

2013

Montana Courts

Electronic Filing Initiative

Appellate Major Case Review of Direct Appeals in Criminal, Abuse and Neglect, Involuntary Commitment, and Youth Court Cases.



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Background

The major case review is an integral step in the design and development of a statewide electronic filing system for Montana Courts. The purpose of the major case review session is to review core system functionality and gather electronic filing requirements that may be unique to specific types of cases ensuring these requirements are addressed in the overall system design and proposed temporary e-filing rules.

On October 24st the first major case committee met at the Supreme Court Law Library conference room and reviewed the electronic filing system components relating to direct appeals filed in the Montana Supreme Court with an emphasis on appeals arising from Criminal, Abuse & Neglect, Involuntary Commitment, and Youth Court cases.

Case Category	Case Type	Annual Filings ¹
Direct Appeal	Criminal	189
Direct Appeal	Abuse & Neglect	31
Direct Appeal	Youth Court (Juvenile)	3
Direct Appeal	Commitment	10
Total Cases		233

Following the major case meeting Justice Baker reported to the Court on a number of the topics discussed in the meeting and provided an e-mail with the results. These items are incorporated in this report.

Participants

- Justice Beth Baker, Justice, Montana Supreme Court
- Mark Fowler, Chief, Appellate Services Bureau, Montana Department of Justice
- Ed Smith, Clerk of the Montana Supreme Court
- Wade Zolynski, Chief, Montana Appellate Defenders Office
- Rex Renk, Deputy Clerk , Montana Supreme Court
- Lisa Mader, Director of Technology, Office of the Court Administrator
- Lois Schlyer, Electronic Filing Project Manager, Office of the Court Administrator
- Karen Nelson, Office of the Court Administrator

¹ Based on 2012 Case Filings

Agenda Topics

- An overview of core e-filing functionality by court staff including high-level e-filing workflows (registration, initiating a new case, filing on an existing case, and electronic service.)
- Discussion of appellate specific workflows.
- A discussion on the proposed temporary rules.
- Discussion of documents that should not be electronically filed.
- Discussion of electronically filed documents that may not be viewed by all parties on a case.

General Topics

Incorporating Ninth Circuit Court of Appeals Rules and Procedures as Appropriate.

Justice Baker and Mark Fowler are familiar with electronic filing in the Ninth Circuit Court of Appeals. Both participants felt that incorporating Ninth Circuit Court of Appeals rules and procedures as appropriate would benefit the pilot. In particular, rules for electronic signatures and when and how the Court will require paper copies of documents be submitted by the filer in addition to the electronically filed document.

Action/Discussion: The proposed temporary rules have been updated to include the Ninth Circuit Court of Appeals rule for electronically signing pleadings, motions and other papers (Temporary Electronic Filing Rule 11). In addition, a new section “Electronically Filing Documents in a Case on Appeal from a Court of Record (Temporary Electronic Filing Rule 13) has been drafted.

Judicial Access to Electronic Court Records

Justice Baker emphasized the importance of making sure the pilot program paves the way for seamless and reliable electronic access to the court record (both originating and appellate).

Action/Discussion: The originating court’s record will be electronically available through the electronic filing system if the court is a participating e-filing court. Montana’s proposed incremental approach to electronic filing requires procedures to support the originating court filing the record with the Clerk’s Office in a traditional manner, electronically or as a hyperlink (see proposed temporary electronic filing Rule 13).

The appellate court record will be electronically available through the electronic filing system. That said, improved access from tablet computers to the Supreme Court components of the C-Track case management system is also needed.

Metadata in Electronic Documents

The electronic filing system will convert documents to PDF unless the document type is set to retain the native format for court modification, e.g. a proposed order. Mark Fowler stressed the importance of ensuring document metadata is removed from all filings.

Action/Discussion: The PDF converter should be configured to remove metadata from the source documents. The Technical Operations Manual will provide instructions to e-filers on how to remove metadata from electronic documents.

Auto-Generated Documents

The electronic filing system includes functionality to automatically generate documents from information entered by the e-filer into electronic forms. Phase 1 of the pilot project incorporates this functionality in the auto generated certificate of service. The Notice of Appeal and the Supreme Court's brief review documents (checklist and order) were identified as candidates for auto-generated documents.

