LRC Research Training for LWR

Federal & California Civil Litigation
Procedural Research
What we will cover

• Federal and California Jurisdictions:

➤ Procedural practice guides, treatises, & form books
➤ Court websites: court rules, forms, jury instructions, etc.
Federal Courts – 9th Circuit
Finding Practice Guides & Form Books
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Federal forms

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UPCOMING EVENTS

JAN 2
LLMC Registration
THURSDAY, JANUARY 2, 2020 | 1 P.M.
Pardee Legal Research Center, LRC Main Lab, Room 122

Have questions? We're here.
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<td>Burden on Small Business of Federal Forms</td>
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<td>Forms from LexisNexis Automated California Federal Forms</td>
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<td>West's Federal Forms-U.S. Tax Court</td>
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<td>CLICK HERE to access this resource in Lexis. Access restricted to USD Law faculty, students, and staff. Lexis login and password required</td>
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Federal Summary Judgment & Related Termination Motions (The Rutter Group, Civil Litigation ...)

Preliminary Materials

- Chapter 1. Summary Judgment or Partial Summary Judgment [Chapter View]
  - A. Suggested Motion Text [Chapter View]
    - § 1:1. Summary judgment
    - § 1:2. Partial summary judgment
    - § 1:3. Partial summary judgment as to liability
    - § 1:4. Overview of motion
  - B. Key Supporting Citations
  - C. Key Opposition Citations
  - D. Sample Supporting and Opposition Briefs
- Chapter 2. Dismissal Based Upon Deficiency in Pleading
- Chapter 3. Motion to Strike
- Chapter 4. Motion for Judgment on the Pleadings
- Chapter 5. Motions to Quash and Dismiss
- Chapter 6. Other Dismissal Motions
§ 1:1. Summary judgment

Chapter 1. Summary Judgment or Partial Summary Judgment

A. Suggested Motion Text:

§ 1:1. Summary judgment

Motion by Defendant:

Defendant [or cross-defendant] [name] will move this Court for an order granting summary judgment in favor of the defendant [or cross-defendant], pursuant to Federal Rules of Civil Procedure, Rule 56(a), on the grounds that the action has no merit, there is no triable issue as to any material fact and defendant [or cross-defendant] is entitled to judgment as a matter of law.

Motion by Plaintiff:

Plaintiff [or cross-complainant] [name] will move this Court for an order granting summary judgment in favor of the plaintiff [or cross-complainant] and as prayed for in the complaint [or cross-complaint], pursuant to Federal Rules of Civil Procedure, Rule 56(a), on the grounds there is no defense to the action, there is no triable issue as to any material fact and plaintiff [or cross-complainant] is entitled to judgment as a matter of law.
Secondary Materials

Treatises, Practice Guides and Jurisprudence

All Federal Treatises, Practice Guides & Jurisprudence

- Moore's Federal Practice - Civil
- The Wagstaffe Group Practice Guide: Federal Civil Procedure Before Trial
- Bender's Federal Practice Forms
- Weinstein's Federal Evidence
- Federal Habeas Corpus Practice and Procedure
- Federal Litigation Guide

Law Reviews & Journals

All Federal Law Reviews and Journals
Federal court websites

- **U.S. Supreme Court**
- **Circuit Courts of Appeals**
  - 12 regional circuits + Court of Appeals for the Federal Circuit
    - California federal courts are in the Ninth Circuit
- **Federal District Courts**
  - 94 judicial districts
  - Court of International Trade & Court of Federal Claims

www.uscourts.gov
2019 Director’s Awards Presented for Leadership, Excellence, Bravery

Judiciary News

- ‘Journey to Justice’: An Inside Look at Federal Criminal Trials  
  December 4, 2019
- Building Diversity on the Bankruptcy Bench  
  November 19, 2019

Federal Courts & the Public
Current Rules of Practice & Procedure

Below are links to the national federal rules and forms in effect, as well as local rules (which are required to be consistent with the national rules) prescribed by district courts and courts of appeal.

The following new and amended rules and forms became effective December 1, 2019:

- Bankruptcy Rules 4001, 6007, 9036, and 9037
  - Official Bankruptcy Form 122A-1 and Director’s Form 1340.
- Criminal Rule 16.1.
- Evidence Rule 807

Please refer to House Documents 116-65, 116-66, 116-67, and 116-68 below for the text of the amended rules, and the accompanying committee notes effective December 1, 2019. Updated rule pamphlets reflecting the above changes will be posted on this page when they become available in late December 2019 or early January 2020.

