

PROPOSED LOCAL RULES PRIOR TO PUBLIC COMMENT – July 1, 2025, Cycle

3/19/25

CHAPTER 2

COURT ORGANIZATION, ADMINISTRATION AND PERSONNEL

RULE 2.07 EXECUTIVE COMMITTEE [**Previously approved for public comment**]. (**REVISED**)

1. Pursuant to California Rules of Court, rule 10.605, the Presiding Judge shall appoint an Executive Committee comprised of the following voting members, ~~each of whom shall serve at the pleasure of the Presiding Judge, whose terms shall be one (1) year commencing January 1 or the first court day thereafter each calendar year:~~

- The Presiding Judge
- The Assistant Presiding Judge
- The Immediate Past Presiding Judge
- The Supervising Judge of the Civil Division
- The Supervising Judge of the Criminal Division
- The Supervising Judge of the Family Law Division
- The Presiding Judge of the Juvenile Division
- The Presiding Judge of the Appellate Division

(a) The Court Executive Officer shall serve as an ex officio, non-voting member of the Executive Committee, without the need for appointment by the Presiding Judge.

2. The duties of the Executive Committee shall be to assist, support, and advise the Presiding Judge concerning the following:

(a) The Presiding Judge’s review, approval, oversight and supervision of the Court’s annual budget, including the establishment and implementation of the budgetary priorities of the Court. The Court’s Administrative staff, including but not limited to the Court Executive Officer and Court Chief Financial Officer, shall provide the Presiding Judge and the Executive Committee with drafts of the proposed budget, and all other information the Presiding Judge deems necessary to understanding and evaluating the proposed budget, a sufficient time before the Presiding Judge’s final approval of the budget to permit the Executive Committee to review such information and advise the Presiding Judge, and to permit the Presiding Judge to consult with the Judges of the Court pursuant to California Rules of Court, rule 10.603, subdivision (a)(6)(A), concerning the proposed budget.

(b) The Court’s administrative and operational policies and procedures, including advice to the Presiding Judge about proposed changes or modifications to improve the efficiency of Court

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operations and promote the core mission of the Court: to provide the public with prompt, fair and equal access to justice.

(c) The hiring, compensation, and evaluation of the performance of the Court Executive Officer.

(d) Other issues or tasks at the request of the Presiding Judge.

3. The Executive Committee shall meet once per month or otherwise at the direction of the Presiding Judge, provided that the Executive Committee shall not meet less frequently than every other month. The Presiding Judge shall serve as the chairperson of the Executive Committee. Any judge may attend the Executive Committee Meeting, except in the instance of a closed session called by the Presiding Judge.

4. This rule is intended to and shall be construed in a manner consistent with, and not modifying or limiting in any way, the authority and responsibilities of the Presiding Judge as defined in California Rules of Court, rule 10.603.

(Revised eEffective JulyJanuary 1, 2024)

CHAPTER 3

COURT CALENDARS, CASE MANAGEMENT, AND DELAY REDUCTION

RULE 3.08 COMPLEX CASES (REVISED)

The goal of the court is to complete the complex case within one year unless the assigned judge determines otherwise.

All complex cases shall be set for a case management conference within ~~sixty(60)~~ 120 days of approval of the complex designation by the assigned judge. The court ~~shall~~ may calendar all events, such as service on unserved parties, discovery completion dates, settlement conference dates, and trial dates ~~at the case management conference~~. The parties are required to file a joint complex status report, in pleading format, ~~in advance of 15 calendar days prior to~~ the first case management conference. ~~See Standards of Judicial Administration standard 3.10.~~ The report shall set forth:

1. A summary of the case, including significant legal and factual issues;
2. An outline of anticipated non-expert discovery and the expected completion date of that discovery;
3. The need for orders facilitating discovery, such as orders concerning: (a) confidential information, (b) the timing, order or scope of discovery, (c) the use of a document depository, or (d) the appointment of a discovery referee;
4. An agreement to accept service by electronic delivery when applicable;

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5. The existence of additional parties that may be joined, and a proposed date by which any such parties must be served;
6. A description of any potentially applicable arbitration agreements;
7. The existence of one or more cases pending in other courts that may be related to or consolidated with this case;
8. The parties' proposal for Alternative Dispute Resolution, including voluntary mediation;
9. In a putative class action case, (a) agreements concerning notice to class members, and (b) a proposed hearing date for plaintiff's certification motion; and
10. Any other matter counsel wish to call to the court's attention.

