

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT LEG16-10

Title	Action Requested
Technology: Electronic Filing, Service, and Signatures	Review and submit comments by June 14, 2016
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Enact Code of Civil Procedure section 1013b; amend sections 664.5, 1010.6, and 1011	January 1, 2018
Proposed by	Contact
Information Technology Advisory Committee Hon. Terence L. Bruiniers, Chair	Tara Lundstrom, 415-865-7650 tara.lundstrom@jud.ca.gov

Executive Summary and Origin

The Information Technology Advisory Committee (ITAC) recommends adding new Code of Civil Procedure section 1013b and amending sections 664.5, 1010.6, and 1011. This legislative proposal would (1) authorize the use of electronic signatures for signatures made under penalty of perjury on electronically filed documents, (2) provide for a consistent effective date of electronic filing and service across courts and case types, (3) consolidate the mandatory electronic filing provisions, (4) clarify the application of section 1010.6's electronic service provisions in sections 664.5 and 1011, and (5) codify provisions that are currently in the California Rules of Court on mandatory electronic service, effective date of electronic service, protections for self-represented persons, and proof of electronic service.

Background

Superior courts across the state are implementing new case management systems that have electronic filing capabilities. Since January 1, 2000, Code of Civil Procedure section 1010.6 has authorized permissive electronic filing and service in the superior courts. (Stats. 1999, ch. 514, § 1.) Four years ago, the Legislature enacted Assembly Bill 2073, which authorized the Superior Court of Orange County to implement a mandatory electronic filing and service pilot project. (Stats. 2012, ch. 320; codified at Code of Civ. Proc., § 1010.6(d).)

In addition, AB 2073 instructed the Judicial Council to adopt uniform rules to permit mandatory electronic filing and service in specified civil actions. (Code of Civ. Proc., § 1010.6(f).) Upon adoption of those rules, AB 2073 allowed superior courts to require mandatory electronic filing

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

by local rule. (*Id.*, § 1010.6(g).) Effective July 1, 2013, the Judicial Council adopted uniform rules providing for mandatory electronic filing and service in civil cases. The trial court rules now provide a framework for mandatory and permissive filing and service in civil cases.

The Proposal

This proposal builds on the lessons learned in promulgating the uniform mandatory electronic filing and service rules and the experience of the Superior Court of Orange County and other superior courts in implementing mandatory and permissive electronic filing. It would amend the Code of Civil Procedure to authorize electronic signatures, to promote consistency in the requirements for electronic filing and service, to codify various provisions in the trial court rules, and to clarify the application of section 1010.6's electronic service provisions in other statutes.

In developing this proposal, the Information Technology Advisory Committee (ITAC) sought input from the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Advisory Committee on Providing Access and Fairness.

Proposed amendments to section 1010.6

The proposed amendments to section 1010.6 would authorize electronic signatures on electronically filed documents, provide for consistency in the effective date of filing across courts and case types, consolidate the mandatory electronic filing provisions, and codify the provisions that are currently in the rules on mandatory electronic service, effective date of electronic service, and protections for self-represented litigants.

Authorize electronic signatures on electronically filed documents. Section 1010.6(b)(2)(B) currently requires that anyone electronically filing a document signed under penalty of perjury must print, sign, and keep the document indefinitely. These requirements have proved burdensome for litigants, especially government agencies and other high-frequency filers.

This proposal would amend subdivision (b)(2)(B) to provide that electronically filed documents may in the future be signed under penalty of perjury by means of an electronic signature. The proposed amendment would require that the electronic signature satisfy procedures, standards, and guidelines established by the Judicial Council. The language mirrors Government Code section 68150(g), which authorizes electronic signatures by judges and the courts.

To accommodate those without access to electronic-signature technology, the proposal would also retain but modify the procedures required in the current statute. The proposed amendment would still allow documents to be printed and signed by hand (in lieu of an electronic signature); however, it would eliminate the requirement that the original signature be maintained indefinitely. Instead, it would require the person signing the document to maintain the original signatures only until "final disposition of the case" as defined in Government Code section 68151(c).

