

# 2004 California Rules of Court

## CHAPTER 2. Electronic Filing and Service Rules

Title Five, Special Rules for Trial Courts-Division VIb, Rules for Fax and Electronic Filing and Service-Chapter 2, Electronic Filing and Service Rules; adopted effective January 1, 2003.

### *Rule 2050. Definitions*

### *Rule 2051. Authority and purpose*

### *Rule 2052. Documents that may be filed electronically*

### *Rule 2053. Court order requiring electronic filing and service*

### *Rule 2054. Responsibilities of court*

### *Rule 2055. Contracts with electronic filing service providers*

### *Rule 2056. Responsibilities of electronic filer*

### *Rule 2057. Requirements for signatures on documents*

### *Rule 2058. Payment of filing fees*

### *Rule 2059. Actions by court on receipt of electronic filing*

### *Rule 2060. Electronic service*

### **Rule 2050. Definitions**

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

**(a) [Close of business]** "Close of business" is 5 p.m. or any other time on a court day-as defined in Code of Civil Procedure section 133-at which the court stops accepting documents for filing at its filing counter. A court must provide notice of its close-of-business time electronically. A court may give this notice in any additional manner it deems appropriate.

**(b) [Document]** A document is a pleading, a paper, a declaration, an exhibit, or another filing submitted by a party or by an agent of a party on the party's behalf. A document may be in paper or electronic form.

(c) **[Electronic filer]** An electronic filer is a party filing a document in electronic form with the court.

(d) **[Electronic filing]** Electronic filing is the electronic transmission to a court of a document in electronic form.

(e) **[Electronic service]** Electronic service is the electronic transmission of a document to a party's electronic notification address for the purpose of effecting service.

(f) **[Party]** A party is a person appearing in any action or proceeding in pro per or an attorney of record for a party in any action or proceeding.

(g) **[Regular filing hours]** Regular filing hours are the hours during which a court accepts documents for filing.

(h) **[These rules]** "These rules" are the rules in this chapter.

*Rule 2050 adopted effective January 1, 2003.*

#### **Rule 2051. Authority and purpose**

These rules are adopted under Code of Civil Procedure section 1010.6 and the authority granted to the Judicial Council by the California Constitution, article VI, section 6. They govern electronic filing and service of documents in the superior court.

*Rule 2051 adopted effective January 1, 2003.*

#### **Rule 2052. Documents that may be filed electronically**

(a) **[In general]** A court may permit electronic filing of a document in any action or proceeding unless these rules or other legal authority expressly prohibit electronic filing.

(b) **[Original documents]** In a proceeding that requires the filing of an original document, an electronic filer may file a scanned copy of a document if the original document is then filed with the court within 10 calendar days.

(c) **[Application for waiver of court fees and costs]** A court may permit electronic filing of an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings.

(d) **[Orders and judgments]** The court may electronically file any notice, order, minute order, judgment, or other document prepared by the court.

(e) **[Effect of document filed electronically]**

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

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

*Rule 2052 adopted effective January 1, 2003.*

### **Rule 2053. Court order requiring electronic filing and service**

**(a) [Court order]** A court may, on the motion of any party or on its own motion, order all parties to file and serve all documents electronically in any class action, a consolidated action, or a group of actions, a coordinated action, or an action that is deemed complex under rule 1812, after finding that such an order would not cause undue hardship or significant prejudice to any party. The court's order may also provide that:

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

(2) When the court sends confirmation of filing to all parties, receipt of the confirmation constitutes service of the filing.

**(b) [Filing in paper form]** When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or another means, a court may allow a party to file the document in paper form.

*Rule 2053 adopted effective January 1, 2003.*

### **Rule 2054. Responsibilities of court**

#### **(a) [Internet-accessible system]**

(1) A court that orders electronic filing must allow for filing over the Internet by means designed to ensure the security and integrity of a transmission.

(2) The court may make an exception to Internet transmission if doing so facilitates the management of a particular action or proceeding and does not cause undue prejudice to any party.

