



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 25, 2013

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Title	Agenda Item Type
Appellate Procedure: Signatures on Filed Documents	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt Cal. Rules of Court, rule 8.42 and amend rules 8.77 and 8.212	January 1, 2014
Recommended by	Date of Report
Appellate Advisory Committee Hon. Raymond J. Ikola, Chair	August 2, 2013
	Contact
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### Executive Summary

The Appellate Advisory Committee recommends adopting a new rule regarding signatures on documents filed in the Supreme Court and Courts of Appeal that allows the use of copies of signature pages in some circumstances. The committee also recommends amending the rule regarding electronic filing in the Supreme Court and Courts of Appeal so that, as in the trial court, a party electronically filing documents that must be signed under penalty of perjury must retain the original signed document, rather than submitting it to the court.

### Recommendation

The Appellate Advisory Committee recommends that the Judicial Council, effective January 1, 2014:

1. Adopt new rule 8.42 of the California Rules of Court regarding signatures on documents filed in the Supreme Court and Courts of Appeal to permit the use of copies of signature pages in some circumstances;

2. Amend rule 8.77, regarding signatures on documents that are filed electronically in the Supreme Court and Courts of Appeal, and rule 8.212(b),<sup>1</sup> relating to stipulations to extend the time to file a brief in a civil appeal to the Courts of Appeal, to reflect proposed new rule 8.42; and
3. Further amend rule 8.77 to provide that, as in the trial court, a party electronically filing documents that must be signed under penalty of perjury must retain the original signed document, rather than submitting it to the court.

The text of the proposed rules is attached at pages 6–9.

### **Previous Council Action**

Rule 8.77 was adopted by the Judicial Council effective July 1, 2010, as part of a set of rules for an electronic filing pilot program in the Court of Appeal, Second Appellate District. Effective January 1, 2012, the Judicial Council amended this set of rules to extend the authority to conduct e-filing programs to the Supreme Court and any Court of Appeal that elects to do so. The content of rule 8.77 was not modified.

The predecessor to rule 8.212(b), regarding stipulations to extend the time to file briefs in civil appeals in the Courts of Appeal, was adopted by the Judicial Council as part of the original Rules for the Supreme Court and District Courts of Appeal, effective September 1, 1928. Effective January 1, 2003, in order to reduce the time and expense necessary to obtain the signatures of all parties on such stipulations, the Judicial Council amended this rule to permit all but one of the signatures on these stipulations to be in the form of faxed copies of the signature page. Effective January 1, 2011, to reflect the fact that, with advances in technology, the more common method of transmitting a signature page is by scanning and e-mailing a copy of the signed page, the Judicial Council amended rule 8.212(b) to eliminate the requirement that the copies of such signature pages be in the form of faxes.

### **Rationale for Recommendation**

#### **Original signatures of multiple parties on filed documents**

Currently, when original signatures of multiple parties are required on documents filed with the reviewing courts, litigants must typically mail or messenger the original signature page or pages to the person who will be filing the document. Court clerks must also try to verify that signatures on filed documents are originals. These practices absorb resources for both litigants and the courts.

In contrast, in many settings it is now common for signed documents to be scanned and e-mailed to recipients. California Rules of Court, rule 8.212(b)(1) already recognizes this practice in the

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<sup>1</sup> In a separate report, the Appellate Advisory Committee is recommending amendments to other portions of rule 8.212.

context of stipulations to extend the time to file a brief in a civil appeal, by providing that the original signature of only one party is necessary on the stipulation filed in the reviewing court; the signatures of the other parties are permitted to be in the form of copies of the signed signature page of the stipulation.

This proposal would adopt a new rule, rule 8.42, applying the procedure in rule 8.212(b)(1), relating to signatures on stipulations to extend briefing time, to all documents filed in the Supreme Court or Courts of Appeal that require the signatures of multiple parties. Under this proposed procedure, the original signature of only one party would be required on the document filed in the reviewing court; the signatures of the other parties could be in the form of copies of the signed signature page of the document. The proposal would also eliminate the current provision in rule 8.212 that specifically permits this procedure for stipulations to extend briefing time, since this provision would no longer be necessary if the proposed new rule 8.42 is adopted. Instead, a new provision would be added to the advisory committee comment accompanying rule 8.212 to alert rule users to rule 8.42.

