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Learn how to jumpstart your practice, by effectively using your time and your existing office technology. This program will provide the essential tools you need to build a robust referral network, successfully move your cases through the courts and leverage your time to create a successful law office.

Saturday, November 23

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AGENDA
November 23, 2019

8:00 – 8:30 AM | Continental Breakfast

8:30 – 9:30 AM | Creating Outstanding Legal Documents with Microsoft Word
By Adriana Linares

Creating legal documents is a part of every lawyer’s day to day practice. Knowing how to take advantage of Word’s powerful features and functions to automation document development features can help any lawyer serve their clients more efficiently and with minimized errors in their document products.

9:45 – 10:45 AM | How to Ethically Build a Referral Culture & Market with Social Media
Speakers - Sona Tatiyants, Erin Joyce, Zein Obagi

This presentation will walk you through the steps to build a strong network of referral sources without running afoul of the Rules of Professional Conduct on fee-sharing. You will learn the do’s and don’ts for negotiating referral fee agreements, and the best options for networking for busy lawyers.

11:00 – 12:00 PM | Time Management for Busy Attorneys—Eliminating Stress in Practice
Speaker - Kimberly Lee

Time is a busy attorney's most precious resource. This presentation will provide effective strategies for managing office interruptions, eliminating stress, increasing your productivity, and getting you home on time! The presenter will share practical tools you can implement in your law practice immediately and other valuable resources.

12:00 – 12:45 PM | Networking Lunch

1:00 – 2:30 PM | Pitfalls of Procedure: Practical Pointers to Avoid Them
Speaker - Julie Goren, Matt Norris

Using the various phases of a civil lawsuit as a guide, this presentation will highlight pitfalls looming in the Civ. Proc. Code, Cal R. Ct., Judicial Council forms, and local rules with some comments about federal practice. We will offer practice pointers to avoid these traps as well as a preview of significant changes going into effect January 1, 2020. Includes Q&A.
Microsoft Word: Settings for Legal Professionals
Microsoft Word: Settings for Legal Professionals

Topics

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CUSTOMIZING THE QUICK ACCESS TOOLBAR

Customize the QAT (Quick Access Toolbar) with your most accessed/needed shortcuts (New, Open, Save, Close, Spellcheck, Show/Hide Formatting marks, etc).

- Click on the arrow to the right of the QAT to add useful shortcuts such as “New” and “Open”

- The QAT will quickly run out of screen real estate in its default location. You may opt to choose “Show Below the Ribbon” from the dropdown menu to move the QAT below the Ribbon.
• On the “Customize Quick Access Toolbar” drop down you will see an option for “More Commands”. Clicking it will display a comprehensive list of the hundreds of commands available in Word.

![Customize Quick Access Toolbar](image)

• You may want to add the “Shrink one Page” button to your QAT. In the dialog box shown above, change the option that says “Popular Commands” to “All Commands” > scroll down to “Shrink One Page”, select it and click the “Add” button. Now, the ‘Shrink One Page’ button is always available on your QAT.

• Look for and add the “Email as PDF” button – very handy!

• To quickly add a button from any Ribbon simply Right-Click on any button/command on the toolbar and select Add to Quick Access Toolbar

![Add to Quick Access Toolbar](image)
TURN ON RULERS FOR SHOWING PAGE AND PARAGRAPH MARGINS.

- Go to the VIEW Tab, place a check in the “Ruler” box of the Show/Hide section

TURN ON GRIDLINES IN TABLES

Gridlines are set to OFF by default in Word 2010 making it hard to spot a table in a document. You’ll want to turn them on once.

1. In a brand new blank document go to Insert > Table and insert any table of any size (it’s temporary so just add any number of rows and columns).
2. The Tables Ribbon will appear
3. Click on the Layout subtab to show the Layout Ribbon for Tables
4. Simply click “View Gridlines” to activate them. It might not look like anything happened but you have set the gridlines “on”

TURN ON CLIPBOARD AND SET ALL OPTIONS ON (CHECK THEM ALL)

The Microsoft Office Clipboard allows you to copy and collect up to 24 items from Office documents or other programs and paste them into another Office document. It needs to be turned “on” for maximum functionality and efficiency. You need only do this once.

1. On the Home tab, in the Clipboard group, click the Clipboard Dialog Box Launcher.

2. In the Clipboard task pane, click Options as shown below, click all unchecked options (check everything). The Clipboard is now active and available in the other Microsoft Office programs (Excel, Outlook and PowerPoint)
**DISPLAY MORE STATUS ITEMS ON THE STATUS BAR**

- Right click on the Status Bar and be sure the first 3 options are checked. (Formatted Page Number, Section, Page Number)
CHANGE THE DEFAULT FONT AND LINE SPACING FOR ALL NEW DOCUMENTS

Your IT Department may have already set this in your firm templates and you may not be able to change these settings.

1. If you do not have a document open, create a new document that is based on the Normal template. To do this press CTRL + N or File > New

2. In the Font group, click the Font flyout button in the bottom right hand corner.

3. Select the options that you want to apply to the default font, such as font style and font size. If you selected specific text, the properties of the selected text are set in the dialog box.

4. Click the Set As Default button in the left hand corner of the dialog box.

5. Select the All documents based on the Normal.dotm template option, and then click OK.

6. Do the same for Paragraph customizations by following the same steps except in the Paragraph dialog box.
CUSTOMIZE THE STYLES PANE TO BE MORE USEFUL

1. Click the Flyout button in the Styles group to show the Styles Task Pane

2. Put a check in the “Style Preview”

3. Click on Options to show Style Pane options dialog box and change settings to match those shown below...
CONFIGURE ADVANCED SETTINGS

For the following section – you will go to File > Options in Word.

Under “General” options…

Under “Display” options

Check "Update fields before printing".

Check this box to make sure that all tables of contents and cross-references are updated prior to printing the document. NOTE: This will automatically update a DATE (ex July 24, 2012) field if the date is not hard coded in. To turn a date FIELD into a hard coded date that will not change highlight the date and press CTRL+Shift+F9

- File > Options > Display > Printing Options > Check the box next to “Update Fields Before Printing”

Under “Proofing” options

Turn off the “Ignore Words in All Caps” setting in spellcheck.

- File > Word Options > Proofing section.
Set Autocorrect Options
Also, while here, go to the AutoCorrections dialog box and delete the quick correct that turns this (c) into this © same for ® symbol.

Uncheck "Mark grammar errors as you type". This will eliminate the green squiggly lines in legal documents with a lot of legal language.

OPTIONAL - Uncheck/Check "Check grammar with spelling". Unchecking this options will speed up a spell check, if you are not concerned about checking grammar.

Under “Save” options
Change "Save AutoRecover information every" option to 2-5 mins.

Under “Advanced” options

Editing options (the first section of this window)
- Uncheck "When selecting, automatically select entire word"
- Uncheck "Automatically create drawing canvas when inserting AutoShapes".
- Uncheck "Use smart paragraph selection."

Set your default paste to TEXT ONLY.

Under the Cut, copy, paste section set options as show here.
Always showing shading for field codes will help you see fields like page numbers and other field codes easily.

**Show Document Content** section > Chose ALWAYS as the setting for “Field Shading”.

**Good tip for legal assistants – turn on the Style Pane while in DRAFT mode (remember you only see it when in DRAFT mode).**

File > Word Options > Advanced > **Display** section > set “Style area pane in Draft and Outline views” to a value of 1

**Get Warnings About Documents with Track Changes**

- File > Options > From the Word Options dialog, choose Trust Center > Trust Center Settings > Privacy Options.

- In the "Document-specific settings" section, tick the box "Warn before printing, saving or sending a file that contains tracked changes or comments".

- You may also want to check “Make hidden markup visible...” and “Remove personal information from file...”
Keyboard Shortcuts: Word

CTRL + A Select all
CTRL + B Bold
CTRL + C Copy
CTRL + V Paste
CTRL + D Displays the font dialogue box
CTRL + E Center
CTRL + F, CTRL + [ Grow or shrink font one point
CTRL + SHIFT + END End of document
CTRL + END End of document
END End of line
SHIFT + END End of row
ALT + END End of row
ALT + SHIFT + END End of window
ALT + CTRL +1, 2, 3 Apply heading1,2,3
CTRL + SHIFT + A All caps

NAVIGATING A TABLE
TAB Move to next cell in a row
SHIFT + TAB Move to previous cell in a row
ALT + HOME Move to first cell in a row
ALT + END Move to last cell in a row
ALT + PAGE UP Move to first cell in a column
ALT + PAGE DOWN Move to last cell in a column
UP ARROW Move to previous row
DOWN ARROW Move to next row

CTRL + F Displays the find dialog box, to search the current document
CTRL + G Displays the go to dialog box, to go to a specific location in the current document
CTRL + H Displays the replace dialogue box
CTRL + I Italic
CTRL + J Full justification
CTRL + K Create hyperlink
CTRL + L Left alignment
CTRL + N Creates a new document
CTRL + O Displays the open file dialogue box
CTRL + P Print
CTRL + R Right alignment
CTRL + S Displays the save dialogue box
CTRL + U Underline
CTRL + V Paste
CTRL + X Cuts
CTRL + Y Redo the last undone action
CTRL + Z Undoes the last action
CTRL + ENTER Insert page break
CTRL + F2 Show print preview
CTRL + F4 Closes the active document window
CTRL + F6 Opens the next document window
SHIFT + F3 Change case

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Word 2011 (Mac): Settings for Legal Professionals
Word 2011 (Mac): Settings for Legal Professionals

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CUSTOMIZING THE STANDARD TOOLBARS

To customize or Add/Remove Standard toolbars, *Ctrl + Click* any area of a toolbar and choose *Customize Toolbars and Menus*.

- While this dialog box is Open, the toolbars are in an “edit state.” Click and drag any button you wish to remove from a toolbar. Once it leaves the toolbar area, release the mouse and the button will be removed from the menu.

- While the dialog is open, a separate menu system (below) appears. Choose any function by clicking a menu item and then drag one of the buttons to the toolbar to the position desired. Release the mouse and the button will appear on the toolbar.

- When your adjustments have been made, click *OK* on Customize Menus And Toolbars Dialog, and the changes will be locked.
CUSTOMIZING THE RIBBONS

The standard ribbons (Home, Layout, Document Elements, Tables, Charts, Smart Art, Review and the usually hidden “Developer”) may have their display options modified. Chose the “Word Menu”, “Preferences”, click “Ribbon.”

On the Ribbon dialog, choose whether the Ribbon is “On” or “Off” by default, or instead Expands when the document opens and contracts later. Color options and actually choosing to display or hide individual ribbons are also available.

Click OK when changes are complete.
TURN ON RULERS FOR SHOWING PAGE AND PARAGRAPH MARGINS.

- Go to the VIEW Menu, and check the Ruler in the lower portion of the menu.

TURN ON GRIDLINES IN TABLES

Gridlines are set to OFF by default in Word 2011 making it hard to spot a table in a document. You’ll want to turn them on once. Go to the Table Menu and click Gridlines

CHANGE THE DEFAULT FONT AND LINE SPACING FOR ALL NEW DOCUMENTS

Your IT Department may have already set this in your firm templates and you may not be able to change these settings.

1. If you do not have a document open, create a new document that is based on the Normal template. File > New Blank Document
2. On the Format Menu choose Font. Make the changes you wish to the Font choices to be used as a default going forward, then click the Default button in the lower left of the dialog. A second dialog will appear asking if
you wish to change the font for all new documents based on the NORMAL (blank document) Template. Click **Yes**.

**CONFIGURE ADVANCED SETTINGS**

For the following section – you will go to *Word> Preferences*

**General**

The default settings in the General Dialog are, well, Generally Acceptable.

If you want your rulers to stay put, you should definitely uncheck **AutoHide**.
The View Dialog has some interesting options:

- **Set Field Shading to Always**, which will make field codes like date and page show in grey so you know they are there.
- **Leave Nonprinting characters at All**, meaning they will show and hide when you click the ¶ button.
- **Increase the Style Area Width to at least 1 inch to see Styles in the Draft View.**

The Edit dialog is usually good by default, with one exception. **Deselect Enable click and type.**

This little feature will, if you click in the middle of a blank space, insert returns and tabs to force you to type at that point.
Spelling and Grammar

The Spelling and Grammar dialog hides a few very special settings:

- **Ignore words in UPPERCASE** – definitely turn that off!
- **Ignore words with numbers** – up to you.

The **Recheck Document** button is handy if you accidently accepted a misspelling by mistake and lets you start over.

AutoCorrect and AutoFormat as You Type***

The AutoCorrect Dialog:

- **Correct Two Initial CAPitals**. This is a “type of work” option. If you regularly type Aetna, for example, turn it off.
- **Capitalize first letter of sentences** – a true personal preference.
- **Replace text as you type** – remove things from the list that drive you crazy. And hey – add some too! For instance, remove the entries that turn this (c) into this ©, and (r) same for ® symbol.
The AutomFormat as You Type Dialog.

This is where you control what formatting happens without you ever wanting it to. MOST of these should be turned off, with a couple of possible exceptions:

**Straight quotations** – if you like them curled “left and right” leave it on. If you want them to look the same on both ends, turn it off.

**Ordinals** will look like this: 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> automatically.

***Remember, even if you don’t get this done, UNDO is your first line of defense.***

**User Information**

The User Information Dialog

This should be appropriately filled in for the correct name to come up on things like Track Changes.

**Keyboard Shortcuts (Mac)**

**Function keys**

**Note** If you are using a MacBook, to use a function key, you must press the fn key (the lower left key on the keyboard) at the same time.
<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undo the last action</td>
<td>F1</td>
</tr>
<tr>
<td>Cut text or graphics</td>
<td>F2</td>
</tr>
<tr>
<td>Copy text or graphics</td>
<td>F3</td>
</tr>
<tr>
<td>Paste the Clipboard contents</td>
<td>F4</td>
</tr>
<tr>
<td>Choose the Go To command (Edit menu)</td>
<td>F5</td>
</tr>
<tr>
<td>Go to the next pane or frame</td>
<td>F6</td>
</tr>
<tr>
<td>Choose the Spelling and Grammar command (Tools menu)</td>
<td>F7</td>
</tr>
<tr>
<td>Extend a selection</td>
<td>F8</td>
</tr>
</tbody>
</table>

This keyboard shortcut conflicts with a default Mac OS X key assignment. To use this Office keyboard shortcut, you must first turn off the Mac OS X keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Hardware, click Keyboard. Click the Keyboard Shortcuts tab, and then clear the On check box for the key assignment that you want to turn off.

Update selected fields.

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Go to the next field.

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Choose the Save As command (File menu).

Copy text

Change letters to upper, lower, or mixed case

Repeat a Find or Go To action

Move to the previous insertion point

%+ SHIFT + S
SHIFT + F2
SHIFT + F3
SHIFT + F4
SHIFT + F5
To

Go to the previous pane or frame

Choose the Thesaurus command (Tools menu)

Shrink a selection

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Switch between a field code and its result.

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Display a shortcut menu.

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Go to the previous field.

This keyboard shortcut conflicts with a default Exposé key assignment in Mac OS X version 10.3 or later. To use this Office keyboard shortcut, you must first turn off the Exposé keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Personal, click Exposé & Spaces. Under Keyboard and Mouse Shortcuts, on the pop-up menu for the shortcut that you want to turn off, click –.

Cut to the Spike

Press

SHIFT + F6

SHIFT + F7

SHIFT + F8

SHIFT + F9

SHIFT + F10

SHIFT + F11

3E+F3

3E+F4

3E+F6

OPTION +

SECTION + R

SECTION + F9
To

Lock a field

Insert the contents of the Spike

Repeat a Find or Go To action

Edit a bookmark

Go to the previous window

Update linked information in a Word source document

Extend a selection or block (then press an arrow key)

Unlink a field

Unlock a field

Create an AutoText entry

Go to the next window

Find the next misspelling or grammatical error. The Check spelling as you type check box must be selected (Word menu, Preferences command, Spelling and Grammar).

Run a macro

Switch between all field codes and their results

Go to the previous window

Open the Dictionary

Run GOTOBUTTON or MACROBUTTON from the field that displays the field results

---

Moving the cursor

To move             Press

---

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To move

One character to the left  LEFT ARROW
One character to the right  RIGHT ARROW
One word to the left  OPTION + LEFT ARROW
One word to the right  OPTION + RIGHT ARROW
One paragraph up  ⌘+ UP ARROW
One paragraph down  ⌘+ DOWN ARROW
One cell to the left (in a table)  SHIFT + TAB
One cell to the right (in a table)  TAB

Up one line  UP ARROW
Down one line  DOWN ARROW
To the end of a line  ⌘+ RIGHT ARROW or END
To the beginning of a line  ⌘+ LEFT ARROW or HOME
Up one screen (scrolling)  PAGE UP
Down one screen (scrolling)  PAGE DOWN

To the top of the next page  ⌘+ FN + DOWN ARROW (on a MacBook keyboard)
To the top of the previous page  ⌘+ FN + UP ARROW (on a MacBook keyboard)
To the end of a document  ⌘+ FN + RIGHT ARROW (on a MacBook keyboard)
To the beginning of a document  ⌘+ FN + LEFT ARROW (on a MacBook keyboard)
To the previous insertion point  SHIFT + F5

Selecting text and graphics

Tip If you know the key combination to move the cursor, you can generally select the text by using the same key combination while holding down SHIFT. For example, ⌘+ RIGHT ARROW moves the cursor to the next word, and ⌘+ SHIFT + RIGHT ARROW selects the text from the cursor to the beginning of the next word.

To extend a selection

By selecting multiple items that Select the first item that you want, hold down
### To extend a selection

- Are not next to each other: press ⌘, and then select any additional items
- One character to the right: \( \text{SHIFT} + \text{RIGHT ARROW} \)
- One character to the left: \( \text{SHIFT} + \text{LEFT ARROW} \)
- One word to the right: \( \text{SHIFT} + \text{OPTION} + \text{RIGHT ARROW} \)
- One word to the left: \( \text{SHIFT} + \text{OPTION} + \text{LEFT ARROW} \)
- To the end of a line: \( \text{⌘} + \text{SHIFT} + \text{RIGHT ARROW} \) or \( \text{SHIFT} + \text{END} \)
- To the beginning of a line: \( \text{⌘} + \text{SHIFT} + \text{LEFT ARROW} \) or \( \text{SHIFT} + \text{HOME} \)
- One line down: \( \text{SHIFT} + \text{DOWN ARROW} \)
- One line up: \( \text{SHIFT} + \text{UP ARROW} \)
- To the end of a paragraph: \( \text{⌘} + \text{SHIFT} + \text{DOWN ARROW} \)
- To the beginning of a paragraph: \( \text{⌘} + \text{SHIFT} + \text{UP ARROW} \)
- One screen down: \( \text{SHIFT} + \text{PAGE DOWN} \)
- One screen up: \( \text{SHIFT} + \text{PAGE UP} \)
- To the beginning of a document: \( \text{⌘} + \text{SHIFT} + \text{HOME} \)
- To the end of a document: \( \text{⌘} + \text{SHIFT} + \text{END} \)
- To select the entire document: \( \text{⌘} + \text{A} \)
- To a vertical block of text: \( \text{⌘} + \text{SHIFT} + \text{F8} \), and then use the arrow keys; press \( \text{⌘} + \text{PERIOD} \) to cancel selection mode
- To a specific location in a document: \( \text{⌘} + \text{F8} \), and then use the arrow keys; press \( \text{⌘} + \text{PERIOD} \) to cancel selection mode

### Selecting text and graphics in a table

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select the next cell's contents</td>
<td>( \text{TAB} )</td>
</tr>
<tr>
<td>Select the preceding cell's contents</td>
<td>( \text{SHIFT} + \text{TAB} )</td>
</tr>
<tr>
<td>Extend a selection to adjacent cells</td>
<td>Hold down ( \text{SHIFT} ) and press an arrow key repeatedly</td>
</tr>
<tr>
<td>Select a column</td>
<td>Click in the column's top or bottom cell. Hold down ( \text{SHIFT} ) and press the ( \text{UP ARROW} ) or ( \text{DOWN ARROW} ) key repeatedly</td>
</tr>
<tr>
<td>Extend a selection (or block)</td>
<td>( \text{⌘} + \text{F8} ), and then use the arrow keys; press ( \text{⌘} + \text{PERIOD} ) to cancel selection mode</td>
</tr>
<tr>
<td>Reduce the selection size</td>
<td>( \text{SHIFT} + \text{F8} )</td>
</tr>
<tr>
<td>Select multiple cells, columns, or rows that are not next to each other</td>
<td>Select the first item that you want, hold down ( \text{⌘} ), and then select any additional items</td>
</tr>
</tbody>
</table>
**Extending a selection**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>F8</td>
<td></td>
</tr>
</tbody>
</table>

Turn extend mode on

This keyboard shortcut conflicts with a default Mac OS X key assignment. To use this Office keyboard shortcut, you must first turn off the Mac OS X keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Hardware, click Keyboard. Click the Keyboard Shortcuts tab, and then clear the On check box for the key assignment that you want to turn off.

Select the nearest character to the left

Select the nearest character to the right

Expand a selection

Continue to press F8 to expand the selection to the entire word, sentence, paragraph, section, and so on.

