

## **E-Filing in State Appellate Courts: An Updated Appraisal (September 2014)**

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### **Introduction**

In 2010, David Schanker, with the editorial assistance and contributions of NCACC members Polly Brock, Stuart Cohen, Carol Green, Trish Harrington, Blake Hawthorne, Judy Pacheco, Rex Renk, Rachelle Resnick, and Holly Sparrow, authored a White Paper entitled “E-Filing in State Appellate Courts: An Appraisal.” The 2010 White Paper reported that electronic filing (e-filing) had been implemented in “every federal district court in the nation and in several federal courts of appeal, while in state appellate courts, electronic filing continued to be discussed far more than it had been realized.” According to the 2010 White Paper, the states’ progress toward appellate (as well as trial court) e-filing had been “agonizingly slow,” with only fifteen states having implemented appellate e-filing systems of any kind.<sup>2</sup> The stated purpose of the 2010 White Paper was to “provide a

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<sup>1</sup> This 2014 Updated Appraisal was written with the assistance and contributions of numerous NCACC members, including Tom Hall, Mike Richie, Bessie Decker, Jenny Kitchings, Blake Hawthorne, Joe Stanton, and countless others who reviewed sections summarizing the status of e-filing in their states. In addition, this 2014 Updated Appraisal is directly indebted to the work of those who contributed to the 2010 White Paper, substantial portions of which are repeated here with minimal or no change.

<sup>2</sup> The 2010 White Paper defined an appellate e-filing system as either (1) an Internet portal used for the transmission of electronically-filed documents from filers to the courts or (2) a scheme for the voluntary or required transmission of electronic documents to the court by e-mail. The definition excluded courts that request or require the submission of an electronic document by enclosure of a CD-ROM or diskette. The 2010 definition is used, for consistency purposes, in this 2014 Updated Appraisal.

snapshot of the current (and constantly changing) state of appellate e-filing, to suggest reasons for its lackluster growth, and to offer suggestions for sparking greater progress toward widespread implementation of appellate e-filing.”

Since 2010, the number of states that have implemented some version of appellate e-filing has more than doubled, bringing the total to thirty-three states. Of those thirty-three states, twenty-seven have at least one appellate court that is receiving documents that are electronically submitted via an Internet e-filing portal; the other six states have procedures for receiving documents that are submitted via e-mail. Of the remaining seventeen states that do not currently have appellate e-filing of any kind, eleven have e-filing projects in the works, and many of those are expected to be in operation within the next two years.

The purpose of this 2014 Updated Appraisal is to provide a state-by-state report on the status of appellate e-filing, to suggest reasons for its recent growth, and to repeat the suggestions made in the 2010 White Paper for sparking continued progress toward widespread implementation of appellate e-filing. A state-by-state summary begins on page seventeen of this 2014 Updated Appraisal.

### **Background**

In late 2013, the federal judiciary celebrated the twenty-fifth anniversary of its first PACER-system implementation (Public Access to Court Electronic Records). PACER’s sibling system, the federal judiciary’s CM/ECF (Case Management/Electronic Case Files), is nearing its fifteenth anniversary. With PACER and CM/ECF, e-filing has now been implemented in every federal district court and in all of the federal circuit courts of appeals. The spread of e-filing in federal courts proceeded smoothly thanks to a highly centralized Administrative Office that oversaw the project from its inception.

In contrast to the uniform and unified federal system, each state has been on its own in determining what type of e-filing system would best fit its laws and legal culture and in gathering the resources and technology to create and implement the system. “For better or worse,” the 2010 White Paper reported, “each state has independently developed its court technology, and the widely varying level of sophistication of that technology reflects a number of factors, including each state’s degree of interest in court automation, its financial health, and its ability to sustain technology projects.”

In addition to that absence of uniformity among states, the 2010 White Paper identified several other reasons why appellate e-filing had not been more widespread at that time. Those additional reasons included (1) the post-2008 downturn in the economy and the consequent lack of funding for major court-technology projects, (2) a lack of awareness among the judiciary about the benefits of e-filing, (3) the public’s perception that e-filing was a fad or a luxury and that the “courts could continue to do business, if necessary, with typewriters, copiers, and paper research tools,” and (4) the lack of a clear choice in the field of vendors available to help states create e-filing systems or to bring in ready-made e-filing systems.

In 2014, many of those reasons carry less weight than they once did. Appellate judges can now see the benefits that e-filing has brought to their colleagues on the federal bench and in other states. Lawyers and non-lawyers alike are using technology in sophisticated ways in their professional and personal lives, such that the courts’ reliance on paper filings and paper-driven processes is increasingly viewed as out of touch with the way people live and work today. In addition, although no e-filing vendor has emerged as a clear frontrunner, there are now several e-filing vendors with a demonstrated track record of appellate e-filing implementations. The funding situation, which in many states has not

shown significant improvement since 2010, is increasingly cited as a reason for an e-filing project because a legislature may be reluctant to fund, year after year, a paper-driven judicial system that the legislature perceives to be outdated, inefficient, labor-intensive, and not “customer friendly” in its operations.

Finally, e-filing has come to be seen as inevitable – a question of when, not if. Indeed, the National Association of Court Management at its midyear 2014 conference reported on a survey conducted of various justice-system participants concerning the “likelihood of the following scenarios occurring by the year 2025.” Two of the highest scores (achieving “highly likely” to occur) related directly to e-filing: (1) “virtually all court forms will be available on the Internet (parties, particularly self-represented, will be able to complete forms online, and electronically file them)”; and (2) “virtually all courts will be ‘paperless’ (more and more courts will convert to document imaging or electronic filing, thereby going ‘paperless’).”

### **E-Filing Systems**

Despite the absence of a single dominant e-filing vendor, the e-filing systems offered by most e-filing vendors resemble each other far more than they differ. Nearly all are based on the federal model and provide interfaces designed with the differing perspectives of filers, the clerk’s office, and the courts in mind.

In a typical e-filing system, filers prepare the document using conventional word processing software, then save it as a PDF file. The filer then (1) logs into the system using a required user name and password, (2) enters basic information relating to the case and the document, (3) uploads the document, (4) submits it to the system, and (5) pays any applicable filing fees online. The filer receives a notice verifying the submission of the document.

The appellate court clerk's office receives notification that the document has been submitted to the system, usually by the appearance of the newly submitted document in an e-filing review queue. A clerk's office employee reviews the document for compliance with the rules and deadlines and either accepts it or rejects it. If the document is rejected, it is returned to the attorney electronically with a note describing the reason for rejection. If it is accepted, (1) the document is file-stamped or receive-stamped with an electronic stamp that is added to the PDF version of the document, (2) the document is added to the electronic case file, (3) the filing is noted on the appellate case docket, and (4) the other parties to the case receive notice of the filing. At that time, the other parties either receive a service copy of the PDF document or are given access to the document on the court's server. Ideally, each of those steps occurs automatically by the e-filing system's integration with the court's case management system and document management system. If the filing is a motion that requires immediate consideration by the court (e.g., a motion for extension of time), it is transmitted electronically to the appropriate court. The court then issues an order (through the clerk's office) electronically to the parties.

Once the document has been added to the electronic case file, it can also be made available to the public, depending upon the court's public-access policy. In a number of states, documents filed through the e-filing system are available on the court's website, either as part of the appellate docket case search or as a briefs database. In states where the court requires the filing of documents in text-searchable PDF, the database can be configured to be searchable by terms and phrases, making it a valuable tool for attorneys and judges who want to read how other attorneys have handled a particular issue.

If, in addition, the system had an interface with the trial court, it would enable the appellate court to receive not only case information (parties,

charges, case type, financial information, etc.) electronically but the trial court record as well. The trial court record could be as simple as a scanned version of the paper record, or it could be a set of links to electronic versions of trial court documents – including e-filed pleadings, scanned exhibits, and electronic transcripts. Most of this material could thereby be in text-searchable form.

The typical interface for judges would provide them with access to the electronic documents associated with a case in a straightforward manner; judges and their law clerks are interested, of course, in the content of the documents, not when and how they were filed. A simple web-based interface would permit a judge (wherever in the world he or she may be) to sign on to the system, enter a case number, and retrieve a list of the electronic documents in that case. Double-clicking on a document would open that document in Adobe Reader. Once open, the document can be saved, printed, downloaded, or e-mailed; it can be copied; pieces of text can be copied from within it; and, if hyperlinks have been included, cases or statutes can be accessed via the Internet from within the document. If the e-filing system is highly integrated with the appellate case management system, as it is in the Florida Supreme Court, judges can circulate proposed opinions, vote and finalize opinions within the case management system, and the clerk can then move those to the e-filing system and issue opinions (and orders) through the e-filing system.

### **E-Filing Vendors**

Some of the primary players among e-filing vendors appear currently to be the following: File & ServeXpress for Courts; Tybera, with its “eFlex” system; Thomson Reuters Court Management Solutions (formerly LT Court Tech), with its “C-Track” system; American Cadastre LLC (AMCAD), with its “eUniversa” system; Tyler Technologies, with its “Odyssey File and Serve” system; and Intresys, with its “TurboCourt” system.

Vendor-Hosted Systems. The File & ServeXpress for Courts system (formerly part of LexisNexis) is a vendor-hosted system, meaning that the system is managed on a fee-per-filing basis by a private company. Under this model, the company provides a web-based interface accessible to attorneys, the clerk's office, judges, and subscribers. A fee is charged to the filer of the document and may be charged to others who wish to view the document. Access to the system by judges, justices, and the clerk's office would be free of charge, and there would be no development or other charges incurred in starting up the service. File & ServeXpress, which is used in the Delaware Supreme Court and is one of the e-filing service providers in Texas, claims to be the largest electronic processor of court filings and document exchanges in the United States. Tybera (discussed below), among other vendors, also offers the option of a vendor-hosted, transaction-based model.

Vendor-Created Systems. The other vendors earn their fees by creating systems to be hosted and managed by the court. A court-hosted system would employ purchased or court-developed software to provide the e-filing interface, and documents would be stored on the court's own servers. It would be up to the court to determine whether any fees would be charged to filers.

Tybera is a Utah-based company that offers an e-filing system for courts called eFlex; it is a stand-alone e-filing system that can work with an existing case management system or with a case management system created by another vendor. The eFlex system, which is used by the Nevada Supreme Court and the Ohio Tenth District Court of Appeals (Franklin County), includes interfaces differentiated for attorneys/litigants, the clerk's office, and judges, and it accommodates electronic notifications and service.

Another vendor holding a significant piece of the market is Thomson Reuters Court Management Solutions (formerly LT Court Tech), with its C-

Track system – an appellate case management system with an e-filing component. Like eFlex and other systems, C-Track’s e-filing system allows parties to file documents in the standard word processing formats (Word, WordPerfect, etc.), converts them to PDF, and provides the option of watermarking, file-stamping, and electronic signature. Appellate courts using C-Track for e-filing include Oregon, Wyoming, and Montana (soon).

AMCAD is a Virginia-based company whose e-Universa system is touted as encompassing a Filer Interface, a Clerk Review, and integration with more than seven case management systems. eUniversa has also incorporated the Access2Justice (A2J) program into the eUniversa solution, which provides the ability for courts to expand e-filing to self-represented litigants by guiding them through a series of questions whose responses result in a completed form for filing. AMCAD counts the Florida E-Filing Authority among its customers.

Tyler Technologies’ Odyssey File & Serve (which includes the business formerly operated as Wiznet) currently processes more than 4 million filings per year and supports more than 100,000 users nationwide. File & Serve is used in the Michigan Court of Appeals and in several statewide implementations, including Texas. Tyler is the largest provider of case management solutions in Texas and is providing a statewide e-filing portal in Texas that works with a variety of case management systems. Tyler is also working on statewide projects (including appellate e-filing) in Massachusetts, Rhode Island, and Maryland.

TurboCourt, which is used in Arizona in the Supreme Court and in the Court of Appeals, Division One, is a product of California-based Intresys. TurboCourt describes itself as an interactive electronic filing portal for attorneys, justice partners, businesses and pro se litigants, with support for bulk filings, free-form filing, interactive forms generation and filing, and electronic service.



## **Considerations in Choosing an Appellate E-Filing System**

An appellate e-filing system can be as simple as an e-mail address to which documents are sent or as complex as a comprehensive case management/document management/e-filing system accessed through the Internet that provides a full range of electronic functionality, including electronic payment, electronic transfer of the trial court or agency record, electronic filing of the transcript, electronic integration with the bar association, electronic public access, workflow technology, and electronic service. In deciding which option to choose, factors to be considered include cost, functionality, and control.

