

# **SUTTER COUNTY SUPERIOR COURT**



## **LOCAL COURT RULES**

**EFFECTIVE July 1, 2013**

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**EFFECTIVE JULY 1, 2013**

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## **CHAPTER 1 – PRELIMINARY RULES**

### **2.0 NAME, CITATION, AND EFFECTIVE DATE**

These rules shall be known as the Local Rules of the Superior Court of California, County of Sutter, referred to herein as Sutter County Superior Court. The rules may be cited as SCLR, followed by the appropriate number. These rules become effective on July 1, 2013. *(Effective 7/01/13)*

### **1.1 CONSTRUCTION AND APPLICATION OF RULES**

The Local Rules shall be construed and applied in such a manner as to avoid conflict with the California Rules of Court, and shall be liberally construed to serve the efficient administration of justice in Sutter County Superior Court.

The California Rules of Court are not printed as part of the Sutter County Superior Court Local Rules, but are incorporated within them. Proceedings in the Sutter County Superior Court are governed by the California Rules of Court as supplemented by these Local Rules, and shall be read in conjunction with them. *(Effective 7/01/13)*

### **1.2 DEFINITIONS**

Unless otherwise indicated herein, the following shall have the meanings designated below:

Clerk	Clerk of the Superior Court, County of Sutter
County	County of Sutter
Court	Superior Court of California, County of Sutter
CCP	California Code of Civil Procedure
CRC	California Rules of Court

*(Effective 7/01/13)*

**1.3 SANCTIONS**

Failure to comply with any provision of the Local Rules may result in the imposition of sanctions pursuant to CCP § 575.2. *(Effective 7/01/13)*

## CHAPTER 2 - GENERAL RULES

### 2.0 COURT REPORTERS

(a) Pursuant to CRC 2.956 and California Government Code § 68086, notice is hereby given that the Superior Court of California, County of Sutter normally provides official court reporters as follows:

Department 1:	Criminal Proceedings (All Felony Matters except Arraignments; Misdemeanor Trials)
Department 2:	Criminal Proceedings (All Felony Matters except Arraignments; Misdemeanor Trials)
Department 3:	Criminal Proceedings (All Felony Matters except Arraignments; Misdemeanor Trials) and Juvenile Proceedings
Department A:	Juvenile Proceedings, Petitions to Declare a Minor Free From Parental Custody and Control, and Petitions for Termination of Parental Rights
Department B:	Mental Health Proceedings, LPS Conservator Proceedings, and Appellate Hearings

The court does not regularly provide official court reporters in other departments or for other proceedings, with the exception of mandated proceedings. A court reporter will normally be provided for any felony matter except arraignment, misdemeanor trial, juvenile proceeding, petition to declare a minor free from parental custody and control, petition to terminate parental rights, mental health proceeding, LPS conservator proceeding, and appellate hearing, regardless of the department in which the proceeding is conducted.

(b) Pursuant to CRC 2.956, 3.1310, and 5.123, Sutter County Superior Court does not regularly provide official court reporters or electronic recording for the following: civil hearings; civil trials; or hearings on requests for orders or motions in family law matters.

(c) Parties may obtain a reporter for proceedings other than those listed in SCLR 2.0(a) by making their own arrangements with a reporting service. *(Effective 7/01/13)*

## CHAPTER 3 - CIVIL RULES

### 3.0 CASE MANAGEMENT

#### (a) Scope

These case management rules, adopted pursuant to the Trial Court Delay Reduction Act of 1986 (California Government Code §68600 *et seq.*), apply to all general civil cases filed on or after July 1, 1992.

#### (b) Definition of General Civil Case

As used in these rules, “general civil case” means all civil cases except: probate, guardianship, conservatorship, juvenile, small claims, unlawful detainer, and family law proceedings (including proceedings under divisions 6-9 of the Family Code, Uniform Parentage Act, Domestic Violence Prevention Act, and Uniform Interstate Family Support Act; freedom from parental custody and control proceedings; and adoption proceedings); collections cases pursuant to CRC 3.740; other civil petitions, including petitions to prevent civil harassment, elder abuse, and workplace violence, petitions for name change, election contest petitions, petitions for coordination, and petitions for relief from late claims; and cases assigned to a judge for all purposes based on subject matter.

