

**California
Practice
Guide**

**CIVIL PROCEDURE
BEFORE TRIAL**

FORMS

JUSTICE MARIA P. RIVERA (Ret.)
California Court of Appeal
1st Dist., Div. 4

2026

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**FROM THE RUTTER GROUP FAMILY
DEDICATED TO AND IN MEMORY OF
OUR FOUNDERS**

WILLIAM A. RUTTER

(OCTOBER 21, 1928 - FEBRUARY 2, 2012)



LINDA DIAMOND RAZNICK

(OCTOBER 2, 1951 - NOVEMBER 15, 2025)



ABOUT THE AUTHOR



Maria P. Rivera (Ret.) was appointed to the First District Court of Appeal, Division Four in January 2002, and retired in 2018. Prior to 2002 she served in the Superior Court of Contra Costa County, where she was elected to the bench in 1996. Her assignments included two years in Civil Fast Track and two years as Supervising Judge of the Family Law Division. She has been active in judicial education programs in the areas of Civil, Appellate and Family Law.

Justice Rivera began her legal career at Morrison & Foerster in the litigation department. She served as a Deputy District Attorney and an Assistant U.S. Attorney before joining Van Voorhis & Skaggs in Walnut Creek. That firm merged with McCutchen, Doyle, Brown & Enersen in 1985. Justice Rivera was a partner and of counsel with McCutchen until 1996.

Justice Rivera earned her B.A. with distinction in 1970 from Smith College in Massachusetts, and her J.D. magna cum laude in 1974 from the University of San Francisco Law School.

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Ms. Rosenberg contributed drafts of all the documents in Chapter 14 as well as the pleading exemplars. She continues to provide invaluable assistance with the updating of this book.

PREFACE

The sample forms in this book are intended not as a solution to your drafting tasks but as a point of departure: They are meant to provide guidelines as to what a document might *look like*, what *components* it might include, how it might be *organized*, and what *language* might be used. Because there are only a handful of rigid requirements for court papers (such as the jurat at the close of a declaration), there is no single approach to writing a technically accurate motion, declaration or pleading. The sample forms demonstrate one way those documents might be prepared, but do not purport to show the only way. My hope is that these forms will provide the kind of jump-start practitioners often need in preparing unfamiliar pretrial documents.

While every effort has been made to ensure accuracy concerning the procedural aspects of the forms in this book, the substantive content is entirely fanciful and should not be relied upon. Thus, for example, there can be no assurance that the sample complaints will withstand demurrer, that the sample declaration contains all the facts necessary to support any given motion, or that the sample motions have substantive merit. Neither this book nor any other reference tool can ever replace the legal research fundamental to sound drafting.

This book is designed to be a companion to—and not a substitute for—Weil & Brown et al., *California Practice Guide: Civil Procedure Before Trial* (TRG). It cites the corresponding sections of Weil & Brown in connection with each form instead of including explanatory notes. The expectation is that this volume will supplement and enhance the practical value of your three-volume *Civil Procedure Before Trial*.

I hope you find this forms book useful and I invite your comments and constructive criticisms.

Maria P. Rivera
San Francisco, California

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Most of all, I want to publicly thank my husband and my two sons. They were forced to endure the many stresses and strains that a project such as this inevitably produces, and they accepted with grace my complete absence from the family scene on many weekends, evenings and holidays. Throughout the long, often arduous gestation of this work, their emotional, physical and spiritual support were sometimes my only source of energy. No Better People.

Maria P. Rivera
San Francisco, California
2005

DEDICATION

This volume of work is dedicated to the memory of
Barbara Starbuck Rivera
and
Victor Manuel Rivera Toro