

The Deadlines, Local Rules and Administrative Quirks That Can Thwart Your Case

The Procedural Risks California Lawyers Need to Watch For

California has never been an easy place to litigate. The state's procedural framework is layered, jurisdiction-specific and, in places, unforgiving in ways that can catch even experienced practitioners off guard. A growing number of attorneys are also navigating the system independently, without the infrastructure of a larger firm behind them. Meanwhile, courts are operating under tighter constraints, and the adversarial nature of litigation means that opposing counsel will look for and exploit any procedural gap or technicality.

The result is an environment where cases are increasingly won and lost on procedural grounds rather than merits.

"In litigation, one side's win is always the other side's loss, so a procedural failure is not a setback you can recover from," said [Evan Walker](#), a California personal injury and property damage attorney. "There's a whole universe of mistakes that are out there; it's crucial that attorneys triple-check procedures to avoid costly mistakes."

This dynamic should shape how California practitioners approach litigation from the first client conversation to the close of the case.

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Most Unforgiving Deadline

Of all procedural risks in California civil litigation, the statute of limitations remains the most consequential and the most commonly mismanaged. It is not a technicality. It is jurisdictional. Miss it, and the dispute is over — regardless of how strong the case is.

"You could have the most righteous case in the world," Walker said. "If you blow the statute of limitations, it's gone. No judge can save you."

The risk is highest at intake. When a potential client reaches out, the first analytical task is to map every viable cause of action to its corresponding limitations period. Causes of action under the same set of facts may carry different deadlines. For example, the statute of limitations is typically two years for negligence and four years for breach of a written contract.

In one of Walker's recent intake calls involving a long-running HOA property damage dispute, the negligence window had already closed. By the time the client got in touch, only contract-based claims remained viable, which dictated everything about how the case could be handled.

While checking time limitations is routine, overextended attorneys, delegated intake processes and nonlawyer staff handling early screening can lead to crucial missteps.

The solution is to make limitations analysis a mandatory, attorney-supervised step at every intake, before any other strategic decisions are made.



Government Tort Claims: A Shorter Clock Than Most Attorneys Realize

Cases involving government defendants introduce an additional layer of [procedural complexity](#) that trips up even litigators who know the general rules. Before a lawsuit against a government entity can proceed in California, the plaintiff must first file a claim under the [Government Tort Claims Act](#). Failing to do so results in outright dismissal – without a procedural warning or an opportunity to cure.

The six-month filing window is substantially shorter than the limitations periods that govern most civil claims, and it operates independently. One common misstep is assuming that if a government entity sends a rejection letter, the clock shifts. In this scenario, the plaintiff has six months from the date of the letter to file suit, not the standard two years. For property damage claims against government entities over flooding, infrastructure failures and similar cases, the window extends to one year.



Local Jurisdictions Add Complexity

California's procedural complexity does not end with statewide statutes. The state has 58 superior courts, each of which operates with its own local rules, clerk practices and judge-specific expectations. What applies in San Diego does not necessarily apply in Los Angeles, and what's common practice in Alameda County may create problems in Orange County.

Take expert disclosure deadlines. San Diego judges set expert disclosure dates at the case management conference (CMC), but that is not standard practice in Los Angeles. An attorney who moves between venues without verifying local practice could miss that deadline, giving the opposing side an opportunity to exploit it.

Similar variations exist across proof-of-service requirements, jury-fee posting deadlines, ex parte procedures and discovery timing rules. In San Diego, for example, proof of service must be filed within 60 days of filing the complaint; notice of posting of jury fees must be filed before the CMC, and a notice of deposition may be served 20 days after the defendant is served. These specifics do not always apply uniformly elsewhere.

Every time a case moves to a new venue, practitioners should treat it as an opportunity to reverify local rules from the foundation up. Assumptions are where procedural errors begin.



Proceedings: A Separate Set of Traps

Cases that originate in or intersect with administrative proceedings carry their own procedural risks, which are layered on top of additional rules for standard civil litigation.

The exhaustion of [administrative remedies](#) doctrine is a threshold requirement in California – not a formality. Before a court will hear a case, a party must first exhaust the administrative remedies available to them. What that looks like in practice varies depending on the type of claim and the agency involved. However, the consequence of skipping the required steps is the same across contexts: dismissal, regardless of how strong the underlying claim may be.

For government tort matters, that means the claims-filing step under the Government Tort Claims Act must be completed before any lawsuit is filed. In California Environmental Quality Act (CEQA) and land use contexts, this means that issues not raised during the administrative process typically cannot be raised in court. In each context, the administrative record built upfront limits what can be argued later.

Practitioners should approach administrative proceedings systematically. From the moment a complaint is filed, attorneys should follow a structured procedural calendar that tracks every deadline, required filing and strategic window in sequence. In addition to ensuring compliance, the goal should also be to present the strongest possible case for the client.

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Competence Is the Foundation

Underlying all these risks is a single, less glamorous point: Procedural competence is inseparable from effective representation. Litigation is a contested process and the opposing side is watching for mistakes to use against the plaintiff.

In California, that means **researching the law** before acting, building the calendar of deadlines at the outset and running the limitations analysis before taking on the case.

Cases are won and lost on procedure as often as they are on the merits. For attorneys new to a venue or expanding into an unfamiliar practice area, that discipline is even more important, as experience in one corner of it does not translate automatically to another.

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