Rules of Appellate Procedure

Rule 7. Pleadings Allowed; Form of Motions and Other Papers

(a) Pleadings. Only these pleadings are allowed:
(1) a complaint;
(2) an answer to a complaint;
(3) an answer to a counterclaim designated as a counterclaim;
(4) an answer to a crossclaim;
(5) a third-party complaint;
(6) an answer to a third-party complaint; and
(7) if the court orders one, a reply to an answer.

(b) Motions and Other Papers.
(1) In General. A request for a court order must be made by motion. The motion must:
   (A) be in writing unless made during a hearing or trial;
   (B) state with particularity the grounds for seeking the order; and
   (C) state the relief sought.
(2) Form. The rules governing captions and other matters of form in pleadings apply to motions and other papers.


Rule 7.1. Disclosure Statement

(a) Who Must File; Contents. A nongovernmental corporate party must file 2 copies of a disclosure statement that:
Rule 7. Pleadings Allowed; Form of Motions

(a) Pleadings. Only these pleadings are allowed:  

1. a complaint;  
2. an answer to a complaint;  
3. an answer to a counterclaim designated as a counterclaim;  
4. an answer to a crossclaim;  
5. a third-party complaint;  
6. an answer to a third-party complaint;  
7. if the court orders one, a reply to an answer.

(b) Motions and Other Papers.  

1. In General. A request for a court order must be made in writing, unless made during a hearing or trial. It shall be made:  
   (A) be in writing unless made during a hearing or trial;  
   (B) state with particularity the grounds for seeking the relief; and  
   (C) state the relief sought.

2. Form. The rules governing captions and other matters of form in motions and other papers shall apply to motions and other papers.

Notes of Advisory Committee on Rules—1937

1. A provision designating pleadings and defining a motion is common in the State practice acts. See Ill.Rev.Stat. (1937), ch. 110, §156 (Designation of order of pleadings); 2 Minn.Stat. (Mason, 1927) §9246 (Definition of motion); and N.Y.C.P.A. (1937) §113 (Definition of motion). Former Equity Rules 18 (Pleadings—Technical Forms Abolished), 29 (Defenses—How Presented), and 33 (Testing Sufficiency of Defenses) abolished technical forms of pleading, demurrers, and pleas, and exceptions for insufficiency of pleading.

2. Note to subdivision (a). This preserves the substance of former Equity Rule 31 (Reply—When Required—When Cause at Issue). Compare the English practice, English Rules Under the Judicature Act (The Annual Practice, 1937) D 23, r.r. 2 (Reply to counterclaim); amended, 1933, to be subject to the rules applicable to defenses, D 21. See D 21, r.r. 1-14; D 27, r. 13 (When pleadings deemed denied and put in issue); Under the codes the pleadings are generally limited. A reply is sometimes required to an affirmative defense in the answer. 1 Colo.Stat.Ann. (1933) §11-514, 1-516. In other jurisdictions no reply is required to an affirmative defense in the answer, but a reply may be ordered by the court. N.C.Code Ann. (1925) §22; 1 Ind.Comp.Laws (1929) §357; 1 Ark.Civ.Code (Crawford, 1934) §§123-125; Wis.Stat. (1933) §§263.20, 265.21; U.S.C., Tit 28, (former) §15 (District court practice and procedure in certain cases) is modified insofar as it dispens with a reply to a counterclaim.

For amendment of pleadings, see Rule 15 dealing with amended and supplemental pleadings.

3. All statutes which use the words "petition", "bill of complaint", "plea", "demurrer", and other such terminology are modified in form by this rule.

Notes of Advisory Committee on Rules—1946 Amendment

This amendment to subdivision (a) eliminates any question as to whether the compulsory reply, where a counterclaim is pleaded, is a reply only to the counterclaim or is a general reply to the answer containing the counterclaim. See Commentary, Scope of Reply Where Defendant Has Pleaded Counterclaim (1939) 1 Fed.Rules Serv. 672; Fort Chartres and Ivy Landing Drainage and Levee District No. Five v. Thompson (E.D.Ill. 1945) 8 Fed.Rules Serv. 13:32, Case 1.

