
**SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALPINE
LOCAL RULES OF COURT**

As last revised effective July 1, 2011

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EFFECTIVE JANUARY 1, 2011

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6.3	Criminal Case Management	01/01/2007	01/01/2011
6.4	Discovery and Investigation	01/01/2007	01/01/2011
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6.7	Judgment & Sentencing/Probation	01/01/2007	01/01/2011
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7.3	Traffic and Engineering Surveys	07/01/2011	
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GENERAL INFORMATION ABOUT THE ALPINE COUNTY SUPERIOR COURT

The court is located in a remote mountain region which experiences severe winter weather resulting in hazardous driving conditions and road closure, and travel during other seasons is subject to lengthy delays due to road repair activities. The court will make accommodation for unforeseen circumstances making it unreasonably difficult to attend or timely appear for scheduled court sessions. However, all persons with business in the court must anticipate that such conditions may impede travel and are advised to plan accordingly for appearances and the attendance of witnesses. Consideration should be given to travel in advance of the day attendance is required; lodging is available but limited locally, and the Alpine County Chamber of Commerce may be contacted at 530-694-2475 for referral to local and regional facilities.

CHAPTER 1: GENERAL COURT RULES

Rule 1. Construction of Rules; Failure to Comply

Rule 1.1. Citation of Rules

These rules shall be known and cited as the Alpine County Superior Court Local Rules; they are supplementary and subject to any and all rules adopted by the Judicial Council and statutes of this state. *Adopted January 1, 2007.*

Rule 1.2. Construction of Rules

These rules shall be liberally construed to promote the orderly and efficient administration of justice. Unless otherwise dictated by context, definitions of terms found in the California Rules of Court shall control construction of terms in these rules. Hereinafter CRC refers to the California Rules of Court. *Adopted January 1, 2007.*

Rule 1.3. References to Court

All references to “the court” or “this court” are to the Alpine County Superior Court. *Adopted January 1, 2007.*

Rule 1.4. Failure to Comply

Failure to comply with any of these rules may result in the imposition of sanctions pursuant to CRC Rule 2.30, Code of Civil Procedure sections §177.5 and/or §575.2. Hereinafter, CCP refers to the California Code of Civil Procedure. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008.*

Rule 1.5. Clerk of the Superior Court – Court Executive Officer

There shall be appointed a Court Executive Officer for the Superior Court of Alpine County who shall be selected by the Presiding Judge in consultation with his/her colleague and by agreement of the Superior Court Judges and who shall serve at the pleasure of said judges. The Executive Officer shall also serve as Clerk of the Superior Court and Jury Commissioner. The Court Executive Officer shall be directly responsible for all matters relating to the administration of the court and has ultimate responsibility, under the direction of the Presiding Judge of the court, for planning, organizing, and directing the non-judicial activities of the court. The Court Executive Officer shall be responsible for the operation of the Alpine County Superior Court and shall perform those duties set forth in CRC, Rule 10.610. *Adopted January 1, 2011.*

Rule 1.6. Court Website

The Court maintains an official Internet website located at www.alpine.courts.ca.gov. The official website contains information regarding Local Rules of Court, Fee Schedule, Trial Dates, Jury Duty, Grand Jury, Court Calendar, History, Facilities, Workload, Community Outreach, Family Violence, Self-Help Services, Job Postings, and the Americans With Disabilities Act. Links are provided to the Alternative Dispute Resolution program, California Courts, DMV, and online payments. *Adopted January 1, 2011.*

CHAPTER 2: FAIRNESS AND ACCESS RULES

**Rule 2. Fairness, Access, Facilities and Other Considerations
for Persons with Disabilities**

Rule 2.1. Fairness

To maintain integrity and impartiality of the judicial system the court will:

1. Insure that all proceedings are conducted so as to be fair and impartial to all participants.
2. Insure that all persons in and about the courtroom refrain from engaging in conduct that exhibits racial, gender, national origin, religious, or other forms of bias directed toward counsel, court personnel, witnesses, parties, jurors, or any other person or group.
3. Insure that all orders, rulings, or decisions are based on an objective balancing of competing rights and interests in consideration of applicable law, through the exercise of sound judgment and judicial discretion, without influence of race, gender, national origin, religion, or other form of bias.

Adopted January 1, 2007

Rule 2.2. Access

The courthouse is a historic building lacking in access and facilities to accommodate all persons with disabilities. The court does not discriminate on the basis of disability with respect to admission to, access to, or the operations of its hearings, programs, services, benefits or activities. Disabled persons wishing to request accommodations may do so by notifying the court or completing Judicial Council Form MC-140, Request for Accommodations by Persons with Disabilities and Order, and sending it to the Court Executive Officer, PO Box 518, Markleeville, CA 96120, or by facsimile at 530-694-2119. Upon notice and request to accommodate persons with disabilities, the court will provide such assistance or arrangement as may be appropriate and reasonable, including moving sessions of the court to a more suitable alternate location. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 2.3. References to Counsel/Attorney

All references to attorney or counsel shall also refer to self-represented persons and these rules shall apply equally to such persons. *Adopted January 1, 2007.*

CHAPTER 3: OPERATIONAL RULES

Rule 3. General Matters Concerning Court Operation

Rule 3.1. [Repealed 2010]

Rule 3.1 repealed effective January 1, 2010; adopted January 1, 2007. The repealed rule related to the Regular Sessions of the Court, Calendars, and Assignment of Judges.

Rule 3.2. [Repealed 2008]

Rule 3.2 repealed effective January 1, 2008; adopted January 1, 2007. The repealed rule related to deviation from regular scheduling for convenience.

Rule 3.3. [Repealed 2010]

Rule 3.3 repealed effective January 1, 2010; adopted January 1, 2007. The repealed rule related to Long Cause Matters – Special Setting.

Rule 3.4. [Repealed 2010]

Rule 3.4 repealed effective January 1, 2010; adopted January 1, 2007. The repealed rule related to the Assignment of Judges – Code of Civil Procedures §170.6.

