



MEMORANDUM

DATE: March 27, 2024

TO: Offices of the District Attorney, Public Defender, County Counsel, and County Bar Associations within a 100-mile radius of Napa, and the Sacramento office of the State Attorney General

CC: Attorney folders, Napa County Bar Association, Napa County Women Lawyers

FROM: Lloyd Llewelyn, Court Counsel

RE: Summary of Proposed Local Rules Changes for the Superior Court of the State of California, County of Napa, July 1, 2024, Cycle

Pursuant to California Rules of Court, rule 10.613, this memorandum serves as notice of the proposed changes to the Local Rules for the Superior Court of the State of California, County of Napa. The changes have been posted on the Court's website for review and comment prior to Court adoption.

RULE 2: COURT ORGANIZATION

2.3 Presiding Judge, Assistant Presiding Judge, and Acting Presiding Judge

A Presiding Judge and Assistant Presiding Judge shall be elected by a simple majority of the judges, not later than August every other year, to serve a two-year term beginning the following January 1. If the Presiding Judge is absent or unable to act, the Assistant Presiding Judge shall be the Acting Presiding Judge. If both the Presiding Judge and Assistant Presiding Judge are absent or unable to act, the Judge with the most seniority shall be the Acting Presiding Judge. (Effective 7/1/02; revised 7/1/06; revised 7/1/08; revised and renumbered 1/1/11; revised 7/1/24.)

2.5 Applications for Ex Parte Orders

Except as otherwise specifically preempted by California Rules of Court, rule 3.20, Ex Parte applications shall conform with these rules:

- A. Civil.** Applications involving civil matters shall be presented to a judicial officer of the civil division at 11:30 a.m. each court day. An appointment must be made by calling the Clerk of the Court no later than 10:00 a.m. the preceding court day. Unless the nature of the application precludes giving notice to the other side, such

notice must be given. The Court may waive notice for good cause. Ex Parte applicants must check in with the civil division no later than 10:30 a.m. the day of the hearing. (Revised 1/1/13)

2.6 “Duty” Judge

One judge shall at all times be designated the Duty Judge. Duty Judges serve in two-week rotations. The Duty Judge shall be responsible for the handling of emergency protective orders, off-hours search warrants, off-hours writs, and other matters requiring judicial attention off-hours.

The judges shall annually designate which weeks each will serve and will notify Napa County Central Dispatch of these designations. A Duty Judge unable to act will arrange for a substitute and will notify dispatch accordingly.

In the event the Duty Judge cannot be reached, any judge may be contacted for off-hours during judicial business. Judges can be reached through Napa County Central Dispatch at (707) 253-4451 during non-court hours.

2.8 Remote Appearances

A. Program Overview. The Napa Superior Court permits remote appearances, Telephonic or video, as set forth in Code of Civil Procedure, section 367.75, And California Rules of Court, rules 3.670, 3.672, and 5.324.

1. Preference may be given to cases with remote appearances.
2. While court hearings are generally open to the public, certain confidential proceedings are permitted, by law, to be conducted in closed session.
3. All remote appearances are made via the Zoom web-based Application. Attorneys and/or parties remain on the in-court audio-visual system and hear matters open to the public the same extent as those present in court. All present in the courtroom hear and, if remote appearance is by video, see those appearing remotely; unless the case is confidential and heard in closed session.

B. Appearance Procedure

1. An attorney or party making a remote appearance must join through the Zoom web-based application approximately five (5) minutes prior to the scheduled hearing time by following the instructions on the Court’s website: <https://www.napa.courts.ca.gov/general-information/remote-appearance/courtroom-remote-appearances>. The party will be placed in a virtual “waiting room” until permitted entrance to the hearing by the Court Clerk. An

Attorney or party calling after the check-in period shall be considered late for the Hearing and shall be treated by the Court in the same manner as if the attorney or Party had personally appeared late for the hearing.

2. Attorneys and parties appearing remotely shall exhibit the same degree of courtesy and courtroom etiquette required of those personally appearing. Persons appearing remotely are encouraged to mute their microphones and disable their video feeds until their matter is called. However, all persons appearing remotely must be able to hear the proceedings at all times as the Court's policy does not anticipate the Court and other parties waiting for an attorney or party to rejoin.

2.9 Tentative Ruling System

The Court has adopted a tentative ruling system in civil law and motion and probate matters. Tentative rulings will be available no later than 3:00 p.m. on the court day before the scheduled hearing and may be obtained on the Court's website at <http://www.napa.courts.ca.gov>. Rulings may also be obtained by calling (707) 299-1270.

Generally, oral argument on matters for which a tentative ruling has been posted will 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 that the party intends to appear and argue. Notice to the Court shall be given by calling (707) 299-1270 (when recording begins, press "0"). If notice of intent to appear has not been given to all parties and to the Court, no oral argument will be permitted, and the tentative ruling will become the Court's ruling unless all other parties are present, and the Court exercises its discretion to permit argument. If no tentative ruling is posted on a particular matter, or if the tentative ruling indicates that an appearance is required, then the parties must appear at the hearing.

