

PRACTICE GUIDELINES FOR ATTORNEYS PRACTICING IN THE SAN FRANCISCO DEPENDENCY COURT

PREFACE.

In the Fall of 1992, new Guidelines for Attorneys Practicing in the San Francisco dependency court were drafted and adopted for use in the dependency departments of the San Francisco Unified Family Court. Those of you practicing in Unified Family Court, on behalf of children, parents, guardians, and de facto parents, already understand the importance of quality representation. The court, however, has the ultimate responsibility for assuring that appointed attorneys continue to provide their clients with legal advice and representation that is attentive, conscientious and professional. These guidelines are designed to alert you to the court's expectations of you as a member of the dependency panel. Panel attorneys should treat these guidelines as minimum standards of practice expected by the court. Failure to observe these guidelines and the local rules of the dependency court may result in suspension or removal from the dependency panel.

While the court's authority over retained counsel and city attorneys is more limited, the court expects that all counsel appearing in the San Francisco dependency court will similarly provide their clients with attentive, conscientious, and professional advice and representation and also treat these guidelines as minimum standards of practice expected by the court.

I. INTRODUCTION

Compliance with Practice Guidelines for Attorneys Practicing in the San Francisco dependency court is mandatory for all attorneys appointed to represent dependency clients before the San Francisco Superior Court, Juvenile Division.

All attorneys practicing in Unified Family Court Dependency are expected to have acquired working expertise in the following areas: dependency law and procedure, basic trial skills, such as proper and succinct direct and cross-examination; basic advocacy skills, such as client interviewing and counseling, case investigation and settlement negotiation; basic motion practice; civil procedure; how to make a proper objection; and local rules of court.

The practice guidelines are organized according to the stages in the evolution of a normal dependency case, i.e., investigation, detention hearing, jurisdictional hearing, etc. Within each section, responsibilities specific to attorneys for parents, children, San Francisco Human Services Agency (HSA), de facto parents and other parties are separately noted.

II. GENERAL MANDATE FOR ALL ATTORNEYS

All attorneys appearing in dependency actions have the same general mandate: to advise their clients of the legal and factual aspects of the client's case and to vigorously represent their

clients' interests within applicable legal and ethical boundaries. In performing these functions, they must:

1. thoroughly and completely investigate the accuracy of the allegations;
2. advise the client of the risks and benefits of possible courses of action;
3. determine the client's desires and interests;
4. advocate the desires and interests of the client to the court and other parties.

III. INVESTIGATION

A. ALL ATTORNEYS

1. Conduct a comprehensive interview of your client regarding the allegations of facts and attempt to ascertain the following:
 - a. extent of agency contact with and service provided to the family prior to petitioning or removal, as provided;
 - b. reasonableness of efforts and services provided or not provided to the family which may have been helpful in avoiding the petition or removal of the child;
 - c. relatives or close family friends who would be willing to take the child;
 - d. visitation arrangements between the child and parents, guardians or other relatives.
2. Interview the HSA social worker and attempt to ascertain the following:
 - a. social worker's perspective of the events leading to the filing of the petition. [Discuss facts alleged in support of the petition and the sources of the information.]
 - b. Number and nature of family's prior contacts with HSA and efforts made to avoid filing dependency petition.
 - c. If child was removed, identity of person who decided to remove child (social worker or police officer), basis for removal and specific harms removal was designed to prevent.
 - d. If child was removed, alternatives to removal considered and attempted prior to removal (e.g., in-home services, removal of perpetrator, etc.) If not attempted, why not.
 - e. Nature of continuing services being provided to parents or guardian (e.g., referrals to community service agencies, visitation, etc.).
 - f. Assessment of current situation, reasons for recommended dependency and anticipated disposition.
 - g. If child was removed, the projected date of the child's return, if determined.
 - h. Willingness of HSA to refer case for dispute resolution or other informal resolution, e.g., W&I Code § 301 agreement.
3. Obtain and carefully review copies of all relevant documents.

B. ATTORNEYS FOR PARENTS

1. Ascertain client's perspective of the removal of child (if applicable) and filing of petition.
2. Thoroughly investigate each case to ascertain if the allegations in the petition are supported by accurate and reliable facts. Do not rely solely on the report of the HSA social worker. Seek out and interview all potential witnesses.