**(b) [Publication of electronic filing requirements]** A court that permits electronic filing must publish, in both electronic and print formats, the court's electronic filing requirements.

**(c) [Problems with electronic filing]** If a 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.

**(d) [Public access to electronically filed documents]** Except as provided in rules 2070 through 2076, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 243.2(b) or made confidential by law.

*Rule 2054 adopted effective January 1, 2003.*

### **Rule 2055. Contracts with electronic filing service providers**

#### **(a) [Right to contract]**

(1) A court may contract with one or more electronic filing service providers to furnish and maintain an electronic filing system for the court.

(2) If the court contracts with an electronic filing service provider, it may require electronic filers to transmit the documents to the provider.

(3) If there is a single provider or in-house system, it must accept filing from other electronic filing service providers to the extent it is compatible with them.

**(b) [Provisions of contract]** The court's contract with an electronic filing service provider may allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee. The contract may also allow the electronic filing service provider to make other reasonable requirements for use of the electronic filing system.

**(c) [Transmission of filing to court]** An electronic filing service provider must promptly transmit any electronic filing, with the applicable filing fee, to the court.

#### **(d) [Confirmation of receipt and filing of document]**

(1) An electronic filing service provider must promptly send to an electronic filer confirmation of the receipt of any document that the filer has transmitted to the provider for filing with the court.

(2) The provider must send its confirmation to the filer's electronic notification address and must indicate the date and time of receipt, in accordance with rule 2059(a).

(3) After reviewing the documents, the court must promptly transmit to the provider and the electronic filer the court's confirmation of filing or notice of rejection of filing, in accordance with rule 2059.

**(e) [Ownership of information]** Any contract between a court and an electronic filing service provider must acknowledge that the court is the owner of the contents of the filing system and has the exclusive right to control its use.

*Rule 2055 adopted effective January 1, 2003.*

### **Advisory Committee Comment (2003)**

The Court Technology Advisory Committee recommends that electronic filing service providers comply with the technical standards set forth on the California Courts Web site at [www.courtinfo.ca.gov/programs/efiling/](http://www.courtinfo.ca.gov/programs/efiling/). The committee anticipates that these rules may be amended to require compliance with the California Electronic Filing Technical Standards once the standards are sufficiently developed.

#### **Rule 2056. Responsibilities of electronic filer**

**(a) [Conditions of filing]** An electronic filer agrees to, and 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 notification addresses, in the manner specified by the court, at which the electronic filer agrees to accept service; and
- (5) Immediately provide the court and parties with any change to his or her electronic notification addresses.

**(b) [Format of documents to be filed electronically]** A document that is filed electronically with the court must be in a format specified by the court unless it cannot be created in that format. The format adopted by a court must meet the following requirements:

- (1) The software for creating and reading documents must be in the public domain or generally available at a reasonable cost.
- (2) By January 1, 2007, any format adopted by the court must allow for full text searching. Documents not available in a format that permits full text searching must be scanned or imaged as required by the court, unless the court orders that scanning or imaging would be unduly burdensome. By January 1, 2007, such scanning or imaging must allow for full text searching to the extent feasible.
- (3) The printing of documents must not result in the loss of document content, format, or appearance.

*Rule 2056 adopted effective January 1, 2003.*

## **Rule 2057. Requirements for signatures on documents**

### **(a) [Documents under penalty of perjury]**

(1) When a document to be filed electronically requires a signature under penalty of perjury, the document is deemed signed by the declarant if, before filing, the declarant has signed a printed form of the document.

(2) By electronically filing the document, the electronic filer indicates that he or she has complied with subdivision (a)(1) of this rule and that the original, signed document is available for review and copying at the request of the court or any party.

(3) At any time after 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) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.

**(b) [Documents not under penalty of perjury]** If a document does not require a signature under penalty of perjury, the document is deemed signed by the party if the document is filed electronically.

**(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 review and copying as provided in subdivision (a)(2).

(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.

