

# Judicial Council of California

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## INVITATION TO COMMENT

[ItC prefix as assigned]-\_\_

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|---|---|
| <b>Title</b>  | <b>Action Requested</b>                                       |
| Technology: Rules Modernization Project                                   | Review and submit comments by June 8, 2018                    |
| <b>Proposed Rules, Forms, Standards, or Statutes</b>                      | <b>Proposed Effective Date</b>                                |
| Amend Cal. Rules of Court, 2.250, 2.251, 2.255, and 2.257                 | January 1, 2019   |
| <b>Proposed by</b>  | <b>Contact</b>  |
| Information Technology Advisory Committee<br>Hon. Sheila F. Hanson, Chair | Andrea Jaramillo, 916-263-0991<br>andrea.jaramillo@jud.ca.gov |

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### Executive Summary and Origin

As part of the Rules Modernization Project, the Information Technology Advisory Committee recommends amending several rules related to electronic service and electronic filing. The purpose of the proposal is to conform the rules to the Code of Civil Procedure, clarify and remove redundancies in rule definitions, and ensure indigent filers are not required to have a payment mechanism to create an account with electronic filing service providers. The proposal includes amendments required by statute and suggested by the public.

### Background

New provisions of Code of Civil Procedure section 1010.6 require express consent for electronic service, which will require rule amendments and adoption of a form for withdrawal of consent. In addition, new provisions of Code of Civil Procedure section 1010.6 require the Judicial Council to adopt rules of court related to disability access and electronic signatures for documents signed under penalty of perjury. Finally, the proposal includes amendments based on comments received from the public. These include amendments to the definitions and contract requirements between electronic filing service providers and courts.

### The Proposal

The proposal would:

- Amend the definition of “document” in rule 2.250(b). The current wording can be read to mean that a document must be a filing. The proposed amendment removes this ambiguity by striking “filing” and replacing it with “writing” to clarify that a “document” is not necessarily a filing. The amendment was suggested by members of the public.

*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.*

- Amend the definitions of “electronic service,” “electronic transmission,” and “electronic notification” in rule 2.250(b) to refer to the definitions in Code of Civil Procedure section 1010.6 rather than duplicate them. This is to avoid risk of the rules and Code of Civil Procedure differing in their definitions should the Legislature amend Code of Civil Procedure section 1010.6.
- Add a definition for “electronic filing manager.” The proposal includes amendments to rule 2.255 to include electronic filings managers. Accordingly, a definition of electronic filing manager was also added. The proposed definition is based on descriptions the Judicial Council used of electronic filing managers in a request for proposals in 2017.
- Add a definition for “self-represented” to rule 2.250(b) and exclude attorneys from the definition. Rules applicable to self-represented persons were intended to add protections for those without an attorney. For example, self-represented persons are exempt from mandatory electronic filing. Attorneys acting for themselves are not acting without an attorney. Accordingly, attorneys are excluded from the definition of “self-represented” under the electronic filing and service rules. Because Code of Civil Procedure section 1010.6 uses the term “unrepresented” and the rules use the term “self-represented,” the definition in the rules refers to self-represented parties or other persons as being those unrepresented by an attorney. This proposal was a suggestion from a member of the public.
- Amend rule 2.251(b) to require express consent for permissive electronic service. The current rules allows the act of electronic filing to serve as consent to electronic service. Effective January 1, 2019, Code of Civil Procedure section 1010.6 will no longer allow the act of electronic filing alone to serve as consent. (Code Civ. Proc, § 1010.6(a)(2)(A)(ii).) Under Code of Civil Procedure section 1010.6, parties may still consent through electronic means by “manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic service address with that consent for the purpose of receiving electronic service.” The proposal amends the rules to remove the provision allowing the act of filing to serve as consent to electronic service and replace it with the language for manifesting affirmative consent by electronic means. Substantively, this is a technical amendment to ensure the rules comply with the statute. The proposal does not interpret the statute, however the committee seeks specific comments on whether there is a need for interpretation to provide more guidance to courts and electronic filing service providers.
- Amend rule 2.255 to add electronic filing managers within the scope of the rule. Code of Civil Procedure section 1010.6(g)(2) requires that “[a]ny system for the electronic filing and service of documents, including any information technology applications, Internet Web sites, and Web-based applications, used by an electronic service provider or any

other vendor or contractor that provides an electronic filing and service system to a trial court” be accessible by persons with disabilities and comply with certain access standards. Vendors and contractors must comply as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(3). Likewise, the statute requires the Judicial Council to adopt rules to implement the requirements as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(1). Code of Civil Procedure section 1010.6 includes specific requirements that courts and contractors must meet. Rule 2.255 already requires courts contracting with electronic filing service providers to comply with Code of Civil Procedure section 1010.6. However, because the rules do not account for contracts with electronic filing managers, the proposal amends rule 2.255 is amended to include them.

