

2017

# Montana Courts

## Electronic Filing Initiative

Major Case Review of Civil Cases at  
Montana Trial Courts



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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 Temporary E-Filing rules.

Phase 2 of the E-Filing pilot is defined as civil case filing with attorney representation, with payment of statutory filing fees fully supported. Phase 1 of the pilot (“prosecutor-initiated” cases, including criminal, abuse and neglect, juvenile and civil commitments) is active in two district courts and two limited jurisdiction courts at the time this report was written.

On March 31, 2017, the civil major case committee met at the Office of the Court Administrator to review the electronic filing system components related to civil cases filed in Montana’s trial courts of all levels: general jurisdiction (district courts), and limited jurisdiction (justice and municipal/city courts). Civil case filing at the Montana Supreme Court was enabled in December 2016, so topics related to that were not discussed by the committee nor are they included in this report.

<b>General Civil Cases Filed by Court Level</b>	<b>2016 Filings</b>
District Court	17,988
Limited Jurisdiction	29,285
Total Cases	47,273
<b>Domestic Relations Cases</b>	
District Court	10,967
Total Including Domestic Relations Cases	58,240

**Participants**

- District Court Judge Kathy Seeley, 1<sup>st</sup> Judicial District
- Judge Larry Carver, Justice of the Peace, Judith Basin County
- Judge Linda Cantin, Justice of the Peace, Park County
- Shirley Faust, Clerk of District Court, Missoula County
- Phyllis Smith, Clerk of District Court, Fergus County
- Molli Zook, Chief Deputy Clerk of District Court, Missoula County
- Jessica Jacobsen, Judicial Assistant, 4<sup>th</sup> Judicial District
- Tammy Totland, Clerk of Park County Justice Court

Alice Hinshaw, Attorney at Law, Helena

Pat Gallagher, Attorney at Law, Anaconda

Maggie Weamer, Attorney at Law, Bozeman

Lori Harshbarger, Attorney at Law, Whitehall

Telephonic participation by Thomson Reuters E-Filing project staff:

Eric Berkowitz, Project Manager

Joni Brostrom, Project Manager

James Hunt, Development Manager

Lisa Mader, Director of Technology, Montana Supreme Court

Lois Schlyer, Electronic Filing Program Manager, Office of the Court Administrator

Claudia Anderson, FullCourt Project Manager, Office of the Court Administrator

Ryan Davies, E-Filing Business Analyst, Office of the Court Administrator

## Agenda Topics

- An overview of the statewide e-filing project, including a walk-through of core e-filing functionality by court staff.
- Discussion of civil-specific workflows.
- Discussion of fee waivers and their effect on workflows.
- Discussion of cases to be included in the pilot.
- Discussion of documents that require special handling or that may not be e-filed.

## Discussion Topics

### E-Filing integration with FullCourt CMS

Montana Courts Electronic Filing is integrated with the trial court case management system, FullCourt. Currently, all trial courts throughout the state are using FullCourt version 5 (V5). FullCourt V5 is being replaced by FullCourt Enterprise (FCE), which will soon be in operation in FCE pilot courts. Lisa informed the committee that the development of new e-filing functionality to support civil case filing will be integrated only with FCE.

**Action/Discussion:** The intersection of FCE pilot sites with E-Filing pilot sites is expected to proceed in the following sequence (although times shown here are subject to change).

Phase 1 E-Filing integrated with V5 is currently operational or planned at these courts:

- Missoula and Mineral County District Courts – live
- Missoula Municipal Court – live
- Mineral County Justice Court – live
- Missoula Justice Court – planned for August 2017
- 10<sup>th</sup> Judicial District Courts (District and Justice Courts in Fergus, Judith Basin and Petroleum counties) – planned for June through September 2017

Phase 1 E-Filing integrated with FCE expected in fall 2017 at these courts:

- Missoula County District Court
- Missoula Municipal Court

Phase 2 – Civil E-Filing – integrated with FCE expected to be implemented at these courts:

- 4<sup>th</sup> Judicial District courts in winter 2017- early 2018
- 10<sup>th</sup> Judicial District courts in late winter or early spring 2018

## Judge review queue comments

During the overview of E-Filing core functionality, Judge Seeley noted there could be a large volume of documents arriving in the Judge Review Queue and asked if there would be ticklers or other ways to track motions.

**Action/Discussion:** The Judge Review Queue consists of electronic filings that are specifically routed to a judge, and include motions and other documents requiring a judge's decision. Throughout the state, individual courts have a variety of approaches to tracking motions, but all at the district court level have assistance of either the judicial assistants (JAs) or the Clerk of Court and staff, or a combination of these groups. While delivery of electronic documents to the Judge Review Queue represents a different structure from the realm of paper, there is no more and no less actual work required. The OCA will make every effort to provide the training and tools to make the changeover as smooth as possible. There may be additional functionality available with the implementation of FullCourt Enterprise.

## Civil case workflows generally

OCA staff asked the committee participants to engage in a discussion of the large variety of civil case types (approximately 100) in order to determine the general pattern of civil cases and to group specific cases into appropriate workflows. Each case subtype was not discussed individually during the meeting, but attendees tried to define the broad outlines of several common workflows so they could be explored in more depth.