Rule 3.5. Ex- Parte Applications

The court does not reserve a specific day or time for hearing of ex-parte applications and such matters may be set by contacting the Clerk’s office. At a minimum, notice shall be given as provided by the CRC and any applicable statute. This local rule does not apply to ex-parte applications for domestic violence or civil harassment restraining orders, elder or dependent adult protective orders, applications in criminal proceedings for the confidential appointment of experts or investigators, or as otherwise provided by law. *Adopted January 1, 2007.*

Rule 3.6. Trial Sessions, Location, and Juror Availability

All criminal jury trials will be regularly scheduled for a two week period each quarter of the year, the schedule of which for the following year will be available in the clerk’s office on or about each October 1. Time requirements in criminal matters and other extraordinary circumstances may result in alternate scheduling. Criminal court trials will be specially set. All civil jury trials are subject to special setting so as not to conflict with quarterly criminal jury trials. Jurors in the Bear Valley area are exempt from jury service during the winter months due to closure of Highway 4. The court endeavors to minimize juror inconvenience and to achieve the “one day/one trial” goals of CRC Rule 2.1002. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2010.*

Rule 3.7. Reporting of Proceedings

The court shall provide a court reporter in all matters statutorily required (possible death penalty cases per Penal Code (hereafter PC) § 190.9(a)(1); juvenile cases per Welfare & Institutions Code (hereafter W&I) § 347, 677; Grand Jury criminal indictments per PC 938; felony trial on the merits where appeal is likely per Code of Civil Procedure (hereafter CCP) § 369(c)). Pursuant to Rule 2.956 of the CRC, official court reporters are normally available for all felony and misdemeanor criminal proceedings as well as juvenile proceedings. Reporters are normally available for Domestic Violence Prevention Act Restraining Orders and Civil Harassment Restraining Orders.

In accordance with Government Code (hereafter GC) § 68086 and CRC Rule 2.956 when a party requests a court reporter and the reporter is not required by the foregoing or by statute to report the court proceedings, such party shall provide and pay for a certified court reporter.

The parties must arrange for reporting services in all civil matters and are responsible for payment of court reporter attendance fees. Any party requesting a transcript in any civil proceeding shall order and pay for such transcript directly with the court reporter.

Pursuant to Rule 2.952 of the CRC and as permitted by GC § 69957, the Alpine County Superior Court's will utilize electronic recording technology as the official reporting service for infractions, and upon order of the court, in misdemeanor and limited civil proceedings. For infraction appeals where the appellant elects to proceed with a transcript of the oral proceedings, the cost for preparation of the transcript and copies thereof shall be borne by the appellant

Amended effective January 1, 2011; adopted January 1, 2007.

Rule 3.8. Facsimile Filings and Service

Rule 3.8.1. Facsimile filing and service of documents shall comply with CRC Rule 2.300 et seq, and these rules. Facsimile filings shall not exceed twenty pages, inclusive of attachments. Transmissions not received in their entirety by 5:00 PM will be filed the following day. It is the responsibility of the party so filing to insure that time-sensitive filings have been entirely received so as to have been filed on a given day. The cost for fax filing is \$1.00 per page and a check made out to the Alpine County Superior Court should be placed in the mail within twenty-four hours. Court fax number is

(530)-694-2119. Amended effective January 1, 2010; adopted January 1, 2007.

Rule 3.8.2. [Repealed 2008]

Rule 3.8.2 repealed effective January 1, 2009; adopted January 1, 2007. The repealed rule related to the filing of the original of any document filed by facsimile.

CHAPTER 4: COURTROOM DECORUM

Rule 4. Courtroom Decorum

Rule 4.1. Attire

Attorneys shall be dressed in neat and appropriate business attire for all court appearances. Attorneys, litigants, witnesses, and spectators shall be required to dress and conduct themselves in a manner consistent with the traditional dignity of the superior court. All persons in the courtroom shall dress in a manner that is neither offensive nor distracting to others of normal sensibilities. Counsel shall so instruct parties they represent, witnesses they call and persons accompanying them. No person shall appear in court without a shirt, barefoot or with a bare midriff. The following shall not be worn in court; sunglasses, hats, or any clothing that displays obscene, gang related, offensive, or inappropriate words or pictures. This Rule applies to juveniles as well as adults. Allowance will be made for inclement weather which makes sensible the wearing of foul weather clothing. The bailiff may remove any person from court who violates this Rule. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 4.2. Conduct in the Courtroom

Each and every person present in the courtroom shall “(m)aintain the respect due to the courts of justice and judicial officers” (Business and Professions Code § 6068(b)).

Persons in the courtroom shall not:

1. Talk to the clerk when the court is in session except conversation that may be directly related and necessary to the matter immediately before the court.
2. Converse with anyone in a manner that distracts from the proceedings then before the court.

3. Eat, drink, chew gum, read newspapers, repeatedly or needlessly click pens, jiggle coins or keys, or otherwise engage in disrespectful or distracting behavior.
4. No person other than involved attorneys and court personnel shall communicate with a prisoner without leave of the court.

Amended effective January 1, 2011; adopted January 1, 2007.

Rule 4.3. Use of the Courtroom and Courthouse

Rule 4.3.1. It is the general policy of the court to permit attorneys and self-represented persons wide latitude in the use of the courtroom, including the well area between counsel tables and the bench. However, to minimize the potential for distraction and alleviate undue concern for security, persons desiring to move away from the counsel table are encouraged to seek prior approval of the court to do so and to utilize the bailiff to transmit documents or objects to the court or the clerk. In prolonged proceedings blanket approval for free movement about the courtroom, including approach to witnesses may be sought by counsel. *Adopted January 1, 2007.*

Rule 4.3.2. [Repealed 2008]

Rule 4.3.2 repealed effective January 1, 2008; adopted effective January 1, 2007. The repealed rule related to firearms in the courtroom.

Rule 4.3.3. [Repealed 2008]

Rule 4.3.3 repealed effective January 1, 2008; adopted January 1, 2007. The repealed rule related to attorneys directing the witnesses to the clerk for administration of an oath.

Rule 4.3.4. No attorney, self-represented person or witness in a proceeding shall approach or communicate with prospective or impaneled jurors, including alternates, regarding or referencing any subject of the pending matter or their potential or actual service as jurors, nor shall they engage said jurors in any conversation. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 4.4. Reacting to Proceedings

Persons in the courtroom shall not physically or audibly react with approval, disapproval, agreement, disagreement, pleasure, displeasure, or any other visible emotional display, to any testimony, statement of counsel, witnesses, court personnel or ruling of the court. *Adopted January 1, 2007.*

CHAPTER 5: CIVIL CASE RULES

Rule 5. Civil Case Management

Rule 5.1. Scope

This Rule applies to all general civil cases filed in the trial court except those specified in CRC § 3.712 (b), (c), and (d). *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.2. Differential Case Management Generally

Rule 5.2.1. The court endeavors to achieve the disposition time goals set forth in CRC Rule 3.714. Generally, cases will be evaluated and given a designation as a Limited, Unlimited, or Exempt Exceptional case not later than the Initial Case Management Conference. Any party desiring a particular designation may file a Differential Case Management Request for Designation or Exemption setting forth the reasons for the request in consideration of the factors set forth in CRC Rule 3.715 and/or 3.400 before or with the Initial Case Management Conference Statement or at such other time as circumstances may warrant. *Amended effective January 1, 2010; adopted January 1, 2007; previously amended effective January 1, 2008.*

Rule 5.2.2. [Repealed 2008]

Rule 5.2.2 repealed effective January 1, 2008; adopted January 1, 2007. The repealed rule related to designating a case as Expedited.