- Amend rule 2.255 to add subdivision (f) requiring require electronic filing service providers to allow filers to create an account without having to provide a credit card, debit card, or bank account information. The amendment is based on a suggestion from the State Bar Standing Committee on the Delivery of Legal Services. According to the standing committee, some electronic service providers require such payment information even if the filer is never charged. According to the standing committee, this “creates an insurmountable barrier to those without access to credit or banking services.” Subdivision (f) provides that it only applies to the creation of an account, but not to the provision of services unless the filer has a fee waiver.
- Amend rule 2.257 to create a procedure for electronically filed documents signed under penalty of perjury. Code of Civil Procedure section 1010.6(b)(2)(B)(ii) provides that when a document to be filed requires a signature made under penalty of perjury, the document is considered signed by the person if, in relevant part, “The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.” Accordingly, the proposal creates a procedure where the document is deemed signed when the “declarant has signed the document using an electronic signature, and declares under penalty of perjury that the information submitted is true and correct.” The language is modeled after the requirements in the Uniform Electronic Transactions Act for electronic signatures made under penalty of perjury. (Civ. Code, § 1633.11(b).) In addition, a definition of “electronic signature” is added to the rule modeled after the definitions used in UETA and the Code of Civil Procedure.

### **Alternatives Considered**

The committee considered retaining the definitions of “electronic service,” “electronic transmission,” and “electronic notification” in rule 2.250(b) rather than referencing Code of Civil Procedure section 1010.6 for the definitions. The committee considered that referencing the Code of Civil Procedure will create an extra step in looking up the definitions. However, the committee opted for the proposed language to remove the risk of having differing definitions should the Legislature amend Code of Civil Procedure section 1010.6.

## **Implementation Requirements, Costs, and Operational Impacts**

It is expected that the new express consent requirements will result in one-time costs to electronic filing service providers and courts to create a mechanism to capture affirmative consent by electronic means to electronic service. It is unknown whether or how these costs will impact fees electronic filing service providers charge filers for their services.

### **Request for Specific Comments**

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- The technical amendments to rule 2.251(b) bring the rule into compliance with Code of Civil Procedure section 1010.6's express consent requirements. The rule does not interpret the express consent requirements. Is there a need for interpretation of the statute to provide guidance to the courts and electronic filing service providers? If so, what specific guidance is needed?

### **Attachments and Links**

1. Proposed amendments to rules 2.250, 2.251, 2.255, and 2.257 of the California Rules of Court.
2. Code of Civil Procedure section 1010.6, [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP).

Rules 2.250, 2.251, 2.253, 2.255, and 2.257 of the California Rules of Court are amended, effective January 1, 2019, to read:

1 **Title 2. Trial Court Rules**

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

4  
5 **Chapter 2. Filing and Service by Electronic Means**

6  
7 **Rule 2.250. Construction and definitions**

8  
9 (a) \* \* \*

10  
11 (b) **Definitions**

12  
13 As used in this chapter, unless the context otherwise requires:

14  
15 (1) A “document” is a pleading, ~~a paper~~, a declaration, an exhibit, or another  
16 writing submitted by a party or other person, or by an agent of a party or  
17 other person on the party’s or other person’s behalf. A document is also a  
18 notice, order, judgment, or other issuance by the court. A document may be  
19 in paper or electronic form.

20  
21 *Drafter’s Notes:<sup>1</sup> A “document” does not need to be a filing, but as worded, the*  
22 *current rule is a little ambiguous. The revision is intended to clarify.*

23  
24 (2) “Electronic service” has the same meaning as defined in Code of Civil  
25 Procedure section 1010.6. ~~is service of a document on a party or other person~~  
26 ~~by either electronic transmission or electronic notification. Electronic service~~  
27 ~~may be performed directly by a party or other person, by an agent of a party~~  
28 ~~or other person, including the party’s or other person’s attorney, through an~~  
29 ~~electronic filing service provider, or by a court.~~

30  
31 (3) “Electronic transmission” has the same meaning as defined in Code of Civil  
32 Procedure section 1010.6. ~~means the transmission of a document by~~  
33 ~~electronic means to the electronic service address at or through which a party~~  
34 ~~or other person has authorized electronic service.~~

35  
36 (4) “Electronic notification” has the same meaning as defined in Code of Civil  
37 Procedure section 1010.6. ~~means the notification of a party or other person~~  
38 ~~that a document is served by sending an electronic message to the electronic~~  
39 ~~service address at or through which the party or other person has authorized~~  
40 ~~electronic service, specifying the exact name of the document served and~~

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<sup>1</sup> The drafter’s notes are not part of the rules proposal and are present purely to facilitate committee review of the proposal. The drafter’s notes will be removed from the material circulated for comment.

