



# JUDICIAL COUNCIL OF CALIFORNIA

INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE

[www.courts.ca.gov/itac.htm](http://www.courts.ca.gov/itac.htm)  
[itac@jud.ca.gov](mailto:itac@jud.ca.gov)

## JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

September 6, 2017  
4:00 PM – 5:00 PM

Teleconference

**Advisory Body Members Present:** Hon. Louis Mauro, Chair; Hon. Peter Siggins; Hon. Alan Perkins, Mr. Joseph Lane, Mr. Jorge Navarrete; Mr. Kevin Green, and Ms. Kimberly Stewart.

**Advisory Body Members Absent:** Mr. Don Willenburg

**Others Present:** Ms. Christy Simons, Ms. Heather Anderson

#### OPEN SESSION

#### CALL TO ORDER AND ROLL CALL

Justice Mauro called the meeting to order at 4:00 PM, and roll was called. He noted there were no public comments received prior to this meeting.

#### ITEM 1 Review of potential items for inclusion on proposed committee annual agenda

Justice Mauro provided an update on the project to amend rule 8.144 to include formatting requirements for electronic reporters' transcripts. The proposed rule amendments circulated for public comment this spring and have been on hold pending AB 1450, the bill to amend Code of Civil Procedure section 271. The bill is on track at the Legislature. If signed, the new statute will take effect January 1, 2018. Rule amendments should take effect the same day.

The subcommittee discussed other rules modernization projects that are on the current annual agenda as priority 2 items and decided to recommend retaining them on the next annual agenda: (1) rule amendments to address online access to appellate court records for parties, attorneys, local justice partners, and other government agencies; (2) rules for sealed and confidential material submitted electronically; (3) return of lodged electronic records; (4) bookmarking; and (5) electronic exhibits.

Justice Mauro described the project to develop branch and model court privacy policies on electronic court records and access in the courts. The ITAC Rules and Policy Subcommittee is taking the lead and is in the process of preparing an initial draft. JATS will collaborate on the appellate portion.

The project to amend rules to address online access to trial court records for parties, their attorneys, local justice partners, and other government agencies is underway. JATS will review

what is ultimately proposed at the trial court level and use that to develop a companion proposal for access to appellate court records.

The subcommittee decided to defer a suggested project on link rot to see how the Supreme Court's new in-house solution works.

The subcommittee discussed providing input on implementation of a new document management system in the appellate courts, and decided to monitor, provide input, and request regular reports going forward.

The subcommittee discussed an article criticizing ImageSoft Truefiling, the system used by the California appellate courts for electronic filing, which raised the issue of whether there is adequate oversight of the system, including the information it provides to its customers and the fees it charges. The subcommittee concluded that Information Services should take the lead on providing oversight; the subcommittee will monitor.

#### **A D J O U R N M E N T**

The meeting was adjourned at 4:51 PM



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## JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

February 5, 2018

12:00–1:00 PM

Teleconference

**Advisory Body Members Present:** Hon. Louis Mauro, Chair; Mr. Kevin Green, Mr. Jorge Navarrete, Hon. Alan Perkins, Ms. Beth Robbins, Mr. Timothy Schooley, and Mr. Don Willenburg.

**Advisory Body Members Absent:** Hon. Peter Siggins

**Others Present:** Ms. Heather Anderson, Ms. Ingrid Leverett, Mr. Patrick O'Donnell, and Ms. Christy Simons

### OPEN SESSION

#### Call to Order and Roll Call

Justice Mauro called the meeting to order at 12:00 PM, and roll was called. He noted there were no public comments received prior to this meeting.

Ms. Simons introduced Ms. Leverett, who is working on the Sealed and Confidential Materials project.

#### Item 1

##### Electronic Exhibits (Discussion)

The subcommittee reviewed potential amendments to rule 8.74 to include rules for bookmarking electronic exhibits and for submitting electronic exhibits in volumes. Justice Mauro suggested that, rather than carving out rules for exhibits, it may be time to consider rules for the format of electronic documents generally. Members agreed that electronic filing is well-established in the appellate courts and uniform formatting rules would be beneficial. The subcommittee agrees with redefining the project as developing format requirements for electronic documents.

**Action:** The subcommittee voted to recommend deferring further action on the exhibits proposal.

**Item 2****Sealed and Confidential Materials (Discussion)**

The subcommittee reviewed potential amendments to rules 8.46 and 8.47 to harmonize these rules with parallel trial court rules governing sealed records, make these appellate rules internally consistent, and provide for the disposition of lodged records submitted electronically.

Action: The subcommittee voted to recommend to AAC and ITAC that they seek approval to circulate the proposal for public comment.

**Item 3****Branch and Model Court Privacy Policies on Electronic Court Records and Access in the Appellate Courts (Discussion)**

The Information Technology Advisory Committee (ITAC) is developing a Privacy Resource Guide (PRG). This guide is designed to assist the trial and appellate courts in protecting the privacy interests of members of the public who become involved with the California Court system while providing the public with reasonable access to court records. JATS members are asked to review and comment on several draft sections of the guide and to direct comments to Mr. O'Donnell or Mr. Willenburg.

**A D J O U R N M E N T**

The meeting was adjourned at 1:00 PM.



# JUDICIAL COUNCIL OF CALIFORNIA

APPELLATE ADVISORY  
COMMITTEE

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APPELLATE ADVISORY COMMITTEE/INFORMATION TECHNOLOGY  
ADVISORY COMMITTEE  
JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

## MINUTES OF OPEN MEETING

July 2, 2018

4:00 p.m.

Teleconference

**Advisory Body Members Present:** Hon. Louis Mauro, chair, Mr. Kevin Green, Mr. Jorge Navarrete, Hon. Alan Perkins, Ms. Beth Robbins, Mr. Tim Schooley, Hon. Peter Siggins, Mr. Don Willenburg

**Advisory Body Members Absent:** N/A

**Others Present:** Ms. Christy Simons, Ms. Jessica Craven, Ms. Ingrid Leverett, Ms. Kristi Morioka

### OPEN MEETING

#### Call to Order and Roll Call

The chair called the meeting to order at 4:00 p.m., and roll was taken.

### DISCUSSION AND ACTION ITEMS

#### Item 1

##### Sealed and Confidential Materials

The subcommittee reviewed public comments on the proposal to amend rules 8.45, 8.46, and 8.47. Two child support organizations commented that new subdivision (e) of rule 8.46 could be interpreted as expanding appellate jurisdiction and suggested adding language to clarify that this was not the intent. The subcommittee noted that the language of a rule cannot expand the availability of appellate review, but agreed to add an advisory committee comment to address the issue.

**Action:** *The subcommittee approved the proposal as modified.*

### ADJOURNMENT

There being no further business, the meeting was adjourned at 4:10 p.m.

Approved by the advisory body on enter date.



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## JOINT APPELLATE TECHNOLOGY SUBCOMMITTEE

### MINUTES OF OPEN MEETING

August 30, 2018

4:00–5:00 PM

Teleconference

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**Advisory Body Members Present:** Hon. Louis Mauro, Chair; Mr. Kevin Green, Mr. Jorge Navarrete, Hon. Alan Perkins, Ms. Beth Robbins, Mr. Timothy Schooley, Hon. Peter Siggins and Mr. Don Willenburg.

**Advisory Body Members Absent:** None.

**Others Present:** Ms. Christy Simons and Ms. Kristi Morioka

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### OPEN SESSION

#### CALL TO ORDER AND ROLL CALL

Justice Mauro called the meeting to order at 4:00 PM, and roll was called. He noted that no public comments were received.

**ITEM 1** Review of potential items for inclusion in the committees' annual agendas

The subcommittee reviewed suggestions regarding appellate technology projects for the 2018-2019 annual agendas of the Appellate Advisory Committee and the Information Technology Advisory Committee.

**Action:** The subcommittee decided on its recommendations to the committees about which suggestions should be considered and potentially worked on, and their prioritization..

### ADJOURNMENT

The meeting was adjourned at 4:51 PM.

# JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue . San Francisco, California 94102-3688

[www.courts.ca.gov/policyadmin-invitationstocomment.htm](http://www.courts.ca.gov/policyadmin-invitationstocomment.htm)

## INVITATION TO COMMENT SPR19-\_\_

**Title**

Appellate Procedure: Service Copy of a Petition for Review

**Proposed Rules, Forms, Standards, or Statutes**

Amend Cal. Rules of Court, rule 8.500

**Proposed by**

Appellate Advisory Committee  
Hon. Louis R. Mauro, Chair

Information Technology Advisory Committee  
Hon. Sheila F. Hanson, Chair

**Action Requested**

Review and submit comments by June 7, 2019

**Proposed Effective Date**

January 1, 2020

**Contact**

Kristi Morioka  
916-643-7056  
[kristi.morioka@jud.ca.gov](mailto:kristi.morioka@jud.ca.gov)

### Executive Summary

To update court procedures and provide clarity, the Appellate Advisory Committee and the Information Technology Advisory Committee propose amending the rule regarding petitions for review in the California Supreme Court to remove the requirement to send to the Court of Appeal a separate service copy of an electronically filed petition for review. Under current practice, when a petition for review is accepted for electronic filing by the Supreme Court, the Court of Appeal automatically receives a filed/endorsed copy of the petition through the electronic filing service provider (EFSP). Thus, in actual practice, the electronic filing of a petition satisfies the requirement to serve the Court of Appeal, and there is no need for a petitioner to serve the Court of Appeal with another copy as required by the rules. This proposal does not change the requirement to serve the Court of Appeal with a separate copy if a petition for review is filed in paper form. This project originated from a suggestion submitted by an appellate court administrator.

### Background

Rule 8.500 governs petitions for review in the Supreme Court. Subdivision (f)(1) of this rule provides that “[t]he petition must also be served on the superior court clerk and the

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. It is circulated for comment purposes only.*



clerk/executive officer of the Court of Appeal.”<sup>1</sup> This requirement has existed in the rule since it was adopted as rule 28 on January 1, 2003.<sup>2</sup>

However, pursuant to rule 8.71 and rules 3 and 4 of the Supreme Court Rules Regarding Electronic Filing, electronic filing in the Supreme Court is now mandatory for parties represented by counsel and voluntary for self-represented litigants and trial courts. As a result, a large majority of petitions for rehearing are now filed electronically.

Notably, the Supreme Court has recognized the redundancy of requiring separate service on the Court of Appeal of an electronically filed petition. On its web page, the Supreme Court provides this advisement:

Notwithstanding the requirements set forth in California Rules of Court, Rule 8.500(f)(1), submission of a petition for review through TrueFiling that is accepted for filing by the Supreme Court constitutes service of the petition on the Court of Appeal.

## The Proposal

This proposal would clarify that when a petition for review is filed electronically, the filer does not need to serve a separate copy on the Court of Appeal. When a petition for review is filed in paper, however, the clerk/executive officer of the Court of Appeal must still be served.

This proposal is intended to eliminate duplicative and unnecessary effort by counsel, self-represented litigants, and appellate court staff. The current EFSP automatically sends a copy of the petition for review to the clerk/executive officer of the Court of Appeal when it is filed electronically. But the rules require the filer to serve the clerk/executive officer of the Court of Appeal. This causes additional effort and expense for the filer and additional workload for the clerk/executive officer of the Court of Appeal.

*[Staff note: If the Supreme Court contracts with a different EFSP in the future and/or protocols change, is there a possibility that the Court of Appeal would no longer automatically receive a copy of an electronically filed petition for review? Staff is attempting to get more information on this point.]*

The committee proposes amending rule 8.500(f)(1) as follows:

The petition must also be served on the superior court clerk and, if filed in paper format, the clerk/executive officer of the Court of Appeal. Electronic filing of a petition constitutes service of the petition on the clerk/executive officer of the Court of Appeal.

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<sup>1</sup> An advisory committee comment clarifies that the service requirement applies only to the petition, not to an answer or a reply.

<sup>2</sup> Rule 28 was renumbered as rule 8.500 in 2007.

## Alternatives Considered

The committee considered maintaining the current requirements that parties serve the Courts of Appeal separately. The committee concluded that these rule changes are appropriate because they eliminate unnecessary and duplicative effort and expense.

## Fiscal and Operational Impacts

This proposal should not have appreciable implementation costs and should save court resources by eliminating duplicate electronic filings.

### Request for Specific Comments

In addition to comments on the proposal as a whole, the committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Should the proposal address the possibility of the Supreme Court contracting with a different EFSP in the future?

The committees also seek comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

## Attachments and Links

1. Cal. Rules of Court, rule 8.550, at p. 4

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**Title 8. Appellate Rules**

**Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

**Chapter 9. Proceedings in the Supreme Court**

**Rule 8.500. Petition for review**

**(a) – (e) \* \* \***

**(f) Additional requirements**

- (1) The petition must also be served on the superior court clerk and, if filed in paper format, the clerk/executive officer of the Court of Appeal. Electronic filing of a petition constitutes service of the petition on the clerk/executive officer of the Court of Appeal.
- (2) A copy of each brief must be served on a public officer or agency when required by statute or by rule 8.29.
- (3) The clerk/executive officer of the Supreme Court must file the petition even if its proof of service is defective, but if the petitioner fails to file a corrected proof of service within 5 days after the clerk gives notice of the defect the court may strike the petition or impose a lesser sanction.

**(g) \* \* \***

**Advisory Committee Comment**

**Subdivision (a). \* \* \***

**Subdivision (e). \* \* \***

**Subdivision (f).** The general requirements relating to service of documents in the appellate courts are established by rule 8.25. Subdivision (f)(1) requires that the petition (but not an answer or reply) be served on the clerk/executive officer of the Court of Appeal. To assist litigants, (f)(1) also states explicitly what is impliedly required by rule 8.212(c), i.e., that the petition must also be served on the superior court clerk (for delivery to the trial judge).



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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**Date**

January 23, 2019

**Action Requested**

Please Review

**To**

Hon. Louis Mauro, Chair  
Joint Appellate Technology  
Subcommittee

**Deadline**

January 28, 2019

**From**

Kristi Morioka, Attorney  
Legal Services, Judicial Council

**Contact**

Kristi Morioka  
916-643-7056 phone  
[kristi.morioka@jud.ca.gov](mailto:kristi.morioka@jud.ca.gov)

**Subject**

Rules modernization: Uniform  
formatting rules for electronic  
documents

Amendments to California Rules of  
Court, rules 8.40, 8.44, 8.71, 8.72,  
8.74 and 8.252.

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**Introduction**

On August 30, 2018, the Joint Appellate Technology Subcommittee (JATS) of the Information Technology Advisory Committee (ITAC) and the Appellate Advisory Committee (AAC) met and considered potential topics for proposals to be developed during the 2019 rules cycle. In a prior cycle, certain projects

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had been suggested for rules regarding exhibits and bookmarking of electronic documents, but JATS members realized those projects identified a larger need. All appellate courts had implemented e-filing, but local rules for the format of electronic documents differed among the appellate courts, resulting in burdens for court users. JATS decided to develop uniform format rules for electronic documents filed in the appellate courts.

## **Background**

The state appellate courts implemented electronic filing at different times. As each court went live with electronic filing, they adopted their own set of local rules addressing the format requirements for electronic documents. While there is overlap among the local rules, the rules also differ in various respects. Over the years, best practices have begun to emerge for the format of electronic documents. At the same time, court users have complained that the differing format rules among the appellate courts impose significant burdens on practice.

A more limited rules amendment project began in 2017, but was deferred and expanded. The current project seeks adoption of rule amendments that are proposed to be effective on January 1, 2020. The proposed amendments include both substantive and technical changes to the existing rules consistent with the recommended best practices for the format of electronic documents in appellate courts. Uniform format rules would provide consistency, clarity and efficiency.

Most of the proposed changes are to rule 8.74. That rule currently sets forth responsibilities of electronic filers but also establishes certain minimum format requirements for electronic documents. The recommendation is to move the filer responsibility provisions out of rule 8.74 and add them with the court responsibility provisions in rule 8.72, and to significantly expand the format provisions in rule 8.74. As expanded, rule 8.74 would establish the specific format requirements currently articulated in local rules, such as standards for cover pages, pagination, and bookmarks.

The California Rules of Court proposed to be amended are as follows:

8.40 Form of filed documents,

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8.44 Number of copies of filed documents,  
8.71 Electronic filing,  
8.72 Responsibilities of court,  
8.74 Responsibilities of electronic filer, and  
8.252 Judicial notice, filings and evidence on appeal.

## **The Proposal**

### **Rule 8.40. Form of filed documents**

Rule 8.40 describes the form for filed documents. The current rule explains that filed documents may be produced on a computer or be typewritten. The rule also referenced certain format requirements that do not apply to electronic documents.

The proposed amendments would create different subdivisions for electronic and paper documents, would reference the format rules applicable to those different types of documents, and would clarify that certain format requirements in rule 8.40 only apply to paper. The proposal does not change the format requirements for paper documents. The proposal updates the rule to reflect that e-filing is mandatory unless an exemption applies.

### **Rule 8.44. Number of copies of filed documents**

Rule 8.44 sets forth the rules for paper copies in the California Supreme Court and the Courts of Appeal. But rule 8.44(c) pertains to electronic copies. Among other things, it refers to a court that “permits” electronic filing, and it requires a local rule specifying the format of an electronic copy. Because e-filing is now mandatory and the format of electronic documents is addressed in proposed rule 8.74, the proposal deletes those outdated references.

### **Rule 8.71. Electronic filing**

Rule 8.71 imposes mandatory e-filing, but it allows for various exemptions, including those established by local rule. The proposal would delete the reference to exemption by local rule, except that it would reference the California Supreme Court’s local rules. That reference would allow the California Supreme Court’s Local Rules, rule 3, which specifies which documents must be electronically filed in the Supreme Court. Although this proposal would delete the general reference to exemption by local rule in an effort to promote uniformity, nothing in these rules expressly prohibits local

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rules regarding e-filing or the format of electronic documents. The subcommittee may wish to discuss whether such an express prohibition would be appropriate or desirable.

In an effort to reduce cross-references, the proposal does not list other applicable exemptions. The subcommittee may wish to discuss whether cross-references are desirable.

#### **Rule 8.72. Responsibilities of the court**

Rule 8.72 sets forth the e-filing responsibilities of a court. The proposal takes the provisions for the responsibilities of electronic filers from current rule 8.74 and moves them to rule 8.72 in a new subdivision (b), thereby combining the responsibilities of court and filer into a single rule, and leaving rule 8.74 to address format.

Staff recommends deleting current rule subdivisions 8.72(b)(1) and (b)(2) as no longer needed. The subcommittee should discuss this recommendation.

#### **Rule 8.74. Responsibilities of electronic filer**

Rule 8.74(a) establishes the responsibilities of an electronic filer. As previously discussed, this proposal moves the content of subdivision (a) to rule 8.72. Staff cross-checked the rules to ensure that the subdivision is not cross-referenced in another rule.

Rule 8.74(b) authorizes appellate courts to establish requirements for electronic documents, but it sets forth certain minimum format standards such as text-searchability. The proposal retains some of the existing language, moves it to a new proposed subdivision (a), and significantly expands the format requirements by drawing from the best practices among the appellate courts. The expanded format rules address topics such as bookmarking, protection of sensitive information, file size, manual filing, font, spacing, margins, hyperlinks and color. The proposal also adds a new subdivision (c) to address specific format requirements for briefs, requests for judicial notice, proofs of service, appendices, agreed statements and settled statements, reporter's transcripts, clerk's transcripts and exhibits.

Proposed rule 8.74(a)(1) references portable document format (PDF). PDF is a file format used to present and exchange documents reliably, independent

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of software, hardware or operating system. Invented by Adobe, PDF is now an open standard maintained by the International Organization for Standardization (ISO). Existing California Supreme Court and Court of Appeal local rules require documents to be in “text-searchable PDF.” To ensure text searchability, the proposal requires a filer to “convert” a paper document to electronic form, rather than scanning or printing the document.

The rules for pagination in proposed subdivision (a)(2) are consistent with the local rule pagination requirements around the state.

Proposed subdivision (a)(3) indicates that these format rules prevail over conflicting format rules. The proposal does not attempt to identify conflicting format rules.

Proposed subdivision (a)(4) defines an electronic bookmark. A more generic definition would describe an electronic bookmark as an identifier placed in a document so that part of the document can be easily accessed, but the proposal seeks to be more descriptive to assist electronic filers.

Proposed subdivision (a)(6) sets a file-size limit of 25 megabytes. The 25-megabyte limit is the current capacity of the Appellate Court Case Management System (ACCMS).

Proposed subdivision (a)(7) describes manual filing of oversized documents or documents that otherwise cannot be electronically filed. The proposal permits the filer to file a flash drive, DVD or compact disc (CD) with the court and then give notice of the filing, but the Court of Appeal, Second Appellate District currently requires the filer to ask permission before such a filing. The subcommittee may wish to discuss this alternative.

The term DVD is considered sufficiently descriptive that it is not spelled out, but the term CD is spelled out for clarity. The file types for video, audio and photographs are based on local rules and the current capacity at the courts. Subcommittee members may wish to discuss whether other file types should be referenced.

Proposed subdivision (a)(8) describes the font type and font size for electronic documents. It specifies a serif face such as Century School Book. The



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suggestion comes from the Court of Appeal, Second Appellate District's local rule, which seeks to promote readability. This memorandum is formatted in Century Schoolbook, size 13 font, consistent with the proposed rule.

A "serif" is the little decorative line found in fonts such as Times New Roman and Georgia. "Sans serif" means "without the decorative line." Sans serif fonts include Arial, Calibri, Century Gothic, Helvetica, Tahoma and Verdana.

The subcommittee may disagree with the Court of Appeal, Second Appellate District's recommendation of a serif font. According to some experts, serif fonts are more readable in paper form while sans serif fonts are more readable in electronic form. Fonts that are very elaborate or ornate can be difficult to read because the letter shapes are not well-defined. They also may not comply with accessibility requirements under the Americans with Disabilities Act.

Proposed subdivision (a)(14) specifies that a document with any color component must be manually filed rather than electronically filed. This is because color causes problems in ACCMS. The subdivision prohibits color components in electronically filed documents.

Proposed rule 8.74(b) addresses specific format requirements for certain documents. Subdivision (b)(3) refers to proofs of service and the proposed language reflects the practice in the Court of Appeal, Third Appellate District, although other Courts of Appeal may do things differently. The subcommittee should discuss whether a proof of service should be filed as a part of the referenced document or whether it should be filed separately.

Proposed rule 8.74(b) does not repeat the general format rules when discussing the specific documents.

### **Rule 8.252. Judicial notice; filings and evidence on appeal**

Rule 8.252 establishes the procedure for seeking judicial notice of a matter. The proposal requires the moving party to attach to the motion a copy of the matter to be noticed or an explanation why it is not practicable to do so. The pagination rules in rule 8.74 would apply to the motion with attachments.

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Proposed rule 8.252(c)(3) is reorganized to reflect the presumption of electronic filing unless an exemption applies.

### **Additional Proposal Considerations**

This memorandum lays out items for discussion and decision by the subcommittee. The invitation to comment will include an opportunity for the advisory committees to request specific comments about the proposal.

### **Subcommittee's Tasks**

Discuss the draft proposal and whether the subcommittee wishes to pose questions in a request for specific comments.

The following rules were reviewed and it was determined that no further amendments were needed at this time, but the subcommittee may wish to confirm this for themselves:

Rules:

8.124 Appendixes,  
8.144 Form of the record,  
8.204 Contents and form of briefs, and  
8.212 Service and filing of briefs.

Determine the draft proposal language that should be included in the proposal.

### **Next Steps**

Based on the subcommittee's direction and edits on the proposal language, staff will prepare an invitation to comment (ITC) and proposal and submit them as follows:

- (1) to AAC to vote on circulating the proposal for public comment at their meeting on February 21, 2019;
- (2) to ITAC to vote on circulating the proposal for public comment at an ad hoc meeting date to be determined in the future; and
- (3) to the Judicial Council Editing and Graphics Group for copyediting.

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## Attachments and Links

1. California Rules of Court, rules 8.40, 8.44, 8.71, 8.72, 8.74, and 8.252, at pp. 9-25.
2. Appellate court local rules pertaining to electronic documents, at pp. 26-205.
3. California Rules of Court, rule 8.40 Form of filed documents,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_40](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_40)
4. California Rules of Court, rule 8.44 Number of copies of filed documents,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_44](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_44)
5. California Rules of Court, rule 8.71 Electronic filing,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_71](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_71)
6. California Rules of Court, rule 8.72 Responsibilities of court,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_72](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_72)
7. California Rules of Court, rule 8.74 Responsibilities of electronic filer,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_74](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_74)
8. California Rules of Court, rule 8.252 Judicial notice, filings and evidence on appeal,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_252](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_252)
9. California Rules of Court, rule 8.124 Appendixes,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_124](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_124)
10. California Rules of Court, rule 8.144 Form of the record,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_144](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_144)
11. California Rules of Court, rule 8.204 Contents and form of briefs,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_204](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_204)
12. California Rules of Court, rule 8.212 Service and filing of briefs,  
[http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8\\_212](http://www.courts.ca.gov/cms/rules/index.cfm?title=eight&linkid=rule8_212)

**Title 8. Appellate Rules**

**Division 1. Rules Relating to the Supreme Court and Courts of Appeal**

**Chapter 1. General Provisions**

**Article 2. Service, Filing, Filing Fees, Form, and Privacy**

**Rule 8.40. Form of filed documents**

**(a) Form of Electronic Documents**

~~Except as these rules provide otherwise, documents filed in a reviewing court may be either produced on a computer or typewritten and must comply with the relevant provisions of rule 8.204(b).~~

Pursuant to rules 8.70(c)(2)(D), 8.70(c)(8), and 8.71(a), a document filed in a reviewing court must be in electronic form unless these rules provide otherwise. An electronic document must comply with the relevant format provisions of this rule and rules 8.74, 8.144 and 8.204.

~~(b) Cover color~~

**(b) Form of Paper Documents**

To the extent these rules authorize the filing of a paper document in a reviewing court, the document must comply with the relevant format provisions of this rule and rules 8.144 and 8.204.

**(c) Cover color of paper briefs and petitions**

(1) As far as practicable, the covers of briefs and petitions filed in paper form must be in the following colors:

Appellant's opening brief or appendix	green
Respondent's brief or appendix	yellow
Appellant's reply brief or appendix	tan

Joint appendix	white
Amicus curiae brief	gray
Answer to amicus curiae brief	blue
Petition for rehearing	orange
Answer to petition for rehearing	blue
Petition for original writ	red
Answer (or opposition) to petition for original writ	red
Reply to answer (or opposition) to petition for original writ	red
Petition for transfer of appellate division case to Court of Appeal	white
Answer to petition for transfer of appellate division case to Court of Appeal	blue
Petition for review	white
Answer to petition for review	blue
Reply to answer to petition for review	white
Opening brief on the merits	white
Answer brief on the merits	blue

Reply brief on the merits	white
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(2) In appeals under rule 8.216, the cover of a combined respondent's brief and appellant's opening brief filed in paper form must be yellow, and the cover of a combined reply brief and respondent's brief filed in paper form must be tan.

(3) A paper brief or petition not conforming to (1) or (2) must be accepted for filing, but in case of repeated violations by an attorney or party the court may proceed as provided in rule 8.204(e)(2).

~~(c) Cover information~~

**(d) Cover information for electronic and paper documents**

(1) Except as provided in (2), the cover-or first page if there is no cover-of every document filed in a reviewing court must include the name, mailing address, telephone number, fax number (if available), e-mail address (if available), and California State Bar number of each attorney filing or joining in the document, or of the party if he or she is unrepresented. The inclusion of a fax number or e-mail address on any document does not constitute consent to service by fax or e-mail unless otherwise provided by law.

(2) If more than one attorney from a law firm, corporation, or public law office is representing one party and is joining in the document, the name and State Bar number of each attorney joining in the document must be provided on the cover. The law firm, corporation, or public law office representing each party must designate one attorney to receive notices and other communication in the case from the court by placing an asterisk before that attorney's name on the cover and must provide the contact information specified under (1) for that attorney. Contact information for the other attorneys from the same law firm, corporation, or public law office is not required but may be provided.

(3) The covers of electronic documents must also comply with the provisions of rule 8.74.

