Proposed Changes to Local Rules for January 2010

4.8 Fees for Investigation and Other Experts

(a) In criminal matters, no payment shall be authorized for services of an investigator, a scientist, or a forensic expert without the written approval of the judge of the department in which the matter is pending. Said written approval must be obtained prior to the time that expert services have been provided.

(b) For any case where a request for authorization of additional expert services fees is made, the application must be made and approved before such additional expert services are provided. The request for authorization of additional expert fees shall include a declaration stating: (a) the number and nature of the requesting party's prior applications for expert services; (b) the total amount of expert services fees previously awarded to the requesting party in the case; and (c) the total amount of expert services fees that have been paid on behalf of the requesting party in the case.

(c) All requests for payment of previously authorized fees shall be made by declaration of the attorney and must include the expert's invoice as well as a copy of the order approving said services.

(d) Investigator fee rates paid by the court shall be established by general administrative order of the Presiding Judge.

(e) Applications for payment of investigators and experts are confidential documents pursuant to Evidence Code §§ 952 & 954 and absent court order may only be reviewed by the submitting party, their attorney, and the Court. *(Eff. 7/1/02; As amended eff. 1/1/10)*

8.4 Record in ~~Infraction~~ Appeals to the Appellate Department

(a) Preparation of Clerk's Transcript: Pursuant to California Rules of Court Rule 8.914 for infractions and Rule 8.863 for misdemeanors, ~~of the California Rules of Court~~, the original trial court file will be used instead of a clerk's transcript.

(b) Record of Oral Proceedings in Infractions: Parties may use an official electronic recording of the trial court proceedings as the record of the oral proceedings without being transcribed.

Where the appellant elects to proceed with a record of the oral proceedings in the trial court and elects to use an official electronic recording of the proceeding under this rule, the parties will be deemed to have stipulated to the use of the official electronic recording as the settled statement unless the respondent files an objection within 10 (ten) days of being served with the designation of the record. The court will prepare the official electronic recording at no cost to the appellant or respondent.

Where the appellant elects to use a transcript of the official electronic recording of the proceedings as the record of oral proceedings, the appellant must follow the process and pay the costs as required under Rule 8.917(d) of the California Rules of Court. *(Eff. 7/1/09; As amended eff. 1/1/10)*