

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR19-07

Title	Action Requested
Appellate Procedure: Uniform Formatting Rules for Electronic Documents	Review and submit comments by June 10, 2019
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 8.40, 8.44, 8.71, 8.72, 8.74, 8.204, and 8.252	January 1, 2020
Proposed by	Contact
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Executive Summary

To provide consistency and clarity, the Appellate Advisory Committee and the Information Technology Advisory Committee propose revising California Rules of Court, rules 8.40, 8.44, 8.71, 8.72, 8.74, 8.204, and 8.252 to create uniform formatting rules for electronic documents filed in the appellate courts. The rules currently provide some formatting requirements for electronic documents, but they do not include various local rule requirements such as bookmarking. Moreover, local rules around the state differ in their requirements and scope. By establishing uniform, comprehensive rules for all appellate courts, this proposal will ease the burden on filers caused by differing format rules. This project initially focused on rules for exhibits and bookmarking, but was expanded in scope to include other formatting requirements. It originated from a suggestion by a member of the Joint Appellate Technology Subcommittee of the Appellate Advisory Committee and the Information Technology Advisory Committee.

Background

Various appellate districts of the Courts of Appeal implemented electronic filing at different times. As each court did so, it adopted its own set of local rules addressing the formatting

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.

requirements for electronic documents. While there are similarities among the local rules, they differ in various respects. Over the years, best practices have begun to emerge for the format of electronic documents. At the same time, court users have complained that the differing formatting rules among the appellate courts impose significant burdens on practice.

A more limited rules amendment project began in 2017, but was deferred; the current proposal is expanded in scope. The proposed amendments include both substantive and technical changes to the existing rules for the format of electronic documents in appellate courts. Uniform formatting rules would provide consistency, clarity, and efficiency.

The Proposal

Though this proposal recommends amendments to seven rules, most of the amendments are to rule 8.74. That rule currently sets forth responsibilities of electronic filers but also establishes certain minimum format requirements for electronic documents. This proposal would remove the filer responsibility provisions from rule 8.74 and add them to the court responsibility provisions in rule 8.72, and significantly expand the format provisions in rule 8.74. As expanded, rule 8.74 would establish the specific formatting requirements currently articulated in local rules, such as standards for cover pages, pagination, and bookmarks.

Rule 8.40. Form of filed documents

Rule 8.40 governs the form of filed documents. The current rule provides that filed documents may be produced on a computer or be typewritten.

The proposed amendments would create different subdivisions for electronic and paper documents, would reference the formatting rules applicable to those different types of documents, and would clarify that certain unchanged formatting requirements only apply to paper. The rule would be amended to provide that e-filing is mandatory unless an exemption applies.

Rule 8.44. Number of copies of filed documents

Rule 8.44 sets forth the rules for paper copies in the California Supreme Court and the Courts of Appeal, and in subdivision (c) addresses electronic copies. Among other things, it refers to a court that “permits” electronic filing, and it requires a local rule specifying the format of an electronic copy. Because e-filing is now mandatory, and the format of electronic documents is addressed in proposed rule 8.74, the proposal deletes those outdated references.

Rule 8.71. Electronic filing

Rule 8.71 imposes mandatory e-filing, but it allows for various exemptions, including those established by local rule. The proposal would delete the reference to exemption by local rule, and add the Supreme Court Rules Regarding Electronic Filing in subdivision (a), as follows: “Except as otherwise provided by these rules, the Supreme Court Rules Regarding Electronic Filing, ~~the local rules of the reviewing court~~, or by court order, all parties are required to file all documents electronically in the reviewing court.”

Rule 8.72. Responsibilities of the court

Rule 8.72 sets forth the e-filing responsibilities of a court. The proposal takes the provisions for the responsibilities of electronic filers from current rule 8.74 and moves them to rule 8.72 in a new subdivision (b), thereby combining the responsibilities of court and filer into a single rule, and leaving rule 8.74 to address format. The proposal also deletes current rule subdivisions 8.72(b)(1) and (b)(2) as no longer needed.

Rule 8.74. Responsibilities of electronic filer

The proposal amends rule 8.74 to establish uniform formatting rules for electronic documents filed with the appellate courts and proposes to change the title of the section accordingly. Rule 8.74(a) currently establishes the responsibilities of an electronic filer. As previously discussed, this proposal moves the content of subdivision (a) to rule 8.72. Current rule 8.74(b) authorizes appellate courts to establish requirements for electronic documents, but it sets forth certain minimum format standards such as text searchability. The proposal retains some of the existing language, moves it to a new proposed subdivision (a), and significantly expands the formatting requirements by drawing from the best practices developed among the appellate courts through their local rules.