## Title 8. Appellate Rules

### Division 1. Rules Relating to the Supreme Court and Courts of Appeal

#### Chapter 1. General Provisions

#### Article 2. Service, Filing, Filing Fees, Form, and Privacy

#### Rule 8.44. Number of copies of filed documents

##### (a) Documents filed in the Supreme Court

Except as these rules provide otherwise, the number of copies of every brief, petition, motion, application, or other document that must be filed in the Supreme Court and that is filed in paper form is as follows:

- (1) An original of a petition for review, an answer, a reply, a brief on the merits, an amicus curiae brief, an answer to an amicus curiae brief, a petition for rehearing, or an answer to a petition for rehearing and either
  - (A) 13 paper copies; or
  - (B) 8 paper copies and one electronic copy;
- (2) Unless the court orders otherwise, an original of a petition for a writ within the court's original jurisdiction, an opposition or other response to the petition, or a reply; and either:
  - (A) 10 paper copies; or
  - (B) 8 paper copies and one electronic copy;
- (3) Unless the court orders otherwise, an original and 2 copies of any supporting document accompanying a petition for writ of habeas corpus, an opposition or other response to the petition, or a reply;
- (4) An original and 8 copies of a petition for review to exhaust state remedies under rule 8.508, an answer, or a reply, or an amicus curiae letter under rule 8.500(g);
- (5) An original and 8 copies of a motion or an opposition or other response to a motion; and

- 1  
2 (6) An original and 1 copy of an application, including an application to extend  
3 time, or any other document.  
4

5 **(b) Documents filed in a Court of Appeal**  
6

7 Except as these rules provide otherwise, the number of copies of every brief,  
8 petition, motion, application, or other document that must be filed in a Court of  
9 Appeal and that is filed in paper form is as follows:  
10

- 11 (1) An original and 4 paper copies of a brief, an amicus curiae brief, or an  
12 answer to an amicus curiae brief. In civil appeals, for briefs other than  
13 petitions for rehearing or answers thereto, 1 electronic copy or, in case of  
14 undue hardship, proof of delivery of 4 paper copies to the Supreme Court, as  
15 provided in rule 8.212(c) is also required;  
16  
17 (2) An original of a petition for writ of habeas corpus filed under rule 8.380 by  
18 a person who is not represented by an attorney and 1 set of any supporting  
19 documents;  
20  
21 (3) An original and 4 copies of any other petition, an answer, opposition or  
22 other response to a petition, or a reply;  
23  
24 (4) Unless the court orders otherwise, an original and 1 copy of a motion or an  
25 opposition or other response to a motion;  
26  
27 (5) Unless the court provides otherwise by local rule or order, 1 set of any  
28 separately bound supporting documents accompanying a document filed  
29 under (3) or (4);  
30  
31 (6) An original and 1 copy of an application, other than an application to extend  
32 time, or any other document; and  
33  
34 (7) An original and 1 copy of an application to extend time. In addition, 1 copy  
35 for each separately represented and unrepresented party must be provided to  
36 the court.  
37

38 **(c) Electronic copies**  
39

40 ~~A court that permits electronic filing will specify any requirements regarding~~  
41 ~~electronically filed documents in the electronic filing requirements published under~~  
42 ~~rule 8.74. In addition, a A court may provide by local rule for the submission of an~~  
43 ~~electronic copy of a document that is not electronically filed either in addition to the~~



1 copies of a document required to be filed under (a) or (b) or as a substitute for one  
2 or more of these copies. ~~The local rule must specify the format of the electronic~~  
3 ~~copy and provide for an exception if it would cause undue hardship for a party to~~  
4 ~~submit an electronic copy.~~  
5  
6

1 Title 8. Appellate Rules

2  
3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

4  
5 Chapter 1. General Provisions

6  
7 Article 5. E-filing

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9  
10 Rule 8.71. Electronic filing

11  
12 (a) Mandatory electronic filing

13  
14 Except as otherwise provided by these rules, the Supreme Court Rules Regarding  
15 Electronic Filing, ~~the local rules of the reviewing court~~, or by court order, all parties  
16 are required to file all documents electronically in the reviewing court.

17  
18 (b) Self-represented parties

19  
20 (1) Self-represented parties are exempt from the requirement to file documents  
21 electronically.

22  
23 (2) A self-represented party may agree to file documents electronically. By  
24 electronically filing any document with the court, a self-represented party  
25 agrees to file documents electronically.

26  
27 (3) In cases involving both represented and self-represented parties, represented  
28 parties are required to file documents electronically; however, in these  
29 cases, each self-represented party may file documents in paper form.

30  
31 (c) Trial courts

32  
33 Trial courts are exempt from the requirement to file documents electronically, but  
34 are permitted to file documents electronically.

35  
36 (d) Excuse for undue hardship or significant prejudice

37  
38 A party must be excused from the requirement to file documents electronically if  
39 the party shows undue hardship or significant prejudice. A court must have a  
40 process for parties, including represented parties, to apply for relief and a procedure  
41 for parties excused from filing documents electronically to file them in paper form.

42  
43 (e) Applications for fee waivers

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The court may permit electronic filing of an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings.

**(f) Effect of document filed electronically**

(1) A document that the court, a party, or a trial court files electronically under the rules in this article has the same legal effect as a document in paper form.

(2) Filing a document electronically does not alter any filing deadline.

**(g) Paper documents**

When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or another means, the court may allow that party to file the document in paper form.

1 Title 8. Appellate Rules

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3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

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7 Article 5. E-filing

8

9

10 Rule 8.72. Responsibilities of court and electronic filer

11

12 (a) Responsibilities of court ~~Publication of electronic filing requirements~~

13

14 (1) Publication of electronic filing requirements

15

16 The court will publish, in both electronic and print formats, the court's electronic

17 filing requirements.

18

19 ~~(b)(2)~~ Problems with electronic filing

20

21 If the court is aware of a problem that impedes or precludes electronic filing, it must

22 promptly take reasonable steps to provide notice of the problem.

23

24 (b) Responsibilities of electronic filer

25

26 Each electronic filer must:

27

28 ~~(1) Comply with any court requirements designed to ensure the integrity of~~

29 ~~electronic filing and to protect sensitive personal information;~~

30

31 ~~(2) Furnish information that the court requires for case processing;~~

32

33 ~~(3)(1) Take all reasonable steps to ensure that the filing does not contain computer~~

34 ~~code, including viruses, that might be harmful to the court's electronic filing~~

35 ~~system and to other users of that system;~~

36

37 ~~(4)(2) Furnish one or more electronic service addresses, in the manner specified by~~

38 ~~the court, at which the electronic filer agrees to accept service; and~~

39

40 ~~(5)(3) Immediately provide the court and all parties with any change to the~~

41 ~~electronic filer's electronic service address.~~

42

1 Title 8. Appellate Rules

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3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

4  
5 Chapter 1. General Provisions

6  
7 Article 5. E-filing

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9  
10 ~~Rule 8.74. Responsibilities of electronic filer~~ Format of electronic documents

11  
12 ~~(a) Conditions of filing~~

13  
14 Each electronic filer must:

15  
16 ~~(1) Comply with any court requirements designed to ensure the integrity of electronic~~  
17 ~~filing and to protect sensitive personal information;~~

18  
19 ~~(2) Furnish information that the court requires for case processing;~~

20  
21 ~~(3) Take all reasonable steps to ensure that the filing does not contain computer code,~~  
22 ~~including viruses, that might be harmful to the court's electronic filing system and to~~  
23 ~~other users of that system;~~

24  
25 ~~(4) Furnish one or more electronic service addresses, in the manner specified by the~~  
26 ~~court, at which the electronic filer agrees to accept service; and~~

27  
28 ~~(5) Immediately provide the court and all parties with any change to the electronic filer's~~  
29 ~~electronic service address.~~

30  
31 ~~(Subd (a) amended effective January 1, 2011.)~~

32  
33 ~~(b) Format of documents to be filed electronically~~

34  
35 ~~(1) A document that is filed electronically with the court must be in a format specified by~~  
36 ~~the court unless it cannot be created in that format.~~

37  
38 ~~(2) The format adopted by a court must meet the following minimum requirements:~~

39  
40 ~~(A) The format must be text-searchable while maintaining original document formatting.~~

41  
42 ~~(B) The software for creating and reading documents must be in the public domain or~~  
43 ~~generally available at a reasonable cost.~~

1 ~~(C) The printing of documents must not result in the loss of document text, format, or~~  
2 ~~appearance.~~

3  
4 ~~(3) The page numbering of a document filed electronically must begin with the first page~~  
5 ~~or cover page as page 1 and use only Arabic numerals (e.g., 1, 2, 3). The page number~~  
6 ~~may be suppressed and need not appear on the cover page.~~

7  
8 ~~(4) If a document is filed electronically under the rules in this article and cannot be~~  
9 ~~formatted to be consistent with a formatting rule elsewhere in the California Rules of~~  
10 ~~Court, the rules in this article prevail.~~

11  
12 ~~(Subd (b) amended effective January 1, 2017.)~~

13  
14 ~~Rule 8.74 amended and renumbered effective January 1, 2017; adopted as rule 8.76~~  
15 ~~effective July 1, 2010; previously amended effective January 1, 2011.~~

16  
17 **(a) Format requirements applicable to all electronic documents**

18  
19 (1) Text-searchable portable document format. Electronic documents must be  
20 in text-searchable portable document format (PDF), or other searchable  
21 format approved by the court, while maintaining original document  
22 formatting. An electronic filer is not required to use a specific vendor,  
23 technology, or software for creation of a searchable format document, unless  
24 the electronic filer agrees to such use. The software for creating and reading  
25 electronic documents must be in the public domain or generally available at  
26 a reasonable cost. If an electronic filer must file a document that the  
27 electronic filer possesses only in paper format, the electronic filer must  
28 convert the document to an electronic document by a means that complies  
29 with this rule. The printing of an electronic document must not result in the  
30 loss of document text, format, or appearance. It is the electronic filer's  
31 responsibility to ensure that any document filed is complete and readable.  
32

33 (2) Pagination. The page numbering of a document filed electronically must  
34 begin with the first page or cover page as page 1 and use only Arabic  
35 numerals (e.g., 1, 2, 3). Documents may not contain more than one  
36 numbering system; they may not contain Roman numerals for the table of  
37 contents and Arabic numerals for the body of the document. The electronic  
38 page counter for the electronic document must match the page number for  
39 each page of the document. The page number for the cover page may be  
40 suppressed and need not appear on the cover page. When a document is  
41 filed in both paper and electronic formats, the pagination in both versions  
42 must comply with this subparagraph.  
43

- 1           (3) This rule prevails over other formatting rules. If a document is filed  
2           electronically and cannot be formatted to be consistent with a formatting  
3           provision elsewhere in the California Rules of Court, the provisions of this  
4           rule prevail.  
5
- 6           (4) Bookmarking. An electronic bookmark is a descriptive text link that  
7           appears in the bookmarks panel of an electronic document. Each electronic  
8           document must include an electronic bookmark to each heading,  
9           subheading, and to the first page of any component of the document,  
10          including but not limited to any table of contents, table of authorities,  
11          petition, verification, points and authorities, declaration, certificate of word  
12          count, certificate of interested entities or persons, proof of service, tab,  
13          exhibit, or attachment. Each electronic bookmark must describe the item to  
14          which it is linked. For example, an electronic bookmark to a heading must  
15          provide the text of the heading, and an electronic bookmark to a tab, exhibit,  
16          or attachment must include the letter or number of the tab, exhibit, or  
17          attachment and a description of the tab, exhibit, or attachment. An  
18          electronic appendix must have bookmarks to the indexes and to the first  
19          page of each separate exhibit or attachment. Tabs, exhibits, or attachments  
20          within a tab, exhibit, or attachment must be bookmarked. All bookmarks  
21          must be set to "Inherit Zoom" to retain the reader's selected zoom setting.  
22
- 23          (5) Protection of sensitive information. Electronic filers must comply with rules  
24          1.201, 8.45, 8.46, 8.47, and 8.401, regarding the protection of sensitive  
25          information, except for those requirements exclusively applicable to paper  
26          format.  
27
- 28          (6) Size and multiple files. An electronic filing may not be larger than 25  
29          megabytes. This rule does not change the limitations on word count or  
30          number of pages otherwise established by the California Rules of Court for  
31          documents filed in the court. If a document exceeds the 25-megabyte file-  
32          size limitation, the electronic filer must submit the document in more than  
33          one file, with each file 25 megabytes or less. The first file must include a  
34          master chronological and alphabetical index stating the contents for all files.  
35          Each file must have a cover page setting forth (a) the file number for that  
36          file, (b) the total number of files for that document, (c) the page numbers  
37          contained in that file, and (d) the total number of pages for that document.  
38          (Example: File 1 of 4, pp. 1-299 of 1198.) In addition, each file must be  
39          paginated consecutively across all files in the document, including the cover  
40          pages for each file. (For example, if the first file ends on page 300, the  
41          cover of the second file must be page 301.) If a multiple-file document is  
42          submitted to the court in both electronic and paper formats, the cover pages  
43          for each file must be included in the paper documents.

1  
2 (7) Manual Filing.

3  
4 (A) When an electronic filer seeks to file an electronic document  
5 consisting of more than five files, or when the document cannot or  
6 should not be electronically filed in multiple files, or when  
7 electronically filing the document would cause undue hardship, the  
8 document must not be electronically filed but must be manually filed  
9 with the court on electronic media such as a flash drive, DVD or  
10 compact disc (CD). When an electronic filer files one or more  
11 documents on electronic media such as a flash drive, DVD or CD  
12 with the court, the electronic filer must electronically file, on the  
13 same day, a “manual filing notification” notifying the court and the  
14 parties that one or more documents have been filed on electronic  
15 media, explaining the reason for the manual filing. The electronic  
16 media must be served on the parties in accordance with the  
17 requirements for service of paper documents. To the extent  
18 practicable, each document or file on the electronic media must  
19 comply with the format requirements of this rule.

20  
21 (B) Electronic media files such as audio, video, or PowerPoint, and  
22 documents containing photographs or any color component, must be  
23 manually filed. Audio files must be filed in .wav or mp3 format.  
24 Video files must be filed in .avi or mp4 format. Photographs must  
25 be filed in .jpg or .pdf format.

26  
27 (8) Font. The font style must be a proportionally spaced serif face, such as  
28 Century School Book. Do not use Times New Roman. Font size must be  
29 13 point, including in footnotes.

30  
31 (9) Spacing. Line spacing must be set at 1.5. Footnotes and quotations may be  
32 set at 1.0.

33  
34 (10) Margins. The margins must be set at 1.5 inches on all sides.

35  
36 (11) Alignment. Paragraphs must be left-aligned, not justified.

37  
38 (12) Hyperlinks. Hyperlinks are encouraged but not required. However, if an  
39 electronic filer elects to include hyperlinks in a document, the hyperlink  
40 must be active as of the date of filing and should be formatted to standard  
41 citation format as provided in the California Rules of Court.  
42



- 1           (13)   Tabs. Documents must include tabs to the extent required by the California  
2             Rules of Court. A tab must be a separate page identifying the content  
3             following the tab (such as a page stating “Exhibit A”).  
4  
5           (14)   No color. Notwithstanding provisions to the contrary in the California Rules  
6             of Court, an electronic document with any color component may not be  
7             electronically filed. It must be manually filed on electronic media. An  
8             electronically filed document must not have color covers, color signatures,  
9             or other color components absent leave of court. This requirement does not  
10            apply to the auto-color feature of hyperlinks.

11  
12 **(b) Additional format requirements for certain electronic documents**

- 13  
14          (1)   Brief. An electronic brief must comply with the requirements set forth in  
15            rule 8.204, except for the requirements exclusively applicable to paper  
16            format including the provisions in rule 8.204(b)(2), (3), (4), (5), and (6).  
17            This rule sets forth the font, spacing, and margin requirements for electronic  
18            documents.  
19  
20          (2)   Request for judicial notice or request to add documents to the appellate  
21            record. When seeking judicial notice or when seeking to add documents to  
22            the appellate record, the electronic filer must attach the documents to be  
23            noticed or added to the request. The request with attachments must comply  
24            with this rule.  
25  
26          (3)   Proof of service. An electronic filer must file the proof of service for a  
27            document as a separate document.  
28  
29          (4)   Appendix. The format of an appendix must comply with this rule and rule  
30            8.144 pertaining to clerk's transcripts.  
31  
32          (5)   Agreed statement and settled statement. The format for an agreed statement  
33            or a settled statement must comply with this rule and rules 8.144 and  
34            8.124(d).  
35  
36          (6)   Reporter's transcript and clerk's transcript. The format for an electronic  
37            reporter's transcript must comply with Code of Civil Procedure section 271  
38            and rule 8.144. The format for an electronic clerk's transcript must comply  
39            with this rule and rule 8.144.  
40  
41          (7)   Exhibits. Electronic exhibits must be submitted in volumes of no more than  
42            300 pages and less than 25 megabytes, rather than as individual documents.  
43

1 **(c) Rejection of an electronic filing for noncompliance; exemptions**

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The court will reject an electronic filing if it does not comply with the requirements of this rule. However, if the requirements of this rule cause undue hardship or significant prejudice to any electronic filer, the electronic filer may file a motion for an exemption from the requirements of this rule.

1 Title 8. Appellate Rules

2  
3 Division 1. Rules Relating to the Supreme Court and Courts of Appeal

4  
5 Chapter 2. Civil Appeals

6  
7 Article 4. Hearing and Decision in the Court of Appeal

8  
9  
10 Rule 8.252. Judicial notice; findings and evidence on appeal

11  
12 (a) Judicial notice

- 13  
14 (1) To obtain judicial notice by a reviewing court under Evidence Code section  
15 459, a party must serve and file a separate motion with a proposed order.  
16  
17 (2) The motion must state:  
18  
19 (A) Why the matter to be noticed is relevant to the appeal;  
20  
21 (B) Whether the matter to be noticed was presented to the trial court and,  
22 if so, whether judicial notice was taken by that court;  
23  
24 (C) If judicial notice of the matter was not taken by the trial court, why  
25 the matter is subject to judicial notice under Evidence Code section  
26 451, 452, or 453; and  
27  
28 (D) Whether the matter to be noticed relates to proceedings occurring  
29 after the order or judgment that is the subject of the appeal.  
30  
31 (3) If the matter to be noticed is not in the record, the party must attach to the  
32 motion a copy of the matter to be noticed or an explanation ~~a copy with the~~  
33 ~~motion or explain why it is not practicable to do so. The pages of the copy~~  
34 ~~of the matter or matters to be judicially noticed must be consecutively~~  
35 ~~numbered, beginning with the number 1. The motion with attachments must~~  
36 comply with rule 8.74 if filed in electronic form.  
37

38 (b) Findings on appeal

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40 A party may move that the reviewing court make findings under Code of Civil  
41 Procedure section 909. The motion must include proposed findings.  
42

43 (c) Evidence on appeal

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- (1) A party may move that the reviewing court take evidence.
- (2) An order granting the motion must:
  - (A) State the issues on which evidence will be taken;
  - (B) Specify whether the court, a justice, or a special master or referee will take the evidence; and
  - (C) Give notice of the time and place for taking the evidence.
- (3) For documentary evidence, a party may offer ~~the original, a certified copy, a photocopy, or, in a case in which electronic filing is permitted, an electronic copy,~~ or if filed in paper form, the original, a certified copy, or a photocopy. The court may admit the document in evidence without a hearing.

**LOCAL RULES OF THE COURT OF APPEAL  
FIRST APPELLATE DISTRICT**

Published pursuant to California Rules of Court, rule 10.1030

**As amended effective May 1, 2015**

**Rule 16. Electronic Filing**

Pursuant to California Rules of Court, rule 8.70, the Court will require all filings in this District, effective March 17, 2014, for all civil filings and effective April 14, 2014, for all criminal and juvenile filings, 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://www.truefiling.com/\\_layouts/ElectronicFile.Main/SignUp.aspx](https://www.truefiling.com/_layouts/ElectronicFile.Main/SignUp.aspx)>

(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 recommended, and required for all briefs exceeding forty (40) pages.

(3) Motions and Original Proceedings. All motions and original proceedings 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.

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 California Rules of Court, rule 8.134, or any settled statement filed pursuant to California Rules of Court, rule 8.137 in electronic form. Appendices exceeding ten volumes may be delivered to the court on machine readable optical media in lieu of e-filing. Each part of the record submitted in any appendix or exhibit volume shall clearly state the volume and page numbers included within that part and include an index of contents, with a descriptive electronic bookmark including exhibit number or letter, to the first page of each indexed document (e.g., Exhibit 1 – First Amended Complaint).

(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 California Rules of Court, rule 8.130(f)(4), and submit an electronic copy to the Court.

Should the record of trial court proceedings exceed the TrueFiling size limitations, a party must either (a) submit the record in multiple parts, or

(b) provide the Court with the record in digital format on machine readable optical media.

(4) Submissions by the Trial Court. The trial court is encouraged, but is not required to, 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 to make electronic versions available to parties willing to accept them in lieu of paper copies. Digital copies of clerk's transcripts and reporter's transcripts must comply with the content and form requirements set forth in the California Rules of Court with the exception of those provisions dealing exclusively with requirements for paper.

(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. (California Rules of Court, rule 1.20(b).) 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. (California Rules of Court, rule 1.20(b)(3).) 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]** An attorney's registration with TrueFiling to participate in EFS constitutes consent to service or delivery of all documents by any other party in a case through the system. (California Rules of Court, rule 8.71.) 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 Web site, 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 (California 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 (California Rules of Court, rule 8.73(c)), 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.

**(n) [Posting and Publication]** The Clerk of the Court is directed to post a copy of this rule on the Court's Web site pursuant to California Rules of Court, rule 8.74(a), and to submit a copy to the Reporter of Decisions for publication pursuant to California Rules of Court, rule 10.1030(a).

## Formatting Guidelines

The Court encourages all electronic filers to comply with the following guidelines for briefs, motions, appendices, writ petitions and other documents filed in connection with appeals or original proceedings.

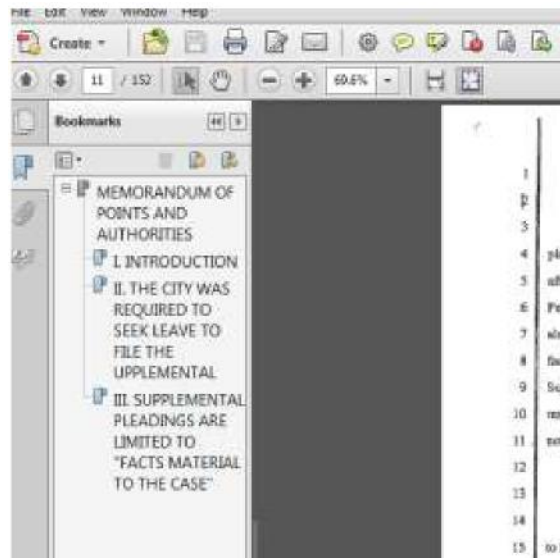
### Pagination:

Number pages consecutively *beginning with the cover page of the document*, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use a separate pagination system for tables within the document. The page number does not need to appear on the cover page.

### Bookmarks:

Briefs, motions and petitions: In any document that contains a table of contents, the table should include an electronic bookmark for each heading to the corresponding heading in the text.

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on “INTRODUCTION” would take the reader to that part of the brief.



Appendices and exhibits: In any document that contains an index, including appendices and exhibits in support of writ petitions, the index should include an electronic bookmark from each descriptive document title to the first page of the corresponding document in the appendix or exhibits.

Where appendices or exhibits are submitted in multi-part electronic files, each separate file should have a table or index stating the contents of that file. The table or index should include the bookmarks as noted above.

***Electronic Formatting Requirements and Guidelines  
of the Second District***

*Pursuant to California Rules of Court  
rules 8.72(a) and 8.74(b)*

*Effective October 30, 2017  
Revised June 18, 2018*

**Formatting Requirements**

**1. Text-searchable format**

All documents must be text-searchable, in PDF (portable document format) while maintaining the original document formatting.

**2. Cover Page**

The upper-right corner of the cover page must be left blank in order for TrueFiling to apply a visible file stamp.

**3. Pagination**

The page numbering of a document filed electronically must begin with the first page or cover as page 1 and use only Arabic numerals (e.g., 1, 2, 3). Documents consisting of multiple files must be paginated consecutively across all files. The Adobe Page Counter number must match the consecutive page numbering.

**4. Electronic Bookmarks**

All briefs, original proceedings, motions and applications with attachments must include electronic bookmarks to each heading, subheading and component of the document. This includes such items as the table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, certificate of interested entities or persons, and proof of service. Each bookmark to a tab, exhibit, or attachment must include the letter or number

of the tab, exhibit or attachment and a description of the tab, exhibit or attachment. The required setting for all bookmarks is “Inherit Zoom” which retains the user’s currently selected zoom setting.

Any appendix filed electronically must have a separate electronic bookmark to the indexes and to the first page of each separate exhibit and attachment. Exhibits or attachments included within an exhibit or attachment must be separately bookmarked.

#### **5. Size**

No single PDF file may exceed 25 megabytes. Notwithstanding provisions to the contrary in the California Rules of Court, electronically filed documents may exceed the 300 page limit as long as the file size is 25 megabytes or smaller. If submitting multiple files in TrueFiling would cause undue hardship, any registered user may file an application in TrueFiling, requesting permission to provide the court with the filing in electronic format (e.g. on a flash drive, or alternatively on CD or DVD), explaining the reason for the manual filing.

Please note, audio and/or video files are not accepted through TrueFiling at this time and must be delivered to the Clerk’s Office on a DVD, CD or flash drive. In addition, audio files must be submitted in .wav or mp3 format and video files must be submitted in .avi or mp4 format.

#### **6. Documents consisting of multiple files**

A document consisting of multiple files must include on the cover page of each file, (i) the file number, (ii) the total number of files, (iii) the page numbers contained in that file, and (iv) the total number of pages for the all the files. The first file must include a master chronological and alphabetical index stating the contents for all files. The remaining files must include a cover page, but an individual index is not required.

## 7. Privacy Protection

Electronic filers must comply with California Rules of Court, rule 1.201 regarding exclusion or redaction of personal identifiers from all documents filed with the court. Neither TrueFiling nor the Clerk of the Court has any responsibility to review documents for compliance with these requirements.

## Formatting Guidelines

Filers are encouraged, but not required, to follow these guidelines which are designed to improve the functionality and readability of documents filed with the court. (See [\*The Leap from E-Filing to E-Briefing, Recommendations and Options for Appellate Courts to Improve the Functionality and Readability of E-Briefs\*](#) (2017).)

### 1. Font Style

**A proportionally spaced serif face**, such as Century School Book. Do not use Times New Roman.

### 2. Font size

**13 pt. text** (including footnotes).

### 3. Spacing

**At least 1.5.** (Footnotes and quotations may be single spaced.)

### 4. Margins

**1.5” on all sides.** An 8½” by 11” page is very large for a publication intended to be read, as distinguished from a reference book or the like that is typically not read for an extended period. Only the economy and convenience of using standard letter-size paper justifies such an oversized page. Letter-size paper avoids the complexities of booklet format, such as laying out signatures, trimming pages, saddle stitching the booklet, etc. See U.S. Government Printing Office Style Manual (30th ed. 2008).

## 5. Alignment

**Left Aligned.** Left aligned text is easier to read than justified text. Like double spacing, justification is a relic of typesetting days, but many legal writers continue to use it out of habit, without thinking about the fact that it is less readable.

## 6. Miscellaneous

Use “curly” or “smart” quotation marks and apostrophes (rather than "straight") Boldface and Italics to be used instead of underlining. Do not use ALL CAPS. Emphasis is an effective tool when used well. In terms of readability, most experts prefer **boldface** and *italics*, and strongly disfavor underlining.

## 7. File Formatting

Whenever possible **do not scan** documents. Convert to PDF format in a word processing program. Compile documents, e.g. appendices, using E-Copies rather than scanned copies with OCR.

## 8. Hyperlink

**Hyperlinked Briefs.** Filers are encouraged to hyperlink their briefs and writs to legal citations and appendices or exhibits.

**COURT OF APPEAL, SECOND APPELLATE DISTRICT  
ELECTRONIC FILING GUIDELINES**

*Guidelines for filing electronic documents in the Court of Appeal that a party seeks to become part of the record on appeal.*

When filing a motion, application, or request which also includes documents the party seeks either: to become part of the court's record (such as an augmented record, amicus curiae brief, supplemental brief, corrected brief, or any other similar document); or to be judicially noticed, to ensure that such documents are useable as electronic records, this court requests that the party electronically submit documents the party seeks to become part of the appellate record as a **separate .pdf file** at the same time as the motion, application or request.

***Documents over 300 pages in length.***

Notwithstanding California Rules of Court, rules 8.124(d)(1), 8.144(c)(1) and 8.486(c)(1)(A), when submitting documents electronically, the parties may exceed the 300-page limit as long as the file size is 25 megabytes or smaller.

**Proof of Service**

If you create your own proof of service, please include it as the last page of your filing rather than a separate pdf. file.

**Civil Case Information Statement**

Please file your Civil Case Information Statement after a docket number has been assigned to your appeal.

Cancel

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CALIFORNIA COURTS  
THE JUDICIAL BRANCH OF CALIFORNIA

## e-Briefs (Second Appellate District)

### Invitation to file e-Briefs (Hyperlinked Brief) in the Second District Court of Appeal

An e-brief is a single Disc (CD, DVD or external drive) containing linked and searchable copies of:

- a. the reporter's transcript
- b. the clerk's transcript or a joint appendix in lieu thereof, including all exhibits
- c. all cited authorities
- d. all briefs, with all citations to the record, authorities and other briefs hyperlinked to the cited material.

Counsel who believes that an e-brief is appropriate for an appeal should confer as early as possible with opposing counsel and should cooperate in preparing it. If, however, opposing counsel does not wish to participate, any party may file an e-brief, provided it contains all of the materials listed above, hyperlinked. As a courtesy to the Court, non-participating parties shall provide electronic copies of their briefs to the party preparing the e-brief. E-briefs should be filed as early as possible, and in any event, **no later than 15 days after the last brief is filed.**

Counsel must submit a written notice to the Clerk's Office of their intention to file an e-brief. The Court will work with counsel to minimize delay and maximize the effectiveness of the filing.

To assist counsel, a list of service providers that prepare e-briefs appears at the end of this announcement.

The Court particularly encourages counsel to cooperate in filing an e-brief and to agree to share the cost. Counsel should not assume that the cost of preparation will be recoverable.

#### NOTE:

E-briefs must be contained on Windows-compatible Discs.

E-briefs must be identical in both content and appearance to their paper counterparts.

E-briefs must either come with their own viewing programs or be viewable using:

- a. a program such as Adobe Acrobat Reader (downloadable from the Internet at no cost to the user)
- b. any Internet browser (i.e., Internet Explorer, Mozilla, etc.)
- c. Microsoft Word

E-briefs must be free of computer viruses.

E-briefs must be accompanied by a statement, preferably within or attached to the packaging, that:

- a. provides the instructions for viewing the documents
- b. provides the minimum equipment required for viewing the documents
- c. verifies the absence of computer viruses and describes the software used to ensure that they are virus-free

Two copies of the Discs, all in the required form, must be filed with the court with proof of service on all counsel.

No copies of the e-brief are to be served on the Supreme Court.



Please see Council of Appellate Lawyers' recent publication called ***The Leap from E-Filing to E-Briefing, Recommendations and Options for Appellate Courts to Improve the Functionality and Readability of E-Briefs*** (2017).

### **E-Brief Service Providers**

The following commercial vendors prepare e-briefs, and they can provide samples and cost estimates. It is also possible to prepare e-briefs in-house using any commercially available software.

