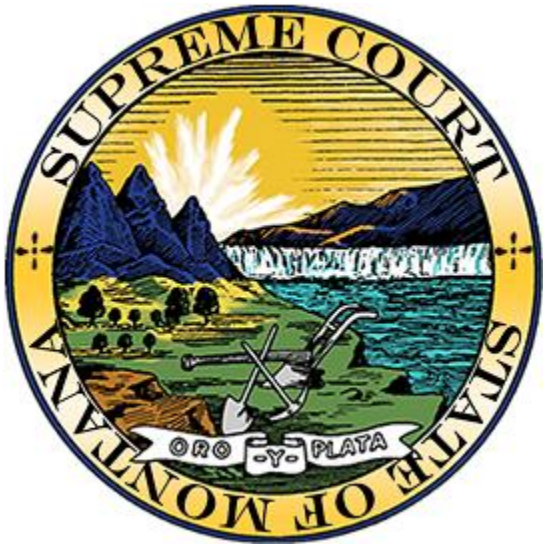
TECHNICAL OPERATIONS MANUAL FOR ELECTRONIC FILING IN MONTANA STATE COURTS



State of Montana
Judicial Branch

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Technical Specifications for E-Filing

Minimum requirements

- Word processing software with the ability to save documents in recent-version Word (doc, docx), Word Perfect (wpd) or portable document format (pdf, pdf/a). Documents submitted through the E-Filing system must be in one of these formats.
- Pdf viewer software (such as the free Adobe Reader) to view case documents accessible from within the E-Filing system.
- Internet access.
- Web browser: the Montana Courts E-Filing system has been tested and works reliably using recent versions of web browsers Chrome, Internet Explorer 11 and Firefox. Chrome may provide a better overall user experience.

E-Filing portal access

- The E-Filing system may be accessed through this address: https://mtefile.courts.mt.gov.
- A link to the portal is also available at https://courts.mt.gov/courts/efile. This location contains links to E-Filing information and documents.
- Do not log in to the portal more than once on any single computer at the same time, to avoid performance anomalies (i.e., have one and only one window open at a time).

Scanning specifications

- It is preferable to upload non-scanned documents when possible.
- When scanning documents for submission through the E-Filing system, it is suggested the scanner be configured between 100 and 300 dpi (dots per inch) for optimal readability and file size considerations.
- Scanned documents must be submitted in pdf format that is recognized by OCR (optical character recognition) processing to the extent possible. In other words, a document should not be originally saved in a "picture" format and subsequently converted to pdf. The e-filer does not have to perform OCR on a submitted document; the document needs only be OCR-recognizable, i.e., readable as text. Scanner manufacturers generally have software available to scan to pdf, or to scan in "OCR" mode, and most scanning printers can be defaulted to scan to pdf format.
- If for any reason a document cannot be easily viewed after scanning and electronic submission, the filing party will be instructed to re-scan and resubmit the document. If the issue cannot be resolved by re-scanning, the party will be asked to traditionally file the document within a specified period of time.

Electronic Filing Generally

- Authorization is made through MCA 3-1-115 and Temporary Electronic Filing Rules (TEFR) approved and adopted by Order on November 18, 2014 and available here.
- Definitions are listed in the TEFR available at the hyperlink immediately above.
- Electronic filing refers to the Montana Courts E-Filing system and consists of filling in required fields and uploading a document or documents directly from the registered user's computer to the E-Filing system. Sending a document via email or facsimile to a court that is enabled for e-filing does not constitute electronic filing.
- The procedures in this manual are to be interpreted in a manner consistent with existing court rules and do not substitute local rules. Parties submitting documents through the E-Filing system should be familiar with MCA rules of procedure, local rules and this manual.
- Filing by traditional methods refers to hard copy documents or other items that are submitted to the clerk's office for filing because the court and/or case type is not yet enabled for e-filing, the filer does not desire to use the E-Filing system or because the document or item is unable to be scanned and submitted electronically.
- Electronic filing of court documents is voluntary. (TEFR 2(b))
- To the greatest extent possible, the record of each case will be maintained in electronic format and be available for access through the E-Filing system.

