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

IN RE PROCEDURES REGARDING
ELECTRONICALLY IMAGED COURT
RECORDS, ELECTRONIC FILING, AND
ACCESS TO ELECTRONIC COURT
RECORDS

) ORDER NO. 072511
)
) GENERAL ORDER OF THE PRESIDING
) DEPARTMENT
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)
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THIS COURT FINDS AND ORDERS AS FOLLOWS:

1. ELECTRONIC FILING AND IMAGING PILOT PROGRAM

On August 1, 2011, the San Diego Superior Court (“court”) will begin 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 will be implemented in two main phases:

Phase One: The court will begin scanning all papers in newly filed civil cases in designated department(s). The imaged documents will be stored in an electronic court file that can be viewed in the Civil Business Office and will be accessible remotely through the Register of Actions on the court’s website as set forth below.

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

1 2. NEWLY FILED CIVIL CASES COMMENCING AUGUST 1, 2011

2 a. Commencing on August 1, 2011, all new civil cases assigned to Judge Jeffrey B.
3 Barton in Department 69 of the Central Division, Hall of Justice, 330 West Broadway, San
4 Diego, California 92101, will be imaged and stored in an electronic court file. Pursuant to
5 Government Code section 68150 and California Rules of Court, rule 2.504, the electronic court
6 file is certified as the official record of the court. The paper filings that are imaged and stored
7 electronically will be physically stored by the court for 90 days after filing, after which time they
8 will be shredded and recycled. (All original documents will be destroyed except as set forth in
9 paragraph 3(e) below.) During this 90 day period, these documents will not be stored in a
10 manner that will allow a party or its attorney to access them.

11 b. A public notice will be issued before the Program is expanded to other civil
12 departments and in other divisions, as well as prior to expansion to Phase Two.

13 c. Program cases that are reassigned or transferred to a department outside of the
14 Program will be removed from the Program and converted to a paper filing system.

15 d. All parties filing new civil actions in an imaging department shall serve on all
16 parties a copy of the “Notice of Assignment to Imaging Department” (attached hereto as Exhibit
17 A) with the complaint, cross-complaint, petition or other case initiating pleading for those cases
18 filed between August 1, 2011 and October 30, 2011. A copy of this notice will be provided to
19 the filing party by the court clerk when case originating filings are processed for the time period
20 specified above.

21 e. On all pleadings filed after the initial case originating filing, the words “IMAGED
22 FILE” shall be placed in all caps immediately under the title of the pleading for the duration of
23 the case.

24 3. CHANGES TO FILING REQUIREMENTS IN PHASE ONE

25 a. Original Documents: Original underlying documents that are relevant to a case
26 should not be attached as exhibits to filed documents or filed in any other manner, as these
27 documents will be imaged and the paper filings destroyed in accordance with this Order (except
28 for those documents set forth in 3(d) below). Any original document that is included in a filed

1 document in a case within the Program will be imaged and destroyed in accordance with this
2 Order (except as set forth in 3(e), below). Original documents may be lodged with the court, as
3 necessary, under the procedures set forth in section 3(c) below.

4 b. Proposed Orders: Proposed orders should only be submitted with initial pleadings
5 for an ex parte hearing, and should not be submitted for a law and motion hearing until after the
6 hearing is completed.

7 c. Exhibits: Any exhibits attached to a pleading presented for filing must have the
8 exhibit tabs located at the bottom of the respective documents, in accordance with California
9 Rules of Court, rule 3.1110(f), and each exhibit must be preceded by a cover page that contains
10 solely the exhibit's identifying number or letter.

11 d. Lodged Documents: The Notice of Lodgment itself must be filed with the court.
12 In accordance with California Rules of Court, rule 3.1302(b), the documents submitted must be
13 lodged and not filed. The lodged documents will not be imaged, will not be part of the official
14 court file, and will be returned in the manner requested or recycled if no manner of return is
15 specified.

