

# **Update on E-Filings - CCC Probate Court - (Webinar)**

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## 2023 California Rules of Court

### **Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic filing by court order**

#### **(a) Permissive electronic filing by local rule**

A court may permit parties by local rule to file documents electronically in any types of cases, subject to the conditions in Code of Civil Procedure section 1010.6, Penal Code section 690.5, and the rules in this chapter.

*(Subd (a) amended effective January 1, 2022; adopted effective July 1, 2013; previously amended effective January 1, 2018.)*

#### **(b) Mandatory electronic filing by local rule**

A court may require parties by local rule to electronically file documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to the conditions in Code of Civil Procedure section 1010.6, the rules in this chapter, and the following conditions:

- (1) The court must specify the types or categories of civil actions in which parties or other persons are required to file and serve documents electronically. The court may designate any of the following as eligible for mandatory electronic filing and service:
  - (A) All civil cases;
  - (B) All civil cases of a specific category, such as unlimited or limited civil cases;
  - (C) All civil cases of a specific case type, including but not limited to, contract, collections, personal injury, or employment;
  - (D) All civil cases assigned to a judge for all purposes;
  - (E) All civil cases assigned to a specific department, courtroom or courthouse;
  - (F) Any class actions, consolidated actions, or group of actions, coordinated actions, or actions that are complex under rule 3.403; or
  - (G) Any combination of the cases described in subparagraphs (A) to (F), inclusive.
- (2) Self-represented parties or other self-represented persons are exempt from any mandatory electronic filing and service requirements adopted by courts under this rule and Code of Civil Procedure section 1010.6.

- (3) In civil cases involving both represented and self-represented parties or other persons, represented parties or other persons may be required to file and serve documents electronically; however, in these cases, each self-represented party or other person is to file, serve, and be served with documents by non-electronic means unless the self-represented party or other person affirmatively agrees otherwise.
- (4) A party or other person that is required to file and serve documents electronically must be excused from the requirements if the party or other person shows undue hardship or significant prejudice. A court requiring the electronic filing and service of documents must have a process for parties or other persons, including represented parties or other represented persons, to apply for relief and a procedure for parties or other persons excused from filing documents electronically to file them by conventional means.
- (5) Any fees charged by the court or an electronic filing service provider shall be consistent with the fee provisions of Code of Civil Procedure section 1010.6.
- (6) The effective date of filing any document received electronically is prescribed by Code of Civil Procedure section 1010.6. This provision concerns only the effective date of filing. Any document that is received electronically must be processed and satisfy all other legal filing requirements to be filed as an official court record.
- (7) A court that adopts a mandatory electronic filing program under this subdivision must report semiannually to the Judicial Council on the operation and effectiveness of the court's program.

*(Subd (b) amended effective January 1, 2018; adopted effective July 1, 2013.)*

**(c) Electronic filing by court order**

- (1) If a court has adopted local rules for permissive electronic filing, then the court may, on the motion of any party or on its own motion, provided that the order would not cause undue hardship or significant prejudice to any party, order all parties in any class action, a consolidated action, a group of actions, a coordinated action, or an action that is complex under rule 3.403 to file all documents electronically.
- (2) A court may combine an order for mandatory electronic filing with an order for mandatory electronic service as provided in rule 2.252(d).
- (3) If the court proposes to make any order under (1) on its own motion, the court must mail notice to any parties that have not consented to receive electronic service. The court may electronically serve the notice on any party that has consented to receive electronic service. Any party may serve and file an opposition within 10 days after notice is mailed or electronically served or such later time as the court may specify.
- (4) If the court has previously ordered parties in a case to electronically file documents and a new party is added that the court determines should also be ordered to do so under (1), the court may follow the notice procedures under (2) or may order the party to electronically file documents and in its order state that the new party may object within 10 days after service of the order or by such later time as the court may specify.
- (5) The court's order may also provide that:
  - (A) Documents previously filed in paper form may be resubmitted in electronic form; and
  - (B) When the court sends confirmation of filing to all parties, receipt of the confirmation constitutes service of the filing if the filed document is available electronically.

