

Court Efficiency and Access to Justice

JUNE 13, 2025

Why have we scheduled these meetings?



We wish to promote access to justice to all people in our community through efficient, but thorough procedures, administered with the highest ethical standards.

Achieving this will require feedback from the community, litigants, paralegals, attorneys, your staff and court staff.

*Will cut back to bi-annual meetings starting December 2025

Remote court proceedings in SLO

ReSearch, the Budget, continuances reminder...

Time Reservations and Limits

Meet and Confer Requirements

Imputation of Income evidence

Q & A and/or submitted questions

Plan for today:



ReSearchCa.tylerhost.net

Accessing Court
Files Remotely

Search Case Information and Court Documents Across California Counties

Free document access on a case where you are the attorney of record or an e-filing pro-se party

Sign in with Your eFileCalifornia Account

Search across multiple California counties at once.

re:SearchCA



This includes confidential cases if you are attorney of record or MC.



But it has its limitations...

- We are the only county in the state on this platform. So, you can't pull cases from other counties (yet.)
- The next county anticipated to go live is Mendocino.
- There is a fee for this service.
- For any attorney not currently registered in Efile, it is important to register with the email address listed on the state bar website associated with his/her bar number



The Budget Act of 2024

- It costs this court \$50.00 per continuance
- 28,385 continuances last year over all courtrooms
- This represents 28% of our total hearings scheduled.
- Total: \$1,419,250.00 cost to the court.

We are actively cutting back on continuances unless a party is statutorily entitled to one, or there is good cause.



Parties to draft the FOAH's instead of MC.

This is a GREAT video that clearly explains how to prepare and file a FOAH.

SELF-HELP CENTER
SAN LUIS OBISPO SUPERIOR COURT

FINDINGS AND ORDER AFTER HEARING

- ✓ Step-by-step instructions
- ✓ Links to forms
- ✓ Instructional video

**Scan the QR code
for instructions!**



You can also scan the QR code below to schedule a telephone appointment with the Self-Help Center to review your forms.



Self-Help Center instructional video.

TIME RESERVATIONS & TIME LIMITS

California Crane School (2014)
226 Cal. App. 4th 12, 19.



“Some litigants are of the mistaken opinion that when they are assigned to a court for trial, they have *camping rights*. This view presumes that the trial judge must defer to the lawyers' time estimates for the conduct of the trial such that, for example, when examining witnesses, unless a valid objection is made by one's opponent, a party is entitled to take whatever time it believes necessary to question each witness. This view is not only contrary to law but undermines a trial judge's obligation to be protective of the court's time and resources as well as the time and interests of trial witnesses, jurors and other litigants waiting in line to have their cases assigned to a courtroom. The Evidence Code expressly empowers trial judges to limit the presentation of evidence, even evidence that is relevant and probative.”

TIME RESERVATIONS & TIME LIMITS

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PROCEDURE FOR TIME RESERVATIONS/LIMITS:

- ❖ Court should elicit estimates from parties and invite each side to comment on other's estimate
- ❖ Court should independently evaluate the estimate
 - ❖ Mindful of full and fair opportunity to present case
- ❖ Time limit may be set in court days or court hours
- ❖ If hour time limit, court acts as timekeeper
 - ❖ Parties entitled to be kept advised on regular basis and upon request of how much time each side has used and remaining
- ❖ “Any limits imposed should be subject to revision (upward or downward) for good cause shown either on a party's or the court's own motion.”

Meet and Confer Requirements

CRC Rule 5.98(a): “meet and confer in person, by telephone, or as ordered by the court”

CRC 5.98 similar to Discovery Act M&C Requirements



A letter, or an exchange of letters, does not constitute a meet and confer.

WHAT CONSTITUTES A MEET AND CONFER?

