

**PROPOSED AMENDMENTS TO THE
TULARE COUNTY SUPERIOR COURT LOCAL RULES**

The court submits the following proposed amendments to the Tulare County Superior Court Local Rules for comment in accordance with California Rules of Court, rule 10.613. Any comments regarding the revisions and/or adoption of a proposed rule must be submitted in writing to the court's administration, attention Ellen Kennedy, Room 303 at the Visalia Courthouse, County Civic Center, 221 South Mooney Boulevard, Visalia, California 93291. The comments may also be submitted by e-mail to ekennedy@tulare.courts.ca.gov, which is preferable.

The deadline for submitting any comments is October 21, 2013

Rule 106 – Electronic Devices in Courtroom (revised to change policy)

In accordance with California Rules of Court, rule 1.150 and the California Code of Judicial Ethics, Canon 3(B)(3), the Tulare County Superior Court establishes the following policy regarding the use of cell phones, cameras, and portable electronic devices (hereinafter “electronic devices” or “devices”) in the courtroom.

Any use of an electronic device while court is in session is prohibited unless the party seeking to use such device is granted leave by the court to do so. Unless permission is granted to use a device, all such devices must be silenced or turned off while court is in session.

A judge may require a party and/or counsel requesting permission to use an electronic device to complete in writing a form entitled “Request for Permission to Use Electronic Device” attached hereto as Exhibits 1 and 2.

Parties and/or counsel at counsel table may use such devices for calendaring purposes (e.g. to check for available hearing dates) while court is in session

without leave by the court. Court personnel (e.g. bailiffs, clerks, and/or interpreters) may use such devices if this use is in the ordinary course of their duties with the courts.

Any use of electronic devices in contravention of this policy may result in the imposition of lawful penalties and sanctions including a contempt of court citation.

Nothing in this policy limits the court's authority to impose other reasonable limitations on use of these devices to maintain conditions conducive to the orderly conduct of court proceedings. (07/01/09)(Revised 01/01/10)Revised 01/01/14)

Rule 107 – Smoking, Food, & Drinks (revised to allow food in designated areas)

Smoking is prohibited in all court facilities except for designated outdoor smoking areas. Food and drinks are prohibited in all public hallways and public waiting areas of all court facilities except for the jury assembly room and designated café or lounge areas. (07/01/97)(Revised 01/01/14)

Rule 115 – Court Reporters (revised to change policy)

In addition to those proceedings where the availability of a certified court reporter is mandated by statute, court reporters will be available for regular morning calendars in all civil departments and for family law proceedings. The court has ordered that misdemeanor proceedings be electronically recorded in accordance with the Government Code and the Rules of Court. Parties desiring a court reporter for civil trials or misdemeanor proceedings will need to make arrangements to have a certified reporter available, either from the court's approved list of qualified reporters or using the procedures specified by statute and the Rules of Court. (01/01/07)(Revised 01/01/09)(Revised 01/01/14)

Rule 116 – Copying and Reproducing Official Court Records (revised to add the second and last sentence)

Only judicial officers and authorized court personnel may photocopy or otherwise reproduce original official court case records or exhibits. Any such copying or reproduction for public distribution shall be done only by or under the direct supervision of such authorized personnel, subject to any established court limitations and charges for these services. The Clerk of the Court shall post any policies for file retrieval and photocopying including any applicable charges. Personal photographing or other reproduction of original court records by the public is not permitted. This rule does not apply to the printing or reproduction of documents that may be posted or otherwise made available in electronic form on the court's website. Pursuant to California Rules of Court, rule 3.55, the clerk shall provide one copy of documents without charge to a litigant with an approved waiver of fees. (01/01/07)(Revised 01/01/14)

Rule 117- Electronic Filing (revised to allow voluntary electronic filing)

Effective January 1, 2014, the court permits the electronic filing of documents in any action or proceeding specified on the court's electronic filing page on the court's website (www.tularesuperiorcourt.ca.gov) subject to and in accordance with California Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250-2.261.

Additional provisions governing electronic filing are set forth in the Electronic Filing Procedure Manual available on the court's website. (01/01/10)(Revised 01/01/14)

Rule 118 – Correction Fluid or Correction Tape on Documents (new)

No document containing corrections or modifications made by use of correction fluid or correction tape of dates, monetary amounts, signatures, names of parties, or legal descriptions shall be submitted for filing unless otherwise ordered by the court. These masking materials may not be permanent and decompose with age which may compromise the long-term integrity of court filed documents. (01/01/14)

Rule 201 – Departments of the Court (revised to change the designation of the Visalia criminal division from a direct calendar court in all matters to a direct calendar court only in certain criminal matters pursuant to the Judicial Assignments Order; and to delete the Tulare Division as that court has closed.)

