

## **CHAPTER 19**

### **MISCELLANEOUS RULES**

#### **19.1 CONFORMING COPIES**

- A. Electronic conformed copies. Electronic conformed copy of filings are provided automatically to the email address the filer registers with the Electronic Filing Service Provider (EFSP). For documents first requiring judicial review (orders, judgments, etc.) a conformed copy will be emailed by the clerk to the email address provided to the EFSP.
- B. Paper-filed conformed copies. Court clerk will conform a maximum of two (2) copies of any document at the time of filing. Additional copies will be provided by photocopying and the standard superior court clerk fee for copies will be charged.
- If a conformed copy of a paper document is desired an additional copy or copies must be submitted. Parties requesting that the clerk's office mail them conformed copies of their filings must provide a self-addressed stamped envelope of proper size and with sufficient postage.

If the envelope provided or the postage is insufficient to mail the entire conformed copy, only the face of the pleading will be mailed and the conformed copy will be placed in the attorney/pro per pick up box for thirty (30) days.

If no envelope is provided, the conformed copy or copies will be placed in the attorney/pro per pick up box for thirty (30) days. The pickup area is located in the lobby of the first floor clerk's office.

*(Rule 19.01 peremptory challenge repealed July 1, 2010; New rule 19.01 adopted July 1, 2012; Amended July 1, 2013; Amended July 1, 2017)*

#### **19.2 SANCTIONS**

Failure to comply with these rules and the California Rules of Court may result in the imposition of sanctions in the discretion of the court, including but not limited to:

- A. The matter being dropped from the calendar;
- B. A fine ordered paid to the clerk of the court by the responsible party and/or counsel within 30 days;
- C. Costs, actual expenses, counsel fees or any or all thereof arising therefrom.

*(Adopted October 1, 1998; Amended July 1, 2017)*

#### **19.3 RECORDING IN COURTS**

No electronic recording of court proceedings other than by the official court reporting methods shall be permitted without approval of the court.

*(Adopted October 1, 1998; Amended July 1, 2004)*

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#### **19.4 REPEALED**

*(Adopted October 1, 1998; Proposed Orders - Repealed July 1, 2013)*

#### **19.5 EXHIBITS**

Evidence admitted in any case before any court shall be only those items required in the case and shall be retained by the court for the minimum time required by law, unless good cause is shown to retain the evidence. No exhibit shall be received by any court if the exhibit poses a security, storage, safety, or health problem. (Pen. Code, § 1417.)

A. Exhibits which will not be received include, but are not limited to:

1. Any type of explosive powder;
2. Explosive chemicals, toluene, ethane;
3. Explosive devices, such as grenades or pipe bombs;
4. Flammable liquids such as gasoline, kerosene, lighter fluid, paint thinner, ethyl-ether;
5. Canisters containing tear gas, mace, OC spray;
6. Rags which have been soaked with flammable liquids;
7. Liquid drugs such as phencyclidine (PCP), methamphetamine, corrosive liquids, pyrrolidine, morpholine, or piperidine; and
8. Samples of any bodily fluids, liquid or dried.

B. No exhibits shall be accepted by the exhibits custodian unless:

1. All containers with liquid substances are clearly marked and identified as to type and amount;
2. All containers of controlled substances are clearly marked, identified, weighed, and sealed;
3. All cash is specifically identified, whether individually or packaged, as to the total amount and number of each denomination;
4. All firearms are secured by a nylon tie or trigger guard; and
5. All hypodermic needles are placed in containers that will safeguard personnel.

C. Unless otherwise ordered, unidentified liquids, containers, controlled substances, or other suspect substances shall be returned to the party offering them.

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- D. A court, in its discretion, may admit any exhibit in the interest of justice. However, the following rules will be taken into consideration prior to approval.
1. Photographs. Original photographs shall be substituted for any photographically enlarged exhibits. A court, in its discretion, may order a photograph substituted for large or bulky exhibits which might pose a storage problem.
  2. Diagrams and Charts. Diagrams and charts shall not exceed twenty-seven (27) inches by forty (40) inches without prior order of the court. Attorneys are encouraged to use the court's video equipment when presenting evidence in the courtroom.
- E. Upon completion of trial in any traffic case, the court shall order the immediate return of all exhibits to the offering party. The offering party shall assume total responsibility and custody of any exhibit offered or received into evidence once returned. The offering party shall not change or alter any exhibit once returned. The offering party shall provide copies of all exhibits to the opposing party if he or she has not already received copies. The offering party shall retain custody of all exhibits and make all exhibits readily available to the court within the following limits:
1. Until 60 days following judgment if no appeal is filed.
  2. If an appeal is filed and the judgment is affirmed, until 30 days following the date of the remittitur.
  3. If an appeal is filed and a new trial granted, until 60 days following judgment on the new trial.