**Action/Discussion:** There are several civil case workflows that represent standard processing patterns (workflows) for case initiation in trial courts and can thus be effectively included in the pilot. In general, the main new workflow for civil case initiation at trial courts is described as "complaint/summons." The complaint opens the case and one or more summons is presented, issued by the clerk or judge (signed and sealed/certified) and returned to the filer. There are minor variances of this main workflow, depending on the individual filing subtypes.

In the weeks after the meeting, many of the details of the individual case subtypes were researched by OCA staff and confirmed by clerks and/or judges. A description of the four main workflows and a worksheet specifying details of each individual case subtype is contained in the Appendix.

### Case types/subtypes to include or exclude

OCA staff asked the committee participants to define which civil case subtypes should be included in the pilot. The discussion attempted to determine which case types/subtypes are outside of the standard workflows and thus would be excluded. As case initiation often drives the workflows, much of the discussion revolved around looking at case initiation requirements. There were a variety of topics that arose related to this discussion. There was extensive research done on individual case subtypes after the meeting.

**Desire for “all” civil cases.** Shirley Faust stated that her desire would be to have all civil cases, rather than some subset of them, included in E-Filing. With nearly 100 different case subtypes, it becomes extremely difficult for clerks to remember the ones that are excluded.

**Action/Discussion:** The OCA will make every effort to include as many civil case types/subtypes as possible. The E-Filing system itself will prevent users from filing on cases which are not enabled for E-Filing.

**Case types which cannot be e-filed.** Participants identified at least one case subtype (general jurisdiction courts) that cannot be initiated through the E-Filing system because it involves the transmission of an “original” document. Two such cases have now been identified: Suit on Note (DV-SO) which requires the original promissory note to be physically submitted to the clerk; and Bond to Release Mechanics Lien (DV-RM) which requires filing the original, physical bond with the initiating case documents.

**Action/Discussion:** While these two case subtypes will not be able to be initiated through the E-Filing system because they are required to be opened by submitting a specific physical document, they will be available for subsequent filing once the case is opened traditionally.

**Cases on appeal to the district court.** Appeals will always be opened manually because the Notice of Appeal is filed in the lower court. The filing that initiates the case is the lower case record itself, transmitted from the lower court. Since the lower court is not, itself, a party on the case, the record transmission will occur outside of the E-Filing system.

**Action/Discussion:** Once the cases are opened traditionally, e-filing of subsequent documents will be available on the existing cases. Also, Shirley Faust noted that in the future, it may be possible to have a change in the law so the Notice of Appeal would be filed at the district court, thereby enabling these cases to be opened within the E-Filing system. Shirley will follow up.



**Small Claims cases.** Judge Carver said small claims cases should not be included in the pilot, because “small claims courts” are a separate division of each justice court, and have specific statutory rules that do not fit the same pattern as other justice court cases.

**Action/Discussion:** Small claims cases will be considered at a later time, but not in this phase of the E-Filing pilot project.

**Order of Protection cases.** In general, the desire would be to include Order of Protection (OP) cases in Phase 2 E-Filing, if possible. Committee members agreed it is very rare that OP cases are filed by attorneys. If an attorney is representing a client in a district court domestic relation case, the attorney might file an order of protection on behalf of the client.

**Action/Discussion:** Subsequent to the meeting, OCA staff analyzed the desirability of including OP cases in this phase of the pilot, and decided it is not feasible to include OP cases at this time. OCA will not enable these cases for e-filing until a later date. Some of the facts included in the analysis:

- OP cases are not often filed by attorneys, so there would be few OP cases filed during the pilot.
- OP cases may require the submission of documents (e.g., a Confidential Information sheet) that are restricted from viewing by the opposing party. Such documents would need to be filed outside of the E-Filing system.
- The method of service is distinct from other cases in that the issued, judge-signed Temporary Order of Protection is delivered directly to the sheriff by the court and not by the filer. This requires the court to print documents to paper and to deliver them to an agency. These activities are outside of the E-Filing system.
- The OCA is currently working with the Department of Justice to perform a thorough analysis of the entirety of what is required at each court level to file OP cases, to meet the additional requirements of serving the documents, and to have all of the case and party information flow electronically into NCIC and CJIN databases. While these efforts are currently in the beginning stages, a grant has been written to fund research and analysis to launch this project. The goal of this project is to provide a specific portal where all users (not just e-filers) would be guided through the process of filing OP cases. The concept is that this information would then electronically populate FullCourt cases as well as the downstream processes mentioned above.

**Two case subtypes which will not be implemented.** Subsequent research by OCA staff has determined there are two additional civil case subtypes at the district court level which will not be included in Phase 2 of the pilot. These are the case subtypes of Out of State Subpoenas (DV-OS) and Trap and Trace/Pen Register (DV-TG).

**Action/Discussion:** It is unlikely either of these case subtypes will ever be enabled for e-filing. Out of State Subpoenas are rarely, if ever, filed by a member of the Montana State Bar, and bar membership is a requirement for E-Filing registration by an attorney. There is some possibility that the documents could be submitted by a registered “case participant,” which could be explored in the future but not in this phase of the pilot.

