

1 **Supreme Court Rules Regarding Electronic Filing**

2 *Amended and effective May 1, 2018*

3
4 **Rule 1. Application; electronic filing system.**

5 These rules govern electronic filing in the Supreme Court under California Rules of Court, rules 8.70 – 8.79.
6 The court’s electronic filing system (EFS) is operated by ImageSoft TrueFiling (TrueFiling).
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9 **Rule 2. Documents subject to electronic filing**

10 Rules 3 and 4 identify the documents that must or may be filed electronically in the Supreme Court. No
11 document other than those identified in rules 3 and 4 may be filed electronically in the Supreme Court.
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14 **Rule 3. Mandatory electronic filing**

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16 **(a) Documents that attorneys must file electronically**

17 Pursuant to California Rules of Court, rule 8.71, effective September 1, 2017, unless the court grants a
18 motion for an excuse under rule 6, all attorneys representing a party in a matter before the court must file
19 the documents listed in this subdivision electronically through the court’s EFS.
20

21 (1) *Documents in proceedings under rules 8.495-8.498, 8.500-8.508, 9.13, and 9.60*

22 All documents filed before the court issues its decision to grant or deny review, including:

- 23
24 (A) Petitions for review; answers, replies;
- 25
26 (B) Applications to permit the filing of a petition, answer, reply, or attachment that exceeds the
27 length limits set by California Rules of Court, rule 8.504(d);
- 28
29 (C) Applications to extend the time to file an answer or reply;
- 30
31 (D) Motions for relief from default for failure to timely file a petition, answer, or reply;
- 32
33 (E) All other applications and motions in these proceedings filed before the court issues its
34 decision to grant or deny review; and
- 35
36 (F) Any correspondence filed in connection with the documents in (A) – (E).
- 37
38 (G) Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for
39 depublication and related documents under California Rules of Court, rule 8.1125. may be
40 filed electronically on a voluntary basis. (See Rule 4.)
41

42 (2) *Documents in proceedings under rules 8.380-8.385*

43 All documents filed before the court issues an order to show cause or its ruling on the petition,
44 including:

- 45
46 (A) Petitions for writ of habeas corpus; informal responses, replies;
47

- 1 (B) Applications to permit the filing of a petition, informal response, reply, or attachment that
2 exceeds the length limits set by California Rules of Court, rule 8.204(c);
3
4 (C) Applications to extend the time to file an informal response or reply;
5
6 (D) Motions for relief from default for failure to timely file an informal response, or reply;
7
8 (E) All other applications and motions in these proceedings filed before the court issues an order
9 to show cause or its ruling on the petition; and
10
11 (F) Any correspondence filed in connection with the documents in (A) – (E).
12

13 (3) *Documents in proceedings under rules 8.485-8.486, and 9.13*

14 All documents filed before the court issues an alternative writ or its ruling on the petition,
15 including:
16

- 17 (A) Petitions; preliminary responses, replies, and accusations against an attorney;
18
19 (B) Applications to permit the filing of a petition, preliminary response, reply, or attachment that
20 exceeds the length limits set by California Rules of Court, rule 8.204(c);
21
22 (C) Applications to extend the time to file a preliminary response or reply;
23
24 (D) Motions for relief from default for failure to timely file a preliminary response, reply, or
25 accusation against an attorney;
26
27 (E) All other applications and motions in these proceedings filed before the court issues an
28 alternative writ or its ruling on the petition; and
29
30 (F) Any correspondence filed in connection with the documents in (A) – (E).
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33 (4) *Documents in matters arising from a judgment of death*

34 All documents filed in these matters. For purposes of this subdivision:
35

- 36 (A) Matters arising from a judgment of death include:
37
38 (i) Automatic appeals under California Rules of Court, rules 8.600-8.642;
39
40 (ii) Habeas corpus proceedings in the court under California Rules of Court, rules 8.380-
41 8.388 that involve a challenge to the validity of the petitioner's death judgment,
42 including proceedings before any referee appointed by the court to conduct a hearing
43 following the court's issuance of an order to show cause; and;
44
45 (iii) Other original writ proceedings in the court under California Rules of Court, rules
46 8.485-8.493 that relate to an automatic appeal or a habeas corpus proceeding
47 challenging the validity of the death judgment, including proceedings on petitions for a
48 writ of mandate under Penal Code section 1405, subdivision (k).

