

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Policy Coordination and Liaison Committee  
Hon. Marvin R. Baxter, Chair  
Court Technology Advisory Committee  
Hon. Ming W. Chin, Chair  
Hon. Terence L. Bruiniers, Vice-chair  
Patrick O'Donnell, Supervising Attorney, Office of the  
General Counsel, 415-865-7665, patrick.o'donnell@jud.ca.gov  
Christopher Smith, Supervising Analyst, Information  
Services Division, 818-558-5371, christopher.smith@jud.ca.gov

DATE: November 13, 2009

SUBJECT: Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6) (Action Required)

Issue Statement

The statute on electronic filing and service currently authorizes service by the electronic transmission of documents but not by providing notice to other parties that a document is served and providing an Internet hyperlink to the document. This proposal would authorize electronic service by providing notice and a hyperlink as well as by the electronic transmission of a document.

The proposal would also clarify that all types of documents—not just notices and accompanying documents—may be served electronically.

Recommendation

The Policy Coordination and Liaison Committee and Court Technology Advisory Committee recommend that the Judicial Council sponsor legislation to amend Code of Civil Procedure section 1010.6 on electronic service to make the statute more flexible and effective.

The text of amended Code of Civil Procedure section 1010.6 is attached at pages 8–10.

### Rationale for Recommendation

Electronic service of documents in civil cases is becoming increasingly common. In the years ahead, it is likely to become the most prevalent method of service. At least two different methods of electronic service are currently being used. These may be referred to as the “electronic transmission” method and the “electronic notification” method. The electronic transmission method operates like traditional service, in which a document is served by sending it through the mail to a recipient; in a similar manner, electronic service is carried out by electronically transmitting (sending) a document to the person served. By contrast, under the electronic notification method, the recipient is not sent a document but is notified electronically that a document is available and is told where to access it via a hyperlink.

The electronic transmission method is codified in the Code of Civil Procedure and the California Rules of Court on electronic service (rules 2.250–2.261). Though not codified in state law, the electronic notification method is also currently being used.

A recent appellate decision has directly raised the issue whether the law needs to be changed to expressly authorize electronic service by the electronic notification method. In *InSyst, Ltd. v. Applied Materials, Inc.* (2009) 170 Cal.App.4th 1129, the court held that only the electronic transmission method constitutes valid service under current California law. The court ruled that the superior court’s particular method of service, which involved sending a link where the stamped judgment could be accessed, did not legally constitute “electronic service” under Code of Civil Procedure section 1010.6 or the rules of court on electronic service. “We see no provision in the new statute, section 1010.6, or its implementing rules that authorizes serving a document by giving a party notice of where he or she may find it. . . . We do not regard an e-mail explanation of where to electronically locate a judgment as the equivalent of the electronic transmission of the document.” (*Id.*, at page 1140.)

Thus, the appellate court in *InSyst, Ltd.* concluded that service of the superior court judgment by providing a hyperlink to the document failed to constitute legally effective service triggering the 60-day appeal period under rule 8.104 of the California Rules of Court. That rule provides that a notice of appeal must be filed within 60 days after the superior court clerk mails the party a judgment or notice of entry of judgment.<sup>1</sup>

### *Legislative proposal*

This proposal recommends that the law be changed to expressly authorize service by electronic notification. Specifically, it proposes amending Code of Civil Procedure section 1010.6 to define “electronic service” as including *both* electronic transmission and electronic notification. “Electronic transmission” would mean the electronic

---

<sup>1</sup> A proposal to amend rule 8.104 to authorize service under that rule by electronic means as well as by mail, which was approved by the Judicial Council on October 23, 2009, becomes effective on January 1, 2010. However, that rule amendment does not address the issue of the legal effectiveness of service by means of hyperlinks.

transmission of a document to the electronic address at or through which a party or other person has authorized electronic service. “Electronic notification” would mean the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document can be viewed and downloaded. (See amended Code Civ. Proc, § 1010.6(a)(6).) To ensure that service by hyperlinks will be effective and fair, the statute would also be amended to provide that the Judicial Council shall develop rules on the integrity of electronic service. (See amended Code Civ. Proc, § 1010.6(b).)

In addition to addressing the hyperlinks issue, this proposal recommends that section 1010.6 be amended to clarify that the documents that may be served electronically are any documents in a case, not just notices and accompanying documents. (See amended Code Civ. Proc, § 1010.6(a)(7).)

Also, the amendments would provide that in actions where the parties have agreed to accept electronic service or the court has ordered electronic service under the statute, the court may electronically serve any document issued by the court that is not required to be personally served. This amendment, which is based on current rule 2.260(g), would place the provision in the statute for clarity. (See amended Code Civ. Proc, § 1010.6(a)(8).)

Finally, to reflect the new authorization of service by notification, the statutory provision on the time when service of a document is “complete” would be amended to provide that service is complete “at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.” The statute would be modified, however, to provide that there is a two-day extension of the time to act whenever service has been made by “electronic means,” not just “electronic transmission.” (See amended Code Civ. Proc, § 1010.6(a)(9).)

#### *Discussion of the legislative proposal*

Code of Civil Procedure section 1010.6 should be amended to define electronic service as including both electronic transmission and electronic notification because this will provide greater flexibility for litigants and the courts. Language limiting the types of documents that may be served appears to have been included in section 1010.6 inadvertently. It is different from the language in all the other statutes on service. They permit service of “the notice or other papers,” not just “accompanying” papers. (See Code Civ. Proc., § 1011 (personal), § 1013(a) (mail), § 1013(c) (express mail), and § 1013(e) (fax).) To be consistent with these other service statutes, section 1010.6 should be amended to explicitly allow electronic service of all types of documents and thereby encourage the use of electronic service to the extent feasible.