Notes of Advisory Committee on Rules—1963 Amendment

Certain redundant words are eliminated and the subdivision is modified to reflect the amendment of Rule 14(a) in which certain cases eliminates the requirement of obtaining leave to bring in a third-party defendant.

Notes of Advisory Committee on Rules—1983 Amendment

One of the reasons sanctions against improper motion practice have been employed infrequently is the lack of clarity of Rule 7. That rule has stated only generally that the pleading requirements relating to captions, signing, and other matters of form also apply to motions and other papers. The addition of Rule 7(b)(3) makes explicit the applicability of the signing requirement and the sanctions of Rule 11, which have been amplified.

Committee Notes on Rules—2007 Amendment

The language of Rule 7 has been amended as part of the general restyling of the Civil Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

Former Rule 7(a) stated that "there shall be an answer to a cross-claim, if the answer contains a cross-claim." Former Rule 12(c)(2) provided more generally that "[a]ny party served with a pleading stating a cross-claim against that party shall serve an answer thereto." New Rule 7(a) corrects this inconsistency by providing for an answer to a cross-claim.

For the first time, Rule 7(a)(7) expressly authorizes the court to order a reply to a counterclaim answer. A reply may be as useful in this setting as a reply to an answer, a third-party answer, or a crossclaim answer.

Former Rule 7(b)(1) stated that the writing requirement is fulfilled if the motion is stated in a written notice of hearing. This statement was deleted as redundant because a single written document can satisfy the writing requirements both for a motion and for a Rule 6(c)(1) notice.

The cross-reference to Rule 11 in former Rule 7(b)(3) is deleted as redundant. Rule 11 applies by its own terms. The force and application of Rule 11 are not diminished by the deletion.

Former Rule 7(c) is deleted because it has done its work. If a motion or pleading is described as a demurrer, plea, or exception for insufficiency, the court will treat the paper as if properly captioned.
Federal Courts Welcome New Citizens at Padres and Dodgers Ballparks

Cases of Interest

- (12/06/19) Public Charge Rule Cases
- (12/05/19) East Bay Sanctuary Covenant v. Barr
- (11/20/19) 19-16122 FTC v. Qualcomm
- (11/20/19) Innovation Law Lab v. Nielsen
- (11/20/19) United States v. Arpaio
- (11/13/19) East Bay Sanctuary Covenant v. Trump
- (11/13/19) Sierra Club v. Trump
- (10/04/19) Lezmond Mitchell
- (08/23/19) Title X Cases

Announcements

- (11/15/19) Revised FRAP and Circuit Rules will become effective December 1, 2019. Click here to see redlined versions of new and revised rules.

Inmates with Pending Execution Dates

There are no pending executions.

https://www.ca9.uscourts.gov/
Federal Rules of Appellate Procedure (FRAP), Ninth Circuit Rules, Circuit Advisory Committee Notes

Effective December 1, 2019

This document contains the Federal Rules of Appellate Procedure, Ninth Circuit Rules and Circuit Advisory Committee Notes, and is provided in HTML format and as an Adobe Acrobat PDF document. To print this document, use the PDF version.
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Preamble

Judges of the United States Court of Appeals for the Ninth Circuit

Foreword

Court Structure and Procedures

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FRAP 1. Scope of Rules: Definition; Title
   Circuit Rule 1-1. Title
   Circuit Rule 1-2. Scope of Circuit Rules

FRAP 2. Suspension of Rules

TITLE II. Appeal from a Judgment or Order of a District Court

FRAP 3. Appeal as of Right—How Taken
   Circuit Rule 3-1. Filing the Appeal
   Circuit Rule 3-2. Representation Statement
   Circuit Rule 3-3. Preliminary Injunction Appeals
   Circuit Rule 3-4. Mediation Questionnaire
   Circuit Rule 3-5. Procedure for Recalcitrant Witness
   Circuit Advisory Committee Note to Rule 3-5
   Circuit Rule 3-6. Summary Disposition of Civil Actions

FRAP 3.1. Appeal from a Judgment of a Magistrate

FRAP 4. Appeal as of Right—When Taken
   Circuit Rule 4-1. Counsel in Criminal Appeals

FRAP 5. Appeal by Permission
United States District Court
Southern District of California