**This list should not be construed as an endorsement by the Court.**

- Paradocs (New York)
- Animators (Virginia)
- Best Evidence (Florida)
- StrutLegal (Nationwide)
- Counsel Press (Los Angeles and elsewhere)
- NDS e-briefs (California)
- Pritchard Law Webs (Minnesota)
- Record Press (New York)
- Brief-Lynx (Colorado)
- AppealTech (Los Angeles and New York)

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION [Division No.]

THE THREE BEARS,

Plaintiffs and Respondents,

v.

GOLDILOCKS,

Defendant and Appellant.

Court of Appeal No. B \_\_\_\_\_

Superior Court No. \_\_\_\_\_

[County Name] County Superior Court No. [Case No.]  
Honorable [Judge's Name]

**APPENDIX IN LIEU OF CLERK'S TRANSCRIPT**  
(Cal. Rules of Court, rule 8.124)

**VOLUME 1 OF 1, PP. 001 to \_\_\_\_**

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Appellant  
GOLDILOCKS

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Document Name	Date Filed	Vol. No.	Page
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Defendant Goldilocks' Answer to Plaintiff's Complaint	08/20/01	1	006
Defendant Goldilocks' Notice of Motion and Motion to Compel Arbitration	08/25/01	1	008
Declaration of Goldilocks in Support of Defendant's Motion to Compel Arbitration	08/25/01	1	010
Plaintiff's Notice of Motion and Motion for Order	10/05/01	1	050
Order	11/05/01	1	065
Judgment	07/04/02	1	150
Notice of Appeal	08/01/02	1	155
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Notice of Appeal	08/01/02	1	155
Order	11/05/01	1	065
Plaintiff's Notice of Motion and Motion for Order	10/05/01	1	050

**APPENDICES**  
(In chronological order)

SAMPLE

**PROOF OF SERVICE**

SAMPLE

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

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[County Name] County Superior Court No. [Case No.]  
Honorable [Judge's Name]

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(Cal. Rules of Court, rule 8.124)

**VOLUME 1 OF 1, PP. 001 to \_\_\_\_**

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Appellant  
GOLDILOCKS

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Defendant and Appellant.

Court of Appeal No. B\_\_\_\_\_

Superior Court No. \_\_\_\_\_

Appeal from a Judgment [or Order]  
of the Superior Court, County of [County Name]  
Hon. [Judge's name], Judge

[BRIEF NAME]

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Appellant  
GOLDILOCKS

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Court of Appeal No.

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Superior Court No.

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**APPELLANT'S OPENING BRIEF**

**STATEMENT OF THE CASE**

The Three Bears filed a complaint in August 2001 alleging Goldilocks had trespassed on their property by entering their home when they were not at home, consuming a meal and falling asleep in a bed. The complaint alleged that Baby Bear had suffered physical and mental damages as a result of being frightened upon discovering Goldilocks. (CT 1-4.) After a civil trial on the matter over a period of two days, the court found that Goldilocks had committed trespass.

(CT 25.) The court entered a final judgment in favor of the Three Bears in the amount of \$50,000. (CT 27.)

## STATEMENT OF APPEALABILITY

This appeal is from the judgment of the Los Angeles County Superior Court and is authorized by the Code of Civil Procedure, section 904.1, subdivision (a)(1).

## STATEMENT OF FACTS

Papa Bear lives in Los Angeles, California with his wife, Mama Bear and son, Baby Bear. (RT 1.) Appellant Goldilocks lives a few miles away on the other side of the forest. (RT 25.) The Bears' neighbor, Gloria Gardner, watched what happened from her garden next door. (RT 15.)

Gardner testified she saw the Bear family leave their house without shutting the front door about 8:00 a.m. and saw Goldilocks enter the house at about 8:30. At about 9:30 a.m. she heard screams and saw Goldilocks run from the Bears' house. (RT 17.)

The Bears testified that when they returned from the walk, they saw they had left the front door open. (RT 3.) Food was missing from the dining room table. (RT 4.) Baby Bear found Goldilocks asleep in his bed. (RT 6.) Terrified, Baby Bear screamed and woke up Goldilocks. (RT 9.) Startled and confused, Goldilocks ran from the Bears' house. (RT 30.)

An expert bear cub psychologist, Dr. Dramatic, who has done extensive research in the phobias of young bears, testified to the traumatic effects when a bear cub comes in contact with a human child. Baby Bear had physical symptoms of blackouts stemming from his encounter with Goldilocks as well as mental anguish requiring



therapy. (RT 21-24.)

Goldilocks testified she was looking for a boarding facility to take a rest, the Bears' house was very large, there was no fence to indicate this was private property, the door of the house was left open and there was a mat at the front door that said "WELCOME". (RT 25-26.) She thought this was a commercial boarding establishment, as large amounts of food were set out as if for guests; she looked for someone to ask about spending the night and saw several sets of chairs and beds all in different sizes. (RT 27-28.) She sat down on a bed and fell asleep. (RT 29.)

## ARGUMENT

### I. **GOLDILOCKS WAS GIVEN IMPLIED CONSENT TO ENTER THE HOUSE AND THUS HER ENTRY WAS NOT "WRONGFUL"**

#### A. The Standard of Review.

The trial court erred in finding that Goldilocks trespassed on the Bears' property as there is no substantial evidence to support that finding. On review, the appellate court looks to the record to see if there are facts to support the trial court or jury's findings. If there is any substantial evidence to support the verdict, the court will affirm. If there are conflicts in the facts, the court will resolve the conflict in favor of the party who won in the trial court. (*Williams v. Wraxall* (1995) 33 Cal.App.4th 120, 132.)

#### B. The Elements of the Action.

A trespass occurs when a person intentionally, recklessly or negligently enters land in the possession of another. (*Gallin v. Poulou* (1956) 140 Cal.App.2d 638, 645.) The intent to enter is the only intent needed. (*Miller v. National Broadcasting Co.* (1986) 187 Cal.App.3d 1463, 1480.) However, consent or permission to enter upon the property is a defense. (*Williams v. General Elec. Credit Corp.* (1946) 159 Cal.App.2d 527, 532; 5 Witkin, Summary of California Law (9th ed. 1988) Torts, § 607, p. 706; Rest.2d Torts, § 167.)

### C . No Evidence of Wrongful Entry.

Here, Goldilocks did not intend to enter on private property. She thought the Bears' house was a public, commercial boarding house. Although her actual intent is not a legal defense, her actual intent reinforces her argument that she had consent to enter the building. The door was open, the WELCOME mat was out, the food was on the table, and there were many beds and chairs about. All of this points to the conclusion the Bears were prepared for and awaiting the arrival of numerous persons and supports Goldilocks' belief this was a boarding house and there was no reason for her not to enter. At a minimum the house was prepared and open for an "open house". No evidence points to any indication the house was closed, off-limits to outsiders, or limited in the types of persons who would be admitted. There is no evidence to support a finding Goldilocks' entry was wrongful. The judgment must be reversed.

## CONCLUSION

Goldilocks submits the Three Bears have failed to meet their burden of proving that her entry into their house was wrongful and, thus, a trespass. All of the evidence supports a finding that the Bears by their conduct consented to Goldilocks' entry. Goldilocks respectfully asks that this Court reverse the decision of the trial court and vacate the award of damages.

Respectfully submitted,

[Attorney Name]

Attorney for Appellant  
GOLDILOCKS

## CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains \_\_\_\_\_ words, including footnotes. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

By \_\_\_\_\_  
[Name]

SAMPLE

**PROOF OF SERVICE**

SAMPLE

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION [Division No.]

THE THREE BEARS,  
  
Plaintiffs and Respondents,  
  
v.  
  
GOLDILOCKS,  
  
Defendant and Appellant.

Court of Appeal No. B\_\_\_\_\_

Superior Court No. \_\_\_\_\_

Appeal from a Judgment [or Order]  
of the Superior Court, County of [County Name]  
Hon. [Judge's name], Judge

EXHIBITS IN SUPPORT OF [TYPE OF MOTION/REQUEST]  
VOLUME 1 OF \_\_\_ (if more than one volume)

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Appellant  
GOLDILOCKS

## INDEX OF EXHIBITS

Tab No.	Document Name	Date Filed	Vol. No.	Page
A	First Amended Complaint	08/08/15	1	005
B	Answer to First Amended Complaint	12/23/15	1	013
C	Notice of Motion for Summary Judgment, or Alternatively, Summary Adjudication of Issues	05/30/17	1	016
D	Memorandum of Points and Authorities in Support of Motion for Summary Judgment, or Alternatively, Summary Adjudication of Issue	05/30/17	1	020
E	Separate Statement of Undisputed Facts in Support of Motion for Summary Judgment, or Alternatively, Summary Adjudication of Issues	05/30/17	1	32
F	Declaration of Robert Southey in Support of Motion for Summary Judgment, or Alternatively, Summary Adjudication of Issues	05/30/17	1	45

## EXHIBITS



## **PROOF OF SERVICE**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION [Division No.]

GOLDBLOCKS,

Petitioner,

v.

LOS ANGELES COUNTY SUPERIOR  
COURT,

Respondent,

THE THREE BEARS,

Real Parties in Interest.

Court of Appeal No. B \_\_\_\_\_

Superior Court No. \_\_\_\_\_

[County Name] County Superior Court No. [Case No.]  
Honorable [Judge's Name]

**EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF [TYPE OF WRIT]  
VOLUME 1 OF 1**

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Petitioner  
GOLDBLOCKS

## INDEX OF EXHIBITS

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**EXHIBITS**

SAMPLE

**PROOF OF SERVICE**

SAMPLE

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT, DIVISION [Division No.]

GOLDBLOCKS,

Petitioner,

v.

LOS ANGELES COUNTY SUPERIOR  
COURT,

Respondent,

---

THE THREE BEARS,

Real Parties in Interest.

---

Court of Appeal No. B\_\_\_\_\_

[County Name] County Superior Court No. [Case No.]  
Hon. [Judge's Name]

PETITION FOR WRIT OF [TYPE OF WRIT];  
MEMORANDUM OF POINTS AND AUTHORITIES

[Attorney or Party Name]  
State Bar No. [if any]  
[Address]  
[City, State ZIP]  
[Telephone Phone Number]  
[E-mail Address]

Attorney for Petitioner  
GOLDBLOCKS

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**PETITION FOR WRIT OF [TYPE OF WRIT]**

Goldilocks petitions this Court for a writ of mandate or other appropriate relief, directing respondent Los Angeles County Superior Court to vacate its order denying Goldilocks' motion for summary judgment or alternatively summary adjudication and to enter a different order granting said motion:

...

SAMPLE

## **PRAYER**

WHEREFORE, Goldilocks prays that a writ of mandate issue from this Court commanding the respondent Superior Court to vacate its order denying Goldilocks' motion for summary judgment or, in the alternative, for summary adjudication of issues, and to make a new and different order granting the motion for summary judgment, and for such other relieve as may be just.

---

SAMPLE

## VERIFICATION

I am the attorney for Goldilocks in this case. I have read the foregoing Petition and know its contents. The facts alleged in the Petition are within my own knowledge and I know these facts to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed on this 12<sup>th</sup> day of September, 2017 at Los Angeles, California.

---

# MEMORANDUM OF POINTS AND AUTHORITIES

## I.

### INTRODUCTION

SAMPLE

**II.  
STATEMENT OF THE CASE**

SAMPLE

## CONCLUSION

A writ should issue on the grounds that . . .

Respectfully submitted,

Attorney for Petitioner  
GOLDILOCKS

SAMPLE

## CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains \_\_\_\_\_ words, including footnotes. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

By \_\_\_\_\_  
[Name]

SAMPLE

**EXHIBITS** [May be filed separately]

SAMPLE



**PROOF OF SERVICE**

SAMPLE

**LOCAL RULES OF THE COURT OF APPEAL  
THIRD APPELLATE DISTRICT**

Published pursuant to California Rules of Court, rule 10.1030

**Effective September 14, 2015  
Amended effective September 26, 2016  
Amended effective December 11, 2017**

**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” is the electronic transmission to the court of a document in electronic form.
- (3) A “document” is:
  - (A) Any filing submitted to the court, including but not limited to a brief, a petition, an appendix, or a motion;
  - (B) Any document transmitted by a trial court to the court, including but not limited to a notice or a clerk’s or reporter’s transcript; or
  - (C) Any writing prepared by the court, including but not limited to an opinion, an order, or a notice.
- (4) A “file” is a unit of electronic information with a filename.
- (5) “TrueFiling” is the court’s electronic filing portal for registered users.
- (6) “Registered user” and “registered users” refer to a person or persons registered to use TrueFiling.
- (7) “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.
- (8) “EFS user” and “EFS users” refer to a user or users of the court’s electronic filing system.

**(b) Mandatory electronic filing**

Pursuant to the California Rules of Court, the court requires the electronic filing of all documents with the court unless this local rule provides otherwise. 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. This local rule applies in all cases, including pending cases in which paper documents have been filed before the effective date of this local rule. Except as provided in this local rule, an electronic filing will be accepted in lieu of any paper copies otherwise required by the California Rules of Court, and constitutes the official record of the court.

**(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) File Size Limitation; Documents Exceeding Limitation**

(1) *File Size Limitation.* The file size limitation is 25 megabytes.

(2) *Documents Exceeding File Size Limitation.* Any electronic document larger than 25 megabytes must be filed in multiple files, each less than 25 megabytes.

(3) *Filing of Document Consisting of More Than Five Files.*

(A) *Manual Filing.* When a registered user files an electronic document consisting of more than five files, the document shall not be filed through TrueFiling, but instead shall be filed with the court in electronic format on flash drive, or alternatively on CD (compact disc) or DVD. When a registered user files a flash drive, CD, or DVD with the court, the registered user shall also file, on the same day, a "manual filing notification" in TrueFiling notifying the court and the parties that one or more documents have been filed on flash drive, CD or DVD and explaining the reason for the manual filing.

(B) *Naming Convention and Format for Files on Flash Drive, CD, or DVD.* Each file on a flash drive, CD, or DVD shall be separately named so the court and the parties can see the following identifying information without opening the file: (1) the case number, (2) the type of partial document on the file, (3) the page numbers included in the file, and (4) the last

name of the filing party. In addition, each file must comply with the format requirements of this local rule.

(C) *Manual Service.* The flash drive, CD, or DVD shall be served on the parties in accordance with the applicable requirements and procedures for service of paper documents.

**(e) Format**

(1) *Text Searchable Format.* All electronic documents must be in electronic text-searchable PDF (portable document format), or other searchable format approved by the court, while maintaining original document formatting. If an EFS user possesses only a paper document, the user must scan the document and convert it to an electronic document complying with this local rule. It is the EFS user's responsibility to ensure that any document filed is complete and readable. Electronically filed documents must comply with the content and form requirements of the California Rules of Court, with the exception of those provisions dealing exclusively with requirements for paper or as otherwise specified in this local rule.

(2) *Pagination.* The page numbering of an electronic document must begin with the first page or cover page as page 1 and use only Arabic numerals (e.g., 1, 2, 3) throughout the document. The page number need not appear on the cover page. Briefs may not contain more than one numbering system, e.g., they may not contain Roman numerals for the table of contents and Arabic numerals for the body of the brief. When a document, transcript, or record is filed in both paper format and electronic format, the pagination in both versions must comply with this subparagraph or the party must accurately cite to the correct page for both versions.

(3) *Documents Consisting of Multiple Files.* A document consisting of multiple files shall:

(A) Include on the cover page of each file (i) the file number for that file, (ii) the total number of files for that document, (iii) the page numbers contained in that file, and (iv) the total number of pages for that document. (Example: File 1 of 4, pp. 1-299 of 1198.)

(B) Contain its own table(s) and index stating the contents of that file.

(C) Be paginated consecutively across all files (e.g., if the first file ends on page 300, the cover of the second file shall be page 301).

(4) *Tabs.* Documents shall include tabs to the extent required by the California Rules of Court. A tab shall be a separate page identifying the content following the tab (such as a page stating "Exhibit A").

(5) *Electronic Bookmarks.* An electronic bookmark is a text link that appears in the bookmarks panel of an electronic document. An electronic bookmark is different from a hyperlink. Each document shall include an electronic bookmark to each heading, subheading and component of the document (such as a table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, certificate of interested

entities or persons, or a proof of service if included within the document). Each document shall also include an electronic bookmark to the first page of each tab, exhibit, or attachment, if any. Each bookmark to a tab, exhibit, or attachment shall include the letter or number of the tab, exhibit, or attachment and a description of the tab, exhibit, or attachment.

(6) *Hyperlinks*. Hyperlinks are not required. However, if an EFS user elects to include hyperlinks in a document, the hyperlink may be active and should be formatted to standard citation format as provided in the California Rules of Court.

(7) *No Color*. Notwithstanding provisions to the contrary in the California Rules of Court, electronic documents shall not have color covers, color signatures, or other color components absent leave of court. This requirement does not apply to the auto-color feature of hyperlinks.

#### **(f) Signatures**

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

#### **(g) 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 this local rule.

(2) *Appendix*. Any appendix filed pursuant to the California Rules of Court must be filed by EFS users in electronic format in compliance with this local rule.

(3) *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 this local rule.

(4) *Transmissions by the Superior Court*. The court authorizes and encourages the superior courts 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. If a superior court transmits electronic documents to the court in lieu of paper, the court will accept electronic documents complying with the California Rules of Court and this local rule. A superior court shall transmit electronic documents to the court through the court's FTP server using credentials provided by the court. If a superior court transmits electronic documents to the court, it shall also make the electronic documents available to the parties.

#### **(h) 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.

**(i) Sealed or Confidential Material**

Sealed or confidential material may be filed electronically. EFS users must comply with the California Rules of Court pertaining to sealed and confidential material, with the exception of those provisions pertaining exclusively with requirements for paper or as otherwise specified in this local rule.

**(j) 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.

**(k) 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.

**(l) Service**

Registration with TrueFiling constitutes 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.

Submission of a petition for review through TrueFiling that is accepted for filing by the Supreme Court constitutes service of a copy of the petition on this court in accordance with the California Rules of Court.

**(m) 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.

**(n) 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 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 by scanning, imaging or other means, the document may be filed in paper format with a declaration setting forth the reason that electronic filing was not feasible.

(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.

**(o) Rejection of an Electronic Filing for Noncompliance**

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

**(p) 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.

**(q) Original Documents**

The court may 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.

**(r) 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: September 27, 2017

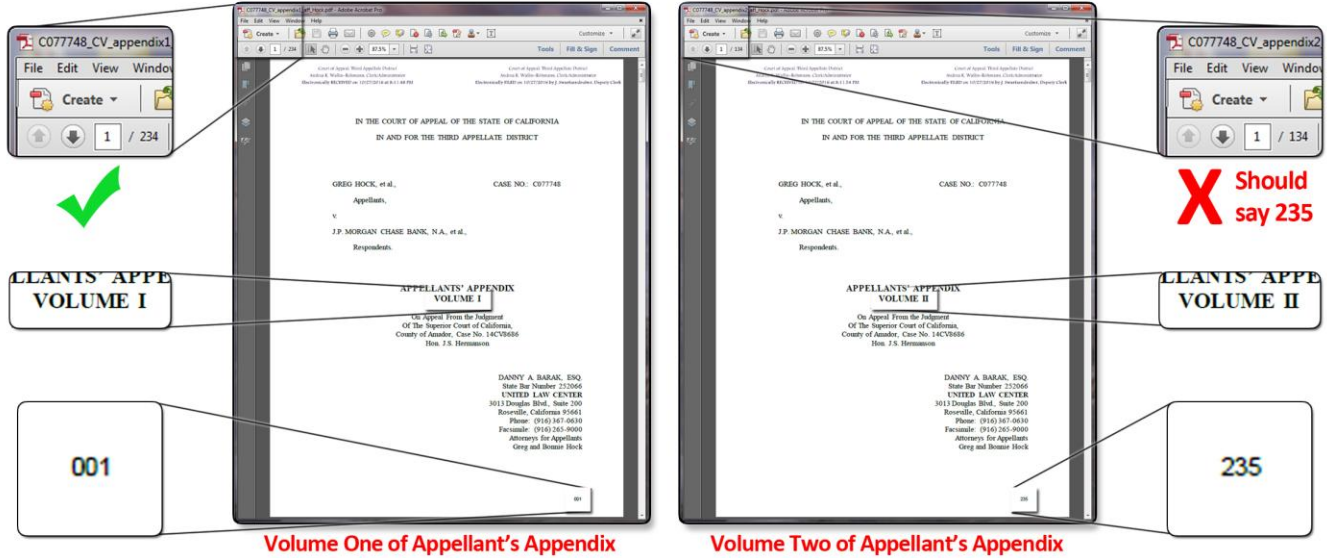
  
\_\_\_\_\_  
Presiding Justice



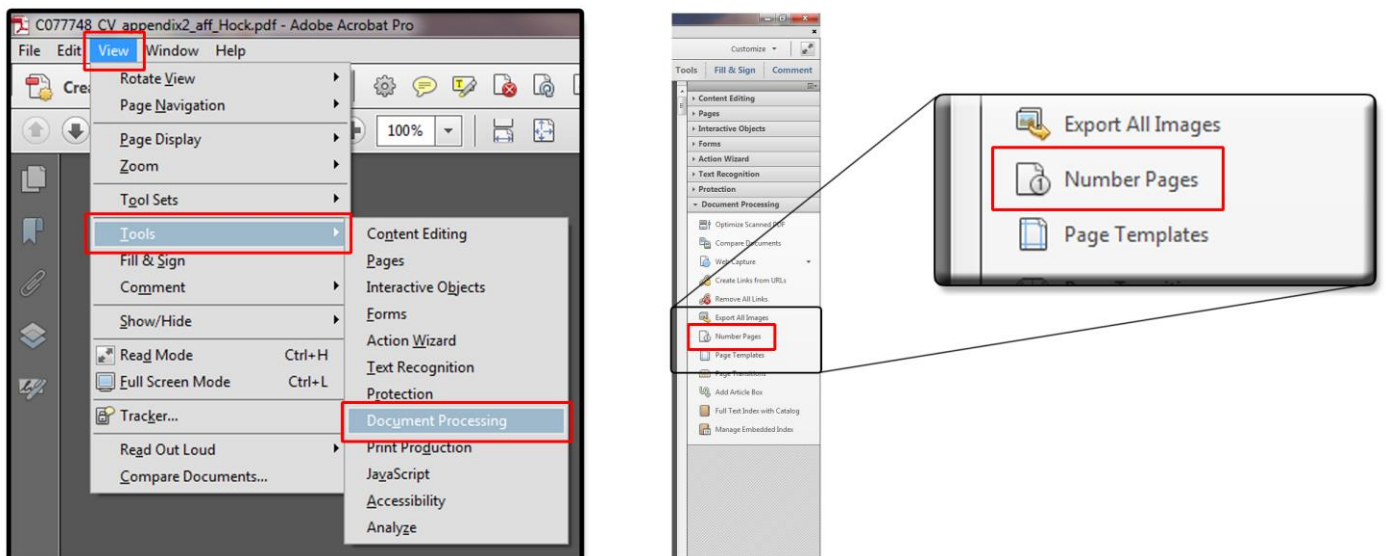
### Consecutive Pagination Across Multiple PDF Files

Pursuant to [Local Rule 5](#) (3)(c), documents consisting of multiple files must be paginated consecutively. For example, if the first file of multiple volumes ends on page 234, the second file must begin on page 235.

Pagination must also be reflected accurately in Adobe Acrobat's page counter, even across multiple files.

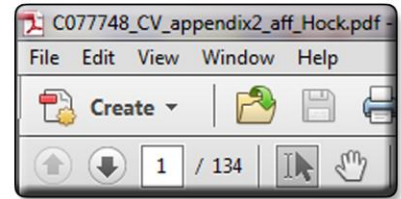
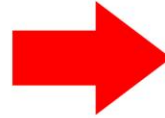
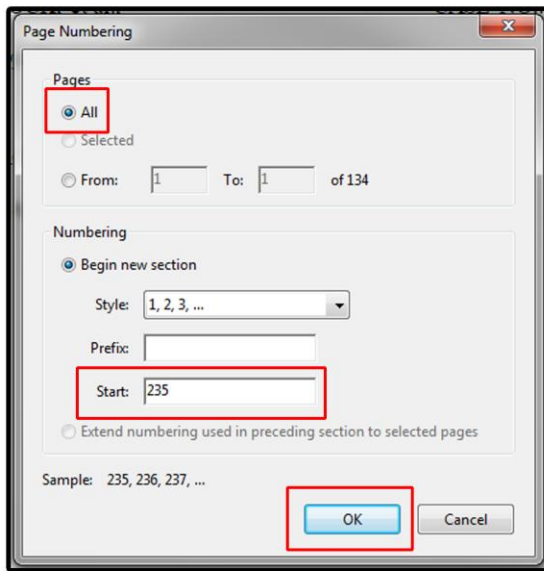


To achieve this, start by opening up the second PDF file of your document in Adobe Acrobat. Next, click **View** on the menu bar, hover your cursor over **Tools**, and then select **Document Processing**. A column should appear on the right side of your screen.

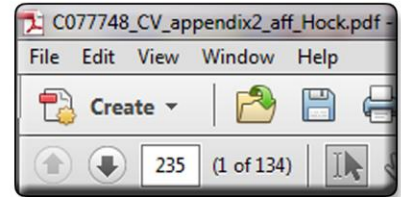


Select **Number Pages** from the column to open a small popup window titled **Page Numbering**.

Under the **Pages** section, select **All**. Under the **Numbering** section, change the **Start** parameter to match the first page of the file. For example, if the first page of the file is 235, change the **Start** parameter to 235. Then click **OK**.



**Before: first page of volume two**



**After: first page of volume two**

Save the file, and then repeat this process for any additional files in your document.

## LOCAL RULES OF THE COURT OF APPEAL FOURTH APPELLATE DISTRICT

### **Rule 1. Writ Proceedings**

(a) **[Request for immediate stay]** A request that an immediate stay be issued or other immediate relief be granted is to be served on the respondent and each real party in interest by (1) personal delivery or (2) an expeditious method consented to in advance by the party served. If the respondent or any real party in interest is not served personally or by an expeditious method consented to in advance by the party served, the court will not act on the request for five days, except to deny it summarily, absent a showing of good cause. The document cover must state conspicuously "STAY REQUESTED" or "IMMEDIATE RELIEF REQUESTED" or words of similar effect.

The court may issue a stay or other order necessary to preserve the status quo or the court's jurisdiction without opposition. However, a request for immediate relief, other than a stay or other order necessary to preserve the status quo or the court's jurisdiction, will not be granted unless the court has received an unsolicited opposition or, alternatively, has requested opposition.

(b) **[Preliminary opposition]** In an extraordinary proceeding involving a petition for writ of mandate, certiorari or prohibition pursuant to California Rules of Court, rules 8.485-8.493, the real party in interest need not file a preliminary opposition as provided in rule 8.487(a) unless requested to do so by the court. Except as provided in subdivision (a) of this rule, the court will not take any action on a writ petition, other than to summarily deny it, without first giving the real party in interest an opportunity to respond.

*(Amended, eff. Aug. 13, 2010; adopted, eff. Oct. 29, 2004.)*

### **Rule 2. Covers on Documents Filed With The Court**

The court will not accept for filing any document that has a plastic or acetate cover or does not conform strictly to rules 8.144 and 8.204 of the California Rules of Court.

*(Adopted, eff. Oct. 2, 1983. As amended, eff. Oct. 29, 2004; Jan. 1, 2007.)*

### **Rule 3. Stipulation for Use of Original Superior Court File**

Rule 8.128 of the California Rules of Court provides for the use of the original superior court file in lieu of the clerk's transcript on appeal in those civil cases where the parties so stipulate. In accordance with rule 8.128 of the California Rules of Court, the procedure therein is approved for use by the superior courts within this district unless the Court of Appeal orders otherwise in a particular case.

*(Formerly Rule 10, adopted, eff. April 26, 1992. Renumbered Rule 3, eff. Oct. 29, 2004. As amended, eff. Jan. 1, 2007.)*

### **Rule 4. Civil Settlement Conference Procedures (Division Two Only)**

(a) **[Application of rule]** This rule is adopted pursuant to rule 8.248, California Rules of Court, and shall apply to all civil cases except appeals from proceedings under sections 300, 601, and 602 of the Welfare and Institutions Code, appeals from proceedings under sections 221 and 232 of the Civil Code, and appeals from original proceedings ancillary to a criminal prosecution.

(b) **[Notice of availability of conference]** Upon receipt of notice of the filing of a notice of appeal, the clerk of this court shall mail a copy of this rule to counsel for all parties.

#### **(c) [General settlement conference procedure]**

(1) The presiding justice may schedule a settlement conference and order the parties' attendance at any time during the pendency of an appeal.

(2) Written notice of the date and time of the settlement conference will be given by the court.

(3) Immediately upon accepting a case for the settlement conference procedure, all further proceedings, including the filing of briefs, shall be suspended until further order of the court. However, this rule shall not suspend preparation of the appellate record unless a specific order is issued directing suspension of record preparation.

#### **(d) [Prebriefing settlement conference procedure and sanctions]**

(1) A request for a settlement conference to be held prior to completion of briefing shall be served and filed within 30 days from the date of mailing of the notice specified in subdivision (b). Opposition to a

request for a settlement conference must be served and filed within 15 days after the request's filing date.

(2) If the court orders a settlement conference prior to the completion of briefing, the parties shall each serve and file an original and one copy of a settlement conference statement at least 15 days before the settlement conference. The parties may file by the same date a joint settlement conference statement in lieu of separate statements. Failure to timely serve and file a settlement conference statement complying with this rule may result in the imposition of sanctions including dismissal of the appeal. Every settlement conference statement shall contain the following:

(A) The trial court name and case title and number;

(B) The name of the judge who rendered the judgment or order appealed and the date of its entry;

(C) The date the notice of appeal was filed;

(D) The names, address, and telephone numbers of counsel for all parties to the appeal;

(E) A brief description of the judgment or order appealed;

(F) A concise statement of the case, including a brief procedural history and all facts material to consideration of the issues presented; and,

(G) The issues expected to be raised in the briefs.

