

**ADMINISTRATIVE, CIVIL, CRIMINAL,
MISCELLANEOUS, PROBATE RULES
EFFECTIVE JANUARY 1, 2023**

CHAPTER 1. ADMINISTRATIVE RULES

RULE 1.1 GENERAL

1.1.15 Filing Notices of Appeal

Notices of Appeal must be filed in accordance with Rule rule 1.1.14 or 4.1.13, as applicable. They will not be accepted for filing in any individual courtroom. (Effective July 1, 2020; adopted as Rule 1.1.15 effective July 1, 2010)

CHAPTER 2. CIVIL RULES

RULE 2.1 ADMINISTRATION OF CIVIL CASES

2.1.17 Resolution of Discovery Disputes

A. Except for motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410 or otherwise obtained the consent of all interested parties agreeing to the non-appearance of the party or person(s) at the deposition as noticed or subpoenaed, and motions to compel initial responses to interrogatories, requests for production and requests for admissions, no motion under sections 2016.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request for a Conference has either been denied and permission to file the motion is expressly granted via court order or the discovery dispute has not been resolved as a consequence of such a conference and permission to file the motion is expressly granted after the conference.

1. Before filing a request for a Pretrial Discovery Conference, the requesting party must initiate and participate in a “meet and confer” process (see Local Rule 1.1.4) in an attempt to resolve or narrow any discovery dispute.

2. Any request for a Pretrial Discovery Conference must be filed with the Clerk’s Office on the approved form (provided by the clerk), must include a brief summary of the dispute, must include a detailed explanation of meet and

confer efforts, and must be served on opposing counsel on or before the date it is filed with the Court. Any opposition to a request for a Pretrial Discovery Conference must also be filed on an approved form (provided by the clerk), must include a brief summary of why the requested discovery should be denied, must be filed within five (5) court days of service of the request for a Pretrial Discovery Conference, extended five (5) days for service by mail, and must be served on opposing counsel.

3. 2. Excepting a privilege log, if required pursuant to subsection B, below, no other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.

4. 3. If the party opponent has *any* opposition to the dispute as stated in the request described in paragraph no. 1 above, a written opposition on the approved form shall be timely filed or it will be considered by the Court as a refusal to participate as defined in "C" below.

5. 4. The parties will be notified by minute order whether the request has been granted or denied and, if granted, the date and time of the Pretrial Discovery Conference. If the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the request for pretrial conference shall be deemed denied with permission to file the motion expressly granted.

6. 5. Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute. The Court's order will specify the number of days the time for filing a motion is tolled. On the condition that the request is filed within the forty-five (45) day jurisdictional limit of the California Discovery Act, if the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the number of days the time for filing a motion shall be tolled for a period of fifteen (15) days if the request for Pre-Trial Conference was served personally and twenty (20) days if the request for Pre-Trial Conference was served by mail.

B. No change.

C. No change. (Effective January 1, 2023 July 1, 2017; adopted as Rule 2.1.17 effective January 1,

2013)

RULE 2.6 TRIAL READINESS

2.6.2 Trial Readiness Hearing

- A. No change.
- B. No change.
- C. Any party may appear ~~telephonically~~ **remotely** with prior approval of the ~~judicial officer assigned department.~~
- D. Unless otherwise ordered by the Court, the parties shall provide the Court with the following documents at the trial readiness hearing: **motions** ~~Motions~~ in limine, motions for judgment on the pleadings, proposed jury instructions, the joint neutral statement of the case, trial briefs, ~~an~~ **exhibit lists** and ~~a~~ **witness lists**. (Effective ~~January 1, 2023~~ **July 1, 2017**; Rule 2.6.2 renumbered effective January 1, 2006; adopted as Rule 9.2 effective July 1, 2000)

RULE 2.9 UNLAWFUL DETAINER CASES

2.9.5 Dismissal Hearing

- A. Plaintiff shall attend the Dismissal Hearing, either in person or by **remote** ~~telephonic~~ appearance. At the hearing, the status of the case will be discussed, including whether the case should be set for trial or dismissed. Appropriate orders will be made.
- B. No change.
- C. No change. (Effective ~~January 1, 2023~~ **July 1, 2010**; Rule 2.9.5 renumbered effective January 1, 2006; adopted as Rule 12.5 effective May 14, 2001)