Although electronic transmission is an effective means of service, electronic notification also can be quite effective. The federal courts have recognized this and have expressly approved electronic notification as a legally valid method of service. The federal courts have adopted an Electronic Case File System (ECF). Unlike the California system, the federal e-filing system is mandatory for attorneys in most types of cases. Under that system, electronic filing consists of logging on to the court Web site and completing a transaction that includes uploading the filing documents to the court's system. Sending a document by e-mail does not constitute an electronic filing.

As far as service is concerned, the parties in the federal system do not transmit copies of electronically filed documents to each other. "Upon the filing of a document by a party, an e-mail message will be automatically generated by the electronic filing system and sent to all parties in the case. Receipt of this message shall constitute service on the receiving party. . . . The automatic e-mail message generated by the ECF system and sent to all parties whose e-mail addresses have been registered in the case . . . shall constitute service on the attorney or other persons in a case subject to ECF." (See U.S.D.C., N.D.Cal., General Order 45—Electronic Case Filing.) The federal courts do not mail or electronically send copies of orders to parties. "Orders filed by the court in cases designated for electronic filing will be served only via the e-mail Notice of Electronic Filing. No paper service will be made by the court." (General Order 45.) Thus, with respect to documents filed with the courts, the federal ECF relies on electronic notification that a document has been filed rather than the transmission of the document. Receipt of a message that a document has been filed constitutes "service."

This proposal does not recommend the general adoption of the federal e-filing and e-service system in California. It simply recognizes that such a system may provide an effective alternative means of serving documents electronically. A variant of the federal notification system is used by electronic filing service providers that create Web sites where parties can post documents and notify other parties that the documents are available to be downloaded. This is, in effect, a method of "service" by electronic notification instead of transmitting documents to the parties. The amended statute would legally authorize service by this method.

#### Benefits of Electronic Notification

The electronic notification method operates particularly well for more complicated cases or those involving multiple parties and the service of a substantial number of documents or of large documents, avoiding the need to transmit them. Because this method of service does not involve the direct transmission of documents, it saves considerable bandwidth and avoids the problems of not being able to transmit or receive e-mail because of document size. Also, for the parties in federal cases, this method of service reduces filing and service to one basic step: electronic filing. Upon the filing of a document, the court automatically provides a notice of the filing to all other parties—the

receipt of which is treated as “service.” All parties receive notice of the filing promptly and at the same time as the filer.

However, the electronic notification method is not ideal for everyone. This method of service seems best suited for use by more sophisticated users such as law firms and government entities. To be fully effective, service by electronic notification may require developed, well-organized, and indexed document management systems to which notified parties may be sent to access a hyperlink and download documents. These systems also are generally set up so that participants register and have passwords and accounts. For the sole practitioner or the self-represented litigant who simply wants to serve documents by e-mail, requiring the use of hyperlinks for service could effectively prevent them from using electronic service.

Thus, the committees recommend that both methods of electronic service—by transmission of documents and by notice with a hyperlink—should be legally recognized. Both provide quick, effective means for parties to serve legal documents on each other—and for courts to serve the parties. Both methods are superior to and less expensive than using conventional mail. Yet each method has its advantages and disadvantages. So at this stage in the development of e-filing and e-service, rather than mandate only one of the two methods of electronic service, both methods should be legally permissible.

This proposal also recommends several other amendments to section 1010.6 to clarify the law regarding electronic service of documents.

#### Alternative Actions Considered

The committees discussed alternatives to amending section 1010.6, but after due consideration recommend that the amendments described above be introduced as legislation in 2010. Although the statute on electronic service could be left unchanged, under the *InSyst, Ltd.* decision, this would mean that service by notification and hyperlinks would not constitute legal service. Also, although action on this proposal could be postponed to engage in further study and exploration of the issues, the issues raised by the commentators need not be addressed by statutory modification as part of this proposal but can be accomplished in the future. Additionally, amendments to the rules on service would resolve valid issues raised by the commentators.

#### Comments From Interested Parties

This legislative proposal was circulated on a special cycle in fall 2009. Twenty comments were received on the proposal. Most of the commentators (13) supported the proposal without suggesting any specific changes.

Some of the commentators stated that the changes should be made as soon as possible. (See comments 6 and 9.) The Office of the Attorney General urged extension of electronic filing to the state courts, pointing out that its office, by a conservative estimate,

currently files 150,000–175,000 pages of documents a month in the federal courts. (See comment 12.) Hence, electronic filing in the state courts could save an enormous amount of resources.

The commentators had various recommendations. One judge indicated that the legislation should be amended to provide that section 1010.6 applies to criminal and civil cases, and to appellate and trial courts. (See comment 20.) The committees agreed in concept that section 1010.6 eventually should be amended to state that it applies to criminal cases<sup>2</sup> and expanded to cover appellate as well as trial courts.<sup>3</sup> However, because these changes were not included in the proposal that was circulated, the committees believe that the proposal would need to be recirculated before these changes could be made. Instead of recirculating the proposal at this time, the committees recommend proceeding with the proposed legislation to address the immediate issues identified in this report. The statute can be further amended to address the commentator’s suggestions in the future.

