

# Electronic Filing Deadlines in State Courts

Marie Leary and Jana Laks

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## Introduction

This report presents the results of an analysis of electronic filing practices in state courts to identify courts that require attorneys to complete electronic filings by a certain time (other than midnight local time) on the due date. In 2018, the Delaware Supreme Court ordered Delaware courts to amend their rules and/or electronic-filing policies to require that all electronic filings in nonexpedited matters, except for initial pleadings and notices of appeal, be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day.<sup>1</sup> Four federal courts have a filing deadline other than 12:00 midnight for electronic documents filed on the date they are due: before 5:00 p.m. (EST) in the district courts for the Eastern District of Arkansas and the District of Delaware (except for initial pleadings), before 6:00 p.m. (EST) in the District of Massachusetts, and before 4:30 p.m. (EST) in the District of Massachusetts Bankruptcy Court.<sup>2</sup>

To determine whether electronic filing deadlines other than 12:00 midnight on the filing due date are a more frequent occurrence in state courts, we examined state court systems in thirty states, arbitrarily chosen from the states that comprise each of the eleven federal numbered circuits to avoid overrepresentation of a geographic region. In circuits with an even number of states, half of the states were selected by choosing every other state from a list of all states in the circuit in arbitrary order. In circuits with an odd number of states, one more than half of the states were selected by choosing every other state from an arbitrary list of all states in the circuit. The number of states selected from each of the eleven circuits is proportionate to the total number of states located within each circuit. For example, five of the state court systems studied are geographically located within the Ninth Circuit, and two state court systems represent the Third Circuit.

Our findings are summarized below, and the appendix provides a state-by-state description of the relevant court rules.<sup>3</sup>

## Description of Electronic Filing Systems in State Courts

Although some variation exists in the electronic filing systems and practices of individual federal courts, the implementation of electronic filing in state courts can differ greatly from one state to another. Therefore, filing deadlines identified in state courts should be considered within the context of the e-filing system and filing practices operational in each court. Except for specific, narrow exceptions for certain types of cases (e.g., grand jury matters, sealed cases) or kinds of documents (e.g., complaints, notices of removal, charging documents in a criminal case, under seal filings),

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1. See Chief Justice Delaware Supreme Court, [Work Life Balance Final Order](#) (issued July 18, 2018, effective Sept. 14, 2018) (Delaware Supreme Court ordered all Delaware courts to adopt a new 5:00 p.m. electronic filing deadline and recommended additional policies and practices to improve work-life balance for Delaware legal professionals and their staff).

2. See Eastern District of Arkansas, [CM/ECF Administrative Policies and Procedures Manual for Civil Filings](#) § III.A.3 (rev. June 8, 2022) (applies to documents electronically filed on the last day of any given deadline); District of Delaware, [Standing Order Regarding Revision to Electronic Case Filing Policies and Procedures](#) (adopted Aug. 16, 2022; effective Sept. 1, 2022) (deadline for filing and service of documents in the U.S. District Court for the District of Delaware moved to 5:00 p.m. ET from the prior deadline of 6:00 p.m. ET for all documents other than initial pleadings); District of Massachusetts, [CM/ECF Case Management/Electronic Case Files Administrative Procedures](#) § K (July 2011) (applies to a document electronically filed on the date on which it is due); [D. Mass. Bankr. R.](#), App. 8, R. 3(c)(2) (applies to documents where the court orders that filing must be completed by a specific date but does not specify the time).

3. Also available at <https://www.fjc.gov/sites/default/files/materials/01/ElectronicFilingStateCourtsAppendix.pdf>.

all federal courts (courts of appeals, district courts, and bankruptcy courts) require attorneys to file all documents in all civil and criminal cases electronically using the federal judiciary's Case Management/Electronic Case Files (CM/ECF) system.<sup>4</sup> And although each federal court has the authority to establish for itself local rules governing e-filing,<sup>5</sup> components of federal e-filing such as having only one electronic filing and case-management service used by all courts and filers, and federal rules that provide electronic filing requirements common to all CM/ECF users regardless of the court, establish a degree of uniformity in federal e-filing not present when describing electronic filing in state courts. State courts in all thirty states were found to have an electronic court document filing system. However, these systems vary widely in the degree to which they are implemented in only a few courts or statewide, the approach adopted to create and structure their filing systems, the individuals authorized to register and e-file documents through system, the rules and procedures governing electronic filing, and the case types and documents for which e-filing is mandated or voluntary.

**Limited and Statewide Implementation.** Despite the differences described below, court systems in all thirty selected states were found to authorize electronic filing in all or some of their courts by means of an "electronic filing system." Such systems share the common characteristics of being a web-based system established for the purpose of filing documents with or by the court, integrating documents into the court's case-management system, and electronically serving notice to the parties who have registered with the electronic filing system. For all thirty states, the term "electronic filing" or "e-filing" does not encompass the submission or transmission of documents to or from the court through other electronic means such as e-mail, facsimile, or computer discs.

Except for New Hampshire, Montana, and Wyoming, which have no intermediate appellate courts, the state court systems studied had at least two appellate-level courts and one or more trial-level courts. In twelve states, electronic filing is implemented in all appellate- and trial-level courts.<sup>6</sup> Twelve additional states authorize e-filing in all appellate-level courts and have extended e-filing to most but not all trial-level courts.<sup>7</sup> In three states, e-filing is authorized in courts at one appellate level but not the other, and to some trial-level courts but not others.<sup>8</sup> One state has implemented e-filing in one appellate-level court and in all trial-level courts.<sup>9</sup> And in two states e-filing is only authorized in trial-level courts.<sup>10</sup>

**Types of Court Electronic Filing Systems.** The state court systems studied appear to have used several different approaches to establish electronic filing. Courts in thirteen states have electronic filing systems developed internally within the court system itself.<sup>11</sup> Outside vendors may have

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4. See Fed. R. App. P. 25; Fed. R. Civ. P. 5; Fed R. Crim. P. 49; Fed. R. Bankr. P. 5005.

5. See Fed. R. App. P. 25(a); Fed. R. Civ. P. 5(e); Fed R. Crim. P. 49(d); Fed. R. Bankr. P. 5005(a) (each authorizing courts to establish local rules requiring or allowing e-filing).

6. See Appendix: California, Colorado, Connecticut, Florida, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Hampshire, Ohio, Rhode Island.

7. See Appendix: Alabama, Arizona, Arkansas, Delaware, Hawaii, New Mexico, North Carolina, Mississippi, Montana, Texas, Virginia, Wyoming.

8. See Appendix: New York, North Dakota, Wisconsin.

9. See Appendix: New Jersey.

10. See Appendix: Alaska, Kentucky.

11. See Appendix: Colorado, Florida, Hawaii, Kentucky, Massachusetts, Mississippi, Montana, Nebraska, New Jersey, New York, Ohio, Virginia, Wisconsin.

assisted with designing the system, but authorized users file directly with the court through a portal maintained and supported by the court. Fourteen state court systems have contracted with private-sector providers (often referred to as electronic filing service providers or EFSPs) to design, build, maintain, and support their electronic court systems.<sup>12</sup> An electronic filing service provider is generally a third party who, for a fee, provides software that allows users to prepare and submit e-filings, pay the filing fees related to their submissions, and receive notifications from the court. Three states contract directly with an electronic service provider referred to as an e-filing manager that receives and processes e-filing submissions directly from registered users and from court-approved or certified secondary or alternative electronic filing service providers.<sup>13</sup> Using multiple competing EFSPs allows the courts to offer varying service levels to users who are able to choose between EFSPs based on their needs and price. The remaining four states use both approaches in their courts, implementing an internally developed filing system for some of its courts (e.g., appellate courts only) while using a private sector provider for the remaining courts (e.g., all trial-level courts).<sup>14</sup>

Adopting either the first or second approach described above, court systems in sixteen states have implemented a statewide electronic filing system using a single portal.<sup>15</sup> This portal acts as a central hub, allowing courts and filers throughout the state to link to one website where documents are filed and then forwarded to the appropriate courts and clerks across the state. Nine of the electronic filing systems with one universal filing portal for all active courts are court-created, while the remaining seven require registered users to file through a single approved e-filing service provider.<sup>16</sup> Eleven of the fourteen state court systems with more than one electronic filing system have two e-filing portals, one portal for appellate court filings and another for trial court filings.<sup>17</sup> The remaining three state court systems have three e-filing portals, with each representing a distinct electronic filing system.<sup>18</sup>

**Mandatory and Permissive/Voluntary Electronic Filing.** As stated previously, except for certain types of proceedings or documents, attorneys must e-file any document in federal district courts and courts of appeals that they conventionally would have filed with the clerk's office in paper format, including most pleadings, motions, and notices. Although state courts are moving in the direction of eliminating paper filings, e-filing is not mandatory in all state courts that are authorized to accept electronic filings. In addition, even state courts for which e-filing is mandatory may not accept electronic filing of all documents in all civil and criminal cases or appeals. In thirteen of the thirty state courts studied,<sup>19</sup> electronic filing is mandatory for attorneys in all state

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12. *See* Appendix: Alaska, Arizona, Arkansas, California, Delaware, Illinois, Maryland, Minnesota, New Hampshire, New Mexico, Rhode Island, Texas, Wyoming.

13. *See* Appendix: Illinois, Maryland, and Texas.

14. *See* Appendix: Alabama, Connecticut, North Carolina, North Dakota.

15. *See* Appendix: Alaska, Arkansas, Colorado, Florida, Hawaii, Illinois, Kentucky, Maryland, Massachusetts, Mississippi, Montana, New Mexico, New York, Ohio, Rhode Island, Texas.

16. *Id.*

17. *See* Appendix: Alabama, Arizona, California, Connecticut, Minnesota, New Jersey, North Carolina, North Dakota, Virginia, Wisconsin, Wyoming.

18. *See* Appendix: Delaware, Nebraska, New Hampshire.

19. *See* Appendix: Alaska, Arkansas, Florida, Hawaii, Maryland, Minnesota, Mississippi, Nebraska, New Jersey, North Carolina, North Dakota, Rhode Island, Wisconsin.

courts authorized to accept electronic filings pursuant to the rules governing electronic filing. Electronic filing is either fully or partially mandatory in the active courts of five states,<sup>20</sup> and mandatory in part in all of the courts authorized to accept electronic filings in one state.<sup>21</sup> Ten states have made e-filing mandatory in some of the courts authorized to accept documents electronically and optional or voluntary in others.<sup>22</sup> And in one state, electronic filing is optional in all appellate and trial courts authorized to participate in the state court's electronic filing system.<sup>23</sup>

For purposes of this study, electronic filing authorized in a trial or appellate court is considered “*mandatory*” if registered attorneys are required to submit documents in civil and criminal cases electronically as provided by the governing rules. These rules may provide for exceptions prohibiting e-filing of certain categories of civil and/or criminal cases.<sup>24</sup> In addition to exempting categories of cases that can be e-filed, state courts with mandatory e-filing rules may also limit the types of documents that can be filed in civil and/or criminal cases.<sup>25</sup> Electronic filing authorized in a trial or appellate court is designated “*mandatory in part*” if registered attorneys are required to submit documents electronically only for specific types of cases as provided by the governing rules. Ten states in our study have one or more courts where attorneys are required to e-file documents in civil appeals or civil cases only.<sup>26</sup> And one state court mandates electronic filing in all criminal cases while e-filing documents in civil cases is optional.<sup>27</sup> Electronic filing authorized in a trial or appellate court is “*optional*” (also labeled voluntary or permissive in state court rules) if registered attorneys are permitted to voluntarily file cases and documents electronically as provided by the governing rules or file their documents conventionally in paper format as provided by court rules and procedures that would apply in the absence of electronic filing. Eleven states have one or more courts where registered attorneys are permitted to file documents electronically in civil and/or criminal cases, but are not required to do so.<sup>28</sup>

## Electronic Filing Issues in State Courts

The nonuniformity among state courts in the structure and implementation of their electronic filing systems appears to extend to the rules that govern the core formatting, service, and filing requirements for e-filed documents, including rules addressing whether the filing of an electronic document must be completed before a specific time of day (other than before midnight) on the due date for the court to consider the document to be “timely filed.” Rules addressing e-filing deadlines in

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20. See Appendix: California, Connecticut, Delaware, New Hampshire, Texas.

21. See Appendix: Illinois.

22. See Appendix: Arizona, Colorado, Kentucky, Ohio, Massachusetts, Montana (if trial courts designate case types for which electronic filing is mandatory), New Mexico, New York, Virginia, Wyoming.

23. See Appendix: Alabama.

24. See, e.g., State of New Hampshire Superior Court, [Administrative Order 2022-01: Case Type Exemptions from Electronic Filing in Superior Court](#) (Jan. 20, 2022).

25. See, e.g., [Administrative Procedures for Mississippi Electronic Courts](#) (Oct. 2018, effective Oct. 25, 2018) (mandatory electronic filing in Mississippi trial courts applies to subsequent filings in all civil and criminal cases; civil complaints, criminal complaints, bills of information, indictments, summonses and subpoenas must be filed conventionally on paper with the court).

26. See Appendix: California, Colorado, Connecticut, Delaware, Kentucky, Massachusetts, Montana (if implemented by individual trial courts), New Hampshire, New Mexico, New York.

27. See Appendix: Texas Justice of the Peace Courts.

28. See Appendix: Alabama, Arizona, Colorado, Kentucky, Massachusetts, Montana, New Mexico, New York, Ohio, Virginia, Wyoming.

the state courts studied were usually located near or in the same section as rules addressing separate but related filing issues, such as when electronic documents are considered filed by the court, how the date and time of filing is determined, and when the court's electronic filing system is available for e-filing. Although the legal basis for electronic filing and the source of rules that govern e-filing procedures are different in each court system studied, rules addressing these issues to some degree were identified for each state court electronic filing system.

The majority of state court systems address these filing-related issues in amendments to the sections of statewide procedural rules (e.g., rules of appellate, civil, or criminal procedure) that directly relate to filing for each of the state's participating courts.<sup>29</sup> Some states with one e-filing system for appellate courts and another for trial courts establish procedural rules applicable to all active courts at each level.<sup>30</sup> In at least seven states, these rules were included in a separate, stand-alone compilation of rules establishing electronic filing procedures that govern e-filing in every court throughout the state required or choosing to implement electronic filing.<sup>31</sup> These electronic filing rules were adopted by the state supreme court and included within the court's rules or published as general orders.<sup>32</sup> Several state supreme courts have established minimum requirements for electronic filing that all e-filing courts within the state must incorporate, including provisions addressing time and date of filing and filing deadlines.<sup>33</sup> Local rules and administrative orders of the lower courts may cover additional aspects of e-filing not addressed by the minimum standards as long as e-filing occurs consistent with the policies, guidelines, and/or standards authorized by the supreme court.<sup>34</sup> Several court systems that permit some or all of the courts throughout the state to implement electronic filing by local rule require these courts to follow the date and time of filing as set forth in statewide procedural rules; inconsistent local rules setting forth a different time deadline for filing electronic documents are superseded.<sup>35</sup> When these primary sources did not address, or did not clearly address, the state court's requirements for filing, timely filing, or filing deadlines, secondary resources were used to fill the informational gaps, including e-filing frequently asked questions (FAQs), e-filing user's manuals or guides, and a court's e-filing webpage.

In order to satisfy a deadline fixed by statute, rule, or order of the court by submitting a document electronically to a state court, the filer must know when the court's authorized electronic filing system is available to receive documents, what the court's requirements are for a submission to be deemed "filed," and whether the court requires that a document be filed by a certain time of day or before midnight (in the court's time zone) on or before the date on which the document is due to be considered "timely filed" by the court. Thus, the extent to which the state courts' electronic filing rules and/or supplemental resources of the state court electronic filing systems address the following issues is considered separately:

- (1) the days and hours during which electronically transmitted documents will be received by the court (or when the court's electronic filing system is available to accept documents);

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29. *See, e.g.*, Appendix: Colorado, Delaware, New Mexico, North Carolina, Texas.

30. *See, e.g.*, Appendix: California, Mississippi, Virginia.

31. *See* Appendix, Arkansas, Hawaii, Illinois, Maryland, Massachusetts, Nebraska, Rhode Island.

32. *Id.*

33. *See* Appendix: Florida, Illinois, Texas.

34. *Id.*

35. *See* Appendix: California, Massachusetts.

- (2) when (date and time) documents received electronically will be considered by the court to be “filed” as part of the official court record of a case; and
- (3) whether an electronically submitted document is required to be filed by a certain time of day (other than midnight in the court’s time zone) on or before the date on which the document is due to be considered “timely filed” by the court in order to satisfy a deadline.

**When the Court’s Electronic Filing System Is Available.** Except for courts in four states, the state court electronic filing systems studied are available to receive electronically submitted documents for the purpose of filing with the court as part of an existing case and/or to commence a new case twenty-four hours a day, seven days a week, with the exception of when the system is unavailable due to scheduled or other maintenance or repair.<sup>36</sup> Electronic filing systems in the courts of four states are unavailable for several hours each day, some providing system maintenance as the reason.<sup>37</sup> During this time, registered users are not able to log into the system. Only one state with daily restrictions on the accessibility of its electronic filing system, however, appears to require documents to be electronically submitted earlier than midnight. In Virginia Circuit Courts, the Virginia Judiciary E-Filing System (VJEFS) is regularly available on weekdays, not including holidays, from 7:00 a.m. to 7:00 p.m. EST.<sup>38</sup> Although 7:00 p.m. EST on weekdays is not presented as a deadline for filing, but as a “shut off” time after which VJEFS goes offline, the result is the same in that a document must be submitted to the court before a certain time of day (earlier than midnight) for the court to consider the document received that day.

Because a document that has been electronically submitted to a court will not be considered to be officially filed by the court without some degree of clerk review to determine if it meets the requirements for using the court’s electronic filing system, most courts are careful when describing the availability of their electronic filing system using phrases such as “a document can be submitted electronically” or the “court shall receive electronic documents.” Courts using the term “filed” to describe the availability of their filing system (e.g., “documents can be filed electronically 24 hours a day, 7 days a week”) may inadvertently convey that a court considers an electronic document, submitted at any time on any day of the week, to be “filed” without further court review.<sup>39</sup> Although documents can be submitted electronically twenty-four hours a day, some courts encourage e-filers to submit documents in advance of filing deadlines, cautioning that the electronic filing system may not always be available due to scheduled maintenance or technical difficulties experienced by the e-filer or the system.<sup>40</sup> In addition, courts encourage filers to submit all documents during normal court business hours in the event telephone or online assistance or support is needed.

**When the Court Deems an Electronic Document “Filed.”** In order to meet filing deadlines, it is necessary to know when a court deems a document received through its authorized electronic

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36. An electronic filing system is considered available twenty-four hours a day, seven days a week with no daily restrictions preventing users from logging into the system if this has been stated in any rules, procedures, etc., or if any time before midnight is the stated deadline for submitting a document that will be considered filed that day and no restrictions on the e-filing system’s availability were located in any rules, procedures, etc.

37. See Appendix: Connecticut, Hawaii, New Jersey (Tax Court), Virginia (VACES—appellate courts, VJEFS—trial court).

38. See Appendix: Virginia (VJEFS—trial court).

39. See Appendix: Alaska, Mississippi, North Carolina.

40. See, e.g., Appendix: California, Kentucky, Mississippi.

filing system “filed” and part of the official court record in a case. Although all state courts that allow electronic filing consider an electronic document to be filed when the electronic filing process is complete, the definition of when this occurs was found to differ between courts in different states, and in a few states, between courts within the same state. All active courts, or courts that are currently authorized to participate in a state court system’s electronic filing system, in almost half of the states in the study (fourteen) consider electronic filing complete when a document is submitted and received by the court’s authorized electronic filing system, unless the court rejects the document upon review.<sup>41</sup> If accepted after review for compliance with all applicable rules, the document is deemed filed as of the date and time it was originally received by the electronic filing system. In seven states, all active or participating courts consider electronic filing complete when a document submitted to the authorized electronic filing system is accepted by the clerk’s office after review for compliance with all applicable rules.<sup>42</sup> If accepted, the document is deemed filed as of the time and date of its original submission. This is true even when the document is not reviewed and accepted by the clerk’s office on the same day it was received. All active or participating courts in six states consider electronic filing complete when a document is submitted to the authorized electronic filing system *and* electronically received by the clerk’s office, unless the court rejects the document upon review.<sup>43</sup> This differs from courts that deem a document to be filed when received by the court’s authorized electronic filing system, regardless of when it was received by the clerk’s office. If accepted, the document is deemed filed as of the date and time it was received in the clerk’s office.

Active or participating courts in three states do not all apply the same rule for when e-filing is complete and electronic documents are considered filed.<sup>44</sup> For example, electronic documents submitted to the New Hampshire Supreme Court are deemed filed the date and time of original submission upon acceptance, while documents electronically transmitted to New Hampshire superior and circuit courts are considered filed the date and time received upon receipt by the authorized electronic filing system. In addition to the requirements described above, courts in five states do not consider e-filing to be complete until all required fees are paid at the time of filing, or an appropriate waiver of fees is submitted with the document to be filed.<sup>45</sup>

Regardless of when filing is deemed complete initially, electronic documents in all state courts are required to pass clerk review for compliance with all applicable rules, procedures, and standards before the document is file-stamped or docketed and considered part of the official record of a case. Some reasons given for why a court may reject a document for filing include that the filing was not signed by the party, it was not in a digitized format approved by the clerk, it was in violation of the rules governing redactions from court records, or it was filed in the wrong case or with an incorrect case number or caption. Although some courts that allow the filing party to correct the filing and resubmit the document will consider the corrected document filed on the original filing date,<sup>46</sup> others assign the resubmitted document a new submission date and time on the date

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41. *See* Appendix: Alabama, Arkansas, Colorado, Delaware, Florida, Kentucky, Maryland, Nebraska, New Mexico, New York, North Carolina, Texas, Virginia, Wyoming.

42. *See* Appendix: Alaska, Illinois, Massachusetts, Montana, New Jersey, Rhode Island, Wisconsin.

43. *See* Appendix: Arizona, California, Connecticut, Hawaii, Mississippi, North Dakota.

44. *See* Appendix: Minnesota, New Hampshire, Ohio.

45. *See* Appendix: Connecticut, New Hampshire (superior and circuit courts), New York, North Dakota (district courts), Wisconsin (circuit courts, except notice of appeal cannot be rejected for failure to pay fee).

46. *See, e.g.*, Appendix: Illinois, North Dakota, Rhode Island, Wyoming (chancery court).

it was resubmitted for filing.<sup>47</sup> Once the document is electronically file-stamped and entered on the docket, it is considered a permanent part of the case record.

Similar to the date and time stated on the Notice of Electronic Filing transmitted when a document is submitted to a federal court via CM/ECF, some state courts consider the date and time stated on a notification sent to the filer automatically by the electronic filing system when a document is submitted as the date and time of original submission.<sup>48</sup> However, several state courts that consider an electronically submitted document filed upon receipt by the clerk's office make clear in their electronic filing rules that the date and time stated on the confirmation of receipt or notice of electronic filing sent to the filer upon submission is the date and time the document was received by the clerk's office and not the date and time the document was submitted by the filer.<sup>49</sup> Although this is not likely to affect the date of filing if the document is accepted after court review, the time of filing may be important if a statute, rule, or court order requires that a document be filed by a certain time of day.

