

## **1. GENERAL ADMINISTRATIVE RULES**

### **1.1 CITATION**

These general rules should be cited as "Marin County Rule, General" or "MCR General" followed by the rule number (e.g., Marin County Rule, General 1.2 or MCR General 1.2).

*[Rule 8.1 adopted effective 5/1/98; renumbered as Rule 1.1 effective 1/1/22]*

### **1.2 CONDUCT OF ATTORNEYS**

Attorneys are expected, at a minimum, to conduct themselves in accordance with the requirements of the State Bar Act and the State Bar mandated Rules of Professional Conduct. In addition, the Court encourages all attorneys to abide by the standards set forth in the Code of Civility which have been approved by the Board of Directors of the Marin County Bar Association. (Copies of the Code of Civility can be obtained from the Clerk's Office or the Marin County Bar Association.) The Court may consider the Code of Civility and the standards contained therein when making rulings regarding sanctions.

*[Rule 8.2 adopted effective 5/1/98; renumbered as Rule 1.2 effective 1/1/22]*

### **1.3 COURTROOM DRESS**

No person shall appear in court unless wearing a shirt, shoes, pants (or skirt), dress or other appropriate attire (no shorts, sleeveless shirts).

*[Rule 8.3 adopted effective 5/1/98; renumbered as Rule 1.3 effective 1/1/22]*

### **1.4 LATE APPEARANCES**

An attorney, defendant or other person who is late for a scheduled court appearance may be subject to disciplinary action such as sanctions or contempt proceedings. A defendant who is late for court may be subject to having bail increased or terminated, or O.R. terminated.

*[Rule 8.4 adopted effective 5/1/98; renumbered as Rule 1.4 effective 1/1/22]*

### **1.5 COURT INTERPRETERS**

Where a party or defendant or other person is entitled to and requires the assistance of a court interpreter, the party, defendant or counsel of record shall notify the Court at least three (3) calendar days before the hearing. Where it is later determined that the interpreter is not needed, defendant or counsel shall provide notice to the Court at least 24 hours before the hearing. If such notice is not provided and the Court incurs costs of the interpreter, the Court will bill the requesting party for such costs.

*[Rule 8.5 adopted effective 5/1/98; amended 7/1/09; renumbered as Rule 1.5 effective 1/1/22]*

### **1.6 MEDIA COVERAGE**

The use of photographic, video, or audio recording or transmission equipment in the courtroom is prohibited without advance approval of the judge pursuant to CRC 1.150.

Any and all video, cell phone and other photography through courtroom windows or into the courtroom from the hallway is subject to the same restrictions that apply to the use of cameras in the courtroom and shall require prior approval by the judge of the affected courtroom. (See CRC 1.150.)

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Any and all video, cell phone and other photography in the hallway itself shall require prior approval by the presiding judge, or designee, and the County of Marin. Television, video and still photography inside the Marin County Civic Center, other than in a courtroom with the express authorization of the judge, requires a special permit, obtained from the Marin County Community Development Agency.

Television cameras, video cameras and/or camera operators, still photographers, media reporters or any combination thereof shall not block corridors, access to any courtroom, or the ingress to or egress from the courthouse.

*[Rule 8.6 adopted effective 7/1/09; renumbered as Rule 1.6 effective 1/1/22]*

### **1.7 USE OF LAPTOPS OR OTHER ELECTRONIC DEVICES**

The use of laptops and/or electronic devices by counsel or any member of the public in specific courtrooms will be regulated by each individual trial judge.

In no event shall an attorney or any member of the public use wireless internet connections, whether by laptop computers or any form of electronic access, to record, photograph or transmit any court proceeding unless otherwise specifically authorized by CRC 1.150.

*[Rule 8.7 adopted effective 7/1/09; renumbered as Rule 1.7 effective 1/1/22]*

### **1.8 COURT FILE RETRIEVALS AND VIEWING**

**A. Public Index Search.** All attorneys, parties, proprietary records research vendors and members of the public shall search the Court's public index for case numbers and/or case names of files they wish to review.

**B. Court Files Located at the Courthouse.** There is no retrieval fee for files located at the courthouse. Attorneys, parties, proprietary records research vendors and members of the public may request up to six (6) court files per day for viewing. If available and not in use by the Court, these files will be available for viewing the business day following the date of the request.

To request more than six (6) court files located at the courthouse to be viewed at one time, a \$15 retrieval fee per every six additional files requested will be due and payable at the time the request is made.

