

# California Appellate Courts, 2016 Update on Mandatory Electronic Filing Procedures

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Effective January 19, 2016, the Court of Appeal for the Sixth Appellate District requires all filings in that Court to be made through the Court's electronic filing system (EFS) via the TrueFiling system. The requirements apply to all future and pending cases even if paper briefs were previously filed in appeals pending prior to the effective date of the Rule. The details of the mandatory electronic filing program for the Sixth District are set forth in Local Rule 2, which is posted on the Court's Website.

Attorneys of record in any Sixth District appeal must register and maintain an active account and current e-mail with TrueFiling and have a valid credit card on file with the TrueFiling system in order to file any document with the Court. By registering, a party consents to electronic service through the TrueFiling system. **Trial Court judges will still need to be served with printed sets of briefs or petitions.**

Any brief, appendix, reporter's transcript, writ petition and supporting exhibit must now comply with Local Rule 2 b 3 and 4 formatting and electronic file preparation requirements. All briefs, appendixes and exhibits supporting writ petitions need to be text-searchable .pdf files and need electronic bookmarks that also include a brief description of the bookmarked item. Bookmarks in motions are optional, but if separate exhibit volumes are filed in support of the motion, it is advisable to bookmark the exhibit volumes. All exhibits and sub-exhibits must be bookmarked in exhibits supporting petitions for writ and in any appendix. **For petitions for writ and supporting exhibits, an unbound paper copy must still be submitted to the Court within one day if seeking a stay or within three days if no stay is requested.**

**Local Rule 2 provides in part:**

"Document pages must be consecutively numbered using only the Arabic numbering system, beginning with the number 1 on the cover page of the document. Notwithstanding California Rules of Court, rule 8.204(b)(7), briefs may not have different numbering systems. When a document is filed in both paper format and electronic format, the pagination must comply with this subparagraph." Rule 2 b 3."

"An electronic bookmark in a PDF document is an electronic tab created by a user to allow quick access to the bookmarked part of the document. Electronic bookmarks are required to be included with all electronic briefs, all appendixes, and all writ proceedings. Electronic bookmarks may be included with motions but are not required. In addition to requiring bookmarks, this rule allows hyperlinks. The electronic bookmark must include a brief description of the bookmarked item."

- Each electronic brief shall include electronic bookmarks to the following: each heading and subheading, table of contents, table of authorities, certificate of word count, certificate of interested persons or entities, proof of service, and any attachment or exhibit included with the brief.
- Any appendix filed electronically pursuant to subparagraph (f) of this rule shall have a separate electronic bookmark to the table of contents and to the first page of each separate exhibit and attachment. Any exhibit or attachment included

within an exhibit or attachment shall be separately bookmarked. (E.g., if an exhibit consists of a declaration containing multiple exhibits, each should be separately bookmarked.)

- All writ proceedings must include the electronic bookmarks required for electronic briefs listed above and also must include electronic bookmarks to the petition, points and authorities, and verification. All supporting documents must include the electronic bookmarks required for an appendix listed above.” Rule 2 b 4.

**Under Rule 2 f, the parties are obligated to submit a copy of the administrative record as an electronic text-searchable .pdf file, and it may be delivered to the Court on CD, DVD or flash drive. Rule 2 f also requires any party that orders a reporter’s transcript to order the transcript in electronic format, and the party must submit the electronic transcript to the Court.**

**Sealed and confidential files are not to be electronically filed and must comply with California Rules of Court 8.46 and 8.47.**

Similar rules have been adopted by the Third Appellate District per Local Rule 5, effective July 29, 2015, and the Fifth Appellate District, per Local Rule 8, as updated July 23, 2015. The First Appellate District has similar requirements, per Local Rule 16, amended as of May 1, 2015, with the exception that bookmarking is required of briefs over 40 pages.

The Second Appellate District takes electronic filings of a designated few document types and motions without requiring paper copies through its website. Briefs must be electronically filed, but printed sets are still required. For appendixes and petitions for writ, original and paper sets are physically filed, but are electronically submitted.

The Second District has not yet adopted the formatting requirements consistent with the Sixth District, but it has posted “preferred formatting guidelines” consistent with the Sixth’s requirements. Pagination form the cover in Arabic numbering, and bookmarks are not yet a requirement.

The Fourth Appellate District, Division One requires mandatory electronic filing of original proceedings (writ petitions and exhibits in support) through its website with no printed copies required. (Local Rule 5). It will accept motion filing in electronic format with no printed copies, but it is not required. The Fourth Appellate District, Divisions One, Two and Three all take a number of non-brief-type filings electronically through their websites, but only an electronic submission of briefs and appendixes. The actual official filing is the paper original and printed sets.

**The California Supreme Court will take an electronic submission of a brief through its website, and the printed original and copies continue to be the actual filing for that Court.**

**As Local Rules for California Appellate Courts and their filing requirements continue to change, it is best to check the Local Rules before each appellate filing.**