



MEMORANDUM

DATE: September 30, 2025

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: Proposed Change to Approved Changes to Local Rules for the Superior Court of California, County of Napa, January 1, 2026, Cycle

Pursuant to California Rules of Court, Rule 10,613, this memorandum serves as notice of the proposed requested change to Proposed Rule 4.8. The Superior Court proposes to change its Local Rules, effective January 1, 2026, as follows.

RULE 2: COURT ORGANIZATION

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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 **either: (a) calling (707) 299-1270 (when recording begins, press "0"); or (b) submitting an email to JudicialReception2@napa.courts.ca.gov. Notice to the Court by either method must include the case name and number, the matter (e.g. name of motion) for which oral argument is requested, the party requesting oral argument, and the time when means by which notice of the request for oral argument was communicated to all other parties to the action.** If notice of intent to appear has not been given to all parties and to the Court **by 4:00 p.m.**, 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.

(Effective 7/1/02; revised 7/1/03, 1/1/07, 1/1/09; renumbered 1/1/11; revised 7/1/24 and 1/1/26.)

Each noticed motion or petition must include the following information, in bold type and placed in a conspicuous location on the notice, motion, or petition:

“The Napa Court uses a Tentative Ruling System. To receive the tentative ruling, visit the Court’s website at <http://www.napa.courts.ca.gov> or telephone the Court at (707) 299-1270 after 3:00 p.m. the court day before the scheduled hearing date. Unless the Court directs otherwise, no oral argument will be permitted unless a party or counsel for a party requests a hearing by calling the Court at the number above, or emailing the Court at JudicialReception2@napa.courts.ca.gov, and all notifying other parties or counsel no later than 4:00 p.m. the court day before the hearing.”
(Effective 7/1/13; revised 1/1/26.)

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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, that party must arrange for a private court reporter of the party’s choosing to be present.~~

2.14 Court Reporting Services

- A. General Provisions.** The Napa Superior Court provides court reporting services at the Court’s expense in all proceedings for which such services are required by law. Official court reporters will not be provided in proceedings for which such services are not legally mandated. The following chart sets forth the types of proceedings for which official court reporters will be provided by the Court. ~~For all other proceedings, if a party wishes the matter to be reported, the party shall be required to arrange for the attendance of a pro tem reporter. It will be that party’s responsibility to pay the pro tem reporter’s fee.~~

Case Type	Shorthand Reporter Provided by Court?
Felony Case	Yes
Misdemeanor Case	No
Infraction Case	No
Juvenile 300	Yes
Juvenile 602	Yes
Unlimited Civil incl. Unlimited UD’s	No
Limited Civil incl. Limited UD’s	No
Small Claims	No

Family Law	No
Adoption	No
Probate	No
Guardianship	No
Conservatorships	No
Civil Ex Parte	No
Domestic Violence	No
Civil Harassment	No

- B. Electronic Recording of Proceedings.** In Small Claims and Unlawful Detainer matters *only*, where an official reporter or an official reporter pro tempore is unavailable to report an action or proceeding, the Court will make an electronic audio recording of the proceedings.
- C. Private Court Reporters.** If a party wishes to have a record made by a court reporter for a proceeding for which court reporter services are not legally mandated, that party must arrange for a private court reporter of the party's choosing to be present. Except as provided in subdivision (D), the party arranging for the private court reporter is responsible for paying that reporter's fees.
- D. Exceptions for Parties With Fee Waivers.** ~~For~~ In case types for which ~~where~~ an official court reporter is generally not provided by the Court (see subdivision (A) above) and electronic recording is not available (see subdivision (B) above), ~~parties with a current fee waiver on file with the Court~~ a party may request that the Court arrange for and provide the services of an official court reporter *for a specific hearing / proceeding* where: (a) the requesting party has a current fee waiver on file with the Court in the action; or (b) the requesting party files, at the same time as the request for court reporting services, a Request to Waive Court Fees (FW-001), and that Request to Waive Court Fees is granted. The Court will waive the official court reporter fees ~~for this service~~ under these circumstances; however, parties will still be required to pay fees and costs charged by the court reporter to produce any transcript for the reported proceeding ~~costs~~. To request an official court reporter pursuant to this rule, parties must submit *either* the Napa Superior Court Request for Court Reporter Services form (NC-1) *or* the Judicial Council Form FW-020 (Request for Court Reporter By Party With Fee Waiver) to the clerk's office as soon as they become aware of the proceeding they wish to be reported. A separate request is required for each hearing / proceeding for which a reporter is desired. (Effective 1/1/19; revised 7/1/24)

(All sections/subsections without parenthetical history effective 7/1/04; revised 1/1/06; revised 1/1/07; section renumbered 1/1/11; revised 1/1/12, 7/1/24, and 1/1/26.)

RULE 3: DOCUMENTS PRESENTED FOR FILING

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3.10 Legal Argument and Citation to Authority Generated by Artificial Intelligence Prohibited

By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, petition, written notice of motion, or other similar paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances that the party or attorney has carefully checked every case citation, fact, and argument to make sure that they are correct and proper. No party or attorney may properly delegate this responsibility to Artificial Intelligence or any other form of technology. (Effective 1/1/26)

RULE 6: CIVIL RULES

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6.5 Trial Procedures

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- B. Witness Lists.** The parties shall, no later than five (5) court days prior to the Trial Management Conference, exchange a list of all witnesses they anticipate calling at trial, except for those anticipated in good-faith to be called solely for impeachment purposes. Witness lists must be filed prior to the Trial Management Conference. **Witness lists shall include a brief description of the anticipated testimony of each witness.**
- 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.