Reduce the size of a selection

SHIFT + F8

Turn extend mode off

+ PERIOD

---

**Editing text and graphics**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copy text or graphics</td>
<td>+ C or F3</td>
</tr>
<tr>
<td>Copy a style</td>
<td>+ SHIFT + C</td>
</tr>
<tr>
<td>Paste a style</td>
<td>+ SHIFT + V</td>
</tr>
<tr>
<td>Copy text or graphics to the Scrapbook</td>
<td>CONTROL + OPTION + C</td>
</tr>
<tr>
<td>Move text or graphics</td>
<td>+ X or F2 (then move the cursor and press + V or F4 )</td>
</tr>
<tr>
<td>Insert graphics using the Media Browser</td>
<td>+ CONTROL + M</td>
</tr>
<tr>
<td>Create AutoText</td>
<td>OPTION + F3</td>
</tr>
<tr>
<td>Insert AutoText</td>
<td>+ OPTION + SHIFT + V</td>
</tr>
<tr>
<td>Paste the Clipboard contents</td>
<td>+ V or F4</td>
</tr>
<tr>
<td>Paste the selected clipping from the Scrapbook</td>
<td>CONTROL + OPTION + V</td>
</tr>
<tr>
<td>Paste special</td>
<td>+ CONTROL + C</td>
</tr>
</tbody>
</table>
To                  Press
Paste and match the formatting of the surrounding text  ⌘+ OPTION + SHIFT + V
Paste to the Scrapbook                                      CONTROL + OPTION + V
Paste the Spike contents                                     ⌘+ SHIFT + F3
Delete one character to the left                             DELETE
Delete one word to the left                                   ⌘+ DELETE
Delete one character to the right                             ⌘+ or CLEAR
Delete one word to the right                                   ⌘+
Cut selected text to the Clipboard                            ⌘+ X or F2
Undo the last action                                          ⌘+ Z
Cut to the Spike                                              ⌘+ F3

Aligning and formatting paragraphs
To                  Press
Center a paragraph                                             ⌘+ E
Justify a paragraph                                            ⌘+ J
Left align a paragraph                                         ⌘+ L
Right align a paragraph                                        ⌘+ R
Indent a paragraph from the left                               CONTROL + SHIFT + M
Remove a paragraph indent from the left                        ⌘+ SHIFT + M
Create a hanging indent                                        ⌘+ T
Remove a hanging indent                                         ⌘+ SHIFT + T
Start AutoFormat                                               ⌘+ OPTION + K
Apply the Normal style                                         ⌘+ SHIFT + N
Apply the Heading 1 style                                      ⌘+ OPTION + 1
Apply the Heading 2 style                                      ⌘+ OPTION + 2
Apply the Heading 3 style                                      ⌘+ OPTION + 3
Apply the List style                                           ⌘+ SHIFT + L
Insert a nonbreaking space                                     OPTION + SPACEBAR

Setting line spacing
To set line spacing to                                     Press
Single-spaced lines                                            ⌘+ 1
Double-spaced lines                                            ⌘+ 2
1.5-line spacing                                                ⌘+ 5
Add or remove one line of space directly preceding a paragraph ⌘+ 0 (zero)
**Formatting characters**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change the font</td>
<td>⌘ + SHIFT + F</td>
</tr>
<tr>
<td>Increase the font size</td>
<td>⌘ + SHIFT + &gt;</td>
</tr>
<tr>
<td>Decrease the font size</td>
<td>⌘ + SHIFT + &lt;</td>
</tr>
<tr>
<td>Increase the font size by 1 point</td>
<td>⌘ + ]</td>
</tr>
<tr>
<td>Decrease the font size by 1 point</td>
<td>⌘ + [</td>
</tr>
<tr>
<td>Change the formatting of characters (Font command, Format menu)</td>
<td>⌘ + D</td>
</tr>
<tr>
<td>Change the case of letters</td>
<td>SHIFT + F3</td>
</tr>
<tr>
<td>Format in all capital letters</td>
<td>⌘ + SHIFT + A</td>
</tr>
<tr>
<td>Apply bold formatting</td>
<td>⌘ + B</td>
</tr>
<tr>
<td>Apply an underline</td>
<td>⌘ + U</td>
</tr>
<tr>
<td>Underline words but not spaces</td>
<td>⌘ + SHIFT + W</td>
</tr>
<tr>
<td>Double-underline text</td>
<td>⌘ + SHIFT + D</td>
</tr>
<tr>
<td>Apply italic formatting</td>
<td>⌘ + I</td>
</tr>
<tr>
<td>Format in all small capital letters</td>
<td>⌘ + SHIFT + K</td>
</tr>
<tr>
<td>Apply subscript formatting (automatic spacing)</td>
<td>⌘ + EQUAL SIGN</td>
</tr>
<tr>
<td>Apply superscript formatting (automatic spacing)</td>
<td>⌘ + SHIFT + PLUS SIGN</td>
</tr>
<tr>
<td>Remove manual character formatting</td>
<td>⌘ + SHIFT + Z</td>
</tr>
<tr>
<td>Apply strike-through formatting</td>
<td>⌘ + SHIFT + X</td>
</tr>
</tbody>
</table>

**Inserting special characters**

<table>
<thead>
<tr>
<th>To insert</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>A field</td>
<td>⌘ + F9</td>
</tr>
<tr>
<td>A line break</td>
<td>SHIFT + RETURN</td>
</tr>
<tr>
<td>A page break</td>
<td>SHIFT + ENTER</td>
</tr>
<tr>
<td>A column break</td>
<td>⌘ + SHIFT + RETURN</td>
</tr>
<tr>
<td>A nonbreaking hyphen</td>
<td>⌘ + SHIFT + HYPHEN</td>
</tr>
<tr>
<td>The copyright symbol</td>
<td>OPTION + G</td>
</tr>
<tr>
<td>The registered trademark symbol</td>
<td>OPTION + R</td>
</tr>
<tr>
<td>The trademark symbol</td>
<td>OPTION + 2</td>
</tr>
<tr>
<td>An ellipsis</td>
<td>OPTION + SEMICOLON</td>
</tr>
</tbody>
</table>

**Inserting fields**

<table>
<thead>
<tr>
<th>To insert</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>A DATE field</td>
<td>CONTROL + SHIFT + D</td>
</tr>
</tbody>
</table>
To insert

<table>
<thead>
<tr>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ OPTION + SHIFT + L</td>
</tr>
<tr>
<td>CONTROL + SHIFT + P</td>
</tr>
<tr>
<td>CONTROL + SHIFT + T</td>
</tr>
<tr>
<td>+ F9</td>
</tr>
</tbody>
</table>

**Working with fields**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update selected fields</td>
<td>F9</td>
</tr>
<tr>
<td>Unlink a field</td>
<td>+ SHIFT + F9</td>
</tr>
<tr>
<td>Switch between a field code</td>
<td>SHIFT + F9</td>
</tr>
<tr>
<td>and its result</td>
<td></td>
</tr>
<tr>
<td>Switch between all field</td>
<td>OPTION + F9</td>
</tr>
<tr>
<td>codes and their results</td>
<td>OPTION + SHIFT + F9</td>
</tr>
<tr>
<td>Run GOTOBUTTON or MACROBUTTON</td>
<td>F11</td>
</tr>
<tr>
<td>from the field that displays</td>
<td>SHIFT + F11</td>
</tr>
<tr>
<td>the field results</td>
<td>+ F11</td>
</tr>
<tr>
<td>Go to the next field</td>
<td>+ SHIFT + F11</td>
</tr>
<tr>
<td>Go to the previous field</td>
<td></td>
</tr>
<tr>
<td>Lock a field</td>
<td></td>
</tr>
<tr>
<td>Unlock a field</td>
<td></td>
</tr>
</tbody>
</table>

**Document outline**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promote a paragraph</td>
<td>CONTROL + SHIFT + LEFT ARROW</td>
</tr>
<tr>
<td>Demote a paragraph</td>
<td>CONTROL + SHIFT + RIGHT ARROW</td>
</tr>
<tr>
<td>Demote to body text</td>
<td>+ SHIFT + N</td>
</tr>
<tr>
<td>Move selected paragraphs up</td>
<td>CONTROL + SHIFT + UP ARROW</td>
</tr>
<tr>
<td>Move selected paragraphs down</td>
<td>CONTROL + SHIFT + DOWN ARROW</td>
</tr>
<tr>
<td>Expand text under a heading</td>
<td>CONTROL + SHIFT + PLUS SIGN</td>
</tr>
<tr>
<td>Collapse text under a heading</td>
<td>CONTROL + SHIFT + MINUS SIGN</td>
</tr>
</tbody>
</table>

This keyboard shortcut conflicts with a default Mac OS X key.
To assignment. To use this Office keyboard shortcut, you must first turn off the Mac OS X keyboard shortcut for this key. On the Apple menu, click System Preferences. Under Hardware, click Keyboard. Click the Keyboard Shortcuts tab, and then clear the On check box for the key assignment that you want to turn off.

Expand all body text and headings or collapse all body text

Show the first line of body text or all body text

Show all headings with the specified heading level

**Reviewing documents**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insert a comment</td>
<td>⌘+ OPTION + A</td>
</tr>
<tr>
<td>Turn track changes on or off</td>
<td>⌘+ SHIFT + E</td>
</tr>
<tr>
<td>Go to the beginning of a comment</td>
<td>HOME</td>
</tr>
<tr>
<td>Go to the end of a comment</td>
<td>END (The END key is not available on all keyboards)</td>
</tr>
<tr>
<td>Go to the beginning of the list of comments when in the Reviewing Pane</td>
<td>⌘+ HOME</td>
</tr>
<tr>
<td>Go to the end of the list of comments when in the Reviewing Pane</td>
<td>⌘+ END</td>
</tr>
</tbody>
</table>

**Printing documents**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print a document</td>
<td>⌘+ P</td>
</tr>
</tbody>
</table>

**Moving around in a table**

<table>
<thead>
<tr>
<th>To</th>
<th>Press</th>
</tr>
</thead>
<tbody>
<tr>
<td>Move to the next cell</td>
<td>TAB (If the cursor is in the last cell of a table, pressing TAB adds a new row)</td>
</tr>
<tr>
<td>Move to the preceding cell</td>
<td>SHIFT + TAB</td>
</tr>
<tr>
<td>Move to the preceding or next row</td>
<td>UP ARROW or DOWN ARROW</td>
</tr>
<tr>
<td>Move to the first cell in the row</td>
<td>CONTROL + HOME</td>
</tr>
<tr>
<td>Move to the last cell in the row</td>
<td>CONTROL + END</td>
</tr>
</tbody>
</table>
To |
---|
Move to the first cell in the column | Press |
Move to the last cell in the column | CONTROL + PAGE UP |
Start a new paragraph | CONTROL + PAGE DOWN |
Add a new row at the bottom of the table | RETURN |
Add text before a table at the beginning of a document | TAB at the end of the last row |
Insert a row | RETURN at the beginning of the first cell |

Add a new row at the bottom of the table | Press the shortcut keys, and then drag a marker on the ruler |
To display a column's measurements in the ruler when you resize the column, press OPTION with these shortcut keys. |
To finely adjust a column width, turn off snap-to functionality by pressing OPTION with the shortcut keys. |

Press the shortcut keys, and then drag a column boundary |
Move a single column line | No key |

Resizing table columns by using the ruler

To |
---|
Retain column sizes to the right | No key |
Change table width | SHIFT |
Move a single column line | |
Retain table width |
Equally resize all columns to the right | + SHIFT |
Retain table width |
Proportionally resize all columns to the right |
Retain table width |
Equally resize all columns to the right |
Proportionally resize all columns to the right |

Resizing table columns directly in a table

Tips

- To display a column's measurements in the ruler when you resize the column, press OPTION with these shortcut keys.
- To finely adjust a column width, turn off snap-to functionality by pressing OPTION with the shortcut keys.

To |
---|
Move a single column line | No key |
Press the shortcut keys, and then drag a column boundary

Retain table width
Retain column sizes to the right

Change table width
Equally resize all columns to the right

SHIFT

Retain table width
Proportionally resize all columns to the right

⌘+ SHIFT

Retain table width

Inserting paragraphs and tab characters in a table

To insert
New paragraphs in a cell
Tab characters in a cell

Press
RETURN
OPTION + TAB

Data merge

To use the following keyboard shortcuts, you must first set up a data merge.

To
Merge a document
Edit a data-merge data document
Check for errors
Insert a merge field

Press
CONTROL + SHIFT + N
CONTROL + SHIFT + E
CONTROL + SHIFT + K
CONTROL + SHIFT + F

Footnotes and endnotes

To insert
A footnote
An endnote

Press
⌘+ OPTION + F
⌘+ OPTION + E
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**Keyboard Shortcuts: Word for Mac 2011**

**COMMAND (CMD) KEY**

~ CONTROL KEY

`OPTION (OPT) KEY` • "ALT" MAY ALSO APPEAR ON THIS KEY

- **CMMD + SHIFT + A** All caps
- **CMMD + OPT + 1** Apply heading 1
- **CMMD + OPT + 2** Apply heading 2
- **CMMD + OPT + 3** Apply heading 3
- **CMMD + SHIFT + L** Apply list bullet
- **CMMD + OPT + K** Auto format
- **CMMD + B** Bold
- **CMMD + SHIFT + F5** Bookmark
- **CMMD + PAGE DOWN** Browse next
- **CMMD + PAGE UP** Browse previous
- **CMMD + PERIOD** Cancel
- **CMMD + E** Center paragraph
- **SHIFT + F3** Change case
- **CMMD + OPT + C** Change case
- **SHIFT + RIGHT ARROW** Character right extend
- **CMMD + W** Close
- **CMMD + OPT + W** Close all
- **CMMD + SHIFT + C** Close pane
- **CMMD + SHIFT + RETURN** Column break
- **CMMD + SHIFT + F8** Column select
- **CMMD + C** Copy
- **CMMD + SHIFT + C** Copy format
- **SHIFT + F2** Copy text
- **OPT + CTRL + C** Copy to scrapbook
- **OPT + F3** Create auto text
- **OPT + CTRL + NUMPAD-** Customize keyboard
- **CMMD + OPT + NUMPAD+** Customize keyboard shortcut
- **CMMD + X** Cut

- **CTRL + SHIFT + D** Date field
- **OPT + SHIFT + F7** Define reference
- **CMMD + OPT + SHIFT + R** Define reference
- **CMMD + DELETE** Delete back word
- **OPT + DELETE** Delete back word
- **CMMD + CTRL + X** Delete row
- **CMMD + OPT + G** Delete word
- **CMMD + F4** Document close
- **CMMD + M** Document minimize
- **CMMD + F5** Document restore
- **CTRL + F5** Document restore
- **CMMD + OPT + S** Document split
- **CMMD + CTRL + X** Double underline
- **OPT + SHIFT + PAGE DOWN** End of column
- **CTRL + PAGE DOWN** End of column
- **CMMD + SHIFT + END** End of document
- **END** End of document extend
- **CMMD + END** End of document
- **OPT + END** End of document
- **CMMD + RIGHT ARROW** End of line
- **CTRL + DOWN ARROW** End of line
- **SHIFT + END** End of line extend
- **CMMD + SHIFT + RIGHT ARROW** End of line
- **CTRL + DOWN ARROW** End of line

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Keyboard Shortcuts: Word for Mac 2011

- **SHIFT + END** End of line extend
- **CMMD + SHIFT + RIGHT ARROW** End of line extend
- **OPT + SHIFT + END** End of row

- **CTRL + END** End of row
- **CMMD + OPT + PAGE DOWN** End of window
- **CMMD + OPT + SHIFT + PAGE DOWN** End of window extend
- **CMMD + OPT + E** Endnote now
- **CMMD + F** Find
- **CMMD + SHIFT + G** Find previous
- **CMMD + OPT + F** Footnote now
- **SHIFT + F5** Go back
- **CMMD + OPT + Z** Go back
- **CMMD + OPT + G** Go To
- **OPT + PAGE DOWN** Go to next section
- **CMMD + PAGE UP** Go to previous section
- **CMMD + SHIFT + PERIOD** Grow font
- **CMMD + J** Grow font one point
- **CMMD + /** Help
- **CTRL + SHIFT + H** Hidden
- **CMMD + K** Hyperlink
- **CTRL + SHIFT + M** Indent
- **CMMD + CTRL + I** Insert row
- **CMMD + I** Italic
- **CMMD + SHIFT + I** Italic
- **CMMD + J** Justify paragraph
- **CMMD + L** Left paragraph
- **CMMD + OPT + SHIFT + L** List number field
- **OPT + F8** Macro
- **CMMD + OPT + SHIFT + I** Mark citation
- **CMMD + OPT + SHIFT + X** Mark index entry
- **CMMD + OPT + SHIFT + O** Mark table of contents entry
- **CTRL + SHIFT + F** Merge field
- **CMMD + SHIFT + P** New
- **OPT + F7** Next misspelling
- **CMMD + OPT + N** Normal
- **CMMD + SHIFT + CLEAR** Normal style
- **OPT + SHIFT + CLEAR** Normal style
- **CMMD + O** Open
- **CMMD + 0** Open or close up paragraph
- **CMMD + COMMA** Options
- **SHIFT + ENTER** Page break
- **PAGE DOWN** Page down
- **SHIFT + PAGE DOWN** Page down extend
- **PAGE UP** Page up
- **SHIFT + PAGE UP** Page up extend
- **CMMD + DOWN ARROW** Paragraph down
- **OPT + DOWN ARROW** Paragraph down extend
- **CMMD + SHIFT + DOWN ARROW** Paragraph down extend

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Keyboard Shortcuts: Word for Mac 2011

**OPT + SHIFT + DOWN ARROW** Paragraph down extend
**CMMD + UP ARROW** Paragraph up
**COPT + UP ARROW** Paragraph up
**CMMD + SHIFT + UP ARROW** Paragraph up extend

**CMMD + A** Select all
**CMMD + SHIFT + COMMA** Shrink font
down extend
**CMMD + V** Paste
down extend
**CMMD + OPT + M** Paragraph pasted
shall format
**CMMD + OPT + SHIFT + V** Paste pasted
destination formatting
**CMMD + SHIFT + V** Paste format
**OPT + CTRL + V** Paste from scrapbook
**CMMD + CTRL + V** Paste special
**SHIFT + F11** Previous field
**CMMD + OPT + UP ARROW** Previous object
**CMMD + SHIFT + F6** Previous window
**OPT + SHIFT + F6** Previous window
**CMMD + P** Print
**CMMD + Y** Redo or repeat
**OPT + RETURN** Redo or repeat
**CMMD + G** Repeat find
**SHIFT + F4** Repeat find
**CMMD + SHIFT + F4** Repeat find
**CMMD + SHIFT + H** Replace
**CMMD + SHIFT + Z** Reset character
**CTRL + SPACEBAR** Reset character
**CMMD + OPT + Q** Reset paragraph
**CMMD + SHIFT + E** Revision marks toggle
**CMMD + R** Repeat find
**CMMD + S** Save
**CMMD + SHIFT + S** Save as
**CMMD + ENTER** Section break

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Bio

Adriana Linares is a law practice consultant and legal technology trainer with her company, LawTech Partners. The firm's services include consulting and training for law firms, legal departments, legal aid groups and legal technology startups.

Having spent her initial career-years at two of Florida’s largest law firms, Adriana went on to launch LawTech Partners in 2004. She is a frequent speaker at national technology conferences and a regular contributor to legal blogs and publications and speaks fluent Spanish. Adriana has a BA in Geography from Stetson University, an MA in Corporate Communication and Technology from Rollins College and is an IAPP Certified Information Privacy Technologist. She is a 2013 Fastcase 50 honoree, recognizing “the law’s smartest, most courageous innovators, techies, visionaries, and leaders,” and was profiled as a Legal Rebel Trailblazer by the ABA Journal in 2018. She served as Chair of the American Bar Association TECHSHOW 2017. Adriana has hosted the New Solo podcast on the Legal Talk Network since 2014.

While she continues her work helping law firms and legal organizations, she also serves as a technology consultant the Florida Bar Board of Governors and is the Member Technology Officer of the San Diego County Bar Association.

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MARKETING YOURSELF AND YOUR FIRM

by Sona A. Tatiyants, Esq.
Founder / Managing attorney at Lynk Law Inc.

BUILDING A REFERRAL CULTURE AROUND YOUR FIRM,
FROM INTAKE TO CLOSING

by Zein E. Obagi, Jr.
Lead Attorney at Obagi Law Group, P.C.
The Ethics of Networking

Know the Rules!

Know who you are...

Know your strengths and weaknesses:

Personality tests
- DISC
- Strength Finder
- PRINT Survey
  (unconscious motivators, triggers, etc.)
Know your ideal client:

- How do you access your ideal client?
- How do you access other professional who have regular access to your ideal client?
- Marketing directly to your ideal clients vs. to other professionals

Marketing vs. Advertising

- One size doesn't fit all
- Have multiple ways to reach clients
- Set goals and measure your success
- Be deliberate in your efforts
MARKETING IDEAS:

- Do what you love & connect based on your strengths
  - Ex. Baking, kids (GEF)

- Join an organization (WLALA, bar organization), non-profits, networking groups

- Speaking / writing for your peers / industry

- One-on-one vs. part of a larger group
  - follow up and follow through

- More referrals you give, the more referrals you get

Social Media Events Newsletter
Marketing

“What worked yesterday, will not necessarily work tomorrow.”

Multi-Channel Marketing: Target Must See Message 7-10 Times
➢ Do not focus too much on reads from one channel

Educating is Marketing:

@obagilaw

How to Address Sexual Harassment at Work
1. Complain to HR
2. Complain to Your Boss
3. Complain in Writing
4. Document Incidents of Harassment
5. Seek Legal Counsel

OBAGI Law Group, P.C.
Video, Easy Info is IN

- Get video of you, FAQs
- Animation / drawing of Parking Directions
- Zoom Conference
- Let clients, PNCs get to know you as a person

Rule 7.2 -- advertising

- (b) A lawyer shall not compensate, promise or give anything of value to a person for the purpose of recommending or securing the services of the lawyer or the lawyer’s law firm, except that a lawyer may:
  - (1) pay the reasonable costs of advertisements or communications permitted by this rule;
  - (2) pay the usual charges of a legal services plan or a qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service established, sponsored and operated in accordance with the State Bar of California’s Minimum Standards for a Lawyer Referral Service in California;
  - (3) pay for a law practice in accordance with rule 1.17
Rule 7.2 – advertising – what you can do

(4) refer clients to another lawyer or a nonlawyer professional pursuant to an arrangement not otherwise prohibited under these Rules or the State Bar Act that provides for the other person to refer clients or customers to the lawyer, if:

(i) the reciprocal referral arrangement is not exclusive; and

(ii) the client is informed of the existence and nature of the arrangement;

(5) offer or give a gift or gratuity to a person having made a recommendation resulting in the employment of the lawyer or the lawyer’s law firm, provided that the gift or gratuity was not offered or given in consideration of any promise, agreement, or understanding that such a gift or gratuity would be forthcoming or that referrals would be made or encouraged in the future.

WHAT TO DO AT A NETWORKING EVENT:

- Talk to as many people as possible
- Have business cards
- Clearly articulate what you do
- Follow up within 24 hours – set lunch / coffee etc.
- Strategy to stay in touch – newsletter, quarterly meeting, invite them to other networking events or join your networking group
BUILD YOUR TOP 20 REFERRAL SOURCES:

- Who should be on it?
- What to do to stay in touch with them?
- 3-5 networking activities per week – lunch / networking events
- Always thank for referrals

BUILDING THE REFERRAL CULTURE:

Intake: “Who referred you to our firm?”

- PNC: “Mary Jo”
- Intake Specialist: “Oh we love Ms. Jo, and really appreciate her for referring you to us. I’m going to make sure Mr. Obagi sends her a handwritten thank you card and a small gift to show her our appreciation.”
BUILDING THE REFERRAL CULTURE:

- **Acknowledgment is key:**
  - Google Acknowledgment:
    - “All people want is acknowledgement”
    - “What your clients really want: they key is acknowledgment”

  - **Pay Referral Fees where Allowed. If your referral source is an attorney, pay him or her pursuant to RPC 1.5.1. Hourly or Contingency Fee; Monthly or Lump Sum Payment.**

  **SAMPLE LANGUAGE:**

  You agree that 20% of gross profits generated by this firm in this matter will be paid as a referral fee to attorney ________________ and his/her firm as compensation for referring you to our firm. By signing this agreement, you provide your informed consent to the payment of this referral fee. The payment by this firm of a referral fee does not increase the fee owed by you for our services. The term gross profits here means gross revenues generated from your representation, less our out-of-pocket expenses and actual or estimate costs associated with rendering services in your representation.

---

**Rule 1.5.1 – Referral fees**

(a) Lawyers who are not in the same law firm shall not divide a fee for legal services unless:

1. the lawyers enter into a written agreement to divide the fee;
2. the client has consented in writing, either at the time the lawyers enter into the agreement to divide the fee or as soon thereafter as reasonably practicable, after a full written disclosure to the client of:
   - (i) the fact that a division of fees will be made;
   - (ii) the identity of the lawyers or law firms that are parties to the division; and
   - (iii) the terms of the division; and
3. the total fee charged by all lawyers is not increased solely by reason of the agreement to divide fees.
Changes from former rule 2-200

Former Rule 2-200
- Client need to sign agreement until the referral fee was to be paid, which could be years after the attorneys negotiated the agreement
- No express requirement for the attorneys to have their referral fee arrangement in writing

New Rule 1.5.1
- First, the agreement between the lawyers to divide a fee must now be in writing; and
- Second, the client must consent to the division after full disclosure at or near the time that the lawyers enter into the agreement to divide the fee

POSITIVE REVIEWS
ARE PUBLIC REFERRALS:

Set yourself up for a positive review from client by setting realistic expectation on communication that you can satisfy.

OUR COMMUNICATION POLICY. OLG PC staff and attorneys will seek to hold email hours Monday through Friday between the hours of 11:00 a.m. to 12:00 p.m. and 5:00 p.m. to 6:00 p.m. to the extent each individual’s schedule accommodates the same. Outside those hours, all staff and counsel have been directed to close their email applications.

During these times, staff and attorneys will respond to client emails. Should you have a concern that needs a reply promptly, please email us prior to those time or during the prior business day to ensure that your email receives the attention required. Of course, at times, due to depositions or trials, we will not be able to answer emails in those time periods. If that occurs, we will respond to your email(s) at the earliest opportunity, likely never more than 48 hours after your email was sent.