CHAPTER 3. CRIMINAL RULES

RULE 3.1 GENERAL CRIMINAL RULES

3.1.10 Sound and/or Video Recordings to be Offered as Evidence in Criminal Cases

Any party intending to offer any sound and/or video recording in evidence shall lodge with the Court on the first day of trial, ~~or prior to the commencement of the motion or hearing,~~ a copy converted to a format compatible with the equipment used by the Court. ~~In the discretion of the Court, such evidence may be lodged at another time.~~ (Effective ~~January 1, 2023~~ **July 1, 2010**, ~~New~~; adopted as Rule 3.1.10 effective July 1, 2010)

RULE 3.3 MOTIONS AND HEARINGS IN MISDEMEANOR CASES

3.3.5 Submission of Electronic Documentation to the Court

Any items electronically submitted for the Court's consideration (e.g. certificates of completion, letters in support, proof of attendance, etc.) must be as a PDF file no larger than 5 GB in size. (Effective January 1, 2023, New)

RULE 3.5 MOTIONS AND HEARINGS IN FELONY CASES

3.5.1 Motions in General

A. Except for motions to set aside the indictment or information pursuant to Penal Code § 995 and special hearings on motions to suppress under Penal Code § 1538.5, subdivision (i), where a motion to suppress was made at the preliminary hearing, all motions or other matters not connected directly with trial, including, but not limited to, motions to suppress, to amend the accusatory pleading, for discovery, dismissal, sanctions, interpreters, or substitution of counsel shall be made in the Designated Department. Dates and times for hearings shall be cleared with the individual Designated Department, and a cover sheet an authorization form indicating the pre-approved date shall be attached to the face of submitted with the motion.

B. No change.

C. No change.

D. No change.

E. No change.

F. No change.

G. No change.

H. No change.

I. No change.

J. No change.

K. No change. (Effective January 1, 2023 2015; Rule 3.5.1 renumbered effective January 1, 2006; adopted as Rule 18.1 effective July 1, 2004)

CHAPTER 4. MISCELLANEOUS RULES

RULE 4.1 RULES OF GENERAL APPLICATION

4.1.2 Electronic Filing

A. Mandatory Electronic Filing

1. Pursuant to Code of Civil Procedure § 1010.6(g), documents filed by represented parties or entities, including but not limited to an attorney representing the public interest such as the District Attorney's office, the Attorney General's office and the Department of Child Support Services, in all civil (including unlawful detainer initial filings), family law, and probate actions must be filed electronically unless the Court excuses parties from doing so. Although not required, self-represented parties are encouraged to participate in electronic filing and service.

2. Charging Documents in Adult Criminal Cases: A prosecuting agency shall electronically file charging documents (the criminal complaint, information, will prosecute, and/or indictment) in all adult Felony, Misdemeanor, and Domestic Violence cases. Additional documentation normally filed in conjunction with charging documents must also to be filed electronically. Criminal charging documents filed after 4:00 p.m. will be processed on the next business day, and deemed filed as of the day submitted for filing pursuant to Code of Civil Procedure § 1010.6(b)(3).

B. Permissive Electronic Filing of Charging Documents in Criminal Cases

1. Charging Documents in Juvenile Criminal Cases: ~~Petitions may be filed electronically in juvenile criminal cases. A prosecuting agency may electronically file charging documents. Specifically, the criminal complaint, information, and/or indictment, in adult or juvenile criminal cases may be filed electronically. Except as provided in part (B)(2) below regarding infraction cases, no other types of documents may be electronically filed in adult or juvenile criminal cases.~~

2. Permissive Electronic Filing for Documents in Infraction Cases: Any party to an infraction case, ~~or law enforcement agency,~~ may electronically file documents, unless prohibited under Rule 4.1.2(C), Prohibited Electronic Filing.

3. DSS Filings Dependency Cases: Department of Social Services (DSS) may electronically file documents in dependency cases.

