

AMENDMENTS TO THE CALIFORNIA RULES OF COURT  
Adopted by the Judicial Council on November 17, 2017, effective January 1, 2018

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1 **Rule 2.250. Construction and definitions**

2  
3 (a) \* \* \*

4  
5 (b) **Definitions**

6  
7 As used in this chapter, unless the context otherwise requires:

- 8  
9 (1) A “document” is a pleading, a paper, a declaration, an exhibit, or another  
10 filing submitted by a party or other person, or by an agent of a party or other  
11 person on the party’s or other person’s behalf. A document is also a notice,  
12 order, judgment, or other issuance by the court. A document may be in paper  
13 or electronic form.  
14  
15 (2) “Electronic service” is service of a document on a party or other person by  
16 either electronic transmission or electronic notification. Electronic service  
17 may be performed directly by a party or other person, by an agent of a party  
18 or other person, including the party’s or other person’s attorney, through an  
19 electronic filing service provider, or by a court.  
20  
21 (3) “Electronic transmission” means the transmission of a document by  
22 electronic means to the electronic service address at or through which a party  
23 or other person has authorized electronic service.  
24  
25 (4) “Electronic notification” means the notification of a party or other person that  
26 a document is served by sending an electronic message to the electronic  
27 service address at or through which the party or other person has authorized  
28 electronic service, specifying the exact name of the document served and  
29 providing a hyperlink at which the served document can be viewed and  
30 downloaded.  
31  
32 (5) “Electronic service address” ~~of a party~~ means the electronic address at or  
33 through which the party or other person has authorized electronic service.  
34  
35 (6) An “electronic filer” is a party or other person filing a document in electronic  
36 form directly with the court, by an agent, or through an electronic filing  
37 service provider.  
38  
39 (7) “Electronic filing” is the electronic transmission to a court of a document in  
40 electronic form. For the purposes of this chapter, this definition concerns the  
41 activity of filing and does not include the processing and review of the  
42 document, and its entry into the court records, which are necessary for a  
43 document to be officially filed.

1  
2 (8) An “electronic filing service provider” is a person or entity that receives an  
3 electronic filing from a party or other person for retransmission to the court  
4 or for electronic service on other parties or other persons, or both. In  
5 submission of filings, the electronic filing service provider does so on behalf  
6 of the electronic filer and not as an agent of the court.

7  
8 ~~(9) “Regular filing hours” are the hours during which a court accepts documents  
9 for filing at its filing counter.~~

10  
11 ~~(10) “Close of business” is 5 p.m. or any other time on a court day at which the  
12 court stops accepting documents for filing at its filing counter, whichever is  
13 earlier. The court must provide notice of its close of business time  
14 electronically. The court may give this notice in any additional manner it  
15 deems appropriate.~~

16  
17 *(Subd (b) amended effective January 1, 2018; adopted as unlettered subd effective January*  
18 *1, 2003; previously amended and lettered effective January 1, 2011; previously amended*  
19 *effective July 1, 2013.)*

20  
21 *Rule 2.250 amended effective January 1, 2018; adopted as rule 2050 effective January 1, 2003;*  
22 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
23 *January 1, 2006, January 1, 2008, January 1, 2011, and July 1, 2013.*

24  
25  
26 **Rule 2.251. Electronic service**

27  
28 **(a) \*\*\***

29  
30 **(b) Electronic service by consent of the parties**

31  
32 (1) Electronic service may be established by consent ~~of the parties in an action.~~  
33 A party or other person indicates that the party or other person agrees to  
34 accept electronic service by:

35  
36 (A) Serving a notice on all parties and other persons that the party or other  
37 person accepts electronic service and filing the notice with the court.  
38 The notice must include the electronic service address at which the  
39 party or other person agrees to accept service; or

40  
41 (B) Electronically filing any document with the court. The act of electronic  
42 filing is evidence that the party or other person agrees to accept service  
43 at the electronic service address the party or other person has furnished

1 to the court under rule 2.256(a)(4). This subparagraph (B) does not  
2 apply to self-represented parties or other self-represented persons;  
3 they must affirmatively consent to electronic service under  
4 subparagraph (A).  
5

- 6 (2) A party or other person that has consented to electronic service under (1) and  
7 has used an electronic filing service provider to serve and file documents in a  
8 case consents to service on that electronic filing service provider as the  
9 designated agent for service for the party or other person in the case, until  
10 such time as the party or other person designates a different agent for service.  
11

12 *(Subd (b) amended effective January 1, 2018, adopted as part of subd (a), previously*  
13 *amended and relettered effective July 1, 2013; previously amended effective January 1,*  
14 *2007, January 1, 2008, and January 1, 2011.)*  
15

16 **(c) Electronic service required by local rule or court order**  
17

- 18 (1) A court may require parties to serve documents electronically in specified  
19 actions by local rule or court order, as provided in Code of Civil Procedure  
20 section 1010.6 and the rules in this chapter.  
21

- 22 (2) A court may require other persons to serve documents electronically in  
23 specified actions by local rule, as provided in Code of Civil Procedure section  
24 1010.6 and the rules in this chapter.  
25

- 26 ~~(2)~~(3) Except when personal service is otherwise required by statute or rule, a party  
27 or other person that is required to file documents electronically in an action  
28 must also serve documents and accept service of documents electronically  
29 from all other parties or persons, unless:  
30

31 (A) The court orders otherwise, or  
32

33 (B) The action includes parties or persons that are not required to file or  
34 serve documents electronically, including self-represented parties or  
35 other self-represented persons; those parties or other persons are to be  
36 served by non-electronic methods unless they affirmatively consent to  
37 electronic service.  
38

- 39 ~~(3)~~(4) Each party or other person that is required to serve and accept service of  
40 documents electronically must provide all other parties or other persons in the  
41 action with its electronic service address and must promptly notify all other  
42 parties, other persons, and the court of any changes under ~~(f)~~(g).  
43

1 (Subd (c) amended effective January 1, 2018; adopted effective July 1, 2013.)  
2

3 **(d) Additional provisions for electronic service required by court order**  
4

- 5 (1) If a court has adopted local rules for permissive electronic filing, then the  
6 court may, on the motion of any party or on its own motion, provided that the  
7 order would not cause undue hardship or significant prejudice to any party,  
8 order all parties in any class action, a consolidated action, a group of actions,  
9 a coordinated action, or an action that is complex under rule 3.403 to serve all  
10 documents electronically, except when personal service is required by statute  
11 or rule.
- 12
- 13 (2) A court may combine an order for mandatory electronic service with an order  
14 for mandatory electronic filing as provided in rule 2.253(c).
- 15
- 16 (3) If the court proposes to make any order under (1) on its own motion, the  
17 court must mail notice to any parties that have not consented to receive  
18 electronic service. The court may electronically serve the notice on any party  
19 that has consented to receive electronic service. Any party may serve and file  
20 an opposition within 10 days after notice is mailed, electronically served, or  
21 such later time as the court may specify.
- 22
- 23 (4) If the court has previously ordered parties in a case to electronically serve  
24 documents and a new party is added that the court determines should also be  
25 ordered to do so under (1), the court may follow the notice procedures under  
26 (2) or may order the party to electronically serve documents and in its order  
27 state that the new party may object within 10 days after service of the order  
28 or by such later time as the court may specify.
- 29

30 (Subd (d) adopted effective January 1, 2018.)  
31

32 **(d)(e) Maintenance of electronic service lists**  
33

34 A court that permits or requires electronic filing in a case must maintain and make  
35 available electronically to the parties and other persons in the case an electronic  
36 service list that contains the parties' or other persons' current electronic service  
37 addresses, as provided by the parties or other persons that have filed electronically  
38 in the case.  
39

40 (Subd (e) amended and relettered effective January 1, 2018; adopted effective January 1,  
41 2008 as subd (b); previously amended and relettered as subd (d) effective July 1, 2013;  
42 previously amended effective January 1, 2010, and January 1, 2011.)  
43

1 **(e)(f) Service by the parties and other persons**

2  
3 (1) Notwithstanding ~~(d)~~(e), parties and other persons that have consented to or  
4 are required to serve documents electronically are responsible for electronic  
5 service on all other parties and other persons required to be served in the  
6 case. A party or other person may serve documents electronically directly, by  
7 an agent, or through a designated electronic filing service provider.

8  
9 (2) A document may not be electronically served on a nonparty unless the  
10 nonparty consents to electronic service or electronic service is otherwise  
11 provided for by law or court order.

12  
13 *(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (c) effective*  
14 *January 1, 2008; previously amended and relettered as subd (e) effective July 1, 2013;*  
15 *previously amended effective January 1, 2011.)*

16  
17 **(f)(g) Change of electronic service address**

18  
19 (1) A party or other person whose electronic service address changes while the  
20 action or proceeding is pending must promptly file a notice of change of  
21 address electronically with the court and must serve this notice electronically  
22 on all other parties and all other persons required to be served.

23  
24 (2) A party's or other person's election to contract with an electronic filing  
25 service provider to electronically file and serve documents or to receive  
26 electronic service of documents on the party's or other person's behalf does  
27 not relieve the party or other person of its duties under (1).

28  
29 (3) An electronic service address is presumed valid for a party or other person if  
30 the party or other person files electronic documents with the court from that  
31 address and has not filed and served notice that the address is no longer valid.

