

Superior Court of California, County of Los Angeles Appellate Division efiling Frequently Asked Questions (FAQs)

APPELLATE EFILING SPECIFIC FAQS

- 1. IS THERE A GENERAL ORDER THAT GOVERNS EFILING FOR THE APPELLATE DIVISION?
 - Yes. <u>General Order re Mandatory Electronic Filing for Appellate Division</u> signed on 11/13/2024 is posted on the Court's website. Litigants are encouraged to read the General Order before reviewing the FAQs.
- 2. IS EFILING MANDATORY FOR APPELLATE DOCUMENTS?
 - Yes. Litigants represented by attorneys in Appellate Division cases must efile unless they have obtained a Court order for exemption. If you are an attorney who cannot use the efiling system, you may apply to the Presiding Judge of the Appellate Division for an exemption from mandatory electronic filing using Judicial council form EFS-007, "Request for Exemption from Mandatory Electronic Filing and Service."
- 3. I AM A SELF-REPRESENTED LITIGANT FOR MY APPELLATE MATTER. DO I HAVE TO EFILE?

 Self-represented litigants are given the option to file documents electronically, but it is not required.
- 4. WHAT CASE NUMBER DO I USE TO ELECTRONICALLY FILE WITH THE APPELLATE DIVISION? Very few documents are filed with the Appellate Division as a "New Filing;" reference the <u>Appellate eFiling Document Name List</u> for further information. If you do not have your appellate Court case number, it can be obtained through the Court's website using the <u>Case Summary Appellate</u> online service.
- 5. IF A FEE WAIVER (FW-001) WAS PREVIOUSLY GRANTED IN THE TRIAL-LEVEL COURT, DOES AN ADDITIONAL FEE WAIVER HAVE TO BE FILED IN THE APPELLATE DIVISION?
 - A fee waiver expires 60 days after the judgment, dismissal, or other final disposition of a case. If a fee waiver was granted at the trial Court level and is still valid, it will apply to the appellate case.
- 6. IS THERE A DIFFERENCE IN E-FILING APPEAL DOCUMENTS FOR UNLIMITED CIVIL CASE VS. LIMITED CIVIL CASES?
 - The Appellate Division is the reviewing Court for appeals filed in limited civil appeals. The 2^{nd} District Court of Appeal is the reviewing Court for appeals filed in unlimited civil matters. Please reference the 2^{nd} District Court of Appeal website for information regarding their electronic filing requirements and options.

DOES ELECTRONIC FILING INCLUDE MISDEMEANOR APPEALS OR JUST CIVIL APPEALS?

Efiling is required by represented parties and optional for self-represented litigants, for all appeal types heard by the Appellate Division, including appeals filed in Infraction, Limited Civil, Small Claims Post-Judgment Enforcement Orders, and Writs. Efiling is not currently available for misdemeanor appeal documents that are filed at the trial Court level.

8. WHAT IS A "FILING DOCUMENT NAME?" WHAT ARE THE APPELLATE DOCUMENT NAMES?

A "filing document name" (also known as a document code) refers to the type of filing (e.g., motion, brief, etc.) and is displayed by the EFSP to its users to properly designate the document upon submission. Using the correct filing document name is extremely important, as it determines the appropriate fee and Court workflow. A list of <u>Appellate eFiling Document Names</u> is available on the Court's website.

9. WHAT IF I CANNOT FIND THE DOCUMENT NAME FOR THE APPELLATE DOCUMENT I AM EFILING?

First, ensure that the document that is being efiled is intended to be filed in the Appellate case or the trial court case. For example, documents related to the preparation of the record of appeal, such as the Appellant's Notice Designating Record on Appeal, must be filed at the trial court level using the trial court case number.

If the appellate document is not specified on the list of document names, you must use the name of the document that most closely describes your filing. Alternatively, you may also use a generic document name with a name extension and fill in the name extension field. For example, use "Motion re: (name extension)" or "Brief (name extension)" and add the specific title of your document. There is also a section titled "Message to Clerk" where the filer can add any additional explanation.

