



Instructions and Suggestions for FDAP Panel Attorneys for the New First Appellate District Electronic Filing System Effective June 2, 2014

May 2014

On June 2, 2014, for all filings except case-initiating documents, the First District Court of Appeal will discontinue the current e-filing/e-submission system that has been in use for the past year, eliminate the distinction between e-filing and e-submission, and mandate e-filing through a website operated by a third-party vendor, [TrueFiling](#). Initially, case-initiating filings, i.e. documents filed before a Court of Appeal case number is assigned to a matter - such as an original writ - will not be electronically filed through TrueFiling and will still be paper filed and e-submitted via [the Court of Appeal's outgoing e-submission website](#). Case-initiating documents will be subject to the new TrueFiling system on a date to be determined later.¹ The suggestions and information provided below apply to all filings, except case-initiating documents, starting on June 2, 2014, and to case-initiating documents at a date to be determined later.

Under the new electronic filing system attorneys will no longer file paper documents in the Court of Appeal. Instead, filings will be transmitted to the Court of Appeal via the TrueFiling website: <https://www.truefiling.com/>. E-filing will be mandatory, with non-compliance potentially subject to sanctions (Local Rule 16(m)), effective June 2, 2014.

This document, which has been prepared by FDAP and not the Court of Appeal, is not intended to serve as a comprehensive step-by-step guide to e-filing in the First District Court of Appeal. Instead, FDAP will focus on major steps in the process, provide some general reminders, and give some specific advice based on our experience testing the TrueFiling system.

TrueFiling Training Videos: [The First District Court of Appeal's website](#) includes a link to a YouTube [training video library](#) to walk you through the TrueFiling enrollment

¹ In panel cases, case-initiating documents generally are limited to the first filing in a writ proceeding, such as an original habeas petition or an original petition for writ of mandate. Once a case number is assigned to a writ proceeding, subsequent filings in an original proceeding are not “case-initiating” documents and will be filed electronically in the TrueFiling system starting on June 2.

and filing processes. These videos are not specific to the First District Court of Appeal; they are general training videos produced by TrueFiling for all users of their e-filing system, which is in use in various courts throughout the country.

Local Rule 16: FDAP recommends that attorneys start by reviewing [Local Rule 16](#) [[“Electronic Filing”](#)], which provides a basic overview of the First District Court of Appeal’s e-filing requirements. Much of the information in this email will track the structure of Local Rule 16. This email will in some ways provide greater detail than the rule and, in other ways, provide less detail than the rule. In other words, this email is not a substitute for familiarizing yourself with the full content of Local Rule 16.

Registration: All attorneys appointed to cases in the First District Court of Appeal must register on the TrueFiling website. If you have not done so already, register immediately. You do not need to wait until the e-filing system goes live on June 2, 2014, to register. If you have support staff who will be filing documents for you, be sure to register as a “Law Firm,” add your support staff as a “Login User”/“Filer” and add yourself as an “attorney.” This will allow your staff to file for you. After registering, should your email address change, you must update your TrueFiling account with your current email address to ensure that you receive all notifications for your appointed cases. Similarly, if you change your email address, you must inform the Court of Appeal and FDAP of your new email address, just as you would if your business address or phone number were to change. (Cal. Rules of Court, rule 8.32 (b).) When you register, use your email address as your username. If you forget your password, do not contact TrueFiling, the Court of Appeal, or FDAP. There is a “reset password” button on the [Account Logon](#) page to remedy this problem.

After you have registered, it is important that you confirm that you and your email address are associated with your open cases. Even if you are not about to file a document, we recommend that you confirm whether you are properly listed in each of your cases to ensure that other parties can serve you through TrueFiling. (Spot checking has shown that panel attorneys are not always automatically associated in TrueFiling with their cases.) Follow the instructions below for “Finding Your Case” to confirm whether you are listed as counsel in the “Contacts” section of the TrueFiling page for your open cases. If it appears that you, the appointed panel attorney, have been omitted as a contact from some or all of your open cases, it may be that the Court of Appeal’s master attorney list is missing your email address. To remedy this problem, you can send an email to Susan Graham (Susan.Graham@jud.ca.gov), Assistant Clerk of the First District Court of Appeal, asking her to update your master contact with your email address.