32  
33 *(Subd (g) amended and relettered effective January 1, 2018; adopted as subd (d) effective*  
34 *January 1, 2008; previously relettered as subd (f) effective July 1, 2013; previously*  
35 *amended effective January 1, 2011.)*

36  
37 **(g)(h) Reliability and integrity of documents served by electronic notification**

38  
39 A party or other person that serves a document by means of electronic notification  
40 must:

41  
42 (1) Ensure that the documents served can be viewed and downloaded using the  
43 hyperlink provided;

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(2) Preserve the document served without any change, alteration, or modification from the time the document is posted until the time the hyperlink is terminated; and

(3) Maintain the hyperlink until either:

(A) All parties in the case have settled or the case has ended and the time for appeals has expired; or

(B) If the party or other person is no longer in the case, the party or other person has provided notice to all other parties and other persons required to receive notice that it is no longer in the case and that they have 60 days to download any documents, and 60 days have passed after the notice was given.

*(Subd (h) amended and relettered effective January 1, 2018; adopted as subd (e) effective January 1, 2011, previously relettered as subd (g) effective July 1, 2013.)*

**~~(h)~~(i) When service is complete**

(1) Electronic service of a document is complete ~~at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent~~ as provided in Code of Civil Procedure section 1010.6 and the rules in this chapter.

(2) If an electronic filing service provider is used for service, the service is complete at the time that the electronic filing service provider electronically transmits the document or sends electronic notification of service. ~~If a document is served electronically, any period of notice, or any right or duty to act or respond within a specified period or on a date certain after service of the document, is extended by two court days, unless otherwise provided by a statute or a rule.~~

~~(3)~~ The extension under ~~(2)~~ does not extend the time for filing:

~~(A) A notice of intent to move for a new trial;~~

~~(B) A notice of intent to move to vacate the judgment under Code of Civil Procedure section 663a; or~~

~~(C) A notice of appeal.~~

1 (4) Service that occurs after the close of business is deemed to have occurred on  
2 the next court day.

3  
4 *Subd (i) amended and relettered effective January 1, 2018; adopted as subd (b); previously*  
5 *amended effective January 1, 2007; previously relettered as subd (e) effective January 1,*  
6 *2008; previously amended and relettered as subd (f) effective January 1, 2011, and as subd*  
7 *(h) effective July 1, 2013.)*

8  
9 **(4)(i) Proof of service**

10  
11 (1) Proof of electronic service ~~may be by any of the methods~~ shall be made as  
12 provided in Code of Civil Procedure section 1013a, 1013b with the following  
13 exceptions:

14  
15 (A) ~~The proof of electronic service does not need to state that the person~~  
16 ~~making the service is not a party to the case.~~

17  
18 (B) ~~The proof of electronic service must state:~~

19  
20 (i) ~~The electronic service address of the person making the service, in~~  
21 ~~addition to that person's residence or business address;~~

22  
23 (ii) ~~The date of the electronic service, instead of the date and place of~~  
24 ~~deposit in the mail;~~

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

29  
30 (iv) ~~That the document was served electronically, in place of the~~  
31 ~~statement that the envelope was sealed and deposited in the mail~~  
32 ~~with postage fully prepaid.~~

33  
34 (2) ~~Proof of electronic service may be in electronic form and may be filed~~  
35 ~~electronically with the court.~~

36  
37 (3)(2) Under rule 3.1300(c), proof of electronic service of the moving papers must  
38 be filed at least five court days before the hearing.

39  
40 (4)(3) ~~The party filing the proof of electronic service must maintain the printed~~  
41 ~~form of the document bearing the declarant's original signature and must~~  
42 ~~make the document available for inspection and copying on the request of the~~  
43 ~~court or any party to the action or proceeding in which it is filed, in the~~

1 manner provided in rule 2.257(a). If a person signs a printed form of a proof  
2 of electronic service, the party or other person filing the proof of electronic  
3 service must comply with the provisions of rule 2.257(a).  
4

5 *(Subd (j) amended and relettered effective January 1, 2018; adopted as subd (c);*  
6 *previously amended effective January 1, 2007, January 1, 2009, July 1, 2009, January 1,*  
7 *2010; and January 1, 2017; previously amended and relettered as subd (g) effective*  
8 *January 1, 2011; previously relettered as subd (f) effective January 1, 2008, and as subd*  
9 *(i) effective July 1, 2013.)*

10  
11 **(j)(k) Electronic service by or on court**  
12

13 (1) The court may electronically serve ~~any notice, order, judgment, or other~~  
14 ~~document issued by the court in the same manner that parties may serve~~  
15 ~~documents by electronic service~~ documents as provided in Code of Civil  
16 Procedure section 1010.6 and the rules in this chapter.  
17

18 (2) A document may be electronically served on a court if the court consents to  
19 electronic service or electronic service is otherwise provided for by law or  
20 court order. A court indicates that it agrees to accept electronic service by:

21  
22 (A) Serving a notice on all parties and other persons in the case that the  
23 court accepts electronic service. The notice must include the electronic  
24 service address at which the court agrees to accept service; or  
25

26 (B) Adopting a local rule stating that the court accepts electronic service.  
27 The rule must indicate where to obtain the electronic service address at  
28 which the court agrees to accept service.  
29

30 *(Subd (k) amended and relettered effective January 1, 2018; adopted as subd (e);*  
31 *previously amended effective January 1, 2007, and January 1, 2016; previously relettered*  
32 *as subd (g) effective January 1, 2008, as subd (h) effective January 1, 2011, and as subd (j)*  
33 *effective July 1, 2013.)*  
34

35 *Rule 2.251 amended effective January 1, 2018; adopted as rule 2060 effective January 1, 2003;*  
36 *previously amended and renumbered as rule 2.260 effective January 1, 2007, and as rule 2.251*  
37 *effective January 1, 2011; previously amended effective January 1, 2008, January 1, 2009, July 1,*  
38 *2009, January 1, 2010, July 1, 2013, January 1, 2016, and January 1, 2017.*  
39

40 **Advisory Committee Comment**  
41

42 **Subdivisions (c)–(d).** Court-ordered electronic service is not subject to the provisions in Code of  
43 Civil Procedure section 1010.6 requiring that, where mandatory electronic filing and service are

1 established by local rule, the court and the parties must have access to more than one electronic  
2 filing service provider.

3  
4 **Rule 2.252. General rules on electronic filing of documents**

5  
6 **(a)-(b)\*\*\***

7  
8 **(c) ~~Effect of document filed electronically~~ No effect on filing deadline**

9  
10 (1) ~~A document that the court or a party files electronically under the rules in this~~  
11 ~~chapter has the same legal effect as a document in paper form.~~

12  
13 (2) Filing a document electronically does not alter any filing deadline.

14  
15 *(Subd (c) amended effective January 1, 2018; adopted effective July 1, 2013.)*

16  
17 **(d) Filing in paper form**

18  
19 When it is not feasible for a party or other person to convert a document to  
20 electronic form by scanning, imaging, or another means, a court may allow that  
21 party or other person to file the document in paper form.

22  
23 *(Subd (d) amended effective January 1, 2018; adopted effective July 1, 2013.)*

24  
25 **(e) \*\*\***

26  
27 **(f) Application for waiver of court fees and costs**

28  
29 The court ~~may~~ must permit electronic filing of an application for waiver of court  
30 fees and costs in any proceeding in which the court accepts electronic filings.

31  
32 *(Subd (f) amended effective January 1, 2018; adopted as subd (c); previously relettered as*  
33 *subd (f) effective July 1, 2013; previously amended effective January 1, 2007.)*

34  
35 **(g)-(h)\*\*\***

36  
37  
38 *Rule 2.252 amended effective January 1, 2018; adopted as rule 2052 effective January 1, 2003;*  
39 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
40 *January 1, 2011, and July 1, 2013.*

41

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

3  
4 **(a) Permissive electronic filing by local rule**

5  
6 A court may permit parties by local rule to file documents electronically in any  
7 types of cases, ~~directly or through approved electronic service providers~~, subject to  
8 the conditions in Code of Civil Procedure section 1010.6 and the rules in this  
9 chapter.

10  
11 *(Subd (a) amended effective January 1, 2018; adopted effective July 1, 2013.)*

12  
13 **(b) Mandatory electronic filing by local rule**

14  
15 A court may require parties by local rule to electronically file documents in civil  
16 actions directly with the court, or directly with the court and through one or more  
17 approved electronic filing service providers, or through more than one approved  
18 electronic filing service provider, subject to the conditions in Code of Civil  
19 Procedure section 1010.6, the rules in this chapter, and the following conditions:

20  
21 (1) The court must specify the types or categories of civil actions in which  
22 parties or other persons are required to file and serve documents  
23 electronically. The court may designate any of the following as eligible for  
24 mandatory electronic filing and service:

25  
26 (A) All civil cases;

27  
28 (B) All civil cases of a specific category, such as unlimited or limited civil  
29 cases;

30  
31 (C) All civil cases of a specific case type, including but not limited to,  
32 contract, collections, personal injury, or employment;

33  
34 (D) All civil cases assigned to a judge for all purposes;

35  
36 (E) All civil cases assigned to a specific department, courtroom or  
37 courthouse;

38  
39 (F) Any class actions, consolidated actions, or group of actions,  
40 coordinated actions, or actions that are complex under rule 3.403; or

41  
42 (G) Any combination of the cases described in subparagraphs (A) to (F),  
43 inclusive.

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- (2) Self-represented parties or other self-represented persons 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 or other persons, represented parties or other persons may be required to file and serve documents electronically; however, in these cases, each self-represented party or other person is to file, serve, and be served with documents by non-electronic means unless the self-represented party or other person affirmatively agrees otherwise.
  