One of the most important policy decisions to be made at the outset of the process is the degree to which the court wants to go fully “paperless.” The question drives a number of important considerations such as (1) whether paper copies should be required to be filed at all, and, if not, who should bear the cost of printing the documents when requested by the court; (2) whether the court’s official record is the paper or the electronic version of the document; (3) whether and how to archive the court’s case records; and (4) whether, if a third-party vendor is involved, the official record should be under the control of that vendor. Among the many advantages to a paperless system is the ability to store, access, retrieve, and provide electronic copies of the official court record without the cost of printing and transporting paper.

In addition to the considerations surrounding the question of paperlessness, the court must determine its priorities in terms of the system’s functionality. For most appellate courts, the most basic and therefore most important function of an e-filing system is to permit attorneys to e-file documents with the appellate courts and to serve other attorneys electronically. The second priority is often the function of providing judges and justices with access to documents in electronic form. Third may be the

function of enabling the public to access appellate court documents online, and fourth, perhaps, the function of enabling attorneys to pay filing fees online, though for some courts this priority ranks much higher. Paying fees electronically can greatly reduce the amount of time attorneys and clerks spend handling and accounting for payments.

Factors considered in this prioritization include cost, feasibility, speed of implementation, and whether the court embraces a policy of permitting as much access to court records as is prudently consistent with privacy concerns. Because each additional item of functionality adds cost and time to the implementation of a system, the courts should consider the likelihood of receiving funding and the amount of such funding before committing to a particular system.

Another important issue is whether to consider using a purely vendor-hosted system. The temptation is strong – the development and implementation of such a system usually requires little or no up-front cost to the court and minimal personnel expense. Courts may find, however, that employing such a vendor-hosted system may ultimately involve too many compromises. Several red flags come to mind. First, the court would commit itself to a system where attorneys and other filers would pay for e-filing; while it is true that e-filing can save attorneys and parties money (reducing copying and service costs), the fee would be there and would be to some extent within the control of the vendor. Second, the vendor would have a monopoly as the exclusive provider of e-filing services to the appellate courts; courts may be uncomfortable with requiring filers to do business with a particular vendor. Third, the court would cede control of the system and case record data to the vendor; while the vendors provide assurance that safeguards are in place to protect court data, courts would be forced to rely on such assurances. Fourth, members of the public would probably need to provide some identifying information to the vendor to view

court documents online, which may run contrary to a court's goals of providing both openness and accountability and privacy to users of court services.

Regardless of the type of system a court chooses, the importance of contract negotiations with vendors cannot be overestimated. Courts must take great care when negotiating contracts to ensure that the product they receive complies with their unique requirements and provides cost-effective service to the public.

### **Paths to E-Filing**

The widely varying experiences of state appellate courts suggest that there is no single path to appellate e-filing and there are many obstacles to be overcome. The obvious common denominator is perseverance.

The process of moving toward e-filing must begin with the court's attention being brought to the benefits of appellate e-filing for the courts, the bar, and the public, and to the necessity for the courts to maintain technological compatibility with the legal profession and the public. The benefits of e-filing are not difficult to see, and for each court a particular benefit may be more compelling than others. For some courts, the most important benefits of e-filing may relate to having case materials in electronic form – text-searchability, portability, ease of dissemination by e-mail or on the web, ability to copy and paste, and access to cases and statutes through links in electronic documents, among other things. For other courts, the primary benefit may be the environmental impact and cost-benefit of moving toward a paperless (or a less-paper) system where costs of copying, shipping, postage, and service are greatly reduced. For other courts, the ability to provide instantaneous public access to court documents may be paramount; this not only serves the court's interests in openness and accountability, it can also provide the courts with a great

savings of time and expense in fulfilling requests for copies of documents. The court must decide, as discussed above, what its priorities will be for the new system and how those priorities will be expressed in functionality.

It can be useful to involve a wide cast of stakeholders in the decision-making process. Representatives of the state department of justice, the state public defender's office, the appellate practice section of the state bar association, appellate judges and justices, the state legislature, the director of state courts' office, the clerk's office, and the court's information technology agency may have unique perspectives on the logistical and practical impact of e-filing on their agencies. It may be, as well, that the quality of the input provided by such stakeholders is less important than the fact that they were included in the project development and their voices heard. Some courts have convened a stakeholders' or advisors' committee to meet periodically during the pendency of the project and beyond to monitor progress and make decisions about refinements or changes to the system as progress is made.

An important function of this committee may be to recommend a plan of action to the court or the legislature. While the plan itself can be created by an in-house IT group or through a vendor, once the contours and limitations of the system have been established, it can be the job of the stakeholders or their representative to get a commitment to the project from the judiciary or the legislature.

Once a commitment to the project has been received, the next step is to design the system based on the courts' and the stakeholders' identified priorities; this must be done in conjunction with the courts' IT staff and/or the vendor. If the vendor has not yet been identified, the court will now need to write and issue its request for proposals and hope that a vendor (or multiple vendors, as in Texas) will come forward who will meet the courts' requirements within the proposed budget and time frame.

At this point, at least four tracks may be set in motion simultaneously. First, the courts' IT agency or the chosen vendor(s) must get to work building the system or adapting an existing system to the appellate courts' needs. Second, if new or amended procedural rules are needed to initiate e-filing, the rules must be written and presented to the court or the legislature for adoption. This task should proceed in conjunction with the creation of the system itself so that the necessary hardware and software can be created or purchased, tested, and implemented before the effective date of the new or amended rules.

Third, while the system is being built and the rules adopted, the bar and the public must be made aware of the coming advent of e-filing and educated in how to use the system. This training should begin with a warning about what is on the horizon – that is, the bar may be informed early on, perhaps in a bar association publication, that the court is considering instituting e-filing, that rule amendments have been proposed, and what the system entails. As the project progresses and more specifics are known, court personnel should teach continuing legal education classes in e-filing, give presentations to paralegal organizations, do training at stakeholder agencies like the department of justice and state public defender, and continue to publish articles on e-filing in bar and private legal publications.

And fourth, court staff – particularly clerk's office staff – must be trained not only in how to use the system from the clerk's office perspective (e.g., accepting and rejecting documents, etc.), but in how to answer the full range of questions that will be received from attorneys who are attempting to register for or to navigate the system for the first time.

Ideally, progress along these tracks should culminate with court staff and the bar well-prepared to use and troubleshoot the e-filing system by the

effective date of the new rules. Maryland, with its Maryland Electronic Courts project (MDEC), and Florida, with its Florida Courts E-Filing Portal, provide useful examples of paths to comprehensive statewide e-filing.

**Maryland's Statewide Project (MDEC)** (by Bessie Decker, Clerk, Maryland Court of Appeals)

The Maryland Judiciary is embarking on an enterprise-level project that will update the entire court management systems environment, including technology, business processes and management practices. The MDEC project will create a single judiciary-wide integrated case management system that will be used by all the courts in the state court system. Courts will collect, store and process records electronically, and will be able to instantly access complete records as cases travel from District Court to Circuit Court and on to the appellate courts. The new system will ultimately become “paper-on-demand.”

Preliminary discussions began back in 2006 concerning problems associated with the nine existing case management systems, many of which were decades old. As a result of those discussions, an advisory committee was established in 2009 to investigate creating a single system for all levels of court, with all products (e-filing, CMS, ECM) being implemented at once in a county-by-county roll out for all case types.

After discussions on whether to “build v. buy,” in 2010 the decision was made to buy, and a vendor fair was held along with an RFP being issued. After two site visits to Arizona and Minnesota, along with many phone interviews throughout the country, a contract was awarded to Tyler Technologies in 2011. In 2012, electronic case rules began to be drafted along with the beginning of gap/fit sessions and approval of the pilot list of roll out. In 2013, design sessions began and a site visit to New Mexico was done regarding implementation impacts. Drafted MDEC rules were adopted as well as different aspects of functions of this system.

Developing and training have continued in 2014 with the hopes that by October 2014, the roll out will start going live with all four levels of courts in Anne Arundel County, which will include both of the appellate courts. The county-by-county roll outs will continue after that, and it is projected that by November 2018 all counties will be completed.

**Florida Courts E-Filing Portal** (by Tom Hall, President of TLH Consulting Group, LLC, and formerly Clerk of Court of the Florida Supreme Court from 2000 through 2013)

Florida is in the process of implementing a single statewide e-filing system for its court system. When fully operational, it will be possible to file in any court in the state, both trial and appellate, through one web site using a single user name and password. Currently the system is operational for the Florida Supreme Court, one of the five intermediate appellate courts and all of the civil and criminal divisions of the trial courts throughout the state. The system is currently mandatory for all attorneys. Pro se (self-represented) litigants began using the system on a voluntary basis on June 20, 2014. Additional users such as court reporters, process servers, mediators, and expert witnesses are being phased in over time. The system is expected to provide for all of these additional users by the end of 2014.

There are two additional limitations to the current system. Case initiation in criminal courts cannot be done through the Portal. This restriction was actually requested as an exception by the criminal bar, particularly state attorneys and public defenders. Prior to implementation of the Portal, local court systems had developed systems that allowed state attorneys, law enforcement (who often initiate criminal proceedings directly based on an arrest) and public defenders to file electronically directly into the local clerk case management system. Those filers did not want to be required to file through the Portal until the Portal could replicate the full capability of all those systems, or the local system could adapt their CMS to

accept such pleadings directly from the Portal. One other limitation is that the electronic record is not transmitted via the Portal. It is not contemplated at this time that electronic filing of the record will ever be done through the portal in Florida. Separate File Transfer Protocol (FTP) sites have been established to allow the trial courts to transfer the record directly to the appellate courts through these sites. A new comprehensive standard for electronic records is scheduled to be implemented July 1, 2015.

### **Conclusion**

Taking on an appellate e-filing project remains a daunting task, but the substantial progress made by various appellate courts since 2010 demonstrates that the task is not as daunting as it once was. In 2014, as in 2010, the sharing of information among appellate courts can make a huge difference by providing court clerks, administrators, judges, and justices – whoever is willing to spearhead the effort – with the tools necessary to advocate strongly for, and to achieve the successful implementation of, appellate e-filing.

Information should be widely disseminated through organizations like the NCACC and the NCSC on how to inform decision makers in state legislatures and the judiciary about the benefits and cost-savings of appellate e-filing. Courts should share information on their experiences with vendors and freely share drafts of requests for proposals, system requirements, draft rules, and technical information. While the hardware and software that make e-filing systems possible cannot be obtained without high cost, information about this critical technology can be shared cheaply and widely.



## **STATES IN WHICH E-FILING IS NOT AVAILABLE**

As of September 1, 2014, e-filing is not available in any of the appellate courts of the following states:<sup>3</sup>

**Alaska**, but the state is currently working on a new case management system that will include e-filing (possibly by mid-2015).

**Arkansas**, but the state is working on an e-filing project for its appellate courts. In the meantime, Rule 1-8 of the Rules of the Supreme Court and Court of Appeals governing “Courtesy electronic copies” provides:

(a) Motions, petitions, writs, briefs, responses, and replies filed in the appellate court, except those filed by a party proceeding pro se or by a party who by court order has been allowed to prosecute the suit in forma pauperis, shall be submitted with an electronic copy of those documents in Adobe Portable Document Format (PDF). Submission in PDF of circuit court records or parts of records filed in the appellate court is encouraged but not required. Submission of PDF documents in text-searchable Adobe Portable Document Format is also encouraged but not required.

(d) PDF documents submitted under this rule shall not contain any material that is not included in the original paper document. Submitting a PDF copy of the original paper document to the Clerk of the Court does not constitute filing of the original paper document. PDF documents filed pursuant to this rule are solely for the convenience of the court, attorneys, and parties. Parties and their attorneys must comply with the filing and service requirements for the original paper document provided by these rules.

(f) PDF documents shall be submitted on a Compact Disk (CD), Digital Video Disk (DVD), portable “flash” or “thumb” drive, or on other electronic media that may be commonly used for transporting digital information. Only one electronic media copy of PDF documents shall be submitted with the filing of the original paper documents. PDF documents shall not be submitted by email. Evidence of service upon opposing counsel of the electronic media containing the PDF documents must be furnished at the time of filing the original paper documents.

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<sup>3</sup> States that have e-filing in some of their appellate courts are not included in this section. Those states are addressed in the next section, which identifies the specific appellate courts that have e-filing in place.

**District of Columbia**, but the Court of Appeals is working on an appellate e-filing project.

**Idaho**, but e-filing is expected in the trial courts in late 2015 and in the appellate courts in 2016.

**Indiana**, but the state anticipates beginning appellate e-filing pilot projects in late 2015.

**Kentucky**, but the state is currently planning a new case management system as a precursor to e-filing. In addition, some of the trial courts are currently piloting internally developed e-filing systems.