**C. Court Files Located at an Offsite Records Storage Facility.** Files located at offsite storage facilities can take up to a week for retrieval. Retrieval fees of \$5 for each file are due at the time the request is made. There is no limit to the number of files that may be requested from offsite storage. The clerk will advise the requestor of the date the file will be available for viewing. Court files retrieved from offsite storage warehouses will be kept in the Records Management Office for five (5) business days from the date they are available for viewing before being returned to offsite storage unless the requestor contacts the Court to ask that they be held longer. If the requestor does not view the files during the five-day viewing period and the files are returned to offsite storage, the requestor will be charged a new retrieval fee.

**D. Confidential Court Files Not Listed in the Public Index.** No information whatsoever will be provided to a requestor regarding court files that are determined to be confidential under California law unless the requestor is a party to the case or the current attorney

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of record. Requestors must present valid photo identification at the time of the request. Confidential court files include establishment of parental relationship (paternity), adoption, termination of parental rights, and juvenile dependency or delinquency.

*[Rule 8.8 adopted effective 1/1/10; renumbered as Rule 1.8 effective 1/1/22]*

### **1.9 COURT RECORDS RESEARCH**

**A. Research Requests.** The fee for research requests shall be \$15 for each search of records or court files that take longer than 10 minutes. The fee is due and payable at the time of the request. If the requestor seeks information on more than one record or court file at one time, the Court presumes that the search will take longer than 10 minutes and a \$15 fee will be charged for the first two records and a \$5 fee will be charged for each additional record or court file.

If submitting research requests by mail, requestors must enclose a self-addressed stamped envelope with proper postage and a check made out to Marin County Superior Court. On the memo line, write “amount not to exceed \$35,” if the amount of the research is unknown, or the amount previously provided by the Court.

**B. Clerk’s Declarations on Record Searches.** Upon request, the Court will draft a Clerk’s Declaration on Court letterhead stating the disposition of a court case or a statement that no record was found. The fee for a Clerk’s Declaration is \$25 for each record included in the Declaration.

*[Rule 8.9 adopted effective 1/1/14; renumbered as Rule 1.9 effective 1/1/22]*

### **1.10 COPIES OF COURT RECORDS**

**A. Copies of Court Files.** For copy jobs of 50 pages or fewer, the requestor must prepay for copies at \$0.50 per page. Copies may be made at the time of the request or mailed to the requestor within five (5) business days. For copy jobs of more than 50 pages, requestors must leave a deposit, in an amount determined by the Court, based upon the estimated number of copies. Copies shall be ready for pick up within ten (10) business days, along with a final tally of the number of pages copied and the remaining cost.

**B. Copies of Court Dockets, Registers of Action and Minute Orders.** Upon request, the Court will use its computer system to print dockets, registers of action, or minute orders. Copy fees of \$0.50 per page are due and payable at the time of printing. Once printed, the requestor shall purchase the printed document. The requestor may not view the printed document and decline to pay the copy fee.

**C. Copies of Court Orders, Filed Documents, or Other Court Records for Governmental Agencies.** Governmental agencies requesting copies of court orders, filed documents, or other court records shall include self-addressed stamped envelopes with postage sufficient to cover the cost of their copies.

*[Rule 8.10 adopted effective 1/1/10; renumbered as Rule 1.10 effective 1/1/22]*

### **1.11 ATTORNEYS FEES FOR COURT-APPOINTED COUNSEL**

Attorneys appointed by the Court to represent parties shall submit billings for their services at least once per year and may not bill for services that span multiple years. This rule is applicable whether or not the Court, the County of Marin or the individual parties are responsible for paying for these legal services.

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*[Rule 8.11 adopted effective 7/1/15; renumbered as Rule 1.11 effective 1/1/22]*

**1.12 CHECK CASHING**

**A. Acceptance.** The Clerk shall accept a personal check, cashier's check, or money order offered in payment of any fee, fine or bail deposit provided the following conditions are met:

1. The personal check, cashier's check, or money order is in U.S. dollars, with a dollar sign (\$) and the word "dollars" printed on it;
2. The amount of any such payment shall not exceed the face amount;
3. The check is not post-dated or stale-dated;
4. All instruments shall be made payable to the "Marin County Superior Court" or other similar designee (no two-party checks);
5. The numeric figures on the check shall agree with the amount written in words; and
6. The sum shall be payable in U.S. currency.