Rule 5.3. Service of Pleadings

Rule 5.3.1. When returning conformed copies of a complaint, or cross-complaint which names new parties, the clerk will also provide Notice of Initial Case Management Conference and blank Case Management Statement, both of which shall be served with the Summons and Complaint/Cross-Complaint. *Adopted January 1, 2007.*

Rule 5.3.2. Within sixty days of the filing of a complaint or a cross – complaint which names new parties, service of the action on adverse parties must be effected and proof of service filed with the court. The filing of an amended complaint pursuant to CCP § 472 will begin anew the time for service. *Adopted January 1, 2007.*

Rule 5.4. Failure to File Responsive Pleadings, Extension of Time to Respond; Default and Default Judgment

Rule 5.4.1. Unless an extension of time to respond is granted by the serving party as provided below, whenever any party served fails to respond within the time limits specified in CCP § 3.110, the plaintiff must file a request for entry of default within ten days after the time for service has elapsed. The court may issue an order to show cause why sanctions should not be imposed if the plaintiff fails to timely file the request for entry of default pursuant CRC § 3.110. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.4.2. Any party serving pleadings may grant to the party served one extension of time to respond, for a period not to exceed thirty days, without leave of court. The party granting an extension forthwith shall advise the court in writing of the grant and the due date for response. *Adopted January 1, 2007.*

Rule 5.4.3. Stipulations to set aside a default shall include a proposed order which includes a directive that the responding party shall file responsive pleadings by a date certain but not more than thirty days after the date the order is signed. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.5. Amendment of Pleadings

Motions to amend pleadings shall include a proposed order and proposed amended pleading designated as such for separate lodging with the Court. The proposed order shall include, but not be limited to, findings necessary to support the order. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.6. Case Management Conferences

Rule 5.6.1. Case Management Conferences will be conducted pursuant to CRC Rule 3.727. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 5.6.2. In every general civil case not exempt under CRC Rule 3.721, an Initial Case Management Conference will be set by the Clerk within approximately one hundred and fifty days of the filing of an action. The date set for Case Management Conference shall be set forth in the Notice of Initial Case Management Conference. Subsequent Conferences are subject

to setting at any time at the discretion of the court. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.6.3. Case Management Statements shall be filed by all parties at least five days before a Conference, and in the event of multiple Conferences, shall accurately reflect all changes of circumstance since the last one. Pro forma Statements and inadequate preparation for and/or participation in Conferences are disfavored. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.6.4. Appearance by telephone for Case Management Conferences is permitted pursuant to CRC Rule 3.670, unless ordered otherwise by the Court. Court Call shall be utilized for all telephonic appearances, absent further order of the Court. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2010.*

Rule 5.6.5. Parties to a matter defined in CRC Rule 3.735 as a short cause case shall immediately so advise the Court and apply for exemption from case management rules pursuant to that Rule. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008.*

Rule 5.7. Law and Motion; Proposed Orders

Rule 5.7.1. All motions shall include, in the Notice of Motion, an estimate of the amount of time the hearing will entail. The Notice of Motion shall include a proposed order designated as such for separate lodging with the Court. Such proposed order shall include, but not be limited to, findings necessary to support the order. Matters which will take one-half hour or less may be set on any regular civil calendar, but will trail criminal, juvenile and all other matters previously set. Matters estimated to require more than one-half hour will be specially set upon consultation with the Clerk before the motion is filed. The court does not regularly, but may, issue tentative decisions. Appearance by telephone for law and motion matters is permitted upon compliance with CRC Rule 3.670, unless ordered otherwise by the court. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008.*

5.7.2. All motions and opposition to motions shall be accompanied by a proposed form of order. In the case of motion for summary judgment/adjudication, a proposed order for the denial of the motion shall specify the factual issues believed by the opposing party to be necessary for determination by a jury. *Adopted January 1, 2007.*

Rule 5.8. Setting Cases for Trial

Court trials may be set upon the filing by any party of a Request for Trial Setting, to which other parties may respond within ten court days, or at a Case Management Conference. Any such Request/Response shall estimate the number of days the matter reasonably is expected to take until the matter is submitted for decision. The Request shall indicate whether a jury or court trial is sought and shall include a statement that the proposed date has been confirmed by the Clerk to be available. All civil court trials will be specially set. *Amended effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008.*

Rule 5.9. Settlement Conferences

Rule 5.9.1. Except in short cause matters, approximately thirty days before trial a mandatory settlement conference will be held. A Settlement Conference Statement shall be filed pursuant to CRC Rule 3.1380 and shall advise all offers and counteroffers exchanged (pursuant to CCP § 998 or otherwise) previously. Any party may submit a Confidential Addendum to the statement which will not be lodged in the file as a public document but will be kept under seal for use only by the settlement conference judge and not subject to inspection except upon order of the court. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 5.9.2. Each party appearing in the action must personally appear at the Settlement Conference, or, upon application and order of the court, be immediately available and subject to reach at all times until the conference is concluded or the party excused by the judge presiding. Corporate and public entity parties shall be represented by a responsible employee who is authorized to make decisions without limit, subject only to approval of a governing board which has ultimate authority to make such decisions, and representatives of insurance companies providing coverage to parties shall have settlement authority to the limits of the coverage. *Adopted January 1, 2007.*

Rule 5.10. Jury Trial: Pretrial Management Conference, Motions in Limine

Rule 5.10.1. In the case of all jury trials, within approximately two weeks preceding the trial date there will be a Pretrial Management Conference

which will include preliminary consideration of motions in limine. Motions in limine and responses shall be filed, respectively, at least twenty days and ten days before the conference. At least ten days before the conference there shall be filed a Pretrial Management Conference Statement which includes the following: *Amended effective January 1, 2011; adopted effective January 1, 2007.*