If you have a 911 legal emergency, the person you seek will, of course, be notified and summoned. Outside of such circumstance, we request that all phone conferences with attorneys be scheduled in advance, either by emailing support@obagi.law or calling support staff at (424) 284-2401. Should you merely want to orally communicate a matter to a member of our team, please feel free to ask for our voicemail. A good record is kept of all voicemails received. Consider them voice memos to counsel.

When requesting a phone appointment, we request that you indicate to support staff at least three times during which you are available for a conference call. Please do not email our attorneys to schedule a meeting or a phone conference, as we have a dedicated scheduler in place.
CONCLUDE REPRESENTATION IN WRITING (FOR MARKETING AND OTHER REASONS):

We thank you for retaining Obagi Law Group P.C. in this dispute. If, at your earliest convenience, you could please leave us a positive Google review, it would help us tremendously in getting others aggrieved by their employers to find us, like you did. The link to us on Google My Business is as follows:

Leave a review for Obagi Law Group, P.C.

The most helpful reviews for us and future potential clients needing our services indicate:

- why you needed an attorney;
- how your interactions with the attorneys and staff made you feel; and
- discuss whether you liked the result that was obtained, and why;
- comment on whether you would recommend Obagi Law Group, P.C. to family or friends.

Please be sure to mention Obagi Law Group at some point. Recall not to disclose any confidences or any specifics about your confidential resolution. Also, do not disparage defendants. As thanks again, please enjoy this small box of Obagi Law Group, P.C. chocolates.

FOLLOW UP UNTIL YOU GET YOUR REVIEWS:

- Professionally; like clockwork.
- Task staff /calendar recurring weekly reminder email to client until you get that review.
- Position referrals: i.e., website, waiting room flipbook, Instagram, Facebook, videos.
CLIENT RELATIONSHIP MANAGEMENT (CRM):

- Track where each of your clients come from
- Have a system on how to thank referral sources
- Keep track of who signed up, who was referred elsewhere, who didn’t go forward and why

Rule 1.0.1 Terminology provides:

(c) “Firm” or “law firm” means a law partnership; a professional law corporation; a lawyer acting as a sole proprietorship; an association authorized to practice law; or lawyers employed in a legal services organization or in the legal department, division or office of a corporation, of a government organization, or of another organization.
What constitutes a law firm?

- Comment [1] to Rule 1.0.1

Practitioners who share office space and occasionally consult or assist each other ordinarily would not be regarded as constituting a law firm. However, if they present themselves to the public in a way that suggests that they are a law firm or conduct themselves as a law firm, they may be regarded as a law firm for purposes of these rules. The terms of any formal agreement between associated lawyers are relevant in determining whether they are a firm, as is the fact that they have mutual access to information concerning the clients they serve.

What about “Of Counsel”?

<table>
<thead>
<tr>
<th>Associate</th>
<th>Of Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Same firm established</td>
<td>• Depends on the arrangement – may need a written referral agreement to share fees</td>
</tr>
</tbody>
</table>
• Comment [2] to Rule 1.0.1
• The term “of counsel” implies that the lawyer so designated has a relationship with the law firm, other than as a partner or associate, or officer or shareholder, that is close, personal, continuous, and regular. Whether a lawyer who is denominated as “of counsel” or by a similar term should be deemed a member of a law firm for purposes of these rules will also depend on the specific facts. (Compare People ex rel. Department of Corporations v. Speedee Oil Change Systems, Inc. (1999) 20 Cal.4th 1135 [86 Cal.Rptr.2d 816] with Chambers v. Kay (2002) 29 Cal.4th 142 [126 Cal.Rptr.2d 536].)

Safe course – get the referral agreement in writing at the time you make the arrangement
(a) A lawyer or law firm shall not share legal fees directly or indirectly with a nonlawyer or with an organization that is not authorized to practice law, except that:

(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money or other consideration over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) a lawyer purchasing the practice of a deceased, disabled or disappeared lawyer may pay the agreed-upon purchase price, pursuant to rule 1.17, to the lawyer’s estate or other representative;

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement, provided the plan does not otherwise violate these rules or the State Bar Act;

(4) a lawyer or law firm may pay a prescribed registration, referral, or other fee to a lawyer referral service established, sponsored and operated in accordance with the State Bar of California's Minimum Standards for Lawyer Referral Services; or

(5) a lawyer or law firm may share with or pay a court-awarded legal fee to a nonprofit organization that employed, retained or recommended employment of the lawyer or law firm in the matter.
TAKEAWAYS

- No fee sharing of any kind with non-lawyers
- You can give gifts (to a point)
- Document any referral agreement in writing at the time you make the agreement
Erin Joyce
Pasadena Ethics Attorney

Attorney Erin Joyce has extensive experience in State Bar investigations and disciplinary proceedings, plus over twenty five years of civil litigation practice.

Erin was admitted in 1990 and practiced for nearly eight years in an intellectual property boutique before joining the Office of Chief Trial Counsel as a prosecutor for the State Bar, from 1997 through 2016. Erin has almost twenty years of experience handling all aspects of discipline cases against attorneys in State Bar Court, from the filing of the complaint through trial and review. She has personally tried dozens of State Bar trials and several appeals. Erin has a comprehensive understanding of how State Bar investigations and proceedings unfold. Moreover, she has been involved in licensing matters for other professionals, such as EMTs and paramedics.

Before going into private practice, Erin served as Chief Special Investigator for the Los Angeles Fire Department, as a prosecutor for the State Bar of California, and as a lawyer for multiple private practices.

Erin’s practice areas include:

- State Bar Discipline
- Moral Character Determination Proceedings
- Reinstatements before the State Bar Court
- Professional Licensing
- Ethics Consultations

Bar Admissions

- California, 1990
- U.S. District Court Central District of California
- U.S. District Court Southern District of California

Education

- Southwestern School of Law, Los Angeles, California
  J.D. – 1990 (first in class)
- UCLA, Los Angeles, California
  B.A. – 1987 (history with certificate in business administration)

Professional Associations and Memberships

- Los Angeles County Bar Association, Member
- Small Firms and Solo Practitioners Section, Vice-Chair
- Professional Responsibility and Ethics Committee of the Los Angeles County Bar, Member
- LACBA Lawyers Assistance Taskforce, Member
- Study Group Chair, LACBA Delegation to Conference of California Bar Associations
- Women in the Law Institute, Faculty
- California Lawyers Association, Member
- CLA Small Firms Section, Member
- Association of Discipline Defense Counsel, Secretary to the Board
- Women Lawyers of Los Angeles, Member
- San Fernando Valley Bar Association, Member

Publications & Programs

- “The Perils of Flat Fee Agreements Under the New Rules of Professional Conduct,” LACBA Update, September 2019
- Program speaker on “How to Avoid a State Bar Complaint,” CAALA Convention, August 30, 2019
- Program speaker on “New Rules for the Small Firm Practitioner,” Eastern Bar Association, January 17, 2019
- Program speaker on “New Rules of Professional Conduct,” Los Angeles County Bar Association, January 31, 2019
- Program speaker on ”Avoiding the State Bar Discipline System,” State Bar of California’s Solo and Small Firm Summit, June 2012’Bar Proposals will Upend the Legal Profession,” Los Angeles Daily Journal, October 2, 2019
MEET SONA

Lynk Law founder Sona Tatiyants sought to create the firm she personally would want to work with. As a wife, mother, and business owner, she understands how overwhelming an estate plan can feel. As an attorney, she knows just how important it is to have that plan in place. Supported by a strong team of attorneys and staff, she guides clients through every step of the planning process, building lasting relationships to ensure their needs are met as their families grow and change.

After earning her Bachelor of Arts (B.A.) from UC Santa Barbara with honors, Sona received her Juris Doctor (J.D.) cum laude from Southwestern University School of Law. She has been a member in good standing with the State Bar of California since 2005. Believing strongly that tax-law expertise is essential to best practice in estate planning, she went on to earn a degree of Masters of Law in Taxation (LLM) from Loyola Law School of Los Angeles with a focus on estate planning and taxation.

Networking is a great passion of Sona’s; one of the many benefits of working with Lynk Law is access to her vast network of hand-picked professionals. She co-founded The Exchange LA — the answer to modern networking with its inclusion of women, minorities, and non-profits — and serves as head of the Glendale chapter. She also sits on the executive-committee board of Women to Women, a networking group for professional women. This ever-expanding group of personal and professional contacts is a valuable resource that Sona is pleased to share with our clients.

Quick Facts

• Founded Lynk Law in 2010

Interests

• Playing board games with her family
• Traveling
• Baking with her daughters
• Reading business books

Awards & Recognition

• Certified Legal Specialist in Estate Planning, Trust and Probate Law, State Bar of California 2018
• YWCA Glendale Heart & Excellence Award 2018
• The National Advocates: Top 40 under 40 2016
• Superlawyers, Rising Stars: Up-and-Coming 50 Women 2015, 2016, 2017
• Superlawyers, Rising Stars: Up-and-Coming 100 2016, 2017
• Valley Business Journal: Trusted Advisors Nominee 2015
ZEIN E. OBAGI, JR.

Zein E. Obagi Jr. is the founder and lead counsel at the Obagi Law Group, P.C., in Los Angeles, California. Serving a diverse range of clients throughout the greater Los Angeles metro area and all across the state, Mr. Obagi offers exceptional and effective advocacy to those who are dealing with legal challenges involving any of the following and more:

- Employment law litigation for matters involving sexual harassment, discrimination, whistleblower defense and employer retaliation
- Business litigation and partnership disputes with a particular emphasis on the cannabis industry
- Real estate litigation — excluding landlord/tenant disputes

Throughout his legal career spanning more than 10 years, Mr. Obagi has earned a reputation as a tenacious and aggressive trial attorney who zealously pursues the most favorable outcomes on his clients' behalves. His list of successes is varied and many, including enforcing judgments against a wide range of defiant institutions such as the Mexican government, prosecuting bad faith insurance claims, and defending the rights of consumers dealing with unfair and unlawful debt collection practices.

He has also become one of the region's leading attorneys for both commercial and residential real estate disputes, and he has extensive experience handling cases involving breaches of contract, fraud and other matters. He has also provided a voice to individuals wronged by large and powerful entities, such as foreign governments, federal agencies, local school districts and municipalities, to help them achieve the justice they deserve.

A 2005 graduate of the University of California, Berkeley, Mr. Obagi attended the University of Southern California Gould School of Law, where he obtained his Juris Doctor in 2008. While in law school, he was a member of the Hale Moot Court Honors Program, and he received the highest score in his class for "Contracts."

Along with practicing before all state courts in California, Mr. Obagi is also admitted to practice before the U.S. District Courts for the Central, Southern and Eastern Districts of California, the U.S. Court of Appeals for the 9th Circuit, and the Supreme Court of the United States. In the last few years, he has been admitted pro hac vice in one case or another against a foreign state in Manhattan’s U.S. District Court for the Southern District of New York. In 2019, SuperLawyers selected him as a Rising Star.

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November 2019 Videos:
- About our Employment Practice
- Frequently Asked Employment Law Questions
- Cannabis Litigation Explained

2016 Video:
- Introduction to Obagi Law Group, P.C.
Attorney Kimberly Lee is the founder of Desert Law Group, an Estate Planning and Elder Law firm near Palm Springs, California. In addition to managing her busy law practice, Kimberly served as the President of the Desert Bar Association (2017-2018). She is also the past President of the Desert Estate Planning Council. Kimberly created the Financial Elder Abuse Initiative for the Desert Bar Association and is part of the Educating Senior Project under the California Lawyers Association (formerly the State Bar of California).

After graduating *Summa Cum Laude* from University of La Verne, College of Law, Kimberly clerked for the Honorable Marvin R. Baxter (Ret.) at the California Supreme Court. Since her service with the Court, Kimberly has been active in her law practice which focuses on estate planning, trust administration, probate and elder law. Kimberly is a member of WealthCounsel and ElderCounsel, as well as the section member of the Probate and Trusts and Solo Small Sections of the California Lawyers Association. She continues to be a member of the Desert Bar Association.

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In her effort to help her colleagues who struggle in their law practices, Kimberly became a Certified Adjunct Practice Advisor for Atticus, a national organization dedicated to helping law firm owners become successful through coaching and business training.

In her spare time, Kimberly enjoys spending time with her husband and their son, gardening, baking, reading and working on her “Not Yet” project.
Time Management for Busy Attorneys
Key Strategies to Increase Productivity and Reduce Stress in Your Practice

PRESENTATION OUTLINE

BY: Kimberly T. Lee, Esq.

1. What Happened to Work-Life Balance?

2. New Mindset = New Results

3. Effective Time Management Correlates with Firm Profitability

4. Manage Self, Manage Team, Manage Managers

5. Strategy #1: Client Selection
   a. Quality of Clients Determines Quality of Your Practice
   b. Types of Clients
   c. Pareto Principal
   d. Client Selection Matrix

6. Strategy #2: Weekly Team Meeting
   a. Pre-Set Agenda
   b. Share Wins and Gratitude
   c. Due Dates and Important Deadlines
   d. Action Items

7. Strategy #3: Question Batching
   a. No "Lurk & Blurt"
   b. Helps to Clarify Thinking Process
   c. Propose Solutions to Problem/Question

8. Strategy #4: Time Blocking
   a. Time Template Worksheet
   b. Use "Block and Tackle" Method
   c. Block Uninterrupted Time
   d. Group "Like" Tasks
   e. Use "Power Hour"
      i. Meet with Key Team Members
      ii. Focus on Production
      iii. Return Calls / Emails
   f. Pomodoro Technique
9. Strategy #5: Daily Huddle
   a. Use Daily Planner to Focus
   b. Big Rocks First
   c. Daily Accountability

10. Strategy #6: Email Management
    a. Inbox to Zero
    b. The 4 "D" System
       i. Delete
       ii. Delegate
       iii. Defer
       iv. Do it Now

11. Strategy #7: Clean Office Solution
    a. Cluttered Desk = Cluttered Mind
    b. Your Desk is Your Practice Talking to You
    c. Step-By-Step Strategy
    d. Clean Office Audit

12. Strategy #8: Managing Interruptions
    a. Identify Problem Areas
    b. External Interruptions
       i. Phone Calls
       ii. Walk-in's
       iii. Office Socializing
       iv. One "Quick Question"
       v. Need Signatures
       vi. "Lee Family Emergencies"
    c. Internal Interruptions
       i. Emails
       ii. Slack; Chanty; Microsoft Chat
       iii. Text
       iv. Notifications
       v. Field of Vision (Files; Stickies, etc.)
       vi. Head Noise
The Myth Of Sisyphus

Punished to a Life of Futility

NEW MINDSET

NEW RESULTS
Housekeeping Items

1. Turn Your Phone to Silent
2. Take Lots of Notes
3. Questions & Answers

YOUR ABILITY TO EFFECTIVELY MANAGE YOUR TIME CORRELATES TO YOUR LAW FIRM'S FUTURE GROWTH AND PROFITABILITY

TIME MANAGEMENT SKILLS MUST EVOLVE TO SUPPORT GROWTH

MANAGE SELF  MANAGE TEAM  MANAGE MANAGERS
Agenda Today
- Strategy #1: Client Selection
- Strategy #2: Weekly Team Meeting
- Strategy #3: Question Batching
- Strategy #4: Time Blocking

Agenda Today
- Strategy #5: Daily Huddle
- Strategy #6: Email Management
- Strategy #7: Clean Office Solution
- Strategy #8: Managing Interruptions
- Questions & Answers

#1 Client Selection
Types of Clients

A – The Dream Client
B – The Good Client
C – The So-So Client
D – The Nightmare Client

Client Comparison
#2 Weekly Team Meeting

- Pre-Set Agenda
- Share Wins & Gratitude
- Due Dates in Horizon
- Action Items
#3 Question Batching

- No "Lurk & Blurt"
- Clarify Thinking
- Proposed Solutions

#4 Time Blocking
Time Blocking

- Use Block & Tackle
- Uninterrupted Time
- Group “Like” Tasks
- “Power Hour”
  - Meet With Staff
  - Focus on Production
  - Return Calls
The Pomodoro Technique

1. Decide on the task to be done.
2. Set the timer to 25 minutes.
3. Work on the task until the timer rings.
4. Take a short 5-minute break.
5. Repeat 4-5 times.

#5 Daily Planner

- Daily Habits
- Big Rocks First
- Daily Accountability
Email Management

• Inbox to Zero
• The 4 “D” System
  • Delete
  • Delegate
  • Defer
  • Do

#7 Clean Office Solution

• Cluttered Desk = Cluttered Mind
• Your Desk Is Your Practice Talking To You
• Step-By-Step Strategy
The Hidden Cost of Interruption

- Average Number of Interruptions Per Day? **7 Per Hour**
- Length of Interruption = **5 Minutes**
- Daily Time Dealing With Interruptions = **4 Hours!**
- 80% of Interruptions Rated as “Little or No Value”
- Breaking the “Flow”

---

**External Interruptions**

- Phone Calls
- Walk-In’s
- Office Socializing
- One “Quick Question”
- Need Signatures
- “Lee Family Emergencies”

---

**Internal Interruptions**

- Emails
- Slack; Chanty; Microsoft Chat
- Text
- Notifications
- Field of Vision (Files; Stickie, etc.)
- Head Noise
Time Management for Busy Attorneys

Thank You For Spending Your Time With Me!

Presented By: Kimberly T. Lee, Esq.
Useful Resources and Tools

Intra Office Communication

www.Slack.com
www.Chanty.com
www.Teams.microsoft.com

Daily Planners

www.fullfocusplanner.com
www.pandaplanner.com

Books

The Life-Changing Magic of Tidying Up by Marie Kondo


Flow: The Psychology of Optimal Experience by Mihaly Csikszentmihalyi


Productivity App

Focus Keeper
Be Focused
Focus Booster
PomodoneApp

Attorney Business Coaching Service

www.AtticusAdvantage.com
Denise Gamez, Director of Client Services
DeniseG@atticusadvantage.com
Email Denise for Free Tools
Useful Resources and Tools

Intra Office Communication

www.Slack.com
www.Chanty.com
www.Teams.microsoft.com

Daily Planners

www.fullfocusplanner.com
www.pandaplanner.com

Books

The Life-Changing Magic of Tidying Up by Marie Kondo


Flow: The Psychology of Optimal Experience by Mihaly Csikszentmihalyi


Productivity App

Focus Keeper
Be Focused
Focus Booster
PomodoneApp

Attorney Business Coaching Service

www.AtticusAdvantage.com
Denise Gamez, Director of Client Services
DeniseG@atticusadvantage.com
Email Denise for Free Tools

©2019 Kimberly T. Lee
Speaker's Biographical Information

Attorney Kimberly Lee is the founder of Desert Law Group, an Estate Planning and Elder Law firm near Palm Springs, California. In addition to managing her busy law practice, Kimberly served as the President of the Desert Bar Association (2017-2018). She is also the past President of the Desert Estate Planning Council. Kimberly created the Financial Elder Abuse Initiative for the Desert Bar Association and is part of the Educating Senior Project under the California Lawyers Association (formerly the State Bar of California).

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Pitfalls of Procedure: Practical Pointers to Avoid Them

Small Firm Practitioners Toolkit

November 23, 2019

Julie A. Goren, Esq.
Matthew J. Norris, Esq.

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Chapter 1
APPEARANCE BY PLAINTIFF

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“Application for Publication”  
“Order for Publication of Summons, Citation or Notice of Hearing”  
Filing with the Court  
Delivery to the Newspaper  
“Declaration of Mailing or of Inability to Ascertain Address”  
Preparing and Filing the Proof of Service and Declaration  

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§ 1.2 Preparing the Complaint and Accompanying Forms

The plaintiff begins the lawsuit by filing a Complaint against the defendant, setting forth the allegations upon which the lawsuit is based. While there are Judicial Council form Complaints (see the end of this Chapter), we explain how to draft them because understanding the parts of a Complaint is essential for preparing other court documents.

Although we jump right into drafting the Complaint, much needs to be done beforehand. The plaintiff must decide whom to sue, what to allege, and must select the court with the power and authority to render a legally binding decision in the lawsuit (the court with “jurisdiction”). This requires both subject matter jurisdiction (power to rule on the particular type of case and amount in controversy), and either personal jurisdiction (control over the defendant in the case) or in rem jurisdiction (control over the property at issue in the case). The plaintiff also needs to identify the proper county (“venue”) in which to file the case. Venue is usually proper in the county in which one or more of the defendants resides when the Complaint is filed. Venue might be proper in more than one county. For example, a personal injury case may be filed in the county in which the accident occurred or where one or more of the defendants reside. In large counties, like Los Angeles and Orange, local rules determine the particular courthouse in which to file. [Determinations such as whom to name, what to allege, how to allege it, and where to file are beyond the scope of this book. Our focus is on format and procedure.]

Several rules govern the format of papers to be filed with the court. Except where otherwise indicated, the rules apply to all documents, whether submitted in hard copy or eFiled. eFiled documents have additional requirements.

BEFORE YOU BEGIN, DETERMINE WHETHER YOU ARE eFILING.

eFILING IS MANDATORY IN MANY COURTS, INCLUDING L.A.S.C. IT MAY ALSO BE OPTIONAL IN YOUR CASE. (See Appendix “B.”)

Here are just a few of the rules relating to format of all documents filed with the court, with emphasis on the differences for eFiled documents:

- C.R.C., Rule 1.201 requires parties to exclude or redact anything but the last four digits of social security numbers and financial account numbers.

- The font must be “essentially equivalent” to Courier, Times New Roman or Arial in black or blue-black, no smaller than 12 point font. (C.R.C., Rules 2.104-2.106) Cambria, Georgia, and Helvetica qualify and are very readable on paper and screen. If you are eFiling, use 13-14 point font because the font size will likely shrink when the document is converted to PDF.

- C.R.C., Rules 2.107-2.108 detail margins, spacing, and line numbering. The left margin must be at least one inch and the right at least 1/2 inch. Lines must be 1.5 or double-spaced and numbered consecutively, but footnotes, quotations, and
real property descriptions may be single-spaced and unnumbered. **If you are eFiling, 1.5 line spacing, left-hand justification, and 1.5” margins all around is recommended for on-screen readability.** There must be a vertical line at the left margin separating the numbers and the text. This is commonly referred to as “pleading paper” (see p. 1-9). (This pleading paper template lines up pretty well: https://www.litigationbythenumbers.com/pleadingpaper.)

- Unless otherwise provided, pages must be consecutively numbered at the bottom using Arabic numerals (1, 2, 3). The first page is page one, but that page number may be suppressed (i.e., not show). (C.R.C., Rule 2.109) **If you are eFiling, it might be easier to omit page numbering at this stage, and to do it after conversion to PDF.**

- Except for exhibits, each page must have a footer below the page number and divided from the rest of the page by a line, with the title of the document or a clear and concise abbreviation in at least 10 point font. (C.R.C., Rule 2.110) **If you are eFiling, the footer should be 11-12 point font because the font size will likely shrink in the conversion process.**

For simplicity, we break down the complaint into four main parts: the caption, the body, the prayer, and the date and signature lines.

§ 1.2.1 **The Caption**

The caption of the complaint includes:

- The name and specified information identifying the attorney or the self-represented party who prepares the document

- Party designation and name of the party on whose behalf the document is prepared

- Name and place of the court where the action is filed

- Title of the case or action

- Space for case number

- Title of the document

C.R.C., Rule 2.111 requires the above information to appear in specific places. C.R.C., Rule 2.111(1) also requires everything from line 1 through line 7 to be entirely to the left of the center of the page, leaving the area to the right blank for court use. Although we do not recommend it, this rule is commonly ignored, because: (1) there is often not enough room on the left-hand side of the page for all of the required information, and (2) the clerk does not need the entire right side of the page to affix a filing stamp.
The Superior Court of California, County of Los Angeles outlines the mandatory requirements for electronic filing (efiling) of limited and unlimited civil documents in the First Amended General Order filed on May 3, 2019. It is beneficial for those who utilize efiling to review this order. Below are tips for avoiding the most common reasons documents are rejected, and how to help facilitate effective efiling.

