

1 **Emergency rule 12. Electronic service**

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3 **(a) Application**

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5 (1) Notwithstanding any other law, including Code of Civil Procedure section
6 1010.6, Probate Code section 1215, and rule 2.251, this rule applies in all
7 general civil cases and proceedings under the Family and Probate Codes,
8 unless a court orders otherwise.

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10 (2) Notwithstanding (1), the rule does not apply in cases where parties are
11 already required by court order or local rule to provide or accept notices and
12 documents by electronic service, and is not intended to prohibit electronic
13 service in cases not addressed by this rule.

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15 **(b) Required electronic service**

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17 (1) A party represented by counsel, who has appeared in an action or proceeding,
18 must accept electronic service of a notice or document that may be served by
19 mail, express mail, overnight delivery, or facsimile transmission. Before first
20 serving a represented party electronically, the serving party must confirm by
21 telephone or email the appropriate electronic service address for counsel
22 being served.

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24 (2) A party represented by counsel must, upon the request of any party who has
25 appeared in an action or proceeding and who provides an electronic service
26 address and a copy of this rule, electronically serve the requesting party with
27 any notice or document that may be served by mail, express mail, overnight
28 delivery, or facsimile transmission.

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30 **(c) Permissive electronic service**

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

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36 **(d) Time**

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38 (1) In general civil cases and proceedings under the Family Code, the provisions
39 of Code of Civil Procedure section 1010.6(a)(4) and (5) apply to electronic
40 service under this rule.

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42 (2) In proceedings under the Probate Code, the provisions of Probate Code
43 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.