

## Title 1. General and Administrative Rules

### Chapter 1. General and Administrative Rules

#### **Rule 1.1. Citation and effect of rules**

These rules are the local rules for the Superior Court of California, County of Alameda. These rules may be cited as the “local rules” and are supplementary and subject to statutes and the California Rules of Court and shall be construed and applied so they do not conflict with such rules and statutes. These rules shall supersede all rules previously adopted by the superior and municipal courts of the County of Alameda. These rules shall have no retroactive effect or application.

*Rule 1.1 amended effective July 1, 2007; adopted effective May 19, 1998; previously amended effective July 1, 1999.*

#### **Rule 1.2. Construction and application of rules**

These rules are to be liberally construed to ensure the just and speedy determination of the proceedings that they govern. Division, section, rule, and paragraph headings do not affect the scope, meaning, or intent of the provisions of these rules. If any part of a rule is held invalid, all valid parts that are severable from the invalid parts remain in effect. If a rule is held invalid in one or more of its applications, the rule remains in effect in all valid applications that are severable from the invalid applications.

*Rule 1.2 amended effective July 1, 2007; adopted effective May 19, 1998; previously amended effective July 1, 1999.*

#### **Rule 1.3. Effective date of these rules**

These rules shall take effect May 19, 1998.

*Rule 1.3 amended effective July 1, 2007; adopted effective May 19, 1998.*

#### **Rule 1.4. Forms [Reserved]**

#### **Rule 1.5. Definitions**

The definitions set forth in the California Rules of Court apply to these rules, unless the context or subject matter herein requires otherwise. As used in these rules:

- (1) “County” means the County of Alameda, State of California.

- (2) "Court" means the Superior Court of California, County of Alameda, and shall include and apply to any judge, commissioner, or referee who is a duly appointed or elected member of this court and to any judge who has been assigned by the Chairman of the Judicial Council to serve, and is serving, as a judge of this court, including any retired judge who is so assigned and is serving, and any attorney designated by the presiding judge as a temporary judge.
- (3) "Rule" is a local rule of the Superior Court of California, County of Alameda.
- (4) "Clerk" means the clerk and any deputy clerks of the Superior Court of California, County of Alameda.
- (5) "Northern Division" means the combined geographic limits of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont; served by the René C. Davidson Alameda County Courthouse.
- (6) "Southern Division" means the combined geographic limits of Hayward, San Leandro, Fremont, Newark, Union City, unincorporated areas of Ashland, Castro Valley, Cherryland, Fairview, San Lorenzo, and Washington Township, served by the Hayward Hall of Justice.
- (7) "Eastern Division" means the combined geographic limits of Dublin, Livermore, Pleasanton, unincorporated areas of Sunol, East to the San Joaquin County line, West to Schafer Ranch Road, North to the Contra Costa County Line, South to Andrade Road, and Southeast to the Santa Clara County line; served by the Gale/Schenone Hall of Justice.

*Rule 1.5 amended and renumbered effective July 1, 2007; adopted as rule 1.4 effective May 19, 1998; previously amended effective July 1, 1999.*

### **Rule 1.6. Judges' vacation day**

A day of vacation for a judge of the court is an approved absence for one full business day. Other absences from the court listed in California Rules of Court, rule 10.603(c)(2)(H) are excluded from this definition.

*Rule 1.6 amended and renumbered effective July 1, 2007; adopted as rule 1.12 effective July 1, 2001; previously amended effective January 1, 2007.*

### **Rule 1.7. Photographing, recording, broadcasting, and using electronic devices in court proceedings, courthouses, and other court locations; remote media access by video**

#### **(a) Definitions**

As used in this rule:

- (1) “Electronic devices” include cameras; video and audio recorders; cellular or digital phones; computers; iPads and other tablets; and all similar electronic, cable, digital, computerized or other forms and methods of recording, transmitting, or communicating.
- (2) “Photographing” means recording a likeness, regardless of the method used, including by digital or photographic methods. Photographing does not include drawings or sketchings of the court proceedings.
- (3) “Recording” means the use of any analog or digital device to aurally or visually preserve court proceedings. Recording does not include handwritten notes on the court record, whether by court reporter or by digital or analog preservation.
- (4) “Broadcasting” means a visual or audio transmission or signal, by any method, including any electronic transmission or transmission by sound waves.
- (5) “Courthouse” means a building in which court proceedings are held. For multi-use buildings, courthouse means the court-occupied portions of such buildings.
- (6) “Courtroom” means both the physical room in which court proceedings are held and any livestream or electronic platform used to conduct court proceedings remotely via video or audio technology conferencing.
- (7) “Media” means any person or organization engaging in news gathering or reporting and includes any newspaper, radio or television station or network, news service, magazine, trade paper, in-house publication, professional journal, or other news-reporting or news-gathering agency.