- (4) A party or other person that is required to file and serve documents electronically must be excused from the requirements if the party or other person shows undue hardship or significant prejudice. A court requiring the electronic filing and service of documents must have a process for parties or other persons, including represented parties or other represented persons, to apply for relief and a procedure for parties or other persons excused from filing documents electronically to file them by conventional means.
  
- (5) Any fees charged by the court or an electronic filing service provider shall be consistent with the fee provisions of Code of Civil Procedure section 1010.6 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)~~(6) 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. The effective date of filing any document received electronically is prescribed by Code of Civil Procedure section 1010.6. This paragraph provision 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.

1  
2 ~~(8)~~(7) A court that adopts a mandatory electronic filing program under this  
3 subdivision must report semiannually to the Judicial Council on the operation  
4 and effectiveness of the court's program.

5  
6 *(Subd (b) amended effective January 1, 2018; adopted effective July 1, 2013.)*

7  
8 **(c) Electronic filing ~~and service required~~ by court order**

9  
10 (1) If a court has adopted local rules for permissive electronic filing, then the  
11 court may, on the motion of any party or on its own motion, provided that the  
12 order would not cause undue hardship or significant prejudice to any party,  
13 order all parties in any class action, a consolidated action, a group of actions,  
14 a coordinated action, or an action that is complex under rule 3.403 to:

15  
16 (A) ~~Serve all documents electronically, except when personal service is~~  
17 ~~required by statute or rule;~~

18  
19 (B) file all documents electronically; ~~or~~

20  
21 (C) ~~Serve and file all documents electronically, except when personal~~  
22 ~~service is required by statute or rule.~~

23  
24 (2) A court may combine an order for mandatory electronic filing with an order for  
25 mandatory electronic service as provided in rule 2.252(d).

26  
27 ~~(2)~~(3) If the court proposes to make any order under (1) on its own motion, the  
28 court must mail notice to ~~the~~ any parties that have not consented to receive  
29 electronic service. The court may electronically serve the notice on any party  
30 that has consented to receive electronic service. Any party may serve and file  
31 an opposition within 10 days after notice is mailed or electronically served or  
32 such later time as the court may specify.

33  
34 ~~(3)~~(4) If the court has previously ordered parties in a case to electronically ~~serve or~~  
35 ~~file~~ documents and a new party is added that the court determines should also  
36 be ordered to do so under (1), the court may follow the notice procedures  
37 under (2) or may order the party to electronically ~~serve or~~ file documents and  
38 in its order state that the new party may object within 10 days after service of  
39 the order or by such later time as the court may specify.

40  
41 ~~(4)~~(5) The court's order may also provide that:  
42

- 1 (A) Documents previously filed in paper form may be resubmitted in  
2 electronic form; and  
3  
4 (B) When the court sends confirmation of filing to all parties, receipt of the  
5 confirmation constitutes service of the filing if the filed document is  
6 available electronically.  
7

8 *(Subd (c) amended effective January 1, 2018; adopted as subd (a) and part of subd (b);*  
9 *previously amended and relettered as subd (c) effective July 1, 2013; previously amended*  
10 *effective January 1, 2007, January 1, 2008, and January 1, 2011.)*

11  
12 *Rule 2.253 amended effective January 1, 2018; adopted as rule 2053 effective January 1, 2003;*  
13 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
14 *January 1, 2008, January 1, 2011, and July 1, 2013.*

15  
16 **Advisory Committee Comment**

17  
18 **Subdivision (b)(1).** \* \* \*

19  
20 **Subdivision (b)(2).** \* \* \*

21  
22 **Subdivision (c).** Court-ordered electronic filing ~~and service~~ under this subdivision ~~are~~is not  
23 subject to the provisions in (b) and Code of Civil Procedure section 1010.6 requiring that, where  
24 mandatory electronic filing and service are established by local rule, the court and the parties  
25 must have access to more than one electronic filing service provider.  
26

27 **Rule 2.254. Responsibilities of court**

28  
29 **(a)** \*\*\*

30  
31 **(b) Problems with electronic filing**

32  
33 If the court is aware of a problem that impedes or precludes electronic filing ~~during~~  
34 ~~the court's regular filing hours~~, it must promptly take reasonable steps to provide  
35 notice of the problem.  
36

37 *(Subd (b) amended effective January 1, 2018; adopted as subd (c); previously relettered as*  
38 *subd (b) effective January 1, 2011; previously amended effective January 1, 2007.)*

39  
40 **(c)** \*\*\*

41  
42 *Rule 2.254 amended effective January 1, 2018; adopted as rule 2054 effective January 1, 2003; previously*  
43 *amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011, and*  
44 *July 1, 2013.*

1  
2 **Rule 2.255. Contracts with electronic filing service providers**

3  
4 **(a) \*\*\***

5  
6 **(b) Provisions of contract**

7  
8 (1) The court's contract with an electronic filing service provider may:

9  
10 (A) Allow the provider to charge electronic filers a reasonable fee in  
11 addition to the court's filing fee;

12  
13 (B) ~~The contract may also~~ Allow the ~~electronic filing service~~ provider to  
14 make other reasonable requirements for use of the electronic filing  
15 system.

16  
17 (2) The court's contract with an electronic filing service provider must comply with  
18 requirements of Code of Civil Procedure section 1010.6.

19  
20 *(Subd (b) amended effective January 1, 2018.)*

21  
22 **(c) Transmission of filing to court**

23  
24 An electronic filing service provider must promptly transmit any electronic filing  
25 and any applicable filing fee to the court.

26  
27 *(Subd (c) amended effective January 1, 2018; previously amended effective January 1,*  
28 *2011.)*

29  
30 **(d) \*\*\***

31  
32 **(e) Ownership of information**

33  
34 All contracts between the court and electronic filing service providers must  
35 acknowledge that the court is the owner of the contents of the filing system and has  
36 the exclusive right to control the system's use.

37  
38 *(Subd (e) amended effective January 1, 2018; previously amended effective January 1, 2007.)*

39 *Rule 2.255 amended effective January 1, 2018; adopted as rule 2055 effective January 1, 2003; previously*  
40 *amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011.*

41

1 **Rule 2.256. Responsibilities of electronic filer**

2  
3 **(a) Conditions of filing**

4  
5 Each electronic filer must:

- 6  
7 (1) Comply with any court requirements designed to ensure the integrity of  
8 electronic filing and to protect sensitive personal information;  
9  
10 (2) Furnish information the court requires for case processing;  
11  
12 (3) Take all reasonable steps to ensure that the filing does not contain computer  
13 code, including viruses, that might be harmful to the court’s electronic filing  
14 system and to other users of that system;  
15  
16 (4) Furnish one or more electronic service addresses; in the manner specified by  
17 the court, ~~at which the electronic filer agrees to accept service.~~ This only  
18 applies when the electronic filer has consented to or is required to accept  
19 electronic service;  
20  
21 (5) Immediately provide the court and all parties with any change to the  
22 electronic filer’s electronic service address. This only applies when the  
23 electronic filer has consented to or is required to accept electronic service;  
24 and  
25  
26 (6) If the electronic filer uses an electronic filing service provider, provide the  
27 electronic filing service provider with the electronic address at which the filer  
28 is to be sent all documents and immediately notify the electronic filing  
29 service provider of any change in that address.  
30

31 *(Subd (a) amended effective January 1, 2018; previously amended effective January 1,*  
32 *2007, January 1, 2011, and July 1, 2013.)*

33  
34 **(b) \* \* \***

35  
36  
37 *Rule 2.256 amended effective January 1, 2018; adopted as rule 2056 effective January 1, 2003;*  
38 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
39 *January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011, July 1, 2013, and January*  
40 *1, 2017.*

1 **Rule 2.257. Requirements for signatures on documents**

2  
3 **(a) Documents signed under penalty of perjury**

4  
5 When a document to be filed electronically provides for a signature under penalty  
6 of perjury; of any person, the following applies the document is deemed to have  
7 been signed by that person if filed electronically provided that either of the  
8 following conditions is satisfied:

9  
10 (1) The declarant has signed the document using a computer or other technology  
11 in accordance with procedures, standards, and guidelines established by the  
12 Judicial Council; or

13  
14 ~~(1)(2)~~ The document is deemed signed by the declarant if, before filing, the  
15 declarant has physically signed a printed form of the document. (2) By  
16 electronically filing the document, the electronic filer certifies that (1) has  
17 been complied with and that the original, signed document is available for  
18 inspection and copying at the request of the court or any other party. Local  
19 child support agencies may maintain original, signed pleadings by way of an  
20 electronic copy in the statewide automated child support system and must  
21 maintain them only for the period of time stated in Government Code section  
22 68152(a). If the local child support agency maintains an electronic copy of  
23 the original, signed pleading in the statewide automated child support system,  
24 it may destroy the paper original. In the event this second method of  
25 submitting documents electronically under penalty of perjury is used, the  
26 following conditions apply:

27  
28 ~~(3)(A)~~ At any time after the electronic version of the document is filed,  
29 any other party may serve a demand for production of the  
30 original signed document. The demand must be served on all  
31 other parties but need not be filed with the court.

32  
33 ~~(4)(B)~~ Within five days of service of the demand under (3)(A), the  
34 party or other person on whom the demand is made must make  
35 the original signed document available for inspection and  
36 copying by all other parties.