C. ATTORNEYS FOR CHILDREN

NOTE: Communication with a child client for whatever purpose, especially legal matters, may require efforts beyond those normally required for effective communication with adult clients. Attorneys should be especially sensitive to the child's gender, ethnicity, background and stage of development. Knowledge of the basic stages of child development will help the attorney develop the required sensitivity and age-appropriate communication skills.

1. Ascertain client's perspective of events leading to the removal of child (if applicable) and filing of petition.
2. Thoroughly investigate each case to ascertain if the allegations in the petition are supported by accurate and reliable facts. Do not rely solely on the report of the HSA social worker. Seek out and interview all potential witnesses.
3. Interview the child client away from the court setting in order to:
 - a. attempt to provide continuity and develop a trusting relationship with the child.
 - b. explain, in age-appropriate language, the nature of the attorney-client relationship and the child's rights in the court system.
 - c. if the child can understand, discuss and advise the child regarding the child's right to participate in the proceedings and attend all court hearings.
 - d. visit the child in his/her current placement and observe the child and child's interactions with others in the placement.
 - e. assess the severity of any injuries and the child's general health and condition.
 - f. ask about and investigate resources that the child can think of, including relatives or friends.
 - g. regardless of the child's age, attempt to interview or at least observe the child. Observations are helpful in determining the accuracy of the petition and court report, or the statements of witnesses or parties.
 - h. investigate the interests of the child both within and beyond the scope of the juvenile proceeding and report to the court other interests of the child that may be protected by other administrative or judicial proceedings. (See W&I Code §318(d).)

D. AGENCY ATTORNEYS

1. Discuss with the HSA social worker events leading up to and the reasons for the decision to detain a child or file a petition. Discuss the viability of options other than detention or petition, e.g., in-home services, W&I Code § 301 agreements, dispute resolution, etc.
2. At each step of the proceeding, evaluate whether sufficient reasonable efforts have been made.

IV. DETENTION

A. ALL ATTORNEYS

1. Preparation for the Detention Hearing
 - a. Ascertain when the child was detained, if the parent or guardian knows the child's whereabouts, if the required telephone contact and visits have taken place, and if there are relatives who might be willing to take the child temporarily. (W&I Code § 308 and San Francisco Superior Court Local Rule 12.10.)
 - b. Be cognizant of the statutory requirements regarding time limits and continuances.
 - c. Review any agency records previously provided and any documents relied upon by HSA to obtain more information about the case and the services provided or requested by the family prior to the child's removal.
 - d. Consult with any immediately available experts to determine what services should be provided to enable the child to return home. Determine whether these services are available in the community and can be provided by HSA.
 - e. Explore the possibility of a right to release under specified conditions.
2. Conducting a Contested Detention Hearing
 - a. Present facts and arguments regarding:
 - (1) Jurisdictional sufficiency of allegations in petition (prima facie case).
 - (2) The necessity of detention and whether reasonable efforts were made to prevent removal.
3.
 - a. A plan for release of child and/or visitation with parents and siblings.
 - b. Explore options to detention of child such as informal supervision, mediation and intensive in-home services.

B. ATTORNEYS FOR PARENTS

1. Preparation for the Detention Hearing

- a. Conduct a comprehensive interview of the parent or guardian prior to the court appearance. Discuss the allegations in the petition and explain the client's rights vis-a-vis the detention hearing. Ascertain the parental perspective of the events leading to the removal of the child and the filing of the petition.
 - b. Explain to the parent or guardian the possible results of the detention hearing and the legal consequences of removing the child from the home. Ascertain the parent's view of placement and the parent's ultimate goals at the hearing.
 - c. Communicate with the agency social worker. Ascertain the location of the child, if possible. Review agency records to obtain more information about the case and the services provided or requested by the family prior to the child's removal. Discuss the social worker's plan for services to be provided, arrangements for visitation, and the projected date of the child's return.
2. Conducting the Contested Detention Hearing
- a. Examine the agency social worker regarding judgment that detention is required by the provisions of W&I Code § 319.
 - b. When appropriate, require the agency to present evidence on the record of all efforts made or attempted to keep the child in the home.
 - c. Attempt to contact individuals who have had contact with the family and can testify to the efforts the agency made to keep the child in the home, or who can testify to services that should have been provided but were not, and, if appropriate, subpoena them to attend the hearing. Be prepared to present evidence on the reasonableness or unreasonableness of the agency's efforts and alternative efforts that could have been made.
 - d. If the child is ordered detained, request court orders for specific services and, when appropriate, for visitation other than that set forth in LR 12.10

