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**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

**IN RE PROCEDURES REGARDING
ELECTRONICALLY IMAGED COURT
RECORDS, ELECTRONIC FILING, AND
ACCESS TO ELECTRONIC COURT
RECORDS IN CIVIL AND PROBATE
CASES**

**GENERAL ORDER OF THE
PRESIDING DEPARTMENT
ORDER NO. 110512**

THIS COURT FINDS AND ORDERS AS FOLLOWS:

This General Order supersedes General Order Nos. 022712 and 071312.

1. ELECTRONIC FILING AND IMAGING PILOT PROGRAM

On August 1, 2011, the San Diego Superior Court (“court”) began an Electronic Filing and Imaging Pilot Program (“Program”) designed to reduce paper filings and storage, facilitate electronic access to civil court files and, in Phase Two, allow remote electronic filing (“E-File” or “E-Filing”) of papers in civil cases. The ultimate goal of the Program is to create a paperless or electronic file in all civil cases, as well as in other case categories. The Program has since been expanded to other divisions and in probate cases.

The Program is being implemented in two main phases:

Phase One: The court is scanning all papers in newly filed cases in designated divisions and departments. The imaged documents are stored in an electronic court file that can be viewed in the Business Offices and are accessible remotely through the Register of Actions on the court’s website

1 as set forth below.

2 Imaged Program cases that are reassigned or transferred to a department outside of the
3 Program may be removed from the Program and converted to a paper filing system.

4 Phase Two: E-Filing access will be implemented to allow E-Filing by counsel and parties
5 through the court's E-File Service Provider.

6 A public notice will be issued when the Program is expanded to other departments and in
7 other divisions, as well as prior to expansion to Phase Two.

8 2. THE ELECTRONIC COURT FILE IN IMAGED CASES IS THE OFFICIAL COURT
9 RECORD

10 Pursuant to Government Code section 68150 and California Rules of Court, rule 2.504, the
11 electronic court file in Imaged Program cases is certified as the official record of the court. The
12 paper filings that are imaged and stored electronically will be physically stored by the court for 30
13 days after filing, after which time they will be shredded and recycled, except for original wills and
14 bonds in probate cases, which will be physically retained by the court for the period required by law.
15 (All original documents will be destroyed except as set forth in paragraph 6f(2) below.) During this
16 30 day period, these documents will not be stored in a manner that will allow a party or its attorney
17 to access them.

18 3. NEWLY FILED CIVIL CASES IN THE CENTRAL DIVISION

19 a. All new civil cases, except construction defect cases, assigned at filing to a Department of
20 the Central Division, Hall of Justice, 330 West Broadway, San Diego, California 92101, and the
21 Central Division, County Courthouse, 220 West Broadway, San Diego, California, 92101, are
22 Program cases, and will be imaged and stored in an electronic court file, and the provisions of
23 paragraph 2 apply.

24 b. Construction defect cases will be filed and handled in accordance with procedures
25 currently in place for these cases, until further directed by this court.

26 4. NEWLY FILED CIVIL CASES IN OTHER DIVISIONS

27 All new civil cases, except small claims cases, assigned at filing to a division listed below are
28 Program cases and will be imaged and stored in an electronic court file, and the provisions of

1 paragraph 2 apply:

- 2 a. East County Division, 250 E. Main Street, El Cajon, California, 92020;
- 3 b. South County Division, 500 Third Avenue, Chula Vista, California, 91910; and
- 4 c. North County Division, 325 S. Melrose Drive, Vista, California, 92081.

5 5. PROBATE CASES

6 a. Newly Filed Cases in the Probate Divisions

7 (1) All new cases filed on or after March 1, 2012, in the Central Probate Division, located at
8 1409 Fourth Avenue, San Diego, California, 92101, are Program cases and will be imaged and
9 stored in an electronic court file, and the provisions of paragraph 2 apply.

10 (2) All new cases filed from March 1, 2012 through August 31, 2012, in the North County
11 Probate Division, then located at 325 S. Melrose Drive, Vista, California, 92081, are Program cases
12 and will be imaged and stored in an electronic court file, and the provisions of paragraph 2 apply.

13 b. Back Scanning of Existing Probate Division Cases

14 (1) All papers in cases that were initiated by filing in the Central Probate Division from
15 January 4, 2010 through February 29, 2012, and which remain active, will be imaged and stored in
16 an electronic court file, and the provisions of subparagraph (3) below apply.

17 (2) All papers in cases that were initiated by filing in the North County Probate Division
18 from January 2, 2009 through February 29, 2012, will be imaged and stored in an electronic court
19 file as staff is available to do so, and the provisions of subparagraph (3) below apply.