### **Signatures on electronically filed documents**

Rules 2.250–2.261 address electronic filing of documents in the superior courts and rules 8.70–8.79 address electronic filing of documents in the Supreme Court and Courts of Appeal. In most ways, these sets of rules are quite similar to each other. However, they currently differ with respect to the handling of documents that must be signed under penalty of perjury. Rule 2.257 does not require that a hard copy of such a signature be submitted to the court unless the court orders this. Instead, it provides that by electronically filing such a document, the filer certifies that the declarant signed a printed form of the document before the document was filed and the other parties may demand or the court may order the filing party to produce the original signed document for inspection and copying. In contrast, rule 8.77 currently provides that if a document to be filed electronically must be signed under penalty of perjury, the original, signed verification page or pages must be filed with the court within five calendar days after the document is electronically filed. This requirement in rule 8.77 has made it more difficult and expensive to electronically file some documents, such as proofs of service, in the appellate courts than in the superior courts. This, in turn, discourages electronic filing by litigants and makes this process less efficient and effective for the appellate courts.

This proposal would make it easier to electronically file documents that must be signed under penalty of perjury in the Supreme Court and Courts of Appeal by amending rule 8.77 to incorporate requirements for electronically filing such documents similar to those that apply in the superior courts under rule 2.257. The main difference between the procedures that would be established by the proposed amendments to rule 8.77 and the procedures in rule 2.257 is that the rule 8.77 procedures, like the procedures in proposed new rule 8.42, would allow parties filing electronically to collect signatures of multiple parties in the form of copies of the signed signature page of documents.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

This proposal was circulated for public comment between April 19 and June 19, 2013, as part of the regular spring 2013 comment cycle. Eight individuals or organizations submitted comments on this proposal. Four commentators agreed with the proposal and four indicated that they supported the proposal, but also suggested modifications to the proposal. The full text of the comments received and the committee responses are set out in the attached comment chart at pages 10–18. The main substantive comments and the committee’s responses are discussed below.

#### ***Original signatures of multiple parties on filed documents***

As circulated for public comment, proposed new rule 8.42 would have authorized the procedure of submitting the original signature of only one party and copies of the signature pages signed by other parties only for signatures of *opposing* parties. The invitation to comment specifically requested input on whether proposed new rule 8.42 should apply to all situations in which the signatures of multiple parties are required on a filed document, rather than just to situations in which the signatures of opposing parties are required. Three commentators provided input on this issue and all three supported the application of proposed new rule 8.42 to all situations in which the signatures of multiple parties are required on a filed document. Based on this input, the committee modified the proposal to make proposed new rule 8.42 applicable to all situations in which the signatures of multiple parties are required on a filed document.

#### ***Signatures on electronically filed documents***

Three commentators, while supporting the proposal, made suggestions for modifying the rules regarding retaining copies of the signed originals of documents that are electronically filed. Because these suggestions were not circulated for public comment and because they would raise issues about consistency between the appellate and trial court rules, the committee is not recommending any change in response to these comments at this time but will consider these suggestions during a later rules cycle.

### **Other alternatives considered**

The committee considered not recommending any change to these rules but concluded that amending these rules would encourage electronic filing of documents and reduce costs for the Supreme Court and Courts of Appeal, thereby making it preferable to propose these amendments at this time.

### **Implementation Requirements, Costs, and Operational Impacts**

This proposal should not impose significant implementation burdens on either the superior courts or appellate courts and should provide significant cost savings for the Supreme Court and Courts of Appeal.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

This proposal will further the Judicial Council's Strategic Plan Goal: III. Modernization of management and administration and Operational Plan Objective: 5. Develop and implement effective trial and appellate case management rules, procedures, techniques, and practices to promote the fair, timely, consistent, and efficient processing of all types of cases.

