

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF KINGS

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SUPERIOR COURT  
OF CALIFORNIA  
COUNTY OF KINGS

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IN THE MATTER OF THE FILING OF  
ORDERS EXECUTED BY JUDICIAL  
OFFICERS ON COURT HOLIDAYS  
OR WEEKENDS

MISC. NO. 2011-09

**ORDER AUTHORIZING CLERKS TO PROCESS AND FILE ORDERS EXECUTED BY  
JUDICIAL OFFICERS ON THE NEXT COURT DAY OR  
IN AN OTHERWISE PROMPT MANNER**

It has come to the attention of this Presiding Judge that the Kings County Superior Court has had in place for a number of years, a "best practice" policy pursuant to which employees are required to file all orders issued by judicial officers on the same date as execution. The policy, which it appears does not arise from any statutory or other legal requirement other than a strict interpretation of the limitation on transaction of judicial business set forth in California Code of Civil Procedure Section 134, subdivision (a), has at times caused confusion and delay in the processing and/or filing of those orders and other documents executed by judicial officers after 5:00 p.m., on court holidays, or on weekends (hereinafter collectively referred to as "Judicial Orders").<sup>1</sup> In order to resolve any delay or potential errors which may occur as a result of the court's "best practice" policy, the following shall occur:

1. The Clerk of the Court and all agents and/or designees of the same, within the scope of their assigned official duties, shall process and file Judicial Orders on the first court day following execution. Such practice is consistent with California Code of Civil Procedure Section 134, subdivision (d).

<sup>1</sup> *But see*, California Code of Civil Procedure Section 134, subdivision (c): "In any superior court, one or more departments of the court may remain open and in session for the transaction of any business that may come before the department in the exercise of the civil or criminal jurisdiction of the court, or both, on a judicial holiday or at any hours of the day or night, or both, as the judges of the court prescribe."

1           2.     Where for good cause the processing and filing of a Judicial Order is not  
2 able to be completed on the first court day following execution, the Judicial Order shall be  
3 processed in as prompt a manner as possible on the next court day.

4           3.     Any delay in the processing of a Judicial Order extending beyond two court  
5 days shall be brought to the attention of the Presiding Judge and/or his/her designee.  
6 Nothing contained herein shall be interpreted to authorize any court employee to process  
7 a Judicial Order in a less than prompt manner.

8           4.     Unless specifically stated by the issuing judicial officer or the Presiding  
9 Judge of the Kings County Superior Court, Judicial Orders shall be considered "entered"  
10 on the date of their filing by the Clerk of the Court.

11           IT IS SO ORDERED.

12 Dated: Jan 21, 2011

13 James LaPorte  
14 James LaPorte,  
15 Presiding Judge of the  
16 Kings County Superior Court  
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