

**CHANGES TO LOCAL RULES AS APPROVED BY CIVIL RULES
COMMITTEE**

**LOCAL RULES THROUGH CHAPTER 13
AS OF JANUARY 25, 2018**

CHAPTER 2

Local Rule 201 is amended to read:

201 NORTH & SOUTH COUNTY REGIONS

For the purpose of these local rules, it shall be assumed that Santa Barbara County has been divided geographically into two separate regions hereinafter referred to as “South County” and “North County.” A map depicting this geographic division is contained in “Appendix 1” of these local rules.

The portion of Santa Barbara County southerly and easterly of the following described line constitutes “South County”:

Beginning at the intersection of the west bank of Gaviota Creek and the mean high tide line of the Pacific Ocean; northerly to intersection with the westerly right-of-way line of U.S. Highway 101; northerly along the westerly right-of-way line of U.S. Highway 101 to the south bank of the Santa Ynez River; easterly along the south bank of said river to the westerly right-of-way line of Happy Canyon Road and Figueroa Mountain Road; northerly and northeasterly along said right-of-way line to the boundary line between Township 8 North and Township 7 North; and easterly along said boundary line to the Ventura County line, including the islands of Anacapa, San Miguel, Santa Rosa, and Santa Cruz.

The remainder of Santa Barbara County constitutes “North County.” This geographic division is coterminous with the jurisdictional boundaries dividing the former Santa Barbara Municipal Court District and the former North Santa Barbara County Municipal Court District.

Local Rule 203 is amended to read:

203 VENUE

When, under California law, “North County” would be a “proper county” for venue purposes, all filings for such matters shall be in the appropriate division of the Clerk’s office in North County. All other filings shall be made in the Clerk’s office in the appropriate division of the Court in South County. The title of the Court required to be placed on the first page of documents pursuant to CRC 2.111 includes the name of the appropriate Court division.

Any filing erroneously made in a division of the Court may be transferred to the appropriate division upon motion of any party or on the court’s own motion.

Local Rule 204 is amended to read:

204 FILING & LOCATION OF HEARING

The proper venue for filing documents will ordinarily, but not necessarily determine the Court location where any case will be heard. With respect to documents which are not required to be e-filed under Local Rule 1012, the Clerk shall not refuse to accept for filing a document delivered to the Clerk’s Office in a division different from the appropriate filing venue, provided that the document is otherwise legally acceptable for filing.

CHAPTER 6

Local Rule 605 is repealed. Rule number 605 is reserved for future use.

CHAPTER 7

Local Rule 701 is repealed. Rule number 701 is reserved for future use.

Local Rule 705 is repealed. Rule number 705 is reserved for future use.

Local Rule 706 is repealed. Rule number 706 is reserved for future use.

Local Rule 707 is amended to read:

707 CIVIL DEFAULT CASES; ATTORNEY FEES

(a) Reasonable Attorney Fees. In default cases, when the obligation sued on provides for the recovery of reasonable attorneys' fees, the following schedule will apply to the principal amount of the judgment unless otherwise provided by law or determined by the court:

\$0.01 to \$1,000, \$250;

\$1,000.01 to \$5,000, \$250 plus 20% of the excess over \$1,000;

\$5,000.01 to \$10,000, \$1,050 plus 15% of the excess over \$5,000;

\$10,000.01 to \$15,000, \$1,800 plus 10% of the excess over \$10,000;

\$15,000.01 to \$50,000, \$2,300 plus 5% of the excess over \$15,000;

\$50,000.01 to \$100,000, \$4,050 plus 2% of the excess over \$50,000;

Over \$100,000, \$5,050 plus 1% of the excess over \$100,000.

When the plaintiff is entitled to an award of attorneys' fees in an unlawful detainer default judgment, the sum of One Thousand Dollars (\$1000.00) will be awarded.

(b) Attorney Fees Different From Schedule. A party may apply for award of attorney fees in excess of the applicable fee determined under subdivision (a) by appropriate request supporting the higher award as provided by CRC 3.1800(a)(9). The Court may, in exercise of its discretion and in compliance with applicable law, award attorney fees in an amount greater than or less than the applicable fee determined under subdivision (a).

(c) Application of Rule. This local rule does not apply to applications for an award of attorney fees under Probate Code sections 3600-3601. This local rule shall not be

construed to permit an award of attorney fees where otherwise prohibited or limited by law.

CHAPTER 8

Local Rule 803 is repealed. Rule number 803 is reserved for future use.

CHAPTER 10

Local Rule 1001 is amended to read:

1001 CONTINUANCES

Parties seeking a continuance of any matter must apply to the Court in the manner provided by law, i.e., by stipulation, by ex parte application, or by noticed motion. Except where otherwise required by law, continuances are granted or denied in the court's discretion and are not granted solely on the basis of the stipulation of the parties. The Clerk is not authorized to continue a matter without an order from the Court.

Local Rule 1003 is amended to read:

1003 TIME ESTIMATES

To the extent permitted by law and in the discretion of the judicial officer presiding, if time estimates are exceeded, any case may be deemed submitted for decision on the evidence presented, ordered off calendar, or a mistrial declared.

