



SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN

JUDITH K. DULCICH
PRESIDING JUDGE

CHARLES R. BREHMER
ASST. PRESIDING JUDGE

TAMARAH HARBER-PICKENS
COURT EXECUTIVE
OFFICER & CLERK OF
THE COURT

Metropolitan Division
1415 Truxtun Ave., Rm. 212
Bakersfield, CA 93301
(661) 868-4934

Metropolitan Division –
Justice Center
1215 Truxtun Avenue
Bakersfield, CA 93301
(661) 868-2450

Metropolitan Division -
Juvenile Justice Center
2100 College Avenue
Bakersfield, CA 93305
(661) 868-5393

Metropolitan Division -
Traffic Department
3131 Arrow Street
Bakersfield, CA 93308
(661) 335-7100

Delano/McFarland Branch
1122 Jefferson Street
Delano, CA 93215
(661) 720-5800

Shafter Branch
325 Central Valley Highway
Shafter, CA 93263
(661) 746-7500

Arvin/Lamont Branch
12022 Main Street
Lamont, CA 93241
(661) 868-5800

Taft/Maricopa Branch
311 North Lincoln Street
Taft, CA 93268
(661) 763-8531

Mojave Branch
1773 Highway 58
Mojave, CA 93501
(661) 824-7100

Ridgecrest Branch
132 East Coso Avenue
Ridgecrest, CA 93555
(760) 384-5900

March 11, 2019

The proposed amendments to the Superior Court of California, County of Kern, Local Rules of Court, for July 1, 2019, have been posted for comment at www.kern.courts.ca.gov. A hard copy of the proposal is available on request.

1. Chapter I, General Rules

You may submit comments by e-mail to WAdmin@kern.courts.ca.gov or mail to the following address:

Tamarah Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern
1415 Truxtun Avenue
Bakersfield, CA 93301

All comments must be received by no later than 5:00 p.m. on Friday, April, 26, 2019.

Respectfully,

Tamarah Harber-Pickens
Court Executive Officer
Superior Court of California, County of Kern

THP/jf

Enclosure

GENERAL RULES PROPOSED AMENDMENTS

Chapter I. General Rules

Rule 1.10 **Electronic Filing and Service** (Effective 1/1/12; rev. 1/1/13; rev. 1/1/17; rev. 7/1/18; rev. 1/1/19; rev. 7/1/19)

~~The~~ This rule governs permissive and mandatory electronic filing and service of documents in the Superior Court of California, County of Kern, ~~has elected to allow the filing.~~ As authorized by Code of Civil, Family Law, and Probate documents by electronic transmission. Procedure (CCP) section 1010.6(d) and California Rules of Court (CRC, rule), rule 2.250 et seq., applicable to electronic filings through an electronic service provider apply. 253(b)(1), Mandatory Electronic Filing (E-File) will be required for all represented parties on all Limited Civil and Unlimited Civil case types, including cases related to California Environmental Quality Act (CEQA), Civil Writ petition cases, and Unlawful Detainers. Family Law cases, Probate cases, and Habeas Corpus proceedings are not subject to the mandatory e-filing requirement at this time. (Effective 1/1/12; rev. 1/1/17; rev. 7/1/19)

~~(a)~~ This requirement is specific to all attorneys, justice partners, and vendors filing in this area. Represented parties in other civil cases including Family Law, Probate, and Habeas Corpus proceedings, and self-represented litigants are not required to E-File, but are encouraged to participate. (Effective 1/1/12; rev. 7/1/18; rev 7/1/19)

Unless this rule provides otherwise, parties filing and serving documents electronically shall comply with all the requirements set forth in CCP § 1010.6 and CRC rules 2.250 et seq. (Effective 1/1/12; rev. 1/1/17; rev. 7/1/19)

- a) An attorney or party who is required to file and receive documents electronically under this rule may request to be excused from those requirements by showing undue hardship or significant prejudice. An attorney or party requesting to be excused from mandatory electronic filing should serve on all parties and file with the court a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form EFS-007), with Proposed Order (Judicial Council Form EFS-008). Until an order on the Request for Exemption from Mandatory Electronic Filing is issued, an attorney will be allowed to file documents in paper form. (Effective 7/1/19)
- b) All parties are encouraged to agree to electronic service. To indicate their willingness to accept electronic service, parties should serve on all parties and file with the court a Consent to Electronic Service and Notice of Electronic Service Address (Judicial Council Form EFS-005-CV). Consent to receive electronic service may ~~only~~ be completed only by a party or other person entitled to service or that person's attorney. This affirmative consent allows all electronically filed documents to be served electronically, except when personal service is required by statute or rule. (Effective 7/1/19)
- c) Consent to electronic service may be withdrawn at any time. Parties wishing to withdraw their consent should serve on all parties and file with the court a

Withdrawal of Consent to Electronic Service (Judicial Council Form EFS-006). The withdrawal of consent to receive electronic service may ~~only~~ be completed only by a party or other person entitled to service or their attorney. (Effective 7/1/19)

