

**PROPOSED AMENDMENTS TO LOCAL RULES  
SUPERIOR COURT, COUNTY OF HUMBOLDT  
EFFECTIVE **JULY 1, 2021****

**CHAPTER 2 – CIVIL SECTION LOCAL RULES**

For revision in Chapter 2 as ~~stricken~~ and as underlined:

**2.11 Reliance Upon Authorities Outside of California Official Reports**

Citations to an official reporter must be provided for any legal authority which counsel wishes the Court to review. This includes any state or federal case law, statute, or regulation. If no citation to an official reporter is available, ~~counsel must provide a Westlaw citation. If no Westlaw citation is available,~~ counsel must submit a complete hard copy of the legal authority (such as local ordinances or laws) to the court and to all other counsel. Counsel must also comply with CRC 3.1113 (case citation format) and CRC 8.1115 (citation of opinion).

*(Eff. 07/01/2017; as amended eff. 01/01/2018; amended 07/01/2021)*

**2.8.7 Dismissal Following Settlement**

~~Rule 3.1385 of the California Rules of Court requires immediate, written notice to the Court if an entire case has settled, and the Judicial Council has prepared Form CM-200 for litigants to use in providing such notice. Parties are advised that, to promptly dispose of resolved matters, upon receipt of a notice of settlement the Court will typically place the matter on the dismissal calendar and, if no party appears at the dismissal hearing, will dismiss the matter without prejudice. Parties will be provided notice when matters are placed on the dismissal calendar. Unless the delay is short and is explained at the dismissal hearing, parties will not be allowed to delay dismissal of a settled case for the purpose of monitoring one side's compliance with the settlement. Parties may instead maintain the Court's jurisdiction to enforce the settlement until full performance of the terms of the settlement by obtaining a stipulated order to that effect prior to dismissal. See Code of Civil Procedure section 664.6; *Wackeen v. Malis* (2002) 97 Cal. App. 4th 429, 437-41; *Hagan Engineering, Inc. v. Mills* (2003) 115 Cal. App. 4th 1004, 1007-1011; see also *Conservatorship of McElroy* (2002) 104 Cal. App. 4th 536, 548-52; *Harris v. Rudin, Richman & Appel* (1999) 74 Cal. App. 4th 299, 304-306.~~

**2.8.7 DISMISSAL FOLLOWING SETTLEMENT:**

Rule 3.1385 of the California Rules of Court requires immediate, written notice to the Court if an entire case has settled, and the Judicial Council has prepared Form CM-200 for litigants to use in providing such notice. Parties are advised that, to promptly dispose of resolved matters, the notice of settlement shall be submitted with a proposed judgment of dismissal. Upon receipt of a notice of settlement and proposed judgment of dismissal, the Court will typically place the matter on the dismissal calendar and, if no party appears at the dismissal hearing, will dismiss the matter without prejudice. Parties will be provided notice when matters are placed on the dismissal calendar. Unless the delay is short and is explained at the dismissal hearing, parties

will not be allowed to delay dismissal of a settled case for the purpose of monitoring one side's compliance with the settlement. Parties may instead maintain the Court's jurisdiction to enforce the settlement until full performance of the terms of the settlement by obtaining a stipulated order to that effect prior to dismissal.<sup>1</sup>

(Eff. 07/01/2014), amended 07/01/2021)

## **2.9 Applications for Ex Parte Orders and Emergency Stays**

- (a) This rule applies to ex parte applications in civil matters. It does not apply to family law matters, civil proceedings under the Lanterman-Petris-Short Act (Welfare and Institutions Code §§5000-5550, including hearings under Welfare and Institutions Code §5332 to determine a person's capacity or incapacity to refuse treatment with antipsychotic medication ("Riese hearings")), or to ex parte civil or workplace harassment temporary restraining order requests under Code of Civil Procedure §§527.6 and 527.8.
- (b) Ex parte applications must be made in compliance with the California Rules of Court, including Rules 3.1201 through 3.1207 (Ex Parte applications) and Rule 3.670 (Telephonic appearances).
- (c) The Court will not issue any orders on ex parte requests unless the order requested is necessary to prevent injustice, irreparable harm, immediate danger, or states a proper statutory basis for granting ex parte relief, and due to time constraints, a noticed motion cannot be made. Failure to timely request a noticed motion must not have been due to any failure or lack of diligence on the part of the requesting attorney or party.
- (d) Except for applications for emergency stays and other emergency matters, all ex parte requests shall be made as follows:

~~(1) Civil ex parte matters will be placed on the court calendar and heard according to the schedule that is available on the Court's website.~~

(1) Civil ex parte matters will initially be placed on the court calendar; however, once a judicial officer has reviewed the request, the judicial officer may decide a hearing is unnecessary. In that event, the moving party will be notified of the same and is required to notify opposing side.