Local Rule 1005 is amended to read:

1005 APPEARANCE BY TELEPHONE

(a) Counsel or self-represented parties may appear by telephone as permitted by CRC 3.670. Those appearing by telephone must be at the telephonic appearance at least five minutes prior to the time set for the hearing.

(b) Telephone appearances are provided through a private vendor under agreement with the Court. Those wishing to appear by telephone must comply with CRC 3.670, arrange for the appearance with the vendor, and follow the vendor's instructions for the appearance. Contact information for the telephonic conference vendor is available on the Court's website: sbcourts.org.

Local Rule 1008 is amended to read:

1008 DIRECT FILING BY FAX

(a) [Fax Filing Requirements] Except for documents subject to mandatory e-filing under Local Rule 1012, any party may file documents by fax directly to the Court. Direct

filing by fax must be made in full compliance with Code of Civil Procedure section 1010.5 and CRC 2.300 – 2.306. Where feasible and optional, parties are strongly encouraged to e-file rather than fax file documents.

(b) [Fax Numbers] The Court Fax numbers are as follows:

SOUTH COUNTY COURT DIVISIONS:

Santa Barbara – Civil	(805) 882-4519
Santa Barbara – Criminal & Traffic	(805) 882-4647

NORTH COUNTY COURT DIVISIONS:

Santa Maria – Civil	(805) 614-6616
Santa Maria – Criminal & Traffic	(805) 614-6591
Lompoc Division	(805) 737-5440
Solvang Division	(805) 686-7491

(c) [Fax Fees; Credit Cards] All direct Fax filings shall be accompanied by payment of fees by Credit Card, pursuant to CRC 2.304(d).

Local Rule 1009 is amended to read:

1009 EX PARTE ORDERS

All applications for ex parte orders shall comply with CRC 3.1200-3.1207 and shall be e-filed where mandatory under Local Rule 1012. Applications which are not required to be e-filed under Local Rule 1012 shall be filed in the Clerk’s office of the appropriate court division where the case is pending.

Local Rule 1010 is amended to read:

1010 COURT RECORDS MANAGEMENT & ACCESS

Access to review records in the court’s public electronic and non-electronic files is available at the Clerk’s Office under the supervision of court personnel as provided by law. Copies of such records are available from the Clerk upon request, subject to any established court charge.

Local Rule 1011 is amended to read:

1011 LIMIT ON NUMBER OF COPIES THE CLERK WILL CONFORM

For documents not e-filed, the Clerk will conform a maximum of two (2) copies of any document at the time of filing. Additional copies will be provided by photocopy and the established fee for copies will be charged. If conformed copies are to be returned by mail, a stamped, self-addressed envelope must be included.

Local Rule 1012 is amended to read:

1012 E-FILING

(a) Scope.

(1) Mandatory E-Filing. Except as set forth in subdivision (a)(2), all documents presented for filing in all civil cases, including limited, unlimited, complex, small claims, family law, and probate, must be electronically filed (e-filed) with the court as provided in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250 through 2.261.

(2) Exceptions to Mandatory E-Filing. The following documents are not subject to mandatory e-filing under subdivision (a)(1):

(i) Documents presented for filing by a self-represented party. Although not required, self-represented parties are encouraged to e-file documents.

(ii) Documents ordered by the court as exempt from e-filing. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.

(iii) Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means.

(iv) Documents lodged with the court provisionally under seal pursuant to California Rules of Court, rule 2.551, or lodged with the court as confidential documents such as settlement conference briefs or documents lodged for any other reason.

(v) Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs. Although not required, e-filing of these documents is encouraged.

(vi) Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits re real property of small value, bonds, undertakings, account statements submitted by a conservator, letters (probate, guardianship, conservatorship), and wills and codicils (for filing or safekeeping).

(vii) Documents presented for filing in cases under seal.

(3) Procedure for Excepted Documents. Unless otherwise ordered by the court, documents listed in subdivision (a)(2)(i), (ii), (iv), (v), and (vii) may be permissively e-filed with the court at the election of the filing party. Documents excepted from mandatory e-filing under subdivision (a)(2), and not permissibly e-filed, are to be filed or lodged with the court as provided by the Code of Civil Procedure and California Rules of Court for documents not e-filed.

(b) Procedure for E-Filing.

(1) Use of Approved Provider. The electronic filing of documents required by this rule must be effected through a court-approved electronic filing service provider. A list of approved electronic filing service providers is available on the court's website: sbcourts.org. In addition to terms required by the California Rules of Court, the court's contract with an electronic filing service provider may require that documents e-filed meet court-provided specifications.

(2) E-Filing Fees. Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the court. Any party who has received a fee waiver from the court, or who has otherwise obtained an order of the court waiving such fees, is exempt from the fees and costs associated with electronic filing.

(3) Courtesy Copies. The court may by order require the delivery of paper courtesy copies of e-filed documents.

