

San Francisco Superior Court Local Rules | 2.10 E-Filing Rules

Effective January 1, 2015

A. Scope. These rules govern the electronic filing and service of documents in Single Assignment, Complex cases, all General Civil cases (with the exception of Unlawful Detainer cases and Small Claims cases), and any other cases designated by the Court under these E-Filing Rules (collectively "Designated Cases"). A case provisionally complex pursuant to CRC 3.400(c), or otherwise designated by a party as complex, is not a Designated Case until such time as the Court enters a classification order pursuant to CRC 3.403. Probate matters, to the extent set forth in SFLR 14.100, are Designated Cases. Local Rules of Court San Francisco Superior Court Rule 2

B. Retroactive Effect of Designation. The Court's designation of a case does not require the re-filing, re-service, or translation into electronic format of any document filed or served before the designation.

C. Definitions.

1. "CCP" means the California Code of Civil Procedure.
2. "Close of Business" is 4:00 p.m. Pacific Time.
3. "Conventional" service and filing means service and filing of documents pursuant to the CCP and CRC absent these E-Filing Rules, i.e. using paper format.
4. "CRC" means the California Rules of Court.
5. "Designated Cases" are comprised of all complex cases, as defined in CRC 3.400, causes assigned to a single judge, any case in which the parties have stipulated is to be governed by these E-Filing Rules and the Court then so designates, or by Court Order pursuant to CRC 2.253. A matter becomes a Designated Case as of the date it is so designated.
6. "E-Document" – An electronic version of a document generally composed of text.
7. "E-File" – Electronic version of an original document transmitted to the Clerk of the Superior Court, County of San Francisco ("Clerk") via the Vendor's system or electronically filed and/or served. An E-File consists of an E-Document, E-Image, or both.
8. "E-Filing Vendor" or "Vendor" or "Approved Vendor" – A private entity approved by the Court to provide electronic filing and service.
9. "E-Image" – An electronic version of a document that has been scanned or converted to a graphical or image format.
10. "E-Service" – Electronic transmission of an original document to all other designated recipients via the Vendor's system. Upon the completion of any transmission to the Vendor's system, a Transaction

Receipt is issued to the sender. Once the Vendor has served all recipients, proof of electronic service must be available to the sender from Vendor.

11. "Transaction Receipt" means a confirmation that is transmitted to a registered user after a registered user has submitted a transaction through the E-filing Vendor to the Court and/or parties and their lawyers. The Transaction Receipt displays the date and time the Transaction was submitted by the registered user through the E-filing Vendor. The Transaction Receipt may serve as the submitting party's proof of filing.

12. "User" – Any party or non-party to a Designated Case who has not been excluded pursuant to Section E.

D. Obtaining Access to System.

1. All Users must utilize the services of an approved Vendor. Users must enter into a standard service agreement during the registration process with the approved Vendor that will govern all transactions completed within the scope of these E-Filing Rules in addition to additional features that Users may but are not required to use in connection with the electronic filing and/or serving of documents through the Vendor.

2. The Court Executive Officer of the Court may solicit bids from other Local Rules of Court San Francisco Superior Court Rule 2 potential vendors and submit to the Presiding Judge any recommendations for a change in the designation of the Vendor or the terms of the Service Agreement. The Court Executive Officer must provide current and potential vendors all information reasonably necessary to develop a bid to render the services necessary to implement these rules.

E. Exclusion From E-Filing and E-Service Requirements. Self-represented parties and non-parties are excluded from the requirements of these E-Filing Rules, but are encouraged to voluntarily submit to them. Parties bound by these rules must serve self-represented parties and nonparties conventionally.

F. Assignment by the Vendor of Username and Password. The Vendor must assign to the party's designated representative a confidential username and password which may be used to file, serve, and receive pleadings, orders, and other documents electronically filed in the assigned case. No attorney or party representative may knowingly or recklessly authorize or permit his/her username or password to be utilized by anyone other than the authorized attorneys or employees of the attorney's law firm.

G. Obligation to Keep Information Current. A party whose electronic notification address changes while the action or proceeding is pending must promptly file a notice of change of address with the court electronically and must serve this notice on all other parties or their attorneys of record. An electronic notification address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed and served notice that the address is no longer valid.

H. Electronic Filing of Pleadings and Other Documents.

1. Except as expressly provided by these rules, all pleadings, motions, memoranda of law, declarations, orders, or other documents must be electronically filed. All documents relating to a single pleading or paper must be electronically filed together in a single filing transaction. For example, a motion, a

memorandum in support of the motion, a proposed order and related affidavits must be filed as separate documents under a single transaction. All documents, papers or pleadings directly related to a previously filed document, paper or pleading must be linked to the previously filed document, paper or pleading by utilizing the "Linked Documents" feature provided by Vendor. The judge assigned to a Designated Case may order the parties to e-file papers previously conventionally filed.