Provide for a consistent effective date of filing across courts and case types. Section 1010.6 would also be amended to provide for a consistent effective date of filing across courts and case types: “Any document received electronically by the court before midnight on a court day shall be deemed to have been filed on that court day, and any document that is received after midnight is deemed to have been filed on the next court day.” (Proposed amended Code Civ. Proc., § 1010.6(b)(3).)

Under current law, where electronic filing is permissive, documents must be received before the “close of business”—which is defined as 5 p.m. or the time at which the court would not accept filing at its filing counter, whichever is earlier—in order to be deemed filed that day. (Code Civ. Proc., § 1010.6(b)(3).) However, in authorizing the Superior Court of Orange County’s mandatory electronic filing pilot project, the Legislature provided that the court “may permit documents to be filed electronically until 12 a.m. of the day after the court date that the filing is due, and the filing shall be considered timely.” (*Id.*, § 1010.6(d)(1)(D).)

With the exception of the Superior Court of Orange County’s mandatory electronic filing pilot project, the statute is silent as to when documents must be electronically filed for mandatory electronic filing cases to be deemed filed that day. (See *id.*, § 1010.6(g)(2).) In adopting uniform rules for mandatory electronic filing, the Judicial Council elected to allow courts to provide by local rule for up-until-midnight electronic filing in mandatory electronic filing cases (the approach provided by the Legislature for the Superior Court of Orange County’s mandatory electronic filing pilot project); otherwise, in the absence of such a local rule, the document must be filed by “close of business” to be deemed filed that day. (Cal. Rules of Court, rule 2.253(b)(7).) The rules also define “close of business” as “5 p.m. or any other time on a court day at which the court stops accepting documents for filing at its filing counter, whichever is earlier.” (*Id.*, rule 2.250(b)(10).)

Accordingly, the current statute and rules allow for both inter- and intracourt variation in the effective date for electronic filing depending on (1) whether electronic filing is permissive or mandatory for the case type and (2) what time a court stops accepting filings each day. The potential for variation has increased in recent years as budget concerns have caused many courts to cut back on the hours that their filing counters are open. To provide for consistency across courts and case types, the committee recommends that the cutoff time be midnight for determining the effective date of filing for both permissive and mandatory electronic filing.

Codify the effective date of electronic service. The statute is silent with respect to the effective date of electronic service. Instead, the effective date of electronic service is specified in rule 2.251(h)(4), which provides that electronic service that “occurs after the close of business is deemed to have occurred on the next court day.” As noted above, the rules define “close of business” as “5 p.m. or any other time on a court day at which the court stops accepting documents for filing at its filing counter, whichever is earlier.” (*Id.*, rule 2.250(b)(10).)

This proposal would codify the effective date of service by adding a new paragraph (5) to section 1010.6(a). To provide for consistency across courts and with the proposed effective date of electronic filing, the new paragraph would provide that “[a]ny document that is served electronically before midnight on a court day shall be deemed to have been served on that court day, and any document that is served electronically after midnight on any court day shall be deemed to have been served on the next court day.”

Consolidate the mandatory electronic filing provisions. Subdivision (d) of section 1010.6 provides that the Superior Court of Orange County may establish a pilot project to require that parties to specified civil actions electronically file and serve documents. Subdivision (g) provides that trial courts may require mandatory electronic filing by local rule after the Judicial Council adopts uniform mandatory electronic filing and service rules. Because the statutory authorization for the pilot project expired on July 1, 2014, this proposal would amend section 1010.6 to eliminate references to the pilot project and consolidate the provisions governing mandatory electronic filing in subdivision (d).