Document Format (PDFs): While Local Rule 16 requires only that attorneys e-file documents in a format “readily capable of conversion to PDF format,” FDAP strongly recommends that attorneys convert all filings to PDFs on your own before e-filing them. The outgoing e-submission/e-filing system has already required conversion to PDFs for over a year, so converting documents to PDFs on your own should not impose any additional burden above and beyond current standard practice. Converting documents to PDFs yourself and looking them over in PDF format before e-filing them is the best way to ensure that the Court of Appeal receives the document you are e-filing exactly as you intended. PDFs must be text-searchable, and no single PDF may exceed 25 MB in size. If the document you intend to file exceeds 25 MB, you must break it down into separate PDF files.

Creating PDFs

Click in this box to be directed to ADI’s helpful instructions on how to convert documents to PDF format.

Signatures: According to Local Rule 16(c): “A TrueFiling user ID and password is the equivalent of an electronic signature for a registered attorney or party. Any document displaying the symbol ‘/s/’ with the attorney’s or party’s printed name shall be deemed signed by that attorney/party.” Attorneys do not, therefore, have to sign by hand any briefs, petitions, motions, applications, or letters, etc., e-filed through TrueFiling.

Filing Deadlines: Pursuant to Local Rule 16(f), if a filing is due on a given day, and no particular time is specified (which will almost always be the case), an e-filed document will be considered timely so long as it is received by the Court of Appeal clerk before midnight on the due date. Note that if you commence the e-filing process before midnight but do not complete it until after midnight, the filing will be deemed untimely. A late filing will be considered timely if e-filed the following business day after a day in which the TrueFiling system was down due to a “technical error” for a period of more than one hour after 12:00 p.m. on the due date. If a filing deadline is missed for any reason other than a TrueFiling technical error, you must file a motion seeking permission from the Court of Appeal for late filing.

Manual Filing (the rare exception to e-filing): Local Rule 16(i) permits the filing of a paper version of a document only if all three of the following conditions are met: “(1) [the document] is not available in electronic format; (2) it must therefore be scanned to PDF; and (3) the file size of the scanned document exceeds the [25 MB] limit”

While there will occasionally be circumstances where paper filing will be the only option, all three criteria for manual filing will rarely be met and attorneys should make every effort to e-file all documents.