1
2 (B) Matters arising from a judgment of death do not include:
3

- 4 (i) Habeas corpus proceedings on petitions challenging only a capital inmate's conditions
5 of confinement; and
6
7 (ii) Proceedings under California Rules of Court, rules 8.500-8.552 that relate to an
8 automatic appeal or a habeas corpus proceeding challenging the validity of the death
9 judgment, including petitions for review from lower court decisions regarding Penal
10 Code section 1054.9 motions. These proceedings are governed by subdivision (a)(1) of
11 this rule.
12

13 (C) A superior court judge who is appointed by the court as a referee in a proceeding under
14 (A)(ii) is not considered a trial court for purposes of exemption from mandatory e-filing
15 under California Rules of Court, rule 8.71(c).
16

17 (3) *Other documents on order of the court*
18 Any other document on order of the court.
19

20 **(b) Application to new and pending cases**

21 Electronic filing of the documents listed in (a) is mandatory as of September 1, 2017, including
22 documents filed in cases commenced before that date.

23 **Rule 4. Voluntary electronic filing**
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25 **(a) Individuals or entities exempt from mandatory electronic filing**

26 Pursuant to California Rules of Court, rule 8.71(b) and (c), electronic filing is voluntary for:
27

- 28 (1) Self-represented litigants; and
29
30 (2) Trial courts.
31

32 **(b) Amicus curiae letters and requests for depublication**

33 Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for depublication and
34 related documents under California Rules of Court, rule 8.1125 may be filed electronically on a voluntary
35 basis.
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38 **Rule 5. Submission of paper copies of electronically filed documents**
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40 **(a) Documents in proceedings under rules 8.500-8.552**

41 Unless otherwise ordered by the court:
42

- 43 (1) For each electronically filed document in these proceedings, the filer must also submit to the court
44 one unbound paper copy of the document.
45
46 (2) The paper copy must be mailed, delivered to a common carrier, or delivered to the court within two
47 court days after the document is filed electronically with the court. If the filing requests an

1 immediate stay, the paper copy must be delivered to court by the close of business the next court
2 day after the document is filed electronically.
3

4 **(b) Documents in matters arising from a judgment of death**

5 Unless otherwise ordered by the court:

- 6
- 7 (1) For each electronically filed document in these matters, the filer must also submit to the court one
8 unbound paper copy of the document.
9
- 10 (2) The paper copy must be mailed, delivered to a common carrier, or delivered to the court within two
11 court days after the document is filed electronically with the court.
12
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14 **Rule 6. Excuse from electronic filing**

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16 **(a) Motion requesting excuse**

17 A party wanting to be excused from the requirement to file a document electronically must file a motion
18 in the court requesting to be excused. The motion must comply with California Rules of Court, rule 8.54
19 and must specify whether the party is requesting to be excused from electronically filing all documents or
20 only a particular document or documents.
21

22 **(b) Grounds for excuse**

23 Pursuant to California Rules of Court, rule 8.71(d), the court will grant an excuse on a satisfactory
24 showing that:

- 25
- 26 (1) The party will suffer undue hardship if required to file electronically;
27
- 28 (2) The party will suffer significant prejudice if required to file electronically; or
29
- 30 (3) It is not feasible for the party to convert a particular document to electronic form by scanning,
31 imaging, or another means.
32
33

34 **Rule 7. Registration of electronic filers**

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36 **(a) Obligation to register**

37 Unless the court excuses the filer from this obligation under rule 6, every filer who is required or
38 voluntarily chooses to file a document electronically under these rules must register as a TrueFiling user
39 and obtain a username and password for access to TrueFiling. Registration with and access to the EFS is
40 through the TrueFiling website at <https://www.truefiling.com>.
41

42 **(b) Registered users' responsibilities**

43 A registered TrueFiling user is responsible for all documents filed under the user's registered username
44 and password. The registered user must also comply with the requirements of California Rules of Court,
45 rule 8.32 regarding the duty to provide address and other contact information, and notice of any changes.
46
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1 **Rule 8. Signatures**

2 Use of a registered TrueFiling user's username and password to electronically file a document is the equivalent
3 of placing the registered user's electronic signature on the document.
4
5

6 **Rule 9. Service**

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8 **(a) Electronic service**

9 In addition to the ways identified in California Rules of Court, rule 8.78 that a recipient may agree to
10 accept electronic service, a recipient is deemed to have agreed to electronic service in a matter before
11 this court if the recipient agreed to electronic service in the same matter in the Court of Appeal.
12