37  
38 ~~(5)(C)~~ At any time after the electronic version of the document is filed,  
39 the court may order the filing party or other person to produce the  
40 original signed document in court for inspection and copying by  
41 the court. The order must specify the date, time, and place for the  
42 production and must be served on all parties.

43

1 (D) Notwithstanding (A)–(C), local child support agencies may  
2 maintain original, signed pleadings by way of an electronic copy  
3 in the statewide automated child support system and must  
4 maintain them only for the period of time stated in Government  
5 Code section 68152(a). If the local child support agency  
6 maintains an electronic copy of the original, signed pleading in  
7 the statewide automated child support system, it may destroy the  
8 paper original.  
9

10 *(Subd (a) amended effective January 1, 2018; previously amended effective January 1,*  
11 *2007, and July 1, 2016.)*

12  
13 (b) \*\*\*

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

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

- 19  
20 (1) The party filing the document must obtain the signatures of all parties on a  
21 printed form of the document.  
22  
23 (2) The party filing the document must maintain the original, signed document  
24 and must make it available for inspection and copying as provided in (a)(2) of  
25 this rule and Code of Civil Procedure section 1010.6. The court and any other  
26 party may demand production of the original signed document in the manner  
27 provided in ~~(a)(3)–(5)(a)(2)(A)–(C)~~.  
28  
29 (3) By electronically filing the document, the electronic filer indicates that all  
30 parties have signed the document and that the filer has the signed original in  
31 his or her possession.  
32

33 *(Subd (c) amended effective January 1, 2018; previously amended effective January 1,*  
34 *2007.)*

35  
36 (d)-(e)\*\*\*

37  
38  
39 *Rule 2.257 amended effective January 1, 2018; adopted as rule 2057 effective January 1, 2003; previously*  
40 *amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008, and*  
41 *July 1, 2016.*

42  
43 **Advisory Committee Comment**  
44

1 **Subdivision (a)(1).** The standards and guidelines for electronic signatures that satisfy the  
2 requirements for an electronic signature under penalty of perjury are contained in the *Trial Court*  
3 *Records Manual*.

4  
5 **Rule 2.259. Actions by court on receipt of electronic filing**

6  
7 **(a)-(b)\*\*\***

8  
9  
10 **(e) ~~Document received after close of business~~**

11  
12 A document that is received electronically by the court after the close of business is  
13 deemed to have been received on the next court day, unless the court has provided  
14 by local rule, with respect to documents filed under the mandatory electronic filing  
15 provisions in rule 2.253(b)(7), that documents received electronically before  
16 midnight on a court day are deemed to have been filed on that court day, and  
17 documents received electronically after midnight are deemed filed on the next court  
18 day. This provision concerns only the effective date of filing; any document that is  
19 electronically filed must be processed and satisfy all other legal filing requirements  
20 to be filed as an official court record.

21  
22 **(d)(c) Delayed delivery**

23  
24 If a technical problem with a court's electronic filing system prevents the court  
25 from accepting an electronic filing during its regular filing hours on a particular  
26 court day, and the electronic filer demonstrates that he or she attempted to  
27 electronically file the document on that day, the court must deem the document as  
28 filed on that day. This subdivision does not apply to the filing of a complaint or any  
29 other initial pleading in an action or proceeding.

30  
31 *(Subd (c) amended and relettered effective January 1, 2018; adopted as subd (d);*  
32 *previously amended effective January 1, 2007.)*

33  
34 **(e)(d) Endorsement**

- 35  
36 (1) The court's endorsement of a document electronically filed must contain the  
37 following: "Electronically filed by Superior Court of California, County of  
38 \_\_\_\_\_, on \_\_\_\_ (date)," followed by the name of the court clerk.  
39  
40 (2) The endorsement required under (1) has the same force and effect as a  
41 manually affixed endorsement stamp with the signature and initials of the  
42 court clerk.  
43

1 (3) A complaint or another initial pleading in an action or proceeding that is filed  
2 and endorsed electronically may be printed and served on the defendant or  
3 respondent in the same manner as if it had been filed in paper form.  
4

5 *(Subd (d) relettered effective January 1, 2018; adopted as subd (e); previously amended*  
6 *effective January 1, 2007.)*  
7

8 **(f)(e) Issuance of electronic summons**  
9

10 (1) On the electronic filing of a complaint, a petition, or another document that  
11 must be served with a summons, the court may transmit a summons  
12 electronically to the electronic filer in accordance with this subdivision and  
13 Code of Civil Procedure section 1010.6.  
14

15 (2) The electronically transmitted summons must contain an image of the court's  
16 seal and the assigned case number.  
17

18 (3) Personal service of the printed form of a summons transmitted electronically  
19 to the electronic filer has the same legal effect as personal service of a copy  
20 of an original summons.  
21

22 *(Subd (e) amended and relettered effective January 1, 2018; adopted as subd (f);*  
23 *previously amended effective January 1, 2007.)*  
24

25 *Rule 2.259 amended effective July 1, 2018; adopted as rule 2059 effective January 1, 2003;*  
26 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
27 *January 1, 2008, January 1, 2011, and July 1, 2013.*  
28

29  
30 **Title 2. Trial Court Rules**

31  
32 **Chapter 4. Language Access**

33  
34 **Article 1. General Provisions**  
35

36  
37 **Rule 2.850. Language Access Representative**  
38

39 **(a) Designation of Language Access Representative**  
40

41 The court in each county will designate a Language Access Representative. That  
42 function can be assigned to a specific job classification or office within the court.  
43

1 **(b) Duties**

2  
3 The Language Access Representative will serve as the court’s language access  
4 resource for all court users, as well as court staff and judicial officers, and should  
5 be familiar with all the language access services the court provides; access and  
6 disseminate all of the court’s multilingual written information as requested; and  
7 help limited English proficient (LEP) court users and court staff locate language  
8 access resources.

9  
10 **Advisory Committee Comment**

11  
12 **Subdivision (a), see Recommendation No. 25 of the [Strategic Plan for Language Access in](#)**  
13 **[the California Courts](#), adopted by the Judicial Council on January 22, 2015.**

14  
15 *Rule 2.850 adopted effective January 1, 2018.*

16  
17 **Rule 2.851. Language access services complaints**

18  
19 **(a) Purpose**

20  
21 The purpose of this rule is to ensure that each superior court makes available a form  
22 on which court users may submit a complaint about the provision of, or the failure  
23 to provide, language access and that each court has procedures for handling those  
24 complaints. Courts must implement this rule as soon as reasonably possible but no  
25 later than December 31, 2018.

26  
27 **(b) Complaint form and procedures required**

28  
29 Each superior court must adopt a language access services complaint form and  
30 complaint procedures that are consistent with this rule.

31  
32 **(c) Minimum requirement for complaint form**

33  
34 The language access services complaint form adopted by the court must meet the  
35 following minimum requirements:

- 36  
37 (1) Be written in plain language;  
38  
39 (2) Allow court users to submit complaints about how the court provided or  
40 failed to provide language services;  
41  
42 (3) Allow court users to specify whether the complaint relates to court  
43 interpreters, other staff, or local translations;

- 1  
2 (4) Include the court's mailing address and an e-mail contact to show court users  
3 how they may submit a language access complaint;  
4  
5 (5) Be made available for free both in hard copy at the courthouse and online on  
6 the courts' website, where court users can complete the form online and then  
7 submit to the court by hand, postal mail, or e-mail; and  
8  
9 (6) Be made available in the languages spoken by significant portions of the  
10 county population.

11  
12 **(d) General requirements for complaint procedures**

13  
14 The complaint procedures adopted by the court must provide for the following:

15  
16 (1) Submission and referral of local language access complaints

- 17  
18 (A) Language access complaints may be submitted anonymously.  
19  
20 (B) Language access complaints may be submitted orally or in other written  
21 formats; however, use of the court's local form is encouraged to ensure  
22 tracking and that complainants provide full information to the court.  
23  
24 (C) Language access complaints regarding local court services should be  
25 submitted to the court's designated Language Access Representative.  
26  
27 (D) A complaint submitted to the improper entity must immediately be  
28 forwarded to the appropriate court, if that can be determined, or, where  
29 appropriate, to the Judicial Council.

30  
31 (2) Acknowledgment of complaint

32  
33 Except where the complaint is submitted anonymously, within 30 days after  
34 the complaint is received, the court's Language Access Representative must  
35 send the complainant a written acknowledgment that the court has received  
36 the complaint.

37  
38 (3) Preliminary review and disposition of complaints

39  
40 Within 60 days after receipt of the complaint, the court's Language Access  
41 Representative should conduct a preliminary review of every complaint to  
42 determine whether the complaint can be informally resolved or closed, or  
43 whether the complaint warrants additional investigation. Court user

1 complaints regarding denial of a court interpreter for a courtroom proceeding  
2 for pending cases should be given priority.

3  
4 (4) *Procedure for complaints not resolved through the preliminary review*

5  
6 If a complaint cannot be resolved through the preliminary review process  
7 within 60 days after receipt of the complaint, the court's Language Access  
8 Representative should inform the complainant (if identified) that the  
9 complaint warrants additional review.

10  
11 (5) *Notice of outcome*

12  
13 Except where the complaint is submitted anonymously, the court must send  
14 the complainant notice of the outcome taken on the complaint.

15  
16 (6) *Promptness*

17  
18 The court must process complaints promptly.