- ❖ **serious attempt** to obtain ‘an informal resolution of each issue.’
- ❖ “Argument is not the same as informal negotiation“
- ❖ more than the mere attempt by the discovery proponent “to persuade the objector of the error of his ways“
- ❖ “the law requires that counsel attempt to **talk the matter over, compare their views, consult, and deliberate**”
 - ❖ Townsend v Sup.Ct. (1998) 61 Cal.App.4th 1431

IMPUTATION OF INCOME REQUIRES EVIDENCE OF OPPORTUNITY

"The parent seeking to impute income must show that the other parent has the ability or qualifications to perform a job paying the income to be imputed and the **opportunity to obtain that job, i.e., there is an available position.**" (IRMO McHugh (2014) 231 Cal.App.4th 1238, 1247.)



Methods to Establish Evidence of Opportunity:

- ❖ Classified Ads
 - ❖ Judicial Notice (IRMO LaBass & Munsee)
 - ❖ Nonhearsay as evidence of offer
- ❖ Vocational Expert/Report
- ❖ Testimony of Party or Third Party with personal knowledge of employment opportunities
- ❖ Past employment if voluntary divestiture
- ❖ Other [bank account deposits, etc.]

Family Code §3044 & Child Custody Stipulations

IRMO J.G. and K.G. (May 2, 2025,
Court of Appeal, Third District,
California., (El Dorado, 2025 WL
1275765.)

- ❖ Court may not merely accept the parties' stipulation for joint custody (physical or legal) because the Court is required to find the FC3044 has been overcome.
 - ❖ "Considering these statutory provisions together leads us to conclude that when the section 3044 presumption is triggered, the court may not rely on the parties' stipulation to award joint custody unless and until the perpetrator successfully rebuts the presumption because, as a matter of law, providing the abusive parent with custody of the child is presumed contrary to the best interest of the child. (§ 3044, subd. (a); Celia S., supra, 3 Cal.App.5th at p. 662.)"
- ❖ Practice Tip: If filing stipulation, provide declaration regarding FC3044 factors for court to consider.
- ❖ Court may deny adoption of any child custody stipulation if not in the children's best interests.



Wi-Fi network:

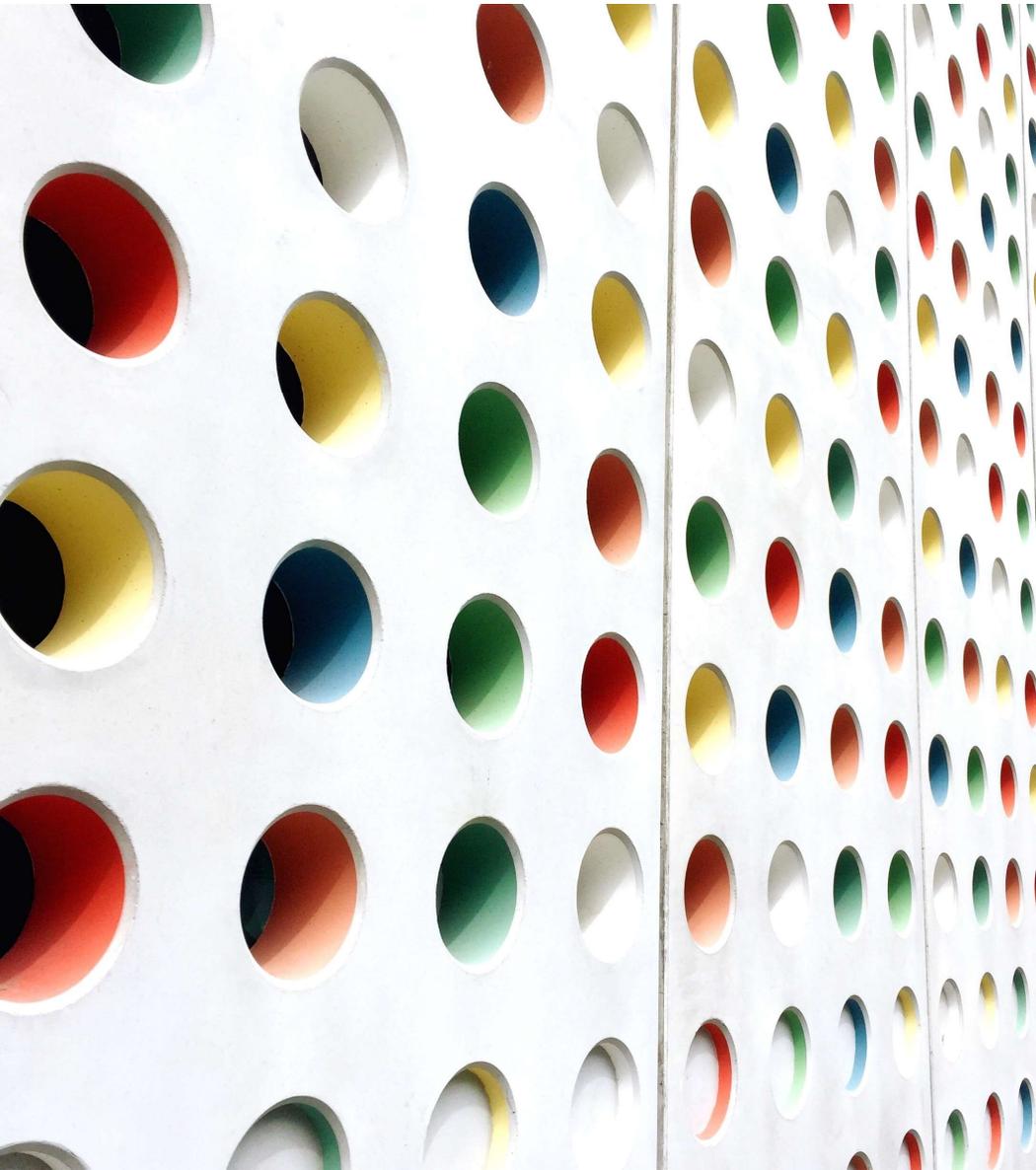
SLO-GUEST (all caps)

Password:

whyR1ess (wireless)



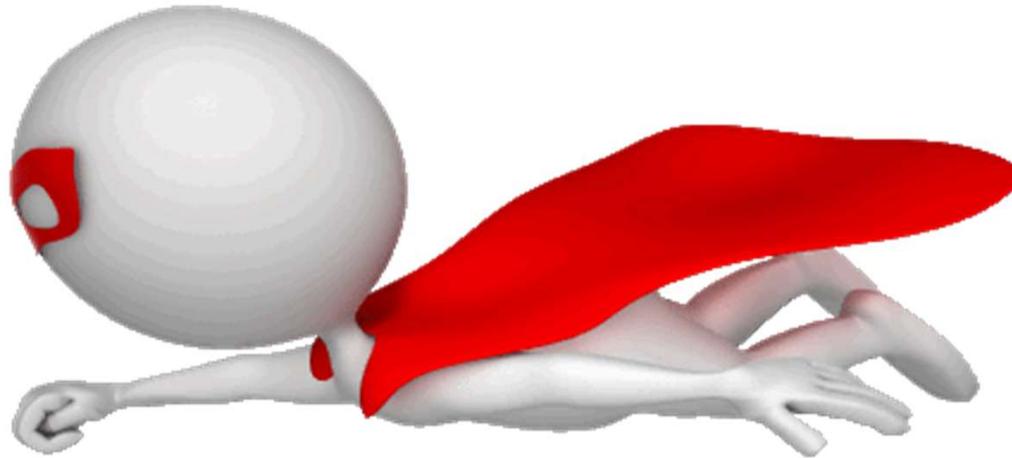
The Wi-Fi connection is HORRIBLE in the courthouse!



Q & A: Judge Childs moderating

*PLEASE, NO CASE-SPECIFIC
QUESTIONS.*

Thank you for being here today!



Now go forth and be awesome.