Trap and Trace/Pen Register cases likewise have a workflow that is more like a Search Warrant and, therefore, outside of the general civil case patterns. They are part of criminal procedures and must be brought by a prosecutor and show probable cause and related offenses, and the cases must be immediately sealed. This case subtype will be analyzed for inclusion in E-Filing in the future when conducting research into requirements and workflows for Search Warrants and/or Investigative Subpoenas.

**Domestic Relations cases.** Lori Harshbarger asked why Domestic Relations (DR cases in the district courts) cases were being excluded from the pilot. Other participants involved with district courts agreed that it would be highly desirable to have DR cases included, and questioned why they would be excluded.

**Action/Discussion:** During the meeting, OCA staff was persuaded to further analyze the proposal to include domestic relations cases. The original assumption is that the pilot would cover “general” civil cases to prove the system is adequately handling these types of filings and that there are no significant gaps. Soon after the pilot is “proven,” domestic relations cases could be enabled. The risk in including these additional cases is that if there are one or two functions that are “incorrect” or missing in this pilot phase, the pilot courts as well as OCA staff could become overwhelmed with cases in which some aspect of the E-Filing system was not working correctly. The functionality cannot usually be quickly corrected, and it is also impractical to deny e-filers access to a group of cases. Thus, there are very few ways to mitigate any serious problems, and having so many cases affected increases the volume of “problems.”

As of the date of writing this report, OCA staff has agreed to include domestic relations cases to the extent that the included case types have identical workflows as general civil cases.

**Multiple claims in a single case.** A spreadsheet was displayed, listing an extensive number of civil case subtypes at the district court level. Pat Gallagher said many civil cases involve several claims and the discreet subtypes listed may be combined in a single case. For example, while he initiates a civil case through E-Filing, how would he know which single subtype he should select?

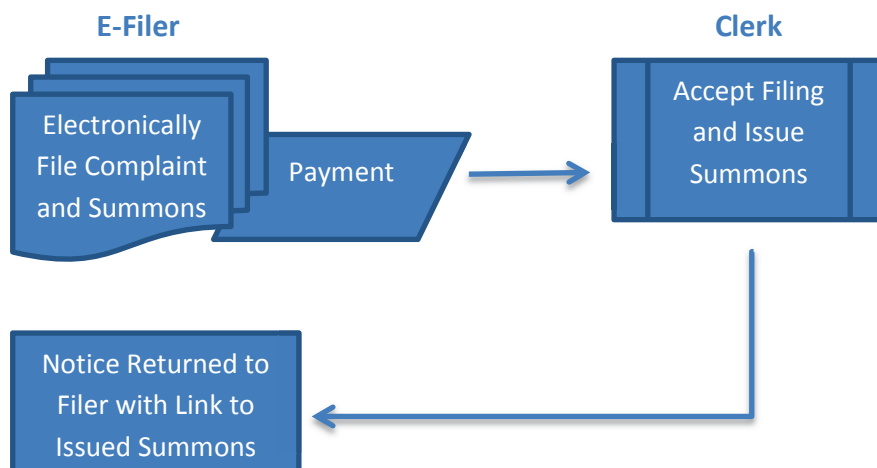
**Action/Discussion:** In the discussion that followed, quite a few of the participants observed that the current list of general civil case filing subtypes may be both overlapping and ambiguous. Shirley Faust (who is also a member of the Automation Committee of the District Court Clerk’s Association) agreed this is a topic that needs to be reviewed by the Automation Committee to determine whether the case subtypes should be modified or consolidated or otherwise standardized.

The e-filer initiating a civil case should select a case subtype corresponding to one of the main claims in the case if the case includes multiple claims. For example, a case may include a breach of contract claim as well as bad faith/unfair dealings. The e-filer attorney would select one of these and the clerk would make the final selection as the complaint is reviewed and filed.

**Case Initiation - Submission of Complaint and Summons**

Phase 2 of the Montana Courts Electronic Filing system is defined as civil filing with attorney representation. Filing a new civil case requires that statutory filing fees be paid (or waived), as well as requiring a process by which summonses are submitted to the clerk at case initiation or later, and are then issued by the clerk and returned (un-filed) to the submitter. Not all civil case subtypes involve summons processing; details can be found in the Appendix.

The basic flow of a new civil case is described in the following diagram:



**Action/Discussion:** The registered e-filer attorney will submit a complaint (or petition, etc.), which may be accompanied by one or more summonses to be issued. During submission of the filing, the e-filer is redirected to a secure payment processor to provide the appropriate statutory filing fees. A fee table for each court level will be active within the E-Filing system and the appropriate fee will be triggered when the e-filer attorney selects the desired court and filing type/subtype. For example, if selecting to file a complaint on a civil case in a justice court, subtype “Contract,” the E-Filing system will calculate the required filing fee of \$50.00. Once paid, the e-filer is returned to the E-Filing system where details of the submission are displayed.

The topic of case initiation with fee waiver requests is discussed in a separate section below.

## Summons and other service topics

**Issuing a summons electronically.** It is expected that a summons will be able to be submitted electronically and issued by the clerk or judge as part of the electronic record.

**Action/Discussion:** The E-Filing system allows the electronic submission of one or more summonses. The clerk or judge will have appropriate functionality available in the clerk review to sign and seal/certify the summons in order to officially issue the summons.