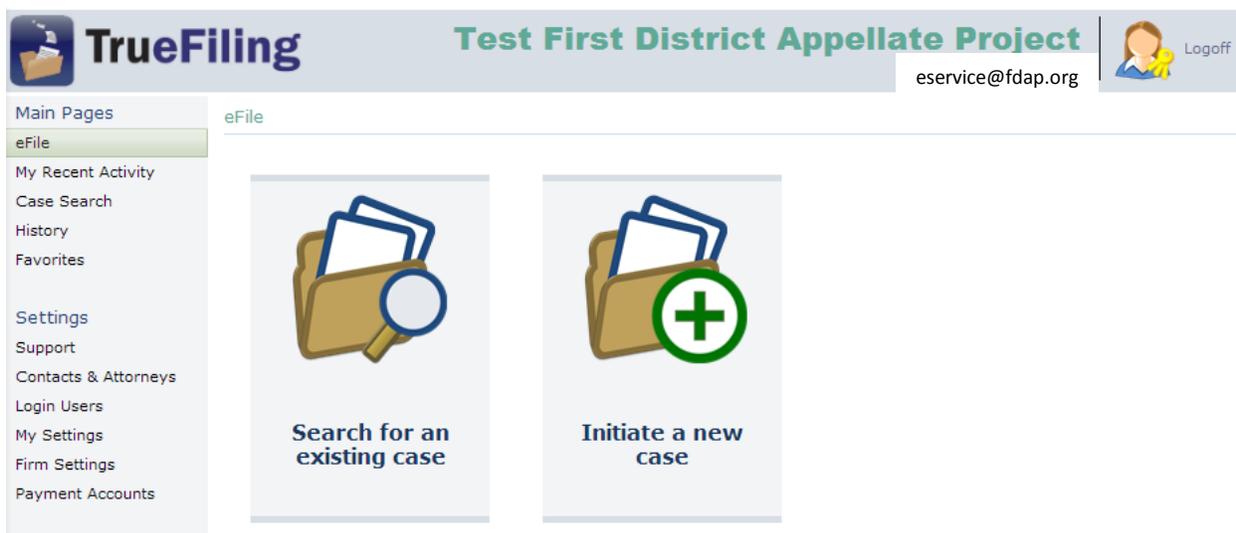
Setting Up TrueFiling Email Notifications: Before e-filing your first document, FDAP recommends that you log-in to TrueFiling and set up your global preferences for “Email Notifications” in the “My Settings” section of your TrueFiling account page. You do not need to wait until the system goes live on June 2, 2014, to set up these or any other preferences. Below is a screen shot of what this page will look like and the email notification options that are available:

The screenshot shows the TrueFiling user interface. At the top, there is a navigation bar with the TrueFiling logo, the text "Test First District Appellate Project", and a user profile icon with the email "eservice@fdap.org" and a "Logoff" link. On the left side, there is a sidebar menu with categories: "Main Pages" (eFile, My Recent Activity, Case Search, History, Favorites), "Settings" (Support, Contacts & Attorneys, Login Users, My Settings - highlighted, Firm Settings, Payment Accounts), "Resources" (Quick Start Guide, User Guide, Admin Guide, FAQ, About), and "Training" (Videos). The main content area is titled "My Settings" and contains two sections: "Password Change" and "Preferences". The "Password Change" section has three input fields for "Old Password", "New Password", and "Re-type Password", and a "Change Password" button. The "Preferences" section is titled "These are the preferences available for you to personalize." and contains two sub-sections: "Default Page" with a dropdown menu set to "eFile", and "Email Notifications" with a list of eight notification options, all of which have their checkboxes selected. The "Email Notifications" options are: "Email me when a filing is Rejected.", "Email me when a filing is Accepted, pending payment.", "Email me when a filing is Rejected due to Payment issues.", "Email me when a filing is Paid.", "Email me when a filing is Filed.", "Email me when the court sends comments on a filing.", "Email me when the court sends system messages for a filing.", and "Email me when the court creates a case I initiated." At the bottom of the "Email Notifications" section is a "Save Preferences" button.

The more options you select, the more case-specific emails you will receive from TrueFiling after each filing is submitted. You may wish to start off by selecting all of the notification options. As you get used to the system and familiar with the content of the

various notifications, you may decide that you do not need to receive all of the notifications. At that time you can return to your settings and uncheck the notifications you no longer wish to receive. Although you will not need to provide receipts for e-filing expenses to FDAP when you send in your compensation claims, you should keep copies of your payment confirmations, just as you retain documentation of all other expenses in your cases.

Finding Your Case: When you are ready to e-file a document, click on the “eFile” link at the top left corner of the page. You will be given two options: “Search for an existing case” or “Initiate a new case.”



In almost all cases, including all appellate cases to which you have already been appointed, you will select: “Search for an existing case.” The “Initiate a new case option” will generally only be applicable to panel cases when filing original writ petitions (and, as noted above, when the TrueFiling system launches on June 2, 2014, case-initiating documents, such as original writ petitions, will continue to be e-submitted using the Court of Appeal’s [outgoing e-submission website](#)).

