



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

Title

Rules and Forms: Electronic Filing and Service

Agenda Item Type

Action Required

Effective Date

January 1, 2019

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 2.250,
2.251, 2.255, and 2.257

Date of Report

August 31, 2018

Recommended by

Information Technology Advisory Committee
Hon. Sheila F. Hanson, Chair

Contact

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Executive Summary

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 California Rules of Court 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.

Recommendation

The Information Technology Advisory Committee recommends, effective January 1, 2019, the Judicial Council:

1. Amend rule 2.250 of the California Rules of Court to:

- Clarify the definition of “document.”
- Revise 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.
- Add a definition of “electronic filing manager” because it is a new term used in the rules.

- Add a definition of “self-represented,” which excludes attorneys’ rules applicable to self-represented persons that were intended to add protections for persons untrained in the law, not attorneys.
2. Amend rule 2.251 to require express consent for permissive electronic service consistent with the requirements of Code of Civil Procedure section 1010.6.
 3. Amend rule 2.255 to:
 - Add electronic filing managers within the scope of the rule to ensure contracts with electronic filing managers will comply with Code of Civil Procedure section 1010.6.
 - Add a requirement that electronic filing service providers allow filers to create an account without having to provide payment information.
 4. Amend rule 2.257 to create a procedure for electronically filed documents signed under penalty of perjury as required by Code of Civil Procedure section 1010.6.

The text of the amended rules are attached at pages 8–13.

Relevant Previous Council Action

In 2017, the Judicial Council sponsored Assembly Bill 976, which amended provisions of Code of Civil Procedure section 1010.6 to (1) authorize the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provide for a consistent effective date of electronic filing and service across courts and case types, (3) consolidate the mandatory electronic filing provisions, and (4) codify provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service. The Legislature amended AB 976 to add a provision requiring that starting January 1, 2019, parties and other persons must provide express consent to permissive electronic service.

Analysis/Rationale

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.

Amendments to rule 2.250

Rule 2.250 contains the definitions for terms used in the electronic and filing service rules found in title 2, division 3, chapter 2 of the California Rules of Court.

Amending the definition of “document.” The current wording of the definition states that a document, in relevant part, is “a pleading, a paper, a declaration, an exhibit, *or another filing...*” (Cal. Rules of Court, rule 2.250(b)(1), emphasis added.) This can be read to mean that a document must be something filed with the court and thus, for example, would exclude written discovery demands and responses. The proposed amendment removes this ambiguity by striking “filing” and replacing it with “writing.” In addition, the amendment strikes “a paper” from “a pleading, a paper, a declaration, an exhibit...” because it is unnecessary in the definition.

Amending the definitions of “electronic service,” “electronic transmission,” and “electronic notification.” The current definitions of “electronic service,” “electronic transmission,” and “electronic notification” in the rules duplicate the Code of Civil Procedure section 1010.6 definitions of those same terms. The amendments retain the terms in the rules’ scheme of definitions but—for the actual definition components—delete the duplicative language and refer instead to Code of Civil Procedure section 1010.6. This reduces redundancies between the rules and the Code of Civil Procedure, and avoids the risk of the rules and the Code of Civil Procedure differing in their definitions should the Legislature amend section 1010.6.

Adding a definition of “electronic filing manager.” The proposal includes amendments to rule 2.255, which add electronic filing managers within the scope of the rule. Because the term “electronic filing manager” was not previously used in the electronic filing and service rules, it is necessary to define it. The definition is based on descriptions of electronic filing managers the Judicial Council has used in past procurements for electronic filing manager contractors.

Adding a definition of “self-represented.” The proposal adds a definition for “self-represented,” which excludes attorneys from the scope of 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 section 1010.6 uses the term “unrepresented” and the rules of court 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.

Amendments to rule 2.251

Rule 2.251 governs electronic service. The proposal amends rule 2.251(b), which governs permissive electronic service, to require express consent to electronic service and add a provision for how a party or other person may manifest consent. The current rules allow 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 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 replaces it with the language for manifesting affirmative consent by electronic means from section 1010.6. The proposal also adds a provision for how a party or other person may “manifest affirmative consent” by agreeing to consent in an electronic service provider’s terms of service, or filing a form consenting to electronic service.

Amendments to rule 2.255

Rule 2.255 governs contracts with electronic filing service providers. The proposed amendments to rule 2.255 add electronic filing managers within the scope of the rule to ensure contracts with

electronic filing managers will comply with Code of Civil Procedure section 1010.6, and add a requirement that electronic filing service providers allow filers to create an account without having to provide financial account information.