**Technical note:** The ability to route a summons directly to a judge without first filing it is essential. It is also essential that the summons can be the sole document being submitted (within the E-Filing system this is called the “lead document”).

**Email receipt when a summons is issued.** Participants agreed that the e-filer should receive an email notice that the submitted summons has been issued by the clerk.

**Action/Discussion:** Existing functionality in the E-Filing system provides an email notification to the filer when the filing has been submitted, as well as when the filing is approved. The approval email includes a hyperlink to each of the filed and/or issued documents. The e-filer will need to set his or her notification status to “All” or “Email only” to take advantage of this notification option.

**Issued summons should not be file-stamped.** In research after the group meeting, staff observed that an issued summons cannot be electronically file-stamped, as happens with all other approved e-filed documents. If the issued summons is file-stamped, once the service is

returned, the electronic document would be file-stamped a second time, on top of the original file stamp.

**Action/Discussion:** OCA staff is communicating with the trial court case management vendor (JSI) to see what options are available to support this workflow. OCA will request that a special process for “Summons Issued” be applied automatically within the clerk review function.

**Praecipes for service of process.** During the meeting, it was determined that praecipes would not be handled within the E-Filing system. A praecipe requires the clerk to accept physical money from the filer, which is then passed along to a process server. There is no mechanism within the E-Filing system to receipt money in trust and forward that to an outside entity.

**Action/Discussion:** Judge Carver explained the main reason a praecipe is submitted by a filer is to shorten the time to service of summons. In the realm of paper filing, many days may elapse due to a document’s physical mailing. For instance, an initial complaint may be mailed, taking several days to arrive at the courthouse. After issuing the summons, it would then be mailed back to the filer, who may then mail the summons to the sheriff or other process server. All of this mailing may take several weeks. Replacing physical mail with electronic document delivery and processing will avoid the time it takes for the initiating documents to arrive at the court and for the issued summons to be returned to the filer.

**Possible routing of an issued summons directly to a process server.** Could the E-Filing system send a notice with the electronic version of the issued summons directly to a process server?

**Action/Discussion:** Future versions of E-Filing may have the ability for the filer to directly route a summons or other document to a process server of the e-filer’s choice. This is outside the scope of the current pilot phases, but OCA is aware the technology has been used in other projects by Thomson Reuters, the E-Filing vendor. OCA will further analyze the feasibility of offering this function through the E-Filing system after Pilot Phases 1 and 2 are complete.

**Return of Service.** Team participants asked whether the return of service of process could be submitted electronically.

**Action/Discussion:** Proof of service can be e-filed by submitting it to the court if the service provider registers to use the E-Filing system as a case participant. As a case participant, the

service provider has no access to the court record, but can submit documents on a case by selecting the court and typing in the case number.

**Service methods other than summons.** Many of the civil case types are initiated with a complaint with service by summons to the opposing party, as discussed above. Other civil case types require service to be accomplished with a certificate of service or wholly outside of the E-Filing system.

**Action/Discussion:** The E-Filing system will automatically generate a Certificate of Service (COS) on initiating documents for specified case subtypes, including writs, petitions of Habeas Corpus, petitions for Post-Conviction Relief, and several others. These are identified on the case listing in the Appendix. The COS will work exactly as it does in the Phase 1 E-Filing functions.

An automatic COS will be available for e-filers on any subsequent case filings after case initiation. The COS can be avoided by the e-filer designating each recipient to be “Not Served.”

**“Original” of summons is required by certain sheriff’s offices.** Judge Cantin noted the Sheriff’s office in Park County requires an “original” of a summons, which is not available in the electronic summons process as described.

**Action/Discussion:** With the advent of E-Filing, the official court record is electronic, as opposed to paper-based court operations in which there is one “original” document on paper with copies of the original being labeled as “copies.” Several of the attorneys at the meeting cited statutes that indicate no “original” summons is required for service. (MCA 25-23 Rule 4 D(2) for limited jurisdiction courts and MCA 25-20 Rule 4(e) for district courts.) Judge Carver noted that a sheriff may be acting under local process server procedures. If so, the issue will need to be coordinated at a local level and is well beyond the scope of the E-Filing system.

## Filings requiring payment

**Filing fees for case initiation.** Most civil cases require payment of a filing fee when initiating the case.

**Action/Discussion:** When an e-filer selects the option to create a New Case, then selects the civil case type and one of the initial case documents, the E-Filing system displays the appropriate fee in the fee display. The fee also shows in the filer’s Cart, and is totaled with

the other fees if there are multiple filings in the Cart. Upon clicking the “Submit” button, the filer is seamlessly redirected to a secure payment processor (CitePayUSA) where he or she uses a debit or credit card (or e-wallet) to make the required payment. When the payment is successful, the filer is returned to a submission confirmation screen in the E-Filing system, and the filing is delivered to the selected court. If the payment fails, the filer is returned to the Cart on which an error message is displayed, giving a reason for the payment failure.

Fee waivers are discussed in a separate section below.

**Answer fees.** Answer (first appearance) fees and other filings such as Substitution of Judge or Entry of Judgment that occur after case initiation must be accompanied by a payment or fee waiver.