### **When the Court Deems an Electronic Document “Timely Filed” to Satisfy Filing Deadlines.**

Electronic versions of documents are filed within the same deadlines as paper documents. Filing a document electronically does not alter or extend any filing deadline. Attorneys, pro se filers, or anyone the court has authorized to register to file documents using the court's authorized electronic filing system are responsible for timely filing of electronic documents to the same extent as paper documents, with the same consequences for missed deadlines. To meet a filing deadline, a document must be “timely filed,” meaning that filing must be complete by a certain time of day where the court is located on or before the date on which the document is due. Except for the three district courts and one bankruptcy court mentioned previously, in federal courts attorneys must complete electronic filing before midnight local time where the court receiving the document(s) is located for the court to consider the documents timely filed on that day.<sup>50</sup> Except for the rules described below requiring e-filed documents to be stamped by a particular time (earlier than midnight local time) for the documents to be considered timely filed on that day, similar to federal courts most of the state courts studied consider a document that is received electronically to have been filed on the same day it is received if the document is submitted on or before midnight (in the court's time zone) and the document is not rejected by the clerk's office after review for compliance with applicable rules. However, unlike federal courts, several state courts do not consider documents to be received if such documents are submitted before the midnight deadline on a Saturday, Sunday, legal holiday, or any other day that the clerk's office is closed for business.<sup>51</sup> These documents

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47. See Appendix: Minnesota (appellate courts), Ohio (Ashland County Court of Common Pleas).

48. See, e.g., Appendix: Alabama, Arkansas, Florida, Kentucky (a document will not be considered filed until the eFiling system generates a Notice of Electronic Filing with a hyperlink to the electronically filed document), Massachusetts, Nebraska, New Hampshire (supreme court), Ohio Tenth District Court of Appeals, Virginia, Wyoming.

49. See, e.g., Appendix: Arizona, California, Connecticut, Hawaii, Mississippi (for the filing of an electronic document to be completed, all active courts require that the filer must have received the Notice of Electronic Filing from the court).

50. See Fed. R. App. P. 26(a)(4)(B); Fed. R. Civ. P. 6(a)(4)(A); Fed. R. Crim. P. 45(a)(4)(A); Fed. R. Bankr. P. 9006(a)(4)(A).

51. See Appendix: California, Illinois, Massachusetts, Montana, New Hampshire (supreme court), New Mexico (documents are considered received by the court if submitted before midnight on a day preceding the next business day of the court), New York, Ohio (First & Eighth District Courts of Appeals, Athens County Common Pleas Court), Texas, Virginia, Wyoming.

will be deemed received on the following business day or the next day the clerk's office is open for business. Unless extended pursuant to a court's applicable time-computation rules, in these courts if the last day of a filing deadline is a Saturday, Sunday, or legal holiday, a document must be submitted prior to a weekend or legal holiday for it to be considered timely filed.

In federal courts, if the last day of a filing deadline is a Saturday, Sunday, or legal holiday, the filing deadline is extended to the end of the next business day, which is defined as midnight in the court's time zone unless a different time is set by a statute, local rule, or court order.<sup>52</sup> Time-computation rules in all state courts studied include a similar provision specifying that the last day of a deadline should be included when computing any period of time unless the last day is a Saturday, a Sunday, or a legal holiday, in which event the deadline is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Like the federal rule, several state courts specify that the last day ends for electronic filing at midnight unless a different time is set by a statute, local rule, or court order.<sup>53</sup> However, most rules governing time computation in state courts must be applied in conjunction with any time-of-day deadlines for filing provided in rules governing electronic filing to determine what time the last day of a time period ends. Also similar to time-computation rules applicable in federal courts, state time-computation rules do not apply to a court order requiring a party to file papers on a specific date. If a filing deadline is a date certain (for example, a court order requiring the parties to file all summary judgment motions no later than September 20) and that date falls on a weekend or holiday, the deadline does not move to the next business day.

**State Courts with Filing Deadlines Earlier than Midnight in the Courts' Time Zone.** In addition to Delaware, courts in Connecticut, Ohio, North Carolina, Alaska, New Mexico, and New York have adopted rules that require electronic documents to be submitted or received by a particular time of day for the documents to be considered timely filed on that day. Electronic filing is mandatory for attorneys in all civil and criminal cases in the Connecticut Supreme Court and appellate court, including the filing of all appeals, applications, motions, and documents. Except for certain civil case types and documents, electronic filing of most civil, family, housing, and small-claims case types is mandatory for attorneys in Connecticut superior courts, and in Connecticut probate courts with respect to all case types. Procedural rules for Connecticut's appellate courts and superior courts contain similar provisions establishing that a document that is electronically received by the clerk's office for filing after 5 p.m. on a day on which that office was open, or is electronically received by that office for filing at any time on a day on which that office is closed, shall be deemed filed on the next business day that office is open.<sup>54</sup> Deadlines for filing are determined in relation to each probate court's scheduled hours, and a document received by the court through its authorized electronic filing system after the court's posted closing time is deemed filed on the next day that the court is open.<sup>55</sup>

Electronic filing is optional in the Ohio Supreme Court, and Ohio courts of appeal and trial-level courts can individually choose whether to authorize by local rules the filing of documents by electronic means. If the court adopts such local rules, they must include a provision specifying the

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52. See Fed. R. App. P. 26(a)(1)(C), (a)(4)(B); Fed. R. Civ. P. 6(a)(1)(C), (a)(4)(A); Fed. R. Crim. P. 45(a)(1)(C), (a)(4)(A); Fed. R. Bankr. P. 9006(a)(1)(C), (a)(4)(A).

53. See Appendix: Florida, Minnesota, Montana, New Mexico, North Dakota.

54. See Appendix: Connecticut (supreme court, appellate court, superior court).

55. See Appendix: Connecticut (probate court).

days and hours during which electronically transmitted documents will be received by the court, and a provision specifying when documents received electronically will be considered to have been filed. The Ohio Court of Claims implemented optional electronic filing for all case types and established by local rule that in order for a document submitted electronically to the court to be considered timely filed on the same day that it is submitted: (1) the document must be submitted on a business day that is not a Saturday, a Sunday, or legal holiday; (2) the document must be submitted prior to 4:59 p.m. Eastern Standard Time, unless the hearing officer has ordered the document filed by an earlier time; and (3) the document must be deemed filed and stamped with the date and time it was submitted upon acceptance after clerk review for compliance with the applicable court rules, policies, and procedures.<sup>56</sup> Documents submitted on a Saturday, or Sunday, or court holiday will be deemed submitted on the following business day, and documents filed later than 4:59 p.m. Eastern Standard Time shall be deemed to have been filed the following business day. The Lima Municipal Court, one of Ohio's 88 municipal courts, one located in each county, implemented optional electronic filing for pleadings, motions, and other documents in criminal and traffic cases.<sup>57</sup> In order to be file-stamped on the date of transmission pursuant to the Lima Municipal Court's electronic-filing policy, the document must be received and time-stamped by the clerk by 4:00 p.m. Eastern Time on a business day in the time zone where the court is located. Documents received after 4:00 p.m. or at times when the clerk's office is closed shall be file-stamped the next business day. For a definitive determination of whether there are any Ohio common pleas courts or additional municipal courts that have adopted a filing deadline earlier than midnight, it may be necessary to contact the clerk's office for each court. Although the Ohio Tenth District Court of Appeals, one of the three courts of appeals currently active or participating in the state court's electronic filing system, adopted an 11:59 deadline for attorneys required to file all documents electronically, an earlier deadline was implemented for documents submitted to the e-filing system by the court of appeals or any lower court or tribunal for purposes of proceedings before the Tenth District Court of Appeals.<sup>58</sup> If such documents are submitted to the e-filing system after 4:59 p.m. on a business day or on a Saturday, Sunday, or legal holiday, these documents are deemed to have been filed on the next business day irrespective of the time stamp applied to the document.

The Alaska Court system is in the process of deploying electronic filing to superior and district courts throughout the state.<sup>59</sup> Attorneys must file all case documents in eFiling courts in applicable case types, for cases filed after the implementation of the authorized electronic filing system in that court location. Provisional rules for electronic filing establish that a document submitted to the authorized electronic filing system before 11:59 p.m. Alaska Time is deemed filed that day, except that complaints for forcible entry and detainer must be filed during regular court business hours (8:00 a.m.–4:30 p.m. Monday through Thursday; 8 a.m.–12:00 noon Friday) to be considered filed that day. Complaints for forcible entry and detainer filed outside of regular court business hours will be considered filed on the next business day following electronic filing.

In July 2021, the North Carolina Supreme Court began the process of phasing out the optional Pilot Electronic Filing Portal and implementing a statewide electronic-filing and case-management system developed by Tyler Technologies (Odyssey) for North Carolina superior and district

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56. *See* Appendix: Ohio (court of claims).

57. *See* Appendix: Ohio (Lima Municipal Court).

58. *See* Appendix: Ohio (Tenth District Court of Appeals).

59. *See* Appendix: Alaska (superior and district courts).

courts.<sup>60</sup> Beginning in 2022, every three to four months superior and district courts in a new group of counties have switched over to Odyssey, thus Odyssey should be implemented statewide by June 2024. Amendments to the North Carolina General Rules of Practice for the superior and district courts mandate electronic filing for pleadings and other documents filed in all case types by attorneys in counties with the new Odyssey electronic filing system. In addition, new rules establish that a document is filed when it is received by the court's electronic-filing system, and if a document is due on a date certain, then the document must be filed by 5:00 p.m. Eastern Time on that date. The new rule defining the time of day by which electronic documents due on a certain date must be filed in order to be considered timely filed on that date follows recent amendments to the North Carolina Business Court Rules. Pursuant to these amendments, electronic filing is mandatory for attorneys in all actions designated as a mandatory complex business case, and a document due on a date certain must be filed by 5:00 p.m. Eastern Time on that date, unless the court orders otherwise.<sup>61</sup>

Three New Mexico trial courts require a document submitted electronically to be received before the close of the business day of the court in which it is being filed in order for the document to be considered filed on the date submitted.<sup>62</sup> If electronic transmission is received after the close of business, the document will be considered filed on the next business day of the court. For any questions of timeliness, the time and date registered by the court's computer will be determinative. This time of filing deadline applies to documents voluntarily submitted electronically for filing in New Mexico magistrate courts and in the New Mexico Bernalillo metropolitan court in criminal cases only.<sup>63</sup> In civil cases, electronic filing is mandatory for attorneys representing parties in the New Mexico magistrate courts and the New Mexico Bernalillo metropolitan court, and an e-filed document received before midnight on the day preceding the next business day of the court will be considered filed on the immediately preceding business day of the court.<sup>64</sup> Pursuant to the time-computation rules for criminal cases filed in New Mexico magistrate courts and the New Mexico Bernalillo Metropolitan Court, the time for filing is extended to midnight for a document electronically submitted on the last day of a filing deadline unless a different time is set by a court order.<sup>65</sup> Electronic filing is optional for attorneys representing parties in civil and criminal cases in New Mexico municipal courts.<sup>66</sup> If documents are submitted electronically, they must be received before the close of the business day of the municipal court in which it is being filed in order to be considered filed on the date submitted. And pursuant to the time-computation rule applicable to filing deadlines in New Mexico municipal courts, the time for filing is extended to midnight for a document electronically submitted on the last day of a filing deadline unless a different time is set by a court order.<sup>67</sup>

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60. *See* Appendix: North Carolina (superior and district courts).

61. *See* Appendix: North Carolina (business court).

62. *See* Appendix: New Mexico (magistrate courts, Bernalillo metropolitan court, municipal courts).

63. *See infra* notes 134, 135.

64. *See* Appendix: New Mexico (magistrate courts, Bernalillo metropolitan court).

65. [New Mexico Rules of Criminal Procedure for the Magistrate Courts](#), R. 6-104 (time-computation rule for criminal cases filed in N.M. magistrate courts); [New Mexico Rules of Criminal Procedure for the Metropolitan Courts](#), R. 7-104 (time-computation rule for criminal cases filed in N.M. Bernalillo metropolitan court).

66. *See* Appendix: New Mexico (municipal courts).

67. [New Mexico Rules of Procedure for the Municipal Courts](#), R. 8-104 (time-computation rule for cases filed in N.M. municipal courts).

On August 10, 2022, a pilot program was authorized permitting attorneys admitted to practice in New York and unrepresented litigants to voluntarily file and serve documents in certain proceedings in the New York City Family Court.<sup>68</sup> A document is deemed to be filed when its electronic transmission is recorded at the New York State Electronic Filing System (NYSCEF) site. Although documents may be transmitted at any time of the day or night to the NYSCEF site, documents that are received after 5:00 p.m. or on a Saturday, Sunday, or legal holiday will be considered filed at 9:00 a.m. on the next business day.<sup>69</sup> Pursuant to the applicable rule governing time computation,<sup>70</sup> if a filing deadline falls on a Saturday, Sunday or public holiday and if the deadline ends at a specified hour, the deadline is extended to the next succeeding business day at or before the same hour (5:00 p.m.).

### **Authorized Users of State Court Electronic Filing Systems**

Only registered filing users can e-file documents through state court electronic filing systems. All state court electronic filing systems studied permit attorneys who are formally admitted to and remain in good standing with the state's bar to register as filing users. Delaware e-filing courts also require attorneys who are active members of the Delaware Bar to maintain an office in Delaware for the practice of law.<sup>71</sup> Some e-filing courts permit attorneys admitted pro hac vice to e-file documents.<sup>72</sup> Nebraska appellate and trial courts with electronic filing systems require all electronic filings to be submitted exclusively by Nebraska counsel with whom an attorney admitted pro hac vice in a particular case is associated.<sup>73</sup> Twenty-four states permit pro se (self-represented) parties to e-file if they choose to do so in all or in one or more of their e-filing courts.<sup>74</sup> E-filing courts in eight states require pro se parties to submit documents electronically.<sup>75</sup> Self-represented incarcerated parties (pro se prisoners) are often exempt from mandatory filing requirements for pro se litigants.<sup>76</sup> In three states, e-filing is optional for pro se litigants in all e-filing courts, but if a pro se litigant registers and submits documents electronically in a case, then e-filing is mandatory

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68. [Administrative Order of the Chief Administrative Judge of the Courts](#) (AO/188/22) (Aug. 10, 2022) (details and rules governing a Pilot Program permitting optional or voluntary/consensual E-Filing in N.Y. County (Manhattan) family court only for the filing of new and/or in pending petitions for support, custody/visitation, guardianship, parentage-assisted reproduction, parentage-surrogacy, and paternity proceedings).

69. *See* Appendix: New York (N.Y.C. family court).

70. [N.Y. Gen. Constr. Law](#) §§ 19, 20, 25-A (governs time computation in N.Y. trial and appellate courts).

71. *See* Appendix: Delaware.

72. *See* Appendix: Alabama, Arkansas, Arizona, California, Colorado, Florida, Massachusetts, Minnesota, Montana, Nebraska, New Hampshire, New York, Mississippi, Ohio, Illinois, Wisconsin. Additional e-filing courts that permit attorneys admitted pro hac vice to submit documents electronically may be identified by contacting the clerk's office for each court location.

73. *See* Appendix: Nebraska.

74. *See* Appendix: Alabama (circuit, district, juvenile courts), Alaska, Arizona, Arkansas, California, Colorado (family court cases only), Connecticut (superior, probate courts), Delaware (supreme, Common Pleas, Justice of Peace Courts), Florida, Hawaii, Kentucky (district courts), Maryland, Massachusetts, Minnesota, Nebraska, New Jersey (tax court), New York (optional except specific civil proceedings mandatory in Surrogate's Courts), North Carolina (in counties with Odyssey File & Serve), North Dakota, Ohio (appellate and trial courts where implemented), Rhode Island, Texas, Virginia (Court of Appeals), Wisconsin (court of appeals, circuit courts).

75. *See* Appendix: Connecticut (supreme, appellate court), Illinois, New Hampshire (supreme court, superior court (civil only), Circuit Courts (civil only)), New Jersey (superior, municipal courts), New York (Surrogate's Courts (specific civil proceedings)), North Carolina (business court), Virginia (supreme court), Wyoming (chancery court).

76. *See, e.g.*, Appendix: Connecticut, New Hampshire, Illinois, Virginia (supreme court).

for all future filings.<sup>77</sup> All e-filing courts in three states explicitly prohibit pro se parties from registering for access to their electronic filing systems.<sup>78</sup>

Many e-filing courts extend an attorney registered user's e-filing privileges to authorized agents like paralegals and assistants. However, the registered attorney with authorized access to the electronic filing system is still responsible for the contents of the filing. E-filing courts may permit nonparties with an interest in a particular case to register for access to the filing system, including court reporters, creditors, members of the media, mediators, mental health professionals, process servers, witnesses seeking a protective order, intervenors, amici curiae, and court investigators. However, access to the entire court file is limited for these parties.

## **Maps**

The three maps on the following pages illustrate electronic filing deadlines in state supreme, appellate, and trial courts.<sup>79</sup>

## **Related Documents**

A lengthy appendix collecting rule text may be attached; it is also available separately online:

<https://www.fjc.gov/sites/default/files/materials/01/ElectronicFilingStateCourtsAppendix.pdf>

A report on "Electronic Filing Times in Federal Courts" also is available separately online:

<https://www.fjc.gov/sites/default/files/materials/59/ElectronicFilingDeadlineStudy.pdf>

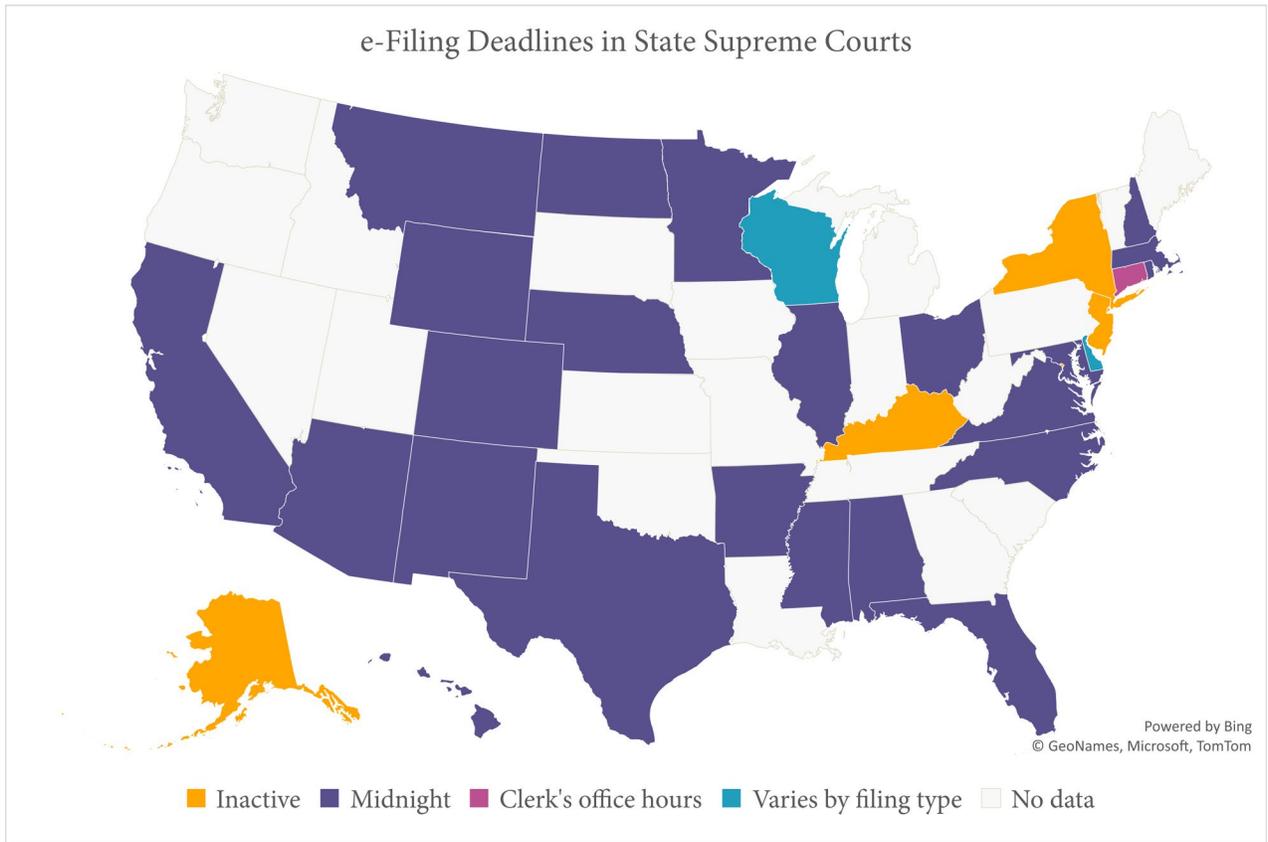
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77. See Appendix: Maryland, Minnesota (e-filing mandatory for all subsequent filings in the case), Nebraska.

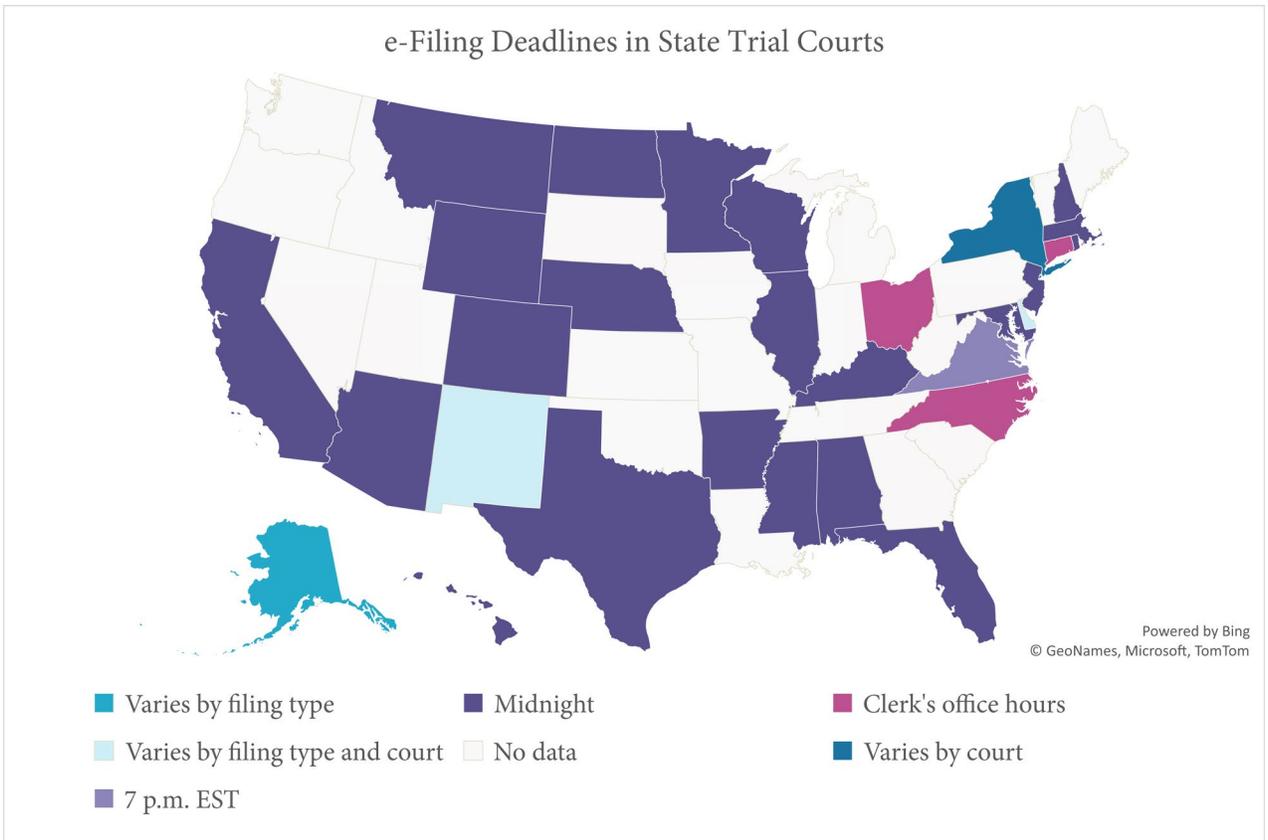
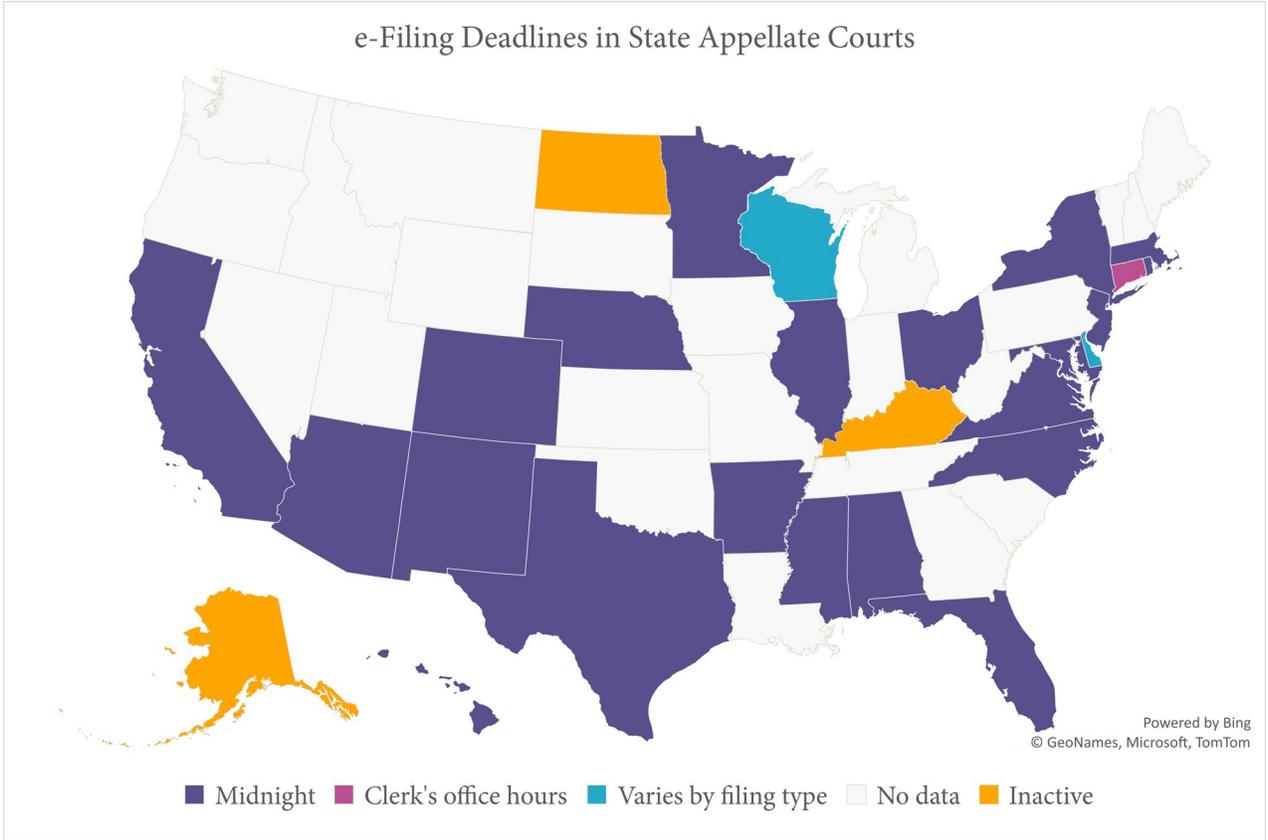
78. See Appendix: Mississippi, Montana, New Mexico.