Adding electronic filing managers to the scope of the rule. The proposal adds electronic filing managers within the scope of rule 2.255. Code of Civil Procedure section 1010.6 includes specific requirements that courts and contractors must meet for access by persons with disabilities, and 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).) Rule 2.255 already requires courts' contracts with electronic filing service providers to comply with requirements of Code of Civil Procedure section 1010.6. However, because courts may also contract with electronic filing managers and the rules of court do not account for contracts with electronic filing managers, the proposal amends rule 2.255 to include them.

Adding a requirement that electronic service providers allow filers to create an account without providing payment information. The proposal amends rule 2.255 to add subdivision (f) to 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's Standing Committee on the Delivery of Legal Services. According to the standing committee, some electronic filing 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." This change does not apply to the provision of actual services, unless the filer has a fee waiver.

Amendments to rule 2.257

The proposal amends 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, "[t]he 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 under the laws of the state of California 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, the amendments add a definition of "electronic signature" to the rule, modeled after the definitions used in the Uniform Electronic Transactions Act and the Code of Civil Procedure.

Policy implications

The statutory requirement for the manifestation of affirmative consent through electronic means is new. The rule provisions addressing manifesting affirmative consent may require refinement in the future to address issues that may arise and become known when the requirement goes into effect on January 1, 2019.

Comments

This rules proposal circulated for public comment from April 9 to June 8, 2018. Four commenters responded to the invitation to comment either agreeing with the proposal or agreeing as modified. A chart with the full text of the comments received and the committee's responses is attached at pages 14 to 18.

Comments on the manifestation of affirmative consent to permissive electronic service. The Orange County Bar Association commented that “the provision for manifesting affirmative consent should reference by definition the requirements of [Code of Civil Procedure section] 1010.6 for ‘express consent’ rather than using the phrase ‘manifest affirmative consent’ which is merely a subset definition in the statute[.]”

The committee noted that the full requirements, not just a subset, of Code of Civil Procedure section 1010.6's express consent requirements are already captured in the rules. The option other than manifesting affirmative consent is to serve a notice on all the parties and filing the notice with the court.” (Code Civ. Proc., § 1010.6(a)(2)(A)(ii).) This option is accounted for in existing rule 2.251(b)(1)(A).

Comments responsive to the invitation to comment's request for specific comments. Because there was some uncertainty on how a court or other parties would know someone had affirmatively consented to electronic service by electronic means, the invitation to comment asked for specific comments on (1) how notice is to be given to the court that a party or other person has provided express consent, or (2) how notice of the same is to be given to other parties or persons in the case. Two commenters submitted comments responsive to these questions recommending that the rules address how notice be given. The Superior Court of San Diego County provided specific recommendations on when a party manifests consent by agreeing to consent in the terms of service with an electronic service provider. The first recommendation is that there should be standard language used for parties to consent to electronic service, and the second was that a copy of the parties' acceptance be transmitted to the court by the electronic filing service provider. The court also commented that the party consenting should serve notice on all other parties. These comments are helpful for refinement of the rules to provide greater clarity and guidance, and the committee may develop them into proposals in the next rule cycle.

Alternatives considered

Amendments to rule 2.250

- The committee did not consider the alternative of not amending the definition of “document” because the existing definition contains ambiguity that may cause confusion.
- The committee considered the alternative of not amending the definitions of “electronic service,” “electronic transmission,” and “electronic notification.” The committee received specific comments concerning this topic during the amendments to the electronic filing and service rules in 2017 and agreed with the comments that duplicating the definitions already contained in statute was unnecessary.

- The committee did not consider the alternative of not defining “electronic filing manager” because the term could be unclear if undefined.
- The committee considered the alternative of not adding a definition for “self-represented” as it has not been necessary to define it previously. However, including the definition provides greater clarity for the purpose of having separate requirements for “self-represented,” which is to protect persons who do not have attorneys or who are not attorneys.

Amendments to rule 2.251. The committee considered making a technical amendment to the consent requirements in rule 2.251(b) to ensure the rules comply with Code of Civil Procedure section 1010.6’s express consent requirements without interpreting the statute’s requirement for “manifesting consent through electronic means.” However, during the development of the proposal, the committee received public comments from electronic filing service providers raising concerns over uncertainty in the meaning of “manifesting affirmative consent” and providing an interpretation, which was integrated into the proposal.