16 e. Documents in Support of Judgments: Applications for entry of a judgment that
17 include an instrument, contract, or written obligation will have the relevant document(s)
18 cancelled and merged if the judgment is entered, in accordance with California Rules of Court,
19 rule 3.1806, after which the document will then be imaged and maintained in the electronic court
20 record. The original submitted document(s) will then be stored by the court for the time required
21 by law.

22 4. ENHANCED ELECTRONIC ACCESS TO OFFICIAL COURT FILE AND COURT
23 DOCUMENTS

24 a. Access in Clerk's Civil Business Office: Four kiosks will initially be made
25 available in the Civil Business Office of the Hall of Justice located at 330 West Broadway, San
26 Diego, California 92101, that will provide free access to the official electronic record of the court
27 files for cases being handled under the Program. The public may access these files and view all
28 public portions of the files just as they currently can in the paper court files. If there are people

1 waiting to use the kiosks, a time limit of 20 minutes will be imposed. Additional time will be
2 permitted after waiting in line to use one of the kiosks again. Any changes to this policy will be
3 made by the Civil Supervising Judge and the new policy will be posted in the Civil Business
4 Office.

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

8 (1) Director of Civil Operations, Carol Marchesano, is the court staff member
9 who may be contacted about the requirements for accessing the court's records electronically.

10 (2) Copyright and other proprietary rights may apply to information in a case file,
11 absent express grant of additional rights by the holder of the copyright or other proprietary right.

12 In this regard, you are advised:

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

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

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

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

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

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1 www.sdcourt.ca.gov and paying the required fees. Documents available by remote electronic
2 access do not constitute the official court record.

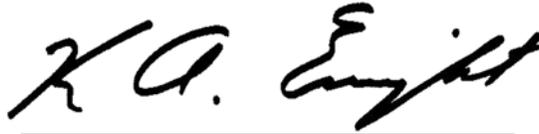
3 5. ELECTRONIC FILING IN PHASE TWO

4 The court is in the process of selecting an E-File Service Provider. As indicated above, a
5 public notice will be issued before the Program is expanded in Phase Two, including details
6 about when E-Filing will be available to attorneys and the public and how they will utilize it.

7 This Order shall expire on December 31, 2011, unless otherwise ordered by this court.

8 IT IS SO ORDERED.

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10 Dated: July 25, 2011



11 HON. KEVIN A. ENRIGHT
12 PRESIDING JUDGE

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EXHIBIT “A”

1 **EXHIBIT “A”**

2 NOTICE OF ASSIGNMENT TO IMAGING DEPARTMENT

3 **This case has been assigned to an Imaging Department and original**
4 **documents attached to pleadings filed with the court will be imaged and destroyed.**
5 **Original documents should not be filed with pleadings. If necessary, they should be lodged**
6 **with the court under California Rules of Court, rule 3.1302(b).**

7 On August 1, 2011 the San Diego Superior Court began the Electronic Filing and
8 Imaging Pilot Program (“Program”). As of August 1, 2011 in all new cases assigned to an
9 Imaging Department all filings will be imaged electronically and the electronic version of the
10 document will be the official court file. The official court file will be electronic and accessible at
11 one of the kiosks located in the Civil Business Office and on the Internet through the court’s
12 website. This Program will be expanding to other civil courtrooms over time.

13 You should be aware that the electronic copy of the filed document(s) will be the
14 official court record pursuant to Government Code section 68150. The paper filing will be
15 imaged and held for 90 days. After that time it will be destroyed and recycled. **Thus, you**
16 **should not attach any original documents to pleadings filed with the San Diego Superior**
17 **Court. Original documents filed with the court will be imaged and destroyed except those**
18 **documents specified in California Rules of Court, rule 3.1806.** Any original documents
19 necessary for a motion hearing or trial shall be lodged in advance of the hearing pursuant to
20 California Rules of Court, rule 3.1302(b).

21 It is the duty of each plaintiff, cross-complainant or petitioner to serve a copy of
22 this notice with the complaint, cross-complaint or petition on all parties in the action.

23 All parties are ordered to place the words “**IMAGED FILE**” in all caps
24 immediately under the title of the pleading on all subsequent pleadings filed in the action.