



**Superior Court of California
COUNTY OF ALAMEDA**

**Memorandum re Civil, Family, and Probate Cases During the
Covid-19 Closure Period**

Date: Updated as of October 19, 2020

The following is designed to address incoming questions during the Court's COVID-19 closure period. It will be updated as needed, however, this is an ever-changing, fluid situation. We appreciate your patience.

CIVIL, FAMILY, AND PROBATE COURT DATES BEGINNING MARCH 17, 2020 (the "Closure Period").

FILING

1. What can I file with the Court?

At this time, the Court is accepting all filings, including new complaints and other case-initiating documents, except for documents relating to unlawful detainer matters, as specified in [emergency Local Rule 1.8a](#).

2. How do I file these matters?

These pleadings may be filed during the Closure Period by mail, fax filing, or drop box filing, as specified in [emergency Local Rule 1.8a](#).

3. Can I mail these documents?

Yes, most of the documents can be filed by mail. See [emergency Local Rule 1.8a](#) for specifics.

4. What about papers I mailed earlier?

The Court is processing documents received by mail after March 17, 2020. Those documents, once processed, will be file stamped as specified in [emergency Local Rule 1.8a](#). Please note that because of the volume of backlogged filings and due to resource constraints, the processing of documents submitted by mail may be delayed.

5. When will hearings start?

The Court started limited remote-appearance hearings the week of April 20, 2020. Effective May 11, 2020, the Court began taking requests for reservation numbers for any motion via email to the department clerk. Details, including the full list of matters that will be heard, are set forth in [emergency Local Rule 1.8a](#).

Ex parte requests do not require a reservation number but should simply be filed and served. If a party wishes to oppose the ex parte request, the party should promptly email the department clerk of this intention. The Court will review the request and any opposition, and will either rule or set a hearing.

Judges may also schedule informal conferences with litigants via email.

6. What about trials?

The Court recently resumed holding jury trials in asbestos preference cases. In addition, Court trials may be conducted remotely via videoconference. The Court will provide additional procedural information to parties and counsel conducting remote court trials.

7. How will hearings be conducted?

All hearings will be via remote technology; no in-person hearings will be held at the Court. The Court will determine the manner of hearing, which may include video or telephonic means. See [emergency Local Rule 1.8b](#) for details.

CIVIL

8. How will a matter be set for a hearing?

If the matter relates to a motion permitted by Emergency Rule 1.8a or a case management conference, the Court will issue a tentative ruling (TR). If the TR is contested (see [Local Rule 3.30\(d\)](#)), the matter will be heard. The hearing date and time may be at a later date than the date the motion was scheduled for. If an emergency request has been filed, the Court will determine whether a hearing is required and inform the parties.

9. Will civil hearings be set daily during the Closure Period?

Effective May 11, 2020, each civil department will have a specific day and time period each week for hearings, and previously scheduled hearings may be reset as necessary to the applicable department day and time. Hearings will be limited as set forth in [emergency Local Rule 1.8a](#).

10. Will the Court conduct informal conferences during the Closure Period?

Yes, during the Closure Period, judges may conduct informal conferences outside of the formal hearing schedule.

Parties may request an informal conference, after meeting and conferring with the opposing party, by emailing the departmental clerk. The subject line of the email must clearly state "REQUEST FOR INFORMAL CONFERENCE" and list the case name and number. All parties must be cc'd on the email. The email should explain the reason for the request and whether the parties jointly agree to the request.

11. Can I file a new complaint?

Yes, as of May 11, 2020, the Court will accept new complaints for filing in all case types except for unlawful detainers. Please note also that on April 6, 2020, the Judicial Council of California adopted [Emergency Rule 9](#), which extended the statute of limitations on all matters.

12. Where can I go for additional information?

Check the Alameda Superior Court [DomainWeb](#) page to confirm hearing dates and times and to see if your filing has been processed. Check the [COVID-19](#) page of the Superior Court's website for new rules and changes.

FAMILY

13. When are family cases being heard?

Starting April 20, 2020, the Court began hearing limited Family matters on Mondays and Thursdays. Effective May 4, 2020, the Court expanded its remote hearings to include hearings each day of the week, and each bench officer was assigned a session (half-day) per week. Beginning June 1, 2020, the Court will further expand its remote hearings to three sessions per bench officer per week. A schedule of each bench officer's sessions can be found on the Court's [COVID-19 web page](#).