*(Subd (c) amended effective January 1, 2018; adopted as subd (a) and part of subd (b); previously amended and relettered as subd (c) effective July 1, 2013; previously amended effective January 1, 2007, January 1, 2008, and January 1, 2011.)*

*Rule 2.253 amended effective January 1, 2022; adopted as rule 2053 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008, January 1, 2011, July 1, 2013, and January 1, 2018.*

#### **Advisory Committee Comment**

**Subdivision (b)(1).** This subdivision allows courts to institute mandatory electronic filing and service in any type of civil case for which the court determines that mandatory electronic filing is appropriate. The scope of this authorization is meant to be broad. It will enable courts to implement mandatory electronic filing in a flexible yet expansive manner. However, in initiating mandatory electronic filing, courts should take into account the fact that some civil case types may be easier and more cost-effective to implement at the outset while other types may require special procedures or other considerations (such as the need to preserve the confidentiality of filed records) that may make them less appropriate for inclusion in initial mandatory e-filing efforts.

**Subdivision (b)(2).** Although this rule exempts self-represented parties from any mandatory electronic filing and service requirements, these parties are encouraged to participate voluntarily in electronic filing and service. To the extent feasible, courts and other entities should assist self-represented parties to electronically file and serve documents.

**Subdivision (c).** Court-ordered electronic filing under this subdivision is not subject to the provisions in (b) and Code of Civil Procedure section 1010.6 requiring that, where mandatory electronic filing and service are established by local rule, the court and the parties must have access to more than one electronic filing service provider.

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## 2023 California Rules of Court

### Rule 2.254. Responsibilities of court

#### (a) Publication of electronic filing requirements

Each court that permits or mandates electronic filing must publish, in both electronic and print formats, the court's electronic filing requirements.

*(Subd (a) amended effective July 1, 2013; adopted as subd (b); previously amended effective January 1, 2007; previously relettered effective January 1, 2011.)*

#### (b) Problems with electronic filing

If the court is aware of a problem that impedes or precludes electronic filing, it must promptly take reasonable steps to provide notice of the problem.

*(Subd (b) amended effective January 1, 2018; adopted as subd (c); previously relettered as subd (b) effective January 1, 2011; previously amended effective January 1, 2007.)*

#### (c) Public access to electronically filed documents

Except as provided in rules 2.250-2.259 and 2.500-2.506, an electronically filed document is a public document at the time it is filed unless it is sealed under rule 2.551(b) or made confidential by law.

*(Subd (c) amended and relettered effective January 1, 2011; adopted as subd (d); previously amended effective January 1, 2007.)*

*Rule 2.254 amended effective January 1, 2018; adopted as rule 2054 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2011, and July 1, 2013.*

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## 2023 California Rules of Court

### Rule 2.256. Responsibilities of electronic filer

#### (a) Conditions of filing

Each electronic filer 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 service addresses, in the manner specified by the court. This only applies when the electronic filer has consented to or is required to accept electronic service.
- (5) Immediately provide the court and all parties with any change to the electronic filer's electronic service address. This only applies when the electronic filer has consented to or is required to accept electronic service.
- (6) If the electronic filer uses an electronic filing service provider, provide the electronic filing service provider with the electronic address at which the filer is to be sent all documents and immediately notify the electronic filing service provider of any change in that address.

*(Subd (a) amended effective January 1, 2018; previously amended effective January 1, 2007, January 1, 2011, and July 1, 2013.)*

#### (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) The printing of documents must not result in the loss of document text, format, or appearance.
- (3) The document must be text searchable when technologically feasible without impairment of the document's image.

If a document is filed electronically under the rules in this chapter and cannot be formatted to be consistent with a formatting rule elsewhere in the California Rules of Court, the rules in this chapter prevail.

*(Subd (b) amended effective January 1, 2017; previously amended effective January 1, 2006, January 1, 2008, and January 1, 2010.)*

*Rule 2.256 amended effective January 1, 2018; adopted as rule 2056 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011, July 1, 2013, and January 1, 2017.*

**Advisory Committee Comment**

**Subdivision (b)(3).** The term "technologically feasible" does not require more than the application of standard, commercially available optical character recognition (OCR) software.

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## 2023 California Rules of Court

### Rule 2.257. Requirements for signatures on documents

#### (a) Electronic signature

An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign a document or record created, generated, sent, communicated, received, or stored by electronic means.