(4) E-Service. Unless otherwise ordered by the court, electronic service of e-filed documents is optional as provided in California Rules of Court, rules 2.251 and 2.253.

(c) Format of E-Filed Documents.

(1) Required Formatting. All electronic documents must be in text searchable format and must comply with the formatting and content requirements of the California Rules of Court for electronic documents, including particularly CRC 3.1110(f)(4) requiring electronic bookmarks. Additional formatting requirements are set forth on the court's website: sbcourts.org.

(2) Compliance. Compliance with all of the formatting requirements for electronic documents is extremely important for the court's timely consideration of e-filed documents. In cases of noncompliance, the court may, in its discretion, order any, or all, of the following in addition to any other sanction permitted by law: (i) the noncomplying document to be stricken as improperly filed; (ii) the continuance of the hearing to which the noncomplying document pertains; or, (iii) the imposition of monetary sanctions for violation of the California Rules of Court or these Local Rules, following adequate notice and an opportunity to be heard.

New Local Rule 1006 is added: (Replacing former rule 1006 which was repealed effective 2009)

1006 AVAILABLE COURT REPORTING SERVICES

Subject to Government Code section 68086 and CRC 2.956, official reporting services are normally available in all Departments of the Court for trials and all other proceedings in civil cases, excepting small claims hearings and ex parte proceedings.

New Local Rule 1007 is added: (Replacing former rule 1007 which was repealed effective 2009)

1007 ADMINISTRATIVE RECORDS IN ADMINISTRATIVE WRIT CASES

(a) **[Form of Record]** In any proceeding brought under Code of Civil Procedure section 1094.5 or otherwise requiring the lodging or filing of an administrative record, the administrative record should, if feasible, be lodged electronically as a permissible e-filing under Local Rule 1012. Otherwise, an electronic version of the administrative record should be lodged in tangible form (i.e., on a thumb drive, CD, or DVD) in lieu of or in addition to a hardcopy version of the administrative record.

(b) **[Confidential Records]** If any part of the administrative record is confidential, the party lodging the administrative record must clearly identify and separate the record into a public access version, if any part is not confidential, and a confidential version. The confidential version shall be lodged provisionally under seal. If the confidential part of the administrative record is confidential by law, the party lodging the administrative record shall include in its notice of lodging both a statement that the confidential version of the administrative record is confidential by law and a citation to the authority for confidentiality. Otherwise, the parties shall comply with CRC 2.550 and 2.551.

CHAPTER 11

Local Rule 1101 is amended to read:

1101 COURT ADMINISTERED DISPUTE RESOLUTION (CADRe)

(a) [Arbitration Administrator] The ADR Administrator shall serve as ADR program administrator for all court administered ADR as provided in CRC 10.783, including serving as Arbitration Administrator for judicial arbitration. The ADR Administrator shall establish such local forms, lists of arbitrators and other procedures necessary to implement the Judicial Arbitration Program, and other court administered ADR programs to the extent not otherwise provided by law or the Standards of Judicial Administration.

(b) [Service and Filing] Plaintiff(s) shall include with service of complaints a copy of the Court Administered Dispute Resolution (CADRe) Program Information and a Stipulation and Order to Alternative Dispute Resolution (ADR) Process form pursuant to CRC 3.221(c).

(c) [ADR Consultation] Counsel and self-represented litigants may be required to attend a consultation with the CADRe staff within ten (10) court days of the 120-day CMC or as otherwise directed by the court. Parties and counsel shall be fully prepared to discuss the appropriate dispute resolution method(s) for the case with the court and CADRe staff.

Local Rule 1102 is amended to read:

1102 CADRe METHODS

(a) [Applicability of Certain Methods] The Court will make a determination of the amount in controversy at the CMC pursuant to Code of Civil Procedure sections 1141.16 and 1775.5.

(b) [Amount in Controversy Does Not Exceed \$50,000] Where the Court determines that the amount in controversy does not exceed \$50,000 for each plaintiff, the court shall order the parties to engage in either of the following ADR processes unless exempt by law:

(1) Judicial arbitration pursuant to Code of Civil Procedure section 1141.10 et seq. and CRC 3.810 et seq.; or,

(2) Limited Mediation in lieu of judicial arbitration pursuant to Code of Civil Procedure section 1775 et seq. (“CADRe Limited Mediation”) subject to program rules, at the request of the parties or in the discretion of the court.

(c) [Amount in Controversy Exceeds \$50,000] Where the Court determines that the amount in controversy exceeds \$50,000, the Court may order the parties to attend a continued Case Management and ADR Early Settlement Session (“CMADDRESS”) orientation conference with a court-appointed neutral. The neutral will meet with the parties and their counsel to discuss the case with respect to issues of trial preparation, the volume of anticipated discovery, and the potential costs of the litigation if pursued through trial, and to assist them in deciding whether ADR would help resolve the dispute. The parties will be given the opportunity to mediate their case at this conference if they choose. The parties will not have to pay for the services of the neutral assigned to the case for the first 1.5 hours of the session. The neutral for each case will be chosen by the CADRe Director from a list of mediators approved by the Court’s ADR Committee. The parties shall be responsible for scheduling the CMADDRESS conference, which must be held within the time limits set by the Court in the case management order.