2.13 Court Reporter Services

Official court reporters are not provided by the Court in proceedings for which such services are not legally mandated. These proceedings include civil law and motion and family law matters. If a party wishes to have a proceeding for which court reporter services are not legally mandated reported, the party must arrange for a private court reporter of their party's choosing to be present.

2.14 Court Reporting Services

B. Exceptions for Parties with Fee Waivers. For case types where an official court reporter is generally not provided by the Court and electronic recording is not available, parties with a current fee waiver on file with the Court may request the services of an official court reporter. The Court will waive the official court reporter fees for this service; however, parties will still be required to pay court reporter

transcript costs. To request an official court reporter pursuant to this rule, parties must submit the Napa Superior Court Request for Court Reporter Services form (NC-1) to the clerk's office as soon as they become aware of the proceeding they wish to be reported. (Effective 1/1/19)

2.17 Communication with Court Staff

Neither the parties nor their counsel shall initiate communications with the research staff but shall promptly respond to inquiries directed to them by staff members.

RULE 6: CIVIL RULES

6.3 Short Cause Trials

Short cause cases shall be assigned a date certain at the time of the Case Management Conference. Counsel must be prepared for trial on the date set. No continuances will be granted except upon a showing of good cause. While requests for continuance may be presented by Stipulation and Order (or upon regularly noticed motion or, where appropriate Ex Parte application) mere stipulation of the parties, without a showing of good cause, will not necessarily result in a continuance (Effective 7/1/02, revised 7/1/24).

6.4 Long Cause Trials

Long cause cases shall be assigned a date certain at the time of the Case Management Conference. Counsel must be prepared for trial on the date set. No continuances will be granted except upon a showing of good cause. While requests for continuance may be presented by Stipulation and Order (or upon regularly noticed motion or, where appropriate Ex Parte application) mere stipulation of the parties, without a showing of good cause, will not necessarily result in a continuance (Effective 7/1/02, revised 7/1/03 and 7/1/24.)

6.5 Trial Procedures

C. Trial Brief. Trial briefs are required for all jury trials (regardless of estimated duration), and for all bench trials with an estimated duration of two or more days. Trial briefs, when required, must be filed, and served on all other parties to the action no later than three Court days prior to the Trial Management Conference

E. Jury Instructions. The parties should meet and confer regarding jury instructions prior to Trial Management Conference. The parties should prepare an agreed upon joint list of jury instructions and each should prepare a separate list of those instructions that a party requests (without the agreement of the other party). All proposed jury instructions must be filed with the Clerk of the Court no later than the Trial

Management Conference. If a party wishes to present appropriate points and authorities concerning an instruction, a separate copy must be provided to the Court. The jury instructions must be completed with all blanks filled in and all bracketed portions either stricken or the brackets eliminated.

6.6.2 Mandatory Settlement Conferences

In addition to requirements of California Rules of Court, rule 3.1380(c), each party shall, no later than 10 calendar days prior to the scheduled conference, submit to the Court and serve on each other a Settlement Conference Statement that must include a statement of the factual and legal contentions in dispute, a list of all special damages claimed, copies of documentary evidence *pertinent to settlement*, the highest previous offer and the lowest previous demand, the date when the last face-to-face or telephonic settlement discussion was held between all parties, and a statement as to any special problems relating to settlement such as lack of or disputed insurance coverage. While the Court places no page limit on Settlement Conference Statements, given the time constraints on the Court, the parties should make every effort to submit statements no longer than 25 pages in length. Similarly, while parties are encouraged to include copies of evidence pertinent to settlement with their Settlement Conference Statements, the inclusion of voluminous compendia of exhibits is cumbersome, wasteful, and not conducive to the settlement process.

RULE 8: ADOPTION PROCEEDINGS

8.2 Access to Adoption Files

Pursuant to Family Code section 9200, applicants seeking access to adoption files shall set forth a detailed factual showing sufficient to establish good cause approaching the necessitous. Applicants shall use the **Petition to Inspect Adoption Records, a mandatory local form available on the Court's website at <http://www.napa.courts.ca.gov>**. (Effective 7/1/93; revised 7/1/08, 1/1/12, 1/1/13, and 7/1/24.)

RULE 9: PROBATE

9.11 Requests for Evidentiary Hearing

A party requesting an evidentiary hearing in any Probate matter should make such requests as soon as practicable (eq., the initial Petition/Notice of Hearing or Objection/Opposition or at the first hearing conducted on the subject Petition).

The proposed changes will become effective on July 1, 2024. Your input on these changes is encouraged and welcomed. Please submit your comments in writing by May 10, 2024, to:

Lloyd Llewelyn
Napa Superior Court
825 Brown Street
Napa, CA 94558
Lloyd.llewelyn@napa.courts.ca.gov

The complete text of the proposed revisions may be viewed and downloaded from www.napa.courts.ca.gov. A hard copy of the proposed revised rules is available on request.