1 providing a hyperlink at which the served document can be viewed and  
2 downloaded.

3  
4 *Drafter's Notes: During comments last year, the option of retaining the terms  
5 and referencing the Code of Civil Procedure for the definitions was favored by  
6 the Orange County Bar, an EFSP, and a legal publisher. The EFSP noted that it  
7 was not necessary to have the rule duplicate the statute, but it is helpful to have  
8 the term provided so practitioners know where to look. The other commenters did  
9 not state reasons for their preference. The ItC solicits specific comments on this  
10 change, particularly if it presents a significant barrier to self-represented litigants.*

11  
12 (5) – (8) \* \* \*

13  
14 (9) An “electronic filing manager” is a service that acts as an intermediary  
15 between a court and various electronic filing service provider solutions  
16 certified for filing into California courts.

17  
18 *Drafter's Notes: The proposal amends rule 2.255 to bring electronic filing*  
19 *manager with the scope of that rule. Because electronic filing managers are not*  
20 *defined in the rules, staff developed this definition based on descriptions the*  
21 *Judicial Council used of electronic filing managers in a request for proposals in*  
22 *2017.*

23  
24 (10) “Self-represented” means a party or other person who is unrepresented in an  
25 action by an attorney and does not include an attorney appearing in an action  
26 who represents himself or herself.

27  
28 *Drafter's Notes: A member of the public recommended that attorneys acting in*  
29 *pro per not be included in the exemption to mandatory electronic filing and*  
30 *service for self-represented litigants. Including a definition of “self-represented”*  
31 *and excluding attorneys from the definition should accomplish this. Because*  
32 *Code of Civil Procedure section 1010.6 uses the term “unrepresented,” the*  
33 *definition refers to a self-represented party or other person as being*  
34 *unrepresented by an attorney.*

35  
36 **Rule 2.251. Electronic service**

37  
38 (a) \* \* \*

39  
40 (b) **Electronic service by express consent of the parties**

41  
42 (1) ~~Electronic service may be established by consent.~~ A party or other person  
43 indicates that the party or other person agrees to accept electronic service by:

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(A) Serving a notice on all parties and other persons that the party or other person accepts electronic service and filing the notice with the court. The notice must include the electronic service address at which the party or other person agrees to accept service; or

(B) ~~Electronically filing any document with the court. The act of electronic filing is evidence that the party or other person agrees to accept service at the electronic service address the party or other person has furnished to the court under rule 2.256(a)(4). This subparagraph (B) does not apply to self-represented parties or other self-represented persons; they must affirmatively consent to electronic service under subparagraph (A).~~ Manifesting affirmative consent through electronic means with the court or the court’s electronic filing service provider, and concurrently providing the party’s electronic service address with that consent for the purpose of receiving electronic service.

(2) A party or other person that has consented to electronic service under (1) and has used an electronic filing service provider to serve and file documents in a case consents to service on that electronic filing service provider as the designated agent for service for the party or other person in the case, until such time as the party or other person designates a different agent for service.

(c) - (k) \* \* \*

*Drafter’s Notes: Subdivision (b) is amended to comply with the amendments to Code of Civil Procedure section 1010.6 that require express consent. This is a technical amendment and purely to comply with statute. It is included as the subcommittee seeks specific comments on whether there is a need to provide interpretation on the requirements. Following the January 22, 2018 RPS meeting, a member of the EFSP community reached out to staff with a desire to comment*

**Rule 2.255. Contracts with electronic filing service providers and electronic filing managers**

**(a) Right to contract**

- (1) A court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court.
- (2) If the court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider.

1 (3) A court may contract with one or more electronic filing managers to act as an  
2 intermediary between the court and electronic filing service providers.

