

## **Panel Attorney Agreement for Electronic Service With San Diego County Counsel's Office**

By this Agreement for Electronic Service Panel Attorney agrees to the use of electronic service to send filings to, and receive filings from, the San Diego Office of the County Counsel, Juvenile Dependency Division (OCCJD).<sup>1</sup> Electronic service “is authorized when a party has agreed to accept service electronically in that action.” (Code Civ. Proc., § 1010.6, subd. (a)(2).) California Rules of Court, rules 2.250, 2.251, 2.256, relating to filing and service of documents in cases at the trial court level, and 8.70, et seq., relating to electronic service in the Supreme Court and the Courts of Appeal, are referenced as guidelines for purposes of each party serving and/or receiving documents by electronic service.<sup>2</sup>

**Documents and Format.** “A ‘document’ is a pleading, a paper, a declaration, an exhibit, or another filing submitted by a party or by an agent of a party on the party’s behalf. A document may be in paper or electronic form.” (Rules 2.250(b)(1); see also 8.70(d)(2)(A) [A “document” is “(A) Any filing submitted to the reviewing court, including a brief, a petition, an appendix, or a motion . . .”].) For purposes of this MOU it also includes a brief or other document in an appellate case.

It is the responsibility of the e-server to ensure all e-served documents are converted to a PDF file format that allows for full text searching, unless it cannot be created in that format. (Rules 2.256(b) & 8.76(a).) Furthermore, an e-server will have the same responsibilities as an “electronic filer” per rules 2.256 and 8.76 to ensure the integrity of the document and protect sensitive personal information including taking all reasonable steps to ensure the e-served document does not contain computer code, such as viruses, that might be harmful to the recipient’s computer. (Rules 2.256(a) & 8.76(a).)

**Electronic Service Address.** “An ‘electronic service address’ of a party means the electronic address at or through which the party has authorized electronic service.” (Rules 2.250(b)(5) & 8.70(d)(6).)

OCCJD’s Electronic Service Address is [SDCCJD.Appeals@sdcounty.ca.gov](mailto:SDCCJD.Appeals@sdcounty.ca.gov).

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<sup>1</sup> “Electronic service” is “service of a document on a party or other person by either electronic transmission or electronic notification.” (Cal. Rules of Court, rules 2.250(b)(2) & 8.70(d)(3).)

<sup>2</sup> All citations to rules are to the California Rules of Court.

Panel Attorney's Electronic Service Address is provided to ADI, and ADI in turn notifies OCCJD and the court.

ADI and OCCJD will both maintain a list of panel attorneys approved for electronic service and their Electronic Service Addresses. OCCJD will notify ADI of any change in its address, and ADI will notify OCCJD of any change in a panel attorney's address. Panel Attorney agrees ADI may act as his or her agent for purposes of exchanging notices of changes of Electronic Service Address with OCCJD; Panel Attorney remains responsible for notices of changes in other kinds of address. The form in the Appendix, *Notice of Change of Electronic Service Address*, may be used for future additions or changes to any electronic service address but is not required.

**Service upon OCCJD.** In each Fourth Appellate District case in which Panel Attorney and OCCJD are counsel of record, Panel Attorney agrees to e-serve OCCJD all documents requiring service. (Rules 2.251(b) & 8.71(a).)

E-service will be at the address: [SDCCJD.Appeals@sdcounty.ca.gov](mailto:SDCCJD.Appeals@sdcounty.ca.gov). The "Subject" line of the e-mail will state the Court of Appeal Case No. and Case Name, with appropriate initials identifying the type of document e-served (i.e., "D053742, John Smith AOB").

Panel Attorney may review OCCJD's Agreement for Electronic Service on request to ADI.

**Service from OCCJD.** In each Fourth Appellate District case in which Panel Attorney and OCCJD are counsel of record, Panel Attorney agrees to accept from OCCJD e-service of all documents requiring service. Service will be sent to Panel Attorney's Electronic Service Address as provided by ADI. OCCJD has agreed to name the "Subject" line of the e-mail using the Court of Appeal Case No. and Case Name, with appropriate initials identifying the type of document e-served (i.e., "D053742, John Smith RB").

By this Agreement, Panel Attorney waives any additional copies otherwise required by the California Rules of Court.

**Time and Record of E-Service.** Service is complete at the time of transmission as long as it is before the close of business, which is agreed to be 5:00 p.m. (Rules 2.250(b)(10), 2.251(h)(1) & (4).) A record of the e-service transmission will be kept by the e-server.

**Proof of Service Form.** Proof of service (POS) must state:

“(A) . . . electronic service address of the person making the service, in addition to that person’s residence or business address;

“(B) . . . date and time of the electronic service, instead of the date and place of the deposit in the mail;

“(C) . . . name and electronic service address of the person served, in place of that person’s name and address as shown on the envelope; and

“(D) [t]hat the document was served electronically in place of the statement that the envelope was sealed and deposited in the mail with postage fully prepaid.”

(Rule 2.251(i)(1)(A)-(D) & 8.71(f)(1)(A)-(D).) Attached is a proposed POS that includes the necessary language.

**Amendments to This Agreement.** Panel Attorney agrees that ADI may authorize changes in this agreement on his or her behalf and agrees to be bound by such changes when notified of them by ADI. Any change in the agreement will be signed by OCCJD and ADI and be provided to the Court of Appeal, once ADI has given notice of the change to Panel Attorney.

**Panel Attorney’s Agreement.** Consent to the terms of this Agreement is required for membership on the ADI panel. By remaining on the ADI panel, Panel Attorney agrees to the terms set forth above. If the Panel Attorney does not agree to these terms, Panel Attorney must notify ADI immediately.

Signed on behalf of panel attorneys:

Dated:

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Elaine A. Alexander  
Executive Director  
Appellate Defenders, Inc.

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## APPENDIX

### NOTICE OF CHANGE OF ELECTRONIC SERVICE ADDRESS

Office of the County Counsel, Juvenile Dependency Division		
Current Electronic Service Address:	Change to:	Contact Name & Phone Number:

Panel Attorney		
Current Electronic Service Address:	Change to:	Contact Name & Phone Number:

## **PROOF OF SERVICE BY MAIL**

(Cal. Rules of Court, rules 1.21, 8.50.)

**(CASE NAME AND NUMBER)**

I, **(SERVER NAME)**, declare that: I am over the age of 18 years and not a party to the case; and my business address is **(ADDRESS)**.

I further declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business.

I caused to be served the following document(s): \_\_\_\_\_ by placing a true copy of each document in a separate envelope addressed to each addressee, respectively, as follows:

I then sealed each envelope and, with the postage thereon fully prepaid, I placed each for deposit in the United States Postal Service, this same day, at my business address shown above, following ordinary business practices.

## **PROOF OF SERVICE BY ELECTRONIC SERVICE**

(Cal. Rules of Court, rules 2.251(i)(1)(A)-(D) & 8.71(f)(1)(A)-(D).)

Furthermore, I, **(SERVER NAME)**, declare I electronically served from my electronic service address of **(E-SERVICE ADDRESS)**, the **same referenced above document** on **(DATE)** at **(TIME)** to the following entities:

APPELLATE DEFENDERS INC, [eservice-civil@adi-sandiego.com](mailto:eservice-civil@adi-sandiego.com)

COUNTY COUNSEL'S OFFICE, [SDCCJD.Appeals@sdcounty.ca.gov](mailto:SDCCJD.Appeals@sdcounty.ca.gov)

COURT OF APPEAL, FOURTH APPELLATE DISTRICT, via e-submission.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **(CURRENT DATE)** Signed: **(SERVER NAME)**