~~(2) All pleadings from the party making the ex parte request must be received by the Court—prior to 12:00 p.m. (noon) in order for an ex parte matter to appear on the next court day's calendar. If the pleadings are received after 12:00 p.m. (noon), the matter will not be placed on the court calendar before the date that is two court days from the date of receipt of the pleadings.~~

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<sup>1</sup> See Code of Civil Procedure section 664.6; Wackeen v. Malis (2002) 97 Cal. App. 4th 429, 437-41; Hagan Engineering, Inc. v. Mills (2003) 115 Cal. App. 4th 1004, 1007-1011; see also Conservatorship of McElroy (2002) 104 Cal. App. 4th 536, 548-52; Harris v. Rudin, Richman & Appel (1999) 74 Cal. App. 4th 299, 304-306.

(2) All pleadings from the party making the ex parte request must be received by the Court prior to 12:00 p.m. (noon) in order for an ex parte matter to be heard on the date that is two court days from the date of receipt of the pleadings. If the pleadings are received after 12:00 p.m. (noon), the matter will not be placed on the court calendar before the date that is three court days from the date of receipt of the pleadings.

~~(3) Any opposition or responsive pleadings must be filed no later than two (2) hours prior to the ex parte hearing.~~

(3) Any opposition or responsive pleadings must be filed and served no later than two (2) hours prior to the ex parte hearing.

(4) If any party wishes to have a court reporter for any hearing that proceeds, that party will be required to pay a court reporter fee in addition to any filing fees.

- (e) Applications for emergency stays or other emergency matters should be submitted with the words “EMERGENCY STAY REQUESTED” in the caption of the document and with a red cover sheet with the words “EMERGENCY STAY REQUESTED.” In the application, a party must state facts that demonstrate that the application is an emergency application and that the party can not comply with the other time requirements of Local Rule 2.9.

*(Eff. 07/01/2014; as amended eff. 07/01/2017; as amended eff. 01/01/2018, [amended 07/01/2021](#))*

## CHAPTER 3 – CRIMINAL SECTION LOCAL RULES

For revision in Chapter 3 as underlined:

### **3.1 Filing Deadlines**

#### **3.1 Filing Deadlines: Arraignments**

~~(a) —Matters pertaining to persons who are in-custody for felony and/or misdemeanor charges must be filed no later than 10:00 a.m. for the same day afternoon arraignment calendar. Any serious felony matter, as outlined in Penal Code section 667.5, which must be heard on the same day and has not been filed by 10:00 a.m. must be filed before 2:00 p.m. for the same day late arraignment calendar. In the absence of judicial authorization for the same day late arraignment calendar, all other felony and misdemeanor matters filed after 2:00 p.m. will be heard on the afternoon arraignment calendar on the next Court day.~~

#### **(a) In Custody Defendants:**

**a. Afternoon Arraignment Calendar:** Matters pertaining to arraignments for persons who are in-custody for felony and/or misdemeanor charges, including serious or violent felonies, must be filed no later than 10:00 a.m. to be placed on the same day afternoon arraignment calendar. Except for serious felonies, matters filed after 10:00 am will be placed on the afternoon arraignment calendar for the next court day.

**b. Late Arraignment Calendar:** For serious felonies only, which must be arraigned on the day of filing and which could not be filed by 10:00 a.m., matters must be filed

before 2:00 p.m. to be placed on the same day late arraignment calendar. All other serious felony matters filed after 2:00 p.m. will be heard the next Court day on the afternoon arraignment calendar, unless judicial authorization is obtained to place the matter on the same day late arraignment calendar.