Action/Discussion

Automatically generated Notices of Appeal and Deficiency Orders are targeted for Phase 2 implementation.

Scope of Montana Courts' Electronic Filing Initiative

An electronic filing system for all filers, all courts, and all case types is the ultimate goal of the Montana Courts' electronic filing project. The pilot phases limit access to licensed attorneys, court employees and authorized case participants. It was noted that pro se filers are common in a number of related case subtypes requiring fees or fee waivers, e.g., post-conviction relief and state habeas proceedings where the Office of the Appellate Defender or the Attorney General's Office is a party. In cases where one party is an electronic filer and the other party is not the Clerk of Court must be willing to convert the paper documents into electronic form.

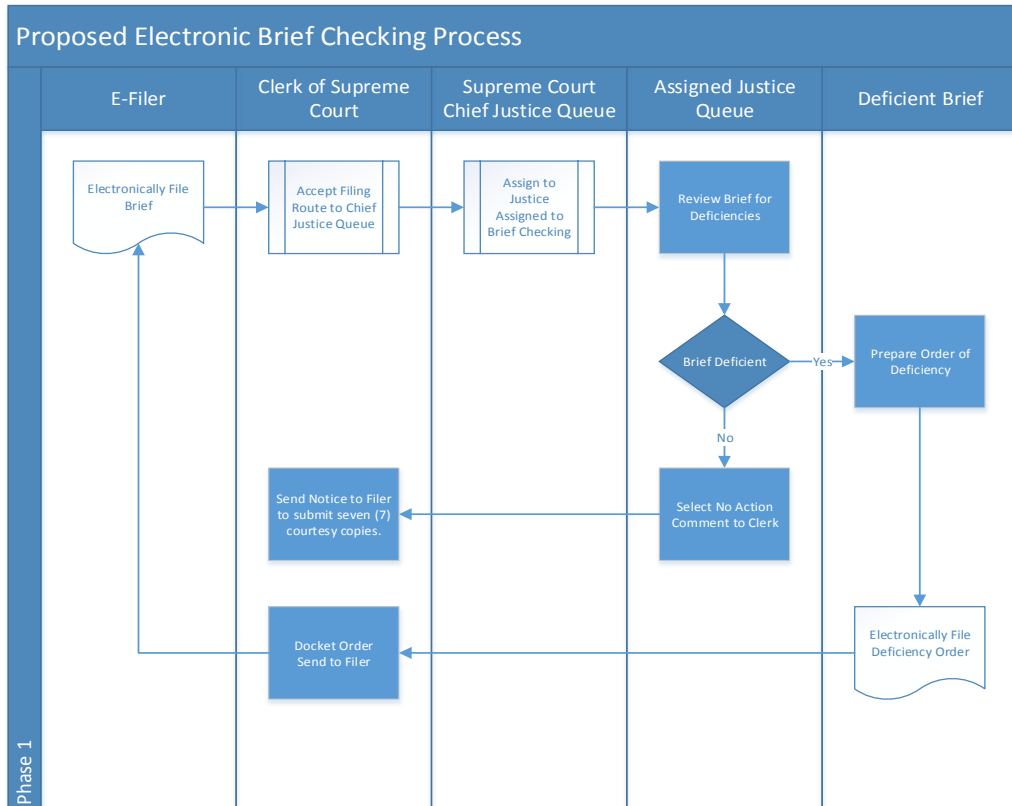
Action/Discussion

Proposed Temporary Rule 9 (c) has been modified to read: "Documents filed by traditional methods in an electronic case file ~~may~~ must be electronically scanned and made part of the official record."

Mark Fowler noted that there are pilots that provide computer labs for electronic filing from correctional institutions. The Oasis Legal XML technical standard being implemented in the Montana Court's electronic filing initiative allows for customized applications for specific types of filers.

Submission of Briefs and Brief Processing

Justice Baker indicated the court would require filers to submit seven paper copies of briefs as is done in the Ninth Circuit Court of Appeals. The flow chart on the following page illustrates the process. Basically, the filer would electronically file the brief. The brief would be checked for deficiencies and if there are none the filer would be requested to submit seven paper copies. If deficiencies are found the filer would receive an Order of Deficiency.