2. Plaintiff must provide a case-specific service list to Vendor, distinguishing actual parties from entities designated for courtesy service. Defendants are obligated to serve only those parties and entities required by the CCP. These E-Filing Rules do not prohibit any party from transmitting documents to any entity not on the service list. Service list changes will remain the responsibility of the individual parties through their counsel, if any. Vendor will process the changes requested by parties, but Vendor will not initiate them. Entities on service lists may only be removed by the party initiating the action against that entity, or by order of the Court.

3. During trial, motions, memoranda, and matters presented to the Court in Local Rules of Court San Francisco Superior Court Rule 2 writing for decision may be served in open court in hard copy form. These items and proofs of service must be filed electronically no later than the Close of Business on the court day following service by hand in open court, and the electronic proof of service must reference the date originally served in open court.

I. Responsible for Redaction. The responsibility for redacting personal identifiers and privileged or confidential information rests solely with counsel and the parties. The Clerk will not review each pleading or other paper for compliance. The court may impose sanctions for violation of these requirements.

J. Confirmation of Receipt of Lodged and Filed Documents. Vendor is hereby appointed agent of the Clerk as to the electronic filing, receipt, service and/or retrieval of any document in the E-File system. Vendor must promptly send Users confirmation of the receipt of any document that Users have transmitted to Vendor for filing or lodged with the Clerk. Such confirmation must indicate the date and time of receipt stated in Pacific Time. The Clerk must review the document and transmit to the Vendor confirmation that the document has been reviewed, accepted, or rejected by the Clerk. The Clerk must electronically endorse any document accepted for filing in accordance with CRC 2.259(e), or must promptly transmit the Clerk's notice of rejection or amendment to the User through Vendor.

K. Effect of Use of E-File and Time for Filing. No document transmitted electronically is deemed filed unless it is accepted for filing by the Clerk. Any document received by Vendor before Close of Business on a court day is deemed filed on the date of transmission if the document is accepted for filing. Any document received by Vendor after the Close of Business is deemed filed the next court day if the document is accepted for filing.

L. Payment of Statutory Filing Fees. Vendor is hereby appointed as the agent of the Clerk with respect to collecting statutory filing fees for any electronically filed document. Each User must pay all required filing fees for electronically filed documents to Vendor. Vendor will invoice each User monthly for the total amount of such filing fees. Vendor must remit filing fees to the Clerk. At such time, those fees are the sole property of the Clerk of the Superior Court of California, County of San Francisco. All requests for refunds of filing fees must be addressed to the Clerk and may be submitted electronically in the manner prescribed by the Clerk.

M. Format of Electronically Filed Documents. All electronically filed documents, to the extent practicable, must be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other or further format as the Court may require.

N. Signatures on E-Filed Documents.

1. Every item which is E-Filed and/or E-Served is deemed to have been signed by a judge, licensed attorney, court official, or person authorized to execute proofs of service if it bears a typographical signature of such person, e.g., "/s/ Adam Attorney," along with the typed name, address, telephone number, and State Bar of California number of a signing attorney. Such typographical signatures are personal signatures for all Local Rules of Court San Francisco Superior Court Rule 2 purposes under the CCP. Judges may use graphic signatures.
2. E-Filed and/or E-Served documents requiring a signature under penalty of perjury must be imaged to reflect the handwritten signature of the declarant to accomplish valid filing and service.
3. E-Filed and/or E-Served documents which do not require a signature under penalty of perjury are deemed signed by the submitting party if it bears a typographical or graphic signature.
4. The original of E-Filed and/or E-Served documents including original signatures must be retained by the party filing the document for at least the period after the termination, including all appeals, of the case required for conventionally filed documents. Upon reasonable notice, the filing party must provide in advance of any hearing on the matter the original of such typographically signed or imaged documents.

O. Electronic Title of Documents. The document title entered on the Vendor system must be the same as that reflected in the caption of the document.

P. Electronic Service of Documents and Proof of Service.

1. Users must E-Serve all E-Filed documents on all parties. Users may E-Serve other documents not E-Filed upon other Users. Users must receive all E-Filed and E Served documents via access to the Vendor's system. This Rule does not modify the obligations of service as set forth in the CCP.
2. A party may choose to serve documents required to be E-Filed under these Rules by means in addition to E-Service, but not instead of E-Service. The time for response to documents shall be the earlier of those attributable to the various means of service.
3. Vendor's Transaction Receipt is a valid proof of service if it complies with CRC 2.260(c) and CCP § 1013(a). A proof of service page may be attached to the last page of any E-Filed and E-Served document. Neither a separate caption page nor a separate filing of the proof of service is required so long as the proof of service page contains a caption referencing the case name and action number, is attached as the last page of the E-Filed and E-Served document to which it refers, and references the Vendor's transaction receipt.

