

Traffic Motions – Kern County

The Traffic Court is like any other, with rules and procedures which should be followed carefully.

If you would like to file a motion with the Traffic Court that heard your matter, you should follow the steps below.

1. File Your Paperwork “In Triplicate”

This just means you need to file your original motion PLUS two copies.

2. Traffic Motions must comply with rules of court.

All Traffic Division motions must comply with applicable law, including California Rule of Court 4.111 and Local Rule of Court 4.3. The Clerk of Court shall not file and shall return all papers that do not comply strictly with the Court Rules and notify the party served that such papers have not been accepted for filing.

3. All motions must have a proper heading along with the defendant’s name, case number, and the court information where you are filing your motion (There is an editable Microsoft Word document on this web page that you can use to customize your motion to comply with these rules.)

4. Schedule your motion BEFORE YOU SERVE AND FILE IT – display the information about when and where your hearing will take place on the first page of your motion (it should be clear where you write this when you see the editable template on this webpage).

If, for example, your traffic matter was heard in the Traffic Division at 3131 Arrow St. in Bakersfield, CA, motions can be scheduled Monday through Friday at 9:30 AM in Division T-1. If your traffic matter was held elsewhere, contact the clerical staff at that Superior Court branch to confirm the current schedule for motions.

When you schedule your motion, you must schedule it A MINIMUM OF 10 COURT DAYS FROM THE DATE YOU FILE YOUR MOTION AND YOUR PROOF OF SERVICE. Do not count weekends or court holidays when calculating your 10 court days. You should verify the date you select is available – you do not want to schedule a motion on a day where the court does not hear traffic motions. Call the traffic division of the court that will hear your matter to confirm your date is available. Go to kern.courts.ca.gov and click the green box that reads “Location Contact Info” to get the phone number for your court.

5. All motions must include a “Memorandum of Points and Authorities.”

This means you have to explain to the court the legal basis of your motion. If you are trying to reopen your traffic matter, there is no set phrase or

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verbiage expected of you. You should do your best to explain to the court why you wish to have your case reopened. There is space for this Memorandum on the template pleading on this webpage.

6. **You cannot file your Traffic Motion without first serving the Kern County District Attorney a copy.** You may wish to call the District Attorney to confirm the methods of service they are accepting. Currently, the District Attorney is accepting service by by mail at 1215 Truxtun Ave., 4th Floor Bakersfield, CA 93301, or in person if you call them to notify them of your arrival in advance at (661) 868-2340. The District Attorney's office prefers (but does not require) service by email or fax. Their email address for service is bakersfieldmotions@kernda.org and their fax number is (661) 868-2700. Once your server (someone other than you, over the age of 18) has given a copy of your motion with the date, time, and location of your hearing displayed, they should complete a Proof of Service. A link to the Proof of Service forms your server may complete for you will be linked on the web page where you found this guide.
7. **File your original Motion, PLUS two copies of the Motion, AND YOUR PROOF OF SERVICE, with the traffic court.** If you are mailing in your Motion and Proofs of Service rather than "Drop box" filing it in person, be sure to confirm the mailing address of the court on that same Location Contact Info page on kern.courts.ca.gov where you got their phone number.
8. **ATTEND YOUR HEARING** – The judge will not consider your motion in your absence. As such, carefully schedule your hearing date for one you know you will have free.
9. **Call the Law Library if you have further questions or points of clarification.** If, after reviewing these instructions, you are still unsure of procedural aspects of filing a Traffic Motion, call (661) 868-5320 or email us at info@kclawlib.org.
10. **Schedule a Consultation with an Attorney for Substantive Questions.** The clerks of the traffic court cannot tell you what you should write on your motion, whether your motion is likely to succeed, or any other matter that amounts to giving legal *advice* rather than procedural *information* (e.g., a clerk of the court can tell you which courtroom you should go to on the day of your hearing – an attorney can advise you on what to say to the judge on the day of your hearing). Visit www.kernbar.org to see a listing of local attorneys, many of whose profiles list their areas of practice.