The top 10 reasons documents submitted for efiling are rejected include:

1. Information in the data fields is incorrect and/or does not match the document image.
2. Case number does not match the document image.
3. AKA or DBA is not entered in the separate data field.
4. Incorrect case type or case category is selected.
5. Document is submitted to the incorrect courthouse location.
6. Motion requires a Court Reservation System (CRS) reservation.
7. Document is defective, i.e., it does not comply with California Rules of Court, Rules 2.100-2.118.
8. Documents are not submitted as separate PDFs in the same transaction/envelope.
9. Premise address on the Complaint does not match the data entry field.
10. Untimely submission, primarily Ex Parte documents.

To avoid the rejection of a document through efiling:

<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, transactions WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...that the document is not exempt from efiling. | ...the following types of documents are submitted through the efiling process:  
- Peremptory Challenges or Challenges for Cause of a Judicial Officer per to Code of Civil Procedure sections 170.6 or 170.3;  
- Bonds/Undertaking documents;  
- Trial and Evidentiary Hearing Exhibits;  
- Ex Parte Applications filed concurrently with a new complaint;  
- Documents submitted conditionally under seal. (Note: while the motion or application to submit documents conditionally under seal is to be efiled, the actual documents submitted conditionally under seal are excluded from efiling. When documents submitted conditionally under seal are provided in paper form to the court, the filer is to provide a courtesy copy of the efiled motion or application to submit documents conditionally under seal.  

Why? These documents are listed in the First Amended General Order as being exempt from submission through efiling. |

<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, transactions WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...the information entered in the data fields of the selected EFSP portal matches the information in the image of the document. | ...the filer’s name on the efiled document lists one name, i.e., John Smith, as the filing Plaintiff; but another name, i.e., Mary Hopkins, is entered into the data entry field in the EFSP portal as the filing plaintiff.  
...the case number on the efiled document does not match what is entered into the data entry field in the EFSP portal as the case number.  
In these examples, since the information entered into the EFSP’s portal’s date fields does not match the document, the transaction will be rejected.  

Why can’t the clerk correct the information? The clerk does not have the authority to determine which information is correct and which information can be disregarded. The customer must provide complete information for accurate case creation and case updates. |
<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, the transaction WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...any AKAs or DBAs are listed in the correct data fields of the selected EFSP’s portal. | ...the filer enters the name of the defendant as “Racer, Inc. DBA Racer’s Toys,” instead of “Racer, Inc.” in the data field for defendant and “Racer’s Toys” in the data field for DBA.  

**Why do these need to be in separate fields?** The court’s case management system (CMS) pulls information directly from the information entered into the data fields of the EFSP’s portal. If the information is not entered in the correct fields, the information will be inaccurate in the CMS. |
<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, the transaction WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...the correct case type or case category is selected | ...the case category selected is unlimited civil case over $25,000 but the complaint filed (document) is for a limited case over $10,000.  

**Why can’t the clerk file the case based on the document information?** The clerk does not have the authority to determine whether the document information is correct and the data entry can be disregarded. |
<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, the transaction WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...the document is being submitted to the correct location. | ...when filing a new case, the filing zip code entered in the data field in the EFSP portal does not match the Courthouse location listed in the Civil Case Cover Sheet, Summons, Complaint, and/or the premise address.  

**Why?** In the same way paper documents need to be submitted in person or by mail to the correct courthouse location, when filing a new complaint, the correct zip code must be entered in the data fields. This allows the document to be electronically routed correctly.  

For assistance in finding the correct filing courthouse location, select this hyperlink (click here) to be directed to the court’s website page. |
<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For example, the transaction WILL BE REJECTED if...</th>
</tr>
</thead>
</table>
| ...that a motion has a Court Reservation System (CRS) reservation when required by the courtroom. | ...the efiled motion does not have a CRS Reservation number listed on the caption page and it does not have a CRS reservation receipt attached to the motion.  

**Why?** When a courtroom requires a CRS reservation prior to efilng, proof of that reservation must be submitted with the motion documents.  

To determine if a courtroom requires a CRS Reservation, Click here to be directed to the list of participating courtrooms.  

A CRS Reservation is made through the Online Court Reservations Portal. Click here to reserve a calendar slot for the motion prior to efilng. |
<table>
<thead>
<tr>
<th>Filer should ensure...</th>
<th>For Example, the transaction WILL BE REJECTED if...</th>
</tr>
</thead>
<tbody>
<tr>
<td>...the document complies with <a href="#">CRC 2.100-2.118</a></td>
<td>...the case number is not on the first page of the document, as required by CRC, rule 2.111(5). Other common document defects include the wrong case title or missing hearing information on the first page of the document. <strong>Why?</strong> California Rules of Court, Rules 2.100-2.118 prescribe the form and format of papers to be filed in the trial courts. For a comprehensive list of requirements to ensure a document is not defective, review California Rules of Court, rules <a href="#">2.100-2.118</a>.</td>
</tr>
<tr>
<td>...that each document submitted in the same transaction/envelope is a separate PDF.</td>
<td>...the filer converted the Civil Case Cover Sheet, Summons, Complaint, and Proof of Service into a single PDF document and submitted them for efiling. <strong>Why?</strong> Even though multiple documents for the same case can be submitted through the efiling process in the same “envelope” or transaction, each document needs to be a separate PDF. When multiple documents are submitted as a single PDF document, it can only be treated as one document; therefore, preventing the case management system (CMS) from creating individual CMS entries to accurately recording the filing of the individual documents.</td>
</tr>
<tr>
<td>...the efiled document is in PDF format</td>
<td>...the efiled document is submitted as a Word document. (Note: efiled documents submitted in any format other than PDF will be rejected.) <strong>What is PDF?</strong> PDF stands for Portable Document Format. This is a digital document format that preserves all fonts, formatting, colors and graphics of the original source document. <strong>Why is PDF format required?</strong> To protect the integrity of the document, the First Amended General Order requires efiled documents to be submitted in PDF format.</td>
</tr>
<tr>
<td>...Ex Parte Applications are efiled before 10:00 a.m. on the court day before the Ex Parte Hearing.</td>
<td>...the Ex Parte Hearing is set for Monday, and the Ex Parte Application is submitted for efiling any time after 10:00 a.m. on the preceding Friday. ...the Ex Parte Hearing is set for Wednesday, and the Ex Parte Application is submitted at 10:30 a.m. on the preceding Tuesday. <strong>What determines the time a document is submitted for efiling?</strong> The time is based on when the court receives the document in the court’s electronic file manager. This may be different than the time you submitted the document to the EFSP. <strong>Why does It have to be received before 10:00 a.m.?</strong> The cut-off time is cited in the First Amended General Order. This allows the time necessary to process the documents before the hearing.</td>
</tr>
</tbody>
</table>

Additional information can be found on the Superior Court of California County of Los Angeles Civil efiling Frequently Asked Questions (FAQs) document posted on the court’s website and accessible by clicking [here](#). General information and telephone numbers for the courthouses can be accessed by clicking [here](#).
Notice and Acknowledgment of Receipt

TO (insert name of party being served): JAMES A. WRONGDOER

NOTICE

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: August 3, 1998

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing)

1. [ ] A copy of the summons and of the complaint.
2. [ ] Other (specify): NOTICE OF CASE ASSIGNMENT, NOTICE OF CASE MANAGEMENT CONFERENCE, ADR PACKAGE

(Date this form is signed:)

FORMS ADOPTED BY MANDATORY RULE

JUDICIAL COUNCIL OF CALIFORNIA

Print this Form
Proof of Service of Summons (page one)

<table>
<thead>
<tr>
<th>1</th>
<th>AT TYREER OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address)</th>
<th>FOR COURT USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>JOELAWYER, ESQ. (State Bar No. 7756324)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2</th>
<th>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREET ADDRESS: 111 North Hill Street</td>
<td></td>
</tr>
<tr>
<td>CITY AND ZIP CODE: Los Angeles, California 90012</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3</th>
<th>PLAINTIFF/PETITIONER: FRED A. WRONGED</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFENDANT/RESPONDENT: JAMES A. WRONGDOER</td>
<td></td>
</tr>
</tbody>
</table>

PROOF OF SERVICE OF SUMMONS

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of:
   a. ☑ summons
   b. ☑ complaint
   c. ☑ Alternative Dispute Resolution (ADR) package
   d. ☑ Civil Case Cover Sheet (served in complex cases only)
   e. ☑ cross-complaint
   f. ☑ other (specify documents): STATEMENT OF DAMAGES, NOTICE OF CASE MANAGMENT CONFERENCE, NOTICE OF CASE ASSIGNMENT

3. a. Party served (specify name of party as shown on documents served):
   b. ☑ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):

4. Address where the party was served: 54734 Rolling Hills Lane, Beverly Hills, California 90210

5. I served the party (check proper box)
   a. ☑ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 8/5/98 (2) at (time): 2:45 p.m.
   b. ☑ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
      1. ☑ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
      2. ☑ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
      3. ☑ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
      4. ☑ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc. § 415.20). I mailed the documents on (date): from (city): or ☑ a declaration of mailing is attached.
      5. ☑ I attach a declaration of diligence stating actions taken first to attempt personal service.

Excerpt from Litigation By The Numbers® by Julie A. Goren, Esq.
www.litigationbythenumbers.com
Proof of Service of Summons (page two)

5. c. □ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid;
   (1) on (date):
   (2) from (city):
   (3) □ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.20.)
   (4) □ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
   d. □ by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
   a. □ as an individual defendant.
   b. □ as the person sued under the fictitious name of (specify):
   c. □ as occupant.
   d. □ On behalf of (specify):
      under the following Code of Civil Procedure section:
      (1) 415.10 (corporation)
      (2) 415.20 (defunct corporation)
      (3) 415.30 (joint stock company/association)
      (4) 415.40 (association or partnership)
      (5) 415.50 (public entity)
      (6) 416.10 (corporation)
      (7) 416.20 (defunct corporation)
      (8) 416.40 (association or partnership)
      (9) 416.50 (public entity)
      (10) 416.60 (minor)
      (11) 416.70 (ward or conservative)
      (12) 416.80 (guardian)
      (13) 416.90 (authorized person)
      (14) 416.95 (business organization, form unknown)
      (15) 416.96 (business organization, form unknown)
      (16) 416.97 (public entity)
      (17) 416.98 (occupant)
      (18) 416.99 (other):

7. Person who served papers
   a. Name: Frank A. Reeling, Your Attorney Service
   b. Address: 12222 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90210
   c. Telephone number: 310.999.9999
   d. The fee for service was: $
   e. □ I am:
      (1) □ not a registered California process server.
      (2) □ exempt from registration under Business and Professions Code section 22350(b).
      (3) □ a registered California process server:
         (i) □ owner □ employee □ independent contractor.
         (ii) Registration No.: 
         (iii) County:
   f. □ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
   g. □ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

14. Date: August 4, 1998

   □ FRANK A. REELING
   (Name of person who served summons)
   (Signature)
extend the deadline to the next court day.

NOTE: When calendaring the above deadlines, if the last day is a holiday or weekend, continue counting backward to the next court day.

10► On the back of the form, enter the name of the plaintiff, the name of the defendant, and the case number.

11► Complete #6 so that it is identical to the “Notice to the Person Served” section on the Summons.

12► You may need help from the person who served the documents to complete #7, particularly d. and e. At e., you need to select (1), (2), or (3), and if you select (3), you must also complete (i), (ii), and (iii).

13► Check #8 [or #9 if person who served the documents is a sheriff or marshal].

14► The form needs to be reviewed and signed by the person who served the documents. If you know his/her name and the date he/she will sign, add that information. Otherwise, he/she can print that information upon signing.

Filing

• If you are eFiling, make sure that the Proof of Service is text searchable, or be certain that your EFSP will do that for you. (See § 1.3A for more information on eFiling.)

• If you are not eFiling, ignoring references to accompanying documents and appearance fee, follow the instructions for filing the Complaint in § 1.3B.

BE SURE TO CALENDAR ALL OF THE FOLLOWING:

- The date the defendant was served with the Summons and Complaint (service by personal delivery is deemed complete upon delivery) (C.C.P. § 415.10))

- 30 days after service of the Summons and Complaint as the date the defendant’s response (C.C.P. § 412.20) or a declaration of inability to meet and confer re demurrer (C.C.P. § 430.41(a)(2)) or motion to strike (C.C.P. § 435.5(a)(2)) is due

- 10 days after the date the defendant’s response is due as the last day to file a request for entry of default (C.R.C., Rule 3.110(g))

NOTE: When calendaring the above deadlines, if the last day is a holiday or weekend, extend the deadline to the next court day. (C.C.P. § 12a(a))

- 5 days prior to the date the defendant’s response is due as the last day to meet and confer re demurrer (C.C.P. § 430.41(a)(2) or motion to strike (C.C.P. § 435.5(a)(2)) NOTE: If this date falls on a holiday or weekend continue counting backward to the next court day.
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FILING, SERVICE, AND CALENDARING

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Rev. 1/19

2-1
eService is deemed complete when the electronic transmission or electronic notification is sent. (C.R.C., Rule 2.251(i)) **eService that occurs between 12:00 a.m. and 11:59:59 p.m. on a court day is deemed served on that court day. Documents eServed on a non-court day are deemed served on the next court day.** (C.C.P. §1010.6(a)(5))

Unlike fax and overnight delivery, the extension for eService is a uniform two court days. This uniformity is one of the ways eService simplifies calendaring. See “**eService Simplifies Calendaring in California State Court,**” which may be accessed here: [https://www.litigationbythenumbers.com/eservice.html](https://www.litigationbythenumbers.com/eservice.html).

**Extensions for Electronic Service**

<table>
<thead>
<tr>
<th>What is extended</th>
<th>Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>time for notice (non-motion) or to act or respond</td>
<td>two court days</td>
</tr>
<tr>
<td>notice of motion for all types of motions</td>
<td>two court days</td>
</tr>
</tbody>
</table>

Thus, notice of motion must be eServed at least 18 court days before the hearing (16 court days + 2 court days); responses to eServed interrogatories must be served within 30 calendar days + two court days after the interrogatories were eServed.

eService may be mandatory in your case, but a party may be automatically exempt or may be granted an exemption upon request. Where it is not mandatory, it is allowed so long as the parties agree to accept eService.

- **Subject to the exceptions below, eService is mandatory in any case in which eFiling is mandatory.** (C.R.C., Rule 2.251(c)(3)) See the “Status of eFiling Chart,” Appendix “B” to determine whether eFiling, and thus eService, is mandatory in your case. Parties also may be required by local rule or court order to eServe and accept eService. (C.R.C., Rule 2.251(c) and (d))

- **Self-represented parties are exempt from mandatory eService, although they may affirmatively consent.** (C.R.C., Rule 2.253(b)(2)) Judicial Council Form No. EFS-005-CV - “Consent to Electronic Service and Notice of Electronic Service Address” (not shown) may be used for this purpose.

- **Parties may request an exemption from mandatory eService based upon undue hardship or significant prejudice.** (C.R.C., Rule 2.253(b)(4)) Judicial Council Form No. EFS-007 - “Request for Exemption from Mandatory Electronic Filing and Service” (not shown) may be used for this purpose.

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12/ The extensions do not apply to all deadlines. C.C.P. § 1010.6(a)(4) contains the same exceptions as C.C.P. § 1013. See footnote 3.


- **eService is allowed if the recipient agrees to be eServed.** C.R.C., Rule 2.251(b) provides two ways to agree: (1) **Serving and filing** a notice on all parties that they accept eService at a given eService address (Judicial Council Form No. EFS-005-CV may be used.) (2) “Manifesting affirmative consent” in either of two ways. The first is agreeing to an EFSP’s terms of service agreement which clearly states that the agreement constitutes consent to be eServed. (It is anticipated that EFSP’s will incorporate such language into their terms of service agreements so that the parties need do nothing further.) The second is filing (no requirement to serve) Form No. EFS-005-CV. [You're reading this right; “manifesting affirmative consent” in this way makes no sense.]

A party may eServe directly, by an agent, or through an EFSP. (C.R.C., Rule 2.251(b)(1)) Parties eServe via electronic transmission (attaching the document to an email); EFSP’s eServe via electronic notification (including a hyperlink to the document in an email). Because the latter reveals whether the recipient opens the email, clicks the hyperlink, and opens the document, we recommended that you serve via your EFSP. The EFSP may eServe whether or not the document is eFiled, e.g., discovery documents. [Check with your EFSP for specific instructions and charges for eServing with or without eFiling.]

When service is by electronic notification, C.R.C., Rule 2.251(h) requires the party to make sure the document can be viewed and downloaded from the hyperlink. The document must be preserved, without any change, alteration, or modification, until the hyperlink is terminated. It cannot be terminated until either: (A) all parties have settled, or the case has ended and the time for appeal has expired; or (B) 60 days have elapsed since the serving party served notice that they are no longer in the case, and the parties have 60 days to download any documents.

Before eServing, make sure you are mandated or have an agreement to do so, and do not forget the two court day extension!

§2.3.5 **Personal Service**

Personal service is the only method that does not involve an extension of time. It is governed by C.C.P. §1011, which provides rules on personally serving an attorney at his/her office or at home, and personally serving a party. Typically, service is made at the attorney’s office. The documents are placed in an envelope or package clearly labeled to identify the attorney being served, and left with a receptionist or individual in charge of the office between 9:00 a.m. and 5:00 p.m. Where the party is not represented by an attorney, service may be made at their residence between 8:00 a.m. and 8:00 p.m. by leaving the envelope with someone not younger than 18 years old. When service is made by an attorney service, they normally prepare the proof of service. When service is made by a messenger, you may need to prepare a proof of service for their signature.
Rule 2.251. Electronic service

(a) **

(b) Electronic service by express consent

(1) A party or other person indicates that the party or other person agrees to accept electronic service by:

(A) Serving a notice on all parties and other persons that the party or other person accepts electronic service and filing the notice with the court. The notice must include the electronic service address at which the party or other person agrees to accept service; or

(B) Manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic service address with that consent for the purpose of receiving electronic service. A party or other person may manifest affirmative consent by serving notice of consent to all parties and other persons and either:

(C) A party or other person may manifest affirmative consent under (B) by:

(i) Agreeing to the terms of service agreement with an electronic filing service provider, which clearly states that agreement constitutes consent to receive electronic service electronically; or

(ii) Filing Consent to Electronic Service and Notice of Electronic Service Address (form EFS-005-CV).

(2) **

(e)–(k) **

Advisory Committee Comment

Subdivision (b)(1)(B). The rule does not prescribe specific language for a provision of a term of service when the filer consents to electronic service, but does require that any such provision be clear. Consent to Electronic Service and Notice of Electronic Service Address (form EFS-005-CV) provides an example of language for consenting to electronic service.
Subdivisions (c)–(d). * * *

Rule 2.255. Contracts with electronic filing service providers and electronic filing managers

(a)–(b) * * *

(c) Transmission of filing to court

1. An electronic filing service provider must promptly transmit any electronic filing, and any applicable filing fee, and any applicable acceptance of consent to receive electronic service to the court directly or through the court’s electronic filing manager.

2. An electronic filing manager must promptly transmit an electronic filing, and any applicable filing fee, and any applicable acceptance of consent to receive electronic service to the court.

(d)–(f) * * *

Rule 2.257. Requirements for signatures on documents

(a) Electronic signature

An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means.

(b) Documents signed under penalty of perjury

When a document to be filed electronically provides for a signature under penalty of perjury of any person, the document is deemed to have been signed by that person if filed electronically provided that either of the following conditions is satisfied:

1. The declarant has signed the document using an electronic signature and declares under penalty of perjury under the laws of the state of California that the information submitted is true and correct. If the declarant is not the electronic filer, the electronic signature must be unique to the declarant, capable of verification, under the sole control of the declarant, and linked to data in such a manner that if the data are changed, the electronic signature is invalidated; or
(2) The declarant, before filing, has physically signed a printed form of the document. By electronically filing the document, the electronic filer certifies that the original, signed document is available for inspection and copying at the request of the court or any other party. In the event this second method of submitting documents electronically under penalty of perjury is used, the following conditions apply:

(A) At any time after the electronic version of the document is filed, any party may serve a demand for production of the original signed document. The demand must be served on all other parties but need not be filed with the court.

(B) Within five days of service of the demand under (A), the party or other person on whom the demand is made must make the original signed document available for inspection and copying by all other parties.

(C) At any time after the electronic version of the document is filed, the court may order the filing party or other person to produce the original signed document in court for inspection and copying by the court. The order must specify the date, time, and place for the production and must be served on all parties.

(D) Notwithstanding (A)–(C), local child support agencies may maintain original, signed pleadings by way of an electronic copy in the statewide automated child support system and must maintain them only for the period of time stated in Government Code section 68152(a). If the local child support agency maintains an electronic copy of the original, signed pleading in the statewide automated child support system, it may destroy the paper original.

c) Documents not signed under penalty of perjury

(1) If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is person who filed it electronically.

d) Documents requiring signatures of opposing parties

(2) When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties or persons other than the filer not under penalty of perjury, the following procedures apply:
(A) The party filing the document must obtain the signatures of all parties on a printed form of the document. The opposing party or other person has signed a printed form of the document before, or on the same day as, the date of filing.

(B) The party filing the document electronic filer must maintain the original, signed document and must make it available for inspection and copying as provided in (a)(b)(2) of this rule and Code of Civil Procedure section 1010.6. The court and any other party may demand production of the original signed document in the manner provided in (a)(b)(2)(A–C)(A)–(C).

(B) The opposing party or other person has signed the document using an electronic signature and that electronic signature is unique to the person using it, capable of verification, under the sole control of the person using it, and linked to data in such a manner that if the data are changed, the electronic signature is invalidated.

(d)(e) Digital signature

A party or other person is not required to use a digital signature on an electronically filed document.

(f)(e) Judicial signatures

If a document requires a signature by a court or a judicial officer, the document may be electronically signed in any manner permitted by law.

Advisory Committee Comment

The requirements for electronic signatures that are compliant with the rule do not impair the power of the courts to resolve disputes about the validity of a signature.
1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is: 1000 Colorado Boulevard, Suite 555, Los Angeles, California 90001.
3. The fax number from which I served the documents is (complete if service was by fax): 
4. I served the following documents (specify): 
5. The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
6. The documents were served by the following means (specify):
   a. By personal service, I personally delivered the documents to the persons at the addresses listed in item 5.
**Proof of Service - Civil** (page two)

<table>
<thead>
<tr>
<th>CASE NAME</th>
<th>WRONGED vs. WRONGDOER</th>
<th>CASE NUMBER</th>
<th>C 126447</th>
</tr>
</thead>
</table>

15 a. By United States mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

16 a. By overnight delivery. I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (city and state):

16 b. By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)

15 c. By messenger service. I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)

15 e. By fax transmission. Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

17 a. Date: June 25, 2017

18 a. JAN JONES

(TYPE OR PRINT NAME OF DECLARANT)  

(SIGNATURE OF DECLARANT)

(If Item 8d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

**DECLARATION OF MESSENGER**

19 a. By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally, or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (date): [insert date]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

19 a. Date: [insert date]

19 a. (NAME OF DECLARANT)  

(SIGNATURE OF DECLARANT)

---

**PROOF OF SERVICE—CIVIL**

(Proof of Service)
15➤ Each of #6a through 6d (#6a is on the front of the form) corresponds to a particular method of service. Check the box for the method of service you used/are using.

HINT: Notice how each method describes what you did to accomplish service. These descriptions can be helpful reminders of the applicable requirements for each method.

If you served by mail, continue to Step 16; for any other method, skip to Step 17.

16➤ **FOR SERVICE BY MAIL,** you must specify whether you actually deposited or will deposit the envelope in a USPS mail box, or whether you placed or will place the envelope for someone else to pick up and deposit, as follows:

1. **Check this box if** you actually deposited or will deposit the envelope in a USPS mail box.

2. **Check this box if** you placed or will place the envelope for pick up in your office for someone else to deposit in a USPS mail box.