#### (c) Uninsured Motorist Cases

Cases designated as uninsured motorist cases are not subject to these case management rules until 180 days after designation.

#### (d) Case Differentiation

General civil cases will be assigned to one of three plans. It is the goal of the court that all general civil cases will be disposed of within the following time limits, in compliance with CRC 3.714:

- (1) Plan 1 - 12 months
- (2) Plan 2 - 18 months
- (3) Plan 3 - 24 months

General civil cases shall be initially assigned to Plan 1. For good cause shown, upon the request of a party or the court’s own determination, a case may be reassigned to another plan. In determining reassignment, the court will evaluate each case on its own merits, considering the factors set forth in CRC 3.715.

#### (e) Exemption of exceptional cases

The court may in the interest of justice exempt a general civil case from the case disposition time goals pursuant to CRC 3.714(c).

**(f) Case Management Conference**

**(i) Scope**

The court will set a case management conference for all general civil cases except complex cases and cases exempted under CRC 3.721 no later than 180 days after filing of the initial complaint.

**(ii) Notice**

At the time the case is filed, the clerk shall issue to the filing party a document with the date, time, and place of the first case management conference. It is the responsibility of the filing party to serve all other parties with notice of the case management conference date at the time the complaint is served.

**(iii) Case Management Statement**

Each party must file a case management statement pursuant to CRC 3.725.

**(iv) Conduct of Case Management Conference**

Counsel for each party and each self-represented party appearing in the action shall attend the Case Management Conference and shall be familiar with the case and be fully prepared to discuss all matters stated in CRC 3.724 and CRC 3.727. The court shall enter orders as specified in CRC 3.728. *(Effective 7/01/13)*



## CHAPTER 4 - FAMILY LAW RULES

### 4.0 EX PARTE COMMUNICATION IN CHILD CUSTODY PROCEEDINGS

Ex parte communication with court-appointed or court-connected child custody mediators and/or child custody evaluators is prohibited except as otherwise allowed by statute and California Rules of Court, including Family Code section 216 and CRC 5.235. (Effective 7/01/13)

### 4.1 COURT-ORDERED CHILD CUSTODY EVALUATIONS

#### (a) Implementation of CRC 5.220

All child custody evaluations must comply with CRC 5.220 *et seq.*

#### (b) Child Custody Evaluators, Requirements

All child custody evaluators must comply with CRC 5.220 *et seq.*, including, but not limited to, requirements regarding qualifications, training, continuing education, and experience set forth in CRC 5.225 and CRC 5.230. In the event no evaluator that meets the requirements of CRC 5.225 is willing and available to perform an evaluation, the court may appoint an evaluator that does not meet the requirements under the circumstances permitted by CRC 5.225.

#### (c) Peremptory Challenge to a Court-Appointed Evaluator

Peremptory challenges to any court-appointed child custody evaluator are not allowed.

#### (d) Evaluator's withdrawal

If a court-appointed private evaluator has good cause for withdrawal, he or she must notify the parties in writing. The parties may stipulate to the appointment of an alternative evaluator.

#### (e) Procedure for complaints

Any party's complaint regarding a court-connected evaluator's performance must be in writing and addressed to the Court Executive Officer. Complaints shall be as specific as possible in describing what the evaluator did or did not do. The Court Executive Officer or his/her designee will investigate, evaluate, and respond to the complaint in due course. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law.

Complaints regarding private child custody evaluators may be discussed directly with the evaluator and, if not resolved informally, should be directed to the appropriate licensing/regulatory board.