(d) [Settlement Conferences] The Court may order one or more mandatory settlement conference in all cases to be conducted pursuant to CRC 3.1380. At the request of the parties, the Court may in its discretion order mediation in addition to or in lieu of a mandatory settlement conference.

(e) [Stipulations] The parties may stipulate to ADR processes in addition to or different from CADRe processes ordered by the Court. If an ADR process is stipulated, counsel shall file a fully executed Stipulation and Order to Alternative Dispute Resolution Process form (“ADR Stipulation”) within ten (10) court days after the later of either (1) the 120-day CMC or (2) the CADRe consultation. If the parties elect to pursue private ADR with their own neutral and at their own expense, they must inform the Court at the CMC and the Court will exempt them from the CMADDRESS conference. Parties attending the CMADDRESS conference may continue mediation or other ADR with the assigned neutral or any mediator after the CMADDRESS conference, but they will be responsible for making a fee arrangement with the selected mediator for subsequent ADR sessions.

(f) [Participation] All parties are required to participate in court ordered ADR processes in good faith. Personal attendance at the CMADDRESS and mandatory settlement conferences is required of all parties, their attorney and any claims representatives, except for defendants who are fully insured and represented by a claims agent for their insurance carrier and who do not have to consent to a settlement. Requests for excused personal attendance must be directed to the Mandatory Settlement Conference Judge.

New Local Rule 1103 is added:

1103 ADR TIMING AND COMPLETION

(a) [**Timing**] The parties shall conduct the ADR process within sixty (60) calendar days of filing the ADR Stipulation unless otherwise approved by the court. The neutral shall file a Statement of Agreement or Non-Agreement (ADR-100) within ten (10) court days of the final ADR session. All reports to the court by any mediator shall comply strictly with Evidence Code sections 1115 et seq. regarding disclosure of confidential or privileged information.

(b) [**Court Monitoring**] At the time an ADR process is ordered by the Court, or at any time in the Court's discretion, the Court may schedule a follow-up CMC or order to show cause to ensure that the ADR process has been completed by the time set by the Court. Any continuance of dates scheduled for ADR, including mandatory settlement conference dates and completion dates, must be directed to the assigned trial judge. Participation in an ADR process shall not affect time periods specified in the Trial Court Delay Reduction Act.

(c) [**Settlement**] Upon any settlement or other disposition of a case other than by trial, where an ADR process has occurred or is pending, notice of such disposition shall be given to all parties, the court, the arbitrator or other ADR neutral involved in the case, and to the CADRe staff as required by CRC 3.1385.

(d) [**Follow-Up Reports**] The neutral will be directed by the Court to report to the CADRe Director on the CMADRESS conference using a form approved by the Court's ADR Committee and provided to the neutral upon assignment of the case. The completed forms will be filed with the Court.

New Local Rule 1104 is added:

1104 PROCEDURES FOR HANDLING COMPLAINTS ABOUT COURT-PROGRAM MEDIATORS

(a) **Application**

This rule establishes the court's procedures for receiving, investigating, and resolving complaints about mediators in the court's mediation program for general civil cases, as required by rule 3.868 of the California Rules of Court. Nothing in this rule should be interpreted in a manner inconsistent with rules 3.865–3.862 of the California Rules of Court or as limiting the court's inherent or other authority, in its sole and absolute

discretion, to determine who may be included on or removed from its list of mediators or who may be recommended, selected, appointed, or compensated as a mediator by the court. This rule also does not limit the court's authority to follow other procedures or take other actions to ensure the quality of mediators who serve in the court's mediation program in contexts other than when addressing a complaint. The failure to follow a requirement or procedure in this rule will not invalidate any action taken by the court in addressing a complaint.

(b) Definitions

As used in this rule:

(1) "The rules of conduct" means the Rules of Conduct for Mediators in Court-Connected Mediation Programs for Civil Cases set out in rules 3.850–3.860 of the California Rules of Court.

(2) "Court-program mediator" means a mediator who:

(A) Has agreed to be included on the court's list or panel of mediators for general civil cases and is notified by the court or the parties that he or she has been selected to mediate a case within the court's mediation program; or

(B) Has agreed to mediate a general civil case in the court's mediation program after being notified by the court or the parties that he or she was recommended, selected, or appointed by the court or will be compensated by the court to mediate that case.

(3) "Inquiry" means an unwritten communication presented to the court's complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(4) "Complaint" means a written communication presented to the court's complaint coordinator indicating that a mediator may have violated a provision of the rules of conduct.

(5) "Complainant" means the person who makes or presents a complaint.

(6) "Complaint coordinator" means the person designated by the presiding judge to receive complaints and inquiries about the conduct of mediators.

(7) "Complaint proceeding" means all of the proceedings that take place as part of presenting, receiving, reviewing, responding to, investigating, and acting on any specific inquiry or complaint.