(e) **[Postbriefing settlement conference procedure and sanctions]** After briefing is completed, the court may request the parties to provide information helpful to the court in deciding whether to order the parties to participate in a settlement conference. The parties shall complete all post-briefing settlement conference questionnaires and respond to all confidential settlement conference inquiries within 15 days of mailing by the clerk of the court. Failure to timely respond to a settlement conference inquiry or questionnaire may result in the imposition of sanctions including dismissal of the appeal.

(f) **[Settlement conference and sanctions]**

(1) The court shall maintain a list of attorneys who have developed expertise in specified areas of law, are generally respected in the legal community, and are willing to mediate settlement conferences at this court.

These attorneys shall be designated as settlement conference mediators and preside over every settlement conference unless otherwise ordered. A justice or assigned justice may be designated as a settlement conference mediator and preside over a settlement conference if so ordered.

(2) The mediator presiding over a settlement conference may in his or her discretion continue it from time to time to allow for further negotiation.

(3) Counsel for every party to the appeal and their clients shall attend any settlement conference. Failure to attend a settlement conference may result in the imposition of sanctions against any party or counsel, including dismissal.

(4) The settlement conference mediator may invite parties to the action who are not parties to the appeal, or any person who has an interest in the action, to attend the settlement conference if it appears to the mediator that their presence may facilitate settlement of the case. Any party to the appeal may serve and file a written request for the attendance of such a party or person at least 15 days before the settlement conference.

(5) Counsel shall confer with their clients in advance and be thoroughly familiar with the case and prepared to present their contentions in detail.

(6) The presiding justice, a justice designated by the presiding justice, or the settlement conference mediator may excuse a client's personal attendance upon request and a showing that hardship or unusual circumstances make the client's attendance impossible or impractical. If personal attendance is excused, counsel either shall have obtained full authority to agree to a settlement that binds the client or the client shall be available for consultation by telephone.

(7) Where settlement cannot be reached, partial settlement will be sought. Any settlement shall be reduced to writing and signed by counsel. After a complete settlement has been agreed to in writing, the parties shall promptly file a stipulation to dismiss the appeal on the ground that the case has been settled. The stipulation shall specify the allocation of costs on appeal and state whether the remittitur is to issue immediately.

**(g) [Disqualification of settlement conference justice]**

(1) A justice or assigned justice who participates in a settlement conference that does not result in complete settlement shall not thereafter participate in any way in the consideration or disposition of the case on its merits.

(2) A justice or assigned justice of the court will not be disqualified to participate in the consideration or disposition of a case on its merits because he or she has ruled on a request for a settlement conference, ordered that a settlement conference be held, signed orders granting relief from default for an act required by a party under this rule, extended or shortened any time period specified in this rule, or otherwise signed an order concerning a procedural aspect of the settlement conference process. Only mediating a settlement conference shall disqualify a justice from consideration or disposition of the case on its merits.

*(Adopted, eff. Oct. 13, 1992. As amended, eff. Oct. 29, 2004; Jan. 1, 2007.)*

**Rule 5. Reporter's Transcripts in Felony Appeals**

(a) Except as provided in (b), defendant's counsel is deemed to have requested under Code of Civil Procedure section 271(a)(1) that his or her copy of the reporter's transcript be delivered in paper form.

(b) Within 15 days after the notice of appeal is filed, defendant's counsel, or, if the defendant is not yet represented by appellate counsel, the district appellate project, may serve the lead court reporter and the superior court with a request that defendant's counsel's copy of the reporter's transcript be delivered in electronic form.

*(Adopted, eff. February 23, 2018. Previously repealed eff. January 1, 2017.)*

**Rule 6. Repealed, eff. Sept. 9, 1996**

**Rule 7. Repealed, eff. Dec. 1, 2003**

**Rule 8. Repealed, eff. Oct. 29, 2004**

**Rule 9. Repealed, eff. March 10, 2003**

**Rule 10. Renumbered Rule 3, eff. Oct. 29, 2004**

**COURT OF APPEAL, FOURTH APPELLATE  
DISTRICT UPDATED ELECTRONIC FILING  
GUIDELINES**

*Guidelines for submitting documents to the Court of Appeal that a party seeks to become part of the record on appeal.*

It has come to the court's attention that parties occasionally file a motion, application, or request which also includes documents the party seeks either: to become part of the court's record (such as an augmented record, supplemental brief, corrected brief, or any other similar document); or to be judicially noticed. When a party electronically incorporates the documents they wish to be part of the record on appeal into the motion, application or request, the court has no way of separating the documents to become part of the official record or to be judicially noticed. Therefore, the court has established the following guidelines for submitting such documents in electronic form.

To ensure that such documents are useable as electronic records, this court requests that the party:

1. Electronically submit documents the party seeks to become part of the appellate record as a **separate .pdf file** at the same time as the motion, application or request.
2. Ensure such documents are **formatted in compliance with California Rules of Court, rule 8.74(b)**

*Guidelines for submitting documents over 300 pages in length.*

Notwithstanding California Rules of Court, rules 8.124(d)(1), 8.144(c)(1) and 8.486(c)(1)(A), when submitting documents electronically, the parties may exceed the 300-page limit as long as the file size is 25 megabytes or smaller.



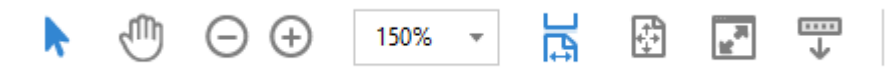
## Adobe PDF Bookmark Zoom Settings

### PROBLEM:

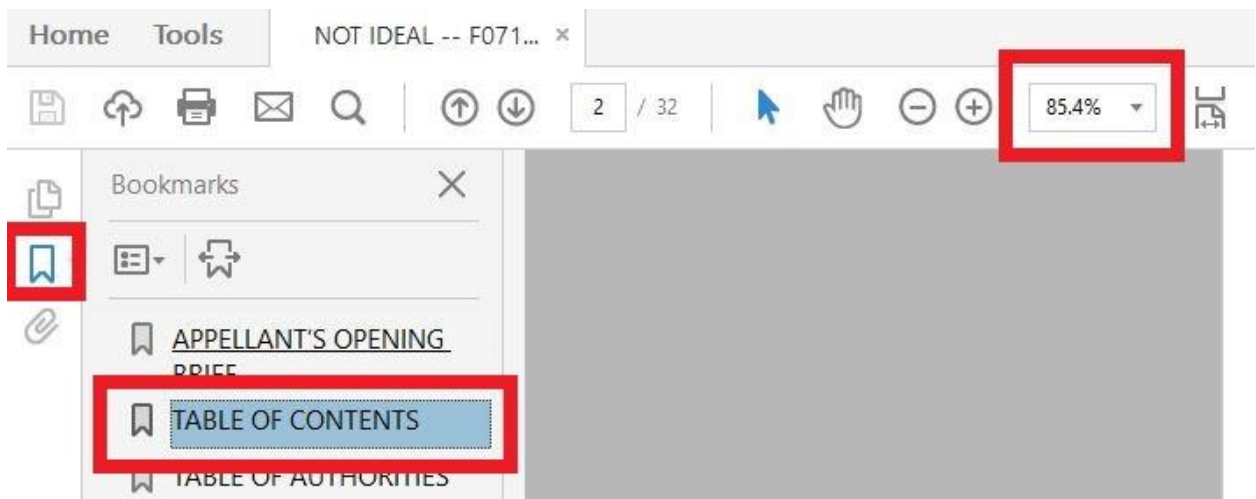
When a PDF is submitted with bookmarks, the bookmarks can contain custom/specific document zoom settings that change the zoom percentage of the document whenever a bookmark is clicked. When a user changes the zoom back to their preferred value, upon clicking the same bookmark or any other bookmark, the view changes to the zoom setting specified in the properties of each individual bookmark.

Example of problem from “viewer’s” perspective:

1. Open PDF document (the document opens with default zoom settings that the viewer has set in Adobe Reader or Adobe Acrobat Pro). In this case, the viewer has 150% set as their default zoom setting for all documents when opened.



2. Upon clicking on a bookmark, the document zoom setting changes to the specific zoom setting embedded in the properties of the individual bookmark. In this example, the bookmark has a zoom setting of “Fit Page” which equates to 85.4% on the monitor/resolution used to create this help document. You will see this setting later in the document, but the image below shows how the percentage changes from 150% to 85.4% when clicking on the bookmark.

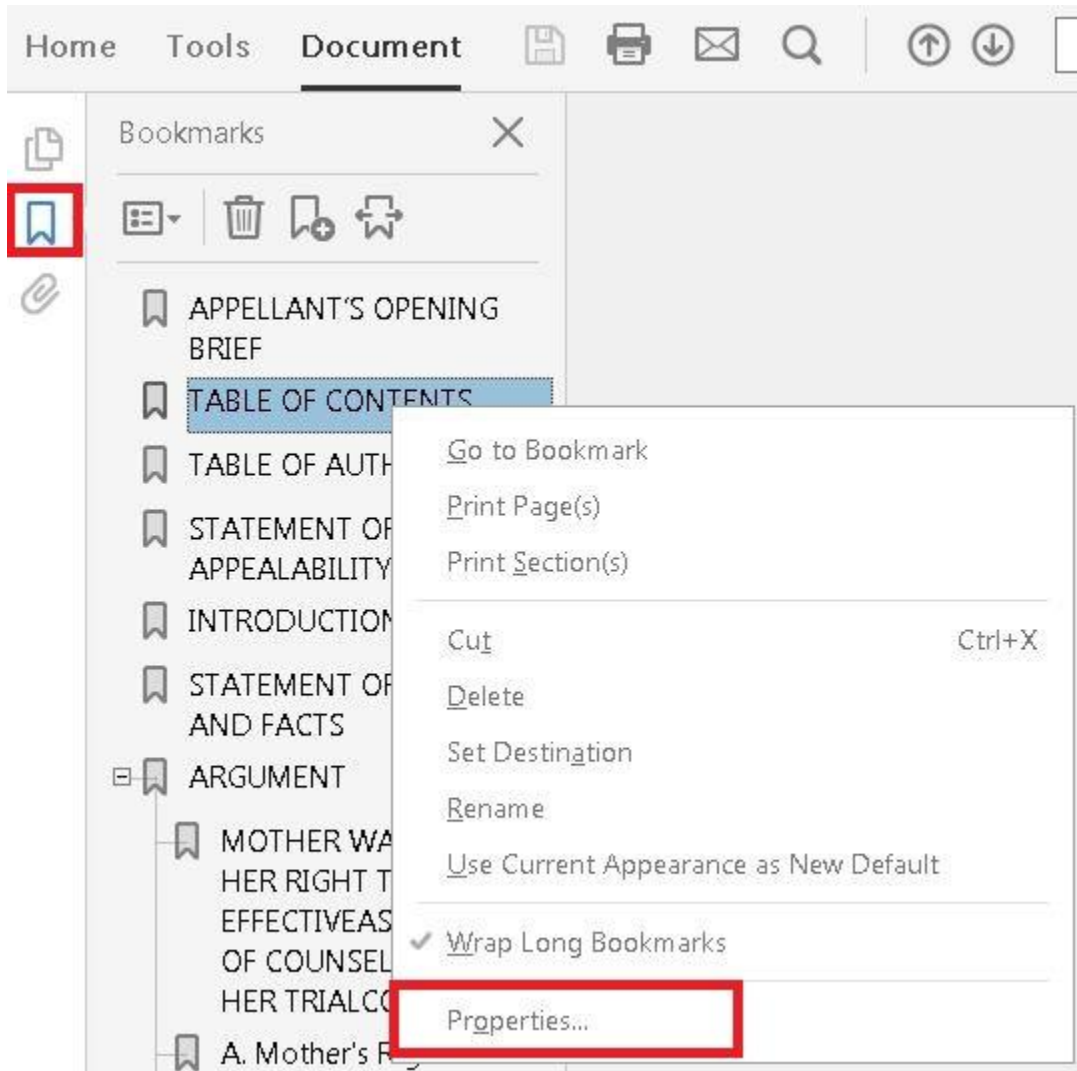


3. If the viewer elects to then zoom back out/in depending on their preference, upon clicking the same bookmark or another bookmark, the zoom once again changes to what is set in the properties of the bookmark. In other words, the problem continues to repeat itself throughout the document when clicking on various bookmarks.

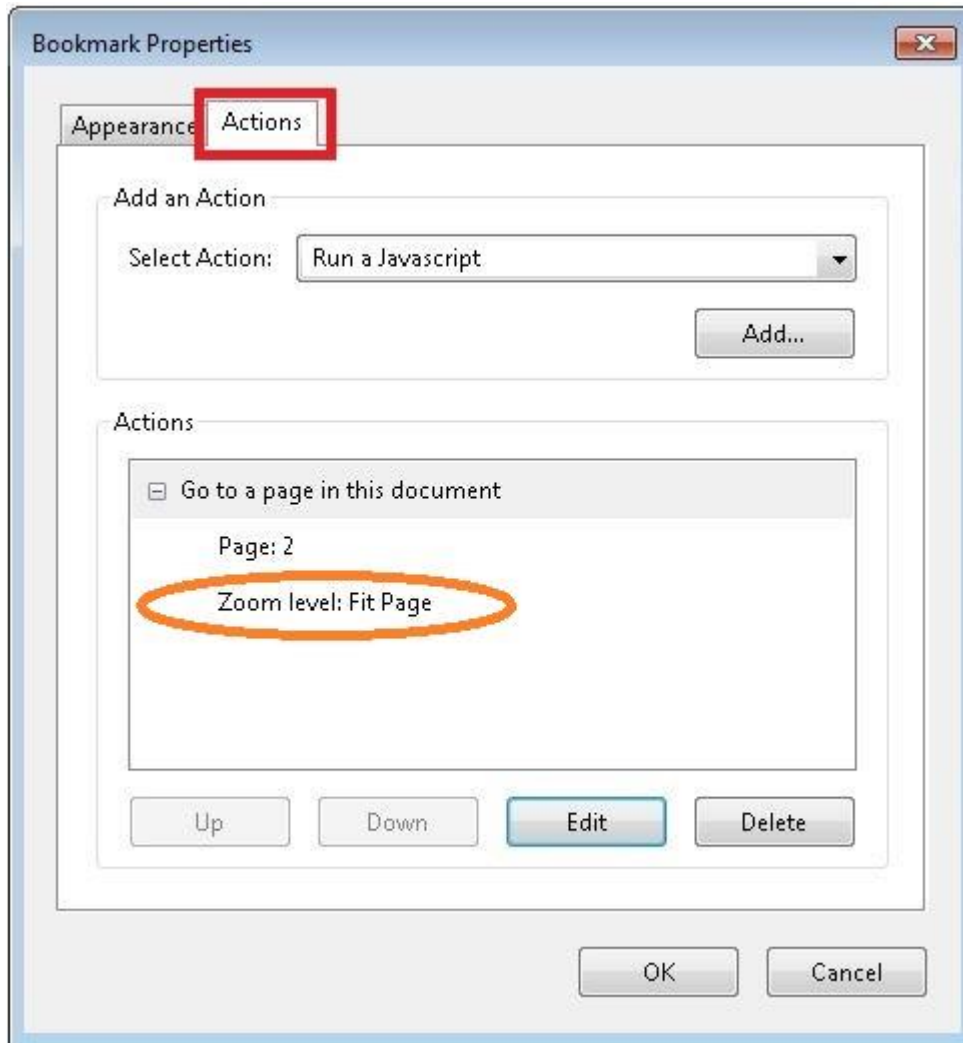
**CAUSE:**

Adobe bookmarks (each individual bookmark) have a zoom setting in “Properties”. Some creators of Adobe PDF documents (either intentional or non-intentional) or by Adobe Acrobat’s default set a specific zoom setting for each bookmark (e.g. “Fit Page”).

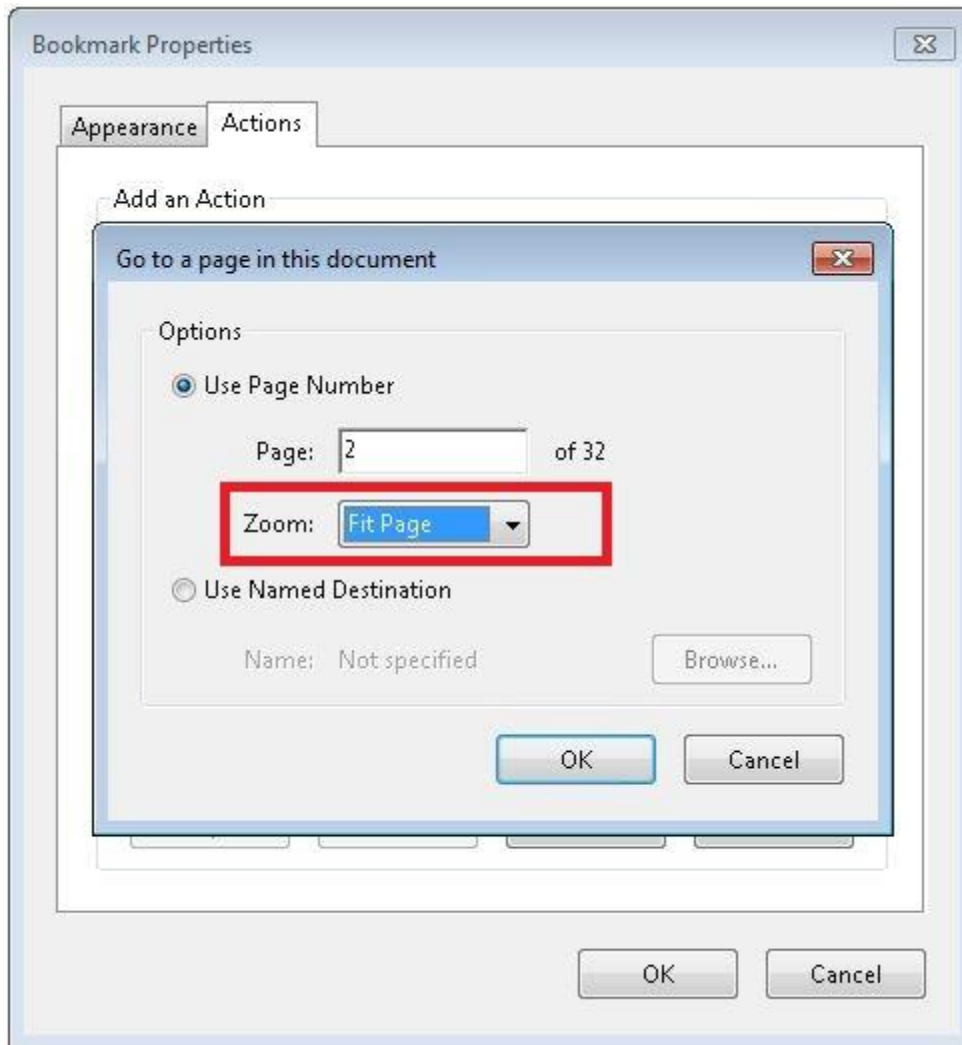
One can see this setting (using Adobe Acrobat) by “right-clicking” on a single bookmark and selecting “Properties”.



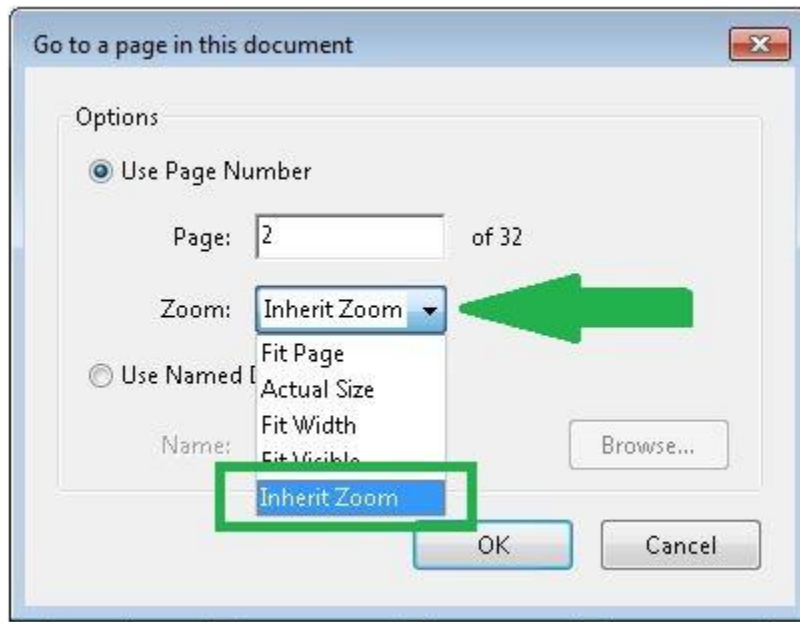
Click on the “Actions” tab and you can then see the customized/specific zoom level for that specific bookmark.



Clicking the “Edit” button allows the PDF document creator to select a different zoom level.



***The required setting for all PDF documents filed with or transmitted to the Courts of Appeal and the Supreme Court is “Inherit Zoom” which allows for each bookmark to use the same zoom setting set by the viewer.***



Viewers of documents prefer to have a PDF document display based on their own zoom/view setting that they can select just once in Adobe Reader or Adobe Acrobat, which applies to any document the viewer opens.

#### **RESOLUTION:**

When creating a PDF document, once all bookmarks have been created, perform the following steps to change the zoom setting for each bookmark:

1. In Adobe Acrobat, “right-click” the first bookmark and select “Properties” as shown above
2. Click on the “Actions” tab
3. Click the “Edit” button
4. Change the “Zoom” setting to “Inherit Zoom”
5. Click OK
6. Repeat for ALL additional bookmarks

***NOTE: The other option is that this option be selected during the creation of each individual bookmark rather than going back and editing each bookmark. It’s a matter of preference for the PDF creator.***

#### **OTHER:**

<https://forums.adobe.com/thread/1339241?start=0&tstart=0>

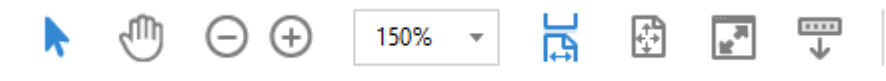
## Adobe PDF Bookmark Zoom Settings

### PROBLEM:

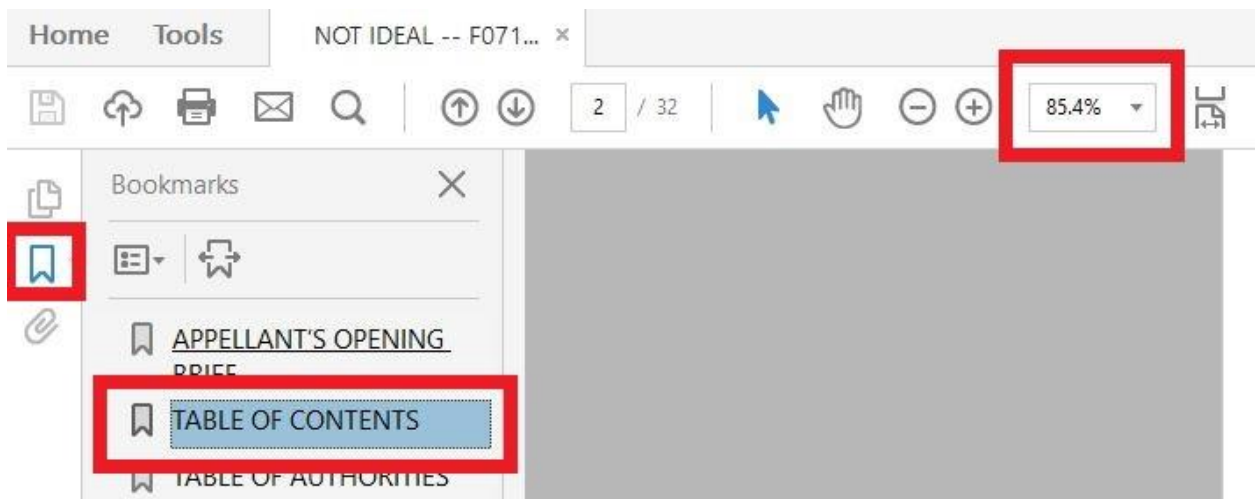
When a PDF is submitted with bookmarks, the bookmarks can contain custom/specific document zoom settings that change the zoom percentage of the document whenever a bookmark is clicked. When a user changes the zoom back to their preferred value, upon clicking the same bookmark or any other bookmark, the view changes to the zoom setting specified in the properties of each individual bookmark.

Example of problem from “viewer’s” perspective:

1. Open PDF document (the document opens with default zoom settings that the viewer has set in Adobe Reader or Adobe Acrobat Pro). In this case, the viewer has 150% set as their default zoom setting for all documents when opened.



2. Upon clicking on a bookmark, the document zoom setting changes to the specific zoom setting embedded in the properties of the individual bookmark. In this example, the bookmark has a zoom setting of “Fit Page” which equates to 85.4% on the monitor/resolution used to create this help document. You will see this setting later in the document, but the image below shows how the percentage changes from 150% to 85.4% when clicking on the bookmark.

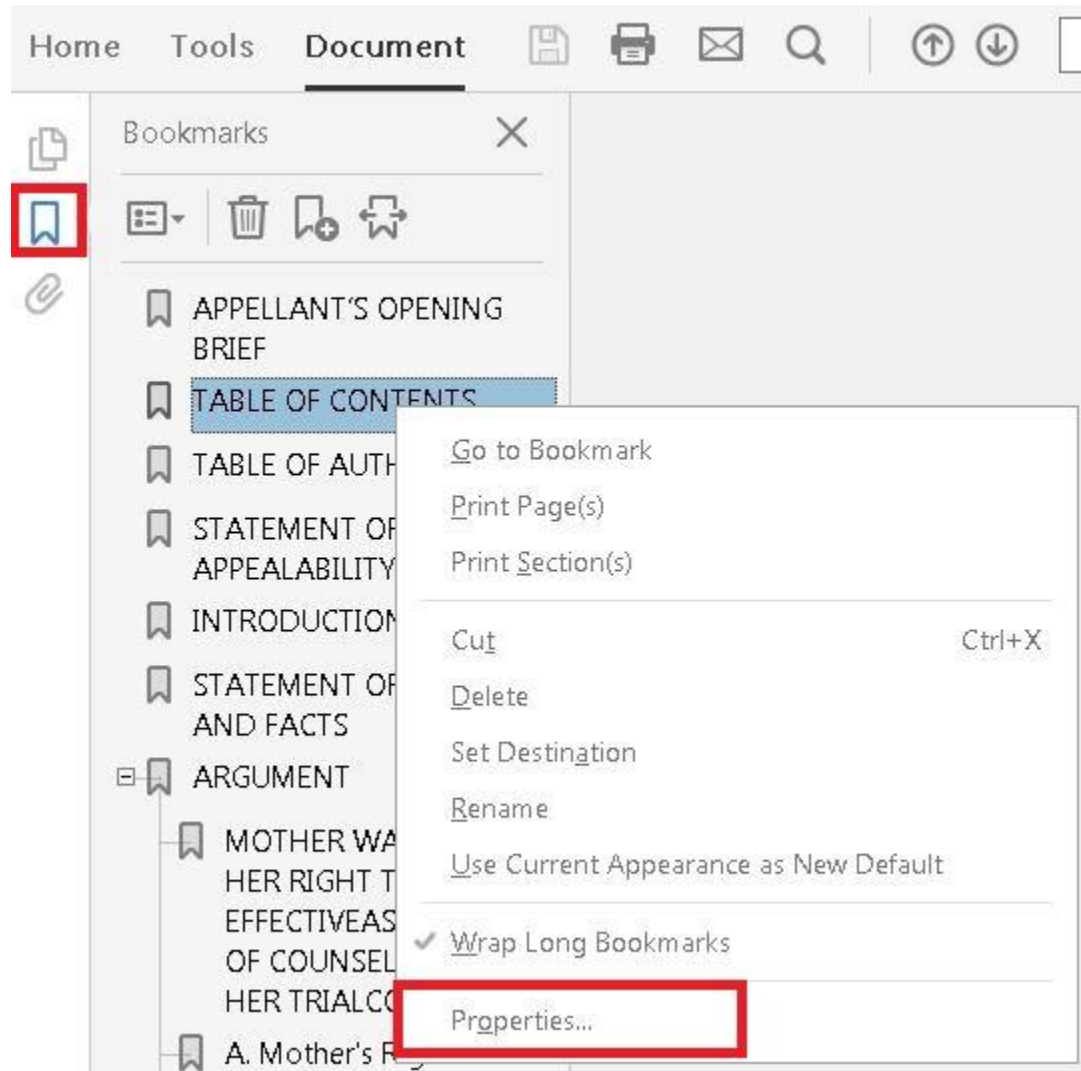


3. If the viewer elects to then zoom back out/in depending on their preference, upon clicking the same bookmark or another bookmark, the zoom once again changes to what is set in the properties of the bookmark. In other words, the problem continues to repeat itself throughout the document when clicking on various bookmarks.