*(Subd (a) adopted effective January 1, 2019.)*

#### (b) Documents signed under penalty of perjury

When a document to be filed electronically provides for a signature under penalty of perjury of any person, the document is deemed to have been signed by that person if filed electronically provided that either of the following conditions is satisfied:

- (1) The declarant has signed the document using an electronic signature and declares under penalty of perjury under the laws of the state of California that the information submitted is true and correct. If the declarant is not the electronic filer, the electronic signature must be unique to the declarant, capable of verification, under the sole control of the declarant, and linked to data in such a manner that if the data are changed, the electronic signature is invalidated; or
- (2) The declarant, before filing, has physically signed a printed form of the document. By electronically filing the document, the electronic filer certifies that the original, signed document is available for inspection and copying at the request of the court or any other party. In the event this second method of submitting documents electronically under penalty of perjury is used, the following conditions apply:
  - (A) At any time after the electronic version of the document is filed, any 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.
  - (B) Within five days of service of the demand under (A), the party or other person on whom the demand is made must make the original signed document available for inspection and copying by all other parties.
  - (C) At any time after the electronic version of the document is filed, the court may order the filing party or other person to produce the original signed document in court for inspection and copying by the court. The order must specify the date, time, and place for the production and must be served on all parties.
  - (D) Notwithstanding (A)-(C), local child support agencies may maintain original, signed pleadings by way of an electronic copy in the statewide automated child support system and must maintain them only for the period of time stated in Government Code section 68152(a). If the local child support agency



maintains an electronic copy of the original, signed pleading in the statewide automated child support system, it may destroy the paper original.

*(Subd (b) amended effective January 1, 2020; adopted as subd (a); previously amended effective January 1, 2007, July 1, 2016, and January 1, 2018; previously relettered and amended as subd (b) effective January 1, 2019.)*

**(c) Documents not signed under penalty of perjury**

- (1) If a document does not require a signature under penalty of perjury, the document is deemed signed by person who filed it electronically.
- (2) When a document to be filed electronically, such as a stipulation, requires the signatures of opposing parties or persons other than the filer not under penalty of perjury, the following procedures apply:
  - (A) The opposing party or other person has signed a printed form of the document before, or on the same day as, the date of filing. The electronic filer must maintain the original, signed document and must make it available for inspection and copying as provided in (b)(2) of this rule and Code of Civil Procedure section 1010.6. The court and any other party may demand production of the original signed document in the manner provided in (b)(2)(A)-(C). 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; or
  - (B) The opposing party or other person has signed the document using an electronic signature and that electronic signature is unique to the person using it, capable of verification, under the sole control of the person using it, and linked to data in such a manner that if the data are changed, the electronic signature is invalidated.

*(Subd (c) amended effective January 1, 2020; adopted as subd (b); previously amended effective January 1, 2007; relettered as subd (c) effective January 1, 2019.)*

**(d) Digital signature**

A party or other person is not required to use a digital signature on an electronically filed document.

*(Subd (d) amended and relettered effective January 1, 2020; adopted as subd (d); previously relettered as subd (e) effective January 1, 2019.)*

**(e) Judicial signatures**

If a document requires a signature by a court or a judicial officer, the document may be electronically signed in any manner permitted by law.

*(Subd (e) relettered effective January 1, 2020; adopted as subd (e) effective January 1, 2008; previously relettered as subd (f) effective January 1, 2019.)*


*Rule 2.257 amended effective January 1, 2020; adopted as rule 2057 effective January 1, 2003; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 2008, July 1, 2016, January 1, 2018, and January 1, 2019.*

**Advisory Committee Comment**

The requirements for electronic signatures that are compliant with the rule do not impair the power of the courts to resolve disputes about the validity of a signature.

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## California Code, Code of Civil Procedure - CCP § 1010.6

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(a) A document may be served electronically in an action filed with the court as provided in this section, in accordance with rules adopted pursuant to subdivision (f).

(1) For purposes of this section:

(A) "Electronic service" means service of a document, on a party or other person, by either electronic transmission or electronic notification. Electronic service may be performed directly by a party or other person, by an agent of a party or other person, including the party or other person's attorney, or through an electronic filing service provider.

(B) "Electronic transmission" means the transmission of a document by electronic means to the electronic service address at or through which a party or other person has authorized electronic service.

(C) "Electronic notification" means the notification of the party or other person that a document is served by sending an electronic message to the electronic address at or through which the party or other person has authorized electronic service, specifying the exact name of the document served, and providing a hyperlink at which the served document may be viewed and downloaded.

(D) "Electronic filing" means the electronic transmission to a court of a document presented for filing in electronic form. For purposes of this section, this definition of electronic filing concerns the activity of filing and does not include the processing and review of the document and its entry into the court's records, which are necessary for a document to be officially filed.

(2)(A)(i) For cases filed on or before December 31, 2018, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is not authorized unless a party or other person has agreed to accept electronic service in that specific action or the court

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has ordered electronic service on a represented party or other represented person under subdivision (c) or (d).