**(f) List of Qualified Evaluators**

The court will ensure information is posted, in those areas that serve family law litigants, regarding how to find qualified evaluators in the jurisdiction. *(Effective 7/01/13)*

**4.2 COURT-APPOINTED COUNSEL FOR A CHILD**

**(a) Complaints**

Any party's complaint regarding the performance of court-appointed counsel for a child must be in writing and addressed to the Court Executive Officer. Complaints shall be as specific as possible in describing what the attorney did or did not do. The Court Executive Officer or his/her designee, in consultation with the Presiding Judge, will investigate, evaluate, and respond to the complaint in due course. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law. *(Effective 7/01/13)*

**4.3 COMMUNICATION REGARDING CRIMINAL PROTECTIVE ORDERS AND CHILD CUSTODY/VISITATION ORDERS**

Courts issuing criminal protective orders shall make reasonable efforts to determine whether any child custody or visitation orders exist that involve any party to the pending criminal action. Court staff shall, at a minimum, check reasonably available resources to determine such information. Courts issuing orders involving child custody or visitation shall make reasonable efforts to determine whether a criminal court protective order exists that involves any party to the pending civil action. Court staff shall, at a minimum, check reasonably available resources to determine such information. A court that has issued a criminal protective order may, after consultation with a court that has issued a subsequent child custody or visitation order, modify the criminal protective order to allow or restrict contact between the person restrained by the order and his or her children. *(Effective 7/01/13)*

**4.4 MEDIATION OF CUSTODY AND VISITATION**

**(a) Complaints**

Any party's complaint regarding mediation services must be in writing and addressed to the Court Executive Officer. Complaints shall be as specific as possible in describing what the mediator did or did not do. The Court Executive Officer or his/her designee will investigate, evaluate, and respond to the complaint in due course. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law. *(Effective 7/01/13)*

**4.5 DUTIES OF FAMILY LAW FACILITATOR**

In addition to the services set forth in Family Code section 10004, the Sutter County Superior Court's Family Law Facilitator may, as required by the court, perform the additional duties listed in Family Code section 10005. *(Effective 7/01/13)*

## CHAPTER 5 - JUVENILE RULES

### 5.0 REPRESENTATION OF PARTIES IN DEPENDENCY PROCEEDINGS

#### (a) Competency Requirement

Absent a knowing and intelligent waiver by the represented party, all attorneys appearing in juvenile dependency proceedings must meet the minimum standards of competence set forth in these rules and CRC 5.660(d). Except as specified, these local rules are applicable to attorneys representing public agencies, attorneys employed by public agencies, attorneys appointed by the court to represent any party in a juvenile dependency proceeding, and attorneys who are privately retained to represent a party in a juvenile dependency proceeding.

#### (b) Screening and Certification

- (i) Any attorney appointed by the court in a dependency matter must complete and submit to the court a Certification of Competence on Local Form JV-05 within 10 days of his or her first appointment.
- (ii) Attorneys who meet minimum standards of training and/or experience as set forth in these rules, as demonstrated by the information contained in the Certification of Competence submitted to the court, shall be deemed competent for appointment by the juvenile court in dependency cases except as provided in subdivision (b)(iii) of this Rule.
- (iii) Notwithstanding the submission of a Certificate of Competence demonstrating the attorney has met the minimum standards for training and/or experience, the court may determine, based on conduct or performance of counsel before the court in a dependency proceeding, that a particular attorney does not meet the minimum competency standards. In such case, the court shall proceed as set forth in SCLR 5.0(g).
- (iv) In the case of an attorney who maintains his or her principal office in a California county other than Sutter County, proof of certification by the juvenile court of the county in which the attorney maintains an office shall be sufficient evidence of competence to be appointed to represent a child or party in a juvenile proceeding in Sutter County.
- (v) Any attorney appearing before the court in a dependency matter must disclose if he/she does not meet the competency requirements set forth in these rules and CRC 5.660(d). The court may, in its discretion, require evidence of competency at any time.

**(c) Minimum Standards of Education and Training**

- (i)** Each attorney appearing in a dependency matter before the juvenile court must meet one of the following requirements:
  - (A)** Has completed the minimum training and education required by CRC 5.660(d)(5); or
  - (B)** Has sufficient recent experience in dependency proceedings in which the attorney has demonstrated competence. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.
  
- (ii)** Every three years, attorneys who meet the education or experience requirements set forth in subsection (c)(i) must complete at least eight (8) hours of continuing education related to dependency. Attorneys appointed by the court to represent parties in juvenile dependency proceedings must submit a new Certification of Competence to the court. If an appointed attorney fails to submit a new Certification of Competence demonstrating compliance with the continuing education requirement, the court shall notify the attorney that he or she will be decertified. Said attorney shall have 20 days from the date of the mailing of the notice to submit evidence of his or her completion of the required training or education. If the appointed attorney fails to submit the required evidence or fails to complete the required minimum hours of continued training or education, the court may order that certified counsel or counsel compliant with this Rule be substituted for the attorney.

