Electronic Filing and Service:

Rules to Allow the Superior Courts to Mandate Electronic Filing and Service in Civil Cases

Background: Assembly Bill 2073

This legislation:

- Established a mandatory e-filing pilot project in the Superior Court of Orange County
- Requires the Judicial Council to adopt uniform statewide rules on mandatory electronic filing and service for civil cas

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Proposal To Implement AB 2073

The Court Technology Advisory Committee and the Civil and Small Claims Advisory Committee recommend amending the California Rules of Court, effective July 1, 2013, to allow superior courts by local rule to require represente parties in civil cases to electronically file and serve documents

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Main Features of the Rules

- The rules authorize superior courts to require electronic filing in virtually all categories and types of civil cases
- The rules exempt self-represented parties from mandatory electronic filing, but encourage them to voluntarily opt in to e-filing

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- For mandatory e-filing, documents filed electronically after the "close of business" would be deemed filed on the next court day (which is the standard for voluntary e-filing).
- Courts would have the option by local rule to allow parties to file until midnight" and documents so filed would be deemed filed on that day.

Main Features of the Rules

- The rules would clarify that the effective date of filing is based on when a docume is *received* by the court—that is, before the close of business or, if permitted by local rule, before midnight.
- The fact that it may take longer for the court to process the filing of the docume does not affect the effective date. This protects filers.

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Main Features of the Rules

- Electronic Service: The rules would exempt self-represented parties from service as well as efiling.
- Self-represented parties would need to affirmatively "opt in" to electronic service.
- For self-represented parties, filing documents electronically would not be deemed consent to electronic service.

Other provisions

- Forms: Two new optional Judicial Council forms would be approved to be used by represented parties to request exemption from mandatory electronic filing and servi
- Direct and Indirect Filing: The rule amendments would clarify that courts ma provide for electronic filing directly, throu an electronic filing service provider (EFSP) or both.

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Other provisions

- Notification of EFSPs: The amended rules include a new provision that filers who u an EFSP must immediately notify the EFS of any change in their electronic address
- Reports: Courts instituting mandatory e filing would be required to provide report to the Judicial Council about their experiences, including any experiences with the file until midnight"option.

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Judicial Council Technology Committee (JCTC)

- This proposal has been reviewed by the Judicial Council Technology Committee (JCTC
- The JCTC recommends the committees' rule and form proposals
- The JCTC also has developed and approved "Guidelines for Reports on Mandatory Electronic Filing and Service" to assist the courts in reporting on their experiences