Access to Electronic Records

Public Access at the Clerk's Office

- Access to the electronic court record is available for all parties and the public at each court office during regular business hours, subject to statutes and rules concerning confidentiality.
- Montana Supreme Court records are also generally available on the Public View Docket at https://supremecourtdocket.mt.gov/ or accessed from courts.mt.gov.
- Certified copies may be purchased from the clerk's office. In general and limited jurisdiction courts, a copy fee for an electronic reproduction is typically required. A fee schedule is available at courts.mt.gov.

E-Filing System Access

- Only registered users may electronically file and access cases in Montana Courts E-Filing.
- Registered users who are attorneys on a case may access the case at no cost through the E-Filing system.
- Registered users will receive email notification of a submitted filing and a link to the

submitted document. The email will be sent to the email account listed in the user account.

Availability

- Montana Courts E-Filing is designed to provide service 24 hours per day, seven days per week for the submittal of filings. There will be occasional periods of unavailability due to regular system maintenance and updates. Pre-scheduled maintenance outages will be posted on the E-Filing login page one week ahead of time, when possible.
- Traditional filing will continue to be available, although some courts have passed local rules mandating E-Filing for E-Filing eligible parties. Court offices are open for traditional filing Monday through Friday, 8 a.m. through 5 p.m., except state holidays, and with some additional local exceptions.

Notice of Electronic Filing

- Upon submission of an electronic filing, all registered users in the case will immediately receive the notice at the email address listed in the user account. The only exceptions to this are when the filer specifies that the document is not to be served and in those cases for which the law does not allow electronic service (e.g. initiation of an Abuse and Neglect case).
- The notice of electronic filing will appear in the recipient's mailbox from sender noreplymtefile@mt.gov and the subject line will be "Notice" followed by the case number unless the filing initiates a new case. We recommend that you not delete these emails without viewing them first. In the body of the email there will be a link to click to take you to the E-Filing system where you can log in and review the document that was submitted. Click on the document icon to open and view the document(s).

Filing Fees

- Statutory filing fees are paid through the E-Filing system via CitePayUSA. If you have filing fees, you will be automatically redirected to CitePayUSA once you click "Submit Filings" from the Cart. Instead of paying the filing fee, you may select one of the following fee waiver options.
  - Not Required by Statute
  - Motion to Proceed Without Payment
  - Court Order
  - Government Agency
  - Already Paid

Registration (Temporary Electronic Filing Rule – TEFR – 3)

Login and Password. In order to submit documents through the E-Filing system, you must use a Okta or Active Directory login and password. State employees and those who have been assigned an Active Directory login must use this login and password. These login IDs are the ones that typically begin with cu, cj, cm, or other characters followed by three or four digits. Example: cu1234.

Tutorials and Training Materials. One or more tutorials will be available from the E-Filing login page. As of July 2022, these are not required to be completed in order to finalize registration. If such a requirement is instituted for e-filers in the future, it will not be retroactive and it will be waived for judicial officers and other court personnel. These individuals and their support staff are encouraged to review the E-Filing training materials and tutorial(s).

Registration is a Two-Step Process. You are required to provide your primary email address, phone and physical address and agree to Terms and Conditions. After submitting the information, an email will be sent to your primary email address and will contain a link that you must click to finalize your registration.

Service of Documents Submitted by Others. A registered attorney or govt attorney waives the right to receive service of documents filed in the electronic filing system by any means other than electronic. (TEFR 3(c))

Electronic Mailbox Required. Registered users are required to maintain an electronic mailbox sufficient to receive notice and other documents transmitted electronically.

- Registered users are responsible for maintaining a working email address and maintaining their current email address within the Montana Courts E-Filing system.
- Secondary email addresses added to an e-filer's account will receive notification in all cases.
- A registered user (including authorized staff) has the option to obtain email confirmation each time that a document has been submitted as well as each time a submitted filing is approved/rejected. These confirmation notices (submitted, approved/rejected) may be viewed from the user's Home page, via email or by both methods. To change the delivery method of confirmation emails, use the "Notification Type" option on the 'my account' page and select the desired option from the drop-down menu.
- Notice of service will always be delivered to the account's primary and secondary email addresses, regardless of the Notification Type selected for confirmation notifications as described immediately above.