Summary of Major Case Elements

The following table describes the unique characteristics of the case types reviewed: Direct Appeals of Criminal, Abuse & Neglect, Involuntary Commitments and Youth Court cases.

Major Case Element	Design Consideration
Initiating Document	Notice of Appeal or Petition for Out of Time Appeal
Statutory Filing Fees	None
Service Requirements	Certificate of Service
Documents that can be filed that are not viewable by all parties on the case.	None. Note that because Amicus Curiae is not a party on the case, amicus status will not provide access to documents electronically filed.
Documents that should not be electronically filed.	None.
Special Routing	See Brief processing.

Proposed Changes/Discussions to Electronic Filing Temporary Rules

The following table summarizes proposed temporary rule changes. The full set of rules with changes noted follows the table.

Rule	Title	Description of Change
4(c)	Time and Effect of Electronic Filing	<i>Discussed at length. No change.</i>
5(b)	Commencement of Action	Strike 2 nd sentence. <i>The participants felt this requirement would be burdensome for electronic filers.</i>
6 (a) (2)	Filing and Service of Subsequent Document	Provided example of original documents.
6 (a) (8)		Strike “manually” added “traditionally”
6 (b)	Electronic Service	<i>Believe this rule supports electronic service from the EFS and current court rules that allow for service by e-mail.</i>
6 (b) (7)		Strike 2 nd sentence. <i>eService is complete on transmission.</i>
6 (c) (1)	Proof of Service	<i>Revised to match the current format of a certificate of service.</i>
6 (c) (3)		Strike – <i>EFS generates certificate of service.</i>
7	Payment of Fees	Strike 2 nd sentence. Current rules allow filings with subsequent payment.
8 (a)	Format & Content of Documents	Add “word and”
8 (d)		Add “document in its native format” and strike “in electronic form.”
9 (c)	Official Record	Replace “may” with “must.” <i>This requires the clerk of court to convert any traditional filings in a case where at least one party is electronic filing to electronic form.</i>
10 (a)	Authentication	Strike “copy of an initiating”. <i>A watermark of the clerk’s filing stamp and case number will be placed on all documents filed.</i>
11	Signatures on E-Filed Documents	Strike entire rule – replace with new Rule 11 Signing Pleadings, Motions and other Papers from the Ninth Circuit Court of Appeals.
13	Electronically Filing Documents in a	New Rule based on Justice Baker’s follow-

	Case on Appeal from a Court of Record	up e-mail.
14	Technical Failures	Replace “similar” with “the same”

Draft Temporary Electronic Filing Rules

Proposed Changes by Appellate Major Case Committee – October 2013

Electronic Filing

(1) DEFINITIONS:

- (a) "Clerk of court" means the official custodian of the court record for the case in question, which may be the clerk of the Supreme Court, clerk of district court, or the appointed clerk in a justice court, municipal court, city court, water court, or workers compensation court.
- (b) "Document" means a pleading, form, notice, motion, order, affidavit, paper exhibit, brief, judgment, writ of execution, or other filing. For purposes of this rule, a document includes the transmittal information submitted with the filing.
- (c) "Electronic filing system" means a web-based system established by the Office of the Court Administrator for the purpose of filing documents with or by a court, integrating them into the court’s case management system, and electronically serving them on the parties who have registered with the electronic filing system. "Electronic filing" does not include alternative methods of filing, such as electronic mail, facsimile, floppy disks, or other electronic methods.
- (d) "Electronic filing system administrator" means an individual appointed by the Supreme Court Administrator to receive information and take action as necessary to run the electronic filing system.
- (e) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document, that can be executed or adopted by the user with the intent to sign the document.
- (f) ~~"Electronic digital signature" means an advanced electronic signature based on Public Key Infrastructure (PKI) and is a result of a cryptographic operation that guarantees signer authenticity, data integrity and non-repudiation of signed documents.~~
- (g) "Initiating document" means a summons and complaint, petition, notice of appeal, application, citation, criminal complaint, or any other document filed to commence a court case.

- (h) "Traditional methods" means those methods of filing and serving documents, other than electronic filing, provided under statutes and local rules.
- (i) "Transmittal page" means a document generated by the electronic filing system containing the case management information necessary to transmit and file a document.
- (j) "User" means an individual who has registered to use the electronic filing system under section (3).