19  
20 (7) *Records of complaints*

21  
22 The court should maintain information about each complaint and its  
23 disposition. The court must report to the Judicial Council on an annual basis  
24 the number and kinds of complaints received, the resolution status of all  
25 complaints, and any additional information about complaints requested by  
26 Judicial Council staff to facilitate the monitoring of the *Strategic Plan for*  
27 *Language Access in the California Courts.*

28  
29 (8) *Disagreement (Disputing) Notice of Outcome*

30  
31 If a complainant disagrees with the notice of the outcome taken on his or her  
32 complaint, within 90 days of the date the court sends the notice of outcome,  
33 he or she may submit a written follow-up statement to the Language Access  
34 Representative indicating that he or she disagrees with the outcome of the  
35 complaint. The follow-up statement should be brief, specify the basis of the  
36 disagreement, and describe the reasons the complainant believes the court's  
37 action lacks merit. For example, the follow-up statement should indicate why  
38 the complainant disagrees with the notice of outcome or believes that he or  
39 she did not receive an adequate explanation in the notice of outcome. The  
40 court's response to any follow-up statement submitted by complainant after  
41 receipt of the notice of outcome will be the final action taken by the court on  
42 the complaint.

1  
2 **Advisory Committee Comment**  
3

4 **Subdivision (a)** Judicial Council staff have developed a model complaint form and model  
5 local complaint procedures, which are available in the Language Access Toolkit at  
6 [www.courts.ca.gov/33865.htm](http://www.courts.ca.gov/33865.htm). The model complaint form is posted in numerous languages.  
7 Courts are encouraged to base their complaint form and procedures on these models. If a  
8 complaint alleges action against a court employee that could lead to discipline, the court will  
9 process the complaint consistent with the court’s applicable Memoranda of Understanding,  
10 personnel policies, and/or rules.

11  
12 **Subdivision (d)(1)** Court user complaints regarding language access that relate to Judicial  
13 Council meetings, forms, or other translated material hosted on [www.courts.ca.gov](http://www.courts.ca.gov), should be  
14 submitted directly to the Judicial Council at [www.courts.ca.gov/languageaccess.htm](http://www.courts.ca.gov/languageaccess.htm).  
15

16 **Subdivision (d)(2) and (d)(5)** For noncomplicated language access–related complaints that  
17 can be resolved quickly, a written response to the complainant indicating that the complaint  
18 has been resolved will suffice as both acknowledgement of the complaint and notice of  
19 outcome.  
20

21 **Subdivision (d)(5)** When appropriate, a written response to the complainant indicating that  
22 the language access complaint has been resolved will suffice as notice of outcome. Courts  
23 should maintain the privacy of individuals named in the complaint.  
24

25 **Subdivision (d)(7)** Reporting to the Judicial Council regarding the overall numbers, kinds,  
26 and disposition of language access–related complaints will not include the names of  
27 individuals or any other information that may compromise an individual’s privacy concerns.  
28

29 *Rule 2.851 adopted effective January 1, 2018.*  
30

31 **Rule 5.425. Limited scope representation; application of rules**  
32

33 **(a)–(d) \* \* \***  
34

35 **(e) Procedures to be relieved as counsel on completion of limited scope**  
36 **representation if client has not signed a substitution of attorney**  
37

38 **(1)–(2) \* \* \***  
39

40 **(3) *Objection***  
41

42 **(A)–(D)**  
43

1 (E) Unless otherwise directed by the court, the attorney must prepare the  
2 *Order on Completion of Limited Scope Representation* (form FL-958)  
3 and obtain the judge's signature.  
4

5 (F) The attorney is responsible for filing and serving the order on the client  
6 and other parties after the hearing, unless the court directs otherwise.  
7

8 (G) If the court finds that the attorney has completed the agreed-upon work,  
9 the representation is concluded on the date determined by the court  
10 ~~upon service of the signed in the~~ *Order on Completion of Limited*  
11 *Scope Representation* (form FL-958).  
12

13 *(Subd (e) amended effective January 1, 2018; previously amended and renumbered*  
14 *effective September 1, 2017.)*  
15

16 **(f) \* \* \***  
17

18 *Rule 5.425 amended effective January 1, 2018; adopted effective January 1, 2013; previously*  
19 *amended effective September 1, 2017.)*  
20

## 21 **Rule 8.124. Appendixes**

22

23 **(a)–(c) \* \* \***  
24

### 25 **(d) Form of appendix**

26

27 (1) An appendix must comply with the requirements of rule 8.144~~(a)–(e)~~ for a  
28 clerk's transcript.  
29

30 (2)–(3) \* \* \*  
31

32 *(Subd (d) amended effective January 1, 2018; adopted as subd (c); relettered as subd (d)*  
33 *effective January 1, 2005; previously amended effective January 1, 2007, January 1, 2016,*  
34 *and January 1, 2017.)*  
35

36 **(e)–(g) \* \* \***  
37

38 *Rule 8.124 amended effective January 1, 2018; repealed and adopted as rule 5.1 effective*  
39 *January 1, 2002; previously amended and renumbered as rule 8.124 effective January 1, 2007;*  
40 *previously amended effective January 1, 2005, January 1, 2008, January 1, 2010, January 1,*  
41 *2016, and January 1, 2017.*  
42

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**Subdivision (a) \* \* \***

**Subdivision (b).** Under subdivision (b)(1)(A), a joint appendix or an appellant’s appendix must contain any register of actions that the clerk sent to the parties under subdivision (a)(2). This provision is intended to assist the reviewing court in determining the accuracy of the appendix. The provision is derived from rule 30-1.3(a)(ii) of the United States Circuit Rules (9th Cir.).

In support of or opposition to pleadings or motions, the parties may have filed a number of lengthy documents in the proceedings in superior court, including, for example, declarations, memorandums, trial briefs, documentary exhibits (e.g., insurance policies, contracts, deeds), and photocopies of judicial opinions or other publications. Subdivision (b)(3)(A) prohibits the inclusion of such documents in an appendix when they are not necessary for proper consideration of the issues raised in the appeal. Even if a document is otherwise includable in an appendix, the rule prohibits the inclusion of any substantial *portion* of the document that is not necessary for proper consideration of the issues raised in the appeal. The prohibition is intended to simplify and therefore expedite the preparation of the appendix, to reduce its cost to the parties, and to relieve the courts of the burden of reviewing a record containing redundant, irrelevant, or immaterial documents. The provision is adapted from rule 30-1.4 of the United States Circuit Rules (9th Cir.).

Subdivision (b)(3)(B) prohibits the inclusion in an appendix of transcripts of oral proceedings that may be made part of a reporter’s transcript. (Compare rule 8.130(e)(3) [the reporter must not copy into the reporter’s transcript any document includable in the clerk’s transcript under rule 8.122].) The prohibition is intended to prevent a party filing an appendix from evading the requirements and safeguards imposed by rule 8.130 on the process of designating and preparing a reporter’s transcript, or the requirements imposed by rule 8.144(d)(e) on the use of daily or other transcripts instead of a reporter’s transcript (i.e., renumbered pages, required indexes). In addition, if an appellant were to include in its appendix a transcript of less than all the proceedings, the respondent would not learn of any need to designate additional proceedings (under rule 8.130(a)(3)) until the appellant had served its appendix with its brief, when it would be too late to designate them. Note also that a party may file a certified transcript of designated proceedings instead of a deposit for the reporter’s fee (rule 8.130(b)(3)).

**Subdivision (d)–(g) \* \* \***

**Rule 8.130. Reporter’s transcript**

**(a)–(e) \* \* \***

**(f) Filing the transcript; copies; payment**

**(1)–(3) \* \* \***

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~~(4) On request, and unless the superior court orders otherwise, the reporter must provide the Court of Appeal or any party with a copy of the reporter’s transcript in computer-readable format. Each computer-readable copy must comply with the requirements of rule 8.144(a)(4).~~

*(Subd (f) amended effective January 1, 2018; previously amended effective January 1, 2007, July 1, 2008, January 1, 2014, January 1, 2016, and January 1, 2017.)*

**(g)–(h) \* \* \***

*Rule 8.130 amended effective January 1, 2018; repealed and adopted as rule 4 effective January 1, 2002; previously amended and renumbered as rule 8.130 effective January 1, 2007; previously amended effective January 1, 2005, January 1, 2008, July 1, 2008, January 1, 2010, January 1, 2014, January 1, 2016, and January 1, 2017.*

**Advisory Committee Comment**

**Subdivisions (a)–(e) \* \* \***

**Subdivision (f).** Subdivision (f)(1) requires the reporter to prepare and file additional copies of the record “if multiple appellants equally share the cost of preparing the record. . . .” The reason for the requirement is explained in the comment to rule 8.147(a)(2).

~~Subdivision (f)(4) is intended to implement Code of Civil Procedure section 271, which allows any court, party, or other person entitled to a reporter’s transcript to request that it be delivered in computer-readable format (except that an original transcript must be on paper) and requires the reporter to provide the transcript in that format upon request if the proceedings were produced utilizing computer-aided transcription equipment. This subdivision establishes procedures relating to such requests and procedures for court reporters to apply to the superior court for relief from this requirement if the proceedings were not produced utilizing computer-aided transcription equipment. Government Code section 69954 establishes the fees for reporter’s transcripts in computer-readable format.~~

**Rule 8.144. Form of the record**

**(a)** The provisions of this rule must be applied in a manner consistent with Code of Civil Procedure section 271.

*(Subd (a) adopted effective January 1, 2018.)*

**(a)(b) Paper and Format**

1           (1) Application to electronic and paper clerks' and reporters' transcripts

2  
3           The requirements for clerks' and reporters' transcripts in this subdivision  
4           apply to clerks' and reporters' transcripts delivered in electronic form and in  
5           paper form.

