



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

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Tamarah Harber-Pickens

Superior Court of California
County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-4934

September 7, 2022

The proposed amendments to the Superior Court of California, County of Kern Local Rules of Court, for January 1, 2023, have been posted for comment at www.kern.courts.ca.gov. A hard copy of the proposed rules is available upon request.

1. Chapter I – General Rules
2. Chapter V – Criminal Rules
3. Chapter VI– Family Law Rules
4. Chapter VIII – Probate Matters

You may submit comments by e-mail to WMAdmin@kern.courts.ca.gov or mail to the following address:

Tamarah Harber-Pickens, Court Executive Officer
Superior court of California, County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received no later than 5:00 p.m. on Monday, October 24, 2022.

Sincerely,

Tamarah L. Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern

CHAPTER I. GENERAL RULES – PROPOSED CHANGES

Rule 1.6 – Court Reporter Availability and Timely Submission of Bills (Effective 1/1/06; rev. 1/1/19; rev. 1/1/21; rev. 7/1/21; *rev. 1/1/23*)

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All court reporters, acting either in an official reporter capacity or on a pro tempore basis, are required to follow the Kern County transcript format for all transcripts submitted to the court and parties. (See *Policy Regarding Normal Availability and Unavailability of Official Court Reporters* – KCSC Policy #CtSup-2013-2, (www.kern.courts.ca.gov) (Effective 1/01/19)

Attorneys must comply with Code of Civ. Proc. § 2025.550. The Court will not accept unsealed original transcripts submitted under what is known as “the SoCal Stip.” (Effective 1/1/23)

Rule 1.7.5 Metropolitan Division Venues. The following matters must be filed in the Metropolitan Division (Effective 7/1/08; rev. 1/1/11; rev. 7/1/11; rev. 1/1/13; rev. 7/1/15; rev. 1/1/17; rev. 1/1/18; rev. 7/1/18; rev. 1/1/20; rev. 7/1/22; *rev. 1/1/23*)

(e) Venue for Criminal Cases.

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4. The People must file Delano prison cases involving four or more defendants in the Metropolitan Division, Felony Department. (Effective 1/1/23)

5. Generally, unless otherwise set forth in these rules, the People must file felony criminal information in the Metropolitan Division, Felony Department. (Effective 1/1/11; *renum. 1/1/23*)

(m) Mental Health

- 1. Venue for all matters under the Lanterman-Petris-Short Act will be in the Metropolitan *Justice* Division ~~Juvenile Justice Center~~.**
- 2. The people shall file all petitions under Welfare and Institutions Code 6500 in the Metropolitan *Justice* Division, ~~Juvenile Justice Center~~.**
- 3. Venue for all Reise hearings will be in the Metropolitan *Justice* Division ~~Juvenile Justice Center~~.**

(n) Venue for Probate and Guardianship Cases. Venue for Probate and Guardianship cases, except for those in 1.7.5(i), shall be in the Metropolitan ~~Division~~, Juvenile Justice Center, *located at 2100 College Avenue*. (Effective 7/1/08; rev. 1/1/13; rev. 1/1/20; rev. 7/1/22; *rev. 1/1/23*)

Rule 1.8.1 Additional Court Fees (Effective 7/1/14; rev. 1/1/20; rev. 1/1/22; *rev. 1/1/23*)

The Superior Court of California, County of Kern will charge the following fees:

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- Additional fees:
 - *One-time fee to set up, administer and close out trust for funds on deposit with the Court in civil cases - \$50.00*
 - *Cancellation of warrant and reissuance in civil trust due to attorney error – \$22.00*
 - *Hourly research fee for trust administration - \$49.00*

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Rule 1.10 Electronic Filing and Service