**(b) Electronic devices**

- (1) Electronic devices are permitted in courthouses and other court locations but are subject to x-ray or visual inspection by an authorized employee of the Alameda County Sheriff's Office.
- (2) Absent permission of a judicial officer, persons must turn off all electronic devices in courtrooms while court is in session. This subdivision does not apply to electronic devices used to connect to a court proceeding.

**(c) Photographing, recording, and broadcasting**

Photographing, recording, and broadcasting of courtroom proceedings, or within a courthouse or other court location, are prohibited absent a court order.

- (1) Requests to photograph, record, or broadcast a courtroom proceeding must comply with rule 1.150 of the California Rules of Court and must be submitted to the judicial officer assigned to the proceeding. If no judicial officer has been assigned, requests must be emailed to [mediarequest@alameda.courts.ca.gov](mailto:mediarequest@alameda.courts.ca.gov).
- (2) All other requests to photograph, record, or broadcast must be made on Judicial Council form MC-500 and emailed to [mediarequest@alameda.courts.ca.gov](mailto:mediarequest@alameda.courts.ca.gov) at least five days before the requested date unless good cause is shown. A request must include its purpose and, if it pertains to a particular case, the case name and number. Unless otherwise permitted, the photographing, recording, or broadcasting must take place in the location in each courthouse specifically dedicated for media use (see <http://www.alameda.courts.ca.gov/Pages.aspx/Media-Requests-to-Film-or-Photograph>) and must not include jurors, prospective jurors, witnesses, prospective witnesses, court personnel, or judicial officers without their written permission.

**(d) Remote media access by video**

If any portion of a nonconfidential courtroom proceeding will be conducted remotely by video, the media may request remote access by emailing the

request to [mediarequest@alameda.courts.ca.gov](mailto:mediarequest@alameda.courts.ca.gov) no later than 5 court days before the proceeding. Notice of all rulings on the requests will be provided by the court. Any media permitted remote access by the court must mute both video and audio to allow observation of the proceeding without being seen or heard.

**(e) Exceptions**

- (1) The Presiding Judge or designee may approve photographing or recording investitures and other ceremonial or educational programs.
- (2) This rule does not prohibit:
  - (A) Individuals from using electronic devices to photograph or record court files that are otherwise available for public inspection and copying.
  - (B) Law enforcement individuals from using electronic devices to photograph or record while engaged in the course and scope of their official duties.
  - (C) Court personnel from photographing, recording, broadcasting, or using electronic devices as part of their official duties.

**(f) Enforcement**

Violation of the terms of this rule may result in the confiscation of the electronic device; exclusion of the violator from the courtroom proceeding, courthouse, or other court location; and may be the basis for a citation for contempt of court or an order imposing monetary or other sanctions as provided by law.

*Rule 1.7 amended effective April 30, 2022; retitled as “Electronic devices in courthouses and other court locations” and adopted effective January 1, 2015; former Rule 1.7 (Civil filing venues) repealed effective July 1, 2008; adopted as sections ‘A’ through ‘E’ of Appendix to Chapter 1 effective August 1, 2000 and renumbered effective July 1, 2007; previously amended effective January 1, 2002, January 1, 2004, January 1, 2007, July 1, 2007, January 1, 2008, January 1, 2016, and January 1, 2022.*

**Rule 1.7.1. Prohibited activities in and around a courthouse**

**(a) Purpose**

The purpose of this rule is to ensure the orderly conduct of judicial proceedings and court functions, and to ensure the administration of justice is free from actual or perceived outside influence, bias, or control.

**(b) Courthouse**

As used in this rule, “courthouse” means a building in which court proceedings are held. For multi-use buildings, courthouse means the court-occupied portions of such buildings.

**(c) Prohibitions**

This rule applies to the following activity occurring in and around a courthouse:

- (1) No person may engage in activity that obstructs or interferes with court functions, including protesting, picketing, and parading.
- (2) No person may obstruct, impede, or interfere with persons entering or leaving a courthouse, or waiting in line to enter or leave a courthouse. This section does not apply to authorized personnel or contractors, or to law enforcement officers in the performance of their official duties.
- (3) No person may post or distribute materials to the general public. This section does not apply to authorized personnel or contractors, or to law enforcement officers in the performance of their official duties.
- (4) No person may engage in commercial activity, including soliciting sales or donations from the general public. This section does not apply to persons engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity that is authorized by a written use permit, license, or agreement.

*Rule 1.7.1 adopted effective January 1, 2022.*

**Rule 1.8. Facsimile filing**

The court hereby adopts California Rules of Court, rule 2.300 et seq. for the facsimile filing of documents in Civil, Probate, and Family Law proceedings, except those specified in California Rules of Court, rule 2.300(b). Facsimile filing will not be available in any case type in which electronic filing is available.