## **Attachments**

1. Cal. Rules of Court, rules 8.42, 8.77, and 8.212 at pages 6–9
2. Comment chart at page 10–18

Rule 8.42 of the California Rules of Court is adopted and rules 8.77 and 8.212 are amended, effective January 1, 2014, to read:

**Title 8. Appellate Rules**

**Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

**Chapter 1. General Provisions**

**Article 2. Service, Filing, Filing Fees, Form, and Number of Documents**

**Rule 8.42. Requirements for signatures of multiple parties on filed documents**

When a document to be filed, such as a stipulation, requires the signatures of multiple parties, the original signature of at least one party must appear on the document filed in the reviewing court; the other signatures may be in the form of copies of the signed signature page of the document.

**Advisory Committee Comment**

Please note that rule 8.77 establishes different requirements for documents that are electronically filed.

**Article 4. E-filing**

**Rule 8.77. Requirements for signatures on documents**

**(a) Documents signed under penalty of perjury**

If a document to be filed electronically must be signed under penalty of perjury, ~~the document may be filed electronically provided that the original, signed verification page or pages are filed with the court within 5 calendar days.~~ the following procedure applies:

- (1) The document is deemed signed by the declarant if, before filing, the declarant has signed a printed form of the document.
- (2) By electronically filing the document, the electronic filer certifies that (1) has been complied with and that the original signed document is available for inspection and copying at the request of the court or any other party.
- (3) At any time after the document is filed, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties but need not be filed with the court.

1           (4) Within five days of service of the demand under (3), the party on whom the demand  
2 is made must make the original signed document available for inspection and  
3 copying by all other parties.

4  
5           (5) At any time after the document is filed, the court may order the filing party to  
6 produce the original signed document in court for inspection and copying by the  
7 court. The order must specify the date, time, and place for the production and must  
8 be served on all parties.

9  
10 **(b) Documents not signed under penalty of perjury**

11  
12 If a document does not require a signature under penalty of perjury, the document is  
13 deemed signed by the party if the document is filed electronically.

14  
15 **(c) Documents requiring signatures of ~~opposing~~ multiple parties**

16  
17 When a document to be filed electronically, such as a stipulation, requires the signatures of  
18 ~~opposing~~ multiple parties, the following procedure applies:

19  
20 (1) The party filing the document must obtain the signatures of all parties either in the  
21 form of an original signature on a printed form of the document or in the form of a  
22 copy of the signed signature page of the document. By electronically filing the  
23 document, the electronic filer indicates that all parties have signed the document and  
24 that the filer has the ~~signed original~~ signatures of all parties in a form permitted by  
25 this rule in his or her possession.

26  
27 (2) The party filing the document must maintain the original signed document and any  
28 copies of signed signature pages and must make them available for inspection and  
29 copying as provided in (a)(2). The court and any other party may demand production  
30 of the original signed document and any copies of signed signature pages in the  
31 manner provided in (a)(3)–(5).

32  
33 ~~(2) The party filing the document must maintain the original, signed document and must~~  
34 ~~make it available for inspection and copying at the request of the court or any other~~  
35 ~~party.~~

36  
37 ~~(3) At any time after the document is filed, any other party may serve a demand for~~  
38 ~~production of the original signed document. The demand must be served on all other~~  
39 ~~parties but need not be filed with the court.~~

40  
41 ~~(4) Within five days of service of the demand under (3), the party on whom the demand~~  
42 ~~is made must make the original signed document available for inspection and~~  
43 ~~copying by all other parties.~~

44  
45 ~~(5) At any time after the document is filed, the court may order the filing party to~~  
46 ~~produce the original signed document in court for inspection and copying by the~~

1 court. The order must specify the date, time, and place for the production and must  
2 be served on all parties.  
3

