

PROPOSED LOCAL RULES PRIOR TO PUBLIC COMMENT – JANUARY 2024

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CHAPTER 2 COURT ORGANIZATION, ADMINISTRATION, AND PERSONNEL

2.07 EXECUTIVE COMMITTEE

2.07.1 Pursuant to California Rules of Court, rule 10.605, the Presiding Judge shall appoint an Executive Committee comprised of the following voting members, each of whom shall serve at the pleasure of the Presiding Judge, whose terms shall be one (1) year commencing January 1 or the first court day thereafter each calendar year:

The Presiding Judge

The Assistant Presiding Judge

The Immediate Past Presiding Judge

The Supervising Judge of the Civil Division

The Supervising Judge of the Criminal Division

The Supervising Judge of the Family Law Division

The Presiding Judge of the Juvenile Division

2.07.1(a) The Court Executive Officer shall serve as an ex officio, non-voting member of the Executive Committee, without the need for appointment by the Presiding Judge.

2.07.2 The duties of the Executive Committee shall be to assist, support, and advise the Presiding Judge concerning the following:

2.07.2 (a) The Presiding Judge’s review, approval, oversight and supervision of the Court’s annual budget, including the establishment and implementation of the budgetary priorities of the Court. The Court’s Administrative staff, including but not limited to the Court Executive Officer and Court Chief Financial Officer, shall provide the Presiding Judge and the Executive Committee with drafts of the proposed budget, and all other information the Presiding Judge deems necessary to understanding and evaluating the proposed budget, a sufficient time before the Presiding Judge’s final approval of the budget to permit the Executive Committee to review such information and advise the Presiding Judge, and to permit the Presiding Judge to consult with the Judges of the Court pursuant to California Rules of Court, rule 10.603, subdivision (a)(6)(A), concerning the proposed budget.

2.07.2 (b) The Court’s administrative and operational policies and procedures, including advice to the Presiding Judge about proposed changes or modifications to improve the efficiency of Court operations and promote the core mission of the Court: to provide the public with prompt, fair and equal access to justice.

2.07.2 (c) The hiring, compensation, and evaluation of the performance of the Court Executive Officer.

2.07.2 (d) Other issues or tasks at the request of the Presiding Judge.

2.07.3 The Executive Committee shall meet once per month or otherwise at the direction of the Presiding Judge, provided that the Executive Committee shall not meet less frequently than every

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other month. The Presiding Judge shall serve as the chairperson of the Executive Committee. Any judge may attend the Executive Committee Meeting, except in the instance of a closed session called by the Presiding Judge.

2.07.4 This rule is intended to and shall be construed in a manner consistent with, and not modifying or limiting in any way, the authority and responsibilities of the Presiding Judge as defined in California Rules of Court, rule 10.603.

CHAPTER 3 **COURT CALENDARS, CASE MANAGEMENT, AND DELAY REDUCTION**

RULE 3.02 DIFFERENTIATED CASE MANAGEMENT

All cases filed which are subject to these rules shall be assigned to one of the following case management tracks: (1) unlawful detainer, (2) ~~economic-(limited)~~, (3) ~~standard-(unlimited)~~, (4) complex, and (5) uninsured motorist.

(Revised ~~effective: July~~ January, 1, 200024)

RULE 3.03.1 NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE IN STANDARD TRACK CASES- LIMITED AND UNLIMITED CASES

(Revised ~~E~~effective January 1, 201324)

RULE 3.07 SUPERIOR COURT STANDARD CASES

~~MEDIATION OR ARBITRATION:~~

~~—Cases in which arbitration is requested by plaintiff, stipulated to by all parties, or ordered by the court shall be sent to arbitration generally about one hundred and eighty (180) days after the complaint is filed. Cases arbitrated may also be ordered to mediation or mandatory early settlement conference. Cases not suitable for arbitration shall be set for trial.~~

(Revised ~~Deleted~~ effective: January July 1, 201224)

RULE 3.08 COMPLEX CASES

~~A. —GENERAL RULE. In general, a complex case is a case that is entirely managed by the assigned judge.~~ The goal of the court is to complete the complex case within one year unless the assigned judge determines otherwise.

All complex cases shall be set for a case management conference within sixty (60) days of ~~filing approval of the complex designation by the assigned judge.~~ The court shall calendar all events, such as service on unserved parties, discovery completion dates, settlement conference dates, and trial dates. The parties are required to file a joint complex status report, in pleading

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format, in advance of the first case management conference. See Standards of Judicial Administration standard 3.10.

