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Procedural Research
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• Federal and California Jurisdictions:
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  - Court websites: court rules, forms, jury instructions, etc.
Federal Civil Procedural Practice Materials
Finding Practice Guides & Form Books
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Secondary Materials

Treatises, Practice Guides and Jurisprudence

All Federal Treatises, Practice Guides & Jurisprudence

- Moore's Federal Practice - Civil
- Bender's Federal Practice Forms
- Weinstein's Federal Evidence
- Federal Habeas Corpus Practice and Procedure
- Federal Litigation Guide

Law Reviews & Journals

All Federal Law Reviews and Journals
Federal court websites

- **U.S. Supreme Court**
- **Circuit Courts of Appeals**
  - 12 regional circuits + Court of Appeals for the Federal Circuit
  - Ninth Circuit Court of Appeals
- **Federal District Courts**
  - 94 judicial districts
  - Court of International Trade & Court of Federal Claims

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Judiciary News

- Providing Equal Justice Through Training
  January 4, 2018
- Chief Justice Roberts Issues 2017 Year-End Report
  December 31, 2017

Federal Courts & the Public
Current Rules of Practice & Procedure

Below are links to the national federal rules and forms in effect, as well as local rules (which are required to be consistent with the national rules) prescribed by district courts and courts of appeal.

Rules of Appellate Procedure


Rules of Bankruptcy Procedure

The Federal Rules of Bankruptcy Procedure govern procedures for bankruptcy proceedings. For many years, such proceedings were governed by the General Orders and Forms in Bankruptcy promulgated by the Supreme Court. By order dated April 24, 1973, effective October 1, 1973, the Supreme Court prescribed, pursuant to 28 U.S.C. § 2075, the Bankruptcy Rules and Official Bankruptcy Forms, which abrogated previous rules and forms. Over the years, the Bankruptcy Rules and Official Forms have been amended many times, most recently in 2015.
Rule 7. Pleadings Allowed; Form of Motions and Other Papers

(a) Pleadings. Only these pleadings are allowed:
   (1) a complaint;
   (2) an answer to a complaint;
   (3) an answer to a counterclaim designated as a counterclaim;
   (4) an answer to a crossclaim;
   (5) a third-party complaint;
   (6) an answer to a third-party complaint; and
   (7) if the court orders one, a reply to an answer.

(b) Motions and Other Papers.
   (1) In General. A request for a court order must be made by motion. The motion must:
      (A) be in writing unless made during a hearing or trial;
      (B) state with particularity the grounds for seeking the order; and
      (C) state the relief sought.
   (2) Form. The rules governing captions and other matters of form in pleadings apply to motions and other papers.


Rule 7.1. Disclosure Statement

(a) Who Must File; Contents. A nongovernmental corporate party must file 2 copies of a disclosure statement that:
Rule 7. Pleadings Allowed; Form of Motions and Other Papers

(a) Pleadings. Only these pleadings are allowed:

(1) a complaint;
(2) an answer to a complaint;
(3) an answer to a counterclaim designated as a counterclaim;
(4) an answer to a crossclaim;
(5) a third-party complaint;
(6) an answer to a third-party complaint; and
(7) if the court orders one, a reply to an answer.

(b) Motions and Other Papers.

(1) In General. A request for a court order must be made

(A) be in writing unless made during a hearing or trial;
(B) state with particularity the grounds for seeking the order; and
(C) state the relief sought.

(2) Form. The rules governing captions and other matters

(As amended Dec. 27, 1946, eff. Mar. 19, 1948; Jan. 21, 2007.)

Notes of Advisory Committee on Rules—1937

1. A provision designating pleadings and defining a motion is common in the State practice acts. See III.Rev.Stat. (1937), ch. 110, §156 (Designation and order of pleadings); 2 Minn.Stat. (Mason, 1927) §9246 (Definition of motion); and N.Y.C.P.A. (1937) §113 (Definition of motion). Former Equity Rules 18 (Pleadings—Technical Forms Abandoned), 29 (Defenses—How Presented), and 33 (Testing Sufficiency of Defense) abolished technical forms of pleading, demurrers, and pleas, and exceptions for insufficiency of an answer.