Authorized Staff may be added to the account of a registered justice, judge, attorney, govt attorney, clerk, court reporter or case participant (referred to as the "principal" hereafter). Authorized users have the same access to cases and documents, including those that are confidential, as the principal. It is the responsibility of the principal to keep

the list of authorized staff current so that confidentiality of case documents is not breached.

Registration Roles. It is important to register using the correct E-Filing Role.

- ***Attorney and Government Attorney*** – You must be registered with the Montana State Bar. Enter your name exactly as it is registered with the Bar and provide your Bar ID. **If you are or represent a County/City Attorney or Attorney General, register as a Government Attorney.** The role of Government Attorney is the only one that permits the submission of initiating documents in criminal and other prosecutor-initiated civil cases (juvenile, dependent neglect, civil commitments).
- ***Part-time County/City Attorney who also practices as a private attorney*** – If you regularly file as a govt attorney in addition to filing as a non-prosecutor (i.e., an attorney in private practice) you should register twice, once as a Government Attorney and once as an Attorney. This will allow you to maintain confidentiality of files from one office to the other if you have separate office staff. It will also allow you access to those cases that match the logged-in role when performing a case search. You must use a different email address for each registration.
- ***Attorney Pro Hac Vice*** –Register as an attorney. After registration with the state Bar, you will be given a limited pro hac vice Bar ID to use during registration. After the Bar's request for you to participate on a case has been granted, you will be able to submit documents and access the case through the E-Filing system.
- ***Authorized Staff*** – If you are staff who is authorized to submit documents on behalf of a principal, register with the role of Authorized Staff. Enter your name as you wish it to appear on legal documents. When you have completed your registration, your name will be available to add to the list of authorized users for the principal filer. The principal filer must then add the Authorized Staff in the "My Account" area of the principal's Home screen.

  A person with the role of authorized staff may file on behalf of multiple principals. The name of the current principal is listed just below the logged on staff's name. It is the responsibility of the staff e-filer to select the principal on whose behalf a filing is submitted. For example, if authorized as staff for Attorney A and Attorney B, the staff person must select the correct attorney when submitting the filing. This is done by using the "Switch User" function in the user account menu.
- ***Case Participant*** – If you are a social worker, pre-sentence investigator, process server or other individual who routinely files documents with the court, but who is not named as a party, register as a Case Participant. This allows you to submit documents to specific cases by typing in the exact case number of the specific case, but it does not allow access to the case file itself.

- ***Court Reporter*** – Register as a Court Reporter to be allowed to file and be served electronically. This allows you to submit documents to specific cases by typing in the exact case number of the specific case, but it does not allow access to the case file itself. Access to case files is expected in the future.
- ***Pre-registration*** by the E-Filing system administrator is required for Supreme Court Justices and Clerk of Court, District Court Judges and Clerks of District Court, and Judges of limited jurisdiction courts. Contact the E-Filing system administrator to begin pre-registration.

E-Filing Documents in General

- An e-filer submits documents through the E-Filing system subject to approval/rejection by the clerk of court.
  - Documents are served to opposing counsel and others through the E-Filing system at the time of submittal, before review by the Clerk of Court.
  - When a submitted document is approved by the Clerk of Court, it is filed with the case and becomes part of the official court record.
  - Clerks of Court may defer to local rules in their review and approval/rejection of the submitted documents. This may differ from court to court. Some reasons that some clerks may reject documents include:
    - Lack of signature;
    - Wrong cause number on document;
    - No proposed order submitted with a motion;
    - Obviously wrong document that is unassociated with the specified court case.
  - Documents filed through the E-Filing system are immediately accessible though the E-Filing system by parties/attorneys on the case.
  - If approved and filed by the clerk, documents submitted between 12:00:00 a.m. and 11:59:59 p.m. on a court business day will be stamped "filed" with that day's date. An example: if a document submitted on Friday at 8:30 p.m. is subsequently approved by the clerk on the following Monday morning, it will be filed as of Friday's date. (TEFR 4(c))
  - If approved and filed by the clerk, documents submitted on a court non-business day will be filed as of the first subsequent court business day.
- Within the E-Filing system, case numbers are the same as they are in the courts. The court case management systems assign case numbers.
- Documents submitted to a court through the E-Filing system must be in one of these formats: Word (doc, docx), WordPerfect (wpd) or Portable Document Format (pdf). Very old versions of these documents and templates should be saved in more recent

software versions. For example, try saving a doc file as docx.