C. ATTORNEYS FOR CHILDREN [See A & B.2.]

D. AGENCY ATTORNEYS [See A.]

- 1. Evaluate whether sufficient reasonable efforts have been made to warrant continued removal of the child from the home. If not, encourage the HSA social worker to make additional attempts to avoid.
- 2. Ascertain if the HSA social worker has informed the parents of the location of the detained child. If not, discover why not and determine if withholding the information is appropriate. If so, advise the court at the hearing; if not, facilitate informing the parents.

V. DISCOVERY

A. ALL ATTORNEYS

1. Obtain and review all court pleadings and supporting documents, HSA records, social workers' notes and other relevant documents and records utilizing the San Francisco Superior Court Local Rule 12.9.
2. Subpoena and review all necessary and relevant records and documents (e.g., medical, psychological and school records), obtaining waivers or court approval as necessary.

B. ATTORNEYS FOR PARENTS [See A.]

C. ATTORNEYS FOR CHILDREN [See A.]

D. AGENCY ATTORNEYS

1. Review and provide to other counsel all appropriate documents, HSA records, social workers' notes and other relevant documents and records pursuant to San Francisco Superior Court Local Rule 12.9.
2. Review any special requests for additional discovery for relevancy and provide to counsel when appropriate under discovery rules.
3. Obtain properly discoverable material and information within the parents, and other parties' control.

VI. SETTLEMENT CONFERENCE

A. ALL ATTORNEYS

1. Analyze and discuss the case with client and other counsel prior to the settlement conference date.
2. Keep client advised of all settlement discussions and all proposals made by other parties (as appropriate to the child's age and interest, when client is a child).
3. Explore alternatives to removal of the child or formal dependency, such as informal supervision (W&I Code §301), mediation, or intensive in-home services.
4. Seek common ground of agreement for fair settlement for your client, if appropriate; advocate for settlement most advantageous to your client.
5. Advise client of any settlement proposal and discussions, and discuss the client's views about accepting some type of settlement.

6. Examine HSA records for a case plan and parents' involvement in its development. Goals should be related to the reasons child was removed or petition filed.

B. ATTORNEYS FOR PARENTS

1. Investigate and evaluate the case and advise client as follows:
 - a. Advantages and disadvantages of the proposed settlement; reasons why settlement might be advisable, if any.
 - b. Potential consequences of admitting some or all of the allegations of the dependency petition versus denying the petition and having a contested jurisdictional hearing.
 - c. Rights client will give up by admitting some or all allegations.
 - d. Probable disposition orders, client's obligations under the orders and the requirement to cooperate with the orders.
 - e. Prospects and probable requirements for reunification or dismissal of the dependency petition.
2. Investigate types of placements appropriate to the child's situation.

C. ATTORNEYS FOR CHILDREN [See A.]

1. Investigate and evaluate the advantages and disadvantages of the proposed settlement; determine reasons why settlement might not be in the best interests of the child, if any.
2. Be aware of the types of placements appropriate to the child's situation and discuss these possibilities with the child in an age-appropriate manner. If appropriate, explain to the child that other parties will also have input into the placement decision that ultimately will be made by the department and the court.
3. Be aware that the child's eligibility for foster care or adoption assistance funding could be jeopardized if a party other than the department makes an adoptive placement decision.

D. AGENCY ATTORNEYS [See A.]

VII. JURISDICTION

A. ALL ATTORNEYS

1. Preparation for the Contested Jurisdiction Hearing
 - a. When conducting interviews with social workers, inquire about the following:

- (1) social worker's perspective of the events leading to the filing of the petition. Discuss thoroughly the facts alleged in support of the petition and the sources of the information;
 - (2) if child was removed, person who decided to remove child, social worker or police officer, basis for removal and specific harms removal was designed to prevent;
 - (3) assessment of current situation, reasons for recommended dependency, and anticipated disposition.
 - b. Seek and interview potential witnesses.
 - (1) Representatives of other agencies with whom the family has been involved, either through HSA referral or on the family's own initiative;
 - (2) Persons, including relatives, who have had significant contact with the family and may have relevant information about the family.
 - (3) Persons who have had significant contact with the child outside the home which would have relevance to the dependency proceedings (e.g., relatives, teachers, clergy, etc.)
 - c. Become familiar with and consult appropriate experts.
 - (1) Secure the assistance of psychiatric, psychological, medical, social work or other expert personnel for the purpose of advice on how to proceed in representing the parent or guardian;
 - (2) Secure assistance, if necessary, on a confidential basis or otherwise, of local experts who can consult and testify on the reasonableness and appropriateness of the declaring jurisdiction of the child as a dependent of the court.
 - (3) Seek court order for payment.
2. Conducting the Contested Jurisdiction Hearing
 - a. Present all admissible testimony and evidence favorable to client and client's interest;
 - b. Examine fully any witness whose evidence is damaging to the client's interests and, if appropriate, challenge the accuracy, credibility and weight of any testimony, reports or other evidence submitted to the court;
 - c. Make all legal objections to inadmissible testimony and evidence offered against client;
 - d. Ensure that all individuals, including experts, who have relevant testimony regarding the family are subpoenaed and testify at the hearing;
 - e. Argue for rulings and findings favorable to client and client's interest.

B. ATTORNEYS FOR PARENTS

1. Contested Jurisdiction Hearing
 - a. Test the validity, legal sufficiency and weight of the evidence in support of the facts offered to establish a need for dependency.
 - b. Cross-examine the social worker regarding the social report and the factual basis for the allegations.

- c. If the ruling is adverse to client, ensure that services and visitation commence or continue, as appropriate.

C. ATTORNEYS FOR CHILDREN

1. Be familiar with statutes regarding child witnesses, e.g., W&I Code § 350(b), Evidence Code § 710.
2. In age and interest appropriate manner, explain to the child the nature of the hearing, the issues involved, and the alternatives open to the court.
3. If child is going to be present, coordinate transportation arrangements with HSA social worker and city attorney. If the child is going to testify, safeguard the interests of the child vis-a-vis the child's testimony.

D. AGENCY ATTORNEYS [See A.]

VIII. DISPOSITION

A. ALL ATTORNEYS

1. Preparation for the Contested Disposition Hearing
 - a. When conducting interviews with the client, seek to ascertain the following:
 - (1) extent of agency contact with and services provided to family prior to petitioning or removal.
 - (2) reasonableness of efforts made to avoid filing petition or removing child.
 - (3) services provided or not provided to the family which may have been helpful in avoiding the petition or removal of the child.
 - (4) relatives or close family friends who would be willing and could legally qualify to take the child.
 - (5) visitation arrangements between the child and his or her parents, guardians, siblings or other relatives.
 - b. When conducting interviews with social workers, inquire about the following:
 - (1) number and nature of family's prior contacts with HSA and efforts made to avoid filing dependency petition.
 - (2) if child was removed, alternatives to removal considered and attempted prior to removal (e.g., in-home services, removal of perpetrator, etc.) If not attempted, why not?
 - (3) nature of continuing services being provided to parents or guardian (e.g., referrals to community service agencies, visitation, etc.)
 - (4) willingness of HSA to refer case for dispute resolution or other informal resolution, e.g., W&I Code § 301 agreement.

- c. Become familiar with dispositional alternatives and community services that might be useful in the formation of a dispositional plan.
 - d. Investigate and evaluate all sources of testimony and evidence anticipated in support of the social worker's proposed dispositional plan.
 - e. When necessary and appropriate, consult with psychiatric, psychological, medical or other experts with respect to formation of a dispositional plan, specifically considering the following:
 - (1) sufficiency of efforts made to return or maintain the child in the home.
 - (2) potential benefit or detriment of returning the child to the home or placing the child in a foster home.
2. Conducting the Contested Disposition Hearing
- a. Cross-examine fully all witnesses whose testimony is damaging to the client's interests.
 - b. When appropriate, challenge the accuracy, credibility and weight of any testimony, reports or other evidence submitted to the court.
 - c. Present evidence relevant to the allegations of the petition sustained at the jurisdictional hearing and appropriate disposition alternatives developed during the attorney's investigation.
 - d. Vigorously advocate the client's interests during the hearing within applicable procedural and ethical boundaries.
 - e. When a dispositional decision has been reached, explain the nature, obligations and consequences of the disposition to the client, and the need for the client to heed the dispositional orders.