The expanded formatting rules address topics such as bookmarking, protection of sensitive information, file size, manual filing, font, spacing, margins, hyperlinks, and color. The proposal adds a new subdivision (b) to address specific formatting requirements for briefs, requests for judicial notice, appendices, agreed statements and settled statements, reporter's transcripts, clerk's transcripts, exhibits, and sealed and confidential records. Subdivision (c) provides that a court will reject an electronic filing if the formatting rules are not followed and provides that an electronic filer can file a motion for an exemption. Newly proposed subdivision (d) of rule 8.74 provides that this rule prevails over other formatting provisions if they are in conflict.

Proposed rule 8.74(a)(1) references portable document format (PDF), a file format used to present and exchange documents reliably, independent of software, hardware, or operating system. Existing California Supreme Court and Courts of Appeal local rules require documents to be in "text-searchable PDF." To ensure text searchability, the proposal requires a filer to "convert" a paper document to electronic form, rather than scanning a printed document.

The rules for pagination in proposed subdivision (a)(2) are consistent with the local rule pagination requirements around the state.

Proposed subdivision (a)(3) defines an electronic bookmark and includes requirements for bookmarking specified parts of a document. A new advisory committee comment provides examples of what is intended by the requirement that the bookmark contain a brief description of the item to which it is linked.

Proposed subdivision (a)(4) requires protection of sensitive information found in other rules, namely, rules 1.201, 8.45, 8.46, 8.47, and 8.401.

Proposed subdivision (a)(5) sets a file-size limit of 25 megabytes. The 25-megabyte limit is the current capacity of a file in the Appellate Court Case Management System (ACCMS).

Proposed subdivision (a)(6) describes manual filing of oversized documents or documents that otherwise cannot be electronically filed. The proposal permits the filer to file a flash drive, DVD, or compact disc (CD) with the court and then give notice of the filing. The term DVD is considered sufficiently descriptive that it is not spelled out, but the term CD is spelled out for clarity. The file types for video, audio, and photographs are based on local rules and the current capacity at the courts.

Proposed subdivision (a)(7) specifies that the page size for all electronic documents must be 8-1/2 by 11 inches.

Proposed subdivision (a)(8) describes the font type and font size for electronic documents. It requires a serif font such as Century Schoolbook. The suggestion comes from the Court of Appeal, Second Appellate District's local rule, which seeks to promote readability.

Proposed subdivision (a)(13) specifies that a document with any color component must be manually filed rather than electronically filed. This is because color causes problems in ACCMS. The subdivision prohibits color components in electronically filed documents.

Proposed rule 8.74(b) addresses specific format requirements for certain documents. Proposed rule 8.74(b) does not repeat the general formatting rules when discussing the specific documents.

Rule 8.204. Contents and form of briefs

Rule 8.204 explains the requirements for briefs filed in the Courts of Appeal. There is only one amendment in this rule. The proposed amendment explains that briefs filed in electronic form must comply with the formatting provisions in rule 8.74(a) and (b)(1), which prevail over inconsistent provisions in rule 8.204(b).

Rule 8.252. Judicial notice; filings and evidence on appeal

Rule 8.252 establishes the procedure for seeking judicial notice of a matter. The proposed amendment would require the moving party to attach to the motion a copy of the matter to be noticed or an explanation why it is not practicable to do so. In addition, the proposed amendment would specify that the motion with attachments must comply with rule 8.74 if filed in electronic form.

Proposed rule 8.252(c)(3) is reorganized to reflect the presumption of electronic filing unless an exemption applies.

Alternatives Considered

The committee considered deferring action, but determined that the experience of the Supreme Court and the Courts of Appeal thus far warranted action. The revised rules will provide uniform

guidance to litigants and practitioners, and will give the appellate courts time to amend their local rules accordingly.

Rule 8.124 (appendixes), 8.144 (form of the record), and 8.212 (service and filing of briefs) were reviewed, and it was determined that amendments to those rules are not needed at this time.

Fiscal and Operational Impacts

The proposed changes are intended to make electronic formatting rules consistent in the appellate courts. The committees anticipate efforts will be needed to amend local rules to make them consistent with these proposals.

