

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER NO. 01-06

CIVIL DIVISION

**ORDER ESTABLISHING AND GOVERNING
THE USE OF ELECTRONIC FILING**

The following rules, promulgated by order of the Chief Judge, govern the electronic filing and service of pleadings and other documents in all cases selected for the electronic filing (E Filing) pilot project in the District of Columbia Superior Court (the Court).

EF Rule 1. Designation of Electronic Filing Cases.

The Court hereby designates all Civil I cases as E File cases. From time to time, the Court may by written order designate additional cases, or categories of cases, for electronic filing. Upon receipt of any such order, parties to an assigned case shall promptly take steps to allow their counsel to file, serve, receive, review and retrieve copies of the pleadings, orders, and other documents filed in the case(s) electronically either by a subscription agreement with the Vendor (CourtLink Corporation) or by using the public-access terminal in the Court's Civil Clerk's office, located in the H. Carl Moultrie I Courthouse of the District of Columbia, Room JM-140, 500 Indiana Ave., NW, Washington D.C. 20001. By definition, parties filing electronically or receiving electronic service of any documents filed, *must* become participants in the Vendor's system. The commencement date for the electronic filing system shall be **May 1, 2001**. Parties must complete the Vendor's subscriber process no later than **April 20, 2001**, in

order to file and receive service electronically on the commencement date. The Vendor can be contacted at:

1-888-529-7587, or through online subscription at www.justicelink.com.

EF Rule 2. Definitions.

The following terms in this Order shall be defined as follows:

(a) E Filing - Electronic transmission of an original document (pleading) to the Court via the Vendor's system. An E File consists of a document, an image, or both.

(b) E Service - Electronic transmission of an original document (pleading) to all other designated recipients via the Vendor's system. Upon the completion of any transmission to the Vendor's system, a certified receipt is issued to the sender acknowledging receipt by the Vendor system.

(c) E Document - An electronic file of a word processing document that contains almost exclusively text.

(d) E Image - An electronic file of a document that has been scanned or converted to a graphical or image format.

EF Rule 3. Public Access Terminal.

The public can research, download, view, and print electronically-filed documents on a Public Access Terminal located in the Civil Clerk's Office, by using a confidential Personal Identification Number (PIN) issued for the instant transaction. Users shall be charged for printed copies of documents at rates established by the Court.

EF Rule 4. Assignment by the Vendor of Personal Identification Numbers.

Upon receipt by the Vendor of a properly executed E File Subscriber Agreement, the Vendor shall assign to the party's designated representative(s) a confidential Personal Identification Number (PIN) which must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. No PIN holder shall knowingly authorize or permit his or her PIN to be used by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel, where it has been established in writing that designated counsel may file documents on behalf of the assigning counsel.

EF Rule 5. Electronic Filing of Pleadings and Other Documents.

As of the commencement date of this Order, all pleadings, motions, memoranda of law, orders, or other documents filed in designated E File cases shall be filed electronically through the system. Cases already filed prior to the commencement date of the pilot project shall begin to file all new documents in the case electronically as of the commencement date. Documents submitted prior to the commencement date shall remain in paper copy, filed at the Court. All parties to any Civil I case pending in this Court as of the commencement date of the pilot project shall be bound by this Order and shall either enter into an E-File Subscriber Agreement with the Vendor, (which can be contacted as noted in Rule EF 1 above, or file electronically at the Clerk's Office as set forth in Rule EF 5(b) below). The Clerk, or other officer of the Court, shall not accept or file any pleading or instrument in paper form. Parties must E File a document either:

- (a) Through access to the Vendor's system from the filing attorney's office; or
- (b) In person, by electronically filing through the Public Access Terminal located at the Civil Clerk's office. Parties filing in this manner shall be responsible for furnishing

the pleading or instrument on an IBM formatted 3 1/2" computer disk, CD-ROM, or any other disk compatible with the clerk's office-system to be uploaded in person; or

(c) In instances where subscribers cannot electronically file instruments by faxing or e-mailing all documents and attachments thereto to the Vendor, the Vendor shall then convert said documents to electronic form, file said documents with the Court, and serve designated parties as provided herein. Parties choosing to file via facsimile through the Vendor shall be charged surcharge fees reflecting the Vendor's then-current published rates for filing and service in this manner in addition to the Vendor's per page rates. (See the attached the Vendor's Pricing Schedule).

EF Rule 6. Maintenance of Original Document

Unless otherwise ordered by the Court, an original of all documents filed electronically, including original signatures, shall be maintained by the party filing the document and shall be made available, upon reasonable notice, for inspection by other counsel or the Court. From time to time, it may be necessary to provide the Court with a hard copy of an electronically filed document.

EF Rule 7. Time for Filing and Effect of Use of E File

Any pleading filed electronically shall be considered as filed with the Court's Civil Clerk's office when it is first submitted to E File and transmission is completed ("authorized date and time"). Any document filed after 11:59 p.m. EST on a day the Court is open for business shall be deemed to have been filed on the next court day. The Vendor is hereby appointed the agent of the Court Clerk as to the electronic filing, receipt, service, and/or retrieval of any pleading or document in E File. Upon receipt and

filing of a document, the Vendor shall issue a confirmation that the document has been received by the Court Clerk's office. The confirmation shall serve as proof that the document has been filed. A filer will receive email notification of documents subsequently rejected by the Clerk's office after receipt, and may be required to refile the instruments to meet necessary filing requirements.