**(a) Filing**

- (1) The facsimile filing number will be posted on the court's website and will be available at the clerk's office.
- (2) The court accepts direct filing as well as agency filing.
- (3) Documents may be faxed to the court 24 hours a day, although filings received after 4 p.m. or on court holidays or weekends will be deemed filed on the next court day.

**(b) Attorney fax number**

If an attorney represents the party, the attorney must also include his or her facsimile machine telephone number, designated as a "fax" number below the attorney's state bar number.

**(c) Conformed copies**

Conformed copies will be available via the court's web page if permitted by the California Rules of Court. Otherwise, a conformed copy of the filing will be returned via facsimile to the number provided unless otherwise requested.

**(d) Attachments**

Each attachment must be immediately preceded by a faxed insert "tab title page", blank except for the title of the tab typed in the lower left-hand corner of the page. The facsimile usage fee will be assessed for each tab page.

**(e) Rejected filings**

If a document is rejected for filing, the clerk will fax a 'Return Information Sheet' indicating why the filing was rejected usually within two court days.

*Rule 1.8 amended effective January 1, 2022; adopted effective May 19, 1998; previously amended effective January 1, 2009, August 1, 2000, July 1, 2003, January 1, 2004, January 1, 2007, and July 1, 2007.*

**Rule 1.8.1. Additional rules for filing and hearings**

**(a) Advisement regarding confirmation of hearing dates**

Parties are advised to check the Court's case management systems to confirm hearing dates.

**(b) Documents that may be filed in person, by fax, mail, or drop box filing**

The Court will accept all filings in person or by mail, drop box, or fax filing pursuant to Local Rule 1.8, except as provided in subsection (e), below. Refer to the Alameda County Superior Court website for the times filings may be made at each courthouse.

The following locations are available for drop box filing:

- Hayward Hall of Justice: Civil and Family filings only
- Rene C. Davidson Courthouse: Civil and Mental Health-related filings only
- Berkeley Courthouse: Probate filings only
- George E. McDonald Hall of Justice: Requests for copies of, or research regarding, court records

**(c) Documents that must be filed in person or by mail or drop box**

The following documents must be filed in person, by mail, or drop box at the indicated court location:

- Probate letters with associated bonds and original wills and codicils may only be filed in person at the Berkeley Courthouse.

**(d) Case processing**

**(1) Processing of documents generally**

As of the effective date of this rule, all documents will be file-stamped with the date on which they were received. Parties and counsel should check the eCourt and Domain case management systems regularly to determine whether filed documents have been processed.

**(2) Processing of unlawful detainers**

**(A) Complaints**

The Court will accept new unlawful detainer complaints for filing only where the complaint alleges that the action is not prohibited by a local ordinance.

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Any such complaint must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity or other exception;
- (ii) A proposed order permitting the filing on the basis of such necessity or other exception; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

All filings will be accepted as stated in subsection (c).

Upon receipt, the Court will review the complaint, declaration, and proposed order on an ex parte basis. The Court may in its discretion hold a hearing or request that defendant respond before issuing a summons on a proposed complaint.

If the Court, in its discretion, finds that the action is not prohibited by a local ordinance, the Court will issue a summons, and plaintiff may then serve a copy of the summons and complaint. The action may not be served or otherwise proceed until the Court issues a summons on a proposed complaint.

Failure to comply with this subdivision may be the basis for an order imposing monetary or other sanctions as provided by law.

**(B) Requests for entry of default or default judgment**

The Court will accept for filing requests for entry of default or default judgment in an unlawful detainer action only where (i) the plaintiff demonstrates that the action is not prohibited by a local ordinance, and (ii) the defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

Any such request for entry of default or default judgment must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity or

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- other exception;
- (ii) A proposed order permitting the filing on the basis of such necessity or other exception; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

Upon receipt of a request for entry of default or default judgment, the Court may in its discretion hold a hearing upon notice to all parties.

**(C) Requests for temporary stay of eviction**

Parties may file requests for temporary stay of eviction for any judgment entered on or after July 13, 2020. In order to ensure timely consideration, any party seeking a temporary stay of eviction may send a courtesy copy of the request by email to Department 511 ([dept511@alameda.courts.ca.gov](mailto:dept511@alameda.courts.ca.gov)).

**(D) Law and motion**

Effective August 17, 2020, the Court will accept reservation requests for new motions as stated in subdivision (f). Parties may file pleadings or other documents in any pending case. The Court will set pending motions for hearings or continue the hearing date on a case-by-case basis. The Court will notify the parties whether the motion is set for hearing or has been continued. The Court will enter judgment in an unlawful detainer action that will result in eviction only where it is established that the action is subject to any exception to any moratoria in the Alameda County Ordinance Code or applicable local ordinance.