(2) SCOPE:

- (a) The Supreme Court Administrator shall implement an electronic filing system for Montana courts.
- (b) Use of the electronic filing system is voluntary. Courts choosing to participate in the electronic filing system must make formal application to the Office of the Court Administrator. The application must be made in writing by the Chief Judge and, if applicable, the elected clerk of court. Parties or their attorneys may choose to participate in the electronic filing system unless the court has designated a certain case type for mandatory electronic filing. Parties or attorneys who choose not to participate shall file, serve, and receive documents by traditional methods.
- (c) Any action that may be brought in court may be brought using electronic filing, subject to the ability of the electronic filing system to accept the documents. This section does not guarantee anyone the right to file electronically.
- (d) The procedures in this section shall be interpreted in a manner consistent with existing court rules.
- (e) Exceptions for authorized governmental agencies. Certain governmental agencies will be allowed to file documents and transfer data by a Supreme Court-approved alternative method of transferring the document or data from the agency's electronic system to the court's electronic case management system. For example, interfaces have been created to allow electronic filing of Montana Highway Patrol citations.

(3) REGISTRATION REQUIREMENTS:

- (a) The following individuals may register to use the electronic filing system:
 1. Licensed Montana attorneys and designated staff.
 2. Attorneys appearing pro hac vice.
 3. Parties to an action.
 4. Court employees.

- (b) Users of the electronic filing system shall be individuals, not law firms, agencies, corporations, or other groups.
- (c) Users shall register through the electronic filing system website by executing a user agreement governing the terms of use of the electronic filing system. To register, users must have the capability to produce, file, and receive electronic documents meeting the technical requirements of the electronic filing system. By registering, users agree to electronically file all documents in the case to the extent the electronic filing system can accept them and agree to electronic service on any case electronically filed via the electronic filing system of which he or she is a party.
- (d) Users will be provided with a confidential, secure identifier. The secure identifier shall be used only by the user to whom it is assigned. This user may authorize agents or employees to use the electronic filing system on his or her behalf. Each such authorized user shall use a unique, secure identifier. Upon learning that the confidentiality of the secure identifier has been inadvertently or improperly disclosed, the user shall immediately report that fact through the electronic filing system.
- (e) Users shall immediately update registration information in the electronic filing system of any changes in the information provided during initial registration.
- (f) The same secure identifier shall be used for all cases on which the user is an attorney or a party. The electronic filing system may reset secure identifiers and electronic signatures as needed for administrative and security purposes.
- (g) The electronic filing system may provide a method for filing documents by individuals who are not parties to the case, such as witnesses seeking protective orders, intervenors, and amicus curiae. It may also provide a method for submitting reports by individuals who are not parties to the case, such as presentence investigators and social workers.

(4) TIME AND EFFECT OF ELECTRONIC FILING:

- (a) The electronic filing system is an agent of the court for purposes of electronic filing, receipt, service, and retrieval of electronic documents.
- (b) When a document is submitted by a user to the electronic filing system, the electronic filing system shall transmit it to the appropriate court where the case is filed. The electronic filing system shall issue a confirmation that submission to the electronic filing system is complete.
- (c) Filing of documents with the electronic filing system shall be accepted on a 24 hour basis, from 12:00 a.m. to 11:59 p.m. Documents electronically submitted and approved

by the clerk shall receive the filing date the document was initially submitted if the filing date is a business day for the court. If the filing occurs on a weekend or holiday the next court business day will be the filing date. The electronic filing system shall note the date and time the document is submitted.

- (d) The clerk of court shall review the document to determine if the document should be accepted for filing. If the clerk accepts the document, the document shall be considered filed with the court on the date the original submission to the electronic filing system was complete. Upon acceptance, the electronic filing system shall issue a confirmation with the date and time of the original submission to serve as proof of filing. If the clerk rejects the document, the document shall not become part of the court record and the filer shall receive notification of the rejection. The filer may be required to refile the document.
- (e) The calculation of time for reply under other statutes and rules is neither expanded nor contracted by this section.
- (f) The electronic filing system shall receive electronic filings 24 hours per day except when undergoing maintenance or repair.