(ii) For cases filed on or after January 1, 2019, if a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of the document is authorized if a party or other person has expressly consented to receive electronic service in that specific action, the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), or the document is served electronically pursuant to the procedures specified in subdivision (e). Express consent to electronic service may be accomplished either by (I) serving a notice on all the parties and filing the notice with the court, or (II) manifesting affirmative consent through electronic means with the court or the court's electronic filing service provider, and concurrently providing the party's electronic address with that consent for the purpose of receiving electronic service. The act of electronic filing shall not be construed as express consent.

(B) If a document is required to be served by certified or registered mail, electronic service of the document is not authorized.

(3)(A) Before July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court may electronically serve any document issued by the court that is not required to be personally served in the same manner that parties electronically serve documents. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(B) On and after July 1, 2024, in any action in which a party or other person has agreed or provided express consent, as applicable, to accept electronic service under paragraph (2), or in which the court has ordered electronic service on a represented party or other represented person under subdivision (c) or (d), the court shall electronically transmit, to the agreeing or expressly consenting party or person, any document issued by the court that the court is required to transmit, deliver, or serve. The electronic service of documents by the court shall have the same legal effect as service by mail, except as provided in paragraph (4).

(4)(A) If a document may be served by mail, express mail, overnight delivery, or facsimile transmission, electronic service of that document is deemed complete at the time of the electronic transmission of the document or at the time that the electronic notification of service of the document is sent.

(B) Any period of notice, or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be extended after service by electronic means by two court days, but the extension shall not apply to extend the time for filing any of the following:

(i) A notice of intention to move for new trial.

(ii) A notice of intention to move to vacate judgment under [Section 663a](#)

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(iii) A notice of appeal.

(C) This extension applies in the absence of a specific exception provided by any other statute or rule of court.

(5) Any document that is served electronically between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed served on that court day. Any document that is served electronically on a noncourt day shall be deemed served on the next court day.

(6) A party or other person who has provided express consent to accept service electronically may withdraw consent at any time by completing and filing with the court the appropriate Judicial Council form. The Judicial Council shall create the form by January 1, 2019.

(7) Consent, or the withdrawal of consent, to receive electronic service may only be completed by a party or other person entitled to service or that person's attorney.

(8) Confidential or sealed records shall be electronically served through encrypted methods to ensure that the documents are not improperly disclosed.

(b) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (f) and the following conditions:

(1) A document that is filed electronically shall have the same legal effect as an original paper document.

(2)(A) When a document to be filed requires the signature of any person, not under penalty of perjury, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The filer is the signer.

(ii) The person has signed the document pursuant to the procedure set forth in the California Rules of Court.

(B) When a document to be filed requires the signature, under penalty of perjury, of any person, the document shall be deemed to have been signed by that person if filed electronically and if either of the following conditions is satisfied:

(i) The person has signed a printed form of the document before, or on the same day as, the date of filing.

The attorney or other person filing the document represents, by the act of filing, that the declarant has complied with this section. The attorney or other person filing the document shall maintain the printed form of the document bearing the original signature until final disposition of the case, as defined in subdivision (c) of Section 68151 of the Government Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=SP&originatingDoc=lf87061d0841f11ec83c0cd7707>) and make it available for review and copying upon the request of the court or any party to the action or proceeding in which it is filed.

(ii) The person has signed the document using a computer or other technology pursuant to the procedure set forth in a rule of court adopted by the Judicial Council by January 1, 2019.

(3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document that is received electronically on a noncourt day shall be deemed filed on the next court day.

(4)(A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.

(B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.

(C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.

(D) If the court utilizes an electronic filing service provider or electronic filing manager to send the notice of rejection described in subparagraph (C), the electronic filing service provider or electronic filing manager shall promptly send the notice of rejection to the party or person who submitted the document. A notice of rejection sent pursuant to this subparagraph shall include the date the electronic filing service provider or electronic filing manager sent the notice.

(E) If the clerk of the court does not file a complaint or cross complaint because the complaint or cross complaint does not comply with applicable filing requirements or the required filing fee has not been paid, any statute of limitations applicable to the causes of action alleged in the complaint or cross complaint shall be tolled for the period beginning on the date on which the court received the document and as shown on the confirmation of receipt described in subparagraph (A), through the later of either the date on which the clerk of the court sent the notice of rejection described in subparagraph (C) or the date on which the electronic filing service provider or electronic filing manager sent the notice of rejection as described in subparagraph (D), plus one additional day if the complaint or cross complaint is subsequently submitted in a form that corrects the errors which caused the document to be rejected. The party filing the complaint or cross complaint shall not make any change to the complaint or cross complaint other than those required to correct the errors which caused the document to be rejected.

