

1 **Supreme Court Rules Regarding Electronic Filing**

2 *Amended and effective January 1, 2022*

3
4 **Rule 1. Application; electronic filing system.**

5 These rules govern electronic filing in the Supreme Court under California Rules of Court, rules 8.70 – 8.79.
6 The court’s electronic filing system (EFS) is operated by ImageSoft TrueFiling (TrueFiling).
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9 **Rule 2. Documents subject to electronic filing**

10 Rules 3 and 4 identify the documents that must or may be filed electronically in the Supreme Court. Except
11 as provided in this rule, no document other than those identified in rules 3 and 4 may be filed electronically
12 in the Supreme Court. In certain circumstances, including but not limited to natural disasters, public health
13 emergencies, and other situations substantially affecting the court’s operations, the Supreme Court may
14 direct the Clerk / Executive Officer of the Supreme Court to accept or require electronic filing of any
15 document and / or to modify the requirements of rule 5 regarding the filing of paper copies. If the court so
16 directs, the Clerk must promptly make reasonable efforts to provide adequate notice to affected parties and
17 counsel, including identifying the type of documents that may or must be electronically filed and the duration
18 of the expanded electronic procedures.
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21 **Rule 3. Mandatory electronic filing**

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

24 Pursuant to California Rules of Court, rule 8.71, effective September 1, 2017, unless the court grants a
25 motion for an excuse under rule 6, all attorneys representing a party in a matter before the court must
26 file the documents listed in this subdivision electronically through the court’s EFS.
27

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

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

- 30
31 (A) Petitions for review; answers, replies;
32
33 (B) Applications to permit the filing of a petition, answer, reply, or attachment that exceeds the
34 length limits set by California Rules of Court, rule 8.504(d);
35
36 (C) Applications to extend the time to file an answer or reply;
37
38 (D) Motions for relief from default for failure to timely file a petition, answer, or reply;
39
40 (E) All other applications and motions in these proceedings filed before the court issues its
41 decision to grant or deny review; and
42
43 (F) Any correspondence filed in connection with the documents in (A) – (E).
44
45 (G) Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for
46 depublication and related documents under California Rules of Court, rule 8.1125. may be
47 filed electronically on a voluntary basis. (See Rule 4.)
48

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

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

- 4
- 5 (A) Petitions for writ of habeas corpus; informal responses, replies;
 - 6
 - 7 (B) Applications to permit the filing of a petition, informal response, reply, or attachment that
8 exceeds the length limits set by California Rules of Court, rule 8.204(c);
 - 9
 - 10 (C) Applications to extend the time to file an informal response or reply;
 - 11
 - 12 (D) Motions for relief from default for failure to timely file an informal response, or reply;
 - 13
 - 14 (E) All other applications and motions in these proceedings filed before the court issues an
15 order to show cause or its ruling on the petition; and
 - 16
 - 17 (F) Any correspondence filed in connection with the documents in (A) – (E).
 - 18

19 (3) *Documents in proceedings under rules 8.485-8.486, and 9.13*

20 All documents filed before the court issues an alternative writ or its ruling on the petition,
21 including:

- 22
- 23 (A) Petitions; preliminary responses, replies, and accusations against an attorney;
 - 24
 - 25 (B) Applications to permit the filing of a petition, preliminary response, reply, or attachment
26 that exceeds the length limits set by California Rules of Court, rule 8.204(c);
 - 27
 - 28 (C) Applications to extend the time to file a preliminary response or reply;
 - 29
 - 30 (D) Motions for relief from default for failure to timely file a preliminary response, reply, or
31 accusation against an attorney;
 - 32
 - 33 (E) All other applications and motions in these proceedings filed before the court issues an
34 alternative writ or its ruling on the petition; and
 - 35
 - 36 (F) Any correspondence filed in connection with the documents in (A) – (E).
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39 (4) *Documents in matters arising from a judgment of death*