Please note that using an incorrect document name or name extension may result in rejection, incorrect filing fees, or incorrect routing of your document. For instance, if you attempt to file a motion and you select "Brief (name extension)" as the document name, your submission would be rejected.

10. ARE ANY APPELLATE DOCUMENTS EXEMPT FROM EFILING?

Yes. As outlined in the <u>General Order re Mandatory Electronic Filing for Appellate Division</u>, a challenge for cause to the judicial officer may not be efiled.

11. HOW DO I SUBMIT APPELLATE DOCUMENTS EXEMPT FROM EFILING?

Documents that are exempt from efiling can be submitted for filing by mail or in person at the Appellate Division Clerk's Office, located in Room 607 at the Stanley Mosk Courthouse, 111 N. Hill Street, Los Angeles, CA 90012. The Clerk's Office hours are 8:30 a.m. to 4:30 p.m.

12. WHO CAN I SPEAK WITH IF I HAVE A QUESTION ABOUT AN APPELLATE EFILING?

The first point of contact for any efiling question should be the EFSP. If the question cannot be resolved with the EFSP, you may contact the Appellate Division Clerk's Office at (213) 830-0800.

13. ON MISDEMEANOR APPEALS, HAS THE CASE ALREADY BEEN INITIATED WITH THE APPELLATE DIVISION WHEN COUNSEL IS APPOINTED?

Yes. The case will have already been initiated and an appellate case number assigned prior to the appointment of appellate counsel. Documents filed by appellate counsel must be electronically filed using the "file in existing case" option and the appellate case number.

14. DO COURT-APPOINTED ATTORNEYS HAVE TO EFILE AND PAY FEES FOR EFILING?

Unless a fee waiver is granted or the party is exempt from filing fees pursuant to <u>Government Code 6103</u>, fees are required for all filings. Court-appointed attorneys will seek reimbursement for fees through the <u>ePACE Portal</u>. Further information on reimbursement of efiling fees can be found in item 13 of 2024-Gen-004-00.

GENERAL EFILING FAQS

15. HOW DOES EFILING WORK?

Electronic filing of Court documents occurs through an electronic filing service provider (EFSP). The user creates an account and the efiling system manages the flow of the documents to and from the Court. The filer will submit the documents and fees to the EFSP for submission to the Court. The Court will accept or reject the documents. Once the Court has processed the submitted document(s), they are returned to the filer through the EFSP's electronic filing portal.

16. HOW SHOULD I SUBMIT MY MOTION AND SUPPORTING DOCUMENTS?

When submitting motions with supporting documents, each document may be included in the same transaction or envelope. However, all documents must be submitted as separate searchable PDF documents.

17. CAN I EFILE A CONFIDENTIAL DOCUMENT?

The filer may not establish a document's security level. In other words, a document submitted as "confidential" by the filer will only become confidential pursuant to legal authority or if the Court makes that determination.

18. CAN JUDICIAL COUNCIL FORMS BE EFILED?

Yes. Judicial Council forms are fillable and can be uploaded for efiling.

19. DO I NEED TO SCAN A DOCUMENT THAT INCLUDES AN ORIGINAL SIGNATURE?

No. Retention of original signed documents is governed by <u>California Rules of Court, rule 2.257</u> and <u>Code of Civil Procedure section 1010.6</u>.

General efiling FAQs re: Technical Requirements

20. WHAT ARE THE TECHNICAL REQUIREMENTS FOR DOCUMENTS BEING EFILED?

The "Technical Requirements" section on page 2 of the <u>General Order re Mandatory Electronic</u> <u>Filing for Appellate Division</u> outlines the requirements for document formatting.

21. WHERE DO I FIND MY TRANSACTION NUMBER?

The transaction number appears as the "Submission Number" on your confirmation of filing.