LOCAL RULES

Revised as of:
April 25, 2017
California Civil Practice Materials
Practice Guides

Pre-Trial
- Civil Procedure Before Trial (Rutter Guide) (WL)
- Cal. Civil Discovery (LEXIS)
- Cal. Civil Procedure Before Trial (CEB Pro)

During Trial
- Cal. Trial Practice: Civil Procedure During Trial (CEB Pro)
- Civil Trials & Evidence (Rutter Guide) (WL)
- Cal. Trial & Post-Trial Civil Procedure (LEXIS)

Post-Trial
- Cal. Civil Appellate Practice (CEB Pro)
- Enforcing Judgments & Debts (Rutter Guide) (WL)
- Civil Appeals and Writs (Rutter Guide) (WL)
Results 1 - 25 of 43 for rutter civil procedure

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- Course
  - PARALEGAL (2)
- Instructor
  - PARALEGAL COURSE RESERVE (2)
- Language
  - English (43)
- Publish Date

1. **Rutter group practice guide. Federal civil procedure before trial** / Judge Beverly Reid O'Connell, United States District Judge, Central District of California; Judge Karen L. Stevenson, United States Magistrate Judge, Central District of California
   
   O'Connell, Beverly Reid, 1965- author
   
   E-BOOK | 2015- Available at LRC Internet (KF990 .A34 ONLINE) see all

   ➔ AVAILABLE ONLY via the Thomas Reuters Proview app. First-time users, CLICK HERE to download the app. On the opening page, select desired platform and follow downloading instructions on screen. Access to content is restricted to USD Law faculty, students, and staff. Westlaw OnePass username and password required for access. Once logged into app, select desired title and download to device

2. **California Practice Guide: Civil Procedure Before Trial Forms (The Rutter Group)**
   
   E-JOURNAL | Available at LRC Internet (ONLINE) see all

   ➔ 2009 to present CLICK HERE to access this resource in Westlaw. Access restricted to USD Law faculty, students, and staff. Westlaw login and password required

   
   E-JOURNAL | Available at LRC Internet (ONLINE) see all

   ➔ 2011 to present CLICK HERE to access this resource in Westlaw. Access restricted to USD Law faculty, students, and staff. Westlaw login and password required
Civil Procedure Before Trial Forms (The Rutter Group, California Practice Guide)

- 2019 Update
- About the Author
- Preliminary Materials
  - Chapter 1. Prelawsuit Considerations
  - Chapter 2. Parties to the Action
  - Chapter 3. Jurisdiction and Venue
  - Chapter 4. Summons
  - Chapter 5. Defaults: How to Obtain Them and How to Cure Them
  - Chapter 6. Pleadings
  - Chapter 7A. Attacking the Pleadings
  - Chapter 7B. Anti-SLAPP Motions
  - Chapter 8. Discovery
  - Chapter 9A. Law and Motion
  - Chapter 9B. Provisional Remedies
  - Chapter 9C. Sanctions
  - Chapter 10. Summary Judgment
  - Chapter 11. Dismissals
  - Chapter 12A. Case Management and Trial Setting
  - Chapter 12B. Settlement Procedures
  - Chapter 13. Judicial Arbitration and Mediation
  - Chapter 14. Representative and Class Actions
Secondary Sources (46)

Filtered Publications

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- Administrative Law (The Rutter Group, California Practice Guide)
- Alternative Dispute Resolution (The Rutter Group, California Practice Guide)
- Anti-SLAPP Litigation (The Rutter Group, Civil Litigation Series)
- Bankruptcy, National Edition (The Rutter Group Practice Guide)
- Bankruptcy (The Rutter Group, California Practice Guide)
- Business & Professions Code Section 17200 Practice (The Rutter Group, Civil Litigation Series)
- California Criminal Law (The Rutter Group, Criminal Practice Series)
- California Criminal Procedure (The Rutter Group, Criminal Practice Series)
- California Discovery Citations (The Rutter Group, Civil Litigation Series)
- California Fair Housing & Public Accommodations (The Rutter Group, Civil Litigation Series)
### Matthew Bender

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<td>1 <strong>Matthew Bender</strong> Practice Guide: CA Wages &amp; Hours 4.04</td>
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<td>1 <strong>Matthew Bender</strong> Practice Guide: CA Wages &amp; Hours 1.08</td>
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CEB Pro

CEB Pro provides access to CEB's California practice guides, primary law, case law citator, and continuing legal education (CLE).