79. Explanation of categories used in maps to illustrate electronic filing deadlines in state supreme, appellate, and trial courts: Midnight (documents filed before midnight are considered filed on that day); Clerk's office hours (documents filed *after* the office hours of the Clerk of Court are considered filed the next business day); Varies by filing type (filing deadlines vary based on case type, e.g., different deadlines for filings in criminal and civil cases); Varies by court (in state trial courts only, filing deadlines vary based on court type, e.g., different deadline for family courts); Inactive (state courts not authorized to implement e-filing or that have chosen not to implement e-filing at this time); No data (information for this state was not analyzed in this report).

*Electronic Filing Deadlines in State Courts*



*Electronic Filing Deadlines in State Courts*



## Appendix: Rule Text

For each state selected, the electronic filing information provided focuses on three areas:

- (1) the implementation of electronic filing by the state's courts. Each trial and appellate court is designated as either:
  - a. "*mandatory*" if electronic filing is authorized and registered attorneys are required to submit documents in civil and criminal cases electronically as provided by the governing rules which may provide for exceptions based upon a specific category of cases (e.g., domestic relations cases) or document type (e.g., subsequent filings only)
  - b. "*mandatory in part*" if electronic filing is authorized and registered attorneys are required to submit documents electronically only for specific types of cases (e.g., civil cases only, small-claims cases only) as provided by the governing rules
  - c. "*optional*" if electronic filing is authorized and registered attorneys are permitted to voluntarily file cases and documents electronically as provided by the governing rules or file their documents conventionally in paper format as provided by court rules and procedures that would apply in the absence of electronic filing
  - d. "*inactive*" if electronic filing is not currently authorized in the court. For the state's courts in which electronic filing is authorized, the filing portal (or portals) established to accept electronic filings is described, and links are provided that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory)
- (2) time-of-day deadlines and related state court filing rules for electronic documents. Relevant language is provided from state statutes, court rules, orders, or procedures as well as other secondary sources that address time-of-day deadlines for documents submitted electronically on the date they are due, and the related issues of when the court's electronic filing system is available to accept documents and when (date and time) documents received electronically will be considered "filed" by the court as part of the official court record of a case. Since electronic documents must be filed within the same deadlines as paper documents, relevant language from the courts' applicable time-computation rule(s) is also provided as it must be applied in conjunction with applicable electronic filing rules when computing any period of time prescribed or allowed by court rules, orders, or by applicable law; and
- (3) users authorized to access a state court's electronic filing system(s). Eligibility for registration, which is required in order to access a state court's electronic filing system, is usually limited to attorneys representing a party to a case who are members of the bar of the state where the court is located, attorneys who are not members of state's bar and are admitted to practice in a state court pro hac vice, and self-represented or pro se parties.

**FIRST CIRCUIT**  
**Massachusetts**

**Implementation of Electronic Filing in State Court System**

*State supreme court:* Massachusetts Supreme Judicial Court (optional)

*State appellate court(s):* Massachusetts Appeals Court (mandatory)

*State trial court(s):*<sup>80</sup> Massachusetts superior courts (optional), Massachusetts district courts (optional), Massachusetts housing courts (mandatory in part<sup>81</sup>), Massachusetts juvenile courts (inactive), Massachusetts land courts (optional), Massachusetts probate and family courts (optional), Boston municipal courts (optional)

*Massachusetts Courts Electronic Filing Portal (eFileMA)*

([eFileMA.tylerhost.net/ofsw eb](http://eFileMA.tylerhost.net/ofsw eb)) is a web-based interface maintained by the electronic service provider Tyler Technologies (Odyssey File & Serve electronic filing system) that allows registered users to file and serve court documents electronically, subject to clerk review, in the Massachusetts Supreme Judicial Court, Massachusetts Appeals Court, Massachusetts superior courts, Massachusetts district courts, Massachusetts housing courts, Massachusetts land courts, Massachusetts probate and family courts, and Boston municipal courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- Massachusetts state courts' electronic filing system home page: <https://www.mass.gov/topics/efiling-in-the-courts>
- [E-filing in the Massachusetts Supreme Judicial Court](#)
- Massachusetts Appeals Court, [Rule 13.0 Electronic Filing](#) (adopted Mar. 5, 2020, effective July 1, 2020); [Electronic Filing at the Massachusetts Appeals Court](#) (information home page for e-filing in the Massachusetts Appeals Court)
- [eFiling in the Trial Court](#) (trial courts authorized to e-file and case types for which e-filing is accepted).
- [Massachusetts Court System File & Serve \(eFileMA\), Active Courts.](#)

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80. Participation in the electronic filing program adopted by the Massachusetts Supreme Court is determined by individual court locations for each Massachusetts trial court. The number of active court locations is different for each trial court. Reliable information on each court's status regarding e-filing can be obtained by contacting the clerk for each individual court location.

81. [Massachusetts Housing Court Standing Order 1-20](#) (effective Jan. 27, 2020) (mandatory electronic filing for attorneys in civil summary process and small-claims cases only).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

**State supreme court: Massachusetts Supreme Judicial Court (optional)**

**State appellate court(s):** Massachusetts Appeals Court (mandatory in part)

**State trial court(s):** Massachusetts superior courts (optional), Massachusetts district courts (optional), Massachusetts housing courts (mandatory in part), Massachusetts land courts (optional), Massachusetts probate and family courts (optional), Boston municipal courts (optional)

- [Massachusetts Supreme Judicial Court Rule 1:25, Massachusetts Rules of Electronic Filing](#) (Mass. R.E.F.) (effective May 22, 2020) (Mass. R.E.F. govern the general procedures of electronic filing and service of documents in participating Massachusetts appellate and trial courts. Individual courts can supplement the R.E.F. with specific procedures. To the extent that another court rule other than the R.E.F. or a standing order concerning conventional filing methods is inconsistent with the R.E.F., the R.E.F. control. *See* Mass. R. E. F. 1):
- **Mass. R.E.F. 4. Electronic Filing Procedures**
  - (a) **E-filing Through the Provider.** E-filing shall be performed only through the Provider’s e-filing system. The Provider shall receive electronic filings 24 hours per day except when undergoing maintenance or repair.
  - (b) **Receipt of Provider Notifications.** Whenever a User submits a document to the court through the e-filing system, a Provider Notification will automatically generate and transmit to the User, acknowledging the submission. Provider notifications shall also be sent at the time the court accepts or rejects any submitted document.
  - (c) **Determination of Date of Filing and Commencement of Civil Action.**
    - (1) **Date of Filing.** Any document submitted through the filing system by 11:59 P.M. on a business day shall be deemed filed on that date, unless it is rejected by the court. *See* Rule 4(d). A document submitted on a Saturday, Sunday, or legal holiday shall be considered filed the next business day, unless it is subsequently rejected by the court.
    - (2) **Commencement of Civil Action.** The date of filing provided in Rule 4(c)(I) shall constitute the date of filing of any case initiating document or entry fee when determining the commencement of an action under Mass. R. Civ. P. 3.
  - (d) **Clerk’s Review of Electronically Filed Documents.** Prior to entry upon the docket, the clerk shall review each document submitted through the e-filing system for compliance with these E-filing Rules, the court’s Electronic Filing Program, and the Massachusetts Court Rules and Orders. Upon the clerk’s acceptance, the document shall be considered “filed” with the court at the time the original submission to the e-filing system was complete, as stated on the Provider Notification transmitted pursuant to Rule 4(b), subject to Rule 4(c), and a Provider Notification of the acceptance will be transmitted. If a filing is rejected, the filing User will receive notice from the Provider, which shall note the rejection and the court’s reason(s) therefore.
- [Massachusetts Rules of Civil Procedure](#), R. 6(a) (governs procedure in civil suits before the Massachusetts Supreme Judicial Court, Appeals Court, and trial courts)

**Rule 6: Time**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule and in Rule 77(c), “legal holiday” includes those days specified in Mass. G.L. c. 4, § 7 and any other day appointed as a holiday by the President or the Congress of the United States or designated by the laws of the Commonwealth.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Massachusetts Courts Electronic Filing Portal (eFileMA)**:

- Attorneys who are members of the Massachusetts Bar (eFiling mandatory Massachusetts Appeals Court/ eFiling optional all active trial courts, except mandatory in part in the Massachusetts Housing Courts<sup>82</sup>)
- Attorneys who are admitted to practice in a Massachusetts court pro hac vice (eFiling mandatory Massachusetts Appeals Court/ eFiling optional all active trial courts, except mandatory in part in the Massachusetts Housing Courts)
- Self-represented parties (eFiling optional)
- Any non-party who is seeking or has obtained permission of the court to participate in the case (e.g., a witness seeking a protective order, an intervenor, amicus curiae, or court investigator)

See Massachusetts Supreme Judicial Court Rule 1:25, [Massachusetts Rules of Electronic Filing R. 3](#) (Massachusetts appellate and trial courts participating in the Electronic Filing Program may grant by court order additional participants eligibility to register and submit documents through the e-filing system for purposes of filing in a case).

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82. *Id.*

## New Hampshire

### Implementation of Electronic Filing in State Court System

*State supreme court:* New Hampshire Supreme Court (mandatory)

*State appellate court(s):* N/A

*State trial court(s):* New Hampshire superior courts (mandatory), New Hampshire circuit courts (mandatory in part<sup>83</sup>)

*New Hampshire Supreme Court E-Filing Portal* (<https://ctefile.nhecourt.us/>) is a web-based interface maintained by the electronic service provider Thomson Reuters Court Management Solutions (C-Track™ electronic filing system) that allows registered users to file and serve court documents electronically, subject to clerk review, in the New Hampshire Supreme Court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Hampshire Supreme Court electronic filing system homepage](#)
- [Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing](#) (Jan. 1, 2020)

*New Hampshire Superior Court and Circuit Court E-Filing Portal for Attorneys*

(<https://newhampshire.tylerhost.net/OFSWeb>) is a web-based interface maintained by the electronic service provider Tyler Technologies (Odyssey File & Serve electronic filing system) that allows registered users who are attorneys to file and serve court documents electronically, subject to clerk review, in New Hampshire superior courts and New Hampshire circuit courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Hampshire Superior Court electronic filing system home page for attorneys](#)
- [State of New Hampshire Superior Court, Administrative Order 2022-01, Case Type Exemptions from Electronic Filing in Superior Court](#) (Jan. 20, 2022)
- [New Hampshire Circuit Court electronic filing system home page for attorneys](#)
- [Supplemental Rules of the Circuit Court of New Hampshire for Electronic Filing](#)

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83. Electronic filing is mandatory for specified civil matters in all New Hampshire Circuit Court District Division locations. See [New Hampshire Circuit Court, Administrative Order 2020-03, District Division Civil Electronic Filing Project](#) (Jan. 27, 2020; effective Feb. 12, 2020). Electronic filing is mandatory for specified civil matters in some New Hampshire Circuit Court Probate and Family Division locations. See [State of New Hampshire Circuit Court, Administrative Order 2017-11, Probate Division Electronic Filing Pilot Project](#) (May 15, 2017, effective June 14, 2017); [State of New Hampshire Circuit Court, Administrative Order 2015-15, Family and Probate Divisions Electronic Filing Pilot Project](#) (Nov. 19, 2015, effective Dec. 10, 2015).

- [Attorneys – Circuit Court, Information and Resources for SPECIFIC Electronic Case Types](#) (case types for which electronic filing is available in the District, Family and Probate court divisions of the New Hampshire Circuit Court)

*New Hampshire Superior Court and Circuit Court E-Filing Portal for Self-Represented Parties and Other Non-Attorney Filers* (<https://turbocourt.com>) is a web-based interface maintained by the electronic service provider Intresys, Inc. (TurboCourt electronic filing system) that allows registered users who are self-represented parties and other nonattorney filers to file and serve court documents electronically, subject to clerk review, in the New Hampshire Superior Courts and New Hampshire Circuit Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Hampshire Superior Courts electronic filing system home page for self-represented parties and other non-attorney filers](#)
- [Supplemental Rules of the Superior Court of New Hampshire for Electronic Filing](#)
- [New Hampshire Circuit Courts electronic filing system home page for self-represented parties and other non-attorney filers](#)
- [Supplemental Rules of the Circuit Court of New Hampshire for Electronic Filing](#)
- [Self-Represented Parties and Other Non-Attorney Filers – Circuit Court, Information and Resources for SPECIFIC Electronic Case Types](#) (case types for which electronic filing is available in the District, Family and Probate court divisions of the New Hampshire Circuit Court).

## **Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* New Hampshire Supreme Court (mandatory)

*State appellate court(s):* N/A

- [Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing](#) (Aug. 2018), Sup. Ct. Supp. R. 9:

### **Rule 9. Timing and Timeliness of Filings: General Provisions**

**(a) Availability of Electronic Filing System.** Electronic submission of a document may be made any day of the week, including weekends and holidays, and at any time of day that the electronic filing system is available. The expansive availability of the electronic filing system shall not affect the provisions for computation and extension of time set forth by statute or by Supreme Court Rule 27.

**(b) Timing of Electronic Filings.** When a document is submitted through the electronic filing system, the electronic filing system shall issue to the filer an electronic notification that confirms the document's submission and shall issue to each other registered e-filer in the case an electronic notification that constitutes service of the submitted document. Following receipt of the submission, the clerk shall review the submitted document to determine whether the document should be docketed. If the clerk docketed the document, the electronic filing system shall issue an electronic

notification to the filer that the submission has been so docketed, and the document shall be deemed to have been filed on the date that it was submitted, unless that date is a Saturday, Sunday, legal holiday, or other day that the clerk's office is closed, in which case the document shall be deemed to have been filed on the next day that the clerk's office is open for business. If the clerk rejects the submitted document for docketing purposes, the clerk shall issue an electronic notification through the electronic filing system advising the filer that the submission has been so rejected, and the document shall be deemed not to have been filed.

**(c) Timing of Conventional Filings.** A document that is filed conventionally in a case subject to these rules shall be governed by Supreme Court Rule 26(1) with respect to the timing of the filing.

**(d) Timeliness of Filings.** A document that is electronically submitted through the court's electronic filing system and docketed by the clerk shall be deemed timely if it is filed, as measured by (b) above, at or before 11:59:59 p.m. on the date that the filing is due. A document that is filed conventionally in a case subject to these rules shall be deemed timely if it is filed, as measured by Supreme Court Rule 26(1), on or before the date that the filing is due.

- [Rules of The Supreme Court of the State of New Hampshire](#), Sup. Ct. R. 27:

**Rule 27. Computation and Extension of Time.**

(1) In computing any period of time prescribed or allowed by these rules, by order of court, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the clerk's office is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the clerk's office is closed.

*State trial court(s):* New Hampshire Superior Courts (mandatory), New Hampshire Circuit Courts (mandatory in part)

- [Supplemental Rules of the Superior Court of New Hampshire for Electronic Filing](#), R. 6:

**Rule 6. Filing: Time of Filing and Effect of Technical Problems**

**(a) Manner of Filing – General**

(1) A case, other than a case filed ex parte or a case in which a party pays the filing fee at the court, shall be considered initiated and filed with the court when:

(A) the case-initiating document has been electronically submitted to the court's electronic filing system;

(B) the filing fee, if applicable, has been paid electronically, or a properly supported motion to waive the filing fee has been submitted; and

(C) the submission has been acknowledged as received by the court's electronic filing system.

.....

**(c) Time of Filing and Effect of Technical Problems**

- (1) An electronic filing may be made any day of the week, including weekends and holidays, and at any time of day that the electronic filing system is available. The expansive availability of the electronic filing system shall not affect the provisions for computation and extension of time set forth by statute or court rule.
- (2) A document is timely filed if it is filed before midnight on the date the filing is due. If a filer encounters technical problems when attempting to make an electronic submission, the following rules apply.
  - (A) If a technical problem with the court's electronic filing system prevents the court from receiving an electronic submission on a particular court day, and the electronic filer:
    - (a) demonstrates that he or she attempted to electronically file the document on that day; and
    - (b) electronically submits the document on the first court business day that the technical problem no longer exists, the court will deem the document as having been received on the day that the technical problem prevented the filer's submission.
  - (B) Technical problems on the filer's end, including but not limited to phone line problems, problems with the filer's internet service, or problems with the filer's hardware or software, will not constitute a technical failure under these rules and will not excuse an untimely filing, unless the court orders otherwise.
- (3) A party who files a document within 48 hours prior to a court proceeding must comply with Rule 15, regarding service of the document, and must also bring paper copies of the document for delivery to other parties during the court proceeding.
- (4) A party who files a document during a court proceeding must bring paper copies of the document for delivery to other parties during the court proceeding.
- (5) If the clerk discovers an error or defect in a filer's electronic submission of a document, the clerk may notify the filer of the error or defect, identify corrective actions to be taken by the filer, and establish a date by which the filer must correct the error or defect. The failure of a filer to correct the error or defect by that date may result in action adverse to the filer.

- [Rules of The Superior Court of the State of New Hampshire](#), R. 2:

**Rule 2. Computation of Time**

In computing any period of time prescribed or allowed by these rules, by order of court, or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, or a legal holiday as specified in RSA ch. 288, as amended.

- [Supplemental Rules of the Circuit Court of New Hampshire for Electronic Filing](#), R. 6 (NH Circuit Court Supplemental Rules for Electronic Filing, Rule 6 is identical to NH Superior Court Supplemental Rules for Electronic Filing, Rule 6. *See* above for text.).
- [Rules of The Circuit Court of the State of New Hampshire, District Division](#), R. 1.1A. Computation and extension of time (NH Circuit Court Rule 1.1A is identical to NH Superior Court Rule 2. *See* above for text.)

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **New Hampshire Supreme Court E-Filing Portal**:

- Attorneys who are members of NH state bar (eFiling mandatory)
- Attorneys admitted pro hac vice (eFiling mandatory)
- Self-represented parties (eFiling mandatory); a self-represented incarcerated party, and a self-represented individual over whom guardianship or for whom involuntary admission or commitment is sought or ordered, are exempt from eFiling.
- Nonlawyer representative acting on behalf of a party (eFiling mandatory)

*See* [Supplemental Rules of the Supreme Court of New Hampshire for Electronic Filing](#) (Jan. 1, 2020), Rules 4, 5.

The following are authorized to register and use the **New Hampshire Superior Court E-Filing Portal for Attorneys** and the **New Hampshire Superior Court E-Filing Portal for Self-Represented Parties and Other Non-Attorney Filers**:

- Attorneys who are members of NH state bar (eFiling mandatory), paralegals or other law firm staff
- Out-of-state attorneys admitted pro hac vice (eFiling mandatory)
- Self-represented parties (eFiling mandatory for civil cases only, not permitted to eFile in criminal cases); any incarcerated party entitled to notice pursuant to statute who notifies the court of his or her incarceration and self-represented parties in civil Exculpatory Evidence Schedule cases are exempt from eFiling.
- Nonlawyer representative acting on behalf of a party (eFiling mandatory)

*See* [Supplemental Rules of the Superior Court of New Hampshire for Electronic Filing](#), Rules 1A, 1B, & 5; [State of New Hampshire Superior Court, Administrative Order 2022-01, Case Type Exemptions from Electronic Filing in Superior Court](#) (Jan. 20, 2022).

The following are authorized to register and use the **New Hampshire Circuit Court E-Filing Portal for Attorneys** and the **New Hampshire Circuit Court E-Filing Portal for Self-Represented Parties and Other Non-Attorney Filers**:

- Attorneys who are members of NH state bar (e-filing mandatory in part)
- Out-of-state attorneys admitted pro hac vice (e-filing mandatory in part)
- Self-represented parties (e-filing mandatory for civil case types only); any incarcerated party entitled to notice pursuant to statute who notifies the court of his or her

incarceration and individuals over whom guardianship is sought or ordered are exempt from e-filing.

- Nonlawyer representative acting on behalf of a party (e-filing mandatory in part)

*See* [Supplemental Rules of the Circuit Court of New Hampshire for Electronic Filing, Rule 1. Scope and Effective Date of Rules](#). *See also* [Attorneys – Circuit Court, Information and Resources for SPECIFIC Electronic Case Types](#) and [Self-Represented Parties and Other Non-Attorney Filers – Circuit Court, Information and Resources for SPECIFIC Electronic Case Types](#) (identifies case types for which electronic filing is available in the District, Family and Probate court divisions of the New Hampshire Circuit Court).

