

# Judicial Council of California • Administrative Office of the Courts

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## INVITATION TO COMMENT

**SPR11-04**

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Title	Action Requested
Trial and Appellate Court Procedure: Addresses and Telephone Numbers of Parties and Attorneys	Review and submit comments by Monday, June 20, 2011
Proposed Rules, Forms, Standards, or Statutes Amend Cal. Rules of Court, rules 2.200, 8.32, 8.40, 8.204, 8.816, 8.883, and 8.928	Proposed Effective Date January 1, 2012
Proposed by Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair	Contact Heather Anderson, 415-865-7691 heather.anderson@jud.ca.gov
Court Technology Advisory Committee Hon. Ming W. Chin, Chair	Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov

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### Summary

The current California Rules of Court are inconsistent regarding the contact information that must be provided in documents filed by attorneys or self-represented parties in trial and appellate court proceedings and about notification of the court and other parties when this contact information changes. This proposal would amend these rules to require that attorneys and self-represented parties in both trial and appellate courts initially provide the same contact information, including e-mail addresses if available, and provide that changes in this information triggers a requirement that they notify the court and other parties.

### Discussion

Currently, rule 2.111 requires that the first page of any document filed in a trial court include the name, mailing address, telephone number, fax number, and e-mail address (if available) of the attorney for the party in whose behalf the paper is presented, or of the party, if he or she is appearing in person. In contrast, rule 8.40, which applies in Supreme Court and Court of Appeal proceedings, requires that contact information be provided only in documents filed by an attorney and (through a cross-reference to rule 8.204) requires only the name, address, and telephone number of each attorney filing or joining in the document, not the fax number or e-

*The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.*

mail address.<sup>1</sup> The rules governing appellate division proceedings do not currently require the cover of briefs or other documents filed in the appellate division to include contact information for attorneys or self-represented litigants.

To ensure that appellate courts and parties in appellate proceedings have the necessary contact information for both attorneys and self-represented parties, this proposal would amend rule 8.40 to require that contact information be provided on all documents filed in the Supreme Court and Courts of Appeal, not just those filed by attorneys. In addition, to make it easier for rule users to find these general format requirements, this proposal would replace the cross-reference to rule 8.204 in rule 8.40 with the content of the requirements concerning cover information.

This proposal would also make several changes to what contact information is required on the covers of these documents. First, to ensure that appellate courts and parties have available fax numbers and e-mail addresses for attorneys and self-represented parties, this proposal would require that fax numbers and e-mail addresses (if available) be included on the covers of filed documents. Second, new language modeled on rule 2.111 would be added to clarify that inclusion of the fax number or e-mail address on the cover of a filed document does not constitute consent to service by fax or e-mail unless otherwise provided by law.

Third, this proposal would change the information that must be provided when multiple attorneys from the same law firm, corporation, or public law office are joining in the document. Currently, rule 8.204 requires that the cover include the name and contact information for each attorney filing or joining in a document but need not include the State Bar number of any supervisor of the attorney responsible for the brief. With the new requirement to provide fax numbers and available e-mail addresses, the existing requirement to provide names and contact information for multiple attorneys from the same law firm, corporation, or public law office may result in a very crowded cover. Furthermore, this information is typically not needed by the courts because the courts do not typically need to send the same notice to multiple attorneys in the same office. To save space on the cover of documents and to avoid potential confusion about who should be sent notices, this proposal would amend rule 8.204 to provide that if multiple attorneys from the same law firm, corporation, or public law office are joining in the document, the cover must include information about only one attorney from each entity.

This proposal would also amend rule 8.816 to require that the first page of documents filed in the appellate division include the same type of contact information for attorneys or self-represented litigants as would be required under amended rule 8.40. In addition, it would add a cross-reference to this new requirement in the rules relating to briefs filed in the appellate division—rules 8.883 and 8.928.

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<sup>1</sup> However, rule 8.32 provides that the address and telephone number provided in the first document filed by an unrepresented party will be used as that party's address and telephone number of record.

