

# LRC Research Training for LWR

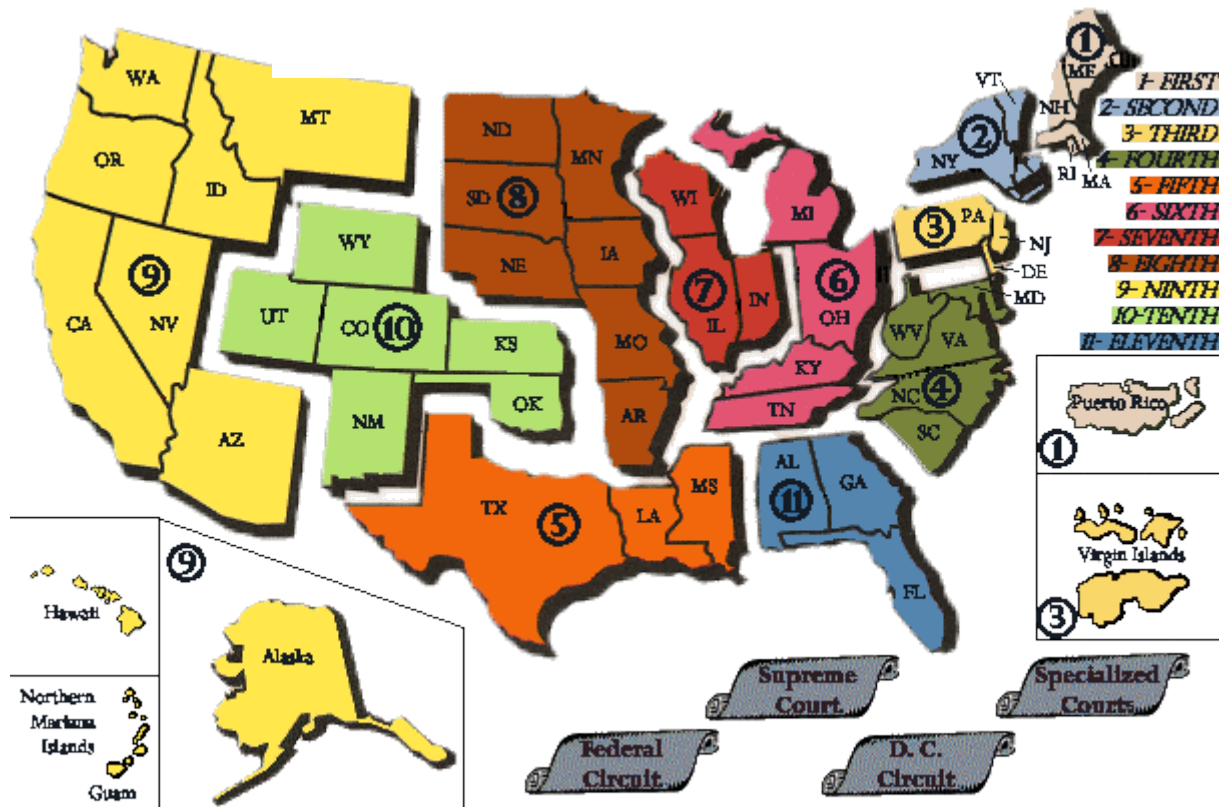


Federal & California  
Civil Litigation  
Procedural Research

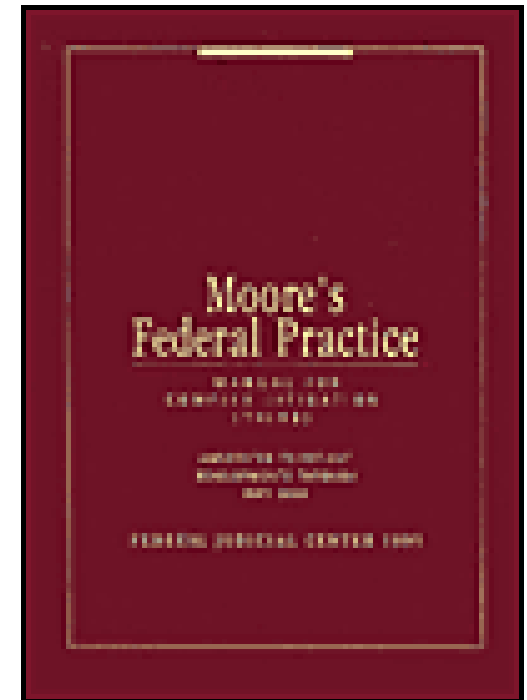
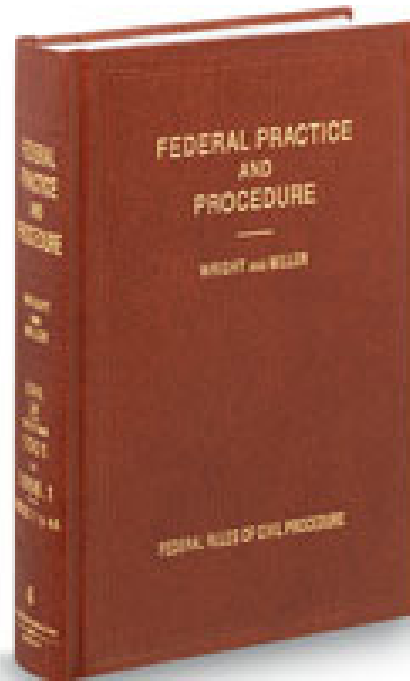
# What we will cover

- **Federal and California Jurisdictions:**
  - Procedural practice guides, treatises, & form books
  - Court websites: court rules, forms, jury instructions, etc.

# Federal Civil Procedural Practice Materials



# Finding Practice Guides & Form Books



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JAN 16

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United States. Congress. House. Committee on Small Business. Subcommittee on SBA and SBIC Legislation, author

E-BOOK | 1975

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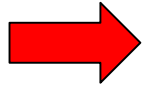
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- Cases argued by **Rutter**-Hirth, Nicole Lynn
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## Content Pages

- Rutter Group Practice Guides & Other Publications
- California Law & Motion Authorities (The Rutter Group, Civil Litigation Series)
- Probate (The Rutter Group, California Practice Guide)
- Bankruptcy (The Rutter Group, California Practice Guide)
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Documents

- 1 [Moore's Federal Practice - Civil](#) [Moore's Federal Practice](#)
- 2 [Moore's Federal Practice - Civil § 12.34](#)
- [Virginia v. Moore](#), 553 U.S. 164
- 7 [Moore's Federal Practice - Civil § 30.25](#)
- 6 [Moore's Federal Practice - Civil § 26.70](#)

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moore dry dock rule  
moor

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# Federal court websites

- **U.S. Supreme Court**
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  - Ninth Circuit Court of Appeals
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## Rules & Policies

# Current Rules of Practice & Procedure

★ Current Rules of Practice & Procedure

Federal Rules of Civil Procedure

Federal Rules of Bankruptcy Procedure

Appellate Rules Forms

*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

The Federal [Rules of Appellate Procedure](#) govern procedure in the United States courts of appeals. The Supreme Court first adopted the Rules of Appellate Procedure by order dated December 4, 1967, transmitted to Congress on January 15, 1968, and effective July 1, 1968. The Appellate Rules and accompanying forms were last amended in 2014.

## 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. § 2075, the Bankruptcy Rules and Official Bankruptcy Forms, which abrogated previous rules and forms. Over the years, the Bankruptcy Rules and Official Forms have been amended many times, most recently in 2015.

