

Introduction to Electronic Filing

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What is eFiling?

- Electronic transfer of documents to and from the court
- Electronic transfer of data to the courts' case management system
- Electronic service
- Electronic courts



eFiling to be Implemented in Phases

- * The Missouri Court Automation Committee established an electronic filing system and can be phased in as the committee determines. It can be implemented **by particular courts, counties, circuits, or case types.**
- * Court Operating Rule 27.01 – Electronic Filing System



Registration

- * Registered users shall be **individuals** - not law firms, nor agencies, nor corporations, nor other groups.
- * Member of **The Missouri Bar** in good standing;
- * Any lawyer admitted to the practice of law pro hac vice during the period of the lawyer's temporary admission.



Registration

- * Online Registration -
<https://www.courts.mo.gov/ecf/logon.do>
- * Registration is a two step process
 - * Create Account
 - * Subscribe to electronic filing
- * *Court Operating Rule 27.03 -- Registration*

Requirements of eFiling

- * Maintain an **email address** at which the registered user agrees to **accept service** through the electronic filing system and **other notices**
- * Ensure that the **login is used only by the registered user to whom it is assigned** and by non-attorney agents and employees as the registered user may authorize
- * Furnish required information for case processing
- * Misuse of the electronic filing system may result in loss of a user's registration and subject the registered user to any other applicable penalty
 - * *Court Operating Rule 27.03*

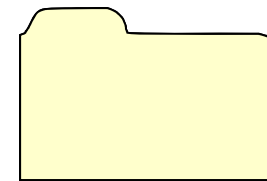


Electronic Filing

- * Rule 103 and Court Operating Rule 27 govern all matters subject to electronic filing.
- * *Rules 103.01 & 103.02*

Official Court Record

- * When a court accepts an **electronic document** for filing, the electronic document is the **official court record**.
- * If a court digitizes, records, scans, or otherwise reproduces a document that is filed in paper into an **electronic record, document, or image**, the electronic record, document, or image is the **official court record**. The court may then destroy the paper document unless that document is required to be preserved by law or court order.
 - * 103.03 Files of the Court



Format of Electronically Filed Documents

- * Shall be filed in the PDF format as defined in Court Operating Rule 27 and
- * Shall be formatted in accordance with the applicable rules governing formatting of paper documents, including page and word limits. Color coding of electronic documents is not required.
- * Electronic documents that are part of the official court record shall be self-contained and shall not contain hyperlinks.
 - * Rule103.04

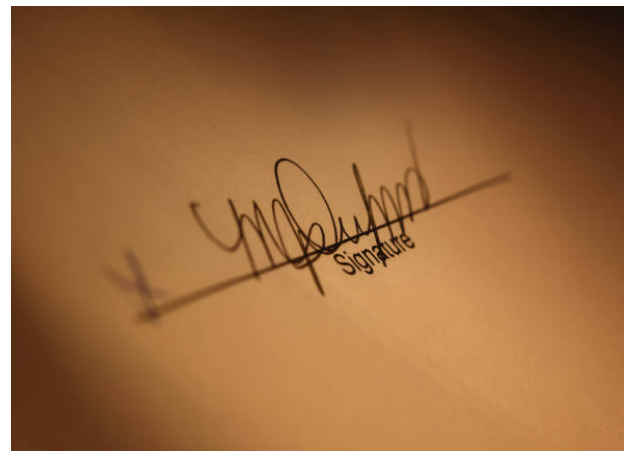


Courtesy Copy

- * For the convenience of the court, a party or amicus curiae may submit to the court a copy of an electronic document on a read-only disc (CD-R or DVD-R).
- * A copy of any such disc also shall be provided to all other counsel and all self-represented parties.
- * The electronic document shall be submitted in text searchable PDF that must be identical in content and format as the electronic document filed as the official court record, except that the document may also include hyperlinks to the complete text of any authorities cited therein and to any document or other material contained in the record on appeal. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities must be included on the same disc as the electronic document.
 - * *Rule 103.04*

Signatures

- * An electronic document requiring a signature shall be signed by an original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: /s/ John or Jane Person.
- * *Rule 103.04*



Electronic Filing is Mandatory for Attorneys

- * Any filing shall be made with the clerk of the court through the electronic filing system.
- * Attachments, including exhibits that are part of any filing shall be filed electronically at the same time.
- * An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.
 - * 103.05 *Electronic Filing with the Court*

Electronic Filing Deadlines

- Electronic filing is permitted at all times when the electronic filing system is available.
- The filing deadline for any document filed electronically is **11:59:59 p.m.** central time.
- A document is **submitted for filing** when the **electronic filing system receives the document and sends a confirmation receipt to the filer.** The electronic filing system will issue a confirmation receipt that includes the date and time.
 - * **103.06 Electronic Filing Deadlines**



System Unavailable

- * If the electronic filing system is **unavailable** at the time the user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.
- * If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, **the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document.** The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.
- * If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, **the court shall deem the document filed on the day that the user initially attempted to file the document.**
 - ▶ **103.06 Electronic Filing Deadlines**

Date File Stamp

- If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.