Under rules 2.200, 8.32, and 8.816, an attorney or a party whose address changes while an action is pending must serve and file a written notice of the change of address. Rules 8.32 and 8.816 also specifically require that such a notice be served and filed if an attorney's or unrepresented party's telephone number changes. None of these three rules currently require notice when an attorney's or a party's fax number or e-mail address changes.

To ensure that courts and parties have the current contact information for attorneys and self-represented parties, this proposal would amend rules 2.200, 8.32, and 8.816 to require that an attorney or self-represented party serve and file a notice whenever his or her mailing address, telephone number, fax number, or e-mail address changes. In addition, this proposal would clarify that rule 2.200 requires only attorneys and self-represented parties, not parties who are represented by attorneys, to provide notice of changes in their contact information.

Rules 2.200, 8.32, 8.40, 8.204, 8.816, 8.883 and 8.928 of the California Rules of Court would be amended, effective January 1, 2012, to read:

1 **Title 2. Trial Court Rules**

2  
3 **Division 3. Filing and Service**

4  
5 **Chapter 1. General Provisions**

6  
7 **Rule 2.200. Service and filing of notice of change of address or telephone number**

8  
9 ~~An party or attorney or self-represented party~~ whose mailing address, telephone number,  
10 fax number, or, if it was provided under rule 2.111(1), e-mail address changes while an  
11 action is pending must serve on all parties and file a written notice of the change of  
12 address.

13  
14  
15 **Title 8. Appellate Rules**

16  
17 **Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

18  
19 **Chapter 1. General Provisions**

20  
21 **Article 2. Service, Filing, Form, and Number of Documents**

22  
23 **Rule 8.32. Address and telephone number of record; notice of change**

24  
25 **(a) Address and telephone number of record**

26  
27 In any case pending before the court, the court will use the mailing address, ~~and~~  
28 telephone number, fax number, and e-mail address that an attorney or unrepresented  
29 party provides on the first document filed in that case as the mailing address, ~~and~~  
30 telephone number, fax number, and e-mail address of record unless the attorney or  
31 unrepresented party files a notice under (b).

32  
33 **(b) Notice of change**

34  
35 (1) An attorney or unrepresented party whose mailing address, ~~or~~ telephone  
36 number, fax number, or e-mail address changes while a case is pending must  
37 promptly serve and file a written notice of the change in the reviewing court in  
38 which the case is pending.  
39

1 (2) The notice must specify the title and number of the case or cases to which it  
2 applies. If an attorney gives the notice, the notice must include the attorney's  
3 California State Bar number.  
4

5 **(c) Matters affected by notice**  
6

7 If the notice under (b) does not identify the case or cases in which the new mailing  
8 address, or telephone number, fax number, or e-mail address applies, the clerk may  
9 use the new address, or telephone number, fax number, or e-mail address as the  
10 person's mailing address, and telephone number, fax number, or e-mail address of  
11 record in all pending and concluded cases.  
12

13 **(d) Multiple addresses**  
14

15 If an attorney or an unrepresented party has more than one mailing address or e-  
16 mail address, only one mailing address and e-mail address for that attorney or  
17 unrepresented party may be used in a given case.  
18  
19

20 **Rule 8.40. Form of filed documents**  
21

22 **(a)–(b) \* \* \***  
23

24 **(c) Cover information**  
25

26 (1) Except as provided in (2), the cover—or first page if there is no cover—of  
27 every document filed by an attorney in a reviewing court must comply with  
28 rule 8.204(b)(10)(D): include the name, mailing address, telephone number,  
29 fax number, e-mail address (if available), and California State Bar number of  
30 each attorney filing or joining in the document, or of the party if he or she is  
31 unrepresented. The inclusion of a fax number or e-mail address on any  
32 document does not constitute consent to service by fax or e-mail unless  
33 otherwise provided by law.  
34

35 (2) If more than one attorney from a law firm, corporation, or public law office  
36 is joining in the document, the information specified under (1) is required for  
37 only one attorney from that firm, corporation, or office.  
38  
39

1 **Rule 8.204. Contents and form of briefs**

2  
3 (a) \* \* \*

4  
5 (b) **Form**

6  
7 (1)–(9)