- (b) d) Electronic documents filed between 12:00 a.m. and 11:59:59 p.m. shall be deemed filed on that business day pursuant to ~~California Code of Civil Procedure (CCP) section § 1010.6(b)(3)~~. Any document that is filed electronically on a non-court day shall be deemed filed on the next court day. **Nothing in this rule shall limit the clerk's ability to reject deficient filings in accordance with CRC rule 2.259.** (Effective 1/1/12; rev. 7/1/18; rev. 7/1/19)
- (e) e) ~~All electronic filings shall comply with California Rules of Court (CRC), rules 2.250-2.261 and CCP § 1010.6.~~ The proper electronic transmission of a document is the responsibility of the filing attorney or party, not the court. Documents must be filed using an Electronic Filing Service Provider (EFSP) located on the court's website at www.kern.courts.ca.gov. (Effective 1/1/12; rev. 7/1/18; rev. 7/1/19)
- (e) f) ~~The Electronic Filing Service Provider (EFSP) must pay all applicable fees at the time of filing,~~ **and may charge reasonable fees in addition to any filing fees required by the court. Any party who has received a fee waiver from the court is exempt from the fees and costs associated with electronic filing and must designate so in related field(s) upon submission.** (Effective 7/1/19)
- g) A party whose electronic notification or service address changes while the action or proceeding is pending must serve on all parties and file with the court a notice of change of electronic address. This notice must be served on all other parties or their attorneys of record and filed with the court within seven (7) days of the change. The party should use the Notice of Change of Electronic Service Address (Judicial Council Form EFS-010). An electronic notification or service address is presumed valid for a party if the party files electronic documents with the court from that electronic address and has not filed and served notice that the electronic address is no longer valid. (Effective 7/1/19)
- (e) h) All documents electronically filed with the court shall be in a text searchable Portable Document Format (PDF), i.e.; **containing** Optical Character Recognition (OCR) technology, and must adhere to the requirements for general format as required in CRC rules 2.256 and 3.1110, including those related to electronic exhibits and bookmarks. (Effective 1/1/12; rev. 7/1/18; rev. 7/1/19)
- d) i) ~~Media outlets may view certain court filings.~~ **Except as provided in CRC rules 2.500 through 2.507, an electronically filed document is a public document at the time it is filed.** In order to ensure immediate confidentiality upon electronic filing, the filing parties and filing attorneys shall designate documents that are required to be kept confidential by law as such by selecting "confidential" in the security field on the filing details prompt in the Court's

electronic filing system. Filing parties and filing attorneys shall at all times comply with CRC rules 2.550 and 2.551 regarding sealed documents. Nothing herein is intended to contravene CRC rules 2.550 and 2.551 or provisions similar thereto. Further, it is the sole responsibility of the filing parties and filing attorneys to exclude or redact personal data identifiers from all documents, including exhibits, filed with the court, as described in CRC rules 1.201- and 2.256. The court will not review documents for compliance. The court may impose sanctions for violation of this rule. (Effective 1/1/19; rev. 7/1/19)

(e) j) The Court's confirmation of filing constitutes verification of filing, as described in CRC rule 2.259. (Effective 7/1/18)

(f) k) Certain documents/filings are not eligible for submission through electronic filing and must be filed through conventional methods. These documents include:

1. Any and all documents deemed sealed by CRC or statute;
2. Any and all documents requested or intended to be sealed by the Court;
3. Subpoenaed documents;
4. Bonds;
5. Undertakings;
6. Civil Bench Warrants;
7. Original Contracts/Instruments;
8. Over-sized Documents/Exhibits;
9. Sister-State Judgments;
10. Letters filed in the Probate Department related to Probate, Guardianship, and Conservatorship;
11. Affidavits re Real Property of Small Value;
12. Original Wills/Codicils; and
13. Filings related to Surrogacies, Petitions to Declare Minors Free from Parental Care and Control, Petitions to Terminate Parental Rights, and Adoptions submitted to the Family Law Department. (Effective 7/1/18; rev. 7/1/19)

(g) l) Applications for entry of a judgment that include an instrument, contract, or written obligation must be electronically filed and the original instrument must be filed at the Clerk's office via conventional methods. The original document(s) will then be cancelled and merged if the judgment is entered, in accordance with ~~California Rules of Court~~, CRC rule 3.1806, after which the document will then be imaged and maintained in the electronic court record. The submitted document(s) will then be returned to the proffering party for safe-keeping. Parties must provide a suitable method of return along with the submitted document(s). If no method of return is included, the document(s) will be shredded and recycled. (Effective 7/1/18; rev. 7/1/19)

m) For CEQA petition cases the format of the administrative record must comply with CRC rules 3.2200 through 3.2208. The party lodging the administrative

record must submit two (2) copies of the administrative record, contained on a CD-ROM, DVD, or other electronic format, in a manner that cannot be altered, and one (1) copy of the administrative record in paper format. All copies of the administrative record should be submitted through conventional non-electronic means. The party lodging the administrative record shall file electronically and serve a Notice of Manual Filing for the administrative record. (Effective 7/1/19)