**B. Post-Dated Checks.** A post-dated check may be held by the Clerk until the date it becomes negotiable.

**C. Refusal.** Personal checks from persons known to have previously tendered worthless or "Not Sufficient Funds" checks to the Clerk or other persons shall be accepted at the discretion of the Court Executive Officer or designee.

**D. Checks Tendered with Insufficient Funds.** Pursuant to Penal Code section 4.76(a) persons making payment to the Court by personal or business check for criminal or traffic fines, fees or forfeitures must ensure that sufficient funds are available to honor these check transactions. If it is determined that there are insufficient funds in the payor's bank account, the Court may refer the dishonored check(s) to the Enhanced Court Collections Program for collection and/or to the District Attorney for enforcement. If attorneys licensed by the California State Bar pay filing fees by tendering checks on accounts with insufficient funds, the Court may notify the State Bar of such dishonored checks. See Business and Professions code section 6091.1.

**E. Overpayments.** When an amount paid to the Court exceeds the total amount due for any fine, fee or forfeiture, and the overpayment does not exceed ten dollars (\$10.00), the Court shall accept the overpayment and deposit those funds in local Court revenue. In recognition of the administrative costs related to refunding overpayments of \$10.00 or less, such overpayments will not be refunded to the payer.

*[Rule 8.12 adopted effective 5/1/98; amended 7/1/14; renumbered as Rule 1.12 effective 1/1/22]*

**1.13 PAYMENT IN COINS**

The Clerk shall not accept coins as payment of any bail, fee or fine in amounts exceeding: twenty-five cents consisting of pennies, nickels and dimes; and ten dollars consisting of dimes, quarters and half dollars.

*[Rule 8.13 adopted effective 5/1/98; amended 7/1/15; renumbered as Rule 1.13 effective 1/1/22]*

**1.14 ORDERS TO DISBURSE FUNDS**

All orders to disburse funds previously deposited with the Court shall clearly state the full name and mailing address of each payee and the exact amount to be paid to each. In the case of final disbursement of funds in interest-bearing deposits, the order shall designate who is to receive any interest remaining in the account after the disbursement has been made.

*[Rule 8.14 adopted effective 5/1/98; renumbered as Rule 1.14 effective 1/1/22]*

**1.15 DIGITAL SIGNATURES**

The Court will allow the use of a digital signature, which shall have the same force and effect as the use of a manual signature, if and only if it complies with all of the requirements of Government Code § 16.5.

*[Rule 8.15 adopted effective 7/1/99; renumbered as Rule 1.15 effective 1/1/22]*

**1.16 JUDICIAL FAIRNESS COMMITTEE**

Pursuant to the applicable Standards of Judicial Administration, the Court supports the establishment of a local committee to assist in maintaining a courtroom environment free of bias or the appearance of bias. In furtherance thereof, the Court has endorsed the Statement of Organization of the Marin County Judicial Fairness Committee approved and adopted jointly by the Boards of Directors of the Marin County Bar Association and the Marin County Women Lawyers.

*[Rule 8.16 adopted effective 7/1/99; renumbered as Rule 1.16 effective 1/1/22]*

**1.17 JUROR QUALIFICATION AND SELECTION**

**A. Jury Commissioner.** The Court Executive Officer is appointed as the Jury Commissioner and is designated as the "attaché" of the Court to perform all functions set forth in the Trial Jury Selection and Management Act (Code of Civil Procedure § 190 et seq.). Said functions may be performed by such Deputy Jury Commissioner as may be designated by the Court Executive Officer.

**B. Source Lists.** All persons selected for jury service shall be selected at random, from a source or sources inclusive of a representative cross section of the population of the area served by the court. Marin County Superior Court will use the list of registered voters and the Department of Motor Vehicle's list of licensed drivers and identification card holders.

These two source lists are combined for use in the computer; using predetermined matching criteria, the computer then compares the names on the two lists and eliminates any duplicates which results in a single merged file list. In addition, the following process will occur in order to create a master file list and to generate a master list.

1. *Elimination of Deceased and Disqualified Names.* The merged list will be compared to the most recent list of death certificates provided by the Local Registrar of Births and Deaths. Any duplicates will be automatically purged from the merged list by the computer. The names and service records of jurors who served during the past 24 months will also be prepared for input and then compared with those in the merged file. The computer will be programmed to skip the name of a citizen who has served within 24 months of the date for which names are drawn.

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2. *National Change of Address System.* Once the master list file is created it will be compared to the United States postal National Change of Address (NCOA). This is a file containing 113+ million permanent change of address records. This will assist in eliminating additional inconsistencies and duplications in the master list and remove all those potential jurors no longer living in Marin County.