3  
4 ~~(3)~~(4) If the court contracts with an electronic service provider or the court has an  
5 in-house system, the provider or system must accept filing from other  
6 electronic filing service providers to the extent the provider or system is  
7 compatible with them.  
8

9 **(b) Provisions of contract**

10  
11 (1) The court's contract with an electronic filing service provider may:

12  
13 (A) Allow the provider to charge electronic filers a reasonable fee in  
14 addition to the court's filing fee;

15  
16 (B) Allow the provider to make other reasonable requirements for use of  
17 the electronic filing system.  
18

19 (2) The court's contract with an electronic filing service provider must comply  
20 with requirements of Code of Civil Procedure section 1010.6.  
21

22 (3) The court's contract with an electronic filing manager must comply with  
23 requirements of Code of Civil Procedure section 1010.6.  
24

25 **(c) Transmission of filing to court**

26  
27 (1) An electronic filing service provider must promptly transmit any electronic  
28 filing and any applicable filing fee to the court: directly or through the court's  
29 electronic filing manager.  
30

31 (2) An electronic filing manager must promptly transmit an electronic filing and  
32 any applicable filing fee to the court.  
33

34 **(d) Confirmation of receipt and filing of document**

35  
36 (1) An electronic filing service provider must promptly send to an electronic filer  
37 its confirmation of the receipt of any document that the filer has transmitted  
38 to the provider for filing with the court.  
39

40 (2) The electronic filing service provider must send its confirmation to the filer's  
41 electronic service address and must indicate the date and time of receipt, in  
42 accordance with rule 2.259(a).  
43

1 (3) After reviewing the documents, the court must promptly transmit to the  
2 electronic filing service provider and the electronic filer the court's  
3 confirmation of filing or notice of rejection of filing, in accordance with rule  
4 2.259.

5  
6 **(e) Ownership of information**

7  
8 All contracts between the court and electronic filing service providers or the court  
9 and electronic filing managers must acknowledge that the court is the owner of the  
10 contents of the filing system and has the exclusive right to control the system's use.

11  
12 **(f) Establishing a filer account with an electronic filing service provider**

13  
14 (1) An electronic filing service provider may not require a filer to provide a credit  
15 card, debit card, or bank account information to create an account with the  
16 electronic filing service provider.

17  
18 (2) This provision applies only to the creation of an account and not to the use of  
19 an electronic filing service provider's services. An electronic filing services  
20 provider may require a filer to provide a credit card, debit card, or bank account  
21 information before rendering services unless the services are within the scope  
22 of a fee waiver granted by the court to the filer.

23  
24 *Drafter's Notes: The amendments in subparts (a)-(c) and (e) are to account for*  
25 *when courts use electronic filing managers and may not have direct relationships*  
26 *with electronic filing service providers. Code of Civil Procedure section*  
27 *1010.6(g)(2) requires that "[a]ny system for the electronic filing and service of*  
28 *documents, including any information technology applications, Internet Web*  
29 *sites, and Web-based applications, used by an electronic service provider or any*  
30 *other vendor or contractor that provides an electronic filing and service system to*  
31 *a trial court" be accessible by persons with disabilities and comply with certain*  
32 *access standards. Vendors and contractors must comply as soon as practicable,*  
33 *but no later than June 30, 2019. (Code Civ. Proc., § 1010.6(g)(3). Likewise, the*  
34 *statute requires the Judicial Council to adopt rules to implement the requirements*  
35 *as soon as practicable, but no later than June 30, 2019. (Code Civ. Proc., §*  
36 *1010.6(g)(1). Code of Civil Procedure section 1010.6 includes specific*  
37 *requirements that courts and contractors must meet. Because the rules do not*  
38 *account for contracts with electronic filing managers, rule 2.255 is amended to*  
39 *include them.*

40  
41 *Subpart (f) is added to rule 2.255 to require electronic filing service providers to*  
42 *allow filers to create an account without having to provide a credit card, debit*  
43 *card, or bank account information. According to the State Bar Standing*

1 *Committee on the Delivery of Legal Services, some electronic service providers*  
2 *require such payment information even if the filer is never charged. According to*  
3 *the standing committee, this “creates an insurmountable barrier to those without*  
4 *access to credit or banking services.” Subpart (f) provides that it only applies to*  
5 *the creation of an account, but not to the provision of services unless the filer has*  
6 *a fee waiver.*

7  
8 **Rule 2.257. Requirements for signatures on documents**

9  
10 **(a) Electronic signature**

11  
12 An electronic signature is an electronic sound, symbol, or process attached to or  
13 logically associated with an electronic record and executed or adopted by a person  
14 with the intent to sign a document or record created, generated, sent,  
15 communicated, received, or stored by electronic means.