Trial briefs shall be limited to eight pages. The Contents of the brief shall include:

- (1) A brief summary of the case;
- ~~(32)~~ (2) A statement of any issues that need to be resolved at trial;
- ~~(5) A list of the witnesses to be called at trial and a brief description of the anticipated testimony of each witness, as well as name, business address, and statement of qualifications of any expert witness;~~
- ~~(63)~~ (3) Any legal arguments on which a party intends to rely; and
- ~~(74)~~ (4) Any other matters determined by the judge to be necessary and provided to the parties in writing. (Revised 7/1/24 and 1/1/26.)

- D. Motions *In Limine*.** All motions *in limine* must be in writing and filed with the Clerk of the Court no later than ten (10) court days prior to the Trial Management Conference. Oppositions to motions *in limine* shall be filed at least five (5) court days before the Trial Management Conference. The Court shall have the discretion to strike (*i.e.*, not consider) late-filed motions and oppositions. No oral motions *in limine* will be considered by the Court. ~~(Revised 1/1/17)~~

Each party shall provide the Court, no later than noon on the Monday prior to the Trial Management Conference (or Tuesday where that Monday is a Court Holiday), with courtesy copies of each of that party's motions *in limine*, any oppositions thereto, and all declarations in support of the motions and oppositions. (By way of example, a plaintiff shall submit courtesy copies of plaintiff's motions *in limine* and declarations in support thereof, as well as a defendant's oppositions thereto, and declarations in support of said oppositions.) Said courtesy copies shall be submitted in one or more three-ring binder(s) with binder tabs separating each motion and sub-tabs separating each document. Upon agreement, the parties may submit a single binder or set of binders containing all parties' motions *in limine*. (Revised 1/1/17 and 1/1/26.)

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~~6.9 ————— Law and Motion in Matters Deemed Complex~~

~~Hearings on motions in cases designated complex (see California Rules of Court, rule 3.400, et seq.) shall be set at 9:30 a.m., Tuesday through Friday. Failure to do so may result in a continuance. (Effective 1/1/24.)~~

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RULE 7: FAMILY LAW PROCEEDINGS

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7.11 Requirements in Financial Matters.

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- B. Child and Temporary Spousal Support Guidelines.** The Court uses the ~~DissoMaster~~ xSpouse™ computer program to calculate guideline child support (except in Department of Child Support Services enforcement actions) and temporary spousal support. In calculating temporary spousal support, the Court uses the "Santa Clara" formula as contained within the ~~DissoMaster~~ xSpouse™ computer program.

RULE 9: PROBATE

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9.2 ~~Pre-Approved Probate Calendar --See Tentative Ruling System, Local Rule 2.9~~

- A. Timing.** The Court hears probate matters with Civil Law & Motion, Tuesdays through Thursdays, excepting days immediately following a Court Holiday, at 8:30 a.m. in Departments A and B of the Historic Courthouse, unless otherwise noted.
- B. Routine Unopposed Matters.** Routine, unopposed probate matters ~~submitted by counsel and are generally approved by a tentative ruling with the exception of the matters listed in rule 9.3, do not require without~~ appearance by counsel. If ~~the~~ a matter is not approved by tentative ruling, ~~parties are required to comply with the requirements of Local Rule 2.9 in order to request oral argument. the tentative ruling will state that the Court is either continuing the matter to allow Petitioner to cure any defects, or placing the matter on the calendar for appearance by counsel.~~ For approved matters, the Court will file the Order and/or Letters Counsel requiring return of endorsed copies by mail must submit a pre-addressed stamped envelope.
- C. Contested Matters.** If a Probate Petition is objected to, or opposed, the matter will not proceed to evidentiary hearing on the initially set hearing date. The parties will be required to appear at the initially set hearing prepared to discuss whether:
1. Any further opposition is anticipated;
 2. The parties intend to submit on verified pleadings and affidavits (see *Evangelho v. Presoto* (1998) 67 Cal.App.4th 615, 620);
 3. Any discovery or other pre-hearing practice is anticipated; and,
 4. The parties are willing to participate in alternative dispute resolution proceedings.

Should any party desire an evidentiary hearing, the parties should also be prepared to provide the Court with an estimate for the length of the hearing and to set the hearing on the Court's calendar.

(Effective 7/1/02; renumbered 1/1/11, 1/1/24; revised and renumbered 1/1/26.)

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9.13 Application of Civil Local Rules to Probate Contested Hearings

In addition to all other applicable Local Rules, Local Rule numbers 6.2, subdivisions (A) and (B), 6.3, 6.4, and 6.5 shall apply in contested Probate matters in which a party has

requested an evidentiary hearing and any party estimates that said hearing will require more than one day to complete.

RULE 11: APPELLATE DIVISION

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11.4—Briefs

~~With the exception of briefs filed in appeals from infractions, all briefs filed with the appellate division must be accompanied by three (3) additional copies. (Effective 7/1/02; renumbered 1/1/06; revised and renumbered 7/1/09; revised 1/1/16)~~

Please submit any comments in writing to:

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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.