File & ServeXpress™

E-Filing: San Francisco Probate Trust Cases

Sarah Lieske,
Account Manager

Barbara Swain,
Product Specialist

AGENDA

1. Why E-file?
2. What Will You Need to E-file?
3. Requirements & Procedures for Probate Trust Cases
4. Online Demonstration
    - Receiving Service & Forward Notifications
    - Accessing the Document Repository
    - E-filing & E-serving Documents
5. Q & A

Why E-file?

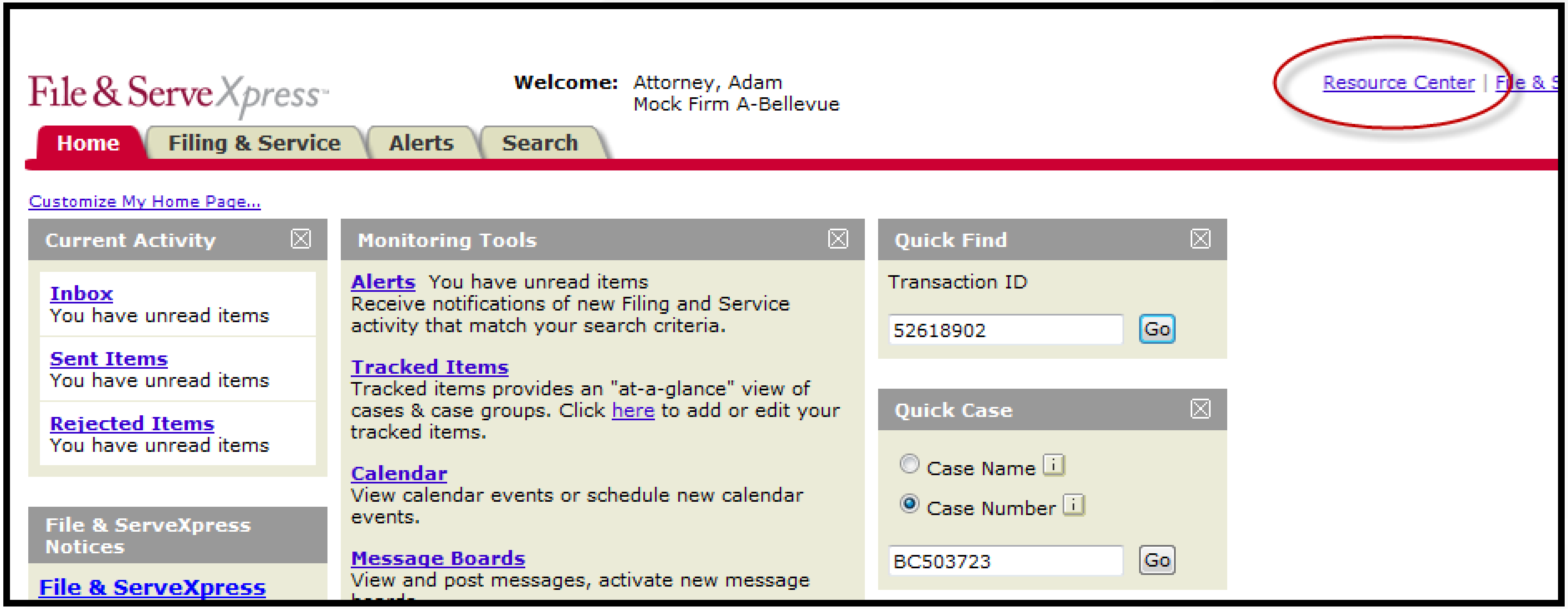
- Streamlined delivery of pleadings and other case-related documents to all case participants
- On-line service receipt
- On-line service list
- Searchable real time on-line case files
- Saves paper! Better for our environment

What Will You Need To E-file?

- File & Serve ID – Attorneys & Staff
- Word, WordPerfect, PDF, JPEG, TIFF files accepted
- Scanner
- No credit card needed – fees wired to Court

Critical Reading Material

- Local Rules 2.10 and 14.100
- All Cases – Special Instructions
- File & Serve Resource Center



E-filing & E-service – Who, What, When?

- **E-filing is mandatory for attorneys** and begins July 8th in the trust ("PTR") cases only.
- **E-filing is optional for pro pers.** Once a pro per chooses to e-file, they must continue to e-file exclusively in that case.
- **Initial pleading/petition for a new case must still be filed in paper.**
- **Certain other documents must also be filed in paper** – such as applications for initial and additional fee waivers and some original documents (original wills, certified copies of death certificates, and letters testamentary or letters of administration).
- **All other subsequent documents must be e-filed -** such as pleadings/petitions, motions, memoranda of law, declarations, exhibits, etc. The cost to e-file is $5.00 per transaction (includes unlimited pages and documents).
- **If E-filing a copy of a bond or bank statement** a separate "Declaration of Retention of Original Document" must also be included in the same transaction.
- **E-service is optional.** Parties may e-serve or serve in paper. The cost to e-serve $6.50 per transaction (includes unlimited pages, documents, and parties served).
- **E-filing & e-service deadline – 4:00 p.m. PT**

E-filing & E-service – How?

- **Related documents** must be filed in the same transaction, if possible.
- **Run on documents** will be rejected.
- **Caption pages** must be included on every document that is uploaded separately.
- **Exhibits should be combined** with the document to which they pertain. The pleading and exhibits should be uploaded as <u>one</u> document with <u>one</u> caption page. Slip sheets should be used to separate exhibits.
- **Documents in multiples** such as receipts on distribution and consents should be combined with <u>one</u> caption page. The document title should indicate the number included. *Example: Receipts on Distribution (15).*
- **Documents signed under penalty of perjury** require scanned signatures.
- **Orders** will continue to be signed in paper by the judge and returned to the moving party per the usual practice.
- **Mandatory Judicial Council form** for notice of hearing must still be used (Form DE-120).