13 **(b) Service by the court**

14 Documents prepared by the court will be served on EFS users through the EFS or by electronic
15 notification.
16

17 **(c) Service of paper copies**

18 When service of a document is required to be made on a person or entity that has not consented to
19 electronic service, the server must comply with California Rules of Court, rule 8.25 regarding service of
20 paper copies.
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23 **Rule 10. Format and size of electronically filed documents**

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25 **(a) Format**

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27 (1) *Text searchable format*

28 All documents filed electronically must be in text-searchable PDF (portable document format), or
29 other searchable format approved by the court, while maintaining original document formatting. If
30 an electronic filer must file a document the filer possesses only in paper format, the filer must
31 convert the document to an electronic document that complies with this rule by scanning or other
32 means. It is the filer's responsibility to ensure that any document filed is complete and readable.
33 Except as otherwise specified in this rule, electronically filed documents must comply with the
34 content and form requirements of the California Rules of Court applicable to the particular
35 document, with the exception of those provisions dealing exclusively with requirements for paper
36 documents.
37

38 (2) *Pagination*

39 The page numbering of document filed electronically must comply with California Rules of Court,
40 rule 8.74(b)(3).
41

42 (3) *Electronic Bookmarks*

43 Each document must include in the bookmarks panel of the electronic document a descriptive link
44 (hereafter referred to as an electronic bookmark), to each heading, subheading and to the first page
45 of any component of the document, including any table of contents, table of authorities, petition,
46 verification, points and authorities, declaration, certificate of word count, certificate of interested
47 entities or persons, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab,

1 exhibit, or attachment must include the letter or number of the tab, exhibit, or attachment and a
2 description of the tab, exhibit, or attachment.

3
4 **(b) Size**

- 5
6 (1) An electronic filing may not be larger than 25 megabytes. This rule does not change the length
7 limitations established by the California Rules of Court for petitions, answers, replies, briefs or any
8 other document filed in the court.
9
10 (2) If a document exceeds the size limitation in (1), a party must submit the document in multiple files.
11
12 (A) These files must be paginated consecutively across all files in the document, including the
13 cover pages required by (B).
14
15 (B) Each file must have a cover page that includes the following information:
16
17 (i) The total number of files constituting document;
18
19 (ii) The number of this file within the document;
20
21 (iii) The total number of pages in the document; and
22
23 (iv) The page numbers of the document contained in this file.
24
25 (C) The cover pages required by (B) must be included in the paper copies of the document
26 submitted to the court under rule 5.
27
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29 **Rule 11. Privacy Protection**

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31 **(a) Personal Identifiers**

32 Electronic filers must comply with California Rules of Court, rule 1.201 regarding exclusion or redaction
33 of personal identifiers from all documents filed with the court. Neither TrueFiling nor the Clerk of the
34 Court has any responsibility to review documents for compliance with these requirements.
35

36 **(b) Sealed and Confidential Records**

37 Electronic filers must comply with California Rules of Court, rules 8.45-8.47 regarding sealed and
38 confidential records, with the exception of those requirements exclusively applicable to paper filings.
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41 **Rule 12. Fees**

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43 **(a) Collection of filing fees**

44 For electronic filings, TrueFiling is designated as the court's agent for collection of filing fees required by
45 law and any associated credit card or bank charges or convenience fees.
46

1 **(b) Vendor fees**

2 Pursuant to California Rules of Court, rule 8.73 and TrueFiling's contract with the court, in addition the
3 filing fees required by law, TrueFiling will assess fees for each electronic filing in accordance with the
4 schedule posted on the TrueFiling Web site, as approved by the court. These fees will be considered
5 recoverable costs under rule 8.278(d)(1)(D).
6

7 **(c) Exemption from vendor fees**

8 The following are exempt from the fees charged for electronic filing under (b):
9

10 (1) *Parties with fee waivers*

11 A party who has been granted a fee waiver by the court who chooses to file documents
12 electronically.

13
14 (2) *Government officers and entities*

15 The persons and entities identified in Government Code section 6103.
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18 **Rule 13. Technical Failure of Electronic Filing System**

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20 The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of
21 electronically filed documents. The initial point of contact for anyone experiencing difficulty with TrueFiling is
22 the toll-free telephone number posted on the TrueFiling Web site. California Rules of Court, rule 8.77, governs
23 if a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point
24 in the electronic transmission and receipt of a document. A motion under California Rules of Court, rule 8.77(d)
25 to accept the document as timely filed must comply with rule 8.54.
26