

Cal Rules of Court, Rule 2.400

This document reflects first and last orders received through April 6, 2020. Rules are current through April 10, 2020.

CA - California Local, State & Federal Court Rules > CALIFORNIA RULES OF COURT > Title 2. Trial Court Rules > Division 4. Court Records > Chapter 1. General Provisions

Rule 2.400. Court records

(a)Removal of records Only the clerk may remove and replace records in the court's files. Unless otherwise provided by these rules or ordered by the court, court records may only be inspected by the public in the office of the clerk and released to authorized court personnel or an attorney of record for use in a court facility. No original court records may be used in any location other than a court facility, unless so ordered by the presiding judge or his or her designee.

(Subd (a) amended effective January 1, 2010; previously amended effective July 1, 1993, January 1, 2007, January 1, 2008, and January 1, 2009.)

(b)Original documents filed with the clerk; duplicate documents for temporary judge or referee

(1)All original documents in a case pending before a temporary judge or referee must be filed with the clerk in the same manner as would be required if the case were being heard by a judge, including filing within any time limits specified by law and paying any required fees. The filing party must provide a filed-stamped copy to the temporary judge or referee of each document relevant to the issues before the temporary judge or referee.

(2)If a document must be filed with the court before it is considered by a judge, the temporary judge or referee must not accept or consider any copy of that document unless the document has the clerk's file stamp or is accompanied by a declaration stating that the original document has been submitted to the court for filing.

(3)If a document would ordinarily be filed with the court after it is submitted to a judge or if a party submits an ex parte application, the party that submits the document or application to a temporary judge or referee must file the original with the court no later than the next court day after the document or application was submitted to the temporary judge or referee and must promptly provide a filed-stamped copy of the document or application to the temporary judge or referee.

(4)A party that has submitted a document to a temporary judge or referee must immediately notify the temporary judge or referee if the document is not accepted for filing by the court or if the filing is subsequently canceled.

(Subd (b) amended effective January 1, 2010; adopted effective July 1, 1993; previously amended effective January 1, 2007.)

(c)Return of exhibits

(1)The clerk must not release any exhibit except on order of the court. The clerk must require a signed receipt for a released exhibit.

(2)If proceedings are conducted by a temporary judge or a referee outside of court facilities, the temporary judge or referee must keep all exhibits and deliver them, properly marked, to the clerk at the conclusion of the proceedings, unless the parties file, and the court approves, a written stipulation providing for a different disposition of the exhibits. On request of the temporary judge or referee, the clerk must deliver exhibits filed or lodged with the court to the possession of the temporary judge or referee, who must not release them to any person other than the clerk, unless the court orders otherwise.

(Subd (c) amended effective January 1, 2010; adopted as subd (b) effective January 1, 1949; previously amended and relettered effective July 1, 1993; previously amended effective January 1, 2007.)

(d)Access to documents and exhibits in matters before temporary judges and referees

(1)Documents and exhibits in the possession of a temporary judge or referee that would be open to the public if filed or lodged with the court must be made available during business hours for inspection by any person within a reasonable time after request and under reasonable conditions.

(2)Temporary judges and referees must file a statement in each case in which they are appointed that provides the name, telephone number, and mailing address of a person who may be contacted to obtain access to any documents or exhibits submitted to the temporary judge or referee that would be open to the public if filed or lodged with the court. The statement must be filed at the same time as the temporary judge's or referee's certification under rule 2.831 (b), 3.904 (a), or 3.924 (a). If there is any change in this contact information, the temporary judge or referee must promptly file a revised statement with the court.

(Subd (d) adopted effective January 1, 2010.)

(e)Definition For purposes of this rule, "court facility" consists of those areas within a building required or used for court functions.

(Subd (e) adopted effective January 1, 2010.)

History

Rule 2.400 amended effective January 1, 2010; adopted as rule 243 effective January 1, 1949; previously amended and renumbered effective January 1, 2007; previously amended effective July 1, 1993, January 1, 2008, and January 1, 2009.