**(E) Mandatory Settlement Conferences and requests to set for trial**

The Court prefers to conduct all Mandatory Settlement Conferences (MSCs) remotely. Parties may request an MSC by stipulation or ex parte application and should indicate whether they agree to conduct the MSC remotely. The Court may continue any MSC, court trial, or jury trial. The Court will accept for filing Requests and Counter-Requests to Set for Trial in all pending cases.

**(F) Stay on writs of possession**

Execution of any writ of possession for real property issued before July 13, 2020, is hereby stayed up to and through the end date of the eviction moratorium set forth in Alameda County Ordinance No. O-2020-41, and no payment of undertaking for this period shall be owed by any defendant, consistent with the Court's exercise of discretion under Code of Civil Procedure 918.

**(e)      Return of file-endorsed copies of documents filed by mail or drop box**

Filers may obtain file-endorsed copies of documents that are filed by mail or drop box in the following ways:

- Processed documents will be returned by mail to all filers who include a postage-paid, self-addressed envelope with their filings.
- Where permitted under rule 2.503 of the California Rules of Court, processed documents will be available online through the Court's eCourt Public Portal and DomainWeb portals at <https://eportal.alameda.courts.ca.gov/> and <https://publicrecords.alameda.courts.ca.gov/prs>, respectively.
- Otherwise, filers may return to the courthouse at which the documents were filed to pick up file-endorsed copies in person.

**(f)      Reservation requests**

Until such time as this rule is further amended or repealed, the Court will only accept reservation requests as specified herein.

Only one reservation may be made for a motion.

The Court will accept reservation requests for new, non-ex parte motions, except in unlawful detainer cases, unless the filing falls within the exception outlined in subsection (f)(3) above. Such requests must be made as follows:

- In Civil Law matters, through the eCourt Court Reservation System portal, located online at <https://eportal.alameda.courts.ca.gov/?q=node/384>;
- In Family Law matters, by contacting the clerk in the department to which the case is assigned; and
- In Probate Law matters, motion reservations are not accepted.

**(g) Email address required**

Each pleading submitted for filing must include, with the required contact information at the top of the first page, a current email address for the attorney or self-represented party on whose behalf the pleading is submitted. Each form submitted for filing must also include a current email address for the attorney or self-represented party on whose behalf the form is submitted, regardless of any "optional" reference that may be printed on the form. Failure to provide a current email address and statement of intent to appear remotely or in person may result in the continuance of the hearing.

*Rule 1.8.1 adopted effective April 30, 2022.*

**Rule 1.9. Presentation of papers for filing in civil, family law, and probate**

**(a) Definition of a Civil Case.**

For purposes of this rule, a "Civil Case" is an action or proceeding prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil Cases include all cases except criminal cases, traffic cases, petitions for habeas corpus, "Family Law Cases" as defined in subparagraph (b) below, and proceedings in the Juvenile Court.

**(b) Definition of a Family Law Case.**

For purposes of this rule, a "Family Law Case" is any action or proceeding under the Family Code.

**(c) When this rule does not apply.**

This rule does not apply to pleadings, papers, forms, documents, and writings filed by facsimile transmission in compliance with section 1010.5 of the Code of Civil Procedure, rules 2.300-2.305 of the California Rules of Court, and Local Rule 1.8.

**(d) Presentation of papers for filing in a Civil Case.**

Except as provided in subparagraphs (f) – (i), all pleadings, papers, forms, documents, and writings to be filed in a Civil Case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612 or the office of the civil clerk located at the Hayward Hall of Justice, 24405 Amador Street, Hayward, California 94544.

**(e) Presentation of papers for filing in a Family Law Case.**

All pleadings, papers, forms, documents, and writings to be filed in a Family Law Case must be presented for filing at the office of the family law clerk located at the Hayward Hall of Justice, 24405 Amador Street, Hayward, California 94544. All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Family Code Section 6200 et seq. (Domestic Violence Prevention Act) may also be filed at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

**(f) Presentation of papers for filing in Probate Code proceedings.**

All pleadings, papers, forms, documents, and writings to be filed in a proceeding under the Probate Code must be presented for filing at the Berkeley Courthouse, 2120 Martin Luther King, Jr. Way, Berkeley, California 94704. Notwithstanding the foregoing, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Civil Cases, then paragraph (j) of this rule applies; and, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Family Law Cases, then paragraph (e) of this rule applies.

