

E-SERVICE ALERT APPLICABLE TO ALL OF THE PANEL

FEBRUARY 2014

This alert¹ advises panel attorneys of these imminent changes:

- **Mandatory service via email only:** Documents (1) from court, (2) to and from Attorney General, and (3) to and from other panel attorneys
- **Required for all panel attorneys:** (1) Email address for service is needed by Monday, February 10, if different from the one ADI uses for case offers, and (2) consent to participate in electronic service as a condition for handling ADI cases

MANDATORY SERVICE VIA EMAIL ONLY

Three major steps in Fourth District electronic service are imminent: email service from the court, to and from the Attorney General's Office, and among panel attorneys representing different parties in a case. These changes will apply to all current and future case appointments, and they will take place all at once, rather than being phased in, as previously planned.

The court has not set a start date yet, but we anticipate it will be very soon. ADI has told the court we need to give notice to panel attorneys and an opportunity for them to provide, by Monday, February 10, an email address for service if they prefer one other than the one ADI uses for case offers. ADI will notify the panel as soon as a date has been set.

Orders and opinions from court: The court has notified us that, as of the start date, all three divisions of the Fourth Appellate District will begin electronically serving counsel with orders and opinions, *in lieu of* a hard copy. An agreement to such service (and service with other panel attorneys) is attached. It contains with the terms of service from the court.

All documents to and from Attorney General: For cases in which the AG represents a party, all panel attorneys will be required to serve, and accept service, from that office via email in lieu of any hard copy. The terms of electronic service with the Attorney General's Office are attached.

* Note that this requirement for service on and from an agency in an appointed case does *not* apply to dependency or LPS cases, People's appeals handled by a district attorney office, or other cases in which the Attorney General is not representing a party. We have started but not concluded arrangements with County Counsel offices in our district. *The rest of this alert*

¹As always, panel attorneys are responsible for familiarizing themselves with all ADI news alerts and other resources on the ADI website.

does apply to such cases. For example, in a dependency case with multiple parties service from the court and among appointed counsel will be by email.

All documents to and from other panel attorneys: Panel attorneys will be required to serve and accept email service from all other appellate counsel appointed through ADI in lieu of any hard copy. The terms of such service with other panel attorneys (and service from the court) are attached.

REQUIRED FOR ALL PANEL ATTORNEYS

Email address for service – notify us by Monday, February 10, if you want to use an address other than the one ADI uses for case offers: In order to facilitate electronic service, ADI must make panel service e-mail addresses available to the Court of Appeal, the Attorney General, and other panel attorneys appointed to represent other parties in a given case. ADI will rebuttably presume consent to provide the email address we use for case offers. Any panel attorney who wishes us to use a different email address for service purposes must notify staff attorney Lynelle Hee² of that address by Monday, February 10, 2014.

Implied consent to electronic service as a condition of panel membership: To safeguard against challenges based on irregularity of service, we need consent from all receiving electronic service. (See Code Civ. Proc., § 1010.6, subd. (a)(2) & (3).) It would be unwieldy to gather separate written agreements for the use of e-service from our several hundred panel attorneys, now and any time there is a change in the terms of such service. We have told the court we will adopt a policy that panel membership is deemed to include consent to the electronic service discussed in this alert. It also is deemed to include consent for ADI to agree to future changes in the terms of e-service on behalf of panel attorneys, upon due notice to the panel of these changes.

The terms of the agreements for service with the Attorney General, from the court, and among panel attorneys at this time are spelled out in the attachments.

The times they are a-changin' and in this instance we hope it'll be for the better. Lynelle Hee will be happy to assist with any technical problems you may encounter. (See fn. 2, below.) Because e-submission to the court and e-service on ADI have been mandatory for some time, such problems should be minimal.

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