Other commentators had more technical suggestions. For example, an attorney with a service corporation pointed out that proposed amended section 1010.6(a)(9), on the extension of time by two days for electronic service, still referred only to service by “electronic transmission” and should be broadened to encompass service by hyperlink. The committees agreed and modified the last sentence of (a)(9) to cover all kinds of electronic service.

A number of commentators expressed concerns that service by hyperlinks could be unreliable and subject to abuse or gamesmanship. For instance, a judge was concerned about problems in opening linked documents because of breakdowns, unanticipated events, and “just plain mischief.” (See comment 5.) A couple of electronic filing service providers criticized the proposal on similar grounds. One recommended that service by hyperlinks be limited to trusted document repositories such as courts and third parties but not be permissible for parties in an adversarial proceeding. (See comment 3.) Another opposed service by hyperlinks or even e-mail so long as “alternative technological solutions” are available. (See comment 10.) Finally, the State Bar’s Committee on Appellate Courts suggested that the definition of “electronic notification” be modified so that the last part would read: “specifying the exact name of the document served and providing a hyperlink at which the entire served document can be directly viewed and downloaded free of charge, for an initial period of time of at least 30 days.” The bar committee also suggested a range of rule amendments so that the rules on service would be consistent with the legislation. (See comment 17.)

The committees believe that the issues relating to the use of hyperlinks as a method of electronic service—and more specifically the concerns about the reliability and duration

---

<sup>2</sup> The committees interprets section 1010.6 as already applying to criminal cases. However, because the statute does not expressly state that it applies to both civil and criminal cases, this matter should be clarified.

<sup>3</sup> The statute currently applies only to the trial courts. (See section 1010.6(a).)

of hyperlinks—can be effectively managed. Instead of doing this in the statute, the committees recommend amending the statute to provide that the Judicial Council “shall adopt . . . rules relating to the integrity of electronic service.” (See amended section 1010.6(b).) The rules process can also address the issues relating to the ability of persons served to directly download documents and whether they should always be able to do so free of charge. The rules might provide for free downloading unless the parties agree or the court orders otherwise. In short, next year, when the proposed legislation is pending, the committee can develop rules to ensure that electronic notification using hyperlinks is a reliable and cost-effective means of service.

Finally, a commentator expressed the general view that this proposal would make things worse for persons who are poor and disadvantaged and lack access to technology. (See comment 1.) The committees disagreed. This proposal expands the means of service and filing papers, but it does not eliminate any existing method. Thus, court users will continue to have the option of filing and serving documents in paper form.

Furthermore, the committees believe that as electronic filing and service become more widely available, many self-represented litigants will have an opportunity to use these new methods. Through self-help centers, legal aid organizations, and shelters, self-represented litigants will be able to file and serve documents electronically. Hence, the legislation making electronic filing and service more readily available will benefit a wide range of court users and improve access to the court system.<sup>4</sup>

#### Implementation Requirements and Costs

This legislative proposal requires no immediate implementation and imposes no immediate costs on the courts. It simply authorizes more expansive electronic service. In the first instance, this legislation will principally affect parties serving each other by authorizing more forms of electronic service. Courts will also eventually be able to benefit from the legislation. To do so, courts will need to take measures to implement electronic service of documents, resulting in greater efficiency and reduced costs for the courts and litigants.

#### Attachments

---

<sup>4</sup> The Court Technology Advisory Committee is committed to ensuring that technology is used to improve access to the courts for all litigants. It is in the process of developing technology principles or guidelines to address these issues.

Code of Civil Procedure section 1010.6 would be amended to read:

1 1010.6. (a) A trial court may adopt local rules permitting electronic filing and  
2 service of documents, subject to rules adopted pursuant to subdivision (b) and the  
3 following conditions:

4 (1) A document that is filed electronically shall have the same legal effect as an  
5 original paper document.

6 (2) (A) When a document to be filed requires the signature, not under penalty of  
7 perjury, of an attorney or a ~~person filing in propria persona~~ self-represented party,  
8 the document shall be deemed to have been signed by that attorney or ~~person~~ self-  
9 represented party if filed electronically.

10 (B) When a document to be filed requires the signature, under penalty of perjury,  
11 of any person, the document shall be deemed to have been signed by that person if  
12 filed electronically and if a printed form of the document has been signed by that  
13 person prior to, or on the same day as, the date of filing. The attorney or person  
14 filing the document represents, by the act of filing, that the declarant has complied  
15 with this section. The attorney or person filing the document shall maintain the  
16 printed form of the document bearing the original signature and make it available  
17 for review and copying upon the request of the court or any party to the action or  
18 proceeding in which it is filed.

19 (3) Any document that is electronically filed with the court after the close of  
20 business on any day shall be deemed to have been filed on the next court day.  
21 “Close of business,” as used in this paragraph, shall mean 5 p.m. or the time at  
22 which the court would not accept filing at the court’s filing counter, whichever is  
23 earlier.

24 (4) The court receiving a document filed electronically shall issue a confirmation  
25 that the document has been received and filed. The confirmation shall serve as  
26 proof that the document has been filed.