For amendment of pleadings, see Rule 15 dealing with amended and supplemental pleadings.

3. All statutes which use the words "petition", "bill of complaint", "plea", "demurrer", and other such terminology are modified in form by this rule.

Notes of Advisory Committee on Rules—1946 Amendment

This amendment to subdivision (a) eliminates any question as to whether the compulsory reply, where a counterclaim is pleaded, is a reply only to the counterclaim or is a general reply to the answer containing the counterclaim. See Commentary, Scope of Reply Where Defendant Has Pleaded Counterclaim (1939) 8 Fed.Rules Serv. 672; Fort Charles and Ivy Landing Drainage and Levee Dist. No. Five v. Thompson (E.D.Ill. 1945) 7 Fed.Rules Serv. 13.32, Case 1.

Notes of Advisory Committee on Rules—1963 Amendment

Certain redundant words are eliminated and the subdivision is modified to reflect the amendment of Rule 14(a) in which certain cases eliminates the requirement of obtaining leave to bring in a third-party defendant.

Notes of Advisory Committee on Rules—1983 Amendment

One of the reasons sanctions against improper motion practice have been employed infrequently is the lack of clarity of Rule 7. That rule has stated only generally that the pleading requirements relating to captions, signing, and other matters of form also apply to motions and other papers. The addition of Rule 7(b)(3) makes explicit the applicability of the signing requirement and the sanctions of Rule 11, which have been amplified.

Committee Notes on Rules—2007 Amendment

The language of Rule 7 has been amended as part of the general restyling of the Civil Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

Former Rule 7(a) stated that "there shall be ** an answer to a cross-claim, if the answer contains a cross-claim ** *. Former Rule 12(c)(2) provided more generally that [a] party served with a pleading stating a cross-claim against that party shall serve an answer thereto ** ** *. New Rule 7(a) corrects this inconsistency by providing for an answer to a crossclaim.

For the first time, Rule 7(a)(7) expressly authorizes the court to order a reply to a counterclaim answer. A reply may be as useful in this setting as a reply to an answer, a third-party answer, or a crossclaim answer.

Former Rule 7(b)(1) stated that the writing requirement is fulfilled if the motion is stated in a written notice of hearing. This statement was deleted as redundant because a single written document can satisfy the writing requirements both for a motion and for a Rule 6(c)(1) notice.

The cross-reference to Rule 11 in former Rule 7(b)(3) is deleted as redundant. Rule 11 applies by its own terms. The force and application of Rule 11 are not diminished by the deletion.

Former Rule 7(c) is deleted because it has done its work. If a motion or pleading is described as a demurrer, plea, or exception for insufficiency, the court will treat the paper as if properly captioned.
Federal Rules of Appellate Procedure (FRAP), Ninth Circuit Rules, Circuit Advisory Committee Notes

Effective June 1, 2017

This document contains the Federal Rules of Appellate Procedure, Ninth Circuit Rules and Circuit Advisory Committee Notes, and is provided in HTML format and as an Adobe Acrobat PDF document. To print this document, use the PDF version.

FRAP, Circuit Rules, Circuit Advisory Committee Notes

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FRAP 2. Suspension of Rules

TITLE II. Appeal from a Judgment or Order of a District Court

FRAP 3. Appeal as of Right—How Taken
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   Circuit Rule 3-5. Procedure for Recalcitrant Witness Appeals
   Circuit Advisory Committee Note to Rule 3-5
   Circuit Rule 3-6. Summary Disposition of Civil Appeals

FRAP 3.1. Appeal from a Judgment of a Magistrate Judge

FRAP 4. Appeal as of Right—When Taken
   Circuit Rule 4-1. Counsel in Criminal Appeals

FRAP 5. Appeal by Permission

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## CIRCUIT RULE 3-5. PROCEDURE FOR RECALCITRANT WITNESS APPEALS

Every notice of appeal from an order holding a witness in contempt and directing incarceration under 28 U.S.C. § 1826 shall bear the caption “RECALCITRANT WITNESS APPEAL.” Immediately upon filing, the notice of appeal must be transmitted by the district court clerk’s office to the Court of Appeals clerk’s office. It shall also be the responsibility of the appellant to notify directly the motions unit of the Court of Appeals that such a notice of appeal has been filed in the district court. Such notification must be given by telephone (415/355-8000) within 24 hours of the filing of the notice of appeal.