**(d) Standards of Representation**

All attorneys appearing in dependency proceedings shall meet the minimum standards of representation set forth in CRC 5.660(d)(4).

**(e) Attorney Contact Information**

All attorneys representing children in dependency proceedings shall provide their contact information as required by CRC 5.660(d)(5).

**(f) Attorney Caseload**

An attorney representing a child in a dependency proceeding must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317(e) and CRC 5.660, and meet the requirements of CRC 5.660(d)(3)-(5).

**(g) Procedures for Reviewing and Resolving Complaints**

Any party's complaint regarding his or her appointed attorney must be in writing and addressed to the Court Executive Officer. A complaint may be lodged on a child's behalf by a social worker, caretaker relative, or foster parent. Complaints shall be as

specific as possible in describing what the attorney did or did not do. The Court Executive Officer or his/her designee, in consultation with the Presiding Judge, will investigate, evaluate, and respond to the complaint in due course. Nothing in these rules precludes any person or public agency from pursuing rights afforded them by any other statute or rule of law.

**(h) Procedures for Informing the Court of the Interests of a Dependent Child**

- (i)** At any time during the pendency of a dependency proceeding, any interested person may notify the court that the minor who is the subject of the proceeding may have an interest or right that needs to be protected or pursued in another judicial or administrative forum. If counsel for the minor becomes aware that the minor may have such a right or interest, counsel for the minor shall notify the court as soon as reasonably possible.
- (ii)** Notice may be given by the filing and service on all parties of a declaration. The person giving notice shall set forth the nature of the interest or right that needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected, and the nature of the proceedings being contemplated or conducted there.
- (iii)** If the person filing the notice is the attorney for the child, the motion shall state what action on the child's behalf the attorney believes is necessary, whether the attorney is willing or able to pursue the matter on the child's behalf, whether the association of counsel specializing in practice before that agency or court may be necessary or appropriate, whether the appointment of guardian ad litem may be necessary to initiate or pursue the proposed action, whether joinder of an administrative agency to the juvenile court proceedings pursuant to Welfare and Institutions Code section 362 may be appropriate or necessary to protect or pursue the child's interests, and whether further investigation may be necessary.
- (iv)** If the person filing the notice is not the attorney for the child, a copy of the notice shall be served on the attorney for the child, or, if the child is unrepresented, the notice shall so state.
- (v)** If the court determines that further action on behalf of the child is required, the court shall do one or more of the following:
  - (A)** Authorize the child's attorney to pursue the matter on the child's behalf;
  - (B)** Appoint an attorney for the child if the child is unrepresented;
  - (C)** Notice a joinder hearing pursuant to Welfare and Institutions Code section

- 362 compelling the responsible agency to report to the court with respect to whether it has carried out its statutory duties with respect to the child;
- (D) Appoint a guardian ad litem for the child for the purpose of initiating or pursuing appropriate action in the other forum(s); and/or
  - (E) Take any other action the court deems necessary or appropriate to protect the welfare, interests, and rights of the child.

**(i) Timelines**

Attorneys for parties are required to adhere to the statutory time lines for all hearings. Requests for continuances shall be in writing unless waived by the court for good cause. Time waivers will be accepted and continuance granted only on a showing of good cause.

**(j) Guardian ad litem**

In proper cases, the court will appoint an attorney as guardian ad litem. (*Effective 7/01/13*)

**5.1 CONTESTED MATTERS: TIMELINES AND PROCEDURES**

**(a) Pre-hearing Discovery**

- (i) Informal Discovery: Pre-hearing discovery shall be conducted informally under the procedures set forth in CRC 5.546.
- (ii) Motions: All parties shall meet and confer in good faith on any and all discovery issues prior to filing a pre-hearing discovery motion. Only after all informal means have been eliminated may a party petition the court for discovery by way of motion pursuant to CRC 5.546(f). The date for the hearing shall be obtained from the Court Clerk, Juvenile Division. A discovery motion under this Rule shall be filed and served on all parties at least five (5) court days before the hearing. Any responsive papers shall be filed and served two (2) court days prior to the hearing.

