

SUPERIOR COURT OF CALIFORNIA
County of Marin



NOTICE

**Revision of the Uniform Local Rules of Court
for January 2026**

(California Rule of Court 10.613)

The Judges of the Marin County Superior Court have approved a draft set of proposed Local Court Rules. As authorized under CRC 10.613, they are posted on the internet at the following web page of the Court:

[Local Rules | Marin County Superior Court](#)

Should an individual or organization not have access to the internet, a printed copy of the local rules of court may be obtained at a cost of \$40.00 by writing the Court at:

Marin County Superior Court
Court Executive Officer
Attn: Local Rules of Court
P.O. Box 4988
San Rafael, CA 94913-4988
administration@marin.courts.ca.gov

Written comments or proposed changes should be submitted to the above no later than **Friday, November 7, 2025 by 4:00 p.m.**

Should you need additional information regarding the proposed revisions, please call Court Administration at (415) 444-7020, or email administration@marin.courts.ca.gov.

September 23, 2025

MARIN COUNTY SUPERIOR COURT

LOCAL RULE REVISION TABLE FOR JANUARY 2026

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★ = DELETED

1.51 ELECTRONIC FILING

This Rule applies to filing of all documents, electronically and paper, with the court.

A. Applicable Statutes and Rules of Court. Parties must comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and CRC Rules 2.250 through 2.253, 2.256, 2.257, and 2.259.

B. Mandatory Electronic Filing Rules. ~~for All Cases, Including Criminal.~~

1. Mandatory Electronic Filing and Service. As authorized by Code of Civil Procedure section 1010.6(d) and CRC 2.253(b)(1)(A), and subject only to the exceptions in Local Rules 1.51(B)(2), 1.51(B)(3), and 1.51(B)(4) below, all parties represented by attorneys in all civil cases (including Family, Juvenile Dependency, and Probate cases), all Appellate Division cases, as permitted by law must file and serve documents electronically, except when personal service is required by statute or rule. Attorneys who are subject to this rule, and self-represented parties who have consented to electronic filing and service, may not object to electronic service.

2. Documents **Not Filed Electronically.**

(a) The following documents shall not be filed electronically

- (i) subpoenaed documents;
- (ii) Affidavit re: Real Property of Small Value;
- (iii) Labor Commissioner deposits of cash or check;
- (iv) bonds and undertakings;
- (v) wills and codicils
- (vi) trial exhibits; and
- (vii) other documents. Please see:

<https://www.marin.courts.ca.gov/online-services/efiling>

~~—(b) The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Certificate of Facts re: Unsatisfied Judgments, Letters issued by the Probate Court, Citations issued by the Probate Court, and Payee Data Record Form.~~

~~(b)~~ During trial and with permission from the Court, a party may submit to the courtroom clerk, and serve by hand any pleadings, as long as the pleadings are also filed and served electronically by the party before the close of business no

later than the following court day. The proof of service must reference the date the document was originally served in open court.

(cd) A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF, or if it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served on the parties by non-electronic means. A party manually filing such a document or exhibit must file electronically and serve a Notice of Manual Filing describing the document or exhibit and stating the reason the party cannot electronically file the document or exhibit.

(de) Any required courtesy copies are deemed submitted upon the e-filing of an original document unless otherwise ordered by the court.

2.13 DISCOVERY FACILITATOR PROGRAM

A. Policy of the Marin County Superior Court. Parties must reasonably and in good faith attempt informal resolution of each issue in any discovery dispute in a civil case prior to filing a discovery motion. Parties must submit a declaration setting forth this reasonable and good faith attempt at resolution with any discovery motion, pursuant to Code of Civil Procedure § 2016.040. Notwithstanding the outcome of a particular motion, the Court may impose a monetary sanction on any party who fails to meet and confer as required, for the reasonable expenses, including attorneys' fees, incurred by anyone as a result of that failure. (Code of Civil Procedure § 2023.020.)

For any discovery dispute in a civil case that the parties cannot resolve informally in the meet and confer process, it shall be the policy of the Marin County Superior Court to require use of the Discovery Facilitator Program ("the Program"). Reasonable and good faith participation in the Program before the filing of a discovery motion satisfies a party's meet and confer obligation for purposes of this rule.