(5) Upon electronic filing of a complaint, petition, or other document that must be served with a summons, a trial court, upon request of the party filing the action, shall issue a summons with the court seal and the case number. The court shall keep the summons in its records and may electronically transmit a copy of the summons to the requesting party. Personal service of a printed form of the electronic summons shall have the same legal effect as personal service of an original summons. If a trial court plans to electronically transmit a summons to the party filing a complaint, the court shall immediately, upon receipt of the complaint, notify the attorney or party that a summons will be electronically transmitted to the electronic address given by the person filing the complaint.

(6) The court shall permit a party or attorney to file an application for waiver of court fees and costs, in lieu of requiring the payment of the filing fee, as part of the process involving the electronic filing of a document. The court shall consider and determine the application in accordance with [Article 6 \(commencing with Section 68630\) of Chapter 2 of Title 8 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf870fe10841f11ec83c0cd7707132\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf870fe10841f11ec83c0cd7707132) and shall not require the party or attorney to submit any documentation other than that set forth in [Article 6 \(commencing with Section 68630\) of Chapter 2 of Title 8 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf870fe11841f11ec83c0cd7707132\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf870fe11841f11ec83c0cd7707132). The court, an electronic filing service provider, or an electronic filing manager shall waive any fees charged to a party if the party has been granted a waiver of court fees pursuant to Section 68631. The electronic filing manager or electronic filing service provider shall not seek payment from the court of any fee waived by the court. This section does not require the court to waive a filing fee that is not otherwise waivable.

(7) If a party electronically files a filing that is exempt from the payment of filing fees under any other law, including a filing described in [Section 212 of the Welfare and Institutions Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=lf8712520841f11ec83c0cd770713\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000228&refType=LQ&originatingDoc=lf8712520841f11ec83c0cd770713) or [Section 6103.9, subdivision \(b\) \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=SP&originatingDoc=lf8712521841f11ec83c0cd770713\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=SP&originatingDoc=lf8712521841f11ec83c0cd770713) or [Section 70617 \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf8712522841f11ec83c0cd770713\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf8712522841f11ec83c0cd770713) or [Section 70672 of the Government Code \(https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf8712523841f11ec83c0cd770713\)](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=lf8712523841f11ec83c0cd770713); the party shall not be required to pay any court fees associated with the electronic filing. An electronic filing service provider or an electronic filing manager shall not seek payment of these fees from the court.

(8) A fee, if any, charged by the court, an electronic filing service provider, or an electronic filing manager to process a payment for filing fees and other court fees shall not exceed the costs incurred in processing the payment.

(9) The court shall not charge fees for electronic filing and service of documents that are more than the court's actual cost of electronic filing and service of the documents.

(c) If a trial court adopts rules conforming to subdivision (b), it may provide by order, subject to the requirements and conditions stated in paragraphs (2) to (4), inclusive, of subdivision (d), and the rules adopted by the Judicial Council under subdivision (g), that all parties to an action file and serve documents electronically in a class action, a consolidated action, a group of actions, a coordinated action, or an action that is deemed complex under Judicial Council rules, provided that the trial court's order does not cause undue hardship or significant prejudice to any party in the action.

(d) A trial court may, by local rule, require electronic filing and service in civil actions, subject to the requirements and conditions stated in subdivision (b), the rules adopted by the Judicial Council under subdivision (g), and the following conditions:

(1) The court shall have the ability to maintain the official court record in electronic format for all cases where electronic filing is required.

(2) The court and the parties shall have access to more than one electronic filing service provider capable of electronically filing documents with the court or to electronic filing access directly through the court. Any fees charged by an electronic filing service provider shall be reasonable. An electronic filing manager or an electronic filing service provider shall waive any fees charged if the court deems a waiver appropriate, including in instances where a party has received a fee waiver.

(3) The court shall have a procedure for the filing of nonelectronic documents in order to prevent the program from causing undue hardship or significant prejudice to any party in an action, including, but not limited to, unrepresented parties. The Judicial Council shall make a form available to allow a party to seek an exemption from mandatory electronic filing and service on the grounds provided in this paragraph.

(4) Unrepresented persons are exempt from mandatory electronic filing and service.

(5) Until January 1, 2021, a local child support agency, as defined in subdivision (h) of Section 17000 of the Family Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1003409&refType=SP&originatingDoc=lf871c160841f11ec83c0cd770713>), is exempt from a trial court's mandatory electronic filing and service requirements, unless the Department of Child Support Services and the local child support agency determine it has the capacity and functionality to comply with the trial court's mandatory electronic filing and service requirements.

