



Judicial Council of California

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Subject Text

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File #: 20-161, **Version:** 1

Title

Rules and Forms | Appellate Procedure: Consent to Electronic Service (Action Required)

Summary

To clarify the procedures for electronic service, or e-service, in the Supreme Court and the Courts of Appeal, the Appellate Advisory Committee recommends amending certain service and e-filing rules and revising an information sheet. Rules 8.25, 8.72, and 8.78 of the California Rules of Court would be amended, and form APP-009-INFO would be revised, to reflect the procedures for e-service in these reviewing courts, and to distinguish appellate procedure under these rules in light of recent amendments to the Code of Civil Procedure that address e-service in the trial courts.

Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2021:

1. Amend rule 8.25 of the California Rules of Court to reflect actual practice for delivery of electronic proofs of service, and amend the accompanying advisory committee comment to clarify e-service consent procedure in the Supreme Court and Courts of Appeal;
2. Amend rule 8.72 to confirm that furnishing an email address does not necessarily mean that a party has authorized e-service because a party may opt out of e-service under rule 8.78(a)(2)(B);
3. Amend rule 8.78 and its accompanying advisory committee comment to reflect existing appellate practice concerning agreement to e-service through an electronic filing service provider (EFSP), and to exempt courts from the e-service rules applicable to parties; and
4. Revise form APP-009-INFO to clarify that Code of Civil Procedure section 1010.6(a)(2)(A)(ii) addresses e-service in the trial courts, or superior courts, including their appellate divisions, and that rule 8.78 addresses e-service in the Courts of Appeal, and to reflect the option of using an EFSP to e-serve a document.