More Information

Subscription database – access restricted to USD faculty, students, and staff.
USD Only
Full-Text

California Code of Regulations

Contains the text of the regulations that have been formally adopted by state agencies, reviewed and approved by the Office of Administrative Law, and filed with the Secretary of State.

More Information

Freely available to general public.
Open Access
Full-Text

California Courts Opinions

CA court website provides an open access search of published appellate and supreme court case law. Unpublished opinions are available for 60 days.

More Information

Freely available to general public.
Open Access
Litigation Practice & Procedure

- California Administrative Hearing Practice
- California Administrative Mandamus
- California Attorney Fee Awards
- California Attorney’s Guide to Damages
- California Civil Appellate Practice
- California Civil Discovery Practice
- California Civil Procedure Before Trial
- California Civil Writ Practice
- California Expert Witness Guide
- California Government Tort Liability Practice
- California Summary Judgment
- California Trial Objections
- California Trial Practice: Civil Procedure During Trial
- Civil Litigation Reporter
- Effective Direct and Cross-Examination
- Enforcing Civil Money Judgments
- Handling Civil Appeals
- Handling Depositions
- Handling Expert Witnesses in California Courts
- Handling Motions to Compel and Other Discovery Motions
1 Strategic Overview
California Summary Judgment

The book begins with a discussion of the key strategic and practical considerations for attorneys when assessing their case and the prospect of a summary judgment or summary adjudication motion (chap 1). It covers the governing law and evidentiary issues (chaps 2–5), and then, in chronological order, discusses the moving papers (chap 6), the opposition (chap 7), the reply (chap 8), objections to evidence (chap 9), at the hearing (chap 10), ruling on the motion (chap 11), and review of the decision by the trial court or courts of appeal (chap 12). Special rules applicable in unlawful detainer and employment termination cases are discussed in chap 13. Sample documents are presented in chap 14.

NOTE: Ordinarily, the defendant (or cross-defendant) makes a summary judgment motion under CCP 9437c. Nevertheless, 9437c applies equally to cross-complainants' and cross-defendants' motions, and the principles and authorities cited in this book apply equally to all such motions, unless otherwise indicated.

§1.2 A. Statutory Authorization: CCP 9437c

Summary judgment and summary adjudication motions are creatures of one statute, CCP 9437c. Section 437c(c) succinctly sets forth the basic rule for summary judgment motions.
make the most efficient use of the in-person meeting. For a sample letter that includes such a request, see 91.4.

**PRACTICE TIP:** Your website may be the first contact a client has in the search for a lawyer, and it is the first impression that many will retain. Your website may contain checklists, your hourly rate, your area of practice, and other information that may be contained within the form letters covered below. Many experienced lawyers screen clients by telephone to determine if additional attorney or staff time is warranted. For example, if the client is seeking an injury lawyer and you do not practice in the field, a short telephone call can assist the client. Note that with the prevalence of computers and social media, you or your office may receive unsolicited requests for services by voicemail, text or e-mail. You have an ethical duty to protect and keep any confidential information communicated to you. Because sometimes a client will try to "conflict out" other counsel, prudence suggests you make sure your voicemail message alerts the client that confidential information should not be shared until a formal relationship is established. If your initial consultation is verbal or by e-mail, confirm what was said and when sending an e-mail response, copy yourself to have a record of the contact. It is vital in this age of cybersecurity that you ascertain if the mode of communication and your method of retaining the information are secure.
Secondary Sources

Litigation Practice & Procedure

- California Administrative Hearing Practice
- California Administrative Mandamus
- California Attorney Fee Awards
- California Attorney's Guide to Damages
- California Civil Appellate Practice
- California Civil Discovery Practice
- California Civil Procedure Before Trial
- California Civil Writ Practice
- California Expert Witness Guide
- California Government Tort Liability Practice
- California Summary Judgment
- California Trial Objections
- California Trial Practice: Civil Procedure During Trial
- Civil Litigation Reporter
- Effective Direct and Cross-Examination
- Enforcing Civil Money Judgments
- Handling Civil Appeals
- Handling Depositions
- Handling Expert Witnesses in California Courts
- Handling Motions to Compel and Other Discovery Motions
California Court websites

- California Courts Website
  - California Rules of Court
  - Judicial Council Forms
  - Jury Instructions

- San Diego Superior Court Website
  - Local Rules
  - Local Forms
  - Fee Schedules
Forms & Rules

Browse More Forms
The Judicial Council of California forms presented in this section are current as of January 1, 2019.

