

RULE 10.
EMAIL COMMUNICATION

a. Purpose: The purpose of this rule is to provide guidelines for the use of e-mail in communicating with the judges and/or court staff. This rule does not apply to other forms of communication and does not establish a preference for e-mail communication over any other form of communication. E-mail is another tool to provide information as may have been through a telephone call or delivery of documents but it is not intended to substitute as oral argument on any issue.

b. Guidelines for use of email: The court will accept electronic bench copies of pleadings prior to a hearing provided the following guidelines are followed. All parties or their counsel must be provided contemporaneous copies of the email. Attached documents to an e-mail must be in a PDF format. A party must advise the court and parties of any later updated or changed versions of a document previously sent via e-mail. No argument of the issues will be allowed within the e-mail. The purpose of the rule is solely to permit electronic transmission of copies of pleadings.

c. Appropriateness: Email communication with court staff is appropriate in the following typical situations:

- i. To obtain a date for an in-court hearing;
- ii. To submit proposed orders and/or bench copies of pleadings or trial aides;
- iii. To determine the judge's availability;
- iv. To determine the availability of equipment needed for trial (such as a projector, video player or speaker phone);
- v. To advise the court of a settlement (to be immediately followed by formal written notice pursuant to CR 41(e));
- viii. Other matters of a similar nature that would be appropriate to handle by way of a phone call to court staff.

d. Ex parte Communication Prohibited: The prohibitions regarding ex parte contact with the court are fully applicable to e-mail communication. To avoid ex parte contact, all parties must be included in the email and that they appear as additional recipients in the email. If all parties are not included, the judge will not review the email or its content. If an attorney or party is communicating substantive information to court staff, the email must also be sent to the opposing attorney/party and so indicate on its face. Substantive information includes information regarding the likelihood of settlement, the timing of witnesses, anticipated problems with scheduling, concerns regarding security and other case-specific issues.

e. Electronic Service of Working Copies and Pleadings:

1. Absent agreement of the opposing party or express permission of the court, e-mail may not be used for service of pleadings on opposing parties.
2. Bench or work copies of pleadings may be transmitted to the assigned judge in advance of any hearing, provided that all parties to the case are copied on the e-mail including any attachments. Any e-mail which fails to copy all parties will be deleted without review.
3. There shall be no editorial, comment or argument included, however information as to the time, date and docket of the matter shall be permitted.
4. Submission by e-mail is an accommodation and in no case shall it be a requirement for any party to submit any document via e-mail, absent a specific order of the Court. Parties are still encouraged to provide a hard copy of any working papers for judges to Court Administration.

f. Retention of Email: The court is not obligated to retain any electronic communications. Original documentation shall be filed by the parties with the County Clerk's Office.

[Adopted effective September 1, 2012; amended effective September 1, 2013]
