

LOCAL RULES OF THE COURT OF APPEAL THIRD APPELLATE DISTRICT

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Rule 5. Electronic Filing

(a) Definitions

As used in this local rule, unless the context otherwise requires:

- (1) “Court” means the Court of Appeal for the Third Appellate District.
- (2) “Electronic filing” and “document” are as defined in rule 8.70(c) of the California Rules of Court.
- (3) A “file” is a unit of electronic information with a filename.
- (4) “TrueFiling” is the court’s electronic filing portal for registered users.
- (5) “Registered user” and “registered users” refer to a person or persons registered to use TrueFiling.
- (6) “EFS” means the court’s electronic filing system, which includes, but is not limited to, TrueFiling and the court’s file transfer protocol (FTP) server.
- (7) “EFS user” and “EFS users” refer to a user or users of the court’s electronic filing system.

(b) Mandatory electronic filing

Electronic filing is mandatory for all attorneys filing with the court unless an exemption is granted; electronic filing is voluntary for all non-attorney self-represented litigants. Electronic filers must use the court’s EFS.

(c) Registration

- (1) *Obligation to Register.* Each attorney in any proceeding in this court is obligated to become a registered user and obtain a username and password for access to TrueFiling unless an exemption is granted. Non-attorney self-represented litigants must become registered users if

they wish to file electronically. Attorneys and non-attorney self-represented litigants may become registered users by registering at <<http://www.truefiling.com>>.

(2) *Responsibility; Obligation to Keep Account Information Current.* A registered user is responsible for all documents filed under the user's registered username and password. The registered user must comply with the requirements of the California Rules of Court.

(d) Signatures

For registered users, a registered username and password is the equivalent of an electronic signature.

(e) Superior Court Record

(1) *Record of Administrative Proceedings.* In addition to any administrative record provided by the trial court pursuant to the California Rules of Court, registered users seeking review of an administrative determination must submit an electronic copy of the administrative record to the court in compliance with rule 8.74 of the California Rules of Court.

(2) *Reporter's Transcript.* A registered user who orders a reporter's transcript of proceedings must also request a copy of the transcript in electronic format and must submit an electronic copy to the court in compliance with rule 8.74 of the California Rules of Court.

(3) *Submissions by the Superior Court.* To the extent a superior court is able to do so, the court requires each superior court within the Third Appellate District to engage in the electronic service and electronic filing of documents, including, but not limited to, the clerk's transcript and reporter's transcripts. A superior court shall submit the clerk's transcript and/or the reporter's transcript(s) in searchable PDF format, through the court-provided portal, in lieu of paper copies otherwise required under the California Rules of Court. If a superior court transmits an electronic document to the court, including the clerk's transcript and/or the reporter's transcript, it shall also make the electronic document 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 their counsel. Electronic documents submitted to the court in lieu of paper must comply with the California Rules of Court and this local rule.

(f) Personal Identifiers and Privacy Issues

To protect personal privacy and other legitimate interests, 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 documents filed as part of the court's public record, whether filed in paper or electronic format, unless otherwise provided by law or ordered by the court. If an individual's Social Security number or financial account number is required in a document filed as part of the court's public record, only the last four digits of the number shall be used.

The responsibility for excluding or redacting identifiers from all documents filed with the court rests solely with the parties and their attorneys. Neither TrueFiling nor the Clerk of the

Court has any responsibility to review documents for compliance.

(g) Filing Deadlines

Electronic filing does not alter any filing deadlines. An electronic filing not completely received by the court by 11:59 p.m. will be deemed to have been received on the next court day. If a specific time of day is set for filing by court order or stipulation, the electronic filing shall be completed by that time. Although the EFS permits users to transmit electronic documents 24 hours a day, EFS users should be aware that telephone or online assistance may not be available outside of normal court business hours, and requests for immediate relief made after the close of the court's normal business hours may not be addressed until the next court day.

(h) Motion to Accept Filing as Timely Following TrueFiling Technical Failure

If a registered user fails to meet a filing deadline imposed by court order, rule or law because of a TrueFiling failure, the registered user may file the document in electronic or paper format as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. A late submission that missed a jurisdictional deadline will be accepted for filing pursuant to this subparagraph only if the deadline was missed due to a TrueFiling failure. The initial point of contact for anyone experiencing difficulty with TrueFiling shall be the toll-free telephone number posted on the TrueFiling Web site.

The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of electronically filed documents.

(i) Service

Registration with TrueFiling manifests affirmative consent to receive service through the EFS. Documents prepared by the court will be served on EFS users through the EFS or by electronic notification.

(j) Filing Fees

TrueFiling is operated by a vendor pursuant to a contract with the court. The vendor will assess fees for each electronic filing via TrueFiling in accordance with the schedule posted on the TrueFiling Web site, as approved by the court. TrueFiling fees will be considered recoverable costs under the California Rules of Court. The vendor is designated as the court's agent for collection of court-imposed fees where required for any electronic filing made by registered users, and any associated credit card or bank charges or convenience fees.

If a non-attorney self-represented litigant with a fee waiver chooses to file documents electronically, that litigant is exempt from the fees and costs associated with electronic filing. The persons and entities identified in Government Code section 6103 are also exempt from the fees and costs associated with the EFS.

(k) Exemptions

(1) Non-attorney self-represented litigants may, but are not required to, register for

electronic filing. Non-attorney self-represented litigants who opt to register for electronic filing must comply with the California Rules of Court, this local rule, and the requirements of the EFS.

(2) When it is not feasible for a registered user to convert a document to electronic format in compliance with rule 8.74 of the California Rules of Court, the document may be filed in paper format with a declaration setting forth the reason that electronic filing was not feasible. (See Cal. Rules of Court, rule 8.74(a)(6), *Manual Filing*.)

(3) If the requirements of this local rule cause undue hardship or significant prejudice to any registered user, the registered user may file a motion for an exemption from the requirements of this local rule.

(l) Rejection of an Electronic Filing for Noncompliance

The court will reject an electronic filing if it does not comply with the requirements of the California Rules of Court and this local rule.

(m) Sanctions for Noncompliance

Failure of counsel to timely register, and failure of any registered user to comply with electronic filing requirements, unless exempted, may be subject to sanctions imposed by the court.

(n) Original Documents

The court may, in its discretion, scan any paper document into an electronic format, in which case the electronic document will be deemed the original for purposes of the court record.

(o) Posting and Publication

The Clerk of the Court is directed to post a copy of this local rule on the court's Web site and submit a copy to the Reporter of Decisions for publication.

Dated: December 11, 2024



Presiding Justice