

PROPOSED CHANGES TO LOCAL RULES OF COURT
To be Effective January 1, 2018

RULE 9.02

UNINSURED/UNDERINSURED MOTORIST CASES

A. Temporary Exemption From Fast Track: When plaintiff's counsel determines that the defendant is an uninsured/underinsured motorist and that an uninsured/underinsured motorist claim will be made against the plaintiff's insurer, a declaration captioned "Request for Temporary Exemption - Uninsured/Underinsured Motorist Case" must be filed which sets forth the following:

1. A statement that the plaintiff has uninsured/underinsured motorist's coverage;
2. The name of the insurer and the limits of the coverage; and
3. A statement that counsel believes that the limits of coverage are adequate to compensate for known losses or damage, that plaintiff will promptly pursue the remedies provided by the insurance contract and that it is counsel's intention to assign the claim to the insurer or dismiss the pending action upon conclusion of the uninsured/underinsured motorist claim.

B. Resolution Required Within One Year: In any case designated as an Uninsured/Underinsured Motorist case, the plaintiff and the plaintiff's insurer must settle or arbitrate the dispute. The case must be calendared for a Status Conference 180 days after the designation. ~~(Amended 7/1/03)~~ The court shall maintain jurisdiction of the case until completion of the mediation and/or arbitration.

C. Mediation Prior to Arbitration

At the request of any party or on the court's own motion, the court may order mediation before arbitration.

D. Appointment of Arbitrator

Any party seeking arbitration may petition the court to appoint a neutral arbitrator. In the event the parties cannot agree upon an arbitrator, each side shall submit two names for consideration by the court. To minimize expenses and promote the early disposition of cases, the court shall give preference to arbitrators chosen from a list of persons who have been preapproved by the San Luis Obispo County Bar Association to arbitrate uninsured/underinsured motorist cases. Arbitrators shall be compensated at the rate of \$300/hr. by the parties. (Amended 1/1/18)

Public Comment Period Deadline: October 5, 2017 -- Comments may be submitted via regular mail to:
San Luis Obispo Superior Court
Attn: Administration
1035 Palm Street, Room 385
San Luis Obispo, CA 93408

CHAPTER 14. APPELLATE CALENDAR PROCEDURES

RULE 14.00 SESSIONS

Regular sessions of the Appellate Division of the Superior Court of California, County of San Luis Obispo must be held each calendar month at a date, time and place specified in the general calendar. Special sessions must be held at the call of the presiding judge of the Appellate Division.

RULE 14.01 BRIEFS

Briefs not exceeding 6800 words in length must be prepared, served and filed as provided by Rule 8.883 of the California Rules of Court. ~~Counsel must prepare three carbon or photographic copies of each original brief for the assistance of the judges of the court and deliver them to the clerk of the court at the time such original brief is filed.~~ (Revised Amended 1/1/178)

~~**RULE 14.02**~~

~~**—ORAL ARGUMENT**~~

~~Counsel will be allowed a maximum of 15 minutes for each oral argument unless for good cause shown the court should otherwise order. The appellant or the moving party must have the right to open and close the argument.~~ (Repealed 1/1/18)

RULE 14.03

RULE 8.882 DISMISSAL

If the appellant fails to file an opening brief within the applicable time limits, the court may, upon notice, dismiss the appeal pursuant to the provisions of CRC Rule 8.220. (Amended 1/1/09) (Amended 1/1/09)