- All documents must be submitted using the appropriate filing type and filing subtype (filing type/subtype). Select the closest match from the dropdown menu that is presented. At the Supreme Court, you may select "Other" and give a brief comment as to the filing type/subtype you expected to find.
- You can submit multiple documents in a single filing. Select the filing type and subtype of the primary document on the Create Filing Page. Additional documents can be attached on the Upload Document page.
    - At District, Limited, City and Municipal courts click the hyperlink to "Add Another Lead Document." Almost all additional documents, including proposed orders and proposed summonses should be added as an additional **lead document**. Montana Vital Statistics Reporting Forms (DR cases) are among the *very* few documents which should be added using the "Add Supporting Document" link.
    - For the **SUPREME COURT:** all additional documents can only be uploaded using the "Add Supporting Document" link.
- Documents larger than 20 megabytes must be split up into segments less than 20 megabytes, with the second (and subsequent) documents filed as additional documents. Submit additional documents by clicking the link(s) on the Upload Document page. Documents which must be split up due to file size should be split into as few files as reasonable.
- For documents requiring a Certificate of Service (COS), an automatically created COS will be applied to documents submitted through the E-Filing system. The COS will be appended to each lead document, except for documents will the filing type "Proposed Document." The COS will match the list of recipients the e-filer designates on the Service Information page. An example is attached as Appendix A. An e-filer should not otherwise manually prepare and submit a COS.
- Refer to TEFR 10 for details regarding electronic signatures. In general, electronic documents may be signed by a filer using the format "/s/ filer name." In those instances where an affidavit or other document with original signatures is submitted, it should be scanned.
- Comment fields presented in the E-Filing system as part of the submission process are not to be used for ex parte communication. The Clerk of Court is the only individual who will see these comments and they are for the express purpose of providing a brief comment to the clerk related to the current filing or a specific submitted document.

Filing on Existing Cases

Specifying the Case on Which to file

There are two methods for specifying the case on which to file if you are a party/attorney on the case.

- **Create Filing**: Click on the "Create Filing" button on the left-hand menu from the user's Home page and type the case number in the field as prompted. The case number must be correctly formatted with spaces and hyphens; for example, DA 99-1234 or DC-32-2015-12345. Note that if you are not a party/attorney already established on the case, this will be your sole method of specifying the case on which to file. It is also the sole method of filing on a closed case.
- **Case Search**: Click on the "Case Search" button on the left-hand menu from the user's Home page and fill in the search criteria to bring back a list of cases for which you are established as the party/attorney and which also match the criteria you selected. Select the desired case from the list by clicking on it. In the case information box on the left-hand side, click on the button "Create Filing."

Filing Motions

- If rules require submission of a proposed order to accompany a motion, file the motion as the lead (main) document, and then attach a separate document comprising the proposed order. To do so, on the Filing Information page, select filing type "Motion – Opposed " or "Motion – Unopposed" (or other type as appropriate) and the appropriate filing subtype. On the Upload Document page, after uploading the motion document, click the hyperlink "Add Another Lead Document" and designate this document as "Proposed Document- Proposed Order."
- Proposed Order document preparation: it is preferred that this document be submitted in Word or WordPerfect rather than PDF format. This document will not be filed, but will be routed to the justice or judge for decision and processing.
- File a motion and supporting affidavit as one document whenever possible.
- **SUPREME COURT:** A proposed order for first extension (unopposed, 30-day) should be prepared as "Grant of Extension." This document should not contain a signature line, as the electronic signature will be placed elsewhere on the document.

Filing Briefs (TEFR 12(a)4-5) SUPREME COURT:

- Electronically submitted briefs should not be submitted with a colored cover sheet.
- Appendices, exhibits and other such documents should be attached as separate documents. To do so, on the Upload Document page, after uploading the Brief, click the hyperlink "Add another document" and upload and designate this document as "Appendix" (for example). Click the hyperlink "Add another document" a second time and upload and designate this document as "Judgment Being Appealed" (for example).
- If a document such as an appendix contains confidential information, check the box "Request Confidential."

