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


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**Rule 2.250. Construction and definitions**

**(a)** * * *

**(b) Definitions**

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

(1) A "document" is a pleading, a paper, a declaration, an exhibit, or another filing submitted by a party or other person, or by an agent of a party or other person on the party's or other person's behalf. A document is also a notice, order, judgment, or other issuance by the court. A document may be in paper or electronic form.

(2) "Electronic service" is service of a document on a party or other person by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party's or other person's attorney, through an electronic filing service provider, or by a court.

(3) "Electronic transmission" means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.

(4) "Electronic notification" means the notification of a party or other person that a document is served by sending an electronic message to the electronic service address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served and providing a hyperlink at which the served document can be viewed and downloaded.

(5) "Electronic service address" ~~of a party~~ means the electronic address at or through which the party or other person has authorized electronic service.

(6) An "electronic filer" is a party or other person filing a document in electronic form directly with the court, by an agent, or through an electronic filing service provider.

(7) "Electronic filing" is the electronic transmission to a court of a document in electronic form. For the purposes of this chapter, this definition concerns the activity of filing and does not include the processing and review of the document, and its entry into the court records, which are necessary for a document to be officially filed.

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

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

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

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

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

**Rule 2.251. Electronic service**

**(a)** ***

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

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

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

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

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

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

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

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

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

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

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

(A) The court orders otherwise, or

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

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

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

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

(1) If a court has adopted local rules for permissive electronic filing, then the court may, on the motion of any party or on its own motion, provided that the order would not cause undue hardship or significant prejudice to any party, order all parties in any class action, a consolidated action, a group of actions, a coordinated action, or an action that is complex under rule 3.403 to serve all documents electronically, except when personal service is required by statute or rule.

(2) A court may combine an order for mandatory electronic service with an order for mandatory electronic filing as provided in rule 2.253(c).

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

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

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

**~~(d)~~(e) Maintenance of electronic service lists**

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

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

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

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

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

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

**~~(f)~~(g) Change of electronic service address**

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

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

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

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

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

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

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

(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.~~

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

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

**~~(i)~~(j) Proof of service**

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

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

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

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

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

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

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

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

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

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

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

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

**~~(j)~~(k) Electronic service by or on court**

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

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

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

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

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

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

**Advisory Committee Comment**

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

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

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

**(a)-(b)*****

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

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

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

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

**(d) Filing in paper form**

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

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

**(e) *****

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

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

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

**(g)-(h)*****

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

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

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

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

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

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

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

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

(A) All civil cases;

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

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

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

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

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

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

(2) Self-represented parties 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.

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

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

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

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

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

~~(B)~~ file all documents electronically~~;~~. ~~or~~

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

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

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

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

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

(A) Documents previously filed in paper form may be resubmitted in electronic form; and

(B) When the court sends confirmation of filing to all parties, receipt of the confirmation constitutes service of the filing if the filed document is available electronically.

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

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

**Advisory Committee Comment**

**Subdivision (b)(1).** * * *

**Subdivision (b)(2).** * * *

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

## Rule 2.254. Responsibilities of court

**(a)** ***

**(b) Problems with electronic filing**

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

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

**(c)** ***

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

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

**(a)** ***

**(b) Provisions of contract**

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

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

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

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

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

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

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

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

**(d)** ***

**(e) Ownership of information**

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

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

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

**Rule 2.256. Responsibilities of electronic filer**

**(a) Conditions of filing**

Each electronic filer must:

(1) Comply with any court requirements designed to ensure the integrity of electronic filing and to protect sensitive personal information;

(2) Furnish information the court requires for case processing;

(3) Take all reasonable steps to ensure that the filing does not contain computer code, including viruses, that might be harmful to the court's electronic filing system and to other users of that system;

(4) Furnish one or more electronic service addresses~~,~~ in the manner specified by the court~~, at which the electronic filer agrees to accept service~~. This only applies when the electronic filer has consented to or is required to accept electronic service;

(5) Immediately provide the court and all parties with any change to the electronic filer's electronic service address. This only applies when the electronic filer has consented to or is required to accept electronic service; and

(6) If the electronic filer uses an electronic filing service provider, provide the electronic filing service provider with the electronic address at which the filer is to be sent all documents and immediately notify the electronic filing service provider of any change in that address.

