with or otherwise submits to the court must be served by a means that is reasonably calculated to assure delivery to all other parties by the earlier of (1) the time when delivery to the court is due under this rule, or (2) the time when the document is actually delivered to the court. Such means include, but are not limited to, personal delivery, facsimile transmission (fax), email, and other means of electronic transmission that are no slower than fax

(Adopted 1/1/1997, Repealed 1/1/2021, Reinstated/Eff and renumbered 7/1/2023, Formerly Rule 4.9)

4.11 VOIR DIRE [Repealed]

The trial judge shall conduct general voir dire. Counsel will be permitted to conduct supplemental questioning

(Adopted 1/1/1997, Repealed 1/1/2021, Reinstated/Eff and renumbered 7/1/2023, Formerly Rule 4.10)

RULE 6 RULES APPLICABLE TO PROBATE PROCEEDINGS

6.2 CALENDAR AND PROCEDURAL MATTERS

A. Calendaring Guidelines

Calendaring information on the Regular Probate, Guardianship and Lanterman-Petris-Short (LPS) calendars may be found on the court's website, at <http://sonoma.courts.ca.gov/online-services/calendars/probate>.

1. Regular Probate Calendar Matters

Except as otherwise indicated in these rules, all probate petitions concerning the following are to be calendared for hearing on the Regular Probate Calendar:

- a. Decedent's estates,
- b. Trusts,
- c. Conservatorships of the person and of the estate (other than limited conservatorships unless there is an estate involved and "LPS conservatorships")
- d. Guardianships of the estate. Petitions for appointment of a guardian of the estate only, and all petitions concerning the administration of an existing guardianship of the estate, are to be calendared for hearing on the Regular Probate Calendar.
- e. Special Needs Trusts. All petitions for an order approving a Special Needs Trust or for an order directing payment or delivery of any property or funds to a Special Needs Trust, pursuant to Probate Code §§3602,3611, or other authority, shall be scheduled for hearing on the Regular Probate Calendar. When such a petition is a first-filed paper or arises out of a civil matter not pending before the Probate Court, the petition shall be filed with the Probate Clerk as a new case and given a new case number.

2. Case Management Calendar

- a. Matters are set on this calendar by the Court only and are generally uncontested or for status only.
- b. Case management statements are not required to be filed; however, any written updates may be filed as a statement of issues at least five (5) Court days before the hearing.

3. Petitions for Guardianship of the Person

Petitions for the appointment of the guardian of the person are to be calendared for hearing on the Guardianship Calendar.

4. Limited Conservatorships

- a. Petitions for the appointment of a limited conservator of the person or of the person and estate of an adult alleged to be developmentally disabled who is in placement at the Sonoma Developmental Center (SDC) are to be calendared for hearing on the LPS calendar, to be heard at such times and places as shall be designated by the Supervising Judge of the Civil Division.
- b. All other petitions for the appointment of a limited conservator of the person or limited conservator of the person and the estate for an adult alleged to be developmentally disabled are to be calendared for hearing on the LPS Calendar.

5.4. LPS Calendar

All matters involving proceedings under the Lanterman-Petris-Short Act are to be calendared on the LPS Calendar.

G. Ex Parte Applications and Stipulated Petitions

1. Ex Parte Procedure

a. Same Day Ex Parte Matters

If a party has reason to believe that an order is urgently needed to prevent irreparable harm or immediate danger to person or property, that party may file a Same Day Ex Parte application for relief. Filing fees must be paid, and in the event a new case is being commenced a case number must be assigned, before a party presents any application for ex parte relief.

An order granting or denying a Same Day Ex Parte matter is generally available for pickup at 2:00 p.m. on the day it is presented.

b. Drop-Off Ex Parte Matters

Ex Parte Applications not based on an urgent need to prevent irreparable harm or immediate danger to person or property may be submitted to the Court as a “Drop-Off Ex Parte Matter” where otherwise authorized by statute, Rules of Court, court order, or these rules. All Drop-Off Ex Parte Matters must include “Drop-Off Ex Parte Matter” on the caption. Failure to include “Drop-Off Ex Parte Matter” on the caption will cause the pleading to be reviewed as a Same Day Ex Parte application and will be denied if it does not meet the standard for a Same Day Ex Parte application.

The following matters are expressly authorized to be presented as Drop-Off Ex Parte Matters:

- i. Approval of a stipulation, including a stipulated petition to approve settlement agreement;
- ii. Petitions for letters of special administration or appointment of temporary conservatorship;
- iii. Stipulated applications for a continuance of a hearing or trial;

- iv. Matters authorized to be presented to the court ex parte by statute or Rule of Court (with citation to authorizing statute or Rule of Court);
- v. Requests to advance a hearing date and/or shorten time;
- vi. Applications to correct an order;
- vii. Applications to reduce or increase bond;
- viii. Petitions to appoint a guardian ad litem;
- ix. Petitions to authorize sale of personal property in a conservatorship matter;
- x. Petitions for final discharge and order;
- xi. Petitions for allowance or rejection of a creditor's claim (by attorney or personal representative); or
- xii. Petitions requesting court appointment of counsel.
- xiii. Petitions for appointment of successor trustee where all parties consent and waive notice. The ex parte petition for appointment of successor trustee must address the issue of bond, even if Petitioner's position is that no bond is required, and must specifically address the legal basis for appointing the proposed trustee under California Probate Code section 15660, et seq.