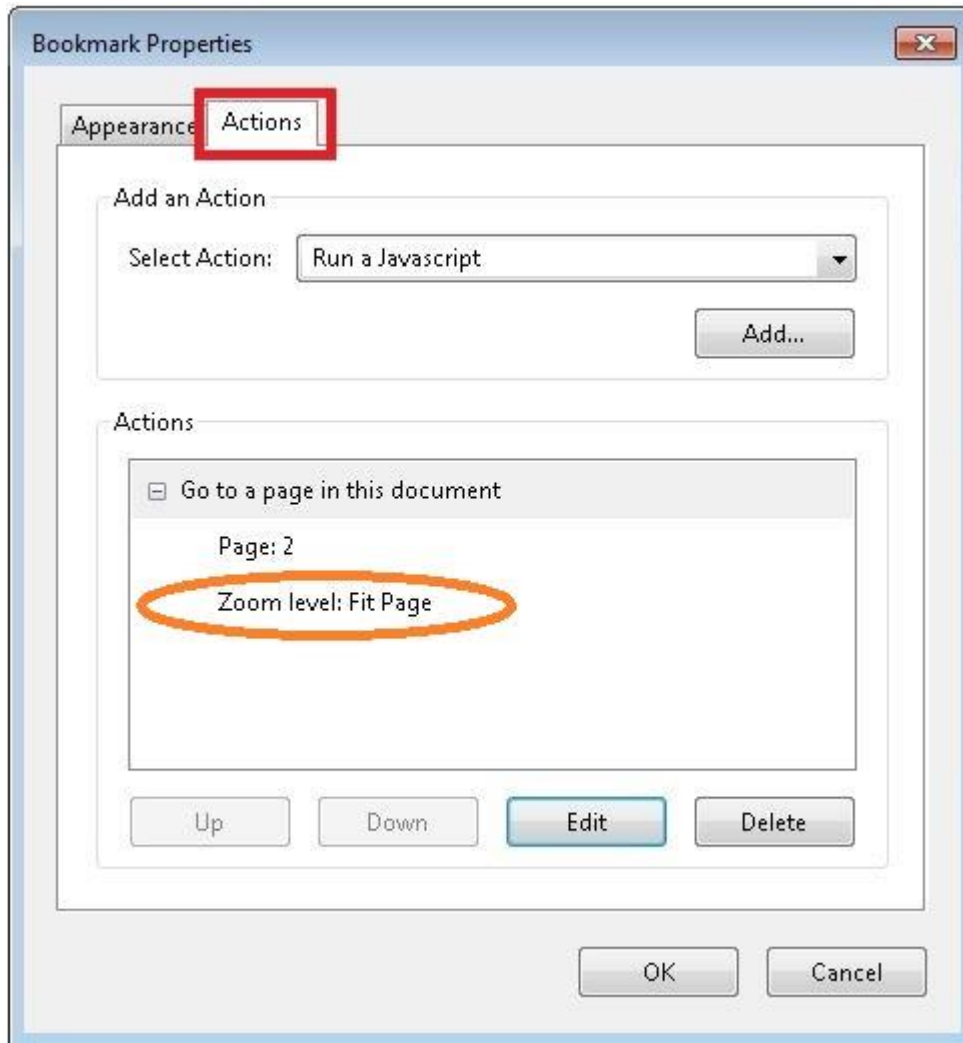
**CAUSE:**

Adobe bookmarks (each individual bookmark) have a zoom setting in “Properties”. Some creators of Adobe PDF documents (either intentional or non-intentional) or by Adobe Acrobat’s default set a specific zoom setting for each bookmark (e.g. “Fit Page”).

One can see this setting (using Adobe Acrobat) by “right-clicking” on a single bookmark and selecting “Properties”.

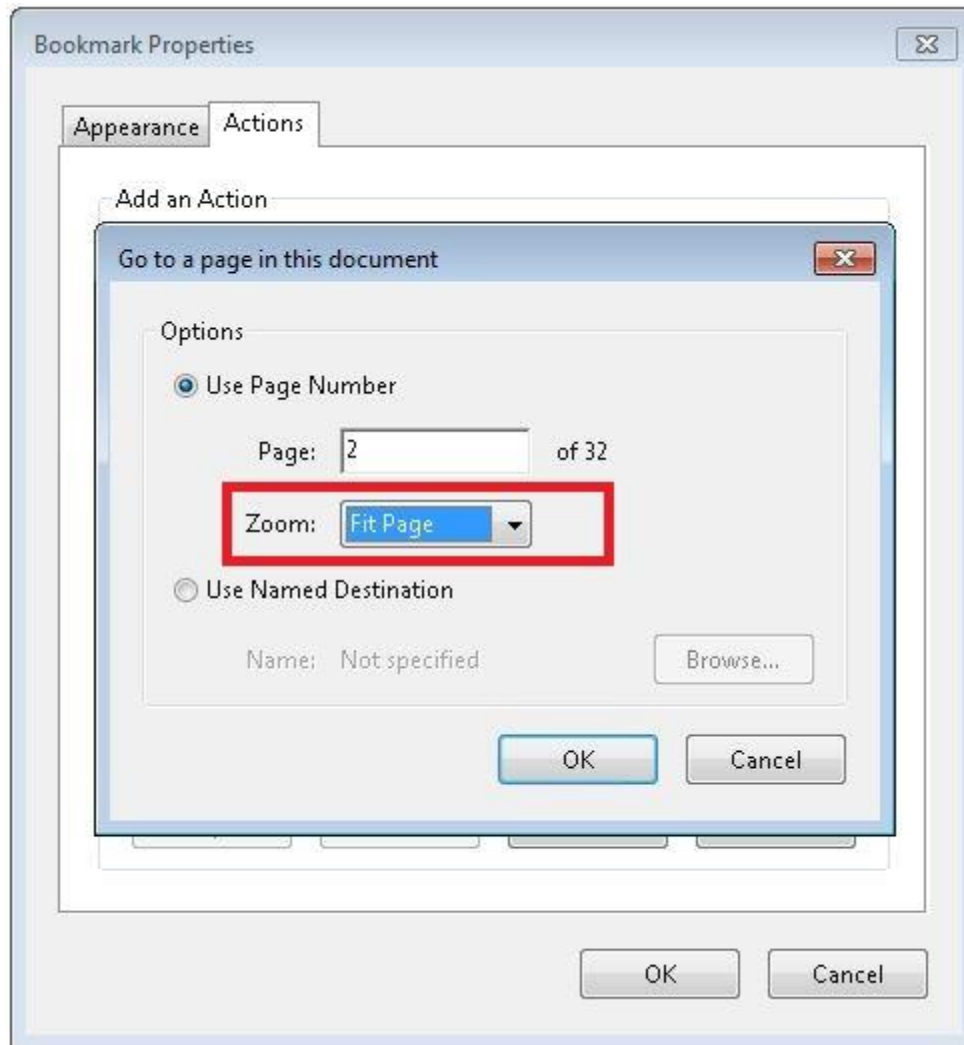


Click on the “Actions” tab and you can then see the customized/specific zoom level for that specific bookmark.

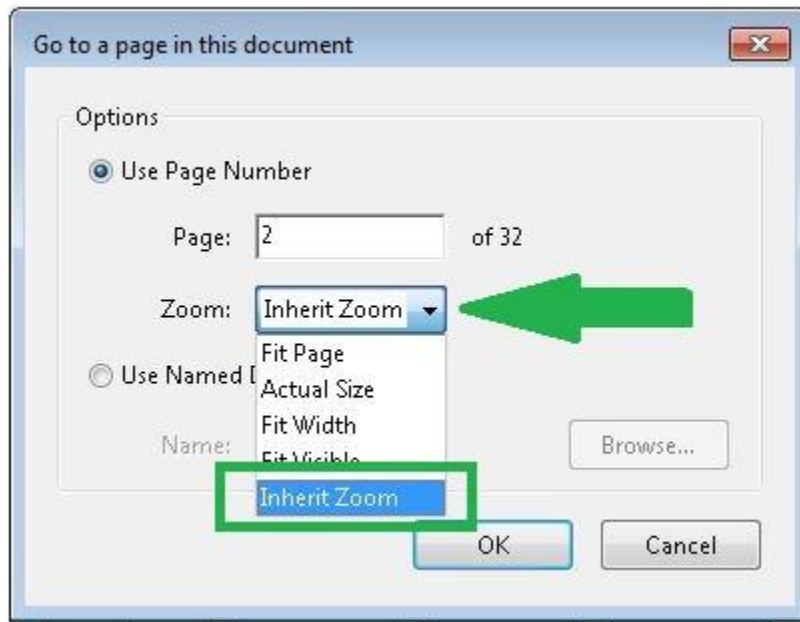




Clicking the “Edit” button allows the PDF document creator to select a different zoom level.



***The required setting for all PDF documents filed with or transmitted to the Courts of Appeal and the Supreme Court is “Inherit Zoom” which allows for each bookmark to use the same zoom setting set by the viewer.***



Viewers of documents prefer to have a PDF document display based on their own zoom/view setting that they can select just once in Adobe Reader or Adobe Acrobat, which applies to any document the viewer opens.

#### **RESOLUTION:**

When creating a PDF document, once all bookmarks have been created, perform the following steps to change the zoom setting for each bookmark:

1. In Adobe Acrobat, “right-click” the first bookmark and select “Properties” as shown above
2. Click on the “Actions” tab
3. Click the “Edit” button
4. Change the “Zoom” setting to “Inherit Zoom”
5. Click OK
6. Repeat for ALL additional bookmarks

***NOTE:*** *The other option is that this option be selected during the creation of each individual bookmark rather than going back and editing each bookmark. It’s a matter of preference for the PDF creator.*

#### **OTHER:**

<https://forums.adobe.com/thread/1339241?start=0&tstart=0>

## Formatting Guidelines

The Court encourages all electronic filers to comply with the following guidelines for briefs, motions, appendices, writ petitions and other documents filed in connection with appeals or original proceedings.

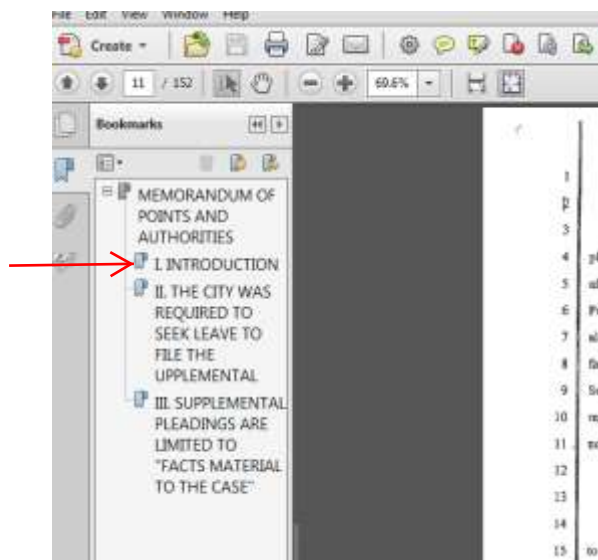
### Pagination:

Number pages consecutively *beginning with the cover page of the document*, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use a separate pagination system for tables within the document. The page number does not need to appear on the cover page.

### Bookmarks:

Briefs, motions and petitions: In any document that contains a table of contents, the table should include an electronic bookmark for each heading to the corresponding heading in the text.

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on “INTRODUCTION” would take the reader to that part of the brief.



Appendices and exhibits: In any document that contains an index, including appendices and exhibits in support of writ petitions, the index should include an electronic bookmark from each descriptive document title to the first page of the corresponding document in the appendix or exhibits.

Where appendices or exhibits are submitted in multi-part electronic files, each separate file should have a table or index stating the contents of that file. The table or index should include the bookmarks as noted above.

## **Formatting Guidelines for an Appendix**

To ensure that your appendix is not rejected by the court, please comply with the following guidelines.

### **Pagination:**

Number pages consecutively beginning with the cover (first) page of the appendix to the final page of the appendix, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use Roman Numerals or any other pagination method for tables or anywhere else within the appendix.

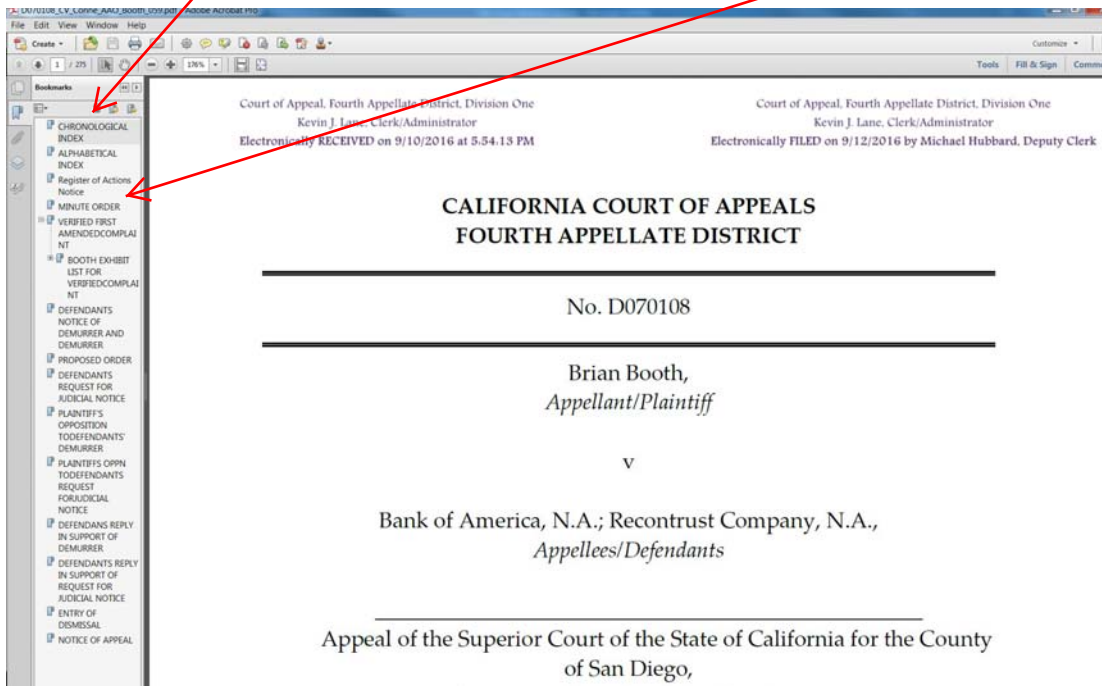
Ensure that page numbers listed in the Table of Contents or Indices match both the pages within the appendix and the Adobe page counter. This allows the court and the parties to accurately locate the cited pages and ensures that page citations are consistent throughout the appendix.

Notwithstanding California Rules of Court, rules 8.124(d)(1), 8.144(c)(1) and 8.486(c)(1)(A), electronically filed documents may exceed the 300-page limit as long as the file size is 25 megabytes or smaller. An appendix that exceeds 25 megabytes must be submitted in multiple volumes of 25 megabytes or less. Each volume must be numbered consecutively from the first (cover) page of the first volume to the last page of the last volume, using only the Arabic numbering system, as in 1, 2, 3. Each volume should contain a cover page, indicating the volume number and alphabetical and chronological indexes pursuant to the electronic filing requirements of the Fourth District (CRC, Rule 8.72(a) and 8.74(b)). Also, the indexes themselves should be included as part of the sequential pagination. Slip sheets are not necessary because of bookmarks. If slip sheets are used, they must be included as part of the sequential pagination.

**Bookmarks:**

The Table of Contents or Index must include an electronic bookmark for each heading corresponding to the heading in the text, including the heading “Table of Contents” or “Index.”

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on the “Minute Order” would take the reader to that part of the document.



## Formatting Guidelines for Briefs

To ensure that your brief is not rejected by the court, please comply with the following guidelines.

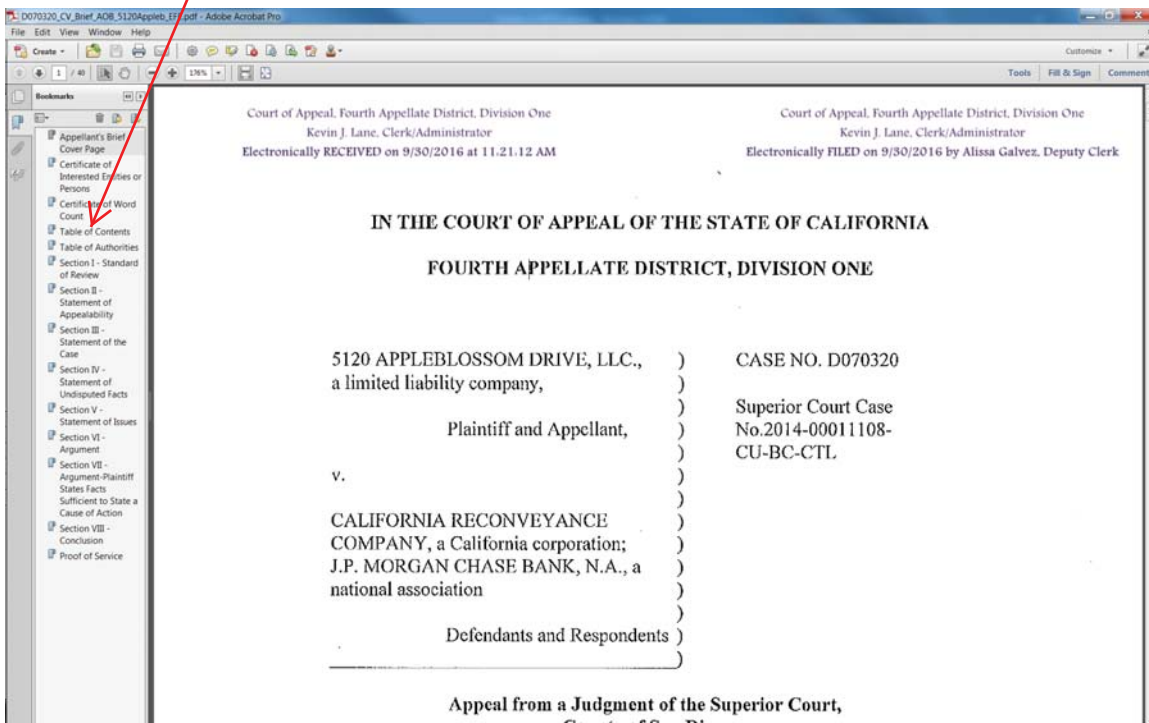
### Pagination:

Number pages consecutively beginning with cover page of the brief to the final page, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use Roman Numerals or any other pagination method for tables or anywhere else within the brief.

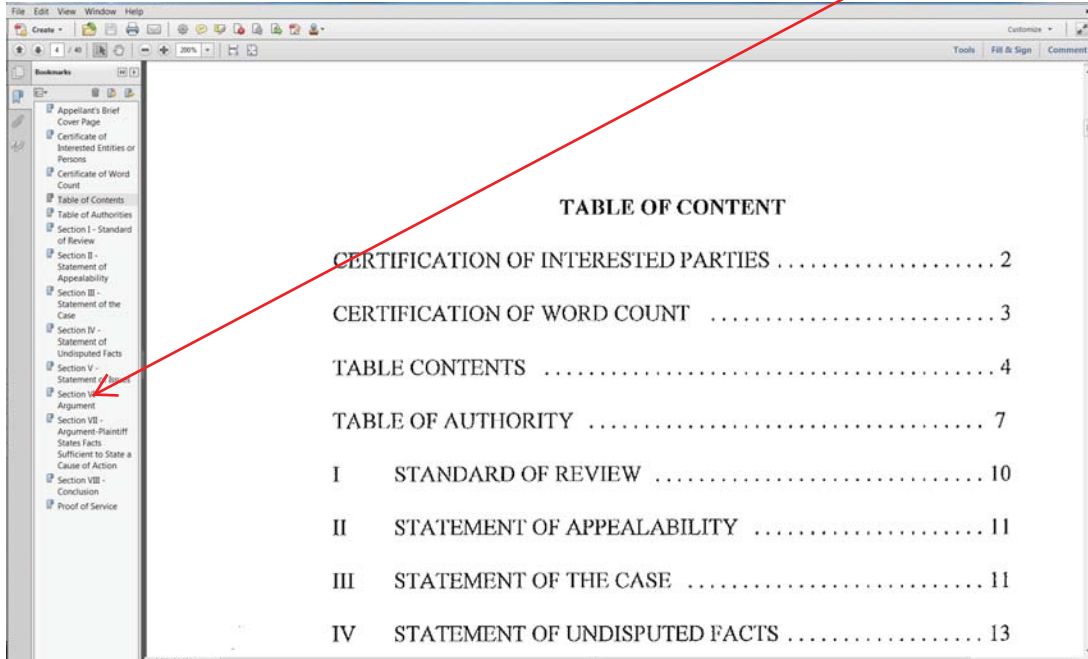
Ensure that page numbers listed in the Table of Contents match both the pages within the document and the Adobe page counter. This allows the court and the parties to accurately locate the cited pages and ensures that page citations are consistent throughout the brief.

### Bookmarks:

The Table of Contents must include an electronic bookmark for each heading corresponding to the heading in the text, including the heading “Table of Contents.” Briefs that contain exhibits should list the exhibits in the Table of Contents identifying the exhibits as well as include electronic bookmarks for each of the exhibits.



A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on the “Argument” would take the reader to that part of the document.



## **Formatting Guidelines for Exhibits to Petition**

To ensure that your exhibits to your petition are not rejected by the court, please comply with the following guidelines.

### **Pagination:**

Number pages consecutively beginning with the cover (first) page of the exhibits to the final page of the exhibits, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use Roman Numerals or any other pagination method for tables or anywhere else within the exhibits.

Ensure that page numbers listed in the Table of Contents or Indices match both the pages within the exhibits and the Adobe page counter. This allows the court and the parties to accurately locate the cited pages and ensures that page citations are consistent throughout the exhibits.

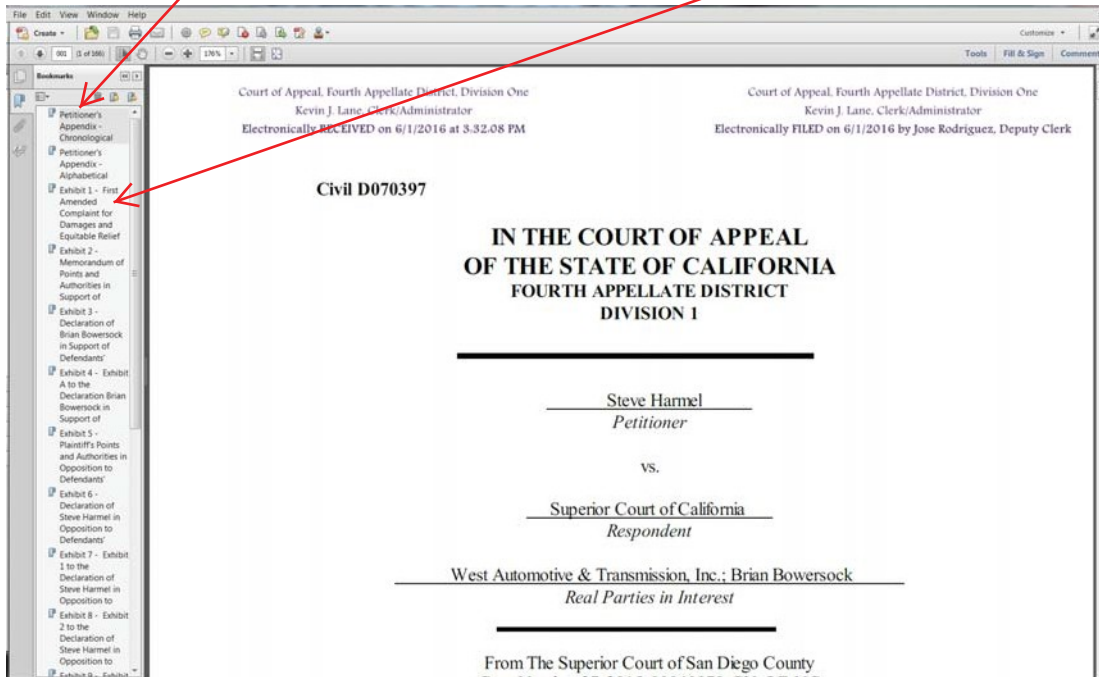
Notwithstanding California Rules of Court, rules 8.144(c)(1) and 8.486(c)(1)(A), electronically filed documents may exceed the 300-page limit as long as the file size is 25 megabytes or smaller. Exhibits that exceed 25 megabytes must be submitted in volumes of 25 megabytes or less. Each volume must be numbered consecutively from the first page of the first volume to the last page of the last volume, using only the Arabic numbering system, as in 1, 2, 3. Each volume must contain a cover page indicating the volume number and a table of contents.



**Bookmarks:**

The Table of Contents or Index must include an electronic bookmark for each heading corresponding to the heading in the text, including the heading “Table of Contents” or “Index.”

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on “Exhibit 1” would take the reader to that part of the document.



## **Formatting Guidelines for Exhibits to Petition**

To ensure that your exhibits to your petition are not rejected by the court, please comply with the following guidelines.

### **Pagination:**

Number pages consecutively beginning with the cover (first) page of the exhibits to the final page of the exhibits, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use Roman Numerals or any other pagination method for tables or anywhere else within the exhibits.

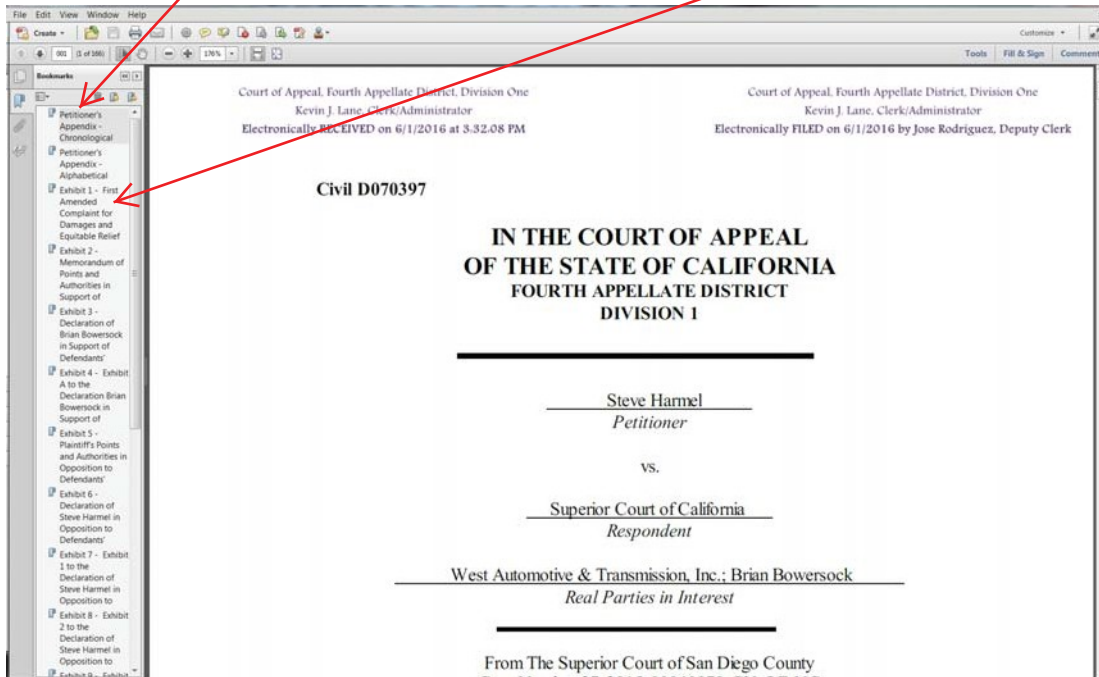
Ensure that page numbers listed in the Table of Contents or Indices match both the pages within the exhibits and the Adobe page counter. This allows the court and the parties to accurately locate the cited pages and ensures that page citations are consistent throughout the exhibits.

Notwithstanding California Rules of Court, rules 8.144(c)(1) and 8.486(c)(1)(A), electronically filed documents may exceed the 300-page limit as long as the file size is 25 megabytes or smaller. Exhibits that exceed 25 megabytes must be submitted in volumes of 25 megabytes or less. Each volume must be numbered consecutively from the first page of the first volume to the last page of the last volume, using only the Arabic numbering system, as in 1, 2, 3. Each volume must contain a cover page indicating the volume number and a table of contents.

**Bookmarks:**

The Table of Contents or Index must include an electronic bookmark for each heading corresponding to the heading in the text, including the heading “Table of Contents” or “Index.”

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on “Exhibit 1” would take the reader to that part of the document.



## Formatting Guidelines for Petitions

To ensure that your petition is not rejected by the court, please comply with the following guidelines.

### Pagination:

Number pages consecutively beginning with cover page of the petition to the final page, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use Roman Numerals or any other pagination method for tables or anywhere else within the petition.

Ensure that page numbers listed in the Table of Contents match both the pages within the document and the Adobe page counter. This allows the court and the parties to accurately locate the cited pages and ensures that page citations are consistent throughout the petition

### Bookmarks:

The Table of Contents must include an electronic bookmark for each heading corresponding to the heading in the text, including the heading “Table of Contents.” Petitions that contain exhibits under the same cover should list the exhibits in the Table of Contents identifying the exhibits as well as include electronic bookmarks for each of the exhibits.

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on the “Table of Contents” would take the reader to that part of the document.



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name],	)	
	)	
Plaintiff and Respondent,	)	No. [Case No.]
	)	
v.	)	
	)	
[Name],	)	
	)	
Defendant and Appellant.	)	
_____	)	

Appendix

[Name] County Superior Court No. [Case No.]  
Honorable [Name]

[Attorney Name],  
Attorney at Law  
[ADDRESS]  
Telephone: [NUMBER]  
State Bar Number [#####]  
Email Address: [Number]

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EXHIBIT 2 [B].....4

EXHIBIT 3 [C].....5

DECLARATION OF SERVICE.....6











IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name],	)	
	)	
Plaintiff and Respondent,	)	No. [Case No.]
	)	
v.	)	
	)	
[Name],	)	
	)	
Defendant and Appellant.	)	
_____	)	

[Type of Brief]

[Name] County Superior Court No. [Case No.]  
Honorable [Name]

[Attorney Name]  
Attorney at Law  
[ADDRESS]  
Telephone: [NUMBER]  
State Bar Number [####]  
Email Address: [Number]

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STATEMENT OF APPEALABILITY.....4

STATEMENT OF FACTS.....5

    ARGUMENT.....6

    CONCLUSION.....7

CERTIFICATE OF WORD COUNT.....8

DECLARATION OF SERVICE.....9

**TABLE OF AUTHORITIES**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name], )  
 )  
 Plaintiff and Respondent, ) No. [Case No.]  
 )  
 v. )  
 )  
 [Name], )  
 )  
 Defendant and Appellant. )  
 \_\_\_\_\_ )

[Type of Brief]

**STATEMENT OF THE CASE**

## **STATEMENT OF APPEALABILITY**

## **STATEMENT OF FACTS**

## **ARGUMENT**



## CONCLUSION

**CERTIFICATE OF WORD COUNT**

**DECLARATION OF SERVICE**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name],	)	
	)	
Plaintiff and Respondent,	)	No. [Case No.]
	)	
v.	)	
	)	
[Name],	)	
	)	
Defendant and Appellant.	)	
_____	)	

Exhibits to Motion/Request/Application  
[Type of Motion/Request/Application]

[Name] County Superior Court No. [Case No.]  
Honorable [Name]

[Attorney Name],  
Attorney at Law  
[ADDRESS]  
Telephone: [NUMBER]  
State Bar Number [#####]  
Email Address: [Number]

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DECLARATION OF SERVICE.....6











IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name],	)	
	)	
Plaintiff and Respondent,	)	No. [Case No.]
	)	
v.	)	
	)	
[Name],	)	
	)	
Defendant and Appellant.	)	
_____	)	

Exhibits to Petition for Writ of [Type of Writ]

[Name] County Superior Court No. [Case No.]  
Honorable [Name]

[Attorney Name],  
Attorney at Law  
[ADDRESS]  
Telephone: [NUMBER]  
State Bar Number [#####]  
Email Address: [Number]

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EXHIBIT 1 [A] (Title of Document)

EXHIBIT 2 [B] (Title of Document)

EXHIBIT 3 [C] (Title of Document)

## DECLARATION OF SERVICE

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name],	)	
	)	
Plaintiff and Respondent,	)	No. [Case No.]
	)	
v.	)	
	)	
[Name],	)	
	)	
Defendant and Appellant.	)	
_____	)	

Petition for Writ of [Type of Writ]

[Name] County Superior Court No. [Case No.]