3. *Master List Generation.* After the source lists are combined, duplicates eliminated, and disqualified individuals purged, as set forth in this rule, a master list will be produced by using the complete randomization technique and shall be generated at least once each year.

**C. Qualification and Summoning.** Qualifying and summoning prospective jurors from the master list will be performed as one integrated process. This is also known as a “one-step process”. On a daily basis, one month prior to each jury term, the jury clerk will determine the number of potential jurors to summon, based on the usual summons yield and the anticipated calendar load. The correct number of names from the master list will be input and a summons/questionnaire will print for the individuals selected.

1. *Randomization – Method of Selection.* Before the selection process is begun each month, the master list will be updated. No new names will be added to the file, but deletions will be made on the list where required. The names of those persons whose deferred service date falls within the month for which selection is being made, and is more than thirty (30) days from their initial service date, will be added to the list of jurors for that date. The names of these jurors will be distinguished on the list from those selected at random.

The selection process, using the complete randomization technique, will be performed by the computer drawing names from the master list. This selection method implies that each name from the combined source list is assigned or already has associated with it a number which is matched to a computerized random number generator or to a random number table as a means of selecting a subset or sample.

2. *Specifications of Forms.* The qualification/summoning forms generated by the computer will include:

a. A summons and response form for juror use in reporting disqualification or requesting excuse by mail. The summons forms will instruct the prospective juror to telephone a special number or use the Court’s online juror system ([http://www.marincourt.org/jury\\_services.htm](http://www.marincourt.org/jury_services.htm)) between the hours of 5:00 p.m. of the evening prior to his/her service date and 8:00 a.m. that morning, in order to find out if they need to report or not.

b. Information on jury duty including the date, time, and a map showing the location of the jury assembly room, telephone numbers to call, and a brief outline of his/her duties.

All forms will elicit only information necessary to determine the qualification of the prospective juror and will not be made public until he/she has been summoned and has appeared at the courthouse.

3. *Delivery and Follow-up.* The specified summons and qualification forms will be sent by first-class mail. As provided by CCP § 209, any prospective trial juror who

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has been summoned for service, and who fails to attend upon the court as directed or to respond to the court or jury commissioner and to be excused from attendance, may be arrested and, following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law.

### **D. Disqualification, Exemption, Excuse and Postponement Policy.**

1. *Disqualification.* All persons are eligible and qualified to be prospective trial jurors with the exception of those described in Code of Civil Procedure § 203.

2. *Exemptions.* In accordance with Code of Civil Procedure § 204, no eligible person shall be exempt from service as a trial juror by reason of occupation, race, color, religion, sex, national origin, or economic status, or for any other reason. Any request for a permanent excuse or exemption due to medical or other reasons, requires approval and authorization by the Jury Commissioner or designee.

3. *Excuses.* Please see California Rule of Court 2.1008(d) for reasons that allow a juror to be excused from jury service. Excuses may only be requested after a person has been summoned for jury duty.

4. *Postponement.* A potential juror may request postponement of jury service for up to ninety (90) days. Postponements may be obtained by calling Jury Services or using the Court's online juror system ([http://www.marincourt.org/jury\\_services.htm](http://www.marincourt.org/jury_services.htm)).

**E. Term of Service.** The term of service is one trial/one day and is considered fulfilled when he or she has:

1. Served on one trial until discharged.
2. Been assigned to a trial department for jury selection and served until excused by the Deputy Jury Commissioner.
3. Attended court but was not assigned to a trial department for selection of a jury before the end of that day.
4. Served one day on call with same day notice to appear in court.

*[Rule 8.17 adopted effective 5/1/98; amended 7/1/19; renumbered as Rule 1.17 effective 1/1/22]*

### **1.18 COURT REPORTERS**

**A. General Provisions.** Official and pro tempore court reporter services and compensation are described in § 68086 et seq. of the Government Code, and in other applicable statutes, CRC, and rules of this Court. All matters required by law to be reported at the Court's expense shall be reported. All other matters shall be reported at the request of the Court or the parties, subject to the availability of an official court reporter.

As required by law, court reporting services shall be provided at the Court's expense in all felony and juvenile matters and proceedings under the Lanterman-Petris-Short (LPS) Act. Court reporting services may also be provided at the request of the Court or the parties for certain types of civil proceedings. **For the purposes of this local rule, "civil" is defined as all matters other than criminal, juvenile and LPS (e.g. civil, family law, probate.)** These services,

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however, will be subject to the availability of a court reporter and the cost of court reporting services will typically be borne by the parties.

