



Judicial Council of California

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Subject Text

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File #: 18-141, Version: 1

Title

Rules and Forms: Electronic Filing and Service (Action Required)

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.