After clicking on “Search for an existing case,” on the following page, make sure the California First District Court of Appeal appears in the “Court” drop-down menu, then type in the Court of Appeal case number in the “Case Search” field, and click “Search.” Your case should appear below on the same screen in the “Search Results” area:

The screenshot shows the TrueFiling interface for the 'Test First District Appellate Project'. The user is logged in as 'eservice@fdap.org'. The 'Case Search' section shows the court selected as 'CA Test 1st District Court of Appeal' and the case number 'A140961'. The 'Search Results' table displays one result:

Case Number	Court	Case Title	Date
A140961	CA Test 1st District Court of Appeal	TESTgov09	1/14/2014

Click on the case number that appears in the “Search Results” area, which will take you to that case’s main screen:

The screenshot shows the TrueFiling interface for the 'Test First District Appellate Project' displaying the details for Case A140961. The case information is as follows:

- Case Number:** A140961
- Case Title:** TESTgov09
- Court:** CA Test 1st District Court of Appeal

Below the case information, there are options to 'Add to Favorites' and 'View Register of Actions'. The 'Case Filings' section shows a filing for 'JP Script 1 AOB Bundle' with a status of 'Paid' and a fee of '\$0.00'. The 'Contacts' section lists 'First District Appellate Project' and 'Office Of The Attorney General' as attorneys. The 'Electronic Case Files' section states: 'The court does not provide access to the electronic case file.'

Adding E-Service Recipients: The Court of Appeal has added FDAP and the Attorney General (if applicable) as “Contacts” associated with the case in the vast majority of panel cases. If you discover, however, that FDAP or the Attorney General has been omitted as a contact from one of your cases, you should manually add either or both by clicking “Add Contact” or “Add New Contact” (depending on whether this is the first time you have added the particular contact) and following the on-screen prompts. When adding FDAP, use eservice@fdap.org as the contact email address, and, when adding the Attorney General, use SFAG.Docketing@doj.ca.gov as the contact email address. If you would like to add any other contact for e-service (perhaps if trial counsel, county counsel in a dependency case, or your client has provided you with an email address in order to be served by email through TrueFiling), you can do so in the same manner.

Starting the E-Filing Process: To e-file a document, click on “Add New Filing” in the middle of the screen. A pop-up window will appear, prompting you to enter the “Filing Name,” create or add to a “bundle” (if necessary), and type in a “Client/Matter Number” for your own reference. Only a “Filing Name” is required to proceed to the next step. The pop-up window explains “Bundles,” which function as a mechanism for grouping together multiple documents being e-filed in a single case into a single transaction. If you are e-filing three or more documents in a single case, by bundling them, you will receive a discount on the filing fee (i.e., the fee will be capped at the fee applicable to filing two documents).

New filing for Case A140961, CA Test 1st District Court of Appeal
✖

Create or Select Existing Bundle
Steps: 1 2 3 4 5 6

Filing Name

Bundles

Multiple filings can be submitted to the court in one transaction through a feature TrueFiling calls 'bundling'. A bundle can contain multiple filings and each filing can have multiple attachments.

The filing fees will be calculated based on the filings contained in the bundle. Additional fees may vary depending on the types of filings in the bundle and the destination court rules.

For this new filing, you can either add to an existing bundle or create a new one.

Create a New Bundle.

There are no existing bundles for the new filing. A new bundle will be automatically created for you. Feel free to change the default name to something relevant to you or the filing. Note, the bundle name will not be sent to the court with the filing.

Add this filing to the following Bundle

Bundle-20140521-635362931597621810

Client/Matter Number

Use the following Client/Matter Number for this filing

✎

Cancel
Next >>

After you enter the pertinent information and click “Next,” the following screen will prompt you to select the type of document you are e-filing:

New filing for Case A140961, CA Test 1st District Court of Appeal

Click one of the filing types listed below Steps: 1 2 3 4 5 6

Filing Name:



Filing Type

A filing is based on one of the appropriate filing types for the current case's type. The filing type determines the filing fee and helps determine the code to use on the case docket.

