

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 05-04

(eFiling With IJIS Implementation)

WHEREAS, the District of Columbia Family Court Act of 2001, (FCA), D.C. Code §11-1104, required the Superior Court to implement a comprehensive integrated case management system; and

WHEREAS, after competitive bidding, BearingPoint was chosen as the contractor for development and installation of the Integrated Justice Information System, or IJIS; and

WHEREAS, as both the docket and case files will be maintained electronically through the case management software, CourtView, developed by MAXIMUS and implemented with IJIS, CourtView is being implemented in each component of the Superior Court as the official docket and case file; and

WHEREAS, electronic filing (eFiling) is an essential aspect of IJIS, so that filings can be transmitted to the court and documents and data received into the case management system more effectively, timely and accurately and to provide the public and the legal community with easy and inexpensive access to the Court, electronic filing will be implemented all divisions and branches of the Superior Court where technologically feasible and consistent with legal requirements; and

WHEREAS, with the end of the successful eFiling project for Civil I cases and the implementation of IJIS in the Spring of 2005, mandatory eFiling in Civil I cases will continue with different vendors under this Administrative Order or other Orders and court rules issued to implement eFiling court-wide; and

WHEREAS, interim procedures are necessary to govern eFiling, to provide for additional case and filing types to be added to eFiling and for any change in technology and vendors;

NOW, THEREFORE, it is hereby,

ORDERED, that the following procedures shall be followed for submitting documents electronically for filing:

EF Rule 1. Definitions.

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

- a. *eFiling* – Electronic transmission of data or an original document to the Court via the Vendor's system. An eFile consists of data, a document, and/or an image.

- b. *EService* – Electronic transmission of an original document to all other designated recipients via the Vendor's system. Upon the completion of any transmission to the Vendor's system, a certified receipt shall be issued to the sender acknowledging receipt by the Vendor system.
- c. *EDocument* – An electronic file of a word processing document that contains almost exclusively text. This includes the completion of eForms for case initiation.
- d. *EImage* – An electronic file of a document that has been scanned or converted to a graphical or image format.
- e. *Vendor* – The entities with which the court has contracted to provide the electronic highway for the electronic filing of documents into the court's case management system and the eService of filings on the represented parties and the parties appearing *pro se* who have voluntarily subscribed to the service.

EF Rule 2. Electronic Filing

As of the effective date of this Order, all filings (including authorized eFile pleadings) submitted in designated eFile case types by parties represented by counsel shall be filed electronically through the court's authorized Vendor system. For cases pending prior to the commencement date of eFiling in a newly designated eFile case type, all documents shall be eFiled on the date specified when the case type is designated as an eFiled case type. The Clerk, or other officer of the Court, shall not accept or file any document in paper form in mandatory eFile cases from litigants represented by counsel. Pleadings initiating a case may be filed electronically once notice is given that case initiation may proceed through the court's authorized eFile system.

EF Rule 3. Designation of Electronic Filing Cases.

The Court hereby continues the designation of all Civil I cases as mandatory eFile cases. Upon receipt of any order designating a case as a Civil I case or any order designating any other type case an eFile case, parties to an assigned case, who are represented by counsel, 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 by a subscription agreement with the Superior Court's authorized Vendor(s). By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the Vendor's system.

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

Upon receipt by the Vendor of a properly executed eFile Subscriber Agreement, the Vendor shall assign to the party's designated representative(s) a confidential Personal Identification Number (PIN) that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person who is filing documents should have his or her own PIN number. No PIN holder shall knowingly authorize or permit his or her PIN to be used by anyone else.

EF Rule 5. 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 6. Time for Filing and Effect of Use of eFile

Any document filed electronically shall be considered as filed with the Superior Court when it is submitted for eFiling to the Vendor and transmission is completed ("authorized date and time"). Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next court day. The Vendor is hereby appointed the agent of the Clerk of Superior Court as to the electronic filing and service of any filing in eFile. Upon receipt of a filing, the Vendor shall issue a confirmation that the filing has been received. The confirmation shall serve as proof that the filing has been filed. A filer will receive subsequent notification from the Superior Court's Clerk's Office that the filing has been accepted or rejected by the Clerk's office for docketing and filing into the Superior Court's case management system (CourtView).