(5) COMMENCEMENT OF ACTION:

- (a) If the clerk of court accepts an initiating document for filing, the clerk of court shall assign a case number and authenticate the document as provided in section (10). The electronic filing system shall send a notice to the filer that the filing has been accepted and is available through the electronic filing system website.
- ~~(b) Initiating documents shall be served by traditional methods unless the responding party has consented to accept electronic service or service by some other method. Initiating documents shall be served together with a notice to the responding party stating that the case has been electronically filed and giving instructions for how to use the electronic filing system if the responding party chooses to do so.~~

(6) FILING AND SERVICE OF SUBSEQUENT DOCUMENTS:

(a) DOCUMENTS THAT MAY BE FILED ELECTRONICALLY:

1. A court may permit electronic filing of a document in any action or proceeding unless court rules or other legal authority expressly prohibit electronic filing.
2. In a proceeding that requires the filing of an original document, e.g., a ballot or will that was created in a paper form, an electronic filer may file an electronic copy of a document if the original document is then filed with the court within 10 calendar days.

3. The court may permit electronic filing of an application for waiver of court fees and costs in any proceeding in which the court accepts electronic filings.
4. The court may electronically file any notice, order, minute entry, judgment, or other document prepared by the court.
5. Proposed orders may be filed and submitted electronically through the electronic filing system.
6. Effect of document filed electronically:
 - (a) A document that the court or a party files electronically under these rules has the same legal effect as a document in paper form.
 - (b) Filing a document electronically does not alter any filing or service deadline.
7. The electronic filing system shall not be used for the electronic exchange of discovery materials and other communications between the parties that are not intended to be filed with the court.
8. If a document is desired or ordered to be “lodged” in a case, it must be ~~manually~~ traditionally submitted to the clerk of court, since electronic filing is limited to those documents which are officially filed with the case.

(b) ELECTRONIC SERVICE:

1. When a document may be served by mail, express mail, overnight delivery, or fax transmission, electronic service of the document is permitted when authorized by these rules.
2. A party agrees to accept electronic service by:
 - (a) Serving a notice on all parties that the party accepts electronic service and filing the notice with the court. The notice must include the electronic service address at which the party agrees to accept service; or
 - (b) Electronically filing any document with the court using the electronic filing system. The act of electronic filing is evidence that the party agrees to accept service at the electronic service address the party specified when registering as a user of the electronic filing system.
3. A court that permits electronic filing in a case must maintain and make available electronically to the parties an electronic service list that contains the parties’ current electronic service addresses, as provided by the parties that have filed electronically in the case.

4. Service by the parties:
 - (a) Notwithstanding (3), parties are responsible for electronic service on all other parties in the case. A party may serve documents electronically directly by electronic mail, by an agent, or through the electronic filing system.
 - (b) A document may not be electronically served on a nonparty unless the nonparty consents to electronic service or electronic service is otherwise provided for by law or court order.

5. Change of electronic service address:
 - (a) A party whose electronic service address changes while the action or proceeding is pending must promptly update his/her electronic service address in the electronic filing system or if not registered in the electronic filing system promptly file a notice of change of address electronically with the court.
 - (b) A party's election to use the electronic filing system to electronically file and serve documents or to receive electronic service of documents on the party's behalf does not relieve the party of its duties under (a).

6. An electronic service address is presumed valid for a party if the party files electronic documents with the court from that address and has not filed notice that the address is no longer valid.

- ~~7. Electronic service of a document is complete at the time of the electronic transmission of the document or at the time the electronic notification of service of the document is sent, however, service that occurs after the close of business is deemed to have occurred on the next business day.~~

(c) PROOF OF SERVICE:

1. Proof of electronic service must state:
 - (a) The electronic ~~service address~~ signature of the person making the service, ~~in addition to that person's residence or business address;~~ including a filed on behalf of statement, if the person making the service is filing on behalf of the attorney of record.
 - (b) The date ~~and time of the electronic~~ service;
 - (c) The name and ~~electronic service~~ address of the person served; and
 - (d) ~~That~~ The manner the document was served ~~electronically.~~

2. Proof of electronic service may be in electronic form and may be filed electronically with the court.

- ~~3. The party filing the proof of electronic service must maintain the printed form of the document bearing the declarant's original signature and must make the~~

~~document available for inspection and copying on the request of the court or any party to the action or proceeding in which it is filed.~~

4. The court may electronically serve any notice, order, judgment, or other document issued by the court in the same manner that parties may serve documents by electronic service.