The filing types and associated fees may vary depending on the case type and the destination court rules.

Filing Fee:
Processing Fee:
Form URL:

APPENDIX - APPELLANT'S APPENDIX	\$0.00
APPENDIX - JOINT APPENDIX	\$0.00
APPENDIX - RESPONDENT'S APPENDIX	\$0.00
APPLICATION - APPLICATION	\$0.00
APPLICATION - APPLICATION FOR WAIVER OF ...	\$0.00
APPLICATION - APPLICATION TO FILE AMICUS...	\$0.00
BRIEF - AMICUS CURIAE BRIEF	\$0.00
BRIEF - ANSWER TO PETITION	\$0.00
BRIEF - ANSWER TO REHEARING PETITION	\$0.00
BRIEF - APPELLANT'S OPENING BRIEF	\$0.00
BRIEF - APPELLANT'S REPLY BRIEF	\$0.00
BRIEF - BEN C. BRIEF	\$0.00

Choose the document type and then click “Next.” The ensuing screen will ask you to “Click the attorney responsible for the filing.” In most cases, unless you are part of a firm, your own name will be the only attorney option to select. After selecting the filing attorney, click “Next.”

Uploading PDF Documents: The following screen will ask you to upload the document you will be e-filing, by clicking “Choose File.”

New filing for Case A140961, CA Test 1st District Court of Appeal

Upload documents associated with this filing Steps: 1 2 3 4 5 6

Filing Name Appellant's Opening Brief

Filing

A filing consists of a primary document and one or more attachments. File types can be Microsoft Word, Adobe PDF, a text file or an image such as a TIFF, PNG or JPG. DO NOT use Attachments to file a separate primary document such as a Brief, Motion or Notice of Hearing. Improper use of Attachments will cause the entire bundle to be rejected.

Filing fees are calculated by the filing type selected. Additional fees may vary depending on the filing type and the destination court rules.

Primary Document

Choose File No file chosen

Upload

Cancel << Previous Next >>

Once you have selected the document from your hard drive or network, click on the “Upload” button and then click “Next.” Note that you only need to click on the “Attachments” checkbox (see image below) if you are “adding pages to the currently selected document type.” In most cases, you will not need to check the “Attachments” box.

New filing for Case A140961, CA Test 1st District Court of Appeal

Upload documents associated with this filing Steps: 1 2 3 4 5 6

Filing Name Appellant's Opening Brief

Filing

A filing consists of a primary document and one or more attachments. File types can be Microsoft Word, Adobe PDF, a text file or an image such as a TIFF, PNG or JPG. DO NOT use Attachments to file a separate primary document such as a Brief, Motion or Notice of Hearing. Improper use of Attachments will cause the entire bundle to be rejected.

Filing fees are calculated by the filing type selected. Additional fees may vary depending on the filing type and the destination court rules.

Primary Document

A140961_AOB_Test.pdf

Attachments

By checking this box, I acknowledge that the attachment button is only for adding pages to the currently selected document type, and not to add another document type to the current filing.

Cancel << Previous Next >>

Designating Sealed, Confidential, and Priority Filings: The next window will instruct you to “Choose the filing properties.” This window is where, if necessary, you would designate a document as “Sealed,” “Priority,” and/or “Confidential.” Click “Next” after checking the appropriate box(es) or leaving all boxes blank.

New filing for Case A140961, CA Test 1st District Court of Appeal

Choose the filing properties Steps: 1 2 3 4 5 6

Filing Name



Properties

Select applicable properties:

- Sealed
- Priority
- Confidential

Add any memo text to the filing below:

E-Service and Proofs of Service: The next step is to “Choose the servicing type and recipients.” As you will see, TrueFiling can create a proof of service for you. In all criminal and juvenile delinquency cases, this window should be automatically populated with FDAP and the Attorney General as available service recipients. For juvenile dependency cases, only FDAP will be automatically entered as a service recipient, though it is our hope that county counsel will at some point be added as an automatic service recipient. In addition, we anticipate obtaining e-service email addresses for various public defender offices, district attorney offices, and trial courts, and we will share these e-service addresses with the panel as we obtain them. You will then be able to add these entities manually as e-service recipients as well. FDAP recommends that you always select the option: “Yes, I would like to e-serve this filing.” Then click “Finish.”