(8) "Mediation communication" means any statement that is made or any writing that is prepared for the purpose of, in the course of, or pursuant to a mediation or a mediation consultation, as defined in Evidence Code section 1115, and includes any communications, negotiations, and settlement discussions between participants in the course of a mediation or a mediation consultation.

(c) Confidentiality

(1) Preserving the confidentiality of mediation communications

All complaint proceedings will be conducted in a manner that preserves the confidentiality of mediation communications, including but not limited to the confidentiality of any communications between the mediator and individual mediation participants or subgroups of mediation participants.

(2) Confidentiality of complaint proceedings

All complaint proceedings will occur in private and will be kept confidential. No information or records concerning the receipt, investigation, or resolution of an inquiry or a complaint will be open to the public or disclosed outside the course of the complaint proceeding except as provided in rule 3.871(d) of the California Rules of Court or as otherwise required by law.

(d) Submission of inquiries and complaints to the complaint coordinator

All inquiries and complaints should be submitted or referred to the complaint coordinator.

(e) Addressing inquiries

If the complaint coordinator receives an inquiry, the coordinator must inform the person making the inquiry that the complaint procedure provides for investigation of written complaints only and that the person should submit a written complaint if he or she wants the court to conduct an investigation or take action. If the person does not submit a complaint, the complaint coordinator may prepare a written summary of the inquiry.

(f) Acknowledgment and preliminary review of complaints

(1) Acknowledgment of complaints

When the complaint coordinator receives a complaint, the coordinator will send the complainant a written acknowledgment of this receipt.

(2) Preliminary review of complaints

(A) The complaint coordinator will review each complaint to determine whether it warrants investigation or can be promptly, informally, and amicably resolved or closed. The coordinator may:

(i) Informally contact the complainant to obtain clarification or additional information or to provide information that may address the complainant's concern.

(ii) Communicate informally with the mediator to obtain the mediator's perspectives.

(B) If it appears to the complaint coordinator that the mediator may have violated a provision of the rules of conduct, the complaint coordinator must inform the

mediator about the complaint and give the mediator an opportunity to provide an informal response.

(C) The complaint coordinator may close a complaint without initiating an investigation if:

- (i) The complaint is withdrawn by the complainant;
- (ii) No violation of the rules of conduct appears to have occurred or the complaint is without sufficient merit to warrant an investigation;
- (iii) The conduct alleged would constitute a very minor violation of the rules of conduct, the coordinator has discussed the complaint with the mediator, and the mediator has provided an acceptable explanation or response; or
- (iv) The complainant, the mediator, and the complaint coordinator have agreed on a resolution to the complaint.

(3) Notification of closure

If the complaint coordinator closes a complaint without initiating an investigation, the coordinator must send the complainant notice of this action.

(g) Appointing an investigator or a complaint committee

The presiding judge will appoint an investigator who has experience as a mediator and is familiar with the rules of conduct, or a complaint committee that includes at least one such individual, to investigate and make recommendations concerning any complaint that is not resolved or closed by the complaint coordinator as a result of the preliminary review.

(h) Investigations

(1) Application

The procedures in this rule apply only if a complaint is not resolved or closed through the preliminary review or if the complaint coordinator initiates an investigation under (3).

(2) Referral of a complaint for investigation

If a complaint is not closed as a result of the preliminary review, the complaint coordinator will refer it to the investigator or complaint committee for investigation. The complaint coordinator will provide the investigator or complaint committee with a summary of the preliminary review that includes:

- (A) A copy of the complaint;
- (B) A copy or summary of any response from the mediator;
- (C) A list of any violations of the rules of conduct that it appears may have occurred; and
- (D) Copies of any previous complaints about the mediator and any written summaries of inquiries that are relevant to the current complaint.

(3) Initiation by the complaint coordinator

The complaint coordinator may initiate an investigation based on information received from any source, including an inquiry, indicating that a mediator may have violated a provision of the rules of conduct. To initiate the investigation, the complaint coordinator must refer the information received to an investigator or complaint committee with a list of the violations of the rules of conduct that it appears may have occurred.

(4) Mediator’s notice and opportunity to respond

(A) The investigator or complaint committee must provide the mediator with a copy of the materials provided to the investigator or complaint committee by the complaint coordinator under (2) or (3).

(B) The mediator will be given an opportunity to respond to the complaint and the list of apparent violations.

(5) Preparing report and recommendation

The investigator or complaint committee will conduct the investigation that the investigator or complaint committee considers appropriate. Thereafter, the investigator or complaint committee will prepare a written report that summarizes the investigation and states the investigator’s or complaint committee’s recommendation concerning the final decision on the complaint. The investigator or complaint committee may recommend one or more actions that are permissible under rule 3.870 of the California Rules of Court.

(6) Informing mediator of recommendation

The investigator or complaint committee may inform the mediator of its recommendation and inquire whether the mediator accepts that recommendation. If the mediator accepts the recommendation, the investigator’s or complaint committee’s report must indicate this.