16  
17 **(a)(b) Documents signed under penalty of perjury**

18  
19 When a document to be filed electronically provides for a signature under penalty  
20 of perjury of any person, the document is deemed to have been signed by that  
21 person if filed electronically provided that either of the following conditions is  
22 satisfied:

- 23  
24 (1) The declarant has signed the document using an electronic signature a  
25 computer or other technology, in accordance with procedures, standards, and  
26 guidelines established by the Judicial Council and declares under penalty of  
27 perjury under the laws of the state of California that the information  
28 submitted is true and correct; or  
29  
30 (2) The declarant, before filing, has physically signed a printed form of the  
31 document. By electronically filing the document, the electronic filer certifies  
32 that the original, signed document is available for inspection and copying at  
33 the request of the court or any other party. In the event this second method of  
34 submitting documents electronically under penalty of perjury is used, the  
35 following conditions apply:  
36  
37 (A) At any time after the electronic version of the document is filed, any  
38 party may serve a demand for production of the original signed  
39 document. The demand must be served on all other parties but need not  
40 be filed with the court.  
41

- 1 (B) Within five days of service of the demand under (A), the party or other  
2 person on whom the demand is made must make the original signed  
3 document available for inspection and copying by all other parties.  
4
- 5 (C) At any time after the electronic version of the document is filed, the  
6 court may order the filing party or other person to produce the original  
7 signed document in court for inspection and copying by the court. The  
8 order must specify the date, time, and place for the production and must  
9 be served on all parties.  
10
- 11 (D) Notwithstanding (A)–(C), local child support agencies may maintain  
12 original, signed pleadings by way of an electronic copy in the statewide  
13 automated child support system and must maintain them only for the  
14 period of time stated in Government Code section 68152(a). If the local  
15 child support agency maintains an electronic copy of the original,  
16 signed pleading in the statewide automated child support system, it may  
17 destroy the paper original.  
18

19 ~~(b)(c)~~ \* \* \*

20  
21 ~~(e)(d)~~ \* \* \*

22  
23 ~~(d)(e)~~ \* \* \*

24  
25 ~~(e)(f)~~ \* \* \*

26  
27 **~~Advisory Committee Comment~~**  
28

29 ~~Subdivision (a)(1). The standards and guidelines for electronic signatures that satisfy the~~  
30 ~~requirements for an electronic signature under penalty of perjury are contained in the Trial Court~~  
31 ~~Records Manual.~~  
32

33 *Drafter's Notes: New subdivision (a) provides a definition of "electronic*  
34 *signature." This definition is based on those used in Code of Civil Procedure*  
35 *section 17(a) and the Uniform Electronic Transactions Act (UETA) (Civil Code*  
36 *section 1633(h).) Both define an electronic signature as:*  
37

38 *An electronic signature is an electronic sound, symbol, or*  
39 *process attached to or logically associated with an electronic*  
40 *record and executed or adopted by a person with the intent to*  
41 *sign the electronic record.*  
42

1 (Emphasis added.) Rather than parse out further definitions of “electronic record”  
2 and “record.” The use of “electronic record” is not used with “electronic signature”  
3 in the rule rather, the rule uses “a document” (because the rules refer to  
4 “documents”) “or record created, generated, sent, communicated, received, or  
5 stored by electronic means” (this is the meaning of a “electronic record” under  
6 UETA).

7  
8 *Subdivision (b)(1) (formerly (a)(1)) is amended to comply with Code of Civil*  
9 *Procedure section 1010.6(b)(2)(B)(ii), which provides that when a document to*  
10 *be filed requires a signature made under penalty of perjury, the document is*  
11 *considered signed by the person if, in relevant part, “The person has signed the*  
12 *document using a computer or other technology pursuant to the procedure set*  
13 *forth in a rule of court adopted by the Judicial Council by January 1, 2019.”*  
14 *Originally, the plan was to place procedures, standards, and guidelines in the*  
15 *Trial Courts Records Manual. However, because the council is now required by*  
16 *statute to create a “procedure” by January 1, 2019, the rule is amended to add*  
17 *such a procedure and the advisory committee comment is stricken. The*  
18 *procedure is high level and modeled after the requirements of UETA for*  
19 *electronic signatures signed under penalty of perjury. Under UETA:*