Codify the mandatory electronic service provisions. This proposal would codify the mandatory electronic service provisions from the rules. Subdivision (a) of section 1010.6—which governs electronic service in trial courts generally—does not expressly authorize mandatory electronic service. (See Code Civ. Proc., § 1010.6(a)(2) [authorizing electronic service of a document “when a party has agreed to accept service electronically in that action”].)¹ Subdivisions (c) and (d) recognize that mandatory electronic service may be required by court order in complex civil cases or by local rule as part of the Superior Court of Orange County’s electronic filing pilot project. The authority for the mandatory electronic service rules is instead derived from subdivision (f) of section 1010.6, which required the Judicial Council, on or before July 1, 2014, to adopt uniform rules to permit mandatory electronic filing and service of documents in the trial courts.

In adopting rules to implement subdivision (f), the Judicial Council decided to allow courts to require electronic service by local rule or court order. (Cal. Rules of Court, rule 2.251(c)(1) [“A court may require parties to serve documents electronically in specified actions by local rule or court order, as provided in the Code of Civil Procedure section 1010.6 and the rules . . .”].) Similarly, under rule 2.251(c)(2), if a court requires a party to electronically file documents in an action, the party “must also serve documents and accept service of documents electronically from all other parties,” subject to certain exceptions. (See also *id.*, rule 2.251(b) [providing that a party consents to electronic service by electronic filing of any document with the court, unless the party is self-represented].)

¹ Subdivision (a)(3) does allow courts to e-serve a document if the party has agreed to accept e-service or the court has ordered electronic service under subdivisions (c) or (d), which currently refer to mandatory electronic service in complex civil cases and the Superior Court of Orange County’s pilot project. But it does not expressly allow courts—other than the Superior Court of Orange County—to require electronic service of a document in cases other than complex civil cases. Nevertheless, because this proposal would amend subdivision (d) to address mandatory electronic service in all courts, this proposal would not need to make any further amendments to subdivision (a)(3).

To codify these rules, this proposal would amend subdivision (d) not only to consolidate the mandatory electronic filing provisions, but also to authorize mandatory electronic service. Authorizing mandatory electronic service in revised subdivision (d) would track the language in current subdivisions (c) and (d), which authorize both mandatory electronic filing and service in complex cases and through the Superior Court of Orange County's pilot project. This proposal would also codify these rules by amending subdivision (a)(2) to recognize that electronic service is required when a court has ordered electronic service under subdivisions (c) or (d) (as revised).

Codify the protections for self-represented persons. The trial court rules that implement the electronic filing and service provisions of section 1010.6 already contain significant protections for self-represented persons. Rules 2.251(c)(2)(B) and 2.253(b)(2) exempt self-represented persons from mandatory electronic filing and service. These rules were adopted in response to the instructions in section 1010.6(f) that the uniform mandatory electronic filing and service rules include statewide policies on unrepresented litigants.

This proposal would codify the exceptions for self-represented persons by adding a new subdivision (d)(4) to provide that unrepresented persons are exempt from mandatory electronic filing and service. It would also amend subdivisions (a)(2) and (3) to provide that mandatory electronic service applies to parties and other persons only if they are represented.

Proposed amendments to sections 664.5 and 1011

The proposed amendments to sections 664.5 and 1011 would clarify the application of section 1010.6's electronic service provisions. Under section 1010.6(a)(2), a document may be electronically served whenever "a document may be served by mail, express mail, overnight delivery, or facsimile transmission." Similarly, subdivision (a)(3) currently provides that where the parties have consented to electronic service, or the court has required electronic service (by order or local rule in complex civil cases or in the Superior Court of Orange County's mandatory electronic filing pilot project), a court may also electronically serve any document issued by the court that is not required to be personally served.

Section 664.5 provides for mailing notice of the entry of judgment. To clarify the application of section 1010.6, references to "mail" and "certificate of mailing" would be replaced with the more inclusive terms "serve" and "certificate of service."