**Action/Discussion:** The E-Filing system will have several “filing types” associated with statutory filing fees. Selecting one of these filing types will cause the appropriate fee to automatically appear in the fee display. The fee display is on the same page as the “filed on behalf of” information to facilitate per-answer calculations. For example, after selecting the filing type of “Answer/First Appearance,” the filing fee will be multiplied by the number of litigants selected in the “filed on behalf of” display.

Fee waivers are discussed in a separate section below.

**Rejected filings.** It will be the responsibility of the filer to select the correct fee and to provide the correct payment. Since the e-filer pays upon submission, not upon the court’s approval of the filing, there are situations where a fee will be paid and the filing itself will be rejected.

**Action/Discussion:** For various reasons, submitted filings are sometimes rejected by the clerk of court. For example, a filing may be rejected because it lacks a signature, or because the filing fee submitted with the filing is incorrect. If this happens, the receipted money will be placed in a court trust account as an “unapplied receipt” which can be used to pay for the filing when/if it is refiled. If it is not refiled, the clerk of court will need to return the funds to the filer according to the local court’s custom.

**Judgement fees collected “up front.”** Shirley Faust indicated she would like to be able to collect a judgment fee at case initiation, i.e., at the same time as the case filing fee is collected. This is a current practice in the paper-filing process and is quite efficient. Judge Carver indicated that

statutes may restrict limited courts from collecting the judgment entry fee until the judgment is granted.

**Action/Discussion:** There may be a way to have two distinct filing types/subtypes when a case is opened, representing 1) the case filing fee *without* the entry of judgment fee, and 2) the case filing fee *with* the entry of judgment fee. It would be the responsibility of the e-filer to select the correct filing type/subtype. Further functionality requires the creation of an “unapplied receipt” account in the FullCourt case management system which would hold the “extra” fee in trust for the filer. This may involve an uncontracted level of integration in the Clerk Review (which is at the FullCourt level), requiring additional expense that may be beyond the scope of the E-Filing pilot and additional time allotments that would push implementation dates beyond current expectations. For these reasons, this functionality is not guaranteed. OCA staff will pursue it to the extent possible, and if not provided with the initial software delivery, it may be able to be included in subsequent releases.

## Fee waiver topics

Phase 2 of the E-Filing pilot deals specifically with parties who are represented by legal counsel. The E-Filing system’s foundation is to be designed in such a way that it will eventually support pro se litigants, but the current pilot phase is focused on cases with attorney representation. Participants in the meeting indicated that fee waivers filed with attorney representation are uncommon, especially on general civil cases (DV or CV cases, depending on court level). They indicated occasionally, while performing pro bono work, they will request a fee waiver on a divorce case (DR - Domestic Relations – Dissolution cases in district courts).

**Partial fee waivers.** OCA staff is aware that some courts allow partial fee waivers for civil case initiation. Some courts routinely allow for one-half fee waivers. Judges in some cases have been known to set a fee reduction based on the financial information presented to them with the waiver request. For technical reasons, the E-Filing system cannot feasibly provide an open-ended payment amount for a specific transaction. For instance, if a filing fee is \$100.00, the system will expect \$100.00 payment and cannot accommodate a payment of, say, \$45.00 instead. Meeting participants were asked to discuss fee waiver practices and provide advice.

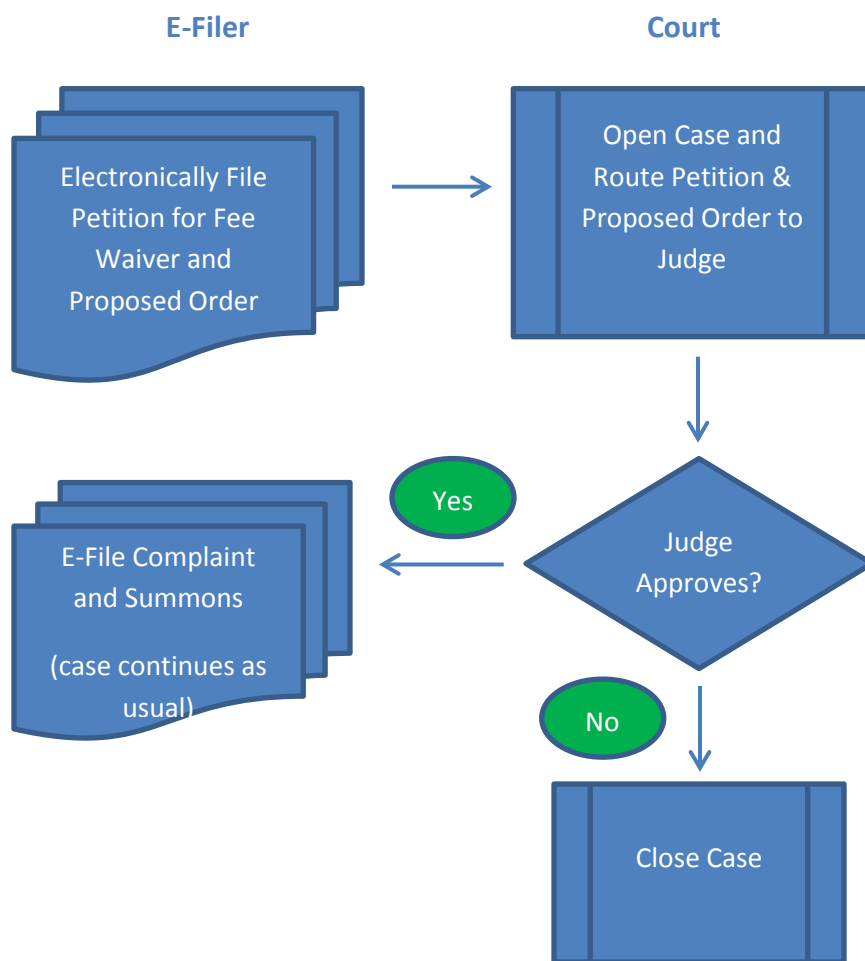
**Action/Discussion:** Meeting participants agreed that civil cases initiated through the E-Filing system should be restricted to total fee waivers, or should be paid in full. Requests for partial fee waivers should not initiate a case through the E-Filing system. If there are requests for partial waivers or if a judge sets a reduced amount, the cases will need to be filed manually so the collection of fees can occur according to the judge’s order. The same