8  
9 (10) The cover, preferably of recycled stock, must be in the color prescribed by  
10 rule 8.40(b) and, in addition to providing the cover information required by  
11 rule 8.40(c), must state:

12  
13 (A) The title of the brief;

14  
15 (B) The title, trial court number, and Court of Appeal number of the case;

16  
17 (C) The names of the trial court and each participating trial judge;

18  
19 ~~(D)~~ ~~The name, address, telephone number, and California State Bar number~~  
20 ~~of each attorney filing or joining in the brief, but the cover need not~~  
21 ~~state the bar number of any supervisor of the attorney responsible for~~  
22 ~~the brief; and~~

23  
24 ~~(E)~~(D) The name of the party that each attorney on the brief represents.

25  
26 (11) \* \* \*

27  
28 (c)–(e) \* \* \*

29  
30  
31 **Division 2. Rules Relating to the Superior Court Appellate Division**

32  
33 **Chapter 1. General Rules Applicable to Appellate Division Proceedings**

34  
35 **Rule 8.816. Address and telephone number of record; notice of change**

36  
37 (a) **Address and telephone number of record**

38  
39 (1) Except as provided in (2), the cover—or first page if there is no cover—of  
40 every document filed in the appellate division must include the name,  
41 mailing address, telephone number, fax number, e-mail address (if available),

1 and California State Bar number of each attorney filing or joining in the  
2 document, or of the party if he or she is unrepresented. The inclusion of a fax  
3 number or e-mail address on any document does not constitute consent to  
4 service by fax or e-mail unless otherwise provided by law.

5  
6 (2) If more than one attorney from a law firm, corporation, or public law office  
7 is joining in the document, the information specified under (1) is required for  
8 only one attorney from that firm, corporation, or office.

9  
10 (3) In any case pending before the appellate division, the appellate division will  
11 use the mailing address, and telephone number, and e-mail address that an  
12 attorney or unrepresented party provides on the first document filed in that  
13 case as the mailing address, and telephone number, and e-mail address of  
14 record unless the attorney or unrepresented party files a notice under (b).

15  
16 **(b) Notice of change**

17  
18 (1) An attorney or unrepresented party whose mailing address, and telephone  
19 number, fax number, or e-mail address changes while a case is pending must  
20 promptly serve and file a written notice of the change in the appellate  
21 division in which the case is pending.

22  
23 (2) The notice must specify the title and number of the case or cases to which it  
24 applies. If an attorney gives the notice, the notice must include the attorney's  
25 California State Bar number.

26  
27 **(c) Matters affected by notice**

28  
29 If the notice under (b) does not identify the case or cases in which the new mailing  
30 address, or telephone number, fax number, or e-mail address applies, the clerk may  
31 use the new mailing address, or telephone number, fax number, or e-mail address  
32 as the person's mailing address, and telephone number, fax number, or e-mail  
33 address of record in all pending and concluded cases.

34  
35 **(d) Multiple addresses**

36  
37 If an attorney or unrepresented party has more than one mailing address or e-mail  
38 address, only one mailing address and e-mail address may be used in a given case.





1 (a) \* \* \*

2

3 (b) **Length**

4

5 (1)–(2) \* \* \*

6

7 (3) The cover information listed in rule ~~8.204(b)(10)~~ 8.816(a)(1), any table of  
8 contents or table of authorities, the certificate under (1), and any signature  
9 block are excluded from the limits stated in (1) or (2).

10

11 (4) \* \* \*

12

13 (c) **Form**

14

15 (1)–(7) \* \* \*

16

17 (8) The cover—or first page if there is no cover—must include the information  
18 required by rule 8.816(a)(1).

19

20 ~~(8)(9)~~ \* \* \*

21

22 ~~(9)(10)~~ \* \* \*

23

24 ~~(10)(11)~~ \* \* \*

25

26 (d) \* \* \*

27

## Item SPR11-04 Response Form

**Title:** Trial and Appellate Court Procedure: Addresses and Telephone Numbers of Parties and Attorneys (amend Cal. Rules of Court, rules 2.200, 8.32, 8.40, 8.204, 8.816, 8.883, and 8.928)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: [www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

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<b>DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011</b>
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*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*