20 (3) Once a case is imaged in accordance with subparagraph (1) or (2) above, the case will
21 immediately become a Program case, and the electronic court file is certified as the official record of
22 the court. The provisions of paragraph 2 above will then apply, except that all parties in each such
23 imaged case will receive notice that the documents from the physical court file will be retained for a
24 period of 120 days. During this 120-day period, a party or its legal representative may appear ex
25 parte in the appropriate probate department to request any documents be returned rather than
26 shredded and recycled. Once the 120-day period has passed, the physical documents will be
27 shredded and recycled without further notice, except as to original wills and bonds, which will be
28 retained as set forth in paragraph 2 above.

1 6. CHANGES TO FILING AND SERVICE REQUIREMENTS IN PHASE ONE

2 a. Service of Notice: All parties filing new actions assigned to the imaging program shall
3 serve on all parties a copy of the “Notice of Assignment to Imaging Department” (attached hereto as
4 Exhibit “A” for civil cases, and Exhibit “B” for probate cases) with the complaint, cross-complaint,
5 petition or other case initiating pleading. A copy of this notice will be provided to the filing party by
6 the court clerk when case originating filings are processed.

7 b. “Imaged” Identifier: On all pleadings filed after the initial case originating filing, all
8 parties must, to the extent it is feasible to do so, place the words “IMAGED FILE” in all caps
9 immediately under the title of the pleading on all subsequent pleadings filed in the action.

10 c. Original Documents: Original underlying documents, other than wills and bonds in
11 probate cases, that are relevant to a case should not be attached as exhibits to filed documents or
12 filed in any other manner, as these documents will be imaged and the paper filings destroyed in
13 accordance with this Order (except for those documents set forth in paragraph 6d below). Any
14 original document, other than a will or bond in a probate case, that is included in a filed document in
15 a case within the Program will be imaged and destroyed in accordance with this Order (except as set
16 forth in paragraph 6f(2), below). Original documents may be lodged with the court, as necessary,
17 under the procedures set forth in paragraphs 6f(1) and 6g(1) below.

18 d. Proposed Orders: Proposed orders should only be submitted with initial pleadings for an
19 ex parte hearing, and should not be submitted for a law and motion hearing until after the hearing is
20 completed.

21 e. Exhibits: Any exhibits attached to a pleading presented for filing must have the exhibit
22 tabs located at the bottom of the respective documents, in accordance with California Rules of Court,
23 rule 3.1110(f), and each exhibit must be preceded by a cover page that contains solely the word
24 “Exhibit” and the exhibit’s identifying number or letter.

25 f. Civil Cases:

26 (1) Lodged Documents:

27 The Notice of Lodgment itself must be filed with the court. In accordance with California
28 Rules of Court, rule 3.1302(b), the documents submitted with the notice must be lodged and not

1 filed. The lodged documents will not be imaged, will not be part of the official court file, and will
2 be returned in the manner requested or recycled if no manner of return is specified.

3 (2) Documents in Support of Judgments:

4 Applications for entry of a judgment that include an instrument, contract, or written
5 obligation will have the relevant document(s) cancelled and merged if the judgment is entered, in
6 accordance with California Rules of Court, rule 3.1806, after which the document will then be
7 imaged and maintained in the electronic court record. The submitted document(s) will then be
8 returned to the proffering party for safe-keeping. Parties must provide a suitable method of return
9 along with the submitted document(s). If no method of return is included, the document(s) will be
10 shredded and recycled.

11 g. Probate Cases:

12 (1) Lodged Documents:

13 (a) The Notice of Lodgment itself must be filed with the court. In accordance with California
14 Rules of Court, rule 3.1302(b) and San Diego Superior Court Rule 4.3.2 (F), the documents
15 submitted with the notice must be lodged and not filed. The lodged documents will not be imaged,
16 will not be part of the official court file, and will be returned in the manner requested or recycled if
17 no manner of return is specified.

18 (b) A party filing a motion or other paperwork that refers to a trust or will document that was
19 previously lodged with the petition must separately lodge the trust or will with these later-filed
20 papers, in accordance with the procedures in paragraph 6g(1)(a) above.

21 (c) In support of an accounting of assets as required by Probate Code § 2620 or an interim
22 accounting required by San Diego Superior Court Rule 4.15.2, the originals of account statements,
23 closing escrow statements, and bill statements for a residential or long-term care facility shall be
24 lodged with the court, in accordance with the procedures in paragraph 6g(1)(a) above. The lodged
25 documents will not be imaged, will not be part of the official court file, and will be returned in the
26 manner requested after the court's determination of the accounting has become final.

27 (2) Inclusion of Petition's ROA Number on All Pleadings:

28 Parties are ordered to comply with San Diego Superior Court Rule 4.3.1(B) and include the

1 Petition's Register of Action (ROA) number directly below the case number on all subsequently
2 filed pleadings related to that Petition.