Amendments to rule 2.255. The committee did not consider the alternative of not adding electronic filing managers to the scope of the rule because including electronic filing managers is necessary to comply with the requirements of Code of Civil Procedure section 1010.6(g).

The court did not consider the alternative of not adding new subdivision (f) because adding the subdivision removes a barrier to filers without access to credit or banking services. The committee limited the scope of the rule to ensure it was targeted at only the ability to create an account, not to use the services, which can require payment information or, if applicable, a fee waiver.

Amendments to rule 2.257. The committee did not consider the alternative of not creating a procedure for electronic signatures on documents filed under penalty of perjury. Code of Civil Procedure section 1010 requires creation of the rule by January 1, 2019.

Fiscal and Operational Impacts

The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee commented on expected impacts on court operations as a result of rule 2.251. Specifically:

- Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.);
- Increased court staff workload; and
- New configurations and workflows will have to be designed and implemented in all case management systems to manage the notices and the potential for withdrawal of consent.

Attachments and Links

1. Cal. Rules of Court, rules 2.250, 2.251, 2.255, and 2.257, at pages 8–13
2. Chart of comments, at pages 14–18
3. Link A: Code Civil Proc.,
§ 1010.6, [http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP
§ionNum=1010.6](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP§ionNum=1010.6)

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

Rule 2.250. Construction and definitions

(a) * * *

(b) Definitions

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

- (1) A “document” is a pleading, ~~a paper,~~ a declaration, an exhibit, or another filing writing submitted by a party or other person, or by an agent of a party or other person on the party’s or other person’s behalf. A document is also a notice, order, judgment, or other issuance by the court. A document may be in paper or electronic form.
- (2) “Electronic service” has the same meaning as defined in Code of Civil Procedure section 1010.6 ~~is service of a document on a party or other person by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party’s or other person’s attorney, through an electronic filing service provider, or by a court.~~
- (3) “Electronic transmission” has the same meaning as defined in Code of Civil Procedure section 1010.6 ~~means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.~~
- (4) “Electronic notification” has the same meaning as defined in Code of Civil Procedure section 1010.6 ~~means the notification of a party or other person that a document is served by sending an electronic message to the electronic service address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document can be viewed and downloaded.~~
- (5)–(8) * * *
- (9) An “electronic filing manager” is a service that acts as an intermediary between a court and various electronic filing service provider solutions certified for filing into California courts.

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

4
5 **Rule 2.251. Electronic service**

6
7 (a) * * *

8
9 (b) **Electronic service by express consent of the parties**

- 10
11 (1) ~~Electronic service may be established by consent.~~ A party or other person
12 indicates that the party or other person agrees to accept electronic service by:

13
14 (A) Serving a notice on all parties and other persons that the party or other
15 person accepts electronic service and filing the notice with the court.
16 The notice must include the electronic service address at which the
17 party or other person agrees to accept service; or

18
19 (B) ~~Electronically filing any document with the court. The act of electronic~~
20 ~~filing is evidence that the party or other person agrees to accept service~~
21 ~~at the electronic service address the party or other person has furnished~~
22 ~~to the court under rule 2.256(a)(4). This subparagraph (B) does not~~
23 ~~apply to self-represented parties or other self-represented persons; they~~
24 ~~must affirmatively consent to electronic service under subparagraph~~
25 ~~(A).~~ Manifesting affirmative consent through electronic means with the
26 court or the court’s electronic filing service provider, and concurrently
27 providing the party’s electronic service address with that consent for
28 the purpose of receiving electronic service.

29
30 (C) A party or other person may manifest affirmative consent under (B) by:

31
32 (i) Agreeing to the terms of service agreement with an electronic
33 filing service provider, which clearly states that agreement
34 constitutes consent to receive electronic service electronically;
35 or

36
37 (ii) Filing *Consent to Electronic Service and Notice of Electronic*
38 *Service Address* (form EFS-005-CV).

- 39
40 (2) A party or other person that has consented to electronic service under (1) and
41 has used an electronic filing service provider to serve and file documents in a
42 case consents to service on that electronic filing service provider as the

1 designated agent for service for the party or other person in the case, until
2 such time as the party or other person designates a different agent for service.

