

LGR 30. ELECTRONIC FILING AND SERVICE

(a) Definitions

(2) “Electronic Filing” or “e-filing” is the electronic transmission of information to a court or clerk for case processing

(b) Electronic filing authorization, exception, service, and technology equipment.

(4)

(A) *Mandatory Electronic Filing.* Attorneys shall electronically file all documents, including emergency pleadings, identified in the e-filing Implementation Schedule posted on the court website, using the e-filing application unless this rule provides otherwise. Non-attorneys, or *pro se* parties are not required to e-file, but may do so.

(i) *Documents That Shall Not Be e-filed.* The following documents must be filed in paper form rather than e-filed:

(a) Documents submitted for *in camera* review, or documents supporting motions to seal, including documents submitted pursuant to GR

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- (b) Application for court issued Writs of Garnishment;
- (c) Applications for Writs of Attachment or Writs of Execution and original supporting documents;
- (d) Bonds in civil cases;
- (e) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
- (f) Documents from governments or other courts under official seal, except that a copy may be e-filed as an exhibit to another document, such as a pleading, by leave of the court;
- (g) Documents larger than permitted in the User Agreement;
- (h) New cases of fee-based documents filed with an Order *in Forma Pauperis*:

(ii) *Documents That May Be e-filed*. The following documents may be e-filed:

- (a) Documents associated with a scheduled court hearing or scheduled trial presented for filing during the course of the hearing or trial;

- (b) Applications for emergency warrants;
- (c) Answers to Writs of Garnishment, or
- (d) Appeals.

If filed electronically, the filing party must retain the original document during the pendency of any appeal and until at least sixty (60) days after completion of the instant case, and shall present the original document to the court if requested to do so. This does not include documents that are or will be submitted as an exhibit in a hearing or trial.

(iii) *Working Copies.* Judges working copies for e-filed documents are not required, except that paper working copies of e-filed documents of 50 pages or more shall be delivered to the judge,

(iv) *Waiver of the Requirement to e-file for attorneys.*

(a) If an attorney is unable to e-file documents, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will make waiver request forms available on the court website. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who

receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from e-filing per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.

(b) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.

(v) *Non-Compliance with this Rule.* If an attorney files a document in paper form and does not have an approved waiver from e-filing, the court may assess a fee against the attorney pursuant KCC 4A.634.100 B. for each paper document filed.

(5) Electronically filed court records have the same force and effect and are subject to the same right of public access as are documents that are not e-filed.

(6) If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

(c) Time of Filing, Confirmation, and Rejection.

(1)

(A) A party whose filing is untimely as the result of a technical failure of the court's e-filing application may seek appropriate relief from the court. The court shall consider its e-filing application to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any court day. Known systems outages will be posted on the court website. Users are responsible for monitoring the court website to be aware of regularly scheduled down time for maintenance.

(B) Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under this rule, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end should explore other e-filing options. The filer's login and password will work on any computer that has internet access, e.g., at the library, home computer, or in commercial business service centers.

(C) Filing a document electronically does not alter filing deadlines.

- (2) (A) In the absence of the court's confirmation of receipt and filing, there is no presumption that the court received and filed the document. The filer is responsible for verifying that the court received and filed any document that was submitted to the court electronically using the court's e-filing application.

(d) Authentication of Electronic Documents.

- (1) (C) (i) Filers agree to protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Filers may be subject to sanctions for failure to comply with this provision.
- (3) An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CRLJ 11.
- (A) When a document has been filed electronically, the official record is the electronic record of the document as stored by the court, and the filing party is bound by the document as filed.

[Adopted April 21, 2017]