4 **(d) Digital signature**

5  
6 A party is not required to use a digital signature on an electronically filed document.  
7

8 **(e) Judicial signatures**

9  
10 If a document requires a signature by a court or a judicial officer, the document may be  
11 electronically signed in any manner permitted by law.  
12

13  
14 **Chapter 2. Civil Appeals**

15  
16 **Article 3. Briefs in the Court of Appeal**

17  
18 **Rule 8.212. Service and filing of briefs<sup>2</sup>**

19  
20 **(a)** \* \* \*

21  
22 **(b) Extensions of time**

23  
24 (1) Except as otherwise provided by statute, the parties may extend each period under  
25 (a) by up to 60 days by filing one or more stipulations in the reviewing court before  
26 the brief is due. Stipulations must be signed by and served on all parties. ~~The original  
27 signature of at least one party must appear on the stipulation filed in the reviewing  
28 court; the signatures of the other parties may be in the form of copies of the signed  
29 signature page of the stipulation.~~

30  
31 (2)-(4) \* \* \*

32  
33 **(c)** \* \* \*

34  
35 **Advisory Committee Comment**

36  
37 **Subdivision (a).** \* \* \*

38  
39 **Subdivision (b).** Extensions of briefing time are limited by statute in some cases. For example, under  
40 Public Resources Code section 21167.6(h) in cases under section 21167, extensions are limited to one 30-  
41 day extension for the opening brief and one 30-day extension for “preparation of responding brief.”  
42

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<sup>2</sup> Please note that in a separate report, the Appellate Advisory Committee is recommending amendments to other portions of rule 8.212.



1 Under rule 8.42, the original signature of only one party is required on the stipulation filed with the court;  
2 the signatures of the other parties may be in the form of copies of the signed signature page of the  
3 document.

4  
5 Subdivision (b)(2) clarifies that a party seeking an extension of time from the presiding justice must  
6 proceed by application under rule 8.50 rather than by motion under rule 8.54.

7  
8 **Subdivision (c).** \* \* \*

9

**SPR13-09****Appellate Procedure: Signatures on Filed Documents** (Adopt Cal. Rules of Court, rule 8.42 and amend rules 8.77 and 8.212)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Appellate Court Committee San Diego Bar Association By: Rupa G. Singh, Chair	NI	We commend the Judicial Council's efforts to provide costs savings and efficiencies for litigants by making it easier to electronically file some documents, and allowing copies of signatures in some cases. We also recognize the positive impact such changes will have on the environment, to the extent electronic filing is employed over paper filing. We note, however, that proposed Rule 8.77(c)(2) requires that a party filing a document that requires the signatures of opposing parties, such as a stipulation, must maintain the original signed document and any copies of the signed signature pages, and must make them available for inspection and copying. While we understand that it may be necessary, for evidentiary purposes, to maintain the original signatures of documents signed under penalty of perjury, it seems unnecessary to require the filer to maintain original signature pages with respect to routine stipulations and other documents. This may be a particularly burdensome requirement for firms attempting to maintain or establish paperless offices.	The committee appreciates this input and these suggestions. However, changing the rules with regard to retention of signed documents would be an important substantive change that was not included in the proposal that was circulated for public comment. Under rule 10.22, amendments to the Rules of Court are generally not recommended to the Judicial Council for adoption without first being circulated for public comment unless they are nonsubstantive technical changes or corrections or a minor substantive change that are unlikely to create controversy. In addition, making such a change would also raise issues about the consistency of treatment of such documents under the trial and appellate rules. The committee will therefore consider these suggestions during the next rules cycle.
2.	Appellate Defenders, Inc., California Appellate Project - San Francisco, First District Appellate Project, and Sixth District Appellate Program By: Jonathan Soglin, Executive Director, First District Appellate Project San Francisco, California	NI	While we generally agree with the proposals and their goals, we do have some modifications to suggest.  <i>Documents Requiring Signatures of Multiple Parties.</i> We support this proposal because it streamlines procedures for counsel. The proposal specifically asks for a comment on whether this change should apply in all	The committee notes the commentator's general agreement with the proposal.  Based on this and other input, the committee has modified the proposal to expand the application of proposed rule 8.42 and amend rule 8.77(c) to apply to all situations in which the signatures of multiple parties are required on a filed document.

