

GENERAL COURT AND ADMINISTRATION RULES

RULE 6 ELECTRONIC FILING

~~These rules~~ **This Rule** shall apply **applies to filing of documents electronically with the court** to electronic filing of documents with the Court.

A. APPLICABLE STATUTES AND RULES OF COURT

Parties must comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and California Rules of Court (herein either “CRC,” “Rules of Court,” or “Rules”), Rules 2.250 through 2.253, 2.256, 2.257, and 2.259.

AB. ELECTRONIC FILING RULES THAT APPLY ONLY TO NON-CRIMINAL CASES

(1) MANDATORY ELECTRONIC FILING AND SERVICE

~~Parties are referred to and shall also comply with all requirements and conditions for electronic filing and service as set forth in Code of Civil Procedure section 1010.6(a)(1), (3), (4), (b)(1), (2), (5) and California Rules of Court (herein either “CRC,” “Rules of Court,” or “Rules”), Rules 2.250 through 2.253, 2.256, 2.257, and 2.259, unless this Rule provides otherwise.~~

As authorized by Code of Civil Procedure section 1010.6(g) and Rules of Court, Rule 2.253(b)(1)(A), all parties represented by attorneys in all civil cases (including Family, Juvenile Dependency, and Probate cases) shall **must** file and serve documents electronically, except when personal service is required by statute or rule, and excluding ex parte applications which shall be submitted to the Court as directed by the Local Rules of the Division in question. **Attorneys who are subject to this rule, and self-represented parties who have consented to electronic filing and service, may not object to electronic service.**

Self-represented parties are not required to file and serve documents electronically. Self-represented parties may continue to file, serve, and receive paper documents by non-electronic means according to all statutory requirements and the California Rules of Court that apply to paper documents, unless the self-represented party affirmatively agrees to electronic filing and service. Self-represented parties are encouraged to agree to electronic filing and service, and may agree by filing with the Clerk of the Court and serving on all parties, either electronically or by nonelectronic means, a Consent to Electronic Filing and Service and Notice of Electronic Service Address [Form CW-9024].

An attorney who is required to file, serve, and receive documents electronically under this Rule may request to be excused from those requirements by showing undue hardship or significant prejudice.

An attorney requesting to be excused from mandatory electronic filing and service ~~shall~~**must** file with the Clerk of the Court and serve on all parties a Request for Exemption from Mandatory Electronic Filing and Service [Judicial Council Form EFS-007] with a Proposed Order [Judicial Council Form EFS-008]. An attorney who files and serves a Request for Exemption from Mandatory Electronic Filing and Service ~~shall~~**must** be served with documents in paper form until the Court rules on the Request for Exemption. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing, as fee waivers may be requested if the party otherwise qualifies for or has been granted a fee waiver as provided in this Rule.

(2) ELECTRONIC FILING FEE WAIVER

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the ~~C~~ourt an application for waiver of court fees and costs [Judicial Council Forms FW-001 and FW-002].

(3) CONFIDENTIAL DOCUMENTS

Except as provided in Rules of Court, Rules 2.500 through 2.507, an electronically filed document is a public document at the time it is filed unless it is ordered sealed under CRC, Rules 2.550 to 2.551 or filed as a confidential document pursuant to law. Unless the document is confidential and/or will be filed under seal, to protect personal privacy, parties must refrain from including, or must redact where inclusion is necessary, the personal data identifiers from all documents, including exhibits, filed with the court under this Rule, such as social security numbers, and financial account numbers. See CRC, Rule 1.201.

A motion to file documents under seal ~~shall~~**must** be filed and served electronically. Confidential documents shall be lodged or filed with the court by electronic submission in the manner described in Rule 2.551(d). Such records must not be submitted in paper form, unless an exception to the mandatory electronic filing rules applies or has been granted. A cover sheet that identifies the lodged or sealed documents ~~shall~~**must** be electronically filed. Redacted versions of any lodged or sealed documents ~~shall~~**must** be filed electronically at the same time.

(4) DOCUMENTS NOT FILED ELECTRONICALLY

The following documents ~~shall~~**cannot** be filed electronically: bench warrants, deposits of cash or check, bonds, undertakings, wills and codicils, original orders signed by a judicial officer, and trial exhibits.

The following documents must be presented to the Clerk of the Court in paper form for issuance: Writs, Abstracts and Out of State Commissions, Sister State Judgments, Subpoenas for Out of State Actions, Local Form FN-022 (Order for Payment from Court Deposit), Local Form FN-030 (Payee Data Record), Certificate of Facts Re: Unsatisfied Judgment, Letters issued by the Probate Court, and Citations issued by the Probate Court.

During trial, a party may submit to the courtroom clerk and serve by hand any pleadings, as long as the pleadings are also filed electronically before the close of business no later than the following court day.

A party may be excused from filing any particular document electronically if it is not available in electronic format and it is not feasible for the party to convert the document to electronic format by scanning it to PDF or it may not be comprehensively viewed in an electronic format. Exhibits to declarations that are real objects also need not be filed electronically. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit ~~shall~~**must** file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit, and setting forth the reason the document or exhibit cannot be filed electronically.

A party who is required, under these Rules, the California Rules of Court or otherwise, to lodge copies or to submit courtesy copies of certain documents at the request of the trial judge or other judge, ~~shall~~**must** continue to deliver such documents in paper form. In the Civil Division, such documents ~~shall~~**must** be delivered to Court Services with the Department number on the front page.

(5) PROPOSED ORDERS

Subject to any applicable exemptions, proposed orders submitted with moving papers before a hearing on a regularly-noticed motion or orders after hearing ~~shall~~**must** be lodged with the court electronically in PDF format attached to Judicial Council Form EFS-020. At the same time as the EFS-020 and the PDF proposed order are lodged with the court electronically, a version of the proposed order in an fully editable word-processing format (preferably in MS Word format, and not PDF or PDF converted to a word format) ~~shall~~**must** be submitted to the ~~C~~**c**ourt by electronic mail using an address identified on the ~~C~~**c**ourt's website.

C. PERMISSIVE ELECTRONIC FILING AND SERVICE FOR CRIMINAL CASES

Pursuant to Penal Code section 959.1, a criminal prosecution may be commenced by filing an accusatory pleading in electronic form. In addition, parties in criminal matters may file and serve documents electronically pursuant to Penal Code section 690.5(a), Code of Civil Procedure section 1010.6, and the authorities cited in paragraph 6(A) except for any Motion to Set Aside a Bail Forfeiture and any appeal of a denial of a Motion to Set Aside a Bail Forfeiture.

BD. ELECTRONIC FILING AND SERVICE PROCEDURES THAT APPLY IN ALL CASES, INCLUDING CRIMINAL

Documents ~~must be electronically filed with the Court using~~ **Parties filing documents electronically must use** one of the Court's approved electronic filing service providers. Information concerning the approved electronic filing service providers, including the procedures for electronically filing documents with the Court and for electronically serving documents, is available on the Court's website at www.scscourt.org.

(1) FORMAT FOR EXHIBITS AND DOCUMENTS

Exhibit attachments to pleadings filed electronically ~~shall~~ **must** be separated by a single page with a title identifying the sequence of the exhibit. **Any pleadings or documents (except for trial exhibits) that are submitted to the Clerk in paper format must not be stapled, but instead must be held together by binder clips or two-prong fasteners.**

(2) TRIAL EXHIBITS NOT TO BE FILED ELECTRONICALLY

Proposed trial exhibits ~~shall~~ **must** not be filed electronically but ~~shall~~ **instead must** be lodged in paper format with the trial department once assigned, unless otherwise instructed by the Court.