

## Civil e-Filing Q & A from August 9-13, 2010

### Electronic Signatures Questions:

- 1. How does the judge sign the orders?** A paper order can be signed and scanned in to MNCIS. We are still exploring options for electronic signatures that will be consistent with the Supreme Court Order allowing for the pilot project.
- 2. Will judges be able to electronically sign their orders?** That is the plan. As noted, above, we don't have an answer yet about what technology will be acceptable for electronic signatures of judges.
- 3. Once e-filing is mandatory, how will judges' signatures on orders be handled? (i.e. electronic signatures?)** During the pilot, e-Filing will not be mandatory. We expect to be able to answer this question during the pilot period.
- 4. How will court clerks' IDs be managed?** Court clerks will sign on to both the e-filing and court review system using log on IDs that identify the clerk. These will be set up by the court, just as all other court system IDs are.

### Financial Questions:

- 1. When fees come in, do the fees go back if we reject the document for errors?** If a filing is rejected, there is no charge against the filer's credit card. No fees assessed means there are no fees to return.
- 2. Will we be charged an e-Filing filing fee as court clerks?** No. No fees will be assessed to the court for the use of the e-filing system.
- 3. Will the responsibility of who has paid filing fees be the person accepting the document for filing for subsequent documents?** The filing party remains responsible for paying any statutory filing or court fees. If this question is referring to fees for the use of the e-filing system, these fees will be paid by the court during the pilot period for any filing party. A decision about who pays usage fees in the future has not been yet been made. In most jurisdictions across the country, fees are paid by the party who submits the document for filing and/or service, not the party who receives it.

### Process Questions:

- 1. Will there be a local rule or standing order so that we know we can effect service through e-filing? General rule or civil procedure?** For the pilot, there is a Supreme Court standing order and some rule changes. As we move forward with e-Filing across the Fourth District and across the State, we expect there will be changes to applicable court rules.
- 2. Will there be order options that we have now?** Yes. The same document or event codes that we have in MNCIS will be available to select when filing an order through the e-Filing system.

- 3. Can we serve judicial orders through this process? For example can we send a 40 page order to 35 people through this process?** Yes. As long as all of the attorneys for parties in the case have registered on the e-Filing system and added themselves to the case service list, the order can be served electronically. During the pilot, e-Filing will be optional rather than mandatory for all attorneys and will not include Pro se parties. We do plan to allow judges to order that certain cases be transitioned from paper to electronic files and require e-Filing by attorneys for those cases. Parties who are not on the electronic service list will still need to be served through the paper process.
- 4. Will the software reject documents (filings) with mistakes (from attorneys Pro se litigants)?** During the pilot, only attorneys and no pro se litigants will be allowed to e-File. Attorneys are required to register to use the software and there are required fields for pertinent filing information for each document. However, if a filer attaches the wrong document, doesn't select the appropriate fees, tries to file a document in the wrong case or makes some other error, the software will not reject the document. The court clerks will check for errors, but only reject documents for limited reasons such as missing or incorrect fees, the wrong jurisdiction or attempting to file a document in the wrong case file. If a document is incorrect as to form, it will be up to the parties and the judge to address any deficiencies.
- 5. We have problem cases where we have to follow up with parties because their documents are in error. When they file a document, can they mark it to the attention of a specific court clerk or judicial clerk?** Yes. There is a field that acts like a "sticky note" where a request can be made for a specific person to review the document. Only court administration clerks will have access to the review tool so if a document needs to be brought to the attention of a judicial clerk, it may be better for the filer to call the judicial clerk to let them know that the document has been submitted for review. Judicial clerks can look at MNICS for the document or run a report of all cases and documents e-filed that have been assigned to their judge.
- 6. There is a court rule about conducting business on Sunday. Does e-filing introduce a way to deal with this rule?** We do not expect this rule will be changed because of e-Filing.
- 7. How will party-matching w/birthdates (Criminal and Juvenile cases) work?** There is an enhancement to the system for the pilot that allows for adding the person ID to aid in party matching. We expect to add other matching criteria to the e-filing system before it is implemented in Criminal and Juvenile to ensure the integrity of our party-based MNCIS system.
- 8. Will templates be created for all civil filing forms?** There are already templates for many forms and we will likely create some additional templates for use by both filers and the court. However, most civil filing documents such as complaints, motions, memorandums, etc. do not lend themselves to templates as they must be specific to the cause of action and the relief sought from the court.
- 9. For the law firms that are selecting what they want to file, will they see every location where they can file? Can you limit what you see for options? Filters?** It is expected that, as e-filing is implemented at different courts within the state, each law firm will see every court location that allows e-filing throughout the state.

