



Superior Court of the State of California

County of Madera

209 W. Yosemite Avenue
Phone: 559-675-7944



Madera CA 93637
Fax: 559-675-0701

Presiding Judge: Mitchell C. Rigby

Assistant Presiding Judge: D Lynn Jones

Court Executive Officer: Bonnie Thomas

March 29, 2013

UPDATED MAY 16, 2013 (SEE RULE 1.4.2, BELOW)

To Whom It May Concern:

Thank you for taking the time to review the proposed and revised local rules for July 1, 2013. If you have any comments or questions on this topic, please contact me at the above address, or e-mail the Court Research Attorney at john.oconnor@madera.courts.ca.gov, and please include the words "Local Rules 2013" in the subject line. Please send your e-mail no later than May 15, 2013.

Please note that the following changes have been made:

- Throughout, minor spacing and wording issues have been addressed, including updating dates to July 1, 2013, where appropriate. Such changes are not noted below.
- The list of judges and assignments on the front page has been updated.
- Minor grammatical and/or spelling errors have been corrected.
- Rules 3.4.6, 5.1.29, 5.1.37, 7.6.3 and 8.1.1 have been amended to update or correct internal citations. Such amendments are not noted below.
- Please note that the Table of Contents, List of Effective Rules and the Index may not be updated until the rules are formally adopted or amended.
- Rule 1.1.3 will be repealed. The Court is proposing a new Rule, Rule 5.1.38, and is making substantive amendments to Rules 1.4.2 and 7.8.6. Those are noted below.

Repealed Rule

~~1.1.3 Unification of Court. The Madera County Superior Court is a unified court under the provisions of Article VI, § 5 of the California Constitution. (Effective 7/1/08)~~



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Proposed Rule

5.1.38 Mandatory “Notice of Family Law Case Status Conference” Form

The Court is adopting a “Notice of Family Law Case Status Conference” Form (Form Mad-1) for all dissolution, legal separation, nullity and parentage cases filed on or after July 1, 2013. This form shall be filled out by the Petitioner and filed with the Court alongside the Petition. The Court will provide a hearing date on the Form, pursuant to Rule 5.1.37(a), and return the Form to the Petitioner. The Form is to be served on the Respondent along with the Petition, and a proof of service shall be returned to the Court upon completion of service. See Appendix A for a copy of the form. Note-The Form may be amended from time to time; please check with the Civil Division for the latest version of the Form.

(Effective 7/1/13)

Amended Rules

(New) 1.4.2 Fee of Court Reporter in Civil Proceedings. **(section (c) changes 5/16/13, section (a) changes 5/17/13)**

(a) In any civil case in which a trial or hearing is expected to last more than one (1) hour, but not more than four (4) hours, and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one-half (½) day of official reporting services. In any civil case in which the trial or hearing is expected to last less than one (1) hour, the fee shall be \$30.00. If a hearing which was expected to last less than one (1) hour goes beyond the one (1) hour requiring reporting services, then the difference in the fees must be paid by the end of the day of the hearing.

(b) In any civil case in which a trial or hearing is expected to last more than four (4) hours and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one (1) full day of official reporting services.



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(c) The fee for any trial shall be deposited by the beginning of the trial. The fee for any hearing shall be due at the time the hearing is scheduled. The fee for any subsequent day of the trial or hearing shall be deposited with the Civil Division at the beginning of each subsequent day.

(d) The receipt issued by the Civil Division for payment of the above fees shall be shown to the Judge's Clerk at the beginning of the proceeding, or the trial or hearing will not proceed. Further, where a party or attorney has a record of failing to pay fees under this (or any other) section, the Court, in its discretion, may condition the scheduling of any matter on pre-payment of fees, or the payment of any or all due and owing fees.

(Effective 7/1/08, section (a) amended 1/1/13, 7/1/13, sections (a), (c), and (d) amended 7/1/13)

(Old) 1.4.2 Fee of Court Reporter in Civil Proceedings.

(a) In any civil case in which a trial or hearing is expected to last more than one (1) hour, but not more than four (4) hours, and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one-half (1/2) day of official reporting services. In any civil case in which the trial or hearing is expected to last less than one hour, the fee shall be \$30.00.

(b) In any civil case in which a trial or hearing is expected to last more than four (4) hours and official reporting services are required, the parties shall deposit with the Civil Division their pro rata shares of the fee for one (1) full day of official reporting services.

(c) The fee shall be deposited at the beginning of the trial or hearing. The fee for any subsequent day of the trial or hearing shall be deposited with the Civil Division at the beginning of each subsequent day.

(d) The receipt issued by the Civil Division for payment of the above fees shall be shown to the Judge's Clerk at the beginning of the proceeding, or the trial or hearing will not proceed.

(Effective 7/1/08, section (a) amended 1/1/13)



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(New) 7.8.6 Required Orientation for Proposed Probate Conservators and Guardians

All persons who are proposed conservators of either the person or the estate of a proposed conservatee, or who are proposed to be guardians, shall, unless attendance is waived by the Court, attend and view an orientation videotape at the office of the Family Court Services. Any proposed conservator will be required to purchase the Judicial Council publication from the Civil Division entitled, "Handbook for Conservators." Pursuant to Probate Code § 1835(f), the charge for this handbook is \$20.00. (Effective 7/1/08, amended 7/1/13)

(Old) Rule 7.8.6:

Required Orientation by Proposed Probate Conservators. All persons who are proposed conservators of either the person or the estate of a proposed conservatee shall attend and view an orientation videotape at the office of the Family Court Services. The proposed conservator will be required to purchase the Judicial Council publication from the Civil Division entitled, "Handbook for Conservators." Pursuant to Probate Code § 1835(f), the charge for this handbook is \$20.00. (Effective 7/1/08)

Thank you again for your interest and feedback.

Sincerely,

John M. O'Connor

/enclosure