22. WHAT IS AN "ELECTRONIC ENVELOPE?"

An electronic envelope is a transaction containing one or more PDF documents submitted through the EFSP to the Court for filing or processing.

23. WHY IS A "LEAD DOCUMENT" NECESSARY?

If multiple documents are submitted in one transaction, the Lead Document is the one that is most important. For example, if you are filing a motion with a supporting declaration and proof of service, the motion would be the lead document. It is important to properly identify the lead document as this will affect the priority and timing for processing by the Court. Also, it ensures that the document is directed to the appropriate location or Court personnel.

24. WHAT IS A "BOOKMARK" ON A DOCUMENT?

A bookmark is a PDF navigational tool that allows the reader to quickly locate and navigate to a designated point of interest within a document.

25. WHAT IS A "HYPERLINK?"

A hyperlink is an electronic link that provides direct access from one distinctively marked place in a hypertext or hypermedia document to another in the same or different document.

26. CAN I USE MY PERSONAL COMPUTER TO EFILE?

Yes. You can use your personal computer to submit filings through an EFSP. You will use the internet to select the EFSP and submit your documents for filing. The document should be uploaded as an attachment. For instructions, refer to your EFSP's website.

27. DOES IT MATTER WHAT DPI (DOTS PER INCH) IS USED WHEN SCANNING A DOCUMENT?

Yes. The Trial Court Records Manual recommends 300 DPI resolution. DPI refers to the output resolution of the scanner when a document is scanned. The DPI only factors in if you are scanning and attaching a document. Please make sure the document scanning process will render the document searchable as required by the general order. If you start your document in a word processing application and convert it to PDF, text searchable format will be preserved.

28. SHOULD A DOCUMENT BE PASSWORD PROTECTED?

No. Documents should not be password protected and will be rejected if the content cannot be viewed.

29. WILL THE COURT ACCEPT A SCANNED PDF WHEN THIRD-PARTY LEGAL SOFTWARE IS USED TO COMPLETE FORMS?

Yes. Forms completed using third-party software can be efiled as uploaded PDFs. Documents submitted via efiling must be text searchable.

30. WHAT ARE THE FILE SIZE LIMITATIONS FOR EFILING?

The Court technically has no limit on the file size that its equipment can receive. However, EFSPs may have restrictions. A good guideline is 25 megabytes per document and 60 megabytes per efiling transaction. The majority of filings can be submitted easily through the EFSP.

It is important to review the Los Angeles Superior Court Appellate Division Local Rule 9.6(c) for information regarding the length of briefs.

31. WHAT IS THE PROCESS WHEN AN EFILED DOCUMENT EXCEEDS THE FILE SIZE LIMIT?

If the document exceeds the size limit established by your EFSP, it will be returned to the e-filer with an error message such as "File size too large – please reduce and resubmit." If your document or transaction exceeds the limits, your EFSP can assist in optimizing your files and/or utilizing its File Transfer Protocol (FTP) for extremely large documents.

General efiling FAQs re: Electronic Filing Service Providers (EFSP)

32. DO I HAVE TO USE AN EFSP? WHICH EFSP CAN I USE?

Yes. The Judicial Council of California has mandated that all Courts accepting electronically filed documents use independent EFSPs. Pursuant to <u>Code of Civil Procedure Section 1010.6(e)</u>, the Court may not accept electronic filings directly. You can find a list of approved service providers on the Court's website.

33. WHY DO I HAVE TO REGISTER AS A PARTY WITH AN EFSP?

Registration with an EFSP is required to establish an account for electronically filed documents. The account will allow you to check the status of the documents and provide a way for the Court to return them to you.

34. CAN I CHANGE MY EFSP AFTER I HAVE CHOSEN AND REGISTERED WITH ONE?

Yes. You may change to a different service provider at any time. Selecting and using an EFSP is like using an "attorney service" for filings, except the filings are processed electronically.