For either method, enter the city and state in which the document was or will be deposited in a USPS mailbox.

17➤ Enter the date you will sign.

18➤ Enter your name in all caps, and sign where indicated. *(Before signing, understand that the statements in the proof of service use the past tense, i.e., you are describing the details of the service you already accomplished. Technically, you should not sign the proof of service on the service copy because the statements are not yet true. In practice, however, particularly with service by mail, it is routine (not necessarily correct) to complete and sign proofs of service before the document is served, and then attach signed copies to the documents being served. The alternative is to make copies of the unsigned proof of service for the service copies and only sign the copy to be filed with the court.)*

19➤ **FOR MESSENGER SERVICE,** note that at 6d, the person in the office declares that he/she placed the specified documents in an envelope, and handed it to a messenger whose declaration is below. This part is that declaration. It must be completed by checking the box, entering the date of service, and having the messenger date and sign. **NOTE:** There is an error in the form. 6d says between the hours of 8:00 a.m. and 8:00 p.m. (reflecting the current statute), but this declaration still says 8:00 a.m. and 6:00 p.m. Hopefully this is revised soon, but in the meantime, beware of making inconsistent statements!

*[We have not included the third page of the form which consists of instructions.]*

The next step is to prepare copies of the document, attach the proof of service, and to file and serve the document. Go to § 2.6.2 “Preparing Documents for Filing and Service,” page 2-18.
§ 2.10 Calendaring in California State Court

Calendaring in the litigation context involves entering appearances and deadlines into a calendar so that someone is reminded to make the appearance or comply with the deadline. A typical lawsuit requires calendaring appearances such as depositions, hearings, mediations, and settlement conferences, and calendaring deadlines such as last day to serve or respond to pleadings, first or last day to serve discovery, last day to respond to discovery, last day to serve notice of, or opposition to, motions, etc.

An appearance may be simple to calendar, requiring no more than the entry of a date, time, and place, e.g., “Wronged deposition, May 12, 2011, 10:00 a.m., Joe Lawyer’s office.” On the other hand, an appearance may trigger several deadlines, e.g., a hearing on a motion triggers the deadlines for serving the notice, opposition, and reply, giving notice of intent to appear by telephone, checking the tentative ruling, etc. The trial date triggers a significant number of deadlines, e.g., discovery cut-off dates, certain motion deadlines, deadlines for requesting jury trial and depositing jury fees, etc. (See § 7.5 for “Trial-Related Calendaring.”)

Although the court may set deadlines in a particular case, the deadlines generally applicable to California state court cases come from several sources, including the Code of Civil Procedure, the California Rules of Court, and local rules. Calculating a single deadline requires the application of many different codes and rules. Any error, e.g., using an old rule, forgetting to add extra time based on the service method, counting calendar days instead of court days, or simply miscounting, can result in calculating the wrong deadline.17

We cannot stress enough the importance of using a computerized calendaring program to calculate your deadlines. By computerized calendaring, we do not mean that you manually calculate the deadline and enter it on a calendar on your computer, or that you use an electronic calendar to help you calculate the date that is five days before or after a given date. We mean rules-based computerized calendaring, such as Deadlines.com (www.Deadlines.com) With these programs, you simply enter an “event,” and they automatically calculate the deadlines for you in accordance with the applicable codes and rules. As we describe the several calendaring steps, you should see the benefit of rules-based computerized calendaring programs.

Even with rules-based computerized calendaring, however, you need to know how to calendar manually. What if you need to calendar something when your computer is down or inaccessible? What if your computer is fully operational, but you do not know enough to tell it that something needs calendaring?18

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17/ Calendar-related deadlines are the leading cause of malpractice claims in California.

18/ A discussion of the calendaring steps follow. More detailed explanations of the steps and traps, along with examples, calendaring exercises, and more may be found on the Calendaring Video on our website.
To calendar dates and deadlines in California state court, one must do all of the following:

**Calendaring Steps**

1. Identify the triggering event.
2. Identify what deadlines are triggered.
3. Identify the *current* codes and rules which apply to those triggered deadlines.
4. Correctly apply those codes and rules.
   
   A. Identify the events which define the time period in question.
   
   B. Identify what date to start counting and what date to stop counting.
      
      (1) Count or skip weekends and California holidays as appropriate during the relevant time period.
      
      (2) Determine the last day - deal with weekends, holidays, and extra time.
         
         (a) *For personal service only*, adjust when the last day falls on a weekend or California holiday.
         
         (b) *For a triggering document not personally served, first* add the applicable extension of time to determine the last day, *then* adjust when the last day falls on a weekend or California holiday.
         
         (c) *For hearing-related dates*, count backward from the hearing date.

Except for step 1, identifying the triggering event, rules-based computerized calendaring programs do every one of these steps automatically.

**Step 1: Identify the triggering event.**

A “triggering event” is anything which triggers one or more deadlines. A triggering event might be the filing of a document, the service of a document, or an appearance. Although not referred to as “triggering events,” triggering events are noted throughout this book. Every time we include a warning such as “be sure to calendar the following,” a triggering event has just been discussed. A few of the triggering events we address are:

- Filing of complaint
- Service of complaint
- Entry of default
- Answering complaint
- Service of interrogatories
- Service of responses to interrogatories
- Hearing on regular motion
- Hearing on summary judgment motion
- Settlement
have to know that the relevant time frame begins with the date the discovery was served, and ends with the date the responses are to be served.

There are some common misconceptions in this area, particularly as regards discovery deadlines.

- Do not count from the date you received the discovery. Count from the date it was served, i.e., the date the proof of service says it was served.

- Discovery responses do not have to be received by the due date. They have to be served by the due date by any authorized method.

- Discovery responses served by mail do not have to be mailed five days before the deadline; discovery responses served by fax do not have to be faxed two court days before the deadline. They just have to be served on or before the deadline.

- The method by which the discovery was served does not dictate how the response is served. Responses may be served by any authorized method.

When calculating the last day to serve notices of motion, you have to know that the relevant time frame begins on the hearing date, and ends on the service date.

Once you have identified the time period you need to count, you need to know exactly how to count the days in that time period.

Step 4B: Identify what date to start counting and what date to stop counting.

Accurate calendaring requires that you know on what day during the applicable time frame you start your count and on what date you stop your count. Depending upon the method of service, whether you are counting calendar days or court days, and where holidays and weekends fall, this may involve the application of several rules and substeps, the first being C.C.P. § 12.

C.C.P. § 12 provides: “The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.” In applying C.C.P. § 12, if interrogatories are served on April 1 (the date the proof of service says they were served), in order to calculate the 30-day deadline to respond, you start counting April 2 as the first day, April 3 as the second day, and keep counting every calendar day until you reach the 30th calendar day, May 1. If the interrogatories were personally served, and so long as May 1 is not a weekend or a holiday, the deadline to serve the response is May 1. But, calendaring is usually not that simple.

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2/ C.R.C., Rule 1.10(a) says essentially the same thing when counting the number of days for an act to be performed pursuant to a court rule.
Step 4B(1): Counting or skipping interim weekends and California holidays.

In order to calendar accurately, you must know whether to count or skip weekends and holidays occurring during the relevant time frame. This depends upon whether you are supposed to count “calendar days” or “court days.” In that regard, unless a code or rule specifies “court days,” as is the case with notices of motion, oppositions, and replies under C.C.P. § 1005(b), you are supposed to count calendar days. Thus, “five days” means “five calendar days.”

Using the above calendar, if you were counting seven calendar days from November 7, you would land on November 14. If you were counting seven court days from November 7, you would skip November 11, 12, and 13, and land on November 17. Thus, counting the wrong type of day could easily result in a miscalculated deadline.

Of course, you cannot count court days unless you know the applicable holidays, which, pursuant to C.C.P. § 135, are all full days listed in Gov. Code § 6700 except Admission Day and Native American Day, plus the day after Thanksgiving. Be sure to use a calendar which shows the California holidays. (See Appendix “E” - “Calendar of California Court Holidays.”)

**ESSENTIAL CALENDARING NOTES**

NOTE 1: CALIFORNIA OBSERVES HOLIDAYS THAT ARE NOT FEDERAL HOLIDAYS.

In addition to the federal holidays, California celebrates Lincoln’s Birthday (February 12), Cesar Chavez Day (March 31), and the day after Thanksgiving.

NOTE 2: LIMITED SERVICE DAYS ARE COURT DAYS.

Gov. Code § 68106 allows individual courts to designate “limited service days” on which to close one or more courtrooms, reduce hours of one or more of its clerks' offices, or both. Even where the court is closed for the entire day, a limited service day is a court day.\(^2\)

\(^2\) The Judicial Council publishes the courts' notices of limited service days on its website. The list may be accessed here: [www.courts.ca.gov/12973.htm](http://www.courts.ca.gov/12973.htm). Each court must also publish its notice on its own website. Be sure to check yours.
Step 4B(2): Determine the last day - deal with weekends, holidays, and extra time.

When calculating the last day to perform an act triggered by the service of a document (e.g., last day to respond to a discovery demand, last day to make a motion to compel further responses to discovery), you must consider how the document which triggered the deadline was served. If it was personally served, there is one procedure; if it was not personally served, additional steps must be taken. In any case, to calculate these deadlines, you need to know what happens when the last day to do something lands on a holiday, and you need to know how to determine the “last day.”

C.C.P. § 12a(a) provides: “If the last day for the performance of any act provided or required by law to be performed within a specified period of time is a holiday, then that period is hereby extended to and including the next day that is not a holiday.”24 “Holiday” includes weekends. Thus, if the last day is a Saturday, the deadline would be extended to Monday, so long as it is not a holiday. If Monday is a holiday, the deadline would be Tuesday.

(a) For personal service, adjust when the last day falls on a weekend or California holiday.

Using the November 2011 calendar, let’s say that the 30th day after interrogatories were personally served is Saturday, November 12. This is the “last day” under C.C.P. § 12a(a). Since the last day is a weekend, the due date is extended to the next court day, Monday, November 14. If the 30th day after interrogatories were personally served is November 24, the deadline would be extended to November 28.

(b) For a triggering document not personally served, first add the applicable extension of time to determine the last day, then adjust when the last day falls on a weekend or California holiday.25

We have already explained that certain time periods are extended when a document is not personally served, e.g., when discovery requests are served by mail within California, the recipient is entitled to an extra five days to respond. It is at this point in the process that you add the extra days. You must know where to add them.

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24/ C.R.C., Rule 1.10(b) says essentially the same thing when counting the number of days for an act to be performed pursuant to a court rule.

25/ With eService, the last day always falls on a court day, eliminating the need for an adjustment. See “eService Simplifies Calendaring in California State Court,” http://www.litigationbythenumbers.com/eservice.html.
(c) **For hearing-related dates, count backward from the hearing date.**

Calculating the last day to serve notice of motion often requires counting a combination of calendar days and court days. For example, under C.C.P. § 1005(b), if notice of motion is mailed within California, you add five calendar days to 16 court days; if served by fax or overnight delivery, you add two calendar days. Similarly, under C.C.P. § 437c, if notice of an MSJ or MSA is served by fax or overnight delivery, you add two court days to the 75-calendar days.

Often these calculations will be affected by: (1) the direction in which the days are counted (forward from the service date or backward from the hearing date), and/or (2) the order in which the two distinct sets of days are counted (first calendar days, then court days or first court days, then calendar days). Prior to January 1, 2011, the code was silent as to the direction and order in which to count. C.C.P. § 12c was then enacted and provides:

(a) Where any law requires an act to be performed no later than a specified number of days before a hearing date, the last day to perform that act shall be determined by counting backward from the hearing date, excluding the day of the hearing as provided by Section 12.

(b) Any additional days added to the specified number of days because of a particular method of service shall be computed by counting backward from the day determined in accordance with subdivision (a).

So, we count backward from the hearing date the number of days specified in the applicable code, e.g., 16 court days or 75 calendar days, and then continue counting backward to add the extra days. Let’s look at an example.

Assume we have a December 6 hearing for a regular motion. What’s the last day to serve the notice and supporting papers? Applying C.C.P. §§ 1005(b) and 12c, start with December 5 as day one, and count backward 16 court days to November 9. November 9 is the last day to personally serve notice. Service by mail requires you to continue counting backward the extra five calendar days to November 4 – the last day to serve by mail.

<table>
<thead>
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<th>November-December</th>
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<tr>
<td><strong>MON</strong></td>
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<td>8</td>
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<td>15</td>
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<td>22</td>
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<td>29</td>
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<tr>
<td>6</td>
</tr>
</tbody>
</table>

Airing to eserving notice of regular motions as two court days are added to the 16-court day period, for a total of 18 court days. See **"eService Simplifies Calendaring in California State Court,"** [http://www.litigationbythenumbers.com/eservice.html](http://www.litigationbythenumbers.com/eservice.html).
# Chapter 3
## DEFAULT BY DEFENDANT

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</table>
§ 3.1 Vocabulary

Default  failure to respond to a complaint or appear at trial or other hearing

Default judgment  decision as to the rights of the parties to a lawsuit after defendant fails to respond to a complaint

Due date  date by which a pleading or document must be filed and served

Entry of default  notation by the clerk of the court regarding defendant’s failure to appear

§ 3.2 Introduction

The course of a lawsuit can vary greatly. The quickest end to a lawsuit can be when the defendant fails to respond to the Complaint by the due date (i.e., 30 days from service of the Summons and Complaint unless an extension of time is obtained from opposing counsel or granted by court order). The plaintiff can then embark upon a two-step process to obtain a default judgment in the plaintiff’s favor.

The first step is to ask the court clerk to enter the defendant’s default in the court file. Entry of default prevents the defendant from filing a late response unless the defendant successfully moves to set aside the default. (See C.C.P. §§ 473 and 473.5 for grounds and time limitations.) The second step, which may be put in motion simultaneously with the first, is to obtain a default judgment. Default judgment may be entered by the clerk in certain cases or by the court.

- Default judgment may be entered by the clerk so long as: (1) the case is one arising from a contract or judgment and seeks recovery of money or damages only in a fixed or determinable amount, and (2) the summons was not served by publication. (C.C.P. § 585(a)) For example, if the complaint in a breach of contract alleges that defendant was required to pay $50,000, but only paid $10,000, the defendant would owe a fixed or determinable amount: $40,000.

- Default judgment must be sought from the court where service was made by publication or where the sum to be awarded must be proved, such as personal injury cases. (C.C.P. § 585(b))

1/ In Los Angeles County, if the parties enter into the “Stipulation-Early Organizational Meeting,” the defendant has an automatic 30-day extension. See Appendix “G” for more information on the Voluntary Efficient Litigation program and this stipulation.

2/ The default procedures against a defendant apply equally to a cross-defendant.
In no case can the amount of the judgment exceed that prayed for in the Complaint or set forth in the Statement of Damages, as applicable.

Many courts have guidelines and/or checklists on their websites outlining their specific (and sometimes unique) requirements for defaults. For example, San Diego County requires the submission of its “Judgment Checklist-Default By Clerk (Civil)” form, and Sacramento County requires that proof of service of the “Request for Entry of Default” form (discussed below) be done via Proof of Service by Mail (Judicial Council form POS-030). Courts also have “reject sheets” which list all of the reasons they might reject default papers.

**HINT:** Before attempting to enter default or obtain default judgment, try to obtain a copy of your court’s default checklists and reject sheets. (See L.A. County’s reject form “Notice of Rejection Default / Clerk’s Judgment” (LACIV098) at the end of this chapter. Listing 37 specific reasons for rejection, it’s an excellent resource to be used in any court.)

### § 3.3 Entering the Defendant’s Default

The first step is to request that the court clerk enter the default on the court record, cutting off the defendant’s right to file a response to the Complaint. This is done with a mandatory Judicial Council form entitled “Request for Entry of Default.” Form CIV-100 is a multi-purpose form which allows the plaintiff to take the second step as well, i.e., request entry of default judgment. This second step may or may not be made simultaneously.

**NOTES RE FILING REQUEST FOR ENTRY OF DEFAULT:**

- Until the Request for Entry of Default form is filed, a responsive pleading may be filed even though the due date has passed.

- If the plaintiff does not file the Request for Entry of Default within ten days after the defendant’s response to the Complaint was due, the court may file an order to show cause why sanctions should not be imposed against the plaintiff. (C.R.C., Rule 3.110(g))

- Default will not be entered unless: (1) an accurate Proof of Service of Summons has been filed, (2) defendant’s response deadline has passed, and (3) in personal injury and wrongful death cases, proper proof of service of a Statement of Damages has been filed.

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\[\text{As of January 1, 2018, there are two forms entitled “Request for Entry of Default.” Our focus is on Form No. CIV-100, used in all cases except those brought under the “Fair Debt Buying Practices Act.” The second form, CIV-105 (not shown), must be used in cases brought under that Act.}\]

\[\text{Sometimes a party might not be able to meet the requirements for a default judgment at the time they request entry of default. For example, where the case involves multiple defendants or DOES, the court will not enter default judgment against any defendants until all other defendants, including DOES, have been dismissed.}\]
Your Request for Entry of Default and/or Clerk's Judgment, Judicial Council form CIV-100, submitted on ______________ is rejected for the following reason(s):

Request for Entry of Default

☐ 1. Answer/defensive motion filed on __________, by ___________________________ prevents entry of default. (Code Civ. Proc., § 585)

☐ 2. Attorney of Record/Address on file is different. Submit a Substitution of Attorney/Change of Address/Association of Attorney.

☐ 3. Filing date of □ Complaint □ Cross-Complaint is omitted or incorrect. (Item 1a)

☐ 4. The name of the party requesting the entry of default is omitted. (Item 1b)

☐ 5. Name(s) of □ defendant(s) □ cross-defendant(s) do not match the complaint.

☐ 6. Code Civ. Proc., § 585.5, Declaration is incomplete. (Item 5)

☐ 7. □ Date □ printed name □ signature of plaintiff □ attorney of record □ declarant required on Item __________.

☐ 8. The defendants to whom the Request for Entry of Default was 'not mailed' are not listed. (Item 6a)

☐ 9. The Declaration of mailing does not have the separate address of each defendant/attorney of record. (Code Civ. Proc., § 587) (Item 6b)

☐ 10. Request for Entry of Default is premature. Default may be entered no sooner than __________.

☐ 11. Declaration of Non-Military Status is not completed. (Item 8)

☐ 12. Default already entered as to __________

☐ 13. Other __________

Proof of Service of Summons and Complaint (Judicial Council form POS-010)

☐ 14. The original Proof of Service of summons and complaint has not been filed. (Code Civ. Proc., § 417.30)

☐ 15. The Proof of Service is incomplete. (Item ______) __________________________

☐ 16. A separate Proof of Service is required for each defendant.

☐ 17. Name of defendant on Proof of Service does not match the name of the defendant on the complaint.

☐ 18. The name and title of person served are not identified. (Code Civ. Proc., § 416.10) (Item ______)

☐ 19. The Proof of Service is incomplete as to □ the date (month/day/year) □ time (hour/AM—PM) □ complete street address, city and state where service was performed. Specify □ home □ business. (Item ______)

☐ 20. There is no proof of mailing for substitute service with date (month/day/year), place of mailing, address (street address, city and state). (Code Civ. Proc., § 415.20) (Item ______)
**NOTICE OF REJECTION DEFAULT/CLERK'S JUDGMENT** (page two)

<table>
<thead>
<tr>
<th>Short Title</th>
<th>Case Number</th>
</tr>
</thead>
</table>

- 21. The manner of service has not been completed. (Code Civ. Proc., § 417.10) (Item 5)
- 22. The original signed Acknowledgment of Receipt has not been filed. (Code Civ. Proc., § 415.30)
- 23. Notice to Person Served on the Proof of Service is incomplete/incorrect.
- 24. The status name address telephone number of the person performing the service is incomplete. (Item 7)
- 25. Original signature of process server date is missing.
- 26. Declaration of Diligence for substitute service required date missing original signature required.
- 28. A statement of damages or of punitive damages, with proof of service, has not been filed. (Code Civ. Proc., § 425.11)
- 29. In an action not subject to Code Civ. Proc., § 425 11 the amount of damages has not been specified in the complaint.
- 30. Please use the current Judicial Council form POS-010, Proof of Service of Summons, Adopted for Mandatory Use.
- 31. Other:

**Request for Entry of Clerk's Judgment**

- 32. Submit Military Affidavit(s) for the following defendants:

- 33. The Military Affidavit has expired. The Clerk does not accept a Military Affidavit(s) that are more than 90 days old.
- 34. The Clerk requires a waiver of attorney fees.
- 35. Defendant(s) and/or Doe(s): have not been disposed of either by default or dismissal. (Code Civ. Proc., § 579)
- 36. The judgment may not be greater than the amount in the prayer in the complaint.
- 37. Submit the original promissory note(s) or contract(s). If original is not available, submit a Declaration of Lost Original. (Cal. Rules of Court, rule 3.185)
- 38. Provide a copy of the written notice, sent prior to the commencement of the action, explaining the intent to file a legal action and the possibility that costs and necessary disbursements could be added to the judgment. (Code Civ. Proc., § 1083)
- 39. A corporation must be represented by an attorney.
- 40. Other:

Please return: a new Request for Entry of Default form additional document(s) required to process your request.

When you respond to this Notice of Rejection, include a stamped, self-addressed return envelope, DO NOT include more than one copy of any document to be conformed. **Include a copy of this form when you return your documents.**

SHERRI R. CARTER, Executive Officer/Clerk

Dated: ___________________________  By: ___________________________

Deputy Clerk

LASC (Rev. 12-14)
LASC Approved 08-04
For Optional Use

Add 7/17
# Chapter 4
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Service of Summons and Cross-Complaint on Non-Party Cross-Defendant and Attorneys of Record

A CROSS-COMPLAINT AGAINST A NEW PARTY MUST BE SERVED AND A PROOF OF SERVICE MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE. (C.R.C., Rule 3.110(b))

NOTE: An order increasing the time for service may be obtained by filing an application with the court before the service deadline passes. (See § 1.6.)

The Summons and Cross-Complaint may be served on a non-party cross-defendant personally, by mail with notice and acknowledgment of receipt, or, upon court order, by publication. In addition to these methods, a cross-defendant outside California may be served by certified mail.

- To serve the Cross-Defendant, follow the procedures in “Service and Proof of Service of Summons and Complaint,” § 1.5, substituting “Cross-Complaint” for “Complaint” as appropriate. In addition, note that several documents must be served along with the Summons and Cross-Complaint, so prepare a copy of the following for each cross-defendant and add to the package to serve:
  - The most recently amended Complaint (C.R.C., Rule 3.222)
  - Any Answers filed in the case (C.R.C., Rule 3.222)
  - All items which would have had to be served with the Complaint, i.e., the ADR Package, Clerk’s notices, including notice of case assignment, notice of case management conference, referrals to mediation/arbitration, etc. (C.R.C., Rule 3.221(c))

- Serve the attorneys of record with a copy of the Summons and Cross-Complaint by following the procedures in Chapter 2.

§ 4.7 Responding to the Cross-Complaint

The Cross-Defendant is required to file and serve a response to the Cross-Complaint within 30 days of service of the Cross-Complaint. Any response which may be used to respond to a Complaint may be used to respond to a Cross-Complaint. (C.C.P. § 432.10).
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§ 5.4 Interrogatories

Interrogatories (sometimes called “interrogs” or “rogs”) are written questions directed by one party to another party. C.C.P. § 2030.010, et seq., set forth the procedures for propounding (asking) and responding to interrogatories.

The plaintiff must wait until 10 days after the defendant is served with the Complaint or 10 days after the defendant appears in the action (whichever occurs first) before serving a set of interrogatories (C.C.P. § 2030.020(b)), but there are no such restrictions on the defendant, who can serve them at any time (C.C.P. § 2030.020(a)). The party to whom interrogatories are propounded must respond within 30 days from the date they were served. (C.C.P. § 2030.260(a))

Interrogatories may be prepared in two different ways: (1) by drafting them from scratch on pleading paper, referred to as “special interrogatories” (see § 5.4.1), and (2) by using the applicable Judicial Council check box form(s) (see § 5.4.3), referred to as “form interrogatories.”