(7) PAYMENT OF FEES:

- (a) Users shall make any payment due to the clerk of court through the electronic filing system unless otherwise ordered by the court or unless special arrangements are made with the clerk of court. ~~Documents that require payment of a fee are not considered filed until the fee is paid or a waiver of the fee is granted.~~ The electronic filing system shall establish one or more methods for electronic payment.
- (b) Users may submit a request for waiver of fees, using a form provided by the electronic filing system for that purpose.
- (c) The electronic filing system shall deposit the fees due to the clerk of court in the clerk's account.

(8) FORMAT AND CONTENT OF DOCUMENTS:

- (a) To the extent practicable, the user shall format all electronically filed documents in accordance with statutes and local rules governing formatting of paper documents, including word and page limits.
- (b) Users shall provide any case management information needed to transmit and file the document. The electronic filing system shall reject the document for failure to include information in any one of the mandatory fields identified by the system.
- (c) The electronic filing system administrator shall publish a Technical Operations Guide describing the specific technical requirements regarding the format and content of documents filed in the electronic filing system.
- (d) Users shall maintain the original document in its native format of each electronically filed document ~~in electronic form~~ until final disposition of the case and expiration of all time for appeal.

(9) OFFICIAL RECORD:

- (a) Electronically filed documents have the same force and effect as documents filed by traditional methods.

- (b) For documents that have been electronically filed, the electronic version constitutes the official record. No paper copy of an electronically filed document shall be sent to the court, except as provided in (13) below or unless the court specifically requires a ~~courtesy~~ copy through court policy.
- (c) The clerk of court may maintain the official court record in electronic format or in a combination of electronic and non-electronic formats. Documents filed by traditional methods in an electronic case file ~~may~~ must be electronically scanned and made part of the official record. The clerk of court may discard the paper copy immediately, unless statutorily required to maintain the paper copy. If a document submitted by traditional methods is not of sufficient graphical quality to be legible when electronically scanned into the electronic document management system, the clerk shall maintain the document in paper format.
- (d) Any official court record containing electronically filed documents must meet the operational standards for electronic records.
- (e) The clerk of court shall make the public portions of the electronic record available through the clerk's office.
- (f) Certified copies of an electronic record shall be obtainable from the clerk of court's office by traditional methods.
- (g) If a document is filed by traditional methods in an electronic case file, the court may require the submitting party to produce the original paper document if validity of the signature or document is challenged.

(10) AUTHENTICATION:

- (a) Electronic placement of the clerk's filing stamp and case number on each ~~copy of an initiating~~ document constitutes authentication under the statutes and court rules. An authenticated copy may be printed from the court case management system by the clerk of court or from the electronic filing system by the filing party.

~~(11) SIGNATURES ON E-FILED DOCUMENTS:~~

- ~~(a) Except as otherwise provided by this rule, the confidential, secure username and password that the e-filer must use to e-file a document constitute the e-filer's signature on the document. When a signature is required, the e-filer will include either the e-filer's name typed in the space where the e-filer's signature would otherwise appear or an electronic image of the e-filer's signature, which may take the form of a public key-based digital signature or a scanned image of the e-filer's signature. The e-filer must not~~

~~allow the e-filer's username or password to be used by anyone other than an agent who is authorized by the e-filer.~~

~~(b) If a document must be notarized, sworn to, or made under oath, the e-filer must e-file the document as a scanned image containing the necessary signature(s).~~

~~(c) If a document requires the signature of an opposing party, the e-filer must e-file the document as a scanned image containing the opposing party's signature.~~

~~(d) When an e-filer e-files a scanned image of a document pursuant to paragraph (b) or (c) of this rule, the e-filer must retain the original document from which the scanned image was made until the case in which the document was filed is resolved. If the original document is in another party's possession, that party must retain the original document until the case in which the document was filed is resolved.~~

~~(e) If an e-served document was also e-filed and the person who completes a certificate of service is different from the person who e-filed the document, the person who completes the certificate of service must sign the certificate by including either an "/s/" and his or her name typed in the space where his or her signature would otherwise appear or an electronic image of his or her signature.~~