3 7. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND COURT
4 DOCUMENTS

5 a. Access in Clerk's Business Offices: Public kiosks providing free access to the official
6 electronic record of the court files for cases being handled under the Program will be available in the
7 below Business Offices:

- 8 • Hall of Justice Civil Business Office, located at 330 West Broadway, San Diego, California
9 92101;
- 10 • East County Civil Business Office, located at 250 E. Main Street, El Cajon, California,
11 92020;
- 12 • South County Civil Business Office, located at 500 Third Avenue, Chula Vista, California,
13 91910;
- 14 • Central Probate Division Business Office, located at 1409 Fourth Avenue, San Diego,
15 California, 92101; and
- 16 • North County Civil Business Office, located at 325 S. Melrose Drive, Vista, California
17 92081.

18 The public may access these files and view all public portions of the files just as they currently can
19 in the paper court files. If there are people waiting to use the kiosks, a time limit of 20 minutes will
20 be imposed. Additional time will be permitted after waiting in line to use one of the kiosks again.
21 Any changes to this policy will be made by the Civil Supervising Judge and the new policy will be
22 posted in the applicable Business Offices.

23 b. Notice Regarding Electronic Access: In accordance with California Rules of Court, rule
24 2.504(d), the public accessing court records electronically, are advised of the following:

- 25 (1) Director of Civil Operations, Carol Marchesano, is the court staff member who may be contacted
26 about the requirements for accessing the court's records electronically in the Central Division.
- 27 (2) Court Operations Manager, Antonia Barradas, is the court staff member who may be contacted
28 about the requirements for accessing the court's records electronically in the East County Division.

1 (3) Court Operations Manager, Lynn Bloom, is the court staff member who may be contacted about
2 the requirements for accessing the court's records electronically in the South County Division.

3 (4) Court Operations Manager, Geni Hays, is the court staff member who may be contacted about
4 the requirements for accessing the court's records electronically in the North County Division.

5 (5) Court Operations Manager, Terri Daniel, is the court staff member who may be contacted about
6 the requirements for accessing the court's records electronically in the Central Probate Division.

7 (6) Copyright and other proprietary rights may apply to information in a case file, absent express
8 grant of additional rights by the holder of the copyright or other proprietary right. In this regard, you
9 are advised:

10 (a) Use of such information in a case file is permissible only to the extent permitted by law or
11 court order; and

12 (b) Any use inconsistent with proprietary rights is prohibited.

13 (7) The electronic records of cases within the Program available for viewing in the Business Offices
14 are the official records of the court. There is no charge for accessing or viewing court files in the
15 Business Offices. Copies of any documents in an electronic court file may be obtained by paying the
16 copy fees of \$0.50 per page (Govt. Code § 70627(a)). Certified copies may be obtained by payment
17 of a \$25.00 fee (Govt. Code § 70626(a)(4)). Additional instructions about obtaining printed copies
18 of records from the electronic court file will be provided at the kiosk locations in the applicable
19 Business Offices.

20 (8) Any person who willfully destroys or alters any court record maintained in electronic form is
21 subject to the penalties imposed by Government Code section 6201.

22 (9) No person shall photograph or otherwise record any digital images of documents displayed on
23 the kiosk screens in the Business Offices.

24 c. Remote Electronic Access of Program Cases: Court documents from records of cases
25 within the Program are available in electronic format for viewing and printing remotely to the extent
26 permitted by California Law and/or California Rules of Court, rule 2.503(b), by visiting the court's
27 website at www.sdcourt.ca.gov and paying the required fees.

28 d. Confidential Documents: Any documents classified or considered confidential pursuant to

1 statute, rule of court or local rule shall be filed with the court and will be imaged and destroyed in
2 accordance with this order. Access to the imaged confidential document(s) shall be as set forth in
3 paragraph 7e below.

4 e. Access to Confidential Documents: Court documents classified or considered confidential
5 pursuant to statute or rule of court shall remain confidential and may not be released except to the
6 extent necessary to comply with the law.

7 8. ELECTRONIC FILING IN PHASE TWO

8 The court is finalizing the manner in which E-Filing will be conducted. As indicated above,
9 a public notice will be issued when the Program is expanded into Phase Two, including
10 details about when E-Filing will be available to attorneys and the public and how they will utilize it.

11 This Order shall expire on December 31, 2012, unless otherwise ordered by this court.

12 IT IS SO ORDERED.

13 Dated: November 5, 2012



ROBERT J. TRENTACOSTA
PRESIDING JUDGE

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1 On all pleadings filed after the initial case originating filing, all parties must, to the extent it
2 is feasible to do so, place the words “**IMAGED FILE**” in all caps immediately under the title of the
3 pleading on all subsequent pleadings filed in the action. Parties are ordered to comply with San
4 Diego Superior Court Rule 4.3.1(B) and include the Petition’s Register of Action (ROA) number
5 directly below the case number on all subsequently filed pleadings related to that Petition.

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