

# **CHAPTER 1**

## **DISTRIBUTION OF BUSINESS**

### **1.01 PRESIDING JUDGE**

The Presiding judge shall be chosen by a majority vote of the Judges of the Superior Court and shall hold office at their pleasure. He or she shall perform the duties prescribed by the California Rules of Court and by these Rules. The Presiding judge shall, when necessary, designate an acting Presiding judge. The Superior Court shall comply with the court's Governance and Administrative Policies Manual.

*(Adopted October 1, 1998; Amended July 1, 2015)*

### **1.02 CALENDAR ASSIGNMENTS**

In December of each year, the presiding judge, or his or her delegee, shall designate judicial assignments for the coming year in accordance with the California Rules of Court, rule 10.603. This rule is not intended to limit the ability of the presiding judge, in her or his sound discretion, to make judicial assignments whenever circumstances warrant.

*(Adopted October 1, 1998; Amended July 1, 1999; Amended July 1, 2012)*

### **1.03 DIRECT CALENDAR**

Direct Calendar. All misdemeanor, felony, family law, probate, civil, traffic and juvenile law cases shall be assigned under the Direct Calendar system. The Presiding judge may, in consultation with the Executive Committee and Executive Management, change the calendar system. Any changes will be posted on the court's website.

*(Adopted October 1, 1998; Amended January 1, 2001; Amended January 1, 2004; Amended July 1, 2015; Amended July 1, 2016)*

### **1.04 JUDICIAL ASSIGNMENTS**

Current judicial assignments can be viewed on the court's website from the General Information tab at: <https://www.monterey.courts.ca.gov/general-information/judges-assignments>

*(Adopted October 1, 1998; Amended July 1, 1999; Amended October 12, 1999; Amended July 1, 2000; Amended January 1, 2001; Amended January 1, 2001; Amended January 1, 2002; Amended July 1, 2003; Amended January 1, 2004; Amended July 1, 2004; Amended January 1, 2005; Amended July 1, 2005; Amended July 1, 2006; Amended January 1, 2007; Amended July 1, 2007; Amended January 1, 2008; Amended July 1, 2008; Amended January 1, 2009; Amended July 1, 2010; Amended January 1, 2011; July 1, 2012)*

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### 1.05 COURT HOLIDAYS

A list of current court holidays can be viewed on the court's website from the General Information tab at: <https://www.monterey.courts.ca.gov/general-information/holidays>

A holiday occurring on a Saturday is observed on the preceding Friday, and a holiday occurring on a Sunday is observed on the following Monday. (Cal. Rules of Court, rule 1.11.)

*(Adopted October 1, 1998; Amended July 1, 1999; Amended January 1, 2000; Amended January 1, 2001; Amended January 1, 2002; Amended July 1, 2003; Amended January 1, 2004; Amended January 1, 2005; Amended January 1, 2007; Amended January 1, 2008; Amended January 1, 2009; Amended January 1, 2010; Amended January 1, 2011; Repealed July 1, 2012)*

### 1.06 E-FILING OF DOCUMENTS

Electronic filing of documents in all case type is required, excepting appellate department cases.

*(Amended January 1, 2019)*

#### A. Filing Service Provider

Electronic filing of documents shall occur through the court's electronic service provider(s). Electronic service provider information is available on the court's website at [www.monterey.courts.ca.gov](http://www.monterey.courts.ca.gov).

#### B. Exceptions to E-filing

The following items are not subject to mandatory e-filing under these rules (E-Filing of Documents):

1. Documents presented for filing by a self-represented party. Although e-filing is not mandatory for self-represented parties, they are encouraged to e-file documents.
2. Documents ordered by the court as exempt from e-filing. A party may seek a court-ordered exemption by ex parte application for reason of undue hardship, significant prejudice, or other good cause.
3. Documents and other materials that are not feasibly converted to electronic form by scanning, imaging, or other means.
4. Documents lodged with the court provisionally under seal pursuant to California Rules of Court, rule 2.551, or lodged with the court as confidential documents.
5. Documents with jurisdictional time limits, including notices of appeal, motions for new trial, motions for JNOV, motions to quash service for personal jurisdiction, and petitions for writs taken from local court determination. Although not required, e-filing of these documents is encouraged.