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

**(b) * * ***

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

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

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

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

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

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

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

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

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

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

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

**(b)** ***

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

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

(1) The party filing the document must obtain the signatures of all parties on a printed form of the document.

(2) The party filing the document must maintain the original, signed document and must make it available for inspection and copying as provided in (a)(2) of this rule and Code of Civil Procedure section 1010.6. The court and any other party may demand production of the original signed document in the manner provided in (a)~~(3)–(5)~~(a)(2)(A)–(C).

(3) By electronically filing the document, the electronic filer indicates that all parties have signed the document and that the filer has the signed original in his or her possession.

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

**(d)-(e)*****

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

**Advisory Committee Comment**

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

## Rule 2.259. Actions by court on receipt of electronic filing

**(a)-(b)*****

~~**(c) Document received after close of business**~~

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

**~~(d)~~(c) Delayed delivery**

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

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

**~~(e)~~(d) Endorsement**

(1) The court's endorsement of a document electronically filed must contain the following: "Electronically filed by Superior Court of California, County of _____, on _____ (date)," followed by the name of the court clerk.

(2) The endorsement required under (1) has the same force and effect as a manually affixed endorsement stamp with the signature and initials of the court clerk.

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

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

**~~(f)~~(e) Issuance of electronic summons**

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

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

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

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

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

## Title 2. Trial Court Rules

## Chapter 4. Language Access

## Article 1. General Provisions

### Rule 2.850. Language Access Representative

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

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

**(b) Duties**

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

**Advisory Committee Comment**

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

*Rule 2.850 adopted effective January 1, 2018.*

## Rule 2.851. Language access services complaints

**(a) Purpose**

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

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

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

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

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

(1) Be written in plain language;

(2) Allow court users to submit complaints about how the court provided or failed to provide language services;

(3) Allow court users to specify whether the complaint relates to court interpreters, other staff, or local translations;

(4) Include the court's mailing address and an e-mail contact to show court users how they may submit a language access complaint;

(5) Be made available for free both in hard copy at the courthouse and online on the courts' website, where court users can complete the form online and then submit to the court by hand, postal mail, or e-mail; and

(6) Be made available in the languages spoken by significant portions of the county population.

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

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

(1) *Submission and referral of local language access complaints*

(A) Language access complaints may be submitted anonymously.

(B) Language access complaints may be submitted orally or in other written formats; however, use of the court's local form is encouraged to ensure tracking and that complainants provide full information to the court.

(C) Language access complaints regarding local court services should be submitted to the court's designated Language Access Representative.

(D) A complaint submitted to the improper entity must immediately be forwarded to the appropriate court, if that can be determined, or, where appropriate, to the Judicial Council.

(2) *Acknowledgment of complaint*

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

(3) *Preliminary review and disposition of complaints*

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

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

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

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

(5) *Notice of outcome*

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

(6) *Promptness*

The court must process complaints promptly.

(7) *Records of complaints*

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

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

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

**Advisory Committee Comment**

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

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

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

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

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

*Rule 2.851 adopted effective January 1, 2018.*

## Rule 5.425. Limited scope representation; application of rules

**(a)–(d) * * ***

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

(1)–(2) * * *

(3) *Objection*

(A)–(D)

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

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

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

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

**(f) * * ***

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

**Rule 8.124. Appendixes**

**(a)–(c) * * ***

**(d) Form of appendix**

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

(2)–(3) * * *

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

**(e)–(g) * * ***

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

**Advisory Committee Comment**

**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) * * *

~~(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) *Application to electronic and paper clerks' and reporters' transcripts*

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

(2) *General*

In the clerk's and reporter's transcripts:

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

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

(C) The contents must be arranged chronologically;