**(b) Presentation of Evidence**

Social Study Reports prepared by CPS shall be filed with the court and made available to all counsel before the hearing in accordance with the following time limitations, unless otherwise ordered by the court:

- (i) Jurisdictional Reports shall be filed a reasonable time before the hearing.
- (ii) Dispositional Reports shall be filed at least 48 hours before the hearing.

- (iii) Reviews of Family Reunification, Family Maintenance, and Permanent Plans shall be filed at least ten (10) calendar days before the hearing.
- (iv) Addenda, Status Reports, and all other reports shall be filed a reasonable number of days before the hearing.

If the Social Study Report is not timely filed or made available to all counsel, then any affected party or the court may request a continuance of the hearing to the extent permitted by law.

The names of experts to be called by any party and copies of their reports shall be provided to all counsel at least ten (10) calendar days before the hearing.

Witness lists shall be filed with the court and provided to all counsel at least 48 hours prior to the hearing.

In order to eliminate unnecessary delays, counsel shall confer regarding contested issues at least one court day prior to the hearing.

**(c) Settlement Conferences**

Settlement conferences shall be calendared and held prior to the jurisdictional hearing by court order at the convenience of the parties, if the court deems them necessary. The trial attorneys and their clients shall be present at the settlement conference, unless excused by the court. A representative of CPS with authority to settle cases shall be present at the settlement conference.

**(d) Mediation**

Mediation shall be ordered as the court deems necessary. *(Effective 7/01/13)*



## **CHAPTER 6 – TRAFFIC RULES**

### **6.0 TRIAL BY WRITTEN DECLARATION**

Pursuant to Vehicle Code section 40902, a defendant charged with a Vehicle Code infraction or violation of local ordinance adopted pursuant to the Vehicle Code may elect to have a trial by written declaration, unless the defendant has been notified by the court that personal appearance is mandatory. *(Effective 7/01/13)*

**CHAPTER 7 – RESERVED**

**CHAPTER 8 – RESERVED**

## **CHAPTER 9 - ADMINISTRATIVE RULES**

### **9.0 DEFINITION OF JUDICIAL “DAY OF VACATION”**

A “day of vacation” for a judge of the Superior Court of California, County of Sutter, is an approved absence from the court for one full business day. Absences from the court listed in CRC 10.603(c)(2)(H) are excluded from this definition. *(Effective 7/01/13)*

## **APPENDIX A – LOCAL FORMS**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)  TELEPHONE NO: _____ FAX NO: _____ ATTORNEY FOR (NAME): _____	FOR COURT USE ONLY            CASE NUMBER: _____
<b>SUPERIOR COURT OF CALIFORNIA                  COUNTY OF SUTTER                  446 SECOND STREET                  YUBA CITY, CA 95991                  (530)822-3300</b>	
IN THE MATTER OF: _____	
<b>CERTIFICATE OF COMPETENCY TO PRACTICE                  IN JUVENILE DEPENDENCY COURT</b>	CASE NUMBER: _____

I, \_\_\_\_\_, Attorney at Law, am licensed to practice in the State of California. My State Bar Number is \_\_\_\_\_.

I hereby certify that I meet the minimum standards for practice before the Juvenile Division of Sutter County Superior Court as set forth in Local Rule 5.0. I further certify that I have completed the minimum requirements for training, education and/or experience as set forth below.

**TRAINING AND EDUCATION**

*(Attach copies of MCLE certificates or other documentation of attendance)*

COURSE TITLE	DATE COMPLETED	HOURS	PROVIDER

**JUVENILE DEPENDENCY EXPERIENCE**

*(Attach extra page if necessary)*

COURSE TITLE	DATE COMPLETED	HOURS	PROVIDER

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Attorney*

**APPROVED**

Dated: \_\_\_\_\_

\_\_\_\_\_  
**JUDGE OF THE SUPERIOR COURT**

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