~~B. — CROSS-COMPLAINTS FOR EQUITABLE INDEMNITY (CONSTRUCTION DEFECT CASES). In complex construction defect cases, the court strongly encourages counsel to stipulate in the initial Case Management Order to the following:~~

~~1. — All parties who want to pursue equitable indemnity/contribution/declaratory relief causes of action against any party(ies) shall, within sixty (60) days of appearing, file and serve a formal cross-complaint. Proofs of service of the Cross-Complaints are to be filed within thirty (30)~~

~~days. After sixty (60) days, leave of court must be obtained. A cross-complaint seeking equitable indemnity / contribution only shall not exceed three (3) pages. Counsel are encouraged, but not required, to use Judicial Council Form 982.1(14).~~

~~2. — No formal answers are to be filed. The answer, with all mutually agreed upon applicable affirmative defenses, shall be deemed filed. Any party desiring to plead other than the agreed upon applicable defenses will have to file an affirmative pleading within thirty (30) days of the service of the cross-complaint.~~

~~C.B. — NAMING NEW PARTIES (CONSTRUCTION DEFECT CASES). Counsel are to designate a date at the time of the first Case Management Conference, for inclusion in the Case Management Order, by which all new parties are to be named. (Revised effective: January 1, 200724)~~

RULE 3.13 MANDATORY SETTLEMENT CONFERENCES

A. All mandatory settlement conferences are subject to California Rules of Court, rule 3.1380 and are conducted in unlimited civil cases only. All mandatory settlement conferences are held either remotely via a court-hosted videoconference platform or in person at the Ventura Division of the Ventura Superior Court, unless otherwise ordered by the court.

(Revised effective: July-January 1, 20234)

RULE 3.17 SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULES OR COURT ORDERS

Except for good cause shown, sanctions, including but not limited to, payment of sanctions to the court, payment of the opposing party's reasonable expenses and attorneys' fees, dismissal of the action or striking an answer and entering a default may be imposed on any person who:

A. Fails to comply with any local rule or order of the court, other than a prior order to pay sanctions; or

B. Fails to submit any form or report required by the court; or

C. Fails to appear at any case management conference or any other scheduled event.

D. Fails to participate in good faith in any conference.

(Revised effective: January 1, 200824)

RULE 3.18 WAIVER OF RULES

A. No procedure or deadline established by these rules may be waived or extended by stipulation or agreement of the parties, except as permitted by Government Code §68616, unless

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approved by the court, upon written application and submission of proposed order and a showing of good cause.

~~B. Any party may seek relief from any deadline or timeline imposed by the Fast Track Rules of the Ventura County Superior Court, including trial date or any other event, by the filing of a formal noticed motion seeking such relief with proposed order. Such motion shall be accompanied by appropriate declarations of counsel or others, setting forth the basis for the motion. The granting of such motion by the court will be predicated upon a showing of good cause for same and that injustice to a party will result if the relief is not granted.~~

(Revised ~~effective: January 1, 1999~~ 2024)

RULE 3.20 EX PARTE ~~MOTIONS~~ APPLICATIONS

(Reference Local Rules - Chapter 15)

(~~Revised E~~effective January 1, ~~1997~~ 2024)

RULE 3.21 GENERAL ASSIGNMENT SCHEDULE; COURT CALENDARS

~~A.~~ Civil cases of either limited or unlimited jurisdiction are assigned to a judge ~~and vertical civil department~~ for all purposes upon the filing of the first document invoking the court's jurisdiction. ~~However, initial case management may be delegated to a case management department.~~

~~B. — Designated Vertical Case Management departments shall individually and directly calendar all trials and hearings scheduled in all cases assigned under that system, consistent with procedures adopted by the court and the individual judges presiding, under the general coordination of the Presiding Judge of the court.~~

(Revised ~~effective: July~~ January 1, 2003 ~~24~~)

RULE 3.22 DUTY TO NOTIFY PARTIES OF CASE REASSIGNMENT

It shall be the duty of any party successfully exercising a judicial challenge under Code of Civil Procedure §§170.1 and/or 170.6 to provide formal notice to all subsequently appearing parties of the identity of the courtroom and the judge to which the case is then "~~vertically~~ assigned for all purposes."