### Related Links

[Rules of Appellate Procedure](#)[Rules of Bankruptcy Procedure](#)[Interim Bankruptcy Rule 1007-1](#)[Rules of Civil Procedure](#)[Rules of Criminal Procedure](#)[Rules of Evidence](#)[Rules Governing Section 2254 and Section 2255 Proceedings](#)[Rules of the Foreign Intelligence Surveillance Court](#)

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DECEMBER 1, 2016



**Rule 7**

FEDERAL RULES OF CIVIL PROCEDURE

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TITLE III. PLEADINGS AND MOTIONS

**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.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 1963, eff. July 1, 1963; Apr. 28, 1983, eff. Aug. 1, 1983; Apr. 30, 2007, eff. Dec. 1, 2007.)

**Rule 7.1. Disclosure Statement**

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file 2 copies of a disclosure statement that:



**Federal Rules of Civil Procedure** > TITLE III. PLEADINGS AND MOTIONS > Rule 7. Pleadings Allowed; Form of Motions and Other Papers

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

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- (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
  - (A) be in writing unless made during a hearing or trial;
  - (B) state with particularity the grounds for seeking the order;
  - (C) state the relief sought.
- (2) *Form.* The rules governing captions and other matters relating to the form of pleadings and motions apply to motions and other papers.

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 2007.)

#### NOTES

#### 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 and 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 Abrogated), 29 (Defenses—How Presented), and 33 (Testing Sufficiency of Defense) abolished technical forms of pleading, demurrers, and pleas, and exceptions for insufficiency of an answer.

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) O. 23, r.r. 1, 2 (Reply to counterclaim; amended, 1933, to be subject to the rules applicable to defenses, O. 21). See O. 21, r.r. 1–14; O. 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. (1935) §66; Ore.Code Ann. (1930) §§1–614, 1–616. In other jurisdictions no reply is necessary to an affirmative defense in the answer, but a reply may be ordered by the court. N.C.Code Ann. (1935) §525; 1 S.D.Comp.Laws (1929) §2357. A reply to a counterclaim is usually required. Ark.Civ.Code (Crawford, 1934) §§123–125; Wis.Stat. (1935) §§263.20, 263.21. U.S.C., Title 28, [former] §45 (District courts; practice and procedure in certain cases) is modified insofar as it may dispense 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) which in 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(a)(2) provided more generally that "[a] 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 crossclaim.

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.

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 and order of pleadings); 2 Minn.Stat. (Mason, 1927) §9246 (Definition of motion); and N.Y.C.P.A. (1937) §113 (Definition of motion).





# UNITED STATES COURTS for the NINTH CIRCUIT

Chief Judge Sidney R. Thomas  
Molly C. Dwyer, Clerk of Court  
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# How do I...

## A Quick Guide to the 9th Circuit Website

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### Cases of Interest

- (12/13/18) State of California et al v. Little Sisters of the Poor **NEW**
- (12/10/18) East Bay Sanctuary Covenant v. Trump **NEW**
- (11/08/18) Regents of the University of California v. DHS ("DACA II")
- (10/10/18) 18-35347, Karnoski v. Trump

### Live Video Streaming of Oral Arguments and Events

- Pasadena CR1 3:00 PM 12/17
- San Francisco CR1 9:30 AM Monday 12/17

### Announcements

- (12/04/18) By executive order, the President has directed that federal agencies and departments, including the Postal Service, will be closed on December 5, 2018. Therefore, although the Court of Appeals remains open, December 5 will be treated as a legal holiday for the purposes of all filing deadlines, including jurisdictional deadlines. See Fed. R. App. P. 26(a)(6)(B).
- (12/03/18) The Ninth Circuit Court of Appeals will remain open for business on Wednesday December 5, and all court hearings will take place.
- (11/16/18) New rules

### Ninth Circuit News

#### Ninth Circuit Names First Director of Workplace Relations

Yohance Claude Edwards to  
assume role January 7, 2019

#### Federal Court to Welcome Students for Court Works Annual program to be held Nov. 9 in Phoenix

#### Ninth Circuit Court of Appeals Gets New Judge Senate confirms Idaho attorney Ryan D. Nelson

#### Maricopa County Judge Confirmed for Federal Judgeship in Arizona Judge Susan Brnovich gets Senate confirmation

#### Judge Charles R. Breyer Selected to Receive Prestigious Devitt Award Award to be presented at the U.S. Supreme Court