In furtherance of this policy, all parties to a discovery dispute are expected to participate in good faith in the Discovery Facilitator Program or another appropriate form of dispute resolution before the matter is set for hearing. Nonparties who are the subject of a discovery

motion (including third-party recipients of subpoenas or discovery requests) are encouraged, but not required, to participate in the Discovery Facilitator Program or other ADR process. The Court may consider the participation or non-participation of such nonparties in managing how the discovery motion proceeds.

B. Participation in the Program. Parties to a civil case discovery dispute shall be referred to the Program or participate in the Program in one of the following ways:

1. *Before the Filing of a Discovery Motion.* The parties may request referral to the Program, before the filing of a discovery motion, by ~~submitting a stipulation to the ADR Coordinator for filing a stipulation with the court.~~ Filing the stipulation will toll the time for filing the discovery motion until a party files a Declaration of Non-Resolution with the Court (see Rule 2.13H); or

2. *After the Filing of a Discovery Motion.* After the filing of a discovery motion, the Court shall refer the dispute to the Program. All discovery motions will be referred to the discovery facilitation process. The parties and the discovery facilitator shall promptly commence the resolution process upon the discovery facilitator's appointment. The court anticipates that the motion will not go forward on the assigned hearing date if the court has not received a Declaration of Non-Resolution of the motion at least five (5) court days prior to the scheduled hearing date.

3.3 SETTING OF ARRAIGNMENT DATES AND FILING OF CRIMINAL COMPLAINTS

A. Misdemeanor and Felony Out-Of-Custody Arraignment Dates. A defendant who is arrested, booked and released for any of the following charges shall have an arraignment date set no later than five (5) calendar days from the date of booking or original citation:

- | | |
|--------------------------|----------------------|
| ● Penal Code § 243(e)(1) | ● Penal Code § 266j |
| ● Penal Code § 273a | ● Penal Code § 269 |
| ● Penal Code § 273.5 | ● Penal Code § 286 |
| ● Penal Code § 245 | ● Penal Code § 288 |
| ● Penal Code § 261 | ● Penal Code § 288.5 |
| ● Penal Code § 261.5 | ● Penal Code § 288.7 |
| ● Penal Code § 266h | ● Penal Code § 288.a |
| ● Penal Code § 266i | ● Penal Code § 289 |
| | ● Penal Code § 422 |

B. Misdemeanor In-Custody Complaints. A misdemeanor complaint charging an in-custody defendant shall be filed by noon to be heard the same day at 1:30 p.m.

C. Felony In-Custody Complaints. A felony complaint charging an in-custody defendant shall be filed no later than ~~noon~~**3:00 pm.** ~~of~~ the day preceding arraignment. All in-custody felony arraignments shall be heard on the morning calendar, and within 48 hours of booking.

D. Out-Of-Custody Criminal Complaints. A criminal complaint charging an out-of-custody defendant shall be filed no later than 4:00 p.m. two (2) court days prior to the defendant's scheduled appearance.

3.13 PETITIONS FOR DISMISSAL OF CRIMINAL CONVICTION

(PENAL CODE §§ 17, 1203.4, 1203.4a)

A petition may be submitted on or in conjunction with Judicial Council form CR-180. When the petition is filed, Judicial Council form CR-181 or an Order, must be submitted. ~~The petitioner shall serve a filed copy of the petition to the District Attorney's Office and file proof of service with the Court.~~ The Court will provide a copy of the petition to the District Attorney's Office. The District Attorney's Office shall have forty-five (45) court days to file an objection. If the District Attorney objects to the petition, ~~opposition to the petition shall be filed within forty five (45) court days, and~~ the matter shall be set for hearing within thirty (30) court days. The hearing shall be set in the department of the Judicial Officer who is currently assigned to the department in which the matter was previously heard, or at the direction of the Supervising Judicial Officer of the Criminal Division. If the District Attorney does not object to the petition, it will be submitted to an assigned Judicial Officer for approval.