- ~~(b) — All Complaints, Petitions, and Requests to Calendar which are filed for out of custody matters will be heard one week from the date of filing.~~
- (b) Out of Custody Defendants: All Complaints and Petitions pertaining to arraignments for persons who are out-of-custody must be filed ten court days prior to the date set for arraignment.**
- ~~(e) — Informations and Requests to Calendar for Declaration of Conflict submitted by noon will be heard by the third day from the date of filing.~~
- (c) Informations: Informations for arraignment must be filed by noon at least two days prior to the date set for arraignment on the information.**
- (d) Refer to the Court's website for the Filing Deadlines Chart at: [humboldt.courts.ca.gov](http://humboldt.courts.ca.gov).**

*(Eff. 01/01/2014; as amended eff. 01/01/2018; as amended eff. 01/01/2019; [amended 07/01/2021](#))*

### **3.2 Request to Calendar Case**

~~A party in a criminal action may informally request a matter be placed on calendar, without filing a motion, by using the "Request to Calendar" form set forth in Appendix 3.2.~~

~~The Request to Calendar form may be used only for the following matters:~~

- ~~(1) Warrant Surrender~~
- ~~(2) Declaration of a Conflict~~
- ~~(3) Early entry of Plea~~
- ~~(4) Requests for a Fee Waiver~~
- ~~(5) New Commit to Jail Dates~~

~~Any Request to Calendar for an early entry of plea or change of plea must have the written plea form signed by all necessary parties and attached to the Request to Calendar.~~

~~Any Request to Calendar for warrant surrender where a bail bond is at issue and where there is a reassumption of liability of bail bond shall have that reassumption of liability of bail bond attached to the Request to Calendar.~~

~~Any Request to Calendar for warrant surrender for failure to appear must have a declaration setting forth the reason for the previous failure(s) to appear attached to the Request to Calendar.~~

~~Any Request to Calendar for a new commit to jail date must be submitted prior to the current commit to jail date and must have a declaration attached stating the reasons for the new requested commit to jail date~~

~~and the requested date. No Request to Calendar shall be submitted after the commit to jail date has passed.~~

~~Any Request to Calendar, not otherwise stated, shall include necessary documentation for the Court's consideration.~~

~~The Court shall provide a copy to all affected parties upon approval of the request.~~

~~All other matters, not outlined above, require a noticed motion and may not be submitted using the Request to Calendar form.~~

### 3.2 Requesting Hearings

(a) **Notice of Hearing:** A party in a criminal action who wants a matter placed on calendar must file and serve on all parties a "Notice of Hearing". The Notice of Hearing must:

1. Be in writing and comply with Rules of Court 2.100 *et seq.* on format of papers;
2. State the nature of the proceeding and the relief sought in brief and concise terms;
3. List the date and time of the hearing;
4. Be signed and dated by counsel of record or the defendant if in *pro per*;
5. Have a memorandum of points and authorities and any supporting declarations or documents attached, including any substantiating documentation for the Court's consideration; and
6. Be served on all parties, with a filed proof of service reflecting same.

(b) **Date and Time of Hearings; Orders Shortening Time**

1. The moving party may select a hearing date and time. The hearing date must comply with the service and notice requirements of Rule of Court 4.111 (ten court days prior to hearing).
2. Parties may apply in writing for an Order Shortening Time. Orders Shortening Time will not be granted unless a factual and particularized showing of necessity, good cause, and diligence is made in the application, and the application is served on all parties prior to submission to the court.

(c) **Special Requirements:**

In addition to the requirements above:

1. **Change of Plea:** Any Notice of Hearing for an early entry of plea or change of plea must have the written plea form signed by all necessary parties attached to the Notice of Hearing;

2. **Commit to Jail Date:** Any Notice of Hearing to set or extend a commit to jail date must be filed, served and heard prior to the commit to jail date, and must have a declaration attached stating the reason for requesting a new commit to jail date. Notice of Hearing for a new commit to jail date submitted after the commit to jail date has passed will be rejected; instead, the defendant must surrender on any warrant issued.

**3. Warrant surrenders:** Warrant surrenders are not handled by the court. Instead, the defendant must surrender on the warrant to the appropriate law enforcement agency.