Obtaining Hearing Dates/Times

- **Requests for Special Settings for Hearings**

  If the hearing has not been set yet - *Hand deliver the petition and declaration of need for the special setting to the Assistant Probate Director* at the Court (same procedure as before e-filing). If approved, she will write the hearing date and time on the petition and initial it. Scan the petition (with the handwritten hearing date/time) and e-file it. In the "Note To Clerk" field at the "Review & Submit" tab, enter a note that the hearing date/time has been approved by the Assistant Probate Director.

  If the hearing has already been set – *Follow the procedure below to obtain a hearing date/time for an ex parte matter* (i.e., ex parte petition to advance hearing date)

- **Law & Motion and Discovery Hearings**

  Call the courtroom clerk in Dept 204 to obtain a hearing date/time (new procedure). Add the hearing date/time to the caption page of your moving papers, along with the words "Approved by (first name of courtroom clerk)" and e-file them.

- **Hearings on Subsequent Ex Parte Matters & Petitions**

  E-file your moving papers with the hearing date/time blank (new procedure). In the "Note To Clerk" field at the "Review & Submit" tab, enter any dates your attorney is not available for a hearing. If accepted for e-filing, the Court will apply a stamp with the hearing date/time on the caption page of your PDF. You will also receive an "accepted with edits" e-mail that contains the hearing date/time.

E-filing Subsequent Ex Parte Matters & Petitions

STEP 1	STEP 2	STEP 3
REQUIRED: **E-file moving papers with hearing date/time blank.**	**REQUIRED:** **E-file notice of hearing or declaration of notice and proof of service.**	**REQUIRED:** **Deliver file-stamped courtesy copies of all documents to the Court.**
OPTIONAL: E-serve the documents (without file-stamps).	**OPTIONAL:** E-serve the documents (without file-stamps).	**OPTIONAL:** E-serve the documents (with file-stamps).
• Court clerk accepts the documents and applies a hearing stamp with the hearing date/time on the PDF. • **File & ServeXpress sends an e-mail with the hearing date/time to you**. • File-stamped copies are posted on the Court's website.	• Court clerk accepts the documents. • File-stamped copies are posted on the Court's website.	• Pull file-stamped copies from the Court's website (not available on File & ServeXpress).

*You must follow a slightly different procedure for report of sale petitions. Please see Section 15.10 of the Special Instructions.

Additional Requirements for Specific Document Types

- **Response to examiner's notes -** Select the Document Type named "Declaration in Response to Examiner's Notes" to ensure your document is designated as "priority".
- **Requests for special notice -** Individuals interested in the outcome of a case can continue to file these requests. If the request is e-filed, the individual will be automatically added to the service list on File & ServeXpress. If the request is filed in paper by a pro per, and the pro per would like to receive special notice via e-service, the pro per will need to use the Case & Party Management feature to be added to the e-service list on File & ServeXpress.
- **Proposed orders** - The Court encourages submitting proposed orders in Word with your e-filing transaction but it's not required. If submitted, the Court will accept them as "lodged" not filed, so they won't be file-stamped and won't be available on Court's site. Three courtesy copies must sent to the Court at least two weeks prior to the hearing date.
- **Drop off ex parte petitions –** Those submitted prior to filing, such as ex parte petitions for final discharge, may be submitted for e-filing or delivered in paper to the Court. If submitted for e-filing, the Court will accept them as "lodged" and you must deliver courtesy copies to the Court.
- **Fee Waivers –** Applications for fee waivers should be submitted in paper as "confidential documents". If granted, use the "Note To Clerk" at the Review & Submit tab to alert the e-file clerk of the fee waiver order so that no statutory filing fees will be assessed. Also call Client Support to request a waiver of e-filing and e-service fees on all transactions.

Service Lists

- The File & ServeXpress **service lists will not include beneficiaries and heirs unless they are parties to a case** (but you can still send copies of documents to them via e-mail or fax using the Additional Recipient feature).
- You should **complete the service list verification process as soon as possible**, as explained in your welcome packet, to ensure the right attorneys from your firm are listed on the File & ServeXpress service lists for your cases so those attorneys do not miss e-service of important documents.
- **The Court does not update the service lists on File & ServeXpress.** You are responsible for adding and removing attorneys from your firm as needed on the cases**. You are also responsible for serving all parties** even if they are not listed on the File & ServeXpress service lists.
- **Any changes you make to the service lists on File & ServeXpress will not carry over to the Court's records**. You are still required to officially update the Court's records by e-filing the proper documents , such as a notice of substitution, association of attorney, withdrawal of attorney, notice of firm name change or change of address form.

Courtesy Copies

- Are required for all document types. (3 copies for proposed orders, 2 copies for documents related to law & motion/discovery hearings, and 1 copy for all other documents.)
- Should be delivered to Room 202 and directed to a specific staff member by name, to the extent possible (e.g., Assistant Director, assigned examiner, etc.)
- Must have hearing dates/times (if applicable) on the caption page or the copies will be placed in the "Rejected Courtesy Copies" bin outside Room 202.
- Must have file-stamps or the copies will be placed in the "Rejected Courtesy Copies" bin.

    Exception: Proposed orders and drop off ex parte petitions submitted prior to filing will not have file-stamps.

- File-stamped copies must be pulled from the case docket on the Court's site (they are not available on File & ServeXpress).
- File & ServeXpress can print & deliver your courtesy copies for an additional charge. ($25 per transaction + 10¢ per page). It is not recommended that you select this option due to the lack of file stamp on your uploaded documents. Probate Division requires a file stamped courtesy copy.

24/7 Client Support

888-529-7587