6  
7           (2) General

8  
9           In the clerk's and reporter's transcripts:

10  
11           (A) All documents filed must have a page size of 8½ by 11 inches. ~~If filed~~  
12           ~~in paper form, the paper must be white or unbleached and of at least 20-~~  
13           ~~pound weight;~~

14  
15           (B) The text must be reproduced as legibly as printed matter;

16  
17           (C) The contents must be arranged chronologically;

18  
19           (D) The pages must be consecutively numbered, except as provided in  
20           ~~(e)(f), beginning with volume one's cover as page 1 and continuing~~  
21           ~~throughout the transcript, including the indexes, certificates, and cover~~  
22           ~~pages for subsequent volumes, and using only Arabic numerals (i.e., 1,~~  
23           ~~2, 3); and~~

24  
25           (E) The margin must be at least 1¼ inches from the left edge.

26  
27           ~~(2) If filed in paper form, in the clerk's transcript only one side of the paper may~~  
28           ~~be used; in the reporter's transcript both sides may be used, but the margins~~  
29           ~~must then be 1¼ inches on each edge.~~

30  
31           (3) Line numbering

32  
33           In the reporter's transcript the lines on each page must be consecutively  
34           numbered and must be double-spaced or one-and-a-half-spaced; double-  
35           spaced means three lines to a vertical inch.

36  
37           ~~(4) A computer readable copy of a reporter's transcript must be in a text-~~  
38           ~~searchable format approved by the reviewing court while maintaining~~  
39           ~~original document formatting.~~

40

1 ~~(5)~~(4) Sealed and confidential records

2  
3 The clerk's and reporter's transcripts must comply with rules 8.45–8.47  
4 relating to sealed and confidential records.

5  
6 ~~(b)~~(5) Indexes

7  
8 Except as provided in rule 8.45, ~~at the beginning of the first volume of each:~~

9  
10 ~~(1)~~(A) The clerk's transcript must contain, ~~at the beginning of the first~~  
11 volume, alphabetical and chronological indexes listing each document  
12 and the volume, where applicable, and page where it first appears;

13  
14 ~~(2)~~(B) The reporter's transcript must contain:

15  
16 (i) Alphabetical and chronological indexes listing the volume,  
17 where applicable, and page where each witness's direct, cross,  
18 and any other examination; begins; and

19  
20 ~~(3)~~(ii) ~~The reporter's transcript must contain~~ An index listing the  
21 volume, where applicable, and page where any exhibit is marked  
22 for identification and where it is admitted or refused. The index  
23 must identify each exhibit by number or letter and a brief  
24 description of the exhibit.

25  
26 (C) Each index prepared under this paragraph must begin on a separate  
27 page.

28  
29 (6) Volumes

30  
31 Clerks' and reporters' transcripts must be produced in volumes of no more  
32 than 300 ~~sheets~~ pages.

33  
34 ~~(e)~~(5)(7) **Binding and Cover**

35  
36 (1) ~~If filed in paper form, clerk's and reporter's transcripts must be bound on the~~  
37 ~~left margin in volumes of no more than 300 sheets.~~

38  
39 ~~(2)~~(A) ~~Each volume's cover~~ The cover of each volume of the clerk's and  
40 reporter's transcripts must state the title and trial court number of the  
41 case, the names of the trial court and each participating trial judge, the  
42 names and addresses of appellate counsel for each party, the volume

1 number, the total number of volumes in the transcript, and the inclusive  
2 page numbers of that volume.

3  
4 ~~(3)~~(B) In reporters' transcripts, in addition to the information required by  
5 ~~(2)~~(A), the cover of each volume of the reporter's transcript must state  
6 the dates of the proceedings reported in that volume.

7  
8 *(Subd (b) amended and relettered effective January 1, 2018; adopted as subd (a); previously*  
9 *amended effective January 1, 2007, January 1, 2014, January 1, 2016, and January 1, 2017.)*

10  
11 **(c) Additional requirements for record in paper form**

12  
13 In addition to complying with (b), if the clerk's or reporter's transcript is filed in  
14 paper form:

15  
16 (1) The paper must be white or unbleached and of at least 20-pound weight;

17  
18 (2) In the clerk's transcript only one side of the paper may be used; in the  
19 reporter's transcript both sides may be used, but the margins must then be 1¼  
20 inches on each edge; and

21  
22 (3) Clerks' and reporters' transcripts must be bound on the left margin.

23  
24 *(Subd (c) adopted effective January 1, 2018.)*

25  
26 **(d) Additional requirements for reporter's transcript delivered in electronic form**

27  
28 (1) General

29  
30 In addition to complying with (b), a reporter's transcript delivered in  
31 electronic format must:

32  
33 (A) Be generated electronically; it must not be created from a scanned  
34 document unless ordered by the court.

35  
36 (B) Be in full text-searchable PDF (portable document format) or other  
37 searchable format approved by the court.

38  
39 (C) Ensure that the electronic page counter in the PDF file viewer matches  
40 the transcript page numbering.

41  
42 (D) Include an electronic bookmark to each heading and subheading; all  
43 sessions or hearings (date lines); all witness examinations where each

1 witness's direct, cross, and any other examination begins; all indexes;  
2 and all exhibits where any exhibit is marked for identification and  
3 where it is admitted or refused. All bookmarks, when clicked, must  
4 retain the user's currently selected zoom settings.

5  
6 (E) Be digitally and electronically signed by the court reporter, unless the  
7 court reporter lacks the technical ability to provide a digital signature,  
8 in which case only an electronic signature is required.

9  
10 (F) Permit users to copy and paste, keeping the original formatting, but  
11 with headers, footers, line numbers, and page numbers excluded.

12  
13 (G) Permit courts to electronically add filed/received stamps.

14  
15 (2) *Multivolume or multireporter transcripts*

16  
17 In addition to the requirements in (1), for multivolume or multireporter  
18 transcripts delivered in electronic format, each individual reporter must  
19 provide a digitally and electronically signed certificate with his or her  
20 respective portion of the transcript. If the court reporter lacks the technical  
21 ability to provide a digital signature, then only an electronic signature is  
22 required.

23  
24 (3) *Additional functionality or enhancements*

25  
26 Nothing in this rule prohibits courts from accepting additional functionality  
27 or enhancements in reporters' transcripts delivered in electronic form.

28  
29 *(Subd (d) adopted effective January 1, 2018.)*

30  
31 ~~(d)~~(e) \* \* \*

32  
33 *(Subd (e) relettered effective January 1, 2018; adopted as subd (d).)*

34  
35 (e)(f) **Pagination in multiple reporter cases**

36  
37 (1) In a multiple reporter case, each reporter must estimate the number of pages  
38 in each segment reported and inform the designated primary reporter of the  
39 estimate. The primary reporter must then assign beginning and ending page  
40 numbers for each segment.  
41

1 (2) If a segment exceeds the assigned number of pages, the reporter must number  
2 the additional pages with the ending page number, a hyphen, and a new  
3 number, starting with 1 and continuing consecutively.  
4

5 (3) If a segment has fewer than the assigned number of pages, on the last page of  
6 the segment, before the certificate page, the reporter must ~~add a hyphen to the~~  
7 ~~last page number used, followed by the segment's assigned ending page~~  
8 ~~number, and state in parentheses "(next volume and page number is \_\_\_\_)."~~  
9 and on the certificate page, the reporter must add a hyphen to the last page  
10 number used, followed by the segment's assigned ending page number.  
11

12 *(Subd (f) amended and relettered effective January 1, 2018; adopted as subd (e).)*  
13

14 ~~(f)~~**(g)** \* \* \*

15  
16 *(Subd (g) relettered effective January 1, 2018; adopted as subd (f).)*  
17

18 Rule 8.144 amended effective January 1, 2018; repealed and adopted as rule 9 effective January 1, 2002;  
19 previously amended and renumbered as rule 8.144 effective January 1, 2007; previously amended effective  
20 January 1, 2008, January 1, 2014, January 1, 2016, and January 1, 2017.  
21

## 22 **Advisory Committee Comment**

23  
24 **Subdivisions (a) and (b).** Paragraph (1) of subdivision (b) clarifies that the format requirements  
25 for reporters' transcripts, including the requirements for indexes, volumes, and covers, that  
26 previously applied to transcripts delivered in paper form now apply to transcripts delivered in  
27 both paper and electronic form.  
28

29 ~~Subdivision (a)(4) is adopted under Code of Civil Procedure section 271(b), which allows the~~  
30 ~~Judicial Council to adopt format requirements for computer-readable copies of a reporter's~~  
31 ~~transcript. Subdivisions (a)(5) Paragraphs (4) and (b)(5) of subdivision (a)(b) refer to special~~  
32 ~~requirements concerning sealed and confidential records established by rules 8.45–8.47. Rule~~  
33 ~~8.45(c)(2) and (3) establishes special requirements regarding references to sealed and confidential~~  
34 ~~records in the alphabetical and chronological indexes to clerks' and reporters' transcripts.~~  
35

## 36 **Rule 8.336. Preparing, certifying, and sending the record**

37  
38 **(a)–(c)** \* \* \*

### 39 40 **(d) Reporter's transcript**

41  
42 **(1)** \* \* \*  
43

1 (2) The reporter must prepare an original and the same number of copies of the  
2 reporter's transcript as (c) requires of the clerk's transcript, and must certify  
3 each as correct. ~~On request, and unless the trial court orders otherwise, the~~  
4 ~~reporter must provide the Court of Appeal and any party with a copy of the~~  
5 ~~reporter's transcript in computer-readable format. Each computer-readable~~  
6 ~~copy must comply with the requirements of rule 8.144(a)(4).~~