*(Eff. 01/01/2014, as amended eff. 07/01/2017; as amended eff. 01/01/2018; amended eff. 07/01/2021)*

### **3.4—Declaration Regarding Financial Obligations**

~~Any motion or petition for expungement shall be submitted with a declaration addressing whether all financial obligations have been met in full, with supporting documentation attached. (Eff. 07/01/2017)~~

### **3.4 Substitution of Attorney**

(a.) Any attorney wishing to withdraw from representing a defendant must file and serve on all parties, including the defendant, a written notice of substitution of attorney, providing the name and contact information of the new attorney. The written notice must be signed by the new attorney. The substitution is not effective until proof of service of the notice is filed with the court.

(b.) Any appointed counsel who must withdraw from representing a defendant must arrange for a new attorney to be appointed, through the County of Humboldt’s appointment panel. The withdrawing attorney must file and serve a written notice of substitution as in subparagraph (a) above.

(c.) In all cases, the withdrawing attorney must promptly provide the new attorney with all pleadings, discovery, and upcoming court dates.

*(Eff. 07/01/2021)*

### **3.5 Proposed and Submitted Orders**

An original proposed order, with sufficient conforming copies for all the parties to the case, must be submitted with all motions, petitions, and other requests for relief or action by the Court. After hearing, if a proposed order was not submitted or if the proposed order does not conform to the order of the Court, the prevailing party or other party as ordered by the Court must submit an order, with sufficient conforming copies for all the parties to the case, for signature by the Court.

~~Mental health commitment orders must be submitted by the District Attorney’s Office no later than three (3) court days after the hearing or decision of the Court.~~

*(Eff. 07/01/2017; amended eff. 07/01/2021)*

### **3.6 — Pre-Trial Submissions**

~~No later than five (5) court days before the date scheduled for trial, the attorneys shall file and serve pre-trial submissions including the following:~~

- ~~(1) Motions in Limine;~~
- ~~(2) Proposed jury instructions, identified by number and appended as attachments in proposed final form;~~
- ~~(3) Verdict forms, identified by number and appended as attachments in proposed final form;~~
- ~~(4) A list of witnesses, with expert witnesses categorized separately, expected to be called by the party, and the estimated length of direct examination of each witness;~~
- ~~(5) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.~~
- ~~(6) Any proposed long form jury questionnaire.~~

~~Any opposition to motions in limine shall be filed and served no later than two (2) court days before the date scheduled for trial.~~

### **3.6 Trial Submissions**

In every case in which a felony or misdemeanor is charged, no later than ten (10) court days before the date scheduled for trial, the attorneys shall file and serve pre-trial submissions including the following:

- (1) Motions in Limine, with oppositions and replies filed and served as stated in CRC 4.111(a);
- (2) Proposed jury instructions, identified by number and appended as attachments in proposed final form;
- (3) Verdict forms, identified by number and appended as attachments in proposed final form;
- (4) A list of witnesses, with expert witnesses categorized separately, expected to be called by the party, and the estimated length of direct examination of each witness;
- (5) A list of exhibits, with a short description of the exhibit, expected to be used by the party. The number of expected exhibits should be provided to the Court so that proper exhibit number series may be made available by the Court.

(6) Any proposed additions to the standard long form jury questionnaire; any additions or modifications to standard long form jury questionnaire submitted within 10 court days of trial will not be provided to prospective jurors.

*(Eff. 07/01/2017; as amended eff. 01/01/2018; amended eff 07/01/2021)*



## CHAPTER 1 – PROPOSED NEW GENERAL RULES

**Each Proposed New Rule in Red:**

### **1.16 COURT INTERPRETERS:**

Prosecution or defense requests for interpreters for trial, preliminary examinations, motions, or any other appearances, must be made in open court at the time these matters are set. If an interpreter is required by any party to an action, and a request cannot be made in open court, counsel shall advise the Court of the need for an interpreter at least five (5) court days prior to the trial or hearing. Pursuant to Cal. Rule of Court 10.810, the Court will make arrangements for the foreign language interpreter to be present at the trial or hearing and will pay the related costs. Counsel must immediately notify the Court not later than 48 hours prior to the scheduled hearing date upon learning that the services of the interpreter are not required. Failure to provide 48 hour notification to the Court of the cancellation of the need for an interpreter may result in an order for reimbursement to the Court for any cancellation fee the Court is required to pay to the interpreter.

*(Eff. 07/01/2021)*