Section 1011 recognizes possible means of service. This proposal would add a new subdivision (c) to cross-reference section 1010.6: "Electronic service shall be permitted pursuant to Section 1010.6 and the rules on electronic service in the California Rules of Court." This language is taken directly from section 1013, which governs service of notices or other papers. (See Code Civ. Proc., § 1013(g).)

Proposed new section 1013b

Proposed new section 1013b would codify the trial court rule governing proof of electronic service. Currently, the Code of Civil Procedure addresses proof of service by mailing, but not proof of electronic service. (See Code Civ. Proc., § 1013a.) Proof of electronic service is addressed only in the California Rules of Court. (See Cal. Rules of Court, rule 2.251(i).) To fix this apparent statutory gap and to assist other advisory committees in their efforts to modernize their statutes, the legislative proposal would add a new section 1013b.²

The proposed language for section 1013b(a)(1) is not currently in rule 2.251; it is intended to correct an oversight in the rule that conflicts with section 1010.6.³ Code of Civil Procedure section 1013a requires that proof of service by mail be made by affidavit or certificate showing that “the person making the service” is “not a party to the cause.” However, Code of Civil Procedure section 1010.6 allows for electronic service by a party. (Code Civ. Proc., § 1010.6(a)(1)(A) [“Electronic service may be performed directly *by a party*, by an agent of a party, including the party’s attorney, or through an electronic filing service provider,” italics added].) To reflect this difference, proposed section 1013b(a) would add another exception to the general requirement that proof of electronic service be made by any of the methods provided in section 1013a for proof of mailing. Proposed section 1013b(a)(1) would recognize that proof of electronic service need not state that the party making the service is “not a party to the cause.”

The proposed language for section 1013b(a)(2) is taken directly from rule 2.251(i)(1). In stating the requirements for proof of electronic service, rule 2.251(i)(1) incorporates the requirements for proof of mailing in Code of Civil Procedure section 1013a, subject to several exceptions. The proposed language for section 1013b(a)(2) differs from the language in rule 2.251(i)(1) in one way: it would require that the proof of electronic service list only the date of electronic service, not the time and date. In practice, it has been difficult to implement the requirement that the proof of electronic service list the time of electronic service; the person executing the proof of electronic service will not know the exact time of electronic service until after it has occurred.

The proposed language for section 1013b(b) is taken directly from rule 2.251(i)(2), which provides that proof of electronic service may be in electronic form and may be electronically filed with the court. Proposed section 1013b(c) modifies the language in rule 2.51(i)(4) to cross-

² ITAC is currently leading a collaborative, multiyear effort to modernize the statutes and rules to facilitate e-business, electronic filing, and electronic service. As part of phase 2 of this project, the Probate and Mental Health Advisory Committee has recommended circulating for public comment a legislative proposal to amend the Probate Code to authorize electronic service of notices and other papers. The Probate Code currently cross-references Code of Civil Procedure section 1013a for proof of mailing. (See Prob. Code, § 1261.) Introducing a new section 1013b on proof of electronic service to the Code of Civil Procedure would avoid adding a reference to the rules in the Probate Code.

³ ITAC and the Civil and Small Claims Advisory Committee have also recommended circulating for public comment a rules proposal that would recommend eliminating this requirement from the rule as part of phase II of the Rules Modernization Project.

reference the proposed new signature requirements (discussed above) in Code of Civil Procedure section 1010.6(b)(2)(B).

Alternatives Considered

The committee also considered recommending that documents electronically filed and served before midnight will be deemed filed or served that day in proposed new subdivision (a)(5) and amended subdivision (b)(3). The committee consulted with other advisory committees on this issue. Recognizing that there are valid arguments in support of both options, the committee has specifically requested comment on this issue.

Implementation Requirements, Costs, and Operational Impacts

To the extent that this proposal would codify existing requirements in the trial court rules, it is not expected to result in any additional costs or to otherwise affect the implementation of electronic filing and service in the superior courts. Standardizing the cutoff time for the effective date of electronic filing and service at midnight would require those courts that allow for electronic filing and service until close of business to make modifications to their case management systems. Overall, however, the consistency and clarity across courts and case types is expected to provide for efficiency gains for litigants.