- In keeping with current practice, the Court will check the brief for deficiencies.
    - If found deficient, an order will direct the filer to submit a brief that meets the requirements (same procedure as is followed within the realm of paper filing).
    - When approved for filing, the clerk will notify the e-filer to submit seven paper copies of the electronically signed brief, including copies of the orders and judgments from which the appeal is taken.
    - Also submit one paper copy of the Appendix.
    - These paper copies must be submitted promptly or within such specific time as directed by the Court.
    - These paper copies must meet the requirements for a colored cover page under Rule 11(6)(a) M.R.App.P.

Service

- Electronic service of a document is complete at the time the electronic notification of the filing of the document is sent, together with a hyperlink to the submitted document. (TREF 6(b)7)
- The Electronic Filing system will automatically generate a Certificate of Service for documents electronically submitted to the designated court, where required by law. The Electronic Filing system will not append a Certificate of Service to documents uploaded with the filing type "Proposed Document."
    - The list of recipients on the Certificate of Service will match the information provided by the e-filer on the Service Information screen.
    - When submitting a document on a case in which any of the service recipients are registered with the E-Filing system, the Certified Date of Service will be the date of submission of the document to the court.
    - If no registered e-filers are included in the recipient list, the e-filer must provide a Certified Date of Service.
    - The Service Method selected for each recipient will show on the Certificate of Service, along with the individual's name and address/email address.
    - If you would like to not publish a recipient's email address on the Certificate of Service, you may provide a physical address and mark the recipient as receiving "Email delivery" as the service method.
    - For victims, list only the name and method of service, omitting any physical or email address.
    - For recipients who are not victims, supply an appropriate physical address and/or email address that will appear on the Certificate of Service.
    - To avoid service being automatically sent, mark each recipient as "Not Served."

Filing on a Case When You Are Not a Party/Attorney on the Case

- Certain individuals may file on a case but are not granted full access rights to view the case through the E-Filing system, since it is not designed to function as a public access system. No case search functionality is available for these limited case participants, although the system allows filing of documents on cases by these individuals as long as the cause number of the case is known.
- Public access to the case remains with the Clerk of Court's Office or through the Supreme Court's public docket.

Mediator – a mediator who is an attorney should register with the E-Filing system as an attorney. A non-attorney mediator or other individual who is required to file reports to the court should register with the E-Filing system as a "Case Participant." All such individuals may then file reports on a specific case by indicating the exact, correctly-formatted cause number.

Court Reporter – a court reporter may electronically file transcripts (TEFR 12(a)2 and as amended in the Supreme Court order of 5/17/2016). The court reporter should register with the E-Filing system with the role of "Court Reporter." While transcripts are available to all counsel of record immediately upon acceptance by the clerk of court, this does not relieve the court reporter of complying with obligations of MCA 3-5-604, nor does it deprive them of any of the compensation as outlined therein.

Filing a New Case

Case Initiation

- You must be registered with the role of "Government Attorney" to initiate cases of these types: criminal, dependent abuse and neglect, juvenile, involuntary commitment and developmental disability. You must be registered with a role of either "Attorney" or "Government Attorney" to initiate cases of these types: general civil and domestic relations.
- Use the Create Filing button from the left-hand menu of the Home screen and select the court in which you wish to initiate a case. Indicate you are filing a new case and then give information concerning the type of case you wish to file (Case Category/Group, Case Type/Subtype).
- **SUPREME COURT:** If filing a Direct Appeal case in the Supreme Court, originating court information is required. If filing an Original Proceeding case, originating court information is optional.
    - Originating Court (select from dropdown).
    - Originating Judge – enter only the judge's last name, even if the last name is "Brown" or some other common surname.
    - Originating Case Number (enter as accurately as possible).

- Order Date – this is the date of the Order that is being appealed.
- Related Cases – list these by case number, separated by comma or space, if applicable.