27 (5) Upon electronic filing of a complaint, petition, or other document that must  
28 be served with a summons, a trial court, upon request of the party filing the action,  
29 shall issue a summons with the court seal and the case number. The court shall  
30 keep the summons in its records and may electronically transmit a copy of the  
31 summons to the requesting party. Personal service of a printed form of the  
32 electronic summons shall have the same legal effect as personal service of an  
33 original summons. If a trial court plans to electronically transmit a summons to the  
34 party filing a complaint, the court shall immediately upon receipt of the complaint  
35 notify the attorney or party that a summons will be electronically transmitted to  
36 the electronic address given by the person filing the complaint.

37 (6) A document may be served electronically in an action filed with the court as  
38 provided in this section. “Electronic service” is service of a document, on a party  
39 or other person, by either electronic transmission or electronic notification.  
40 “Electronic transmission” means the electronic transmission of a document to the  
41 electronic address at or through which a party or other person has authorized

1 electronic service. “Electronic notification” means the notification of the party or  
2 other person that a document is served by sending an electronic message to the  
3 electronic address at or through which the party or other person has authorized  
4 electronic service, specifying the exact name of the document served and  
5 providing a hyperlink at which the served document can be viewed and  
6 downloaded. Electronic service may be performed directly by a party, by an agent  
7 of a party, including the party’s attorney, or through an electronic filing service  
8 provider.

9 ~~(6)~~ (7) Where notice a document may be served by mail, express mail, overnight  
10 delivery, or facsimile transmission, electronic service of the notice and any  
11 accompanying document may be authorized when a party has agreed to accept  
12 service electronically in that action.

13 (8) In any action in which a party has agreed to accept electronic service under  
14 (7) or in which the court has ordered electronic service under (11), the court may  
15 electronically serve any document issued by the court that is not required to be  
16 personally served, in the same manner that parties electronically serve documents.  
17 The electronic service of documents by the court shall have the same legal effect  
18 as service by mail, except as provided in (9).

19 (9) Electronic service of a document is complete at the time of the electronic  
20 transmission of the document or at the time that the electronic notification of  
21 service of the document is sent, but; however, any period of notice or any right or  
22 duty to do any act or make any response within any period or on a date certain  
23 after the service of the document, which time period or date is prescribed by  
24 statute or rule of court, shall be extended after service by electronic transmission  
25 means by two court days, but the extension shall not apply to extend the time for  
26 filing:

27 (A) a notice of intention to move for new trial;

28 (B) a notice of intention to move to vacate judgment under section 663a; or

29 (C) a notice of appeal.

30 This extension applies in the absence of a specific exception provided for by any  
31 other statute or rule of court.

32 ~~(7)~~ (10) The court shall permit a party or attorney to file an application for  
33 waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as  
34 part of the process involving the electronic filing of a document. The court shall  
35 consider and determine the application in accordance with sections ~~68511-3~~  
36 68630–68641 of the Government Code and shall not require the party or attorney  
37 to submit any documentation other than that set forth in sections ~~68511-3~~ 68630–  
38 68641 of the Government Code. Nothing in this section shall require the court to  
39 waive a filing fee that is not otherwise waivable.

40 ~~(8)~~ (11) If a trial court adopts rules conforming to paragraphs (1) to ~~(7)~~ (10),  
41 inclusive, it may provide by order that all parties to an action file documents  
42 electronically in a class action, a consolidated action, or a group of actions, a  
43 coordinated action, or an action that is deemed complex under Judicial Council

1 rules, provided that the trial court's order does not cause undue hardship or  
2 significant prejudice to any party in the action.

3 (b) ~~By January 1, 2003,~~ The Judicial Council shall adopt uniform rules for the  
4 electronic filing and service of documents in the trial courts of the state, which  
5 shall include statewide policies on vendor contracts, privacy, and access to public  
6 records, and rules relating to the integrity of electronic service. These rules shall  
7 conform to the conditions set forth in this section, as amended from time to time.

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
	Hon. Lawrence John Appel Judge of the Superior Court of Alameda County	N	<p>Notice is the bedrock of justice.</p> <p>Not everyone owns or has access to a computer, or for that matter, a phone.</p> <p>Many persons in our community who are required to use our courts, including the poor and disadvantaged, are already perplexed and confused by “technology” insisted upon by some judges. They are in a very real sense denied access to the courts.</p> <p>The proposed amendment promises to exacerbate matters.</p> <p>Also, there is no data suggesting any savings to the court. Indeed, there promises to be substantial clerical and other costs incurred by court administration in any effort to implement.</p> <p>A more balanced discussion would have been appreciated.</p> <p>Thanks for your interest.</p>	<p>The committee did not agree that the proposed amendment of section 1010.6 would have the adverse consequences predicted by the commentator. This proposal expands the means of service and filing papers, but it does not eliminate any existing method. Thus, court users will continue to have the option of filing and serving documents in paper form.</p> <p>Furthermore, as electronic filing and service become more widely available, many self-represented litigants will have an opportunity to use these new methods. Through self-help centers, legal aid organizations, and shelters, self-represented litigants will be able to file and serve documents electronically. Hence, the legislation making electronic filing and service more readily available to a wide range of court users will improve access to the court system.</p> <p>Also, by expanding the possibilities for e-filing and e-service, both courts and litigants may benefit from substantial financial savings and cost reductions over time.</p>

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				Finally, the commentator should be aware that the Court Technology Advisory Committee is sensitive to the issues that he raises. The committee is committed to ensuring that technology is used to improve access to the courts for all litigants. It is in the process of developing technology principles or guidelines for the judicial branch that will address these issues.
2.	California Association of Legal Support Professionals Brett Peters Chairman, Legislative Committee	A	No specific comment.	No specific response required.
3.	CT Corporation San Francisco Pia Angelikis Attorney at Law	NI	I am a government relations attorney for CT Corporation. I write to highlight an issue raised in the above-referenced proposed code amendment. I am writing on behalf of CT and its electronic court filing business partner, One Legal.  The proposed amendment to Code of Civil Procedure section 1010.6, Electronic Service of Documents, includes a new section (6) that reads as	The committee recommends that the concerns of commentators such as this about the reliability and duration of service by hyperlinks be addressed in rules to be developed during the coming year. To effectuate this, it suggests adding to section 1010.6(b) a new provision stating that the Judicial Council shall adopt “rules relating to the integrity of electronic service.” When the committee is developing the new rules on hyperlinks, it will consider all the comments on this issue.