To implement the authorization for electronic signatures, the Judicial Council would need to adopt standards and guidelines governing electronic signatures by parties and other persons. This would require staff time and resources. Because electronic signatures would be applied by the party or person either directly or through an electronic filing service provider, it is expected that there will be minimal implementation or ongoing costs for courts. Because original signatures made under penalty of perjury would no longer need to be retained indefinitely, it is expected to result in efficiencies for litigants and government agencies.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should Code of Civil Procedure section 1010.6(a)(5) and (b)(3) provide that documents electronically filed and served up until midnight be deemed filed or served on that day? Or should 5 p.m. be the cutoff time for electronic filing and electronic service?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems/
- Would one year from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?
- Would removing the time of electronic service from the proof of electronic service cause any difficulties for the courts?

Attachments and Links

1. Proposed Code of Civil Procedure sections 664.5, 1010.6, 1011, and 1013b, at pages 9–13

Section 1013b of the Code of Civil Procedure would be enacted and sections 664.5, 1010.6, and 1011 would be amended, effective January 1, 2018, to read:

1 **§ 664.5.**
2

3 (a) In any contested action or special proceeding other than a small claims action or an
4 action or proceeding in which a prevailing party is not represented by counsel, the party
5 submitting an order or judgment for entry shall prepare and ~~mail~~ serve a copy of the
6 notice of entry of judgment to all parties who have appeared in the action or proceeding
7 and shall file with the court the original notice of entry of judgment together with the
8 proof of service ~~by mail~~. This subdivision does not apply in a proceeding for dissolution
9 of marriage, for nullity of marriage, or for legal separation.

10
11 (b) Promptly upon entry of judgment in a contested action or special proceeding in which
12 a prevailing party is not represented by counsel, the clerk of the court shall ~~mail~~ serve
13 notice of entry of judgment to all parties who have appeared in the action or special
14 proceeding and shall execute a certificate of such ~~mailing~~ service and place it in the
15 court's file in the cause.

16
17 (c) * * *

18
19 (d) Upon order of the court in any action or special proceeding, the clerk shall ~~mail~~ serve
20 notice of entry of any judgment or ruling, whether or not appealable.

21
22 (e) The Judicial Council shall, ~~by January 1, 1999, adopt a rule of court for the purposes~~
23 ~~of providing~~ by rule of court that, upon entry of judgment in a contested action or
24 special proceeding in which a state statute or regulation has been declared
25 unconstitutional by the court, the Attorney General is promptly notified of the judgment
26 and that a certificate of that ~~mailing~~ service is placed in the court's file in the cause.

27
28 **§ 1010.6.**
29

30 (a) A document may be served electronically in an action filed with the court as provided
31 in this section, in accordance with rules adopted pursuant to subdivision (e).

32
33 (1) For purposes of this section:

34
35 (A) "Electronic service" means service of a document, on a party or other person, by
36 either electronic transmission or electronic notification. Electronic service may be
37 performed directly by a party or other person, by an agent of a party or other person,
38 including the party's or other person's attorney, or through an electronic filing service
39 provider.

40
41 (B)–(C) * * *
42

1 (2) If a document may be served by mail, express mail, overnight delivery, or facsimile
2 transmission, electronic service of the document is authorized when a party or other
3 person has agreed to accept service electronically in that action or when a court has
4 ordered electronic service on a represented party or other person under subdivision (c) or
5 (d).

6
7 (3) In any action in which a party or other person has agreed to accept electronic service
8 under paragraph (2), or in which the court has ordered electronic service on a represented
9 party or other person under subdivision (c) or (d), the court may electronically serve any
10 document issued by the court that is not required to be personally served in the same
11 manner that parties electronically serve documents. The electronic service of documents
12 by the court shall have the same legal effect as service by mail, except as provided in
13 paragraph (4).