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

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

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

(3) *Line numbering*

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

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

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

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

~~**(b)**~~(5) *Indexes*

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

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

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

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

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

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

(6) *Volumes*

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

~~**(c)**~~(5)(7) ~~**Binding and**~~ *Cover*

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

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

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

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

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

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

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

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

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

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

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

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

(1) *General*

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

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

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

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

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

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

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

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

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

(2) *Multivolume or multireporter transcripts*

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

(3) *Additional functionality or enhancements*

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

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

**~~(d)~~(e)** * * *

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

**~~(e)~~(f) Pagination in multiple reporter cases**

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

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

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

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

**~~(f)~~(g) * * ***

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

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

**Advisory Committee Comment**

**Subdivision~~s (a) and~~ (b).** Paragraph (1) of subdivision (b) clarifies that the format requirements for reporters' transcripts, including the requirements for indexes, volumes, and covers, that previously applied to transcripts delivered in paper form now apply to transcripts delivered in both paper and electronic form.

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

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

**(a)–(c) * * ***

### (d) Reporter's transcript

(1) * * *

(2) The reporter must prepare an original and the same number of copies of the reporter's transcript as (c) requires of the clerk's transcript, and must certify each as correct. ~~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).~~

(3)–(5) * * *

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

**(e)–(h)** * * *

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

**Advisory Committee Comment**

**Subdivision (a)** * * *

~~**Subdivision (d).** 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 reporter's transcripts in computer-readable format.~~

**Subdivision (f)–(g)** * * *

## Rule 8.409. Preparing and sending the record

**(a)–(b)** * * *

### (c) Preparing and certifying the transcripts

Within 20 days after the notice of appeal is filed:

(1) * * *

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

(A) * * *

(B) 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 (A) 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).~~

(2)–(3) * * *

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

**(d)–(h) * * ***

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

## Rule 8.613. Preparing and certifying the record of preliminary proceedings

**(a)–(h) * * ***

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

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

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

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

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

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

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

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

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

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

(2) * * *

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

**(k)–(*l*)** * * *

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

## Rule 8.619. Certifying the trial record for completeness

**(a)–(d)** * * *

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

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

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

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

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

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

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

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

**(f)** * * *

**(g) Sending the certified record**

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

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

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

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

**(h)** * * *

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

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

**(a)–(b) * * ***

**(c) Computer-readable copies**

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

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

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

**(d) * * ***

**(e) Sending the certified record**

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

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

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

(3) * * *

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

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

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

**(a) * * ***

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

(1) * * *

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

(3) * * *

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

**(c)–(e) * * ***

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

**Rule 8.834. Reporter's transcript**

**(a)–(c) * * ***

**(d) Filing the reporter's transcript; copies; payment**

(1)–(3) * * *

~~(4) On request, and unless the trial court orders otherwise, the reporter must provide the reviewing court 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 (d) amended effective January 1, 2018; previously amended effective March 1, 2014, and January 1, 2017.)*

**(e)–(f) * * ***

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

**~~Advisory Committee Comment~~**

~~**Subdivision (d)(4).** 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 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 8.838. Form of the record**

**(a) Paper and format**

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

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

**(b)–(c) * * ***

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

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

**(a)–(c) * * ***

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

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

~~(2) On request, and unless the trial court orders otherwise, the reporter must provide the reviewing court 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 (d) amended effective January 1, 2018; previously amended effective March 1, 2014, and January 1, 2017.)*

**(e)–(f) * * ***

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

## Rule 8.919. Preparation of reporter's transcript

**(a)–(c) * * ***

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

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

~~(2) On request, and unless the trial court orders otherwise, the reporter must provide the reviewing court 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 (d) amended effective January 1, 2018; previously amended effective March 1, 2014, and January 1, 2017.)*

**(e)–(f) * * ***

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

## Rule 10.855. Superior court records sampling program

**(a)–(i)** * * *

**~~(j) Reporting requirement~~**

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

~~(1) A list by year of filing of the court records destroyed;~~

~~(2) A list by year of filing and location of the court records of the comprehensive and sample court records preserved; and~~

~~(3) A list by year of filing and location of the court records transferred to entities under rule 10.856.~~

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

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

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

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

**Advisory Committee Comment**

**Subdivision (c)(4).** * * *

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

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