## Rhode Island

### Implementation of Electronic Filing in State Court System

*State supreme court:* Rhode Island Supreme Court (mandatory)

*State appellate court(s):* Rhode Island superior court (mandatory)

*State trial court(s):* Rhode Island district court (mandatory), Rhode Island family court (mandatory), Rhode Island workers' compensation court (mandatory), Rhode Island traffic tribunal (mandatory)

*Rhode Island Judiciary Electronic Filing Portal* (<https://rhodeisland.tylerhost.net>) is a web-based interface maintained by the electronic service provider Tyler Technologies (Odyssey File & Serve electronic filing system) that allows registered users to file and serve court documents electronically, subject to clerk review, in the Rhode Island Supreme Court, Rhode Island superior court, Rhode Island district court, Rhode Island family court, Rhode Island workers' compensation court, and the Rhode Island traffic tribunal.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Rhode Island state courts' electronic filing system homepage](#)
- [Article X, Rhode Island Supreme Court Rules Governing Electronic Filing](#) (Feb. 14, 2014 & revised 2018)
- [Rhode Island Superior Court's Electronic Filing System Guidelines](#) (Nov. 5, 2014 & revised Jan. 29, 2016)
- [Rhode Island Superior Court's Criminal Electronic Filing System Guidelines](#) (Sept. 5, 2017 & Revised June 12, 2019)
- [Rhode Island District Court's Electronic Filing System Guidelines](#) (Nov. 5, 2014 & revised Jan. 29, 2016)
- [Rhode Island Family Court's Electronic Filing System Guidelines for Domestic Relations Cases](#) (revised Jan. 29, 2016)
- [Rhode Island Family Court's Criminal Electronic Filing System Guidelines](#) (Jan. 6, 2020)
- [Rhode Island's Family Court's Electronic Filing System Guidelines for Juvenile Proceedings](#) (Jan. 6, 2020)
- [Rhode Island's Workers' Compensation Court's Electronic Filing System Guidelines](#) (Feb. 9, 2014 & revised Jan. 29, 2016)
- [Rhode Island Traffic Tribunal's Electronic Filing System Guidelines](#) (June 8, 2015)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Rhode Island Supreme Court (mandatory)

*State appellate court(s):* Rhode Island Superior Court (mandatory)

- [Article X, Rhode Island Supreme Court Rules Governing Electronic Filing](#) (Feb. 14, 2014 & revised 2018) (procedures governing the electronic filing of all documents to and from courts within the Rhode Island Judiciary upon implementation of electronic filing):

**Rule 5. Time.**

- (a) Availability of Electronic Filing System.** The EFS will accept Electronic Documents twenty-four (24) hours a day, seven (7) days a week, except when the system is unavailable due to scheduled or other maintenance.
- (b) Time of Filing.** A document will be deemed to have been filed and/or served on the date and time when it is submitted to the EFS, regardless of whether the court is open for business at the time of submission. The filing shall be stamped with the submission date and time. Documents will be considered to have been timely filed when submitted at any time up to 11:59 p.m. on a filing deadline day. The time and date registered by the Judiciary’s computer shall be determinative.
- (c) Clerk Review; Acceptance/Rejection Procedure.** Following submission, the court shall timely review the electronically filed document and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Rule 5(b). If a document is filed which does not conform to the rules of the court in which it is filed, a rejection notice shall be sent to the filing party and the document shall not be docketed. The rejection notice shall identify the basis for the rejection in accordance with the rules of the court. A rejected filing shall be promptly corrected and resubmitted and shall be deemed to have been submitted and filed on the initial filing date for purposes of any statutory or rule-based deadline.

- [Rhode Island Supreme Court Rules](#), R. 20:

**Rule 20. Computation and extension of time.**

- (a) Computation of Time.** In computing any period of time prescribed by these rules, by an order of the Supreme Court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday.

- [Rhode Island Superior Court Rules of Civil Procedure, R. 1\(b\)\(4\)](#):

**Rule 1. Scope of Rules and Mandatory Electronic Filing**

.....

- (b) Mandatory Electronic Filing.

.....

- (4) Clerk Review; Acceptance/Rejection Procedure:* Following submission, the Superior Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Art. X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

.....

See also [Rhode Island Superior Court Rules of Criminal Procedure, R. 1\(c\)\(3\)](#) (governs all criminal proceedings in the RI Superior Court and District Courts in felony cases).

*State trial court(s):* Rhode Island district court (mandatory), Rhode Island family court (mandatory), Rhode Island workers' compensation court (mandatory), Rhode Island traffic tribunal (mandatory)

*Note:* Pursuant to provisions similar to R.I. Super. Ct. R. Civ. P. 1(b)(4) (*see above*) the date and time of filing as set forth in Art. X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing (*see above*) applies to documents electronically submitted for filing in the following Rhode Island courts:

- [Rhode Island District Court Rules of Civil Procedure](#), R. 1(b)(4)
- [Rhode Island Family Court Rules of Domestic Relations Procedure](#), R. 1(b)(4)
- [Rhode Island Family Court Rules of Criminal Procedure](#), R. 1(c)(3)
- [Rhode Island Workers Compensation Court Rules](#), Rule 1.8
- [Rhode Island Traffic Tribunal Rules of Procedure](#), Rule 1(b)(3)

*Note:* See below for rules establishing procedures similar to Rhode Island Supreme Court Rule 20 (*see above*) for computing time periods that must be applied, in conjunction with the date and time of filing as set forth in Art. X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing (*see above*), to determine if documents electronically submitted on a filing deadline are considered timely filed by the following Rhode Island courts:

- [Rhode Island Superior Court Rules of Civil Procedure](#), Rule 6(a)
- [Rhode Island Superior Court Rules of Criminal Procedure](#), Rule 45(a) (governs all criminal proceedings in the RI Superior Court and District Courts in felony cases)
- [Rhode Island District Court Rules of Civil Procedure](#), Rule 6(a)
- [Rhode Island Family Court Rules of Domestic Relations Procedure](#), Rule 6(a)
- [Rhode Island Family Court Rules of Criminal Procedure, Rule 45\(a\)](#)
- [Rhode Island Traffic Tribunal Rules of Procedure](#), Rule 24(a)

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are permitted to register and use the **Rhode Island Judiciary Electronic Filing Portal**:

- Attorney member of RI bar (e-filing mandatory); an attorney's law firm or office or another person authorized by an attorney to use his/her username and password
- self-represented litigant (e-filing optional); self-represented incarcerated party exempt from eFiling
- authorized law enforcement agency involved in a proceeding before the court (e-filing optional)

See [Article X, Rhode Island Supreme Court Rules Governing Electronic Filing](#) (Feb. 14, 2014 & revised 2018), Rule 3.

## SECOND CIRCUIT

### Connecticut

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Connecticut Supreme Court (mandatory)

*Appellate court(s):* Connecticut appellate court (mandatory)

*Trial courts:* Connecticut superior courts (mandatory in part<sup>84</sup>), Connecticut probate courts (mandatory)

#### *Connecticut Judicial Branch E-Services Electronic Filing Portal*

(<https://eservices.jud.ct.gov/Login.aspx>) is a web-based interface maintained by the Connecticut Judicial Branch that allows registered users to file court documents electronically, subject to clerk review, in the Connecticut Supreme Court, Appellate Court, and Connecticut Superior Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Connecticut Judicial Branch E-Services electronic filing system homepage](#)
- [State of Connecticut Supreme Court & Appellate Court, Procedures and Technical Standards for Appellate E-Filing](#) (updated May 10, 2019), section 2.b; [Connecticut Practice Book 2022, Rules of Appellate Procedure](#), Sec. 60-7. Electronic Filing; Payment of Fees.
- Sections III (electronic filing in civil, including housing and habeas, and family matters), IV (electronic filing in small claims cases), and Appendix A (E-Filable & Non-E-Filable Case Types) in [Connecticut Judiciary Chief Court Administrator, E-Services Procedures and Technical Standards](#) (Jan. 3, 2022); [Connecticut Practice Book 2022, Superior Court Rules](#), Sec. 4-4. Electronic Filing.

[Connecticut Probate Courts Electronic Filing Portal](#) is a web-based interface maintained by the electronic service provider Intresys, Inc. (TurboCourt electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the Connecticut probate courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Connecticut Probate Courts electronic filing system home page](#)
- [Connecticut Probate Court Rules of Procedure](#) (Jan. 1, 2020), R. 22 (e-filing)

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84. For Connecticut superior courts, electronic filing is mandatory for attorneys and law firms without an exemption only for civil (including housing and habeas) and family case types and small claims actions that are established as e-filable by the Judicial Branch. See Sections III (electronic filing in civil, including housing and habeas, and family matters), IV (electronic filing in small claims cases), and Appendix A (E-Filable & Non-E-Filable Case Types) in [Connecticut Judiciary Chief Court Administrator, E-Services Procedures and Technical Standards \(Jan. 3, 2022\)](#).

- [Office of the Probate Court Administrator, Connecticut Probate Courts eFiling Standards](#)

### **Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* Connecticut Supreme Court (mandatory)

*Appellate court(s):* Connecticut Appellate Court (mandatory)

- [Connecticut Practice Book 2022](#), Rules of Appellate Procedure, §§ 60-7, 63-2, 63-3:

#### **Sec. 60-7. Electronic Filing; Payment of Fees**

- (a) Counsel of record must file all appellate papers electronically unless the court grants a request for exemption. Papers may be filed, signed, or verified by electronic means that comply with procedures and standards established by the chief clerk of the appellate system under the direction of the administrative judge of the appellate system. A paper filed by electronic means in compliance with such procedures and standards constitutes a written paper for the purpose of applying these rules.
- (b) At the time of filing, the appellant must (1) pay all required fees; or (2) upload a signed application for waiver of fees and the order of the trial court granting the fee waiver; or (3) certify that no fees are required. Any document that requires payment of a fee as a condition of filing may be returned or rejected for noncompliance with the Rules of Appellate Procedure.

#### **Sec. 63-2. Expiration of Time Limitations; Counting Days; Hours of Operation**

In determining the last day for filing any documents, the last day shall, and the first day shall not, be counted. Time shall be counted by calendar, not working, days. When the last day of any limitation of time for filing any document under these rules or an order of the court falls on a day when the office of the clerk of the trial court or of the appellate clerk is closed, the document may be filed on the next day when such office is open.

The appellate clerk's office shall be open from 8:30 a.m. until 5 p.m. on weekdays, with the exception of legal holidays and closures for exigent circumstances. The window at the appellate clerk's office shall be open from 8:30 a.m. until 4:30 p.m. From 4:30 p.m. until 5 p.m., paper briefs, transcripts filed pursuant to Section 63-8 (e) (1), and paper documents filed by counsel of record who have received an exemption from the electronic filing requirements pursuant to Section 60-8, shall be placed in the lobby of the appellate clerk's office. All submissions placed in the lobby shall be considered filed as of that date. Upon review, the appellate clerk may return any noncompliant submission pursuant to Section 62-7 (a).

A document that is electronically received by the appellate clerk's office for filing after 5 p.m. on a day in which that office was open or is electronically received by that office for filing at any time on a day in which that office is closed, shall be deemed filed on the next business day that office is open. If a party is unable to electronically file a document because the court's electronic filing system is nonoperational for thirty consecutive minutes from 9 a.m. to 3 p.m. or for any period of time from 3 p.m. to 5 p.m. on the day on which the electronic filing is attempted, and such day is the last day for filing the document, the document shall be deemed to be timely filed if received by

the appellate clerk's office on the next business day the electronic filing system is operational.

**Sec. 63-3. Filing of Appeal.**

All appeals shall be filed and all fees paid in accordance with the provisions of Section 60-7 or 60-8. The appeal will be docketed upon filing but may be returned or rejected for noncompliance with the Rules of Appellate Procedure.

- [State of Connecticut Supreme Court & Appellate Court, Frequently Asked Questions About Appellate E-Filing](#) (updated 4/16/2021):

**AVAILABILITY OF E-FILING SYSTEM**

**28. When is the e-filing system available?**

In general, electronic services are available from 7:00 a.m. through 3:30 a.m. The hours between 3:30 a.m. and 7:00 a.m. are used for system updating and maintenance. The system may also be offline on the fourth Saturday of the month between 7:00 a.m. and 3:00 p.m. for routine system maintenance. If the system requires a scheduled outage, the Judicial Branch will make every effort to issue a prior announcement on the Branch's website.

*Note:* A document that is electronically received by the appellate clerk's office after normal business hours on a day on which the appellate clerk's office is open or that is electronically received by the appellate clerk's office for filing at any time on a day on which the appellate clerk's office is closed shall be deemed filed on the next business day on which the office is open, in accordance with Connecticut Practice Book section 63-2.

**29. What happens if the e-filing system is unavailable and I cannot file the document?**

If the e-filing system is nonoperational for thirty consecutive minutes from 9 o'clock in the morning to 3 o'clock in the afternoon or for any period of time from 3 o'clock to 5 o'clock in the afternoon of the day on which the electronic filing is attempted, and that day is the last day for filing the document, the document shall be deemed timely filed if received by the appellate clerk's office on the next business day the electronic system is operational. Connecticut Practice Book 63-2.

*Trial courts:* Connecticut superior courts (mandatory in part), Connecticut probate courts (mandatory)

- [Connecticut Practice Book 2022](#), Rules for the Superior Court, General Provisions, Sec. 7-17:

**Sec. 7-17. Clerks' Offices**

The chief court administrator shall, from time to time, determine for each clerk's office the hours that it shall be open, provided that each clerk's office shall be open at least five days a week except during weeks which include a legal holiday. The chief court

administrator may increase the hours of the clerk’s office for the purpose of the acceptance of bonds or for other limited purposes for one or more court locations.

If the last day for filing any matter in the clerk’s office falls on a day on which such office is not open as thus provided or is closed pursuant to authorization by the administrative judge in consultation with the chief court administrator or the chief court administrator due to the existence of special circumstances, then the last day for filing shall be the next business day upon which such office is open.

Except as provided below, a document that is electronically received by the clerk’s office for filing after 5 o’clock in the afternoon on a day on which the clerk’s office is open or that is electronically received by the clerk’s office for filing at any time on a day on which the clerk’s office is closed, shall be deemed filed on the next business day upon which such office is open.

If a party is unable to electronically file a document because the court’s electronic filing system is nonoperational for thirty consecutive minutes from 9 o’clock in the forenoon to 3 o’clock in the afternoon or for any period of time from 3 o’clock to 5 o’clock in the afternoon of the day on which the electronic filing is attempted, and such day is the last day for filing the document, the document shall be deemed to be timely filed if received by the clerk’s office on the next business day the electronic system is operational.

- [Connecticut Judiciary Chief Court Administrator, E-Services Procedures and Technical Standards](#) (Jan. 3, 2022):

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## **II. System Availability**

In general, electronic services are available from 7:00 AM through 3:30 AM. The hours between 3:30 AM and 7:00 AM are used for system maintenance and updating. The system may also be offline on the fourth Saturday of the month between 7:00 AM and 3:00 PM for routine system maintenance. If the system requires a scheduled outage, the Judicial Branch will make every effort to issue a prior announcement on the Branch’s web site. In the event of an outage, it is the Branch’s business continuity policy that parties, attorneys, and law firms conduct business with the courts in accordance with the Connecticut Practice Book or other court orders.

In accordance with [Connecticut Practice Book](#) section 7-17, if a party is unable to electronically file a document because the court’s electronic filing system is non-operational for 30 consecutive minutes from 9:00 A.M. to 3:00 P.M. or for any period of time from 3:00 P.M. to 5:00 P.M. of the day on which the electronic filing is attempted, and such day is the last day for filing the document, the document shall be deemed to be timely filed if received by the clerk’s office on the next business day the electronic system is operational.

A document that is electronically received by the clerk’s office for filing after 5:00 PM on a day on which the clerk’s office is open or that is electronically received by the clerk’s office for filing at any time on a day on which the clerk’s office is closed shall be deemed filed on the next business day on which such office is open. ....

.....

## **III. Electronic Filing (e-filing) – Civil (including Housing and Habeas) and Family Matters, except small claims actions and appellate matters**

.....  
**E. Filing Date/Confirmation of Filing.** An electronically transmitted document shall be deemed filed when it is received by the clerk’s office during the normal hours of operation of the office. A document that is received outside of the normal business hours, including a day on which the clerk’s office is closed, shall be deemed filed on the next business day on which such office is open. The time that a document is submitted and the time that such document is filed shall be recorded in the electronic filing database and shall be directly associated with the specific document. Confirmation of the date and time of an electronic transaction and of the filing date of the document filed electronically shall be transmitted electronically to the filer. It is recommended that the filer of the document print out or electronically copy and retain such confirmation throughout the pendency of the action, any appeal period, and any applicable appellate process.

- [Connecticut Probate Court Rules of Procedure](#) (Jan. 1, 2020), R. 9:

**Section 9.1 Counting time periods**

- (a) Unless otherwise required by law, a period of time shall be calculated using calendar days. If a statute or rule establishes a period using business days, the period shall be calculated by excluding Saturdays, Sundays and holidays.
- (b) Unless otherwise required by law, a period of time shall be calculated by excluding the day of the act or event with reference to which the period runs. If the period is specified in hours, the hour of the act or event with reference to which the period runs shall be excluded.
- (c) Unless otherwise required by law, a period of time shall be calculated by including the last day of the period unless the court is not open on that day. If the court is not open, the period shall extend through the next day the court is open.
- (d) Except as provided in subsection (e), a document received by the court through the eFiling system after the posted closing time is deemed filed on the next day that the court is open.
- (e) If a registered filer is unable to file a document because the eFiling system is not functional for 30 consecutive minutes during regular court hours on the last day for filing the document, the document is deemed timely filed if received by the court on the next business day that the eFiling system is operational.

- [Office of the Probate Court Administrator, Connecticut Probate Courts eFiling Standards:](#)

.....  
**eFILING DOCUMENTS**

**17. Availability of eFiling system**

In general, the eFiling system is available 24 hours a day 7 days a week. The system may be offline periodically for routine system maintenance. The Office of the Probate Court Administrator will announce scheduled outages on [ctprobate.gov](http://ctprobate.gov) whenever possible.

Deadlines for filing are determined in relation to each court's scheduled hours and not the availability of the eFiling system. See Probate Court Rules of Procedure, rule 9.

Scheduled hours for each Probate Court can be found at [ctprobate.gov](http://ctprobate.gov).

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Connecticut Judicial Branch E-Services Electronic Filing Portal**:

- attorneys registered with the Statewide Grievance Committee (licensed in Connecticut) and law firms that have a law firm juris number (eFiling mandatory appellate courts/eFiling mandatory in part Superior Courts); includes the employees of the law office under the supervision of an enrolled attorney. Pro hac vice attorneys not permitted to eFile.
- designated filers, or individuals designated by attorneys and law firms to file case initiation documents on their behalf (Superior Courts only) (eFiling mandatory)
- self-represented parties (approval required for electronic access to cases not initiated electronically) (eFiling mandatory appellate courts; self-represented incarcerated parties not permitted to eFile in appellate courts) (eFiling optional Superior Courts)

See [State of Connecticut Supreme Court & Appellate Court, Procedures and Technical Standards for Appellate E-Filing](#) (updated May 10, 2019), Section 2.b; [Connecticut Judiciary Chief Court Administrator, E-Services Procedures and Technical Standards](#) (Jan. 3, 2022), Section I.C.

The following are authorized to register and use the Connecticut Probate Courts Electronic Filing Portal:

- attorneys (licensed in Connecticut) who appear in a probate matter or are appointed by a Probate Court (eFiling mandatory)
- law firm: multiple attorneys may be associated with a law firm account; may add user accounts for paralegals or other support staff in the firm who may eFile only on behalf of attorneys associated with the firm
- self-represented parties (eFiling optional); court approval required

See [Office of the Probate Court Administrator, Connecticut Probate Courts eFiling Standards](#), Standards 4-11.

## New York

### Implementation of Electronic Filing in State Court System

*State supreme court:* State of New York Court of Appeals (inactive)

*Appellate court(s):* New York Supreme Court, Appellate Division (4 departments) (mandatory)

*Trial courts outside of New York City:* Supreme Court of the State of New York (57) (mandatory in part<sup>85</sup>), New York county courts (57) (inactive), New York district courts (Nassau County (1) and Suffolk County (6)) (inactive), New York city courts (outside of New York City) (61) (inactive), New York town and village courts/justice courts (1,300) (inactive), New York family courts (57) (inactive), New York surrogate's courts (57) (mandatory in part<sup>86</sup>), New York court of claims (10) (optional<sup>87</sup>)

*Trial courts in New York City:* Supreme Court of the State of New York (5, one for each borough) (mandatory in part), New York City surrogate's courts (5) (optional), New York City civil courts (5) (optional<sup>88</sup>), New York City criminal courts (5) (inactive), New York City family courts (5) (optional<sup>89</sup>)

*New York State Courts Electronic Filing System (NYSCEF) Portal*

(<https://iapps.courts.state.ny.us/nyscef/Login>) is a web-based interface for the electronic filing system implemented by the NYS Courts that permits registered users to file and serve court documents electronically, subject to clerk review, in the New York Supreme Court, Appellate Division (4 departments), Supreme Court of the State of New York, New York Surrogate's Courts, New York Court of Claims, New York City Civil Courts, and the New York City Family Courts.

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85. See [Administrative Order of the Chief Administrative Judge of the N.Y. State Courts \(AO/247/20\)](#), New York State Courts Electronic Filing Program App. A (Oct. 20, 2020) (for each of the sixty participating Supreme Courts of the State of NY listed by county, App. A identifies civil cases (if any) for which electronic filing is mandatory, and civil cases for which e-filing is consensual or voluntary; some courts refer to specific consumer credit and residential foreclosure actions as mandatory in part because the electronic filing of commencement documents is mandatory, but any party may e-file subsequent documents on a consensual basis). See also *id.* App. B (Consensual E-Filing of Matrimonial Actions in Supreme Court).

86. See [Administrative Order of the Chief Administrative Judge of the NY State Courts \(AO/247/20\)](#), New York State Courts Electronic Filing Program App. A (Oct. 20, 2020) (for each of the forty-seven participating New York Surrogate's Courts listed by county, App. A identifies the types of civil proceedings for which electronic filing is mandatory, and the types of civil proceedings for which e-filing is consensual or voluntary).

87. See [New York Court of Claims, Order Designation of Claims Subject to Electronic Filing Pursuant to Uniform Rule 22 NYRR § 206.5-aa\(c\)](#) (Feb. 16, 2021, effective Feb. 23, 2021) (effective Feb. 23, 2021, all categories of claims in all districts of the Court of Claims are eligible for consensual/voluntary electronic filing in the New York State Electronic Filing System (NYSCEF)). All claims must be electronically filed in the office of the Chief Clerk, in Albany. Claims cannot be filed with the various district offices and judges' chambers around the State. See [New York Court of Claims, Frequently Asked Questions](#).

88. See [Administrative Order of the Chief Administrative Judge of the NY State Courts \(AO/247/20\)](#), New York State Courts Electronic Filing Program App. A (Oct. 20, 2020) (for each of the five participating New York City Civil Courts, App. A identifies the civil case types for which e-filing is consensual or voluntary).

89. [Administrative Order of the Chief Administrative Judge of the NY State Courts \(AO/188/22\)](#) (Aug. 10, 2022) (details and rules governing a Pilot Program permitting optional or voluntary/consensual E-Filing in NY County (Manhattan) Family Court only for the filing of new and/or in pending petitions for support, custody/visitation, guardianship, parentage-assisted reproduction, parentage-surrogacy, and paternity proceedings).