14
15 (4) * * *

16
17 (5) Any document that is served electronically before midnight on a court day shall be
18 deemed to have been served on that court day, and any document that is served
19 electronically after midnight on any court day shall be deemed to have been served on the
20 next court day.

21
22 (b) A trial court may adopt local rules permitting electronic filing of documents, subject
23 to rules adopted pursuant to subdivision (e) and the following conditions:

24
25 (1) * * *

26
27 (2)(A) When a document to be filed requires ~~the~~ a signature, not under penalty of perjury,
28 ~~of an attorney or a self-represented party,~~ the document shall be deemed to have been
29 signed by ~~that attorney or self-represented party~~ the person filing if filed electronically.

30
31 (B) When a document to be filed requires the signature, under penalty of perjury, of any
32 person, the document shall be deemed to have been signed by that person if filed
33 electronically and if either of the following conditions is satisfied:

34
35 (i) That person has signed a printed form of the document ~~has been signed by that person~~
36 prior to, or on the same day as, the date of filing. The attorney or person filing the
37 document represents, by the act of filing, that the declarant has complied with this
38 section. The attorney or person filing the document shall maintain the printed form of the
39 document bearing the original signature until final disposition of the case, as defined in
40 subdivision (c) of Government Code section 68151, and make it available for review and
41 copying upon the request of the court or any party to the action or proceeding in which it
42 is filed.

1
2 (ii) That person has signed the document using a computer or other technology in
3 accordance with procedures, standards, and guidelines established by the Judicial Council
4 pursuant to this section.

5
6 ~~(3) Any document that is electronically filed with the~~ received electronically by the court
7 after the close of business on any day shall be before midnight on a court day shall be
8 deemed to have been filed on that court day, and any document that is received
9 electronically after midnight is deemed to have been filed on the next court day. “Close
10 of business,” as used in this paragraph, shall mean 5 p.m. or the time at which the court
11 would not accept filing at the court’s filing counter, whichever is earlier.

12
13 (4)–(6) * * *

14
15 (c) * * *

16
17 (d) A superior court may, by local rule, require electronic filing and service in civil cases,
18 subject to the requirements and conditions stated in subdivision (b) of this section, the
19 rules adopted by the Judicial Council under subdivision (f), and the following conditions:

20
21 ~~(1) Notwithstanding subdivision (b), the Orange County Superior Court may, by local~~
22 ~~rule and until July 1, 2014, establish a pilot project to require parties to specified civil~~
23 ~~actions to electronically file and serve documents, subject to the requirements set forth in~~
24 ~~paragraphs (1), (2), (4), (5), and (6) of subdivision (b) and rules adopted pursuant to~~
25 ~~subdivision (e) and the following conditions:~~

26
27 ~~(A)~~ The court shall have the ability to maintain the official court record in electronic
28 format for all cases where electronic filing is required.

29
30 ~~(B)~~(2) The court and the parties shall have access either to more than one electronic filing
31 service provider capable of electronically filing documents with the court, or to electronic
32 filing access directly through the court. Any fees charged by the court shall be for no
33 more than the actual cost of the electronic filing and service of the documents, and shall
34 be waived when deemed appropriate by the court, including, but not limited to, for any
35 party who has received a fee waiver. Any fees charged by an electronic filing service
36 provider shall be reasonable and shall be waived when deemed appropriate by the court,
37 including, but not limited to, for any party who has received a fee waiver.

38
39 ~~(C)~~(3) The court shall have a procedure for the filing of nonelectronic documents in order
40 to prevent the program from causing undue hardship or significant prejudice to any party
41 in an action, including, but not limited to, unrepresented parties.

1 (4) Unrepresented persons are exempt from mandatory electronic filing and service.