1. Proposed statement of the case to be read to the jury; joint statements are encouraged. *Rule 5.10.1. (A) re-lettered effective January 1, 2011; adopted as rule 5.10.1. (1) effective January 1, 2007.*
2. Witnesses list, including estimated length of each witness's appearance and the anticipated order of witnesses. *Rule 5.10.1. (B) re-lettered effective January 1, 2011; adopted as rule 5.10.1. (2) effective January 1, 2007.*
3. Exhibit list with proposed numbering. *Rule 5.10.1. (C) re-lettered effective January 1, 2011; adopted as rule 5.10.1. (3) effective January 1, 2007.*
4. Succinct statement of the submitting party's factual and legal contentions, and points and authorities on anticipated evidentiary and/or substantive issues. *Rule 5.10.1. (D) re-lettered effective January 1, 2011; adopted as rule 5.10.1. (4) effective January 1, 2007.*
5. Stipulations to which the parties have agreed in the precise form proposed for reading into the record. *Rule 5.10.1. (E) amended and re-lettered effective January 1, 2011; adopted as rule 5.10.1. (5) effective January 1, 2007.*
6. Proposed jury instructions and verdict forms. Counsel will be expected to have discussed both and shall identify the instructions to which there is agreement and those which are disputed. In each case where special verdicts or findings of the jury will be required, the party or parties who have so requested shall present the form of any special verdicts or interrogatories which will be required for the resolution of the matter by the jury, and all other parties may present proposed alternatives thereto. *Rule 5.10.1. (F) amended and re-lettered effective January 1, 2011; adopted as rule 5.10.1. (6) effective January 1, 2007.*

7. Any other matter thought to be helpful the orderly progress of the trial, or, alternatively, thought to be a potential impediment to the orderly progress of the trial. *Rule 5.10.1. (G) re-lettered effective January 1, 2011; adopted as rule 5.10.1. (7) effective January 1, 2007.*

Rule 5.10.2. The Pretrial Management Conference Statement may serve as a trial brief, unless the court orders otherwise. The conference shall be attended by attorneys serving as chief trial counsel, who shall be thoroughly familiar with and prepared to discuss all aspects of the case, and whose appearance on behalf of associated counsel shall be binding on all. *Adopted January 1, 2007.*

Rule 5.10.3. [Repealed 2011]

Rule 5.10.3 repealed effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008. The repealed rule related to Pretrial Management Conference – Motions in limine.

Rule 5.10.4. [Repealed 2011]

Rule 5.10.4. repealed effective January 1, 2011; adopted January 1, 2007; previously amended effective January 1, 2008. The repealed rule related to proposed form of advisory verdict, special interrogatories, findings, or verdicts.

Rule 5.10.5. Initial jury fees shall be deposited with the Clerk no later than the Pretrial Management Conference, and subsequent day's fees paid at the outset of the second and successive days of jury trial in a sum sufficient to satisfy that day's fees and mileage. The failure to meet this obligation shall be construed as a waiver of jury, and upon such waiver the other parties shall have five days to maintain the jury by assuming the continuing financial obligation. *Amended effective January 1, 2011; adopted January 1, 2007.*

Rule 5.10.6. Counsel shall insure that the prospective jury pool and jury panel are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *Adopted January 1, 2007.*

Rule 5.11. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, Trial Briefs

Rule 5.11.1. Any pleading consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy

conspicuously marked “Working Copy”. *Amended effective January 1, 2010; adopted January 1, 2007.*

Rule 5.11.2. At any time a visiting judge is appointed to hear an Alpine County Superior Court matter; the parties shall file all original pleadings with the Alpine County Superior Court, and forward a courtesy working copy to the visiting judge at his home court or office. *Adopted January 1, 2011.*

Rule 5.12. [Repealed 2008]

Rule 5.12 repealed effective January 1, 2008; adopted January 1, 2007. The repealed rule related to scheduling of calendar dates.

Rule 5.13. Settlement of Case, Dismissal

Whenever a case settles, the plaintiff shall notify the court in writing with copies to all parties, arbitrators or other Alternative Dispute Resolution neutrals and dismiss the case pursuant to CRC Rule 3.138. If any scheduled event, including a hearing, conference or trial, is imminent, the plaintiff shall also notify the court, arbitrator or other ADR neutral orally or by telephone. If a condition of the settlement cannot be completed within forty-five days of the Notice of Settlement, the notice shall state the date upon which the condition is to be completed and the dismissal filed.

Should the case not be dismissed within forty-five days of the Notice of Settlement, or if the settlement is conditional, within forty-five days after the date for dismissal as stated in the Notice of Settlement, an order to show cause hearing shall be set, and the case dismissed, unless the parties show good cause why the case should not be dismissed.

Adopted January 1, 2011.

Rule 5.14. Dismissal of Case for Failure to Prosecute

Rule 5.14.1. Dismissal Calendar.

Periodically there will be a dismissal calendar, on which the clerk will pace all unresolved cases in which the complaint was filed more than five years before the date of the dismissal calendar pursuant to CCP § 583.10. At the time of the dismissal calendar, the case will be dismissed unless opposition to the dismissal has been filed in accordance with this Rule and the case may be dismissed, notwithstanding such opposition pursuant to CCP §§ 583.3100-0583.430. *Adopted January 1, 2011.*

Rule 5.14.2. Sanctions.

Failure to follow the procedures set forth in this Rule and CRC Rule 3.1385 may result in the imposition of sanctions. If no dismissal has been filed prior to the dismissal calendar and counsel fails to appear at the hearing, the Court will dismiss the action and set the matter for an Order re: Sanctions as to plaintiff or plaintiff's counsel. *Adopted January 1, 2011.*

CHAPTER 6: CRIMINAL CASE RULES**Rule 6. Criminal Case Management****Rule 6.1. Disposition Goals.**

The court endeavors to achieve criminal case disposition consistent with Standard 2.2 of the Standards of Judicial Administration (Appendix to California Rules of Court) as follows:

A. Misdemeanor Cases:

1. 90 percent concluded within 30 days after arraignment. *Re-lettered and renumbered rule 6.1.A.1. effective January 1, 2011; adopted as rule 6.1.1) a) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*
2. 98 percent concluded within 90 days after arraignment. *Re-lettered and renumbered rule 6.1.A.2. effective January 1, 2011; adopted as rule 6.1.1) b) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*
3. 100 percent concluded within 120 days after arraignment. *Re-lettered and renumbered rule 6.1.A.3. effective January 1, 2011; adopted as rule 6.1.3)(c) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*

B. Felony Preliminary Examinations:

1. 90 percent concluded within 30 days after arraignment. *Re-lettered and renumbered rule 6.1.B.1. effective January 1, 2011; adopted as rule 6.1,2)a) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*
2. 98 percent concluded within 45 days after arraignment. *Re-lettered and renumbered rule 6.1.B.2. effective January 1, 2011; adopted as rule 6.1.2)b) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*

3. 100 percent concluded within 90 days after arraignment. *Re-lettered and renumbered rule 6.1.B.3. effective January 1, 2011; adopted as rule 6.1.2)c) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*