**UNLIMITED CIVIL CASES:** IN AN UNLIMITED CIVIL CASE, NO PARTY CAN PROPOUND MORE THAN 35 SPECIAL INTERROGATORIES TO ANY OTHER PARTY (see C.C.P. § 2030.030) UNLESS:

1. Pursuant to C.C.P. § 2030.050, a “Declaration for Additional Discovery” is attached to the set of interrogatories which causes the limit of 35 to be exceeded and to each subsequent set (see § 5.4.2), or

2. The rog is a “supplementary interrogatory” (C.C.P. § 2030.070(a)) – a rog requesting information acquired by a responding party after they responded to previous rogs; in essence, a request to update previous responses on the basis of later-acquired information. A party has a right to serve a supplemental rog twice before a trial date is initially set, and once afterwards. (C.C.P. § 2030.070(b))

**LIMITED CIVIL CASES:** IN A LIMITED CIVIL CASE, NO PARTY CAN PROPOUND MORE THAN A TOTAL OF 35 OF ANY COMBINATION OF INTERROGATORIES (SPECIAL OR FORM), REQUESTS FOR ADMISSION, AND REQUESTS TO PRODUCE TO ANY OTHER PARTY (see C.C.P. § 94) UNLESS:

1. The court grants a motion authorizing additional discovery (see C.C.P. § 95 for grounds)

- or -

2. The parties stipulate to additional discovery (see C.C.P. § 95)
1➤ Type the caption as on previous pleadings.

2➤ The title is “RESPONSE TO SPECIAL INTERROGATORIES PROPOUNDED BY (PLAINTIFF/DEFENDANT) TO (PLAINTIFF/DEFENDANT)” or other language which mirrors the title of the interrogatories.

3➤ The identity of the propounding party, responding party, and set number of the interrogatories should be set out as shown. (C.C.P. § 2030.210(b))

4➤ Type the response, which typically includes objections as well as answers, in numbered form so that the number of the answer corresponds to the interrogatory it answers. Do not repeat the interrogatories themselves. (C.C.P. § 2030.210(c)) In addition, responses must comply with the substantive requirements of C.C.P. § 2030.220, .230, and .240.)

5➤ Type the standard date and signature lines, as described in § 1.2.4.
・ The attorney should read and sign the response.

“Verification”

Unless the response contains only objections, the party to whom the rogs are directed must sign the response under oath. (C.C.P. § 2030.250) Otherwise, an unverified response is the same as no response at all.
・ Complete the verification form as in “The Verification,” § 1.2.7.
・ Send a copy of the response and the original verification to your client to sign. When it is returned, attach it as the last page of the response.

WARNING!!

An act to amend Sections 2030.210 and 2033.210, of the Code of Civil Procedure, relating to civil actions.

[ Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 1349, Obernolte. Civil actions: discovery.

Existing law governs discovery in civil actions, and allows a party to obtain discovery from another party through written interrogatories and requests for admission, among others. Under existing law, each response by the responding party to these discovery requests is required to include the same number or letter, and be in the same sequence, as the corresponding discovery request, as specified, but is not required to repeat the text of the particular discovery request.

In order to facilitate the discovery process, this bill would, upon request in one of the aforementioned discovery methods, require a party to provide the requesting party with the document propounding or responding to the discovery request in electronic format within 3 court days of the request, except as specified. If a responding party requests and receives a discovery request in electronic format, the bill would require the responding party to include the text of the interrogatory immediately preceding any response. The bill would also provide that a party may provide the requested electronic format in any format, and may transmit the document by any method, as agreed upon by the parties, except as specified.
Changes to C.C.P. Section 2030.210 as of 1/1/20

(a) The party to whom interrogatories have been propounded shall respond in writing under oath separately to each interrogatory by any of the following:
(1) An answer containing the information sought to be discovered.
(2) An exercise of the party’s option to produce writings.
(3) An objection to the particular interrogatory.
(b) In the first paragraph of the response immediately below the title of the case, there shall appear the identity of the responding party, the set number, and the identity of the propounding party.
(c) Each answer, exercise of option, or objection in the response shall bear the same identifying number or letter and be in the same sequence as the corresponding interrogatory, but the text of that interrogatory need not be repeated, except as provided in paragraph (6) of subdivision (d).
(d) In order to facilitate the discovery process:
(1) Except as provided in paragraph (5), upon request by the responding party, the propounding party shall provide the interrogatories in an electronic format to the responding party within three court days of the request.
(2) Except as provided in paragraph (5), upon request by the propounding party after receipt of the responses to the interrogatories, the responding party shall provide the responses in an electronic format to the propounding party within three court days of the request.
(3) A party may provide the interrogatories or responses to the interrogatories requested pursuant to paragraphs (1) and (2) in any format agreed upon by the parties. If the parties are unable to agree on a format, the interrogatories or responses to interrogatories shall be provided in plain text format.
(4) A party may transmit the interrogatories or responses to the interrogatories requested pursuant to paragraphs (1) and (2) by any method agreed upon by the parties. If the parties are unable to agree on a method of transmission, the interrogatories or responses to interrogatories shall be transmitted by electronic mail to an email address provided by the requesting party.
(5) If the interrogatories or responses to interrogatories were not created in an electronic format, a party is not required to create the interrogatories or response to interrogatories in an electronic format for the purpose of transmission to the requesting party.
(6) A responding party who has requested and received the interrogatories in an electronic format pursuant to paragraph (1) shall include the text of the interrogatory immediately preceding the response.

Changes to C.C.P. Section 2033.210 as of 1/1/20

(a) The party to whom requests for admission have been directed shall respond in writing under oath separately to each request.

(b) Each response shall answer the substance of the requested admission, or set forth an objection to the particular request.

(c) In the first paragraph of the response immediately below the title of the case, there shall
appear the identity of the responding party, the set number, and the identity of the requesting party.

(d) Each answer or objection in the response shall bear the same identifying number or letter and be in the same sequence as the corresponding request. The text of the particular request need not be repeated, except as provided in paragraph (6) of subdivision (e).

(e) In order to facilitate the discovery process:
(1) Except as provided in paragraph (5), upon request by the responding party, the propounding party shall provide the requests for admission in an electronic format to the responding party within three court days of the request.
(2) Except as provided in paragraph (5), upon request by the propounding party after receipt of the responses to the requests for admission, the responding party shall provide the responses in an electronic format to the propounding party within three court days of the request.
(3) A party may provide the requests for admission or responses to the requests for admission requested pursuant to paragraphs (1) and (2) in any format agreed upon by the parties. If the parties are unable to agree on a format, the requests for admission or responses to the requests for admission shall be provided in plain text format.
(4) A party may transmit the requests for admission or responses to the requests for admission requested pursuant to paragraphs (1) and (2) by any method agreed upon by the parties. If the parties are unable to agree on a method of transmission, the requests for admission or responses to the requests for admission shall be transmitted by electronic mail to an email address provided by the requesting party.
(5) If the requests for admission or responses to the requests for admission were not created in an electronic format, a party is not required to create the requests for admission or responses in an electronic format for the purpose of transmission to the requesting party.
(6) A responding party who has requested and received requests for admission in an electronic format pursuant to paragraph (1) shall include the text of the request immediately preceding the response.
Senate Bill No. 370
CHAPTER 208

An act to amend Section 2031.280 of the Code of Civil Procedure, relating to discovery.

[ Approved by Governor August 30, 2019. Filed with Secretary of State August 30, 2019. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 370, Umberg. Discovery: response to inspection demands.

The Civil Discovery Act permits a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, land or other property, and electronically stored information in the possession of any other party to the action. The Civil Discovery Act requires any documents produced in response to an inspection demand to be produced as they are kept in the usual course of business, or be organized and labeled to correspond with the categories in the demand.

This bill would eliminate the option to produce documents as they are kept in the usual course of business, thereby requiring all documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling to be identified with the specific request number to which the documents respond.
Changes to C.C.P. Section 2031.280 as of 1/1/20

2031.280. (a) Any documents or category of documents produced in response to a demand for inspection, copying, testing, or sampling shall either be produced as they are kept in the usual course of business, or be organized and labeled to correspond with the categories in the demand: be identified with the specific request number to which the documents respond.

(b) The documents shall be produced on the date specified in the demand pursuant to paragraph (2) of subdivision (c) of Section 2031.030, unless an objection has been made to that date. If the date for inspection has been extended pursuant to Section 2031.270, the documents shall be produced on the date agreed to pursuant to that section.

(c) If a party responding to a demand for production of electronically stored information objects to a specified form for producing the information, or if no form is specified in the demand, the responding party shall state in its response the form in which it intends to produce each type of information.

(d) Unless the parties otherwise agree or the court otherwise orders, the following shall apply:

(1) If a demand for production does not specify a form or forms for producing a type of electronically stored information, the responding party shall produce the information in the form or forms in which it is ordinarily maintained or in a form that is reasonably usable.

(2) A party need not produce the same electronically stored information in more than one form.

(e) If necessary, the responding party at the reasonable expense of the demanding party shall, through detection devices, translate any data compilations included in the demand into reasonably usable form.
SB 17, Umberg. Civil discovery: sanctions.

The Civil Discovery Act authorizes a party to a civil action to obtain discovery, as specified, by inspecting documents, tangible things, land or other property, and electronically stored information in the possession of any other party to the action. Existing law authorizes a court, after notice to any affected party, person, or attorney, and after opportunity for hearing, to impose sanctions against anyone engaging in conduct that is a misuse of the discovery process, as specified.

(1) This bill would, upon order of the court following stipulation by all parties in a civil action, require a party to, within 45 days of the court order, provide to the other parties an initial disclosure that includes certain information related to discoverable information, as specified.

(2) The bill would, except as specified, also require a court, after notice to any party, person, or attorney, and after opportunity for a hearing, to impose a $250 sanction against a party, person, or attorney upon findings that the party, person, or attorney (1) failed to respond in good faith to a document request, (2) produced the requested documents within 7 days of a motion to compel that is filed by the requesting party as a result of the other party, person, or attorney’s failure to respond in good faith, or (3) failed to meet and confer in person, by telephone, or by letter to resolve any dispute regarding the request. The bill would authorize the court to require an attorney to report the sanction in writing to the State Bar within 30 days of the imposition of the sanction. The bill would also authorize the court to excuse the imposition of the sanction if the court makes written findings that the person subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

SECTION 1.

Section 2016.090 is added to the Code of Civil Procedure, immediately following Section 2016.080, to read:

2016.090.

(a) The following shall apply only to a civil action upon an order of the court following stipulation by all parties to the action:

(1) Within 45 days of the order of the court, a party shall, without awaiting a discovery request, provide to the other parties an initial disclosure that includes all of the following information:
(A) The names, addresses, telephone numbers, and email addresses of all persons likely to have discoverable information, along with the subjects of that information, that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.

(B) A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

(C) Any agreement under which an insurance company may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(D) Any agreement under which a person, as defined in Section 175 of the Evidence Code, may be liable to satisfy, in whole or in part, a judgment entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Only those provisions of an agreement that are material to the terms of the insurance, indemnification, or reimbursement are required to be included in the initial disclosure. Material provisions include, but are not limited to, the identities of parties to the agreement and the nature and limits of the coverage.

(2) A party shall make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its initial disclosures because it has not fully investigated the case, because it challenges the sufficiency of another party’s disclosures, or because another party has not made its disclosures.

(3) A party that has made its initial disclosures, as described in paragraph (1), or that has responded to another party’s discovery request, shall supplement or correct a disclosure or response in the following situations:

(A) In a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect and the additional or corrective information has not otherwise been made known to the other parties during the disclosure or discovery process.

(B) As ordered by the court.

(4) A party’s obligations under this section may be enforced by a court on its own motion or the motion of a party to compel disclosure.

(5) A party’s disclosures under this section shall be verified under penalty of perjury as being true and correct to the best of the party’s knowledge.

(b) Notwithstanding subdivision (a), this section does not apply to the following actions:

(1) An unlawful detainer action, as defined in Section 1161.

(2) An action in the small claims division of a court, as defined in Section 116.210.
SEC. 2.

Section 2023.050 is added to the Code of Civil Procedure, immediately following Section 2023.040, to read:

2023.050.

(a) Notwithstanding any other law, and in addition to any other sanctions imposed pursuant to this chapter, a court shall impose a two hundred and fifty dollar ($250) sanction, payable to the requesting party, upon a party, person, or attorney if, upon reviewing a request for a sanction made pursuant to Section 2023.040, the court finds any of the following:

(1) The party, person, or attorney did not respond in good faith to a request for the production of documents made pursuant to Section 2020.010, 2020.410, 2020.510, or 2025.210, or to an inspection demand made pursuant to Section 2031.010.

(2) The party, person, or attorney produced requested documents within seven days before the court was scheduled to hear a motion to compel production of the records pursuant to Section 2025.450, 2025.480, or 2031.320 that is filed by the requesting party as a result of the other party, person, or attorney’s failure to respond in good faith.

(3) The party, person, or attorney failed to confer in person, by telephone, letter, or other means of communication in writing, as defined in Section 250 of the Evidence Code, with the party or attorney requesting the documents in a reasonable and good faith attempt to resolve informally any dispute concerning the request.

(b) Notwithstanding paragraph (3) of subdivision (o) of Section 6068 of the Business and Professions Code, the court may, in its discretion, require an attorney who is sanctioned pursuant to subdivision (a) to report the sanction, in writing, to the State Bar within 30 days of the imposition of the sanction.

(c) The court may excuse the imposition of the sanction required by subdivision (a) if the court makes written findings that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(d) Sanctions pursuant to this section shall be imposed only after notice to the party, person, or attorney against whom the sanction is proposed to be imposed and opportunity for that party, person, or attorney to be heard.

(e) For purposes of this section, there is a rebuttable presumption that a natural person acted in good faith if that person was not represented by an attorney in the action at the time the conduct that is sanctionable under subdivision (a) occurred. This presumption may only be overcome by clear and convincing evidence.
When determining the last day to respond to a document not personally served, the “last day” is determined by counting the number of days allotted pursuant to the applicable code section or rule, and then immediately adding the applicable extension of time.

- If Saturday, November 12 is the 30th day after service of interrogatories by mail, to determine the “last day,” you simply continue counting until you reach the 35th day, November 17. You do not make any adjustment for the fact that day 30 was a Saturday, because it is not the “last day.”

- If Saturday, November 12 is the 30th day after service of interrogatories by fax, overnight delivery or eService, to determine the “last day,” you simply continue counting two court days, to November 15. You do not make any adjustment for the fact that day 30 was a Saturday, because it is not the “last day.”

Thus, using the above scenarios (30th day lands on Saturday, November 12) and calculation methods, the last day to respond would be:

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<td>Service by mail within CA</td>
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Note that the service by fax/overnight delivery/eService deadline is only one day after, and the service by mail deadline is only three days after, the last day to serve by hand. Are these possibly correct? Or, do we start from the service by hand deadline, and then add the extensions, e.g., November 14 plus two court days for fax, November 14 plus five days for mail, as follows:

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</tr>
<tr>
<td>Service by mail within CA</td>
<td>November 21</td>
</tr>
</tbody>
</table>

Using these latter dates would be a mistake for two reasons. First, they appear to misapply C.C.P. § 12a(a)’s “last day” rule. The service by mail deadline was reached by applying C.C.P. §12a(a) twice in the same calculation. How can there be two “last days?” Second, given a choice between two deadlines, always err on the safe side by choosing the earlier date. You cannot serve the responses too early; you will certainly have a problem if you serve them too late. Why take the risk?

When in doubt, serve your responses earlier than later.

---

2/ C.C.P. § 12a(a) was applied in the service by hand calculation to move the Saturday, November 12 “last day” to November 14, and again in the service by mail calculation when the extra fifth day fell on a Saturday.
Chapter 6
MOTIONS

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6-2 Rev. 1/19
WHEN YOU RECEIVE VERIFIED RESPONSES TO AN INSPECTION DEMAND YOU PROPOUNDED:

- Calendar the last day to serve notice of a motion to compel further responses (45 days after the verified responses were served)\(^2\) (C.C.P. § 2031.310), plus the extra time allowed by C.C.P. §§ 1013 or 1010.6 if the responses were not personally served. (See § 2.3.) If the last day falls on a Saturday, Sunday or holiday, the time limit is extended to the next day that is not a Saturday, Sunday or holiday. (C.C.P. § 2016.060) (See Appendix “E” for Calendar of California Court Holidays.)

- If you believe the responses are insufficient, or for more information on motions to compel further answers, please refer to § 5.7.

§ 5.7 Compelling Further Answers - in General

Upon reviewing responses to written discovery or hearing a response during a deposition, the propounding party may contend that the responses are insufficient, e.g., objections were improperly raised, questions were not completely answered, etc. In that case, the party may bring a motion for an order compelling the responding party to provide further answers.\(^6\) The procedure and time limitations are very different from a motion to compel where no answers are received.

WARNING!!

THE CODE MUST BE COMPLIED WITH IN ORDER TO AVOID A WAIVER OF RIGHTS AND/OR THE IMPOSITION OF SANCTIONS. READ THE APPLICABLE CODE SECTIONS (footnote below) IN THEIR ENTIRETY. THE FOLLOWING INCLUDES SOME OF THE APPLICABLE PROVISIONS.

Meet and Confer Requirement. Before filing a motion to compel further responses, the moving party must make a “reasonable and good faith attempt at an informal resolution of each issue presented by the motion” (see, e.g., C.C.P. § 2030.300(b) for rogs). To that end, every motion to compel further responses must include a “meet and confer declaration” showing that, before filing the motion, the moving party did, or at least attempted to, meet and confer with opposing counsel to resolve the issues. (See § 6.3.3 for further information.)

Informal Discovery Conference. Where the meet and confer fails, new C.C.P. § 2016.080 authorizes a party to request, or the court to order on its own motion, an Informal Discovery Conference (“IDC”) where the court meets with the parties to discuss the disputed issues. A party requesting an IDC must file a meet and confer declaration with the court; any party may file a response (no specific time limit is set). If the court does not grant, deny, or schedule an IDC within

\(^5\) See footnote 3, page 5-60, but the applicable statute is C.C.P. § 2031.310(c).

\(^6\) The applicable code section for each discovery method includes a provision dealing with motions to compel further answers. See, e.g., C.C.P. § 2025.480 for deposition questions, C.C.P. § 2030.300 for rogs, C.C.P. § 2031.310 for inspection demands, and C.C.P. § 2033.290 for RFA’s.
10 days of a request, the request is deemed denied. Where an IDC is granted or ordered, the court may toll the deadline for filing the motion and make any other appropriate order. If an IDC is granted but not held within 30 days, the request is deemed denied, but any tolling period would continue to apply. The outcome of an IDC does not prevent a party from formally moving to compel. **NOTE: A court may have its own rules re IDC’s.**

**Time in Which to Bring Motion.** There are two dates to keep in mind when considering timing on motions to compel further answers.

First, if the motion isn’t served within a specified time following the allegedly inadequate response, the propounding party’s right to bring the motion to compel is waived. In that regard, motions to compel further responses to written discovery must be served within **45 days after service of the verified response** unless the parties agree to an extension. For calendaring purposes, the deadline to serve the motion would be extended by C.C.P. §§ 1013 or 1010.6 if the responses were not personally served. (See § 2.3.) Motions to compel further responses or documents at deposition must be served within **60 days after the completion of the record** of the deposition. (C.C.P. § 2025.480) If the last day to serve the motion falls on a Saturday, Sunday or holiday, the deadline is extended to the next day that is not a Saturday, Sunday or holiday. (C.C.P. § 2016.060) (See Appendix “E” for Calendar of California Court Holidays.)

Second, motions regarding non-expert discovery must be heard on or before the **15th day prior to the initial trial date**, so sufficient notice must be given and a hearing date obtained. (C.C.P. § 2024.020(a))

**Separate Statement.** Every motion to compel further responses must contain a “Separate Statement” detailing the question asked, the response, and a discussion concerning why the response is insufficient.  (See § 6.3.4 for further information.)

**Sanctions.** The Discovery Act is replete with provisions whereby parties may be sanctioned for failure to abide by the Act. Sanctions vary in severity. For example, a party may be ordered to pay monetary sanctions (usually the opposing party’s attorneys’ fees and costs incurred as a result of the violation) for failing to meet and confer where required (C.C.P. § 2023.020) or for unsuccessfully making or opposing a motion to compel further responses (see, e.g., subsection (d) under C.C.P. §§ 2030.300, 2031.310, and 2033.290). Far worse, the court may order issue, evidentiary, or terminating sanctions (which prevent a party from raising issues at trial, introducing evidence at trial, or from bringing or defending a claim at all), if the party fails to obey an order compelling further responses concerning those particular issues, evidence, or claims (see, e.g., subsection (e) under C.C.P. §§ 2030.300 and 2031.310). Failure to obey an order compelling further responses to requests for admission could result in the requests being deemed admitted (see C.C.P. § 2033.290(e)).

If you need to file a motion to compel further responses, see “Regular Motions” in Chapter 6, bearing in mind the above differences and being sure to check the applicable codes.

---

**2** In L.A. Personal Injury Actions, the parties must schedule an IDC or submit evidence of the opposing party’s refusal to participate. (See the most recently amended “Standing Order re: Personal Injury Court (‘PI Court’) Procedures” for the applicable court here: [http://www.lacourt.org/division/civil/CI0030.aspx](http://www.lacourt.org/division/civil/CI0030.aspx).)

**3** As noted earlier, if responses are initially served without a signed verification, the time in which to move to compel further responses does not begin to run until the signed verification is served. (See subsection (c) under C.C.P. §§ 2030.300, 2031.310, and 2033.290.)
Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends that California Rules of Court, rule 3.1345, be amended, effective January 1, 2020, to reflect the change in law regarding separate statements in discovery motions enacted in Assembly Bill 2230 (Stats. 2018, ch. 317). That bill amends three sections of the Code of Civil Procedure to expressly provide that courts, for certain types of discovery, may allow the moving party to submit an outline of the discovery requests and responses in dispute rather than the separate statement currently required by rule. The rule reflects those changes and expands them to additional types of discovery.

The Proposal

Currently, rule 3.1345(a) requires that in almost all motions involving the content of a discovery request or the responses to such a request, the moving party must include with the motion a separate statement containing the text of the request; the response, including any objections thereto; a statement of the factual and legal reasons for compelling further responses; and the text of any definition or instructions necessary for the court to understand the discovery requests or responses at issue. The intent of the rule is to ensure that the separate statement accompanying a discovery motion is “full and complete so that no person is required to review any other document in order to determine the full request and the full response.” (Rule 3.1345(c).) In some instances, parties have believed that the rule results in unnecessary repetition, and so have asked courts for leave to submit alternative documents in place of the separate statement. Assembly

1 Unless otherwise noted, all rule references hereafter are to the California Rules of Court, and all statutory references are to the Code of Civil Procedure.
Bill 2230 now expressly authorizes courts to accept an alternative to the separate statement for motions to compel further responses to the three most common types of discovery requests: interrogatories (§ 2030.300(b)(2)), demands for inspection or copying, etc. (§ 2031.310(b)(3)); and requests for admissions (§ 2033.290(b)(2)). The new statutes provide that, in those motions, the court may now allow the parties to instead submit a concise outline of the discovery request and each response in dispute rather than a separate statement.

This proposal amends rule 3.1345(b) to provide that a separate statement is not required in discovery motions for which a court has allowed the moving party to submit—in place of a separate statement—a concise outline of the discovery request and each response in dispute. The new statutes become operative on January 1, 2020, so the advisory committee is recommending that the amended rule take effect that same date.

**Alternatives Considered**

Because AB 2230 amends provisions regarding motions to compel only as to three types of discovery motions, the advisory committee considered the alternative of amending the rule only as to those three types. However, it decided that to amend the rule as to all motions for which separate statements are required was more logical and efficient.