2
3 ~~(D) A court that elects to require electronic filing pursuant to this subdivision may permit~~
4 ~~documents to be filed electronically until 12 a.m. of the day after the court date that the~~
5 ~~filing is due, and the filing shall be considered timely. However, if same day service of a~~
6 ~~document is required, the document shall be electronically filed by 5 p.m. on the court~~
7 ~~date that the filing is due. Ex parte documents shall be electronically filed on the same~~
8 ~~date and within the same time period as would be required for the filing of a hard copy of~~
9 ~~the ex parte documents at the clerk's window in the participating county. Documents~~
10 ~~filed on or after 12 a.m., or filed upon a noncourt day, will be deemed filed on the soonest~~
11 ~~court day following the filing.~~

12
13 ~~(2) If a pilot project is established pursuant to paragraph (1), the Judicial Council shall~~
14 ~~conduct an evaluation of the pilot project and report to the Legislature, on or before~~
15 ~~December 31, 2013, on the results of the evaluation. The evaluation shall review, among~~
16 ~~other things, the cost of the program to participants, cost effectiveness for the court,~~
17 ~~effect on unrepresented parties and parties with fee waivers, and ease of use for~~
18 ~~participants.~~

19
20 (e) * * *

21
22 ~~(f) The Judicial Council shall, on or before July 1, 2014, adopt uniform rules to permit~~
23 ~~the mandatory electronic filing and service of documents for specified civil actions in the~~
24 ~~trial courts of the state, which shall be informed by any study performed pursuant to~~
25 ~~paragraph (2) of subdivision (d) and which shall include statewide policies on vendor~~
26 ~~contracts, privacy, access to public records, unrepresented parties, parties with fee~~
27 ~~waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the~~
28 ~~integrity of electronic service. These rules shall conform to the conditions set forth in this~~
29 ~~section, as amended from time to time.~~

30
31 ~~(g) (1) Upon the adoption of uniform rules by the Judicial Council for mandatory~~
32 ~~electronic filing and service of documents for specified civil actions in the trial courts of~~
33 ~~the state, as specified in subdivision (f), a superior court may, by local rule, require~~
34 ~~mandatory electronic filing, pursuant to paragraph (2) of this subdivision.~~

35
36 ~~(2) Any superior court that elects to adopt mandatory electronic filing shall do so~~
37 ~~pursuant to the requirements and conditions set forth in this section, including, but not~~
38 ~~limited to, paragraphs (1), (2), (4), (5), and (6) of subdivision (b) of this section, and~~
39 ~~subparagraphs (A), (B), and (C) of paragraph (1) of subdivision (d), and pursuant to the~~
40 ~~rules adopted by the Judicial Council, as specified in subdivision (f).~~

1 **§ 1011.**

2
3 The service may be personal, by delivery to the party or attorney on whom the service is
4 required to be made, or it may be as follows:

5
6 (a)–(b) * * *

7
8 (c) Electronic service shall be permitted pursuant to Section 1010.6 and the rules on
9 electronic service in the California Rules of Court.

10
11 **§ 1013b.**

12
13 (a) Proof of electronic service may be made by any of the methods provided in Section
14 1013a, with the following exceptions:

15
16 (1) The proof of electronic service does not need to state that the person making the
17 service is not a party to the cause.

18
19 (2) The proof of electronic service shall state:

20
21 (A) The electronic service address of the person making the service, in addition to that
22 person’s residence or business address;

23
24 (B) The date of the electronic service, instead of the date and place of deposit in the mail;

25
26 (C) The name and electronic service address of the person served, in place of that
27 person’s name and address as shown on the envelope; and

28
29 (D) That the document was served electronically in place of the statement that the
30 envelope was sealed and deposited in the mail with postage fully prepaid.

31
32 (b) Proof of electronic service may be in electronic form and may be filed electronically
33 with the court.

34
35 (c) Proof of electronic service shall be signed as provided in subparagraph (B) of
36 paragraph (2) of subdivision (b) of Section 1010.6.