If the electronic filing is not filed because of a failure to process it through no fault of the sending party, the Court may enter an order permitting the document to be filed *nunc pro tunc* to the date it was sent electronically, as long as it is filed within ten (10) days of the attempted transmission.

EF Rule 7. 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, as long as it is received by the court within ten (10) days of the attempted transmission.

EF Rule 8. 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 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 eFile 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 Superior Court rules, including Superior Court Civil Rule 11. Typographical signature means a typed or imaged signature.

- c. *Electronic Title of Pleadings, Filings and other Documents.* The electronic title of each electronically filed document, 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 9. Electronic Service of Filings and Other Documents.

All parties shall make service upon other parties who are represented by counsel electronically through the eFile system. Parties, or their designated counsel, shall receive all documents eFiled and eServed upon them via access to the Vendor's system, unless exempted by court order, in which case service shall be accomplished in accordance with Superior Court rules.

- a. *Service of Original Complaint and related documents.* After filing the original complaint, electronically or otherwise, service upon parties is the responsibility of the filer and must be accomplished traditionally, in accordance with the Superior Court Civil Rules. Proof of service shall be filed electronically.
- b. *Effect of Electronic Service of Subsequent Filings.* The electronic service of a subsequent pleading, filing or other document in eFile shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under current rules. *Pro Se* parties who have not subscribed to the Vendor shall be served in accordance with the applicable Superior Court rules.
- c. *Service on Parties; Time to Respond or Act.* eService 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 applicable rules of the Superior Court.
- d. 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 may, 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 10. 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 unless otherwise directed by the court.
- 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.
- d. *Pro Se Parties.* All filings by parties appearing *pro se* may be filed and served conventionally in paper form, unless the party chooses to file and serve electronically, in which case the party may do so through the Vendor.

EF Rule 11. 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 eFile document.
- b. The Vendor, limited agent for the Superior Court of the District of Columbia, will collect filing fees from the Subscriber.
- c. Fees charged by the Vendor to eFile Subscribers for access to and electronic transmission of a document are solely the property of the Vendor and are in addition to any charges associated with required filing fees of the Superior Court.
- d. The Vendor will transmit all filing fees electronically to the Court's bank account and will electronically provide the Civil Finance Office a detailed breakdown (case number, type of transaction, parties in escrow deposits) for each deposit.

EF Rule 12. Electronic Filing and Service of Orders and Other Papers.

The Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of this Order and court rules.

EF Rule 13. Public Access Terminal.

The public can view and print electronically filed documents on a Public Access Terminal located in the Clerk's Office of each Court or Division using eFiling. Users shall be charged for printed copies of documents at rates established by the Court;

and it is further,

ORDERED, that Administrative Order 01-06 is rescinded effective May 17, 2005, at 5:00 p.m.; and it is further,

ORDERED, that all Administrative Orders regarding electronic filing, as well as, any subsequent listing of designated eFile case types and the listing of e-Filing vendors shall be displayed on the Superior Court's web page regarding electronic filing, the current address of which is <https://www.dccourts.gov/efiling>; and it is further

ORDERED, that this Administrative Order shall become effective immediately; and it is further,

ORDERED, that the efilers contact the vendor(s) listed at <https://www.dccourts.gov/efiling> to become a Subscriber; and it is further,

ORDERED, that eFiling in Civil I cases will commence with CaseFileXpress, with BearingPoint's eFiling for Courts, as of May 17, 2005, at 5:01, p.m.

SO ORDERED.

BY THE COURT

May 17, 2005

/s/

Rufus G. King, III
Chief Judge

Copies to:

Judges
Magistrate Judges
Executive Officer of the Court
Clerk of the Court
Division Directors
District of Columbia Bar
Daily Washington Law Reporter
Library