

# Best Practices for Montana Courts Electronic Filing

## **How Does E-Filing Work?**

Electronic filing (e-filing) provides a secure portal to official court case records for the Montana Supreme Court and trial courts at all levels. It enables filers and courts to efficiently process documents, to accept fees, and to manage the flow of information among filers, clerks and judges.

- Filers log onto the secure e-filing website to file case-related documents and to pay appropriate filing fees to any participating court.
- Clerks Accept or Reject Submissions

Court clerks receive the electronically filed documents and associated fees for processing, review the documents, and accept the filings or return them for correction. The system returns a notification to the filer for the accepted and time-stamped documents.

The clerks may electronically route proposed orders and other documents to judges for their electronic review and signature.

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**Access** the e-filing portal using: <https://mtefile.courts.mt.gov>

**Getting Help:** Please use our information page at: <https://courts.mt.gov/courts/efile> for instructions, FAQs, videos and other information before calling.

- To contact the e-filing technical staff, email: [efilingtechsupport@mt.gov](mailto:efilingtechsupport@mt.gov) or call 800.284.6017.

**Temporary Electronic Filing Rules** are found here:

<https://courts.mt.gov/portals/189/efile/instructions/registration.pdf>.

**Participating Courts** are those listed in the **Court Policy** document available from the main login page or at this location: <https://courts.mt.gov/portals/189/efile/docs/crt-policy.pdf>

- Consult trial courts' local rules to determine if e-filing is mandatory.

**Internet Browser:** Chrome is preferred. Have only one window open at a time to avoid errors.

- Please log off the system (not merely close the tab or window) when you are done using it.

**Who can file:** Access to case documents is limited to counsel of record, judges and court staff.

- Filing transcripts, reports to the court, and other documents is available to "case participants."

**Registration** is a two-step process and instructions are found at:

<https://courts.mt.gov/portals/189/efile/instructions/registration.pdf>

- All attorneys working for government agencies should register in the role of Government Attorney (even those whose practice is exclusively civil).
- You must have an individual email address for each e-filer.
- You have the obligation to keep your account password secure; attorney's legal assistants must log in with a separate account which is connected directly with the attorney.
- Complete your registration within a single setting if possible.

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## **Submitting Filings**

**Request Emergency Filing:** use this filing only when appropriate. If it is something that you would normally call the judge's chambers about, check this box and call as well.

**Motion – Unopposed:** use this label (filing subtype) for the quickest action.

**Specific filing requirements at the Montana Supreme Court** are detailed in the Electronic Filing Rules and the Technical Policy Manual found on our information page: <https://courts.mt.gov/courts/efile>.

### **Document Preparation – in general**

- After combining electronic files, save as an “optimized pdf” or, if using Mac equipment, save in PDF/X format.
- Scanners have a wide variety of settings: make certain that you are scanning as a single document (as opposed to separate pages) and that all pages are scanned at “Letter” size and not A4. Set the output to pdf and check that the resulting file is not unusually large.
- Reserved locations for court stamps on all documents: top right-hand corner and bottom right-hand corner.
- Use the closest labels (filing types/subtypes) for the documents you are filing. The clerks will correct most of them if necessary, EXCEPT if you are filing a document for which you must pay statutory filing fees (see note below for civil filing tips).
- If you are filing documents at a trial court which include an exhibit, appendix, or other document, combine all document pages into a single document whenever practicable. However, note that filing at the Supreme Court requires these documents to be separate.
- Document size is limited to about 20 MB. If you have a file that is larger than this, split it into multiple parts and upload the parts as individual documents in the same filing.
- Name your documents appropriately. Refrain from using acronyms in document titles.