Currently, rule 3.1345 applies to and requires separate statements to be filed in discovery motions:

1. To compel further responses to requests for admission;
2. To compel further responses to interrogatories;
3. To compel further responses to a demand for inspection of documents or tangible things;
4. To compel answers at a deposition;
5. To compel or to quash the production of documents or tangible things at a deposition;
6. For medical examination over objection; and
7. For issue or evidentiary sanctions.

(Cal. Rules of Court, rule 3.1345(a).)

Although the new statutory provisions expressly provide courts with authority to allow for other types of support (specifically, a concise outline of the requests and disputed responses) for the first three types of motions in the rule, the committee believes that the exception should be extended to all the discovery motions subject to the separate statement rule.² If this discretion will be useful to judicial officers on motions to compel further responses to interrogatories, for example, would it not be similarly useful on motions to compel answers at a deposition? The committee sees no reason to limit this judicial discretion to only a few discovery types. The

² Because the requirement for separate statements is embodied in the California Rules of Court, not statute, its application can be modified by rule.
legislative history does not appear to indicate that the Legislature saw any need to require separate statements in the discovery types not addressed by the new law.³

**Fiscal and Operational Impacts**

The amended rule should have no impact on the courts beyond the training that judicial officers and clerks may require regarding the statutory change.

---

**Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the rule extend to all discovery motions in the rule, as proposed?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?

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**Attachments and Links**

1. Cal. Rules of Court, rule 3.1345, at page 4

Rule 3.1345. Format of discovery motions

(a) Separate statement required

Any motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion:

1. To compel further responses to requests for admission;
2. To compel further responses to interrogatories;
3. To compel further responses to a demand for inspection of documents or tangible things;
4. To compel answers at a deposition;
5. To compel or to quash the production of documents or tangible things at a deposition;
6. For medical examination over objection; and
7. For issue or evidentiary sanctions.

(b) Separate statement not required

A separate statement is not required under the following circumstances:

1. When no response has been provided to the request for discovery; or
2. With a motion for which a court has allowed the moving party to submit—in place of a separate statement—a concise outline of the discovery request and each response in dispute.

(c) (d) ***
Rule 3.1345. Format of discovery motions

(a) Separate statement required

Any motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion:

1. To compel further responses to requests for admission;
2. To compel further responses to interrogatories;
3. To compel further responses to a demand for inspection of documents or tangible things;
4. To compel answers at a deposition;
5. To compel or to quash the production of documents or tangible things at a deposition;
6. For medical examination over objection; and
7. For issue or evidentiary sanctions.

(b) Separate statement not required

A separate statement is not required under the following circumstances:

1. When no response has been provided to the request for discovery; or
2. When a motion for which a court has allowed the moving party to submit—in place of a separate statement—a concise outline of the discovery request and each response in dispute.

(c)–(d) ** *
<table>
<thead>
<tr>
<th>Commenter</th>
<th>Position</th>
<th>Comment</th>
<th>Committee Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. Janet Frangie</td>
<td>AM</td>
<td>I do not understand clearly what you are trying to change. Are you proposing that just the questions and answers be submitted in outline form and then the &quot;Argument&quot; portion is omitted? It is true that these Separate Statements are repetitive in the Argument section and could use some revision but it is more a function of the attorneys not taking the time to be specific in their arguments about why a response should be compelled. Clarification is needed as to what you mean by &quot;Outline&quot; or is this meant to be intentionally vague to allow the court to decide what format it wants. My next question is how is this implemented - by a courtroom rule? Thank you for your consideration.</td>
<td>The committee intends to implement AB 2230, which provides that, in lieu of the separate statement currently required by this rule to be filed along with any motion to compel, a court may allow a party to submit a concise outline of the request and response in dispute. The motion to compel itself, would still be required, and the legal argument would go in the memorandum required to accompany the motion. (See Cal. Rules of Court, rule 3.113). The committee has used the terminology used in the statute. The statute gives the authority to the court to make the exception. Implementation may be by direction of the judicial officer or by local rule.</td>
</tr>
<tr>
<td>Julie Goren</td>
<td>AM</td>
<td>Insert &quot;Except as provided in (b)(2),&quot; at the beginning of (a). In (b)(2), delete &quot;With a motion for which&quot; and replace it with &quot;When&quot;.</td>
<td>The rule has been revised to reflect this suggestion. The rule has been revised to reflect this suggestion.</td>
</tr>
<tr>
<td>Orange County Bar Association by Deirdre Kelly President</td>
<td>A</td>
<td>No specific comment.</td>
<td>The committee acknowledges the commenters agreement with the proposal.</td>
</tr>
</tbody>
</table>
Rule 3.1345. Format of discovery motions

(a) Separate statement required

Except as provided in (b), any motion involving the content of a discovery request or the responses to such a request must be accompanied by a separate statement. The motions that require a separate statement include a motion:

(1) To compel further responses to requests for admission;
(2) To compel further responses to interrogatories;
(3) To compel further responses to a demand for inspection of documents or tangible things;
(4) To compel answers at a deposition;
(5) To compel or to quash the production of documents or tangible things at a deposition;
(6) For medical examination over objection; and
(7) For issue or evidentiary sanctions.

(b) Separate statement not required

A separate statement is not required under the following circumstances:

(1) When no response has been provided to the request for discovery; or
(2) When a court has allowed the moving party to submit—in place of a separate statement—a concise outline of the discovery request and each response in dispute.

(c)–(d) ***
§ 6.5 Demurrers

A demurrer, a responsive pleading treated as a motion, challenges certain defects in pleadings. (C.C.P. § 430.10, et seq.) With exceptions noted below, if in response to a complaint or cross-complaint, it must be filed and served within 30 days after service of the complaint or cross-complaint. (C.C.P. § 430.40(a)) If in response to an answer, it must be filed and served within 10 days after service of the answer. (C.C.P. § 430.40(b)) The party on whose behalf the demurrer is prepared is the "demurring party." The pleading being objected to is "demurred to." Demurrers are "sustained" or "overruled," not granted or denied.

In the demurrer, a party attacks a pleading or parts thereof on various grounds, among them:

(1) The pleading fails to state a cause of action or defense or the court lacks subject matter jurisdiction ("general demurrer")

(2) The pleading is uncertain ("special demurrer")

(3) Another action is pending between the parties for the same cause of action ("special demurrer")

(4) The plaintiff does not have the legal capacity to sue ("special demurrer")

NOTE: Special demurrers are not allowed in Limited Civil Cases. (C.C.P. § 92(c))

§ 6.5A Meet and Confer Requirement

C.C.P. § 430.41 requiresthe demurring party, prior to filing a demurrer, to attempt to meet and confer over the phone or in person with the party who filed the pleading to determine whether they can resolve the issues raised in the demurrer. C.C.P. § 430.41(a)(1) specifies what is required of the parties during the meet and confer process.¹

• Deadline to Meet and Confer: The meet and confer must take place at least five days prior to the date the demurrer would have to be filed and served ("response due date"). (C.C.P. § 430.41(a)(2))

BE SURE TO CALENDAR FIVE DAYS PRIOR TO THE RESPONSE DUE DATE AS THE LAST DAY TO MEET AND CONFER.

NOTE: If the last day falls on a holiday or weekend continue counting backward to the next court day.

¹ The demurring party identifies the specific causes of action and legal support for the basis of the deficiencies; the party who filed the pleading provides legal support that the pleading is legally sufficient or how the pleading can be amended to cure any legal insufficiency.
§ 6.5B  “Declaration of Demurring or Moving Party In Support of Automatic Extension” (Judicial Council Form No. CIV-141)

If, despite a good faith attempt to meet and confer by the response due date, the parties are unable to do so, the demurring party may, on or before the response due date, file and serve a declaration stating that a good faith effort was made and explaining why they could not meet and confer by the deadline. The filing and service of this declaration automatically extends the response due date by 30 days. (C.C.P. § 430.41(a)(2)) This Judicial Council form may be used to satisfy the declaration requirement. [It may also be used to satisfy the same requirement in connection with motions to strike and motions for judgment on the pleadings.] Alternatively, a declaration may be drafted from scratch.

1➤ Complete the top portion as on previous court forms.
2➤ Enter in all caps the name of the party you represent.
3➤ Check the box that best describes the pleading that will be the subject of the demurrer, or use the “other” box and add a description.
4➤ Enter the due date for the response to the pleading which will be the subject of the demurrer.
5➤ If the explanation will fit, check the box before “below” and enter the reason why the parties were unable to meet and confer. Otherwise, check the box indicating that you are attaching a declaration explaining the inability, and then do so.
6➤ Enter the date the attorney will sign the form.
7➤ Enter the attorney’s name in all caps.

Filing and Service

Follow the procedures outlined in Chapter 2, but be sure to do so on or before the response due date.

BE SURE TO CALENDAR THE EXTENDED RESPONSE DUE DATE (30 DAYS AFTER THE ORIGINAL RESPONSE DUE DATE).

NOTE: If the last day falls on a holiday or weekend, extend the deadline to the next court day.
“Declaration of Demurring Party In Support of Automatic Extension”

DECLARATION

I intend to file a demurrer, motion to strike, or motion for judgment on the pleadings in this action. Before I can do so, I am required to meet and confer with the party who filed the pleading that I am responding to at least five days before the date when the responsive pleading is due (if I am filing a demurrer or motion to strike) and at least five days before the last day a motion for judgment on the pleadings may be filed (if I am filing a motion for judgment on the pleadings). We have not been able to meet and confer. I have not previously requested an automatic extension of time. Therefore, on timely filing and serving a declaration that meets the requirements of Code of Civil Procedure sections 430.41, 435.5, or 439, I am entitled to an automatic 30-day extension of time within which to file a responsive pleading or motion for judgment on the pleadings.

I made a good faith attempt to meet and confer with the party who filed the pleading at least five days before the date the responsive pleading was due (if I am filing a demurrer or motion to strike) and at least five days before the last day a motion for judgment on the pleadings may be filed (if I am filing a motion for judgment on the pleadings). I was unable to meet with that party because...

(The reasons may be filed why the parties could not meet and confer are set forth)

On August 28, 1998, I telephoned opposing counsel, a sole practitioner, and was told by his secretary that he was out of the country, and will not be returning until September 20, 1998, after the response due date.

[Signature]

Deborah Smith

Date: August 31, 1998
§ 6.5.4  “Declaration of Demurring or Moving Party Regarding Meet and Confer”
(Judicial Council Form No. ClV-140)

The demurrer must be accompanied by a declaration under penalty of perjury stating either: (A) the means by which the parties met and conferred, and that they did not resolve the objections raised in the demurrer, or (B) that the party who filed the pleading which is the subject of the demurrer either did not respond to the meet and confer request or otherwise failed to meet and confer in good faith. [The sufficiency of the meet and confer process is not to affect the court’s ruling on the demurrer.] (C.C.P. § 430.41(a)(3))

This form may be used to satisfy the declaration requirement. [It may also be used to satisfy the same requirement in connection with motions to strike and motions for judgment on the pleadings.] Alternatively, a declaration may be drafted from scratch.

1➤ Complete the top portion as on previous court forms.

2➤ Enter in all caps the name of the party you represent.

3➤ Check the box that best describes the pleading that is the subject of the demurrer, or use the “other” box and add a description.

4➤ Check the box before “demurrer.”

5➤ Choose (1) or (2) as follows:

(1) - Check this box if the parties met and conferred, and check the appropriate box indicating whether they did so by telephone or in person.

(2) - Check this box if the parties did not meet and confer. [Note that the only allowable reasons for failing to meet and confer are due to the fault of the party who filed the pleading which is the subject of the demurrer, i.e., that party either had to fail to respond to the request to meet and confer or otherwise fail to meet and confer in good faith.]

6➤ There is no requirement to include any additional information. However, the option to do so is left open by the reference to an attached declaration.

7➤ Enter the date the attorney will sign the form.

8➤ Enter the attorney’s name in all caps.
Declaration of Demurring or Moving Party Regarding Meet and Confer

1. NAME: DEBORAH SMITH
   PHONE: 213.205.1234
   EMAIL: D.Smith@smithlayerslaw.com
   ATTORNEY FOR PARTY OR ATTORNEY FOR PARTY
   CITY: Los Angeles
   STREET ADDRESS: 2222 West Flower Street, Suite 101
   ZIP CODE: 90024-5130

2. (Name of party): JAMES A. WRONGDOER

3. [ ] a complaint [ ] an amended complaint [ ] a cross-complaint
   [ ] an answer [ ] other (specify):

4. In the above-titled action and is filing a [ ] demurrer [ ] motion to strike [ ] motion for judgment on the pleadings

5. DECLARATION (Choose either (1) or (2) below.)
   (1) [ ] At least five days before the date a responsive pleading was due to be filed (if I am filing a demurrer or motion to strike)
       or at least five days before filing a motion for judgment on the pleadings (if I am filing a motion for judgment on the
       pleadings), I met and conferred with the party who filed the pleading [ ] by telephone [ ] in person.

   (2) [ ] The party who filed the pleading subject to demurrer, motion to strike, or motion for judgment on the pleadings failed to
       respond to my request to meet and confer or otherwise failed to meet and confer in good faith.

6. If you would like to provide additional information, please use form MC-031 Attached Declaration.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 7. DEBORAH SMITH

8. NAME OR PARTIES ON ATTORNEY FOR PARTY
   (SIGNATURE OF SHOWN OR ATTORNEY FOR PARTY)
§ 6.3.1  "Notice of Motion"

The notice of motion describes the nature of and grounds for the order sought, and states the date, time, place of hearing, etc. All parties must be given at least 16 court days’ notice, plus the additional time under C.C.P. § 1005(b) if service is by a means other than personal service. (See § 2.3.) C.C.P. § 12c requires counting backward from the hearing date to determine adequacy of notice. (For more information, see “Certainty in Calculating Hearing-Related Deadlines in California State Court,” [https://www.litigationbythenumbers.com/ccp-12c.html](https://www.litigationbythenumbers.com/ccp-12c.html).)

§ 6.3.1.1 Setting the Hearing

Choosing a hearing date requires coordinating: (1) any motion cut-off date, (2) the service method, and (3) the court’s availability. Hearing dates might be chosen by the movant, set by the court upon filing, reserved in advance, etc. Several courts use online reservation systems; in others, reservations may be made by telephone. Check your court website to determine how hearings are set and to identify any applicable rules. L.A.S.C. uses the Court Reservation System (“CRS”), [https://portal-lasc.journaltech.com/public-portal/?q=node/388](https://portal-lasc.journaltech.com/public-portal/?q=node/388).

**ONCE YOU HAVE A HEARING DATE, BE SURE TO CALENDAR:**

- The date, time, and place of the hearing
- The deadlines for filing and serving the motion, opposition, and reply (see p. 6-7)
- Any deadlines pursuant to local rule, e.g., for submitting courtesy copies directly to the courtroom (see § 6.3.6)
- A reminder to check the tentative ruling (see § 6.3.9)
- A reminder to give notice of intent to appear by telephone, if any (see § 6.3.10.1)
- A reminder to arrange for a court reporter, if necessary (see § 6.3.10.2)

§ 6.3.1.2 Preparing the Notice

1➤ Use the same caption as on previous pleadings.

2➤ List all attached documents in the title. (C.R.C., Rule 3.1112(c)) The footer is an abbreviation of the title. (C.R.C., Rule 2.110) If the attorney plans to appear telephonically (see § 6.3.10), type “Telephone Appearance” right below the title.

3➤ Enter the hearing date, time, department, judge’s name, if known, the date the action was filed, and the trial date, if set. (C.R.C., Rule 3.1110(b)) If you have a hearing reservation number, be sure to add it.

4➤ Type the standard introductory clause as described on page 5-10, Step 3.

5➤ Type "PLEASE TAKE NOTICE" in all caps at the beginning of the next paragraph. This paragraph must include the nature of the order being sought and the grounds for issuance of the order. (C.R.C., Rule 3.1110(a))

- The page number on the first page may be suppressed. (C.R.C., Rule 3.1110(c))

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➤ With the budget cuts, long waits for a hearing date are common. Parties are encouraged to stipulate to continue trial dates, motion, and discovery cut-off dates to deal with this reality.
§ 6.3 Regular Motions

From time to time during the course of a lawsuit, a party might need court intervention to allow them to do something or not do something, or to force the opposing party or a third party to do or not do something. The attorney applies to the court for such relief by filing a motion for an order. For example, a party might file a motion for an order allowing them to amend a complaint, or granting an extension of time to respond to something, or for relief from default; a party might seek an order compelling an opposing party to provide further answers to interrogatories or other discovery.

Various rules govern regular motions, including rules regarding contents, number of pages allowed, and deadlines for filing and serving notice of motions, opposition to motions, and replies to oppositions. Below is a table showing some of the basic rules.

<table>
<thead>
<tr>
<th>General Rules for Regular Motions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last day to hear non-expert discovery motions</td>
</tr>
<tr>
<td>C.C.P. § 2024.020</td>
</tr>
<tr>
<td>Last day to hear expert discovery motions</td>
</tr>
<tr>
<td>C.C.P. § 2024.030</td>
</tr>
<tr>
<td>Notice and motion must be filed and served</td>
</tr>
<tr>
<td>C.C.P. §§ 1005(b) and 12c</td>
</tr>
<tr>
<td>Opposition must be filed and served</td>
</tr>
<tr>
<td>C.C.P. §§ 1005(b) and 12c</td>
</tr>
<tr>
<td>Reply must be filed and served</td>
</tr>
<tr>
<td>C.C.P. §§ 1005(b) and 12c</td>
</tr>
<tr>
<td>Limit on length of opening/opposing P’s &amp; A’s</td>
</tr>
<tr>
<td>C.R.C., Rule 3.1113(d)</td>
</tr>
<tr>
<td>Limit on length of reply P’s &amp; A’s</td>
</tr>
<tr>
<td>C.R.C., Rule 3.1113(d)</td>
</tr>
<tr>
<td>Separate statement required</td>
</tr>
<tr>
<td>C.R.C., Rule 3.1345</td>
</tr>
</tbody>
</table>

A regular motion always contains a notice of hearing (also referred to as “notice of motion”) and the motion itself, and, unless excepted under C.R.C., Rule 3.1114, a memorandum of points and authorities. It often contains one or more declarations and exhibits. Sometimes a separate statement is required; sometimes a proposed order is submitted. C.R.C., Rule 3.1112(c) allows these various parts to be prepared and filed either as separate documents or combined in one or more documents. If combined, the caption must list all of the attached documents (see following example). If filed separately, it should say so below the title of the notice of motion, e.g., “[Declaration of Joe Lawyer filed concurrently.]”

---

\(^1\) Service must be made earlier if the papers are not personally served. (See § 2.3)
§ 6.3.8 Filing and Service of P's & A's in Opposition to Motion/in Reply to Opposition

The opposition papers must be filed at least 9 court days prior to the hearing, and the reply to the opposition must be filed at least 5 court days prior to the hearing.

• Follow the procedures in Chapter 2 for filing and service. See § 2.5 if you are eFiling, and § 2.6 if you are filing by any other method.

• Be sure to comply with any requirements for delivery of courtesy copies to the courtroom.

A NOTE ABOUT FILING: If you are hard copy filing, beware that local rules may require the opposition and/or reply papers to be filed directly in the courtroom hearing the matter instead of the regular filing window as does L.A.S.C.R., Rule 3.4.

A NOTE ABOUT SERVICE: The opposition and the reply must be served by “personal delivery, facsimile transmission, express mail, or other means consistent with C.C.P. §§ 1010, 1011, 1012, and 1013, and reasonably calculated to ensure delivery to the other party or parties not later than the close of the next business day” after they are filed. (C.C.P. § 1005(c)) Of course the documents will have to be eServed where mandatory, and may also be eServed where the parties have agreed.

§ 6.3.9 Tentative Ruling on the Motion

Before the hearing on the motion, some judges make a "tentative ruling" based solely on the moving, opposing, and reply papers. Depending upon the tentative ruling, the hearing might not go forward. C.R.C., Rule 3.1308 allows the court to follow one of two procedures with regard to tentative rulings.

The first (C.R.C., Rule 3.1308(a)(1)) requires the court to make the tentative ruling available by telephone by 3:00 p.m. the day before the hearing, and to direct the parties in the tentative ruling to make oral argument on specified issues at the hearing. If the court does not direct oral argument, either party may appear and present oral argument if, by 4:00 p.m. the day before the hearing, they notify the court and other parties by telephone or in person of their intent to do so. If the court does not direct the parties to present oral argument, and no party gives notice of intent to present oral argument, then the parties “submit to the tentative,” the hearing is not held, and the ruling becomes final.

The second (C.R.C., Rule 3.1308(a)(2)) requires the court to make the tentative ruling available by telephone after noon the day before the hearing, and allows the court to specify any issues on which it wants oral argument. The hearing will be held as scheduled. The tentative ruling does not become the actual ruling (if at all) until the hearing.

If the parties submit to the tentative ruling, the next step is to prepare the "Notice of Ruling," § 6.3.12. If they do not submit to the tentative ruling, the hearing goes on as scheduled.
• See § 6.3.5 if you are attaching exhibits to the declaration.
• Page numbers follow that of the application, unless the declaration is filed as a separate document with its own caption.

§ 6.4.6 "Memorandum of Points and Authorities"

• Type the P's & A's exactly as those for regular motions, § 6.3.2.
• Page numbers follow that of the last declaration, unless filed as a separate document with its own caption.

§ 6.4.7 "Proposed Order"

A separate proposed Order must be submitted with an ex parte application. (C.R.C., Rule 3.1201). Prepare it as in regular motions, § 6.3.12.

§ 6.4.8 Filing and Service

The procedure for, and the timing of, filing and serving ex parte applications may vary from court to court. Some courts may follow the C.R.C.; others may not. As noted above, the C.R.C. itself has two different deadlines with two different requirements.

(1) Where the applicant will appear personally, the only stated deadline in the C.R.C. is the informal (likely telephonic) notice that must be given by 10:00 a.m. one court day before the hearing. Copies of the actual papers are to be served at the first reasonable opportunity. (C.R.C., Rule 3.1206) This could be within hours after giving notice, the night before the hearing, in the courtroom just before the hearing, etc.

(2) Where the applicant intends to appear telephonically, notice must be given and papers have to be filed and served so that they are received by 10:00 a.m. two court days before the hearing. (C.R.C., Rule 3.670(h)(3)(B))

Your court may have still different requirements. Be sure to check!

If you are eFiling an ex parte application in L.A.S.C., you must eFile and eServe your papers by 10:00 a.m. the day before the hearing
AND bring courtesy copies to the hearing.

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If you are hard copy filing, the procedure will depend upon your court. Papers may have to be filed and then brought to the courtroom; they may have to be brought directly to the courtroom and filed after the hearing, etc.

- Prepare enough copies of the application and the proposed order for the court, all attorneys of record, and one to conform.

- If notice was required to be given to opposing counsel, a filing fee is required. (See Appendix “F” under “Civil Motion and Other Filing Fees” for the current fee.) If you are not eFiling, prepare a check for the fee. Check the court’s website to determine to whom to make the check payable. Add the check to the package.

- If time permits prior to the hearing, serve the application on the interested parties personally, or where authorized, by fax or eService (see Chapter 2). Otherwise, the attorney should bring copies to the hearing to serve anyone who appears. (C.R.C., Rule 3.1203)

§ 6.4.9 Opposing the Ex Parte Application and Telephone Appearances

The applicant should be informed by telephone or in writing as soon as possible that the application will be opposed. The written opposition, prepared in the same format as oppositions to regular motions (see page 6-23), is to be served at the first reasonable opportunity. (C.R.C., Rule 3.1206). If it is ready before the day of the hearing, and eFiling is not required, the filing should be done by attorney service and served personally, or where authorized, by fax or eService (see Chapter 2). Otherwise, the first reasonable opportunity may be at the hearing. Be sure to check local rules for any other requirements.

