



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

October 2, 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 P.M., November 16, 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 January 1, 2018]

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)

[January 2018-01](#) **DIVISION IV – PROBATE DEPARTMENT**
CHAPTER 1 Organization and Administration
Rule 4.1 General Provisions

[January 2018-02](#) **DIVISION IV – PROBATE DEPARTMENT**
CHAPTER 1 Organization and Administration
Rule 4.6 Appearance

Submitting Comments

- Comments must be submitted addressed to *Proposed Rules* via email at 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. November 16, 2017**.

PROPOSED AMENDMENTS TO LOCAL COURT RULES – Effective January 1, 2018

Proposal Number 2018-January 01	
Title	DIVISION IV – PROBATE DEPARTMENT CHAPTER 1 Organization and Administration Rule 4.1 General Provisions
Summary	Changes made update the rule to match actual practices and procedures.
Discussion	The purpose of the rule change is to bring the local rules into conformity with actual practices and procedures, and to foster the Court’s efforts towards electronic files, electronic dockets, and electronic filing, including allowing correspondence by email rather than paper letter or telephone.
Proposed Changes	<p><u>Rule 4.1 General Provisions</u></p> <p>A. Tentative Rulings:</p> <p style="padding-left: 40px;">Tentative rulings on probate matters may be obtained <i>after 3:00 p.m.</i> by phoning <i>telephone at (650) 261-5019 or by the Court’s website, www.sanmateocourt.org</i> after 3:30 p.m. one court day prior to the hearing.</p> <p style="padding-left: 40px;">Matters set on the non-appearance calendar are not automatically <i>considered</i> pre-approved, <i>but still subject to objection</i>. If an appearance <i>becomes</i> will be necessary <i>due to an objection received after the tentative ruling was posted or for some other reason</i> for a matter that had been set on the non-appearance calendar, <i>the matter will be continued and the clerk of the court will notify the parties of the continued hearing date. The continued hearing date will also be displayed on the Odyssey Portal on the court’s website.</i> the tentative ruling tape will instruct the attorney to appear. If the attorney will not be able to appear on the previously scheduled non-appearance hearing date, the attorney may contact the research attorney and the matter will be continued to the first available date when the attorney can appear.</p> <p>B. Continuances in Conservatorship and Guardianship Matters:</p> <p style="padding-left: 40px;">A request for continuance should be made at the earliest possible time prior to the hearing <i>and must be to a date approved by the Probate Court Investigator</i>. Continuances requested by the attorney of record, or petitioner in pro per, may be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Probate Judge. All fees related to the request for continuance shall be paid at the time of the request. An appearance will be required by the attorney or the self-represented conservator or guardian, before the Court will consider granting a continuance more than once for a General Plan and/or Inventory and Appraisement hearing, or more than twice for any other conservatorship or guardianship matter. Nothing herein shall prevent the Probate Court Investigator from continuing a matter as necessary to complete their investigation or review.</p>

C. Continuances in Probate Matters Other Than Conservatorship and Guardianships.

A request for continuance should be made at the earliest possible time prior to the hearing. *All such requests for continuances shall be made by email to probate@sanmateocourt.org.* Continuances requested by the attorney of record, or petitioner in pro per may be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Probate Judges. ~~All fees related to the request for continuance shall be paid at the time of the request.~~ If the matter is not ready for hearing after two continuances it will be dropped from the probate calendar, and the matter will have to be reset and re-noticed before it will be heard.

D. Appropriate Dispute Resolution, ADR, Policy Statement.

NO CHANGE

E. Sanctions:

NO CHANGE

F. Venue for Probate Cases

NO CHANGE

(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; effective July 1, 2004; Amended, effective January 1, 2013; Amended, effective July 1, 2013, Amended, effective January 1, 2014; *Amended, effective January 1, 2018*)

Proposal Number 2018-January 02

Title	DIVISION IV – PROBATE DEPARTMENT CHAPTER 1 Organization and Administration Rule 4.6 Appearance
Summary	Changes made update the rule to match actual practices and procedures.
Discussion	The purpose of the rule change is to bring the local rules into conformity with actual practices and procedures, and to foster the Court’s efforts towards electronic files, electronic dockets, and electronic filing, including allowing correspondence by email rather than paper letter or telephone.
Proposed Changes	<p><u>Rule 4.6 Appearance</u></p> <p>A. Generally. An appearance will be required on the hearing of all matters that are not pre-granted or continued on the Court’s Tentative Rulings that are reported on the tape recorded telephone message or on the posted on Court’s website at www.sanmateocourt.org. See Local Rule 4.77.5 (Personal Appearance – Guardianships) and 4.81.1 (Personal Appearance – Conservatorships) below.</p> <p>B. Telephone Appearance. NO CHANGE</p> <p>C. Filing of Appearance Initiating Documents. NO CHANGE</p> <p>D. Proposed Order. NO CHANGE</p> <p>E. Personal appearance by counsel will be required in the following cases: NO CHANGE</p> <p>(Adopted, effective July 1, 1996)(Amended, effective January 1, 2000; effective July 1, 2004)(Amended, effective January 1, 2011) (Amended, effective July 1, 2012)(Amended, effective January 1, 2018)</p>