3.14 PETITIONS TO SEAL ARREST AND RELATED RECORDS (PENAL CODE § 851.91) AND MOTION TO VACATE CONVICTION OR SENTENCE (PENAL CODE §§ 1016.5, 1473.7)

A petition to Seal Arrest and Related Records (Penal Code § 851.92) may be submitted on or in conjunction with form CR-409. ~~When the petition is filed, Judicial Council form CR-410 or an Order must be submitted.~~ A Motion to Vacate Conviction or Sentence (Penal Code §§ 1016.5, 1473.7) may be submitted on or in conjunction with Judicial Council form CR-187. ~~and Order on Motion to Vacate Conviction or Sentence form~~ When the petition is filed, Judicial Council form CR-188 or an Order must be submitted. The Court will provide a copy of the petition to the District Attorney's Office. The District Attorney's Office shall have forty-five (45) court days to file an objection. ~~The petitioner shall serve a filed copy of the motion or petition to the District Attorney's Office and file proof of service with the Court.~~ If the District Attorney objects to the motion or petition, an opposition shall be filed within forty-five (45) court days, and the matter shall thereafter be set for hearing within thirty (30) court days. The hearing shall be set in the department of the Supervising Judicial Officer of the Criminal Division or the Judicial Officer who is currently assigned to the department in which the matter was previously heard. If the District

Attorney does not object to the motion or the petition, it will be submitted to an assigned Judicial Officer for approval.

4.8 ADJUDICATION OF MISCELLANEOUS INFRACTION MATTERS

A. Clerks' Authority in Infraction Cases Not Transferred to Court Collections. For cases that have not been transferred to court collections, deputy clerks are granted the authority to take the following actions at the request of defendants charged with infraction violations:

1. Accept the posting and forfeiting of bail on infraction cases.
2. Upon approval of defendant's written request on Financial Qualification for Community Service Work (Form TR024), signed under penalty of perjury, approve requests to perform community service work in lieu of paying bail at the prevailing fine conversion rate for each hour worked at a non-profit organization, as defined by Internal Revenue Code § 501(c)(3), found on the Court's approved list of such agencies.
3. Allow defendants to convert community service work to bail one time only.
4. In limited circumstances and if defendant lives within California but outside of Marin County authorize a defendant to perform community service work with a non-profit organization, as defined by Internal Revenue Code § 501(c)(3), that is not on the Court's approved list of community service work providers but that is overseen by a community service work agency in the county in which the work is to be performed.
5. In limited circumstances for California residents only, following signature verification, confirmation of non-profit status, accept proof of completion of community service work from an organization not on the Court's approved list and not overseen by a community service work agency in the county in which the work was performed.
6. Grant payment plan of up to 12 months, for all non-traffic infractions or traffic infractions where the defendant is not seeking an ability to pay review. The minimum monthly payment shall not be less than \$50 and no longer than 12 months.
7. Grant acceptance of proof of correction, following payment of full bail on underlying correctable charge(s), and delete Vehicle Code § 40616 from defendant's case.
8. For defendants who previously signed up for traffic violator school accept late completion of traffic violator school within sixty (60) days of the date a conviction abstract was sent to the Department of Motor Vehicles.
9. For defendants who did not previously sign up for traffic violator school and upon payment of \$52 non-refundable traffic violator school fee accept late completion of

traffic violator school within sixty (60) days of the date a conviction abstract was sent to the Department of Motor Vehicles.

10. Before the due date on the courtesy notice and upon completion of written Request to Elevate Infraction Charge to Misdemeanor (Form TR027), re-file infraction charges as misdemeanors and set matters on calendar for arraignment [e.g. Business & Professions Code § 25662; Penal Code § 555; Vehicle Code §§ 12500(a), 23109(a), (b) and (c), 14601.1(a), pursuant to Penal Code § 17(d)].

~~11. Upon request of defendants or their counsel, calendar defendants' matters on the next court day for arraignment.~~

~~12~~11. Provide a verified complaint if the notice to appear is not prepared on a form approved by the Judicial Council and is not verified under penalty of perjury by the citing officer.