(Revised effective July January 1, 20245)

RULE 3.24 MANDATORY MEDIATION AND EARLY SETTLEMENT CONFERENCES (REPLACED)

~~A. The court shall, where appropriate, order the parties to participate in mandatory mediation with a mediator appointed by the court, and/or a mandatory early settlement conference before a settlement officer. Once ordered to mandatory mediation or mandatory early settlement conference, the court requires:~~

- ~~1. All parties;~~
- ~~2. Their attorneys;~~
- ~~3. Claim representatives, and~~
- ~~4. All persons with full authority to resolve all disputed issues to appear on the date and at the time and place ordered by the court.~~

~~Exception: For good cause shown, the parties may seek a court order prior to the date set for mediation or mandatory early settlement conference to exclude their or their claim representative's appearance at the court ordered mediation or mandatory early settlement conference. An order may be sought by ex parte application. Absent such an order, the failure of a party or claim representative to appear at a mandatory mediation or mandatory settlement conference will result in sanctions being imposed on the party, counsel or both.~~

~~B. The mediation or mandatory early settlement conference may be continued by agreement without court order for no more than thirty (30) days from the original mediation or conference date as follows:~~

- ~~1. All parties and the mediator or settlement officer must agree on a new date.~~
- ~~2. No later than the date originally scheduled for the mediation or conference, the party requesting the continuance shall serve and file a declaration under penalty of perjury stating (a) all parties and the mediator or settlement officer have agreed to the continuance, (b) the reasons for the continuance which constitute good cause as set forth in rule 3.1332 of the *California Rules of Court*, and (c) the agreed date.~~
- ~~3. For mediation only, the matter may be continued by a telephone call or written letter from the mediator indicating the new mediation date.~~

~~C. There can be no continuance for more than thirty (30) days from the original date except upon order of the court for good cause. The desire to conduct further discovery will not be considered good cause.~~

~~D. No later than five (5) days before the mandatory early settlement conference, each party shall serve on all other parties a brief statement setting forth and discussing the facts and law pertinent to the issues of liability, damages and defenses and an itemization of economic and non-economic damages and comply with any additional requirement imposed by local rule.~~

~~No later than five (5) days before the date set for mediation, each party shall serve on the mediator and opposing counsel, a one-page mediation statement which shall set forth the causes~~

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~~of action and nature of the case, the issues to be resolved and the party's contentions:~~

~~**F. — FACILITIES:** The availability of court facilities being limited and necessary for formal court proceedings, mediators and settlement officers are strongly encouraged to schedule mediation and settlement hearings for the mediator's or settlement officer's office or other appropriate location agreed upon between parties to the proceedings. All hearings shall be held within the County of Ventura unless all parties and the mediator or settlement officer stipulate to a different location.~~

~~**F. —** A court-ordered mediation or mandatory early settlement conference may only be vacated upon order the court for good cause.~~

~~(Revised effective January 1, 2020)~~

RULE 3.24 COURT-ORDERED CIVIL MEDIATION PROGRAM

A. ELIGIBILITY TO PARTICIPATE IN COURT-ORDERED MEDIATION.

- 1. Mandatory:** Pursuant to *Code of Civil Procedure* section 1775.5 and *California Rules of Court*, rule 3.891(a)(1), civil lawsuits with amounts in controversy under \$50,000 per plaintiff may be ordered to the Court-Ordered Civil Mediation Program.
- 2. Voluntary:** Litigants who agree to mediate their dispute, regardless of the amount in controversy, may stipulate to participate in the Court-Ordered Civil Mediation Program.

B. PROCEDURE FOR PARTICIPATING IN COURT-ORDERED MEDIATION.

- 1.** At the case management conference, parties must be prepared to discuss whether they are eligible for mandatory court-ordered mediation under *Code of Civil Procedure* section 1775.5, or willing to stipulate to voluntary court-ordered mediation.
- 2.** At the case management conference or at another time as determined by the court, litigants who are eligible to be ordered to mediation pursuant to *Code of Civil Procedure* section 1775.5 may be ordered to participate at the court's discretion.
- 3.** All other litigants may indicate their willingness to participate in mediation on a voluntary basis by so indicating on the "Stipulation and [Proposed] Order to Use of Alternative Dispute Resolution Process" local form (VN-164), provided the stipulation is filed at least 90 days before trial, unless the court otherwise allows in accordance with *California Rules of Court*, rule 3.891, subsection (a)(2). Use of the form is optional.
- 4.** If the court determines that the case should be submitted to the Court-Ordered Civil Mediation Program, the court will issue a minute order, a mediation completion date will be set, and the parties will be notified.

C. MEET AND CONFER RE: SELECTION OF MEDIATOR.

- 1.** All parties who have been ordered to the Court-Ordered Civil Mediation Program shall promptly review the panel of court-approved mediators available on the court's website.
- 2.** Within fifteen (15) days of being ordered to mediation, and pursuant to *California Rules of Court*, rule 3.893, litigants shall meet and confer regarding the following:
 - a.** The discussion and selection of a mutually agreeable mediator;

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- b. The exchange of potential dates and times for the mediation session; and
- c. A reasonable discovery plan and discovery completion schedule to ensure a productive mediation session.