**SPR13-09**

**Appellate Procedure: Signatures on Files Documents** (Adopt Cal. Rules of Court, rule 8.42 and amend rules 8.77 and 8.212)

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	Commentator	Position	Comment	Committee Response
			<p>situations when signatures of multiple parties are required, not just when signatures of opposing parties are required. We recommend that the change apply whenever signatures of multiple parties are required. The benefits of the new rule would be realized even when the signature of a coappellant is required, and also in those circumstances where it’s not clear whether another party is an “opposing party.” We support the proposed changes to rule 8.77(c), which streamlines filing procedures for electronically-filed documents that require signatures of opposing counsel.</p> <p><i>Signatures on Electronically Filed Documents to Be Signed Under Penalty of Perjury.</i> While we support the goal of reducing the work and costs involved with electronically-filed penalty-of-perjury documents, the proposed rule is ambiguous in terms of identifying what is a “document” and the rule could be further improved to reduce the burden of retaining both electronic and paper copies of documents. The proposed amendment to rule 8.77(a) would provide that the electronic filer maintain the original signed paper copy of all electronically-filed documents signed under penalty of perjury, and make such printed documents available for inspection and copying at the request of the court or another party. This is certainly an improvement over the current rule and we support the change in principle. Rule 8.77(a), however, could be interpreted to apply to proofs of service, which are signed under penalty of</p>	<p>The committee appreciates this input and these suggestions. However, changing the rules with regard to proofs of service and applications for extension of time would be important substantive changes that were not included in the proposal that was circulated for public comment. Under rule 10.22, amendments to the Rules of Court are generally not recommended to the Judicial Council for adoption without first being circulated for public comment unless they are nonsubstantive technical changes or corrections or a minor substantive changes that are unlikely to create controversy. In addition, these suggested changes would also raise issues about the consistency of treatment of such documents under the trial and appellate rules. The committee will therefore consider these suggestions during the next rules cycle.</p>

**SPR13-09**

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	Commentator	Position	Comment	Committee Response
			<p>perjury, thus requiring that parties maintain paper copies of <i>every</i> filed document. While it's an improvement that paper copies of electronically-filed documents with proofs of service don't have to be sent to the court, the system remains very cumbersome if it requires maintenance of paper copies for documents with proofs of service. This is because every electronically-filed document would have a proof of service and thus have to be maintained in printed form, thus defeating the goal of enabling parties and counsel to shift to electronic files. Accordingly, the rule should specify that the term "document" does not include a proof of service and that a proof of service is deemed signed if it is electronically filed.<sup>2</sup></p> <p>[FN2 - We recognize that Code of Civil Procedure section 1010.6(b)(2)(B), like proposed rule 8.77(a), requires a party to sign and maintain a printed original of a "document" when the document requires a signature under penalty of perjury. Although it's not clear whether the Legislature considered this nuance, we assume the statutory requirement was intended to apply when the entire document was a penalty-of-perjury document, not merely the proof of service. Should the committee conclude that the under the statute and rule a proof of service is to be treated as a "document" for purposes of the rule, then the proposal should be revised to provide that only</p>	

**SPR13-09**

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	Commentator	Position	Comment	Committee Response
			<p>the proof of service page(s) must be printed and maintained when the rest of the document was not signed under penalty of perjury.]</p> <p>Accordingly, we recommend adding paragraph (6) to subdivision (a) as follows (our additions are double-underlined):</p> <p><b>(a) Documents signed under penalty of perjury</b></p> <p>If a document to be filed <u>electronically</u> must be signed under penalty of perjury, the document <del>may be filed electronically</del> <u>provided that the original, signed verification page or pages are filed with the court within 5 calendar days</u>, the following procedure applies:</p> <p>* * * *</p> <p><u>(6) For purposes of this rule, a proof of service is not a “document.” Proofs of service are deemed signed by the party if the proof of service is filed electronically.</u></p> <p>There is another respect in which the rule falls short in saving costs and streamlining procedures. Extension of time requests are also signed under penalty of perjury, and, given their ubiquity, great time- and cost-savings could be realized if parties do not have to maintain paper copies of electronically-filed extensions of time. The extension of time forms made available by the Judicial Council and the Courts of Appeal</p>	

