

## SEPTEMBER 2017 – ADI NEWS ALERT

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This alert<sup>1</sup> covers:

**As of September 1, e-filing of petitions for review with the Supreme Court is mandatory for attorneys.**

#### Revised rules for e-filing in the California Supreme Court

After receiving the projects' list of issues with the Supreme Court's e-filing rules and other comments, the court has [revised the rules](#).<sup>2</sup> The highlights include:

- **Just one unbound paper copy is required.** The court now wants only one paper copy rather than two. And that copy is to be “unbound.” Newly modified rule 5(a)(1). According to one clerk, a paper clip at the top is fine.
- **Mailing paper copy within two days of electronic filing suffices.** Rule 5(a)(2) no longer requires the paper copy be “delivered” within two days. It now provides “The paper copy must be mailed, delivered to a common carrier, or delivered to the court within two court days after the document is filed electronically with the court.” This language does not imply the court must *receive* the paper copy within two days.<sup>3</sup> Thus express mail is not normally necessary, and counsel must justify any use of it for this purpose. **But:** A petition seeking an immediate stay still must be “delivered to the court” by the next day.
- **Court of Appeal opinion does not have to be repaginated.** The revised rules eliminate the requirement to repaginate the opinion using page numbers consecutive to the petition. Rule 10(a)(2) says: “The page numbering of document [sic] filed electronically must comply with California Rules of Court, rule 8.74(b)(3). Attachments to petitions for review, including the Court of Appeal decision, are not required to be

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<sup>1</sup>As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

<sup>2</sup>[http://www.courts.ca.gov/documents/supreme\\_court\\_of\\_california\\_rules\\_regarding\\_electronic\\_filing.pdf](http://www.courts.ca.gov/documents/supreme_court_of_california_rules_regarding_electronic_filing.pdf)

<sup>3</sup>The former language of rule 5(a)(2) was: “The paper copies must be delivered personally, by express mail, or by other means reasonably calculated to ensure delivery of the copies to the court not later than the close of business two court days after the document is filed electronically with the court.”

re-paginated.”

**Note: The following section was updated after the original posting of the alert. The Supreme Court clerk’s office clarified the following:**

- **Bookmarking first page of Court of Appeal opinion suffices.** For the Court of Appeal opinion attached to a petition for review, the filer need only provide one bookmark to the first page of the opinion and is not required to bookmark the headings and subheadings within the opinion itself.