*(Adopted October 1, 1998; Amended July 1, 2000, Amended January 1, 2016; Amended July 1, 2017)*

#### **19.6 REPEALED**

*(Adopted October 1, 1998; Use of Correction Fluid or Tape on Documents and Papers – Repealed July 1, 2016)*

#### **19.7 RECORDING AND EDITING RULES FOR VIDEO DEPOSITIONS**

In addition to the requirements of Civil Code of Procedure section 2025.340, the following rules shall be followed regarding the recording and editing of video depositions.

##### **A. RECORDING OF VIDEO DEPOSITION:**

1. Head and shoulders view of witness only;
2. No split screen allowed;
3. A plain background shall be used; no photographs or pictures shall be in the background;

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4. Only normal room lighting shall be used; no additional lighting shall be used without court permission or agreement of opposing counsel; and
5. The running time for the video shall be displayed at the bottom of the picture.

#### **B. EDITING OF VIDEO DEPOSITION:**

1. Full questions and answers are required;
2. Pauses shall remain in questions and answers;
3. Pauses at end of answer and before next question may be edited out;
4. Introduction of subject matter for a section of video by non-argumentative description is allowed (e.g., voice over of trial counsel or character display);
5. Objections and comments of counsel on record shall be edited out;
6. An edited version of the video deposition shall be exchanged with counsel thirty (30) days before the pre-trial or settlement conference;
7. Sections of the video deposition offered for impeachment must comply with these recording and editing rules, but exchange between counsel is not required before trial; and
8. At the time of the use of impeaching material, opposing counsel and the court must be provided with marked transcript pages or pages and line numbers.

*(Adopted October 1, 1998; Amended January 1, 2008; Amended July 1, 2017)*

#### **19.8 COPIES OF PLEADINGS, JUDGMENTS AND ORDERS**

Attorneys and self-represented litigants must comply with the requirements for submission of pleadings, orders, and judgments.

*(Adopted July 1, 2009; Amend July 1, 2016)*

#### **19.9 LEGAL DOCUMENT ASSISTANTS**

All legal document assistants as defined by Business & Professions Code section 22440 et. seq. (Immigration Consultants), or Business & Professions Code section 6400 et. seq. (Legal Document Assistants and Unlawful Detainer Assistants) shall comply with the requirements of Business & Professions Code section 6408.

Failure to comply with Business & Professions Code section 6408 will be treated the same as failure to comply with Rule 2.100-119 of the California Rules of Court.

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*(Adopted July 1, 2000; Amended January 1, 2007; Amended July 1, 2015)*

#### 19.10 ONLINE AND HOME STUDY TRAFFIC SCHOOL COURSES

Court-approved online and home study courses are authorized only in adult cases and not in juvenile traffic matters.

*(Adopted March 26, 2001; Amended January 1, 2008; Amended July 1, 2010; Amended July 1, 2013)*

#### 19.11 COURT REPORTING SERVICES

Pursuant to California Rules of Court 2.956, and Government code Section 68086, the Court hereby adopts the following policy as a local rule. (Amended effective January 1, 2007)

The Court provides services of official court reporters in all criminal and juvenile matters as required by law during regular court hours.

In addition, the chart below reflects hearing types where the court does not provide services of an official court reporter:

Hearing Types	Official Reporter provided by the Court?
Civil settlement conference	Yes
Civil harassment	Yes
Civil ex-parte	Yes
Civil court trials	No
Civil jury trials	No
Civil collection – Rule of Court 3.740	No
Civil unlawful detainer	No
Civil labor appeal	No
Family Law domestic violence restraining order	Yes
Family Law attorney-represented law & motion	Yes
Family Law self-represented law & motion	Yes
Family Law court trials/hearings	Yes
Family Law settlement conference	Yes
Family Law evidentiary/trial – domestic violence	Yes
Family Law nullity, special setting under one day	Yes
Child Support – Department of Child Support	No
Probate law & motion	Yes
Probate/Civil – Compromise Claim of Minor	Yes
Small claims motions	No
Small claims court trials	No
Small claims appeals	No

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A party, with a fee waiver granted, proceeding in forma pauperis and requesting a court reporter, must file with the court at least 10 days prior to a hearing a Notice and Request for Court Reporter. Failure to timely file the Notice and Request for Court Reporter may result in the unavailability of a court reporter or delay in the hearing.