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>follows:</p> <p><u>(6) A document may be served electronically in an action filed with the court as provided in this section. “Electronic service” is service of a document, on a party or other person, by either electronic transmission or electronic notification. “Electronic transmission” means the electronic transmission of a document to the electronic address at or through which a party or other person has authorized electronic service. “Electronic notification” means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document can be viewed and downloaded.</u></p>	

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p><u>Electronic service may be performed directly by a party, by an agent of a party including the party’s attorney, or through an electronic filing service provider.</u></p> <p>...</p> <p>There is one major issue with the proposed definition of electronic notification, which pertains to the nature of a hyperlink. Generally, executing a hyperlink embedded in a document initiates a request, via a network or the Internet, to the machine where the document resides, to return the named file. Each time a hyperlink is executed, another request to retrieve a copy of the document is transmitted to the machine at the other end of the hyperlink. However, hyperlinks cannot necessarily be relied upon to return the same document each time the hyperlink is executed. As long as a document resides on the target machine with the same name, a file will be returned. If, however, the party in control of the file subsequently alters a file, but the name</p>	

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>of the file does not change, the hyperlink returns different documents at different times. The electronic notice method fails if the courts and the parties cannot trust that the document returned by executing a hyperlink will always be the same document.</p> <p>For example, the hyperlink <i>http://www.cnn.com/</i> always returns the same document, a Web page with the headlines and articles posted on CNN’s Web site. While the hyperlink never changes, the document the hyperlink returns changes often. The party exercising control over the document is constantly altering the document. No one can rely on this hyperlink to return the same document on any two occasions.</p> <p>For hyperlinks to work for service of process, they must be restricted to online document repositories that both the court and the parties trust to maintain the integrity of the record. The Federal Court’s PACER system addresses this issue. PACER’s repository is the federal courts</p>	

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Electronic Case File System.</p> <p>We propose that the use of hyperlinks for electronic service of process be limited to hyperlinks that point to trusted document repositories. A court can serve as a trusted document repository. A third party could serve as a trusted repository. However, in an adversarial proceeding, a conflict of interest may exist if the person sending the electronic notice is also the person in control of the document repository.</p>	
4.	CompuLaw, LLC Cheryl Phillips Siler Attorney at Law	AM	<p><u>CCP 1010.6(a)(9)</u></p> <p>CCP 1010.6(a)(6) has been added to define the term “electronic service” and states that electronic service is “service of a document, on a party or other person, by either electronic transmission or electronic notification.”</p> <p>The problem arises in that CCP 1010.6(a)(9) has not been amended to reflect this definition of electronic service. CCP 1010.6(a)(9) states that “any period of notice of any right or</p>	<p>The committee agreed that the last sentence of section 1010.6(a)(9) should be revised to reflect service by hyperlink as well as by transmission. To accomplish this, it recommends substituting the words “electronic means” for “electronic transmission.”</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended <b>after service by electronic transmission</b> by two court days . . .” [Emphasis added]</p> <p>As written, this section fails to address the alternate form of electronic service, i.e., electronic notification. If CCP 1010.6(a)(9) were to remain as currently written, it could be interpreted that only after electronic service via electronic transmission is the time period extended by two court days and that if a document is served via electronic notification, the extra two court days does not apply.</p> <p>In order to remedy this issue, we suggest that CCP 1010.6(a)(9) be modified as follows:</p> <p>“. . . any period of notice of any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which</p>	

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>time period or date is prescribed by statute or rule of court, shall be extended after service by electronic <del>transmission</del> <u>service</u> by two court days . . .”</p> <p>By modifying the language as shown above, the statute becomes clear that the two court day extension applies after service by either electronic transmission or electronic notification.</p>	
5.	Hon. Ernest H. Goldsmith Judge of the Superior Court of San Francisco County	N	<p>I do not agree with the proposed changes. My main objection is that it contemplates a two-step process. It assumes that once there is notification that the document to be electronically served is available and not subject to breakdowns, unanticipated events, or just plain mischief. We have no assurance that the serving party will have the underlying document available or be able to immediately access it. Even if there is supposed to be a failsafe in this regard, an electronic computer problem could make the document unavailable.</p> <p>As to mischief, with personal service of documents there are countless instances</p>	<p>The commentator does not support the expansion of section 1010.6 to authorize service by hyperlinks and identifies a number of potential problems with such service. Although the committee recognizes that service by hyperlinks may pose some challenges, it does not agree that this form of service should not be authorized. The federal courts and some complex civil litigation departments in California have successfully used hyperlinks as an effective, reliable means of serving documents. This method should not be prohibited just because it does not always work perfectly.</p> <p>The world of paper service has its own problems and has been subject of abuse, as</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>of gaming the system, such as the alleged 4:59 p.m. service on a Friday afternoon, where the server makes sure no person will get the papers and they are under the door on Monday (yes, that really happens). What assurance do we have that this won't happen with the two-step process?</p> <p>What about costs, most attorneys serve through a vendor, and we don't know if the two step process will incur extra costs, and I believe this has not been vetted with the vendors.</p> <p>San Francisco Superior Court requires electronic filing and service in asbestos litigation. Some of these cases have 25 or 35 parties (or more), and any failure would have severe consequences.</p> <p>I belong to a number of committees and organizations. I have been notified of a document such as the proposed legislation contemplates but have not been able to open it. Have members of the committee ever been unable to open or access a document?</p>	<p>the commentator notes. While electronic service has its challenges, the committee believes that these can be addressed. Thus, for example, the concerns of commentators about the reliability and duration of service by hyperlinks can be dealt with in rules to be developed during the coming year. To effectuate this, the committee has added to section 1010.6(b) a proposed new provision stating that the Judicial Council shall adopt “rules relating to the integrity of electronic service.” When the committee is developing the new rules on hyperlinks, it will consider all the comments on this issue.</p>