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New York State Courts Electronic Filing System \(NYSCEF\) homepage](#)
- NYS Courts Electronic Filing (NYSCEF), [Authorized Courts for E-Filing](#)
- NYS Courts Electronic Filing (NYSCEF), [Available Document Types for E-Filing](#) (for each court authorized for e-filing, identifies case types available for e-filing and available document types that can be e-filed for each case type)
- For status of electronic filing in the New York Supreme Court, Appellate Division, see [First Judicial Department](#), [Second Judicial Department](#), [Third Judicial Department](#), [Fourth Judicial Department](#).
- [Administrative Order of the Chief Administrative Judge of the NY State Courts \(AO/247/20\)](#), New York State Courts Electronic Filing Program App. A (Oct. 20, 2020) (identifies participating e-filing courts and cases types for which e-filing is mandatory or voluntary/consensual).
- [History of Filing by Electronic Means in New York](#) (last updated Dec. 30, 2020) (includes COVID-19 related Administrative Orders regarding e-filing).

*Note:* In response to the COVID-19 public health emergency, the New York state court system created the [Electronic Document Delivery System](#) (EDDS), a temporary mechanism that enables attorneys to transmit digitized documents (in pdf format) to courts where, or in case types in which, the NYSCEF system is not available. It was operational in over 300 courts in 2020 and expanded to 340 in 2021. Because EDDS is not intended to replace, and may not substitute for, filing under the NYSCEF system, it cannot be used in matters where NYSCEF is available on either a mandatory or consensual basis.<sup>90</sup>

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* State of New York Court of Appeals (inactive)

*Appellate court(s):* New York Supreme Court, Appellate Division (4 departments) (mandatory)

- [Rules of New York State Supreme Court, Appellate Division, 22 NYCRR Part 1245 Electronic Filing Rules of the Appellate Division](#) (Dec. 12, 2017) § 1245.7:

### § 1245.7. Timeliness of Filing and Service; Rejection by Clerk.

**(a) Filing of E-filed documents.** For purposes of timeliness under a statute or court rule or directive, an e-filed document is deemed filed when:

- (1) the document has been electronically transmitted to the NYSCEF site; and
- (2) the appropriate fee, if any, has been paid to the court either through the NYSCEF site or, where permitted, by delivery to the office of the Clerk.

**(b) Service of E-filed Documents.** Upon receipt of an e-filed document and appropriate fee, if any, NYSCEF shall immediately notify all e-filers in the matter of the receipt

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90. See [Notice to the Public, EDDS: UCS Program for Electronic Delivery of Documents](#) (May 4, 2020); [UCS Electronic Document Delivery System \(EDDS\), Frequently Asked Questions](#); [Unified Court System User Guide for EDDS, Electronic Document Delivery System](#).

and location of the document. For purposes of timeliness of service under a statute or court rule, at the issuance of such notification the document shall be deemed served upon all parties other than exempt attorneys and exempt litigants.

**(c) Rejection by the Clerk.** An e-filed document deemed filed for purposes of timeliness under this Part may thereafter be reviewed and rejected by the Clerk for any reason provided by this Part or any applicable statute, rule or order, or as otherwise unsuitable for filing.

**(d) Hard Copy Filing or Service.** The timeliness of service or filing in hard copy pursuant to these rules shall be as provided by statute or court directive.

- [Rules of New York State Supreme Court, Appellate Division \(22 NYCRR\) § 1250.1\(c\):](#)

**§ 1250.1 General Provisions and Definitions**

.....  
**(c) Filing and Service; Weekends and Holidays.**

**(1) Filing**

**(i) Electronic filing.** For the purpose of meeting deadlines imposed by court rule, order, or statute, all records on appeal, briefs, appendices, motions, affirmations and other submissions filed electronically will be deemed filed as of the time copies of the submissions are transmitted to the NYSCEF site. The filing of additional hard copies of such electronic filings pursuant to court rules shall not affect the timeliness of the filing.

**(ii) Hard copy filing.** For the purpose of meeting deadlines imposed by court rule, order or statute, all records on appeal, briefs, appendices, motions, affirmations and other submissions not filed electronically will be deemed filed as of the time hard copies of the submissions are received and stamped by the office of the clerk.

**(iii)** A document deemed filed for purposes of timeliness under this rule may thereafter be reviewed and rejected by the clerk for failure to comply with any applicable statute, rule or order.

.....  
**(5) Weekends and Holidays.** If a period of time prescribed by this Part for the performance of an act ends on a Saturday, Sunday or court holiday, the act will be deemed timely if performed before the close of business on the next business day.

- *See also* [NYS Courts Electronic Filing \(NYSCEF\), Frequently Asked Questions:](#)

.....  
**Section 5. The Filing Process**

**1. When can documents be filed?**

Any hour of any day, even when the courthouse is closed. This includes commencement documents. The NYSCEF system allows the e-filer to authorize the charging of a credit or bank card bearing a Mastercard or Visa logo for normal filing fees if they are associated with the transaction. A confirmation will be transmitted to the e-filer by NYSCEF for the fees charged. The filer can pay the fees in person at the County Clerk's Office or the Court of Claims, although the

document in question will not be considered to have been filed until payment is presented.

- See also New York Consolidated Laws, General Construction Law (N.Y. Gen. Constr. Law §§ 19, 20, 25-a (governs time computation in NY trial and appellate courts):

§ 19. Day, calendar

A calendar day includes the time from midnight to midnight. Sunday or any day of the week specifically mentioned means a calendar day.

§ 20. Day, computation

A number of days specified as a period from a certain day within which or after or before which an act is authorized or required to be done means such number of calendar days exclusive of the calendar day from which the reckoning is made. If such period is a period of two days, Saturday, Sunday or a public holiday must be excluded from the reckoning if it is an intervening day between the day from which the reckoning is made and the last day of the period. In computing any specified period of time from a specified event, the day upon which the event happens is deemed the day from which the reckoning is made. The day from which any specified period of time is reckoned shall be excluded in making the reckoning.

§ 25-a. Public holiday, Saturday or Sunday in statutes; extension of time where performance of act is due on Saturday, Sunday or public holiday

1. When any period of time, computed from a certain day, within which or after which or before which an act is authorized or required to be done, ends on a Saturday, Sunday or a public holiday, such act may be done on the next succeeding business day and if the period ends at a specified hour, such act may be done at or before the same hour of such next succeeding business day. . . .

...

*Trial courts outside of New York City:* Supreme Court of the State of New York (57) (mandatory in part), New York County Courts (57) (inactive), New York District Courts (Nassau County(1) and Suffolk County(6)) (inactive), New York City Courts (outside of New York City) (61) (inactive), New York Town and Village Courts/Justice Courts (1,300) (inactive), New York Family Courts (57) (inactive), New York Surrogate's Courts (57) (mandatory in part), New York Court of Claims (10) (optional)

*Trial courts in New York City:* Supreme Court of the State of New York (5, one for each borough) (mandatory in part), New York Surrogate's Courts (5) (optional), New York City Civil Courts (5) (optional), New York City Criminal Courts (5) (inactive), New York City Family Courts (5) (optional)

- Uniform Civil Rules for the Supreme Court of the State of New York & The New York County Court, (22 NYCRR) §§ 202.5-b, 202.5-bb:

**§ 202.5-b. Electronic Filing in Supreme Court; Consensual Program.**

.....

**(d) Electronic Filing of Documents.**

.....

**(3) Filing and receipt of documents; notification.**

**(i) When documents are filed.** Documents may be transmitted at any time of the day or night to the NYSCEF site. A document other than an order or judgment is filed when its electronic transmission or, in the case of a petition that is e-filed by submission of a text file as provided in subdivision (b)(1) of this section, the electronic transmission of the text file is recorded at that site, provided, however, that where payment of a fee is required upon the filing of a document, the document is not filed until transmission of the document and the information or form or information as required in (i), (ii) or (iii) of paragraph (2) of this subdivision has been recorded at the NYSCEF site; or, if no transmission of that information or form or information is recorded, where permitted by the County Clerk, until payment is presented to the County Clerk.

**(ii) Notification.** No later than the close of business on the business day following the electronic filing of a document, a notification, in a form prescribed by the Chief Administrator, shall be transmitted electronically by the NYSCEF site to the person filing such document and the e-mail service addresses of all other participating parties in such action. When documents initiating an action are filed electronically, the County Clerk shall assign an index number or filing number to the action and that number shall be transmitted to the person filing such documents as part of the notification. If, where permitted, payment is submitted after the initiating documents have been transmitted electronically, the County Clerk shall assign the number upon presentation of that payment.

• **202.5-bb. Electronic Filing in Supreme Court; Mandatory Program.**

**(a) Application.**

(1) Except where otherwise required by statute, all documents filed and served in Supreme Court shall be filed and served by electronic means in such classes of actions and such counties as shall be specified by order of the Chief Administrator of the Courts and only to the extent and in the manner prescribed in this section.

Except to the extent that this section shall otherwise require, the provisions of section 202.5-b of these rules shall govern electronic filing under this section.

.....  
**(b) Commencement of Actions Under this Section.**

**(1) Mandatory commencement in general.** Except as otherwise provided in this section, every action authorized by subdivision (a) of this section shall be commenced by electronically filing the initiating documents with the County Clerk through the NYSCEF site.

*Note:* The standards established by Rule 202.5-b(d)(3) (*see above*) for when a document voluntarily e-filed is deemed filed by the NY Supreme Courts also apply to the classes of cases that must be filed by electronic means through the NYSCEF site pursuant to § 202.5-bb.

- [Uniform Rules for the New York Court of Claims, § 206.5-aa:](#)

**Section 206.5-aa Filing by Electronic Means.**

(a) All designated claims in the Court of Claims shall be subject to electronic filing in accordance with the provisions of section 202.5-b of this Title.

.....

- [Uniform Rules for the New York Surrogate’s Court, §§ 207.4-a, 207.4-aa](#)

**§ 207.4-a Electronic Filing in Surrogate’s Court; Consensual Program**

.....

**(e) Electronic Filing of Documents.**

.....

(3) Documents may be transmitted at any time to NYSCEF and will be deemed filed when transmission to NYSCEF is complete and payment of any court filing fee due is received by the court. A document due to be filed by a particular date shall be considered to have been timely filed if filed through NYSCEF no later than midnight of that date.

(4) Upon completion of transmission of an e-filed document, an electronic confirmation that includes the date and time of receipt shall be issued through NYSCEF to the e-filer.

(5) Receipt of documents submitted through NYSCEF and issuance of a confirmation shall not be proof of the completeness or technical or legal sufficiency of the documents. If the court identifies any defects as to form, or omissions, in any e-filed documents, the court may direct that the e-filer resubmit them in proper and complete form or amend or supplement them as appropriate.

.....

**Section 207.4-aa Electronic Filing in Surrogate’s Court; Mandatory Program.**

**(a) Application.** There is hereby established a pilot program in which all documents filed and served in Surrogate’s Court proceedings and counties specified by order of the Chief Administrator of the Courts shall be filed and served electronically. Except to the extent that this section shall otherwise require, the provisions of section 207.4-a of these rules shall govern this program.

**(b) Commencement of Proceedings Under this Section.**

**(1) Mandatory commencement in general.** Except as otherwise provided in this section, every proceeding specified in subdivision (a) of this section shall be commenced by electronically filing the initiating documents with the clerk of the court through the NYSCEF site.

*Note:* The standards established by Rule 207.4-aa(e)(3)-(5) (*see above*) for when a document voluntarily e-filed is deemed filed by the Surrogate’s Court also apply to

the classes of cases that must be filed by electronic means through the NYSCEF site pursuant to § 207.4-aa.

- [Uniform Civil Rules for the New York City Civil Court, § 208.4-a:](#)

**Section 208.4-a. Electronic Filing in New York City Civil Court**

.....  
**(b) Electronic filing in actions in the Civil Court.**

(1) Except as otherwise provided in this section, 22 NYCRR section 202.5-b, and section 202.5-bb where applicable, shall apply to all actions in which electronic filing is authorized in the Civil Court. . . . .

**(2) Commencing an action by electronic means.**

.....  
(ii) Documents that are electronically filed to commence an action in compliance with this section shall be deemed filed with the Clerk of the Civil Court in the county in which the action is brought for purposes of section 400 of the New York City Civil Court Act upon the date of receipt of those documents by the NYSCEF site, together with the payment of any required fee.

(iii) No later than the close of business on the business day following the date on which the initiating documents are electronically filed to commence an action pursuant to subparagraph (ii) of this paragraph, a confirmation notice shall be transmitted electronically by the NYSCEF site to the person filing such documents. The notice shall contain a link to a copy of the initiating documents to which shall be affixed an index number for the matter and a filing stamp showing the date of filing of the documents and to which there may also be affixed, as the court may require, an image of the signature of the Chief Clerk. This notice will satisfy the requirement in section 400(1) of the New York City Civil Court Act that the clerk return a copy of the filing to the party.

- [Administrative Order of the Chief Administrative Judge of the NY State Courts \(AO/188/22\)](#) (Aug. 10, 2022) (Pilot Program permitting optional or voluntary/consensual E-Filing in NYC family court only)

.....  
**(b) Electronic Filing and Service: Proceedings in Family Court.**

**(6) When documents are filed.** Documents may be transmitted at any time of the day or night to the NYSCEF site. A document other than an order or judgment is filed when its electronic transmission is recorded at that site. Except that, documents that are received after 5:00 P.M. or on a Saturday, Sunday, or on a legal holiday will be considered filed at 9:00 A.M. on the next business day.

.....  
**(l) Technical Failures.** The NYSCEF site shall be considered to be subject to a technical failure on a given day if the site is unable to accept filings or provide access to filed documents continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon of that day. Notice of all such technical failures shall be provided on the site. When filing is hindered by a technical failure, a party may file

with the appropriate clerk of the court and serve in hard copy. With the exception of deadlines that by law cannot be extended, the time for filing of any document that is delayed due to technical failure of the site shall be extended for one day for each day on which such failure occurs, unless otherwise ordered by the court.

- *See also* New York Consolidated Laws, General Construction Law, [N.Y. Gen. Constr. Law](#) §§ 19, 20, 25-a (governs time computation in NY trial and appellate courts):

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **New York State Courts Electronic Filing (NYSCEF) Portal**:

- An attorney admitted to practice in the State of New York (e-filing mandatory Appellate Division courts e-filing mandatory in part NY Supreme Courts and Surrogate’s Courts/ e-filing optional NY Court of Claims, NYC Civil Courts and NYC Family Courts).
- Once registered, an attorney may authorize someone else (such as a paralegal) to e-file documents on her behalf using her user ID and password, but the attorney retains full responsibility for any document filed (authorized for all e-filing courts).
- An attorney admitted pro hac vice in an action (authorized for all e-filing courts; follow requirements for attorneys licensed in NY)
- A person or entity seeking to serve as an authorized e-filing agent on behalf of attorneys of record in an e-filed action or actions (“e-filing agent”) (authorized for all e-filing courts, except NYC Family Courts; follow requirements for attorneys licensed in NY)
- A person who has been authorized in writing by an owner or owners of real property to submit a petition as provided in section 730 of the Real Property Tax Law and who has been licensed to engage in such business as required by the jurisdiction in which the business is operated (“small claims assessment review filing agent”) (NY Supreme Courts)
- An unrepresented litigant (e-filing optional for all e-filing courts, except mandatory in part for pro se litigants in NY Surrogate’s Courts unless exemption form is filed with clerk)

*See* [Rules of New York State Supreme Court, Appellate Division, 22 NYCRR Part 1245 Electronic Filing Rules of the Appellate Division](#) (Dec. 12, 2017), §§ 1245.3–.4; [Uniform Civil Rules for the Supreme Court of the State of New York & The New York County Court, Rule 202.5-b\(c\)](#).

## THIRD CIRCUIT

### Delaware

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Delaware Supreme Court (mandatory)

*Appellate court(s):* Delaware superior court<sup>91</sup> (intermediate appellate court) (mandatory in part<sup>92</sup>)

*Trial courts:* Delaware superior court (mandatory in part<sup>93</sup>), Delaware court of chancery (equity cases only) (mandatory), Delaware Court of Common Pleas (mandatory in part<sup>94</sup>), Delaware family court (inactive<sup>95</sup>), Delaware justice of the peace courts (mandatory in part<sup>96</sup>)

#### *Delaware File & ServeXpress Electronic Filing Portal*

(<https://secure.fileandservexpress.com/Login/Login.aspx>) is a web-based interface maintained by the electronic service provider File & ServeXpress, LLC (File & ServeXpress™ electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the Delaware Supreme Court, Delaware Superior Court (in the trial court and in the intermediate appellate court), and Delaware Court of Chancery.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Delaware Judiciary electronic filing system homepage](#)
- [Delaware Supreme Court Rules 10.1 \(Electronic filing\)](#), 10.2 (eFile administrative procedures)
- [Delaware Superior Court Rules of Civil Procedure \(2016\)](#), Rule 79.1. Electronic filing; Delaware Superior Court, [Administrative Directive No. 2011-4, Designation of Cases Filed as Civil Appeals for Electronic Filing](#) (May 4, 2011, effective July

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91. Delaware's three Superior Courts, the state's courts of general jurisdiction, have original jurisdiction over criminal and civil cases except equity cases. The Delaware Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies.

92. [Delaware Superior Court, Administrative Directive No. 2011-4 Designation of Cases Filed as Civil Appeals for Electronic Filing](#) (May 4, 2011, effective July 1, 2011) (electronic filing is mandatory for all appeals from civil cases filed by Boards, Agencies, Commissions and Courts, including Certioraris).

93. [Delaware Superior Court eLitigation: eFiling & Docketing page](#) (Administrative Directives from 2003 to 2012 mandate electronic filing for all major categories of civil cases).

94. [Civil Rules Governing the Delaware Court of Common Pleas](#), R. 79 (attorneys must electronically file documents in all civil cases).

95. Effective July 1, 2020, until the court orders otherwise, the Chief Judge of the Delaware Family Court authorized the Family Court to provide litigants the option of filing pleadings and papers via email for a number of civil case types. The Order provides that pleadings and papers filed via emails "will be deemed received when they arrive in the email box." Although documents are sent to the court via the internet for filing, filing by email does not qualify as filing under Delaware Judiciary's official electronic filing system. See [Delaware Family Court, Standing Order # 3 Civil Filing by Email During and After the Covid-19 State of Emergency](#) (June 29, 2020).

96. [Chief Magistrate of the Delaware Justice of the Peace Court, Policy Directive 08-232 E-Filing Procedures](#) (July 18, 2019) (an attorney representing a party in a civil action commenced in a Justice of the Peace Court must file all documents in that action electronically).

1, 2011); [Delaware Superior Court, eFile Administrative Procedures](#) (Dec. 13, 2007); [Delaware Superior Court, Delaware Superior Court Proper e-File Procedures](#) (revised 2016); *see also* [Delaware Superior Court eLitigation: eFiling & Docketing page](#) (Administrative Directives from 2003 to 2012 mandate electronic filing for all major categories of civil cases).

- [Delaware Court of Chancery Rules R. 79.1](#) (Electronic filing); [Best Practices and Procedures for E-Filing/Filing with the Register in Chancery in the Court of Chancery](#) (updated: Aug. 10, 2022).

*Delaware File & Serve Electronic Filing Portal* (<https://fileandservedelaware.com/>) is a web-based interface maintained by the electronic service provider File & ServeXpress, LLC (File & Serve electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the Delaware Court of Common Pleas.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Delaware Judiciary electronic filing system homepage](#)
- [Civil Rules Governing the Delaware Court of Common Pleas](#), R. 79 (Electronic filing rule), R. 79.1 (e-filing procedures)
- [Chief Judge of the Delaware Court of Common Pleas, Administrative Directive 2017-1 eFiling Procedures](#) (Mar. 28, 2017).

*Delaware EFLEX Electronic Filing Portal* (<https://eflex.courts.delaware.gov/ecf/>) is a web-based interface maintained by the electronic service provider Tybera Development Group, Inc. (EFLEX electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the Delaware Justice of the Peace Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Delaware Judiciary electronic filing system homepage](#)
- [Delaware Justice of the Peace Court Civil Rules](#) (effective June 15, 2000), R. 79.1 (Electronic filing)
- [Chief Magistrate of the Delaware Justice of the Peace Court, Policy Directive 08-232, E-Filing Procedures](#) (July 18, 2019).

## **Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* Delaware Supreme Court (mandatory)

*Appellate court(s):* Delaware superior court (intermediate appellate court) (mandatory in part)

- [Chief Justice Delaware Supreme Court, Work Life Balance and the Adoption of New Filing Deadlines for All Delaware Courts](#) (issued July 18, 2018, effective Sept. 14, 2018) (Delaware Supreme Court ordered all Delaware courts to adopt a new 5:00 PM electronic

filing deadline and recommended additional policies and practices to improve work life balance for Delaware legal professionals and their staff):

.....

The courts shall amend their rules and/or electronic filing policies to require that all electronic filings in non-expedited matters, except for initial pleadings and notices of appeal, must be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All initial pleadings, notices of appeal, and electronic filings in expedited matters must be completed before midnight Eastern Time in order to be considered timely filed that day, except for expedited matters where the parties have agreed upon, or the court has ordered, a different filing deadline. The 5:00 p.m. filing deadline shall become effective September 14, 2018.

.....

- [Delaware Supreme Court Rules](#) R. 10.2(6)(a):

**Rule 10.2. eFile administrative procedures.**

.....

**(6) Time of eFiling and Service**

- (a) Except for notices of appeal, all electronic filings in nonexpedited cases must be completed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All notices of appeal and electronic filings in expedited cases must be completed before midnight Eastern Time in order to be considered timely filed that day.

.....

- [Delaware Supreme Court Rules](#) R. 11(a):

**Rule 11. Time.**

- (a) **Computation.**—In computing any period of time prescribed or allowed by these Rules, by order of Court, or by statute, the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or Sunday, or other legal holiday, or other day on which the office of the Clerk is closed, in which event the period shall run until the end of the next day on which the office of the Clerk is open. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and other legal holidays shall be excluded in the computation. As used in this rule “legal holidays” shall be those days provided by statute or appointed by the Governor or the Chief Justice of the State of Delaware.

*Trial courts:* Delaware superior court (mandatory in part), Delaware court of chancery (equity cases only) (mandatory), Delaware Court of Common Pleas (mandatory in part), Delaware family court (inactive), Delaware justice of the peace courts (mandatory in part)

- Electronic filing rules for the Delaware Superior Court have not been amended to date to reflect the 5:00 PM filing deadline adopted by the Del. Supreme Court on July 18, 2018.

See [Delaware Superior Court Rules of Civil Procedure \(2016\)](#), R. 79.1 (Electronic filing); [Delaware Superior Court, eFile Administrative Procedures](#) (Dec. 13, 2007):

.....  
**6. Time of eFiling and Service**

(a) Any document filed electronically by 11:59 pm ET shall be considered eFiled with the Prothonotary once the transmission is successfully completed (“authorized date and time”) as recorded on the . . . . (File & ServeXpress™ electronic filing system).

See also [Delaware Superior Court, Delaware Superior Court Proper e-File Procedures \(revised 2016\)](#):

**Pleading is deemed filed when.** *Administrative Procedure 6(a)*. A pleading is considered filed at the time of submission. However, until accepted by the Prothonotary’s Review Clerk, there is a chance a pleading may be rejected.

- [Delaware Superior Court Rules of Civil Procedure \(2016\)](#), R. 6(a):

**Rule 6. Time**

(a) **Computation.** In computing any period of time prescribed or allowed by these Rules, by order of court, or by statute, the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or Sunday, or other legal holiday, or other day on which the office of the Prothonotary is closed, in which event the period shall run until the end of the next day on which the office of the Prothonotary is open. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and other legal holidays shall be excluded in the computation. As used in this rule, “legal holidays” shall be those days provided by statute or appointed by the Governor or the Chief Justice of the State of Delaware.

*Note:* For similar time-computation rules in Delaware trial-level courts authorized to e-file, see [Rules of the Delaware Court of Chancery](#), R. 6(a); [Civil Rules Governing the Delaware Court of Common Pleas](#) (Jan. 2015), R. 6(a); [Rules Governing Civil Practice in the Delaware Justice of the Peace Court](#), R. 6(a).

