



Chambers of
Maria D. Hernandez
ASSISTANT PRESIDING JUDGE

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701

FIRST AMENDED ADMINISTRATIVE ORDER NO. 21/06 ELECTRONIC EVIDENCE PROTOCOLS Code of Civil Procedure sections 128, 177, and 187

Earlier this year, the Superior Court of California, County of Orange successfully piloted a project evaluating the feasibility of an electronic evidence portal in designated courtrooms. The court is rolling out the electronic evidence portal in phases for courtrooms identified on the Court's Electronic Evidence Portal website. This will provide greater access to justice, promote court efficiency, enhance evidence management practices, and facilitate remote proceedings. Pursuant to the authority granted by Code of Civil Procedure sections 128, 177 and 187 and the Court's inherent powers, the Court hereby orders the following:

1. All participating courtrooms require all evidence to be submitted electronically rather than presented in a paper format. This order applies to courtrooms identified on Court's Electronic Evidence Portal website at <https://www.occourts.org/online-services/EvidencePortal.html>. To ensure an orderly phased approach to the rollout, the effective dates for the electronic evidence requirements are identified on the website.
2. Access to the Orange County Superior Court electronic evidence portal is solely to be used for the purpose of uploading evidence for a specific court case. Evidence must be submitted via the court's electronic evidence portal, unless instructed otherwise by the court.
3. Uploading electronic evidence to the Orange County Superior Court portal must only be for legitimate litigation purposes.
4. Any person uploading information that is confidential or sealed by applicable law, rule, regulation, or court order must identify it as confidential during the upload process.
5. Uploading electronic evidence to the portal does not render it part of the court record. It is merely considered lodged. Lodged electronic evidence is evidence in electronic format that is not filed, but rather is transmitted to or received by the court for temporary storage pending use at trial or other evidentiary hearing. The individual submitting the evidence must offer and authenticate the evidence and/or the court must admit the evidence to constitute part of the court record. Once it is part of the court record, evidence may be subject to public access rules. Electronic evidence that does not become part of the court record will not be retained after the conclusion of the proceeding.

6. Absent a court order, only parties, attorneys, or law enforcement officers in traffic proceedings may upload potential evidence to the court's electronic evidence portal.
7. No visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture that is or appears to be of a minor engaging in sexually explicit conduct or harmful matter as defined by [Penal Code section 1417.8](#) may be uploaded to the court's electronic evidence portal. For cases in which such material is necessary evidence, the court must be informed in advance of the proceeding and such evidence must be submitted pursuant to instructions provided by the court.
8. If the court grants any person access to confidential electronic evidence, the person shall not download, use, disseminate, or copy confidential evidence.
9. The unauthorized reproduction, sharing, dissemination, or use of uploaded electronic evidence that a person has accessed from the portal is prohibited.
10. The disposition of electronic evidence will be pursuant to statute, party stipulation, or court order.

Any misuse of the Orange County Superior's electronic evidence portal or violation of this order may result in the violator being restricted from using the electronic evidence portal, and being subject to monetary sanctions, held in contempt, and/or subject to criminal penalties or prosecution.

This Order supersedes Administrative Order 21/06 dated March 23rd, 2021.

IT IS SO ORDERED this 23rd day of November 2021, at Santa Ana California.



Maria D. Hernandez
Acting Presiding Judge