The California Rules of Court were reorganized and renumbered to improve their format and usability, effective January 1, 2007. Use the conversion tables below to match old rules to reorganized rules.

Rules of Court
- Rules conversion table PDF (from rule numbers to old rule numbers 255 KB)
- Reverse rules conversion table PDF (from old rule numbers to new rule numbers 202 KB)
- New and Amended California Rules of Court
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<td><strong>San Francisco County</strong> (Eff. July 1, 2019)</td>
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Rules of Court

- California Rules of Court
- Local court rules are published by Daily Journal Corporation.
  Printed copies may be purchased by contacting
  San Diego Commerce
  2652 4th Ave. 2nd Floor
  San Diego, CA 92103
  Telephone (619) 232-3486

Orders Affecting Superior Court Local Rules

- Order No. 010119-25 In re Language Access
- Order No. 010118-31 In re Family Court Reporters

2020 San Diego County Superior Court Rules

- San Diego County Superior Court Rules - PDF Version
  All Divisions (I - VIII) inclusive
  Effective January 1, 2020 through December 31, 2020
  Separated into Divisions:
  - Division I - General and Administrative
    Revised January 1, 2020
  - Division II - Civil
    Revised January 1, 2020
  - Division III - Criminal
    Revised January 1, 2020
  - Division IV - Probate
    Revised January 1, 2020
  - Division V - Family Law
    Revised January 1, 2020
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Revised: January 1, 2020

Division III - Criminal
Revised: January 1, 2020

Division IV - Probate
Revised: January 1, 2020

Division V - Family Law
Revised: January 1, 2020

2020 DIVISION II - CIVIL

The following chapters are contained in the document above:

CHAPTER 1
General Policies and Procedures

2.1.1 Policy (Rev. 1/1/2010)
2.1.2 Filing and Service of Papers (Rev. 1/1/2015)
2.1.3 Case Assignment (Rev. 1/1/2018)
2.1.3.1 Related Cases (Adopted 1/1/2020)
2.1.4 Electronic Filing Program (Rev. 1/1/2018)
2.1.5 Service of Complaint (Rev. 1/1/2018)
2.1.6 Defendant’s Appearance (Rev. 1/1/2013)
2.1.7 Request for Entry of Default (Rev. 1/1/2010)
2.1.8 Default Judgment (Rev. 1/1/2016)
2.1.9 Case Management Conference (Rev. 1/1/2019)
2.1.10 Discovery Status Conferences (Adopted 1/1/2019)
2.1.11 Expert Witnesses (Rev. 1/1/2010)
2.1.12 Official Court Reporters and Reporters Pro Tempore (Adopted 1/1/2020)
2.1.13 Stays of Actions (Rev. 1/1/2011)
2.1.14 Settlements, Taking Matters Off Calendar (Rev. 1/1/2019)
2.1.15 Trial Readiness Conference (Rev. 1/1/2016)
2.1.16 Jury Instructions (Renum. 1/1/2006)
2.1.17 Juror Questionnaire (Renum. 1/1/2006)
2.1.18 Motions in Limine (Rev. 1/1/2012)
2.1.19 Law and Motion Procedures (Rev. 1/1/2016)
2.1.20 Taking Motions Off Calendar (Rev. 1/1/2016)
Jury Instructions

California Judicial Branch

For jury duty, traffic tickets, or local court information, find your trial court:

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Topics
- Divorce or Separation
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Español

http://www.courts.ca.gov/
Jury Service

A Message From Tani Cantil-Sakauye, Chief Justice of California

"Trial by jury is one of the fundamental ideals of American democracy; serving as jurors reminds us that these ideals exist only as long as individual citizens are willing to uphold them."

