



Do you want the judge to read your papers?

THE IMPORTANCE OF “BOOKMARKS” IN YOUR ELECTRONICALLY FILED DOCUMENTS, AND THE PROPERLY TABBED COURTESY COPY OF YOUR PRINTED FILING

If you practice in the Los Angeles Superior Court, you know that as of January 2, 2019, the Court mandated electronic filing of all documents filed in Non-Complex Unlimited Civil cases by litigants represented by attorneys. I know most of you are aware of it, because many of you talk about the challenges of e-filing when you appear in my courtroom. The good news is that the frequency of those discussions is rapidly decreasing, and we are all moving together into the new world of e-filing.

You are not the only one facing challenges; the judges are too. The civil courts are working with a new case management system which most judges, myself included, find extremely helpful. Gone are the days when we had piles of paper files in our chambers; we can find filed documents right on our computer monitor.

One area where I think improvement is necessary involves what needs to occur when motions and similar pleadings are filed. Care needs to be taken during and after the preparation of these documents, if you want to make sure the judge has read your papers, which I assume you want to occur.

Before I get into the specifics, imagine the experience of judges in the civil division. Most of us have a morning calendar, where we do case management and have hearings on various types of motions. Some courts have morning and afternoon calendars. Some of these hearings are quite lengthy. In my court, if I am in trial, I usually have the parties come in at 9:30, and try and get the trial rolling as close to that time as possible. Trial goes until noon, resumes at 1:30, and goes to 4:00 or 4:30, depending on the circumstances.

I'm not asking for sympathy, but when do you think we read the papers for the motions? Many of them are quite complex, and take a lot of time to read. It is essential that judges are able to make the most of their valuable time.

The reality is that while it is convenient to have the papers readily available to

read on the screen, reading them is very tedious if we have to scroll down hundreds of pages to find the exhibit you just referred to in your points and authorities. This can greatly impinge on the valuable time we have to prepare for the hearing.

This is why all counsel and staff need to be aware of the First Amended General Order filed on May 3, 2019, and signed by Presiding Judge Kevin Brazile. It sets out the requirements for electronically filed documents in Limited and Non-Complex Unlimited Civil cases. There are two subjects in the order to which I want to draw your attention.

The first of these is “Bookmarks.” A “bookmark” is a PDF document navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document. For example, if I'm reading your separate statement in opposition to a summary judgment and you refer to exhibit “X,” I can move to the left side of the declaration or compendium of exhibits where exhibit “X” is located, and open up the bookmarks for that document. A column of bookmarks appears, and I can easily go to the bookmark for exhibit “X.” I click on the bookmark, and I am now at exhibit “X.” This is much simpler and faster than scrolling down the document and looking for the exhibit. If you have tried to read a summary judgment motion by scrolling, you know what I'm talking about.

Par. 6 of the First Amended Order requires bookmarks for the table of contents for any filing. Electronic documents, including but not limited to, declarations, proofs of service, and exhibits, must be bookmarked within the document pursuant to California Rules of Court, rule 3.1110(f)(4). Electronic bookmarks must include links to the first page of each bookmarked item, such as exhibits, declarations, and deposition excerpts, with bookmark titles that identify the bookmarked item, and briefly describe the item.

The second subject to which I want to draw your attention is that of Printed

Courtesy Copies. For the uninitiated, courtesy copies are printed paper copies of the documents that have been e-filed, that are delivered straight to the courtroom and given to the judge. For many judges who are used to reading paper documents, courtesy copies are extremely helpful.

Under par. 9 of the First Amended General Order, courtesy copies are *mandatory* for pleadings and motions (including attachments such as declarations and exhibits) of 26 pages or more; pleadings and motions that include points and authorities; demurrers; anti-SLAPP filings, pursuant to Code of Civil Procedure sec. 425.16; motions for summary judgment or summary adjudication; and motions to compel discovery. Courtesy copies are also sometimes required by Standing or General Orders.

Individual Judicial Officers can request courtesy copies of additional documents. To find out if your judge has made such a request, go to the Los Angeles Superior Court website at lacourt.org, and then go to “courtroom information” on the civil webpage.

When you prepare your courtesy copies, *please be sure to tab your exhibits*. Your exhibits are tabbed; your opponents' exhibits are tabbed; why shouldn't the judges' exhibits be tabbed? Having to leaf through untabbed exhibits is almost as bad as scrolling down an electronic document on a screen.

Being familiar with the First Amended General Order, and complying with its requirements, will go a long way in making sure the court has read your papers and is prepared for the hearing. That is what you want, isn't it?

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