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
6.	Charles B. Harris Attorney at Law	A	These proposed changes cannot be implemented soon enough. Thanks!	No response required.
7.	Hon. Joseph Huber Judge of the Superior Court of Santa Clara County Sent by Francine Collier	A	Judge Joseph Huber concurs with Judge Komar’s comments. [See comment 9 below.] He would like to see the changes take effect sooner than the January 1, 2011, proposed date. This issue has come up several times in the past few months, so this would clarify service requirements, particularly where electronic filing is involved.	See response to comment 9 below.  The committee is aware that this issue is affecting trial court practices (see discussion of the <i>InSyst, Ltd.</i> decision in the memorandum) and is seeking to address the problem. But because the resolution of the hyperlinks issue requires legislation, it is not feasible to make the necessary changes before January 1, 2011.
8.	Justin Janwice Secretary	A	No specific comment.	No response required.

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
9.	Hon. Jack Komar (Ret.) Judge of the Superior Court of Santa Clara County Sent by Francine Collier	A	I very much agree with the proposed amendment. The decision in <i>InSyst</i> strained the interpretation of the concept of notice. A party who receives traditional mail at home or office or even notice that it is at the post office and needs to be picked up is deemed to have been served whether or not it is opened. Clicking on a hyperlink is nothing more than opening mail or opening an attachment to an electronic notice and the technical electronic process should not obscure that fact. Moreover, parties in Santa Clara are deemed to consent to service in this manner. To eliminate doubt created by the <i>InSyst</i> decision, I am in favor of the proposed amendment. This is hardly a dramatic change from the existing statute and does not place additional “burdens” on any party.	The commentator’s support for the proposal is noted.
10.	LexisNexis File & Serve Evan Y. Uchida Director, Business Operations	N	On behalf of LexisNexis File & Serve and in response to the request for written comments concerning the Proposed Legislation on Electronic Service of Documents: Amend Code of	The committees disagreed with the commentator’s suggestion either to postpone action on the legislative proposal or to decline to expand the scope of electronic service. For the reasons

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>Civil Procedure section 1010.6, we respectfully recommend either (1) postponing the decision on the proposed legislation to provide more time to further investigate the ramifications of such a change; or (2) declining the request to expand the current scope of electronic service for the following reasons.</p> <p>Although the proposal appears to initially resolve a potential issue surrounding the validity of existing methods of electronic service through expanding the scope of the rule, such a quick change without further investigation may prove more detrimental in the long run. Thus, we propose that more time and research be allocated to the impact of such a change before making said change.</p> <p>Notwithstanding the need for more time, we also propose that existing technologies for electronic service be further investigated and required rather than expanding the scope of the existing rule. These technologies are currently</p>	<p>explained in the report, the committee believes that action to expand section 1010.6 to authorize service by notice and provision of a hyperlink is appropriate and desirable.</p> <p>The committee will be exploring the development of adopting rules on the integrity of electronic service next year. So there will be an opportunity to gather more information and input about issues relating to the improvement of electronic service.</p> <p>The committee does not agree that electronic service must be limited to existing, authorized technologies. The federal courts and some California courts in complex civil cases have successfully used service by notification and hyperlinks.</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>used by some courts within the state of California today to effectuate electronic service. These technologies also comply with the existing rule requirement for electronic transmission through the use of hosted online mail inboxes and sent boxes that closely mimic the conventional U.S. Mail method. These technologies provide date/time stamping of when document(s) are sent as well as date/time stamping when document(s) are received in a recipient’s online inbox. Recipients of electronic service via these technologies need not go anywhere other than their online inbox as all received documents are readily available for viewing within a recipient’s online inbox, very similar to that of [a] physical mailbox. The use of such technologies would alleviate the need to prematurely expand the scope of the existing rule.</p> <p>The intent behind the existing rule requiring “electronic transmission” is most likely assurance that the document(s) being sent does in fact</p>	

