

## **CHAPTER 2 GENERAL RULES**

### **Rule 1.2.1**

#### **Policy Against Bias**

It is the policy of the court to provide an environment free of all types of bias, prejudice, any kind of discrimination, or unfair practice. All judges, commissioners, referees, court officers, and court attachés must perform their duties in a manner calculated to prevent any such conduct, either by court personnel or by those appearing in court in any capacity. This rule does not preclude legitimate comment or advocacy when race, gender, religion, national origin, disability, age, sexual orientation, social economy, or other similar factors are issues in court proceedings.

Any violation of this policy by any judge, commissioner, referee, court officer, or court attaché should be reported directly to the presiding judge or executive officer, or assistant executive officer of the division in which the alleged violation occurred. Any violation of this policy by persons appearing in court should be reported directly to the judicial officer before whom the proceedings were conducted.

(Adopted 1/1/1998; Rev. 1/1/2000; Renum. 7/1/2001; Renum. 1/1/2006)

### **Rule 1.2.2**

#### **Departments, Divisions of the Court, and Venue**

**A.** The court consists of all the departments and divisions wherever they may be located and whatever their function. These include all facilities located within the North County, East County, South County, and Central Divisions. The hours of operation are published in the professional and legal newspapers in the county and posted in each courthouse.

**B.** In addition to the trial departments of each division, there is a presiding or supervising department and other specialized departments as determined by the presiding judge. The supervising judge at each location is responsible for the administrative and calendar operations of the departments located there and for assignment of proceedings in those cases that are filed there.

**C.** Except as set forth otherwise below or elsewhere provided in these rules, venue for all cases will be according to the zip codes found on the Court's website at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov).

**D.** The following matters must be filed in the Central Division:

1. Matters now heard on the mental health calendar of the court, including all proceedings under the Lanterman-Petris-Short Act, except permanent conservatorships;
2. The return and filing of indictments;
3. False claims actions; and
4. If a case primarily involves construction defect claims, the case must be filed in the Central Division (Hall of Justice) through the court approved e-filing vendor, and will be assigned to a judge designated to hear construction defect cases.

**E.** Venue for CEQA Cases. Venue for CEQA (California Environmental Quality Act) cases is divided into two divisions, Central and North County. The East and South Divisions are included in the Central Division for purposes of CEQA cases only. Original petitions must show the proper venue and be filed in the appropriate court according to zip code as set forth in the zip code list accessed via the court's Internet site at: [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov), and in accordance with this rule.

**F.** Venue for Criminal Cases

1. Generally. Except as otherwise set forth in these rules, the People must file all criminal cases in the division in which the crime is alleged to have occurred, in accordance with the zip code list found on the court's web site at [www.sdcourt.ca.gov](http://www.sdcourt.ca.gov). The People may make written application to the Supervising Judge of the division in which the case would be filed in accordance with the zip code list on the court's web site, setting forth good cause why that case should not be filed in accordance with this rule.

2. Death Penalty Cases. Death penalty cases must be filed in the Central, East County and North County Divisions in accordance with the zip codes found at <http://www.sdcourt.ca.gov>. The South County Division is included in the Central Division for purposes of venue in death penalty cases only.

3. City of Coronado and City of Del Mar Cases. Cases arising in the City of Coronado must be filed in the South County Division, and cases arising in the City of Del Mar must be filed in the North County Division.

**G.** Venue for Adult Traffic/Minor Offense Cases. Except as set forth in Vehicle Code section 40502, subdivision (b), venue for traffic and minor offense cases charged against adults will be in accordance with the zip code list set forth on the court's web site ([www.sdcourt.ca.gov](http://www.sdcourt.ca.gov)), except that cases arising in the City of Coronado must be filed in the South County Division, and cases arising in the City of Del Mar must be filed in the North County Division.

**H.** Venue for Juvenile Traffic/Minor Offense Cases. Venue for traffic and minor offense violations charged against juveniles (under 18 years of age) will be in the Juvenile Court of the Central Division, except the following categories of citations will be accepted for filing in the Adult Traffic and Minor Offense Departments of the respective Court Divisions:

1. All Vehicle Code infraction citations issued to juveniles (under 18 years) that do not involve drugs or alcohol;

2. All Municipal Code and Local Ordinances that involve driving or operation of a motor vehicle;

3. All appeals of parking citations issued to juveniles (under 18 years) and minors (18-21 years);

4. All infractions citations issued to minors (18-21 years) for Business and Professions Code violations involving minors in possession and related alcohol and drug charges; and

5. Citations issued to minors (18-21 years) for Vehicle Code section 23140, subdivision (a), (person under 21 years, driving under the influence of alcohol). See exception noted below.

Exception: Citations issued to minors (18-21 years) for Vehicle Code section 23140, subdivision (a), in the Central Division will be accepted for filing in the Criminal Division downtown.

**I.** Venue for Juvenile Delinquency Cases. Venue for all delinquency cases initiated by petition will be in the Juvenile Court of the Central Division, except as otherwise set forth in these rules.

**J.** Venue for Juvenile Dependency Cases. Juvenile dependency cases must be filed in the Central, North County, South County and East County Divisions in accordance with the zip code list that is as agreed upon by the Juvenile Court, Child Welfare Services, and County Counsel. The current list will be maintained by the Presiding Judge of the Juvenile Court.

**K.** Venue for Family, Domestic Violence and State Government Child Support Cases. Venue in family law, domestic violence and state government child support cases will be governed by rules 5.1.2 and 5.9.8 of Division 5 – Family Law, of these Local Rules.

**L.** Venue for Probate Cases. Venue in probate cases will be governed by rule 4.1.2 of Division 4, Probate of these rules.

**M.** Transfer of Actions. Any action or proceeding may, for good cause shown on motion of a party, and after hearing, be transferred to a different division. Motions and hearings on such transfer must be heard in the court where the action or proceeding is pending. In ruling on such a motion the judge presiding may, in his or her discretion, deny transfer of a case that has been filed in a court not authorized by subsection C above.

The presiding judge, supervising judge, or designee (including any judge assigned for all purposes to a case), may order a transfer at any time without motion or hearing in his or her discretion for reasons stated in the order to transfer. Although transfer will ordinarily be ordered in civil matters at the time of the case management conference or in criminal matters at the time of arraignment, such transfer may be ordered at any time at the discretion of any of the judges set forth above. If the order to transfer is made without a hearing or at a time other than a hearing, any party will be entitled to be heard concerning such transfer if a request for hearing is made to the judge who ordered the transfer within 10 days after notice of transfer.

Whenever, in the discretion of the presiding judge or his or her designee, the criminal calendar in any division has become so congested so as to jeopardize the right of a party to a speedy trial or to interfere with the proper handling of the judicial business in that division, or for security or calendar management reasons, the judge may order those cases that are to be filed in that division be filed in a different division.

(Adopted 1/1/1998; Rev. 1/1/1999; Rev. 1/1/2001; Renum. 7/1/2001; Rev. 1/1/2002; Rev. 1/1/2003; Rev. 1/1/2004; Rev. & Renum. 1/1/2006; Rev. 1/1/2007; Rev. 1/1/2010; Rev. 1/1/2013)