is true for statutory fees collected after a case is open (e.g., answer fees) for which a waiver is requested. A full waiver or no waiver will be available through the E-Filing system, but partial fee waivers will need to be filed outside of the E-Filing system.

**Initiating a case with a fee waiver request.** Meeting participants were asked to discuss whether a request for a fee waiver would open a new case and how the process would flow from the fee waiver approval or denial.

It was agreed that basic flow of a new case initiated with a fee waiver request can be described as shown in the following diagram:



**E-Filer selection of fee waiver options.** When a user is filing with the E-Filing system, a mechanism for selecting a fee waiver rather than submitting a payment must be available. For example, having a judge’s order approving a fee waiver to initiate a case, the filer will need to

be able to submit the complaint (which usually requires a fee) and summons without submitting payment.

**Action/Discussion:** The E-Filing system will display the statutory filing fee based on the filing type. For example, filing an “Answer/First Appearance” causes the system to display the associated filing fee. An option will be available within this user interface to allow selection of one of the following fee waiver categories, which will eliminate the filing fee for the current filing.

- Not Required by Statute
- Motion to Proceed without Payment
- Court Order
- Government Agency

### Summary of Major Case Elements

The following table describes the unique characteristics of the case types reviewed: general Civil cases (DV/CV) and Domestic Relations (DR) cases.

Major Case Element	Design Consideration
<b>Initiating Document</b>	Generally, a case is opened with a Complaint. Sometimes a Motion, Petition, Judgment or Writ initiates a case. Specific document titles are detailed in the Appendix.
<b>Statutory Filing Fees</b>	Filing Fee tables exist for both general and limited jurisdiction courts. These will be automatically applied based on the filing type/subtype selected by the e-filer. Statutory filing fees are applicable both at case initiation as well as during the pendency of the case. A total fee waiver can take the place of the filing fee at either case initiation or during the pendency of the case. Statutory filing fees are summarized in a separate chart below.
<b>Service Requirements</b>	Generally service is by summons. Sometimes a certificate of service or no service is required. Specific case subtype requirements are detailed in the Appendix.
<b>Documents that can be filed that are not viewable by all parties on the case.</b>	Some ex parte motions and occasionally other documents will need to be presented to the court outside of the E-Filing system. On a case-by-case basis, it will be determined if such documents need to be kept outside the E-Filing system to protect their viewing by opposing parties on the case.
<b>Documents that should not be electronically filed.</b>	Bonds, Promissory Notes, Wills. Occasionally there will be documents on paper or other media that will be required to be stored in physical format.

<b>Special Routing</b>	Summons and judgments must be able to be presented as single (lead) documents to be routed directly to a judge without the clerk filing the document. Additionally, summonses are not file-stamped when first issued, but only when the service is returned.
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**Statutory Filing Fees to be included in the Phase 2 Pilot**

**District Court**

Appearance	70.00
Civil Commencement of Action	120.00
Complaint in Intervention	80.00
Confession of Judgment	45.00
Dissolution Commencement of Action	200.00
Executions/Writs of Assistance	5.00
Foreign Capital Depository Judgment	2500.00
Foreign Judgment	90.00
Judgment – Entry of Judgment from prevailing party	45.00
Legal Separation Commencement of Action	180.00
Substitution of Judge	100.00

**Limited Jurisdiction Courts**

Appearance	30.00
Civil Filing	50.00
Judgment	20.00

## Appendix

The following chart shows case subtypes pertaining to general civil cases (designated DV at the district court level and CV at the limited court level) as well as domestic relations cases (designated DR at the district court level). The case subtypes are grouped according to workflow, each of which is described in more detail below.

**Complaint/Summons.** A main workflow is the civil case subtype that consists of plaintiff(s) vs defendant(s), opened by filing a complaint and in which service is through summons. Case initiation requires payment or waiver of a statutory filing fee. Of the approximately 100 civil case subtypes the majority fit into this standard workflow, with some very minor variations (for instance the parties are designated as petitioner and respondent instead of plaintiff vs defendant).

