

Invitation to Comment

Title	Appellate Procedure: Copies of Briefs in Civil Appeals (amend Cal. Rules of Court, rule 8.212)
Summary	This proposal would give parties in civil appeals the option of serving one electronic copy of their briefs, rather than serving four paper copies, on the Supreme Court.
Source	Court Technology Advisory Committee Hon. Ming Chin, Chair Appellate Advisory Committee Hon. Kathryn Doi Todd, Chair
Staff	Christopher Smith, Court Technology Advisory Committee staff, 415-865-4942; Christopher.smith@jud.ca.gov Heather Anderson, Appellate Advisory Committee Counsel, 415-865-7691, heather.anderson@jud.ca.gov
Discussion	<p>Rule 8.212 of the California Rules of Court currently requires parties in civil appeals to serve four copies of their briefs on the California Supreme Court. These copies have traditionally been provided to repository libraries for their collections. Because of limitations on storage space and other issues, the repository libraries have been moving away from retaining paper copies of these briefs.</p> <p>This proposal would give parties in these civil cases the option of serving a single electronic copy of their briefs, rather than the four paper copies, on the Supreme Court. Obtaining these briefs in electronic format would allow the repository libraries to store them in an electronic database. It should also reduce the copying and shipping costs for litigants. To ensure consistency of format, this amendment would require that electronic copies of briefs be in Portable Document Format (PDF) and that they exactly duplicate the appearance of the paper copy, including the order and pagination of all the brief’s components.</p>
	Attachment

Rules 8.212 of the California Rules of Court would be amended, effective January 1, 2008, to read:

1 **Rule 8.212. Service and filing of briefs**

2
3 **(a)-(b) * * ***

4
5 **(c) Service**

6
7 (1) ~~A~~ One copy of each brief must be served on the superior court clerk for
8 delivery to the trial judge.

9
10 (2) One electronic copy or four paper copies of each brief must be served on the
11 Supreme Court as provided in either (A) or (B).

12
13 (A) One copy of each brief may be served on the Supreme Court
14 electronically by sending the copy to the Supreme Court’s electronic
15 notification address.

16
17 (i) The copy must be a single computer file in text-searchable Portable
18 Document Format (PDF) and it must exactly duplicate the
19 appearance of the paper copy, including the order and pagination of
20 all the brief’s components. By electronically serving the copy, the
21 filer certifies that the copy complies with these requirements and
22 that all reasonable steps have been taken to ensure that the copy
23 does not contain computer code, including viruses, that might be
24 harmful to the court’s electronic filing system and to other users of
25 that system.

26
27 (ii) If the Court of Appeal has ordered the brief sealed, the party
28 -serving the brief must include as the first page in the PDF
29 document a cover sheet that contains the information required by
30 rule 8.204(b)(10) and labels the contents as “CONDITIONALLY
31 UNDER SEAL.” The Court of Appeal clerk must promptly notify
32 the Supreme Court of any court order unsealing the brief. In the
33 absence of such notice the Supreme Court clerk must keep all
34 copies of the brief under seal.

35
36 (B) Instead of serving an electronic copy, four paper copies of each brief
37 filed in a civil appeal must ~~may~~ be served on the Supreme Court. If the
38 Court of Appeal has ordered the brief sealed, ~~(A)~~ the party serving the
39 brief must place all four copies of the brief in a sealed envelope and
40 attach a cover sheet that contains the information required by rule
41 8.204(b)(10) and labels the contents as “CONDITIONALLY UNDER

1 SEAL.”; and ~~(B)~~ The Court of Appeal clerk must promptly notify the
2 Supreme Court of any court order unsealing the brief. In the absence of
3 such notice the Supreme Court clerk must keep all copies of the brief
4 under seal.
5

- 6 (3) A One copy of each brief must be served on a public officer or agency when
7 required by rule 8.29.
8

9 **Advisory Committee Comment**

10
11 **Subdivision (c).** “Electronic notification address is defined in rule 2.250. The Supreme Court’s electronic
12 filing address can be found on the judicial branch website at: [http://www.courtinfo.](http://www.courtinfo.ca.gov/courts/supreme/)
13 [ca.gov/courts/supreme/](http://www.courtinfo.ca.gov/courts/supreme/).

Item SP07-19 Response Form

Title: Appellate Procedure: Copies of Briefs in Civil Appeals (amend Cal. Rules of Court, rule 8.212)

- 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: _____

Please **write** or **fax** or [respond using the Internet](#) to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102

Fax: (415) 865-7664 **Attention:** Camilla Kieliger

Internet: <http://www.courtinfo.ca.gov/invitationstocomment/commentform.htm>

DEADLINE FOR COMMENT: 5:00 p.m., Friday, July 13, 2007

Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

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.