

1 **Emergency rule 12. Electronic service**

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(a) Application

- (1) Notwithstanding any other law, including Code of Civil Procedure section 1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all general civil cases and proceedings under the Family and Probate Codes, unless a court orders otherwise.
- (2) Notwithstanding (1), the rule does not apply in cases where parties are already required by court order or local rule to provide or accept notices and documents by electronic service, and is not intended to prohibit electronic service in cases not addressed by this rule.

(b) Required electronic service

- (1) A party represented by counsel, who has appeared in an action or proceeding, must accept electronic service of a notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission. Before first serving a represented party electronically, the serving party must confirm by telephone or email the appropriate electronic service address for counsel being served.
- (2) A party represented by counsel must, upon the request of any party who has appeared in an action or proceeding and who provides an electronic service address and a copy of this rule, electronically serve the requesting party with any notice or document that may be served by mail, express mail, overnight delivery, or facsimile transmission.

(c) Permissive electronic service

Electronic service on a self-represented party is permitted only with consent of that party, confirmed in writing. The written consent to accept electronic service may be exchanged electronically.

(d) Time

- (1) In general civil cases and proceedings under the Family Code, the provisions of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic service under this rule.
- (2) In proceedings under the Probate Code, the provisions of Probate Code section 1215(c)(2) apply to electronic service under this rule.

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(e) Confidential documents

Confidential or sealed records electronically served must be served through encrypted methods to ensure that the documents are not improperly disclosed.

(f) Sunset of rule

This rule will remain in effect until 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Judicial Council.