

Cal Rules of Court, Rule 3.922

This document reflects first and last orders received through May 29, 2020. Rules are current through May 29, 2020.

CA - California Local, State & Federal Court Rules > CALIFORNIA RULES OF COURT > Title 3. Civil Rules > Division 9. References > Chapter 2. Court-Ordered Reference Under Code of Civil Procedure Section 639

Rule 3.922. Form and contents of order appointing referee

(a)Written order required An order appointing a referee under Code of Civil Procedure section 639, on the motion of a party or on the court's own motion, must be in writing and must address the matters set forth in (b) through (g).

(Subd (a) amended effective January 1, 2010.)

(b)Referee information The order must state the name, business address, and telephone number of the referee and, if he or she is a member of the State Bar, the referee's State Bar number.

(c)Basis for reference The order must specify whether the referee is appointed under paragraph (1), (2), (3), (4), or (5) of subdivision (a) of section 639 and:

(1)If the referee is appointed under section 639 (a)(1)-(a)(4), the order must state the reason the referee is being appointed.

(2)If the referee is appointed under section 639 (a)(5) to hear and determine discovery motions and disputes relevant to discovery, the order must state the exceptional circumstances of the particular case that require the reference.

(d)Subject matter and scope of reference

(1)The order must specify the subject matter or matters included in the reference.

(2)If the referee is appointed under section 639 (a)(5) to hear and determine discovery motions and disputes relevant to discovery, the order must state whether the discovery referee is appointed for all purposes or only for limited purposes.

(e)Authority of discovery referee If the referee is appointed under section 639 (a)(5) to hear and determine discovery motions and disputes relevant to discovery, the order must state that the referee is authorized to set the date, time, and place for all hearings determined by the referee to be necessary; direct the issuance of subpoenas; preside over hearings; take evidence; and rule on objections, motions, and other requests made during the course of the hearing.

(f)Referee fees; apportionment If the referee will be appointed at a cost to the parties, the order must:

(1)Specify the maximum hourly rate the referee may charge and, if any party so requests, the maximum number of hours for which the referee may charge;

(2) Include a finding that either:

(A) No party has established an economic inability to pay a pro rata share of the referee's fee; or

(B) One or more parties has established an economic inability to pay a pro rata share of the referee's fees and another party has agreed voluntarily to pay that additional share of the referee's fees.

(3) When the issue of economic hardship is raised before the referee begins performing services, the court must determine a fair and reasonable apportionment of reference costs. The court may modify its apportionment order and may consider a recommendation by the referee as a factor in determining any modification.

(g) **Use of court facilities and court personnel** The order must specify the extent, if any, to which court facilities and court personnel may be used in connection with the reference.

History

Rule 3.922 amended effective January 1, 2010; adopted effective January 1, 2007.

Deering's California Codes Annotated

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