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#### Bankruptcy Judgeship Opportunity Eastern District of California - Fresno

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# UNITED STATES COURTS for the NINTH CIRCUIT



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## Federal Rules of Appellate Procedure (FRAP), Ninth Circuit Rules, Circuit Advisory Committee Notes

Effective June 1, 2017

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.

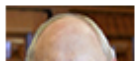
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[TITLE II. Appeal from a Judgment or Order of a District Court](#)

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[Circuit Rule 3-5. Procedure for Recalcitrant Witness Appeals](#)

[Circuit Advisory Committee Note to Rule 3-5](#)

[Circuit Rule 3-6. Summary Disposition of Civil Appeals](#)

[FRAP 3.1. Appeal from a Judgment of a Magistrate Judge](#)

[FRAP 4. Appeal as of Right—When Taken](#)

[Circuit Rule 4-1. Counsel in Criminal Appeals](#)

[FRAP 5. Appeal by Permission](#)

### CIRCUIT RULE 3-5. PROCEDURE FOR RECALCITRANT WITNESS APPEALS

Every notice of appeal from an order holding a witness in contempt and directing incarceration under 28 U.S.C. § 1826 shall bear the caption "RECALCITRANT WITNESS APPEAL." Immediately upon filing, the notice of appeal must be transmitted by the district court clerk's office to the Court of Appeals clerk's office. It shall also be the responsibility of the appellant to notify directly the motions unit of the Court of Appeals that such a notice of appeal has been filed in the district court. Such notification must be given by telephone (415/355-8000) within 24 hours of the filing of the notice of appeal.

A failure to provide such notice may result in sanctions against counsel imposed by the Court. (*Eff. 7/1/97; Rev. 12/1/09*)

**Cross Reference:** (*Rev. 12/1/09*)

- [FRAP 27. Motions](#), specifically, [Circuit Rule 27-1. Filing of Motions](#)
- [Interim Circuit Rule 27-13. Sealed Documents](#)
- [Circuit Rule 10-1. Notice of Filing Appeal](#)
- [Circuit Rule 25-1. Principal Office of Clerk](#)


### CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 3-5

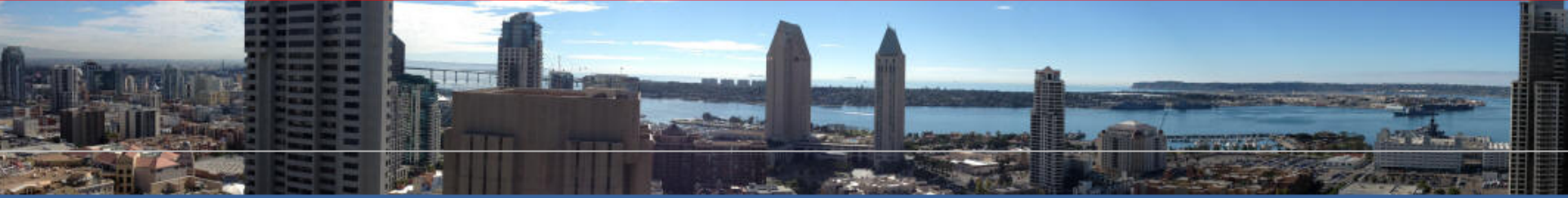
A recalcitrant witness summarily ordered confined pursuant to 28 U.S.C. § 1826(a) is entitled to have the appeal from the order of confinement decided within 30 days after the filing of the notice of appeal. In the interest of obtaining a rapid disposition of the appeal, the Court impresses upon counsel that the record on appeal and briefs must be filed with the Court as soon as possible after the notice of appeal is filed. The Court will establish an expedited schedule for filing the record and briefs and will submit the appeal for decision on an expedited basis. If expedited treatment is sought for an interlocutory appeal, motions for expedition, summary affirmance or reversal, or dismissal may be filed pursuant to Circuit Rule 27-4. A party may file documents using a Doe designation or under seal to avoid disclosure of the identity of the applicant or the subject matter of the grand jury investigation. The party should file an accompanying motion to use such a designation. (*Rev. 12/1/09*)