20  
21 *In a transaction, if a law requires that a statement be signed under*  
22 *penalty of perjury, the requirement is satisfied with respect to an*  
23 *electronic signature, if an electronic record includes, in addition to*  
24 *the electronic signature, all of the information as to which the*  
25 *declaration pertains together with a declaration under penalty of*  
26 *perjury by the person who submits the electronic signature that the*  
27 *information is true and correct.*

28  
29 (Civ. Code, § 1633.11(b).)  
30

# Judicial Council of California

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## INVITATION TO COMMENT [ItC prefix as assigned]-\_\_

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|---|---|
| <b>Title</b>  | <b>Action Requested</b>                                       |
| Technology: Rules Modernization Project                                   | Review and submit comments by June 8, 2018                    |
| <b>Proposed Rules, Forms, Standards, or Statutes</b>                      | <b>Proposed Effective Date</b>                                |
| Adopt Judicial Council Form EFS-006-CV.                                   | January 1, 2019   |
| <b>Proposed by</b>  | <b>Contact</b>  |
| Information Technology Advisory Committee<br>Hon. Sheila F. Hanson, Chair | Andrea Jaramillo, 916-263-0991<br>andrea.jaramillo@jud.ca.gov |
| Civil and Small Claims Advisory Committee<br>Hon. Ann I. Jones, Chair     | Anne Ronan, 415-865-8933<br>anne.ronan@jud.ca.gov             |

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### Executive Summary and Origin

As part of the Rules Modernization Project, the Information Technology Advisory Committee and Civil and Small Claims Advisory Committee recommend adopting a new form for withdrawal of consent to electronic service. The purpose of the proposal is to comply with Code of Civil Procedure section 1010.6(a)(6), which requires the Judicial Council to create such a form by January 1, 2019.

### The Proposal

The proposed form is Judicial Council form EFS-006-CV, *Withdrawal of Consent to Electronic Service*. Under Code of Civil Procedure section 1010.6(a)(6), “A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.” The proposed form is modeled after current form EFS-005-CV, *Consent to Electronic Service and Notice of Electronic Service Address*.

### Alternatives Considered

Because the form is required by statute, no alternative was considered.

### Implementation Requirements, Costs, and Operational Impacts

It is not expected that the new form will result in any significant costs or operational impacts on the courts.

*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.*

**Attachments and Links.**

1. Proposed Judicial Council form EFS-006-CV, *Withdrawal of Consent to Electronic Service*.
2. Code of Civil Procedure section 1010.6,  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1010.6&lawCode=CCP).

|  |                           |
|--|---------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO:<br>NAME:<br>FIRM NAME:<br>STREET ADDRESS:<br>CITY: STATE: ZIP CODE:<br>TELEPHONE NO.: FAX NO. :<br>E-MAIL ADDRESS:<br>ATTORNEY FOR (name): | <b>FOR COURT USE ONLY</b> |
| <b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b><br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME:  | CASE NUMBER:              |
| Plaintiff/Petitioner:<br>Defendant/Respondent:   | JUDICIAL OFFICER:         |
| <b>WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE</b>   | DEPARTMENT:               |

1.  The following party or  the attorney for:

- a.  plaintiff (name):
- b.  defendant (name):
- c.  petitioner (name):
- d.  respondent (name):
- e.  other (describe):

withdraws consent to electronic service of notices and documents in the above-captioned action.

2. The mailing address for service on the person identified in item 1 is (specify):

Street:  
 City:  
 State: Zip:

3. All notices and documents regarding the action shall be served on the person identified in item 1 at the address in item 2 as of (date):

Date:

\_\_\_\_\_  
 TYPE OR PRINT NAME



\_\_\_\_\_  
 (SIGNATURE OF PARTY OR ATTORNEY)

|            |              |
|------------|--------------|
| CASE NAME: | CASE NUMBER: |
|------------|--------------|

(Note: If you serve Withdrawal of Consent to Electronic Service by mail, you should use form POS-030, Proof of Service by First-Class Mail–Civil, instead of using this page.)

**PROOF OF ELECTRONIC SERVICE**  
**WITHDRAWAL OF CONSENT TO ELECTRONIC SERVICE**

1. I am at least 18 years old.

My residence or business address is (*specify*):

2. I electronically served a copy of the *Withdrawal of Consent to Electronic Service* as follows:

a. Name of person served:

b. Electronic service address of person served:

On behalf of (*name or names of parties represented, if person served is an attorney*):

c. On (*date*):

Electronic service of the *Withdrawal of Consent to Electronic Service* on additional persons is described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

\_\_\_\_\_  
(SIGNATURE OF DECLARANT)