

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 07-03

(eFiling Family-Juvenile Cases)

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

WHEREAS, both the docket and case files will be maintained electronically through the case management software, CourtView, and

WHEREAS, electronic filing (eFiling) is an essential aspect of the case management system, 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 at less expense to the users, electronic filing will be implemented in all divisions and branches of the Superior Court where technologically feasible and consistent with legal requirements; and

WHEREAS, eFiling in the Family Court will further these goals; and

WHEREAS, interim procedures are necessary to govern eFiling in the Family Court;

NOW, THEREFORE, it is hereby,

ORDERED, that the following procedures shall be followed for submitting documents electronically for filing under the Court's eFile Family program:

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.
- b. *eService* – Electronic transmission of an original document to all other designated recipients.
- c. *eDocument* – An electronic file of a word processing document that contains almost exclusively text. This includes the completion of eForms for future case initiation.
- d. *eImage* – An electronic file of a document that has been scanned or converted to a graphical or image format.

EF Rule 2. Designation of Electronic Filing Cases.

The Court hereby designates Juvenile cases in the Family Court as an eFiled case type. At this time, eFiling shall be utilized by the Office of Attorney General to transmit filings to the Court once the case number has been issued. When electronically available, case initiation shall proceed electronically as well. If the filing includes materials that are not prepared in electronic format that is in Word, PDF or scanned, the filing containing such attachments may be filed in paper format until further notice. Whether eFiled or filed conventionally in paper, the filing and attachments must be filed together as a package.

EF Rule 3. Assignment of User Name and Password.

Each person who is eFiling documents shall have his or her own user name and password that shall be provided to the Court when registering for eFile Family.

EF Rule 4. Maintenance of Original Document

Unless otherwise ordered by the Court, an original of any document signed under oath 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. In lieu of maintaining the original signed documents, the filer may provide such document to the Family Court after a copy has been eFiled.

EF Rule 5. 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 transmitted through the internet service provider. Any document filed after 11:59 p.m. EST shall be deemed to have been filed on the next court day.

EF Rule 6. System or User Filing Errors

If the electronic filing is not filed with the Court because of an error in the transmission of the document which was unknown to 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 received by the Court within ten (10) days of the attempted transmission.

EF Rule 7. Form of Documents Electronically Filed.

- a. *Format of Electronically Filed Documents.* All documents filed electronically shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper filings, and in such other format as the Court may require from time to time.
- b. *Document Creation Programs.* Documents may be created in Word or PDF format and transmitted through eFiling. All proposed orders must be able to be edited and not write-protected.
- c. *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, email address and Bar number of a signing attorney. Typographical signatures shall be treated as personal signatures

for all purposes under the Superior Court rules. Typographical signature means a typed or imaged signature.

- d. *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., "Government's Motion for X or District of Columbia's Opposition to Respondent's Motion to Suppress".)

EF Rule 8. Electronic Service of Filings and Other Documents.

To the maximum extent as possible, all parties shall make service electronically upon other parties who are represented by counsel. Electronic service shall occur by email.

- a. *Service of Original Petition and related documents:* After filing the original petition, electronically or otherwise, service upon parties is the responsibility of the Government and must be accomplished traditionally, in accordance with the Superior Court Rules.
- 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.
- c. *Service on Parties; Time to Respond or Act:* eService shall be deemed complete at the time a document is transmitted through an internet service provider. 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 an error in the transmission of the document to a party which error was unknown to the serving party, 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.
- e. *Service on the judicial officer:* Service copies should be emailed to judicial officers at their designated eService addresses. If the filing exceeds twenty-five pages (25), then a paper copy should also be mailed to Chambers or delivered to the Clerk's Office marked "Chambers Copy."

EF Rule 9. 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 conventionally in paper form, along with the document to be filed under seal.
- 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 10. 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;

and it is further,

ORDERED, that this Administrative Order shall apply after February 26, 2007, 12:01:01 a.m.

SO ORDERED.

BY THE COURT

February 28, 2007

/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**