(~~Revised E~~effective January July 1, ~~2002~~ 24)

CHAPTER 4 **COURT PLEADINGS, FORMS AND DOCUMENT FORMAT**

Rule 4.01 CONFORMED COPIES

~~A.~~ For all eCourt case types (Civil, Probate, Small Claims, Mental Health, and all Civil Restraining Orders):

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1. New case initiation filings: The clerk will provide and return a conformed face page of each document filed at case initiation (i.e., Summons, Complaint, Petition, Civil Case Coversheet, etc.) either by hand (if filed in person) or by mail if a self-addressed stamped envelope is provided. The filing party may use the face pages to prepare conformed copies. Parties are not to submit additional copies of their documents to be conformed.

2. Subsequent filings on existing cases: The clerk will conform with an ink stamp any copies submitted with filings that do not require judicial review. Conformed copies of the filings will be returned either by hand (if filed in person) or by mail if a self-addressed stamped envelope is provided. Unless (1) the case is confidential by law, (2) the filing is sealed by court order, or (3) electronic access to the case is limited by California Rules of Court, rule 2.503(c), parties can also view/download copies of file stamped documents on the Court's website to use as conformed copies.

3. Orders: For cases that are (1) confidential by law or (2) subject to restrictions on access pursuant to California Rules of Court, rule 2.503(c), the clerk will mail a conformed copy of a filed order in a Court-provided envelope to the submitting party. For cases that are not confidential by law or are not subject to restrictions on access, the filed order will be available on the Court's website to view/download or may be obtained from the Records Department. Parties are not to submit a return envelope with their proposed order.

4. Unlawful Detainer Judgments: The clerk will file and return all supporting documents via the envelope provided with the submission or by attorney service. After the judgment is filed, the clerk will mail a conformed copy of the judgment in a Court provided envelope to the submitting party.

5. All Other Civil Judgments: For Court/Clerk judgments in cases other than Unlawful Detainer, the clerk will file and return all supporting documents via the envelope provided with the submission. After the judgment is filed, it will be available on the Court's website to view/download or from the Records Department.

B. For all other case types, ~~When counsel requests copies of documents filed to be conformed and if requesting that conformed copies of filed documents be returned by mail, such request shall be accompanied by a self-addressed envelope, large enough for all conformed copies and with sufficient prepaid postage for the weight of the conformed copies to be returned.~~ (Revised effective: ~~July~~ January 1, 2014~~24~~)

RULE 4.05 ELECTRONIC DELIVERY

Electronic delivery of filings in civil, small claims, family law and probate cases, are permitted to the extent set forth below, and shall conform to the provisions of Code of Civil Procedure § 1016.6 and California Rules of Court, rules 2.252 et seq.

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E. Notwithstanding any other provision of law or these rules, the following documents shall not be electronically submitted and/or filed by a party or user:

1. Any document exceeding 200 pages (Limit applies to Family Law cases, only);
2. No lodgings, except for proposed orders;
3. Will, codicil or testamentary trust;
4. Bond or undertaking;
5. Any order with an original judicial officer's signature;
6. Out-of-State Commission;
7. Abstract of Judgment;
8. Writ of Execution;

9. Confidential document(s) lodged conditionally under seal;
10. Certificate of Facts Re Unsatisfied Judgment;
11. Family Law Request for Entry of Default, Judgment and the Notice of Entry of Judgment;
12. Letters of Administration;
13. Affidavit Re Real Property of Small Value (Probate);
14. Any and all documents relating to restraining order matters, including applications/requests for restraining orders, proposed temporary restraining order and notice of hearing (i.e., Domestic Violence, Civil Harassment, Elder Abuse, etc.);
15. Notice of Pendency of Action;
16. All Family Law Ex Parte Applications; and
17. Any paper document ordered by the court to be filed in the clerk's office.

(Revised ~~effective: July-January~~ 1, 2023~~4~~.)

RULE 4.07 FILING OF PROPOSED PLEADINGS AFTER LEAVE IS GRANTED

If leave is granted to file a proposed pleading that has been attached to a motion, application, or stipulation, the pleading (as an attachment) will not be deemed filed by the court, and, instead, the pleading (as a separate document) must be presented to the Clerk's Office for filing within the time specified by the court. If no time for filing the pleading is set by the court, then the pleading shall be filed within ten (10) days of the issuance of order.