(7) Submitting report and recommendation

The investigator or complaint committee must submit its report and recommendation to the complaint coordinator. The complaint coordinator must promptly forward a copy of the report and recommendation to the presiding judge or to his or her designee.

(i) Final decision on a complaint that was investigated

(1) Responsibility for final decision

The presiding judge is responsible for making the final decision about the action to be taken on any complaint that was investigated under subdivision (h) or for designating another judicial officer or a committee that includes a judicial officer to perform this function.

(2) Acting on recommendation

(A) Within 30 days after the investigator’s or complaint committee’s recommendation is forwarded to the presiding judge or the presiding judge’s designee, the presiding judge or designee may submit to the complaint coordinator a decision:

(i) Affirmatively adopting the investigator’s or complaint committee’s recommendation as the final decision on the complaint; or

(ii) Directing a different action that is permissible under rule 3.870 of the California Rules of Court.

(B) If the presiding judge or his or her designee does not submit a decision within 30 days after the complaint committee's recommendation is forwarded, as provided in (A), the investigator's or complaint committee's recommendation will become the final decision on the complaint.

(3) Notification of final action

The complaint coordinator must promptly notify the complainant and the mediator in writing of the final action taken by the court on the complaint.

(4) Authorized disclosures

After the decision on a complaint, the presiding judge, or a person whom the presiding judge designates to do so, may authorize the public disclosure of information or records concerning the complaint proceeding that do not reveal any mediation communications. The disclosures that may be authorized under this subdivision include the name of a mediator against whom action has been taken, the action taken, and the general basis on which the action was taken. In determining whether to authorize the disclosure of information or records under this subdivision, the presiding judge or designee should consider the purposes of the confidentiality of complaint proceedings stated in rule 3.871 of the California Rules of Court.

(j) Interim suspension pending a final decision on a complaint

If the preliminary review or the investigation indicates that a mediator may pose a threat of harm to mediation participants or to the integrity of the court's mediation program, the presiding judge or the other judicial officer or committee designated by the presiding judge to make the final decision about the action to be taken on any complaint may suspend the mediator from the court's panel or list pending final decision on the complaint. The complaint coordinator may make a recommendation to the presiding judge or the designee regarding such a suspension.

CHAPTER 13

Local Rule 1300 is amended to read:

1300 LAW AND MOTION HEARING CALENDARING

Unless otherwise ordered by the Court, civil law and motion hearings are to be set on the civil law and motion calendar of the department to which the matter is assigned. It is the responsibility of the filing party to ensure that the Court is available to hear the matter on the applicable civil law and motion calendar and that the matter is timely filed and served with notice of the hearing date and time.

Local Rule 1301 is amended to read:

1301 TENTATIVE RULINGS

Tentative rulings in civil law and motion matters are posted pursuant to CRC 3.1308 and require notice of intent to appear. Tentative rulings are not required, but any judicial officer who does issue tentative rulings shall use this procedure. Tentative rulings shall be made available by telephone notice and, at the option of the judicial officer, by posting on the Court's web site at <http://www.sbcourts.org/os/tr/> not later than 3:00 p.m. on the court day preceding the scheduled hearing. As set forth in CRC 3.1308, if the court has not directed argument, oral argument must be permitted only if a party notifies all other parties and the court by 4:00 p.m. on the court day before the hearing of the party's intention to appear. A party may obtain tentative rulings and provide notice to the court of intention to appear using the following telephone numbers:

Santa Barbara Civil Departments:

Department 3	(805) 882-4570
Department 4	(805) 882-4590
Department 5	(805) 882-4570
Department 6	(805) 882-4590

Santa Maria Civil Departments:

Department 1	(805) 614-6500
Department 2	(805) 614-6500
Department 4	(805) 614-6515

Local Rule 1302 is repealed. Rule number 1302 is reserved for future use.

Local Rule 1303 is amended to read:

1303 JUDGMENT DEBTOR EXAMINATION PROCEEDINGS

(a) **[Application for Examination]** A judgment creditor shall apply for an order requiring the judgment debtor or a third party to appear for examination pursuant to Code of Civil Procedure sections 708.110 or 708.120 using Judicial Council form EJ-125 (or successor form). It is the judgment creditor's responsibility to complete the proposed order portion of the form, including the date and time of the examination hearing, and to verify that the court is available at such date and time for the examination. Examinations are to be set in the department to which the case is assigned. A natural person must be named in the order for examination proceedings on behalf of a corporation, limited liability company, partnership, or other entity, unless the court for good cause orders otherwise.

(b) **[Proof of Service of Order]** Proof of service of an order requiring the judgment debtor or a third party to appear for examination pursuant to Code of Civil Procedure sections 708.110 or 708.120 must be filed with the court at least three (3) court days prior to the examination.

(c) **[Continuance of Examination Hearing]** Unless otherwise ordered by the court, continuances of an examination hearing will be granted only where: (i) both the applicant and the person to be examined appear on the date of the examination, (ii) the applicant and the person to be examined stipulate in writing to a continuance, or (iii) proof of timely service of the order has been filed prior to the request for a continuance and the applicant declares that the person to be examined has agreed to appear at the continued date. If timely service has not been effected, the court may set a new examination date upon request of the applicant but a new order for examination must be submitted to the court and the new order served as required as required by applicable law.