# United States District Court Southern District of California

Hon. Barry Ted Moskowitz, Chief Judge

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## LOCAL RULES

---

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 CrimLR\_\_\_\_\_.

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 2/9/2016.

[Click here to view the Electronic Case Filing Administrative Policies & Procedures Manual.](#)

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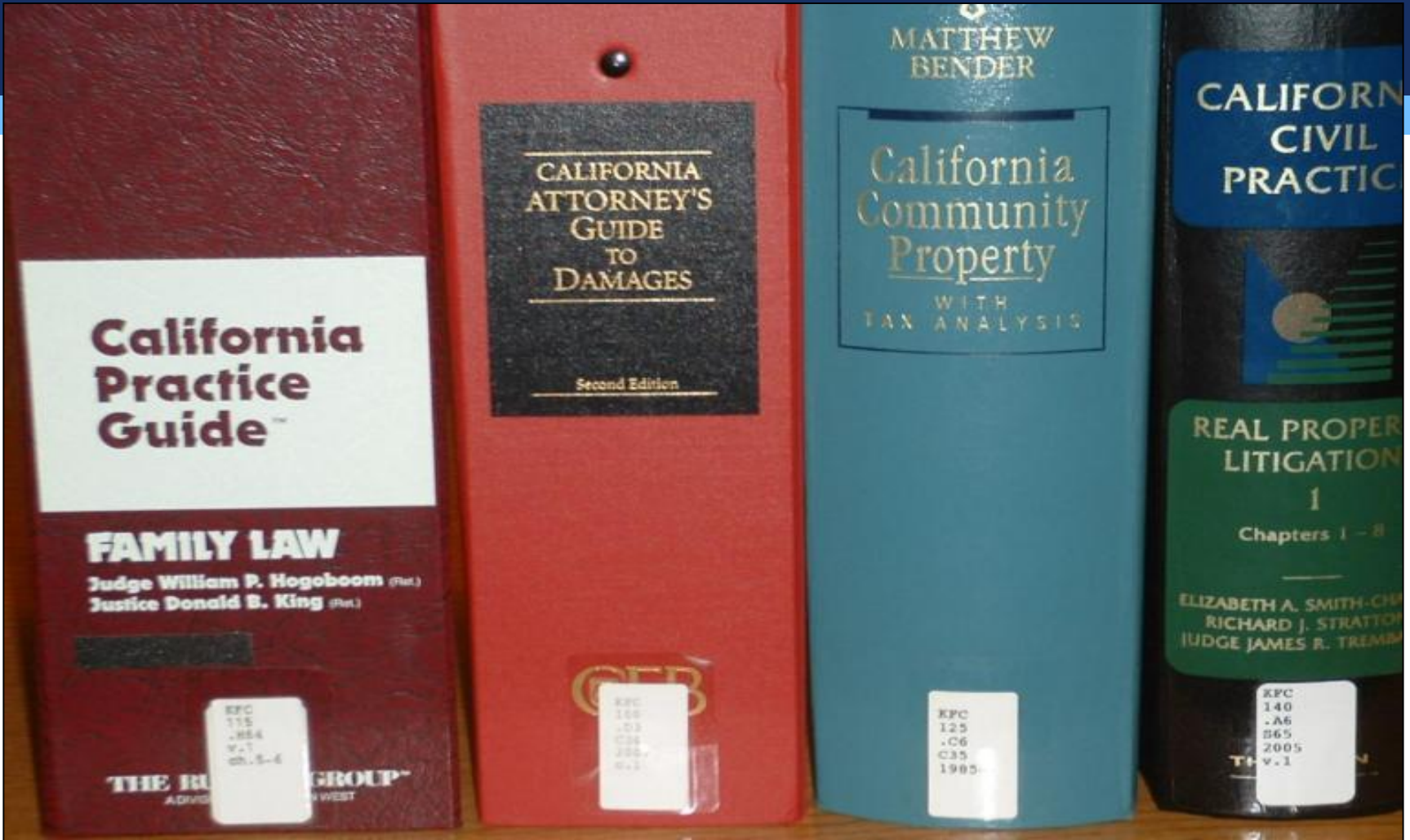
United States District Court  
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Revised as of:  
April 25, 2017