Honorable [Name]

Request for Stay [If there is a request for stay]

[Attorney Name],  
Attorney at Law  
[ADDRESS]  
Telephone: [NUMBER]  
State Bar Number [#####]  
Email Address: [Number]



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CERTIFICATE OF WORD COUNT.....6

EXHIBITS [May be filed under separate cover].....7

DECLARATION OF SERVICE.....8

**TABLE OF AUTHORITIES**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE [District] APPELLATE DISTRICT

[Name], )  
 )  
 Plaintiff and Respondent, ) No. [Case No.]  
 )  
 v. )  
 )  
 [Name], )  
 )  
 Defendant and Appellant. )  
 \_\_\_\_\_ )

Petition for Writ of [Type of Writ]

## VERIFICATION OF PARTY

## MEMORANDUM OF POINTS & AUTHORITIES

CERTIFICATE OF WORD COUNT

EXHIBITS [May be filed under separate cover]

DECLARATION OF SERVICE

***Electronic Formatting Requirements of the Fourth District Pursuant to California Rules of Court, Rule 8.72(a) and 8.74(b)***

*effective June 1, 2018*

1. All documents must be text-searchable, in PDF (portable document format) while maintaining the original document formatting.
2. The page numbering of a document filed electronically must begin with the first page or cover as page 1 and use only Arabic numerals (e.g., 1, 2, 3).
3. In appeals, a brief and an appendix filed pursuant to California Rules of Court, rule 8.124 must contain electronic bookmarks. A brief must include electronic bookmarks to each heading, subheading and component of the brief (such as the table of contents, table of authorities, certificate of word count, certificate of interested entities or persons, and proof of service if included with the brief), and to the first page of each exhibit or attachment. Each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment. An appendix must include electronic bookmarks to each component of the appendix and to each document contained in the appendix; each bookmark to a document must include the name and date of the document.
4. A document consisting of multiple files must include on the cover pages of each file, (i) the file number, (ii) the total number of files, (iii) the page numbers contained in that file, and (iv) the total number of pages for all the files. The first file must include a master chronological and alphabetical index stating the contents for all files. The remaining files must include a cover page, but an individual index is not required.
5. In original proceedings, a petition or response must include electronic bookmarks to each heading, subheading and component (such as the table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, and proof of service if included within the petition), and to the first page of each exhibit or attachment, if any; each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment.
6. In motions, a motion must include electronic bookmarks to each component (such as points and authorities, declarations, and proof of service), and to the first page of any exhibits or attachment. Each bookmark to an exhibit or attachment must include the letter or number of the exhibit or attachment and a description of the exhibit or attachment.
7. No single PDF file may exceed a total of 25 megabytes. If a filing exceeds this file size limitation the TrueFiling user must either (a) submit the filing in multiple parts or (b) provide the court with the filing in electronic format on a CD (compact disc), DVD or



flash drive. Please note any audio files must be submitted in .wav or mp3 format and any video files must be submitted in .avi or mp4 format.

## 5DCA-Rule 8 Electronic Filing

### Rule 8. Electronic Filing

#### **Local Rule 8. Electronic Filing**

Pursuant to California Rules of Court, [rule 8.70](#), the Court will require all filings in this District 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://www.truefiling.com/layouts/ElectronicFile.Main/SignUp.aspx>

(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. The user also must comply with the requirements of California Rules of Court, rule 8.32.

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

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. Document pages must be consecutively numbered beginning from the cover page of the document and using only the Arabic numbering system, as in 1, 2, 3.

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.

Notwithstanding rule 8.204(b)(7), briefs may not have different numbering systems. The table of contents for each brief shall include electronic bookmarks to each heading in the text. All original proceedings must include electronic bookmarks from the table of contents for each heading in the text, and to the first page of any exhibit(s), with a description of the exhibit included in the bookmark.

#### **(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 California Rules of Court, [rule 8.134](#), or any settled statement filed pursuant to California Rules of Court, [rule 8.137](#) in electronic form. Each part of the record submitted in any appendix shall clearly state the volume and page numbers included within that part and include an index of contents, with a descriptive electronic bookmark to the first page of each indexed document.

(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 of a board case under California Rules of Court, [rule 8.498\(b\)](#) must submit a copy of the administrative record in electronic form.

(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 California Rules of Court, [rule 8.130\(f\)\(4\)](#), and submit an electronic copy to the Court.

**(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. (California Rules of Court, [rule 1.20\(b\)](#).) 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.

The responsibility for excluding or redacting identifiers from all documents filed with the Court rests solely with the parties and their attorneys. (California Rules of Court, [rule 1.20\(b\)\(3\)](#).) Neither TrueFiling nor the Clerk of the Court has any responsibility to review pleadings or other papers for compliance.

**(f) [Sealed or Confidential Material]**

All filers must comply with California Rules of Court, rules 8.46 and 8.47 pertaining to sealed and confidential material.

**(g) [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 EFS assistance may not be available outside of normal Court business hours.

**(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 as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. (See Cal. Rules of Court, [rule 8.54\(a\)\(1\)&\(2\)](#).)

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. 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) [Service]**

An attorney's registration with TrueFiling to participate in EFS constitutes consent to service or delivery of all documents by any other party in a case through the system. (California Rules of Court, [rule 8.71](#).)

**(j) [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 Web site, 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 (California Rules of Court, [rule 8.78](#); Gov. Code, § 6159).

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.

**(k) [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 electronic filing and/or service causes undue hardship or significant prejudice to any party, the party may file a motion for an exemption from the requirements of this rule. (See Cal. Rules of Court, [rule 8.54\(a\)\(1\)&\(2\)](#).) 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 (California Rules of Court, [rule 8.73\(c\)](#)), together with a declaration setting forth the reasons that electronic filing was not feasible.

**(l) [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.

*(Effective May 11, 2015)*

**COURT OF APPEAL, FIFTH APPELLATE DISTRICT**  
**UPDATED ELECTRONIC FILING GUIDELINES**

*Guidelines for submitting documents to the Court of Appeal that a party seeks to become part of the record on appeal.*

It has come to the court's attention that parties occasionally file a motion, application, or request which also includes documents the party seeks either: to become part of the court's record (such as an augmented record, supplemental brief, corrected brief, amicus curiae brief or any other similar document); or to be judicially noticed. When a party electronically incorporates the documents they wish to be part of the record on appeal into the motion, application or request, this court has no way of separating the documents to become part of the official record or to be judicially noticed. Therefore, the court has established the following guidelines for submitting such documents in electronic form.

To ensure that such documents are useable as electronic records, this court requests that the party:

1. Electronically submit documents the party seeks to become part of the appellate record as a **separate .pdf file** at the same time as the motion, application or request.
2. Ensure such documents are **formatted in compliance with this court's Local Rule 8(b)**.

*Guidelines for submitting documents over 300 pages in length.*

Notwithstanding California Rules of Court, rules 8.124(d)(1), 8.144(c)(1) and 8.486(c)(1)(A), when submitting documents electronically, the parties may exceed the 300 page limit as long as the file size is 25 megabytes or smaller.

Cancel

Print

CALIFORNIA COURTS  
THE JUDICIAL BRANCH OF CALIFORNIA

## Rule 2 - Electronic Filing

### LOCAL RULES OF THE COURT OF APPEAL

#### SIXTH APPELLATE DISTRICT

Published pursuant to California Rules of Court, rule 10.1030

**Effective January 19, 2016**

[Amended effective April 16, 2018]

#### Rule 2. Electronic Filing.

Pursuant to California Rules of Court, rule 8.72, the Court of Appeal for the Sixth Appellate District (court) adopts the following requirements for electronic filing in this district. To the extent any portion of these requirements conflict with California Rules of Court, rules 8.70 – 8.79, these requirements govern.

##### a. **Registration.**

1. **Obligation to Register.** The court's electronic filing system (EFS) is operated by ImageSoft, Inc. (ImageSoft), and may be accessed via the TrueFiling portal (TrueFiling). In order to access TrueFiling, each attorney of record in any proceeding pending in this court is obligated to become an EFS user and obtain a username and password. Self-represented litigants must register if they wish to file electronically. Attorneys and self-represented litigants may register at [www.truefiling.com](http://www.truefiling.com).
2. **Obligation to Keep Account Information Current.** Registered users are required to keep their e-mail addresses current and must update their e-mail addresses online via the TrueFiling web site. Updating TrueFiling does not relieve the user of the notice of change requirements in California Rules of Court, rule 8.32, subdivision (b).

##### b. **Format.**

1. **Form of Documents.** An EFS user is responsible for all documents filed under the user's registered username and password. All documents filed electronically must be in electronic text-searchable portable document format (PDF) while maintaining original document formatting. If an EFS user possesses only a paper document, the user must scan the document and convert it to an electronic text-searchable PDF. It is the filer's responsibility to ensure that any document filed is complete and readable. Electronically filed briefs must comply with the content and form requirements of California Rules of Court, rule 8.204, with the exception of those provisions specifying requirements for the use of paper, or as otherwise specified in this rule.
2. **Pagination of Documents.** Document pages must be consecutively numbered using only the Arabic numbering system, beginning with the number 1 on the cover page of the document. When a document is filed in both paper format and electronic format, the pagination must comply with this subparagraph.
3. **Electronic Bookmarks.** An electronic bookmark in a PDF document is an electronic tab created by a user to allow quick access to the bookmarked part of the document. Electronic bookmarks are required to be included with all electronic briefs, all appendixes, and all writ proceedings. Electronic bookmarks may be included with motions but are not required. In addition to requiring bookmarks, this rule allows hyperlinks. The electronic bookmark must include a brief description of the bookmarked item.

- i. Each electronic brief shall include electronic bookmarks to the following: each heading and subheading, table of contents, table of authorities, certificate of word count, certificate of interested persons or entities, proof of service, and any attachment or exhibit included with the brief.
  - ii. Any appendix filed electronically pursuant to subparagraph (e) of this rule shall have a separate electronic bookmark to the table of contents and to the first page of each separate exhibit and attachment. Any exhibit or attachment included within an exhibit or attachment shall be separately bookmarked. (E.g., if an exhibit consists of a declaration containing multiple exhibits, each should be separately bookmarked.)
  - iii. All writ proceedings must include the electronic bookmarks required for electronic briefs listed above and also must include electronic bookmarks to the petition, points and authorities, and verification. All supporting documents must include the electronic bookmarks required for an appendix listed above.
- c. **Size.** The file size limitation is 25 megabytes. If a filing exceeds the file size limitation, a party must submit the filing in multiple parts.
- d. **Paper Copies.** An unbound paper copy of all electronically filed briefs, writ petitions, and documentation submitted in support of a writ petition must be lodged in this court within two days of the electronic filing. If the submission requests an immediate stay, the paper copy must be lodged in this court by the next court day.
- e. **Record on Appeal and Writ Proceedings.**
1. Appendix. Parties must submit any appendix filed pursuant to California Rules of Court, rule 8.124 or 8.486 in electronic format. Each part of the appendix shall comply with the format, pagination and bookmark requirements enumerated in subparagraph (b) of this rule. If submitted in multiple parts, the cover of each part of the record submitted in any appendix or exhibit volume shall clearly state the volume and page numbers included within that part, and include an index of contents.
  2. Administrative Record. 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 of an administrative determination must submit a copy of the administrative record as an electronic text-searchable PDF. An administrative record may be delivered to the court on CD, DVD, or flash drive.
  3. Reporter's Transcript. Any party who orders a reporter's transcript of proceedings pursuant to California Rules of Court, rule 8.130, must also request a copy of the transcript in electronic format, as provided in California Rules of Court, rule 8.130(f)(4), and must submit an electronic copy to the court.
- f. **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 format, unless otherwise provided by law or ordered by the court. (Cal. Rules of Court, rule 1.201.) 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. 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 ImageSoft nor the Clerk of the Court has any responsibility to review pleadings or other papers for compliance.
- g. **Sealed or Confidential Material.** All filers must comply with rules 8.45 – 8.47 of the California Rules of Court pertaining to sealed and confidential material.
- h. **Filing Deadlines.** Consistent with rule 8.77(c), filing documents electronically does not alter any filing deadlines.
- i. **Motion to Accept Filing as Timely Following TrueFiling Technical Failure.** If a filer fails to meet a filing deadline imposed by court order, rule or law because of a failure of the EFS, the filer may file a paper or

electronic document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed pursuant to rule 8.77(d).

j. **Service.** An attorney's registration with TrueFiling to participate in the EFS constitutes 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 those exempted from the EFS pursuant to subparagraph (l) will receive manual service or notification by other means.

k. **Filing Fees.** ImageSoft is a private vendor under contract with the court. ImageSoft will assess EFS fees for each filing in accordance with the schedule posted on the TrueFiling web site, as approved by the court. EFS fees will be considered recoverable costs under California Rules of Court, rule 8.278(d)(1)(D). ImageSoft is designated as the court's agent for collection of court-imposed fees where required for any filing, and any associated credit card or bank charges or convenience fees (Cal. Rules of Court, rule 8.76; Gov. Code, § 6159).

If a party with a fee waiver chooses 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 are also exempt from the fees and costs associated with the EFS.

**l. Exemptions.**

1. Self-represented parties are exempt from mandatory electronic filing. Self-represented parties may register for electronic filing. Self-represented parties who opt to register for electronic filing must comply with this rule and the requirements of TrueFiling.
2. Upon a showing of good cause, the court may allow an exemption from all or some of the requirements of this rule, pursuant to rule 8.71.

If an exemption is granted, the paper documents shall be filed and served upon the parties in accordance with all statutory requirements and the California Rules of Court applicable to paper documents.

m. **Rejection of Electronic Filing for Noncompliance.** The court will reject an electronic filing if it does not comply with the requirements of this rule pursuant rule 8.77(b).

n. **Sanctions for Noncompliance.** Failure of counsel to timely register, and failure of any registered user to comply with EFS filing requirements, unless exempted, may be subject to sanctions imposed by the court.

o. **Posting and Publication.** The Clerk of the Court is directed to post a copy of this rule on the court's web site pursuant to California Rules of Court, rule 8.72(a), and to submit a copy to the Reporter of Decisions for publication pursuant to California Rules of Court, rule 10.1030(a).

*Adopted effective January 16, 2016; Amended effective April 16, 2018*



## Formatting Guidelines

The Court encourages all electronic filers to comply with the following guidelines for briefs, motions, appendices, writ petitions and other documents filed in connection with appeals or original proceedings.

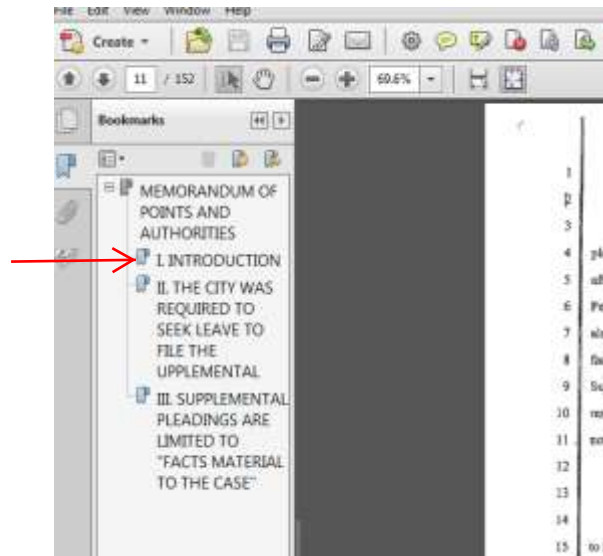
### Pagination:

Number pages consecutively *beginning with the cover page of the document*, using only the Arabic numbering system, as in 1, 2, 3. Do *not* use a separate pagination system for tables within the document. The page number does not need to appear on the cover page.

### Bookmarks:

Briefs, motions and petitions: In any document that contains a table of contents, the table should include an electronic bookmark for each heading to the corresponding heading in the text.

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. In this example, clicking on “INTRODUCTION” would take the reader to that part of the brief.



Appendices and exhibits: In any document that contains an index, including appendices and exhibits in support of writ petitions, the index should include an electronic bookmark from each descriptive document title to the first page of the corresponding document in the appendix or exhibits.

Where appendices or exhibits are submitted in multi-part electronic files, each separate file should have a table or index stating the contents of that file. The table or index should include the bookmarks as noted above.



# Guide to Creating Electronic Documents/Filings

I. Briefs/  
Original Proceedings

II. Record on Appeal/  
Exhibits

III. Hyperlinking



California Courts of Appeal

11/01/2017

## Introduction

This guide was created to help filers provide working electronic documents to the Courts of Appeal and the Supreme Court in California. While there are other products that can produce the same result, this guide focuses on Word (2007, 2010 and 2013) and Adobe Acrobat Pro XI. Some of these steps may be similar in other programs.

Be sure to check all rules with the court you are filing with to make sure you have met all their requirements and local rules for electronic documents.

# I. Creating Electronic Appellate Briefs, Original Proceedings, etc.

## A. Format

Check with the court's website that you are filing your document(s) with to ensure that you meet their requirements or guidelines for formatting.

## B. Tools

### Word processor

The primary tool for creating an electronic brief or original proceeding is your word processor. Microsoft Word provides some helpful features that make creating an electronic document easier. In particular, Word's Styles feature (see [Generating Bookmarks](#) below) allows you to create headings in your brief that will automatically create bookmarks when you *convert* the document as a PDF.

### Adobe Acrobat Pro

Adobe Acrobat sets the standard for creating, combining, editing, redacting and making PDFs searchable. Eventually you will need to do all of these things if you are working with electronic documents. There are other less expensive PDF software programs, but you will find a variety of resources to assist you with Adobe Acrobat. For example, Adobe hosts a free [Acrobat for Legal Professionals Blog](#) that provides tips and techniques for working with electronic legal documents.

## C. Basic Steps

1. Save or convert your document from the original word processing document, such as Word, directly to PDF (do not scan the document to create a PDF).
2. Create bookmarks<sup>1</sup> from the Table of Contents.
3. Redact any information that must be redacted under the rules. (See [Redacting](#).)
4. Make text-searchable.

You can skip step 3 above if your document does not contain any information that must be redacted.

<sup>1</sup> Bookmarks are a fast and easy way to quickly navigate to different parts of a document and are required by the California Supreme Court and all Courts of Appeal.

## D. Pagination

Before saving/converting the document as a PDF, make sure to number the pages consecutively *beginning with the cover page of the document*, using only the Arabic numbering system, as in 1, 2, 3, with a number on every page. Do *not* use a separate pagination system for tables within the document and the page number does not need to appear on the cover page and can be suppressed.

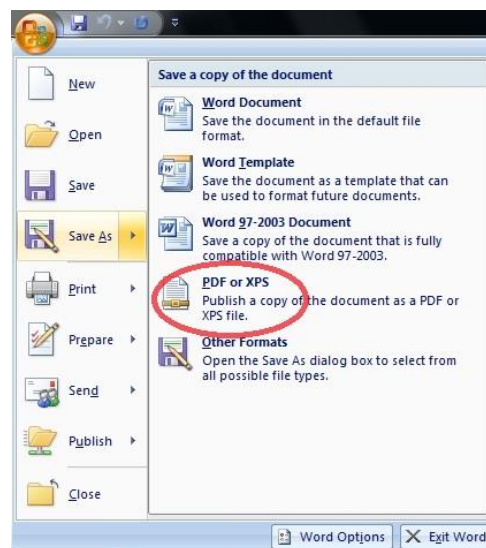
### 1. Saving/Converting directly to PDF

#### Word 2007 (without Adobe Acrobat Pro installed)

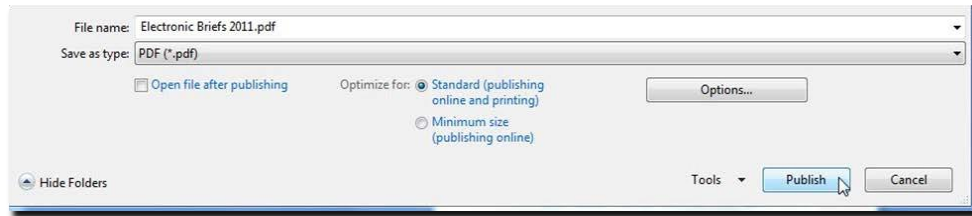
Click the Microsoft Office Button in the top left hand corner of Word.



Choose **Save As** and **PDF or XPS** (see below).

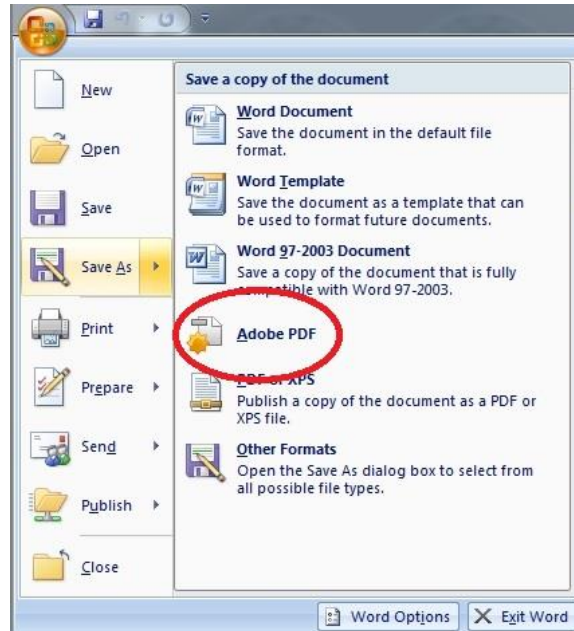


In the dialog box that appears, click the button in the lower right hand corner that says **Publish**.

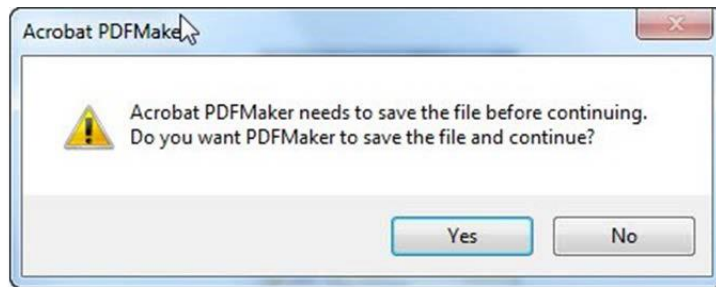


## Word 2007 (with Adobe Acrobat Pro installed)

Choose **Save As** and **Adobe PDF** (see below).

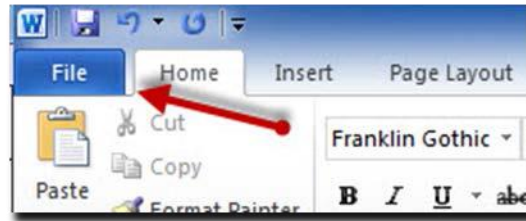


When the box below appears, choose **Yes**.

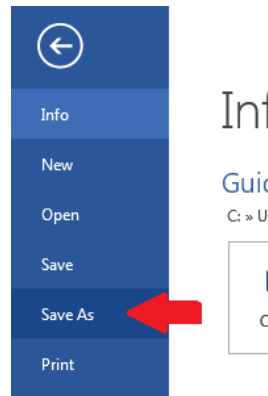


## Word 2010 and 2013

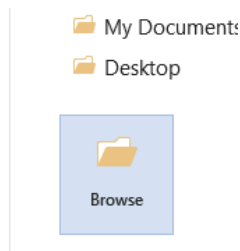
Click on the **File** tab.



Choose **Save As**.



Click **Browse**



In the dialog box that appears, choose the Save as type = PDF.



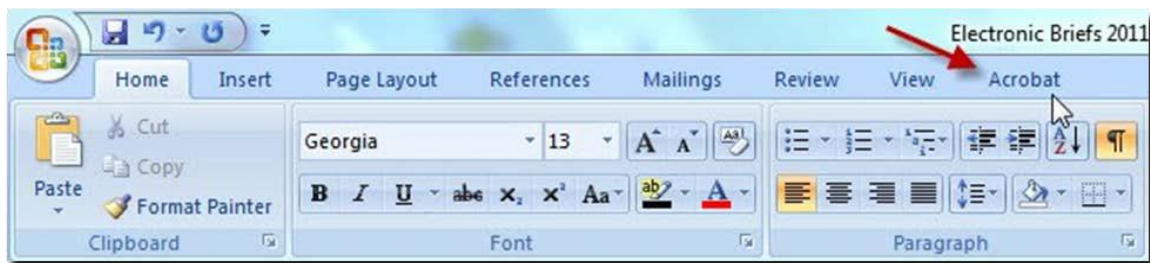
Click **Save**.

## Adobe Acrobat Ribbon in Word

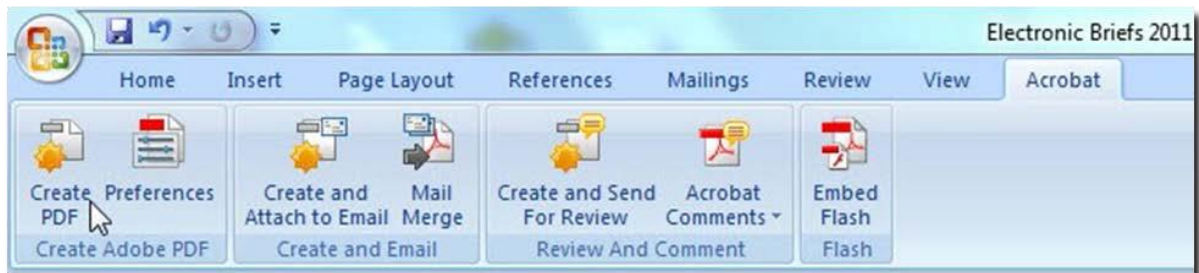
When you install Adobe Acrobat, the installer may add Acrobat buttons or menu commands to Microsoft Office applications (e.g., Word, Excel, PowerPoint).

The advantage of using the Acrobat Ribbon to create PDF from Word is that it will automatically create bookmarks for your document if you have used Word's Styles feature.

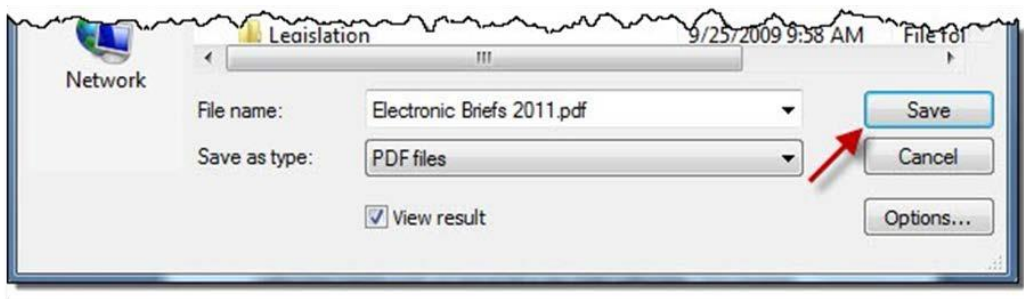
Choose **Acrobat** at the top of the screen (to the right of **View**).



Click **Create PDF** in the menu.



In the dialog box that appears, click **Save**.





When printing a hard-copy of a document, be sure to use the PDF file to insure that the print exactly replicates the e-file version. Pagination and sentence structure may change when converting a document to a PDF.

## 2. Create bookmarks

A bookmark is a text link that appears in the **Bookmarks Panel** of Adobe Reader and Adobe Acrobat. Readers can use the bookmarks to quickly navigate to different sections of a document. Make sure to include bookmarks in all electronic documents and be sure to use descriptive labels for your bookmarks (e.g. Trial Court Judgment, Court of Appeals Opinion) as illustrated below.

Clicking on the **Bookmarks Icon** (left side of screen) opens the **Bookmarks Panel** revealing the list of bookmarks, as in this illustration.

### Bookmark settings

To maximize the impact of your document, set the bookmarks to open automatically.

While the document is open, click **File > Properties > Initial View tab**  
Click the Navigation tab dropdown and select **Bookmarks Panel and Page**  
Click **OK**

Also, make sure to set the zoom settings in the bookmarks to make sure the bookmark view is always the same. See [Adobe PDF Bookmark Zoom Settings](#).

### Generating bookmarks

If you use the paragraph styles available in Word to label the headings in your document, when you use the built-in Acrobat ribbon to generate your PDF, your document will already include bookmarks to the headings in your document.

A tutorial on Word's Styles feature is beyond the scope of these instructions, but Microsoft provides a [tutorial](#) on the web. Word's Styles feature is a tremendous time saver for generating bookmarks, the table of contents, and formatting your document.