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?
- Are there terms that need further reference or definition, such as the words “omission page” or file-type references like “.mp3” or “hyperlink”?

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 3 months from Judicial Council–approval of this proposal until its effective date provide sufficient time for implementation?

Attachments and Links

1. Cal. Rules of Court, rules 8.40, 8.44, 8.71, 8.72, 8.74, 8.204, and 8.252, at pages 6–15

Rules 8.40, 8.44, 8.71, 8.72, 8.74, 8.204, and 8.252 of the California Rules of Court would be amended, effective January 1, 2020, to read:

1 **Rule 8.40. Form of filed documents**

2
3 **(a) Form of electronic documents**

4
5 ~~Except as these rules provide otherwise, documents filed in a reviewing court may~~
6 ~~be either produced on a computer or typewritten and must comply with the relevant~~
7 ~~provisions of rule 8.204(b).~~

8
9 Under rule 8.71(a), a document filed in a reviewing court must be in electronic
10 form unless these rules provide otherwise. An electronic document must comply
11 with the relevant format provisions of this rule and rules 8.74, 8.144, and 8.204.

12
13 **(b) Form and cover color of paper documents**

14
15 (1) To the extent these rules authorize the filing of a paper document in a reviewing
16 court, the document must comply with the relevant format provisions of this
17 rule and rules 8.144 and 8.204.

18
19 ~~(1)~~(2) As far as practicable, the covers of briefs and petitions filed in paper form
20 must be in the following colors:

21

Appellant's opening brief or appendix	Green
Respondent's brief or appendix	Yellow
Appellant's reply brief or appendix	Tan
Joint appendix	White
Amicus curiae brief	Gray
Answer to amicus curiae brief	Blue
Petition for rehearing	Orange
Answer to petition for rehearing	Blue

Petition for original writ	Red
Answer (or opposition) to petition for original writ	Red
Reply to answer (or opposition) to petition for original writ	Red
Petition for transfer of appellate division case to Court of Appeal	White
Answer to petition for transfer of appellate division case to Court of Appeal	Blue
Petition for review	White
Answer to petition for review	Blue
Reply to answer to petition for review	White
Opening brief on the merits	White
Answer brief on the merits	Blue
Reply brief on the merits	White

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(2)(3) In appeals under rule 8.216, the cover of a combined respondent’s brief and appellant’s opening brief filed in paper form must be yellow, and the cover of a combined reply brief and respondent’s brief filed in paper form must be tan.

(3)(4) A paper brief or petition not conforming to ~~(1) or~~ (2) or (3) must be accepted for filing, but in case of repeated violations by an attorney or party, the court may proceed as provided in rule 8.204(e)(2).

1 (c) **Cover information for electronic and paper documents**

2
3 (1)–(2) * * *

4
5 (3) The covers of electronic documents must also comply with the provisions of
6 rule 8.74.

7
8 **Rule 8.44. Number of copies of filed documents**

9
10 (a)–(b) * * *

11
12 (c) **Electronic copies of paper documents**

13
14 ~~A court that permits electronic filing will specify any requirements regarding~~
15 ~~electronically filed documents in the electronic filing requirements published under~~
16 ~~rule 8.74. In addition, Even when filing a paper document is permissible, a court~~
17 ~~may provide by local rule for the submission of an electronic copy of a document~~
18 ~~that is not electronically filed the paper document either in addition to the copies of~~
19 ~~the document required to be filed under (a) or (b) or as a substitute for one or more~~
20 ~~of these copies. The local rule must specify the format of the electronic copy and~~
21 ~~provide for an exception if it would cause undue hardship for a party to submit an~~
22 ~~electronic copy.~~

23
24 **Rule 8.71. Electronic filing**

25
26 (a) **Mandatory electronic filing**

27
28 Except as otherwise provided by these rules, the Supreme Court Rules Regarding
29 Electronic Filing, ~~the local rules of the reviewing court~~, or by court order, all
30 parties are required to file all documents electronically in the reviewing court.

31
32 (b)–(g) * * *

33
34 **Rule 8.72. Responsibilities of court and electronic filer**

35
36 (a) ~~Publication of electronic filing requirements~~ **Responsibilities of court**

37
38 (1) The court will publish, in both electronic and print formats, the court's
39 electronic filing requirements.