(Effective January 1, 2024)

RULE ~~3.15-4.08~~ FILING AND SERVICE OF COMPLAINTS-IN-INTERVENTION

A. Complaints-in-intervention shall be filed by leave of court only as set forth in CCP §387(a). An original complaint-in- intervention shall be submitted along with, ~~but not attached to,~~ the application for leave of court. ~~so that, u~~Upon granting of the order regarding leave to file, the complaint-in-intervention ~~can shall~~ be separately filed forthwith with the Clerk's Office, and in no event later than ten (10) days from the issuance of the order granting leave.

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The complaint-in-intervention shall be served in accord with CCP §387 (a), and proof of service shall be returned to the court no later than thirty (30) days after filing of the complaint-in-intervention.

B. A complaint-in-intervention that is filed **exclusively under, and in both its caption and substance involves**, only the provisions of Labor Code §3852, shall be treated as both a complaint-in-intervention and as an application to file same.

(Revised ~~effective: January July~~ 1, 200024)

RULE 4.09 EXHIBIT TABS

For all eCourt case types (Civil, Probate, Small Claims, Mental Health, and all Civil Restraining Orders), hard copy documents submitted for filing shall not include exhibit tabs or other dividers

which cause the page to exceed "8 ½ by 11". Parties shall specify the exhibit number or letter in the footer of every page of each exhibit.

(Effective January 1, 2024)

RULE ~~3.14~~ 4.10 IDENTIFICATION OF PARTY BEING SERVED ON PROOF OF SERVICE

In all cases where proof of service is made on any party by mailing a copy of the summons and complaint, cross complaint or other pleading to the party's attorney, the proof of service shall identify the party or parties whom counsel represents ~~in the form set as indicated~~ below:

John Jones, Esq. ~~Attorney for Defendant~~
123 Main Street ~~Mary Smith~~
Ventura, CA 93003

Attorney for Defendant Mary Smith

(Revised ~~effective: July January~~ 1, 200324)

RULE ~~3.19~~ 4.11 LAW AND MOTION

A. Unless otherwise ordered, or electronically submitted, all noticed or ex-parte motions and any ~~pleadings documents~~ in support or opposition thereto shall be presented for filing in the clerk's office located at the courthouse where the matter is to be heard.

B. Proposed Order(s): parties are to comply with California Rules of Court, rules 3.1201 and/or 3.1312 regarding submissions of proposed orders. If a party lodges an original proposed order(s) before the hearing is conducted, any copies of the proposed order(s) to be conformed are to be brought on the day of the hearing and not lodged prior to the hearing.

(Revised ~~effective: July 1, 2023~~)

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RULE ~~3.29~~ 4.12 DEFAULT HEARING FORMS IN LIMITED CIVIL CASES

Automobile deficiency judgments will not be granted nor submitted to a judge for approval unless a “Declaration in Support of Deficiency Judgment” has been completed and filed under Code of Civil Procedure § 585(d).

All local court forms are available through the court’s web site.

(Revised effective January 1, 2009~~24~~)

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CHAPTER 8 **CIVIL LAW AND MOTION HEARINGS CALENDAR PROCEDURES** **(Not applicable to Family Law matters)**

RULE 8.12 PROCEDURAL RULES FOR CIVIL TRIALS

O. CHECKLIST FOR WORKING WITH THE COURTROOM CLERK.

1. Check in with the courtroom clerk. If you are an attorney representing a client, provide three (3) business cards and name of your client.
2. File trial briefs and motions in limine with courtroom clerk, not in Clerk's Office.
3. File witness list and statement of the case with courtroom clerk, not in Clerk's Office.
4. Arrange for payment of any jury fees and reporter fees.
5. Pre-mark and exchange exhibits.
6. File request for jury instructions before the plaintiff rests with courtroom clerk, not in Clerk's Office.
7. Lodge all original depositions with the courtroom clerk on the first day of trial.
8. Sign jury stipulation.
9. All depositions, documents, exhibits and other items lodged with the court must be removed from the courtroom by counsel lodging same upon conclusion of proceedings.
10. With regard to messages for counsel during trial, calls to the courtroom should be limited only to urgent messages. Counsel should arrange to check in with their offices during breaks.

(Revised effective- ~~July-January~~ 1, 2023~~4~~)

CHAPTER 9 **FAMILY LAW RULES/GENERAL RULES**

RULE 9.50 TERMINATION OF PARENTAL RIGHTS IN ADOPTION PROCEEDINGS

A. PETITION TO DECLARE CHILD FREE FROM CUSTODY OR CONTROL/PETITION TO TERMINATE PARENTAL RIGHTS

1. A petition to declare a child free from parental custody and control, (*Family Code* §§7800 et seq. and *Probate Code* § 1516.5), a petition to terminate parental rights, (*Family Code* §7662) and a petition to find a parent's consent is not necessary, (*Family Code* §8604) must be filed under a new case number, separate from the case number for the adoption petition.