(11) SIGNING PLEADINGS, MOTIONS AND OTHER PAPERS

(a) SIGNATURES ON ELECTRONIC FILINGS

- 1) A registered user's log-in and password serve as the user's signature on all documents electronically filed with the Court.
- 2) Except as provided by 11 (b), where a hand signature would otherwise appear, each document filed electronically by a registered user may be signed "/s/ John E. Attorney."
- 3) A registered user must not knowingly permit or cause his or her password to be used by anyone. If a registered user has reason to suspect that the security of his or her log-in and password have been compromised the E-Filing System Administrator must be contacted immediately.
- 4) Only a judge, registered user, clerk of court, court reporter, or deputy clerk of court may use the "/s/" signature form, and, except as provided by 11 (b) (1) (a) only when signing the document as the filer. All other signatures, including those on any affidavit, must be hand signatures.

(b) JOINTLY FILED DOCUMENTS; MULTIPLE SIGNATURES

(1) Documents requiring signatures of more than one party may be filed in one of the following ways:

- (a) Where all signers are registered users and where all consent to the filing, by using the “/s/” electronic signature as to all parties;
 - (b) Where all signers use hand signatures, by scanning the document and filing it electronically without the “/s/” signature by any party;
 - (c) By scanning one or more identical documents with hand signatures and attaching each document as an exhibit to a document bearing the registered user’s “/s/” electronic signature; or
 - (d) By using any other method prescribed by the Court.
- (2) In no event may one signature page be signed in the “/s/” electronic form by one party and by hand signature by another party.

(12) CONFIDENTIAL INFORMATION:

- (a) The confidentiality of an electronic record, or an electronic or paper copy thereof, is the same as for the equivalent paper record. The electronic filing system may permit access to confidential information only to the extent provided by law. No person in possession of a confidential electronic record, or an electronic or paper copy thereof, may release the information to any other person except as provided by law.
- (b) If a document is confidential, it shall be identified as confidential by the submitting party when it is filed. The electronic filing system may require users to enter certain information, such as social security numbers, in confidential fields. The clerk of court is not required to review documents to determine if confidential information is contained within them.
- (c) If a user seeks court approval to make a document confidential, the user may electronically file the document under temporary seal pending court approval of the user's motion to seal.
- (d) The electronic filing system shall place a visible mark on documents identified as confidential.

(13) ELECTRONICALLY FILING DOCUMENTS IN A CASE ON APPEAL FROM A COURT OF RECORD

- (a) **Motions, Petitions for Original Proceedings, and Petitions for Extraordinary Writs:**
Electronically file the original only, along with appendices or exhibits. The Clerk may direct a party to submit additional paper copies of the motion, petition, response, or any appendices or exhibits, when paper copies would aid the Court’s review of the matter.
- (b) **Briefs:** Electronically file the original and then, once it is checked for deficiencies and approved, the clerk will notify the e-filer to submit paper copies of the electronically filed brief, including copies of the orders and judgments from which the appeal is taken, for each reviewing Judge or Justice, i.e., one copy in a district court appeal and seven

copies for an appeal in the Supreme Court. Upon notification, paper copies must be submitted promptly or within such specific time as directed by the Court.

- (c) **Appendix:** Electronically file the original. Submit one paper copy when the brief is approved.
- (d) **Transcripts:** Court reporters may electronically file the transcript.
- (e) **Originating Court Record:** The Clerk of Court may electronically file the originating court record or provide a hyperlink to the court record with a certification that the electronic court record is accurate and complete.

~~(13)~~ (14) TECHNICAL FAILURES:

- (a) A user whose filing is made untimely as a result of a technical failure may seek appropriate relief from the court as follows:
 - 1. If the failure is caused by the court electronic filing system, the court shall grant appropriate relief upon satisfactory proof of the cause.
 - 2. If the failure is not caused by the court electronic filing system, the court may grant appropriate relief upon satisfactory proof of the cause. Parties are responsible for timely filing of electronic documents to the same extent as filing of paper documents, with ~~similar~~ the same consequences for missed deadlines.
- (b) This subsection shall be liberally applied to avoid prejudice to any person using the electronic filing system in good faith.