40
41 (b) ~~Problems with electronic filing~~

42 (2) If the court is aware of a problem that impedes or precludes electronic filing,
43 it must promptly take reasonable steps to provide notice of the problem.

1
2 **(b) Responsibilities of electronic filer**

3
4 Each electronic filer must:

- 5
6 (1) Take all reasonable steps to ensure that the filing does not contain computer
7 code, including viruses, that might be harmful to the court's electronic filing
8 system and to other users of that system;
9
10 (2) Furnish one or more electronic service addresses, in the manner specified by
11 the court, at which the electronic filer agrees to accept service; and
12
13 (3) Immediately provide the court and all parties with any change to the
14 electronic filer's electronic service address.

15
16 **Rule 8.74. Responsibilities of electronic filer Format of electronic documents**

17
18 **(a) Conditions of filing**

19
20 Each electronic filer must:

- 21
22 (1) Comply with any court requirements designed to ensure the integrity of
23 electronic filing and to protect sensitive personal information;
24
25 (2) Furnish information that the court requires for case processing;
26
27 (3) Take all reasonable steps to ensure that the filing does not contain computer
28 code, including viruses, that might be harmful to the court's electronic filing
29 system and to other users of that system;
30
31 (4) Furnish one or more electronic service addresses, in the manner specified by
32 the court, at which the electronic filer agrees to accept service; and
33
34 (5) Immediately provide the court and all parties with any change to the electronic
35 filer's electronic service address.

36
37 **(b) Format of documents to be filed electronically**

- 38
39 (1) A document that is filed electronically with the court must be in a format
40 specified by the court unless it cannot be created in that format.
41
42 (2) The format adopted by a court must meet the following minimum
43 requirements:

1
2 (A) ~~The format must be text-searchable while maintaining original document~~
3 ~~formatting.~~

4
5 (B) ~~The software for creating and reading documents must be in the public~~
6 ~~domain or generally available at a reasonable cost.~~

7
8 (C) ~~The printing of documents must not result in the loss of document text,~~
9 ~~format, or appearance.~~

10
11 ~~(3) The page numbering of a document filed electronically must begin with the~~
12 ~~first page or cover page as page 1 and use only Arabic numerals (e.g., 1, 2,~~
13 ~~3). The page number may be suppressed and need not appear on the cover~~
14 ~~page.~~

15
16 ~~(4) If a document is filed electronically under the rules in this article and cannot be~~
17 ~~formatted to be consistent with a formatting rule elsewhere in the California~~
18 ~~Rules of Court, the rules in this article prevail.~~

19
20 **(a) Format requirements applicable to all electronic documents**

21
22 (1) *Text-searchable portable document format:* Electronic documents must be in
23 text-searchable portable document format (PDF) while maintaining the
24 original document formatting. An electronic filer is not required to use a
25 specific vendor, technology, or software for creation of a searchable format
26 document, unless the electronic filer agrees to such use. The software for
27 creating and reading electronic documents must be in the public domain or
28 generally available at a reasonable cost. If an electronic filer must file a
29 document that the electronic filer possesses only in paper format, the
30 electronic filer must convert the document to an electronic document by a
31 means that complies with this rule. The printing of an electronic document
32 must not result in the loss of document text, format, or appearance. It is the
33 electronic filer's responsibility to ensure that any document filed is complete
34 and readable.

35
36 (2) *Pagination:* The electronic page counter for the electronic document must
37 match the page number for each page of the document. The page numbering
38 of a document filed electronically must begin with the first page or cover
39 page as page 1 and use only Arabic numerals (e.g., 1, 2, 3). Documents may
40 not contain more than one numbering system; for example, they may not
41 contain Roman numerals for the table of contents and Arabic numerals for
42 the body of the document. The page number for the cover page may be
43 suppressed and need not appear on the cover page. When a document is filed

1 in both paper and electronic formats, the pagination in both versions must
2 comply with this subparagraph.

3
4 (3) *Bookmarking:* An electronic bookmark is a descriptive text link that appears
5 in the bookmarks panel of an electronic document. Each electronic document
6 must include an electronic bookmark to each heading, subheading, and to the
7 first page of any component of the document, including any table of contents,
8 table of authorities, petition, verification, memorandum, declaration,
9 certificate of word count, certificate of interested entities or persons, proof of
10 service, exhibit, or attachment. Each electronic bookmark must briefly
11 describe the item to which it is linked. For example, an electronic bookmark
12 to a heading must provide the text of the heading, and an electronic
13 bookmark to an exhibit or attachment must include the letter or number of the
14 exhibit or attachment and a brief description of the exhibit or attachment. An
15 electronic appendix must have bookmarks to the indexes and to the first page
16 of each separate exhibit or attachment. Exhibits or attachments within an
17 exhibit or attachment must be bookmarked. All bookmarks must be set to
18 retain the reader's selected zoom setting.