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# Practice Guides

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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)



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 Publish Date

### 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 (KF8900 .W34 ONLINE) [see all](#)

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# Legal Research Center

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Welcome to the Pardee Legal Research Center (LRC). The library is open seven days a week. Professional reference librarians are available to assist you with your research queries.

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  - California Civil Procedure Before Trial
  - California Civil Writ Practice
  - California Expert Witness Guide
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  - California Trial Practice: Civil Procedure During Trial
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- Meeting Statutory Deadlines: During and After Litigation (Action Guide)
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  - I. To Determine Deadlines
    - STEP 1. Calculate Deadlines
  - II. Deadlines After Filing Complaint
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    - STEP 3. Complete Service of Complaint or Cross-Complaint
  - + III. Defendant's Deadlines After Service
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  - + V. Deadlines for Any Party During Litigation
  - + VI. Deadlines for Discovery
  - + VII. Deadlines for Trial or Arbitration
  - + VIII. Deadlines After Judgment



## I. To Determine Deadlines

### STEP 1. Calculate Deadlines

#### COUNT THE DAYS

To calculate any deadline for any act provided by law ([CCP §§10, 12](#)):

- a. Exclude the first day (the day action begins); and
- b. Include the last day, *except* if the last day is a state holiday, in which case you ([CCP §§12, 12a, 13](#)):
  - (1) Also exclude the holiday (see below for definition of holiday); and
  - (2) Perform the act on the next court day.

**Example:** If your client is served with a complaint on May 19, 2017, exclude May 19 and count forward 30 days. The 30th day is June 18, which falls on a Sunday. File the answer to the complaint on or before June 19, 2017, the next court day.

#### When Counting Backward

Be very careful when you calculate *backward* from a date: exclude that date and then begin to count backward.

**Example 1:** When the trial is on June 29th (and the trial judge is known in advance), filing a [CCP §170.6](#) motion on June 24th is timely, because you exclude the 29th as the "first day," count backward 5 days, and include the 24th as the "last day."

**Example 2:** If the "last day" is a holiday (including a Saturday or Sunday) *continue to count backward* to the immediately preceding court day, e.g., Friday, if the last day is a Saturday or Sunday. See [CCP §12c\(b\)](#); [Pamela H. v. Superior Court \(1977\) 68 CA3d 916, 919](#).




#### ADD DAYS FOR SERVICE BY MAIL

When applicable, add days for mailing under [CCP §§1005\(b\)](#) and [1013](#). To see whether [CCP §§1005](#) and [1013](#) apply, use the information below relating to the type of deadline in your case.