(e)(1) A party represented by counsel, who has appeared in an action or proceeding, shall accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party shall confirm by telephone or email the appropriate electronic service address for counsel being served.

(2) A party represented by counsel shall, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(f) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, and access to public records, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(g) The Judicial Council shall adopt uniform rules to permit the mandatory electronic filing and service of documents for specified civil actions in the trial courts of the state, which shall include statewide policies on vendor contracts, privacy, access to public records, unrepresented parties, parties with fee waivers, hardships, reasonable exceptions to electronic filing, and rules relating to the integrity of electronic service. These rules shall conform to the conditions set forth in this section, as amended from time to time.

(h)(1) Any system for the electronic filing and service of documents, including any information technology applications, internet websites and web-based applications, used by an electronic service provider or any other vendor or contractor that provides an electronic filing and service system to a trial court, regardless of the case management system used by the trial court, shall satisfy both of the following requirements:

(A) The system shall be accessible to individuals with disabilities, including parties and attorneys with disabilities, in accordance with Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=lf8720f80841f11ec83c0cd770713>)) as amended, the regulations implementing that act set forth in Part 1194 of Title 36 of the Code of Federal Regulations and Appendices A, C, and D of that part, and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq. (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000546&refType=LQ&originatingDoc=lf8720f82841f11ec83c0cd770713>))

(B) The system shall comply with the Web Content Accessibility Guidelines 2.0 at a Level AA success criteria.

(2) Commencing on June 27, 2017, the vendor or contractor shall provide an accommodation to an individual with a disability in accordance with subparagraph (D) of paragraph (3).

(3) A trial court that contracts with an entity for the provision of a system for electronic filing and service of documents shall require the entity, in the trial court's contract with the entity, to do all of the following:

(A) Test and verify that the entity's system complies with this subdivision and provide the verification to the Judicial Council no later than June 30, 2019.

(B) Respond to, and resolve, any complaints regarding the accessibility of the system that are brought to the attention of the entity.

(C) Designate a lead individual to whom any complaints concerning accessibility may be addressed and post the individual's name and contact information on the entity's internet website.

(D) Provide to an individual with a disability, upon request, an accommodation to enable the individual to file and serve documents electronically at no additional charge for any time period that the entity is not compliant with paragraph (1). Exempting an individual with a disability from mandatory electronic filing and service of documents shall not be deemed an accommodation unless the person chooses that as an accommodation. The vendor or contractor shall clearly state in its internet website that an individual with a disability may request an accommodation and the process for submitting a request for an accommodation.

(4) A trial court that provides electronic filing and service of documents directly to the public shall comply with this subdivision to the same extent as a vendor or contractor that provides electronic filing and services to a trial court.

(5)(A) The Judicial Council shall submit four reports to the appropriate committees of the Legislature relating to the trial courts that have implemented a system of electronic filing and service of documents. The first report is due by June 30, 2018; the second report is due by December 31, 2019; the third report is due by December 31, 2021; and the fourth report is due by December 31, 2023.

(B) The Judicial Council's reports shall include all of the following information:

(i) The name of each court that has implemented a system of electronic filing and service of documents.

(ii) A description of the system of electronic filing and service.

(iii) The name of the entity or entities providing the system.

(iv) A statement as to whether the system complies with this subdivision and, if the system is not fully compliant, a description of the actions that have been taken to make the system compliant.

(6) An entity that contracts with a trial court to provide a system for electronic filing and service of documents shall cooperate with the Judicial Council by providing all information, and by permitting all testing, necessary for the Judicial Council to prepare its reports to the Legislature in a complete and timely manner.

[« Prev \(https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1010-5.html\)](https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1010-5.html)

[Next » \(https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1011.html\)](https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1011.html)



Cite this article: FindLaw.com - California Code, Code of Civil Procedure - CCP § 1010.6 - *last updated January 01, 2019* | <https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1010-6/> (<https://codes.findlaw.com/ca/code-of-civil-procedure/ccp-sect-1010-6/>).

[Read this complete California Code, Code of Civil Procedure - CCP § 1010.6 on Westlaw \(https://1.next.westlaw.com/Document/I68EDB4C28E1C11ECABECC71A999E25F8/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)\)](https://1.next.westlaw.com/Document/I68EDB4C28E1C11ECABECC71A999E25F8/View/FullText.html?originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))

FindLaw Codes may not reflect the most recent version of the law in your jurisdiction. Please verify the status of the code you are researching with the state legislature or via Westlaw before relying on it for your legal needs.