**Maryland**, but Maryland has embarked on a multi-year project (Maryland Electronic Courts or MDEC) with Tyler Technologies, with the goal of making the entire Maryland judiciary 100% electronic (“paper on demand”). At this time, as various trial courts come on to the system through a planned roll-out, appellate filings will be done electronically in appeals from those courts.

**Minnesota**, but the appellate courts began a pilot project to test the feasibility of electronic transmission of the record on appeal from the trial court to the appellate court.

**Montana**, but e-filing in the Supreme Court is expected to commence in the middle of October 2014. E-filing at the Supreme Court is the initial step in a comprehensive statewide project to enable e-filing at all levels of state courts in Montana using a single e-filing portal to access the statewide system. The portal will be used for all case types including civil and criminal cases. It is anticipated that e-filing in pilot trial courts and limited jurisdiction courts will commence by the spring of 2015. E-filing will begin with prosecutor-initiated case types (criminal, mental commitment, abuse and neglect case types, etc.) and then move to civil cases. The vendor is Thomson Reuters (C-Track product). E-filing will not be made mandatory initially, but the official record will be the electronic one in cases that are e-filed.

**Nebraska**, but the state is working on an appellate e-filing project and expects e-filing to be in place by late 2014 or early 2015.

**New Hampshire**, but the state has embarked on a multi-year project to achieve e-filing at all levels of courts. The first case type (small claims) began successfully in the trial courts in July 2014. At the Supreme Court, transcripts are filed electronically, and parties are encouraged (but not required) to submit an electronic copy of the party’s brief, in Portable Document Format (PDF), on a computer-readable compact disk.

## **New Mexico**

**Oklahoma**, but the state has begun a multi-year unified project to achieve e-filing at all levels of courts. At this time, the system is being piloted in one county.

**Rhode Island**, but the state has undertaken a multi-year project with Tyler Technologies to implement a new case management system and an electronic filing system for all courts and all case types. In anticipation of e-filing, the Rhode Island Supreme Court has adopted Provisional Article X (Rules Governing Electronic Filing), which will make e-filing mandatory for attorneys and voluntary for self-represented parties. E-filing is expected to commence at the Supreme Court in 2015.

## **South Carolina**

**Tennessee**, but the state implemented a new case management system in August of 2013 and is now working on a document management system, with plans to take up appellate e-filing after the document management system is implemented.

**Utah**, but the state hopes to have e-filing fully operational in its appellate courts by mid-2015. In the meantime, Utah Supreme Court Standing Order No. 8 (establishing a pilot program) requires a party filing a brief on the merits in the Utah Supreme Court or the Court of Appeal to submit a “Courtesy Brief” on compact disk in searchable Portable Document Format (PDF) to the appellate court and to the parties, in addition to complying with the general (paper) filing and service requirements set forth in the Utah Rules of Appellate Procedure. The filing party must include in the Courtesy Brief, the appendices, including relevant portions of the record, in PDF. As part of the pilot program, the Utah Supreme Court “urges” a filing party who has the technological capability to do so to submit a so-called Enhanced Courtesy Brief that includes hyperlinks to the cases, statutes, treatises, and portions of the record cited in the brief.

## **West Virginia**

## **COURTS IN WHICH E-FILING IS AVAILABLE**

A summary of the appellate courts in which e-filing is available, as of September 1, 2014, begins on page twenty.

## **ALABAMA (all appellate courts)**

Availability: E-filing is operational in the Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals through the “ACIS” system.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary, and only licensed Alabama attorneys and pro hac vice attorneys are authorized to e-file through the system. According to FAQs on the website, e-filing practices for pro se litigants will be addressed at a later time.

Types of Cases or Documents Included/Excluded from E-Filing: The Interim Electronic Filing and Service Rule does not categorically exclude any case types or document types from e-filing.

E-Service: E-service of court orders, notices, etc. and of party filings is authorized via use of e-mailing, but e-service is not performed automatically by the system.

Format of Filings: All e-filed documents must be filed in a PDF format that has been saved with a resolution of 200 DPI (dots per inch) or higher. E-filed documents must be saved as letter-size documents (8 ½ inches or 2550 pixels wide x 11 inches or 3300 pixels long) with black text on white background. E-filed documents must not contain any embedded files, scripts, tracking tags, and/or any type of executable files.

Requirement of Paper Copies: In addition to the e-filed document, the filer must mail or deliver paper copies to the court (9 in the Supreme Court and 5 in the Court of Criminal Appeals and in the Court of Civil Appeals).

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: Trial court judges, trial court clerks, and court reporters are also authorized to use the system to e-file documents and e-records in appellate court proceedings. An “e-record” means “a record on appeal that has been prepared, assembled, and filed with the clerk of an appellate court in an electronic format as prescribed in [the Interim Electronic Filing and Service Rule].” The Rule further states: “Unless otherwise ordered by an appellate court, in trial court locations equipped with the hardware and software necessary to produce e-records, the clerk of the trial court shall prepare and e-file an e-record in each case appealed to an appellate court.” The trial court clerk offices have now reached the point that appellate records are being provided almost exclusively in an electronic format (e-record).

E-Filing Rules: Interim Electronic Filing and Service Rule.

## **ARIZONA (Supreme Court and Court of Appeals, Div. One)**

Availability: E-filing has been operational in the Supreme Court and the Court of Appeals, Division One, through the AZTurboCourt system since 2010.

Voluntary/Mandatory; Authorized Users: Since 2012, all attorneys have been required to e-file documents through AZTurboCourt when filing into the Arizona Supreme Court and the Court of Appeals, Division One. Self-represented litigants may, but are not required to, file documents through AZTurboCourt.

Types of Cases or Documents Included/Excluded from E-Filing: All documents in all case types are within the scope of e-filing, with limited exceptions including “documents, any portion of a document, and exhibits filed under seal or in a sealed case.”

E-Service: Effective March 8, 2014, any attorney of record may be electronically served through AZTurboCourt. Consequently, there is no longer the need to obtain that attorney’s consent to electronic service through AZTurboCourt.

Format of Filings: All text-based documents shall be in .pdf, .odt, or .docx format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A filer may include a bookmark to another page within the same document. When multiple exhibits or attachments are contained in a document, the document shall contain a bookmarked index or table of contents to these exhibits or attachments.

Other Notable Features: The electronic documents in the court’s document management system constitute the “official record.”

E-Filing Rules/Orders: Supreme Court Administrative Order No. 2012-2 (In the Matter of: Implementing Mandatory E-Filing in the Arizona Supreme Court and Court of Appeals, Division One); Supreme Court Administrative Order No. 2014-23 (In the Matter of: Electronic Service of Case Documents by AZTurboCourt).

## **ARIZONA (Court of Appeals, Division Two)**

Availability: E-filing has been operational in the Court of Appeals, Division Two, since 2001.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for both Arizona licensed attorneys and self-represented parties who register for e-filing. It is expected that the Court will make e-filing mandatory for attorneys in 2014.

Types of Cases or Documents Included/Excluded from E-Filing: No case types or document types are categorically excluded by court rule from e-filing.

E-Service: The system accomplishes electronic service for the parties if they have stipulated to accept such service from other parties. The stipulation is to be filed with the court. By registering as an e-filer, a person agrees to receive notices, orders and decisions from the court electronically.

Format of Filings: E-filed documents may be in any format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Hyperlinks to the record are encouraged, but not required.

E-Filing Rules/Orders: Administrative Order 2008-1 (Arizona Court of Appeals, Division Two Electronic Filing Rules for Attorneys).

## **CALIFORNIA (Supreme Court)**

Availability: Starting in 2014, the California Supreme Court has allowed parties to “e-submit,” which is different from “e-file,” electronic copies of briefs and petitions. “Electronic submission” is explained as “the submission of an electronic copy of a document to the reviewing court. Briefs or writs submitted electronically are not a substitute for, but an addition to, the required paper filings which constitute the official court record.” The e-submission is done through a portal.

Voluntary/Mandatory; Authorized Users: E-submission is voluntary for all filers.

Types of Cases or Documents Included/Excluded from E-Submission: Parties may e-submit various (specified) types of briefs and petitions, but other types of documents must be filed exclusively in paper. The Court’s website lists the types of briefs and petitions that may be e-submitted.

E-Service:

Format of Filings: The e-submission must be submitted as a single, text-searchable PDF file that is an exact duplicate of the paper original.

Requirement of Paper Copies: Yes, but the e-submission reduces the number of paper copies that must be filed.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Rule 8.44 of the California Rules of Court.

## **CALIFORNIA (First District Court of Appeals)**

Availability: E-filing is operational in the First District.

Voluntary/Mandatory; Authorized Users: Use of the electronic filing system (EFS) operated by ImageSoft TrueFiling (TrueFiling) is mandatory for all attorneys filing in the District, unless an exemption is granted, and is voluntary for all self-represented litigants.

Types of Cases or Documents Included/Excluded from E-Filing: At this time, e-filing includes all filings in civil, criminal, juvenile and original proceedings.

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the Court.

Format of Filings: An e-filed document may be submitted in any format, and the system converts it to a searchable PDF.

Requirement of Paper Copies: No. Filings in electronic format constitute the official record of the court.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The Court is not capable at this time of receiving the clerk's and/or reporter's transcripts electronically, but a pilot project to achieve this capability in the near future is under consideration.

E-Filing Rules: Rule 8.70 et seq. of the California Rules of Court; First District Local Rule 16.



## **CALIFORNIA (Second District Court of Appeal)**

Availability: E-filing is operational in the Second District, as are “e-submission” and “e-briefs.” E-filing is explained as “the filing of an electronic document in lieu of a paper original and any required paper copies with the reviewing court.” E-submission is explained as the submission of an electronic copy of a document to the reviewing court, which reduces the number of required paper copies. An e-brief is a single disc (CD or DVD) containing linked and searchable copies of (a) the reporter’s transcript, (b) the clerk’s transcript or a joint appendix in lieu thereof, including all exhibits, (c) all cited authorities, and (d) all briefs, with all citations to the record, authorities and other briefs hyperlinked to the cited material.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for all miscellaneous filings (i.e., not briefs or petitions) by attorneys and is voluntary for self-represented parties. Briefs and petitions from attorneys and self-represented parties may be e-submitted through a portal.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all miscellaneous filings (i.e., not briefs or petitions).

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the Court.

Format of Filings: An e-filed document must be a single, text-searchable PDF file.

Requirement of Paper Copies: Not for e-filings, but yes for e-submissions and e-briefs.

Hyperlinks in Briefs and Appendices: An e-brief, if submitted, must contain hyperlinks to the record and to other cited materials.

Other Notable Features:

E-Filing Rules: Rule 8.70 et seq. of the California Rules of Court.

## **CALIFORNIA (Third District Court of Appeal)**

Availability: E-filing is operational in the Third District, as is “e-submission.” E-filing is explained as “the filing of an electronic text-searchable PDF document in lieu of a paper original and any required paper copies with the reviewing court.” E-submission is explained as “the submission of an electronic text-searchable PDF copy of a document to the reviewing court,” which reduces the number of required paper copies.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for both attorneys and self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for the following documents only: application for an extension of time in a criminal appeal (first 30-day extension only); application for an extension of time in a civil appeal (first 30-day extension only); stipulation for extension of time in a civil appeal (up to 60 days); recommendation for appointment of counsel sent from the Central California Appellate Program (CCAP) with application; change of address; change of defendant’s address sent from the Central California Appellate Program (CCAP); substitution or association of counsel; copy from the superior court of the notice of designation of record; copy from the superior court of an omission letter; copy from the superior court of an abandonment; notice of settlement; request to dismiss with no briefs filed; request for oral argument; and a service copy of documents filed in the Supreme Court. Briefs, petitions, and oppositions may be e-submitted (not e-filed) through a portal.

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the Court.

Format of Filings: An e-filed document must be a text-searchable PDF file.

Requirement of Paper Copies: Not for e-filings, but yes for e-submissions and e-briefs.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Rule 8.70 et seq. of the California Rules of Court.

## **CALIFORNIA (Fourth District Court of Appeal)**

Availability: E-filing is operational in the Fourth District, as are “e-submission” and “e-briefs.” E-filing is explained as “the filing of an electronic document in lieu of a paper original and any required paper copies with the reviewing court.” E-submission is explained as the submission of an electronic copy of a document to the reviewing court, which reduces the number of required paper copies. An e-brief is a single disc (CD or DVD) containing linked and searchable copies of (a) the reporter’s transcript, (b) the clerk’s transcript or a joint appendix in lieu thereof, including all exhibits, (c) all cited authorities, and (d) all briefs, with all citations to the record, authorities and other briefs hyperlinked to the cited material.