SCAM ALERT:

The Judicial Council of California and staff of the superior courts will never ask past or prospective jurors for financial information, credit card numbers, bank account information, or personal information like Social Security numbers. **Do not provide this type of information to anyone claiming to be associated with the courts. En español.**

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For Jurors

You do not need any special skills or legal knowledge to be a juror. All you need is an open mind and a readiness to work with the other jurors to make decisions.

View the Court and Community Jury Brochure® to get information and instructions for responding to your juror summons.

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For Employers

Juries play an important and crucial role in our country's democratic process. Without them, our legal system would grind to a halt. Your help is essential in ensuring that all citizens are available to serve on juries when called.

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For Judges & Attorneys

Plain language Civil and Criminal Jury Instructions

Additional Resources for court staff, judges, attorneys, and the public.

MORE >>
Resources for Court Staff, Judges and Attorneys

JURY INSTRUCTIONS FOR JUDGES AND ATTORNEYS

The Judicial Council of California has adopted award-winning plain language civil and criminal jury instructions that accurately convey the law using language that is understandable to jurors.

California Civil Jury Instructions (CACI) and Criminal Jury Instructions (CALCRIM)

REFERENCES

Judicial Council of California References

- Jury Improvement Program Fact Sheet (March 2010, rev. August 2018)
- History of the Jury Improvement Program (August 2018)
- One Day or One Trial Fact Sheet (2010, rev. August 2018)
- Court and Community brochure: Information and Instructions for Responding to your Juror Summons (rev. 2016)

CONTACT INFO

Please note: you should contact your county’s court directly for immediate issues regarding your jury service and/or summons. For program information, contact us at the:
Jury Improvement Program
juryinfo@jud.ca.gov

EXTERNAL RESOURCES

Jury Education and Management Forum
Center for Jury Studies
National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185
Phone (800) 616-5164
Fax (757) 564-2022

California Grand Jurors' Association
Public Relations Officer
Phone (805) 532-1321
Civil Jury Instructions

Judicial Council of California Civil Jury Instructions (CACI)

- 2020 Edition Complete Text
  10 MB, as adopted by the Judicial Council November 2019

Note: These documents offers a bookmark panel for easier navigation. If it does not display in your browser, please save the document and open it from your local drive.

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[Name of defendant] is not responsible for [[name of plaintiff]'s injury/the death of [name of decedent]] if [name of defendant] proves that [he/she] made reasonable efforts to communicate the threat to [name of plaintiff/decedent] and to a law enforcement agency.

Derived from former CACI No. 503 April 2007; Revised June 2013

Directions for Use

Read this instruction for a Tarasoff cause of action for professional negligence against a psychotherapist (Tarasoff v. Regents of Univ. of Cal. (1976) 17 Cal.3d 425 [131 Cal.Rptr. 14, 551 P.2d 334]) if there is a dispute of fact regarding whether the defendant made reasonable efforts to communicate to the victim and to a law enforcement agency a threat made by the defendant’s patient. The therapist is immune from liability under Tarasoff if he or she makes reasonable efforts to communicate the threat to the victim and to a law enforcement agency. (Civ. Code, § 43.92(b).) CACI No. 503A, Psychotherapist’s Duty to Protect Intended Victim From Patient’s Threat, sets forth the elements of a Tarasoff cause of action if the defendant is not immune.

In a wrongful death case, insert the name of the decedent victim where applicable.

Sources and Authority

- Failure to inform a law enforcement agency concerning a homicidal threat made by a patient against his work supervisor did not abrogate the “firefighter’s rule” and, therefore, did not render the psychiatrist liable to a police officer who was subsequently shot by the patient. (Tilley v. Schulte (1999) 70 Cal.App.4th 79, 85–86 [82 Cal.Rptr.2d 497].)
- “When the communication of the serious threat of physical violence is received by the therapist from a member of the patient’s immediate family and is shared for the purpose of facilitating and furthering the patient’s treatment, the fact that the family member is not technically a ‘patient’ is not crucial to the statute’s purpose.” (Ewing v. Goldstein (2004) 120 Cal.App.4th 807, 817 [15 Cal.Rptr.3d 864].)

Secondary Sources

6 Witkin, Summary of California Law (10th ed. 2005) Torts, §§ 1050, 1051
32 California Forms of Pleading and Practice, Ch. 361A, Mental Health and Mental Disabilities: Judicial Commitment, Health Services and Civil Rights, § 361A.93 (Matthew Bender)
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