- [Rules of the Delaware Court of Chancery](#), R. 79.2:

**Rule 79.2. Deadline for all documents filed and served electronically.**

Except for the initial pleadings governed by Rule 7(a) and notices of appeal, all electronic transmissions of documents (including, but not limited to, motions, briefs, appendices and discovery responses) in non-expedited cases must be filed and/or served by 5:00 p.m. Eastern Time in order to be considered timely filed and/or served that day. All electronic transmissions of documents in expedited cases must be filed

and/or served before midnight Eastern Time in order to be considered timely filed and/or served that day, unless otherwise agreed to by the parties and so ordered by the Court. For purposes of meeting the filing and/or service deadline set forth herein, expedited cases shall mean any case that is set for expedited treatment by an order of the Court.

- Electronic filing rules for the Delaware Court of Common Pleas have not been amended to date to reflect the 5:00 PM filing deadline adopted by the Del. Supreme Court on July 18, 2018. See [Civil Rules Governing the Delaware Court of Common Pleas](#) (Jan. 2015), R. 79.1:

**Rule 79.1. (Electronic Filing) Procedures**

.....

**(e) Time of e-filing and service.**

(1) Any document filed electronically by 11:59 pm ET shall be considered e-Filed with the Clerk as of that date once the transmission is successfully completed (“authorized date and time”) as documented in the . . . (File and Serve system).

- [Rules of the Delaware Justice of the Peace Court](#), R. 79.2:

**Rule 79.2. Deadline for all documents filed and served electronically**

Except for the initial pleadings governed by Rule 7(a) and notices of appeal, all electronic transmissions of documents (including, but not limited to motions, briefs, appendices and discovery responses) must be filed by 5:00 p.m. Eastern Time in order to be considered timely filed that day. All electronic documents in expedited cases must be filed before midnight Eastern Time in order to be considered timely filed that day, unless otherwise agreed to by the parties and so ordered by the Court. For purposes of meeting the filing deadline set forth herein, expedited cases shall mean any case in which a forthwith summons has been requested or any other case that is designated for expedited treatment by an order of the Court.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Delaware File & ServeXpress Electronic Filing Portal**:

- Attorneys who are active members of the Delaware Bar and maintain an office in Delaware for the practice of law (eFiling mandatory Del. Supreme Court and Court of Chancery/eFiling mandatory in part Del. Superior Court).
- An employee of a Delaware lawyer’s law firm authorized to e-File on that lawyer’s behalf or a service provider retained by that lawyer to assist in e-filing.
- Self-represented or pro se individual who is a party not represented by an attorney (e-filing optional Del. Supreme Court only).

The following are authorized to register and use the **Delaware File & Serve Electronic Filing Portal**:

- An attorney who is an active member of the Delaware Bar and who maintains an office in Delaware for the practice of law (e-filing mandatory in part)
- An employee of a Delaware lawyer's law firm authorized to e-File on that lawyer's behalf or service provider retained by that lawyer to assist in e-filing.
- Self-Represented Litigant (e-filing optional)

The following are authorized to register and use the **Delaware EFLEX Electronic Filing Portal**:

- An attorney who is an active member of the Delaware Bar (e-filing mandatory in part).
- An employee of a Delaware lawyer's law firm authorized to e-file on that lawyer's behalf.
- An agent permitted to represent an artificial entity pursuant to Supreme Court Rule 57 or an employee retained by that Rule 57 agent to assist in e-filing (e-filing mandatory in part).
- Artificial entities represented by Form 50 agents where the entity has filed five (5) or more civil actions in the preceding twelve (12) months (e-filing mandatory in part).
- All other parties who, in the twelve (12) months immediately preceding the commencement of the civil action, have filed more than ten (10) other civil actions in the Justice of the Peace Court (e-filing mandatory in part).
- State Agencies represented by a Form 50 agent (e-filing mandatory in part).
- Self-Represented Litigant (party not represented by an attorney) (e-filing optional)

See [Chief Magistrate of the Delaware Justice of the Peace Court, Policy Directive 08-232 E-Filing Procedures](#) (July 18, 2019).

## New Jersey

### Implementation of Electronic Filing in State Court System

*State supreme court:* New Jersey Supreme Court (inactive)

*State appellate court(s):* New Jersey Superior Court, Appellate Division (mandatory)

*State trial court(s):* New Jersey superior courts (mandatory), New Jersey municipal courts (mandatory), New Jersey tax court (mandatory)

#### *New Jersey eCourts Electronic Filing Portal (eCourts)*

(<https://portal-cloud.njcourts.gov>) is a web-based interface implemented by the N.J. judiciary (eCourts electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the New Jersey Superior Court, Appellate Division, New Jersey superior courts, and the New Jersey tax court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Jersey state courts' electronic filing system homepage](#)
- [Clerk of the New Jersey Superior Court, Appellate Division, Notice – Electronic Filing in the Appellate Division \(eDATA\)](#) (Feb. 10, 2015) (effective Feb. 2, 2015, pursuant to the attached Jan. 21, 2015, N.J. Sup. Ct. order). [Clerk of the New Jersey Superior Court, Appellate Division, Notice – Mandatory Appellate Division Electronic Filing for All Case Types](#) (Oct. 17, 2017) (effective January 1, 2018, pursuant to the attached September 26, 2017, N.J. Sup. Ct. order). *See also* [eCourts Appellate](#) tab on New Jersey state courts' electronic filing system home page.
- [Acting Administrative Director of the NJ State Courts, Notice and Order – Mandatory Electronic Filing in Criminal Matters](#) (Dec. 5, 2016) (effective Dec. 15, 2016, pursuant to the attached Dec. 5, 2016, N.J. Sup. Ct. order). *See also* [eCourts Criminal](#) tab on New Jersey state courts' electronic filing system home page.
- [Acting Administrative Director of the NJ State Courts, Notice and Order – eCourts Civil – Mandatory Electronic Filing in the Civil Part of the Law Division of Superior Court](#) (June 6, 2017) (implementation in all vicinages by Dec. 2017, pursuant to the attached May 30, 2017, N.J. Sup. Ct. order); [Acting Administrative Director of the NJ State Courts, Notice and Order – Mandatory eCourts and Non-Acceptance of Paper Filings eCourts Civil, DC \(Special Civil\), and Foreclosure](#) (July 6, 2017) (effective July 6, 2017, pursuant to the attached July 5, 2017, N.J. Sup. Ct. order). *See also* [eCourts Civil](#) tab on New Jersey state courts' electronic filing system home page.
- [Acting Administrative Director of the Courts, Notice and Order – Landlord Tenant – Attorneys Required to File in eCourts](#) (Oct. 4, 2021) (effective Oct. 12, 2021, pursuant to the attached Oct. 1, 2021, N.J. Sup. Ct. order). [Acting Administrative Director of the Courts, Notice and Order – Family/Children in Court – Requirement to File in eCourts](#) (Oct. 7, 2021) (effective Oct. 7, 2021, pursuant to the attached Oct. 1, 2021, N.J. Supreme Court order).

- [Tax Court Clerk/Administrator, Notice and Order – Tax Court – Mandatory Electronic Filing in State Tax Cases](#) (Nov. 29, 2016) (effective Dec. 12, 2016, pursuant to the attached Nov. 29, 2016, N.J. Sup. Ct. order). [Tax Court Clerk/Administrator, Notice State Tax Appeals – Attorneys Required to File All Documents in eCourts](#) (Dec. 8, 2020). *See also* [eCourts tax tab](#) on New Jersey state courts' electronic filing system home page.

*New Jersey Judiciary Electronic Document Submission (JEDS) Portal* (<https://portalefile-cloud.njcourts.gov>) is a web-based interface implemented by the N.J. Judiciary (eCourts electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, with the trial divisions of the New Jersey superior courts, the tax court, and the New Jersey municipal courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Jersey Judiciary Electronic Document Submission \(JEDS\) homepage](#)
- [Information for Attorneys](#) tab on the New Jersey Judiciary Electronic Document Submission (JEDS) homepage (Attorneys can only use JEDS for cases in which eCourts is not available; thus Appellate Division cases, Tax Court cases, and Superior Court civil and criminal cases for which e-filing is mandatory for all N.J. attorneys cannot be filed using JEDS)
- [Self-Represented Litigants](#) tab on the New Jersey Judiciary Electronic Document Submission (JEDS) home page
- [Acting Administrative Director of the NJ State Courts, Notice and Order COVID-19 – Electronic Filing in eCourts and the Judiciary Electronic Document Submission \(JEDS\) System – Attorneys Required to File in eCourts Where Available](#) (May 8, 2020) (effective May 5, 2020, pursuant to the attached May 5, 2020, N.J. Sup. Ct. order)

## **Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* New Jersey Supreme Court (inactive)

*State appellate court(s):* New Jersey Superior Court, Appellate Division (mandatory)

- [Clerk of the New Jersey Superior Court, Appellate Division, Notice – Electronic Filing in the Appellate Division \(eDATA\)](#) (Feb. 10, 2015):

.....  
Unless otherwise provided in this Order or directed by the court, the following - procedures apply to attorneys who elect to file using the Appellate Division's . . . . (eCourt) system . The provisions of this Order supersede those contained in the April 29, 2013 Order.

- .....
- 4. Calculation of time.** Documents may normally be submitted for filing electronically through the . . . (eCourt) system by attorneys at any time unless otherwise directed

by the court. The time in which any required or permitted response may be filed shall begin to run on the first business day following such electronic filing. For filings that must be filed by a particular date, a filing is considered timely if it is filed by 11:59:59 PM as defined by the Judiciary's data systems.

.....

- [eCourts Appellate, Frequently Asked Questions \(FAQ\)](#) (revised Mar. 2021):

**Q. What are the deadlines for eCourts Appellate?**

Electronic versions of documents are filed within the same deadlines as paper documents.

**Filing Dates:**

Follow the NJ Court Rules and any scheduling order that is entered. Filing a document electronically does not alter or extend any filing deadline.

**Filing Times:**

A document that is received electronically, it is considered to have been filed on the same day it is received unless it is filed after 11:59pm, then that document will be filed the following business day. Note: If paying the filing fee by credit card, the credit card payment service is unavailable from 11:30 pm until midnight daily. All filings must be submitted prior to 11:30 pm to receive the same date of filing.

**Q. When is my document considered filed in eCourts Appellate?**

If your document is accepted by the Clerk's Office, it will be filed as of the date it was received.

**Q. How do I get a filed stamped copy from eCourts Appellate?**

You will receive a notification when your document has been accepted for filing. You will also be able to print the "Filed" copy from the Docket Information list accessible via the appellate docket number hyperlink on My Case List.

**Q. What date is my document filed in eCourts Appellate?**

The document will be filed as of the date it was received if it is submitted prior to 11:59 pm.

- [Rules Governing the Courts of the State of New Jersey](#), Rule 1:3-1 (governing time computation in the NJ Superior Court, Appellate Division and trial court divisions, the NJ Tax Court, and the NJ Municipal Courts):

**Rule 1:3-1. Computation of Time.**

In computing any period of time fixed by rule or court order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday. In computing a period of time of less than 7 days, Saturday, Sunday and legal holidays shall be excluded.

*State trial court(s)*: New Jersey Superior Courts (mandatory), New Jersey Municipal Courts (mandatory), New Jersey Tax Court (mandatory)

- [Acting Administrative Director of the NJ State Courts, Notice and Order – Filing of Documents Electronically Using a Judiciary-Authorized Electronic Filing System](#) (Dec. 13, 2017) (effective Dec. 13, 2017, pursuant to the attached Nov. 15, 2017, N.J. Sup. Ct. order):

In furtherance of the New Jersey Judiciary’s ongoing development and implementation of electronic filing system-wide, pursuant to N.J. Const. Art. VI, sec. 2, par. 3, it is ORDERED that, effective immediately and until further order, the provisions of Rule 1:5-6 (“Filing”) of the Rules Governing the Courts of the State of New Jersey shall be supplemented and relaxed as follows:

- (1) to provide for the electronic filing of documents using an approved electronic filing system pursuant to Rule 1:32-2A when that electronic filing system records that an automated notice of filing has been generated and transmitted;
- (2) to provide that documents filed through an approved electronic filing system are deemed filed upon receipt into the system;
- (3) to provide that filers who electronically file nonconforming documents may be advised by deficiency notice of the nonconformity and any requirement to correct;
- (4) to require the filing of a motion in order to correct documents improperly submitted under the wrong docket number, county of venue or division, or with incorrect or missing metadata, except as otherwise provided in Rule 6: 1-3, whether the document is filed on paper or electronically filed through an approved electronic filing system; and
- (5) to provide that refunds of filing fees shall only be made by court order.

.....

- [eCourts Civil](#) tab on New Jersey state courts’ electronic filing system home page:

**System Filing Hours:** 24 hours a day – 7 days a week.

NOTE: Foreclosure, DC (special civil), and Law complaints and motions filed Monday through Friday by 11:59 p.m. will receive a filed date for the same day. Filings which occur Saturday, Sunday or on a legal holiday/court recess will receive a filed date for the next business day.

- [New Jersey eCourts, Frequently Asked Questions \(FAQ\)](#) (revised Nov. 30, 2018):

**Tax Court Specific**

**Q: During what time frame can I e-file Tax Appeals?**

A: With the exception of scheduled system maintenance periods, attorneys can take advantage of e-filing Tax appeals at their convenience—both during and after court business hours—as listed below.

Monday to Saturday 2:00 AM to 11:59 PM  
Sunday 2:00 AM to 5:59 AM  
11:00 AM to 11:59 PM

- [Acting Administrative Director of the NJ State Courts, Notice and Order COVID-19 – Electronic Filing in eCourts and the Judiciary Electronic Document Submission \(JEDS\) System – Attorneys Required to File in eCourts Where Available](#) (May 8, 2020) (effective May 5, 2020, pursuant to the attached May 5, 2020, N.J. Sup. Ct. order):

.....  
3. Pursuant to N.J. Const., Art. VI, sec. 2, par. 3, until further order, Rule 1:5-6 (“Filing”) of the Rules Governing the Courts of the State of New Jersey is relaxed and supplemented as it pertains to the trial divisions of the Superior Court and the Tax Court as follows:

- a. Rule 1 :5-6( c )(1) is relaxed to provide that documents filed through an approved electronic filing system (including eCourts and JEDS) shall be deemed filed upon receipt in the system and the clerk may not refuse to file such documents;

.....

- [Judiciary Electronic Document Submission \(JEDS\) homepage](#):

JEDS allows you to electronically submit your documents and record requests to the courts. Documents can be submitted through JEDS 24 hours a day, 7 days a week. They will be processed during normal business hours: weekdays, 8:30 a.m. to 4:30 p.m., except court holidays and recesses.

See also the [Self-Represented Litigants](#) and [Information for Attorneys](#) tabs on the New Jersey Judiciary Electronic Document Submission (JEDS) home page:

**Emergent Matters (Attorneys)**

Use JEDS only in emergent matters that cannot be filed through eCourts. Both systems are available 24 hours a day, seven days a week. Emergent matters filed in JEDS while the courts are closed will be processed on the next business day.

**Emergent Matters (Self-Represented Litigants)**

JEDS can be used to submit [emergent matters](#) 24 hours a day, seven days a week. Emergent matters filed while the courts are closed will be processed on the next business day.

**Court Stamped Documents**

Documents are affixed with the date and time once they are accepted by the court. If the documents you submitted are not listed under “Court Stamped Documents,” please contact the court you submitted your filing to.

### **Submitted Documents**

Documents submitted by 11:59 p.m. will receive a filed date for the same day.

### **Confirm the Status of Your Filing**

You can view your submitted filings by selecting the tile “Filings You Have Submitted” on the “Home” screen.

Filings that are not successfully submitted will be listed in the “Filings You Have Not Submitted” tile. These filings will be removed from the system after 72 hours. Once the filings have been removed, you will need to restart the filing process. You can also delete these filings by selecting the three dots (ellipsis) at the end of the row.

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **New Jersey eCourts Electronic Filing Portal**:

- Licensed New Jersey attorneys who are in good standing (e-filing mandatory in all eCourts)
- In all eCourts, nonattorney staff members (such as paralegals or assistants) or third party vendors may electronically file court documents on behalf of an attorney admitted to practice law in New Jersey using their Attorney ID and password; attorneys remain responsible for the contents of any filing made on their behalf.<sup>97</sup>
- For Tax Court only, County Board of Taxation, Municipal Assessors and Municipal Clerks can access to view all electronic Tax Court case jackets and receive eCourts notifications pertaining to cases in which they are associated. Registered County and Municipal users will not have access to e-file.
- For Tax Court cases only, Self-Represented Litigants (e-filing optional).

See [New Jersey eCourts Appellate, Frequently Asked Questions \(FAQ\)](#) (revised Mar. 2021) (User Login/Registration); [New Jersey eCourts, Frequently Asked Questions \(FAQ\)](#) (revised Nov. 30, 2018) (eCourts access).

The following are authorized to register and use the New Jersey Judiciary Electronic Document Submission (JEDS) Portal:

- Licensed New Jersey attorneys who are in good standing (e-filing mandatory for Appellate Division cases, Tax Court cases, and Superior Court civil and criminal cases for which eCourts is not available).
- Self-represented litigants (e-filing mandatory)

See [Judiciary Electronic Document Submission \(JEDS\) homepage](#).

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<sup>97</sup>. See [Acting Administrative Director of the NJ State Courts, Notice to the Bar Filing Practices for Attorneys’ Use of Third Party Vendors to Electronically File Documents with the Courts](#) (July 26, 2018).

## FOURTH CIRCUIT

### Maryland

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Maryland Court of Appeals (mandatory)

*State appellate court(s):* Maryland Court of Special Appeals (mandatory)

*State trial court(s):* district courts of Maryland (mandatory), circuit courts of Maryland (mandatory)

*Maryland Electronic Courts e-Filing Portal (MDEC)* (<https://maryland.tylerhost.net/OfsWeb>) is a web-based interface maintained by the electronic service provider Tyler Technologies<sup>98</sup> (Odyssey File and Serve electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in the Maryland Court of Appeals, Maryland Court of Special Appeals, district courts of Maryland, and the circuit courts of Maryland.<sup>99</sup>

For the specific court(s), types of cases and/or documents for which electronic filings and service are permitted (voluntary) and/or required (mandatory), see:

- [Maryland Courts' statewide electronic filing system homepage](#)
- [MD Rules, Title 20 Electronic Filing and Case Management, Rules 20-101 to 20-109 \(General Provisions\)](#)
- [Maryland Administrative Office of the Courts, Maryland Electronic Courts \(MDEC\) Policies and Procedures](#) (Oct. 11, 2022)

#### Time-of-Day Deadlines

*State supreme court:* Maryland Court of Appeals (mandatory)

*State appellate court(s):* Maryland Court of Special Appeals (mandatory)

*State trial court(s):* district courts of Maryland (mandatory), circuit courts of Maryland (mandatory)

- [MD Rules, Title 20 Electronic Filing and Case Management](#) (Title 20 governs electronic filing in the Court of Appeals, Court of Special Appeals, District Courts and Circuit Courts):

#### R. 20-202. Effective Date of Filing:

The MDEC system shall record the date and time an electronically filed submission is received by the MDEC system. Subject to Rules 20-201(i) and 20-203, the date

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98. The primary electronic service provider Tyler Technologies also accepts submissions from approved secondary or [alternative electronic filing service providers](#).

99. The Maryland Electronic Courts (MDEC) case-management system was implemented in Prince George's County on Monday, October 17, 2022, making electronic filing available in all Maryland counties. Effective October 17, 2022, electronic filing will be mandatory for attorneys representing clients in civil and criminal cases in the Prince George's County District Courts, Prince George's County Circuit Court, and any appellate filings that commence in that county. See [Latest Updates for the Maryland Electronic Courts \(MDEC\) project](#).

recorded shall be the effective date of filing and shall serve as the docket date of the submission filed.

- [Maryland Court of Appeals, Frequently Asked Questions:](#)

.....

Q: My brief is due today; do I need to e-file and if so by what time?

A: You have until 11:59 p.m. on the due date for the filing to be considered timely.

- [R. 1-203. Time:](#)

**(a) Computation of Time After an Act, Event, or Default** . . . . . The last day of the period so computed is included unless:

(1) it is a Saturday, Sunday, or holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or holiday;

.....

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Maryland Electronic Courts e-Filing (MDEC) Portal**:

- Attorneys who are members of the Maryland Bar in good standing (e-filing mandatory); persons authorized by an attorney to file a signed submission on behalf of the attorney, such as a paralegal, assistant, or other staff member in the attorney’s office
- A person or entity certified as a “Vendor Electronic Filing Service Provider” may file on behalf of another person or entity.
- A person required or permitted by law or court order to file a submission in a MDEC action, including persons seeking to intervene in the action, victims, and representatives of government entities.
- Self-represented litigants/pro se filers (e-filing optional; but if an individual registers and e-Files one time through MDEC, he or she must E-file ALL future documents and E-file in ALL future cases)

See [MD Rules, Title 20 Electronic Filing and Case Management, R. 20-104, R. 20-106; Maryland Electronic Courts Policies & Procedures Manual](#) (revised Oct. 19, 2021).

## North Carolina

### Implementation of Electronic Filing in State Court System

*State supreme court:* North Carolina Supreme Court (mandatory)

*Appellate court(s):* North Carolina court of appeals (mandatory)

*Trial courts:* North Carolina superior courts (mandatory<sup>100</sup>), North Carolina district courts (mandatory<sup>101</sup>), North Carolina business court (mandatory), North Carolina small claims court (inactive), North Carolina recovery courts (inactive)

*North Carolina Supreme Court and Court of Appeals Electronic Filing Portal*

(<https://www.ncappellatecourts.org/>) is a web-based interface maintained by the North Carolina Judicial Branch that allows registered users to file court documents electronically, subject to clerk review, in the North Carolina Supreme Court and court of appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Carolina Judicial Branch electronic services homepage](#)
- [North Carolina Rules of Appellate Procedure](#) (effective January 1, 2022), R. 26 (Filing and Service).

*North Carolina Pilot Electronic Filing Portal* (<https://www.efiling.nccourts.org/>) is a web-based interface maintained by the electronic service provider Tybera Development Group, Inc. (EFLEX electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in a limited number of North Carolina Superior Courts for r civil superior, special proceeding foreclosures, and domestic violence protective orders.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Carolina Judicial Branch electronic services homepage](#)
- [Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project](#) (May 10, 2021). *Note:* These rules apply only in those counties that have not yet implemented the Odyssey File & Serve™ electronic filing system, the NC Judicial Branch’s new electronic-filing and case-management system that will phase out the legacy North Carolina e-filing Pilot Project beginning in October 2022. *See also* [N.C. General Rules of Practice for the Superior and District Courts](#), Rule 5.1. Filing of Pleadings and Other Documents in Counties without Odyssey.

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100. Beginning on October 10, 2022, electronic filing is mandatory for attorneys filing cases in N.C. superior and district courts located in those pilot counties that have implemented the new Odyssey File & Serve™ electronic filing system (Harnett, Johnston, Lee, and Wake counties). The system will be made available across the state in phases.

101. *Id.*

*North Carolina Odyssey File & Serve™ Electronic Filing Portal*

(<https://indd.adobe.com/view/832dae5f-0376-4df0-a8a6-65c3cdf9717>) is a web-based interface maintained by the electronic service provider Tyler Technologies (Odyssey File & Serve™ electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in North Carolina superior and district courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Carolina Judicial Branch electronic services homepage](#)
- [N.C. General Rules of Practice for the Superior and District Courts](#), Rule 5. Filing of Pleadings and Other Documents in Counties with Odyssey. *Note:* This rule applies only in those counties that have implemented the Odyssey File & Serve™ electronic filing system, the N.C. Judicial Branch’s new electronic-filing and case-management system which will launch on October 10, 2022, in four pilot counties including Harnett, Johnston, Lee, and Wake. [N.C. Administrative Office of Courts, Target Date for Pilot County Odyssey ICMS Implementation](#) (Aug. 31, 2022).
- For details and a timeline for the N.C. Judicial Branch’s eCourts initiative to implement Odyssey File & Serve, see [eCourts](#).