# E-filing Update 4/12/23

4/12/2023 NOON – ZOOM WITH PROBATE BAR  
ANDREW ADAMS – COURT OPERATIONS MANAGER CIVIL/PROBATE  
MATT MALONE – CHIEF COUNSEL

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## E-filing Overview

- Mandatory E-Filing was implemented on 7/5/2022 per Local Rule 2.87
- Exemption for Self-Represented litigants or any party may move the Court for an order exempting it from the provisions of Local Rule 2.87
- Fourth Amended Standing Order regarding E-Filing was signed on 10/19/22.
- Example: Bonds, Wills, Ex parte Motions/Oppositions and Letters. A full list can be found in the standing order on the Courts website. A E-Filing FAQs list is also available.
- <https://www.cc-courts.org/efiling/docs/CurrentEFilingStandingOrder.pdf>
- <https://www.cc-courts.org/efiling/docs/EFilingFAQ.pdf>

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## E-Filing Tips to speed up processing

- Include “[Next HRG 4/12/23](#)” at the beginning of the filing description and then finish the title of the document.
- The document description should match the document title.
- Pick the correct security level.
- Ensure document is legible.
- If you have special notes for the Clerk’s office, please include them in the “Comments to Court” box.

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## Clerk’s Office Perspective I

Review Queue

Filters Queue Contra Costa - Probate Initial • Contra Costa - Probate Subsequent

Envelope #	Case #	Submit Date	Status	Filing Code	Filing Description	Case Title	Case Type	Judge	Filed By	Filing Attorney	Queue	Reviewer
11585042	P23-0584	03/30/2023 3:43 PM PDT	Under Review	Petition for Prob...	Petition for Prob...	Estate of Teri Bral... Probate of Will		George, Virginia M	Carrie B Clutter	Ken Begun	Contra Costa - Pro...	T. Schrader
			Accepted By Court	Lodge Order/Jud...	Proposed Order f...							
			Accepted By Court	Duties & Liabilit...	Duties & Liabilit...							
11588790		03/31/2023 7:51 AM PDT	Submitted	Petition for Prob...	Petition for Prob...	Probate of Will			Charles Mossina	Charles Mossina	Contra Costa - Pro...	<a href="#">E-Submit</a>
			Submitted	Duties & Liabilit...	Duties & Liabilit...							
11589322	MSP19-02131	03/31/2023 9:12 AM PDT	Submitted	Request for Jud...	REQUEST FOR J...	Master of THE GA... Trust		George, Virginia M	Laura Kettle	John Harlog	Contra Costa - Pro...	
			Submitted	Exhibit	REQUEST FOR J...							
			Submitted	Exhibit	REQUEST FOR J...							
11589980	MSP21-00158	03/31/2023 10:10 AM PDT	Submitted	Request	Request for Disam...	RE THE C. RAYMO... Trust		Fenstermacher, Su...	Karen Stephenson	Timothy Barbeau	Contra Costa - Pro...	
			Submitted	Petition/Compen...	Petition for Heirs...							
			Submitted	Declaration Of Sh...	Declaration Of Sh...	ESTATE OF BREN... Letters of Admins...		George, Virginia M	Sarah Dancaster	Matthew Benjamin...	Contra Costa - Pro...	
11590458	MSP22-00161	03/31/2023 10:53 AM PDT	Submitted	Petition/OPP Inte...	Petition/OPP Inte...	Trust			Jennifer Wallis	Jennifer Wallis	Contra Costa - Pro...	
			Submitted	Stipulation & Order	Stipulation & Order							
11590649		03/31/2023 11:09 AM PDT	Submitted	Request for Spec...	Request for Spec...	Conservatorship o...		Fenstermacher, Su...	Jerry Chamberlain	Konstantine A De...	Contra Costa - Pro...	
			Submitted	Request for Spec...	Request for Spec...	RE THE 1994 JOH... Trust		Fenstermacher, Su...	Jerry Chamberlain	Konstantine A De...	Contra Costa - Pro...	
11591416	MSP19-01717	03/31/2023 12:23 PM PDT	Submitted	Notice of Hearin...	Notice of Hearin...	CONSERVATORSH... Conservatorship		George, Virginia M	Sarah Dancaster	Emily Nashban	Contra Costa - Pro...	
11591740	MSP21-01582	03/31/2023 12:52 PM PDT	Submitted	Notice of/to:	Notice to Attend ...	MATTER OF THE ... Trust		George, Virginia M	Douglas Housman	Douglas Housman	Contra Costa - Pro...	
11591742	MSP19-01291	03/31/2023 12:53 PM PDT	Submitted	Notice of Petition...	Notice of Petition...	ESTATE OF MICH... Probate of Will		George, Virginia M	DEBORAH BRASIER	Peter Hass	Contra Costa - Pro...	
11592605	MSP21-00861	03/31/2023 2:15 PM PDT	Submitted	Petition for Allow...	PETITION FOR A...	Estate of Geraldin... Probate of Will		George, Virginia M	Sabrina Younes			
11592641	P22-01442	03/31/2023 2:19 PM PDT	Submitted	Lodge Order/Jud...	Lodge Order/Jud...							