- (i) Except as provided in CRC rules 2.500 through 2.507, an electronically filed document is a public document at the time it is filed. In order to ensure immediate confidentiality upon electronic filing, the filing parties and filing attorneys shall designate documents that are required to be kept confidential by law as such by selecting “confidential” in the security field on the filing details prompt in the Court’s electronic filing system. *The document should also include the word “confidential” in the caption.* Filing parties and filing attorneys shall at all times comply with CRC rules 2.550–2.551 regarding sealed documents. Nothing herein is intended to contravene CRC rules 2.550–2.551 or provisions similar thereto. Further, it is the sole responsibility of the filing parties and filing attorneys to exclude or redact personal data identifiers from all documents, including exhibits, filed with the court, as described in CRC rules 1.201 and 2.256. The court will not review documents for compliance. The court may impose sanctions for violation of this rule. (Effective 1/1/19; rev. 7/1/19; *rev. 1/1/23*)

Rule 1.17 Restricting Access in Courthouse to Protect Confidential Criminal Information (Effective 1/1/23)

In order for the Court to comply with FBI Criminal Justice Information Services Security Policy and all California Law Enforcement Telecommunications System (CLETS) operating policies, practices and procedures, a court escort is required to accompany any non-CLETS certified personnel before they will be permitted access to any areas in the Court facilities, in which such criminal justice information is generated or stored.

Improper access to such restricted areas is serious and may result in administrative sanctions including, but not limited to, termination of services and State and Federal criminal penalties.

Rule 1.18 Use of Recording and Photography Devices in Courthouse Facilities

Photographing, recording, and broadcasting in courthouse facilities must be conducted solely pursuant to California Rules of Court, rule 1.150 and this rule. This rule applies to the actions of the media, parties, lawyers, court employees, court security and the general public in taking, broadcast, use and/or publication of sound and visual recordings of court proceedings (including the movement of all individuals and parties to and from such proceedings), both still and moving, whether by analog, digital, film magnetic tape or by any other means of recording and/or storage.

Consistent with case law and California Rules of Court, rule 1.150, no photographs, video recordings or audio recordings may be taken anywhere in any courthouse facility with any device capable of photographing, recording or broadcasting, unless permitted by an order of the Court.

Photographing, recording or broadcasting any courtroom proceedings from within court facilities is permitted only if specifically authorized by the judge presiding over the involved proceedings, in an Order on Media Request to Permit Coverage, Judicial Council Form MC-510. The issuance of an order for the media, an attorney, a party, or a member of the public is within the discretion of the judge presiding over the involved proceedings. Each judge shall exercise his or her discretion as to what may and may not be appropriate or necessary to balance and protect the rights of litigants, witnesses, victims, the public and the media. There is no right to a hearing if a judge denies a request.

Notwithstanding this provision, parties to adoption proceedings may photograph, record or broadcast the proceedings unless otherwise ordered by the judge presiding over the proceedings.

No photographing, recording or broadcasting shall occur in the hallways of any courthouse in a manner to block or impede the flow of pedestrian traffic in and out of the courtrooms or in the hallways. If a court order (Form MC-510) is obtained, media activity shall take place in the designated media interview stations, as follows:

- 1415 Truxtun Avenue, Bakersfield – First floor, in front of the Court lobby display in the Northeast corner of the lobby;*

- *1415 Truxtun Avenue, Bakersfield – Second floor, adjacent to Department 1 and Department 2; and*
- *1215 Truxtun Avenue, Bakersfield – First floor, Northwest lobby of the Court.*

For all other courthouse facilities, if authorized, media activity shall take place in the lobby areas as designated by Court security personnel on duty.

There shall be no photography, recording or broadcasting in the Jury Assembly Room, or in any area designated for the jurors' use. There shall be no photography, recording or broadcasting of proceedings held in chambers; proceedings closed to the public; jury selection; jurors or spectators; conferences between an attorney and a client, witness, or aide; between attorneys; or between attorneys and the judge at the bench.

This order is not intended to restrict the ability to photograph, film, record or broadcast from outside the entrances and exits of any courthouse facilities, provided such activity does not obstruct access to or from the courthouse facilities.