4. **Criminal Motions:** Parties, including self-represented parties, are encouraged to electronically file all motions, oppositions, briefs, and any other moving papers for Criminal cases unless prohibited under Rule 4.1.2(C). For motions requiring prior department approval pursuant to the procedure for other motions set forth in Rules 3.5.1A and D, an electronic form is available on the Fresno County Superior Court's website to be completed and submitted to the department for prior approval. Motions currently requiring a filing fee (i.e. Bond Forfeiture Motions) will be assessed as part of the electronic filing process, including secondary filing fees per the current fee schedule.

C. Prohibited Electronic Filing

No electronic filing is permitted for criminal or juvenile cases, other than those filings described in Rules 4.1.2A and 4.1.2B, including amended charging documents, dismissed and re-filed charging documents, consolidated charging documents, Criminal Protective Orders, or subsequent filings into confidential case types including confidential name change, developmentally disabled and dangerous, forfeiture of confiscated weapon, involuntary medication, mental health, Murphy LPS conservatorship, petition to consent for medical treatment, petition for Electroconvulsive Therapy (ECT), Riese hearing, relief of firearm prohibition, certificate of rehabilitation and pardon, sexually violent predator, TB petition, petition for consent LPS conservatorship, writ of habeas corpus, adoption, appointment of confidential intermediary, petition to declare minor free, petition to establish parental relationship, set aside declaration of paternity, surrogacy, termination of parental rights, and unseal birth records. Criminal motions for case types which are currently prohibited from being electronically filed (Criminal Writ of Habeas Corpus, Relief of Firearms Prohibition, Forfeiture of Confiscated Deadly Weapon, Certificate of Rehabilitation and Pardon, Involuntary Medication, Sexually Violent Predator). ~~This also includes probate and unlawful detainer subsequent filings if within the first sixty (60) days of the file date until such time the case is no longer confidential.~~

D. Rules Applicable to Eligible Case Types

1. No change.
2. No change.
3. No change.
4. No change.
5. No change.
6. No change.

7. No change.

E. Limitations on Filings

Notwithstanding any other provision of law or this rule, the following documents may not be filed electronically.

1. No change.

2. Bonds (except as detailed in Local Rule 4.1.132G);

3. No change.

4. Labor Commissioner deposit of cash or check (see Local Rule 4.1.213G for details);

5. No change.

6. No change.

7. No change.

8. No change.

F. No change.

G. Labor Commissioner Appeals

No change. (Effective January 1, 2023 2022; adopted as Rule 4.1.13 effective January 1, 2016)

RULE 4.2 APPEALS TO THE APPELLATE DIVISION

4.2.2 Filing of Appeal, Briefing and Hearing Dates

A. Appeal papers shall be filed in accordance with Rule rule 1.1.14 or 4.1.2 4.1.13, as applicable. Briefing and hearing dates will be set by the court. Each party shall ensure that complete documentation is submitted in a timely manner. Notwithstanding the California Rules of Court, hard copies of briefs filed by unrepresented parties shall not be bound. Where hard copies are filed, only one original shall be filed with the clerk.

B. All briefs shall include appropriate points and authorities, clear identification of the issue(s) being raised and valid proof of service. Because appeals are concerned with issues of law, mere factual arguments will generally be insufficient.

If applicable, a reporter's transcript and/or a settled statement on appeal shall be submitted.

C. A party may file a request for an extension of time to comply with the briefing schedule with the Presiding Judge of the Appellate Division. Such request shall include a separate declaration providing good cause for the extension of time, a proposed order and a properly completed checklist for proposed orders form. The checklist for proposed orders form is available from the Clerk's Office.