35. WHERE CAN I FIND MORE INFORMATION ABOUT THE SERVICES OFFERED BY THE EFSP?

Information about services offered by individual EFSPs can be found on their websites. A list of EFSPs can be found on the Court's <u>website</u>.

General efiling FAQs re: eFiling Costs/Fees & Refunds

36. IS THERE A COST TO EFILE?

Yes. The Court and the EFSP charge for efiling. All fees are collected by the EFSP when the filing is submitted. For Court fees related to electronic filing, refer to the Court's official fee schedule.

37. ARE EFILING FEES RECOVERABLE?

Efiling fees may be recoverable pursuant to Code of Civil Procedure Section 1033.5.

38. WHAT TYPES OF PAYMENTS DO YOU ACCEPT?

Payments are made through the EFSP. Please check with the EFSP of your choice for specific information regarding payment types. Credit cards and electronic checks are accepted.

39. HOW CAN I REQUEST A REFUND?

Use the <u>Form LACIV 150</u> to request a refund. Requests may be efiled, submitted in person at the Appellate Division Clerk's Office, or via U.S. Mail. The request will be reviewed by the Court. Fees for efiled documents will be refunded to the EFSP pursuant to <u>Code of Civil Procedure Section 411.20</u> and Government Code Section 6159.

40. WHAT ARE THE QUALIFYING REASONS FOR A REFUND?

Refunds will be processed for the following reasons:

- Fees were inappropriately charged by the Court.
- Fees were inappropriately charged due to Court system errors.
- Fees were inappropriately charged to a party after a fee waiver was granted.
- Fees were inappropriately charged to an agency that is exempt per GC 6103.
- Fees are ordered refunded by the judicial officer.

41. TO WHOM WILL THE REFUND BE ISSUED?

If the refund is requested for an efiled transaction, the refund will be returned to the entity that made the payment for the efiled document (typically the EFSP) to comply with GC 6159. If the refund is for a payment made over the counter or by mail, the refund will be payable to the payor.

42. WHAT IS THE DIFFERENCE BETWEEN MY REFUND BEING DENIED AND REJECTED?

Denied means the request was not deemed to be a valid reason for a refund and will not be processed. Rejected means that the Request for Refund form was incomplete, missing information, and needs to be returned for completion or correction.

43. HOW WILL THE EFSP KNOW WHAT CASES AND TRANSACTIONS HAVE BEEN REFUNDED?

The Court generates a bi-weekly report of all refunds for efiled transactions and emails the report to all the EFSPs. The report contains information regarding the case numbers, EFM transaction numbers, refund amounts, refund dates, and check numbers.

General efiling FAQs re: eFiling Hours/Processing Time

44. ONCE I EFILE A DOCUMENT, WHAT IS THE TIME FOR PROCESSING?

The turnaround time will depend on the type of document submitted. The Court attempts to confirm the filing or receipt of documents within two (2) business days. Documents requiring review and/or further action by the Court may take longer than two (2) days to process. Documents submitted with appropriate fees and free of defects that do not require a signature from the Court will be filed as of the court date the document was received (see next question for further information).

45. WHAT ARE THE FILING HOURS FOR EFILING?

Filings may be electronically submitted 24 hours a day. Any efiling received by the Court before midnight will be deemed received or filed on the same business day if accepted. Any efiling submitted after midnight will be deemed received or filed as of the next business day if accepted. Any efiling submitted on a non-court day will be deemed filed on the next court day, if accepted. Check with your EFSP if you have questions about the timeliness of your submission.

46. DOES THE COURT HAVE A POLICY REGARDING DOCUMENTS EFILED ON THE LAST DAY?

No. Statutory requirements apply for preservation of any statute of limitation on filings, including those submitted electronically. Efiling does not change the "last day to file" requirements.

General efiling FAQs re: Availability of Documents

47. ARE EFILED DOCUMENTS PRINTED FOR THE COURT FILE?

No. Documents that are electronically filed and accepted by the Court are automatically uploaded to the Court's case management system. This allows Court staff and judicial officers to electronically view the documents without printing or maintaining physical Court files. The electronic record is the official Court record pursuant to Government Code Section 68150(a).