A failure to provide such notice may result in sanctions against counsel imposed by the Court. (Eff. 7/1/97; Rev. 12/1/09)

Cross Reference: (Rev. 12/1/09)
- FRAP 27. Motions, specifically, Circuit Rule 27-1. Filing of Motions
- Interim Circuit Rule 27-13. Sealed Documents
- Circuit Rule 10-1. Notice of Filing Appeal
- Circuit Rule 25-1. Principal Office of Clerk

## CIRCUIT ADVISORY COMMITTEE NOTE TO RULE 3-5

A recalcitrant witness summarily ordered confined pursuant to 28 U.S.C. § 1826(a) is entitled to have the appeal from the order of confinement decided within 30 days after the filing of the notice of appeal. In the interest of obtaining a rapid disposition of the appeal, the Court impresses upon counsel that the record on appeal and briefs must be filed with the Court as soon as possible after the notice of appeal is filed. The Court will establish an expedited schedule for filing the record and briefs and will submit the appeal for decision on an expedited basis. If expedited treatment is sought for an interlocutory appeal, motions for expedited, summary affirmance or reversal, or dismissal may be filed pursuant to Circuit Rule 27-4. A party may file documents using a Doe designation or under seal to avoid disclosure of the identity of the applicant or the subject matter of the grand jury investigation. The party should file an accompanying motion to use such a designation. (Rev. 12/1/09)
LOCAL RULES

The Local Rules of Practice for the United States District Court for the Southern District of California are listed below. Civil Rules may be cited as CivLR__; criminal rules may be cited as CrimLR__. rules covering admiralty and habeas corpus proceedings may be cited as A.1-E.1; and HC.1, HC.2, et seq.

Click here to view the Local Rules

These rules are current as of 2/9/2016.

Click here to view the Electronic Case Filing Administrative Policies & Procedures Manual.

TIP: Searching the text of the PDF document enables users to find applicable rules or subjects. A search is initiated by <clicking> the Find button within Adobe Acrobat, which is depicted with binoculars.
United States District Court
Southern District
of California

Local Rules

Revised as of:
April 25, 2017
California Civil Practice Materials
Practice Guides

Pre-Trial
- Civil Procedure Before Trial (Rutter Guide) (WL)
- Cal. Civil Discovery (LEXIS)
- Cal. Civil Procedure Before Trial (CEB’s OnLaw)

During Trial
- Cal. Trial Practice: Civil Procedure During Trial (CEB’s Onlaw)
- Civil Trials & Evidence (Rutter Guide) (WL)
- Cal. Trial & Post-Trial Civil Procedure (LEXIS)

Post-Trial
- Cal. Civil Appellate Practice (CEB’s OnLaw)
- Enforcing Judgments & Debts (Rutter Guide) (WL)
- Civil Appeals and Writs (Rutter Guide) (WL)
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- Administrative Law (The Rutter Group, California Practice Guide)
- Alternative Dispute Resolution (The Rutter Group, California Practice Guide)
- Anti-SLAPP Litigation (The Rutter Group, Civil Litigation Series)
- Bankruptcy, National Edition (The Rutter Group Practice Guide)
- Bankruptcy (The Rutter Group, California Practice Guide)
- Business & Professions Code Section 17200 Practice (The Rutter Group, Civil Litigation Series)
- California Criminal Law (The Rutter Group, Criminal Practice Series)
- California Criminal Procedure (The Rutter Group, Criminal Practice Series)
- California Discovery Citations (The Rutter Group, Civil Litigation Series)
- California Fair Housing & Public Accommodations (The Rutter Group, Civil Litigation Series)
- California Law & Motion Authorities (The Rutter Group, Civil Litigation Series)
- California Law & Motion Model Forms (The Rutter Group, Civil Litigation Series)
- California Motions in Limine (The Rutter Group, Civil Litigation Series)
- California Summary Judgment & Related Termination Motions (The Rutter Group, Civil Litigation Series)
- California Three Strikes Sentencing (The Rutter Group, Criminal Practice Series)
- Civil Appeals & Writs (The Rutter Group, California Practice Guide)
- Civil Procedure Before Trial, Claims & Defenses (The Rutter Group, California Practice Guide)
- Civil Procedure Before Trial Forms (The Rutter Group, California Practice Guide)
- Civil Procedure Before Trial, Statutes of Limitations (The Rutter Group, California Practice Guide)
- Commercial Law
Lexis Advance®