14. What family matters will be heard?

Every bench officer is now hearing all types of family law actions. Which matters will be selected and set for hearing will be determined by bench officers and the Court will send out invitation with hearing information with as much notice as possible.

15. When will the Court begin accepting additional family-related filings?

As of May 11, 2020, the Court is accepting all family-related filings other than appeals by fax filing, drop box, and mail.

16. I have a court date scheduled in June or July. Will it be continued?

The Court continues to conduct all business remotely, to the extent possible given resource and technological limitations. All hearings will be conducted remotely, and the Court will notify you by mail if your case is being continued or if it has been selected for a video hearing. Given the expansion of remote hearings in June, there is a strong likelihood that your matter may be heard with a slight adjustment of the court date to accommodate the bench officer's scheduled sessions. Despite this expansion, there is still a possibility that non-emergency RFOs will be provided new future dates.

17. What is happening with my judgment or FOAH that was submitted before the closure?

All Judgments and FOAHs submitted prior to the Closure Period have been processed. If you believe that a submitted Judgment or FOAH has not been addressed, please email the

department directly or contact the clerk's office to inquire. The Court is now accepting and processing all submitted judgments.

18. Is Family Court Services still open and conducting mediation?

Family Court Services (FCS) is conducting mediation remotely. If you were previously referred to FCS for mediation and are contacted by a Child Custody Recommending Counselor, you should cooperate and participate in the mediation. Day-of-court mediation is available for those parties without previous custody orders or where mediation is urgently needed. FCS is monitoring all calls to their office from 9 a.m. to 5 p.m. daily. The FCS office phone number is 510-690-2500.

19. Are settlement conferences or trials being conducted during the Closure Period?

Commissioner Bishay in Dept. 504 is available to conduct currently scheduled settlement conferences. However, these settlement conferences will be conducted remotely and will be informal, i.e., will likely not involve a courtroom clerk or court reporter. Parties wishing to engage in settlement should review [emergency Local Rule 5.46](#).

Dept. 503 is now conducting trials and will continue to expand capacity within available resources. Parties scheduled for trial in Dept. 503 will receive a trial court order regarding the process and protocol for conducting trials remotely (i.e. how to handle exhibits, witnesses, and pleadings).

PROBATE

20. When are Probate cases being heard?

On June 1, 2020, the court expanded remote Probate hearings in both departments to Monday through Friday. Department 202 hears matters in the mornings from 9:30 a.m. to 12 noon. Department 201 hears matters in the afternoons from 1:30p.m. to 4:30p.m. Decedent's estates and trusts are heard on Monday through Wednesday. Conservatorships and guardianships are heard on Thursday and Friday.

21. How do I appear remotely for a Probate case that is on the Probate Calendar?

Check the examiner notes for the case on the [DomainWeb](#) page or the tentative rulings page for the appropriate probate department on the Court's website for instructions. Typically, odd numbered cases are assigned to Department 201 and even numbered cases are assigned the Department 202. The court continuously updates the tentative rulings page for the list of cases and ID numbers for appearing by video or telephone. You may also contact the clerk in the respective department for assistance with remote appearances at dept201@alameda.courts.ca.gov or dept202@alameda.courts.ca.gov.

22. How can I obtain certified copies?

You may make a request for certified copies by mail or through the drop box at the Berkeley Courthouse. You must include a check for \$40 for each certified copy and \$0.50 per page for the document you want certified.

23. If I do not have any objection to the Probate Petition, do I still need to appear?

No, you only need to appear if you have an objection.

24. Is the Court holding court confirmation of real property sales hearings?

Yes. The Court requires the Petitioner to provide potential over bidders for sales of real property reasonable notice of the time, department, date of the sale, and the remote identification number and approved methods of remote appearance.

25. Is the Probate court holding court trials?

The Court will resume court trials in August 2020, with remote appearances by all counsel, parties, and witnesses. Department 201 will hear court trials the second week of each month in the afternoons. Department 202 will hear court trials the fourth week of the month in the mornings. The Court will instruct the parties prior to trial concerning due dates for filing witness lists, exhibit lists, motions in limine, and trial briefs, as well as the exchange of all documents proposed as exhibits the party will offer into evidence. The parties must provide binders of pre-marked exhibits to the Court. The Petitioner(s) shall designate their exhibits with numbers and the Respondent(s) shall designate their exhibits with letters.

26. Can I email documents directly to the Probate departmental clerks for filing?

No. Do not email documents to the clerks in the Probate departments for filing. All documents must be filed pursuant to [emergency Local Rule 1.8a](#).