C. Felony Trials: 100 percent concluded by the second trial period following arraignment on information (see Rule 3.6). *Re-lettered rule 6.1.C. effective January 1, 2011; adopted as rule 6.1.3) effective January 1, 2007; previously amended effective January 1, 2008 and January 1, 2010.*

Rule 6.2. Filing of Accusatory Pleadings and Requests for Warrants

Rule 6.2.1. The filing of accusatory pleadings shall include an original and one copy for each defendant. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 6.2.2. Upon the filing of accusatory pleadings against or charging a co-defendant in a companion case and arising out of the same incident, the District Attorney shall conspicuously make note the name of the co-defendant within each subsequent pleading presented to the court for filing. *Amended effective January 1, 2011; adopted January 1, 2007; repealed effective January 1, 2008; re-enacted and amended effective January 1, 2010.*

Rule 6.2.3. [Repealed 2008]

Rule 6.2.3. repealed effective January 1, 2008; adopted January 1, 2007. The repealed rule related to accusatory pleadings involving persons not in custody.

Rule 6.2.4. Oral amendments and interlineations to accusatory pleadings once filed are disfavored. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 6.2.5. When setting bail on an arrest warrant the court will utilize the Alpine County and Uniform Bail Schedules, unless the request for the warrant includes a specific request and showing of good cause for a different bail. *Amended effective January 1, 2008; adopted January 1, 2007.*

Rule 6.3. Criminal Case Management

Rule 6.3. amended and renumbered effective January 1, 2010; adopted as rule 6.6. effective January 1, 2007; previously amended effective January 1, 2008.

Rule 6.3.1. Except as otherwise provide herein, arraignment shall be completed and plea entered on the first day scheduled, whether such proceeding is on complaint or information. *Rule 6.3.1. amended and renumbered effective January 1, 2010; adopted as rule 6.4.1. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.3.2. Persons appearing without counsel shall file a Statement of Rights upon the calling of the matter. Such persons who desire to consult with and/or retain counsel before concluding arraignment shall, upon request and time waiver, be granted a reasonable continuance of arraignment for such purpose, not to exceed two weeks. *Rule 6.3.2. amended and renumbered effective January 1, 2010; adopted as rule 6.4.3. effective January 1, 2007.*

Rule 6.3.3. Pleas of not guilty entered at arraignment will be deemed to include reservation of right to demur or to make motions. Demurrers shall be filed so as to be heard not later than the second week following the first appearance. *Rule 6.3.3. amended and renumbered effective January 1, 2010; adopted as rule 6.4.5. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.3.4. Counsel Appearing at arraignment, including combined arraignment/pre-trial conference pursuant to Rule 6.3.5, shall announce the following upon the calling of the case: *Rule 6.3.4. amended and renumbered effective January 1, 2011; adopted as rule 6.4.6. effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*

A. Name, and whether appearing for the defendant who is absent or present, and defendant's custody, bail, or other out of custody status.

Rule 6.3.4.A. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (1) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.

B. Defendant's true name. *Rule 6.3.4.B. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (2) effective January 1, 2007; repealed*

- effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- C. Whether copy of complaint/information has been received or receipt is waived. *Rule 6.3.4.C. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (3) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- D. Whether counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits. *Rule 6.3.4.D. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (4) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- E. Waiver of arraignment and advisement of rights or request for arraignment and advisement of rights by the court. *Rule 6.3.4.E. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (5) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- F. Plea(s) to be entered, or reason none is to be entered. *Rule 6.3.4.F. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (6) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- G. Whether time is waived generally, to a specific date, or not waived. Waiver of time for preliminary examinations shall include specific reference to both ten and sixty day provisions of the Penal Code. *Rule 6.3.4.G. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (7) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*
- H. If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court for the defendant's booking status at the hearing. *Rule 6.3.4.H. re-lettered effective January 1, 2011; adopted as rule 6.4.6. (8) effective January 1, 2007; repealed effective January 1, 2009; re-enacted and amended effective January 1, 2010.*

Rule 6.3.5. Unless defendant's appearance is required by law or otherwise ordered by the court, counsel may defer arraignment and request a deferred arraignment/initial pre-trial conference on misdemeanors and infractions by letter, including FAX, received at least one court day prior to the hearing and demonstrating proof of service on the District Attorney. Such requests shall be construed as a binding commitment by counsel to representation of the defendant. Such requests shall be on letterhead stationary of the attorney and shall contain all of the following: *Rule 6.3.5. renumbered effective January 1, 2010; adopted as rule 6.4.7. effective January 1, 2007; previously amended effective January 1, 2008.*

1. Statement of representation.
2. Defendant's true name. *Rule 6.3.5.B. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (2) effective January 1, 2007; amended and renumbered as rule 6.3.5. (2) effective January 1, 2008.*
3. Date of scheduled arraignment. *Rule 6.3.5.C. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (3) effective January 1, 2007; amended and renumbered as rule 6.3.5. (3) effective January 1, 2008.*
4. Statement that counsel has advised defendant of the charges, possible pleas and defenses, potential direct consequences of conviction, and his/her constitutional and statutory rights, including those relevant to time limits. *Rule 6.3.5.D. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (4) effective January 1, 2007; amended and renumbered as rule 6.3.5. (4) effective January 1, 2008.*
5. Request for deferred arraignment to Initial Pre-Trial Conference and general waiver of time for all future proceedings, including trial. *Rule 6.3.5.E. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (5) effective January 1, 2007; amended and renumbered as rule 6.3.5. (5) effective January 1, 2008.*
6. Requested date for deferred arraignment/initial pre-trial conference within four weeks of scheduled first appearance. *Rule 6.3.5.F. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (6) effective January 1, 2007; amended and renumbered as rule 6.3.5. (6) effective January 1, 2008.*

7. If not previously occurring, that arrangement for the defendant's booking has been made with the Alpine County Sheriff. Counsel shall advise the court of the defendant's booking status at the next hearing. *Rule 6.3.5.G. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (7) effective January 1, 2007; amended and renumbered as rule 6.3.5. (7) effective January 1, 2008.*
8. If defendant is free on bail bond, acknowledgment by defendant that such bond shall continue in full force and effect. *Rule 6.3.5.H. amended and re-lettered effective January 1, 2011; adopted as rule 6.4.7. (8) effective January 1, 2007; amended and renumbered as rule 6.3.5. (8) effective January 1, 2008.*

Rule 6.3.6. Misdemeanor scheduling: Upon entry of plea of not guilty, future hearings will be scheduled as follows:

1. Initial Pre-Trial (IPT) – generally not later than four weeks after arraignment. *Rule 6.3.6.A. re-lettered effective January 1, 2011; adopted as rule 6.3.6. (1) effective January 1, 2010.*
2. Final Pre-Trial (FPT) – generally forty-five days prior to trial. *Rule 6.3.6.B. re-lettered effective January 1, 2011; adopted as rule 6.3.6. (2) effective January 1, 2010.*
3. **[Repealed 2011]**
 - a. *Rule 6.3.6.C. re-lettered and repealed effective January 1, 2011; adopted as rule 6.3.6. (3) effective January 1, 2010. The repealed rule related to Case Management Conferences.*
4. Trial Readiness and Management Conference (TRMC), within fourteen days of trial per Rule 6.3.11. *Rule 6.3.6.D. amended and re-lettered effective January 1, 2011; adopted as rule 6.3.6. (4) effective January 1, 2010.*
5. Trial-generally not later than second trial session after arraignment, with general trial waiver. *Rule 6.3.6.E. amended and re-lettered effective January 1, 2011; adopted as rule 6.3.6. (5) effective January 1, 2010.*
6. Motions-Specially set to be heard not later than one week before TRMC. (Excluding trial motions in limine). *Rule 6.3.6.F. amended and re-lettered effective January 1, 2011; adopted as rule 6.3.6. (6) effective January 1, 2010.*

Rule 6.3.7. Felony scheduling: Upon entry of plea of not guilty, future hearings will be scheduled as follows: *Amended effective January 1, 2011; adopted effective January 1, 2010.*

1. Pre Preliminary Conference (PPX) – generally two weeks after arraignment on complaint. *Rule 6.3.7.A. re-lettered effective January 1, 2011; adopted as rule 6.3.7. (1) effective January 1, 2010.*
2. Preliminary Examination (PX) – generally not later than four weeks after arraignment on complaint. *Rule 6.3.7.B. re-lettered effective January 1, 2011; adopted as rule 6.3.7. (2) effective January 1, 2010.*
3. Information arraignment – generally two weeks following holding order. *Rule 6.3.7.C. re-lettered effective January 1, 2011; adopted as rule 6.3.7. (3) effective January 1, 2010.*
4. Initial Pre-Trial (IPT) – generally not later than four weeks after arraignment on Information. *Rule 6.3.7.D. re-lettered effective January 1, 2011; adopted as rule 6.3.7. (4) effective January 1, 2010.*
5. Final Pre-Trial (FPT) – generally forty-five days prior to trial. *Rule 6.3.7.E. re-lettered effective January 1, 2011; adopted as rule 6.3.7. (5) effective January 1, 2010.*
6. **[Repealed 2011]**
7. *Rule 6.3.7.F. re-lettered and repealed effective January 1, 2011; adopted as rule 6.3.7. (6) effective January 1, 2010. Repealed rule related to Case Management Conference.*
8. Trial Readiness and Management Conference (TRMC) within fourteen days of trial per Rule 6.3.11. *Rule 6.3.7.G. amended and re-lettered effective January 1, 2011; adopted as rule 6.3.7. (7) effective January 1, 2010.*
9. Trial – generally not later than second trial session after arraignment on information, with general time waiver. *Rule 6.3.7. H. amended and renumbered effective January 1, 2011; adopted as rule 6.3.7. (8) January 1, 2010.*

10. Motions – specially set to be heard not later than one week before PX and/or TRMC (excluding trial motions in limine). *Rule 6.3.7. I. amended and re-lettered effective January 1, 2011; adopted as rule 6.3.7. (9) January 1, 2010.*

Rule 6.3.8. In the event disposition is not achieved previously; defendants shall be personally present at Final Pre-trial Conference, notwithstanding Penal Code §977. *Rule 6.3.8. amended effective January 1, 2011; adopted as rule 6.6.4. effective January 1, 2007; repealed, effective January 1, 2008; re-enacted amended and renumbered rule 6.3.8. effective January 1, 2010.*

Rule 6.3.9. After Final Pre-trial Conference the court generally will not engage in disposition negotiations, except pursuant to written motion and showing of good cause therefore. *Rule 6.3.9. re-enacted, amended and renumbered effective January 1, 2010; adopted as rule 6.6.5. effective January 1, 2007; repealed effective January 1, 2008.*

Rule 6.3.10. [Repealed 2011]

Rule 6.3.10. repealed effective January 1, 2011; adopted as rule 6.6.6. effective January 1, 2007; repealed effective January 1, 2008; re-enacted and amended effective January 1, 2010; renumbered Rule 6.3.10. effective January 1, 2010. Repealed rule dealt with motions to dismiss after final pre-trial.

Rule 6.3.11. Prior to a scheduled trial a Trial Readiness and Management Conference (TRMC) will be held which will include preliminary consideration of all motions in limine, proposed voir dire, proposed jury instructions and verdict form, and trial management issues. All parties shall file with the court and serve on all other parties ten days prior to that conference a TRMC Statement including the material mentioned above, list of anticipated witnesses each expects to call, time estimate of the party's case in chief (including anticipated cross examination), and list and copy of all exhibits. Counsel shall be familiar with the provisions of sections 4.30 and 2.20 of the Standards of Judicial Administration. *Rule 6.3.11. amended effective January 1, 2011; adopted as rule 6.8.1. effective January 1, 2007; formerly amended effective January 1, 2008; renumbered Rule 6.3.11. effective January 1, 2010.*

Rule 6.3.12. Multiple cases set for the same trial period will proceed in the following order: cases in which no time waiver has been given ahead of all

others, in-custody defendants ahead of others, felonies ahead of misdemeanors, and then cases based on earliest filing date. The court will endeavor to establish an order in which cases proceed at least one week prior to the first day of the trial period. *Amended effective January 1, 2011; adopted as rule 6.8.3. effective January 1, 2007; formerly amended effective January 1, 2008; renumbered Rule 6.3.12. effective January 1, 2010.*

Rule 6.3.13. In the event that multiple cases are set for the same trial period, any case not immediately proceeding will be trailed day-to-day. All parties shall monitor the progress of cases in trial and be prepared to proceed on one-half day notice. Trailing cases are subject to being advanced and/or the order of trailing changed pursuant to disposition of earlier set cases, or upon order of the court. *Rule 6.3.13. amended effective January 1, 2011; adopted as rule 6.8.4. effective January 1, 2007; formerly amended effective January 1, 2008; renumbered rule 6.3.13. effective January 1, 2010.*

Rule 6.3.14. Unless the court orders otherwise, on the first day of a scheduled trial, counsel and defendants shall appear at 8:00 a.m. *Rule 6.3.14. amended effective January 1, 2011; adopted as rule 6.8.5. effective January 1, 2007; formerly amended effective January 1, 2008; renumbered rule 6.3.14 effective January 1, 2010.*

