

## SECOND E-SERVICE ALERT

FEBRUARY 20, 2014

In this alert<sup>1</sup> we announce:

- **Monday, March 3**, is the start date for our expanded, mandatory electronic service program.
- **Dependency cases from San Diego County** are added to that program.

We also note minor modifications to the agreements distributed with the February 5 alert.

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### MANDATORY E-SERVICE WILL START MARCH 3 AND NOW WILL INCLUDE DEPENDENCY APPEALS FROM SAN DIEGO COUNTY, AS WELL AS AG CASES

The mandatory e-service program we described in the [February 5 news alert](#),<sup>2</sup> now has an official start date: **Monday, March 3, 2014**.

In addition, ADI and the San Diego County Counsel this week agreed to participate in required electronic service in all San Diego dependency cases as of March 3.

The coming program includes:

**Service from the Court of Appeal:** The court will begin serving opinions, orders, and other documents via email, to panel addresses ADI has provided. To give the court staff time to adapt to this change, email service will be phased in. During the transition period, attorneys should check email *and* regular mail, so as not to miss anything. (In addition, it is *always* important to sign up for automatic email notification from the [court's docket](#).<sup>3</sup>

**Service to and from the Attorney General:** In criminal, delinquency, SVP and other commitment, parole habeas, and other cases where the San Diego office of the Attorney General is counsel of record in the Court of Appeal, service by email will become

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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.adi-sandiego.com/news\\_alerts/pdfs/FEBRUARY\\_2014\\_alert\\_re\\_e-service.pdf](http://www.adi-sandiego.com/news_alerts/pdfs/FEBRUARY_2014_alert_re_e-service.pdf)

<sup>3</sup><http://appellatecases.courtinfo.ca.gov/index.html>

mandatory March 3. ADI has provided the AG with email addresses. The AG's service address is [ADIEService@doj.ca.gov](mailto:ADIEService@doj.ca.gov).

**Service to and from the San Diego County Counsel:** In dependency and other family-law-related cases where the San Diego County Counsel is counsel of record in the Court of Appeal, service by email will become mandatory March 3. ADI has provided that office with email addresses. County Counsel's service address is [SDCCJD.Appeals@sdcounty.ca.gov](mailto:SDCCJD.Appeals@sdcounty.ca.gov).

### **Exceptions:**

- **Non-San Diego dependency cases:** Service with County Counsel *other than San Diego* remains hard copy.
- **LPS cases:** ADI's agreement is with the *Juvenile Dependency Division* of the San Diego County Counsel. LPS conservatorship cases are not covered and still require hard copy service.

**Service among panel attorneys:** Electronic service via email among panel attorneys will be mandatory as of March 3. ADI will provide service email addresses as needed in individual cases.

### **FEATURES OF THE PROGRAM**

**Agreements:** ADI uses written agreements for e-service to protect the court and all counsel against any later challenges based on alleged irregularity of service. (See Code Civ. Proc, § 1010.6.) The latest versions accompany this alert and will be posted on the [ADI E-Service Program page](#) of our website.<sup>4</sup>

**Implied consent of panel attorneys:** Because it is extremely time-consuming and cumbersome to obtain individual agreements from each of our several hundred panel attorneys every time we make a change, we have made implied consent to e-service agreements executed by ADI a condition of panel membership, upon due notice to the panel.

**Changes in service email address to be made through ADI:** To simplify matters for the panel, court, and agencies and to ensure all are kept in the loop, panel attorneys should report service email changes to ADI only. ADI in turn will provide official notice to all affected. Our contact person is case management coordinator Omar Palacio ([oap@adi-sandiego.com](mailto:oap@adi-sandiego.com)).

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<sup>4</sup>[http://www.adi-sandiego.com/practice/eservice\\_adi.asp](http://www.adi-sandiego.com/practice/eservice_adi.asp)

## FORMALITIES OF E-SERVICE

**Format:** E-service documents should be a single, text-searchable PDF file that is an exact duplicate of the paper copy (including the cover sheet, tables, and proof of service) Assistance in converting documents from MS Word or WordPerfect to a PDF format is [here](#).<sup>5</sup>

**Subject line:** The e-mail subject line should state the appellate case number and case name. For example: D053897-Smith.pdf.

**Confidentiality warning:** In juvenile dependency and delinquency and other confidential cases, attorneys should add the following language at the start of the body of the email transmitting the e-service document:

“By law, the attachment is confidential. (Welf. & Inst. Code, § 827; Cal. Rules of Court, rule 8.401(b).) If you are not an authorized recipient under the law, you may not open it. Please notify the sender immediately and delete this email.”

If the case is not a juvenile one, substitute the appropriate citation in the parentheses. See the [Confidential Records](#) page of the ADI website.<sup>6</sup>

## MINOR CHANGES TO AGREEMENTS

We have made minor changes to the various agreements announced on February 5. Most are cosmetic editing, elimination of anachronisms (somehow one sample proof of service had a case number of “4 Civ. \_\_\_” – a numbering system the court stopped using many years ago), that kind of thing. Larger changes include:

- Appendix B, “Change of Documents To Be Served in Paper Form,” is eliminated as no longer relevant.
- The ADI email service address on the original documents had one too many hyphens – should be [eservice-civil@adi-sandiego.com](mailto:eservice-civil@adi-sandiego.com) for dependency cases and [eservice-criminal@adi-sandiego.com](mailto:eservice-criminal@adi-sandiego.com), for others, including criminal, juvenile delinquency, SVP, MDO, etc.

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<sup>5</sup>[http://www.adi-sandiego.com/practice/converting\\_docs.asp](http://www.adi-sandiego.com/practice/converting_docs.asp)

<sup>6</sup>[http://www.adi-sandiego.com/practice/conf\\_records.asp](http://www.adi-sandiego.com/practice/conf_records.asp)