**(g) Presentation of papers for filing in proceedings under the False Claims Act or the Lanterman-Petris-Short Act.**

All pleadings, papers, forms, documents, and writings to be filed in a case brought under Government Code sections 12650-12656 (False Claims Act) or in a case brought under Welfare and Institutions Code sections 5000 et seq. (Lanterman-Petris-Short Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

**(h) Presentation of papers for filing in proceedings requesting issuance of certain protective orders.**

All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Welfare and Institutions Code section 15657.03 (Elder Abuse and Dependent Adult Civil Protection Act), Code of Civil Procedure section 527.6 (Civil Harassment Prevention), Code of Civil Procedure section 527.85 (Private Postsecondary School Violence Prevention), or Code of Civil Procedure section 527.8 (Workplace Violence Safety Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612 or the Hayward Hall of Justice, 24405 Amador Street, Hayward, California 94544.

**(i) Presentation of papers in an adoption case for filing**

All pleadings, papers, forms, documents, and writings to be filed in an adoption case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; or the office of the civil clerk located at Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

*Rule 1.9 amended effective July 1, 2018; adopted as rule 1.13 effective January 1, 2004 and renumbered effective July 1, 2007; previously amended effective January 1, 2008, July 1, 2008, January 1, 2012, January 1, 2013, July 1, 2015, and July 1, 2016.*

#### **Rule 1.10. Composition of jury panels**

Panels for all jury trials will be drawn from the master jury list.

*Rule 1.10 amended effective February 8, 2021; previously amended via emergency amendment effective June 5, 2020, which emergency amendment was repealed effective February 8, 2021; adopted as rule 1.11 effective July 1, 1999 and renumbered effective July 1, 2007; previously amended effective May 1, 2000, January 1, 2001, February 5, 2001, January 1, 2008, and January 1, 2011.*

#### **Rule 1.11. Protocol regarding inter-court communication of domestic violence restraining orders**

##### **(a) Statement of purpose**

This protocol is adopted in compliance with California Rules of Court, rule 5.450, effective January 1, 2004 and renumbered effective January 1, 2007, and complies with California Family Code sections 6380 and 6383, as well as California Penal Code section 136.2 as currently amended.

##### **(b) Protocol goals**

The goals of this protocol are to:

- (1) Establish a procedure for communication among courts issuing criminal protection orders and courts issuing orders involving child custody and visitation orders, regarding the existence and terms of criminal protective orders and child custody and visitation orders, including:
  - (A) A required procedure for courts issuing child custody or visitation to make reasonable efforts to determine whether there exists any criminal court protective order that involves any party to the action; and

- (B) A procedure to require courts issuing criminal court protective orders to make reasonable efforts to determine whether there exists any child custody or visitation orders that involve any party to the action.
  - (2) Establish a procedure by which the court issuing the criminal court protective order may, after consultation with a court issuing subsequent child custody and visitation orders, modify the criminal court protective order to allow or restrict contact between the person restrained by the order and his or her children.
  - (3) The above-described orders shall include the following:
    - (A) Family law court orders made pursuant to the Domestic Violence Prevention Act (F.C. section 6200 et. seq.);
    - (B) Juvenile court orders made pursuant to W. & I. section 213.5;
    - (C) Criminal court orders made pursuant to P.C. 136.2 where the victim and the defendant have a relationship as defined in F.C. section 6211;
    - (D) Civil court orders made pursuant to C.C.P. section 527.6 where the victim and the defendant have a relationship as defined in F.C. section 6211;
    - (E) Probate court orders made in guardianship cases.
  - (4) Provide for the co-existence of non-conflicting orders with the following limitations:
    - (A) The criminal court protective order under P.C. section 136.2 supersedes all other orders in the event of a conflict; and
    - (B) All orders involving child visitation with the restrained person shall be specific as to time, date, and location of the visit and shall include provisions for the safe exchange of the children. Safety of all parties shall be the court's paramount concern.
  - (5) Encourage the establishment of regional communication systems with courts in neighboring counties regarding the existence and terms of criminal court protective orders.
- (c) Protocol**

Court communication regarding restraining orders – criminal, civil, family, juvenile, probate:

- (1) Criminal protective orders take precedence over all other protective orders issued by the civil, family, juvenile and probate courts, subject to the provisions below.
- (2) Criminal court procedure:
  - (A) When the criminal court issues criminal protective orders protecting victims, the criminal court shall determine whether there are any minor children of the relationship between the defendant/restrained person and the victim/protected person, and whether there are any court orders for custody/visitation for those minor children.
  - (B) If there are minor children, the criminal court shall consider whether peaceful contact with the victim/protected person should be allowed for the purpose of allowing defendant/restrained person to visit the minor children. The court shall give the defendant/restrained person an information packet concerning his or her rights to request custody and/or visitation through the family or juvenile court, along with directions to the Self-Help Center.
  - (C) The criminal court shall also determine whether there are any existing protective/restraining orders involving the defendant/restrained person, the victim/protected person, and/or the minor children. Subject to available resources, the court shall examine available databases for existing protective or restraining orders before issuing permanent criminal protective orders.
  - (D) If the criminal court order includes minor children as named protected parties, the order may be made explicitly subject to modification by a civil, family, juvenile, or probate judge. If this qualifying clause is not included in the criminal court order, the order may not be modified without notification and consent of the issuing criminal court.
  - (E) When the criminal court issues criminal protective orders that list the defendant/restrained person's minor children as protected persons, the criminal court shall forward a copy of its order to the family court. If a civil, juvenile, or probate court proceeding concerning the family is pending, a copy of the order shall be faxed to the applicable court.