Rule 6.3.15. Counsel shall have made sufficient arrangements for the appearance of witnesses that progress of trial is not delayed. *Rule 6.3.15 amended effective January 1, 2011; adopted as rule 6.8.6. effective January 1, 2007; formerly amended effective January 1, 2008; renumbered rule 6.3.15. effective January 1, 2010.*

Rule 6.3.16. Counsel shall insure that the prospective jury pool and jury panel are not contaminated by contact with counsel, defendants, or witnesses when in or about the courthouse or otherwise. *Rule 6.3.16. amended effective January 1, 2011; adopted as rule 6.8.7 effective January 1, 2007; previously amended effective January 1, 2008; renumbered rule 6.3.16. effective January 1, 2010.*

Rule 6.4. Discovery and Investigation *Amended effective January 1, 2011; adopted as rule 6.5. effective January 1, 2007; renumbered rule 6.4. effective amended January 1, 2010.*

Rule 6.4.1. Discovery is reciprocal and governed by Penal Code §§ 1054-1054.7, and, to the extent not prohibited by or inconsistent with such sections, this Rule. *Rule 6.4.1. amended effective January 1, 2011; adopted*

as rule 6.5.1. effective January 1, 2007; renumbered Rule 6.4.1 effective January 1, 2010.

Rule 6.4.2. Informal requests for discovery are deemed to occur at arraignment. *Rule 6.4.2. amended effective January 1, 2011; adopted as rule 6.5.2. effective January 1, 2007; renumbered Rule 6.4.2. effective January 1, 2010.*

Rule 6.4.3. [Repealed 2008]

Rule 6.4.3. renumbered effective January 1, 2011; adopted as rule 6.5.3. effective January 1, 2007; repealed effective January 1, 2008; renumbered rule 6.4.3. effective January 1, 2010. The repealed rule related to the discovery duties of the District Attorney.

Rule 6.4.4. The District Attorney and the defense shall, immediately after arraignment, identify and initiate such investigation, including independent acquisition of prior conviction records, interview of witnesses, retainer of experts, and chemical/scientific testing as is necessary and appropriate to case evaluation and as will permit meaningful pre-trial and/or pre-preliminary examination conference and timely preliminary examination and/or trial. *Rule 6.4.4. amended effective January 1, 2011; adopted as rule 6.5.4. effective January 1, 2007; renumbered rule 6.4.4 effective January 1, 2010.*

Rule 6.4.5. [Repealed 2008]

Rule 6.4.5. renumbered effective January 1, 2010; adopted as rule 6.5.5. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to requests for discovery.

Rule 6.5. Dispositive Pleas Rule *6.5. amended effective January 1, 2011; adopted as rule 6.7. effective January 1, 2007; renumbered rule 6.5. effective January 1, 2010.*

Rule 6.5.1. Notwithstanding the limitations of Penal Code §§ 1192.5 and 1192.6 to felony offenses, the provisions of those sections shall apply also when a defendant enters a plea of guilty or no contest to any misdemeanor offense involving use of a weapon, the infliction of any injury, domestic violence, and/or aggravating facts subjecting the defendant to increased penalties (e.g. prior conviction). *Rule 6.5.1. amended effective January 1, 2011; adopted as rule 6.7.1. effective January 1, 2007; previously amended effective January 1, 2008; renumbered rule 6.5.1. effective January 1, 2010.*

1. In all cases coming under this Rule in which a plea is conditioned upon the court's acceptance of a limitation on the punishment to be imposed the Defendant shall state on the record the terms of the conditional plea, and the District Attorney shall state approval thereof on the record. *Rule 6.5.1. A. re-lettered effective January 1, 2011; adopted as rule 6.7.1. (1) effective January 1, 2007; previously amended effective January 1, 2008; renumbered Rule 6.5.1. (1) effective January 1, 2010.*
2. In all cases coming under this Rule in which charges contained in the original accusatory pleading are to be amended or dismissed, the District Attorney shall state the reasons for the amendment or dismissal on the record. *Rule 6.5.1. B. re-lettered effective January 1, 2011; adopted as rule 6.7.1. (2) effective January 1, 2007; previously amended effective January 1, 2008; renumbered Rule 6.5.1. (2) effective January 1, 2010.*
3. In all cases coming under this Rule in which the District Attorney seeks dismissal of a charge in a complaint, information, or indictment the District Attorney shall state the specific reasons for the dismissal on the record. *Rule 6.5.1.C. re-lettered rule effective January 1, 2011; adopted as rule 6.7.1. (3) effective January 1, 2007; previously amended effective January 1, 2008; renumbered rule 6.5.1. (3) effective January 1, 2010.*
4. In all cases coming under this Rule in which the District Attorney recommends what punishment the court should impose or how it should exercise any of the powers legally available to it, the District Attorney shall state such recommendation on the record. *Rule 6.5.1.D. re-lettered effective January 1, 2011; adopted as rule 6.7.1. (4) effective January 1, 2007; previously amended effective January 1, 2008; renumbered rule 6.5.1. (4) effective January 1, 2010.*

Rule 6.5.2. In any case in which plea bargaining is presumptively prohibited by Penal Code § 1192.7 and a plea bargain is proposed to the court, the District Attorney shall state on the record the reasons it is believed the case is exempt from the prohibition. *Renumbered rule 6.5.2. effective January 12010; adopted as rule 6.7.2. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.5.3. Pleas to all felonies and to misdemeanor offenses that subsequently may be charged as priors shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries from the court about the contents of the form and the intended plea. *Renumbered Rule 6.5.3. effective January 1, 2010; adopted as rule 6.7.3. effective January 1, 2007.*

Rule 6.5.4. Pleas to offenses, whether charged and/or the subject of felony or misdemeanor plea, with special sentence consequences (e.g., drug or domestic violence programs, registration as drug or sex offender) shall be accomplished by the contemporaneous filing of a fully executed relevant change of plea form. Counsel shall explain the entirety of the form to defendants and defendants shall be prepared to respond to inquiries about the contents of the form and the intended plea. *Renumbered rule 6.5.4 effective January 1, 2010; adopted as rule 6.7.4. effective January 1, 2007.*

Rule 6.5.5. [Repealed 2008]

Renumbered Rule 6.5.5. effective January 1, 2010; adopted as rule 6.7.5. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to pleas entered by counsel.