40 All documents filed in these matters. For purposes of this subdivision:

- 41
- 42 (A) Matters arising from a judgment of death include:
 - 43
 - 44 (i) Automatic appeals under California Rules of Court, rules 8.600-8.642;
 - 45
 - 46 (ii) Habeas corpus proceedings in the court under California Rules of Court, rules 8.380-
47 8.388 that involve a challenge to the validity of the petitioner’s death judgment,

1 including proceedings before any referee appointed by the court to conduct a hearing
2 following the court's issuance of an order to show cause; and;

- 3
4 (ii) Other original writ proceedings in the court under California Rules of Court, rules
5 8.485-8.493 that relate to an automatic appeal or a habeas corpus proceeding
6 challenging the validity of the death judgment, including proceedings on petitions for
7 a writ of mandate under Penal Code section 1405, subdivision (k).

8
9 (B) Matters arising from a judgment of death do not include:

- 10
11 (i) Habeas corpus proceedings on petitions challenging only a capital inmate's
12 conditions of confinement; and
13
14 (ii) Proceedings under California Rules of Court, rules 8.500-8.552 that relate to an
15 automatic appeal or a habeas corpus proceeding challenging the validity of the death
16 judgment, including petitions for review from lower court decisions regarding Penal
17 Code section 1054.9 motions. These proceedings are governed by subdivision (a)(1)
18 of this rule.

19
20 (C) A superior court judge who is appointed by the court as a referee in a proceeding under
21 (A)(ii) is not considered a trial court for purposes of exemption from mandatory e-filing
22 under California Rules of Court, rule 8.71(c).

- 23
24 (3) *Other documents on order of the court*
25 Any other document on order of the court.

26
27 **(b) Application to new and pending cases**

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

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32 **Rule 4. Voluntary electronic filing**

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

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

- 36
37 (1) Self-represented litigants; and
38
39 (2) Trial courts.

40
41 **(b) Amicus curiae letters and requests for depublication**

42 Amicus curiae letters under California Rules of Court, rule 8.500(g) and requests for depublication and
43 related documents under California Rules of Court, rule 8.1125 may be filed electronically on a
44 voluntary basis.

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

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

5 Unless otherwise ordered by the court:

- 6
7 (1) For each electronically filed document in these proceedings, the filer must also submit to the
8 court one 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
11 two court days after the document is filed electronically with the court. If the filing requests an
12 immediate stay, the paper copy must be delivered to court by the close of business the next court
13 day after the document is filed electronically.
14

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

16 Unless otherwise ordered by the court:

- 17
18 (1) For each electronically filed document in these matters, the filer must also submit to the court
19 one unbound paper copy of the document.
20
21 (2) The paper copy must be mailed, delivered to a common carrier, or delivered to the court within
22 two court days after the document is filed electronically with the court.
23
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25 **Rule 6. Excuse from electronic filing**

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27 **(a) Motion requesting excuse**

28 A party wanting to be excused from the requirement to file a document electronically must file a
29 motion in the court requesting to be excused. The motion must comply with California Rules of Court,
30 rule 8.54 and must specify whether the party is requesting to be excused from electronically filing all
31 documents or only a particular document or documents.
32

33 **(b) Grounds for excuse**

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

- 36
37 (1) The party will suffer undue hardship if required to file electronically;
38
39 (2) The party will suffer significant prejudice if required to file electronically; or
40
41 (3) It is not feasible for the party to convert a particular document to electronic form by scanning,
42 imaging, or another means.
43
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1 **Rule 7. Registration of electronic filers**

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3 **(a) Obligation to register**

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

8

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

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

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16 **Rule 8. Signatures**

17 Rules 8.70 and 8.75 of the California Rules of Court govern the requirements for signatures on documents
18 electronically filed with the court.

