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 Civil Procedural Practice Materials
Welcome to the Pardee Legal Research Center (LRC). In addition to a fine collection of books, the library offers computer research services, a very strong microforms and documents collection and generous space for work and study. The library is open seven days a week. Professional reference service is available during a majority of the library’s operating hours.

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Email Pardue Legal Research Center
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Secondary Materials

Treatises, Practice Guides and Jurisprudence

- Moore's Federal Practice - Civil
- 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

- [www.uscourts.gov](http://www.uscourts.gov)
- U.S. Supreme Court
- Circuit Courts of Appeals
  - 12 regional circuits + Court of Appeals for the Federal Circuit
  - Ninth Circuit Court of Appeals
- Federal District Courts
  - 94 judicial districts
  - Court of International Trade & Court of Federal Claims
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.

Rules of Appellate Procedure


Rules of Bankruptcy Procedure

The Federal Rules of Bankruptcy Procedure govern procedures for bankruptcy proceedings. For many years, such proceedings were governed by the General Orders and Forms in Bankruptcy promulgated by the Supreme Court. By order dated April 24, 1973, effective October 1, 1973, the Supreme Court prescribed, pursuant to 28 U.S.C. 2061, a set of rules for bankruptcy proceedings.
Federal Rules of Civil Procedure

Civil Rules (rules 1 to 86)

Title I—Scope Of Rules; Form of Action (rules 1 to 2)

Title II—Commencing An Action; Service of Process; Plea and Orders (rules 3 to 6)

Title III—Pleadings and Motions (rules 7 to 16)

Title IV—Parties (rules 17 to 25)

Title V—Disclosures and Discovery (rules 26 to 37)

Title VI—Trials (rules 38 to 53)

Title VII—Judgment (rules 54 to 63)

Title VIII—Provisional and Final Remedies (rules 64 to 71)

Title IX—Special Proceedings (rules 71 to 76)

Title X—District Courts and Clerks: Conducting Business; Issuing Orders (rules 77 to 80)

Title XI—General Provisions (rules 81 to 86)

Appendix Of Forms [Abrogated (Apr. 29, 2015, eff. Dec. 1, 2015).]

Supplemental Rules For Admiralty or Maritime Claims and Asset Forfeiture Actions (rules A to C)
TITLE III. PLEADINGS AND MOTIONS

PLEADINGS ALLOWED; FORM OF MOTIONS AND OTHER PAPERS

Pleadings. Only these pleadings are allowed:

1. Complaint;
2. Answer to a complaint;
3. Answer to a counterclaim designated as a counterclaim;
4. Answer to a crossclaim;
5. Third-party complaint;
6. Answer to a third-party complaint; and
7. The court orders one, a reply to an answer.

MOTIONS AND OTHER PAPERS.

General. A request for a court order must be made by motion. The motion must:

1. Be in writing unless made during a hearing or trial;
2. State with particularity the grounds for seeking the order; and
3. State the relief sought.

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


NOTES OF ADVISORY COMMITTEE ON RULES—1937

Division designating pleadings and defining a motion is common in the State practice acts. See III.Rev.Stat. (1937), ch. 110, §156 (Designation and order of pleading); 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), 29 (Defenses—How Presented), and 33 (Testing Sufficiency of Defense) abolished technical forms of pleading, demurrers, and pleas, and for insufficiency of an answer.

Subdivision (a). This preserves the substance of [former] Equity Rule 31 (Reply—When Required—When Cause at Issue). Compare the English phraseology.
Federal Rules of Appellate Procedure (FRAP), Ninth Circuit Rules, Circuit Advisory Committee Notes

Effective January 1, 2015

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.

FRAP, Circuit Rules, Circuit Advisory Committee Notes

[HTML] [PDF]
The Local Rules of Practice for the United States District Court for the Southern District of California are listed below. Civil Rules may be cited as CivLR___; criminal rules may be cited as CrmLR____.

Rules covering admiralty and habeas corpus proceedings may be cited as A.1-E.1; and HC.1, HC.2, et seq.

Click here to view the Local Rules.

These rules are current as of 2/2/2015.

Click here to view the Electronic Case Filing Administrative Policies & Procedures Manual.