Matthew Bender

Sources
- California Jurisprudence 3d
- Construction Law (Matthew Bender)
- Matthew Bender (R) Practice Guide: California Pretrial Civil Procedure - Index
- Matthew Bender Practice Guide: California Pretrial Civil Procedure
- Witkin Summary of California Law

Documents
  - 1-3 Matthew Bender Practice Guide: CA Wages & Hours 3.04
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History

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General

California Insurance Law & Practice
California Intellectual Property Laws
California Judge Reviews (California Courts & Judges)
California Jurisprudence 3d
California Leave Law: A Practical Guide for Employers
California Legal Forms Transaction Guide
California Legal Secretary
California Lien Claims in Workers' Compensation Cases
California Mechanic's Lien Law and Construction Industry Practice
California Mortgages, Deeds of Trust, and Foreclosure Litigation (CEB)
California Objections
California Paralegal's Guide
California Points & Authorities
California Preliminary Examinations, 995 Benchbook
California Pretrial Practice & Forms
California Privacy Law and Practical Guide and Commentary

Matthew Bender Practice Guide: California Contract Litigation
Matthew Bender Practice Guide: California Criminal Law
Matthew Bender Practice Guide: California E-Discovery and Evidence
Matthew Bender Practice Guide: California Family Law
Matthew Bender Practice Guide: California Insurance Coverage and Litigation
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Matthew Bender Practice Guide: California Pretrial Civil Procedure
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Matthew Bender Practice Guide: California Unfair Competition and Business Torts
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Rassp & Herrick, California Workers' Compensation Law
Seiser and Kumli on California Juvenile Courts Practice and Procedure
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CEB OnLaw →

OnLaw provides electronic access to California law practice areas for titles of CEB's treatises and forms. Keywords: practice guides

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  Estate Planning 2008

- Publication Dates
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What’s New

- New Title
  Estate Planning 2017
STEP 1. Calculate Deadlines

COUNT THE DAYS

To calculate any deadline for any act provided by law (CCP §§10, 12):

a. Exclude the first day (the day action begins); and

b. Include the last day, except if the last day is a state holiday, in which case you (CCP §§12, 12a, 13):
   (1) Also exclude the holiday (see below for definition of holiday); and
   (2) Perform the act on the next court day.

Example: If your client is served with a complaint on May 19, 2017, exclude May 19 and count forward 30 days. The 30th day is June 18, which falls on a Sunday. File the answer to the complaint on or before June 19, 2017, the next court day.

When Counting Backward

Be very careful when you calculate backward from a date. Exclude that date and then begin to count backward.

Example 1: When the trial is on June 29th (and the trial judge is known in advance), filing a CCP §170.6 motion on June 24th is timely, because you exclude the 29th as the “first day,” count backward 5 days, and include the 24th as the “last day.”

Example 2: If the “last day” is a holiday (including a Saturday or Sunday) continue to count backward to the immediately preceding court day, e.g., Friday, if the last day is a Saturday or Sunday. See CCP §12c(b); Pamela H. v Superior Court (1977) 83 CA3d 916, 919.

ADD DAYS FOR SERVICE BY MAIL

When applicable, add days for mailing under CCP §§1005(b) and 1013. To see whether CCP §§1005 and 1013 apply, use the information below relating to the type of deadline in your case.