(d) **[Failure to Appear at Hearing by Applicant]** If the applicant fails to appear at the hearing and the person named in the order appears, the proceeding will be taken off calendar without costs awarded to the applicant. Except as otherwise ordered by the court, no further hearing will be scheduled except upon application for a new order with the further hearing scheduled no earlier than 120 days from the date of the originally scheduled hearing.

(e) [Failure to Appear at Hearing by Person Ordered to Appear]

(1) [Alternative Nonexclusive Remedies] If the person ordered to appear for examination fails to appear after timely service of the order for examination, the court may enforce the order to appear by any means permitted by law, including the issuance of a warrant of attachment pursuant to Code of Civil Procedure section 1212 and punishment for contempt and the issuance of a civil warrant pursuant to Code of Civil Procedure section 1993 and the imposition of fines or other monetary sanctions. A judicial officer of this court may express a preference that a particular remedy be employed before or in lieu of any other remedy; however, unless otherwise provided by law, all available remedies are nonexclusive and cumulative to each other, so that notwithstanding any stated preference or prior remedy employed, the court may invoke any otherwise appropriate remedy or remedies.

(2) [Code of Civil Procedure Section 1993 Procedures]

(i) [First Failure to Appear] If the person ordered to appear for examination fails to appear and proof of service of the order has been timely filed, upon application of the judgment creditor at the time scheduled for the appearance or within 30 calendar days thereafter, the court pursuant to section 708.170, subdivision (a)(1)(B), may enforce the order by a warrant issued pursuant to Code of Civil Procedure section 1993. Pursuant to section 1993, subdivision (a)(2), prior to the issuance of the warrant, the court shall issue a “failure to appear” notice informing the person ordered to appear that a warrant may issue. The “failure to appear” notice shall be in the form of Local Form SC-2068, which shall be completed by the applicant and submitted to the court for signature and mailing. The “failure to appear” notice shall set a new examination date and time at which the person to be examined shall be required to appear.

(ii) [Subsequent Failure to Appear] If the person ordered to appear for examination fails to appear on the date identified in the letter, the court, upon application of the judgment creditor, may issue an arrest warrant pursuant to Code of Civil Procedure section 1993 and may impose fines or civil assessments as provided by law.

(3) [Limitations on Issuance of Warrants] A warrant shall issue if a judgment creditor has completed and filed all necessary papers for the issuance of a warrant and paid all required fees within 30 days of the last scheduled examination hearing at which the person subject to the warrant was ordered to appear but failed to do so. Otherwise, the judgment creditor must obtain and serve a new order to appear for examination to be scheduled no earlier than 120 days from the date of the last scheduled examination hearing except as otherwise ordered by the court.

(f) [Obtaining Exceptions] Where exceptions to this rule are permitted upon order of the court, a party seeking such exception shall apply for the exception by stipulation, by

ex parte application, or by noticed motion, and such application or motion shall be supported by a declaration showing good cause.

Local Rule 1304 is repealed. Rule number 1304 is reserved for future use.

Local Rule 1305 is repealed. Rule number 1305 is reserved for future use.

Local Rule 1306 is repealed. Rule number 1306 is reserved for future use.

Local Rule 1307 is amended to read:

1307 UNCONTESTED MATTERS

(a) **[Stipulations]** Stipulations for a court order are filed with the court without setting a hearing date. The court will accept, modify, or reject the stipulation for an order in chambers without a hearing. The court does not accept stipulations to continue trial except by ex parte application.

(b) **[Default Judgments]**

(1) **[Clerk's Judgment]** A request for default judgment by the court clerk (Code Civ. Proc., § 585, subd. (a)) is made by submitting the request on Judicial Council form CIV-100 (or successor form) without requesting a court hearing.

(2) **[Court Judgment by Declaration]** Where live testimony is not required by law or by court order, the preferred procedure for applications for court judgment on default is by declarations pursuant to Code of Civil Procedure section 585, subdivision (d). The party applying for the default judgment shall concurrently file the application, all supporting documents, and proposed judgment with the court. After the application and supporting documents are filed, the court may: (i) enter the judgment as proposed; (ii) enter judgment as modified by the court to reflect the court's findings under section 585; (iii) set a hearing on the application for default judgment (usually on the on the regular law and motion calendar of the department to which the case is assigned); (iv) request further documentation, argument, or explanation from the party applying for the

judgment; (v) deny the application; or, (vi) make other orders appropriate for the disposition of the application for default judgment.

(3) [Court Judgment by Live Testimony] Except as provided in subdivision (b)(4) or otherwise ordered by the court, where an application for court judgment on default is sought through the presentation of live testimony, the hearing shall be set on the regular law and motion calendar of the department to which the case is assigned. It is the responsibility of counsel to arrange to set the hearing through the calendar clerk. Unless otherwise ordered by the court, the application and all supporting documentary evidence must be filed with the court at least five court days prior to the hearing.