If you select “Yes, I would like to e-serve this filing,” FDAP will automatically be e-served with copies of the document(s) you are e-filing at that moment, as will the AG in

criminal and delinquency appeals. You will not need to send either FDAP or the AG separate emails containing the PDF(s) you have e-served. So long as you select the “yes” option, FDAP and the AG (if relevant) will automatically receive an email with a link to download the document(s) you have just e-filed. *Unfortunately, for many filings you will still need to attach to your pleading a traditional proof of service in addition to choosing the automatic e-service option.* This is true because, for example, if you are filing an opening brief, you will still need to serve the trial court, the district attorney (or county counsel), your client’s trial attorney, and your client. For documents where service on any entities other than FDAP and the AG is optional (such as a record omission letter, most motions, an oral argument request, etc.), you will not need to create a separate proof of service. However, where appropriate (such as with an extension of time request or any other document you would normally serve on your client), you should still always send a copy of the filing to your client, even though you will not have filed a proof of service indicating that you have served your client.

New filing for Case A140961, CA Test 1st District Court of Appeal

Choose the servicing type and recipients Steps: 1 2 3 4 5 6

Filing Name



Servicing

TrueFiling can electronically serve filings to opposing parties.

Servicing fees may vary depending on the filing type and court rules.

Fee: \$3.00

Type: Immediately

A proof of service is required to be filed with **CA Test 1st District Court of Appeal**. For an additional **\$3.00**, TrueFiling will e-serve the recipients selected below and automatically generate and submit a Proof of Service to the Court. For **BRIEF - APPELLANT'S OPENING BRIEF** filings, e-service and generation of a Proof of Service will occur **upon submission of the filing**.

Yes, I would like to e-serve this filing
 No thanks, I will submit a Proof of Service to the court

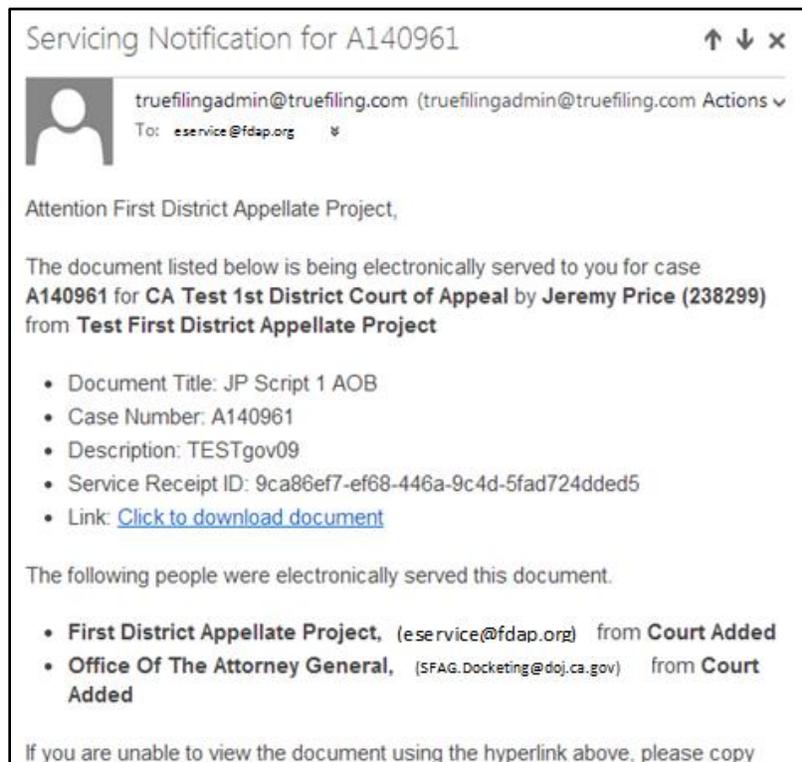
Email	Last Name	First Name	Law Firm
 eservice@fdap.org	First District Appellate Project		Court Added
 SFAG.Docketing@doj.ca.gov	Office Of The Attorney General		Court Added