19
20 (4) *Protection of sensitive information:* Electronic filers must comply with rules
21 1.201, 8.45, 8.46, 8.47, and 8.401 regarding the protection of sensitive
22 information, except for those requirements exclusively applicable to paper
23 format.

24
25 (5) *Size and multiple files:* An electronic filing may not be larger than 25
26 megabytes. This rule does not change the limitations on word count or
27 number of pages otherwise established by the California Rules of Court for
28 documents filed in the court. Unless a 300-page limit applies to the volumes
29 of an electronic document (see, e.g., rules 8.124(d)(1), 8.144(b)(6)), a file
30 may exceed 300 pages so long as it does not exceed 25 megabytes. If a
31 document exceeds the 25-megabyte file-size limitation, the electronic filer
32 must submit the document in more than one file, with each file 25 megabytes
33 or less. The first file must include a master chronological and alphabetical
34 index stating the contents for all files. Each file must have a cover page
35 setting forth (a) the file number for that file, (b) the total number of files for
36 that document, and (c) the page numbers contained in that file. (For example:
37 File 1 of 4, pp. 1–400.) In addition, each file must be paginated consecutively
38 across all files in the document, including the cover pages for each file. (For
39 example, if the first file ends on page 400, the cover of the second file must
40 be page 401.) If a multiple-file document is submitted to the court in both
41 electronic and paper formats, the cover pages for each file must be included
42 in the paper documents.

1 (6) Manual Filing:

2
3 (A) When an electronic filer seeks to file an electronic document consisting
4 of more than five files, or when the document cannot or should not be
5 electronically filed in multiple files, or when electronically filing the
6 document would cause undue hardship, the document must not be
7 electronically filed but must be manually filed with the court on
8 electronic media such as a flash drive, DVD, or compact disc (CD).
9 When an electronic filer files one or more documents on electronic
10 media such as a flash drive, DVD, or CD with the court, the electronic
11 filer must electronically file, on the same day, a “manual filing
12 notification” notifying the court and the parties that one or more
13 documents have been filed on electronic media, explaining the reason
14 for the manual filing. The electronic media must be served on the
15 parties in accordance with the requirements for service of paper
16 documents. To the extent practicable, each document or file on the
17 electronic media must comply with the format requirements of this rule.

18
19 (B) Electronic media files such as audio, video, or PowerPoint, and
20 documents containing photographs or any color component, must be
21 manually filed. Audio files must be filed in .wav or mp3 format. Video
22 files must be filed in .avi or mp4 format. Photographs must be filed in
23 .jpg, .png, .tif, or .pdf format.

24
25 (7) Page size: All documents must have a page size of 8-1/2 by 11 inches.

26
27 (8) Font: The font style must be a proportionally spaced serif face, such as
28 Century Schoolbook. Do not use Times New Roman. Font size must be 13-
29 point, including in footnotes.

30
31 (9) Spacing: Lines of text must be 1-1/2 spaced. Footnotes and quotations may
32 be single-spaced.

33
34 (10) Margins: The margins must be set at 1-1/2 inches on all sides.

35
36 (11) Alignment: Paragraphs must be left-aligned, not justified.

37
38 (12) Hyperlinks: Hyperlinks are encouraged but not required. However, if an
39 electronic filer elects to include hyperlinks in a document, the hyperlink must
40 be active as of the date of filing and should be formatted to standard citation
41 format as provided in the California Rules of Court.
42

1 (13) No color: Notwithstanding provisions to the contrary in the California Rules
2 of Court, an electronic document with any color component may not be
3 electronically filed. It must be manually filed on electronic media. An
4 electronically filed document must not have color covers, color signatures, or
5 other color components absent leave of court. This requirement does not
6 apply to the auto-color feature of hyperlinks.

7
8 **(b) Additional format requirements for certain electronic documents**

9
10 (1) Brief: In addition to compliance with this rule, an electronic brief must also
11 comply with the requirements set forth in rule 8.204, except for the
12 requirements exclusively applicable to paper format including the provisions
13 in rule 8.204(b)(2), (4), (5), and (6).

