



# PUBLIC NOTICE

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Release Date: March 30, 2022

SUPERIOR COURT OF  
CALIFORNIA  
COUNTY OF SAN BERNARDINO  
247 West Third Street, 11<sup>th</sup> Floor  
San Bernardino, Ca 92415-0302  
[www.sb-court.org](http://www.sb-court.org)

909-708-8747

R. Glenn Yabuno  
Presiding Judge

Nancy CS Eberhardt  
Court Executive Officer

## **NEW AND AMENDED LOCAL RULES EFFECTIVE JULY 1, 2022**

**SAN BERNARDINO, CA** –San Bernardino Superior Court (SBSC) proposes new and amended Local Rules of Court (attached) which will become effective on July 1, 2022.

All public comments must be made to SBSC's Communications & Public Affairs Officer, Julie Van Hook, at [courts-pio@sb-court.org](mailto:courts-pio@sb-court.org). If you do not have internet access, comments may be mailed to: Superior Court of California, County of San Bernardino, Attention: Julie Van Hook, Communications & Public Affairs Officer, 247 West Third Street, San Bernardino, CA 92415-0210. All comments must be received no later than May 15, 2022.

This notice has been posted on the court's website at [www.sb-court.org](http://www.sb-court.org).

For media-related inquiries, please contact Julie Van Hook, Communications and Public Affairs Officer at [courts-pio@sb-court.org](mailto:courts-pio@sb-court.org).

**Rule 332 Language Access Services**

Requests for interpreters for limited English proficient (LEP) parties shall be made no later than two (2) court days in advance (for Spanish) or five (5) court days in advance (for languages other than Spanish). The Court will attempt to accommodate requests made later than times provided in this Rule to the extent possible.

If a request for an interpreter has been made, and the scheduled hearing's time and/or date are changed or canceled by the parties, the party making the change or cancelation, or their counsel, shall notify the Court as soon as possible, but not less than one (1) court day in advance of the original scheduled date for Spanish Interpreters and not less than two (2) court days in advance of the original scheduled date for other language interpreters so that the Court does not incur interpreter cancelation fees.

Documents in a language other than English that will be submitted into evidence, or otherwise used in a proceeding, shall be translated prior to the hearing, pursuant to California Rules of Court, Rule 3.1110(g). Audio recordings shall be transcribed pursuant to California Rules of Court, Rule 2.1040, and then translated pursuant to Rule 3.1110(g). (Effective, July 1, 2022.)

**Rule 1418.2**

Applications for ancillary defense funding under Penal Code § 987.2 must comply with the Court's *Penal Code § 987.2 Rules and Procedures* and Local Rules for appointed services. The Superior Court of California, County of San Bernardino shall have designated primary and alternate judges ("PC § 987.2 Judges" for each Court Region (West Valley, East Valley, Desert to monitor and authorize fees for ancillary defense funding at government expense under the provisions of Penal Code § 987.2 for non-capital cases. Appointed ancillary defense services and expenditures shall be authorized at the discretion of and subject to approval by the Court's designated PC § 987.2 Judges. Applications for ancillary defense funding in Juvenile Court delinquency cases shall be submitted to the judge designated by the Juvenile Court Presiding Judge.

Appointed service providers (other than appointed psychiatric/psychological evaluation services appointed pursuant to Local Rule 1419.4 must comply with the rules and guidelines for appointed ancillary defense services specified in the Court's *Penal Code § 987.2 Rules and Procedures*. (Former Criminal Rule 1131, eff. May 27, 1982. Amended, eff. April 1, 1985; July 1, 1988; Jan. 1, 1990; Jan. 1, 1991. Renumbered as rule 1451 and amended July 1, 1998. Amended, eff. July 1, 2000; July 1, 2000; January 1, 2001; January 1, 2002; January 1, 2003; January 1, 2004; July 1, 2004; January 1, 2005; July 1, 2005; July 1, 2006, January 1, 2010, July 1, 2010, July 1, 2011, July 1, 2012, January 1, 2013 and July 1, 2013. Former Rule 1451, amended and renumbered as Rule 1418, eff. January 1, 2018. Amended, eff. July 1, 2022.)

**Rule 1418.3**

Applications for ancillary defense funding for capital and capital-eligible Penal Code § 190.2 special circumstances cases under Penal Code § 987.9 must comply with the Court's *Penal Code 987.2 Rules and Procedures*. The Court shall have two designated judges ("PC § 987.9 Judges") to monitor and authorize fees for ancillary defense funding at government expense pursuant to Penal Code § 987.9.

Services rendered by investigators, experts and others for capital and capital-eligible Penal Code § 190.2 special circumstances cases under appointment by the Court's designated PC § 987.9 Judge (other than appointed psychiatric/psychological evaluation services appointed pursuant to

Local Rule 1419.4) must generally comply with the Local Rules and appointed service and expenditure rules set forth in section B of the Court's *Penal Code § 987.2 Rules and Procedures*. Appointed ancillary defense services and expenditures shall be authorized and approved at the discretion of the Court's designated PC§987.9 Judges. For a case subject to PC §987.9, in the event of a conflict between the requirements of the Court's PC§987.9 procedures and the Court's *Penal Code §987.2 Rules and Procedures*, the requirements of the PC § 987.9 will prevail. (Former Criminal Rule 1131, eff. May 27, 1982. Amended, eff. April 1, 1985; July 1, 1988; Jan. 1, 1990; Jan. 1, 1991. Renumbered as rule 1451 and amended July 1, 1998. Amended, eff. July 1, 2000; July 1, 2000; January 1, 2001; January 1, 2002; January 1, 2003; January 1, 2004; July 1, 2004; January 1, 2005; July 1, 2005; July 1, 2006, January 1, 2010, July 1, 2010, July 1, 2011, July 1, 2012, January 1, 2013 and July 1, 2013. Former Rule 1451, amended and renumbered as Rule 1418, eff. January 1, 2018. Amended, eff. July 1, 2022.)

