

Policy 4. Service of process by counsel for defendant

Consistently with longstanding practice and court policy, except as specified below, counsel for the defendant must serve his or her client, any separate counsel of record in any matter related to the same judgment, counsel of record for every other party, the trial court, the assisting entity or attorney for counsel for the defendant and any separate counsel of record, and trial counsel, with a copy of each motion, request for extension of time, brief, petition or other public document filed in this court or in the trial court on the client's behalf, including any supporting declaration, with attached proof of service. A declaration submitted in support of any motion or request may refer to and incorporate by reference matters set forth in a current "confidential 60-day status report" simultaneously provided only to this court. Counsel also must serve any additional person or entity as requested by this court.

Counsel for the defendant need not serve (1) trial counsel with any matter upon or after the filing in this court of the certified record on appeal; (2) the trial court with any extension-of-time request related to appellate briefing; and (3) the trial court or trial counsel with any matter related to habeas corpus briefing.

If counsel for the defendant elects to serve the defendant personally with the document, counsel may indicate on the proof of service the date by which counsel will so serve the defendant (not to exceed 30 calendar days), and counsel shall thereafter notify the court in writing that the defendant has been served. In the alternative, counsel for the defendant need not serve the defendant with any specific document to be filed if counsel for the defendant attaches to the proof of service for that specific document (1) a declaration by the defendant stating that he or she does not wish to be served with that specific document, and (2) a declaration by counsel for the defendant stating that he or she has described to the defendant the substance and purpose of that specific document. *[Policy amended effective Dec. 19, 2001.]*