Rule 6.5.6. Pleas of no contest and/or pursuant to *People v. West*, 3 Cal.3d 595, are permitted only if accompanied by a statement of factual basis or reference to and submission of specific documentary evidence supporting the plea, consistent with *People v. Holmes*, 32 Cal.4th 432, and *People v Willard*, 154 Cal.App.4th 1329. *Renumbered rule 6.5.6. effective January 1, 2010; adopted as rule 6.7.6. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.5.7. Pleas with waivers pursuant to *People v. Harvey*, 25 Cal.3d 754, are permitted only if accompanied by a statement on the record identifying the dismissed counts or charges to which such waiver does and does not apply. *Renumbered rule 6.5.7. effective January 1, 2010; adopted as rule 6.7.7. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.6. Continuances; Special Appearances. *Effective January 1, 2011; renumbered rule 6.6. effective January 1, 2010; adopted as rule 6.9. effective January 1, 2007.*

Rule 6.6.1. Continuances frustrate the disposition goals and orderly processes of the court and are disfavored. However, in consideration of the

court's remote location, it is the policy of the court reasonably to accommodate unavoidable conflicting commitments of counsel and defendants. Scheduling of continued matters shall be consistent with the regular calendars of the court. Routine requests to move matters from one calendar to another are disfavored. Conflicts arising after the scheduling of a given matter generally shall not constitute good cause. *Renumbered rule 6.6.1. effective January 1, 2010; adopted as rule 6.9.1. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.6.2. Motions to continue which fail to comply with PC § 1050 and particular applicable statutes and CRC, are disfavored. A stipulation alone will not constitute grounds for any continuance, but may be presented as part of a motion. *Renumbered rule 6.6.2. effective January 1, 2010; adopted as rule 6.9.2. effective January 1, 2007; previously amended effective January 1, 2008,*

Rule 6.6.3. [Repealed 2008]

Renumbered rule 6.6.3. effective January 1, 2010; adopted as rule 6.9.3. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to special appearances by one attorney for another in criminal matters.

Rule 6.7. Judgment & Sentencing/Probation. *Adopted as rule 6.10 effective January 1, 2007; renumbered rule 6.7. effective January 1, 2010.*

Rule 6.7.1. Judgment & Sentence/Probation shall follow promptly upon entry of plea or verdict of guilty; immediate sentencing may occur in the absence of probation report upon stipulation of the parties, waiver of time by the defendant, and approval by the court. Unless otherwise ordered by the court, Judgment & Sentencing/Probation hearings requiring probation reports or pursuant to time waiver by defendant shall be held not later than the 4th week following plea or verdict. *Renumbered rule 6.7.1. effective January 1, 2010; adopted as rule 6.10.1. effective January 1, 2007.*

Rule 6.7.2. Judgment & Sentence/Probation Orders for time in county jail are satisfied by custody in El Dorado County (Placerville or South Lake Tahoe) pursuant to cooperative agreement with Alpine County. Delayed surrender shall be permitted only upon a showing of good cause and when accompanied by the defendant's acknowledgment of the principles of and waiver pursuant to *People v. Cruz*, 44 Cal.3d 1247, and *People v. Masloski*, 25 Cal.4th 1212. Requests for weekend time in custody shall be accompanied by specific dates, time, and place of self-surrender and be

accompanied by similar *Cruz/Masolski* acknowledgment and waiver. *Renumbered rule 6.7.2. effective January 1, 2010; adopted as rule 6.10.2. effective January 1, 2007; previously amended effective January 1, 2008.*

Rule 6.7.3. [Repealed 2008]

Renumbered rule 6.7.3, effective January 1, 2010; adopted as rule 6.10.3. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to the Sheriff's Work and Community Service programs.

Rule 6.7.4. [Repealed 2008]

Renumbered rule 6.7.4. effective January 1, 2010; adopted as rule 6.10.4. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to out-patient or in-patient counseling.

Rule 6.7.5. [Repealed 2008]

Renumbered rule 6.7.5. effective January 1, 2010; adopted as rule 6.10.5. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to sentencing in the defendant's absence.

Rule 6.7.6. [Repealed 2008]

Renumbered rule 6.7.6. effective January, 2010; adopted as rule 6.10.6. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to summary reports given to the Court by the Probation Officer.

Rule 6.7.7. [Repealed 2008]

Renumbered rule 6.7.7. effective January 1, 2010; adopted as rule 6.10.7. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to judgments of imprisonment.

Rule 6.7.8. [Repealed 2008]

Renumbered rule 6.7.8. effective January 1, 2010; adopted as rule 6.10.8. effective January 1, 2007; repealed effective January 1, 2008. The repealed rule related to the defendant's actual days already in custody.

Rule 6.8. Working Copies of Motion Pleadings, Pretrial Management Conference Statements, and Trial Briefs. *Renumbered rule 6.8. effective January 1, 2010; adopted as rule 6.11. effective January 1, 2007.*

Rule 6.8.1. Any pleading consisting of eight or more pages, inclusive of attachments, when filed shall be accompanied by an additional copy conspicuously marked "Working Copy". *Renumbered rule 6.8.1, effective January 1, 2010; adopted as rule 6.11.1. effective January 1, 2007.*

Rule 6.8.2. At any time a visiting judge is appointed to hear an Alpine County Superior Court matter, the parties shall file all original pleadings with the Alpine County Superior Court, and forward a courtesy working copy to the visiting judge at his home court or office. *Adopted January 1, 2011.*

CHAPTER 7: TRAFFIC RULES

Rule 7. TRAFFIC CASE MANAGEMENT

Rule 7.1 Trial by Written Declaration

The Court, pursuant to this rule, adopts the trial by declaration process, defined in *Vehicle Code § 40902*. Trials by declaration will be processed in accordance with the provisions of *California Rules of Court, Rule 4.210*. *(Adopted July 1, 2011)*

Rule 7.2 Trial by Declaration in Absentia

Pursuant to *Vehicle Code § 40903*, any person who fails to appear as provided by law may be deemed to have elected a trial by written declaration. The matter may then proceed in the manner set forth in *Vehicle Code § 40903(b)*. *(Adopted July 1, 2011)*

Rule 7.3 Traffic and Engineering Surveys

The Court takes judicial notice of all surveys lodged with the court. Upon request, the certified survey shall be produced by the Court for inspection by the Defendant. *(Adopted July 1, 2011)*

Rule 7.4 Continuances

- (1) Except as provided for trials next below, prior to the date on which the defendant promised to appear, the defendant may request a continuance pursuant to *Vehicle Code § 40506.5*. *(Adopted July 1, 2011)*
- (2) Any request to continue a traffic trial must be received by the Court at least ten (10) days before the date of trial. No request for continuance received after that date will be granted unless

the interests of justice require a continuance. (*Adopted July 1, 2011*)

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