(4) [Court Judgment in Unlawful Detainer Cases] In cases of unlawful detainer or other action brought under chapter 4 of title 3 of part 3 of the Code of Civil Procedure (commencing with section 1159), the following rules apply:

(i) Default judgment for possession only is obtained by request for a clerk's judgment as provided in subdivision (b)(1).

(ii) Default judgment for relief other than for possession only is obtained by application for a court judgment. The plaintiff may elect to proceed by declaration or by live testimony. A court judgment by declaration is obtained as provided in subdivision (b)(2). Unless otherwise ordered by the court, to obtain a court judgment by live testimony, the plaintiff must arrange for a hearing on the application through the calendar clerk, and must file the application and all supporting papers, at least five court days prior to the hearing. The hearing on the application will be heard on the first available unlawful detainer calendar (or civil law and motion calendar if there is no regular unlawful detainer calendar) in the department to which the case is assigned.

(c) [Scheduling Changes] The court may, in its discretion, shorten the times set forth herein, or specially set the hearing or disposition of any matter addressed by this rule, on its own motion or upon ex parte application supported by a declaration showing good cause therefor.

Local Rule 1309 is amended to read:

(a) **[Delay Reduction Policy]** This rule is adopted pursuant to the Trial Court Delay Reduction Act (Gov. Code, § 68600 et seq.) and CRC 3.711 and 3.714. This rule applies to all general civil actions and all limited civil actions specified, except for those actions excluded by the Trial Court Delay Reduction Act or other actions specified by the court.

(b) **[Assignment of “All-Purpose” Judge; Case Management Noticing]** Upon filing of the complaint in general civil cases, a judge will be assigned randomly to hear the case for all purposes. A Case Management Conference (‘CMC’) shall be scheduled one hundred twenty (120) calendar days from the date of filing the complaint and notice of the ‘all-purpose judge’ assignment and the date set for the CMC will be sent to the Plaintiff. In the event a case is transferred from another county or from another division of this Court, unless otherwise ordered by the Court, a CMC shall be scheduled within ninety (90) calendar days from receipt of the file by the Clerk of the transferee court. Any unlawful detainer case not resolved or set for trial within forty-five (45) calendar days after the date the complaint was filed may be set for CMC to determine the status of such case.

(c) **[Case Management Conferences]** The Court conducts case management conferences in accordance with the case management rules set forth in CRC 3.720 et seq.

(1) **[Case Management Conference Statements]** Unless expressly exempted by the Court, counsel or self-represented litigants are required to meet and confer as set forth in CRC 3.724 and to file case management conference statements no later than 15 calendar days prior to the CMC as set forth in CRC 3.725.

(2) **[Conduct of Case Management Conferences]** At the CMC, the Court will evaluate the management of the case, and will consider and take appropriate action with respect to the matters specified in CRC 3.727. Counsel and self-represented litigants attending the CMC shall be thoroughly familiar with the case and able to inform the court of any aspect of the case that may assist the Court in its determinations for processing the case through settlement or trial.

(3) **[Alternative Dispute Resolution]** At the CMC, the Court will consider and discuss alternative dispute resolution (ADR) methods and settlement procedures. Prior to the CMC, counsel shall have discussed ADR methods and settlement procedures with their clients, shall have authority to act on behalf of their clients with respect to ADR processes, and shall have entered this information on the case management statement. ADR processes include, as applicable, ‘Case Management Alternative Dispute Resolution Early Settlement Session’ (CMADRESS), ‘CADRe Limited Mediation,’ judicial arbitration, mediation, neutral evaluation, binding arbitration, judicial reference,

and mandatory and voluntary settlement conferences, as provided in the Code of Civil Procedure, the CRC, and chapter 11 of these local rules. As appropriate, the Court may order the parties to participate in one or more ADR processes, make orders to facilitate ADR processes stipulated by the parties, and may make orders to ensure ADR processes have been timely completed.

New Local Rule 1308 is added: (Replacing former rule 1308 which was repealed effective 2009)

1308 PROCEDURES ON REMAND FROM FEDERAL COURT

After an action is removed to federal court, remand from the federal court to the state court is effected when the federal court clerk sends a certified copy of the order on remand to the clerk of the superior court. Documents filed in federal court after removal are not provided to the superior court. To complete the superior court's file after remand, within 30 days of the filing of the order of remand, each party shall file a declaration describing the material pleadings that party filed in the federal action and the pertinent orders or rulings entered in the federal action. Certified or conformed copies of all such pleadings and papers shall be attached to the declaration.

New Local Rule 1310 is added:

1310 CIVIL CASE COVER SHEET ADDENDUM

In addition to the Civil Case Cover Sheet required by the California Rules of Court, a civil action or proceeding presented for filing must be accompanied by the Civil Case Cover Sheet Addendum (form SC-2069), signed by counsel for plaintiff, or by the plaintiff if he or she is self-represented. A copy of the completed form must be served with the summons and complaint or petition.