*(Adopted January 1, 2003; Amended April 1, 2003; Amended January 1, 2005; Amended January 1, 2007; Amended July 1, 2015; Amended January 1, 2019; Amended July 1, 2019)*

#### **19.12 FILING OF CASES**

Cases subject to mandatory e-filing shall be filed as provided in Rule 1.06. Otherwise, cases within the jurisdiction of the Superior Court of California, County of Monterey may be delivered to the Salinas, Marina, or Monterey courthouse, but will be filed only in the location of appropriate jurisdiction. Cases delivered to a court location that does not have current jurisdiction shall be date stamped as “received” and transported by court courier to the appropriate division location. Any such case shall be deemed “filed” at the date and time it is “received” stamped at any authorized courthouse. All new complaints and/or documents submitted for filing shall be deemed not filed if after careful review are found to be incomplete and/or filings fees were not submitted and will be returned unprocessed to the submitting party.

*(Adopted January 1, 2006; Amended July 1, 2016)*

#### **19.13 INTERPRETER SERVICES**

Any party requiring the services of an interpreter shall be responsible for notifying the court of the requested services. The court retains discretion to provide interpretation services.

*(Adopted January 1, 2005; Amended July 1, 2016)*

#### **19.14 MEDIA COVERAGE OF COURT PROCEEDINGS**

- A. Requests for Coverage. Requests for media coverage are governed by California Rules of Court, rule 1.150. The rules, forms, and policy are available on the court’s public website at [www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov) under the Media tab or through the clerk’s office.
- B. Limitations on Recording. Consistent with the limitations set forth in the California Rules of Court, the video or audio recording in the courtroom of any victim or witness, other than a defendant in a criminal case, is prohibited unless specifically authorized by the court. This rule shall apply to all images and statements of a victim or witness in court, whether live or prerecorded.

*(Adopted January 1, 2010)*

#### **19.15 JUDICIAL DISQUALIFICATION**

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



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When a judicial officer is disqualified, either on peremptory challenge or for cause, the matter will be referred for reassignment by the Presiding judge or designee.

*(Adopted July 1, 2012; Amended July 1, 2013; Amended July 1, 2015)*

#### 19.16 COURT FORMS

Forms adopted by the Monterey County Superior Court are indexed on the public website at: <https://www.monterey.courts.ca.gov/forms>. Those adopted for mandatory use are marked with an asterisk. All other forms are for optional use.

CI-115 	July 2013	Request For Record Search and Copies
CI-116 	July 2013	Request For Court File
CI-117 	July 2013	Request For Electronic Recording of Court Proceedings
CI-118 	September 2013	Application for an Order for Publication of Summons or Citation
CI-119 	September 2013	Order for Publication of Summons or Citation
CI-120 * 	September 2013	At-Issue Memorandum, Certificate of Readiness
CI-121 * 	September 2013	Declaration in Support and Order for Warrant of Attachment
CI-122 * 	September 2013	Warrant of Attachment
CI-123 * 	September 2013	Request for Referral to Court Investigator - Confidential
CI-124 	September 2013	Petition to Examine Confidential or Sealed Records
CI-125 	September 2013	Order on Petition to Examine Confidential or Sealed Records
CI-126 * 	September 2013	Financial Documents Caption Sheet
CI-127 * 	September 2013	Alternative Dispute Resolution Packet
CI-128 	September 2013	Request to Vacate or Continue Initial Case Management Conference and Order
CI-129 	September 2013	Declaration of Due Diligence
CI-130 * 	September 2013	Confidential Declaration Regarding Household Members
CI-132 	January 2014	Declaration of Judgment Debtor Regarding Satisfaction of Judgment (Small Claims)
CI-133 * 	April 2014	Request to Set Hearing
CI-134 * 	March 2015	Conservator Viewing Receipt
CI-135 * 	July 2015	Notice Of Status Conference
CI-136 * 	January 2016	Status Conference Questionnaire
CI-137 	July 2015	Legal Steps for Filing a Parentage Case

*(Adopted January 1, 2015; Amended July 1, 2016; Amended July 1, 2017)*