7  
8 (3)–(5) \* \* \*

9  
10 *(Subd (d) amended effective January 1, 2018; previously amended effective January 1,*  
11 *2007, January 1, 2014, January 1, 2016, and January 1, 2017.)*

12  
13 (e)–(h) \* \* \*

14  
15 *Rule 8.336 amended effective January 1, 2018; repealed and adopted as rule 32 effective January*  
16 *1, 2004; previously amended and renumbered as rule 8.336 effective January 1, 2007; previously*  
17 *amended effective January 1, 2010, January 1, 2014, January 1, 2016, and January 1, 2017.*

18  
19 **Advisory Committee Comment**

20  
21 **Subdivision (a) \* \* \***

22  
23 ~~**Subdivision (d).** This subdivision is intended to implement Code of Civil Procedure section 271,~~  
24 ~~which allows any court, party, or other person entitled to a reporter's transcript to request that it~~  
25 ~~be delivered in computer-readable format (except that an original transcript must be on paper) and~~  
26 ~~requires the reporter to provide the transcript in that format upon request if the proceedings were~~  
27 ~~produced using computer-aided transcription equipment. This subdivision establishes procedures~~  
28 ~~relating to such requests and procedures for court reporters to apply to the superior court for relief~~  
29 ~~from this requirement if the proceedings were not produced using computer-aided transcription~~  
30 ~~equipment. Government Code section 69954 establishes the fees for reporter's transcripts in~~  
31 ~~computer-readable format.~~

32  
33 **Subdivision (f)–(g) \* \* \***

34  
35 **Rule 8.409. Preparing and sending the record**

36  
37 (a)–(b) \* \* \*

38  
39 (c) **Preparing and certifying the transcripts**

40  
41 Within 20 days after the notice of appeal is filed:

42  
43 (1) \* \* \*

1  
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(2) The reporter must prepare, certify as correct, and deliver to the clerk an original of the reporter’s transcript and the same number of copies as (1) requires of the clerk’s transcript. ~~On request, and unless the trial court orders otherwise, the reporter must provide the Court of Appeal and any party with a copy of the reporter’s transcript in computer-readable format. Each computer-readable copy must comply with the requirements of rule 8.144(a)(4).~~

*(Subd (c) amended effective January 1, 2018; adopted as subd (b); previously amended and relettered as subd (c) effective January 1, 2014; previously amended effective January 1, 2007, January 1, 2015, and January 1, 2017.)*

**(d)–(e) \* \* \***

*Rule 8.409 amended effective January 1, 2018; adopted as rule 37.2 effective January 1, 2005; previously amended and renumbered as rule 8.408 effective January 1, 2007, and as rule 8.409 effective July 1, 2010; previously amended effective January 1, 2013, January 1, 2014, January 1, 2015, and January 1, 2017.*

**Advisory Committee Comment**

**Subdivisions (a)–(b) \* \* \***

~~**Subdivision (c)(2).** This subdivision is intended to implement Code of Civil Procedure section 271, which allows any court, party, or other person entitled to a reporter’s transcript to request that it be delivered in computer-readable format (except that an original transcript must be on paper) and requires the reporter to provide the transcript in that format upon request if the proceedings were produced using computer-aided transcription equipment. This subdivision establishes procedures relating to such requests and procedures for court reporters to apply to the superior court for relief from this requirement if the proceedings were not produced using computer-aided transcription equipment. Government Code section 69954 establishes the fees for reporters’ transcripts in computer-readable format.~~

**Subdivision (e) \* \* \***

**Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in Orange, Imperial, and San Diego Counties and in other counties by local rule**

**(a)–(b) \* \* \***

**(c) Preparing, certifying, and sending the record**

1 (1) Within 20 days after the notice of appeal is filed:

2  
3 (A) \* \* \*

4  
5 (B) The reporter must prepare, certify as correct, and deliver to the clerk an  
6 original of the reporter's transcript and the same number of copies as  
7 (A) requires of the clerk's transcript. ~~On request, and unless the trial~~  
8 ~~court orders otherwise, the reporter must provide the Court of Appeal~~  
9 ~~and any party with a copy of the reporter's transcript in computer-~~  
10 ~~readable format. Each computer-readable copy must comply with the~~  
11 ~~requirements of rule 8.144(a)(4).~~

12  
13 (2)–(3) \* \* \*

14  
15 *(Subd (c) amended effective January 1, 2018; previously amended effective January 1,*  
16 *2007, July 1, 2010, January 1, 2015, and January 1, 2017.)*

17  
18 **(d)–(h)** \* \* \*

19  
20 *Rule 8.416 amended effective January 1, 2018; adopted as rule 37.4 effective January 1, 2005;*  
21 *previously amended and renumbered effective January 1, 2007; previously amended effective*  
22 *July 1, 2010, January 1, 2015, and January 1, 2017.*

23  
24 **Rule 8.613. Preparing and certifying the record of preliminary proceedings**

25  
26 **(a)–(h)** \* \* \*

27  
28 **(i) ~~Computer-readable copies~~ Transcript delivered in electronic form**

29  
30 (1) When the record of the preliminary proceedings is certified as complete and  
31 accurate, the clerk must promptly notify the reporter to prepare five  
32 ~~computer-readable~~ copies of the transcript in electronic form and two  
33 additional ~~computer-readable~~ copies in electronic form for each codefendant  
34 against whom the death penalty is sought.

35  
36 (2) Each ~~computer-readable copy~~ transcript delivered in electronic form must  
37 comply with the applicable requirements of rule 8.144(a)(4) and any  
38 additional requirements prescribed by the Supreme Court, and must be  
39 further labeled to show the date it was made.

40  
41 (3) A ~~computer-readable~~ copy of a sealed transcript delivered in electronic form  
42 must be placed on a separate disk and clearly labeled as confidential.

43

1 (4) The reporter is to be compensated for ~~computer-readable~~ copies delivered in  
2 electronic form as provided in Government Code section 69954(b).

3  
4 (5) Within 20 days after the clerk notifies the reporter under (1), the reporter  
5 must deliver the ~~computer-readable~~ copies in electronic form to the clerk.

6  
7 *(Subd (i) amended effective January 1, 2018; previously amended effective January 1,*  
8 *2007, and January 1, 2017.)*

9  
10 **(j) Delivery to the superior court**

11  
12 Within five days after the reporter delivers the ~~computer-readable~~ copies in  
13 electronic form, the clerk must deliver to the responsible judge, for inclusion in the  
14 record:

15  
16 (1) The certified original reporter's transcript of the preliminary proceedings and  
17 the copies that have not been distributed to counsel, including the ~~computer-~~  
18 ~~readable~~ copies in electronic form; and

19  
20 (2) \* \* \*

21  
22 *(Subd (j) amended effective January 1, 2018; previously amended effective January 1,*  
23 *2007.)*

24  
25 **(k)–(l) \* \* \***

26  
27 *Rule 8.613 amended effective January 1, 2018; adopted as rule 34.2 effective January 1, 2004;*  
28 *previously amended and renumbered as rule 8.613 effective January 1, 2007; previously*  
29 *amended effective January 1, 2017.*

30  
31 **Rule 8.619. Certifying the trial record for completeness**

32  
33 **(a)–(d) \* \* \***

34  
35 **(e) ~~Computer-readable copies~~ Transcript delivered in electronic form**

36  
37 (1) When the record is certified as complete, the clerk must promptly notify the  
38 reporter to prepare five ~~computer-readable~~ copies of the transcript in  
39 electronic form and two additional ~~computer-readable~~ copies in electronic  
40 form for each codefendant sentenced to death.

41  
42 (2) Each ~~computer-readable~~ copy delivered in electronic form must comply with  
43 the applicable requirements of rule 8.144(a)(4) and any additional

1 requirements prescribed by the Supreme Court, and must be further labeled to  
2 show the date it was made.

3  
4 (3) A ~~computer-readable~~ copy of a sealed transcript delivered in electronic form  
5 must be placed on a separate disk and clearly labeled as confidential.

6  
7 (4) The reporter is to be compensated for ~~computer-readable~~ copies delivered in  
8 electronic form as provided in Government Code section 69954(b).

9  
10 (5) Within 10 days after the clerk notifies the reporter under (1), the reporter  
11 must deliver the ~~computer-readable~~ copies in electronic form to the clerk.

12  
13 *(Subd (e) amended effective January 1, 2018; previously amended effective January 1,*  
14 *2017.)*

15  
16 **(f)** \* \* \*

17  
18 **(g) Sending the certified record**

19  
20 When the record is certified as complete, the clerk must promptly send:

21  
22 (1) To each defendant's appellate counsel and each defendant's habeas corpus  
23 counsel: one paper copy of the entire record and one ~~computer-readable~~ copy  
24 of the reporter's transcript in electronic form. If either counsel has not been  
25 retained or appointed, the clerk must keep that counsel's copies until counsel  
26 is retained or appointed.

27  
28 (2) To the Attorney General, the Habeas Corpus Resource Center, and the  
29 California Appellate Project in San Francisco: one paper copy of the clerk's  
30 transcript and one ~~computer-readable~~ copy of the reporter's transcript in  
31 electronic form.