B. ATTORNEYS FOR PARENTS

1. Preparation for the Contested Disposition Hearing
- a. Explain to the client the nature of the hearing, the issues involved and the alternatives available to the court. Advise the client of the nature, obligations and consequences of the social worker's proposed plan.
 - b. Investigate and evaluate client's circumstances, such as previous history, family relations, economic condition and any other information relevant to the disposition.
 - c. Advise if participation in psychiatric, medical or other diagnostic or treatment program may be significant in obtaining the client's desired result.
2. Conducting the Contested Disposition Hearing
- a. Require the social worker to present evidence on the record of all efforts made or attempted to avoid filing a dependency petition.
 - b. Present any alternative dispositional plan and evidentiary support for its preference over the plan suggested by the HSA social worker.
 - c. Present testimony of all individuals, including experts, who will testify in support of the alternative plan and favorably to the client's interests.

C. ATTORNEYS FOR CHILDREN [See A. & B.]

1. Preparation for the Contested Disposition Hearing
 - a. Explain fully, consistent with the child's ability to understand, the nature, obligations and consequences of any proposed dispositional plan.
 - b. Be aware of the types of placements appropriate for the child's situation and discuss the possibilities with the child, consistent with the child's ability to understand.
 - c. Explain to child that other parties will also have input into any placement decision that ultimately will be made by HSA and the court.
 - d. Be aware that the child's eligibility for foster care or adoption assistance funding could be jeopardized if an agency other than HSA makes an adoptive placement decision.

D. AGENCY ATTORNEYS [See A.]

IX. DSR/REVIEW HEARINGS

A. ALL ATTORNEYS

1. Preparation for the Review Hearing
 - a. Advise client to stay in communication regarding any significant change in the progress of the dependency or reunification efforts.
2. Conducting the Contested Review Hearing
 - a. At each review hearing, present witnesses and evidence relevant to the appropriateness of the child's continued dependency and placement, including but not limited to evidence regarding the provision of reasonable efforts and services to reunify or to dismiss the petition and parents' progress in meeting reunification requirements.
 - b. Examine fully any witness whose evidence is damaging to the client's interests and, if appropriate, challenge the accuracy, credibility and weight of any testimony, reports or other evidence submitted to the court.
 - c. Advocate vigorously for appropriate findings and orders for the client.

B. ATTORNEYS FOR PARENTS

1. Preparation for the Review Hearing
 - a. Confer at least once, and preferably more frequently, with the client and the social worker between the disposition and each subsequent 6- month review hearing. At the conferences, review the case plan, the client and social worker's progress or failures in complying with the plan, and the continued appropriateness of the plan.
 - b. If a change of plan is appropriate because previous orders of the court are not being met by the HSA social worker or because services necessary for compliance with the plan are not being provided, first attempt to correct

the problem with the social worker. If resolution is not achieved, immediately seek the assistance of the court to reach resolution. If resolution is still not achieved, see W&I Code § 388.

- c. Make certain the client and the attorney receive a copy of the status review report and a notice of the hearing from the social worker or probation officer at least 15-30 days before the hearing. Immediately report any non-compliance to the court.
- d. At the 6-month review hearing for children under three, determine if additional time for services is warranted; if so, advocate for continued services.
- e. At the 12-month review hearing, determine if additional time for services is warranted; if so, advocate for continued services.
- f. At the 12-month (or 18-month if services have been extended) review hearing, advise client that reunification services will be terminated if the child(ren) cannot be returned to the parent or guardian.

C. ATTORNEYS FOR CHILDREN [See A. & B.]

D. AGENCY ATTORNEYS [See A.]

X. W&I CODE § 366.26 SELECTION AND IMPLEMENTATION HEARINGS

A. ALL ATTORNEYS

1. Insure that the report and recommendations of the social worker are timely received.
2. Insure that appropriate notice has been given.
3. If the matter is contested, present evidence on the appropriate permanent plan in accordance with statutory preferences under W&I Code § 366.26 and CRC 5.725.

B. ATTORNEYS FOR PARENTS

- a. Confer with the client prior to the hearing about the appropriate permanent plan. Explain the statutory guidelines to the client.
- b. Investigate any changed circumstances of the parent or child(ren). Determine whether the changed circumstances warrant a motion to modify any previous court orders and file a motion under W&I Code § 388, if appropriate.