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21 **Rule 9. Service**

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23 **(a) Electronic service**

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

27

28 **(b) Service by the court**

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

31

32 **(c) Service of paper copies**

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

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38 **Rule 10. Format and size of electronically filed documents**

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40 **(a) Format**

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42 **(1) *Text searchable format***

43 All documents filed electronically must be in text-searchable PDF (portable document format),
44 or other searchable format approved by the court, while maintaining original document
45 formatting. If an electronic filer must file a document the filer possesses only in paper format, the
46 filer must convert the document to an electronic document that complies with this rule by
47 scanning or other means. It is the filer's responsibility to ensure that any document filed is
48 complete and readable. Except as otherwise specified in this rule, electronically filed documents

1 must comply with the content and form requirements of the California Rules of Court applicable
2 to the particular document, with the exception of those provisions dealing exclusively with
3 requirements for paper documents.
4

5 (2) *Pagination*

6 The page numbering of documents filed electronically must comply with California Rules of
7 Court, rule 8.74(b)(3).
8

9 (3) *Electronic Bookmarks*

10 Each document must include in the bookmarks panel of the electronic document a descriptive
11 link (hereafter referred to as an electronic bookmark), to each heading, subheading and to the
12 first page of any component of the document, including any table of contents, table of
13 authorities, petition, verification, points and authorities, declaration, certificate of word count,
14 certificate of interested entities or persons, proof of service, tab, exhibit, or attachment. Each
15 electronic bookmark to a tab, exhibit, or attachment must include the letter or number of the tab,
16 exhibit, or attachment and a description of the tab, exhibit, or attachment.
17

18 (4) *Capital Matter Notation*

19 All documents electronically filed in matters related to a case in which a judgment of death was
20 entered against the defendant must include a clear and obvious notation on the cover page of the
21 document that the filing is related to a capital case. This requirement does not apply to matters
22 filed with the court during pretrial or trial proceedings when a death judgment is being sought
23 by the prosecution but has not yet been entered by the superior court.
24

25 **(b) Size**

26
27 (1) An electronic filing may not be larger than 25 megabytes. This rule does not change the length
28 limitations established by the California Rules of Court for petitions, answers, replies, briefs or
29 any other document filed in the court.
30

31 (2) If a document exceeds the size limitation in (1), a party must submit the document in multiple
32 files.
33

34 (A) These files must be paginated consecutively across all files in the document, including the
35 cover pages required by (B).
36

37 (B) Each file must have a cover page that includes the following information:
38

39 (i) The total number of files constituting document;
40

41 (ii) The number of this file within the document;
42

43 (iii) The total number of pages in the document; and
44

45 (iv) The page numbers of the document contained in this file.
46

47 (C) The cover pages required by (B) must be included in the paper copies of the document
48 submitted to the court under rule 5.

1 **Rule 11. Privacy Protection**

2
3 **(a) Personal Identifiers**

4 Electronic filers must comply with California Rules of Court, rule 1.201 regarding exclusion or
5 redaction of personal identifiers from all documents filed with the court. Neither TrueFiling nor the
6 Clerk of the Court has any responsibility to review documents for compliance with these requirements.
7

8 **(b) Sealed and Confidential Records**

9 Electronic filers must comply with California Rules of Court, rules 8.45-8.47 regarding sealed and
10 confidential records, with the exception of those requirements exclusively applicable to paper filings.
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13 **Rule 12. Fees**

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15 **(a) Collection of filing fees**

16 For electronic filings, TrueFiling is designated as the court's agent for collection of filing fees required
17 by law and any associated credit card or bank charges or convenience fees.
18

19 **(b) Vendor fees**

20 Pursuant to California Rules of Court, rule 8.73 and TrueFiling's contract with the court, in addition
21 the filing fees required by law, TrueFiling will assess fees for each electronic filing in accordance with
22 the schedule posted on the TrueFiling Web site, as approved by the court. These fees will be
23 considered recoverable costs under rule 8.278(d)(1)(D).
24

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

26 The following are exempt from the fees charged for electronic filing under (b):
27

28 (1) *Parties with fee waivers*

29 A party who has been granted a fee waiver by the court who chooses to file documents
30 electronically.
31

32 (2) *Government officers and entities*

33 The persons and entities identified in Government Code section 6103.
34
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36 **Rule 13. Technical Failure of Electronic Filing System**

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