SC92832

Electronically Filed - Supreme Court -

Verified Documents and Affidavits

- * A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public **may be filed as an electronic document if the affiant, declarant, or notary public has signed a paper document.** Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.
 - * *103.07 Verified Documents and Affidavits*

Service

- * Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c).
- * Service by the electronic filing system is complete upon transmission except that, for the purposes of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m., shall be considered complete on the next day that is not a Saturday, Sunday, or legal holiday.
 - * 103.08 - Service

Notice

- * Any notice to the parties required by Rule 74.03 shall be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.
 - * 103.09 Notice of Entry of Orders and Judgments

Issuance of Summons

- * If the electronic filing system is used to file a document that must be served with a summons, **the clerk shall transmit the summons electronically to the registered user.**
- * *103.10 Issuance of Summons*

Filing in Supreme Court & Court of Appeals

- * If a document is filed electronically in this Court or the court of appeals, **no paper copies are required to be filed except as provided by local court rule.**
 - * *103.11 Filing of Copies in this Court and Court of Appeals*
- * An **appendix** to a brief on appeal, regardless of the number of pages it contains, **shall be filed as a separate document.**
 - * *103.12 Appendix to Brief on Appeal*

Applicability of Rules

- * Rules 19 to 36, inclusive, govern the procedure in all courts of this state having jurisdiction of criminal proceedings. Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. **To the extent there is a conflict between Rule 103 and Rules 19 to 36, Rule 103 shall apply.**
 - * *19.01 Misdemeanors or Felonies - Rules - When Applicable*
- * Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. **To the extent there is a conflict between Rule 103 and Rules 41 to 101, Rule 103 shall apply.**
 - * *41.01 Rules - When Applicable*

Applicability of Rules

- * Rules 110 to 129 shall govern practice and procedure in the juvenile court and family court divisions of the circuit court under sections 210.125, 210.160, 210.166, 210.700 to 210.760, RSMo, and chapter 211, RSMo. Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. To the extent there is a conflict between Rule 103 and Rules 110 to 129, Rule 103 shall apply.

- * *110.01 Applicability of Rules*

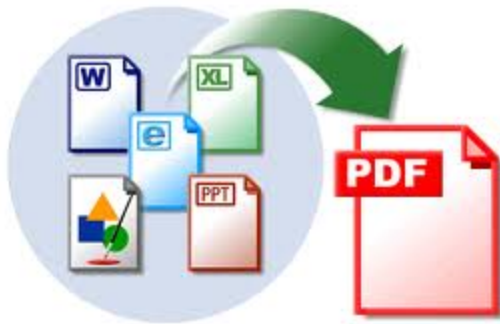
Signatures of Judicial Officers and Court Officials

- * Signature of **judicial officer**. Documents requiring a judge's or commissioner's signature may be **signed by an original signature, stamped signature, or an electronic graphic representation of a signature.**
- * Signature of **clerk**. Documents requiring a clerk's signature may be **signed by an original signature, stamped signature, an electronic graphic representation of a signature, or /s/ John or Jane Clerk.**
- * Signature of **court reporter and transcriber**. Documents requiring a court reporter's or transcriber's signature may be **signed by an original signature, stamped signature, an electronic graphic representation of a signature, or /s/ John or Jane Person.**
- * *41.08 Signatures of Judicial Officers and Court Officials*

Challenges

➤ PDF

- * Convert
- * Scan



Reasons for Returning a Submission

- * Only enters information for plaintiff/petitioner, needs to add additional party and information
- * Missing or incorrect filing fees, not enough money in debit account
- * Need to scan each document separately
- * Missing a document
- * Duplicate filing
- * Missing or incorrect signature



Reasons for Returning Submission

- * Bad image, unable to read or scanned in sideways or upside down
- * Wrong case number on pleading, names don't match case number
- * Per attorney/secretary request
- * Filed as new case, should have been filed on existing case
- * Missing pages on document
- * Wrong debit account id

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Today in the Courts

- Chief Justice Richard B. Teitelman delivered the 40th state of the judiciary address Wednesday morning, Jan. 23 in Jefferson City.
- The Appellate Judicial Commission is seeking applications to fill the vacancy on the Western District appeals court due to the impending retirement of Judge James M. Smart.
- The 22nd Circuit Judicial Commission announced Jan. 14 the demographic, interviewee and meeting information regarding the associate circuit judge vacancy due to the elevation of

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Questions or Comments?

eFiling Demo