#### ADD DAYS FOR SERVICE BY EXPRESS MAIL OR FAX

When applicable, add either **2 calendar days** ([CCP §1005\(b\)](#)) or **2 court days** ([CCP §1013](#)) for service by:

- a. Express mail or any other method providing for overnight delivery; or

- California Civil Practice
- California Expert Witness Guide
- California Liability Insurance Practice: Claims and Litigation
- California Summary Judgment 
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- 2 Availability of Relief
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- 4 Evidentiary Burdens and Presumptions
- 5 Developing and Proffering Evidence
- 6 Moving Papers
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- California Trial Objections
- California Trial Practice: Civil Procedure During Trial

**§14.9      2. Form: Sample Defendant's Memorandum in Support of Motion for Summary Judgment or Summary Adjudication**



\_\_[Name of attorney; State Bar number]\_\_  
 \_\_[Address]\_\_  
 \_\_[Telephone number]\_\_  
 \_\_[Fax number (optional)]\_\_  
 \_\_[E-mail address (optional)]\_\_  
**Attorney for Defendant, \_\_[name]\_\_**

Superior Court, County of \_\_\_\_\_  
 \_\_[Limited Civil Case]\_\_

\_\_[Name(s)]\_\_,  
**Plaintiff(s)**  
**vs**  
 \_\_[Name(s)]\_\_,  
**Defendant(s)**

**No.** \_\_\_\_\_  
**MEMORANDUM IN SUPPORT OF MOTION OF**  
**\_\_[NAME]\_\_ FOR SUMMARY JUDGMENT OR**  
**SUMMARY ADJUDICATION**

**Hearing:** \_\_[date; time]\_\_  
**Dep't:** \_\_[number]\_\_  
**Hearing judge:** \_\_[if known]\_\_  
**Action filed:** \_\_[date]\_\_  
**Trial date:** \_\_[if set]\_\_

**FACTS:** \_\_[Succinctly state facts underlying motion.]\_\_

**I. STATUTE OF LIMITATIONS FOR MEDICAL MALPRACTICE ACTIONS IS THREE YEARS AFTER DATE OF INJURY OR ONE YEAR AFTER PLAINTIFF DISCOVERS, OR THROUGH USE OF REASONABLE DILIGENCE SHOULD HAVE DISCOVERED, INJURY.**

**Code of Civil Procedure §340.5. See also *Knowles v Superior Court (Labo)* (2004) 118 CA4th 1290.**

**Plaintiff \_\_[name]\_\_'s medical malpractice claim is barred by Code of Civil Procedure §340.5 because the alleged acts of so-called medical malpractice occurred on or before March 3, 2004, the date of surgery (plaintiff's amended complaint at p 3; defendant's declaration, Exhibit E). In addition, plaintiff became aware of defendant \_\_[name]\_\_'s alleged medical malpractice and all injuries allegedly sustained as a result on or before March 12, 2004 (defendant's declaration, Exhibit E; plaintiff's deposition at p 13, lines 5–8). This action was not filed until April 1, 2007 (plaintiff's original complaint). Accordingly, plaintiff's action is barred by the statute of limitations.**

**II. AN EMPLOYER IS NOT LIABLE FOR PUNITIVE DAMAGES BASED ON ACTS OF AN EMPLOYEE ABSENT ADVANCE KNOWLEDGE OF THE EMPLOYEE'S UNEITNESS**

# California Court websites

- [California Courts Website](#)
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Tulare County Courthouse, 1876

### SPECIAL ANNOUNCEMENT

Posted Friday, December 14, 2018

The California Courts website may be unavailable between 6:00 - 10:00 a.m. on Saturday December 15, 2018 due to scheduled maintenance. We apologize for any inconvenience.

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Chief Justice Tani G. Cantil-Sakauye

## Courts

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As the state's highest court, its decisions are binding on all other California state courts.

### Courts of Appeal

The California Courts of Appeal are divided into six appellate districts, based on geography.

### Superior Courts


California has 58 trial courts, one in each county.

Reduced Court Services



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- » [Using Fillable Forms](#)
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- » [Judicial Council Meetings](#)
- » [California Code of Judicial Ethics](#) 

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Going to Court Without a Lawyer? Need help? The [California Courts Self-Help Center](#) can help you find the right forms -and provide other assistance with your case.

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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.