**SPR13-09**

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	Commentator	Position	Comment	Committee Response
			<p>require signatures under penalty of perjury<sup>3</sup> presumably because rule 8.360(c) requires that the request be in the form of a declaration.</p> <p>[FN3 - The Judicial Counsel form, which is designed to be used in any Court of Appeal, requires that it be signed under penalty of perjury <a href="http://www.courts.ca.gov/documents/eotcrim.pdf">http://www.courts.ca.gov/documents/eotcrim.pdf</a>), as is also true for forms designed for individual districts, such as the Second District (<a href="http://www.courts.ca.gov/documents/2DCA-04.pdf">http://www.courts.ca.gov/documents/2DCA-04.pdf</a>), Third District (<a href="http://www.courts.ca.gov/documents/ext-crm.pdf">http://www.courts.ca.gov/documents/ext-crm.pdf</a>), Fifth District (<a href="http://www.courts.ca.gov/documents/5DCA-Extension-of-Time-to-File-Brief-VC.pdf">http://www.courts.ca.gov/documents/5DCA-Extension-of-Time-to-File-Brief-VC.pdf</a>)]</p> <p>To enable the filing of an extension of time request that is not under penalty of perjury such that paper originals do not have to be maintained, we recommend that rule 8.60(c) be amended to eliminate the requirement that it be in the form of a declaration when the filer is not pro per. This change should cause no fear of a loss of veracity in extension requests. Attorney filers of extension applications are adequately deterred from being less than candid by their obligations as officers of court and the prospect of court or bar discipline. We recommend the following amendment to rule 8.60(c)<sup>4</sup>:</p> <p>(c) Application for extension (1)An application to extend time must <b>include a</b></p>	

**SPR13-09**

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			<p><b>declaration stating state</b> facts, not mere conclusions, and must be served on all parties. <b>If the filer is not represented by counsel, the application must be in the form of a declaration.</b> For good cause, the Chief Justice or presiding justice may excuse advance service.</p> <p>[FN4 - Because this suggestion involves a rule that was not mentioned in the proposal, we understand that the committee may defer this change to another amendment cycle.]</p>	
3.	<p>California Academy of Appellate Lawyers By: Robert A. Olson, President Los Angeles, California</p>	NI	<p>The Academy supports this proposal as a sound effort to reduce the burden on both courts and litigants for filings requiring, as virtually all do, a signature. We have one modest suggestion. There is a distinction of importance between documents signed under penalty of perjury, and other documents. For the latter, it seems unnecessary for counsel to retain the original signature indefinitely (for potential inspection and copying by another party, which rarely occurs in practice). For example, proposed rule 8.77(c)(2) could include a time limit of ninety days, or another time frame deemed reasonable, for any other party to demand production of an Original for inspection and copying. As more lawyers seek to transition to paperless offices, a time limit is preferable to requiring counsel to retain the original of uncontroversial filings, such as stipulations, indefinitely.</p>	<p>The committee notes the commentator’s general support for the proposal. The committee also the suggestion regarding the retention period for the original signed documents that are electronically filed. However, setting a different retention period for different documents would be an important substantive change that was not included in the proposal that was circulated for public comment. Under rule 10.22, amendments to the Rules of Court are generally not recommended to the Judicial Council for adoption without first being circulated for public comment unless they are nonsubstantive technical changes or corrections or a minor substantive changes that are unlikely to create controversy. In addition, the suggested change would also raise issues about the consistency of treatment of such documents under the trial and appellate rules. The committee will therefore consider this suggestion during the next rules cycle.</p>