Q. Effect of Electronic Service. The E-Service of a document is effective service on all Users. Documents E-Served by the Close of Business on court days are deemed to have been served on that day. Otherwise, they are deemed served the next court day. The filing and service provisions of CCP § 1010.6 and CRC 2.260 apply.

R. Conventional Filing of Documents. Notwithstanding the foregoing, the following types of documents may or must be filed conventionally unless otherwise required by the Court:

1. Initiating Filings. A new case shall originate with the filing of a conventional copy of the initial pleading. All documents thereafter must be electronically filed.
2. Documents Issued by Clerk. Issuance of summons and writs, Abstracts and Out of State Commissions, Certificate of Facts RE: Unsatisfied Local Rules of Court San Francisco Superior Court Rule 2 Judgment, Order of Examinations must be handled conventionally.
3. Documents Under Seal. A motion to file documents under seal must be filed electronically. Sealed documents must be filed and lodged conventionally in the Civil Clerk's Office, Subsequent Filings window, Room 103.
4. Non-electronic Exhibits or Other Items. Exhibits to declarations or other documents that are non-text articles, physical objects, or other documents not readily susceptible to electronic filing may be filed or lodged conventionally and in accordance with the direction of the Clerk. A notice of such filing must be filed and served electronically.
5. Documents served by hand in open court during trial (including motions, memoranda of points & authorities and other matters presented to the Court in writing for decision) may be served conventionally. The document and proof of service must be E-Filed before the Close of Business on the court day following service by hand in open court. In addition, the proof of service must reference the date the document was originally served in open court.
6. Motions with Jurisdictional Time Limits. The following may be filed and served conventionally: Motions with jurisdictional time limits including motions for new trial, motions JNOV, motions to quash service for personal jurisdiction, any notice of appeal, and petitions for writs. The Court's service copy of any petition to the Court of Appeal for extraordinary relief must be served electronically.

S. Electronic Filing and Service of Orders and Other papers by Court. The Court may issue, file, and serve notices, orders, and other documents electronically subject to the provisions of these E-Filing Rules.

T. Courtesy Copies to Court. Users must submit one courtesy paper copy of all filed documents requiring Court review, action, or signature directly to the assigned Judge's department. These courtesy copies must be delivered to the Court not later than 1:30 p.m. of the day following electronic filing, except all papers related to motions brought on shortened time must be delivered to the Judge's department as early as practicable but at least before the time set for hearing. All courtesy copies must append the relevant Vendor's transaction receipt.

U. Civil Appeals. Users must deliver two courtesy copies of the filed designation, if certified reporter's transcript(s) is attached, to the Appeals Division in the Clerk's Office, Room #103, not later than 1:30 p.m. of the day following electronic filing or the deadline date for the receipt of this record, whichever is earlier. If the designation is made pursuant to CRC 8.124, one courtesy copy is to be delivered.

V. User Technical Problems.

1. In the event that a User is temporarily unable to E-File due to technical Local Rules of Court San Francisco Superior Court Rule 2 problems, the User should follow procedures set forth by the Court. The Court may establish policies and procedures for Users to follow when requesting an extension of time due to technical problems; otherwise, such requests may be made by ex parte motion, addressed to the judicial officer stated in Section E. The Clerk, pursuant to established policies and procedures in effect at that time, may determine whether a User has complied with established policy and procedures entitling User to an extension of time.

2. The User may alternatively file by faxing documents and attachments to the Vendor. Vendor must then convert those documents to electronic form, file them with the Clerk, and serve designated parties as provided. Users filing via facsimile through the Vendor must be charged fees reflecting Vendor's then current published rates for filing and service in this manner.

W. User Error or Vendor Technical Problems. If electronic filing or service does not occur due to (1) error in the transmission of the document to Vendor or served party which was unknown to the sending party, (2) Vendor's failure to process the electronic document, (3) a party's erroneous exclusion from the service list, or (4) other technical problems experienced by the Vendor, then the User affected may be entitled to an extension for any response or the period within which any right, duty, or other act must be performed, provided the User demonstrates that he or she attempted to file or complete service on a particular day and time. The Court may establish policies and procedures for the way in which a User may demonstrate he or she attempted to file or complete service on a particular day and time. The Clerk, pursuant to established policies and procedures in effect at that time, may determine whether a User has complied with established policy and procedure entitling User to an extension of time.

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