Voluntary/Mandatory; Authorized Users: E-filing and e-submission are voluntary for attorneys and self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for various (specified) miscellaneous filings, but not for briefs or petitions. Briefs, petitions, and oppositions may be e-submitted through a portal.

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the court.

Format of Filings: An e-filed document must be a single, text-searchable PDF file.

Requirement of Paper Copies: Not for e-filings, but yes for e-submissions and e-briefs.

Hyperlinks in Briefs and Appendices: An e-brief, if submitted, must contain hyperlinks to the record and to other cited materials.

Other Notable Features:

E-Filing Rules: Rule 8.70 et seq. of the California Rules of Court.

## **CALIFORNIA (Fifth District Court of Appeal)**

Availability: E-filing is operational in the Fifth District, as is “e-submission.” E-filing is explained as “the filing of an electronic document in lieu of a paper original and any required paper copies with the reviewing court.” E-submission is explained as the submission of an electronic copy of a document to the reviewing court, which reduces the number of required paper copies.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for specified filings (particular types of appellants’ opening briefs in adult criminal appeals, juvenile delinquency appeals, and conservatorship appeals) by attorneys. E-filing is available and voluntary for attorneys and self-represented parties for the following documents: first request for an extension of time in a criminal or juvenile appeal; and an informal response to a petition for writ of habeas corpus. Other briefs, as well as petitions and oppositions, from attorneys and self-represented parties may be e-submitted (not e-filed) through a portal.

Types of Cases or Documents Included/Excluded from E-Filing: The Fifth District does not accept any sealed documents electronically. Sealed documents must be filed in paper.

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the Court.

Format of Filings: An e-filed document must be a single PDF file, unlocked (no passwords or saving as a PDF/A), and no larger than 25 MB in size.

Requirement of Paper Copies: Not for e-filings, but yes for e-submissions.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: Clerk’s transcripts are all received electronically from the trial courts in the Fifth District's jurisdiction (via a secure File Transfer Protocol) and reporter’s transcripts for one superior court are being received electronically as a pilot project.

E-Filing Rules: Rule 8.70 et seq. of the California Rules of Court.

## **CALIFORNIA (Sixth District Court of Appeal)**

Availability: E-filing is operational in the Sixth District, as are “e-submissions” and “e-briefs.” E-filing is explained as “the filing of an electronic document in lieu of a paper original and any required paper copies with the reviewing court.” E-submission is explained as the submission of an electronic copy of a document to the reviewing court. An e-brief is a single disc (CD or DVD) containing linked and searchable copies of (a) the reporter’s transcript, (b) the clerk’s transcript or a joint appendix in lieu thereof, including all exhibits, (c) all cited authorities, and (d) all briefs, with all citations to the record, authorities and other briefs hyperlinked to the cited material.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory only for specified filings (including particular types of appellants’ opening briefs in adult criminal appeals, juvenile delinquency appeals, and conservatorship appeals, and virtually all motions) by attorneys. E-filing is available and voluntary for attorneys and self-represented parties for the following documents: Civil Case Information Statement; First Request for Extension of Time (civil or criminal appeal only); Appellant’s Request for Dismissal-Civil Case (before appeal fully briefed); Certificate of Interested Entities or Persons; Change of Address; Substitution/Association of Attorney; Appellant’s Abandonment/Request for Dismissal – Criminal/Juvenile Case (before appeal fully briefed); Errata to a brief ; Informal Response to Petition for Writ of Habeas Corpus; Notice of Settlement; and Stipulation for Extension of Time. An electronic copy of other briefs, as well as petitions and oppositions, from attorneys must be e-submitted (not e-filed) through a portal; this is voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: See above.

E-Service: A party that e-files agrees to accept service at the electronic service address that the party has furnished to the court.

Format of Filings: An e-filed document must be a single, text-searchable PDF file.

Requirement of Paper Copies: Not for e-filings, but yes for e-submissions.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The Court receives for filing electronic clerk’s transcripts from Monterey County in criminal appeals, and will soon have two other counties filing electronic clerk’s transcripts. While the clerk’s transcript is electronic only, the reporter’s transcript is filed in paper due to

CCP Section 271(a), which states that the original reporter's transcript shall be on paper.

E-Filing Rules/Orders: Rule 8.70 et seq. of the California Rules of Court; and Sixth District Misc. Orders 12-1, 12-2, 12-3, 12-4, and 13-1.

## **COLORADO (Supreme Court and Court of Appeals)**

Availability: E-filing through “ICCES” (Integrated Colorado Courts E-filing System) is operational in the Colorado Supreme Court and Court of Appeals.

Voluntary/Mandatory; Authorized Users: E-filing is not mandatory at this time, but is encouraged for all represented parties. Self-represented parties may not e-file in appellate cases.

Types of Cases or Documents Included/Excluded from E-Filing: All case classes and types are available for e-filing. E-filing of sealed documents is allowed.

E-Service: The e-filing system performs e-service.

Format of Filings: All documents must be submitted by either (1) directly uploading the document from a word processing format (such as Word or Word Perfect) to the e-filing system, or (2) electronically converting the document from a word processing format into a PDF format and then directly uploading the PDF document to the e-filing system.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Hyperlinks in briefs to the authorities cited therein, to the record, if in electronic form, and to any electronic appendices, are not required, but are highly desirable and strongly encouraged.

Other Notable Features:

E-Filing Rules/Orders: Chief Justice Directive 11-01 and Colorado Appellate Rule 30.

## **CONNECTICUT (Supreme Court and Court of Appeals)**

Availability: The electronic submission of briefs through an e-services portal is operational in the Supreme Court.

Voluntary/Mandatory; Authorized Users: Attorneys may, but are not required to, electronically submit Supreme Court briefs.

Types of Cases or Documents Included/Excluded from E-Filing: Only Supreme Court briefs may be electronically submitted. Electronic submission of appendices or any other material is prohibited.

E-Service: An e-mail confirmation from the Supreme Court will be sent to the submitting party upon the successful electronic submission of a brief. A party who has electronically submitted a brief must notify counsel of record and self-represented parties of such submission. This may be done by e-mail or by conventional mail. If done by e-mail, a PDF copy of the brief must be attached. Proof of notice, in whatever form provided, must be retained for the pendency of the appeal. This does not supplant the certification requirement that must be satisfied when a paper brief is filed.

Format of Filings: An electronically submitted Supreme Court brief must be in Portable Document Format (PDF). Direct conversion of documents to .pdf format is strongly encouraged. Regardless of the method used to create the .pdf document (conversion or scanning), the file size may not exceed 1.5 megabytes.

Requirement of Paper Copies: Yes. Electronic submission of a Supreme Court brief does not eliminate the requirement of filing a paper brief and the appropriate number of copies in accordance with applicable rules.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: In addition to the availability of electronic submission for Supreme Court briefs, both the Supreme Court and the Court of Appeals permit the electronic mail filing, to a designated e-mail address, of motions for extension of time and oppositions thereto. E-mail filing is not allowed for any other type of filing. In addition, for motions for extension of time and oppositions, e-mail filing is not available unless all counsel and self-represented litigants of record have e-mail capability.

E-Filing Rules/Policies: Supreme Court Guidelines for Electronic Submission of Briefs; Technical Standards and Procedures for Filing Motions for Extension of Time and Opposition Thereto.



## **DELAWARE (Supreme Court)**

Availability: E-filing has been operational in the Delaware Supreme Court since 2005.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: All categories of appeals and all categories of documents (including sealed documents) are subject to e-filing.

E-Service: The e-filing system performs service on all case participants who are registered with the system.

Format of Filings: Each electronically filed document must be filed in Word, WordPerfect, TIFF or PDF format. To the extent practicable, it must be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the clerk may require from time to time. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion or filing process. The e-filing system will automatically convert any Word, WordPerfect or TIFF file to PDF format, but the original format will also be available for downloading.

Requirement of Paper Copies: Yes. The required number of paper copies of a notice of interlocutory appeal, a brief, and/or an appendix must be filed by the next business day.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The PDF versions of e-filed documents constitute the official record of the court.

E-Filing Rules/Policies: Rule 10.1 and Rule 10.2 of the Rules of the Supreme Court; E-File Administrative Procedures.

## **FLORIDA (Supreme Court)**

Availability: E-filing in the Supreme Court through the Florida Courts E-Filing Portal is operational.

Voluntary/Mandatory; Authorized Users: E-filing through the Portal has been mandatory for all attorneys since April 2013. Attorneys not in good standing with The Florida Bar are not permitted to file through the Portal. As of June of 2014, non-attorney parties are permitted to e-file through the Portal.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, including transmittal and cover letters, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: The Portal provides the ability for registered participants who are e-filing documents to identify the name and up to a specified number of e-mail addresses of other attorneys or parties participating in that particular case to receive service of that document electronically. Electronic service through the Portal satisfies applicable court rules concerning service.

Format of Filings: Documents may be submitted in an Adobe portable document format (“PDF”), Microsoft Word 97 or higher, or Corel WordPerfect or other format which may be later specified by the Court. Each separate pleading or document filed electronically through the Portal must be submitted as a single complete document. Likewise, multiple documents must be submitted as separate documents.

Requirement of Paper Copies: No. No paper copy of any document filed through the Portal by an attorney is required to be filed and will not be accepted by the Court, absent a specific order by the Court. Any requirement for the filing of multiple paper copies that may remain in the rules of procedure is discontinued.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: No later than June 30, 2015, the clerks of the lower tribunals shall be required to provide the appellate courts an eRecord (an electronic record on appeal) in accordance with standards adopted on January 31, 2013, by the Florida Courts Technology Commission.

E-Filing Rules/Orders: Supreme Court Administrative Order No. AOSC13-7 (In re: Electronic Filing in the Supreme Court of Florida via the Florida

Courts E-Filing Portal); No. AOSC13-49 (In re: Electronic Service via the Florida Courts E-Filing Portal); No. AOSC14-28 (In re: Electronic Records on Appeal).

## **FLORIDA (First District Court of Appeal)**

Availability: E-filing in the First District through the “eDCA” system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for all attorneys and for other registered users of the system. Non-attorneys are encouraged, but not required, to become registered users. Non-attorneys who are not registered with eDCA may file pleadings in paper format.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, including transmittal and cover letters, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: Pleadings by parties are required to contain a certificate of service pursuant to Florida Rule of Appellate Procedure 9.420 and Florida Rule of Judicial Administration 2.516. If a pleading is served on the opposing side electronically by e-mail or some other electronic means, the certificate of service must state the electronic means used as well as the date of service. Electronic filings which do not contain a date of service may be rejected.

Format of Filings: All pleadings filed through eDCA must be in PDF format. Each separate pleading or document filed electronically through eDCA must be submitted as a single complete document. Likewise multiple documents must be filed separately.

Requirement of Paper Copies: No. Documents filed electronically are not required or permitted to be filed in duplicate paper format.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: Orders, opinions, and mandates of the court are delivered to registered users via links contained in automated e-mails from the court (Casemail) rather than via mailed paper copies.

E-Filing Rules/Orders: First District Administrative Order 10-3 (In re: Electronic Filing of Pleadings in the First District Court of Appeal); First District Administrative Order 10-4 (In re: Electronic Filing of Records on Appeal, Registration and Filing of Court Reporter Extensions of Time, and Other Pleadings Filed after September 1, 2010); First District Administrative Order 12-1 (In re: Electronic Transmission of Court Orders to Registered eDCA Users); First District Administrative Order 12-2 (In re: Electronic

Transmission of Court Opinions to Registered eDCA Users); and First District Administrative Order 12-3 (In re: Electronic Transmission of Court Mandates to Registered eDCA Users).

## **FLORIDA (Second District Court of Appeals)**

Availability: E-filing in the Second District through the Florida Courts E-Filing Portal has been operational since 2013.

Voluntary/Mandatory; Authorized Users: E-filing by licensed attorneys is mandatory. Attorneys not in good standing with The Florida Bar are not permitted to file through the Portal. As of June of 2014, non-attorney parties are permitted to e-file through the Portal.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, including transmittal and cover letters, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: The Portal provides the ability for registered participants who are e-filing documents to identify the name and up to a specified number of e-mail addresses of other attorneys or parties participating in that particular case to receive service of that document electronically. Electronic service through the Portal satisfies applicable court rules concerning service.

Format of Filings: Documents may be submitted in an Adobe portable document format ("PDF"), Microsoft Word 97 or higher, or Corel WordPerfect or other format which may be later specified by the Court. Each separate pleading or document filed electronically through the Portal must be submitted as a single complete document. Likewise, multiple documents must be submitted as separate documents.

Requirement of Paper Copies: No. No paper copy of any document filed through the Portal by an attorney is required to be filed and will not be accepted by the Court, absent a specific order by the Court. Any requirement for the filing of multiple paper copies that may remain in the rules of procedure is discontinued.