**SPR13-09**

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
4.	California Appellate Court Clerks Association By: Charlene Ynson, President Fresno, California	A	<p><b>Very Much in favor of this change.</b></p> <p>Does the proposal appropriately address the stated purpose? <b>YES</b></p> <p>Should proposed new rule 8.42 apply to all situations in which the signatures of multiple parties are required on a filed document, rather than just to situations in which the signatures of opposing parties are required? <b>YES</b></p> <p>Would the proposal provide cost savings? If so please quantify. <b>YES, eliminated need to monitor case for follow-up with hard copy and handling same.</b></p> <p>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. <b>NONE</b></p> <p>Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? <b>YES</b></p> <p>How well would this proposal work in courts of different sizes? <b>YES</b></p>	<p>The committee notes the commentator’s general support for the proposal.</p> <p>Based on this and other input, the committee has modified the proposal to expand the application of proposed rule 8.42 and amend rule 8.77(c) to apply to all situations in which the signatures of multiple parties are required on a filed document.</p>



**SPR13-09**

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
5.	Committee on Appellate Courts State Bar of California By: Kira Klatchko, Acting Chair 2012-2013 San Francisco, California	NI	<p>The Committee supports this proposal but believes it should be modified in two ways. First, it should apply whenever multiple signatures are required. For example, writ petitions often require a separate signature of a party on the verification, plus the attorney’s signature on the memorandum. (See California Rule of Court 8.485 and 8.204; Code of Civil Procedure Section 466.) With the Committee’s proposed modifications, the client’s signature on a verification could be a copy so long as the attorney’s signature on the memorandum is an original. Second, in multiple party appeals, all parties are not necessarily “opposing” parties (for example, co-defendants on the same appeal). As proposed to be amended, rule 8.42 would appear to require the original signatures of the co-defendants in that case.</p> <p>With the Committee’s modifications, proposed rule 8.42 would read as follows:</p> <p><b>Rule 8.42. Requirements for signatures of opposing parties on filed documents</b></p> <p>When a document to be filed, such as a stipulation, requires <del>the multiple signatures of opposing parties</del>, the original signature of at least one party <u>or that party’s counsel</u> must appear on the document filed in the reviewing court; the <u>other</u> signatures <del>of the other parties</del> may be in the form of copies of the signed signature page of the document.</p>	<p>The committee notes the commentator’s general support for the proposal.</p> <p>Based on this and other input, the committee has modified the proposal to expand the application of proposed rule 8.42 and amend rule 8.77(c) to apply to all situations in which the signatures of multiple parties are required on a filed document. However, the committee is not recommending at this time that this procedure apply in situations in which separate signatures of a party and that party’s counsel would be required. The committee concluded that would be an important substantive change that was not included in the proposal that was circulated for public comment. Under rule 10.22, amendments to the Rules of Court are generally not recommended to the Judicial Council for adoption without first being circulated for public comment unless they are nonsubstantive technical changes or corrections or a minor substantive changes that are unlikely to create controversy. The committee will therefore consider these suggestions during the next rules cycle.</p>

**SPR13-09****Appellate Procedure: Signatures on Files Documents** (Adopt Cal. Rules of Court, rule 8.42 and amend rules 8.77 and 8.212)

All comments are verbatim unless indicated by an asterisk (\*).

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
6.	Court of Appeal Fourth District, Division One By: Hon. Judith McConnell, Presiding Justice San Diego, California	A	We support these proposed amendments.	The committee notes the commentator's support for the proposal; no response required.
7.	Orange County Bar Association By: Wayne R. Gross, President Newport Beach, California	A	No comment	The committee notes the commentator's support for the proposal; no response required.
8.	Superior Court of San Diego County By: Mike Roddy, Executive Officer	A	No additional comments.	The committee notes the commentator's support for the proposal; no response required.