EF Rule 8. System or User Filing Errors

If the electronic filing is not filed with the Court because of (1) an error in the transmission of the document to the Vendor which was unknown to the sending party, or (2) a failure to process the electronic filing when received by the Vendor, the Court may enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.

EF Rule 9. Form of Documents Electronically Filed.

(a) Format of Electronically Filed Documents. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Court may require from time to time.

(b) Representations by Using a Typographical Signature. Every pleading, document, and instrument filed in the E File system shall be deemed to have been signed by the attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typographical signature of such person, along with the typed name, address, telephone number, and Bar number of a signing attorney. Typographical

signatures shall be treated as personal signatures for all purposes under the Sup. Ct. Civil Rules.

(c) Electronic Title of Pleadings and Other Documents. The electronic title of each electronically filed pleading or other document (“papers”), shall include:

- (1) Name and number of the case,
- (2) Party or parties filing the paper,
- (3) Nature of the paper,
- (4) Party or parties against whom relief, if any, is sought, and
- (5) Nature of the relief sought (e.g., “John Doe, et al.’s Motion to Compel Discovery and for Sanctions against Jim Smith.”)

EF Rule 10. Multiple Case Filing.

(a) Where counsel intends to file a pleading in multiple cases grouped for trial -- e.g. asbestos cases -- counsel must file in each case and will be assessed a fee for each filing. Counsel can simultaneously file a pleading in several cases provided the pleading is accompanied by an attached cover sheet identifying (1) all the cases wherein the pleading is to be filed and (2) the title of the pleading.

(b) Where counsel is filing a pleading in consolidated cases, a single filing in the lead case is deemed to be filed in all cases consolidated with it and only one filing fee will be assessed.

EF Rule 11. Electronic Service of Pleadings and Other Documents.

All parties shall make service upon other parties electronically through the E File system. Parties, or their designated counsel, shall receive all documents E Filed and E

Served upon them via access to the Vendor's system, unless exempted by court order, in which case service shall be accomplished by FAX, mail, or hand delivery.

(a) Service of Original Complaint and related documents. After electronic filing of the original complaint, service upon parties is the responsibility of the filer and must be accomplished traditionally, in accordance with the Sup. Ct. Civil Rules. Proof of service shall be filed electronically.

(b) Effect of Electronic Service of Subsequent Filings. The electronic service of a pleading or other document in E File shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document.

(c) Service on Parties; Time to Respond or Act. E Service shall be deemed complete at the time a document has been received by the Vendor's system as reflected by the authorized date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of notice or any right or duty to do any act or make any response within any period or on a date certain after the service of the document, which time period or date is prescribed by statute or rule of court, shall be strictly governed by the Sup. Ct. Civil Rules.

If electronic service on a party does not occur because of (1) inaccessibility to the Vendor's system; (2) an error in the transmission of the document to a party which error was unknown to the serving party or the Vendor, (3) a failure to process the electronic filing for service when received by the Vendor, or (4) the party was erroneously excluded from the service list, the party to be served shall, absent extraordinary circumstances, be

entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

EF Rule 12. Conventional Filing of Documents.

Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court:

(a) Documents filed under seal. A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form.

(b) Exhibits and real objects. Exhibits to declarations or other documents that are real objects (e.g. x-ray film or vehicle bumper) or which otherwise may not be comprehensibly viewed in an electronic format may be filed and served conventionally in paper form.

(c) Courtesy Copies. Unless specifically requested by the Court, paper courtesy copies of documents filed electronically need not be delivered to the Court.

EF Rule 13. Collection of Fees for Instruments Requiring Fee Payment.

(a) Any instrument requiring payment of a filing fee to the Clerk of the Court in order to achieve valid filing status shall be filed electronically in the same manner as any other E File document.

(b) The Vendor, limited agent for the Superior Court of the District of Columbia, will collect filing fees from the Subscriber through direct billing of the Subscriber.



JusticeLink Pricing

Fees are based on the size and number of **transactions**. A **transaction** is a filing to the Court and/or service of a package of electronic documents to one or more parties.

Filing with the Court (\$2.00 minimum)

10¢ a page

Official Service (\$2.00 minimum)

To other JusticeLink subscribers:

10¢ a page

To non-subscribers:

20¢ a page via fax

10¢ a page plus a U.S. mail upcharge via U.S. mail

Courtesy Notification (optional)

50¢ per party notified

Provides e-mail or fax notification that a document(s) has been filed with the court and/or served to other parties.

Accessing Documents

For documents officially served on or filed by you:

No charge to view, print and or download

All other documents:

No charge to view

10¢ a page to print and/or download (\$1 minimum)

Fax File and/or Serve on Behalf Of

\$50 plus standard filing and/or service fees.

Faxed documents filed and/or served by JusticeLink on behalf of faxing party