C. ATTORNEYS FOR CHILDREN [See A. & B.]

D. AGENCY ATTORNEYS [See A.]

XI. POST PERMANENT PLAN HEARINGS

A. ALL ATTORNEYS

1. Investigate as necessary the implementation of the permanent plan.
2. Investigate the continuing appropriateness of long-term foster care and any possible alternatives.

B. ATTORNEYS FOR PARENTS

1. Respond promptly to any contact from the client to determine if any relevant changes have occurred since the last hearing.
2. When practical, investigate any changed circumstances of the parent or child(ren). Determine whether the changed circumstances warrant a motion to modify any previous court orders and file a motion under W&I Code § 388, if appropriate.

C. ATTORNEYS FOR CHILDREN [See A. & B.]

1. Monitor the child(ren)'s development during the dependency.
2. Advocate for services designed to foster a safe, healthy and nurturing environment for the child.
3. Monitor whether the child has needs that require the institution of judicial or administrative proceedings outside the Unified Family Court. Take appropriate action and report to interested parties and the court.

D. AGENCY ATTORNEYS [See A.]

E. ATTORNEYS FOR NONMINOR DEPENDENTS

1. Be familiar with federal and state statutes and CRC regarding extended foster care.
2. Understand that the role of a youth's attorney shifts from representing the child's best interests to representing the stated interests of the adult client, the nonminor dependent. W&I Code § 317(c).
3. Explain to the client approaching the eligibility age for nonminor dependent status about the components to determine eligibility for Extended Foster Care: does the youth meet the requirements to be deemed a nonminor dependent, and is the youth living in an approved placement?
4. Monitor the youth's progress in meeting the goals of his/her transitional independent living plan and investigate any changed circumstances that warrant a

motion to modify any court orders; file a motion under W&I Code § 388, if appropriate.

XII. REHEARINGS/WRITS AND APPEALS

A. ALL ATTORNEYS

1. Writs/Appeals
 - a. Advise the client of the right to seek further judicial review by means of a writ or an appeal.
 - b. If the client wishes to seek appellate review and a writ is the appropriate appellate remedy, prepare and file the proper writ.
 - c. If the client wishes to seek appellate review and an appeal is the appropriate appellate remedy, either prepare and file the necessary appeal briefs or help the client to obtain appellate counsel.

B. ATTORNEYS FOR PARENTS

1. Rehearings
 - a. Advise the client that orders of a referee may be reviewed by a judge of the Unified Family Court upon application pursuant to W&I Code § 252, unless all parties have stipulated that the referee may sit as a judge pro tempore.
 - b. Assist in requesting such review when appropriate.
2. Writs/Appeals
 - a. If the client wishes to seek appellate review and appeal is the appropriate appellate remedy, prepare and file the necessary appeal briefs, or help the client prepare and file a notice of appeal in propria persona and a request for appointment of counsel.

C. ATTORNEYS FOR CHILDREN [See A. & B.]

D. AGENCY ATTORNEYS [See A.]

XIII. MISCELLANEOUS MATTERS

A. ALL ATTORNEYS

1. When disagreements and conflicts arise, promptly confer with all other attorneys to determine if the matter can be resolved by stipulation.
2. Where circumstances warrant, promptly make any motions material to the protection of the client's rights.

B. ATTORNEYS FOR PARENTS [See A.]

C. ATTORNEYS FOR CHILDREN [See A.]

D. AGENCY ATTORNEYS

1. Attempt to ensure that HSA fulfills its obligations to protect the best interests of the child under federal and state statutes, court rules, case law and regulations.
2. Strive to ensure that HSA regulations regarding the confidentiality of all parties including parents, children and foster parents are followed.
3. Strongly encourage the HSA social worker to act to preserve the child's family ties whenever possible, removing the child from the parents' custody only when necessary for the child's welfare and safety.
4. When a child is removed from the family, strive to ensure that the child receives the care and treatment consistent with his/her best interest, the most stable placement possible and a permanent plan which is effectuated as quickly as possible.

E. ALL ATTORNEYS: MEDIATION

1. Familiarize yourself and your clients with the mediation process.
2. Prepare for, and participate in, mediation pursuant to LR 12.19.