



Judicial Council of California

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Subject Text

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File #: 20-077, **Version:** 1

Title

Rules and Forms | Judicial Branch Technology: Electronic Filer Need Not Consent to Electronic Service (Action Required)

Summary

The Information Technology Advisory Committee recommends the Judicial Council amend rule 2.255 of the California Rules of Court. The proposed amendment would require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to receive electronic service. The proposal further clarifies procedures for consent to electronic service as permitted by Code of Civil Procedure section 1010.6.

Recommendation

The Information Technology Advisory Committee (ITAC) recommends the Judicial Council amend rule 2.255 of the California Rules of Court effective January 1, 2021. The proposed amendment would add a new subdivision (g) to rule 2.255 to require an electronic filing service provider to allow an electronic filer to proceed with an electronic filing even if the electronic filer does not consent to electronic service. The proposed amendment applies only to permissive electronic service, which requires consent, and not to electronic service required by court order or local rule, which does not require consent.