ADD DAYS FOR SERVICE BY EXPRESS MAIL OR FAX

When applicable, add either 2 calendar days (CCP §1005(b)) or 2 court days (CCP §1013) for service by:
a. Express mail or any other method providing for overnight delivery; or
§14.9 2. Form: Sample Defendant's Memorandum in Support of Motion for Summary Judgment or Summary Adjudication

--- [Name of attorney; State Bar number] --- 
--- [Address] --- 
--- [Telephone number] --- 
--- [Fax number (optional)] --- 
--- [E-mail address (optional)] --- 
Attorney for Defendant, --- [name] --- 

Superior Court, County of --- [Limited Civil Case] --- 

--- [Name(s)] ---, 
Plaintiff(s) 

vs 

--- [Name(s)] ---, 
Defendant(s) 

No. --- [date; time] --- 

MEMORANDUM IN SUPPORT OF MOTION OF 
--- [NAME] --- FOR SUMMARY JUDGMENT OR 
SUMMARY ADJUDICATION

Hearing: --- [Dep't] --- 
Hearing judge: --- [if known] --- 
Action filed: --- [date] --- 
Trial date: --- [if set] --- 

FACTS: --- [Succinctly state facts underlying motion.] --- 

I. STATUTE OF LIMITATIONS FOR MEDICAL MALPRACTICE ACTIONS IS THREE YEARS AFTER DATE OF INJURY OR ONE YEAR AFTER PLAINTIFF DISCOVERS, OR THROUGH USE OF REASONABLE DILIGENCE SHOULD HAVE DISCOVERED, INJURY.


Plaintiff --- [name] ---'s medical malpractice claim is barred by Code of Civil Procedure §340.5 because the alleged acts of so-called medical malpractice occurred on or before March 3, 2004, the date of surgery (plaintiff's amended complaint at p 3; defendant's declaration, Exhibit E). In addition, plaintiff became aware of defendant --- [name] ---'s alleged medical malpractice and all injuries allegedly sustained as a result on or before March 12, 2004 (defendant's declaration, Exhibit E; plaintiff's deposition at p 13, lines 5–8). This action was not filed until April 1, 2007 (plaintiff's original complaint). Accordingly, plaintiff's action is barred by the statute of limitations.

II. AN EMPLOYER IS NOT LIABLE FOR PUNITIVE DAMAGES BASED ON ACTS OF AN EMPLOYEE ABSENT ADVANCE KNOWLEDGE OF THE EMPLOYEE'S UNEFFITNESS.
California Court websites

- **California Courts Website**
  - California Rules of Court
  - Judicial Council Forms
  - Jury instructions

- **San Diego Superior Court Website**
  - Local Rules
  - Local Forms
  - Fee Schedules
Forms & Rules

FORMS
The Judicial Council of California forms presented in this section are current as of January 1, 2018.

• MORE >>

RULES
The California Rules of Court were reorganized and renumbered to improve their format and usability, effective Jan 1, 2007. Use the conversion tables below to match old rules to reorganized rules.

• Rules conversion table PDF (from new rule numbers to old rule numbers 255 KB)
• Reverse rules conversion table PDF (from old rule numbers to new rule numbers 202 KB)
• New and Amended California Rules of Court

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### Local Rules

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Order No. 080217 In re Family Court Reporters

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2.1.2 Filing and Service of Papers (Rev. 1/1/2015)
2.1.3 Case Assignment (Rev. 1/1/2018)
2.1.4 Electronic Filing Program (Rev. 1/1/2018)
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2.1.6 Defendant's Appearance (Rev. 1/1/2013)
2.1.7 Request for Entry of Default (Rev. 1/1/2010)
2.1.8 Default Judgment (Rev. 1/1/2016)
2.1.9 Case Management Conference (Rev. 1/1/2018)
2.1.10 Reserved for Future Use (Del. 1/1/2012)
2.1.11 Expert Witnesses (Rev. 1/1/2010)
2.1.12 Reserved for Future Use (Del. 1/1/2009)
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2.1.14 Settlements, Taking Matters Off Calendar (Rev. 1/1/2012)
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Chapter 2
Settlement Conference
QUESTIONS? NEED HELP?

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