



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO
Hall of Justice and Records
400 County Center
Redwood City, California 94063-0965

RODINA CATALANO
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5005

March 30, 2017

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

smsccomment@sanmateocourt.org

with a subject line stating "Comments on Proposed Rule changes". Please state the proposal number, the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than 2:30 PM, Monday, May 15, 2017.

Sincerely,
Rodina Catalano, Court Executive Officer

A handwritten signature in black ink, appearing to read "Mary Treanor".

By: Mary Treanor
Court Rules Committee Staff

INVITATION FOR PUBLIC REVIEW AND COMMENT
[Proposed Effective Date of July 1, 2017]

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

Proposed Revisions to Local Court Rules

(Click on proposal number for link to page)

[Spring 17-01](#) **DIVISION II – COURT MANAGEMENT – SUPERIOR COURT**
CHAPTER 1 – FORM AND SERVICE OF PAPERS
Rule 2.1.5 (A)– Permissive Electronic Filing of Documents

[Spring 17-02](#) **DIVISION V – APPENDIX 1 Mandatory Settlement Conference Statement**
Format. Section H

Submitting Comments

- Comments must be submitted addressed to *Proposed Rules* via email at [*smscomment@sanmateocourt.org*](mailto:smscomment@sanmateocourt.org).
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 p.m. on Monday, May 15, 2017.**

PROPOSED AMENDMENTS TO LOCAL COURT RULES – SPRING 2017 CYCLE

Proposal Number 2017-Spring01	
Title	DIVISION II – COURT MANAGEMENT – SUPERIOR COURT CHAPTER 1 – FORM AND SERVICE OF PAPERS Rule 2.1.5 (A)– Permissive Electronic Filing of Documents
Summary	Rule 2.1.5 allows, and sets the guidelines for, permissive electronic filing of documents in certain case types. Currently, Rule 2.1.5 applies to Civil Complex Cases as well as actions or proceedings brought under the Family Code and the Probate Code. This amendment would expand application of the rule.
Discussion	This amendment to Rule 2.1.5 will expand permissive electronic filing of documents to include Small Claims and Unlawful Detainer cases.
Proposed Changes	<p><u>Rule 2.1.5 Permissive Electronic Filing of Documents</u></p> <p>A. The Court permits parties to electronically file documents in any civil class action, civil coordinated action, civil action that is provisionally complex under Rule 3.400(c) of the California Rules of Court, or civil action that is deemed complex pursuant to CRC Rule 3.403. The Court permits parties to electronically file documents in any action or proceeding brought under the Family Code. The Court permits parties to electronically file documents in any action or proceeding to which the Probate Code applies. <i>The Court permits parties to electronically file documents in any action under the jurisdiction of the Small Claims Court, pursuant to Code of Civil Procedure Section 116.110 et seq. The Court permits parties to electronically file documents in any Unlawful Detainer action brought under Code of Civil Procedure Sections 1159 through 1179a.</i> The Court does not presently permit electronic filing in other types of cases.</p> <p>B. Unchanged</p> <p>C. Unchanged</p> <p>D. Unchanged</p> <p>(Adopted, effective January 1, 2014)(Amended, effective January 1, 2017) (<i>Amended, effective July 1, 2017</i>)</p>

Proposal Number 2017-Spring02

Title	DIVISION V – APPENDIX 1 Mandatory Settlement Conference Statement Format. Section H
Summary	This proposed change will remove the last instance of “husband-wife” language from the Rules and replace it with the gender neutral “spouse.”
Discussion	This change brings the Rules in compliance with State law and practice.
Proposed Changes	<p>II. Issues for Trial</p> <p>The Mandatory Settlement Conference Statement should include a discussion of the issue(s) remaining for trial. When applicable, a concise statement for each issue known to be in dispute containing all material facts and relevant law should be provided in the order listed below. If not applicable, counsel shall so designate or use “N/A.”</p> <p>(A) – (G) Unchanged.</p> <p>(H) Proposal for Property Division: Set forth a proposed equal division of community property of the parties. In columnar or accounting form, listing the following: i) fair market value of each asset; ii) Secured obligation(s) against each asset, if any; iii) Net value of each asset; iv) Proposed distribution to husband; v) Proposed distribution to wife <i>Proposed distribution to each spouse respectively;</i> vi) Balance due on each unsecured obligation, vii) Proposed distribution of each unsecured obligation; and viii) Proposed method of equalizing the division of community property.</p> <p>(I) – (J) Unchanged.</p>