

## **General Magistrate Bernice Bird, Division 1, Order to Show Cause Procedures:**

### **Virtual Appearances**

1. Requests must be submitted to the General Magistrate's assistant upon which the matter will be reviewed to determine if virtual appearance is proper.
2. **No Motion is necessary.** The party requesting a virtual appearance may **e-mail** the General Magistrate's assistant.
3. The General Magistrate may grant said request upon a demonstration of good cause. For example, virtual appearances may be proper when a guardian or attorney is ill, a party is out of the town or country, or an unrepresented guardian is occupied with caring for the ward.
4. The General Magistrate's WebEx link can be obtained online or through the assistant.

### **Continuances**

1. After submitting a Motion for Continuance and proposed Order to the assigned Judge following the respective procedures, a party requesting a continuance must submit their request to the General Magistrate's assistant **no later than 5 days prior to the hearing date.**
2. The party requesting the continuance must e-mail both the filed Motion and the proposed Order for the General Magistrate's review.
3. Upon review, the General Magistrate may recommend granting the continuance and forwarding said recommendation to the Judge for entry in the proposed Order, along with a new hearing date.

### **Requests for Cancellation and/or Dismissal**

1. Requests must be submitted to both the General Magistrate's assistant and the assigned Judge's assistant upon which the matter will be reviewed to determine whether cancellation or in-chambers dismissal is proper.
2. Upon review of the matter and request, the General Magistrate may cancel and recommend dismissal of the Order to Show Cause in chambers thereby excusing the parties from appearing at the hearing.
3. Pro se parties must submit all pleadings in compliance with the Order to Show Cause to the Guardianship Case Manager, Sharon O'Neil, for consideration of the General Magistrate and the assigned Judge.

4. No cancellations will be allowed unless compliance is submitted to the Court **no later than 5 days prior to the hearing date**. If compliance is completed with less than 5 days prior to the hearing, the parties are still ordered to appear.
5. Calendar and schedule the hearings accordingly as failure to properly calendar hearings will not be an excuse to request a cancellation.

### **Extensions**

1. At the hearing and upon demonstration of good faith efforts of compliance, the General Magistrate may recommend 1 extension to comply if there are no prior Orders granting extensions.
2. Depending on the complexity of the matter, the General Magistrate may recommend multiple extensions to serve as status hearings until full compliance has been completed.

### **Rule to Show Cause**

1. Failure to comply with a prior Judicial Order to extend compliance will result in a recommendation for a Rule to Show Cause.
2. Additional appearances in front of the General Magistrate on the same issue after 1 extension may result in a recommendation for a Rule to Show Cause if no action has occurred since the prior hearing.
3. Failure to appear will result in a recommendation for a Rule to Show Cause.
4. In cases where the guardian is represented by an attorney, the failure of counsel to appear will result in a Rule to Show Cause for the attorney, absent a signed Order Granting Withdrawal. As such, compliance with the Rules of Judicial Administration with respect to representation and withdrawal are encouraged.