Generally, the Court will not provide court reporters for the following types of proceedings: case management and status conferences; ex parte applications or hearings; orders to show cause; civil harassment; infractions and small claims. Court reporters may be used in such proceedings, but they shall be obtained, and the expense shall be borne, by the party requesting a reporter. The party requesting a reporter shall file ten (10) days' advance written notice to the clerk of his/her request to have a reporter present during any of these proceedings.

At the court's discretion, in settlement of unlimited civil cases, the terms thereof shall be placed on the record by a court reporter or shall be reduced to writing and signed by all necessary parties, and the fact of the settlements shall be entered into the Court's minutes.

**B. Use of Electronic Recording.** Pursuant to Government Code § 69957, electronic recording may be used in the following types of proceedings, when an official reporter is unavailable: infractions, misdemeanors, limited jurisdiction civil matters, limited jurisdiction civil appeals, infraction and misdemeanor appeals, and small claims trials de novo.

**C. Court Reporting Services Requested By Parties In Civil Trials And Hearings.** A party in any type of civil case must file a statement ten (10) days before the trial or hearing date indicating whether the party requests the presence of an official court reporter. The clerk shall notify a party having filed such a statement no later than five (5) days before the trial or hearing date if the services of an official reporter will not be available. Pursuant to CRC 2.956, if the services of an official court reporter are not available for a trial or hearing, a party may arrange for the presence of a certified shorthand reporter to serve as an official pro tempore reporter. It is the requesting party's responsibility to pay the pro tempore reporter's fee directly to the reporter for attendance at the proceedings but the expense may be recoverable as part of the costs, as provided by law. Per diem fees for official court reporters are listed in the Court's Uniform Filing Fee Schedule and are to be paid by the parties in all matters other than criminal, juvenile or LPS. If the court makes available an official reporter for the trial or hearing lasting longer than one hour, the per diem fee shall be advanced to the courtroom clerk before the commencement of each day's proceedings.

**D. Reporting Notes of Certified Reporters Hired to Serve as Official Pro Tempore Reporters.** Reporting notes of all certified shorthand reporters employed to report in this Court are the official records of the Court and shall be secured by the Court in accordance with Government Code § 69955. The notes may be lodged by email at [reporter@marincourt.org](mailto:reporter@marincourt.org) or by submitting a CD to the Clerk of the Court within thirty (30) days of reporting. The notes shall be labeled with the date recorded, the Court department, and the name of the reporter.

*[Rule 8.18 adopted effective 7/1/10; amended 1/1/20; renumbered as Rule 1.18 effective 1/1/22]*

### **1.19 PUBLIC ACCESS TO JUDICIAL ADMINISTRATIVE RECORDS**

Any request for a copy of or to inspect a judicial administrative record pursuant to CRC 10.500 must be made in writing. Such request may be delivered to Room 116 (Administration) between the hours of 8:00 a.m. and 4:00 p.m., emailed to [administration@marincourt.org](mailto:administration@marincourt.org), or mailed to Marin County Superior Court, Administration (Room 116), P.O. Box 4988, San Rafael, CA 94913-4988.

*[Rule 8.19 adopted effective 7/1/11; renumbered as Rule 1.19 effective 1/1/22]*



**1.20 TELEPHONIC APPEARANCES – CIVIL, FAMILY, PROBATE, AND APPELLATE DIVISIONS**

**A. Telephonic Appearances.** Parties shall schedule their telephonic appearance through vCourt, a Court-run telephonic appearance system two (2) court days prior to a hearing. To register for a telephonic appearance, go to the Court’s website and click on vCourt system to sign up. You cannot register for a telephonic appearance over the phone. There shall be a charge for each telephonic appearance, pursuant to California Rules of Court, Rule 3.670. There may be an additional charge for appearances scheduled less than two (2) court days prior to the scheduled hearing. (This rule is temporarily suspended in light of the California Chief Justice’s Emergency Rules Related to COVID-19, Rule 3. Parties are directed to go to the court’s website to access the current rules for remote appearances.)

A party making a telephonic appearance shall: (a) eliminate to the greatest extent possible all ambient noise from the party’s location; (b) speak directly into a telephone handset during the appearance; and (c) not utilize the “hold” button. Each time a party speaks, the party shall identify by name for the record and participate in the appearance with the same degree of courtesy and courtroom etiquette as a personal appearance would require. (This rule is temporarily suspended in light of the California Chief Justice’s Emergency Rules Related to COVID-19, Rule 3. Parties are directed to go to the court’s website to access the current rules for remote appearances.)