7.7 SPECIAL PROCEDURES FOR RESTRAINING ORDERS AND INJUNCTIVE RELIEF PERTAINING TO DOMESTIC VIOLENCE (FAMILY CODE §§ 6200-6389)

Applicants for protective orders under Family Code § 6200 et seq. (Domestic Violence Prevention Act) shall file their request for restraining order in any existing or concurrently filed Family Law/Parentage action rather than file a new case. There is no filing fee for domestic violence restraining orders.

A party seeking the protection of a court restraining order may obtain the necessary forms and information about how to file for a temporary restraining order at Legal Self Help Center (Room C-44). The Legal Self Help Center also has instruction pamphlets and referrals to agencies that may assist with filling out the forms.

An applicant for a domestic violence restraining order must submit a Request for Domestic Violence Restraining Order (DV-100), Temporary Restraining Order (DV-110), Notice of Court Hearing (DV-109), ~~Confidential Information for Law Enforcement (CLETS-001),~~ and blank Restraining Order After Hearing (DV-130) and (if counsel) file it electronically or (if a self-represented litigant who does not wish to file electronically) give it to the clerk in room 113 before 10:30 a.m., Monday through Friday. (An applicant may need additional forms if the applicant has children with the proposed restrained party or seeks an order to transfer a wireless telephone account.) The clerk will give the completed forms to a Judicial Officer to review. The applicant may pick up the temporary restraining order documents at the Clerk's Office after 3:00 p.m. or view them through ePortal (if self-represented). The clerk will set a date for the hearing.

If the applicant for a domestic violence restraining order seeks to modify an existing order regarding custody and/or visitation, in a separate supporting declaration the applicant should explain why *ex parte* notice of the request was not given to the proposed restrained party.

7.22 TRIAL READINESS CONFERENCE

A. At-Issue Memorandum. Neither party shall file an At-Issue Memorandum until both parties have served a preliminary declaration of disclosure, or pursued available remedies, as set forth in Family Code §§ 2103 and 2104, and the respondent has filed a response to the petition. The At-Issue Memorandum is a Local Form (FL018) available at Legal Self Help Center, or online at [Local Forms | Superior Court of California | County of Marin](#).

B. Mandatory Trial Readiness Conference. Upon the filing of an At Issue Memorandum, the Clerk shall send to each party a Notice of Mandatory Trial Readiness Conference, the purpose of which is to develop a case progress plan tailored to the particular needs of each case and to give the parties adequate time to prepare before a Bench/Bar Settlement Conference is set. Except by stipulation of the parties, no case shall be set for a Bench/Bar Settlement Conference without first having had a Mandatory Trial Readiness Conference.

1. *Appearance Required.* Represented parties may appear through counsel and self-represented parties are required ~~personally~~ to appear at the Mandatory Trial Readiness Conference. Remote appearance is sufficient unless ordered to appear in person.

2. *Trial Readiness Conference Statement.* Each party shall serve and file with the Court a Trial Readiness Conference Statement no later than five (5) court days prior to the Conference. The Trial Readiness Conference Statement is a Local Form (FL064) available at Legal Self Help Center, or online at [Local Forms | Superior Court of California | County of Marin](#).

3. *Early Settlement Conference.* If the parties and counsel agree that a case may be settled without the necessity and expense of preparing for and appearing at a Bench/Bar Settlement Conference, the Court may set the matter for an early settlement conference before the trial Judge.

4. *Subsequent Trial Readiness Conferences.* The Court may set subsequent Trial Readiness Conferences before determining that the case is ready to be set for a Bench/Bar Settlement Conference.

[Rule 6.22 adopted effective 5/1/98; amended 1/1/20; renumbered as Rule 7.22 effective 1/1/22]

When the Court determines at a Trial Readiness Conference that a case is adequately prepared and ready for a meaningful settlement conference, a Bench/Bar Settlement Conference (“BBSC”) shall be set.