- (3) Modification of criminal protective orders:
- (A) Any court responsible for issuing custody or visitation orders involving minor children of a defendant/restrained person subject to a criminal protective order may modify the criminal protective order if all of the following circumstances are applicable:
- (i) Both the defendant/restrained person and the victim/protected person are subject to the jurisdiction of the family, juvenile, or probate court; and both parties are present before the court.
- (ii) The defendant/restrained person is on probation (formal or court) or has a case pending for a domestic violence offense in Alameda County.
- (iii) The family, juvenile, or probate court identifies a criminal protective order issued against the defendant, which is inconsistent with a proposed family, juvenile, or probate court order, such that the family, juvenile, or probate order is/will be more restrictive than the criminal protective order.
- (iv) Both the victim/protected person and the defendant/restrained person agree that the criminal protective order may be modified to a less restrictive order.
- (B) A criminal protective order may not be modified to a less restrictive order or to one permitting proposed visitation or custody unless a clause specifically allowing such a modification or amendment is included in the criminal protective order. (See section 2D, supra.)
- (C) If the aforementioned clause allowing modification of a criminal protective order does not appear on the face of the order, or if any party objects to the modification of the criminal protective order, the family, juvenile, or probate court shall, at the request of an interested party or on its own motion, calendar a hearing before the criminal court on the issue of whether a criminal protective order should be modified. The family, juvenile, or probate court shall provide the criminal court with copies of existing or proposed orders relating to the matter. Notice of the hearing will be provided to all counsel and parties.

**Any modification of a Criminal Court Protective Order must be communicated to the Alameda County District Attorney's Office.**

- (4) Family, juvenile, probate, civil court restraining orders involving child custody and visitation orders:
  - (A) All personal conduct and stay away restraining orders in a judgment must include the date of expiration of such orders and good cause for granting such order(s) shall be set forth in attached declaration(s). In addition, all such restraining orders must be separately set forth on a CLETS or other applicable Judicial Council form.
  - (B) Subject to available resources, the family, juvenile, and probate courts shall examine appropriate available databases for existing restraining or protective orders involving the same restrained and protected parties before issuing permanent CLETS civil restraining orders. In the event that this information is not available to the judicial officer, inquiry shall be made of the parties before issuing permanent CLETS civil restraining orders.
  - (C) Any order of the family, juvenile, or probate court that permits contact between a defendant/restrained person subject to either CLETS civil restraining orders or criminal protective orders and his or her minor children, shall contain specific language setting forth the time, day, place, and manner of the transfer of the minor children, including the safe exchange of the minor children, in accordance with Family Code Section 3100. Such an order shall not contain language that conflicts with a criminal protective order. Safety of all parties shall be the court's paramount concern. The court or a court-related agency may recommend safe and specific contact with the minor children. and direct the defendant/restrained person and/or the victim/protected person to the process for modification of protective orders.

*Rule 1.11 amended and renumbered effective July 1, 2007; adopted as section 'G' of Appendix to Chapters 4 and 5 effective July 1, 2005; previously amended effective January 1, 2007.*

**Rule 1.12. Juror questionnaires**

- (a) **Mandatory questionnaire**

Each prospective juror must complete a questionnaire for identification, qualification, ability to serve, and assistance in the voir dire process.

**(b) Hardship questionnaire**

Any prospective juror requesting to be excused from jury service because of undue hardship must complete a hardship questionnaire.

**(c) Remote submission of questionnaires**

Prospective jurors should complete and electronically submit the mandatory and hardship questionnaires to the Court as instructed in the jury summons and on the Court's jury duty web page. If responses are not submitted as directed, the prospective juror must complete the questionnaires in person on the jury summons date.

*Rule 1.12 adopted effective February 8, 2021.*

**Rule 1.13. Failure to comply with these rules**

Failure to comply with these rules is punishable by contempt or other sanctions including, but not limited to, any sanctions provided for in these rules.

*Rule 1.13 amended and renumbered effective July 1, 2007; adopted as rule 1.9 effective May 19, 1998.*

**Rule 1.85. Electronic filing of documents in criminal cases**

**(a) Preference for electronic filing**

The court prefers that all filings in criminal matters be filed electronically.

**(b) Methods of electronic filing**

Parties may electronically file documents in two ways.