### Manually adding bookmarks

To manually add a bookmark, in Adobe Acrobat, follow these steps:

1. Click on the page where you want to create a bookmark
2. Click the **New Bookmark** Icon in the Bookmarks Panel or select **CTRL** and **B** keys on your keyboard at the same time.
3. In the text of the new bookmark, type the name or label that you want to give the bookmark.

OR

Highlight the text on the page you want to bookmark, then press the **CTRL** and **B** keys on your keyboard at the same time (or right click and select add bookmark). The bookmark will appear in the panel and the name will be the same as the text you highlighted.

### Editing bookmarks

To delete a bookmark, **select the bookmark** and press the **delete key**.

To edit the name of a bookmark, **double click** on the **bookmark**.

Once the bookmark text is highlighted, you can edit the text of the bookmark. **Press enter** when you are satisfied with the results.

Avoid using names like Header A, Header B, etc. Instead, try something like Statement of the Case, Conclusion.

## Moving bookmarks

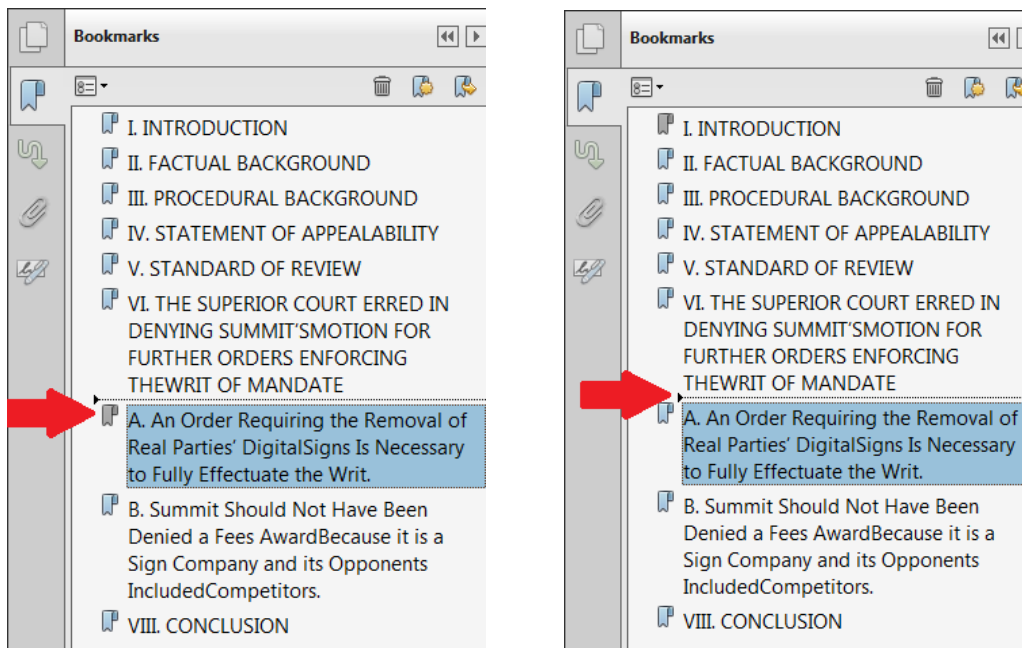
To move bookmarks up and down in the Bookmarks Panel, left click and hold the text and drag the bookmark to the desired location in the Bookmarks panel. Once the arrow and dotted line are in the new location, release the left mouse button to drop the bookmark in its new location.

## Nesting bookmarks

Bookmarks can also be nested underneath other bookmarks to create a tiered structure of bookmarks, as in the illustration. Clicking on the minus sign next to the Argument and Authorities bookmarks collapses these bookmarks so that they are not visible. A plus sign then appears next to the Arguments and Authorities bookmark, which will expand the nested bookmarks and make them visible again when selected.

To nest a bookmark underneath another bookmark, move the bookmark as described above. But this time, move the bookmark up and over underneath the bookmark where you want it nested. In other words, select the bookmark by left clicking and holding the mouse button down. Then move it up and to the right without releasing the mouse button. Release the mouse button once the bookmark appears to be

indented. Once you have the bookmarks the way you want them, be sure to save your document in order to save your changes!



### 3. Redacting

Redaction should be done before creating bookmarks and making the appendices text searchable. The steps below will remove bookmarks and text recognition.

Pursuant to Cal. Rules of Court, [rule 1.20](#), you must redact the following information from an appendix submitted to the court:

- Social security numbers
- Birth date
- Home address
- Name of any person who was a minor when the underlying suit was filed
- Driver's license number
- Passport number
- Tax identification number
- Any similar government-issued personal identification number
- Bank account numbers
- Credit card numbers
- Any other financial account number.

The most important thing to remember about redacting documents is to **permanently remove the information from the document. Do not use a black highlighter in Adobe Acrobat to cover up the information!** Highlighter marks can be removed by anyone with Adobe Acrobat and anyone can search the text of the document to find the text that is beneath the highlighter mark.

If you have Adobe Acrobat Pro, you can use the redaction features of the program to redact documents electronically (see *Redacting Using Adobe Acrobat Pro* below). *Please note that Adobe Acrobat Standard does not have redaction features.*

### Redacting using Word

If you do not have Adobe Acrobat Pro, then you should edit the text of any document that you have in the original file (e.g., a Word document) to remove the information. Replace any characters that you remove with the letter x and then save the edited document as a new document. Here is an example:

Original text document:

Mike Brown's social security number is 357-57-7372. His home address is 1510 Maple Avenue, New York, 201292. His credit card number is 2138 2912 2938 2919.

Edited Text:

Mike Brown's social security number is xxxxxxxxxxx. His home address is xxxx xxxxx xxxxxxxx xxx xxxxx xxxxxxxx. His credit card number is xxxx xxxx xxxx xxxx.

As you can see, depending on the font you are using, editing the document in this way may slightly alter the layout of your document. Be sure to check the page layout to see if your page numbering has been altered. If you do not have Adobe Acrobat Pro and you only have the documents in paper format, you will need to copy the documents, redact them manually, and then scan the redacted documents.

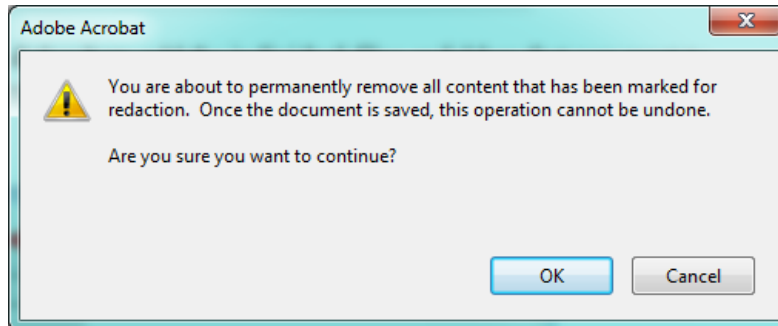
## Redacting Using Adobe Acrobat Pro

Click the **Tools** panel > **Protection** > **Mark for Redaction**.

Select the text you want to redact. To select text, click the left button on the mouse and drag it across the text using the redaction tool. You can also double click a word to mark it for redaction.

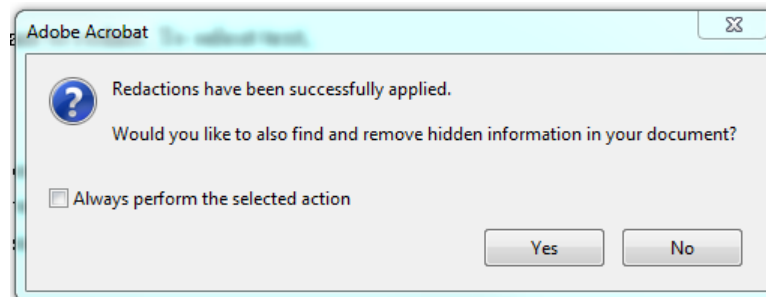
1. Place the cursor over the word marked for redaction to preview what the text will look like when redacted.
2. Once you are satisfied with the appearance, choose **Apply Redactions**.

This window will appear



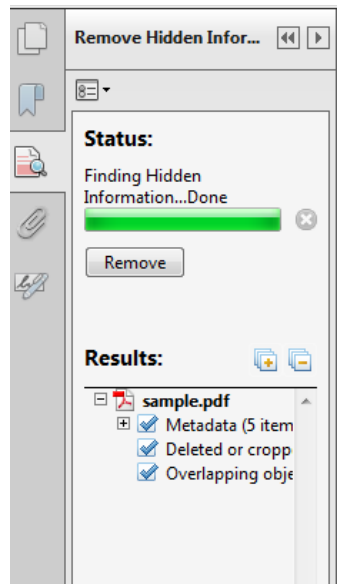
Click **OK**

When this window appears



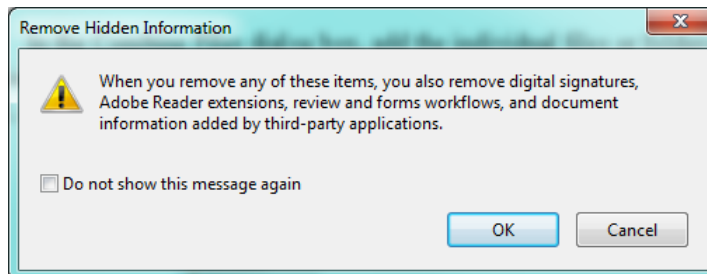
Click **Yes**

Adobe will open the panel below and find hidden information



Click **Remove**

When this window appears



Click **OK**

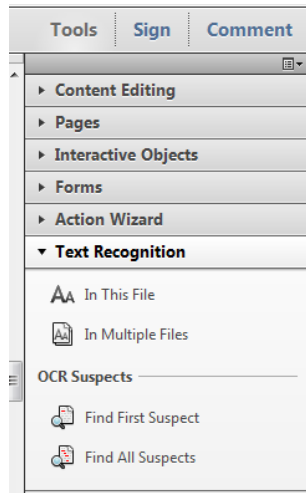
Save the document.

## 4. Text-searchable

All electronic documents must be text-searchable, in PDF (portable document format) while maintaining the original document formatting. If you find your PDF is not text-searchable, follow the instructions below.

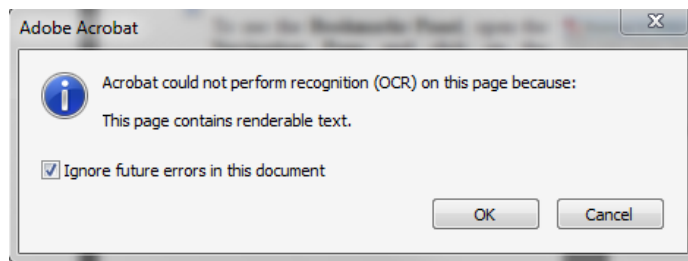
Open the document in Adobe Acrobat Pro.

Click **Tools > Text Recognition > In This File > OK**



If some text has already been rendered searchable, check the box Ignore future errors in document and click on OK. When the Text Recognition process is complete, remember to save the document.

NOTE: If a header, e-filing stamp or bates no. has been added to a non-searchable document, Acrobat will not OCR that page and you will receive the message below.





## E. Fixing Mistakes in Adobe Acrobat Pro

It is not unusual to get to the end of the process of creating an electronic brief and discover that you have made a typographical error. You may be able to fix some simple typographical errors using Adobe Acrobat. The **Edit Text** tool allows you to erase and type in a PDF as though it were a word processing document. Adobe Acrobat automatically recognizes the font type and size, and you can backspace to remove text and then retype.

Select **Tools > Content Editing > Edit Text & Images**. Then place your cursor where you want to edit and type as you would with a word processor.

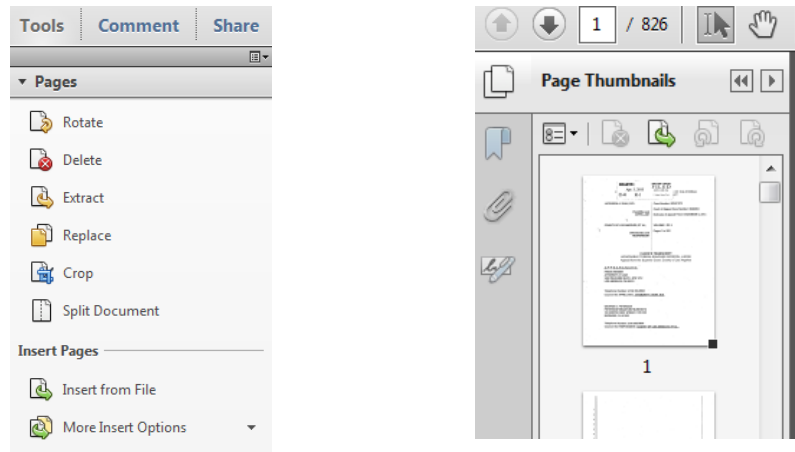
The tool has some limitations and not all fonts are available in Adobe Acrobat. If you used an unusual font you may get the following message.

Also, the **Edit Text** tool cannot reflow all of the text in your document like a word processor, so this tool cannot be used to retype sizeable portions of your brief.

## F. Replacing Pages

If the mistake cannot be fixed with the **Edit Text** tool, you may be able to fix the error by deleting the offending page and replacing it with a corrected page. To replace a page, first fix the mistake in your word processing program. Then convert the corrected word processing document to PDF. Now **Extract** the corrected page from your corrected PDF and save it as a separate PDF document. Then **Delete** the page with the error from your original PDF and **Insert** the corrected page into the proper place in the original PDF.

Click **Tools > Pages > Extract** or click the Page Thumbnail icon on the left, right click on the page(s), select extract Pages



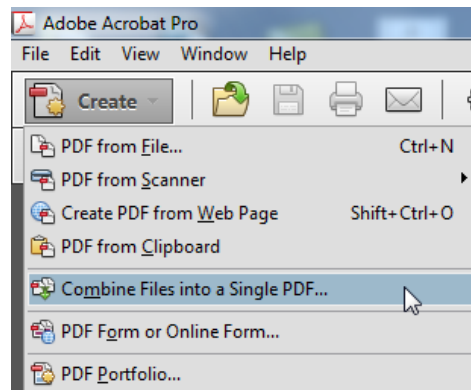
Depending on the mistake, it may just be easier to start over and recombine all your files after fixing the error in your brief. But if you have done a lot of manual bookmarking and hyperlinking, replacing the page using Adobe Acrobat may be easier than starting all over again.

## G. Combine individual files into one PDF file

To combine individual files into a single PDF document, follow these steps:

### Within a document in Adobe Acrobat

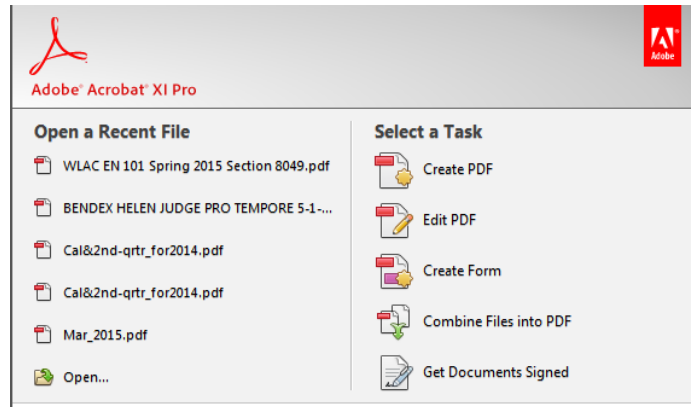
Choose **Create > Combine Files in to a Single PDF**



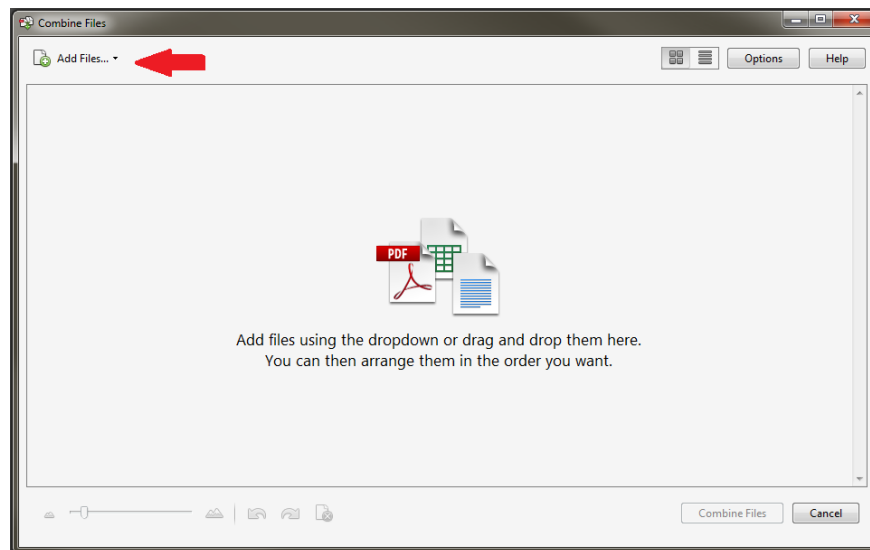
Or

## From the Main Menu in Adobe Acrobat

### Choose **Combine Files into PDF**



In the dialog box, add the individual files or folders that you want to combine into a single PDF. The files can be of any format supported by Adobe Acrobat (Word, PDF, Excel, etc.).



Arrange the files in the order that you want to combine them.  
Select **Combine Files**.  
Save and name the combined document.

## H. File Size

A single PDF file may not exceed a total of 25 megabytes in size. If a filing exceeds this file size limitation, the TrueFiling system will not accept the document and the user must either (a) submit the filing in multiple parts or (b) provide the court with the filing in electronic format on a CD (compact disc), DVD or flash drive. Please note that audio files must be submitted in .wav or mp3 format and any video files must be submitted in .avi or mp4 format.

Be sure to check all rules with the court you are filing with to make sure you have met all their requirements and local rules for electronic documents

## II. Creating Electronic Appellate Record on Appeal/Exhibits

Appendices must comply with California Rules of Court, [rule 8.124](#), including chronological and alphabetical indices. For Exhibits, see [rule 8.486\(b\)](#). When possible, use PDF files that are converted from native formats, rather than scanned documents. (See *Saving/Converting directly to PDF*.) Counsel or parties should cooperate in providing electronic copies of documents when requested and should check the local rules of the court where they will be filing to make sure all requirements for electronic documents have been met.

### A. Chronological Index

The chronological and alphabetical index should be converted from the word processing program used to create them.

### B. Pagination

Make sure to number the pages consecutively *beginning with the cover page of the document*, using only the Arabic numbering system, as in 1, 2, 3. Every page must have a number. Do *not* use a separate pagination system for chronological or alphabetical index within the document. The page number does not need to appear on the cover page.

### C. Scanning Documents

Although you are prohibited from scanning your documents that are available in electronic format (e.g. cases, statutes, etc.), there are occasions where you will need to scan a document in order to include it in your appendix. For example, a trial court may not have electronic filing so you may have to scan a trial court order. Or maybe you really want to include a contract in your appendix and it is only available in paper form. In those situations the only solution is to scan the document.

You can create a PDF file directly from your scanner using Adobe Acrobat or other software. When scanning, make sure that the scanner settings are:

- 300 dots per inch (dpi)
- Black and white (not gray scale or color, unless scanning an image)
- OCR (optical character recognition)

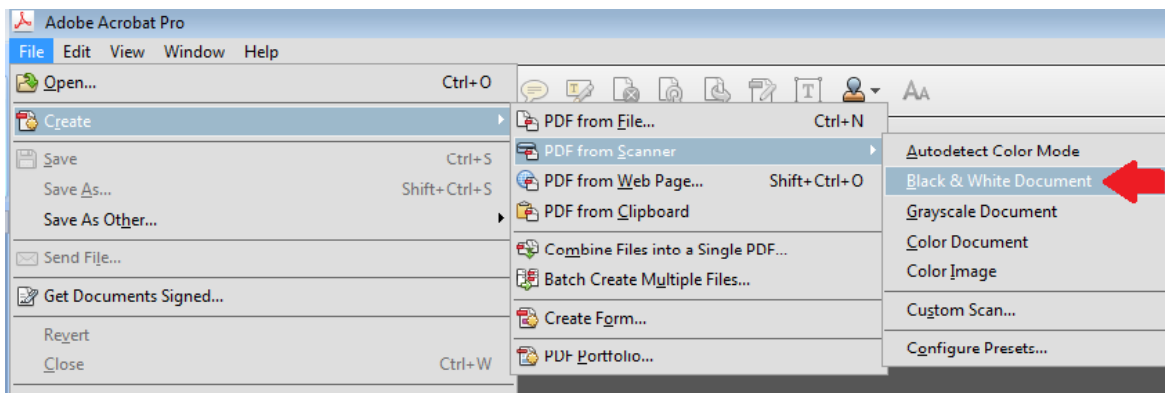
A one hundred page scanned document (that does not include images) with these settings should be about 3.5 megabytes in size. (NOTE: File size may vary with certain documents.) If scanning is creating files that are too large, check the settings on your scanner. Most office copiers, have a menu that allows the scanner settings to be adjusted.

If you have already adjusted the scanner settings, and the file size is still too large, some computer programs have the capability to reduce the file size. Adobe Acrobat Pro can do that (see instructions below). Make sure to do this before bookmarking the appendix. There are also a number of online resources that explain how to reduce the file size of scanned documents.

## Scanning with Adobe Acrobat

If you have a scanner connected to your computer that Adobe Acrobat recognizes, you can scan documents using Adobe Acrobat. Follow these steps:

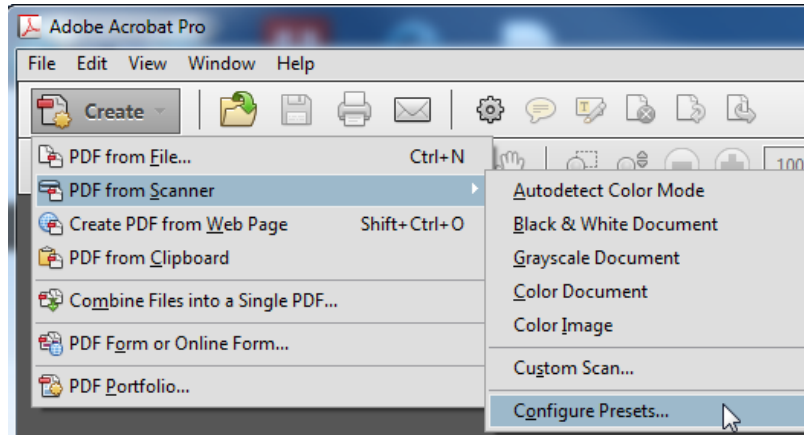
1. Insert the document into your scanner
2. Open Adobe Acrobat
3. In Acrobat, choose **Create> PDF From Scanner**
4. Choose Black and White



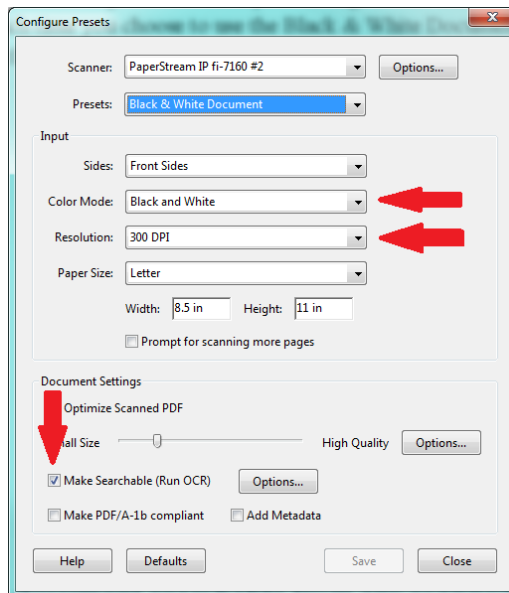
## Preset scanning settings for Adobe Acrobat

Adobe allows you to preset settings for scanning a document.

Select **Create> PDF from Scanner> Configure Presets**



Configure your presets to scan at 300 dpi. Be sure to check **Make Searchable (Run OCR)**. For standard black and white documents you do not need to move the slider to create a high quality scan—smaller file size is preferred. Save your settings before scanning. The default settings are now set and each time you choose to use the Black & White Document preset the document will be scanned using these settings.



## D. Combine individual files into one PDF file

See *Combine individual files into one PDF file* above.

## E. Create bookmarks for all documents contained in the appendix

A bookmark is a text link that appears in the Bookmarks Panel of Adobe Acrobat. Some courts require bookmarks for each document that is listed in the index. Be sure to check the local rules of the court you are filing with to make sure you have met all requirements for electronic appendices.

For documents without titles, be sure to use descriptive labels for your bookmarks.

See *Create Bookmarks* in Section I. above.

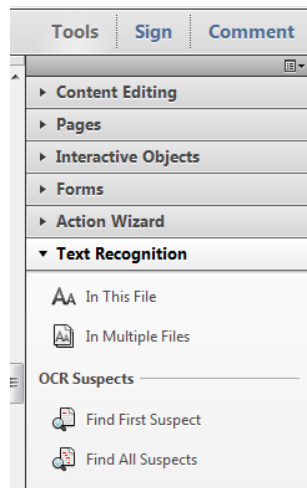
## F. Redacting

See *Redacting* in Section I. above

## G. Make a document searchable from any scanned or otherwise non-searchable material searchable by using Text Recognition

Open the document in Adobe Acrobat Pro.

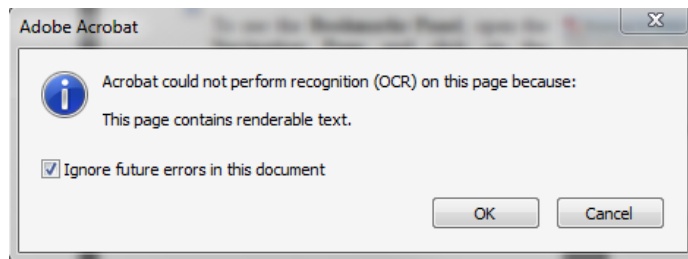
Click **Tools >Recognize Text> In This File > OK**





If some text has already been rendered searchable, check the box Ignore future errors in document and click on OK. When the OCR process is complete, remember to save the text searchable version of the document.

NOTE: If a header, e-filing stamp or bates no. has been added to a non-searchable document, Acrobat will not OCR that page and you will receive the message below.



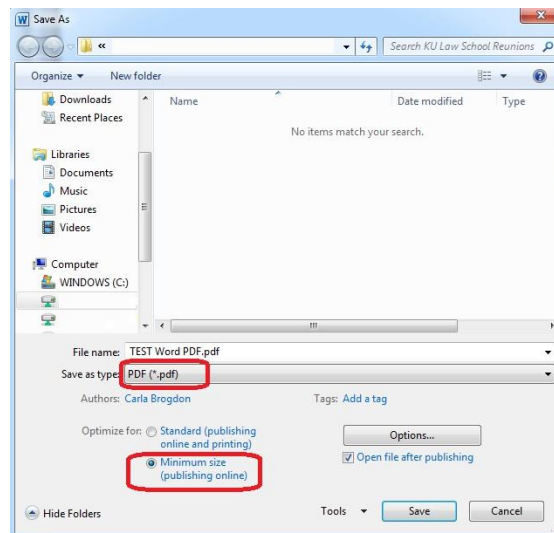
## H. Optimize PDFs to reduce file size

Large documents or documents containing forms, photos or graphics should be saved as an optimized PDF to reduce file storage size.

Select **File** and click **Save As**.

From the **Save as type** dropdown menu, select **PDF**.

From the **Optimize for** radio buttons, select **Minimum size (publishing online)**.



Click **Save**.

# III. Hyperlinking

## Overview of Hyperlinking

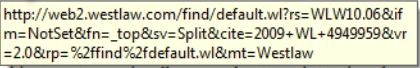
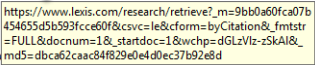

In the internet research world, hyperlinks are a standard way of “drilling down” for more detail or specific information. Just as all web pages contain links to other pages, cases downloaded from legal research services such as Westlaw or Lexis contain links to the cases, statutes, articles, or other sources cited within the opinion. The links allow immediate access by the reader to these referenced materials.

Attorneys can include links to cited law and their Appendix or Clerk’s Transcript and Reporter’s transcript, adding another level of persuasion to their writing. Hyperlinks in briefs and other court filings provide quick, easy, and pinpoint access to particular sections of a case, or to specific filings in the court’s record. The attorney can thereby highlight the precise issue presented, and the specific evidence and controlling or persuasive law the court should consider.

Though it is not required, rather preferred, hyperlinks in court filings are very beneficial for court chambers. Court submissions which include links to relevant case law and case filings are easy for chambers staff to review. The attorneys’ arguments can be immediately verified in the context of the relevant law. The justice or judicial clerk is able to read the text of the cited case law on one screen while reading the attorney’s brief on the other. And if a brief contains links to referenced exhibits, and even to specific pages within those exhibits, the judge or judicial clerk can access the relevant evidence without having to navigate through the paper record. Particularly when dealing with large and complex cases, links save chambers considerable time and effort. Links make it easy for the court to verify – and adopt – the positions taken by an advocate.

## Types of Permissible Hyperlinks

Subject to the court's local rules, the following types of hyperlinks are typically allowed in court documents.