2. Any petition filed to declare a child free from parental custody and control and/or terminate parental rights must state in the caption the statutory grounds for the petition or alternatively, the petitioner may file Ventura Superior Court Local Form VN-239 "Statement of Legal Grounds for Petition to Terminate Parental Rights." Failure to either state the statutory grounds in the caption of the petition or to file VN-239 will result in the petition being rejected for filing.

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3. Upon the filing of a petition to declare a child free from parental custody and control under Family Code section 7800 et seq. or a petition to terminate parental rights under Probate Code section 1516.5, the petitioner shall also submit to the court a proposed order (Local Form VN268) ordering the Ventura County Human Services Agency to conduct an investigation and report to the court its recommendation as required pursuant to Family Code section 7851. The clerk of the court shall deliver a conformed copy of the signed order and a copy of the petition to the Ventura County Human Services Agency pursuant to Family Code section 7850.

34. In any adoption case where a court has made an order finding the child free from parental custody and control, terminating parental rights, or finding a parent’s consent is not necessary, the petitioner(s) must lodge a conformed copy of the court’s order prior to the scheduling of the final adoption hearing.
(Revised effective- January 1, 2017~~24~~).

RULE 9.33 CCRC PROCESS

C. “In all ~~court~~ CCRCs sessions, the RC shall, ~~in conducting the CCRC, be limited to consider only~~ those documents that have been timely filed with the court and timely served on all parties with the court.”

CHAPTER 10

PROBATE, DECEDENTS’ ESTATES, CONSERVATORSHIPS, GUARDIANSHIPS, GUARDIANSHIPS OF THE ESTATE ONLY AND TRUSTS

RULE 10.02 CONSERVATORSHIP

I. CONSERVATORSHIP LEVEL OF CARE PLAN

1. Within sixty (60) days after appointment, the conservator shall file a *Probate Code* §2352.5 care plan using either Judicial Council form GC-355 or Ventura Superior Court Local Form VN233. For a conservatorship of the person, the Conservatorship Level of Care Plan form will satisfy the Conservator’s duty to submit a written determination of the appropriate level of care for the conservatee under *Probate Code* §2352.5(b). The Conservatorship Level of Care Plan form is a confidential document and shall be filed in the conservatee’s confidential file.

2. If the conservator fails to timely file the Conservatorship Level of Care Plan form, the court will set a hearing on an Order to Show Cause (OSC) re dismissal of the conservatorship.

3. The conservator must give notice of the filing of the Conservatorship Level of Care plan form pursuant to *Probate Code* §1460 and may only distribute the Conservatorship Level of Care plan form to those who are entitled to the Investigator’s Report pursuant to *Probate Code* § 1851.

(Revised effective- ~~July~~ January 1, 2023~~4~~.)

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CHAPTER 21 COUNSEL SERVICES AND FEES

~~RULE 21.00 IN A TORT CASE INVOLVING A MINOR OR PERSON WITH DISABILITY~~

~~Counsel fees in excess of the following schedule ordinarily will not be considered reasonable in tort actions under Code of Civil Procedure §372 or Probate Code §1431.~~

~~A. SETTLEMENT MORE THAN TWO (2) WEEKS PRIOR TO TRIAL. Twenty-five percent of the net amount recovered.~~

~~B. DISPOSITION WITHIN TWO WEEKS OF, DURING OR AFTER TRIAL. Thirty-three and one-third percent of the net amount recovered.~~

~~C. SETTLEMENT AFTER THE FILING OF RESPONDENT'S BRIEF ON APPEAL OR AFTER AFFIRMANCE. Forty percent of the net amount recovered.~~

~~D. COMPUTATION OF FEES. In computing fees the court will require parents claiming reimbursement for medical expenses, etc., to pay their proportionate share of the counsel fees except in cases of hardship. Reasonable costs incurred or paid by the counsel that are itemized and accompanied by appropriate vouchers, or other supporting evidence, will be allowed excepting they shall not be included in the amount of the settlement or judgment on which fees are computed, i.e., legal costs are deducted from the gross settlement and attorney fees computed on the new amount.~~

~~(Deleted Revised effective: January July 1, 201724)~~