7.26 DEFAULT OR UNCONTESTED JUDGMENT BY AFFIDAVIT OR

DECLARATION

To obtain a Judgment by Declaration (non-appearance) pursuant to Family Code § 2336, the judgment packet submitted to the Clerk's Office must include:

1. Declaration for Default or Uncontested Dissolution or Legal Separation (~~Judicial Council Form~~ FL-170).
2. Request to Enter Default (~~Judicial Council Form~~ FL-165). In lieu of providing a stamped envelope for Respondent, the party may pay an additional court ~~eCourt~~-fee via ~~eFiling~~ to authorize the court to provide the envelope on their behalf, or Appearance, Stipulations and Waivers (~~Judicial Council Form~~ FL-130) as appropriate.
3. Judgment (~~Judicial Council Form~~ FL-180) with any attachments-
4. Notice of Entry of Judgment (~~Judicial Council Form~~ FL-190).—In lieu of providing two stamped envelopes for delivery of the Notice of Entry of Judgment, the party may pay an additional court fee via eFiling to authorize the court to provide the envelope on the submitting party's behalf.
5. Copies of the judgment and any attachments or supporting documents will be returned electronically.

8.2 APPELLATE DIVISION JURISDICTION

A. Appeals. The Appellate Division has jurisdiction over all appeals arising from all misdemeanor, infraction, and limited civil cases in the County (except small claims appeals and parking citation appeals) and over all motions and petitions for stay orders in connection with such appeals. (Code Civ. Proc., § 77(e).)

B. Writs. The Appellate Division has jurisdiction over all petitions for writs of mandate, prohibition, and review (certiorari) in any misdemeanor, infraction, or limited civil case. (Code Civ. Proc., §§ 1068(b), 1085(b) and 1103(b).)

8.3 WRITS INVOLVING FELONY MATTERS PRIOR TO THE DEFENDANT BEING HELD TO ANSWER.

In felony cases where the ruling, order, or other matter arose prior to the completion of the preliminary hearing, petitions for writs of mandate, prohibition, review (certiorari), habeas corpus or any other petition for extraordinary relief, must be filed in the Department of the Supervising Judge of the Criminal Division.

8.24 DISMISSAL UPON FAILURE TO FILE OPENING BRIEF

When the time for filing briefs in any matter in which the appellate division has jurisdiction has expired either pursuant to the California Rules of Court or as extended by court order and no opening brief has been filed, the court will send a Notice of Impending Dismissal. If the court receives no response to the notice within the time frame provided, it shall enter a dismissal without a hearing.

[Rule 7.2 adopted effective 1/1/18; renumbered as Rule 8.2 effective 1/1/22]

8.35 MOTIONS

All motions, including ex parte applications for orders, shall be presented to the presiding judge of the appellate division. The presiding judge may rule on the motion, convene the panel to rule on the motion, or may schedule a motion for hearing before the panel at his or her discretion.

[Rule 7.3 adopted effective 1/1/18; renumbered as Rule 8.3 effective 1/1/22]

8.46 RECORD ON APPEAL - CIVIL MATTERS

A. Record on Appeal. The Appellate Division elects to authorize the use of the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.830(a)(1)(B) and 8.833.

B. Settled Statement on Appeal. The Appellate Division elects to authorize the use of an official electronic recording, where available, as the record of the oral proceeding instead of obtaining a corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate Division, pursuant to CRC 8.837(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.837(d)(6)(B).

[Rule 7.5 adopted effective 1/1/13; amended 1/1/18; renumbered as Rule 8.4 effective 1/1/22]

8.57 RECORD ON APPEAL - FELONIES AND MISDEMEANORS

The Appellate Division elects to authorize the use of the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.860(a)(1)(B) and 8.863.

[Rule 7.6 adopted effective 1/1/16; amended 7/1/18; renumbered as Rule 8.5 effective 1/1/22]

8.68 RECORD ON APPEAL - INFRACTIONS

The Appellate Division elects to use the original court file in lieu of a clerk's transcript as the record on appeal, pursuant to CRC 8.910(a)(1)(B) and 8.914.

The Appellate Division elects to use the official electronic recording, where available, as the record of the oral proceeding instead of obtaining a reporter's transcript or corrected statement on appeal from the judicial officer who presided over the proceeding before the Appellate

Division, pursuant to CRC 8.916(d)(6)(A). The trial judge will not order that a transcript be prepared as the record of the oral proceedings. (See CRC 8.916(d)(6)(B).)