Hyperlinks in Briefs and Appendices: An appendix submitted with a brief, motion, petition or response must be properly indexed and either bookmarked or hyperlinked and fully searchable.

Other Notable Features: The Second District requires trial court clerks (in several counties) and agency clerks to transmit the record electronically. The electronic record must be properly indexed and either bookmarked or hyperlinked and, if possible, fully searchable. Transcripts must also be filed electronically. In addition, the Second District requires lower tribunal

clerks to file case-initiation documents and other “routine” clerk-to-clerk transmissions electronically through the Portal.

E-Filing Rules/Orders: Supreme Court Administrative Order No. AOSC13-29 (In re: Electronic Filing in the Second District Court of Appeal via the Florida Courts E-Filing Portal; Electronic Records on Appeal); Second District Administrative Order 2013-4 (In re: Electronic Filing of Appellate Records); Second District Administrative Order 2014-1 (In re: Electronic Transmission of Case Initiation Documents by Lower Tribunal Clerks).

## **FLORIDA (Third District Court of Appeal)**

Availability: E-filing in the Third District through the “eDCA” system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, including transmittal and cover letters, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: The Court uses the eDCA system to serve registered users with orders, notices, opinions, and mandates. Pleadings by parties are required to contain a certificate of service pursuant to Florida Rule of Appellate Procedure 9.420. If a pleading is served on the opposing side electronically by e-mail or some other electronic means, the certificate of service must state the electronic means used as well as the date of service. Electronic filings which do not contain a date of service may be rejected.

Format of Filings: All pleadings filed through eDCA must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: An appendix submitted with a brief, motion, petition or response must be properly indexed and either bookmarked or hyperlinked and fully searchable.

Other Notable Features: The Third District requires trial court clerks (in certain counties) to transmit the record electronically. The electronic record must be properly indexed and either bookmarked or hyperlinked and fully searchable. Transcripts must also be filed electronically. In addition, the Third District requires lower tribunal clerks to file case-initiation documents electronically.

E-Filing Rules/Orders: Third District Administrative Orders A03D13-03 (Re: E-Mail Service of Court Documents and E-Filing by Registered Users of eDCA); A03D13-02 (Re: Electronic Filing of Notices of Appeal by Lower Tribunal Clerks and Papers and Motions by Court Reporters); A03D13-04 (Re: Electronic Filing of Appellate Records); and A03D13-05 (Re: Electronic Filing of Appendices).



## **FLORIDA (Fourth District Court of Appeal)**

Availability: E-filing in the Fourth District through the “eDCA” system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties. E-filing has been mandatory for attorneys since 2013. Court reporters, administrative agencies and judges may also register with eDCA.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, other than the transmittal form required to be submitted with notices of appeal, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: The Court uses the eDCA system to serve registered users with orders, notices, opinions, and mandates. Pleadings by parties are required to contain a certificate of service pursuant to Florida Rule of Appellate Procedure 9.420. If a pleading is served on the opposing side electronically by e-mail or some other electronic means, the certificate of service must state the electronic means used as well as the date of service. Electronic filings which do not contain a date of service may be rejected.

Format of Filings: All pleadings filed through eDCA must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: An appendix submitted with a brief, motion, petition or response must be properly indexed and either bookmarked or hyperlinked and fully searchable.

Other Notable Features: The Fourth District requires trial court clerks (in certain counties) and agency clerks to transmit the record electronically. The electronic record must be properly indexed and either bookmarked or hyperlinked and fully searchable. Transcripts must also be filed electronically. In addition, the Fourth District requires lower tribunal clerks to file case-initiation documents electronically.

E-Filing Rules/Orders: Fourth District Administrative Orders AO2013-01 (Re: E-Mail Service of Court Documents and E-Filing by Registered Users of eDCA); A02013-02 (Re: Electronic Filing of Notices of Appeal by Lower Tribunal Clerks and Papers and Motions by Court Reporters); Corrected

A02013-03 (Re: Electronic Filing of Appellate Records); and A02013-04 (Re: Electronic Filing of Appendices).

## **FLORIDA (Fifth District Court of Appeal)**

Availability: E-filing in the Fifth District through the “eDCA” system is operational.

Voluntary/Mandatory; Authorized Users: E-filing has been mandatory for attorneys since 2013. E-filing is voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: All case types and all document types are subject to e-filing, except: letters and correspondence addressed to the Court or the Clerk of the Court, other than the transmittal form required to be submitted with notices of appeal, are not permitted to be filed electronically with the Court and may not be included with electronic pleadings.

E-Service: The Court uses the eDCA system to serve registered users with orders, notices, opinions, and mandates. Pleadings by parties are required to contain a certificate of service pursuant to Florida Rule of Appellate Procedure 9.420. If a pleading is served on the opposing side electronically by e-mail or some other electronic means, the certificate of service must state the electronic means used as well as the date of service. Electronic filings which do not contain a date of service may be rejected.

Format of Filings: All pleadings filed through eDCA must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: An appendix submitted with a brief, motion, petition or response must be properly indexed and either bookmarked or hyperlinked and, if possible, fully searchable.

Other Notable Features: The Fifth District requires lower tribunal clerks to file case-initiation documents electronically.

E-Filing Rules/Orders: Fifth District Administrative Orders AO5D13-05 (Re: E-Filing by Registered Users of eDCA); AO5D12-02 (Re: Electronic Filing of Notices of Appeal by Lower Tribunal Clerks and Papers and Motions by Court Reporters); and AO5D14-01 (Re: Electronic Filing of Appendices).

## **GEORGIA (Supreme Court)**

Availability: E-filing in the Supreme Court through the “SCED” system has been operational since 2010.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for Georgia attorneys in good standing. Pro hac vice attorneys are eligible to use the system. Law students and self-represented parties are not eligible to use the system.

Types of Cases or Documents Included/Excluded from E-Filing: No case types or document types are categorically excluded by rule from e-filing.

E-Service: The e-mail notification feature generated by the electronic filing system does not constitute service and does not replace Supreme Court Rule 14’s service requirements.

Format of Filings: All documents must be in pdf searchable format (300 dpi) and no larger than 15 MB.

Requirement of Paper Copies: No. Electronic filing of an electronic document in conformity with the Court’s e-filing standards is in lieu of a paper original and copy.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The Georgia Supreme Court expects to have implemented in 2014 the technology to receive records on appeal electronically.

E-Filing Rules: Rules 13 and 15 of the Rules of the Supreme Court of Georgia.

## **GEORGIA (Court of Appeals)**

Availability: E-filing in the Court of Appeals through the “EFast” system is operational.

Voluntary/Mandatory; Authorized Users: At this time, only members of the State Bar of Georgia are able to e-file, and e-filing is voluntary for them. The Court plans to expand use to permit pro hac vice attorneys and pro se litigants to use the system eventually.

Types of Cases or Documents Included/Excluded from E-Filing: The e-filing system is available for most pleadings except applications and certain emergency motions.

E-Service: The Court uses the system to electronically distribute its orders and opinions to registered users, who do not receive paper copies. Although the Court will provide notice to counsel of record of an e-filing by a registered user, the counsel e-filing the document is still responsible for official service of his or her document on the opposing counsel or pro se party.

Format of Filings: Documents can be submitted in portable document format (.pdf) only. A .pdf for editing is preferred over a scanned .pdf document because it permits the text of the document to be searched. These files should not contain embedded files, scripts, tracking tags or executable files.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices:

Other Notable Features:

E-Filing Rules: Rule 46 (Electronic Filing of Documents) of the Rules of Court of Appeals; see also Questions and Answers re EFast (Updated October 24, 2012), available on the Court’s website.

## **HAWAII (Supreme Court and Intermediate Court of Appeals)**

Availability: E-Filing in the Hawaii Supreme Court and the Intermediate Court of Appeals through the “JEFS” system is operational.

Voluntary/Mandatory; Authorized Users: Attorneys must e-file unless excused by court order. Self-represented parties may elect to e-file, but if the self-represented party elects to e-file, he or she must seek permission from the court to return later to paper filing.

Types of Cases or Documents Included/Excluded from E-Filing: Currently, all of the types of cases that may be heard by the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court may be initiated electronically. Once a case is initiated electronically, all subsequent filings by attorneys and by self-represented parties (if registered in the system) must be submitted electronically. This includes documents that are sealed by court order and documents proposed to be submitted under seal or for in camera review.

E-Service: Service is performed electronically by the JEFS system. A notice of electronic filing is e-mailed to parties who are JEFS users; the notice itself is sufficient to demonstrate service. The party who e-filed a document must conventionally serve parties who are not JEFS users.

Format of Filings: Only Adobe PDF documents may be e-filed.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: A notice of appeal filed through JEFS is deemed to have been properly filed in the court or agency from which the appeal is taken. E-filed documents constitute the official court record.

E-Filing Rules: Hawaii Electronic Filing and Service Rules.

## **ILLINOIS (Supreme Court)**

Availability: E-filing is operational in the Supreme Court.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary. Attorneys admitted to and in good standing with the Court and other registered users, including pro se litigants and attorneys licensed in other jurisdictions appearing in a specific case pro hac vice, may file documents with the Court electronically over the internet as provided in the Supreme Court of Illinois Electronic Filing User Manual.

Types of Cases or Documents Included/Excluded from E-Filing: All cases on the Court's general docket and attorney disciplinary matters on the Court's miscellaneous docket are available for e-filing, including the following types of pleadings: administrator's statement of costs (MR Docket); answer; appearance; brief; hearing board report; motion; notice of filing; petition; petition for leave to file exceptions (MR Docket); petition for leave to appeal (General Docket); petition for rehearing; proof of service; reply; response; and review board report. Confidential, impounded and sealed documents must be submitted conventionally to the Clerk's office for filing; however, motions for leave to file a document under seal may be e-filed and designated as such at the time of e-filing.

E-Service: A document filed electronically by a party must be served on all parties and/or counsel of record in accordance with general Supreme Court Rules. The proof of service must advise all parties and/or counsel of record that the document was served and filed by electronic means on the Clerk's office.

Format of Filings: An e-filed document must be in text-searchable PDF format compatible with the latest version of Adobe Reader. Except as otherwise provided, an e-filed document created by a word processing program must not be a scan of the original but must instead be converted directly into a PDF file using Adobe Acrobat, a word processing program's PDF conversion utility, or another software program.

Requirement of Paper Copies: Yes. In addition to the electronically filed document, registered users must submit the original and the number of paper copies required by Supreme Court Rules in paper filings. The original and paper copies must be received by the Clerk's office, if payment is not applicable, within five (5) days following the electronic review notification indicating acceptance of the e-filed document or, if payment is applicable, within five (5) days following receipt of the electronic payment transaction receipt.

Hyperlinks in Briefs and Appendices: An e-filed document item may contain hyperlinks to another part of the same document, an external source cited in the document, an appendix item associated with the document, an embedded case, or a record cite. A hyperlink within an appendix item is also permitted. Any external material behind the link is not considered part of the e-filing.

Other Notable Features in Illinois: The Second, Third, Fourth, and Fifth District Appellate Courts are operating an “electronic transfer of record on appeal” pilot that allows the record on appeal for cases originating in specified counties to be transferred electronically to the District Appellate Court. Attorneys, parties and the Appellate justices can electronically view, access and work from a mirror copy of the official record on appeal.

E-Filing Rules/Orders: Supreme Court Order M.R. 18368 (In re: Electronic Filing Pilot Project in the Supreme Court of Illinois, effective March 1, 2013), which incorporates the Supreme Court of Illinois Electronic Filing User Manual.



## **IOWA (Supreme Court and Court of Appeals)**

Availability: The Iowa Supreme Court and Court of Appeals began e-filing on a pilot basis in February 2014.

Voluntary/Mandatory; Authorized Users: Currently, e-filing is available on an invitation-basis only. Participating e-filers include the appellate defender and the attorney general (for criminal appeals), along with certain other attorneys and some self-represented prisoners who have requested and received permission.

Types of Cases or Documents Included/Excluded from E-Filing: In the invitation-based pilot program, approximately 25% of Iowa's appellate cases are e-filed; almost all cases involving the appellate defender are e-filed.

Other Notable Features: The Iowa appellate courts are currently working on the integration of the appellate system with the trial court system to achieve a comprehensive ability to electronically transfer documents and data between the systems. Once that is complete, appellate e-filing will be made more widely available to a greater number of users.

E-Filing Rules/Orders: Division XII of Chapter 16 of the Iowa Court Rules.

## **KANSAS (Supreme Court and Court of Appeals)**

Availability: E-filing has been operational in the Supreme Court and Court of Appeals on a pilot basis since 2013.