<p><b>Internal Links</b></p>	<p>For example, the Table of Contents located at the beginning of this Guide.</p>
<p><b>Links to attachments and exhibits being filed with your brief</b></p>	<p><b>Note:</b> Evidence <i>must</i> be filed of record. A hyperlink to a public website where evidence can be found is not a substitute for filing evidence in support of a motion.</p>
<p><b>Links to case and statute citations</b></p> <p><b>Note:</b> Unless a cited case cannot reasonably be found from a public source, it is not necessary to attach copies of cases or statutes to your brief.</p>	<p>For example:</p> <p><b>Westlaw,</b></p> <p>by the attorney-client privilege or the work product doctrine. s, <a href="#">2009 WL 4949959</a>, <a href="#">2009 U.S. Dist. LEXIS 121753</a> (D. Colo. : 502:  when a "subject-matter waiver" occurs due to an intentional or</p> <p><b>Lexis,</b></p> <p>by the attorney-client privilege or the work product doctrine. s, <a href="#">2009 WL 4949959</a>, <a href="#">2009 U.S. Dist. LEXIS 121753</a> (D. Colo. : 502:  when a "subject-matt</p> <p><b>or court websites.</b></p> <p>A party has been fraudulently joined if there is no reasonable basis for predicting that the state law <a href="http://www.ca8.uscourts.gov/opndir/13/04/121892p.pdf">http://www.ca8.uscourts.gov/opndir/13/04/121892p.pdf</a> based upon the facts involved. <a href="#">Bradley Timberland Lumber Co., No. 12-1892 (8th Cir. April 8, 2013)</a> </p>

## Creating a Hyperlinked Table of Contents

A table of contents in a Word document can include internal hyperlinks for navigating the document. When the document is converted to PDF format, these links will become bookmarks in the PDF document. Note that the Table of Contents is different from the Bookmarks that are required in the PDF version.

Although there are several methods for creating a table of contents in Word, the one most useful to attorneys (and discussed below), is to create the document, include any headings as you write, and then:

- Mark and format the headings to be included in the table of contents;
- Generate and insert the table of contents; and
- Edit as needed.


## Marking and Formatting Table of Contents Entries

To mark and format entries to be included in the table of contents using Microsoft Word:

<b>STEP</b>	<b>ACTION</b>
1	Create your document, inserting all headings with the format of your choice.
2	Using your cursor, scroll over and select the heading you want to include in the table of contents.
3	From the <b>Styles</b> section on your <b>Home</b> tab,  Click the down arrow in the right lower corner.

A drop down list will appear.

**Note:** There are pre-formatted Heading Styles available in MS Word, but only 2 may be visible in your styles drop-down menu. Additional heading options will appear, as you make your selections.

If...	Then...
<p>You want the text of the table of contents entries to <b>match the headings already created</b> within your document:</p>	<p>Use your cursor to select the heading to be included in the table of contents.</p>  <p>From the Styles list, <b>Right-click</b> the heading level you wish to apply. In the box that appears, select: <b>Update Heading [x] to Match Selection.</b></p> <p>Continue until a heading style has been applied to all heading levels within your brief.</p>
<p>You want to:</p> <p><b>Set a standard format</b> (e.g. font, font color, bold, etc.), for all headings and table of contents entries created with your Word program</p> <p>Or</p> <p><b>Change the heading format</b> in the brief already created:</p>	<p>From the Styles list:</p> <p><b>Right-Click</b> the heading level you wish to modify.</p> <p>In the box that appears, select <b>Modify</b> to open the Modify Style box.</p> <p>Choose text:</p> <ul style="list-style-type: none"> <li>• font</li> <li>• font size</li> <li>• appearance</li> <li>• color</li> <li>• justification</li> <li>• line spacing</li> </ul> <p>Save settings for:</p> <ul style="list-style-type: none"> <li>• <b>only in this document</b>, or</li> <li>• all documents created using your standard <b>template</b></li> <li>• <b>Add to Quick Style List.</b></li> </ul> <p>Click <b>OK.</b></p>

Scroll through your document. For each heading, select the heading text with the cursor, then click the heading style to be applied.

## Generating and Inserting the Table of Contents

To add the Table of Contents to your document:

STEP	ACTION
Place your cursor in the document at the location you want to insert the table of contents.	
Add a title for the <b>Table of Contents</b> .	
Enter a few hard returns.	
<b>Control + Enter</b> to insert a page break.	
Place your cursor where the table of contents entries should begin.	
From the <b>References</b> tab of your Word ribbon, Select <b>Table of Contents</b> , and from the menu that appears,	
Select:	
<b>Insert Table of Contents</b> .	

Make selections for the appearance of the table of contents.

Click **OK**.

**Note:** If your table has more than three levels, you must set **Show levels** to the correct number.

**Note:** The “Use hyperlinks instead of page numbers” must be checked or the table of contents will not have active links upon conversion to PDF.

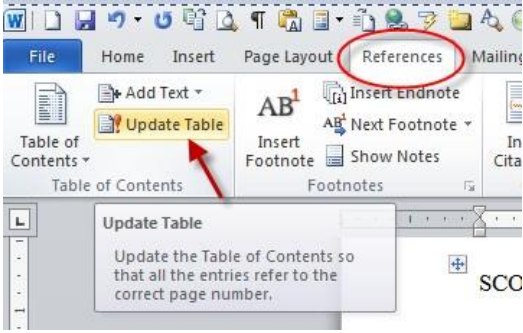
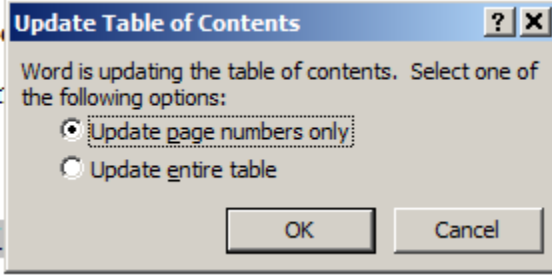
The Table of Contents, with active section links, will be inserted into your document.

**Note:** You can manually modify the page numbers to appear as other links in your document, (blue and underlined).

## Editing the Table of Contents (if needed)

Inserting the Table of Contents may result in page break changes. For example, hard page breaks or extra lines that were added during drafting to adjust the overall look of the document may no longer be needed, or some may now need to be added.

If the brief was modified after the table of contents was inserted:

STEP	ACTION
<p>From the reference tab on the Word ribbon, select <b>Update Table</b>.</p>	
<p>Select <b>Update page numbers only</b>. Click <b>OK</b>.</p> <p><b>Note:</b> If you have added or changed a heading, choose <b>Update entire table</b>.</p>	

When the entire document is complete, using MS Word, **Save** the document as a PDF or **Create PDF**.

**Note:** Do *not* Print to PDF. All active links in your Word document become inactive in PDFs created using Print to PDF.



## Formatting the Appearance of the Links Inserted

Before inserting links into a document, you may choose how those links will appear in the final document. For example, do you want them to appear:

blue and underlined,

**bold and black**,

*black and italicized*,

or

some other appearance?

To select the appearance of the links in your document:

STEP	ACTION
1	On the <b>Home</b> tab, click on the tiny arrow under <b>Changes Styles</b> .
2	A drop down menu will appear. Scroll down until you see <b>Hyperlink</b> . Right-click on <b>Hyperlink</b> , and from the choices that appear, select <b>Modify</b> .
3	<p>A <b>Modify Style</b> box will appear.</p> <p>Change the color, font, and underlining, etc. for hyperlinks.</p> <p><b>Note:</b> Choose a specific font and font size for the linked text <i>only</i> if the linked text font and font size should appear different from that of the document text. Otherwise, leave the font and font size selections blank.</p> <p>Click <b>OK</b>.</p>

## Adding Links to Attachments

STEP	ACTION
1	Save all the attachment documents you will cite in your brief into a single folder in your computer. The documents must be in PDF format. Be sure the names of the files do not contain special characters, such as apostrophes or ampersands, as these will break the hyperlinking process.
2	While drafting your brief, include the citations to the documents saved in your computer.
3	Using your cursor, select the text to which a link will be added.  for any seed disputes, the 2011 invoice stated that, “If binding arbitration is required (see bag), the place of arbitration will be Des Moines, Iowa.” <a href="#">Brax Aff. ¶ 13.</a>
4	On the <b>Insert</b> ribbon, select <b>Hyperlink</b> .
5	In the <b>Insert Hyperlink</b> dialog box: <ul style="list-style-type: none"> <li>• Navigate to cited file saved on your computer;</li> <li>• <b>Select</b> the file; and</li> <li>• Click <b>OK</b>.</li> </ul>

6 A link to the file will be added to the text. If you hover over the link with your cursor, you will see the link address.

and conditions sheet, and again putting Plaintiffs on notice that ar  
 for any seed disputes, the 2011 invoice stated that, “If binding ar  
 bag), the place of arbitration will be Des Moines, Iowa.” [Brax Aff. ¶ 13](#) (emphasis added).  
file:///A:\winfsil.ned.circ8.dcn\data\cmecf\ending digits\zward documents\it materials\local rule-index of evidence\brax affidavit.pdf  
 Click to follow link

Add links to all the citations in your brief accordingly.

**Note:** Specific page links can be added by following the directions in the previous section. Use the **PDF** page number, not a Bates number or footer page number, for the citation.

## Automated Links to Legal Citations

Links to legal citations can be added manually or, assuming the software is compatible with your computer and word processing software, by using automated linking software available through Westlaw or Lexis.

### Access to Linking Software

Tool	Cost	URL
Westlaw InsertLinks	Must purchase a West BriefTools subscription. Estimated cost: \$100/month for small firms;	<a href="http://legalsolutions.thomson.com/products/solutions/brief-tools?searchterms=brief+tool">http://legalsolutions.thomson.com/products/solutions/brief-tools?searchterms=brief+tool</a>
Lexis for Microsoft Office	This Lexis software product will add links for research and drafting purposes, but those links are lost upon conversion to PDF. Lexis is investigating the issue.	<a href="http://www.lexisnexis.com/en-us/products/lexis-for-microsoft-office.page">http://www.lexisnexis.com/en-us/products/lexis-for-microsoft-office.page</a>

## Linking Software—Compatibility Information

The following graph outlines the compatibility of Shepard's Links 2008, West InsertLinks, and Lexis Links for Microsoft Office for inserting links into MS Word and WordPerfect documents with a Windows XP (SP3) 2GB Memory, Windows Vista (SP2) 4GB Memory, or Windows 7 – 4GB Memory computer.\*

	Shepard's Links 2008	Lexis for Microsoft Office	West InsertLin ks
MS Word 2010		X**	X***
MS Word 2007		X**	X***
MS Word 2003	X		X***
MS Word 2000	X		
WordPerfect X6****			
WordPerfect X4 – X5			X
WordPerfect X3	X		X
WordPerfect 10 – 12	X		

\* The West and Lexis linking software programs cannot be used on Apple computers. Moreover, although Shepard's Links was not designed to operate on Windows Vista and Windows 7 (as reflected in the Lexis literature), it is working on these computer systems.

\*\* Lexis for Microsoft Office is being developed and tested. However, in its current stage of development, any links added by Lexis for Microsoft Office are being stripped out upon conversion to PDF. Lexis is investigating this issue.

\*\*\* Westlaw product information states InsertLinks is compatible with both 32- and 64-bit Microsoft Word. However, while it works well with 32-bit Word, InsertLinks is not fully compatible or useful with 64-bit Word.

\*\*\*\* West currently has no linking software compatible with WordPerfect X6. West indicates it may develop and release this product during the summer of 2013.

## Westlaw InsertLinks

InsertLinks is a Westlaw computer software program which scans Microsoft Word or Corel WordPerfect<sup>1</sup> documents to locate legal citations, and then automatically inserts hyperlinks to the Westlaw internet address (url) for those citations into the word processing document.



## Installing West InsertLinks

InsertLinks is part of the West BriefTools suite, and a BriefTools subscription is required in order to use this software.

- The current West BriefTools product is Version 2.7.2039, which was updated on December 10, 2012.

## Using West InsertLinks

Once InsertLinks software is installed, Westlaw links can be installed automatically in Microsoft Word documents using the following steps:

STEP	ACTION
1	<p>With the Microsoft Word document to which you are adding links open on your screen:</p>  <p>Select the <b>Westlaw Solutions</b> tab on the Word ribbon.</p>
2	<p>The West BriefTools options will open.</p>  <p>Select <b>InsertLinks</b>.</p>

<sup>1</sup> Currently, InsertLinks is not compatible with, and cannot be used for, automatically inserting links into WordPerfect X6 documents. It does, however, work with prior versions of WordPerfect.

**STEP****ACTION**

- 3 The InsertLinks software will begin searching the document for citations and inserting the appropriate links.

The box depicted above will disappear when the process is complete and all links are installed.

## **Manually Inserting Hyperlinks**

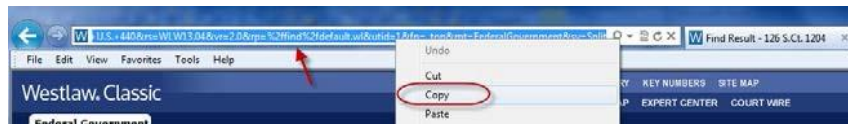
As previously described, hyperlinks to documents filed can be manually added to a document about to be filed. It is also possible to manually create links to documents available through commercial legal websites (e.g., Lexis or Westlaw), and those posted on the court's website (Local Rules).

Manually adding links can be labor intensive if the document is long, but the process is not difficult. And even if you are primarily using software to add links to a document, understanding the underlying mechanics of hyperlinking within WordPerfect and Word documents is helpful and may be necessary if, for example, you need to make corrections to the automatically created links.

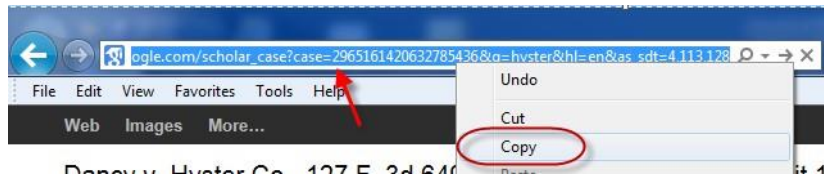
## Manually Creating Links to Online Research Resources

The process for manually adding links to Westlaw, Lexis, Google Scholar, or any other online research resource (LoisLaw, FastCase, etc.) is the same.

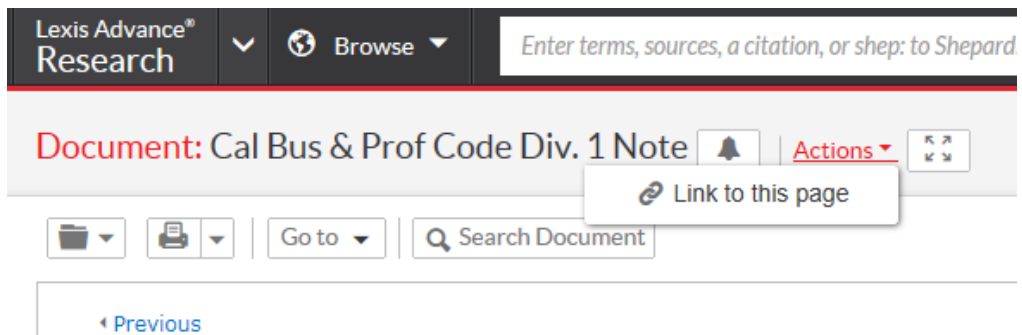
- | STEP | ACTION  |
|------|---|
| 1    | In the brief, use your cursor to select the citation to which you are adding a link.  |
| 2    | <p>Sign into the legal research website and open the cited document. Select the url address for the document.</p> <p><b>Note:</b> When using this method, if the link on the website changes, the link in the document may not work. Right-click, and <b>Copy</b> the address. See below:</p> |



OR

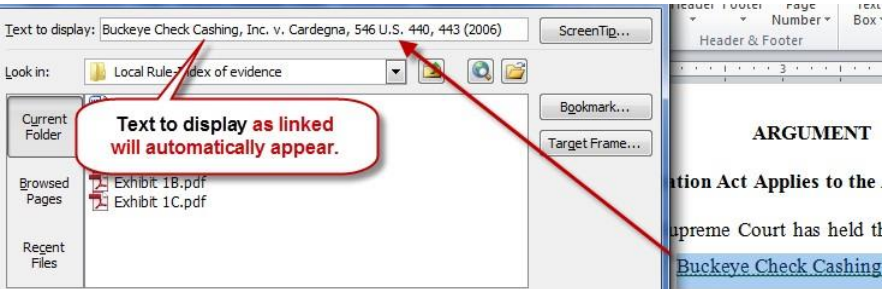
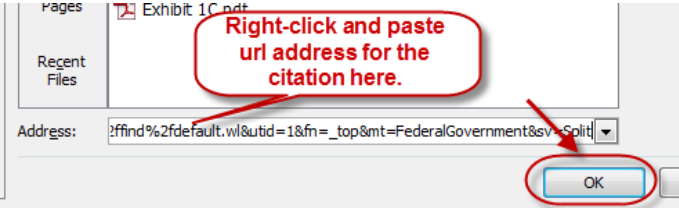



When using Lexis Advance, select Actions > Link to this page. This will use a static link, which should always work.



**Note:** Check your local rules for any authority or limitations on the legal research websites to which links are permitted.

**Note:** Some attorneys have reported difficulty using this method to insert links to Lexis research.

STEP	ACTION
3	<p>a Select the <b>Insert</b> ribbon, then select <b>Hyperlink</b>. An <b>Insert Hyperlink</b> dialog box will appear.</p>  <p><b>Note:</b> The text you selected will automatically appear in the “<b>Text to display</b>” line.</p>
	<p>b Place your cursor in the <b>Address</b> box of the Insert Hyperlink dialog box. Right-click. From the drop-down that appears, select <b>Paste</b>.</p>  <p>Click <b>OK</b>.</p>
	<p>c The link to the citation will be added in your brief.</p> 



Special thanks is given to Blake A. Hawthorne, Clerk of the Texas Supreme Court and the Texas Supreme Court for sharing their *Guide to Creating Electronic Appellate Briefs*.

**Supreme Court Rules Regarding Electronic Filing**

*Amended and effective May 1, 2018*

**Rule 1. Application; electronic filing system.**

These rules govern electronic filing in the Supreme Court under California Rules of Court, rules 8.70 – 8.79. The court’s electronic filing system (EFS) is operated by ImageSoft TrueFiling (TrueFiling).

**Rule 2. Documents subject to electronic filing**

Rules 3 and 4 identify the documents that must or may be filed electronically in the Supreme Court. No document other than those identified in rules 3 and 4 may be filed electronically in the Supreme Court.

**Rule 3. Mandatory electronic filing**

**(a) Documents that attorneys must file electronically**

Pursuant to California Rules of Court, rule 8.71, effective September 1, 2017, unless the court grants a motion for an excuse under rule 6, all attorneys representing a party in a matter before the court must file the documents listed in this subdivision electronically through the court’s EFS.

(1) *Documents in proceedings under rules 8.495-8.498, 8.500-8.508, 9.13, and 9.60*

All documents filed before the court issues its decision to grant or deny review, including:

- (A) Petitions for review; answers, replies;
- (B) Applications to permit the filing of a petition, answer, reply, or attachment that exceeds the length limits set by California Rules of Court, rule 8.504(d);
- (C) Applications to extend the time to file an answer or reply;
- (D) Motions for relief from default for failure to timely file a petition, answer, or reply;
- (E) All other applications and motions in these proceedings filed before the court issues its decision to grant or deny review; and
- (F) Any correspondence filed in connection with the documents in (A) – (E).
- (G) Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for depublication and related documents under California Rules of Court, rule 8.1125. may be filed electronically on a voluntary basis. (See Rule 4.)

(2) *Documents in proceedings under rules 8.380-8.385*

All documents filed before the court issues an order to show cause or its ruling on the petition, including:

- (A) Petitions for writ of habeas corpus; informal responses, replies;

- 1 (B) Applications to permit the filing of a petition, informal response, reply, or attachment that  
2 exceeds the length limits set by California Rules of Court, rule 8.204(c);  
3  
4 (C) Applications to extend the time to file an informal response or reply;  
5  
6 (D) Motions for relief from default for failure to timely file an informal response, or reply;  
7  
8 (E) All other applications and motions in these proceedings filed before the court issues an order  
9 to show cause or its ruling on the petition; and  
10  
11 (F) Any correspondence filed in connection with the documents in (A) – (E).  
12
- 13 (3) *Documents in proceedings under rules 8.485-8.486, and 9.13*  
14 All documents filed before the court issues an alternative writ or its ruling on the petition,  
15 including:  
16  
17 (A) Petitions; preliminary responses, replies, and accusations against an attorney;  
18  
19 (B) Applications to permit the filing of a petition, preliminary response, reply, or attachment that  
20 exceeds the length limits set by California Rules of Court, rule 8.204(c);  
21  
22 (C) Applications to extend the time to file a preliminary response or reply;  
23  
24 (D) Motions for relief from default for failure to timely file a preliminary response, reply, or  
25 accusation against an attorney;  
26  
27 (E) All other applications and motions in these proceedings filed before the court issues an  
28 alternative writ or its ruling on the petition; and  
29  
30 (F) Any correspondence filed in connection with the documents in (A) – (E).  
31  
32
- 33 (4) *Documents in matters arising from a judgment of death*  
34 All documents filed in these matters. For purposes of this subdivision:  
35  
36 (A) Matters arising from a judgment of death include:  
37  
38 (i) Automatic appeals under California Rules of Court, rules 8.600-8.642;  
39  
40 (ii) Habeas corpus proceedings in the court under California Rules of Court, rules 8.380-  
41 8.388 that involve a challenge to the validity of the petitioner’s death judgment,  
42 including proceedings before any referee appointed by the court to conduct a hearing  
43 following the court’s issuance of an order to show cause; and;  
44  
45 (ii) Other original writ proceedings in the court under California Rules of Court, rules  
46 8.485-8.493 that relate to an automatic appeal or a habeas corpus proceeding  
47 challenging the validity of the death judgment, including proceedings on petitions for a  
48 writ of mandate under Penal Code section 1405, subdivision (k).

1  
2 (B) Matters arising from a judgment of death do not include:

- 3  
4 (i) Habeas corpus proceedings on petitions challenging only a capital inmate's conditions  
5 of confinement; and  
6  
7 (ii) Proceedings under California Rules of Court, rules 8.500-8.552 that relate to an  
8 automatic appeal or a habeas corpus proceeding challenging the validity of the death  
9 judgment, including petitions for review from lower court decisions regarding Penal  
10 Code section 1054.9 motions. These proceedings are governed by subdivision (a)(1) of  
11 this rule.  
12

13 (C) A superior court judge who is appointed by the court as a referee in a proceeding under  
14 (A)(ii) is not considered a trial court for purposes of exemption from mandatory e-filing  
15 under California Rules of Court, rule 8.71(c).  
16

17 (3) *Other documents on order of the court*  
18 Any other document on order of the court.  
19

20 **(b) Application to new and pending cases**

21 Electronic filing of the documents listed in (a) is mandatory as of September 1, 2017, including  
22 documents filed in cases commenced before that date.

23 **Rule 4. Voluntary electronic filing**

24  
25 **(a) Individuals or entities exempt from mandatory electronic filing**

26 Pursuant to California Rules of Court, rule 8.71(b) and (c), electronic filing is voluntary for:

- 27  
28 (1) Self-represented litigants; and  
29  
30 (2) Trial courts.  
31

32 **(b) Amicus curiae letters and requests for depublication**

33 Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for depublication and  
34 related documents under California Rules of Court, rule 8.1125 may be filed electronically on a voluntary  
35 basis.  
36  
37

38 **Rule 5. Submission of paper copies of electronically filed documents**

39  
40 **(a) Documents in proceedings under rules 8.380-8.385, 8.485-8.486, 8.495-8.498, 8.500-8.508, 9.13, and**  
41 **9.60**

42 Unless otherwise ordered by the court:

- 43  
44 (1) For each electronically filed document in these proceedings, the filer must also submit to the court  
45 one unbound paper copy of the document.  
46  
47 (2) The paper copy must be mailed, delivered to a common carrier, or delivered to the court within two  
48 court days after the document is filed electronically with the court. If the filing requests an

1 immediate stay, the paper copy must be delivered to court by the close of business the next court  
2 day after the document is filed electronically.

3  
4 **(b) Documents in matters arising from a judgment of death**

5 Unless otherwise ordered by the court:

- 6  
7 (1) For each electronically filed document in these matters, the filer must also submit to the court one  
8 unbound paper copy of the document.  
9  
10 (2) The paper copy must be mailed, delivered to a common carrier, or delivered to the court within two  
11 court days after the document is filed electronically with the court.  
12  
13

14 **Rule 6. Excuse from electronic filing**

15  
16 **(a) Motion requesting excuse**

17 A party wanting to be excused from the requirement to file a document electronically must file a motion  
18 in the court requesting to be excused. The motion must comply with California Rules of Court, rule 8.54  
19 and must specify whether the party is requesting to be excused from electronically filing all documents or  
20 only a particular document or documents.  
21

22 **(b) Grounds for excuse**

23 Pursuant to California Rules of Court, rule 8.71(d), the court will grant an excuse on a satisfactory  
24 showing that:

- 25  
26 (1) The party will suffer undue hardship if required to file electronically;  
27  
28 (2) The party will suffer significant prejudice if required to file electronically; or  
29  
30 (3) It is not feasible for the party to convert a particular document to electronic form by scanning,  
31 imaging, or another means.  
32  
33

34 **Rule 7. Registration of electronic filers**

35  
36 **(a) Obligation to register**

37 Unless the court excuses the filer from this obligation under rule 6, every filer who is required or  
38 voluntarily chooses to file a document electronically under these rules must register as a TrueFiling user  
39 and obtain a username and password for access to TrueFiling. Registration with and access to the EFS is  
40 through the TrueFiling website at <https://www.truefiling.com>.  
41

42 **(b) Registered users' responsibilities**

43 A registered TrueFiling user is responsible for all documents filed under the user's registered username  
44 and password. The registered user must also comply with the requirements of California Rules of Court,  
45 rule 8.32 regarding the duty to provide address and other contact information, and notice of any changes.  
46  
47

**Rule 8. Signatures**

Use of a registered TrueFiling user's username and password to electronically file a document is the equivalent of placing the registered user's electronic signature on the document.

**Rule 9. Service****(a) Electronic service**

In addition to the ways identified in California Rules of Court, rule 8.78 that a recipient may agree to accept electronic service, a recipient is deemed to have agreed to electronic service in a matter before this court if the recipient agreed to electronic service in the same matter in the Court of Appeal.

**(b) Service by the court**

Documents prepared by the court will be served on EFS users through the EFS or by electronic notification.

**(c) Service of paper copies**

When service of a document is required to be made on a person or entity that has not consented to electronic service, the server must comply with California Rules of Court, rule 8.25 regarding service of paper copies.

**Rule 10. Format and size of electronically filed documents****(a) Format****(1) Text searchable format**

All documents filed electronically must be in text-searchable PDF (portable document format), or other searchable format approved by the court, while maintaining original document formatting. If an electronic filer must file a document the filer possesses only in paper format, the filer must convert the document to an electronic document that complies with this rule by scanning or other means. It is the filer's responsibility to ensure that any document filed is complete and readable. Except as otherwise specified in this rule, electronically filed documents must comply with the content and form requirements of the California Rules of Court applicable to the particular document, with the exception of those provisions dealing exclusively with requirements for paper documents.

**(2) Pagination**

The page numbering of document filed electronically must comply with California Rules of Court, rule 8.74(b)(3).

**(3) Electronic Bookmarks**

Each document must include in the bookmarks panel of the electronic document a descriptive link (hereafter referred to as an electronic bookmark), to each heading, subheading and to the first page of any component of the document, including any table of contents, table of authorities, petition, verification, points and authorities, declaration, certificate of word count, certificate of interested entities or persons, proof of service, tab, exhibit, or attachment. Each electronic bookmark to a tab,

exhibit, or attachment must include the letter or number of the tab, exhibit, or attachment and a description of the tab, exhibit, or attachment.

**(b) Size**

- (1) An electronic filing may not be larger than 25 megabytes. This rule does not change the length limitations established by the California Rules of Court for petitions, answers, replies, briefs or any other document filed in the court.
- (2) If a document exceeds the size limitation in (1), a party must submit the document in multiple files.
  - (A) These files must be paginated consecutively across all files in the document, including the cover pages required by (B).
  - (B) Each file must have a cover page that includes the following information:
    - (i) The total number of files constituting document;
    - (ii) The number of this file within the document;
    - (iii) The total number of pages in the document; and
    - (iv) The page numbers of the document contained in this file.
  - (C) The cover pages required by (B) must be included in the paper copies of the document submitted to the court under rule 5.

**Rule 11. Privacy Protection**

**(a) Personal Identifiers**

Electronic filers must comply with California Rules of Court, rule 1.201 regarding exclusion or redaction of personal identifiers from all documents filed with the court. Neither TrueFiling nor the Clerk of the Court has any responsibility to review documents for compliance with these requirements.

**(b) Sealed and Confidential Records**

Electronic filers must comply with California Rules of Court, rules 8.45-8.47 regarding sealed and confidential records, with the exception of those requirements exclusively applicable to paper filings.

**Rule 12. Fees**

**(a) Collection of filing fees**

For electronic filings, TrueFiling is designated as the court’s agent for collection of filing fees required by law and any associated credit card or bank charges or convenience fees.

1 **(b) Vendor fees**

2 Pursuant to California Rules of Court, rule 8.73 and TrueFiling's contract with the court, in addition the  
3 filing fees required by law, TrueFiling will assess fees for each electronic filing in accordance with the  
4 schedule posted on the TrueFiling Web site, as approved by the court. These fees will be considered  
5 recoverable costs under rule 8.278(d)(1)(D).  
6

7 **(c) Exemption from vendor fees**

8 The following are exempt from the fees charged for electronic filing under (b):  
9

10 (1) *Parties with fee waivers*

11 A party who has been granted a fee waiver by the court who chooses to file documents  
12 electronically.  
13

14 (2) *Government officers and entities*

15 The persons and entities identified in Government Code section 6103.  
16  
17

18 **Rule 13. Technical Failure of Electronic Filing System**

19  
20 The court is not responsible for malfunctions or errors occurring in the electronic transmission or receipt of  
21 electronically filed documents. The initial point of contact for anyone experiencing difficulty with TrueFiling is  
22 the toll-free telephone number posted on the TrueFiling Web site. California Rules of Court, rule 8.77, governs  
23 if a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point  
24 in the electronic transmission and receipt of a document. A motion under California Rules of Court, rule 8.77(d)  
25 to accept the document as timely filed must comply with rule 8.54.  
26