**B. Child Support Hearings Involving DCSS.** For telephonic appearances in cases involving DCSS, the requesting party must submit to the Court a Request for Telephone Appearance form (FL-679) at least twelve (12) court days prior to the hearing pursuant to CRC 5.324. The Court will provide the requesting party with the telephone number and conference call passcode if the request is approved. (This rule is temporarily suspended in light of the California Chief Justice’s Emergency Rules Related to COVID-19, Rule 3. Parties are directed to go to the court’s website to access the current rules for remote appearances.)

*[Rule 8.20 adopted effective 1/1/18; amended and renumbered as Rule 1.20 effective 1/1/22]*

**1.21 NOTICE AND WARNING: SANCTIONS FOR INCLUDING SOCIAL SECURITY AND FINANCIAL ACCOUNT INFORMATION IN FILED DOCUMENTS**

**A.** California Rules of Court, rule 1.20, which is applicable to all documents filed in all civil and criminal proceedings unless otherwise required by law, provides that parties and their attorneys must not include, or must redact where inclusion is necessary, social security numbers and financial account numbers from any documents filed with the court other than under seal. rule 1.20 provides that the responsibility for excluding or redacting identifiers from all documents filed with the court “rests solely with the parties and their attorneys. The court clerk will not review each pleading or other paper for compliance with this provision.” (Cal. Rules of Court, rule 1.20, subd. (b).)

**B.** In addition to any other sanctions permitted by law, the Court may order any person, after written notice and an opportunity to be heard, to pay reasonable monetary sanctions to the court or an aggrieved person, or both, for failure without good cause to comply with this requirement. (See Cal. Rules of Court, rule 2.30, subd. (b).)

*[Rule 1.21 adopted effective 1/1/22]*

## 1.22 CLERK'S OFFICE HOURS

The Marin County Superior Court Clerk's Offices will be closed from 12:00 p.m. to 1:00 p.m. daily.

*[Rule 1.22 adopted effective 1/1/22]*

*[Rules 1.23 – 1.49 left intentionally blank]*

## 1.50 ELECTRONIC RECORDS

All documents filed in paper form with the Clerk of the Court will be scanned and entered into the court's case management system as a computerized court record. The electronic record is the official record of the court.

This Rule shall not apply to court reporter's transcripts or to specifications for electronic recordings made as the official record of oral proceedings. These records shall be governed by the California Rules of Court (CRC). This rule shall not apply to original wills and codicils delivered to the Clerk of the Court pursuant to Probate Code section 8200. The Clerk of the Court shall retain original wills and codicils as provided in Government Code section 26810. Unless electronically certified by the court, a trial court record available by electronic access is not the official record of the court.

All non-document filings, including physical objects or anything other than a document, may not be e-filed. This includes electronic files which cannot be converted to PDF such as music and video files. Such files must be filed manually in an accessible format.

*[Rule 1.50 adopted effective 1/1/22]*

## 1.51 ELECTRONIC FILING

This Rule applies to filing of all documents, electronically and paper, with the court.

**A. Applicable Statutes and Rules of Court.** Parties must comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and CRC Rules 2.250 through 2.253, 2.256, 2.257, and 2.259.

### **B. Mandatory Electronic Filing Rules for All Cases, Including Criminal.**

**1. Mandatory Electronic Filing and Service.** As authorized by Code of Civil Procedure section 1010.6(d) and CRC 2.253(b)(1)(A), and subject only to the exceptions in Local Rules 1.51(B)(2), 1.51(B)(3), and 1.51(B)(4) below, all parties represented by attorneys in all civil cases (including Family, Juvenile Dependency, and Probate cases), all Appellate Division cases, all misdemeanor and felony criminal cases, and all juvenile cases as permitted by law must file and serve documents electronically, except when personal service is required by statute or rule. Attorneys who are subject to this rule, and self-represented parties who have consented to electronic filing and service, may not object to electronic service.

**2. Documents Not Filed Electronically.**

- (a) The following documents shall not be filed electronically
  - (i) subpoenaed documents;
  - (ii) Affidavit re: Real Property of Small Value;
  - (iii) Labor Commissioner deposits of cash or check;
  - (iv) bonds and undertakings;
  - (v) wills and codicils
  - (vi) documents lodged with the court per MCR Fam 7.13(C), conservative and guardianship accounting statements; and
  - (vii) trial exhibits.