Voluntary/Mandatory; Authorized Users: Currently, e-filing is in limited use in the appellate courts on an invitational basis to lawyers in private and public practice. Kansas expects to expand the availability of e-filing significantly by late 2014. A goal is to eventually open e-filing to self-represented litigants.

Types of Cases or Documents Included/Excluded from E-Filing:

E-Service: Under the Kansas Courts e-filing system, transmission of the “Notice of Electronic Filing” to a registered-user attorney who has appeared in the case constitutes valid service by electronic means.

Format of Filings: All documents filed electronically must be capable of being printed as paper documents without loss of content or appearance and must be stored in, or convertible to, a format that can be archived in accordance with Supreme Court specifications.

Requirement of Paper Copies: In the Court of Appeals, paper copies of e-filed documents are neither required nor accepted.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules/Orders: Supreme Court Administrative Order No. 268 (Re: Technical Standards Governing Electronic Filing and Transmission of Court Documents).

## **LOUISIANA (Supreme Court)**

Availability: E-filing is operational in the Louisiana Supreme Court.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary, and only members in good standing of the Louisiana State Bar Association are eligible to become registered users of the e-filing system at this time.

Types of Cases or Documents Included/Excluded from E-Filing: Any document which may be filed by conventional filing may be electronically filed. A motion to electronically file sealed documents and the documents to be sealed, documents previously sealed by lower court order and/or documents that are confidential by operation of law may be filed electronically.

E-Service: The Louisiana Supreme Court's Data/Document Exchange will electronically mail a filing confirmation to the registered user who initiated the electronic filing of a document, as well as any other registered users designated in the electronically filed document. This notice cannot be substituted for the legal duty to serve the electronic document on parties and/or lower courts as required by order, rule or statute.

Format of Filings: An electronically filed document must be in text-searchable PDF-A format. Appendix and/or exhibit materials may be scanned if necessary, but should maintain 300 dots per inch when scanned.

Requirement of Paper Copies: Not required by rules.

Hyperlinks in Briefs and Appendices: An electronically filed document may contain hyperlinks to another part of the same document, a motion and order electronically filed with the document or an appendix and/or exhibit electronically filed with the document. No other hyperlinks are permitted.

Other Notable Features:

E-Filing Rules: Supreme Court Rule XLII (Electronic Filing).

## **LOUISIANA (First Circuit Court of Appeal)**

Availability: E-filing is operational in the Louisiana First Circuit Court of Appeal.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary and any person may register and upload a document for e-filing.

Types of Cases or Documents Included/Excluded from E-Filing: Any document which may be filed by conventional filing may be electronically filed.

E-Service: The registered user receives an on-line response that the electronic file has been successfully uploaded when the upload process is completed; further, the registered user receives an email with “order” details of the documents uploaded for filing and the fees paid. The system does not, however, perform service on other parties or counsel.

Format of Filings: An electronically filed document must be in PDF format; the Court’s rule provides that the document is to be saved in PDF format but appendices and exhibits can be scanned.

Requirement of Paper Copies: Not required.

Hyperlinks in Briefs and Appendices: An electronically filed document may contain hyperlinks to another part of the same document, to a motion and order electronically filed with the document or to an appendix and/or exhibit electronically filed with the document. No other hyperlinks are permitted.

Other Notable Features: E-filing is not operational in the other Circuit Courts of Appeal except for the Fourth Circuit’s pilot project for criminal cases; both the First Circuit and the Fifth Circuit have a voluntary e-notification program for attorneys. In the First Circuit, registered attorneys receive all issuances from the clerk’s office via e-mail.

E-Filing Rules: Louisiana First Circuit Court of Appeal Local Rule 8 (E-Filing).

## **LOUISIANA (Fourth Circuit Court of Appeal)**

Availability: The Court of Appeal, Fourth Circuit, began an e-filing pilot project on May 1, 2014 in criminal cases.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary and is restricted to those active members of the Louisiana State Bar Association who have been invited to participate in the pilot program. A filer who chooses to participate as an e-filer must thereafter file all documents electronically.

Types of Cases or Documents Included/Excluded from E-Filing: In the pilot program (which applies to both new and existing criminal cases), all documents filed by a participating attorney must be filed electronically, except for exhibits and sealed or confidential documents (which must be filed conventionally).

E-Service: The e-filer must serve other parties in the manner applicable to paper filings.

Format of Filings: An electronically filed document must be submitted in PDF with a minimum resolution of 200 dpi (dots per inch) that is not password protected or secured. Only black text on a white background is permitted. The size of an electronic document is limited to 20 MB; documents exceeding 20 MB must be divided into separate parts.

Requirement of Paper Copies: During the pilot program, an e-filing party must also file all documents in a paper format.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features in Louisiana: If the pilot program proves successful in criminal cases, the Fourth Circuit will consider expanding its program to include all cases in 2015. E-filing is not operational in the other Circuit Courts of Appeal except in the First Circuit. Both the First Circuit and the Fifth Circuit have a voluntary e-notification program for attorneys; e-notification allows attorneys to receive notice through e-mail of filings, issuances and/or court orders.

E-Filing Rules: Louisiana Court of Appeal, Fourth Circuit, E-filing Pilot Program Rules.

## **MAINE (Supreme Judicial Court)**

Availability: E-filing of briefs and appendices via e-mail is available in the Supreme Judicial Court of Maine.

Voluntary/Mandatory; Authorized Users: Parties are encouraged, but not required, to file an electronic copy of each brief filed. An electronic copy of a brief shall be e-mailed to the Clerk of the Law Court at the e-mail address provided by the Clerk in the written notice issued pursuant to the applicable rule.

Types of Cases or Documents Included/Excluded from E-Filing: Only briefs and appendices may be filed via e-mail.

E-Service: The e-mailed submission of an electronic copy of the brief does not constitute service of the brief on other parties.

Format of Filings: The electronic copy must be in the form of a single .pdf file. The electronic copy is due on the same date as the printed copies; however, only the filing of printed copies shall be considered in determining compliance with the filing deadlines set forth in the applicable rule.

Requirement of Paper Copies: Yes. The filing of an electronic copy is in addition to, and does not replace, the required filing of printed copies pursuant to the applicable rule.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: In 2014, the Legislature and Governor approved a \$15 million bond for the judicial branch to establish a new case management and electronic-filing system for all state courts. Maine is beginning the process of developing an RFP for a case management system for all courts, including the Supreme Judicial Court, which is the only appellate court. The plan is for the case management system to include e-filing capabilities, and the goal is to have the system fully in place at all courts within approximately five years.

E-Filing Rules: Rule 7 of the Maine Rules of Appellate Procedure.

## **MASSACHUSETTS (Appeals Court)**

Availability: E-filing in the Appeals Court via e-mail is operational.

Voluntary/Mandatory; Authorized Users: E-filing via e-mail is mandatory for attorneys and self-represented parties (except for incarcerated self-represented parties) as to certain document types only, in both civil and criminal appeals.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing via e-mail is mandatory for attorneys and self-represented parties (except for incarcerated self-represented parties) for the following documents: docketing statements; all motions, oppositions, and letters after the case has been assigned to a panel for decision; and petitions for rehearing. For these documents, no paper original or copy is accepted without leave of court. Filing an electronic copy via e-mail (or on a CD-ROM) is mandatory for attorneys, but not for self-represented parties, for the following documents (among others): motions for leave to file late notice of appeal; motions to enlarge time to enter an appeal; and any other motions or oppositions to motions that are entered on the Single Justice docket. E-filing via e-mail is not available for the following documents (among others): briefs; appendices; motions to enlarge time to file briefs; and all motions, oppositions, and letters before the case has been assigned to a panel for decision.

E-Service: Upon agreement between the parties, a document that has been filed solely via e-mail may be served via e-mail.

Format of Filings: Documents submitted by e-mail must be in PDF format.

Requirement of Paper Copies: No for docketing statements, motions, oppositions, and letters after the case has been assigned to a panel for decision, and petitions for rehearing; yes for the e-filed documents on the Single Justice docket.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features in Massachusetts: Massachusetts recently signed a contract with Tyler Technologies for its Odyssey File & Serve e-filing product. The Appeals Court has been chosen as a pilot court. The Appeals Court expects to commence its pilot in early 2015, followed by the Supreme Judicial Court.

E-Filing Rules: Appeals Court Standing Order Requiring the Electronic Filing of All Motions and Letters Filed After Panel Assignment; Appeals Court Standing Order Governing Petitions to the Single Justice.



## **MICHIGAN (Court of Appeals)**

Availability: E-filing in the Court of Appeals through Tyler Technologies' Odyssey File & Serve system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for attorneys. Non-attorneys are not eligible to use the system.

Types of Cases or Documents Included/Excluded from E-Filing: The electronic filing and service program is available for all case types and can be used to initiate a new appeal or to submit documents in an existing appeal.

E-Service: The parties are responsible for accomplishing service of all filings as required by the applicable court rules. For this purpose, parties may accomplish service by first class mail, hand delivery, or e-mail pursuant to applicable rules. Alternatively, filers may use the Odyssey File & Serve electronic service option if they have the prior permission of the recipient to serve filings by e-service.

Format of Filings: All electronic filings must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Internal links, which point to other places within the same document, are permissible and will be accepted by the system. However, external links, which point to other documents, websites or other legal sources, can be risky and must be avoided in documents submitted to the Court. Use of external links can result in format errors preventing the document from being accepted by the system.

Other Notable Features: Michigan does not have e-filing except in the Court of Appeals and in five trial courts where e-filing is being tested as part of pilot projects. A joint e-filing system for the Supreme Court and the Court of Appeals is being developed by ImageSoft. Implementation is expected by the end of 2014. A statewide e-filing system for trial courts is still in the planning stage.

E-Filing Rules/Policies: Michigan Court of Appeals Electronic Filing & Service Guidelines.

## **MISSISSIPPI (Supreme Court and Court of Appeals)**

Availability: E-filing in the Supreme Court and Court of Appeals is operational.

Voluntary/Mandatory; Authorized Users: E-filing of briefs, motions, responses, and compliance documents is mandatory for attorneys. Only registered attorneys, as officers of the Court, are permitted to file electronically. Parties proceeding pro se are not eligible to file electronically unless the pro se party is a registered attorney in good standing and admitted to practice in the Court.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available only for briefs, motions, responses, and compliance documents. All other documents must be filed in paper (conventional) format at this time. All documents in sealed and confidential cases must be filed conventionally.

E-Service: The system will generate a Notice of Electronic Filing when any document is filed. This notice represents service of the document on attorneys who are registered participants with the system, but the filer must conventionally serve those parties who are not registered participants.

Format of Filings: Documents filed electronically must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules/Policies: Appellate E-Filing Administrative Procedures.

## **MISSOURI (Supreme Court and Court of Appeals)**

Availability: E-filing in the Missouri Supreme Court and all districts of the Court of Appeals (Eastern, Southern, and Western) is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys. Only Missouri attorneys in good standing can file a case or document via the Missouri e-filing system. Self-represented litigants are not eligible to use the system at this time.

Types of Cases or Documents Included/Excluded from E-Filing: The e-filing system is available for all filings in all appeals, with limited exceptions. Documents filed in confidential cases in the Supreme Court and in the Western District may be submitted through the e-filing system. In the Eastern District and the Southern District, filings in confidential cases must be made through the e-filing system.

E-Service: Service of an e-filed document is made to registered users through the electronic filing system; parties who are not registered users must be served by other means.

Format of Filings: An e-filed document must be in PDF format.

Requirement of Paper Copies: No in the Supreme Court and in the Southern District; yes in the Western District and in the Eastern District (a reduced number of copies).

Hyperlinks in Briefs and Appendices: Electronic documents that are part of the official court record must be self-contained and must not contain hyperlinks. An electronic copy of an e-filed document may be submitted on disc, and that electronic copy may “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.”

Other Notable Features: Approximately half of Missouri’s trial courts have implemented e-filing, and the goal is for all of the trial courts to be part of the e-filing system by the end of 2015.

E-Filing Rules/Orders: Rule 103 of the Rules of Civil Procedure; Supreme Court Operating Rule 27; Eastern District Local Rule 333; Southern District Local Rule 18; Western District Local Rule XII.

## **NEVADA (Supreme Court)**

Availability: E-filing in the Nevada Supreme Court through the EFlex Electronic Filing System (by Tybera) is operational.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary. Only attorneys admitted to practice law in the State of Nevada or Supreme Court settlement judges may e-file documents with the Nevada Supreme Court. Self-represented litigants are not eligible to e-file.

Types of Cases or Documents Included/Excluded from E-Filing: All documents may be filed electronically, except for sealed or confidential documents (which must be filed and served by conventional means).

