

CHAPTER 15

WRITS

15.01 HABEAS CORPUS

Petitions for writs of habeas corpus shall be filed in accordance with the California Rules of Court, rule 4.550 et seq. and Penal Code section 1473 et seq.

Petitions for writs of habeas corpus shall be addressed to the designated criminal writ judge.

Petitions for writs of habeas corpus will be assigned a unique case number unless otherwise directed by the court.

Requests to set habeas corpus petitions on calendar for matters other than an evidentiary hearing under California Rules of Court, rule 4.551(f) shall be addressed to the designated criminal writ judge.

(Rule 15.01 previously adopted October 1, 1998; Repealed January 1, 2009; New rule 15.01 adopted January 1, 2009; Amended July 1, 2014)

15.02 EXTRAORDINARY WRITS

All petitions for writs of mandamus, prohibition, and certiorari that are subject to the original jurisdiction of the appellate division (i.e., infraction, misdemeanor, or limited civil cases) shall be addressed to the presiding appellate judge.

Other than habeas corpus, all petitions for extraordinary writs (e.g., coram nobis, mandamus, prohibition, etc.) related to a criminal proceeding that falls within the original jurisdiction of the superior court shall be addressed to the presiding judge.

Other than habeas, all petitions for extraordinary writs not related to a felony matter and not falling within the original jurisdiction of the appellate division shall be addressed to the supervising civil judge.

(Rule 15.03 renumbered as 15.02, amended January 1, 2009; Amended July 1, 2014)

15.03 OTHER WRITS

Unless specified otherwise by statute, all other writ petitions (e.g., administrative writs of mandamus) shall be addressed to the supervising civil judge.

Writs addressed to the appellate division shall also comply with the rules in Chapter 9.

(Adopted January 1, 2000; Rule 15.04 renumbered as 15.03, amended January 1, 2009; Amended July 1, 2014)

15.04 ADMINISTRATIVE RECORD

The parties shall lodge any administrative record, along with an electronic courtesy copy (e.g., on a thumb drive), in the department in which the matter will be heard, at least thirty (30) days before the hearing.

CHAPTER 15

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(Adopted January 1, 2000; Rule 15.06 Renumbered as 15.04, January 1, 2009, Amended July 1, 2014, Amended July 1, 2015)

15.05 RECORD ON TRADITIONAL WRIT OF MANDAMUS

Whenever a Petitioner moves for issuance of a traditional writ of mandamus under Code of Civil Procedure section 1085, the parties shall lodge any documentary evidence presented in support of, or in opposition to, the writ, along with electronic courtesy copies (e.g., on a thumb drive) thereof, in the department in which the matter will be heard, at least thirty (30) days before the hearing)

15.06 ADMINISTRATIVE AND TRADITIONAL WRIT OF MANDAMUS BRIEFING SCHEDULES AND PAGE LIMITS

Unless otherwise ordered by the court, points and authorities prepared for a hearing on the merits of a writ petition shall be filed in accordance with the following schedule and page limits: Opening memorandum of points and authorities shall be filed at least 45 calendar days prior to the hearing date; opposition shall be filed at least 25 calendar days prior to the hearing date; and the reply shall be filed at least 15 calendar days prior to the hearing.

The opening and opposition memoranda shall not exceed 7,500 words. The reply shall not exceed 5,000 words.. Attorneys shall, on a separate page following the final page of the memorandum, certify compliance with this requirement using substantially the language below:

I, [attorney name], counsel for [party], hereby certify, under Local Rule 15.06, that I prepared the foregoing memorandum of points and authorities on behalf of my client, and that the word count for this briefing is [insert word count], which does not include the cover, the tables, signature blocks, or this certification. This briefing complies with the rule, which limits briefing to [insert the appropriate number] words. I certify that I prepared this document in [insert software name such as Word 2010], and that this is the word count [Word] generated for this document.

Dated: _____, 2016 _____
[Attorney name]
Attorney for [party]

The parties may, subject to this court's approval, stipulate to file briefs exceeding the word count noted in this rule 15.06 and/or to modify this briefing schedule. Alternatively, any party may file a motion to file an oversized brief consistent with the procedure specified in rule 3.1113(e) of the California Rules of Court.

Any motion to be heard prior to the merits of a writ petition shall comply with the filing schedule and page limits specified in rules 3.1113 and 3.1300 of the California Rules of Court.
(Adopted July 1, 2016)