

LOCAL RULE 12 OF THE COURT OF APPEAL
FIRST APPELLATE DISTRICT
As amended effective August 23, 2019

Rule 12. Electronic Filing

All filings are to be made through the Court's electronic filing system (EFS) operated by ImageSoft TrueFiling (TrueFiling). Use of the EFS system is mandatory for all attorneys filing in this District, unless an exemption is granted, and is voluntary for all self-represented litigants. 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 constitutes the official record of the Court.

(a) [Registration]

(1) **Obligation to Register.** Each attorney of record in any proceeding in this District is obligated to become an EFS user and obtain a user ID and password for access to the TrueFiling system. Self-represented litigants must register if they wish to e-file. Attorneys and self-represented litigants may register at: <https://tf3.truefiling.com/register>.

(2) **Obligation to Keep Account Information Current.** An EFS user is responsible for all documents filed under the user's registered ID and password. Registered users are required to keep their e-mail address current and may update their e-mail address online via the TrueFiling Web site.

(b) [Format]

(1) Documents filed electronically must be in PDF format, or readily capable of conversion to PDF format while maintaining original document formatting by TrueFiling to permit text searches and to facilitate transmission and retrieval. If the filer possesses only a paper copy of a document, it may be scanned to convert it to a searchable PDF format. It is the filer's responsibility to ensure that any document filed is complete and readable. No single document shall exceed a total file size of 25 MB.

(2) Electronic 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. Electronic bookmarks to each topic heading in the text (as listed in the table of contents) in briefs are required. To the extent reasonably practicable, the court encourages the use of hyperlinks in legal citations to the Westlaw or Lexis legal research database.

(3) **Motions, Writs and Other Original Proceedings.** All motions, writs and other original proceedings (excluding Judicial Council form pleadings) must include electronic bookmarks to each section heading in the text (as listed in the table of contents), and to the first page of any exhibit(s), with the exhibit number or letter and a description of the exhibit included in the bookmark. All exhibits should be submitted in a single volume if possible, with multiple volumes permitted only to the extent necessary to meet file size limitations in subdivision (b)(1) of this rule. Each page shall be consecutively numbered, starting with the cover page of Volume 1 and ending with the last page of the last volume, including indexes. [Do not use a separate pagination system for indexes within the volumes. The page number does not need to appear on the cover pages and can be suppressed.] Each exhibit volume shall clearly state the volume and page numbers included within that volume and include an index of contents, with a descriptive electronic bookmark including exhibit number or letter, to the first page of each indexed document (e.g., Exhibit 1--First Amended Complaint).

Pleadings and exhibits not properly formatted may be rejected.

(c) [Signatures] A TrueFiling user ID and password is the equivalent of an electronic signature for a registered attorney or party. Any document displaying the symbol “/s/” with the attorney’s or party’s printed name shall be deemed signed by that attorney/party.

(d) [Trial Court Record]

(1) **Appendices, Agreed Statements, and Settled Statements.** Parties must submit any appendix filed pursuant to California Rules of Court, rule 8.124, any agreed statement filed pursuant to rule 8.134, or any settled statement filed pursuant to rule 8.137 in electronic form. Appendices should be submitted in a single volume if possible, with multiple volumes permitted only to the extent necessary to meet file size limitations in subdivision (b)(1) of this rule. If multiple volumes are required, they shall be consecutively paginated. Each volume shall clearly state the volume and page numbers included within that volume and include an index of contents, with a descriptive electronic bookmark, to the first page of each indexed document. Appendices exceeding 10 volumes should be delivered to the court on machine readable optical media in lieu of e-filing. A party submitting such an appendix shall file a notice of lodging via TrueFiling.

(2) **Administrative Records.** In addition to any administrative record provided by the trial court pursuant to California Rules of Court, rule 8.123, the party or parties seeking review must submit a copy of the administrative record in electronic form. An administrative record may be delivered to the court on machine readable optical media in lieu of e-filing.

(3) Reporter's Transcripts. 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 computer-readable format, as provided in Code of Civil Procedure section 271, subdivision (a), and submit an electronic copy to the Court. Should the reporter's transcript exceed the size limitations in subdivision (b)(1) of this rule, a party must either (i) submit the transcript in multiple parts, or (ii) provide the Court with the transcript in digital format on machine readable optical media.

(4) Submissions by the Trial Court.

(i) To the extent that a trial court is able to do so, the court shall submit the clerk's transcript and/or the reporter's transcript(s) in searchable PDF format, either through the TrueFiling system or a court provided portal, in lieu of paper copies otherwise required under the California Rules of Court, and make electronic versions available to parties willing to accept them in lieu of paper copies. One paper copy, in addition to any electronic copy, must be provided to an indigent criminal defendant or his/her counsel. Digital copies of clerk's transcripts and reporter's transcripts must comply with the California Rules of Court.

(ii) Notwithstanding subpart (4)(i) above if, prior to January 1, 2023, a trial court or the court's official reporter or reporter pro tempore lacks the technical ability to use or store a clerk or reporter's transcript in electronic form as prescribed in section 271 of the Code of Civil Procedure and the California Rules of Court, the trial court may provide advance notice of this fact to the Clerk of the Court and may file a paper original of the record or portion of the record that it cannot file electronically. If the proceedings in an action are transcribed by multiple court reporters, those who can deliver transcripts in electronic form must do so, while those who cannot, must notify this court before providing paper copies. All reporters who work on a single action must coordinate with each other to ensure that all transcripts, electronic and paper, are numbered sequentially.