**(d) [Digital signature]** A party is not required to use a digital signature on an electronically filed document.

*Rule 2057 adopted effective January 1, 2003.*

## **Rule 2058. Payment of filing fees**

**(a) [Use of credit cards and other methods]** A court may permit the use of credit cards, debit cards, electronic fund transfers, or debit accounts for the payment of filing fees associated with electronic filing, as provided in Government Code section 6159 and rule 6.703 or otherwise applicable law. A court may also authorize other methods of payment.

**(b) [Fee waiver]** Eligible persons may seek a waiver of court fees and costs, as provided in Government Code section 68511.3 and rule 2052(c).

*Rule 2058 adopted effective January 1, 2003.*

### **Rule 2059. Actions by court on receipt of electronic filing**

#### **(a) [Confirmation of receipt and filing of document]**

(1) When a court receives an electronically submitted document directly from the filer and not through an electronic filing service provider, the court must promptly send the electronic filer confirmation of receipt of the document, indicating the date and time of receipt. If the document complies with filing requirements and all required filing fees have been paid, the court must promptly send the electronic filer confirmation that the document has been filed.

(2) The filing confirmation must indicate the date and time of filing and is proof that the document was filed on the date and at the time specified. The confirmation must also specify:

(a) Any transaction number associated with the filing;

(b) The titles of the documents as filed by the court; and

(c) The fees assessed for the filing.

(3) The court will send its confirmation to the electronic filer at the electronic notification address the filer furnished to the court in accordance with rule 2056(a)(4). The court must maintain a record of its confirmation of receipt and filing. In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document. Verification of the receipt and filing of any document by the court is the responsibility of the electronic filer.

**(b) [Notice of rejection of document for filing]** If a document is not filed by the clerk because it does not comply with applicable filing requirements or because the required filing fee has not been paid, the court must promptly send notice to the electronic filer. The notice must set forth the reasons the document was rejected for filing.

**(c) [Document filed after close of business]** A document that is filed electronically with the court after the close of business is considered to have been filed on the next court day.

**(d) [Delayed delivery]** If a technical problem with respect to a court's electronic filing system precludes 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 file on that day, the court must deem the filing received on that day. This provision does not apply to the complaint or any other initial pleading in an action or proceeding.

**(e) [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) This endorsement 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.

**(f) [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 filer.

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

(3) Personal service of the printed form of an electronic summons has the same legal effect as personal service of an original summons.

*Rule 2059 adopted effective January 1, 2003.*

**Rule 2060. Electronic service**

**(a) [Applicability]**

(1) When a notice may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the notice is permitted.

(2) A party indicates that he or she agrees to accept electronic service by:

(A) Filing and serving a notice that the party accepts electronic service. The notice must include the electronic notification addresses at which the party agrees to accept service;  
or

(B) Electronically filing any document with the court. By the act of electronic filing, the party agrees to accept service at any electronic notification address the party has furnished to the court in accordance with rule 2056(a)(4).

**(b) [When service is complete]**

(1) Electronic service is complete at the time of transmission.

(2) 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.

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

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

(B) A notice of intention 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 considered to have occurred on the next court day.

**(c) [Proof of service]**

(1) Proof of electronic service may be by any of the methods provided in Code of Civil Procedure section 1013(a), except that the proof of service must state:

(A) The electronic notification address of the person making the service, in place of that person's residence or business address;

(B) The date and time of the electronic service, in place of the date and place of deposit in the mail;

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

(D) That the document was served electronically and the transmission was reported as complete and without error, 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) In accordance with rule 317(c), proof of service of the moving papers must be filed at least five calendar days before the hearing.

(4) The party filing the proof of service must maintain the printed form of the document bearing the declarant's original signature and must make the document available for review and copying on the request of the court or any party to the action or proceeding in which it is filed, in accordance with rule 2057(a).

**(d) [Change of electronic notification address]**

(1) A party whose electronic notification address changes while the action or proceeding is pending must promptly file a notice of change of address with the court electronically and must serve this notice on all other parties or their attorneys of record.

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

**(e) [Electronic service by court]** A court may electronically serve any notice, order, judgment, or other document prepared by the court in the same manner that parties may serve documents by electronic service.

*Rule 2060 adopted effective January 1, 2003.*