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	Commentator	Position	Comment	Committee Response
			<p>reach the intended recipient. The focus should be on the recipient of the document(s) and not the convenience or flexibility for the sender. Safeguards and assurances that recipients are receiving adequate service is a large focus of the technologies mentioned above through the use of a hosted, secure system that manages the electronic transmission of document(s) between users on the system. Utilizing such existing technologies would not only maintain assurances for the recipients of documents through the system, but also provide numerous other features and conveniences for the senders of such documents, i.e., transaction receipts and confirmation of receipt.</p> <p>The federal system currently recognizes a method of electronic service more analogous to the proposed “electronic notification” method described in the proposed rule expansion. Although the federal system currently does not require “electronic transmission” and some of the safeguards around ensuring</p>	<p>The committee notes that under the</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>receipt of sent documents, the assumption can be made that the federal system may seek to tighten the requirements around electronic service in the future as technologies become available and usage volumes grow, rather than weaken them through expanding the scope of the existing rule. It is therefore recommended that if a change to the rule around electronic service is needed, that the court plans for the future by strengthening the existing rule to incorporate some of the technology features now readily available rather than expanding the rule to accommodate a technology as basic as e-mail.</p> <p>E-mail should not be considered as reliable as U.S. Mail for the purposes of service or formal notification. Although convenient, e-mail is prone to many factors that may hinder successful delivery to an intended recipient. Such factors include spam blockers, e-mail rules, and networking issues. Thus, a more dependable electronic method should be required rather than</p>	<p>current rules that provided for service by electronic transmission of documents, service by e-mail is already authorized. Thus, the statutes and rules on electronic service do not need to be expanded to authorize service by that means. The committee does not support the elimination of e-mail as an option for electronic service. Although it may not always be the best form of electronic service, e-mail is inexpensive and readily available. So for many small law firms and self-represented litigants, e-mail is a very important, economical means for them to serve documents electronically.</p> <p>The committee does not think that service by hyperlinks should be prohibited, although it recognizes that such service poses some challenges. It plans during the coming year to investigate measures to improve the rules on electronic service, including measures to ensure the reliability and duration of service by hyperlinks. To effectuate this, it suggest adding to section 1010.6(b) a new provision stating that the Judicial Council shall adopt “rules relating to the integrity</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>expanding the scope of the existing rule to accept e-mail.</p> <p>The proposed expansion of the rule to permit “electronic notification” via hyperlinks within an e-mail only adds another level of complexity and point of failure. Not only can receipt of the e-mail be hindered, but accessing the associated documents could be impacted due to a bad hyperlink address and/or issues with the remote server destination of the hyperlink hosting the documents. The situation could arise where the e-mail is received but the documents are not accessible, which would be no better than receiving an empty envelope. The acceptance of such technology for such an important purpose as service should not be made when alternative technology solutions that would provide further safeguards than U.S. Mail exist today.</p> <p>For the aforementioned reasons we do not agree with the proposed changes. Thank you for your consideration and the opportunity to submit these written</p>	<p>of electronic service.” When the committee is developing the new rules on hyperlinks, it will consider all the comments relating to this issue.</p>

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			comments.	
11.	Michael J. McGowan Deputy City Attorney, Civil Division Office of the San Diego City Attorney	A	I am in support of the Electronic Service Proposal and amending CCP section 1010.6 as outlined in Judicial Council Document LEG-09-01.	The commentator’s support for the proposal is noted.
12.	Office of the Attorney General Manuel Medeiros, Solicitor General	A	The Office of the Attorney General supports proposed legislation to amend 1010.6 of the Code of Civil Procedure to add that electronic filing is defined to include both the currently authorized method of electronic transmission of documents as well as notification that a document is being served and provision of a hyperlink at which the document may be viewed and downloaded.  This Office has several years’ experience with electronic filing (ECF) in the federal courts. Each month we use the federal ECF system to file 7,000–10,000 pleadings and briefs. For every pleading it is not uncommon for attachments and exhibits to be filed. We	The commentator’s support for the proposal is noted.

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			conservatively estimate that this number approaches 150,000–175,000 pages, or from a range of 17 to 21 pages per pleading or brief. Extending electronic filing to the state court system would significantly reduce paper consumption in furtherance of the state’s critical environmental interests.	
13.	Orange County Bar Association Michael G. Yoder, President	A	<p>A stated purpose of the proposal is to “clarify that the documents that may be served electronically are any documents in a case, not just notices and accompanying documents.” (Invitation to Comment at 2, emphasis added.) The existing statutory text uses appropriately broad terms like “documents” and “any document.” (E.g., Code Civ. Proc., § 1010.6(a).)</p> <p>But the proposed text uses the terms “a notice or other document” and “any notice, order, judgment, or other document.” (Code Civ. Proc., § 1010.6(a)(7)–(8).)</p> <p>If all documents may be served electronically, nothing is gained by</p>	The committee agreed with this comment and has changed the text to simply refer to “documents” or “any documents.”

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>these cumbersome terms. These terms are potentially confusing, especially in light of the statutory construction rule, <i>expressio unius est exclusio alterius</i> (listing certain things implies others are excluded).</p> <p>The Judicial Council might consider using one broad term for the universe of documents that may be served electronically — “any document” — unless reasons exist for the other terms.</p>	
14.	Office of the San Diego City Attorney George Schaefer Deputy City Attorney	A	No specific comment.	No specific response required.
15.	Leslie Ellen Shear Attorney at Law	A	I agree with the proposed changes. I expect that commercial services will develop to host the hyperlink downloads, making this method feasible for small firms and self-represented litigants. I routinely accept e-mail service, as do many of my colleagues.	The commentator’s support for the proposal is noted.