3
4 (c)–(k) * * *

5
6 **Rule 2.255. Contracts with electronic filing service providers and electronic filing**
7 **managers**

8
9 **(a) Right to contract**

- 10
11 (1) A court may contract with one or more electronic filing service providers to
12 furnish and maintain an electronic filing system for the court.
13
14 (2) If the court contracts with an electronic filing service provider, it may require
15 electronic filers to transmit the documents to the provider.
16
17 (3) A court may contract with one or more electronic filing managers to act as an
18 intermediary between the court and electronic filing service providers.
19
20 ~~(3)~~(4) If the court contracts with an electronic service provider or the court has an
21 in-house system, the provider or system must accept filing from other
22 electronic filing service providers to the extent the provider or system is
23 compatible with them.
24

25 **(b) Provisions of contract**

- 26
27 (1) The court's contract with an electronic filing service provider may:
28
29 (A) Allow the provider to charge electronic filers a reasonable fee in
30 addition to the court's filing fee;
31
32 (B) Allow the provider to make other reasonable requirements for use of
33 the electronic filing system.
34
35 (2) The court's contract with an electronic filing service provider must comply
36 with the requirements of Code of Civil Procedure section 1010.6.
37
38 (3) The court's contract with an electronic filing manager must comply with the
39 requirements of Code of Civil Procedure section 1010.6.
40

41 **(c) Transmission of filing to court**
42

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

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

(d) * * *

(e) Ownership of information

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

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

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

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

Rule 2.257. Requirements for signatures on documents

(a) Electronic signature

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

(a)(b) Documents signed under penalty of perjury

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

- 1 (1) The declarant has signed the document using an electronic signature a
2 computer or other technology, in accordance with procedures, standards, and
3 guidelines established by the Judicial Council and declares under penalty of
4 perjury under the laws of the state of California that the information
5 submitted is true and correct; or
6
- 7 (2) The declarant, before filing, has physically signed a printed form of the
8 document. By electronically filing the document, the electronic filer certifies
9 that the original, signed document is available for inspection and copying at
10 the request of the court or any other party. In the event this second method of
11 submitting documents electronically under penalty of perjury is used, the
12 following conditions apply:
13
- 14 (A) At any time after the electronic version of the document is filed, any
15 party may serve a demand for production of the original signed
16 document. The demand must be served on all other parties but need not
17 be filed with the court.
18
- 19 (B) Within five days of service of the demand under (A), the party or other
20 person on whom the demand is made must make the original signed
21 document available for inspection and copying by all other parties.
22
- 23 (C) At any time after the electronic version of the document is filed, the
24 court may order the filing party or other person to produce the original
25 signed document in court for inspection and copying by the court. The
26 order must specify the date, time, and place for the production and must
27 be served on all parties.
28
- 29 (D) Notwithstanding (A)–(C), local child support agencies may maintain
30 original, signed pleadings by way of an electronic copy in the statewide
31 automated child support system and must maintain them only for the
32 period of time stated in Government Code section 68152(a). If the local
33 child support agency maintains an electronic copy of the original,
34 signed pleading in the statewide automated child support system, it may
35 destroy the paper original.
36

37 ~~(b)~~(c) * * *

38
39 ~~(e)~~(d) * * *

40
41 ~~(d)~~(e) * * *

1 ~~(e)(f)~~ * * *

2

3

~~Advisory Committee Comment~~

4

5 **~~Subdivision (a)(1).~~** The standards and guidelines for electronic signatures that satisfy the
6 ~~requirements for an electronic signature under penalty of perjury are contained in the Trial Court~~
7 ~~Records Manual.~~

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All comments are verbatim unless indicated by an asterisk (*)

#	Commentator	Position	Comment	Committee Response
1	1971 By Thomas S Hubbard, Jr. President & CEO Organization: 1971 311 Cobblestone Court Chapel Hill, NC 27514 Tel: 571-721-1485 Email: TSHUBBARDJR@AMVSR.COM	A	[Comments omitted. Comments were of a commercial nature unrelated to the proposal.]	The committee appreciates the support.
2	Orange County Bar Association By Nikki P. Miliband, President P.O. Box 6130 Newport Beach, CA 92658 Tel: 949-440-6700 Fax: 949-440-6710	AM	The OCBA provides the following responses to the request for specific comments: (a) we believe the proposal appropriately addresses the stated purposes if amended as below; (b) the provision for manifesting affirmative consent should reference by definition the requirements of CCP §1010.6 for “express consent” rather than using the phrase “manifest affirmative consent” which is merely a subset definition in the statute; (c) the proposed Rule should specifically address how notice of express consent is to be given to the court and other parties and persons; since the statute is ambiguous in	The committee appreciates the support and recommendations. With respect to (b), the committee notes that the rules capture the full scope of Code of Civil Procedure section 1010.6’s express consent requirements. The option to serve a notice on all parties is in existing rule 2.251(b)(1)(A).