D. SELECTION AND/OR ASSIGNMENT OF MEDIATOR.

1. Litigants ordered to mediation through the Court-Ordered Civil Mediation Program may select and stipulate to a mediator from the panel of court-approved mediators but must do so within fifteen (15) days of being ordered to mediation.
2. Where litigants have agreed on the selection of a mediator, they shall comply with their obligations under these and other applicable rules to meet and confer with one another and the mediator and to file appropriate forms, including the filing of the “Stipulation to Mediator and Mediation Date” local form (VN-272) discussed in section E.
3. Where litigants do not agree on the selection of a mediator within fifteen (15) days of being ordered to mediation, or if the litigants fail to file the “Stipulation to Mediator and Mediation Date” local form (VN-272), the court will assign a mediator from the panel of court-approved mediators pursuant to *California Rules of Court*, rule 3.893.
 - a. Upon assignment, a “Notice of Assignment of Mediator” local form (VN-271) shall be sent to the litigants and the court-assigned mediator. The litigants shall have no right to object to the assigned mediator. If an assigned mediator recuses, the court will promptly assign another mediator. This process will continue until such time as a mediator accepts the assignment, unless otherwise ordered by the court.
 - b. The assigned mediator shall file and serve the “Mediator’s Notice of Acceptance or Recusal” local form (VN-273) within ten (10) days of receiving the “Notice of Assignment of Mediator” local form (VN-271).

E. MEET AND CONFER WITH SELECTED AND/OR APPOINTED MEDIATOR.

1. Where the mediator is jointly selected, the plaintiff must contact the mediator to provide party contact information, to check the mediator’s availability, to exchange potential dates and times for the mediation session as agreed with other parties, and to determine the location for the mediation session. The plaintiff must also provide the mediator with a copy of the minute order setting forth the court’s orders re: mediation and the mediation completion date. Within fifteen (15) days of being ordered to mediate, plaintiff shall file the “Stipulation to Mediator and Mediation Date” local form (VN-272) and shall serve a copy on all other litigants and the mediator.
2. Where parties have been assigned a mediator because they did not agree or did not timely file the “Stipulation to Mediator and Mediation Date” local form (VN-272), the plaintiff shall, within fifteen (15) days of receipt of the “Notice of Assignment of Mediator” local form (VN-271), contact the mediator to provide party contact information, to check the mediator’s availability, to exchange potential dates and times for the mediation session as agreed with other parties, and to determine the location for the mediation session. Within fifteen (15) days of receipt of the “Notice of Assignment of Mediator” local form (VN-271), the plaintiff

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shall file the “Stipulation to Mediator and Mediation Date” local form (VN-272) that includes the assigned mediator and the selected mediation date. The plaintiff shall serve a copy on all other litigants and the mediator.

- F. MEDIATION STATEMENT.** No later than five (5) days before the date set for mediation, each party shall serve on the mediator and all counsel and/or self-represented litigants, a short mediation statement which shall set forth: (1) the nature of the case and causes of action, (2) the factual and legal issues to be resolved, (3) the parties’ objectives at mediation, and (4) other information that may be helpful in resolving the dispute, including case valuations, if appropriate. The mediator will determine whether he/she will accept confidential mediation briefs, and if so, the timing of those submissions.
- G. PARTICIPATION IN MEDIATION SESSION.** The individuals who must be available and must participate in the mediation session are: (1) all parties, (2) their attorneys, and (3) claim representatives and/or persons with full authority to resolve all disputed issues. For good cause shown, the parties may seek a court order prior to the date set for mediation to exclude the appearance of any of these parties. Absent such an order, the failure of a party or claim representative to appear at mediation may result in sanctions.
- H. REQUESTS FOR CONTINUATION.** Litigants may file a joint stipulation and proposed order requesting to continue the mediation completion deadline for good cause. This stipulation and order must be submitted at least fourteen (14) days prior to the mediation completion date and the caption of the stipulation and proposed order must include the current mediation completion deadline.
- I. MEDIATION COMPLETION DEADLINE.** Litigants must complete mediation by the mediation completion deadline or request an extension. If mediation is not completed by the completion date, the matter will be referred to the trial court for the setting of an Order to Show Cause hearing regarding the failure to complete the mediation as ordered, and sanctions may be imposed.
- J. NOTICE OF SETTLEMENT.** If the case settles, the plaintiff must immediately file a “Notice of Settlement of Entire Case” form (Judicial Council CM-200).