E-Service: When the clerk's office accepts a document for filing, the electronic filing system automatically e-mails a notice to all counsel who are registered e-file users that the document has been filed and is available on the court's electronic filing system. This notice is considered valid and effective service of the document on e-file users and has the same legal effect as service of a paper document.

Format of Filings: An electronic document must be submitted in a portable document format (PDF) with a minimum resolution of 200 dpi (dots per inch). Only black text on a white background is permitted.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Each filed document must be self-contained, with links only to other documents submitted simultaneously or already in the court record. Thus, an e-filed document must not contain hyperlinks to external papers or websites, but hyperlinks to papers filed in the case are permitted.

Other Notable Features: For documents that have been electronically filed, the electronic version of the document constitutes the official court record.

E-Filing Rules: Nevada Electronic Filing Rules.

## **NEW JERSEY (Appellate Division)**

Availability: E-filing in the Appellate Division through “eDATA” is operational.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary, and is limited to licensed New Jersey attorneys.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all documents, except for certain types of sealed documents.

E-Service: Parties that e-file documents through eDATA may use e-mail to serve the e-filed document on other registered parties; service on non-attorneys and on non-registered attorneys must be done through mail or personal service.

Format of Filings: All documents filed through eDATA must be in PDF format.

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: E-filing is not available yet in the New Jersey Supreme Court, but an e-filing system for the Supreme Court is currently being developed.

E-Filing Rules: May 16, 2013 Notice to the Bar re Electronic Filing in the Appellate Division, with accompanying April 29, 2013 Supreme Court Order.

## **NEW YORK (Court of Appeals)**

Availability: E-filing in the Court of Appeals through its “Court-PASS” system is operational.

Voluntary/Mandatory; Authorized Users: Parties with appeals, certified questions pursuant to section 500.27 of the Court of Appeals Rules of Practice, or judicial conduct matters before the New York State Court of Appeals must use the Court-PASS filing system for the submission of digital copies of records and briefs. The requirement applies to both New York attorneys and other filers.

Types of Cases or Documents Included/Excluded from E-Filing: At this time, e-filing through the Court-PASS system is available only for briefs and record material.

E-Service: The Court’s rules do not require service of digital copies of briefs and record material. However, parties may agree among themselves to provide such documents to each other, in any mutually-agreeable fashion, including by e-mail.

Format of Filings: All digital submissions must be in text-searchable portable document format (PDF).

Requirement of Paper Copies: Yes. The Court requires the submission of briefs and record material in digital format as companions to the required number of copies of printed briefs and record material filed and served in accordance with its rules.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: Uploading digital submissions to Court-PASS does not satisfy the filing due dates set by the Clerk’s Office in a scheduling letter or by operation of the Court's Rules of Practice. The filer is responsible for meeting applicable due dates by filing the required number of paper documents with the Clerk’s Office. A document is “filed” with the Clerk’s Office on the date of receipt of the paper document. The digital submissions must be uploaded to Court-PASS no later than the filing due date for paper documents.

E-Filing Rules: Rule 500.2 of the Court of Appeals Rules of Practice.

## **NEW YORK (Appellate Division, First Department)**

Availability: E-filing in the Appellate Division, First Department, via e-mail is operational.

Voluntary/Mandatory; Authorized Users: Each party perfecting or answering an appeal must file, in addition to the requisite number of paper copies, one searchable PDF copy of the brief via e-mail, and each party filing an appendix (or record on appeal) must file, in addition to the requisite number of paper copies, one searchable PDF copy of the appendix (or record on appeal). Registration is not required to file via e-mail.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing via e-mail is available for briefs, appendices, and records on appeal.

E-Service: The party must serve opposing parties, through e-mail, with the e-mail filing at the time of the e-mail filing.

Format of Filings: Each brief, record on appeal or appendix filed and served by e-mail must be in a text-searchable portable document file (PDF) format, PDF/A compliant, not exceeding ten megabytes. The PDF document filed must conform to the filed original document submitted to the Court. Briefs and records (or appendices) must be bookmarked.

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: Although registration is not required to file via e-mail, attorneys are encouraged to register with the New York State Courts Electronic Filing System in anticipation of e-filing (as distinguished from e-mailing) PDF documents.

E-Filing Rules: Rule 600.11 of the First Department Rules.

## **NORTH CAROLINA (Supreme Court and Court of Appeals)**

Availability: E-filing in the Supreme Court and the Court of Appeals through the NC Appellate Courts E-Filing site is operational. According to the Supreme Court, it was the first state appellate court in the country to have statewide implementation of an electronic filing system (1998).

Voluntary/Mandatory; Authorized Users: E-filing is voluntary. Attorneys, self-represented parties, and court reporters are eligible to register. Although e-filing is voluntary, almost all filing by attorneys (but not self-represented parties) are made through the e-filing system.

Types of Cases or Documents Included/Excluded from E-Filing: All documents may be filed electronically through the system, except: In the Court of Appeals, a filer cannot e-file TPR 3.1 cases, Records, 9(b)(5) Supplements, or Memos of Additional Authority (four paper copies must be sent).

E-Service: The e-filing system allows, but does not require, service through the system. When a document is filed electronically, service may be accomplished electronically by use of the other counsel's correct and current e-mail address, or service may be accomplished by the filer through traditional service methods.

Format of Filings: The only document format that is accepted is PDF.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The e-filing system has been fully integrated with the case management system since implementation. All data entered by the attorneys is automatically brought into the case management system, and any data entered in the Court of Appeals is automatically transferred into the Supreme Court's case management system. The system keeps track of all the open cases in which an attorney is involved, and the attorney does not need to refile information each time that he or she files a new document to an open case.

E-Filing Rules: Rule 26 of the North Carolina Rules of Appellate Procedure.



## **NORTH DAKOTA (Supreme Court)**

Availability: E-filing in the North Dakota Supreme Court via e-mail is operational.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for attorneys and self-represented parties. Parties may electronically file documents with the Supreme Court by submitting the documents via e-mail to a designated address.

Types of Cases or Documents Included/Excluded from E-Filing: No case types or document types are categorically excluded by rule from e-filing.

E-Service: If a party files a document by electronic means, the party must serve the document by electronic means unless the recipient of service cannot accept documents served electronically.

Format of Filings: All documents submitted to the court in electronic form must be in approved word processing format or portable document format (PDF). All paragraphs must be numbered in documents submitted electronically. Reference to material in such documents must be to paragraph number, not page number.

Requirement of Paper Copies: No, but the Court charges the filer an “internal reproduction” fee based on the type and length of the document.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features: The Supreme Court previously required parties to file electronic copies of their briefs on a computer disk. Now, in instances of both paper-filed briefs and e-filed briefs, the Court receives the electronic version via e-mail.

E-Filing Rules/Orders: North Dakota Supreme Court Administrative Order 14.

## **OHIO (First Appellate District)**

Availability: E-filing is operational in the First Appellate District (Hamilton County Court of Appeals).

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for attorneys and self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: Most pleadings and other papers may be filed with the clerk of courts electronically via the internet. However, any “entry that must be signed by a judge of the court or any filing for which a party is obligated to settle final case costs will not be accepted for electronic filing.”

E-Service: Not addressed.

Format of Filings: An e-filed document must be in PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Rule 13.1 of the Local Rules of the First Appellate District.

## **OHIO (Eighth Appellate District)**

Availability: E-filing in the Eighth Appellate District through the Cuyahoga County Clerk of Courts E-Filing Portal is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: Any document to be filed in an appeal or original proceeding before the Eighth District Court of Appeals must be filed with the Clerk electronically, with limited exceptions. Documents filed under seal shall not be filed electronically or scanned by the Clerk into electronic format nor uploaded to the court's case management system; the Clerk shall maintain all documents filed under seal in paper form only.

E-Service: The system does not perform service. Service of documents filed electronically must be accomplished in the manner prescribed by applicable rules for paper filings.

Format of Filings: E-filed documents, including attachments, must be filed in searchable (but not editable) PDF format.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: External electronic links, to material outside the filed document, are strictly prohibited. Internal links to other parts of the same filing are permissible.

Other Notable Features:

E-Filing Rules: Rule 13.1 of the Local Rules of the Eighth Appellate District.

## **OHIO (Tenth Appellate District)**

Availability: E-filing in the Tenth Appellate District through the Franklin County Clerk of Court's e-filing system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for almost all document types, with specified exceptions (e.g., evidentiary materials in original actions must be filed in paper form).

E-Service: The e-mail notice of filing generated by the e-filing system does not constitute service in the Tenth District Court of Appeals. Service may be made by personal service, by mail, or, where the opposing party is an e-filing account holder, by attaching a copy of the pleading being served to an e-mail sent to an e-mail address registered in the e-filing system.

Format of Filings: All pleadings, briefs, and other papers filed or presented to the Court for consideration in appeals and original actions must be in writing. Writing for purposes of e-filed documents means that the documents when printed must produce a clear black image in at least 16 point type.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Rule 1 of the Local Rules of the Tenth Appellate District.

## **OHIO (Eleventh Appellate District)**

Availability: E-filing of electronic copies of briefs in the Eleventh Appellate District via e-mail is operational.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory unless good cause is shown as to why an electronic version of the brief cannot be submitted.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing through e-mail is available for briefs.

E-Service: Not addressed.

Format of Filings: The electronic copy of the brief must be submitted to the court in Microsoft Word format, either utilizing version 2007 or 2010, or in WordPerfect format and saved as a “Read-Only” document. The court has announced that it is not able to utilize a PDF file.

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Rule 16 of the Local Rules of the Eleventh Appellate District.

## **OREGON (Supreme Court and Court of Appeals)**

Availability: E-filing in the Supreme Court and the Court of Appeals is operational

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for attorneys. Only Oregon licensed attorneys are eligible to register with the system

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all case types and document types, except sealed documents. A document filed under seal, including a motion requesting that a simultaneously filed document be filed under seal or a document with an attachment that is sealed by statute or court order, must be filed conventionally.

E-Service: Electronic service through the system is available only for service on other registered e-filers. The e-filer must serve others via conventional service. The system has a feature that permits an e-filer to view the e-filing status of other parties or attorneys on the case to determine who may be e-served. Registration as an e-filer constitutes consent to receive service via the e-filing system. Initiating documents (notice of appeal, petition for judicial review, etc.) can also be e-filed but cannot be electronically served through the e-filing system. Those documents must be conventionally served, even if all attorneys are registered e-filers.

Format of Filings: Any document filed via the e-filing system must be in Portable Document Format (PDF) that is compatible with the e-filing system requirements and that does not exceed 25 megabytes. The PDF document must allow text searching and must allow copying and pasting text into another document.

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: An e-filed document may contain one or more hyperlinks to other parts of the same document or hyperlinks to a location outside of the document that contains a source document for a citation. When a party e-files a brief or other memorandum that is accompanied by excerpts of the record or attachments, the party is encouraged to hyperlink citations to the relevant portions of the excerpts or attachments.

Other Notable Features:

E-Filing Rules: Chapter 16 of the Oregon Rules of Appellate Procedure.

## **PENNSYLVANIA (Supreme Court and Commonwealth Court)**

Availability: E-filing in the Pennsylvania Supreme Court and the Commonwealth Court through the “PACFile” system is operational.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for both attorneys and self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all case types and document types. Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

E-Service: Service of electronic filings on registered attorneys and registered self-represented parties is made automatically by the PACFile system.

Format of Filings: The e-filing system supports the following formats: PDF, .doc(x), and TIFF. An e-filed document must not exceed 500 MB and should be in black text on a white background because color does not upload clearly. Scanned documents should have a minimum resolution of 300 dpi (dots per inch). If an e-filed document is larger than 500 MB, the filer has to split it into multiple documents.

Requirement of Paper Copies: Yes, one paper version for archival purposes.

Hyperlinks in Briefs and Appendices: The e-filing system does not support hyperlinks.

Other Notable Features: E-filing in the Superior Court is scheduled to go live in late 2014 or early 2015.

E-Filing Rules: Supreme Court Order No. 418, Judicial Administration Docket (In re: Electronic Filing System in the Appellate Courts).

## **SOUTH DAKOTA (Supreme Court)**

Availability: E-filing in the Supreme Court via e-mail is operational.

Voluntary/Mandatory; Authorized Users: E-filing of briefs and appendices is mandatory for attorneys. E-filing of any other notices, petitions, pleadings, motions or documents is optional for attorneys. For self-represented parties, e-filing is optional for all filings.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing via e-mail is available as to all case types and document types, including sealed and confidential documents.