*North Carolina Business Court Electronic Filing Portal* (<https://ncbc.nccourts.org/filer/>) is a web-based interface maintained by the electronic service provider Tybera Development Group, Inc. (EFLEX electronic filing system) that allows registered users to file court documents electronically, subject to clerk review, in North Carolina business courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Carolina Judicial Branch electronic services homepage](#)
- [North Carolina Business Court Rules](#) (Oct. 14, 2020), R. 3.

**Time-of-Day Deadlines**

*State supreme court:* North Carolina Supreme Court (mandatory)

*Appellate court(s):* North Carolina court of appeals (mandatory)

- [North Carolina Rules of Appellate Procedure](#) (effective Jan. 1, 2022), R. 26 & R. 27:

**Rule 26. Filing and Service**

**(a) Filing.**

.....

An item is filed in the appellate court electronically when it is received by the electronic-filing site. An item is filed in paper when it is received by the clerk, except that motions, responses to petitions, the record on appeal, and briefs filed by mail are deemed filed on the date of mailing as evidenced by the proof of service.

**Rule 27. Computation and Extension of Time**

**(a) Computation of Time.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday when the courthouse is closed for transactions, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday when the courthouse is closed for transactions.

.....

*Note:* The North Carolina Court of Appeals Clerk’s Office confirmed that documents submitted before 11:59 p.m. on the due date for filing are considered timely. Currently, the appellate courts are not considering adopting the 5:00 p.m. Eastern Time filing deadline applicable to North Carolina Superior and District Courts. *See below.*

*Trial courts:* North Carolina superior courts (mandatory), North Carolina district courts (mandatory), North Carolina business court (mandatory), North Carolina small claims court (inactive), North Carolina recovery courts (inactive)

- [Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project](#) (May 10, 2021). *Note:* These rules govern electronic filing in N.C. superior courts only in those counties that have not yet implemented the Odyssey File & Serve™ electronic filing system, and still participate in the legacy North Carolina eFiling Pilot Project.

**Rule 5.11. Determination of Filing Date and Time.** Documents may be electronically filed 24 hours a day, except when the system is down for maintenance, file saves or other causes. For the purpose of determining the timeliness of a filing received pursuant to Rule 5.7, the filing is deemed to have occurred at the date and time recorded on the receipt showing a status of “Received.”

- [N.C. General Rules of Practice for the Superior and District Courts](#), Rule 5. Filing of Pleadings and Other Documents in Counties with Odyssey. *Note:* Rule 5 governs electronic filing in Superior and district courts only in those counties that have implemented the Odyssey File & Serve™ electronic filing system, the N.C. Judicial Branch’s new electronic-filing and case-management system which will launch on October 10, 2022, in four pilot counties including Harnett, Johnston, Lee, and Wake.

**Rule 5. Filing of Pleadings and Other Documents in Counties with Odyssey**

.....

**(b) Electronic Filing.**

**(4) Time.**

- a. When Filed.** A document is filed when it is received by the court’s electronic-filing system, as evidenced by the file stamp on the face of the document.

**b. Deadline.** If a document is due on a date certain, then the document must be filed by 5:00 p.m. Eastern Time on that date.

- [North Carolina Rules of Civil Procedure, G.S. 1A-1, Rule 6:](#)

**Rule 6. Time.**

**(a) Computation.** – In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, including rules, orders or statutes respecting publication of notices, the day of the act, event, default or publication after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday when the courthouse is closed for transactions, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday when the courthouse is closed for transactions. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

- [North Carolina Business Court Rules](#) (Oct. 14, 2020), R. 3.6, 3.7:

**3.6. Time of filing.** If a document is due on a date certain, then the document must be filed by 5:00 p.m. Eastern Time on that date, unless the Court orders otherwise.

**3.7. Notice of Filing.** When a document is filed, the Court’s electronic-filing system generates a Notice of Filing. The Notice of Filing appears in the user account for all counsel of record and pro se parties who have created a user account. Filing is not complete until issuance of the Notice of Filing. A document filed electronically is deemed filed on the date stated in the Notice of Filing.

*Note:* The time-computation provisions of [North Carolina Rules of Civil Procedure, G.S. 1A-1, Rule 6\(a\)](#) (see text above) apply together with North Carolina Business Court Rule 3.6 to determine time of filing for documents submitted electronically to the NC Business Court.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the North Carolina Supreme Court and Court of Appeals Electronic Filing Portal:

- Attorneys licensed to practice law in North Carolina (e-filing mandatory)
- Pro se party or a person who is not represented by counsel (e-filing optional)

See [North Carolina Rules of Appellate Procedure](#) (effective Jan. 1, 2022), R. 26(a).

The following are authorized to register and use the **North Carolina Pilot Electronic Filing Portal:**

- Attorneys licensed to practice law in North Carolina (e-filing optional).

- Pro se parties (e-filing optional; a party not represented by counsel may file electronically in civil domestic violence cases through domestic violence center personnel who have been issued an electronic identity.)

See [Supplemental Rules of Practice and Procedure for the North Carolina eFiling Pilot Project](#) (May 10, 2021), R. 5.1, 5.3.

The following are authorized to register and use the **North Carolina Odyssey File & Serve™ Electronic Filing Portal**:

- Attorneys licensed to practice law in North Carolina (e-filing mandatory).
- Pro se parties (e-filing optional).

See [General Rules of Practice for the North Carolina Superior and District Courts](#), R. 5(b)(2).

The following are authorized to register with the North Carolina Business Court Electronic Filing Portal:

- licensed attorneys (e-filing mandatory) or a person filing on counsel's behalf.
- Pro se party or an unrepresented party (e-filing mandatory)

See [North Carolina Business Court Rules](#) (Oct. 14, 2020), R. 3.1, 3.2.

## Virginia

### Implementation of Electronic Filing in State Court System

*State supreme court:* Virginia Supreme Court (mandatory)

*Appellate court(s):* Virginia court of appeals (mandatory)

*Trial courts:* Virginia circuit courts (optional<sup>102</sup>), Virginia general district courts (inactive), Virginia juvenile and domestic relations district courts (inactive)

#### *Virginia Appellate Courts Electronic System (VACES) Filing Portal*

(<https://www.vacourts.gov/online/vaces/home.html>) is a web-based interface maintained by the Virginia Judicial Branch that allows registered users to file and serve court documents electronically, subject to clerk review, in the Virginia Supreme Court and Court of Appeals.

For the specific court(s), types of cases and/or documents for which electronic filings and service are permitted (voluntary) and/or required (mandatory), see:

- [Virginia Appellate Courts Electronic System \(VACES\) homepage](#)
- [Rules of Supreme Court of Virginia](#), R. 5:1B
- [Rules of the Court of Appeals of Virginia](#), R. 5A:1

#### *Virginia Judiciary E-Filing System (VJEFS) Filing Portal*

(<https://efiling.courts.state.va.us/EfilingWeb/initialLogin.action>) is a web-based interface maintained by the Virginia judicial branch that allows registered users to file and serve court documents electronically, subject to clerk review, in the Virginia circuit courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Virginia Judiciary E-Filing System \(VJEFS\) homepage](#)
- [Rules of Supreme Court of Virginia, Practice and Procedure in Civil Actions, Rule 3.3](#)
- [Rules of Supreme Court of Virginia](#), Criminal Practice and Procedure, R. 3A:23
- [Rules of Supreme Court of Virginia](#), General Rules Applicable to All Proceedings, R. 1:17
- *See also* Virginia Judiciary E-Filing System (VJEFS) home page for listing of [Circuit Courts participating in VJEFS](#)

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102. Electronic filing is optional for attorneys in Virginia circuit courts that have chosen to establish an electronic filing system for designated civil or criminal cases or both upon consent of all parties (or the Commonwealth all defendants) in the case pursuant to the operational standards, obligations and procedures set forth in [Rules of Supreme Court of Virginia](#), General Rules Applicable to All Proceedings, R. 1:17. At present it appears that electronic filing is optional for attorneys in good standing with the Va. State Bar in 51 of Virginia's 120 circuit courts. Because these courts do not provide the information on their respective websites, it is necessary to contact the participating circuit courts to determine the case types for which electronic filing is available. *See* [links to individual circuit court homepages](#).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Virginia Supreme Court (mandatory)

*Appellate court(s):* Virginia court of appeals (mandatory)

- [Rules of Supreme Court of Virginia](#), General Rules Applicable to All Proceedings, R. 1:17. Electronic Filing and Service (governs electronic filings in the Virginia Supreme Court and the Virginia Court of Appeals pursuant to [Rules of Supreme Court of Virginia](#), The Court of Appeals, R. 5A:1):

### **Rule 1:17. Electronic Filing and Service.**

.....

#### **(d) Electronic Service and Filing Practice and Procedures.**

.....

- (5) (i) Subject to the provisions of subsections (d)(6) and (7) of this Rule, an electronic document must be filed by following the procedures of the applicable E-Filing Portal, and will be deemed filed on the date that it is received in the E-Filing Portal without regard to whether the filing occurred within or outside of standard business hours. If the electronic document is received in the E-Filing Portal on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then such document will be deemed filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed.
  - (ii) Upon electronic filing of a document, an electronic confirmation will be transmitted to the filing party indicating that the document has been successfully filed through the E-Filing Portal. In addition, the court to which the document is directed will promptly transmit an electronic acknowledgement of its receipt of the electronically filed document, specifying the identity of the receiving court, the date the document was received by the court, and a court-assigned document reference or docketing number.
- [Guidelines for Submission of eFilings and User's/Administrator's Manual for VACES](#) (link available under Resources on the VACES home page):

### **Overview**

.....

#### **eFiling Support**

The system is available for eFiling submissions during the operating hours of 7:00 AM to 12:00 AM EDT/EST.

Users in the process of uploading an eFiling submission before 12:00 AM will be able to complete the submission process up to the 2:00 AM EDT/EST system maintenance window shut off.

.....

**eFiling Submissions**

.....

**Appendices**

.....

**Filing and Service of Briefs and Appendices**

- The electronic version shall be transmitted to the Clerk and each counsel of record or self-represented party by 11:59 PM on the deadline for filing such brief or appendix.
- If a brief is electronically transmitted on a weekend or holiday, it will be considered filed as of the next business day and all deadlines affected by the filing date (i.e., deadlines for filing the appellee’s brief and the appellant’s reply brief) shall be calculated from that filing date.
- Electronic briefs are required to be emailed to counsel or parties simultaneous with the electronic filing thereof.
- If feasible, the appendix should also be simultaneously served. However, if the file size of the appendix makes it impossible to transmit by email to counsel, the appendix shall be uploaded to a CD or other form of electronic transmission and mailed to counsel within one business day of its electronic filing with the Court.
- No paper copies are required to be filed with the Clerk of Court or provided to counsel.
- If self-represented parties have not provided an email address, one paper copy of any brief or appendix shall be mailed to those parties within one business day of the electronic filing with the Court.
- The electronic briefs and appendix shall be considered the official version of the briefs and appendix in the case.

*Trial courts:* Virginia circuit courts (optional), Virginia general district courts (inactive), Virginia juvenile and domestic relations district courts (inactive)

- [Rules of Supreme Court of Virginia](#), General Rules Applicable to All Proceedings, Rule 1:17. Electronic Filing and Service applies in any Virginia circuit court that has established an electronic filing system under the standards and procedures set forth in subdivision (c) of Rule 1:17.
- Rule 1:17 governs electronic filing in civil cases in Virginia circuit courts as provided in the [Rules of Supreme Court of Virginia](#), Practice and Procedure in Civil Actions, Rule 3.3:

**Rule 3:3. Filing of Pleadings; Return of Certain Writs.**

**(a) Filing Generally.** — The clerk must receive and file all pleadings when tendered, without order of the court. The clerk must note and attest the date of filing thereon. In an Electronically Filed Case, the procedures of Rule 1:17 apply to the notation by the clerk of the date of filing. . . . . (See Va. Supreme Court Rule 1:17(d)(5) above.)

**(b) Electronic Filing.** — In any circuit court which has established an electronic filing system pursuant to Rule 1:17:

- (1) Any civil action for which electronic filing is available in the circuit court may be designated as an Electronically Filed Case upon consent of all parties in the case. Such designation must be made promptly, complying with all filing and procedural requirements for making such designations as may be prescribed by such circuit court.
  - (2) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other filings in an Electronically Filed Case must be formatted, served and filed as specified in the requirements and procedures of Rule 1:17. . . . .
- Rule 1:17 governs electronic filing in criminal cases in Virginia circuit courts as provided in [Rules of Supreme Court of Virginia](#), Criminal Practice and Procedure, R. 3A:23.

**Rule 3A:23. Electronic Filing.**

In any circuit court which has established an electronic filing system for criminal cases pursuant to Rule 1:17:

- (a) Any criminal proceeding may be designated as an Electronically Filed Case upon consent of the Commonwealth and all defendants in the case.
  - (b) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other instruments in an Electronically Filed Case must be formatted, served and filed as specified in the requirements and procedures of Rule 1:17. . . . .
- [Virginia Judiciary E-Filing System User’s Guide](#) (Revised July 2014).

**CHAPTER 1 – OVERVIEW**

.....  
**II. VJEFS USER FUNCTIONS**

.....  
NOTE: The VJEFS is expected to be available during regular operating hours of the participating circuit court clerk’s office(s). It will not be available during Saturdays and Sundays.

The [VJEFS Portal](#) displays the following if log in is attempted before 7:00 a.m. EST or after 7:00 p.m. EST Monday to Friday or at any time on the weekend:

**The Virginia Judiciary E-Filing System is not available at this time.**

The system is regularly available on weekdays, not including holidays, from 7:00 AM to 7:00 PM EST.

- [VA Code § 1-210 Computation of time.](#)
  - A. When an act of the General Assembly or rule of court requires that an act be performed a prescribed amount of time before a motion or proceeding, the day of such motion or proceeding shall not be counted against the time allowed, but the day on which such

- act is performed may be counted as part of the time. When an act of the General Assembly or rule of court requires that an act be performed within a prescribed amount of time after any event or judgment, the day on which the event or judgment occurred shall not be counted against the time allowed.
- B. When the last day for performing an act during the course of a judicial proceeding falls on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.
- C. When an act of the General Assembly specifies a maximum period of time in which a legal action may be brought and the last day of that period falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, the action may be brought on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly.
- D. Any court or proceeding authorized to be adjourned from day to day shall not be required to meet on a Sunday or legal holiday.
- E. When an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires, either by specification of a date or by a prescribed period of time, that an act be performed or an action be filed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the state or local government office where the act to be performed or the action to be filed is closed, the act may be performed or the action may be filed on the next business day that is not a Saturday, Sunday, legal holiday, or day on which the state or local government office is closed.
- F. For the purposes of this section, any day on which the Governor authorizes the closing of the state government shall be considered a legal holiday.

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Virginia Appellate Courts Electronic System (VACES) Filing Portal**:

- An attorney who is a member of the VA State Bar (e-filing mandatory), or a law firm containing members of the Virginia State Bar
- In VA court of appeals only, any attorney appointed as a guardian ad litem (e-filing mandatory) (*See Va. Sup. Ct. R. 5A:1(d)(3)*)
- Pro se litigant or a party who is not represented by an attorney (e-filing mandatory in VA Supreme Court, except for filings by pro se prisoners)/(e-filing optional in Virginia court of appeals)

*See Va. Sup. Ct. R. 1:5, 5:1B, 5A:1.*

The following are authorized to register and use the **Virginia Judiciary E-Filing System (VJEFS) Filing Portal**:

- An attorney who is an active member of the Virginia State Bar (e-filing optional, upon consent of all parties or all defendants and the state); to be eligible to register, an attorney must be associated with an organization (law firms, including solo practices, government agencies, or private entities) approved for VJEFS registration upon application to the VA Circuit Court Clerk's office. The local circuit court clerk's office will determine whether organizations meet the criteria for participation in the VJEFS.
- A non-attorney staff person (e.g., paralegal) part of a registered organization and associated with at least one attorney; a registered VJEFS staff user can file documents for his or her associated attorney(s) using the VJEFS.
- An administrator, or a person with limited VJEFS access, designated to act on behalf of a registered organization for the purposes of adding, deleting, and managing other users within the organization.

*Note:* Unrepresented parties are not permitted to register and file electronically on the VJEFS.

See [Virginia Judiciary E-Filing System User's Guide](#) (Revised July 2014); [Virginia Judiciary E-Filing System \(VJEFS\), VJEFS Terms and Conditions of Use](#).

## FIFTH CIRCUIT

### Mississippi

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Mississippi Supreme Court (mandatory)

*State appellate court(s):* Mississippi court of appeals (mandatory)

*State trial court(s):* Mississippi circuit courts (mandatory<sup>103</sup>), Mississippi chancery courts (mandatory<sup>104</sup>), Mississippi county courts (mandatory<sup>105</sup>), Mississippi justice courts (inactive), Mississippi municipal courts (inactive), Mississippi intervention courts (inactive)

#### *Mississippi Electronic Courts (MEC) e-Filing Portal*

(<https://courts.ms.gov/appellatecourts/docket/login.php>) is a web-based interface maintained by the Mississippi Judiciary that allows registered users to file and serve court documents electronically, subject to clerk review, in the Mississippi Supreme Court, Mississippi court of appeals, Mississippi circuit courts, Mississippi chancery courts, and Mississippi county courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Mississippi Electronic Courts \(MEC\) homepage](#)
- [Mississippi Appellate E-Filing Administrative Procedures](#) (Jan. 1, 2014)
- [Mississippi Electronic Courts Administrative Procedures](#) (Oct. 2018, effective Oct. 25, 2018)

#### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Mississippi Supreme Court (mandatory)

*State appellate court(s):* Mississippi court of appeals (mandatory)

- [Mississippi Appellate E-Filing Administrative Procedures](#) (Jan. 1, 2014), Section 3.D (Electronic filing in Mississippi Supreme Court and court of appeals is governed by the Appellate E-Filing Administrative Procedures pursuant to [Mississippi Rules of Appellate Procedure](#) R. 25(a)(1)):

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103. Unless otherwise authorized, attorneys are required to e-file all documents submitted for filing in civil and criminal cases in Mississippi chancery, circuit, and county courts which have implemented the MEC system by local rule. [Mississippi Electronic Courts Administrative Procedures](#) (Oct. 2018, effective Oct. 25, 2018), section 3.A. Several courts implementing the MEC system have approved its use for civil or criminal filings only. For a directory of Mississippi chancery, circuit, and county courts that have implemented the MEC system, see [MEC Court Directory](#) (current up to Sept. 27, 2021).

104. See [Mississippi Electronic Courts Administrative Procedures](#), section 3.A; [MEC Court Directory](#).

105. See [Mississippi Electronic Courts Administrative Procedures](#), section 3.A; [MEC Court Directory](#).

### Section 3. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

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#### D. Filing Deadlines

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to M.R.A.P. 26. All electronic transmissions of documents must be completed (i.e., received completely by the Clerk’s Office) prior to midnight Central Standard (or Daylight Savings) Time. For the filing to be completed, the filer must have received the Notice of Electronic Filing from the Court. The Notice of Electronic Filing reflects the time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects time prior to midnight. However, a judge may order that a document be filed by a time certain, which then becomes the filing deadline. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during office hours.

- [Mississippi Rules of Appellate Procedure](#) (May 5, 2020), R. 26:

#### **RULE 26. COMPUTATION AND EXTENSION OF TIME**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of the Supreme Court or the Court of Appeals, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, as defined by statute, or any other day when the clerk’s office is in fact closed, whether with or without legal authority, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, a legal holiday, or any other day when the clerk’s office is closed. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. In the event any legal holiday falls on a Sunday, the next following day shall be a legal holiday.

*State trial court(s):* Mississippi circuit courts (mandatory), Mississippi chancery courts (mandatory), Mississippi county courts (mandatory), Mississippi justice courts (inactive), Mississippi municipal courts (inactive), Mississippi intervention courts (inactive)

- [Mississippi Electronic Courts Administrative Procedures](#) (Oct. 2018, effective Oct. 25, 2018), Section 3.D (Electronic filing in Mississippi Circuit Courts, Mississippi Chancery Courts, and Mississippi County Courts is governed by the Mississippi Electronic Courts Administrative Procedures pursuant to [Mississippi Rule of Civil Procedure](#) 5(e)(2), Rule 1.16 of the [Uniform Rules of Circuit and County Court Practice](#), and Rule 1.13 of the [Uniform Chancery Court Rules](#).)

*Note:* Mississippi Electronic Courts Administrative Procedures, Section 3.D is identical to Section 3.D of the Mississippi Appellate E-Filing Administrative Procedures (see above for text), except for the reference to [Mississippi Rules of Civil Procedure](#) R. 6 which is the applicable time-computation rule for electronic filing

deadlines in the Mississippi trial courts. M.R.C.P. 6(a) is identical to Mississippi Rule of Appellate Procedure 26(a) (see above for text).

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Mississippi Electronic Courts (MEC) e-filing Portal**:

- Attorneys in good standing and admitted to practice in courts which have implemented the Mississippi Electronic Courts system (e-filing mandatory)
- Attorneys admitted to practice under the pro hac vice or pro bono publicus provisions of the Mississippi Rules of Appellate Procedure (e-filing mandatory)

*Note:* Pro se parties are not permitted to register to file electronically in MEC courts.

See [Mississippi Appellate E-Filing Administrative Procedures](#) (Jan. 1, 2014), § II.A; [Mississippi Electronic Courts Administrative Procedures](#) (Oct. 25, 2018), § II.A.

## Texas

### Implementation of Electronic Filing in State Court System

*State supreme court:* Texas Supreme Court (mandatory), Texas Court of Criminal Appeals (mandatory)

*State appellate court(s):* Texas courts of appeals (mandatory)

*State trial court(s):* Texas district courts (mandatory), Texas constitutional county courts (mandatory), Texas statutory probate courts (mandatory), Texas statutory county courts (mandatory), Texas municipal courts (inactive), Texas justice of the peace courts (mandatory in part<sup>106</sup>)

*Texas Judicial Branch Electronic Filing (eFileTexas.gov) Portal*

(<http://www.efiletexas.gov/index.htm>) is a web-based interface for the electronic filing system TexFile that allows registered users to file and serve court documents electronically through eFileTexas.gov or an alternative certified electronic filing service provider<sup>107</sup>, subject to clerk review, in the Texas Supreme Court, Texas Court of Criminal Appeals, Texas Courts of Appeals, Texas District Courts, Texas Constitutional and Statutory County Courts, Texas Statutory Probate Courts, and Texas Justice of the Peace Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- See [Texas Judicial Branch Electronic Filing System \(eFileTexas.gov\) homepage](#)
- [Supreme Court of Texas, Misc. Docket No. 13-9164 Amended Order Requiring Electronic Filing In Certain Courts](#) (Dec. 9, 2013)
- [Texas Court of Criminal Appeals, Misc. Docket No. 16-003 Order Mandating Statewide Electronic Filing in Criminal Cases](#) (June 30, 2016)
- [eFileTexas.gov, Active Appellate Courts](#) (For Texas Supreme Court, Texas Court of Criminal Appeals and Texas Courts of Appeals, chart includes information related to each court's status regarding e-filing)
- [eFileTexas.gov, Active District, County, Probate & Justice Courts](#) (for the Texas District, County, Probate and Justice Courts within each of the 254 counties in Texas, chart includes information related to each county or court's status regarding e-filing)

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106. Texas justice of the peace courts are not required to implement electronic filing. If a justice court chooses to implement electronic filing, attorneys must electronically file all documents in criminal cases. See [Statewide Rules Governing Electronic Filing in Criminal Cases](#) (May 1, 2017), R. 1.2. Attorneys may electronically file documents in civil cases (except juvenile cases), but it is not required. See [Texas Rules of Civil Procedure](#) (Sept. 1, 2021), R. 21(f)(1). Electronic filing of civil cases in Texas justice courts is governed by [Tex. R. Civ. P. 21](#) and 502.1.