Items per page: 25 1 - 25 of 203

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# Clerk's Office Perspective II

Envelope #	Case #	Submit Date	Status	Filing Code	Filing Description	Case Title	Case Type	Judge
11640898	P23-00290	04/06/2023 12:22 PM PDT	Submitted	Petition to/for:	Petition to/for: Pr...	Estate of: Nailah B... Letters of Adminis...		Fenstermacher, Su...
11640986	P22-01329	04/06/2023 12:26 PM PDT	Submitted	Notice Filed Re:	Notice Filed Re: ...	Estate of: Michael ... Letters of Adminis...		Fenstermacher, Su...
11641094	MSP20-01319	04/06/2023 12:33 PM PDT	Submitted	Proof of Service ...	Proof of Service ...	IN THE MATTER O... Trust		Fenstermacher, Su...
11641150	P23-00058	04/06/2023 12:37 PM PDT	Submitted Submitted	Notice of Entry of: Proof of Service	Proof of Service by Mail Proof of Service	Matter of: THE RIC... Trust		Fenstermacher, Su...
11641156	MSP21-01892	04/06/2023 12:37 PM PDT	Submitted	Declaration Of	4/11/23 Declarat...	IN RE THE FAITH ... Trust		George, Virginia M
11641478	P23-00040	04/06/2023 12:55 PM PDT	Submitted Submitted	Notice of/to: Notice of/to:	Notice of Admini... Notice to Directo...	Estate of: Macie R... Probate of Will		George, Virginia M
11638206	MSP20-00388	04/06/2023 10:18 AM PDT	Submitted Submitted Submitted Submitted	Miscellaneous Fil... Miscellaneous Fil... Proof of Service Proof of Service	HRG 4-13-23 Sub... HRG 4-13-23 Sub... HRG 4-13-23 Pro... HRG 4-13-23 Pro...	Estate of PETER A... Probate of Will		Fenstermacher, Su...
11638280	MSP20-00388	04/06/2023 10:21 AM PDT	Submitted	Witness List	HRG 4-13-23 AM...	Estate of PETER A... Probate of Will		Fenstermacher, Su...

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# Clerk's Office Perspective III

**Filing - Declaration Of - EFile**

Filing Details    Assoc. Parties    Services

Filing Code \*

Declaration Of

Filing Type  
EFile

Reference Number  
Laughlin Estate

Filing Description  
DECLARATION OF ATTORNEY RE  
AMENDED REDUCED RESERVE AMOUNT  
FOR CLOSING EXPENSES

Filing Comments  
Messages  
to the clerk

Filing Courtesy Copies 1

**Documents**

Lead Document Name  
Laughlin Estate Signed Dec Re Reduced  
Reserve Amount.pdf

Document Description  
Declaration Of

Security    Filter: Public

Electronically Filed Superior Court of CA County of Contra Costa <<ClockDate>> By: <<Name>>, Deputy

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Attorney for [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF CONTRA COSTA

11 [REDACTED]

12 the Estate of [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Decedent.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 I, [REDACTED] declare:

21 1. I am an attorney duly licensed to practice in the

22 State of California, and I am the attorney of record for

23 Dominique Suzette Savage (hereinafter "Petitioner"), the duly

24 appointed and acting Executor for the Estate of David E.

25 Laughlin

26 2. I submit this verified Declaration in support of

27 Petitioner's First and Final Report of Administration on Waiver

28 of Account, and Petition for Final Distribution, Approval of

1

The document description should be the same as the title

6

AA1

## Commons Issues / Rejections

- Party has a fee waiver and that payment type is not selected.
- Filings submitted into the subordinate case on consolidated actions.
- Large exhibits are broken up and submitted without cover pages.
- Amended filings are submitted but not identified as amended.
- Subsequent pleadings submitted as a new filing.
- Documents are illegible.
- Answer to many question can be found at the link below.
- <https://odysseyfileandservecloud.zendesk.com/hc/en-us>

## Slide 7

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**AA1** Andrew Adams, 4/7/2023