



Judicial Council of California

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Title

Technology: Modernization of the Appellate Rules of Court (Phase II of the Rules Modernization Project) (Action Required)

Summary

The Information Technology Advisory Committee (ITAC) and Appellate Advisory Committee (AAC) recommend adoption of changes to the appellate rules and forms to facilitate modern e-business practices, e-filing, and e-service. Last year, technical changes to the appellate rules were approved to eliminate rule language inconsistent with current e-filing, e-service, and other e-business practices of the appellate courts. This year, ITAC and the AAC recommend more substantive changes to the rules to facilitate and encourage use of modern e-business practices by the appellate courts, as well as further necessary technical changes to rules and forms.

Recommendation

The AAC and ITAC recommend that the Judicial Council, effective January 1, 2017:

1. Add language to rule 8.104 providing that an order signed electronically has the same effect as an order signed on paper;
2. Correct the reference in rule 8.124, subdivision (d), to the format requirements of rule 8.144(b)-(d) to refer instead to rule 8.144(a)-(c);
3. Add language in rule 8.144, subdivision (a), setting the format standard for computer-readable copies of reporters' transcripts as any text-searchable format approved by the reviewing court, and make corresponding changes to rules 8.130, 8.336, 8.409, 8.416, 8.450, 8.613, 8.619, 8.625, 8.834, 8.866, and 8.919 where those rules refer to the existing format standard;
4. Add language to the advisory committee comments to rules 8.150, 8.336, 8.409, 8.416, 8.450, 8.454, 8.480, 8.482, and 8.1007 stating that "[u]nder rule 8.71(c), the superior court clerk may send the record to the reviewing court in electronic form"¹;
5. Replace the word "mail" with "send" and "mailed" with "sent" in rules 8.450 and 8.454, and add e-mail to the list of ways the superior court clerk can send out notice as required under those rules;
6. In rules 8.452, 8.456, and 8.489, allow notice from the clerk of the reviewing court to the clerk of the

- respondent court in specified urgent situations to be by telephone or e-mail, where only telephonic notice is allowed under the existing rule;
7. In rule 10.1028, allow the clerk of a Court of Appeal to keep a true and correct electronic copy of the reporter's transcript in a criminal case in which the court affirms a judgment of conviction, changing the existing requirement that the original, paper transcript be kept;
 8. Revise forms APP-002, APP-003, APP-004, APP-005, APP-006, APP-007, APP-008, APP-010, APP-011, APP-012, APP-102, APP-103, APP-104, APP-106, APP-107, APP-110, APP-151, CR-126, CR-132, CR-133, CR-134, CR-135, CR-137, CR-142, CR-143, CR-145, JV-810, JV-816, JV-817, and JV-822 to remove the words "optional" or "if available" where the forms ask for an e-mail address or fax number;
 9. Remove the integrated proof of service from forms APP-002, APP-005, and APP-007;
 10. Add to form APP-004, *Civil Case Information Statement*, an integrated proof of service that would allow proof of service by mail, personal delivery, or electronic service;
 11. Add to form APP-009 a note that it should not be used for proof of electronic service and that new form APP-009E should be used instead;
 12. Add information to form APP-009-INFO, *Information Sheet for Proof of Service (Court of Appeal)*, regarding electronic service and the new form APP-009E, *Proof of Electronic Service (Court of Appeal)*;
 13. Create new form APP-009E, *Proof of Electronic Service (Court of Appeal)*, and add references to this new form throughout the forms whenever the existing APP-009, *Proof of Service (Court of Appeal)*, is referenced;
 14. Change information on proof of service in form APP-101-INFO, *Information on Appeal Procedures for Limited Civil Cases*, to reflect the possibility of electronic service and to provide information on APP-109E, *Proof of Electronic Service (Appellate Division)*, the new form for proof of electronic service;
 15. Add language to form APP-109 noting that proposed new form APP-109E should be used for proof of electronic service;
 16. Add information to form APP-109-INFO, "What Is Proof of Service?" regarding electronic service and the new form APP-109E, *Proof of Electronic Service (Appellate Division)*;
 17. Create new form APP-109E, *Proof of Electronic Service*;
 18. Change information on proof of service in form APP-150-INFO, *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases*, to reflect the possibility of electronic service;
 19. Add space for an attorney e-mail address on form CR-120, *Notice of Appeal-Felony*;
 20. Change information on proof of service in form CR-141, *Information on Appeal Procedures for Infractions*, to reflect the possibility of electronic service;
 21. Add space for a petitioner's e-mail address on form JV-825, *Petition for Extraordinary Writ (Juvenile Dependency)*; and
 22. Add language to form MC-275, *Petition for Writ of Habeas Corpus*, to reflect that different requirements as to the number of copies to be filed apply if the petition is filed electronically.