D. Failure of the appellant to file a timely opening brief or to otherwise comply with applicable rules may result in dismissal of the appeal after notice, but without further hearing. (Effective January 1, 2023 July 1, 2020; Rule 4.2.2 renumbered effective January 1, 2006; adopted as Rule 21.2 effective July 1, 2000)

4.2.4 Briefing Procedure

~~A. All appeal papers shall be filed in accordance with Local Rule 4.1.13 regarding electronic filing. Notwithstanding the California Rules of Court, hard copies of briefs filed by unrepresented parties shall not be bound.~~

~~B. All briefs shall include appropriate points and authorities, clear identification of the issue(s) being raised and valid proof of service. Because appeals are concerned with issues of law, mere factual arguments will generally be insufficient. If applicable, a reporter's transcript and/or a settled statement on appeal shall be submitted.~~

~~C. A party may file a request for an extension of time to comply with the briefing schedule with the Presiding Judge of the Appellate Division. Such request shall include a separate declaration providing good cause for the extension of time, a proposed order and a properly completed checklist for proposed orders form. The checklist for proposed orders form is available from the Clerk's Office.~~

~~D. Failure of the appellant to file a timely opening brief or to otherwise comply with applicable rules may result in dismissal of the appeal after notice, but without further hearing. (Effective July 1, 2019; Rule 4.2.3 renumbered effective January 1, 2006; adopted as Rule 21.3 effective January 1, 1997)~~

4.2.4 4.2.5 Hearings (Renumbered only)

No change. (Rule 4.2.4 renumbered effective January 1, 2023; adopted as Rule 4.2.5 effective July 1, 2019) (Effective July 1, 2019, New)

4.2.5 4.2.6 Interlocutory Appeals (Renumbered only)

No change. (Rule 4.2.5 renumbered effective January 1, 2023; adopted as Rule 4.2.6 effective January 1, 2021) (Effective January 1, 2021, New)

CHAPTER 7. PROBATE RULES

RULE 7.2 PROBATE APPEARANCES

7.2.1 Appearance Requirements

~~Parties Court appearances~~ are required at all hearings unless the matter has been recommended for approval (see Rule 7.3). When an appearance is required, ~~local attorneys and~~ or unrepresented parties ~~are expected to shall~~ appear in person or remotely, ~~by telephone,~~ pursuant to ~~Rule 7.2.2 California Rule of Court 3.670.~~ (Effective January 1, 2023 ~~July 1, 2008~~; Rule 7.2.1 renumbered effective January 1, 2006; adopted as Rule 71.1 effective January 1, 2004)

RULE 7.3 PRE-APPROVED MATTERS/PROBATE EXAMINERS

A. All matters set for hearing are reviewed in advance by Probate Examiners. If the matter is submitted properly, if all procedural requirements have been satisfied, and if the matter does not require discretionary consideration by the ~~assigned judicial officer Probate Judge,~~ the matter ~~may will~~ be pre-approved, and a court appearance will be ~~optional unnecessary.~~ The Examiner Notes will state whether the matter has been recommended for approval.

~~B. A list of pre-approved, continued, and off calendar cases on the next day's calendar will be posted on the Court's web site by 4:00 p.m. daily.~~

~~B. C.~~ Pre-approved matters are called by the court at the time set for hearing. If there are no objections, and if the ~~assigned judicial officer Probate Judge~~ approves, the order ~~Order~~ will be signed at that time. If a person with standing raises an objection at the hearing, or if the assigned judicial officer does not approve the petition, a new hearing date will be set and a copy of the minute order will be e-mailed to the petitioner or attorney. ~~If someone appears at the hearing to object, or if the Probate Judge does not approve the petition, a new hearing date will be set and a copy of the minute order will be mailed to the moving party or attorney.~~

~~C. D.~~ For all non-confidential matters, ~~a copy of the Probate Examiner Notes are~~ is available ~~upon request or can be retrieved by going to~~ ~~on~~ the Court's website, at www.fresno.courts.ca.gov/divisions/probate or upon request.

~~D. E.~~ If a matter is not pre-approved due to procedural irregularities or omissions, parties may ~~file submit to the Probate Filing Clerk~~ additional documents to cure the irregularities or omissions, up to, ~~two (2) court days 24 hours~~ before the hearing. ~~Any additional Additional~~ documents received ~~after that timeframe less than 24 hours before the hearing~~ may not be considered by the court and may require a

~~continuance, and the matter may need to be continued.~~ (Effective January 1, 2023 2017; Rule 7.3
renumbered effective January 1, 2006; adopted as Rule 72 effective January 1, 2004)