### **Document Preparation – Proposed Orders at trial courts**

- Check local rules; what is accepted at one court may be rejected by another. For example, judge signature lines may or may not be accepted on proposed orders, depending on the court.
- Save and submit a proposed order in a .docx format. Save all templates for proposed orders in .docx format. This allows a judge to modify the document before signing.
- Remove all headers and footers to eliminate vertical numbering and right-hand vertical lines.
- File stamp is in the upper right-hand corner; judge signature occupies the bottom right corner. Leave these areas blank.
- Remove the date/signature line. It is generally acceptable to replace these lines with the following: ELECTRONICALLY DATED AND SIGNED BELOW
- Remove all metadata. It is your responsibility to deliver a proposed order to the court without metadata attached.
- Note that there are special instructions for preparing documents at the Supreme Court. See the Temporary Electronic Filing Rules and Technical Operations Manual located at <https://courts.mt.gov/courts/efile/instructions>.

### **Filing on Civil Cases at trial courts**

- Instructions: <https://courts.mt.gov/portals/189/efile/instructions/EfilingCivilCases.pdf>.
- Video: <https://www.youtube.com/watch?v=aU9q6qNeXqY&feature=youtu.be>
- Select a label (filing type/subtype) that results in the correct fee being charged. If you do not see a fee assessed on the Filing Information page, stop, and try again with a different filing type.
- If you submit a filing with a fee and the filing is rejected, resubmit the filing with a fee waiver and make a comment of the original receipt number of your payment.
- Summons are electronically available on the case after the clerk has accepted and processed the filing. Give the clerk a half hour to finish issuing the summons(es) after you get the approval notification and then view the case from the e-filing system and print the issued summons(es) and serve as usual.

## Fee Table

Use these filing types to pay the statutory filing fees on civil cases. These must be used even if you are requesting a fee waiver.

Filing Type	Filing Subtype	Fee	Valid Cases	New/Existing
<b>District Courts</b>				
Answer/Brief	Answer First Appearance	70.00	DA, DF, DG, DP, DR, DV	Existing
Answer/Brief	Answer and Counterclaim	70.00	DR, DV	Existing
Answer/Brief	Response First Appearance	70.00	DA, DF, DG, DP, DR, DV	Existing
Application	Application for Appointment of Special Administrator	100.00	DP	New
Application	Application for Appointment of Successor PR (Existing Case)	100.00	DP	Existing
Application	Application for Foreign Guardianship	85.00	DG	New
Application	Application for Foreign Probate with Certificate	85.00	DP	New
Application	Application for Formal Probate Intestate	100.00	DP	New
Application	Application for Formal Probate Testate	100.00	DP	New
Application	Application for Informal Probate Testate	100.00	DP	New
Application	Application for Informal Probate of Will	100.00	DP	New
Application	Application for Informal Probate Intestate	100.00	DP	New
Complaint	Complaint	120.00	DV	New
Complaint	Complaint in Intervention	80.00	DA, DG, DP, DR, DV	Existing
Foreign Capital Depository Judgment	Foreign Capital Depository Judgment	2500.00	DV	New
Judgment	Confession of Judgment	50.00	DV	Both
Judgment	Foreign Judgment	90.00	DR-JR, DV-FJ	New
Judgment	Transcribe Judgment	50.00	DR-JT, DV-TJ	New
Motion Motion - Unopposed	Motion for Substitution of Judge	100.00	DA, DF, DG, DP, DR, DV	Existing
Motion Motion - Unopposed	Motion to Dismiss First Appearance	70.00	DR, DV	Existing
Motion Motion - Unopposed	Motion to Intervene	80.00	DA, DF, DG, DP, DR, DV	Existing
Notice	Notice of Appearance with Fee	70.00	DA, DF, DG, DP, DR, DV	Existing
Notice	Notice of Removal	5.00	DV	Existing
Petition	Joint Petition for Dissolution	200.00	DR	Both
Petition	Petition	120.00	DR, DV	New
Petition	Petition for Adoption	105.00	DA	New
Petition	Petition for Appointment of Guardian(s)	100.00	DG	New
Petition	Petition for Appointment of Special Administrator	100.00	DP	New
Petition	Petition for Appointment of Successor Guardian	100.00	DG	Existing
Petition	Petition for Appointment of Successor Guardian and Conservator	100.00	DG	Existing
Petition	Petition for Appointment of Successor PR (Existing Case)	100.00	DP	Existing
Petition	Petition for Co-Guardianship of a Minor	100.00	DG	New
Petition	Petition for Compromise Settlement	100.00	DG	New
Petition	Petition for Conservatorship	100.00	DG	New
Petition	Petition for Contested Amendments to Parenting Plan	120.00	DR	Existing
Petition	Petition for Custody	120.00	DR	Both
Petition	Petition for Dissolution of Marriage	200.00	DR	Both
Petition	Petition for Emancipation	120.00	DV-EM	Both
Petition	Petition for Establishment of Grandparent-Grandchild Contact	120.00	DR-GV	Both

