



2015 California Rules of Court

Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic filing by court order

(a) Permissive electronic filing

A court may permit parties by local rule to file documents electronically in any types of cases, directly or through approved electronic service providers, subject to the conditions in Code of Civil Procedure section 1010.6 and the rules in this chapter.

(Subd (a) adopted effective July 1, 2013.)

(b) Mandatory electronic filing

A court may require parties by local rule to electronically file documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to the conditions in Code of Civil Procedure section 1010.6, the rules in this chapter, and the following conditions:

- (1) The court must specify the types or categories of civil actions in which parties are required to file and serve documents electronically. The court may designate any of the following as eligible for mandatory electronic filing and service:
 - (A) All civil cases;
 - (B) All civil cases of a specific category, such as unlimited or limited civil cases;
 - (C) All civil cases of a specific case type, including but not limited to, contract, collections, personal injury, or employment;
 - (D) All civil cases assigned to a judge for all purposes;
 - (E) All civil cases assigned to a specific department, courtroom or courthouse;
 - (F) Any class actions, consolidated actions, or group of actions, coordinated actions, or actions that are complex under rule 3.403; or
 - (G) Any combination of the cases described in subparagraphs (A) to (F), inclusive.
- (2) Self-represented parties are exempt from any mandatory electronic filing and service requirements adopted by courts under this rule and Code of Civil Procedure section 1010.6.
- (3) In civil cases involving both represented and self-represented parties, represented parties may be required to file and serve documents electronically; however, in these cases, each self-represented party is to file, serve, and be served with documents by non-electronic means unless the self-represented party affirmatively agrees otherwise.
- (4) A party that is required to file and serve documents electronically must be excused from the requirements if the party shows undue hardship or significant prejudice. A court requiring the electronic filing and service of documents must have a process for parties, including represented parties, to apply for relief and a procedure for parties excused from filing documents electronically to file them by conventional means.
- (5) Any fees charged by the court shall be for no more than the cost actually incurred by the court in providing for the electronic filing and service of the documents. Any fees charged by an electronic filing service provider shall be

reasonable.

- (6) Any fees for electronic filing charged by the court or by an electronic filing service provider must be waived when deemed appropriate by the court, including providing a waiver of the fees for any party that has received a fee waiver.
- (7) Any document required to be electronically filed with the court under this subdivision that is received electronically after the close of business on any day is deemed to have been filed on the next court day, unless by local rule the court provides that any document required to be electronically filed with the court under this subdivision that is received electronically before midnight on a court day is deemed to have been filed on that court day, and any document received electronically after midnight is deemed filed on the next court day. This paragraph concerns only the effective date of filing. Any document that is received electronically must be processed and satisfy all other legal filing requirements to be filed as an official court record.
- (8) A court that adopts a mandatory electronic filing program under this subdivision must report semiannually to the Judicial Council on the operation and effectiveness of the court's program.

(Subd (b) adopted effective July 1, 2013.)

(c) Electronic filing and service required by court order

- (1) The court may, on the motion of any party or on its own motion, provided that the order would not cause undue hardship or significant prejudice to any party, order all parties in any class action, a consolidated action, a group of actions, a coordinated action, or an action that is complex under rule 3.403 to:
 - (A) Serve all documents electronically, except when personal service is required by statute or rule;
 - (B) File all documents electronically; or
 - (C) Serve and file all documents electronically, except when personal service is required by statute or rule.
- (2) If the court proposes to make any order under (1) on its own motion, the court must mail notice to the parties. Any party may serve and file an opposition within 10 days after notice is mailed or such later time as the court may specify.
- (3) If the court has previously ordered parties in a case to electronically serve or file documents and a new party is added that the court determines should also be ordered to do so under (1), the court may follow the notice procedures under (2) or may order the party to electronically serve or file documents and in its order state that the new party may object within 10 days after service of the order or by such later time as the court may specify.
- (4) The court's order may also provide that:
 - (A) Documents previously filed in paper form may be resubmitted in electronic form; and
 - (B) When the court sends confirmation of filing to all parties, receipt of the confirmation constitutes service of the filing if the filed document is available electronically.

(Subd (c) amended and relettered effective July 1, 2013; adopted as subd (a) and part of subd (b); previously amended effective January 1, 2007, January 1, 2008, and January 1, 2011.)

Rule 2.253 amended effective July 1, 2013; adopted as rule 2053 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008, and January 1, 2011.

Advisory Committee Comment

Subdivision (b)(1). This subdivision allows courts to institute mandatory electronic filing and service in any type of civil case for which the court determines that mandatory electronic filing is appropriate. The scope of this authorization is meant to be broad. It will enable courts to implement mandatory electronic filing in a flexible yet expansive manner. However, in initiating mandatory electronic filing, courts should take into account the fact that some civil case types may be easier and more cost-effective to implement at the outset while other types may require special procedures or other considerations (such as the need to preserve the confidentiality of filed records) that may make them less appropriate for inclusion in initial mandatory e-filing efforts.

Subdivision (b)(2). Although this rule exempts self-represented parties from any mandatory electronic filing and service requirements, these parties are encouraged to participate voluntarily in electronic filing and service. To the extent feasible, courts and other entities should assist self-represented parties to electronically file and serve documents.

Subdivision (c). Court-ordered electronic filing and service under this subdivision are not subject to the provisions in (b) and Code of Civil Procedure section 1010.6 requiring that, where mandatory electronic filing and service are established by local rule, the court and the parties must have access to