32  
33 *(Subd (g) amended effective January 1, 2018.)*

34  
35 **(h)** \* \* \*

36  
37 *Rule 8.619 amended effective January 1, 2018; adopted as rule 35.1 effective January 1, 2004;*  
38 *previously amended and renumbered as rule 8.619 effective January 1, 2007; previously*  
39 *amended effective January 1, 2017.*

40  
41 **Rule 8.622. Certifying the trial record for accuracy**

42

1 (a)–(b) \* \* \*

2  
3 (c) **Computer-readable copies**

4  
5 (1) When the record is certified as accurate, the clerk must promptly notify the  
6 reporter to prepare six ~~computer-readable~~ copies of the reporter’s transcript in  
7 electronic form and two additional ~~computer-readable~~ copies in electronic  
8 form for each codefendant sentenced to death.

9  
10 (2) In preparing the ~~computer-readable~~ copies, the procedures and time limits of  
11 rule 8.619(e)(2)–(5) must be followed.

12  
13 *(Subd (c) amended effective January 1, 2018; previously amended effective January 1,*  
14 *2007.)*

15  
16 (d) \* \* \*

17  
18 (e) **Sending the certified record**

19  
20 When the record is certified as accurate, the clerk must promptly send:

21  
22 (1) To the Supreme Court: the corrected original record, including the judge’s  
23 certificate of accuracy, and a ~~computer-readable~~ copy of the reporter’s  
24 transcript in electronic form.

25  
26 (2) To each defendant’s appellate counsel, each defendant’s habeas corpus  
27 counsel, the Attorney General, the Habeas Corpus Resource Center, and the  
28 California Appellate Project in San Francisco: a copy of the order certifying  
29 the record and a ~~computer-readable~~ copy of the reporter’s transcript in  
30 electronic form.

31  
32 (3) \* \* \*

33  
34 *(Subd (e) amended effective January 1, 2018.)*

35  
36 *Rule 8.622; amended effective January 1, 2018; adopted as rule 35.2 effective January 1, 2004;*  
37 *previously amended and renumbered as rule 8.622 effective January 1, 2007.*

38  
39 **Rule 8.625. Certifying the record in pre-1997 trials**

40  
41 (a) \* \* \*

42

1 **(b) Sending the transcripts to counsel for review**

2  
3 (1) \* \* \*

4  
5 (2) The copies of the reporter’s transcript sent to the California Appellate Project  
6 and the Habeas Corpus Resource Center must be ~~computer-readable copies~~  
7 delivered in electronic form complying with the applicable requirements of  
8 rule 8.144(a)(4) and any additional requirements prescribed by the Supreme  
9 Court, and must be further labeled to show the date it was made.

10  
11 (3) \* \* \*

12  
13 *(Subd (b) amended effective January 1, 2018; previously amended effective January 1,*  
14 *2017.)*

15  
16 **(c)–(e) \* \* \***

17  
18 *Rule 8.625 amended effective January 1, 2018; adopted as rule 35.3 effective January 1, 2004;*  
19 *previously amended and renumbered as rule 8.625 effective January 1, 2007; previously*  
20 *amended effective January 1, 2017.*

21  
22 **Rule 8.834. Reporter’s transcript**

23  
24 **(a)–(c) \* \* \***

25  
26 **(d) Filing the reporter’s transcript; copies; payment**

27  
28 (1)–(3) \* \* \*

29  
30 (4) ~~On request, and unless the trial court orders otherwise, the reporter must~~  
31 ~~provide the reviewing court or any party with a copy of the reporter’s~~  
32 ~~transcript in computer-readable format. Each computer-readable copy must~~  
33 ~~comply with the requirements of rule 8.144(a)(4).~~

34  
35 *(Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,*  
36 *and January 1, 2017.)*

37  
38 **(e)–(f) \* \* \***

39  
40 *Rule 8.834 amended effective January 1, 2018; adopted effective January 1, 2009; previously*  
41 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*

1  
2 ~~Subdivision (d)(4). This subdivision is intended to implement Code of Civil Procedure section~~  
3 ~~271, which allows any court, party, or other person entitled to a reporter's transcript to request~~  
4 ~~that it be delivered in computer-readable format (except that an original transcript must be on~~  
5 ~~paper) and requires the reporter to provide the transcript in that format upon request if the~~  
6 ~~proceedings were produced utilizing computer-aided transcription equipment. This subdivision~~  
7 ~~establishes procedures relating to such requests and procedures for court reporters to apply to the~~  
8 ~~superior court for relief from this requirement if the proceedings were not produced utilizing~~  
9 ~~computer-aided transcription equipment. Government Code section 69954 establishes the fees for~~  
10 ~~reporter's transcripts in computer-readable format.~~

11  
12 **Rule 8.838. Form of the record**

13  
14 **(a) Paper and format**

15  
16 Except as otherwise provided in this rule, clerk's and reporter's transcripts must  
17 comply with the ~~paper and format~~ requirements of rule 8.144(a)(b)(1)-(4), (c), and  
18 (d).

19  
20 *(Subd (a) amended effective January 1, 2018.)*

21  
22 **(b)-(c) \* \* \***

23  
24 *Rule 8.838 amended effective January 1, 2018; adopted effective January 1, 2009; previously*  
25 *amended effective January 1, 2014, and January 1, 2016.*

26  
27 **Rule 8.866. Preparation of reporter's transcript**

28  
29 **(a)-(c) \* \* \***

30  
31 **(d) When preparation must be completed**

32  
33 (1) The reporter must deliver the original and all copies to the trial court clerk as  
34 soon as they are certified but no later than 20 days after the reporter is  
35 required to begin preparing the transcript under (a). Only the presiding judge  
36 of the appellate division or his or her designee may extend the time to prepare  
37 the reporter's transcript (see rule 8.810).

38  
39 (2) ~~On request, and unless the trial court orders otherwise, the reporter must~~  
40 ~~provide the reviewing court or any party with a copy of the reporter's~~  
41 ~~transcript in computer-readable format. Each computer-readable copy must~~  
42 ~~comply with the requirements of rule 8.144(a)(4).~~

43

1 (Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,  
2 and January 1, 2017.)

3  
4 **(e)–(f) \* \* \***

5  
6 *Rule 8.866 amended effective January 1, 2018; adopted effective January 1, 2009; previously*  
7 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*

8  
9 **Rule 8.919. Preparation of reporter’s transcript**

10  
11 **(a)–(c) \* \* \***

12  
13 **(d) When preparation must be completed**

14  
15 (1) The reporter must deliver the original and all copies to the trial court clerk as  
16 soon as they are certified but no later than 20 days after the reporter is  
17 required to begin preparing the transcript under (a). Only the presiding judge  
18 of the appellate division or his or her designee may extend the time to prepare  
19 the reporter’s transcript (see rule 8.810).

20  
21 ~~(2) On request, and unless the trial court orders otherwise, the reporter must~~  
22 ~~provide the reviewing court or any party with a copy of the reporter’s~~  
23 ~~transcript in computer readable format. Each computer readable copy must~~  
24 ~~comply with the requirements of rule 8.144(a)(4).~~

25  
26 (Subd (d) amended effective January 1, 2018; previously amended effective March 1, 2014,  
27 and January 1, 2017.)

28  
29 **(e)–(f) \* \* \***

30  
31 *Rule 8.919 amended effective January 1, 2018; adopted effective January 1, 2009; previously*  
32 *amended effective March 1, 2014, January 1, 2016, and January 1, 2017.*

33  
34 **Rule 10.855. Superior court records sampling program**

35  
36 **(a)–(i) \* \* \***

37  
38 **(j) Reporting requirement**

39  
40 ~~Each superior court must submit semiannually to the Judicial Council a *Report to*~~  
41 ~~*the Judicial Council: Superior Court Records Destroyed, Preserved, and*~~  
42 ~~*Transferred* (form REC 003), including the following information:~~  
43

- 1 (1) A list by year of filing of the court records destroyed;  
2  
3 (2) A list by year of filing and location of the court records of the comprehensive  
4 and sample court records preserved; and  
5  
6 (3) A list by year of filing and location of the court records transferred to entities  
7 under rule 10.856.  
8

9 **~~(k)~~(j) Application**

10  
11 The sampling program provided in this rule, as amended effective July 1, 2016,  
12 applies retroactively to all superior courts.  
13

14 *(Subd (j) relettered effective January 1, 2018; adopted as subd (k) effective July 1, 2016.)*  
15

16 *Rule 10.855 amended effective January 1, 2018; adopted as rule 243.5 effective July 1, 1992;*  
17 *previously amended and renumbered as rule 6.755 effective January 1, 2001, and as rule 10.855*  
18 *January 1, 2007; previously amended effective January 1, 1994, January 1, 1995, January 1,*  
19 *2011, July 1, 2013, and July 1, 2016.*  
20

21 **Advisory Committee Comment**  
22

23 **Subdivision (c)(4). \* \* \***  
24

25 **Subdivision ~~(k)~~(j).** Because the destruction of court records is discretionary, all courts may elect  
26 to apply the rule retroactively and destroy court records that are not required to be preserved  
27 under subdivisions (c), (d), and (f), but they are not required to do so.  
28

29 Superior courts that destroyed court records under the prior sampling rule may have preserved  
30 only 10 percent of their records (formerly known as the “systematic sample”) for the year that  
31 they are now assigned to preserve the sample defined in subdivision (f). Except for the Superior  
32 Court of Los Angeles County, these courts would not be able to meet the requirement in  
33 subdivision (f)(1). So long as these courts continue preserving the 10-percent sample for their  
34 assigned year, they will be deemed to have satisfied subdivision (f)(1).