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Rules of Court

New & Amended Rules

Local Rules

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Superior Court of California - County of San Diego: [General Information](#): [Rules of Court](#)

### 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. 010118-25 In re Language Access](#)

[Order No. 010118-31 in re Family Court Reporters](#)

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[Division V - Family Law](#)  
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[Division VI - Juvenile](#)

### Policies and Procedures

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[Division VII - Appellate](#)

Revised: January 1, 2019

[Division VIII - Mental Health](#)

Revised: January 1, 2019

[Superior Court of California - County of San Diego: General Information: Rules of Court: ROC Division II - Civil](#)

### [2019 DIVISION II - CIVIL](#)

The following chapters are contained in the document above:

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##### 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)
- 2.1.4 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. 1/1/2018)
- 2.1.10 Discovery Status Conferences (Adopted 1/1/2019)
- 2.1.11 Expert Witnesses (Rev. 1/1/2010)
- 2.1.12 Reserved for Future Use (Del. 1/1/2009)
- 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)
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# Jury Instructions

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Tulare County Courthouse, 1878



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immediate issues regarding your

# Jury Service



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

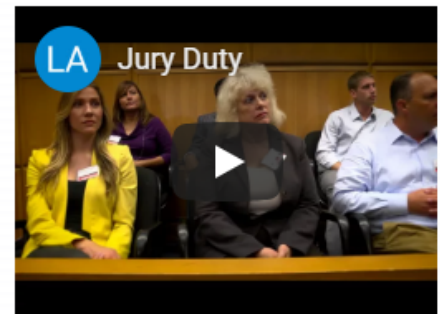
"Trial by jury is one of the fundamental ideals of American democracy; serving as jurors reminds us that these ideals exist only as long as individual citizens are willing to uphold them."

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### Your Jury Service or Summons

This website has no individual jury service or status information. Please visit your Superior Court website:

Find Your Local Court



Los Angeles Superior Court  
Jury Service Video (4:42)

### 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

### 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 and attorneys.

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## Jury Instructions For Judges and Attorneys

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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 for Judges and Attorneys \(CACI\)](#)




[California Criminal Jury Instructions for Judges and Attorneys \(CALCRIM\)](#)

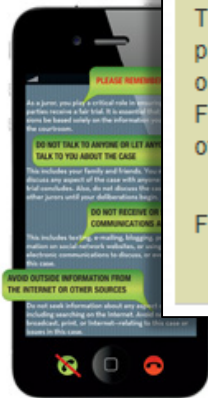
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- Court and Community brochure: Information and Instructions for Responding to your Juror Summons  (rev. 2016)
- Final Report of the Blue Ribbon Commission on Jury System Improvement  (1996)
- Task Force on Jury System Improvements, Final Report  (2003, rev. 2004)



THANK YOU FOR YOUR SERVICE!

The poster above is a reminder to jurors that bans on research and dissemination of trial-related


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You should contact the court directly for questions regarding your summons. For more information, contact us at

Public Information Program  
[www.courts.ca.gov](http://www.courts.ca.gov)

### RESOURCES

[Case Management](#)

[Jury Studies](#) 

Public Information Program for State Courts  
Public Relations Officer  
Phone (805) 532-1321

Phone (800) 616-6164  
Fax (757) 564-2022

**California Grand Jurors' Association** 

Public Relations Officer  
Phone (805) 532-1321



# California Jury Instructions

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## Civil Jury Instructions

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### Judicial Council of California Civil Jury Instructions (CACI)

- [2019 Edition Complete Text](#)   
10 MB, as adopted by the Judicial Council November 2018

**Note:** This document 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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## 503B. Affirmative Defense—Psychotherapist’s Communication of Threat to Victim and Law Enforcement

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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.**

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*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

- Limited Psychotherapist Immunity. Civil Code section 43.92(b).
- 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)

# QUESTIONS? NEED HELP?

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**LRC Reference Desk**

**619.260.4612**

**[lrcrefer@sandiego.edu](mailto:lrcrefer@sandiego.edu)**