



# *Superior Court of the State of California*

## *County of Madera*

209 W. Yosemite Avenue  
Phone: 559-661-5161



Madera CA 93637  
Fax: 559-675-4947

**Presiding Judge: D. Lynn Jones**

**Assistant Presiding Judge: Ernest J. LiCalsi**

**Court Executive Officer: Bonnie Thomas**

**An Affirmative Action/Equal Opportunity Employer**

October 3, 2014

To Whom It May Concern:

Thank you for taking the time to review the proposed amendments to our local rules for January 1, 2015. If you have any comments or questions about any of these proposed amendments, please contact me at the above address, or e-mail me at [ian.whitney@madera.courts.ca.gov](mailto:ian.whitney@madera.courts.ca.gov), and please include the words "Local Rules 2015" in the subject line. Please send your e-mail no later than November 14, 2014. The full version of our revised local rules can be found on our website at <http://madera.courts.ca.gov/MaderaLocalRules.htm>.

Please note that in addition to the changes detailed below, the following non-substantive changes have been made:

- Throughout, minor spacing, grammar and wording issues have been addressed, including updating 2014 to 2015, where appropriate.
- The list of judges and assignments on the front page has been updated.
- Several citations to statutes and court rules have been updated and otherwise corrected.
- Titles were added to several rules which had not been previously assigned titles.
- Rule 4.1.13 was repealed and added to Rule 4.1.11 as Section (d). No substantive change was made to either rule.
- The term "Presiding Judge of the Probate-Civil Division" was changed to "Supervising Judge of the Probate-Civil Division" in Rules 2.4.4(f) and 2.10.1.
- Rule 2.3.1 was amended to underscore that self-represented parties are subject to the rule to the same extent that represented parties are.
- 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.

Thank you again for your interest and feedback.

Sincerely,

Ian P. Whitney, Research Attorney



# Superior Court of the State of California

## County of Madera

209 W. Yosemite Avenue  
Phone: 559-661-5161



Madera CA 93637  
Fax: 559-675-4947

Presiding Judge: D. Lynn Jones

Assistant Presiding Judge: Ernest J. LiCalsi

Court Executive Officer: Bonnie Thomas

An Affirmative Action/Equal Opportunity Employer

### Repealed Rules:

3.5.5 Case Management Settlement Conference Statement. ~~The Case Management Settlement Conference Statement shall be submitted to the Court no later than five (5) court days before the date set for the settlement conference as set forth in Rule 3.1380(c) of the California Rules of Court. (Effective 7/1/08; amended January 1, 2010).~~

### Proposed New Rules:

No proposed new rules. A previously circulated version of this letter indicated that there would be a proposed rule instituting an Electronic Media Fee. That proposed rule has been withdrawn.

### Rules with Substantive Amendments:

1.3.11 Further Filings in Eastern Madera County on Transferred Matters. Any Order to Show Cause or Request for Orders on a case previously heard in the Madera Division may be filed in Eastern Madera County provided both parties reside in the defined area for handling Eastern Madera County cases and the moving party presents a declaration to that effect.

1.4.4 Interpreters and Translators.

...

(b) Use of Interpreters. Interpreters will not be provided for long cause civil ~~or small claims~~ matters, unless otherwise ordered by the Court. Upon request, the Clerk will provide the names of authorized interpreters with whom a party may make arrangements for interpreting services, or may refer the party to the court's interpreter coordinator. Any party requiring the services of an interpreter is responsible for arranging and paying for the services of such interpreters unless otherwise ordered by the Court.

1.7.1 Jury in County Seat. A jury in the County seat will be selected from a cross-section of the entire County ~~unless the prospective juror elects to serve somewhere other than the County seat~~.

2.4.8 Time for Application in Department 8. Applications and requests for ex parte orders in Department 8 shall be heard ~~Monday through Friday~~ Tuesday or Thursday beginning at 9:00 a.m.

5.1.4 Orders Shortening Time. A request for an Order for Shortening Time of a Notice, for a Request for Order, Order to Show Cause or Notice of Motion, shall be made only after the filing of an affidavit or declaration showing an urgent need for said order, or showing that an irreparable injury may result unless the time is shortened. In such emergency cases, the Clerk shall place the matter on the calendar upon the filing of said papers, together with the Order Shortening Time and proof of service, which said papers shall be filed with



# *Superior Court of the State of California*

## *County of Madera*

209 W. Yosemite Avenue  
Phone: 559-661-5161



Madera CA 93637  
Fax: 559-675-4947

**Presiding Judge: D. Lynn Jones**

**Assistant Presiding Judge: Ernest J. LiCalsi**

**Court Executive Officer: Bonnie Thomas**

**An Affirmative Action/Equal Opportunity Employer**

the Clerk not later than ~~8:30 a.m. on the day of~~ 4:00 p.m. the day before the hearing.

5.1.20 Default Hearings. Default hearings shall be set by the Calendar Clerk for 8:30 a.m., Monday through Friday in Department 4 and Department 5, Fridays at 9:30 in Department 10, and such other days and times as designated in Department 8, or other department as the case is assigned. Party/Counsel shall submit with the request for setting a proposed judgment and notice of judgment prepared for signature and filing at the time of the hearing. If a party is receiving public assistance, a waiver of spousal support should not be permitted. Unless special circumstances exist, if the children of the parties are receiving public assistance, child support should be paid through and enforced by the Department of Child Support Services.

5.1.22 Family Law and Motion Matters. All family law and motion matters shall be set in the designated civil law and motion department at 8:30 a.m. on Monday through Friday of each week, subject to the directives of the Department Judge or the Presiding Judge.

7.8.4 Charges for Conservatorship Investigation. Pursuant to Probate Code § 1851.5, ~~There shall be a charge of \$400 for each conservatorship investigation conducted by a court investigator with respect to that conservatee. pursuant to Probate Code §§ 1826 or 1851. This charge shall be paid by the petitioner. Upon granting the petition, the conservator may apply ex parte for reimbursement of this charge from the conservatorship estate after filing the inventory and appraisal required under Probate Code § 2610.~~

7.8.6 Required Orientation for Proposed Probate Conservators or 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 show proof of having acquired the Judicial Council publication, "Handbook for Conservators," Pursuant to Probate Code § 1835(f), ~~the charge for this handbook is \$20.00.~~