Filing Type	Filing Subtype	Fee	Valid Cases	New/Existing
Petition	Petition for Foreign Guardianship	85.00	DG	New
Petition	Petition for Foreign Probate with Certificate	85.00	DP	New
Petition	Petition for Formal Probate Intestate	100.00	DP	New
Petition	Petition for Formal Probate Testate	100.00	DP	New
Petition	Petition for Guardianship	100.00	DG	New
Petition	Petition for Guardianship and Conservatorship	100.00	DG	New
Petition	Petition for Guardianship as a Minor	100.00	DG	New
Petition	Petition for Informal Probate Intestate	100.00	DP	New
Petition	Petition for Informal Probate of Will	100.00	DP	New
Petition	Petition for Informal Probate Testate	100.00	DP	New
Petition	Petition for Invalid Marriage	120.00	DR	New
Petition	Petition for Legal Separation	180.00	DR	Both
Petition	Petition for Name Change (Adult)	120.00	DR, DV	Both
Petition	Petition for Name Change (Minor)	120.00	DR, DV	Both
Petition	Petition for Parenting Plan	120.00	DR	Both
Petition	Petition for Paternity	120.00	DF	New
Petition	Petition for Post Conviction Relief	120.00	DV	New
Petition	Petition for Reinstatement of Driver's License	120.00	DV-RL	New
Petition	Petition for Release of Excess Proceeds	120.00	DV-RE	Both
Petition	Petition for Relief from Registration	120.00	DV-OF	New
Petition	Petition for Summary Dissolution	200.00	DR	Both
Petition	Petition for Writ of Certiorari	120.00	DV-WE	New
Petition	Petition to Amend Trust	100.00	DG	New
Petition	Petition to Discharge Trust	100.00	DG	New
Petition	Petition to Establish Trust/Appoint Trustee	100.00	DP, DG	New
Petition	Petition to Intervene	80.00	DR, DV	Existing
Petition	Petition to Restrict Government Interference	126.00	DV-GV	New
Proposed Document	Decree Proposed	50.00	DR, DV	Existing
Proposed Document	Judgment Proposed	50.00	DP, DR, DV	Existing
Proposed Document	Writ of Assistance Proposed	25.00	DR, DV	Existing
Proposed Document	Writ of Attachment Proposed	25.00	DR, DV	Existing
Proposed Document	Writ of Mandamus Proposed	25.00	DR, DV	Existing
Proposed Document	Writ of Execution Proposed	25.00	DP, DR, DV	Existing

#### Limited Jurisdiction Courts

Answer	Answer	30.00	CV	Existing
Answer, Motion or Motion - Unopposed	Answer/Motion to Dismiss for Lack of Jurisdiction	30.00	CV	Existing
Answer, Motion or Motion - Unopposed	Small Claims Appearance/Motion to Dismiss for Lack of Jurisdiction	20.00	SM	Existing
Complaint	Civil Complaint	50.00	CV	New
Judgment	Confession Judgment	20.00	CV	Existing
Petition	Petition for Expungement of Marijuana	50.00	CV	Both
Proposed Document	Proposed Judgment	20.00	CV	Existing

**District Courts: if you are filing a generic Petition on an existing case that does not require you to pay a fee, use Petition/Petition (No Fee).**