14
15 (2) Request for judicial notice or request or motion supported by documents:
16 When seeking judicial notice of documents or when a request or motion is
17 supported by documents, the electronic filer must attach the documents to the
18 request or motion. The request or motion and its attachments must comply
19 with this rule.

20
21 (3) Appendix: The format of an appendix must comply with this rule, rule
22 8.124(d), and rule 8.144 pertaining to clerk’s transcripts.

23
24 (4) Agreed statement and settled statement: The format for an agreed statement
25 or a settled statement must comply with this rule and rules 8.144 and
26 8.124(d).

27
28 (5) Reporter’s transcript and clerk’s transcript: The format for an electronic
29 reporter’s transcript must comply with Code of Civil Procedure section 271
30 and rule 8.144. The format for an electronic clerk’s transcript must comply
31 with this rule and rule 8.144.

32
33 (6) Exhibits: Electronic exhibits must be submitted in volumes no larger than 25
34 megabytes, rather than as individual documents.

35
36 (7) Sealed and confidential records: Under rule 8.45(c)(1), electronic records
37 that are confidential or under seal must be filed separately. If one or more
38 pages are omitted from a source document and filed separately as a sealed or
39 confidential record, an omission page must be inserted in the source
40 document at the location of the omitted page or pages. The omission page
41 must identify the type of pages omitted. The omission page must be
42 paginated consecutively with the rest of the source document, it must be
43 bookmarked, and it must be listed in any indexes included in the source

1 document. The PDF counter for the omission page must match the page
2 number of the omission page. Separately filed confidential or sealed records
3 must comply with this rule and rules 8.45, 8.46, and 8.47.
4

5 **(c) Rejection of an electronic filing for noncompliance; exemptions**
6

7 The court will reject an electronic filing if it does not comply with the requirements
8 of this rule. However, if the requirements of this rule cause undue hardship or
9 significant prejudice to any electronic filer, the electronic filer may file a motion for
10 an exemption from the requirements of this rule.
11

12 **(d) This rule prevails over other formatting rules**
13

14 If a document is filed electronically and cannot be formatted to be consistent with a
15 formatting provision elsewhere in the California Rules of Court, the provisions of
16 this rule prevail.
17

18 **Advisory Committee Comment**
19

20 **Subdivision (a)(3).** An electronic bookmark’s brief description of the item to which it is linked
21 should enable the reader to easily identify the item. For example, if a declaration is attached to a
22 document, the bookmark to the declaration might say “Robert Smith Declaration,” and if a
23 complaint is attached to a document as an exhibit, the bookmark to the complaint might say
24 “Exhibit A, First Amended Complaint filed 8/12/17.”
25

26 **Subdivision (b)(7).** In identifying the type of pages omitted, the omission page might say,
27 for example, “probation report” or “Marsden hearing transcript.”
28

29 **Rule 8.204. Contents and form of briefs**
30

31 **(a) * * ***
32

33 **(b) Form**
34

35 Briefs filed in electronic form must comply with the formatting provisions in rule
36 8.74(a) and (b)(1), which prevail over inconsistent provisions in this subdivision.
37

38 (1)–(11) * * *
39

40 **(c)–(e) * * ***
41

42 **Rule 8.252. Judicial notice; findings and evidence on appeal**
43

1 **(a) Judicial notice**

2
3 (1)–(2) * * *

4
5 (3) If the matter to be noticed is not in the record, the party must ~~serve and file a~~
6 ~~copy with the motion or explain~~ attach to the motion a copy of the matter to
7 be noticed or an explanation of why it is not practicable to do so. The pages
8 ~~of the copy of the matter or matters to be judicially noticed must be~~
9 ~~consecutively numbered, beginning with the number 1. The motion with~~
10 attachments must comply with rule 8.74 if filed in electronic form.
11

12 **(b) * * ***

13
14 **(c) Evidence on appeal**

15
16 (1)–(2) * * *

17
18 (3) For documentary evidence, a party may offer ~~the original, a certified copy, a~~
19 ~~photocopy, or, in a case in which electronic filing is permitted, an electronic~~
20 ~~copy, or if filed in paper form, the original, a certified copy, or a photocopy.~~
21 The court may admit the document into evidence without a hearing.