If you are eFiling an opposition to an ex parte application in L.A.S.C., you must eFile and eServe by 8:30 a.m. the day of the hearing AND you must bring courtesy copies to the hearing if you eFiled the opposition after 4:00 p.m. the day before the hearing.
The opposing party may appear at the hearing by telephone whether or not the applicant has given notice to do so. Notice must be given orally (in person or by telephone) or in writing to the court and other parties, as discussed below.

IMPORTANT NOTES RE NOTICE OF INTENT TO APPEAR BY TELEPHONE:

(1) Method of Notice. Where written notice is given, a “Notice of Intent to Appear by Telephone” must be filed and served. This may, but does not have to, be the Judicial Council form shown on page 6.25-3. Oral notice is unquestionably the easier method.

(2) Timing of Notice. C.R.C., Rule 3.670(h)(4) requires the oral or written notice to be given on the court day before the appearance “no later than 2:00 p.m. or the ‘close of business’ (as that term is defined in rule 2.250(b)(10)), whichever is earlier.” Rule 2.250(b)(10) used to define “close of business” as “5 p.m. or any other time on a court day at which the court stops accepting documents for filing at its filing counter, whichever is earlier.” Unfortunately, Rule 2.250(b)(10) has been deleted altogether, and its source, C.C.P. § 1010.6(b)(3), has been amended to eliminate the term. The Judicial Council will have to rectify this in some manner. How they will do so remains to be seen. Will they make it 2:00 p.m. across the board? Will they insert the definition of “close of business” in Rule 3.670? Something else? Until then, the safest way to proceed is to act as if the definition is still there. Note that cut-off times vary greatly among the courts, and in some courts varies day to day. If notice will be in writing, the filing should be done by attorney service and served personally, or where authorized, by fax or eService. Oral notice is certainly quicker and easier.

§ 6.4.10 After the Hearing

- Follow the procedures in Chapter 2 to serve the ex parte application and order on any attorneys who were not served at the hearing.

- If a notice of ruling is required, prepare it as in regular motions, § 6.3.11.
### 7.6.2 Procedures Specific to Mandatory EJT’s

#### 7.6.2.1 The Mandatory EJT Opt Out Process

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6.2.1.1</td>
<td>“Request to Opt Out of Mandatory Expedited Jury Trial Procedures”</td>
</tr>
<tr>
<td>7.6.2.1.2</td>
<td>Filing and Service of Request to Opt Out</td>
</tr>
<tr>
<td>7.6.2.1.3</td>
<td>“Objection to Request to Opt Out of Mandatory Expedited Jury Trial Procedures”</td>
</tr>
<tr>
<td>7.6.2.1.4</td>
<td>Filing and Service of Objection to Request to Opt Out</td>
</tr>
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<td>7.6.2.1.5</td>
<td>“Order on Request to Opt Out of Mandatory Expedited Jury Trial Procedures”</td>
</tr>
</tbody>
</table>

#### 7.6.2.2 Agreements Regarding Mandatory EJT Pretrial and Trial Procedures

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6.2.2.1</td>
<td>“Agreement of Parties (Mandatory Expedited Jury Trial Procedures)”</td>
</tr>
<tr>
<td>7.6.2.2.2</td>
<td>“Attachment to [Proposed] Consent Order or Agreement of Parties”</td>
</tr>
<tr>
<td>7.6.2.2.3</td>
<td>Filing and Service of Agreement of Parties</td>
</tr>
</tbody>
</table>

### 7.6.3 Procedures Specific to Voluntary EJT’s

#### 7.6.3.1 Consent of the Parties to Participate in an EJT and Modify Procedures

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6.3.1.1</td>
<td>“[Proposed] Consent Order for Voluntary Expedited Jury Trial”</td>
</tr>
<tr>
<td>7.6.3.1.2</td>
<td>Filing and Service of [Proposed] Consent Order for Voluntary Expedited Jury Trial</td>
</tr>
</tbody>
</table>

#### 7.6.3.2 Voluntary EJT Deadlines

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.6.3.2.1</td>
<td>Consent of the Parties to Participate in an EJT and Modify Procedures</td>
</tr>
<tr>
<td>7.6.3.2.2</td>
<td>Voluntary EJT Deadlines</td>
</tr>
</tbody>
</table>
§ 5.2 Introduction and Discovery Deadlines Chart

Discovery is the process by which the parties gather evidence to support their case, disprove the opposing party’s case, and tie down the opposing party’s story. Although the parties may engage in informal discovery, our focus is on formal discovery, governed by C.C.P. § 2016.010, et seq., the “Civil Discovery Act.”

Scope of Discovery: Generally, any party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter of the case or any motion made in the case, as long as the matter either is admissible in evidence or appears reasonably calculated to lead to the discovery of admissible evidence. Discovery may be used to obtain evidence to support a claim or to defend against a claim. Through various discovery methods, a party may ask for information about the identity and location of people with knowledge of any discoverable matter, as well as of the existence, description, nature, custody, condition, and location of any document, tangible thing, or land or other property relevant to the case. (C.C.P. § 2017.010)

Discovery and Discovery Motion Cut-Off Dates: Generally, discovery must be completed by the applicable “discovery cut-off date” (30th day prior to the initial trial date for non-experts; 15th day prior to the initial trial date for experts), and motions concerning discovery must be heard on or before the applicable “motion cut-off date” (15th day prior to the initial trial date for non-experts; 10th day prior to the initial trial date for experts). (See C.C.P. § 2024.020 for non-expert discovery, and C.C.P. § 2024.030 for expert discovery.) Continuing the trial date does not extend the discovery cut-off date (C.C.P. § 2024.020(b)). The parties may agree in writing (C.C.P. § 2024.060) or a party may move for a court order (C.C.P. § 2024.050) to extend the cut-off dates. The Discovery Deadlines chart on the next page shows when written discovery and depositions are deemed “completed.”

WHEN THE TRIAL DATE IS SET, CALENDAR THE LAST DAY TO SERVE DISCOVERY IN COMPLIANCE WITH THE DISCOVERY CUT-OFF AND MOTION CUT-OFF DATES (i.e., for written discovery, at least 65 days before the discovery cut-off date.) IF THE CUT-OFF DATE FALLS ON A NON-COURT DAY, MOVE IT TO THE FIRST COURT DAY CLOSER TO THE TRIAL DATE. (See, Pelton-Shepherd Industries, Inc. v. Delta Packaging Products, Inc. (2008) 165 Cal.App.4th 1568, 1572. fn. 5. “The 30th day before trial was actually October 15, but since that was a Saturday, the discovery cutoff date rolled forward to Monday, October 17. (See § 2016.060.)”) C.C.P. § 2016.060 provides: “When the last day to perform or complete any act provided for in the discovery act falls on a non-court day, the time limit is extended until the next court day closer to the trial date.”

The five common formal discovery devices discussed in this chapter are: depositions, interrogatories, requests for admission, inspection demands, and demands for exchange of expert witness information. Other formal discovery methods do exist. For example, where relevant (typically personal injury cases), parties are allowed to demand that another party undergo a physical and/or mental examination (see C.C.P. § 2032.010, et seq., or, in Limited Civil Cases, C.C.P. § 94(d)).

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Footnote 2: In Los Angeles County, if the parties enter into the “Stipulation-Early Organizational Meeting,” they may have agreed to mutual exchanges of documents and witness information. See Appendix “G” for more information on the Voluntary Efficient Litigation program and this particular stipulation.
§ 7.5 Trial-Related Calendaring

Several deadlines relate to the trial date. They may be triggered by the trial setting date (the date on which the trial date is selected or announced), the initial trial date (the first assigned trial date), and/or the actual trial date. Deadlines are dictated by the C.C.P., the C.R.C., and local rules. The following table lists some of the statewide deadlines.\(^3\)

**Sample Statewide Deadlines Triggered by Trial Setting and/or Trial Date**

<table>
<thead>
<tr>
<th>Request jury trial</th>
<th>Announce at time of trial setting if set upon notice or stipulation; or within 5 days of notice of setting if trial date set without notice or stipulation</th>
<th>C.C.P. § 631(f)(4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exchange of expert witness information</td>
<td>Serve demand to exchange within 10 days after setting initial trial date, or at least 70 days before initial trial date, whichever is closer to trial date; exchange 20 days after service of demand or 50 days before initial trial date, whichever is closer to trial date</td>
<td>C.C.P. § 2034.220; C.C.P. § 2034.230 (See § 5.8)</td>
</tr>
<tr>
<td>Request to opt out of Mandatory EJT</td>
<td>File and serve at least 45 days before the date first set for trial or the first trial date after July 1, 2016</td>
<td>C.R.C., Rule 3.1546(c)(2)</td>
</tr>
<tr>
<td>Motion for judgment on the pleadings</td>
<td>If no pretrial conference order, last day to bring is 31 days prior to initial trial date</td>
<td>C.C.P. § 438(e)</td>
</tr>
<tr>
<td>MSJ/MSA; motion to bifurcate</td>
<td>Last day to hear is 30 days before trial date</td>
<td>C.C.P. § 437c(a); C.C.P. § 598 (See § 6.7)</td>
</tr>
<tr>
<td>Discovery cut-off: non-experts</td>
<td>Must be completed 30 days before, and discovery motions must be heard 15 days before, initial trial date</td>
<td>C.C.P. § 2024.020 (See § 5.2)</td>
</tr>
<tr>
<td>Proposed consent order for Voluntary EJT</td>
<td>Must be submitted no later than 30 days before any assigned trial date</td>
<td>C.R.C., Rule 3.1547(a)(1)</td>
</tr>
<tr>
<td>Deposit advance jury fees</td>
<td>If case filed before 7/1/11 and CMC held prior to 6/28/12, or party requesting jury has not appeared before initial CMC or first appeared more than 365 calendar days after filing of initial complaint, 25 days before initial trial date; otherwise see C.C.P. §631(c) in its entirety</td>
<td>C.C.P. § 631(c)(3) and (4)</td>
</tr>
<tr>
<td>Discovery cut-off: experts</td>
<td>Must be completed 15 days before, and expert discovery motions must be heard 10 days before, initial trial date</td>
<td>C.C.P. § 2024.030 (See § 5.2)</td>
</tr>
<tr>
<td>Statutory offer to compromise</td>
<td>Last day to serve is 10 days before trial</td>
<td>C.C.P. § 998 (See § 8.2)</td>
</tr>
<tr>
<td>Notice to appear at trial</td>
<td>If documents demanded, last day to serve is 20 days before trial; otherwise 10 days</td>
<td>C.C.P. § 1987(b) and (c)</td>
</tr>
</tbody>
</table>

\(^3\) This list is by no means exhaustive. Rules-based computerized calendaring software is invaluable at this juncture.
Chapter 8
SETTLEMENT AND DISMISSAL

§ 8.1 Vocabulary 2

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“Offer to Compromise and Acceptance Under Code of Civil Procedure Section 998” 3.2

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8.2.6 “Notice of Entry of Dismissal” 14

8.2.7 Filing and Service 16
§ 8.2.1 Notifying the Court and Court-Connected Neutrals of Settlement

Whenever a case is settled in its entirety, C.R.C., Rule 3.1385(a)(1) requires the plaintiff (or other party seeking affirmative relief) to immediately file and serve on all parties and any court-connected neutral (e.g., arbitrator, mediator), a “Notice of Settlement of Entire Case.” If a hearing, conference or trial is scheduled to take place within ten days, oral notice must be given as well.

C.R.C., Rule 3.1385(a)(2) provides that if a court-connected ADR neutral involved in the case is not advised of a settlement at least two days before any scheduled ADR hearing or session, the court may order the party to compensate that neutral for the scheduled hearing time, in an amount not to exceed what they would have been entitled to receive for service during the scheduled time. Presumably, this means that if the neutral had agreed to perform the services on a pro bono basis, then the neutral would not be entitled to any fee for cancellation on less than two days’ notice. However, be sure to check your local rules on this.
NOTICE OF SETTLEMENT OF ENTIRE CASE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): JOE LAWYER, ESQ. (State Bar No. 7756234)
1000 Colorado Boulevard, Suite 555
Los Angeles, California 90011-1234
TELEPHONE NO.: 213.462.0000
EMAIL ADDRESS (Optional): joe@joelawyerlaw.com
ATTORNEY FOR (name): FRED A. WRONGED

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
STREET ADDRESS: 111 North Hill Street
MAILING ADDRESS: Los Angeles, California 90012
BRANCH/NUMBER:

PLAINTIFF/PETITIONER: FRED A. WRONGED
DEFENDANT/RESPONDENT: JAMES A. WRONGDOER

NOTICE OF SETTLEMENT OF ENTIRE CASE

CASE NUMBER: C 126447
JUDGE: June Justice
DEPT.: 83

NOTICE TO PLAINTIFF OR OTHER PARTY SEEKING RELIEF

You must file a request for dismissal of the entire case within 45 days after the date of the settlement if the settlement is unconditional. You must file a request for dismissal of the entire case within 45 days after the date specified in item 1b below if the settlement is conditional. Unless you file a request for dismissal within the required time or have shown good cause before the time for dismissal has expired why the case should not be dismissed, the court will dismiss the entire case.

To the court, all parties, and any arbitrator or other court-connected ADR neutral involved in this case:

1. This entire case has been settled. The settlement is:
   a. ☑ Unconditional. A request for dismissal will be filed within 45 days after the date of the settlement.
   b. ☐ Conditional. The settlement agreement conditions dismissal of this matter on the satisfactory completion of specified terms that are not to be performed within 45 days of the date of the settlement. A request for dismissal will be filed no later than (date): July 5, 2002

2. Date initial pleading filed: August 3, 1998

3. Next scheduled hearing or conference:
   a. Purpose: Motion for Summary Judgment
   b. ☑ (1) Date: August 10, 2002
      (2) Time: 9:00 a.m.
      (3) Department: 83

4. Trial date:
   a. ☐ No trial date set.
   b. ☑ (1) Date: November 20, 2002
      (2) Time: 9:00 a.m.
      (3) Department: 83

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

6. Date: July 7, 2002

7. JOE LAWYER

(TYPE OR PRINT NAME OF PARTY WITHOUT ATTORNEY) (SIGNATURE)

FOR COURT USE ONLY

FOR JUDGES BY MANDATORY USE

Judicial Council of California
CM-200 [Rev. January 1, 2007]

California Rules of Court, rule 3.1385
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Rev. 1/07 8-5

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§ 8.2.1.2 Request for Additional Time to Complete Settlement

If the parties do not dismiss the case within the 45-day period stated on the Notice of Settlement of Entire Case, then the court is required to dismiss the case, unless there is a reason not to do so. The court typically will schedule an “OSC” (“order to show cause”) hearing regarding dismissal of the case on or about that 45th day. (However, effective January 1, 2009, C.R.C, Rule 3.1385(d) provides that if the case involves the compromise of the claim of a minor or a person with a disability, and the parties have filed papers to seek court approval of the settlement, the court cannot hold an OSC regarding dismissal until the court has held a hearing to approve the settlement.)

If the case is not dismissed prior to the hearing, and if no one appears at the hearing to show good cause why the case should not be dismissed, the court will dismiss the case. Where there is good cause not to dismiss the case, C.R.C., Rule 3.1385(e) sets forth a procedure for continuing that hearing/Extending the 45-day period without the need for an appearance.

- At least five court days before the end of the 45-day period, the plaintiff or other party required to dismiss the case must serve and file a notice and a supporting declaration:
  (a) advising the court of that party’s inability to dismiss the case within the prescribed time,
  (b) showing good cause for its inability to do so, and
  (c) proposing an alternative date for dismissal.

- If good cause is shown, the court must continue the matter to allow additional time to complete the settlement.

§ 8.2.2 “Release”

In exchange for receipt of the settlement sum, the plaintiff agrees to release the defendant and drop the lawsuit against the defendant. Sometimes both parties release each other, called a “Mutual Release.” The release may also be made part of a settlement agreement. Usually the plaintiff agrees to release and discharge all claims he/she may have or will have against the defendant arising out of the subject of the lawsuit (in our case, the auto accident).

Defendant’s attorney usually prepares the release. Many attorneys use boilerplate releases for personal injury cases which can be adapted to a particular case by adding the names of the parties, date and location of the accident, settlement amount, etc. Our example is such a form. It is prepared on plain bond, not pleading paper.

The Release and the settlement check are usually sent to the plaintiff’s attorney with a cover letter instructing the plaintiff’s attorney to hold the settlement check until the Release is signed and delivered to the defendant’s attorney.
## Chapter 9
### JUDGMENT AND ENFORCEMENT

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§ 9.3 Enforcement

9.3.1 Creating a Lien on Real Estate

“Abstract of Judgment”  
Issuing the Abstract of Judgment  
Recording the Abstract of Judgment

9.3.2 Seizure of Known Assets

“Application for Issuance of Writ of Execution, Possession, or Sale”  
“Writ of Execution”  
Filing of Application/Issuance of Writ of Execution  
“Notice of Levy”  
“Levying Instructions”

9.3.3 Identifying Assets

“Application and Order for Appearance and Examination”  
Filing and Service

9.3.4 Recouping Enforcement Costs

“Memorandum of Costs After Judgment”  
Filing and Service

9.3.5 Satisfaction of Judgment

“Acknowledgment of Satisfaction of Judgment”  
Filing and Service
The Worksheet

The Worksheet contains several categories of costs typically incurred in a lawsuit. Some or all of the categories may pertain to your case. For example, filing fees are always incurred absent a fee waiver, but the next category, jury fees, would not be incurred unless the case actually went to trial and was tried by a jury.

ALWAYS CHECK C.C.P. § 1033.5 BEFORE COMPLETING THE MEMORANDUM OF COSTS. A COST ITEM IN THE STATUTE THAT IS NOT ON THE FORM MAY BE CLAIMED UNDER THE “OTHER” CATEGORY.

Complete the Worksheet in the manner shown in the following example, tailoring it to your case.
1033.5.
(a) The following items are allowable as costs under Section 1032:

(1) Filing, motion, and jury fees.

. . .

(13) Models, the enlargements of exhibits and photocopies of exhibits, and the electronic presentation of exhibits, including costs of rental equipment and electronic formatting, may be allowed if they were reasonably helpful to aid the trier of fact.

(14) Fees for the electronic filing or service of documents through an electronic filing service provider if a court requires or orders electronic filing or service of documents.

(15) Fees for the hosting of electronic documents if a court requires or orders a party to have documents hosted by an electronic filing service provider. This paragraph shall become inoperative on January 1, 2022.

(16) Any other item that is required to be awarded to the prevailing party pursuant to statute as an incident to prevailing in the action at trial or on appeal.
### Memorandum of Costs Worksheet (page three)

<table>
<thead>
<tr>
<th>SHORT TITLE</th>
<th>CASE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>WRONGED vs. WRONGDOER</td>
<td>C 126447</td>
</tr>
</tbody>
</table>

8. b. **Expert fees** (per Code of Civil Procedure section 996)

<table>
<thead>
<tr>
<th>Name of witness</th>
<th>Fee</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Mr. Accident Reconstructionist</td>
<td>25 hours at $400.00/hr</td>
<td>10000.00</td>
</tr>
<tr>
<td>(2) Dr. Permanent Injury</td>
<td>15 hours at $650.00/hr</td>
<td>9750.00</td>
</tr>
<tr>
<td>(3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(5) Information about additional expert fees is contained in Attachment 8b(5)</td>
<td>SUBTOTAL 8b</td>
<td>19750.00</td>
</tr>
</tbody>
</table>

c. **Court-ordered expert fees**

<table>
<thead>
<tr>
<th>Name of witness</th>
<th>Fee</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) Information about additional court-ordered expert fees is contained in Attachment 8c(3)</td>
<td>SUBTOTAL 8c</td>
<td></td>
</tr>
<tr>
<td>TOTAL (8a, 8b, &amp; 8c)</td>
<td>$</td>
<td>19825.00</td>
</tr>
</tbody>
</table>

9. **Court-ordered transcripts** (specify):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

10. **Attorney fees** (enter here if contractual or statutory fees are fixed without necessity of a court determination, otherwise a noticed motion is required):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. **Models, enlargements, and photocopies of exhibits** (specify):

<table>
<thead>
<tr>
<th>Blowups</th>
</tr>
</thead>
<tbody>
<tr>
<td>650.00</td>
</tr>
</tbody>
</table>

12. **Court reporter fees** (as established by statute)

<table>
<thead>
<tr>
<th>(Name of reporter)</th>
<th>Fees</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Information about additional court-reporter fees is contained in Attachment 12c.</td>
<td>TOTAL 12</td>
<td></td>
</tr>
</tbody>
</table>

13. **Interpreter fees**

<table>
<thead>
<tr>
<th>(Name of interpreter)</th>
<th>Fees</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Fees for a certified or registered interpreter for the deposition of a party or witness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Name of interpreter):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Name of interpreter):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Fees for a qualified court interpreter authorized by the court for an indigent person represented by a qualified legal services project or a pro bono attorney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Name of interpreter):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Name of interpreter):</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Information about additional court-reporter fees is contained in Attachment 13c.</td>
<td>TOTAL 13</td>
<td></td>
</tr>
</tbody>
</table>

14. **Fees for electronic filing or service of documents through an electronic filing service provider** (enter here if required or ordered by the court):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15. **Fees for hosting electronic documents through an electronic filing service provider** (enter here if required or ordered by the court):

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

16. **Other** (specify)

<p>| | |</p>
<table>
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<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

**TOTAL COSTS**

<table>
<thead>
<tr>
<th>($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24920.60</td>
</tr>
</tbody>
</table>

(Additional information may be supplied on the reverse)

**MEMORANDUM OF COSTS (WORKSHEET)**

Page 3 of 4
MATT NORRIS, ESQ.

Matt Norris is a litigator with nearly 22 years of experience in state and federal court. He is actively admitted in California, New York, New Jersey, North Carolina and Pennsylvania as well as the corresponding federal courts and specializes in complex civil litigation across a number of fields, particularly in federal district court. His past experience includes engagements as a litigation and transactional attorney with midsize firms and four years as the vice president and general counsel of a real estate finance company with 3,000 employees – and many legal matters – nationwide. He is available for questions, referrals, co-counseling and trial counsel arrangements at mjnorris@norrislglaw.com.

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Julie A. Goren has been involved in various aspects of California litigation for almost four decades. She wrote the first edition of *Litigation By The Numbers*® ("LBTN") in 1982, as a self-taught legal secretary. Having previously searched in vain for a book which would show her, step by step, how to prepare, file, serve, and calendar documents in California state court lawsuits, she decided to fill that need herself. After self-publishing the first edition, Julie entered Loyola Law School, graduating in the top 3% of the class of 1987.

Julie went on to hold associate positions at Gibson, Dunn & Crutcher and Buchalter, Nemer, Fields & Younger in Los Angeles. She left the practice of law in 2003 to focus on writing, publishing, and speaking.

Julie created the California Procedures course at the U.C. Berkeley Paralegal Program. Her materials are required textbooks throughout California in paralegal and law schools.

Julie has for many years played an important role in implementing changes to California litigation procedure. She has been responsible for initiating revisions to rules and forms. Many of her comments on proposed changes have been adopted by the Judicial Council. Julie relies heavily on her advance knowledge of rule and form changes to publish twice yearly Updates to LBTN.

Julie has written extensively on California civil litigation topics. Her articles have appeared in legal publications such as: *The Practitioner* (The Magazine of the Solo & Small Firm Section of the California Lawyers Association), *California Lawyer* magazine, *The Advocate* (Journal of Consumer Attorneys Associations for Southern California), newsletters of legal professional organizations such as the Los Angeles Paralegal Association and the San Francisco Docket Association, and legal services vendors such as OneLegal and American LegalNet.

She has presented on various topics, including: California State court calendaring; how to keep track of California’s rules, forms, and codes; the California Electronic Discovery Act; annual summaries of rule, form, and code changes, and more. She has presented to bar associations, paralegal associations, legal secretary associations, law school and paralegal classes.

For more information about Julie and her publications, go to www.litigationbythenumbers.com.