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			those regards the Council should adopt any simple notice or proof of service procedure as may be in conformity with CCP §1010.6.	
3	<p>Superior Court of California, County of Los Angeles By Sandra Pigati-Pizano, Management Analyst Management Research Unit 111 N. Hill Street, Room 620 Los Angeles, CA 90012 Tel: 213-633-0452</p>	AM	<p>Suggested Modifications:</p> <p>Rule 2.250 (b)(1) The proposed definition allows confusion, inasmuch as it leaves open the possibility of a person e-filing a hearing exhibit, or trial exhibit. The language should explicitly exclude such exhibits from the definition in 2.250(b)(1), or allow courts to exclude them through local rules.</p> <p>Rule 2.251 (c)(1) To ensure that there is no confusion between 2.251(b) and (c). We recommend amending 2.251(c) Electronic service required by local rule or court order to read:</p> <p>“(1) Notwithstanding any provisions regarding consent to electronic service, a court may require parties to serve documents</p>	<p>The committee appreciates the support and recommendations. “Exhibit” is part of the existing rule definition and not impacted by the amendment. The court does have authority to make local rules on electronic filing under rule 2.253.</p> <p>Rule 2.251(c)(1) is not within the scope of the proposal, but the committee appreciates that the suggested language may improve clarity. The committee may consider the recommendations for next year’s rules cycle.</p>

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			electronically in specified actions by local rule or court order, as provided in Code of Civil Procedure section 1010.6 and the rules in this chapter.”	
4	Superior Court of California, County of San Diego By Mike Roddy, Executive Officer 1100 Union Street San Diego, CA 92101	AM	<p>Q: Does the proposal appropriately address the stated purpose? Yes. The amendments to rule 2.251(b) bring the rule into compliance with section 1010.6’s express consent requirements. In addition, the rule adds a provision for how a party or other person may “manifest affirmative consent.”</p> <p>Q: Is the provision for manifesting affirmative consent clear and does it adequately capture how a party or other person may manifest affirmative consent? Yes.</p> <p>Q: Rule 2.251(b) does not detail (1) how notice is to be given to the court that a party or other person has provided express consent, or (2) how notice of the same is to be given to other parties or persons in</p>	The committee appreciates the support and recommendations. The comments are helpful in the committee’s consideration of how the manifestation of affirmative consent will work and the committee may consider the recommendations to refine the rules in the next rules cycle.

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			<p>the case. The committee seeks specific comments on how such notification should be addressed in the rules.</p> <p>Our court proposes that the committee create standard language for parties to consent to service by the method outlined in 2.251(b)(1)(C)(i). The court or court's electronic filing service providers could then include that language in their filing portal, which would allow parties to consent by accepting the terms. A copy of the acceptance would then be transmitted to the court by the service provider. If express consent is provided by filing a Consent to Electronic Service and Notice of Electronic Service Address (JC Form # EFS-005-CV) as indicated in 2.251(b)(1)(C)(ii), the court is provided notice through the filing. Our court proposes that the rule include that if a party manifests affirmative consent by either of the methods listed in 2.251(b)(1)(C), he/she is required to serve notice on all other parties.</p>	
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5	<p>TCPJAC/CEAC Joint Rules Subcommittee (JRS) By Corey Rada, Senior Analyst Judicial Council and Trial Court Leadership Leadership Services Division Judicial Council of California 2860 Gateway Oaks Drive, Suite 400 Sacramento, CA 95833-3509 Tel. 916-643-7044 E-mail: Corey.Rada@jud.ca.gov www.courts.ca.gov</p>	AM	<p>The JRS notes the following impact to court operations:</p> <ul style="list-style-type: none"> • Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.) • Increases court staff workload. • New configurations and workflows will have to be designed and implemented in all case management systems to manage the notices and the potential for withdrawal of consent. <p><i>Suggested Modifications:</i> Rule 2.250 (b)(1) The proposed definition allows confusion, inasmuch as it leaves open the possibility of a person e-filing a hearing exhibit, or trial exhibit. The language should explicitly exclude such exhibits from the definition in 2.250(b)(1), or allow courts to exclude them through local rules.</p>	<p>The committee appreciates the support, insight into the impact on court operations, and rule recommendation.</p> <p>The inclusion of “exhibit” in the definition of “document” is part of the existing rule definition and not impacted by the amendment. The court does have authority to make local rules on electronic filing under rule 2.253.</p>
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