(1) Parties with computer systems that are integrated with the court's case management system may file directly through those systems. Parties with computer systems that are integrated with the court's system include the Alameda County District Attorney's Office, Alameda County Public Defender's Office, Alameda County Probation Department, Division of Adult Parole Operations of the California Department of Corrections and Rehabilitation, California Department of Child Support Services, and the California Department of Social Services.

(2) Parties that do not have computer systems that are integrated with the court's case management system must use one of the court's certified

Electronic Filing Service Providers (EFSPs). The court maintains a current list of certified EFSPs on its web site at  
<http://www.alameda.courts.ca.gov/Pages.aspx/efiling>.

**(c) Filing confidential documents or documents containing confidential information**

Where authorized or required by law or court order, parties may designate all or portions of electronically filed documents as confidential. Information on filing confidential documents may be obtained through the filer's EFSP and the Court's web site at <http://www.alameda.courts.ca.gov/Pages.aspx/efiling>.

**(d) Date and time of filing**

Parties may electronically transmit a document to the court at any time. Acceptance of a transmitted document for filing occurs on the (i) date the document is submitted, if the submission occurs between 12:00 a.m. and 11:59 p.m. on a day when the clerk's office is open for business, or (ii) next day when the clerk's office is open for business following submission of the document, if the submission occurs on a day when the clerk's office is closed.

**(e) Confirmation of receipt**

The court will provide an electronic confirmation to the filer indicating the date and time the document was received.

**(f) Confirmation of filing**

The court will provide an electronic confirmation to the filer indicating the date and time the document was filed.

**(g) Errors in electronically filed documents**

The filing party is solely responsible for the accuracy of the data and information contained in electronically filed documents.

**(h) Hearing dates for electronically filed motions**

Hearing dates and times for motions filed electronically under this rule shall be set in conformity with the procedures followed in the courtroom in which the motion will be set for hearing or heard.

**(i) Courtesy copies of electronically filed documents**

When any document is electronically filed in a criminal matter in connection with a hearing scheduled for two or fewer days from the date of filing, the filer

must also deliver a paper copy to the department where the matter is scheduled to be heard.

**(j) Electronic service**

A party filing documents electronically under this rule is deemed to have consented to accepting electronic service of documents by all other parties and the court.

*Rule 1.85 adopted effective January 1, 2016.*

**Rule 1.86. Electronic filing of documents in juvenile cases**

**(a) Preference for electronic filing**

The court prefers that all filings in juvenile matters be filed electronically.

**(b) Methods of electronic filing**

Parties may electronically file documents in two ways.

- (1) Parties with computer systems that are integrated with the court's case management system may file directly through those systems. Parties with computer systems that are integrated with the court's system include the Alameda County District Attorney's Office, Alameda County Public Defender's Office, Alameda County Probation Department, Division of Adult Parole Operations of the California Department of Corrections and Rehabilitation, California Department of Child Support Services, and the California Department of Social Services.
- (2) Parties that do not have computer systems that are integrated with the court's case management system must use one of the court's certified Electronic Filing Service Providers (EFSPs). The court maintains a current list of certified EFSPs on its web site at  
<http://www.alameda.courts.ca.gov/Pages.aspx/efiling>.

**(c) Filing confidential documents or documents containing confidential information**

Where authorized or required by law or court order, parties may designate all or portions of electronically filed documents as confidential. Information on filing confidential documents may be obtained through the filer's EFSP and the Court's web site at <http://www.alameda.courts.ca.gov/Pages.aspx/efiling>.

**(d) Date and time of filing**

Parties may electronically transmit a document to the court at any time. Acceptance of a transmitted document for filing occurs on the (i) date the document is submitted, if the submission occurs during the normal business hours of the clerk's office, or (ii) next day when the clerk's office is open for business following submission of the document, if the submission occurs after the normal business hours of the clerk's office or on a day when the clerk's office is closed. For purposes of this rule, "normal business hours of the clerk's office" means Monday through Friday from 8:30 a.m. to 4:30 p.m.

**(e) Confirmation of receipt**

The court will provide an electronic confirmation to the filer indicating the date and time the document was received.

**(f) Confirmation of filing**

The court will provide an electronic confirmation to the filer indicating the date and time the document was filed.

**(g) Errors in electronically filed documents**

The filing party is solely responsible for the accuracy of the data and information contained in electronically filed documents.

**(h) Hearing dates for electronically filed motions**

The electronic filing of a document under this rule will not result in the hearing date indicated on the pleading until the filing party has received approval of the hearing date as set out in Local Rule 5.504(a). If a filing party has received approval of the hearing date, the party should indicate that approval using the "note," "comment," or other corresponding feature of the EFSP or integration used to file the document.

**(i) Courtesy copies of electronically filed documents**

When any report, pleading, or other paper is electronically filed in a juvenile matter in connection with a hearing scheduled for two or fewer days from the date of filing, the filer must also deliver a paper copy to the department where the matter is scheduled to be heard.

