

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO <input type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081	<i>FOR COURT USE ONLY</i>
PLAINTIFF(S)/PETITIONER(S)	
DEFENDANT(S)/RESPONDENT(S)	JUDGE/DEPT
ORDER APPOINTING ATTORNEY PURSUANT TO THE SERVICEMEMBERS CIVIL RELIEF ACT ("SCRA") – CIVIL CASE	CASE NUMBER

It is hereby ordered that an attorney from the San Diego County Bar Association/Bar Association of North San Diego County's SCRA Pro Bono Panel Program ("Attorney") be appointed pursuant to the SCRA to represent (*name of party*) _____ ("the presumed servicemember") in the above-captioned matter for the limited purpose and scope described below.

ATTORNEY STATUS: Attorney shall be either:

- (a) an attorney in good standing with the State Bar of California and licensed to practice in the State of California, or
- (b) a judge advocate (as that term is defined at 10 U.S.C. § 801(13)) who is not a member of the State Bar of California, but who avers that he or she is a member in good standing of and eligible to practice before the bar of another State, Territory, or Possession of the United States or of the highest court in the above named state, territory or insular possession of the United States, as set forth in California Rules of Court, rule 9.41.

LIMITED SCOPE: Attorney's appearance hereunder shall be limited in scope, and shall serve solely to inform the court of the military status of the presumed servicemember, and if the presumed servicemember is on active duty with the United States Armed Forces or otherwise eligible for relief under 50 U.S.C. App. §§ 514, 521, 522, 524 from further proceedings, and to secure a stay or additional stay as permitted by law. Any and all appearances and filings by attorney shall not be construed as a general appearance by the presumed servicemember, and shall not constitute an appearance for jurisdictional purposes. Appearances and filings likewise shall not constitute a waiver of any substantive or procedural defense, and shall not waive any rights or defenses of the presumed servicemember, or otherwise bind the presumed servicemember.

DIRECTION TO THE CLERK: For cases within the Central and East County Divisions, the clerk is directed to email the Program Administrator of the San Diego County Bar Association (scralris@sdcbba.org) with the case name and number, date of appointment, judge/commissioner and department making the appointment, and date of the next hearing. For cases handled in the North County Division, the clerk is directed to email this information to the Program Administrator for the Bar Association of North San Diego County (bansdc@bansdc.org). The clerk shall then transmit or arrange for transmission copies of the following to the respective Bar Association: (1) the minute order of the hearing; (2) this Appointment Order; (3) the complaint and any amended complaint; (4) the proof of service or evidence of service filed by the plaintiff(s); and (5) any and all documentation indicating the possible address and military status of the defendant at issue (including a copy of the Defendant/Respondent Information for Order Appointing Attorney under Servicemembers Civil Relief Act (SCRA) (SDSC Form #ADM-260), the original of which will be placed in a confidential envelope within the court file).

NEXT HEARING: Attorney and all other counsel and unrepresented parties in the case shall appear on _____ (a date at least 90 120 days from the date of the order), at _____ a.m. p.m., in this department, to further discuss the matter of possible relief under 50 U.S.C. App. §§ 514, 521, 522, 524 from further proceedings ("Next Hearing").

NO FEES: Attorney shall not be required to pay any appearance or other fees for appearances made or pleadings filed pursuant to the scope of appointment in this order, and the clerk shall accept all such filings without payment. This does not relieve the presumed servicemember of the obligation to pay any such fees after the expiration of the stay.

ATTORNEY RESPONSIBILITIES: If it can be determined by attorney that the presumed servicemember is eligible for a statutory stay, attorney is expected to apply for a stay at or before the next hearing, in accordance with 50 U.S.C. App. §§ 514, 521, 522, 524.

If it cannot be determined by attorney that the presumed servicemember is eligible for a statutory stay, attorney is expected to inform the court of this fact at or before the next hearing.

If a stay is granted, the court shall schedule a follow-up hearing at the expiration of the stay (“follow-up hearing”).

RELIEF FROM DUTIES: If no stay is granted, and/or attorney represents that he or she could not contact the servicemember, attorney is automatically relieved of his or her duties hereunder at the completion of the next hearing, unless attorney requests or agrees to continued limited representation pursuant to the terms of this order, in which case this order may be extended. If a stay is granted, attorney shall appear at the follow-up hearing, and shall be automatically relieved of his or her duties hereunder at the completion of the follow-up hearing, unless attorney requests or agrees to continued limited representation pursuant to the terms of this order, in which case this order may be extended.

IT IS SO ORDERED.

Date: _____

Judge/Commissioner of the Superior Court

The clerk shall transmit documents identified above by U.S. Mail to:

(FOR CENTRAL AND EAST COUNTY DIVISION CASES)

San Diego County Bar Association
401 West A Street, Suite 1100
San Diego, CA 92101

OR

(FOR NORTH COUNTY DIVISION CASES)

Bar Association of North San Diego County
P.O. Box 2381
Vista, CA 92085

CERTIFICATE OF SERVICE

I certify that I am not a party to the above-entitled cause, that I placed a copy of this form in a sealed envelope addressed to the parties shown with postage prepaid, and deposited it in the United States mail at El Cajon San Diego Vista, California.

Clerk of the Superior Court

Date: _____

by _____, Deputy