

## **Rule 5. Electronic Filing. (Division One Only)**

### **[I] Application**

#### **(a) [Mandatory electronic filing]**

Pursuant to California Rules of Court, rule 8.70, and as of the effective date specified in each division's miscellaneous order implementing mandatory electronic filing, the court requires all filings to be made through the court's electronic filing system via the TrueFiling portal (TrueFiling) operated by ImageSoft, Inc. (ImageSoft), except as provided in subdivision (b) of this section or as otherwise ordered by the court. This rule applies to all proceedings in this court, including pending proceedings in which paper documents have been filed before the effective date. For a proceeding in which electronic filing is mandatory (a Proceeding), a filing in electronic format will be accepted in lieu of any paper copies otherwise required under California Rules of Court, rule 8.44 and will constitute the official record of the court.

#### **(b) [Exemption from mandatory electronic filing requirements]**

(1) Exemption. Exemption from the mandatory electronic filing requirements of this rule exists in the following circumstances:

(i) Undue Hardship. If complying with the electronic filing and/or service requirements of this rule would cause undue hardship or significant prejudice to any party to a Proceeding, that party must file a notice of undue hardship to be exempted from such requirements. (See Cal. Rules of Court, rule 8.54(a)(1) & (2).)

(ii) Infeasibility. When it is not feasible for an attorney or a party who is registered as a TrueFiling user under this rule to convert a particular document to electronic form by scanning, imaging or other means, the attorney or party must file the document in paper form (see Cal. Rules of Court, rule 8.73(c)), together with a declaration setting forth the reasons that electronic filing was not feasible.

(iii) Self-Represented Parties in Habeas Corpus Proceedings or Incarcerated Parties. Parties who are representing themselves in habeas corpus proceedings, patients in custodial institutions or who are incarcerated and representing themselves in other proceedings in this court are not required to comply with the mandatory electronic filing provisions of subdivision (a) above. Notwithstanding this exemption, such a party may elect to participate in TrueFiling; a party who elects to do so must comply with the provisions of this rule.

(iv) Sealed and Confidential Materials. Sealed and confidential materials must be submitted to the court in accordance with California Rules of Court, rules 8.46 and 8.47. Except as otherwise ordered by the court, sealed and confidential materials are exempt from the electronic filing requirements of

this rule; however, parties are encouraged to provide to the court, under seal, a copy of any sealed or confidential materials that are available electronically, in electronic format on a CD (compact disc), DVD or flash drive.

(2) Consequences of Exemption. A party that is permitted to file paper copies of documents in accordance with this rule must (a) file one paper copy of any such document in the format required by the California Rules of Court and one paper copy that is unbound, without any tabs and with a white cover and (b) comply with the requirements of the California Rules of Court regarding service of such documents to the other parties to the proceeding.

## **[II] [Electronic filing procedures]**

### **(a) [Registration]**

(1) Obligation to Register. Each attorney of record or any self-represented party in any Proceeding in this court is obligated to register as a TrueFiling user at [www.truefiling.com](http://www.truefiling.com) and obtain a username and password for access to the TrueFiling system, unless that attorney or party is exempt from the mandatory electronic filing requirements pursuant to section [I](b) of this rule and elects not to voluntarily participate in electronic filing.

(2) Obligation to Keep Account Information Current. A TrueFiling user is responsible for all documents filed under that user's registered username and password. Each registered user is required to keep his or her e-mail address current, to update any change in their e-mail address online via the TrueFiling Web site and to comply with the requirements of California Rules of Court, rule 8.32.

### **(b) [Format]**

(1) Document Format and Content. All documents filed electronically must be in electronic text-searchable PDF (portable document format) while maintaining the original document formatting. A TrueFiling user must convert documents created in a word processing program (e.g., Microsoft Word or Corel WordPerfect) to PDF directly from that word processing program. If a TrueFiling user possesses only a paper copy of a document, the user must scan the document and convert it to an electronic text-searchable PDF. It is the filer's responsibility to ensure that any document filed is complete and readable. Electronically filed briefs must comply with the content and form requirements of California Rules of Court, rule 8.204, with the exception of those provisions dealing exclusively with requirements for paper or as otherwise specified in this rule.

(2) Pagination. Document pages must be consecutively numbered using only the Arabic numbering system (such as 1, 2, 3), beginning with the number 1 on the cover page of the document. Notwithstanding California Rules of Court, rule 8.204(b)(7), an electronic brief may not contain multiple numbering systems. When a document, transcript or record is filed in both paper format and electronic

format, the pagination must comply with this subparagraph or the party must accurately cite to the correct page for both versions in its filings.

(3) **Electronic Bookmarks and Hyperlinks.** The following rules apply to the use of electronic bookmarks and hyperlinks in electronically filed documents:

In appeals, a brief must include electronic bookmarks to each heading, subheading and component of the brief (such as the table of contents, table of authorities, certificate of word count, certificate of interested entities or persons, and proof of service if included within the brief), and to the first page of each exhibit or attachment, if any; each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index with bookmarks stating the contents of the file.

In original proceedings, a petition or response must include electronic bookmarks to each heading, subheading and component (such as the table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, and proof of service if included within the petition), and to the first page of each exhibit or attachment, if any; each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index with bookmarks of the contents of the file.

In motions, a motion must include electronic bookmarks to each component (such as points and authorities, declarations, and proof of service), and to the first page of any exhibits or attachment. Each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. If exhibits or attachments are submitted in multi-part electronic files, each separate file must have its own table or index with bookmarks of the contents of the file.