**(j) Electronic service**

A party that files documents electronically pursuant to this rule is not deemed to have consented to accepting electronic service. A party may consent to accepting electronic service by complying with rule 2.251(b)(1)(A) of the California Rules of Court.

*Rule 1.86 adopted effective January 1, 2016.*

## **1.90. Remote proceedings**

### **(a) Application**

This rule applies to all civil matters other than family law matters.

### **(b) Discretion to order remote proceedings**

To the extent consistent with current law, the court may conduct proceedings, including trials, remotely.

#### **(1) Proceedings that may be conducted remotely**

- (A)** All juvenile dependency proceedings will be conducted consistent with subdivision (h) of Code of Civil Procedure section 367.75.
- (B)** Subject to the exceptions below, all non-criminal trials and evidentiary hearings other than small claims and civil harassment hearings will be conducted remotely unless (i) the court orders otherwise, or (ii) a party makes a showing as to why the trial or hearing should not be conducted remotely by emailing said showing to the assigned department and to all parties and others entitled to notice no later than five court days before the hearing.
- (C)** For purposes of this rule, evidentiary hearings to be conducted remotely include:
  - Jury trials
  - Court trials
  - Evidence Code 402 and 403 hearings
  - Preliminary injunction hearings where live testimony is offered
  - In Probate cases:
    - Any case designated on the calendar as Probate Non-Jury Trial
    - Court trials on any contested petition
    - Petitions to establish birth, death, or marriage
    - Petitions for conservatorship
    - Petitions for guardianship
- (D)** Any party who intends to appear in person at any hearing must inform all parties and others entitled to notice and must email the assigned department no later than the pretrial conference, if

any, or, if there is no pretrial conference, no later than five court days before the hearing.

- (2) Proceedings that may not be conducted remotely
  - (A) Unless otherwise ordered by the Court, all non-evidentiary hearings will be conducted in person. For purposes of this rule, "non-evidentiary hearings" means settlement conferences; pretrial conferences; motions; civil appeals, including unlawful detainer appeals; and Probate matters not enumerated in subsection (b)(1)(C). Notwithstanding the foregoing, parties may appear remotely at non-evidentiary hearings as provided in Code of Civil Procedure section 367.75.
  - (B) With the exception of Probate matters, requests or agreements to appear remotely may be made by emailing the assigned department no later than five court days before the hearing or orally at any hearing. In Probate matters, requests or agreements to appear remotely must be made by filing a *Notice of Remote Appearance* (Judicial Council of California Form RA-010).
  - (C) At any time during a case, a party may provide notice to the Court and to all other parties and others entitled to notice that the party intends to appear remotely for the duration of the case. That notice must be made no later than five court days before the next scheduled hearing in the case.
- (3) A remote appearance by a self-represented party will be construed to be an agreement to appear remotely under Code of Civil Procedure section 367.75(g).
- (4) Self-represented parties with questions about in-person or remote hearings may email the court at [ExecutiveOffice@alameda.courts.ca.gov](mailto:ExecutiveOffice@alameda.courts.ca.gov).

**(c) Technology and conduct in remote proceedings**

Remote proceedings may be conducted through telephonic or videoconference applications. Parties and counsel must comply with directions provided by the court regarding specific remote technology and participant conduct.

**(d) Prohibition on recording or transmitting remote proceedings**

Participants may not record or transmit any portion of remote proceedings without advance written permission of the judicial officer.

**(e) Violations**

Any violation of this rule may result in sanctions, including but not limited to termination or continuance of the proceedings.

*Rule 1.90 amended effective April 30, 2022; previously amended effective January 1, 2022; Rule 1.90 adopted effective February 8, 2021.*

## **Chapter 2 – Policies**

### **Rule 2.0. Policy against bias**

**(a) Purpose**

It is the policy of the court to provide an environment free of all types of bias, prejudice, any kind of discrimination or unfair practice. All judges, commissioners, referees, court officers and court attachés, shall perform their duties in a manner calculated to prevent any such conduct, either by court personnel or by those appearing in court in any capacity. This rule does not preclude legitimate comment or advocacy when race, gender, religion, national origin, disability, age, sexual orientation, socioeconomic status or other similar factors are issues in court proceedings.

**(b) Reporting a violation**

Any violation of this policy by any judge, commissioner, referee, court officer, or court attaché should be reported directly to the presiding, judge, supervising judge, executive officer or court administrator of the court location in which the alleged violation occurred. Any violation of this policy by persons appearing in court should be reported directly to the judicial officer before whom the proceedings were conducted.

**(c) [Reserved for implementation of Standards of Judicial Administration, standard 10.20]**

*Rule 2.0 amended effective January 1, 2008; previously amended effective July 1, 1999; adopted effective May 19, 1998.*