(iii) In the event a paper original of the reporter's transcript is filed with the court and the transcript was produced with computer aided transcription equipment, upon notice by the court made within 120 days of the filing or delivery of the paper transcript, the official reporter or official reporter pro tempore shall provide an electronic copy of the transcript in full text-searchable PDF format.

(e) [Personal Identifiers and Privacy Issues] To protect personal privacy, parties and their attorneys must not include, or must redact where inclusion is necessary, personal identifiers such as social security numbers, driver's license numbers, and financial account numbers from all pleadings and other papers filed in the Court's public file, whether filed in paper or electronic form, unless otherwise provided by law or ordered by the Court. (Cal. Rules of Court, rule 1.201(a).) If an individual's social security number is required in a pleading or other paper filed in the public file, only the last four digits of that number shall be used. If financial account numbers are required in a pleading or other paper filed in the public file, only the last four digits of these numbers shall be used. Particularly sensitive confidential information such as medical records and proprietary or trade secret information should be filed only under seal as required by law or authorized pursuant to the California Rules of Court.

The responsibility for excluding or redacting identifiers from all documents filed with the Court rests solely with the parties and their attorneys. (Cal. Rules of Court, rule 1.201(b).) Neither TrueFiling nor the Clerk of the Court has any responsibility to review pleadings or other papers for compliance.

(f) [Filing Deadlines] Filing documents electronically does not alter any filing deadlines. In order to be timely filed on the day they are due, all electronic transmissions of documents must be completed (i.e., received completely by the Clerk of the Court) prior to midnight. Where a specific time of day is set for filing by Court order or stipulation, the electronic filing shall be completed by that time. Although EFS permits parties to submit documents electronically 24 hours a day, users should be aware that telephone or online assistance may not be available outside of normal Court business hours.

(g) [Completion of Filing] Electronic transmission of a document through TrueFiling in compliance with the California Rules of Court shall, upon confirmed receipt of the entire document by the Clerk of the Court, constitute filing of the document for all purposes.

(h) [Technical Failure/Motions for Late Filing] If a filer fails to meet a filing deadline imposed by Court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.

The Clerk of the Court shall deem the EFS system to be subject to a technical failure whenever the system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day. Filings

due on the day of a technical failure which were not filed solely due to such technical failure shall be due the next court day. Such delayed filings shall be accompanied by a declaration or affidavit attesting to at least two attempts by the filer to file electronically after 12:00 noon with each attempt at least one hour apart on each day of delay due to such technical failure. The initial point of contact for any practitioner experiencing difficulty filing a document into the EFS system shall be the toll-free number posted on the TrueFiling Web site.

The Court shall not be responsible for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

(i) [Manual Filing] An EFS user may be excused from filing a particular document electronically if (1) it is not available in electronic format; (2) it must therefore be scanned to PDF; and (3) the file size of the scanned document exceeds the limit specified on the EFS Web site. Such a document instead shall be manually filed with the Clerk of Court and served upon the parties in accordance with the statutory requirements and the California Rules of Court applicable to service of paper documents. Parties manually filing a document shall file electronically a manual filing notification setting forth the reason why the document cannot be filed electronically.

(j) [Service] Attorneys or self-represented parties who have registered with TrueFiling to participate in EFS consent to service or delivery of all documents by any other party in a case through the system. (Cal. Rules of Court, rule 8.78.) Orders or other documents generated by the Court will be served only through the EFS or by e-mailed notification. Only self-represented litigants who are not registered EFS users will receive manual service or notification by other means.

(k) [Filing fees] TrueFiling is a private vendor under contract with the Court. TrueFiling will assess vendor fees for each filing in accordance with the schedule posted on its website, as approved by the Court. E-filing fees will be considered recoverable costs under California Rules of Court, rule 8.278(d)(1)(D). TrueFiling 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).

Self-represented parties are exempt from the requirement of electronic filing. However, should a self-represented party with a fee waiver opt to file documents electronically, that party is exempt from the fees and costs associated with electronic filing. The persons and entities identified in Government Code section 6103 also are exempt from the fees and costs associated with e-filing.

(l) [Exemptions] Self-represented parties may, but are not required to register for electronic filing, but must comply with this rule and the requirements of TrueFiling if they elect to register.

If this rule causes undue hardship or significant prejudice to any party, the party shall lodge the number of paper copies required by the California Rules of Court without regard to electronic filing, plus an additional unbound paper copy in lieu of the electronic copy, accompanied by a declaration setting forth facts that support the claim of hardship. Acceptance of the lodged papers for filing will be subject to further order of the Court. When it is not otherwise feasible for a party to convert a document to electronic form by scanning, imaging or other means, the document may be filed in paper form (Cal. Rules of Court, rule 8.71(g)), together with a declaration setting forth the reasons that electronic filing was not feasible.

(m) [Sanctions for Noncompliance] Failure of counsel to timely register or otherwise comply with EFS filing requirements, unless exempted, shall subject counsel to sanctions as may be imposed by the Court.