Entering Parties/Representation of Parties

- The first party to enter is the party initiating the case.
- Use party Type "Organization" for the State of Montana. (For other types of cases, select the appropriate type for the party initiating this case.)
- **SUPREME COURT:** Select the Appellate Role from the dropdown.
- **SUPREME COURT:** Select the Originating Court Role from the dropdown. This is a mandatory field if you are submitting a direct appeal case.
- Enter the entire party name, with correct capitalization, for example: State of Montana.
- ***Representation***
  - Attorney – use this option in the following cases and do **not** fill in the address fields:
    - If you are an attorney filing the case, select the "Add Myself" button in the Add Attorney screen.
    - If you know the attorney of the opposing party, indicate the correct attorney in the Add Attorney screen.
    - If you know that the party you are entering is represented by a public defender or other government office, indicate the name of the regional or state chief of that office. For example, use Attorney General Austin Knudsen as the attorney for a party you know will be represented by the Attorney General's office.
  - Self-Represented – use this option only if you do not have any better information about the representation of this party. It is required that you fill in the address fields for the party when selecting this option.
- **SUPREME COURT:** ***Confidential name required*** – if you are filing a case in the Supreme Court in which this party's name must be kept confidential, check this box.
    - Case title will be created with first and last name initials only.
    - Certificate of Service will show first and last name initials only.
    - Subsequent access to the case will display first and last name initials only.
- Add all parties on the case by using the "Add Another Party" link as many times as necessary. **SUPREME COURT:** A minimum of two parties is required to initiate a Direct Appeal or Original Proceeding case.

Technical Failures (TEFR 13)

- A user whose filing is made untimely as a result of a technical failure may seek appropriate relief from the court.
- System outages will be posted on the login page if possible.
- Problems on the e-filer's end, such as problems with the e-filer's internet service provider, or the user's hardware or software, will not generally excuse untimely filing.

How to Obtain Help

- The first line of support is to contact the clerk of the court to which you are submitting documents. This help is available during business hours of the clerk's office.
- For help directly related to the e-filing website, email: efilingtechsupport@mt.gov

Appendix A – Example of Certificate of Service

Following is an example of an automatically generated Certificate of Service.

CERTIFICATE OF SERVICE

I, Patty Participant, hereby certify that I have served true and accurate copies of the foregoing Report to the Court - Report to the Court to the following on 10-18-2016:

Scott B. Spencer (Attorney)
123 South Main
Three Forks MT 59752
Representing: Grizzly Bear
Service Method: eService

Susan E. Boylan (Prosecutor)
123 test st
Helena MT 59602
Representing: State of Montana
Service Method: eService

Electronically Signed By: Patty Participant
Dated: 10-18-2016

Appendix B – Document Preparation Tips

Documents submitted through the E-Filing system must be in one of these formats:

1. Word – recent versions
2. Word Perfect – recent versions
3. PDF (portable document format)

Documents must be able to be processed by the E-Filing system:

- Virus-free
- Not password-protected

Document formatting mistakes that will prevent processing:

- If you are using templates that were created many years ago, use the "save as" option to convert them to formats consistent with recent versions of Word or WordPerfect.
- Update the Table of Contents and "save" the document before attaching it.

Scanned documents:

- Scanned in OCR mode
- PDF output, instead of an "image"