E-Service: Any attorney not exempt from e-filing or a party filing electronically must designate an e-mail address for accepting electronic service and for receiving electronic service with the Supreme Court clerk. If a party files a document by electronic means, the party must serve the document by electronic means unless the recipient of service has not designated an e-mail address for receiving electronic service. If a recipient cannot accept electronic service of a document, service by other means is required.

Format of Filings: All documents submitted to the Court in electronic form must be in approved word processing format which shall then be converted by the Supreme Court clerk to portable document format (.pdf). An appendix may be filed electronically in portable document format (.pdf).

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features:

E-Filing Rules: Supreme Court Rule 13-11 (Supreme Court Electronic Filing Rules).



## **TEXAS (all appellate courts)**

Availability: E-filing is operational in the Supreme Court, the Court of Criminal Appeals, and the 14 Courts of Appeal.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and voluntary for self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all case types and document types. However, documents filed under seal, subject to a pending motion to seal, or to which access is otherwise restricted by law or court order must not be electronically filed. For good cause, an appellate court may permit a party to file other documents in paper form in a particular case.

E-Service: A document filed electronically must be served electronically through the electronic filing manager if the e-mail address of the party or attorney to be served is on file with the electronic filing manager. If the e-mail address of the party or attorney to be served is not on file with the electronic filing manager, the document may be served on that party or attorney by methods applicable to paper-filed documents.

Format of Filings: An electronically filed document must: (1) be in text-searchable portable document format (PDF); (2) be directly converted to PDF rather than scanned, if possible; (3) not be locked; (4) be combined with any appendix into one computer file, unless that file would exceed the size limit prescribed by the electronic filing manager; and (5) otherwise comply with the judiciary's technology standards.

Requirement of Paper Copies: No in the Supreme Court and in the Courts of Appeal; yes in the Court of Criminal Appeals.

Hyperlinks in Briefs and Appendices: The e-filing manual recommends: "Consider including cases and other authorities in your appendix and creating hyperlinks in the body of the brief to those authorities. Or you can hyperlink your citations to online resources like Westlaw, Lexis, and the legislature's website. Hyperlinks are not required by the rules, but justices and their staff frequently comment that they like hyperlinked briefs. If you have the time and the resources, you can provide the court with a brief that contains hyperlinks to every citation in the brief, including the citations listed in your Index of Authorities."

Other Notable Features: Unless the trial court clerk receives permission from the appellate court to file the record in paper form, the clerk must file the record electronically with electronic bookmarks to mark the first page of

each document in the clerk's record. Also, if proceedings were recorded stenographically, the court reporter or recorder must file the reporter's record electronically.

E-Filing Rules: Rules 9.1 – 9.5 of the Texas Rules of Appellate Procedure.

## **VERMONT (Supreme Court)**

Availability: E-filing of briefs in the Supreme Court via e-mail is operational.

Voluntary/Mandatory; Authorized Users: A party represented by counsel must file one copy of each brief in Portable Document Format (PDF) in addition to the paper copies required, unless counsel certifies that submission of a PDF document is not practical or would constitute a hardship. Upon that certification, counsel may submit an electronic version of the brief using WordPerfect or Microsoft Word software. The electronic version of the brief may be submitted on a disk, CD-ROM, or as an attachment to an e-mail message to the Vermont Supreme Court's e-mail filing address. A self-represented party has the option to file one copy of each brief either in electronic or in unbound paper format, in addition to the required number of paper copies.

Types of Cases or Documents Included/Excluded from E-Filing: In the Supreme Court, e-filing is available only for briefs.

E-Service: The party e-filing the brief must serve other parties in the same manner applicable to paper filings.

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Not addressed.

Other Notable Features in Vermont: At this time, e-filing through a portal ("eCabinet") is mandatory for attorneys and voluntary for self-represented parties in two of the county superior (trial) courts. When the case on appeal contains an electronic case file, the appellant is not required to assemble and file a printed case. The parties' briefs shall instead directly cite the particular document in the trial court record, identified by document name and file date, as well as the relevant page number(s).

E-Filing Rules: Vermont Rules for Electronic Filing; Rules 30 and 32 of the Vermont Rules of Appellate Procedure.

## **VIRGINIA (Supreme Court and Court of Appeals)**

Availability: Limited e-filing in the Supreme Court and Court of Appeals via e-mail has been operational since 2005.

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for attorneys and for self-represented parties, except for pro se prisoners and others who establish good cause to be excused.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for petitions for rehearing in both appellate courts and for electronic copies of paper-filed briefs in the Supreme Court. All petitions for rehearing must be filed as an attachment to an e-mail sent to an address created specifically for that purpose. In addition, a party filing a Supreme Court brief must file one electronic version, in Adobe Acrobat Portable Document Format (PDF) format, unless excused by the Court for good cause shown. The electronic version may be filed on CD-ROM or e-mailed to a Supreme Court address created specifically for that purpose.

E-Service: The party e-filing a document via e-mail is responsible for serving other parties, which may be done on opposing counsel via e-mail.

Format of Filings: An e-filed document must be in PDF.

Requirement of Paper Copies: No for petitions for rehearing; but yes for briefs because the electronic version is not the official filing.

Hyperlinks in Briefs and Appendices: Through case-processing orders (not by Rule), the Court of Appeals requires attorneys, but not self-represented parties, to file a “digital brief package,” in PDF, on a CD or DVD in addition to the required paper copies. The digital brief package of the brief and appendix must be bookmarked and may be hyperlinked to cited legal authorities.

Other Notable Features: In lieu of the 15 tangible copies of an appendix that are otherwise required in the Supreme Court, the appellant may file 10 tangible copies of the appendix and 10 electronic copies of the appendix as an Adobe Acrobat Portable Document Format (PDF) document on CD-ROMs. If the appellant files 10 electronic copies with the Supreme Court, then he/she must also serve one electronic copy on counsel for each party separately represented in addition to the one tangible copy that is required.

E-Filing Rules: Rules 5:20, 5:20A, 5:26, and 5:32 of the Rules of the Supreme Court of Virginia.

## **WASHINGTON (Supreme Court)**

Availability: E-filing in the Supreme Court via e-mail is operational.

Voluntary/Mandatory; Authorized Users: E-filing via e-mail is voluntary for both attorneys and self-represented parties. No registration is required. In addition, the submission of briefs and appendices on compact disc read-only memory (CD-ROM), referred to as “corresponding briefs” and filed as companions to printed briefs, is allowed and encouraged in the Supreme Court and in each of the three divisions of the Court of Appeals.

Types of Cases or Documents Included/Excluded from E-Filing: Any document (except original actions, petitions for review, personal restraint petitions or those pleadings that require a filing fee) may be filed as an attachment to e-mail.

E-Service: If all counsel and/or the parties agree to service by e-mail prior to the submission of a document to the court, then the filer may serve the document by sending it to the other parties using the “cc:” line of the e-mail and need not file an additional certificate of service. Otherwise, the filer must serve other parties in the same manner applicable to paper filings.

Format of Filings: The use of PDF format or Microsoft Word is encouraged, but not required, for attachments to e-mail filings. “Corresponding briefs” must come fully equipped with their own viewing program; or, if the disk does not contain its own viewing program, the briefs must be viewable within a version of a program such as Adobe Acrobat, Microsoft Word Viewer, or WordPerfect that is downloadable from the Internet at no cost to the user.

Requirement of Paper Copies: No for e-mail filings; yes for “corresponding briefs.”

Hyperlinks in Briefs and Appendices: A CD-ROM with corresponding briefs must contain all appellate briefs filed by all parties. Corresponding briefs may provide hypertext links to the report of proceedings and clerks papers and to materials cited in the briefs such as cases, statutes, treatises, law review articles, and similar authorities. If any briefs are hyperlinked, all briefs must be similarly hyperlinked by the submitting party. All materials to which a hyperlink is provided must be included on the disc.

E-Filing Rules/Policies: GR 30 of the Washington State Court Rules (General Rules); RAP 10.9 of the Rules of Appellate Procedure; Supreme Court Clerk’s Office Protocols for Electronic Filing.

## **Washington (Court of Appeals, Divisions II and III)**

Availability: E-filing in the Court of Appeals, Divisions II and III, is operational via a portal.

Voluntary/Mandatory; Authorized Users: E-filing is voluntary for both attorneys and self-represented parties.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all case types and document types.

E-Service: The filer may use the e-service feature in the e-filing system or may serve via e-mail from the filer's own e-mail account.

Format of Filings: Only one file may be attached and the file type must be PDF and word searchable (optical character recognition).

Requirement of Paper Copies: No.

Hyperlinks in Briefs and Appendices: If a CD-ROM with "corresponding briefs" (an electronic version of a paper-filed brief is filed), it must contain all appellate briefs filed by all parties. Corresponding briefs may provide hypertext links to the report of proceedings and clerks papers and to materials cited in the briefs such as cases, statutes, treatises, law review articles, and similar authorities. If any briefs are hyperlinked, all briefs must be similarly hyperlinked by the submitting party. All materials to which a hyperlink is provided must be included on the CD-ROM.

Other Notable Features:

E-Filing Rules: GR 30 of the Washington State Court Rules (General Rules); RAP 10.9 of the Rules of Appellate Procedure.

## **WISCONSIN (Supreme Court and Court of Appeals)**

Availability: E-filing in the Supreme Court and Court of Appeals has been operational since 2009.

Voluntary/Mandatory; Authorized Users: Use of the e-filing system is mandatory for attorneys filing appellate briefs, no-merit reports, petitions for review, and responses; these electronic copies are filed in addition to the paper filings. Self-represented litigants may file these documents electronically, but are not required to do so. E-filing of appendices is optional for both attorneys and self-represented litigants.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for appellate briefs, appendices, no-merit reports, petitions for review, and responses. At this time, no other types of documents may be e-filed.

E-Service: The e-filing system notifies users of the e-filing of documents by other parties in the case, but it does not notify users of other events, such as the court's issuance of rulings or orders. Thus, an e-filing party is not required to take any additional steps to serve other e-filing users.

Format of Filings: The rules require that electronically-filed briefs, no-merit reports, and petitions for review (and responses) be submitted in text-searchable Portable Document Format (PDF). Text-searchable PDF is created by converting a word processing document into PDF. An electronic appendix must be filed in PDF Image format, which is created by scanning the paper appendix.

Requirement of Paper Copies: Yes. The official court record is in paper form.

Hyperlinks in Briefs and Appendices: Not addressed by rule, but the 2008 Comment to the rules concerning e-filing of briefs states: "Electronic briefs may be enhanced with internal links (such as a table of contents with links to locations in the brief) or external links (links to websites containing the text of cases or statutes cited in the brief). External links in an electronic brief shall not require a password for access to the case or statute. No enhancement to an electronic brief shall alter the text of the brief."

Other Notable Features:

E-Filing Rules: Rules of Appellate Procedure §§ 809.19(8)(a), 809.19(12), 809.19(13), 809.32(1)(fm), 809.62(4)(b), (c), and (d), 809.80(3), and 809.80(5).

## **WYOMING (Supreme Court)**

Availability: E-filing in the Wyoming Supreme Court has been operational since 2008 through the C-Track system (by Thomson Reuters).

Voluntary/Mandatory; Authorized Users: E-filing is mandatory for Wyoming attorneys in good standing, and they are the only persons authorized to use the system. Pro hac vice attorneys, self-represented litigants, and law students are not eligible to use the system.

Types of Cases or Documents Included/Excluded from E-Filing: E-filing is available for all case types and document types (including confidential cases and sealed documents), except that (1) attorney discipline and judicial discipline cases are not subject to e-filing and (2) notices of appeal and other case-initiating documents must be filed in paper form. It is expected that e-filing in attorney discipline cases will be mandatory in the future.

E-Service: A notice of electronic filing that is automatically generated by the Court's electronic filing system constitutes service of the e-filed document on registered users. Parties and/or attorneys who are not registered users must be served with a copy of any e-filed document in accordance with applicable rules. A non-registered filing party who files by conventional means must serve paper copies on all parties to the case.

Format of Filings: A document created with a word processor using Word or WordPerfect, or a paper document which has been scanned for attachment to an electronic document, will be converted to .pdf by the system to be electronically filed with the Court. Converted files contain the extension “.pdf.” Documents that exist only in paper form may be scanned into .pdf for electronic filing.

Requirement of Paper Copies: Yes.

Hyperlinks in Briefs and Appendices: Hyperlinks to legal authority are allowed in documents filed with the Court only for the purpose of providing a convenient mechanism for accessing material cited in the document. The judiciary does not exercise any responsibility over the content or its destination. The functioning of a hyperlink reference is not guaranteed. The hyperlink is extraneous to any filed document and is not part of the Court's record. In order to preserve the Court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink.



E-Filing Rules/Policies: Electronic Filing Administrative Policies and Procedures Manual (Second Revision, September 2010).