Cancel
<< Previous
Finish

Completing the E-Filing Process: After you select your service recipients and click “Finish,” you will be directed to the last step in the e-filing process, in which you will select your payment method and then click “Submit.” The site will ask you: “Are you sure you wish to submit this bundle to the court?” If you are ready to submit the document(s), click “OK,” and you will be done. You should be directed to a page indicating that the document(s) you e-filed have been submitted.

Shortly thereafter, you should receive email notifications according to the preferences you chose when you set up your preferences. You should check your email and/or the “My Recent Activity” page on the TrueFiling website to view confirmation that your filing has in fact been submitted and received by the Court of Appeal, which is a distinct and subsequent status from “submitted.” There will be some lag between the time you receive notification that your e-filing has been submitted and notification that your e-filing has been received. When you receive email confirmation that the Court of Appeal has formally filed the document, the email will contain a link to the document with an electronic time-stamp on it. The timeliness of a filing is determined by when it is received and not by when it is submitted.

Receiving and Downloading Service Documents: When opposing counsel (or, for example, co-appellant’s counsel) e-serves you through TrueFiling’s automatic proof of service option, you will receive an email from TrueFiling that contains a link from which you can download the e-served document and a list of all other e-service recipients. Note that you will only receive a link to download the e-served document. The notification email will not contain a PDF attachment of the e-served document. Below is a sample e-service notification email. You should download the linked document immediately upon receipt of the email notification, as PDFs will only remain on TrueFiling’s servers for 90 days.



Filing Fees: Panel attorneys will be responsible for paying vendor fees for each filing: \$6 per e-filed document and \$3 for e-service. The customary total fee per filing, therefore, will be \$9. If you file two or more documents in a single bundle, the total fee will be \$18. If you file three or more documents in a single bundle the total fee will still be \$18. All filing fees will be reimbursable and should be claimed on the “other” expense line of your compensation claim. You will need to provide TrueFiling with a credit card or debit card to complete all e-filing transactions. Pre-paid debit cards, like debit cards tied to a bank account, are acceptable. Because panel attorneys will be reimbursed for e-filing vendor fees, there is no procedure for panel attorneys to apply for a fee waiver.

Court Orders and Similar Documents: When the TrueFiling system goes live on June 2, 2014, the Court of Appeal will continue to serve orders, notices, opinions, etc., by regular mail. Due to the complexities of the Court’s document management system, e-service of such documents will have to wait. Court of Appeal rulings on e-filed EOTs, however, will be delivered to attorneys by email through the TrueFiling system.

Court of Appeal Online Docket: The TrueFiling system will not replace [the Court of Appeal’s online docket website](#). This site will remain the primary location for viewing the register of actions in your cases (or any cases) and for signing up for email notifications from the Court of Appeal to be alerted about major events in your cases (or cases you are following), such as the filing of the record, the calendaring of oral argument, and the issuance of the opinion, etc. The Court of Appeal’s online docket will also be accessible from within TrueFiling by clicking on “View Register of Actions” when you are looking at a particular case.

The online docket will retain its current format, as the capacity to create a docket hyperlinked to filings is not yet available in the Court’s system.

Questions?: If you have technical questions about how to use the TrueFiling website or need to troubleshoot problems you are having, you should start by contacting TrueFiling by email at support@truefiling.com or by phone at (855) 959-8868. FDAP is available, as always, for consultations regarding filing requirements.