

Judicial Council of California • Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR11-27

Title	Action Requested
Court Technology: Electronic Filing and Service in the Supreme Court and the Courts of Appeal	Review and submit comments by Monday, June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 8.70 and 8.79	January 1, 2012
Proposed by	Contact
Court Technology Advisory Committee	Patrick O'Donnell, 415-865-7665
Hon. Ming W. Chin, Chair	patrick.o'donnell@jud.ca.gov

Discussion

Last year, the Court Technology Advisory Committee proposed, and the Judicial Council adopted, rules for an electronic filing pilot program in the Court of Appeal, Second Appellate District. These rules went into effect on July 1, 2010 and were further amended effective January 1, 2011.¹

The Supreme Court and Court of Appeal Districts other than the Second Appellate District are interested in the possibility of using electronic filing and service. To permit this, this proposal would amend the rules adopted for the Second Appellate District pilot program to extend the authority to conduct e-filing programs to the Supreme Court and any Court of Appeal that elects to do so. The adoption of the amended rules would also ensure appropriate consistency among the electronic filing and service procedures in all the appellate courts in California.

¹ The appellate e-filing pilot program rules are in the California Rules of Court, rules 8.70–8.79, available online at: www.courtinfo.ca.gov/rules/documents/pdfFiles/title_8.pdf. (The e-filing rules are at pages 23–34.)

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 These proposals are circulated for comment purposes only.

Rules 8.70 and 8.79 of the California Rules of Court would be amended, effective January 1, 2012, to read:

Title 8. Appellate Rules

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

Chapter 1. General Provisions

Article 4. E-filing ~~Pilot Project in Second Appellate District~~

Rule 8.70. Purpose, application, construction, and definitions

(a) Purpose

The purpose of the rules in this article is to facilitate the implementation and testing of ~~an~~ e-filing projects in the Supreme Court and the Courts of Appeal, Second Appellate District.

(b) Application

Notwithstanding any other rules to the contrary, the rules in this article govern filing and service by electronic means in the Supreme Court and the any Court of Appeal, Second Appellate District that elects to implement an e-filing project.

(c) Construction

The rules in this article must be construed to authorize and permit filing and service by electronic means to the extent feasible.

(d) Definitions

As used in this article, unless the context otherwise requires:

(1) “The court” ~~is~~ means the Supreme Court or any the Court of Appeal, Second Appellate District that elects to implement an e-filing project.

(2) – (9) * * *

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Rule 8.79. Actions by court on receipt of electronic filing

(a)—(d) * * * *

(e) Endorsement

- (1) The court's endorsement of a document electronically filed must contain the following: "Electronically filed by ~~California Court of Appeal, Second Appellate District~~ [Name of Court], on ____ (date)," followed by the name of the court clerk.
- (2) The endorsement required under (1) has the same force and effect as a manually affixed endorsement stamp with the signature and initials of the court clerk.
- (3) A record on appeal, brief, or petition in an appeal or original proceeding that is filed and endorsed electronically may be printed and served on the appellant or respondent in the same manner as if it had been filed in paper form.

Item SPR11-27 Response Form

Title: Court Technology: Electronic Filing and Service in the Supreme Court and the Courts of Appeal (amend Cal. Rules of Court, rules 8.70 and 8.79)

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

Comments: _____

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.

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DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

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.