**10. Who are the 6 law firms that have signed up for this?**

Bassford Remele  
Dorsey & Whitney, LLP  
Faegre & Benson, LLP  
Lindquist & Vennum P.L.L.P.  
Maslon, Edelman, Borman & Brand, LLP  
Rausch, Sturm, Israel, Emerson & Hornik, LLC

**11. Can clerks be working on the same case at the same time?** No. Once a case has been opened by one clerk in the review queue, it is “locked” from anyone else opening it for 30 minutes. If the original clerk is not actively working on the filing, it will be returned to the queue and can be accessed by another court clerk after the time-out period.

**12. When will staff training on e-filing begin? Who will teach it?** As of 10/10, all civil judicial staff have been trained and all of the administrative staff who are expected to work with electronic filings on 10/18. The rest of Civil Filing and Judgment staff will be trained during the first two weeks of the pilot. The training is being conducted by the Business Practices Unit staff.

**Pro Se Questions:**

- 1. Pro se Parties? When attorney staff ask judicial staff how to use this, will there be a department or something we can refer them to?** Pro se parties are not included in the pilot. If they are a party on an e-Filed case, they will still file with paper and court administration staff will scan their documents in to MNICS. There will be up to date information on the Fourth District Court’s webpage about training and how to sign up for e-filing. Staff can refer attorneys to: <http://www.mncourts.gov/district/4/?page=3953>.
- 2. How will a Pro se litigant who is a named defendant and does not have a computer get served and/or serve their filings?** They will still be served with traditional personal or mail service and continue to file their documents by mail or in person on at the PSL Civil Intake counter.
- 3. Pro se Parties, Domestic Abuse, Confidential?** Pro se parties will not be included in the pilot. Domestic Abuse cases won’t be included until e-Filing is implemented in Family Court. Confidential cases and documents can be filed as confidential through e-Filing. Nothing changes, as confidential cases and documents will not be viewable to the public or to anyone who would not have access to that document if it were in a paper format or file.
- 4. Pro se is a big issue in my area, parties who don’t have electronic means.** As noted above, Pro se parties are not included in the pilot. Addressing the issue of electronic access will needed before we allow e-filing by pro se parties.
- 5. How will civil Pro se cases be filed?** During the pilot, nothing will change. Pro se cases will still be filed by paper. We will be better able to answer this question, once we have experience with attorneys using the File and Serve system.

- 6. How will Pro se cases work for filing fees?** Again, we haven't addressed e-Filing issues for Pro se parties yet. We need to assess different options, such as allowing Pro se parties to register using the File and Serve system, providing kiosks and scanners at the courthouse. No decisions have been made yet about what types of payment may be allowed by Pro se parties, either initially or on a more permanent basis, once they are allowed to e-File cases after the initial pilot.

## Service Questions:

- 1. What does e-service entail?** E-service allows for the electronic service of a document on any attorney for a party who has added themselves to the service list for a particular case. If a document is only served electronically, an email will be sent to the opposing attorney's email box at the time the document is submitted for service. The parties being served will receive a link to the document which they can then view and print the document. If the filer is both filing a document with the court and serving it electronically, this happens when the court accepts the document for filing.
- 2. How does the system identify service? What happens when someone forwards the service link to another address?** The link that is sent to each service recipient is unique to that document and service recipient. If that e-mail is forwarded to another e-mail address and then the link is engaged from there, the filing will show as served to the original recipient.

## Equipment Questions:

- 1. Are we going to have a kiosk set up for attorneys? Sometimes they have last minute filing to do before court. Will we have scanners available for attorneys?** We don't plan to provide kiosks, scanners or computers to e-file in the courthouse during the pilot. If an attorney had a last minute filing, they could call and ask a staff person at their firm to submit the filing on their behalf. We haven't determined yet whether court staff will be available to scan and accept filings from e-Filing firms. In the future, we do expect to have hardware available for parties, particularly Pro se filers, to e-File at the courthouse. This is a need we will have to assess during the pilot.
- 2. As a law firm, how can I tell when someone has viewed a document?** If you file and serve or just serve a document, the information will be available by clicking on an icon with filing details in the firm case review tool. The system will include information about whether a document has been delivered, opened, and at what "IP" address the document was accessed.
- 3. Will private attorneys have wireless access in courtrooms so they can access their e-filed documents?** Public wireless internet access is available in all Government Center courtrooms. Connect to HCGuest with a user ID "guest" and password of "Hennepin". You may log onto a company VPN using SSL security. Other security protocols are not supported, such as IPSec.
- 4. Will judges have bigger monitors in the courtrooms?** This is an option that judges can request. Many judicial officers have noted a preference for smaller monitors that do not obstruct either their view or eye contact with parties or for parties or others in the courtroom. For the pilot, judges may be offered tablet computers where they can access court documents electronically with a flat screen that would be the same size as a piece of paper that would be in a paper file.