The use of hyperlinks in electronically filed documents is not required, but encouraged. However, a hyperlink is merely a convenient mechanism for accessing material cited in the document; as such, it is extraneous to the filed document and does not constitute a part of the court's record. If a TrueFiling user elects to include hyperlinks in a filing, the user must still provide standard citations for the cited materials as required by California Rules of Court, rule 1.200.

(c) **[Size]**

No single PDF file may exceed a total of 25 megabytes. If a filing exceeds this file size limitation, the TrueFiling user must either (a) submit the filing in multiple parts, or (b) provide the court with the filing in electronic format on a CD (compact disc), DVD or flash drive.

(d) **[Signatures]**

Each TrueFiling user's username and password is the equivalent of an electronic signature. For a document signed under penalty of perjury, the TrueFiling user must comply with California Rules of Court, rule 8.77.

**(e) [Submission of the record]**

(1) **Appendices.** A TrueFiling user must submit any appendix filed pursuant to California Rules of Court, rule 8.124, in electronic format. Each part of the record submitted in any appendix volume must clearly state the volume and page numbers included within that part and include chronological and alphabetical indices of contents, with a descriptive electronic bookmark to the first page of each indexed component (e.g., Tab 1 — Complaint).

(2) **Administrative Record.** In addition to any administrative record provided by the trial court pursuant to California Rules of Court, rule 8.123, a TrueFiling user seeking review of an administrative determination must submit a copy of the administrative record in electronic format. An administrative record may be delivered to the court on a CD, DVD or flash drive.

(3) **Reporter's Transcript.** Any party who orders a reporter's transcript of proceedings pursuant to California Rules of Court, rule 8.130, must also request a copy of the transcript in electronic format, as provided in California Rules of Court, rule 8.130(f)(4), and must submit an electronic copy to the court.

(4) **Exhibits.** Each part of the record submitted in any exhibit volume must clearly state the volume and page numbers included within that part and include an index of contents, with a descriptive electronic bookmark (including exhibit number or letter) to the first page of each indexed component (e.g., Exhibit 1 — Complaint). A TrueFiling user who wants original exhibits included in the record on appeal must comply with the requirements of California Rules of Court, rule 8.224 relating to transmission of the exhibits to the court.

(5) **Submissions by the Superior Court.** Unless otherwise ordered by this court, the superior court must submit clerk's transcripts and reporter's transcripts in paper to the court. However, the superior court is encouraged (but not required) to also submit a copy of the clerk's transcripts and reporters transcripts in electronic text-searchable PDF, either through the TrueFiling system or another court-provided portal, and to make the electronic versions available to parties. Electronic copies of clerk's transcripts, reporter's transcripts and administrative records must comply with the content and form requirements set forth in the California Rules of Court, with the exception of those provisions dealing exclusively with requirements for paper.

The superior court is also encouraged (but not required) to submit any agreed statement filed pursuant to California Rules of Court, rule 8.134, or any settled statement filed pursuant to California Rules of Court, rule 8.137, in electronic format to the court in lieu of a paper submission.

**(f) [Personal Identifiers and Privacy Issues]**

To protect personal privacy, a TrueFiling user must comply with California Rules of Court, rule 1.20(b) with respect to the inclusion of personal identifiers (such as social security numbers, driver's license numbers and financial account numbers) in any documents filed through TrueFiling. Neither ImageSoft nor the Clerk of the Court has any responsibility to review pleadings or other papers for compliance with the requirements of this section.

**(g) [Filing Deadlines]**

Filing documents electronically does not alter any applicable filing deadlines. To be timely filed on the day due, all electronic transmissions of documents must be completed (i.e., received completely by the Clerk of the Court) prior to midnight on that day or prior to any other deadline for such filing set by court order or pursuant to stipulation. Although TrueFiling generally will facilitate electronic filing 24 hours a day, the court will not provide telephone or online assistance outside of normal court business hours. Confirmation of receipt will be sent to the filer (Cal. Rules of Court, rule 8.79).

**(h) [TrueFiling Technical Failure]**

If a TrueFiling user fails to meet a deadline imposed by court order, rule or law for the filing of a document because of a failure of the TrueFiling system, the user may file a paper or electronic copy of the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. The court will not be responsible for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

**(i) [Consent to Electronic Service]**

A TrueFiling user's registration to participate in electronic filing pursuant to this rule constitutes consent to electronic service or delivery of all documents by any other TrueFiling user in the Proceeding or by the court. (Cal. Rules of Court, rule 8.71.)

**(j) [Filing Fees]**

In addition to filing fees, there will be a fee for each electronic filing under this rule, in accordance with the schedule posted on the TrueFiling Web site. Such filing fees will be considered recoverable costs under California Rules of Court, rule 8.278(d)(1)(D). ImageSoft is designated as the court's agent for collection of court-imposed fees where required for any filing, and any associated credit card or bank charges or convenience fees (Cal. Rules of Court, rule 8.78; Gov. Code, § 6159).

Any TrueFiling user who is exempt from paying filing fees pursuant to court order or by statute will also be exempt from paying the fees and costs associated with electronic filing under this rule. (Cal. Rules of Court, rule 8.78(b).)

**(k) [Failure to Comply with the Requirements of this Rule]**

(1) Noncompliant Filing. The court may reject an electronic filing that does not comply with the requirements of this rule. (Cal Rules of Court, rule 8.79(b).)

(2) Sanctions. Failure of a non-exempt party or attorney to register as required by this rule, or a failure of any TrueFiling user to comply with applicable requirements of this rule, may result in the imposition of sanctions by the court. (Cal Rules of Court, rule 8.276.)