#### **Rule 1419.1 Claims for Payment**

Services rendered by investigators, experts and others under appointment by the Court's designated PC § 987.2 Judge or PC § 987.9 Judge (other than appointed psychiatric/psychological evaluation services appointed pursuant to Local Rule 1419.4) must comply with the rules and guidelines for appointed ancillary defense services specified in the Court's *Penal Code § 987.2 Rules and Procedures*. (Criminal Rules, Rule 1460.1, eff. July 1, 1998, and former Appendix III, Rule 1460, eff. July 1, 1998; renumbered as rule 1460.1 and amended, eff. July 1, 2000. Amended, eff. July 1, 2001, January 1, 2004, July 1, 2006, July 1, 2010, July 1, 2012 and January 1, 2013. Former Rule 1450.1, renumbered as Rule 1419.1, eff. January 1, 2018. Amended, eff. July 1, 2022.)

#### **Rule 1419.4 Appointed Psychiatric/Psychological Evaluation Services**

Appointments of psychiatrists and psychologists for PC § 1026 (not guilty by reason of insanity), PC § 1368/1369 (competency), PC § 288.1 (sex offense) and W&I § 3050/3051 (addiction) evaluation and report services shall be made on a rotating basis from the Court's panel of experts using a randomized selection tool, unless the court recognizes extenuating circumstances and authorizes an exception to standard rotating appointment.

All claims for appointed standard psychiatric/psychological evaluation services shall be submitted on the Court's Appointed Evaluation Service claim forms to the Court District where the case was heard within 60 days of completion of the services rendered.

Any claim submitted more than 60 days after completion of appointed services on case will be subject to a penalty of ten percent (10%) of the claim amount per month, up to a maximum of twenty percent (20%), absent extenuating circumstances. The Court in its discretion may determine when extenuating circumstances sufficient to justify a delay in submission of a claim exist.

Any claim submitted more than two (2) years after completion of services for the case, which the Court cannot verify as being previously unpaid, shall be denied.

The Court must actually receive the expert's report before appointed evaluation services can be billed unless the Court in its discretion recognizes extenuating circumstances orders payment in an amount it determines appropriate. Pursuant to Local Rule 1419.7, the expert must

have also actually appeared in court, as reflected in the case minutes, for testimony services to be billable.

Billings must be submitted on the proper court form (Form 12-21283-356 for PC 1368/1369, W&I 3050/3051, and PC 288.1 evaluations; Form 13-17711-360 for PC 1026 and EC 1017 evaluations), and shall include all services provided that have not been previously presented or paid.

A copy of the psychiatric/psychological Court order of appointment must accompany all claims for appointed evaluation services. Pursuant to Rule 1419.8, a copy of the subpoena to the expert must also accompany any claim for expert testimony. Billings for EC § 1017 defense requested confidential evaluation and report services must be signed by defense counsel in the space provided prior to submittal to the Court. (Eff. July 1, 2000. Amended, eff. July 1, 2006, July 1, 2010, July 1, 2011, July 1, 2012, January 1, 2013 and July 1, 2013. Former Rule 1460.4, amended and renumbered as Rule 1419.4, eff. January 1, 2018. As amended, eff. January 1, 2019. Amended, eff. July 1, 2022.)

#### **Rule 1419.6 Extraordinary Expert Fees**

Upon prior approval of the Court, in cases where, because of complexities, the seriousness of the charge, or where novel medical examinations, extensive research and/or trial preparation are required, extraordinary expert fees for highly specialized expert services may be allowed in excess of the rates provided in the Court's Appointed Services Fee Schedule. Authorization for extraordinary expenses must be made by the Court's designated PC § 987.2 Judge pursuant to Local Rule 1418.2 or designated PC § 987.9 Judge pursuant to Local Rule 1418.3. Extraordinary expert fees related to psychiatric/psychological evaluation services under PC § 1026 may be authorized by the Judge assigned to the case.

It is the duty of counsel to endeavor to negotiate the lowest hourly rate for the expert's services, recognizing that the fees for the expert's work are paid from local government funds. If extraordinary fees are authorized in accordance with this Rule, billings must provide sufficient specificity with regard to services performed to support the bill for payment, with dates and times of service itemized. (Former Rule 1460.3, eff. July 1, 1998. Renumbered as rule 1460.7, eff. July 1, 2000. Amended, eff. July 1, 2001, January 1, 2002, January 1, 2003, July 1, 2004, July 1, 2009, July 1, 2010, July 1, 2011 and July 1, 2012. Former Rule, 1460.7, amended and renumbered as 1419.6, eff. January 1, 2018. As amended, eff. July 1, 2022.)