

EMERGENCY LOCAL RULES
SAN MATEO COUNTY SUPERIOR COURT

DIVISION II – COURT MANAGEMENT – SUPERIOR COURT

Emergency Local Rule 2-100. **Emergency Local Rules Adopted During Covid-19 Pandemic.**

In a Statewide Order dated March 23, 2020, Hon. Tani Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council, authorized all Superior Courts “to adopt any proposed rules or rule amendment that is intended to address the impact of the COVID-19 pandemic to take effect immediately, without advance circulation for 45 days of public comment.”

Pursuant to that authority, the Court has adopted a number of Emergency Local Rules, all of which are specifically enumerated on the Court’s website at <http://www.sanmateocourt.org>. To the extent that any of the Emergency Local Rules conflict or are inconsistent with any other of the Court’s non-emergency Local Rules, the Emergency Local Rules shall control.

(Emergency Rule 2-100 adopted effective May 11, 2020.)

DIVISION III – DIRECT CALENDAR CIVIL DEPARTMENTS

Emergency Local Rule 3-100. **Remote Court Appearances.**

All appearances for hearings on contested matters in the Civil ~~Law & Motion~~ Department shall be conducted remotely on a media platform designated by the Court. All appearances for Civil Law & Motion, Informal Discovery Conferences, Case

Management Conferences, Case Management and Trial Setting Conferences, Complex Civil hearings and conferences, and Mandatory Settlement Conferences shall be conducted remotely on a media platform designated by the Court. Parties, counsel, and non-parties shall not appear physically in person for hearings and conference on general civil pretrial and complex civil matters, unless otherwise ordered by the Court. *(Emergency Rule 3-100 adopted effective May 11, 2020; Amended April 16, 2021.)*

Emergency Local Rule 3-101. **Suspension of Civil Ex Parte Appearances.**

Local Rule 3.500 is temporarily suspended. Until further notice and order of the Court, there will be NO ex parte application hearings or appearances on Civil Law & Motion matters in the Civil Departments. [This Emergency Local Rule does not apply to the Probate Department.] Matters that are the subject of a Stipulation and proposed order may be filed electronically, with a copy (PDF or Word only) emailed to the Department of the Civil Judge assigned to that civil action. Otherwise, all Law & Motion matters must be by noticed motion, unless otherwise specifically ordered in that specific civil action by the Civil Judge assigned to that civil action.

(Emergency Rule 3-101 adopted effective January 1, 2022.)

Emergency Local Rule 3-104. **Remote Depositions.**

a. Pursuant to Code of Civil Procedure Section 2025.310 and Emergency Rule 11 of the Judicial Council of California, this Emergency Local Rule 3-101 applies to all Civil Limited cases, all Civil Unlimited cases, and all Complex Civil cases including all

civil class actions, civil coordinated actions, civil actions provisionally complex under CRC Rule 3.400(c), and civil actions deemed complex pursuant to CRC Rule 3.403.

b. Unless otherwise stipulated in writing by counsel for the parties and for the deponent, or unless technologically infeasible, oral depositions shall be conducted remotely, in that the deponent, the court reporter, each attorney for any party, and any party, shall “attend” the deposition remotely by appropriate audio-video conference method – which method shall be selected and identified by the noticing party. If needed, any interpreter shall appear remotely. If the deposition is noticed for video recording, the video operator shall perform such services remotely. All communications with the deponent during the deposition shall be on the record, other than communications between the deponent and his/her attorney of record during breaks. During the deposition there shall not be direct or indirect communications with the deponent off the record, including but not limited to text, email, chat, instant message, etc. The deponent and his/her attorney may choose to be in the same location for the deposition, if they conduct themselves consistent with “social distancing protocols”, but not requiring the deponent to wear any mask while giving deposition testimony.

c. If the notice of deposition or subpoena includes a request for production of documents at any oral deposition, such documents shall be produced electronically by the deponent to counsel for all parties at least three (3) business days before the deposition date, unless otherwise agreed by counsel for the parties and for the deponent in writing.

d. As professional legal services have been deemed “essential businesses” and the operation of the court an “essential service”, it is the Court’s expectation that the

deponent and his/her attorney can prepare for the deposition consistent with “social distancing protocols”.

(Emergency Rule 3-104 adopted effective May 11, 2020.)

DIVISION IV – PROBATE DEPARTMENT

Emergency Local Rule 4-100 **Ex Parte Applications.**

Local Rule 4.7 is hereby temporarily amended in that ex parte applications will now be heard between 10:00 a.m. and 11:00 a.m. each day by the Probate Department.

(Emergency Local Rule 4-100 adopted effective May 11, 2020, amended effective October 1, 2020.)

Emergency Local Rule 4-101. **Probate Remote Appearances.**

Except for (1) guardianship appointment hearings, (2) ex parte applications, or, (3) if otherwise ordered by the Court, all Probate Department hearings shall be conducted remotely on a media platform designated by the Court, with no physical (in-person) appearances allowed without prior authorization. Directions and credentials for remote Probate Department appearances can be found on the Court's website.

(Emergency Local Rule 4-101, adopted April 16, 2021.)

DIVISION V – FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES

Emergency Local Rule 5-100. **Optional Confidential Mediation Regarding Custody and Parenting Plans.**

a. Pursuant to Family Code Section 3178, to the extent possible during the Covid-19 State of Emergency, the Court offers confidential mediation sessions, regarding child custody, parenting time, and visitation, to parties who have submitted a Request for Order regarding custody or parenting time, but who have not been able to receive a hearing date regarding their matter. The mediator will not make a recommendation to the Court, but shall report whether a full or partial agreement was reached.

b. These confidential mediation sessions shall be purely voluntary. Both parties must agree to participate before the mediation will be scheduled.

c. These mediation services are offered as a temporary measure to facilitate parenting agreements; and these services may be suspended or limited based upon changes in the availability of hearing dates and/or staff availability.

d. Mediation proceedings are confidential pursuant to Family Code Section 3177. A party may not subpoena or take the deposition of a mediator who conducts a confidential mediation. The mediator who conducts a confidential mediation shall not also be assigned as the Child Custody Recommending Counselor if the parties are subsequently referred to Family Court Services for child custody recommending counseling.

e. This Emergency Local Rule 5-100 does *not* modify or supersede the existing requirements regarding mandatory counseling set forth in Local Rule 5.13.

(Emergency Rule 5-100 adopted effective May 11, 2020.)