**No Case Initiation.** A second workflow is defined as case subtypes which are not able to be initiated through the E-Filing system, but are available for subsequent filing once the case is open. Most of these represent cases on appeal to the general jurisdiction courts. These are currently opened by filing a notice of appeal at the lower court, at which time the lower court transmits the record to the district court. The record is accompanied by payment that is due to the district court but is collected by the limited court at the time the notice of appeal is filed. Thus, there is no individual filer initiating the case at the district court; instead the first filing on the appeal case is the lower court record, filed by the lower court itself and not requiring notice. (Service was provided with the Notice of Appeal filed in the lower court.) There are two additional points to note regarding cases on appeal to the district court:

- Shirley Faust mentioned it may be practical to request the law be changed so that a notice of appeal would be filed directly to the district court. This would enable these cases to be initiated through e-filing. This was left in her hands.
- As FullCourt Enterprise is deployed, functionality will be available enabling the electronic transfer of the lower court record in its entirety. This capability is not present in FullCourt V5, requiring paper transmittal and scanning of the paper record.

**Judgment.** A third common workflow is defined as judgment-type cases. Typically the action of submitting the judgment and paying the filing fee opens the case, the judgment is directly filed and the case is closed by the clerk of court. Sometimes a summons is issued for possible further action on the case which may require hearings or other court involvement.

**Motion/Petition.** A fourth workflow simply encompasses those case subtypes that are not easily categorized. Each may have a very specific workflow, such as a Petition for Name Change, or a wholly undefined workflow, as in Miscellaneous Petitions. Service is sometimes

not required or is specified in a Certificate of Service (COS). The COS will be automatically created by the E-Filing system, which will also provide eService to any other registered e-file users who are listed as parties on the case. COS creation upon initial filing is functionality that is introduced for the first time in this phase of the pilot. The E-Filing system will need to create a COS based on the party information that was entered in the party screens (rather than reading it from the case management system as happens when filing on an existing case).

### Civil Case Subtype Details

Name	Civil	Sub-type	Case Parties and Style	Workflow	Initiating Document	Initiation Service	Initiate	E-File
<b>General Jurisdiction</b>								
Order of Protection	DR	OR	Plaintiff and Defendant	Not Included Phase 2	Not Included Phase 2	Not Included Phase 2	No	No
Out of State Subpoenas	DV	OS	Plaintiff vs. Defendant	Not Included Phase 2	Not Included Phase 2	Not Included Phase 2	No	No
Trap and Trace/Pen Register	DV	TG	Plaintiff vs. Defendant	Not Included Phase 2	Not Included Phase 2	Not Included Phase 2	No	No
Bond to Release Mechanics Lien	DV	RM	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Change of Venue	DR	CV	Plaintiff and Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
City Court Appeal	DV	AC	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Justice Court Appeal	DV	JL	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Justice Court Appeal – DR	DR	AJ	Plaintiff and Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Municipal Court Appeal	DV	AM	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Municipal/City Court Appeal - DR	DR	MU	Plaintiff and Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Small Claims Appeal	DV	SA	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes

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Suit on Note	DV	SO	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Transfer from Justice Court	DV	TC	Plaintiff vs. Defendant	No Case Initiation	Not Initiated	Not Initiated	No	Yes
Abstract Final Administrative	DR	AT	Plaintiff and Defendant	Judgment	Abstract	None	Yes	Yes
Abstract Temporary Administrative Order	DR	AO	Plaintiff and Defendant	Judgment	Abstract	None	Yes	Yes
Confession of Judgment	DV	CJ	Plaintiff vs. Defendant	Judgment	Confession of Judgment	None	Yes	Yes
Foreign Judgment	DV	FJ	Plaintiff vs. Defendant	Judgment	Foreign Judgment	None	Yes	Yes
Foreign Judgment-DR	DR	JF	Plaintiff and Defendant	Judgment	Foreign Judgment	None	Yes	Yes
Transcript of Judgment	DV	TJ	Plaintiff vs. Defendant	Judgment	Transcript of Judgment	None	Yes	Yes
Transcript of Judgment-DR	DR	JT	Plaintiff and Defendant	Judgment	Transcript of Judgment	None	Yes	Yes
Agreement Suit	DV	AS	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Amount Due	DV	AU	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Bad Faith/Unfair Dealings	DV	BF	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Breach of Contract	DV	BC	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Civil Rights	DV	CR	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Civil-Other	DV	OC	Plaintiff vs. Defendant	Complaint   Summons	Complaint or Petition	Summons	Yes	Yes
Claim and Delivery	DV	CD	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Compromise Settlement	DV	CM	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Condemnation	DV	CO	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Confirm Arbitration Award	DV	CW	Petitioner vs. Respondent	Complaint   Summons	Motion   Motion to Confirm Arbitration Award	Summons	Yes	Yes
Conversion	DV	CS	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes

Damages	DV	DS	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Debt	DV	DE	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Declaratory Judgment	DV	DK	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Defamation	DV	DQ	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Discrimination	DV	DT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Dissolution of Partnership	DV	DX	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Eviction	DV	EV	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Foreclosure	DV	FO	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Forfeiture	DV	FF	Plaintiff vs. Defendant	Complaint   Summons	Petition   Petition to Institute Forfeiture Proceedings	Summons	Yes	Yes
Fraud	DV	FR	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Fraudulent Conveyance	DV	FC	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Good Faith/Fair Dealing	DV	GF	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Harassment	DV	HA	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Identity Theft	DV	ID	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Injunction	DV	IJ	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Interpleader	DV	IL	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Judicial Review	DV	JR	Plaintiff vs. Defendant	Complaint   Summons	Complaint or Petition	Summons or COS	Yes	Yes
Lien Enforcement	DV	LE	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Malicious Prosecution	DV	MC	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Mechanics Lien	DV	MN	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Miscellaneous Petitions	DV	MT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes

Negligence	DV	NE	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Negligent Trespass	DV	NT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Partition	DV	PA	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Personal Injury/Death	DV	PI	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Product Liability	DV	PL	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Professional Malpractice	DV	PM	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Property Damage	DV	PD	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Quiet Title	DV	QT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Real Property Other	DV	RP	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Subrogation	DV	SU	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Suit on Judgment	DV	SJ	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Tax Protest	DV	TX	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Tort Other	DV	TO	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Unfair Trade Practice	DV	UT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Unlawful Detainer	DV	UD	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Wage Claim	DV	WC	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Water Right	DV	WT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Writ of Attachment	DV	WH	Plaintiff vs. Defendant	Complaint   Summons	Complaint	None	Yes	Yes
Writ of Restitution	DV	WR	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Wrongful Death	DV	WF	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Wrongful Discharge	DV	WS	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes



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Caretaker/Relative	DR	CE	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Caretaker/Relative	Summons	Yes	Yes
Custody	DR	CU	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Custody	Summons	Yes	Yes
Dissolution of Marriage	DR	DU	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Dissolution of Marriage	Summons	Yes	Yes
Domestic Relations-Other	DR	OD	Plaintiff and Defendant	Complaint   Summons	Petition   Petition	Summons	Yes	Yes
Grandparent Visitation	DR	GV	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Establishment of Grandparent-Grandchild Contact	Summons	Yes	Yes
Invalid Marriage	DR	IM	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Invalidity of Marriage	Summons	Yes	Yes
Legal Separation	DR	LS	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Legal Separation	Summons	Yes	Yes
Parenting Plan	DR	PP	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Parenting Plan	Summons	Yes	Yes
Termination Parental Rights	DR	TM	Plaintiff and Defendant	Complaint   Summons	Petition   Petition for Termination of Parental Rights	Summons	Yes	Yes
Emancipation	DV	EM	In the matter of <Petitioner>	Motion/Petition	Petition   Petition for Emancipation	None	Yes	Yes
Habeas Corpus	DV	HC	Petitioner vs. Respondent	Motion/Petition	Petition   Petition for Writ of Habeas Corpus	COS required	Yes	Yes
Joint Petition for Dissolution	DR	JD	Plaintiff and Defendant	Motion/Petition	Petition   Joint Petition for Dissolution of Marriage	None	Yes	Yes
Name Change	DV	NC	in RE the Name Change of <Petitioner>	Motion/Petition	Petition   Petition for Name Change	None	Yes	Yes
Post Conviction Relief	DV	PR	Plaintiff vs. Defendant	Motion/Petition	Petition   Petition for Post Conviction Relief	COS required	Yes	Yes
Reinstatement Driver License	DV	RL	Petitioner vs. Respondent	Motion/Petition	Petition   Petition for Reinstatement of Driver's License	COS required	Yes	Yes
Release of Excess Proceeds	DV	RE	Petitioner vs. Respondent	Motion/Petition	Petition   Petition for Release of Excess Proceeds	COS required	Yes	Yes

Restricted-Use Driving Permit	DV	RD	Petitioner vs. Respondent	Motion/Petition	Petition   Petition for Reinstatement of Driving Privileges	COS required	Yes	Yes
Summary Dissolution Marriage	DR	SD	Plaintiff and Defendant	Motion/Petition	Petition   Petition for Summary Dissolution of Marriage	None	Yes	Yes
Unlocatable Mineral Owners	DV	UN	Petitioner vs Respondent	Motion/Petition	Petition   Petition for Appointment of Trustee for Unlocatable Mineral Owner	None	Yes	Yes
Writ of Certiorari/Review	DV	WE	Plaintiff vs. Defendant	Motion/Petition	Application   Application for Writ of Certiorari	COS required	Yes	Yes
Writ of Mandate	DV	WM	Plaintiff vs. Defendant	Motion/Petition	Application   Application for Writ of Mandate	COS required	Yes	Yes
Writ of Prohibition	DV	WP	Plaintiff vs. Defendant	Motion/Petition	Application   Application for Writ of Prohibition	COS required	Yes	Yes
<b>Limited Jurisdiction</b>								
Order of Protection	CV	OP	Plaintiff vs. Defendant	Not Included Phase 2	Not Included Phase 2	Not Included Phase 2	No	No
Contract	CV	CO	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Credit Agency Debt	CV	CA	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Landlord/Tenant	CV	LT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes
Other	CV	OT	Plaintiff vs. Defendant	Complaint   Summons	Complaint	Summons	Yes	Yes