Rule 1.19 Demonstrations, Distributions, Solicitation, and Other Expressive Activity

To facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution, or harassment that may be directed at court users including those court users waiting in line outside a courthouse, the Court must implement some content-neutral restrictions on expressive activity. This rule regulates only conduct occurring in and around court facilities without regard to the content of any particular message, idea, or form of speech. The Court does not intend to ban all expressive activities from the environs surrounding court facilities and intends that this rule be construed so as to provide for ample alternative channels for communication of information near but not within court facilities or on courthouse grounds.

a. Definitions:

i. "Prohibited Activity" means the acts of demonstrating, protesting, gathering, picketing, parading, proselytizing or preaching, posting written materials, distributing literature or other materials to the general public, recording or broadcasting (other than news media recording or broadcasting which is covered by a different order), soliciting sales or donations, engaging in commercial activity, or engaging in oral or demonstrative protest, education, unhygienic activity, or counseling, unless otherwise authorized by this Order or the Court.

ii. *"Walkway" means (a) the area of any corridor or sidewalk, or other path of pedestrian movement, directly from the edge of the public sidewalk nearest an entrance to any building containing a courtroom to that entrance; (b) the area of any corridor or sidewalk leading directly from any parking lot within a curtilage to an entrance to any building containing a courtroom; or (c) a corridor or passageway within a multi-purpose, commercial, or private building that leads directly to the part of the building containing a courtroom.*

iii. *"Curtilage" means the area between any building containing a courtroom and the nearest edge of the public sidewalk surrounding the building. It shall not include the area adjacent to that portion of a multi-purpose, commercial or private building that does not contain a courtroom.*

iv. *"Courthouse" means any building containing at least one courtroom. It shall also include that portion of a multi-purpose, commercial or private building that contains at least one courtroom.*

v. *"Courtroom" includes any space designated for judicial proceedings, whether permanently or temporarily.*

b. Prohibitions

i. *No person shall engage in any activity prohibited by this rule within a courthouse.*

ii. *No person shall engage in any activity prohibited by this rule on the exterior property of a courthouse, or within the curtilage of a courthouse, or engage in any prohibited activity that affects the exterior property of a courthouse.*

iii. *No person shall obstruct, harass, impede, or interfere with persons entering or leaving a courthouse, persons waiting in line to enter a courthouse, or persons inside a courthouse.*

iv. *No person shall approach persons entering or leaving a courthouse, persons waiting in line to enter a courthouse, or persons inside a courthouse, for the purpose of engaging in any activity prohibited by this rule.*

v. *No person shall engage in any activity prohibited by this rule in or near a courthouse with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, officer of the court, or court personnel in the discharge of his or her duty.*

vi. *No person shall use amplification equipment to engage in activity prohibited by this rule in a manner that*

harasses or interferes with persons inside a courthouse, with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.

vii. If sound from any prohibited activity travels onto Court property or inside a courthouse, that sound, at any decibel level, is subject to the restrictions of this Standing Order. It is not the decibel level of the sound that is prohibited; it is whether the sound interferes in any way with the business or purpose of the Court.

viii. No person shall publish, post, or distribute any written material other than written material relating to official Court business published, posted or distributed by duly authorized Court personnel, inside any Court facility of this County, without the prior written approval of this Court.

c. Exclusions

i. This Order shall not apply to authorized court personnel or law enforcement officers in the performance of their official duties.

ii. Sections 1(b)(i), (ii), and (viii) above shall not apply to persons engaged in the stationary solicitation of sales as part of any commercial, primarily non-expressive activity (including but not limited to the sale of newspapers, reading materials, sundries, or food stuffs) expressly authorized by a written use permit, license, or agreement from the County, the Court, the Judicial Council, or other owner of a building containing a courtroom authorizing that activity in a specific space not dedicated to court functions.

iii. The Kern County Liberty Bell, which is located in front of the Superior Court of California, County of Kern, at 1415 Truxtun Avenue, in Bakersfield, is a county facility. It has been designated as a landmark and historical place. This site is exempt from sections 1(b)(ii), (iii), and (iv) this Order. Permission for the use of this site must be obtained from the County of Kern.