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6. Original documents required for a proceeding, including bench warrants, subpoenaed documents, affidavits re real property of small value, bonds, undertakings, financial documents submitted by a private professional conservator, letters (probate, guardianship, conservatorship), wills and codicils (for filing or safekeeping), and orders to deposit money and receipt of depository.

7. Challenges to judicial officers pursuant to Code of Civil Procedure section 170.1 et seq.

### **C. Effective Date and Time of E-Filing**

Documents transmitted electronically are deemed filed only after accepted for filing by the clerk. Documents may be electronically transmitted to the court at any time.

Nothing in this section shall limit the clerk's ability to reject filings.

The court will issue a confirmation that the document has been received and filed in accordance with California Rules of Court, rule 2.259. The confirmation shall serve as proof that the document has been filed.

### **D. Format of E-Filed Materials**

1. All documents filed electronically must be in electronic text-searchable portable document format (PDF).
2. Pagination. Document pages must be consecutively numbered using only the arabic numbering system (such as 1, 2, 3), beginning with the number 1 on the first page of the document. When a document, transcript, or record is served in both paper format and electronic format, the pagination must be consistent for both versions.
3. If a party or attorney elects to include hyperlinks in a filing, the hyperlink shall be active and should be formatted to standard citation format as provided in California Rules of Court, rule 1.200.
4. Exhibits. Electronic exhibits must include electronic bookmarks with links to the first page of each exhibit and with bookmark titles that identify the exhibit number or letter and briefly describe the exhibit. Electronic exhibits not so bookmarked are subject to rejection.

### **E. Courtesy Copy**

A judge may order a courtesy copy at any time, either printed or through electronic delivery.

### **F. E-File Version Follow Up to Hand-Served Documents**

Documents served by hand, in court, or otherwise permissively, must then be e-filed unless the court specifically provides otherwise. Such e-filing must take place before the close of business

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on the court day following service by hand in open court. In addition, the Proof of Service must reference the date the document was originally served in open court.

### **G. Errors are the Responsibility of the Filer**

The confirmation of filing of the document and verification of the accuracy of the document shall be the sole responsibility of the filer. The court shall not be responsible for errors or malfunction occurring in the electronic transmission of a document to the court for filing.

### **H. Redaction of Confidential Information is the Filer's Responsibility**

The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The clerk will not review pleadings or other documents for compliance with the law. The court may impose sanctions for violation of these requirements.

### **I. Fees and Fee Waiver**

Electronic filing service providers may charge reasonable fees in addition to any filing fees required by the court. A party who has received a fee waiver from the court, or who has otherwise obtained an order of the court waiving such fees, is exempt from the fees and costs associated with electronic filing.

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

## **1.07 DELEGATION OF AUTHORITY**

Where one of the parties fails to execute a document necessary to carry out a court order, the Clerk of the Superior Court or the Clerk's authorized designee may be appointed as an elisor to sign the document pursuant to CCP section 128 (a)(4) and/or Family Code section 1101(e).

The Clerk of the Court hereby delegates to the Chief Operations Officer and Civil Operations Manager the authority to sign deeds, or other ordered documents, when the court has ordered the appointment of the Clerk of the Court to sign such documents as an elisor.

When applying for the appointment of an elisor, the application and proposed order must designate "The Clerk of the Superior Court, County of Monterey or the Clerk's Designee" as the elisor.

An application for appointment of an elisor shall be made by filing an appropriate pleading (Notice of Motion, Order to Show Cause or Request for Order). The pleading shall have as an attachment, a sample copy of the document(s) to be signed by the elisor. The declaration supporting the application must include specific facts establishing the necessity for the appointment of an elisor.

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A \$25.00 acknowledgment fee will be assessed for each document. If the elisor is signing documents requiring notarization, the applicant must arrange for a notary to be present when the elisor signs the document(s) at the applicant's cost.

The Clerk may develop and promulgate local procedures to be followed when an elisor is ordered.

*(Adopted July 1, 2017)*