TIP: Searching the text of the PDF document enables users to find applicable rules or subjects. A search is initiated by <clicking> the Find button within Adobe Acrobat, which is depicted with binoculars.
United States District Court
Southern District of California

LOCAL RULES

Revised as of:
February 2, 2015
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’s OnLaw)*

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

Post-Trial
  Cal. Civil Appellate Practice *(CEB’s OnLaw)*
  Enforcing Judgments & Debts (Rutter Guide) *(WL)*
  Civil Appeals and Writs (Rutter Guide) *(WL)*
Results 1 - 13 of 13 for rutter civil procedure

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  - Journals (6)
  - Books (7)

- **Language**
  - English (13)

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**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

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**CALIFORNIA PRACTICE GUIDE: CIVIL PROCEDURE BEFORE TRIAL - CLAIMS AND DEFENSES (RUTTER)**

E-JOURNAL

Available at LRC Internet (ONLINE)  see all

⇒ 2012 to present CLICK HERE to access this resource in Westlaw. Access restricted to USD Law faculty, students, and staff. Westlaw login and password required

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## Practice Guides

- Alternative Dispute Resolution
- Bankruptcy
- Bankruptcy, National Edition
- Civil Appeals & Writs
- Civil Procedure Before Trial
- Civil Procedure Before Trial Forms
- Civil Procedure Before Trial, Statutes of Limitations
- Civil Trials & Evidence
- Corporations
- Employment Litigation
- Enforcing Judgments & Debts
- Family Law
- Family Law Forms

## Other Publications

- Business & Professions Code Section 17200 Practice
- California Discovery Citations
- California Law & Motion Authorities
- California Law & Motion Model Forms
- California Motions in Limine
- Elder Abuse Litigation
- Federal Motions in Limine
- Federal Summary Judgment & Related Termination Motions
- Summary Judgment & Related Termination Motions
- Three Strikes Sentencing
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Browse by Category
- Tax Law
- Foreign and International Law
- California Law
- Federal Law
- Historical Law
- News/Reports/Reviews/Legal Commentary

Other Resources
Database Keyword Search

**CEB OnLaw**

OnLaw provides electronic access to California law practice areas for titles of CEB’s treatises and forms. Keywords: practice guides

More Information

**United Nations - AccessUN**

Index to United Nations documents including Official Records, masthead documents, draft resolutions, meeting records, UN Sales Publications, and the UN Treaty Series citations. Many are available in full-text on this Website. Those not available online are reproduced on microfiche and are available for viewing at the LRC.

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  Employee Leave Laws: Compliance and Litigation
- Estate Planning 2015
- No Longer Available
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- No Longer Available
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- **No Longer Available**
  Estate Planning 2006

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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

FORMS

The Judicial Council of California forms presented in this section are current as of January 1, 2016.

MORE >>

RULES

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

- Rules conversion table PDF (from new rule numbers to old rule numbers 255 KB)
- Reverse rules conversion table PDF (from old rule numbers to new rule numbers 393 KB)
Local Rules

- Alameda County (Effective January 1, 2016)
- Alpine County (Effective July 1, 2011)
- Amador County (Effective July 1, 2015)
- Butte County (Effective January 1, 2016)
- Calaveras County (Effective January 1, 2014)
- Colusa County (Effective July 1, 2015)
- Contra Costa County (Effective January 1, 2016)
- Del Norte County (Effective January 1, 2012)
- El Dorado County (Effective January 1, 2016)
- Fresno County (Effective January 1, 2016)
- Glenn County
- Humboldt County (Effective July 1, 2014)
- Imperial County (Effective January 1, 2016)
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. 031913 In re Suspension and Clarification of Family Local Rules 5.5.4E and 5.9.8

Order No. 082812 In re Suspension of Local Rules 4.1.1 and 4.2.2

2016 San Diego County Superior Court Rules

San Diego County Superior Court Rules - PDF Version

All Divisions (I - VIII) inclusive
Effective January 1, 2016 through December 31, 2016

Separated into Divisions:
Orders Affecting Superior Court Local Rules

Order No. 031913 In re Suspension and Clarification of Family Local Rules 5.5.4E and 5.9.8

Order No. 082812 In re Suspension of Local Rules 4.1.1 and 4.2.2

2016 San Diego County Superior Court Rules

San Diego County Superior Court Rules - PDF Version
All Divisions (I - VIII) inclusive
Effective January 1, 2016 through December 31, 2016

Separated into Divisions:

Division I - General and Administrative
Revised: January 1, 2016

Division II - Civil
Revised: January 1, 2016

Division III - Criminal
Revised: January 1, 2016

Division IV - Probate
Revised: January 1, 2016

Division V - Family Law
Revised: January 1, 2016

Division VI - Juvenile
Revised: January 1, 2016

Division VII - Appellate
Revised: January 1, 2016

Division VIII - Mental Health
Revised: January 1, 2016
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