There will be as many departments of this court as there are judicial officers of the court. The presiding judge will designate specific departments to hear juvenile matters, probate matters, criminal matters, civil matters, and family law matters.

Tulare Superior Court has elected to be a direct calendar court in all civil matters, family law, and juvenile matters. The trial judge can be determined pursuant to the Judicial Assignment Order (available on the court's website at www.tularesuperiorcourt.ca.gov) according to the alphabet as set forth in the order. As a direct calendar court in these matters any challenges to a judge must be made within 15 days of the filing of the complaint/petition and/or first appearance and/or receipt of Notice of Transfer from another division or county pursuant to California Code of Civil Procedure (hereinafter CCP) section 170.6(a)(2) under the all-purpose assignment rule.

In felony criminal cases, the Judicial Assignments Order designates the judge for trial after the preliminary hearing pursuant to the alphabet as set forth in the order. Thus, it requires a litigant to file any challenges to a judge within 10 days after the defendant is held to answer pursuant to CCP section 170.6(a)(2).

The court is not a direct calendar court in criminal misdemeanor cases, thus a case is not assigned for all-purposes, and any challenge to a judge is to be made in accordance with CCP section 170.6(a)(2) upon any hearing and/or trial.

The presiding judge will appoint one judge to be the presiding judge of the juvenile court who, to the extent possible, will remain in that position for at least three years. (01/01/07)(Revised 01/01/09)(Revised 01/01/11)(Revised 01/01/14)

Rule 300 – Court Calendar (revised to delete the second and third sentences regarding assigning cases for all-purposes in the Visalia and Tulare Divisions.)

The business of the court will be assigned in accordance with the Judicial Assignments Order which will be issued on or about July 1st of each year to be effective until the next July 1st, or until a new or amended Judicial Assignments Order is issued (for the Judicial Assignments Order see the court's website at: www.tularesuperiorcourt.ca.gov./GeneralInformation/JudicialAssignments).

The clerk, at the beginning of each court day, will post a daily court calendar outside of each courtroom showing the matters assigned to that department that day. The names of parties in adoption, juvenile, and mental capacity matters will not be shown and will be kept confidential. (01/01/07)(Revised 01/01/09)(Revised 01/01/10)(Revised 07/01/11)(Revised 01/01/14)

Rule 906 – Family Centered Case Resolution (revised to comply with state rules)

All dissolution of marriage, legal separation, nullity of marriage, and uniform parentage actions shall be set for a judicially supervised family centered case resolution conference (Case Management Conference) pursuant to California Rules of Court (hereinafter CRC), rule 5.83, Family Code section 2450-2452. All cases will be ordered into court 60 days following the proper filing of a response or answer, at which time discovery plans will be discussed, alternative dispute resolution ordered, and mandatory settlement conference and trial dates will be assigned. If an answer or response has not been filed within 120 days of the filing date of the action, and no default or judgment has been entered, the court will order a review hearing in accordance with CRC, rule 5.83(c)(2). Unless a case is extraordinarily complex, as determined by the presiding judicial officer, trial will be set to commence no later than one calendar year from the date of the filing of the petition. (01/01/07)(Revised 07/01/11)(Revised 01/01/14)

Rule 915 – Preparation of Order After Hearing (revised to comply with state rules)

- (a) In accordance with California Rules of Court, rule 5.125, unless otherwise permitted by the court, the moving party must prepare a written order following any hearing on the family law calendar before leaving the courtroom.

- (b) Whenever the court makes a ruling but permits preparation of the order at a later time, the party preparing the order must mail the proposed order to opposing counsel or self-represented party for approval within ten calendar days of the hearing. The attorney or party who receives the proposed order must either: (1) return the order signed as approved within twenty calendar days of the hearing date, or (2) state any objections to the proposed order and prepare an alternate proposed order. If the preparing attorney does not receive a response within twenty calendar days of the hearing date, the preparing party may submit the order directly to the court with correspondence pursuant to rule 5.125. Without prior approval by the preparing party, no modifications will be made on the proposed order by another party.
(01/01/07)(Revised 07/01/11)(Revised 01/01/14)