(b) The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Certificate of Facts re: Unsatisfied Judgments, Letters issued by the Probate Court, Citations issued by the Probate Court, and Payee Data Record Form.

(c) During trial and with permission from the Court, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed and served electronically by the party before the close of business no later than the following court day. The proof of service must reference the date the document was originally served in open court.

(d) A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF, or if it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served on the parties by non-electronic means. A party manually filing such a document or exhibit must file electronically and serve a Notice of Manual Filing describing the document or exhibit and stating the reason the party cannot electronically file the document or exhibit.

(e) Any required courtesy copies are deemed submitted upon the e-filing of an original document unless otherwise ordered by the court.

**3. Self-Represented Parties.** Self-represented parties are not required to file and serve documents electronically. (CRC 2.253(b)(2).) Self-represented parties may continue to file, serve, and receive paper documents by non-electronic means according to all statutory requirements and the California Rules of Court that apply to paper documents, unless the self-represented party affirmatively agrees in writing to electronic filing and service. Self-represented parties are encouraged to agree to electronic filing and service, and may agree by filing with the Clerk of the Court and serving on all parties, either electronically or by non-electronic means, a Consent to Electronic Filing and Service and Notice of Electronic Service Address (Judicial Council Form [EFS-005-CV](#)).

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**4. Party Requests for Excuse from Electronic Filing and Service.** A party who is required to file, serve, and receive documents electronically under this Rule may request to be excused from those requirements by showing undue hardship or significant prejudice. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party otherwise qualifies for or has been granted a fee waiver, as provided in this Rule. The party must file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form [EFS-007](#)) with a Proposed Order (Judicial Council Form [EFS-008](#)). A party who files and serves a Request for Exemption from Mandatory Electronic Filing and Service must be served with documents in paper form until the court rules on the Request for Exemption.

**5. Electronic Filing Fee Waiver.** A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the court an Application for Waiver of Court Fees and Costs, (Judicial Council Forms [FW-001](#) and [FW-002](#)).

**6. Date and Time of Filing.** Parties may electronically transmit a document to the court at any time. Acceptance of a transmitted document for filing occurs on the (i) date the document is submitted, if the submission occurs between 12:00 a.m. and 11:59 p.m. on a day when the Clerk of the Court's office is open for business, or (ii) next day when the Clerk of the Court's office is open for business following submission of the document, if the submission occurs on a day when the Clerk of the Court's office is closed.

**7. Confirmation of Receipt and Filing.** The court will provide an electronic confirmation to the filer indicating the date and time the document was received and the date and time the document was filed.

**8. Errors in Electronically Filed Documents.** The filing party is solely responsible for the accuracy of the data and information contained in electronically filed documents.

**9. User Technical Problems.** In the event a filer is temporarily unable to electronically file due to technical problems, the filer should follow procedures set forth by the court. The court may establish policies and procedures for filers to follow when requesting an extension of time due to technical problems. Otherwise, such requests may be made by ex parte motion, addressed to the judge to whom the case is assigned for all purposes, or, if the case has not been assigned, to the Supervising Judge of the relevant division. The Clerk of the Court, pursuant to established policies and procedures in effect at any time, may determine whether a filer has complied with established policy and procedures entitling the filer to an extension of time.

The filer may alternatively file by submitting documents to a court approved electronic filing vendor. The vendor must then convert those documents to electronic form, file them with the Clerk of the Court, and serve designated parties as provided. Filers filing via facsimile through a vendor must be charged fees reflecting the vendor's then current published rates for filing and service in this manner.

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**10. User Error or Vendor Technical Problems.** If electronic filing or service does not occur due to (1) error in the transmission of the document to a vendor or served party which was unknown to the sending party; (2) a vendor's failure to process the electronic document; (3) a party's erroneous exclusion from the service list; (4) other technical problems experienced by the vendor, then the filer affected may be entitled to an extension of time for any response or the period within which any right, duty, or other act must be performed, provided the filer demonstrates that the filer attempted to file or complete service on a particular day and time. The court may establish policies and procedures for the way in which a filer may demonstrate the filer attempted to file or complete service on a particular day and time. The Clerk of the Court, pursuant to established policies and procedures in effect at that time, may determine whether a filer has complied with established policy and procedure entitling filer to an extension of time.