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
16.	San Diego County Bar Association Matthew Mulford Chair of the Appellate Court Committee	A	Our comment is limited to the entry of notice that triggers the time to file a notice of appeal.	The commentator’s support for the proposal, with the limitation specified, is noted.
17.	State Bar of California Committee on Appellate Courts T. Peter Pierce Chair	AM	<p>The State Bar of California’s Committee on Appellate Courts submits the following comments in response to the invitation to comment on the proposed amendments to California Code of Civil Procedure section 1010.6, to authorize electronic service by electronic notification. The Committee consists of a diverse cross-section of experienced California appellate practitioners in both the public and private sectors. Evaluating and commenting on proposed statutes is a major component of the Committee’s mission and purpose.</p> <p>The Committee supports the proposed amendments with the following modifications:</p> <p>1. The Committee recommends that the</p>	<p>1. The committee does not recommend including the commentator’s specific suggestions in the proposed legislation. However, it recommends that the concerns of commentators such as this about the</p>

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			definition of “electronic notification” be modified so the last part reads as follows: “specifying the exact name of the document served and providing a hyperlink at which the entire served document can be directly viewed and downloaded free of charge, for an initial period of time of at least 30 days.” The Committee seeks this modification out of concern that the proposed amendment does not clearly state that any notification by hyperlink would send the reader easily and directly to the served document. As of now, unlike the federal courts’ Pacer EDF central database, no such single database exists at the state court level. The linked document should be immediately and quickly downloadable as an entire file free of charge. By contrast, some systems, such as Alameda County’s Domain Web and San Francisco County, require downloads page by page, which unnecessarily consumes attorney and client time and resources, particularly for a lengthy document.	duration and reliability of service by hyperlinks be addressed in rules to be developed during the coming year. To effectuate this, it suggests adding to section 1010.6(b) a new provision stating that the Judicial Council shall adopt “rules relating to the integrity of electronic service.” The rules process can also address the issues relating to the ability of persons served to directly download documents and whether they should always be able to do so free of charge. The rules, for example, might provide for free downloading unless the parties agree or the court orders otherwise. When the committee is developing the new rules on hyperlinks, it will consider all the comments relating to these issues, including this comment.

**LEG09-01**

**Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>2. The Committee recommends that California Rules of Court, rule 2.260(a) be amended to add a new subdivision (a)(2)(C) providing that any document served by electronic service, whether by electronic transmission of the document itself or electronic notification in compliance with Code of Civil Procedure section 1010.6, must comply with the requirements set forth in rule 2.256(b). This could be done by including the requirements of rule 2.256(b) in rule 2.260(a) itself, or by cross-referencing rule 2.256(b) in rule 2.260(a). The Committee believes that this modification, as with the first modification concerning a direct hyperlink to the served document, addresses the absence of a central database and lack of standards for the format and availability of the electronically served document.</p> <p>3. The Committee recommends that California Rules of Court, rule 2.260(f)(1)(D) be amended or that a new subdivision (E) be added to the rule, requiring a party to state whether</p>	<p>2. The committee plans to review the rules on electronic service next year so that they will be consistent with, and will assist in effectuating, the proposed legislation. At that time, it will consider these comments on the rules.</p>

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>the document was “served electronically” by “electronic transmission” or by “electronic notification,” in light of the two different methods of “electronic service” authorized by the proposed statutory amendment.</p> <p>With these modifications, the proposed legislation will achieve multiple purposes: authorizing electronic service by notification; allowing parties and counsel to grow accustomed to the emerging technologies while not mandating use of any one method of electronic service; and providing safeguards in the format, availability, ease of use, and cost of access for the recipients of documents served by electronic notification.</p>	<p>3. The committee plans to review the rules on electronic service next year so that they will be consistent with, and will assist in effectuating, the proposed legislation. At that time, it will consider this comment on the rules.</p>
18.	State Bar of California’s Committee on Administration of Justice	A	The State Bar of California’s Committee on Administration of Justice has reviewed and analyzed the proposed legislation concerning electronic service of documents and supports that proposal.	The committee’s support for the proposal is noted.

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
19.	Superior Court of San Diego County Michael M. Roddy Executive Officer	A	No specific comment.	No specific response required.
20.	Hon. Emily E. Vasquez Judge of the Superior Court of Sacramento County	A	Agree with proposed changes with some modification.  The comments should clearly state that this applies to civil <u>and</u> criminal cases. Also, clearly state that this applies to trial <u>and</u> appellate courts.	The committee agreed in concept with this commentator that section 1010.6 should eventually be amended to expressly state that it applies to criminal cases and be expanded to cover appellate as well as trial courts.  The committee interprets section 1010.6 as already applying to criminal cases. But because the statute does not expressly state that it applies to both civil and criminal cases, the committee agrees that this matter should be clarified. The amendment of the statute to apply to appellate courts would be more substantial. The statute currently applies only to the trial courts. (See section 1010.6(a)(first sentence).) Some significant modifications of the statute will probably be required to extend it to the appellate courts.  Because these suggested changes were not

**LEG09-01****Judicial Council–sponsored Legislation: Electronic Filing and Service of Documents (amend Code Civ. Proc., § 1010.6)**

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				included in the proposal that was circulated, the committee believes that the proposal would need to be recirculated before these changes could be made. Instead of doing that at this time, the committee recommends going ahead with the proposed legislation to address the immediate issues identified in the accompanying memorandum. At a future time, the statute should be further amended to address the commentator's concerns.