(Revised effective January July 1, 20205)

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RULE 3.27 DISPOSITION OF CASES REMOVED TO FEDERAL COURT (NEW)

If a case is removed to federal court, the Court will set a date for a status conference re: removal to take place not earlier than 90 days from the date of removal. Counsel can file a Notice of Status of Removed Case in lieu of appearing at the status conference. If the case has not been remanded to the trial court by the date of the status conference, the case may be recorded as completed or disposed and the court will not set a further status conference.

(Effective July 1, 2025)

CHAPTER 4

COURT PLEADING S, FORM AND DOCUMENT FORMAT

RULE 4.15 NAME OF ANSWERING DEFENDANT (NEW)

If a defendant, cross-defendant or respondent is identified by an incorrect name in a pleading, the defendant, cross-defendant or respondent may respond to the pleading using his/her/entity's correct name, but shall also include the name by which that defendant, cross-defendant or respondent was erroneously sued by including the words "erroneously sued as [name used by the plaintiff/cross-complainant/petitioner]" after the responding party's name in the responsive pleading. Failure to adhere to this rule will be grounds for the Clerk's Office to reject the responsive pleading.

(Effective July 1, 2025)

CHAPTER 9

FAMILY LAW RULES, GENERAL RULES

MEDIATION/CHILD CUSTODY RECOMMENDING COUNSELING

9.33 CCRC PROCESS (REVISED)

~~C. In all CCRC sessions, the RC shall consider only those documents that have been timely filed with the court and timely served on all parties.~~

(Revised effective ~~January~~ July 1, 2024~~5~~)

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CHAPTER 20 COURT INTERPRETING SERVICES

RULE 20.03 REQUESTING AN INTERPRETER (REVISED)

~~For Civil (including Small Claims and Unlawful Detainer), Family Law, Probate, and Juvenile Dependency cases, parties~~ A party or their attorney must request an interpreter with as much advance notice as possible to ensure that an interpreter will be available for the court proceeding. A minimum of two (2) court days’ notice is required for Spanish ~~and Mixteco~~ and ten (10) court days’ notice for all other languages, including ASL (American Sign Language). Requests should be made in writing using local form VN-250 “Request for Interpreter” and are to be returned to the Clerk’s Office as indicated on the form. Without sufficient notice as set forth in this rule, the court may be unable to provide an interpreter for the proceeding hearing which may then need to be continued. If the court cannot accommodate a party’s request, the Interpreter’s Office will contact the party based upon the contact information listed on the VN-250 form. ~~If one or more of the parties changes the date of a hearing, the party requesting the interpreter services at that hearing must notify the court of the change twenty-four (24) hours prior to the hearing. Any failure to do so may result in the court incurring cancellation fees.~~ For any questions, parties are directed to contact the Ventura Superior Court’s Interpreters’ Office at (805) 289-8799 or VCSCInterpreting@ventura.courts.ca.gov.

~~(Revised Effective July 1, 2023)~~

RULE 20.04 CANCELING AN INTERPRETER (NEW)

If a proceeding is cancelled or rescheduled (or an attorney elects to appear for defendant pursuant to Penal Code section 977), the party or attorney who requested the interpreter must provide (no less than) 24 hours’ notice of the change to the Interpreters’ Office at (805) 289-8799 or VCSCInterpreting@ventura.courts.ca.gov. Absent a showing of good cause, the failure to provide at least 24 hours’ notice may result in an order for reimbursement to the Court of the interpreter fees and costs associated with the untimely cancellation.

~~(Effective July 1, 2025).~~

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CHAPTER 21 (REVISED)

~~COUNSEL-ATTORNEY~~ SERVICES AND FEES

RULE 21.01 IN AN ACTION ON A PROMISSORY NOTE, CONTRACT PROVIDING FOR THE PAYMENT OF ~~COUNSEL-ATTORNEY~~ FEES AND FORECLOSURE.

The following ~~attorney counsel~~ fees shall be awarded under normal circumstances in an action on a promissory note, contract providing for the payment of ~~attorney counsel~~ fees and foreclosure:

- A. DEFAULT ACTION ON NOTE OR CONTRACT. Exclusive of costs:
 - Any part of first \$1,000- \$250
 - 20 percent of next \$4,000
 - 15 percent of next \$5,000
 - 10 percent of next \$5,000
 - 5 percent of next \$35,000
 - 2 percent of next \$50,000
 - 1 percent of the amount over- \$100,000.

Unlawful Detainer \$450. In an action upon a contract providing for ~~counsel-attorney~~ fees the Executive Officer and Clerk shall include in the judgment ~~counsel-attorney~~ fees in accordance with this schedule, not to exceed the amount prayed for.

(Revised effective July 1, ~~1999~~2025)