48. ARE DOCUMENTS AVAILABLE TO THE PUBLIC UPON SUBMISSION OR UPON PROCESSING?

Filing parties may view submitted documents immediately through their EFSP portal. Other parties can view filed documents on the Court's website or public terminals at any Los Angeles County Courthouse. A document is not considered filed until a "filed" stamp is affixed by the Court.

General efiling FAQs re: Rejected Documents/Errors

49. WHAT ARE COMMON REASONS FOR REJECTION?

In addition to failing to follow <u>California Rules of Court, rules 2.100 et seq.</u>, some common reasons a filing may be rejected by the Court include, but are not limited to:

- Documents not submitted as separate text searchable PDFs in the same transaction/ envelope (e.g., multiple documents are submitted as a single filed document).
- Incorrection information entered in data fields or does not match the document image (e.g., the incorrect Filing Document Name is selected, case number does not match).
- A party's name or address does not match the information stated on the document.
- Incorrect payment statement is selected (e.g., fee waiver or GC 6103).
- Incorrect case type or case category is selected.
- Incorrect Court location is selected.
- Duplicate submission.
- Document is not bookmarked and/or text searchable.

50. WHAT DO I DO IF MY DOCUMENT IS REJECTED?

Any Notice of Rejection sent by the Court will include the reason for the return of the document. If your document is rejected, correct the deficiency, and resubmit the document via efiling. If the document is not timely filed because of the rejection or filing error, you will need to apply to the Court for relief or other corrective order.

51. WHAT HAPPENS IF I SELECT THE WRONG COURT LOCATION?

Your electronically filed document will be rejected and electronically returned to you through the EFSP for correction and resubmission with the proper filing location indicated.

52. HOW DO I CORRECT AN ERROR IN EFILING?

Depending on the type of filing, you may file an amended document or apply to the Court for relief or other corrective order. If a motion is filed in error, notify the Court that the motion will not be going forward as scheduled.

53. CAN I CANCEL A TRANSACTION AFTER SUBMISSION?

No. Once the transaction is electronically submitted, it cannot be canceled.

General efiling FAQs re: Service

54. MUST I FILE A PROOF OF SERVICE IF I ELECTRONICALLY SERVE?

Yes. A proof of service must be efiled pursuant to California Rules of Court, rule 2.251(j)(1) - (3).

55. WILL THE COURT ELECTRONICALLY SERVE OTHER PARTIES FOR ME?

No. The Court will not electronically serve other parties on behalf of another party. Contact your EFSP for options.

56. CAN I USE AN EFSP TO ELECTRONICALLY SERVE OTHER PARTIES?

Yes. EFSPs offer this service for a fee. Refer to the specific EFSP's website to determine which service best fits your business needs.

57. CAN I ASK TO SEND A CONFIRMATION EMAIL TO ANOTHER PARTY/PERSON?

Your EFSP may provide the option to send a confirmation email to another email address other than what is indicated in your registered account. The confirmation email is not considered electronic service of the document.

58. WHAT ARE THE RULES OR GUIDELINES FOR ELECTRONIC SERVICE?

Refer to California Rules of Court, rule 2.251, and Code of Civil Procedure Section 1010.6.

59. IF I FILE ELECTRONICALLY, HAVE I CONSENTED TO ELECTRONIC SERVICE IN THIS CASE?

Yes. Because efiling is mandatory, by efiling the document you agree to accept electronic service at the electronic service address you provided. Refer to <u>California Rules of Court, rule 2.251(C)(3)</u>. Self-represented parties and parties exempt from efiling must affirmatively consent to the acceptance of electronic service. Refer to <u>California Rules of Court, rule 2.251(b)(1)(B)</u> and <u>Judicial Council form EFS-005-CV</u>.