



Judicial Council of California

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Subject Text

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File #: 19-164, Version: 1

Title

Rules and Forms | Appellate Procedure: Uniform Formatting Rules for Electronic Documents (Action Required)

Summary

The Appellate Advisory Committee and the Information Technology Advisory Committee propose revising several rules of the California Rules of Court to make uniform the formatting guidelines for electronic documents filed in appellate courts. The rules currently lack various requirements established by local rule. Moreover, most local rules differ in their requirements and scope. By establishing uniform rules for all appellate courts, this proposal will ease the burden on filers caused by differing formatting rules. The proposal originated from a suggestion by a member of the Joint Appellate Technology Subcommittee of the Appellate Advisory Committee and the Information Technology Advisory Committee.

Recommendation

The Appellate Advisory Committee and the Information Technology Advisory Committee recommend that the Judicial Council, effective January 1, 2020, amend the California Rules of Court as follows:

1. Rule 8.40, to limit its scope to cover requirements for documents filed in paper form;
2. Rule 8.44, to:
 - Allow a court to require by local rule the submission of an electronic copy of a paper filing; and
 - Delete references to local court requirements for electronically filed documents, because e-filing is now mandatory and the format of electronic documents is addressed in rule 8.74;
3. Rule 8.46, to update a cross-reference to rule 8.40 (paper format) and to add a cross-reference to rule 8.74 (electronic format);
4. Rule 8.71, to impose mandatory electronic filing with some limited exceptions, including those established by the *Supreme Court Rules Regarding Electronic Filing*;
5. Rule 8.72, to set out the e-filing responsibilities of courts and electronic filers, and to add an advisory committee comment regarding an electronic filer's responsibilities not to harm the court's electronic filing system or other users of that system;
6. Rule 8.74, to establish uniform formatting rules for electronic documents filed with the appellate courts, and to implement formatting requirements drawn from some best practices developed among the various appellate courts through their local rules and from courts' experience reviewing electronic documents. The amendments to rule 8.74 prioritize uniformity, readability, and user-friendly formatting requirements, as follows:

- Subdivision (a) addresses format and formatting requirements for all electronic documents;
 - Subdivision (b) sets out additional formatting requirements for documents prepared for electronic filing in the reviewing court, such as font, line spacing, margins, page alignment, and hyperlinks;
 - Subdivision (c) specifies formatting requirements for certain documents, including briefs, requests for judicial notice, appendixes, agreed statements and settled statements, reporters' transcripts and clerks' transcripts, exhibits, and sealed and confidential records;
 - Subdivision (d) provides that this rule prevails over other formatting provisions;
7. Rules 8.77 and 8.78, to make technical changes to existing cross-references;
 8. Rule 8.204(b), to provide formatting requirements for briefs filed in paper form; and
 9. Rule 8.252, to establish the procedure for seeking judicial notice of a matter, and to reflect the presumption of electronic filing unless an exemption applies.