Rule 1.20 Employment Conflict of Interest Code

- A. The Court hereby adopts this Conflict of Interest Code, as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.*
- B. The Presiding Judge of the Court, or the Presiding Judge's designee(s), shall act as the Code Reviewing Body for this Conflict of Interest Code.*

- C. Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the Court's Human Resources Department.*
- D. The California Fair Political Practices Commission will supply the Court with the required Statement of Economic Interests forms required by this Rule, the Court's Human Resources staff will distribute the forms to those persons required to file, and the designated employees, contractors and consultants are responsible for completing and filing their own forms (1) on assuming employment in a designated classification (2) on terminating employment in a designated classification, and (3) annually, while so classified.*
- E. The Court adopts the designated employment classifications:*

<i>Job Classification Title</i>	<i>Disclosure</i>
<i>Accountant I, II, III</i>	<i>1, 2, 4</i>
<i>Audit & Compliance Officer</i>	<i>1, 2, 4</i>
<i>Chief Information Officer</i>	<i>1, 2, 4</i>
<i>Court Buyer I, II, III</i>	<i>1, 2, 4</i>
<i>Court Case Management System Manager</i>	<i>1, 2, 4</i>
<i>Court Executive Officer</i>	<i>1, 2, 4</i>
<i>Court Manager – Courtroom Support</i>	<i>1, 2, 4</i>
<i>Court Manager – Criminal</i>	<i>1, 2, 4</i>
<i>Court Manager – Multi-Divisionals</i>	<i>1, 2, 4</i>
<i>Court Manager – Non-Criminal</i>	<i>1, 2, 4</i>
<i>Deputy CEO – Facilities</i>	<i>1, 2, 4</i>
<i>Deputy CEO – Finance</i>	<i>1, 2, 4</i>
<i>Deputy CEO – Operations</i>	<i>1, 2, 4</i>
<i>Financial Systems Manager</i>	<i>1, 2, 4</i>
<i>Information Security Officer</i>	<i>1, 2, 4</i>
<i>Managing Attorney</i>	<i>1, 2, 4</i>
<i>Public Affairs Officer</i>	<i>1, 2, 4</i>
<i>Revenue Recovery Officer</i>	<i>1, 2, 4</i>

F. The Court adopts the disclosure categories for the Conflict of Interest Code:

1. Category 1 - Real Property

Interests in real property located within Kern County or within two (2) miles of Kern County. For the purpose of disclosure only (not disqualification), an interest in real property does not include a principal residence or investments and interests in real property which have a fair market value of less than \$2,000. However, interests in real property include those held by a spouse and/or dependent children.

2. Category 2 - Business Interests

Business positions and/or investments in and income from business entities (including those of the filer's spouse) engaged in the manufacture, sale, lease or provision of supplies, materials, equipment, real property, and services of the type used by this court.

3. Category 3 – Disqualification

All investments, sources of income, interests in real property (excluding principal residences) and positions in business entities when the following circumstances exist (pertains to disqualification only):

- a) If during a reporting period a designated employee did not participate in, or was not required to disqualify themselves from participating in, a case or other assignment in which they/they had a financial interest (see section 9.0), the employee will sign a statement to that effect under penalty of perjury. This statement will be filed as the Annual Statement of Economic Interests with the Court Executive Officer.*
- b) An employee who disqualified themselves from participating in a case or assignment in which they/they had a financial interest must disclose the case or assignment and the disqualifying interest and file the statement with the Court Executive Officer.*

4. Category 4 - Gifts

- a) The name and address of the donor of any gift valued at \$50 or more (includes multiple gifts totaling \$50 or more from a single source); a description and estimated value of the gift.*
- b) Reportable gifts include those from individuals who or business entities that contract or potentially contract to furnish goods or services to the court and from donors who may be affected by any decision made or participated in by the employee. Reportable gifts and exceptions can be found in Schedule E of the Form 700.*