The Court does not consider *Heggstad*, Probate Code section 15403 or section 15409 petitions as drop off ex parte matters. The Court may, with a sufficient showing of exigency per California Rule of Court, Rule 3.1202(c), consider such as an emergency same day ex parte, **preseuming** **presuming** they are also accompanied by waiver(s) of notice and consent(s).

6.4 **CONSERVATORSHIPS AND GUARDIANSHIPS**

B. Required Documents in Conservatorship Cases

In addition to the pleadings and papers normally required in a conservatorship matter, the following special instructions apply:

1. Appointment of Public Defender

The Sonoma County Public Defender is appointed to represent the proposed conservatee in all initial conservatorship cases without prejudice to a substitution of counsel of the proposed conservatee's choosing.

2. Appointment of Court Investigator

The Sonoma County Court Investigator shall be appointed for all conservatorship cases (excluding LPS conservatorships). Petitioner must submit the proposed

Order Appointing Court Investigator to the Clerk with the first-filed Petition for Appointment of Probate Conservator, requesting appointment of the Office of the Sonoma County Court Investigator, with Boxes next to paragraphs 1 and 3 checked, at a minimum. (Judicial Council form GC 330)

3. Conservatorship Handbook

The required DUTIES OF CONSERVATOR AND ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK (Judicial Council Form GC 348) shall be submitted with the first filed Petition for Appointment of Probate Conservator. The HANDBOOK FOR CONSERVATORS is available at:
http://www.courts.ca.gov/documents/conservatorship_handbook.pdf.

4. Notification of Change of Contact Information

Any time the conservator or guardian or the conservatee or ward has a change of contact information, the Notice of Change of Address or Other Contact Information shall be filed and served on the Office of the Probate Court Investigator. (Judicial Council Form MC-040)

5. Confidential Contact Information Form

The Confidential Contact Information Form must be filed with all petitions for appointment of a conservator, including appointment of temporary, successors or co-conservators, and all petitions for approval of accounts of a conservatorship estate. The Confidential Contact Information Form shall be marked as “CONFIDENTIAL”. (Sonoma County Local Form PR-12)

(Rev and renumbered 7/1/23)

6.8 TRUST PETITIONS

A. Trust Instrument

For every petition filed pursuant to Division 9 of the Probate Code, the petition must include a copy of the entire trust instrument(s) relevant to the action, including all amendments thereto, and all attachments, schedules, and exhibits.

B. Accountings: Required Form of Accounts

Accountings should conform to the requirements set forth in this rule and with Probate Code sections 1060-1064 and 2620 as well as Cal. Rules of Court, Rule 7.575. Accountings are designated as either standard or simplified. A standard accounting lists receipts and disbursements in subject-matter categories, with each receipt and disbursement category subtotaled. A simplified accounting lists receipts and disbursements chronologically, by receipt or payment date, without

subject-matter categories. All trustees must file standard accountings unless prior court approval is sought and obtained to file a simplified accounting. **Accounting values of assets must not be changed to reflect fair market value, but fair market value must be set forth separately in the report or account.** If an item is not self-explanatory, an explanation must appear either in the accounting or in the report accompanying the accounting. **The Court reserves the right to require supplemental supporting documentation, including financial statements of the type described in Probate Code section 2620 as well as Cal. Rules of Court, Rule 7.575, if deemed necessary by the Court.**

RULE 8 RULES APPLICABLE TO CRIMINAL TRIAL PROCEEDINGS

8.13 MENTAL HEALTH DIVERSION

- A.** All motions requesting Mental Health Diversion pursuant to Penal Code section 1001.36 or Penal Code section 1370 shall be filed in the courtroom. The initial application for a determination of eligibility shall include documentation of a mental health diagnosis or mental health treatment within the past 5 years. Any medical records submitted shall be filed separately under seal and shall not be attached to the application. The court hereby adopts Sonoma County Local Form CR-007 for optional use in submitting an Application for Mental Health Diversion.

- B.** The initial motion for Mental Health Diversion shall be calendared on the regular criminal calendar. If there is no dispute regarding the eligibility of the defendant to participate in Mental Health Diversion, the matter shall be referred to Sonoma County Behavioral Health for an assessment and report regarding the suitability of the defendant to participate in Mental Health Diversion. If there is a dispute regarding the eligibility to participate in Mental Health Diversion, the matter shall be set on a law and motion calendar for a hearing regarding eligibility before referring the matter to Sonoma County Behavioral Health.

- C.** Upon referring the matter to Sonoma County Behavioral Health, the court shall set a future hearing date at which the assessment report shall be reviewed. In the event there is not agreement that the defendant is suitable for Mental Health Diversion, the matter shall be set on a future law and motion date before the judge presiding over the matter to determine suitability.

- D.** Any supplemental pleadings regarding the suitability of the defendant to participate in Mental Health Diversion shall be filed within 5 business days of the receipt of the report from Sonoma County Behavioral Health. Any supplemental pleadings regarding suitability shall be filed in the criminal clerk's office.

(Adopted 7/1/23)

8.14 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 pursuant to Penal Code section 977.3. 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, [Renumbered 7/1/23, formerly Rule 8.13](#))

RULE 17 RULES APPLICABLE TO FILING AND GENERAL PROCEDURE

17.22 MANDATORY ELECTRONIC FILING

- A.** Subject to the exceptions in Local Rule [18.23](#) [17.23](#), all represented parties, and other represented persons, are required to electronically file documents pursuant to Code of Civil Procedure, section 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)
- B.** Self-represented parties, or other self-represented persons, are exempt from mandatory electronic filing requirements pursuant to California Rule of Court, rule 2.253 subdivision (b)(2).

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