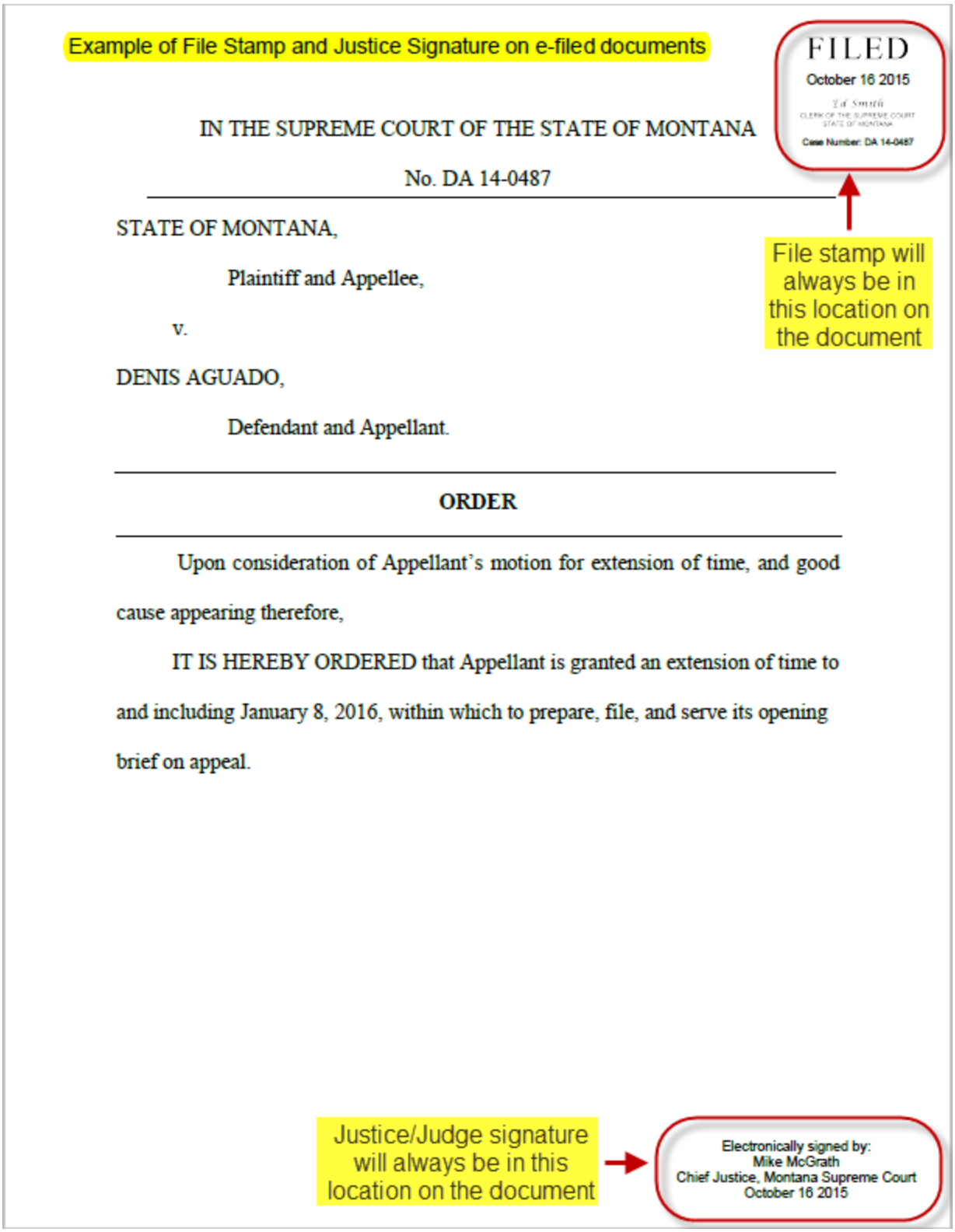
Reserved portions of documents:

- Upper right corner – this is where the electronic file stamp will be placed. The file stamp will contain the case number. (see example)
- Lower right corner of a proposed order – this is where the judge/justice electronic signature will be placed. (see example)
- Do not add lines for the case number or the judge/justice signature. The case number will be in the file stamp and not added where you may be used to leaving a line. The judge/justice will not need a signature line.

Files must not be larger than 20 MBs:

- It is not typical that you would be filing a document larger than 20 MBs in one of the accepted formats.
- If you have leave to file such a large document, you must split the document into segments, each of which is smaller than 20 MBs.
- Submit all the segments in the same filing, as "additional" documents attached to the lead document.

Remember that there is no Certificate of Service required when filing documents via Montana Courts Electronic Filing, as one will be created automatically from the service list you create as you use the E-Filing portal (see Appendix A).


Example of File Stamp and Justice Signature on e-filed documents
FILED
October 16 2015
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 14-0487
File stamp will always be in this location on the document
IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 14-0487
STATE OF MONTANA,
Plaintiff and Appellee,
v.
DENIS AGUADO,
Defendant and Appellant.
ORDER
Upon consideration of Appellant's motion for extension of time, and good cause appearing therefore,
IT IS HEREBY ORDERED that Appellant is granted an extension of time to and including January 8, 2016, within which to prepare, file, and serve its opening brief on appeal.
Justice/Judge signature will always be in this location on the document
Electronically signed by:
Mike McGrath
Chief Justice, Montana Supreme Court
October 16 2015