

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Amendments to Title 5, Division 1, Chapter 1, rule 5.30 of the Local Rules

Motions and hearings

The proposed amendments to rule 5.30 of the court's Local Rules ("Rules"), entitled *Motions and hearings*, are part of the court's continuing effort to review, correct, and update its Rules as needed.

SUMMARY

The proposed amendments to this rule incorporate the new vocabulary of family law litigation. The term "request for order" is added to subsection (a)(1) to reflect the use of that term in the California Rules of Court and Judicial Council forms for most family law hearings effective July 1, 2012. The use of "request for order" instead of the more legalese "order to show cause" or "notice of motion" is intended to make the proceedings more comprehensible for self-represented litigants. The second change in this rule is in subsection (d) where "emergency order" is used rather than "ex parte" orders.

Below is the full text of proposed local rule 5.30 with deletions noted in ~~strikethrough~~ and additions noted in underline.

Proposed amendments to Local Rule 5.30. Motions and hearings

(a) Duty to meet and confer

- (1) Before court hearing on a ~~a~~ request for order, order to show cause, or motion

Unless the court orders another time period, no later than five days before a hearing on a ~~a~~ request for order, order to show cause, or ~~a~~-motion, the parties must meet and confer, in person or by telephone, to discuss all pending issues and, to the extent not previously served and filed, exchange all documents and information relevant to such issues.

- (2) Before settlement conference or trial

Unless the court orders another time period, no later than five days before a settlement conference or trial, the parties must meet and confer, in person or by telephone, to discuss all pending issues and, to the extent not previously served and filed, must exchange all documents and information relevant to such issues.

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(b) Attaching order or judgment if modification is requested

In any proceeding to modify or enforce an existing order or judgment, a copy of the order or judgment must be attached to the moving papers. Any order or judgment required by this rule that is not attached to the moving papers must be attached to the responsive papers.

(c) Declaration of unresolved issues required

If a [hearing on a request for order, order to show cause, or](#) motion is continued for more than 60 days, each party must serve and file a declaration setting forth the issues that remain unresolved. Parties must use the *Summary of Contested and Resolved Issues (Local Form ALA FL-030)* for this purpose.

(d) No appearance on ~~ex parte~~ applications [for emergency orders](#)

No personal appearance is permitted or required ~~with an~~ [on presentation of](#) an ~~ex parte~~ application [for emergency orders](#), unless otherwise ordered by the court.