**11. Hearing Dates for Electronically Filed Motions.** Hearing dates and times for motions or Requests for Orders (RFO's) filed electronically under this rule shall be set in conformity with the procedures followed in the courtroom in which the motion or RFO will be set for hearing or heard. If filed electronically, parties will be noticed electronically by the Court. If filed in person, parties will receive notice via mail or other non-electronic notice.

**12. E-Filing and Service of Orders and Other Papers by Court.** The Court may issue, file, and serve notices, orders and other documents electronically subject to the provisions of these Rules.

**13. Confidential Documents.**

(a) Except as provided in CRC 2.500 through 2.507, an electronically filed document is a public document at the time it is filed unless it is ordered sealed pursuant to CRC 2.550 – 2.551 or filed as a confidential document pursuant to law. Unless the document is confidential and/or will be filed under seal, to protect personal privacy, parties must refrain from including, or must redact where inclusion is necessary, the personal data identifiers from all documents, including exhibits, filed with the court under this Rule, such as social security numbers and financial account numbers. (CRC 1.201)

(b) A motion to file documents under seal must be filed and served electronically. Confidential documents shall be lodged or filed with the court by electronic submission in the manner described in CRC 2.551(d). Such records must not be submitted in paper form, unless an exception to the mandatory electronic filing rules applies or has been granted. A cover sheet that identifies the lodged or sealed documents must be electronically filed. Redacted versions of any lodged or sealed documents must be filed electronically at the same time.

**14. Format for Exhibits and Documents.** Exhibit attachments to pleadings filed electronically shall be separated by a single page with a title identifying the sequence of the exhibit. All exhibits must be electronically bookmarked (referred to in these Marin County Local Rules as "bookmarked") for ease of reference. Any pleadings or documents (except for trial exhibits) that are submitted to the Clerk of the Court in paper format must not be stapled, but instead must be held together by binder clips or two-prong fasteners.

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**15. Trial Exhibits Not to be Filed Electronically.** Proposed trial exhibits must not be filed electronically but instead must be lodged in paper format with the trial department once assigned, unless otherwise instructed by the trial judge.

### **C. Electronic Filing Rules for Non-Criminal Cases.**

**1. Mandatory Electronic Filing and Service.** Upon implementation of the Court's E-filing system, parties filing documents electronically must use one of the court's approved electronic filing service providers. Information concerning the approved electronic filing service providers, including the procedures for electronically filing documents with the court and for electronically serving documents, is available on the court's website at [www.marincourt.org](http://www.marincourt.org). Until such time, parties may use the Court's E-delivery system to file documents as provided on the Court's website or continue to file paper documents in person in the Clerk's Office.

**2. Proposed Orders in Probate Cases.** Subject to any applicable exemptions, proposed orders submitted with the moving papers before a hearing on a regularly-noticed motion or orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020.

**3. Proposed Orders in Civil and Family Cases.** Proposed orders may not be submitted with moving papers before a hearing on a regularly-noticed motion or RFO unless ordered by the court or if otherwise required by applicable statute or Rule of Court (such as motions to be relieved as counsel, petitions for compromise of minors' claims, orders on objections to evidence in summary judgment motion, pro hac vice applications, applications for writs of attachment, etc.). If instructed to prepare an order after a hearing, proposed orders after hearing shall be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020.

### **D. Electronic Filing Rules for Criminal Cases.**

Pursuant to Penal Code section 959.1, a criminal prosecution shall be commenced by filing an accusatory pleading in electronic form. Represented parties in criminal matters shall file and serve documents electronically pursuant to Penal Code section 690.5(a), Code of Civil Procedure 1016.6, and the authorities cited in Local Rule 1.51(B) above except for any Motion to Set Aside a Bail Forfeiture and any appeal of a denial of a Motion to Set Aside a Bail Forfeiture. Parties may electronically file documents in two ways:

(1) Parties with computer systems that are integrated with the court's case management system may file directly through those systems. Parties with computer systems that are integrated with the court's system include the Marin County District Attorney's Office, Marin County Public Defender's Office, Marin County Probation Department, Division of Adult Parole Operations of the California Department of Corrections and Rehabilitation, California Department of Child Support Services, and the California Department of Social Services.

(2) Until implementation of the Court's E-filing system, parties that do not have computer systems that are integrated with the Court's case management system may use the Court's E-delivery system to file

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documents as provided on the court's website or continue to file paper documents in person in the Clerk's Office.

*[Rule 1.51 adopted effective 1/1/22]*

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