CHAPTER V. CRIMINAL RULES - PROPOSED CHANGES

Rule 5.3.7 Access to Previously Filed Reports in Criminal Cases by Counsel of Record (Effective 1/1/23)

Prior to a hearing on (1) resentencing, (2) a request that prior serious felony enhancements be stricken, or (3) a petition for the issuance of a certificate of rehabilitation, and if a proper request to review the court file, including any reports previously filed by the probation officer or psychologist, the attorney for each party is deemed authorized by law, pursuant to Penal Code section 1203.05(d), to inspect and receive a copy of any probation report(s) or mental health report(s) pertaining to the petitioner.

Upon a request submitted to the Clerk's Office, and without further order of the Court, such reports will be provided to the petitioner's attorney of record and the Office of the Kern County District Attorney. The reports received by counsel shall not be released to the public, and standard court costs and fees for the production of documents will apply.

Rule 5.3.8 Bail Schedule

Under Penal Code §1269b(d), the Presiding Judge may appoint a committee of judges to prepare, adopt, and annually revise the uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The bail schedule will be deemed adopted by the Court upon approval by a majority of the judges appointed to the committee at the time of review. The schedule will be effective on the date adopted or as specified by the approving judges.

CHAPTER VI. FAMILY LAW RULES - PROPOSED CHANGES

Rule 6.1.1 Forms of Documents Presented for Filing (Effective 1/1/10; rev. 1/1/17; rev. 1/1/20; rev. 7/1/22; *rev. 1/1/23*)

(a) All pleadings shall comply with California Rules of Court, rule 2.100, et. seq., **2.256(b)**, and 3.1110, et. seq. All documents and/or pleadings submitted in which a matter is set for hearing must specify the division, hearing date, and time underneath the title of the document and/or pleading. (Effective 1/1/10; rev. 1/1/17; rev. 1/1/20; *rev. 1/1/23*)

(b) ***Unless they are submitted by a self-represented party, exhibits must comply with Rule 31110(f), which requires electronic bookmarks with links.*** ~~Except those received via facsimile filing or electronic~~

~~filing, all documents containing attachments, schedules, or exhibits shall be indexed and tabbed at the bottom.~~ Where there is a single attachment or exhibit, the index requirement is inapplicable. All documents ~~received via facsimile filing or electronic filing shall~~ **must** contain a titled cover sheet between attachments, schedules, and/or exhibits. (Effective 1/1/10; rev. 1/1/17; *rev. 1/1/23*)

CHAPTER VIII. PROBATE MATTERS - PROPOSED CHANGES

- Rule 8.1.1 Forms of Documents Presented for Filing (Effective 1/1/06; rev. 7/1/09; rev. 1/1/10; rev. 7/1/15; rev. 1/1/17; rev. and renum. 7/1/18; *rev. 1/1/23*)
- (a) All pleadings shall comply with Rules 2.100-2.119, **2.256(b) and 3.1110** of the California Rules of Court. ~~Documents exceeding 20 pages shall be bound by two prong fasteners or binder clips.~~ All documents and/or pleadings submitted in which a matter is set for hearing must specify the department number, hearing date, and time underneath the title of the document and/or pleading.
 - (b) ~~Except those received via facsimile or electronic filings, all documents containing attachments, schedules, or exhibits shall be indexed and tabbed at the bottom.~~ ***Unless they are submitted by a self-represented party, exhibits must comply with Rule 31110(f), which requires electronic bookmarks with links.*** Where there is a single attachment or exhibit, the index requirement is inapplicable. Each page shall have page numbers to facilitate review by the Court. All documents ~~received via facsimile or electronic filing shall~~ **must** contain a titled cover sheet between attachments, schedules, and/or exhibits. (Effective 1/1/06; rev. 1/1/10; *rev. 1/1/23*)