107. For a list of all electronic filing service providers that are certified to file through eFileTexas, see <http://www.efiletexas.gov/service-providers.htm>.

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Texas Supreme Court (mandatory), Texas Court of Criminal Appeals (mandatory)

*State appellate court(s):* Texas courts of appeals (mandatory)

- [Texas Rules of Appellate Procedure](#) (Jan. 1, 2022), R. 9.2:

### Rule 9.2. Filing

.....

#### (c) Electronic Filing.

.....

(4) **Timely Filing.** Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court’s time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party’s electronic filing service provider, except:

(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

(B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date the motion is granted.

- [Texas Rules of Appellate Procedure](#) (Jan. 1, 2022), R. 4.1:

### 4.1. Computing Time

(a) **In General.** The day of an act, event, or default after which a designated period begins to run is not included when computing a period prescribed or allowed by these rules, by court order, or by statute. The last day of the period is included, but if that day is a Saturday, Sunday, or legal holiday, the period extends to the end of the next day that is not a Saturday, Sunday, or legal holiday.

(b) **Clerk’s Office Closed or Inaccessible.** If the act to be done is filing a document, and if the clerk’s office where the document is to be filed is closed or inaccessible during regular hours on the last day for filing the document, the period for filing the document extends to the end of the next day when the clerk’s office is open and accessible. The closing or inaccessibility of the clerk’s office may be proved by a certificate of the clerk or counsel, by a party’s affidavit, or by other satisfactory proof, and may be controverted in the same manner.

*State trial court(s):* Texas district courts (mandatory), Texas constitutional county courts (mandatory), Texas statutory probate courts (mandatory), Texas statutory county courts (mandatory), Texas municipal courts (inactive), Texas justice of the peace courts (mandatory)

- [Statewide Rules Governing Electronic Filing in Criminal Cases](#) (May 1, 2017), Rule 2.3 (rules govern the electronic filing of documents with the clerk in criminal cases in appellate

courts, district courts, statutory county courts, and constitutional county courts in those counties in which criminal case electronic filing has been implemented):

**Rule 2.3 Timely Filing**

- (a) Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court’s time zone) on the day of the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party’s electronic filing service provider, except:
  - (1) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and
  - (2) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date the motion is granted.
- (b) If a document is untimely filed due to a technical failure or a system outage, the filing party may seek appropriate relief from the court.

**Comment to Rule 2.3:** This rule addresses when a document is timely filed for purposes of meeting a legal deadline imposed by a statute or a court. A clerk’s acceptance of a document on a weekend or legal holiday does not impact whether a document is timely filed under this rule.

- [Texas Rules of Civil Procedure](#) (Sept. 1, 2021), R. 21: (governs electronic filing in all non-juvenile civil cases in Texas district courts, statutory county courts, constitutional county courts, statutory probate courts and justice courts)

**Rule 21 Filing and Serving Pleadings and Motions**

.....  
**(f) Electronic Filing**

- .....
- (5) Timely Filing.** Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court’s time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party’s electronic filing service provider, except:
    - (A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and
    - (B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date that the motion is granted.

- [Texas Rules of Civil Procedure](#) (Sept. 1, 2021), R. 4:

**Rule 4. Computation of Time**

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed

is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Saturdays, Sundays, and legal holidays shall not be counted for any purpose in any time period of five days or less in these rules, except that Saturdays, Sundays, and legal holidays shall be counted for purpose of the three-day periods in Rules 21 and 21a, extending other periods by three days when service is made by mail.

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Texas Judicial Branch Electronic Filing (eFileTexas.gov) Portal**:

- attorneys who are members of the State Bar of Texas (e-filing mandatory, except e-filing civil cases in Texas Justice of the Peace Courts is optional)
- pro se parties (e-filing optional)

See [Texas Rules of Appellate Procedure](#) R. 9.2(c)(1); [Statewide Rules Governing Electronic Filing in Criminal Cases](#) R. 1.2; [Texas Rules of Civil Procedure](#) R. 21(f)(1).

## SIXTH CIRCUIT

### Kentucky

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Kentucky Supreme Court (inactive)

*State appellate court(s):* Kentucky court of appeals (inactive)

*State trial court(s):* Kentucky circuit courts (mandatory in part<sup>108</sup>), Kentucky family court (optional), Kentucky district courts (mandatory in part<sup>109</sup>), Kentucky business court (inactive)

*Kentucky Court of Justice's e-Filing Portal (KYeCourts)*

(<https://kcoj.kycourts.net/kyecourts/Login>) is a web-based interface for the electronic filing system implemented by the Kentucky Court of Justice's Administrative Office of the Courts that allows registered users to file and serve court documents electronically, subject to clerk review, in the Kentucky circuit courts, Kentucky family court, and Kentucky district courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Kentucky Court of Justice's electronic filing system homepage](#)
- [Kentucky Court of Justice's eCourts Help, Attorneys and Legal Staff, Case Filings](#) (details on e-filing based on specific case types: civil, criminal, domestic relations, juvenile, appeals, disability, domestic violence)

#### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Kentucky Supreme Court (inactive)

*State appellate court(s):* Kentucky court of appeals (inactive)

*State trial court(s):* Kentucky circuit courts (mandatory in part), Kentucky family court (optional), Kentucky district courts (mandatory in part), Kentucky business court (inactive)

- [Kentucky Supreme Court, Administrative Order 2018-11, Administrative Rules of Practice and Procedure for the Kentucky Court of Justice, Electronic Filing Pilot Project](#) (Aug. 1, 2018) (these rules apply to supported case and filing types, in civil, criminal, domestic, juvenile, probate, and other matters in Kentucky trial courts):

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108. As of July 1, 2022, attorneys are required to file all eligible documents in real property foreclosure and consumer credit card debt collection cases electronically in Kentucky circuit and district courts. These two civil case types are the first for which electronic filing is mandatory since the judicial branch made e-filing available to attorneys in all 120 counties for civil and criminal cases in circuit and district courts. See Supreme Court of Kentucky, [Administrative Order 2022-22, Mandatory Electronic Filing in Selected Case Types in the Circuit and District Courts of the Commonwealth](#) (entered Apr. 20, 2022, effective July 1, 2022).

109. *Id.*

**Section 8. Electronic Filing**

- .....
- (3) Filing.** The electronic transmission of a document to the eFiling system in accordance with the procedures specified in these rules, together with the generation and transmission of a Notice of Electronic Filing from the court with a hyperlink to the electronically filed document, constitutes filing of the document for all purposes of the Kentucky Rules of Procedure.
- (a) A document filed electronically is deemed filed on the date and time stated on the Notice of Electronic Filing from the court, regardless of when the eFiler actually transmitted the document or when the clerk actually processed the envelope.
  - (b) Filing a document electronically does not alter the filing deadline for that document. Filing must be completed BEFORE MIDNIGHT, in the time zone of the receiving court, in order to be timely filed. However, if time of day is of the essence, the presiding judge may order a document filed by a certain time.
  - (c) Emailing a document to the clerk’s office or to the presiding judge does not constitute filing the document. A document will not be considered filed until the eFiling system generates a Notice of Electronic Filing with a hyperlink to the electronically filed document.
  - (d) While the eFiling system is designed to accept filings 24 hours a day, it may not always be available due to scheduled maintenance or technical difficulties experienced by the eFiler or system. eFilers are encouraged to file documents in advance of filing deadlines and during normal business hours in the event assistance or support is needed from the AOC’s eFiling help line.

- [Kentucky Rules of Civil Procedure \(CR\), Rule 6.01:](#)

**CR 6.01 Computation**

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Kentucky Court of Justice’s e-Filing Portal:**

- Licensed attorneys in good standing with the Kentucky Bar Association who have completed e-filing certification (e-filing mandatory in part Kentucky Circuit and District Courts/e-filing optional Kentucky Family Court).
- Government employees and law enforcement with authorized access to e-file in cases relating to their functions

- Self-represented parties subject to authentication and training requirements (e-filing optional for small claims cases in Kentucky District Courts only)

See [Kentucky Supreme Court, Administrative Rules of Practice and Procedure for the Kentucky Court of Justice, Electronic Filing Pilot Project](#), Sec. 6 (Aug. 1, 2018); [Kentucky Court of Justice's eCourts Help, Self-Represented Litigants](#).

## Ohio

### Implementation of Electronic Filing in State Court System

*State supreme court:* Ohio Supreme Court (optional)

*State appellate court(s):* Ohio district courts of appeals<sup>110</sup> (12) (active courts: First District (mandatory), Eighth District (mandatory), Tenth District (mandatory))

*State trial court(s):*<sup>111</sup> Ohio court of claims (optional), Ohio Courts of Common Pleas (88), Ohio municipal courts (129), Ohio county courts (35)

*Ohio Supreme Court's e-Filing Portal* (<https://www.supremecourt.ohio.gov/e-filing/#/login>) is a web-based interface for the electronic filing system implemented by the Ohio Supreme Court that allows registered users to file and serve court documents electronically, subject to clerk review, in the Supreme Court of Ohio.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Ohio Supreme Court's electronic filing system \(EFS\) homepage](#)
- [Rules of Practice of the Supreme Court of Ohio](#) (Jan. 1, 2021), R. 2.01(A)(3), 3.01(A)(3)

*Ohio First District Court of Appeals e-Filing Portal* (<https://firstdistrictcoa.org/e-filing/>) is a web-based interface for the electronic filing system implemented by the Hamilton County Clerk of Courts' Office that allows registered users to file and serve court documents electronically, subject to clerk review, in the Ohio First District court of appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Ohio First District Court of Appeals' e-filing homepage](#)
- [Ohio First District Court of Appeals Local Rules](#), R. 13.1

*Ohio Eighth District Court of Appeals e-Filing Portal* (<https://efiling.cp.cuyahogacounty.us/>) is a web-based interface for the electronic filing system implemented by the Cuyahoga County Clerk of Courts' Office and the electronic filing service provider Proware that

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110. Each of the twelve Ohio district courts of appeals may provide by local rule for the mandatory or optional filing of documents by electronic means. [Ohio R. App. P.](#) 13(A).

111. Beginning July 2022, Ohio trial-level courts, including the Ohio court of claims, Ohio Courts of Common Pleas (88), Ohio municipal courts (129), and Ohio county courts (35), must provide by local rule or court order for the mandatory or optional filing of documents in civil cases by electronic means. [Ohio R. Civ. P.](#) 5(E) (amended effective July 1, 2022). Ohio trial-level courts may provide by local rule for the mandatory or optional filing of documents in criminal cases by electronic means. [Ohio R. Crim. P.](#) 12(B). To determine whether electronic filing is mandatory or optional for civil cases, and if authorized by the court, for criminal cases, consult the local rules and administrative orders of each individual trial court. See [Ohio Trial Courts by County](#).

allows registered users to file and service court documents electronically, subject to clerk review, in the Ohio Eighth District Court of Appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Cuyahoga County Clerk of Courts e-filing homepage](#)
- [Ohio Eighth District Court of Appeals Local Rules](#), R. 13.1

*Ohio Tenth District Court of Appeals e-Filing Portal* (<https://efiling.franklincountyohio.gov/>) is a web-based interface for the electronic filing system implemented by the Franklin County Clerk of Courts' Office and the electronic filing service provider Tybera (eFlex e-filing system) that allows registered users to file and service court documents electronically, subject to clerk review, in the Ohio Tenth District Court of Appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Franklin County Clerk of Courts e-filing homepage](#)
- [Ohio Tenth District Court of Appeals Local Rule 1](#)

**Note:** As amended July 1, 2022, [Ohio Rules of Civil Procedure](#) R. 5(E) requires all Ohio trial-level courts to implement, by local rule or court order, mandatory or optional electronic filing of documents in civil cases. Although not required at this time, these courts may implement by local rule mandatory or optional electronic filing of documents in criminal cases.<sup>112</sup> Because Ohio trial courts were authorized to implement electronic filing prior to July 2022, some Ohio Courts of Common Pleas had already adopted e-filing and made it mandatory for all or most types of general civil litigation, while others offered electronic filing as an option including Ohio municipal courts that chose to implement an e-filing system. *See* examples below. Because Ohio Rule of Civil Procedure 5(E) does not impose a deadline for courts to comply, Ohio County Courts and other trial courts have not yet adopted electronic filing.

To determine whether electronic filing is mandatory or optional and what types of cases counsel must or may e-file, consult the local rules and any administrative orders of each individual trial-level court. *See* [Ohio Trial Courts by County](#).

*Ohio Court of Claims e-Filing Portal* (<https://efileoh.tylertech.cloud/OfsEfsp/ui/landing>) is a web-based interface for the electronic filing system (Odyssey eFileOH) implemented by the electronic filing service provider Tyler Technology that allows registered users to file and service court documents electronically, subject to clerk review, in the Ohio court of claims.

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112. *See* [Ohio R. Civ. P. 5\(E\)](#); [Ohio R. Crim. P. 12\(B\)](#); [Ohio Trial Courts by County](#).

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Ohio Court of Claims e-filing homepage](#)
- [Ohio Court of Claims, Administrative Rules Regarding Electronic Filing](#) (Feb. 11, 2020)

*Ohio Courts of Common Pleas (in each of Ohio's 88 counties): examples of courts that have implemented an electronic filing system*

*Ashland County Common Pleas Court e-Filing Portal* (<https://www.ashlandcountycpcourt.org/eservices/login.page>) is a web-based interface for the electronic filing system implemented by the electronic filing service provider CourtView Justice Solutions that allows registered users to file and service court documents electronically, subject to clerk review, in the Ashland County Court of Common Pleas.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Ashland County Common Pleas Court e-Filing homepage](#)
- [Ashland County Court of Common Pleas Local Rules](#) R. 8.03 (Sept. 1, 2020)

*Athens County Common Pleas Court e-Filing Portal* (<https://coc.athensoh.org/eservices/login.page>) is a web-based interface for the electronic filing system implemented by the electronic filing service provider CourtView Justice Solutions that allows registered users to file and service court documents electronically, subject to clerk review, in the Athens County Court of Common Pleas.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Athens County Common Pleas Court e-Filing homepage](#)
- Athens County Common Pleas Court, [Civil/Criminal Administrative Order and Domestic Relations Administrative Order In Re: Electronic Filing of Court Documents](#) (adopted Dec. 16, 2020; effective Jan. 1, 2021).

*Columbiana County Common Pleas Court e-Filing Portal* (<https://courts.ccclerk.org/benchmarkweb/Home.aspx/Search>) is a web-based interface for the electronic filing system implemented by the electronic filing service provider Pioneer Technology Group that allows registered users to file and service court documents electronically, subject to clerk review, in the Columbiana County Court of Common Pleas.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Columbiana County Court of Common Pleas Local Rules](#) R. 2.07

Ohio Municipal Courts (129): examples of courts that have implemented an electronic filing system

Lima Municipal Court e-filing Portal (<http://www.cityhall.lima.oh.us/722/Criminal-Traffic-Electronic-Filing>) is a web-based interface for the electronic filing system implemented by the Lima Municipal Court Clerk’s Office that allows registered users to file and service court documents electronically, subject to clerk review, in criminal and traffic cases with the Lima Municipal Court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Local Rules of the Lima Municipal Court](#), R. 9.1

Columbiana County Municipal Court e-Filing Portal (<https://courts.ccclerk.org/benchmarkweb/Home.aspx/Search>) is a web-based interface for the electronic filing system implemented by the electronic filing service provider Pioneer Technology Group that allows registered users to file and service court documents electronically, subject to clerk review, in the Columbiana County Municipal Court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Columbiana County Municipal Court Local Rules](#), R. 8.1

**Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

State supreme court: Ohio Supreme Court (optional)

- [Rules of Practice of the Supreme Court of Ohio](#) (Jan. 1, 2021), R. 3.02

**S.Ct.Prac.R. 3.02. Filing with the Supreme Court.**

**(A) Filing.**

.....

**(3) Filing electronic documents through the E-Filing Portal.**

.....

(d) Filing documents through the E-Filing Portal does not alter any filing deadlines imposed by the Rules of Practice of the Supreme Court of Ohio.

(e)(i) Documents received after 11:59:59 p.m. local observed time in Columbus, Ohio through the E-Filing Portal shall not be considered for filing until the next business day. The time of receipt of a document is the time-stamp provided by the Supreme Court’s E-Filing Portal, and the time-stamp provided by any other computer system shall not alter the time of receipt and effect of this rule.

(ii) Documents submitted through the E-Filing Portal after 5:00:00 p.m. local observed time in Columbus, Ohio will not be reviewed by the Clerk’s Office

until the next business day. They will be considered timely if the documents comply with these rules and were received on or before the date they were due in accordance with division (A)(3)(e)(i) of this rule.

- (f) After review by the Clerk’s Office, a separate communication that indicates whether the documents were accepted for filing will be sent to the e-mail address registered with the account of the person who submitted the documents through the E-Filing Portal.

- [Rules of Practice of the Supreme Court of Ohio](#) (Jan. 1, 2021), R. 3.03:

**Rule 3.03. Computation and Extension of Time.**

**(A) Computation of time**

- (1) In computing any period of time prescribed or allowed by these rules or by an order of the Supreme Court, the day of the act from which the designated period of time begins to run shall not be included, and the last day of the period shall be included. If the last day of the period is a Saturday, Sunday, or legal holiday, the period runs until 11:59:59 p.m. local observed time in Columbus, Ohio on the next day that is not a Saturday, Sunday, or legal holiday.
- (2) Notwithstanding Civ.R. 6(A), when the period of time prescribed or allowed is less than seven days, as in expedited election cases under S.Ct.Prac.R. 12.08, intermediate Saturdays, Sundays, and legal holidays shall be included in the computation.

*State appellate court(s):* Ohio District Courts of Appeals (12) (active courts: First District (mandatory), Eighth District (mandatory), Tenth District (mandatory))

- [Ohio Rules of Appellate Procedure](#), R. 13(A):

**RULE 13. Filing and Service**

**(A) Filing.** . . . . .A court may provide, by local rules adopted pursuant to the Rules of Superintendence, for the filing of documents by electronic means. If the court adopts such local rules, they shall include all of the following:

- (1) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.
- (2) A provision shall specify the days and hours during which electronically transmitted documents will be received by the court, and a provision shall specify when documents received electronically will be considered to have been filed.
- (3) Any document filed electronically that requires a filing fee may be rejected by the clerk of court unless the filer has complied with the mechanism established by the court for the payment of filing fees.

- [Ohio First District Court of Appeals Local Rule 13.1:](#)

**Rule 13.1 Electronic Filing and Service**

.....

**(B) Date and time of electronic filing.**

Provided that the filing is ultimately accepted by the clerk, any document filed electronically shall be considered as filed when the transmission to the Court’s authorized electronic filing system is complete. An electronic filing may be submitted to the clerk 24 hours a day, 7 days a week. Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been filed on the next Court business day.

**(1) Rejection or acceptance of e-filed documents.** The clerk will notify the filer when a filing has been accepted or rejected for docketing and filing in the clerk of court’s e-filing system.

**(2) Electronic file stamp.** Upon acceptance by the clerk of courts, an e-filed document will be electronically file-stamped. This stamp will include the date and time that the filer transmitted the document to the clerk, as well as the confirmation number of the filing. Once the document is electronically file-stamped and entered on the docket, it is considered a permanent part of the case record.

- [Ohio Eighth District Court of Appeals Local Rule 13.1:](#)

**RULE 13.1. ELECTRONIC FILING (E-FILING)**

.....

**(B) Date and Time of Electronic Filing.** Any document filed electronically shall be considered as filed with the court when the transmission to the court’s authorized electronic filing system is complete. An electronic filing may be submitted to the clerk 24 hours a day, 7 days a week. Any document filed after 11:59 p.m. in the time-zone then applicable to the court, either Eastern Standard Time or Eastern Daylight Savings Time, shall be deemed to have been filed at 8:30 a.m. on the next court business day. Any document filed on a Saturday, Sunday, or legal holiday shall be deemed to have been filed at 8:30 a.m. on the next court business day.

**(1) Rejection or Acceptance of Electronically Filed Documents.** The clerk shall reject any filing that:

- (a) is not signed by the party;
- (b) is not in a digitized format approved by the clerk;
- (c) is not accompanied by a required payment; or
- (d) requires a judge’s signature.

The clerk will notify the filer when a filing has been accepted or rejected for docketing and filing in the court’s case management system. Each document filed will receive an electronic stamp containing the date and time the filer transmitted the document to the court’s authorized electronic filing system as well as a unique confirmation number of the filing. If the clerk rejects or otherwise cannot successfully process a filing, it will not receive a file stamp or confirmation number.

- [Ohio Tenth District Court of Appeals Local Rule 1:](#)

**RULE 1 ELECTRONIC FILING (e-Filing)**

.....

**(G) Time of Filing.**

All time referenced herein refers to the time applied by the clerk’s time stamping system. Documents may be submitted 24 hours a day, seven days a week. The date and time reflected in the confirmation notice from the e-filing system informing the e-filer that the document submitted for filing has been received shall serve as the date and time of filing, if the filing is later accepted by the clerk. Documents submitted to the e-filing system on or before 11:59 p.m., and subsequently accepted by the clerk, are deemed filed on the day submitted. Documents submitted to the e-filing system at 12:00 midnight, and subsequently accepted by the clerk, are deemed filed on the day submitted. This rule shall be read in conjunction with Civ.R. 6, which provides that a filing deadline that falls on a Saturday, a Sunday, or a legal holiday is extended to the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

For purposes of proceedings before this court, documents submitted to the e-filing system by the Court of Appeals or any lower court or tribunal after 4:59 p.m. on a business day or on a Saturday, a Sunday, or a legal holiday shall be deemed to have been filed on the next business day irrespective of the time stamp applied to the document

- [Ohio Rules of Appellate Procedure, R. 14:](#)

**Rule 14. Computation and Extension of Time**

**(A) Computation of time.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by an order of court or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

.....

*State trial court(s):* Ohio court of claims (optional), Ohio Courts of Common Pleas (88), Ohio municipal courts (129), Ohio county courts (35)

*Note:* As explained in the note above, Ohio trial-level courts are required to offer electronic filing for civil cases beginning July 2022, while individual courts can still chose whether to adopt e-filing for criminal cases.<sup>113</sup> Although Ohio Rules of Civil and Criminal Procedure (see below) establish minimum standards for electronic filing, individual trial courts by local rule and/or administrative orders can implement different electronic filing systems, chose whether and for what cases electronic filing is mandatory or optional/permissive, specify the days and

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113. See [Ohio R. Civ. P. 5\(E\)](#); [Ohio R. Crim. P. 12\(B\)](#); [Ohio Trial Courts by County](#).

hours during which electronically transmitted documents will be received by the court, and specify when documents received electronically will be considered to have been filed.

Although rules and orders from several Ohio trial-level courts that have implemented an electronic filing system are provided below to illustrate this, to determine whether electronic filing is mandatory or optional and what types of cases counsel must or may e-file, consult the local rules and any administrative orders of each individual trial-level court. See [Ohio Trial Courts by County](#).

- [Ohio Rules of Civil Procedure](#) R. 5(E) (amended effective July 1, 2022):

**RULE 5. Service and Filing of Pleadings and Other Papers Subsequent to the Original Complaint**

.....

**(E) Filing with the court defined.** The filing of documents with the court, as required by these rules, shall be made by filing them with the clerk of court, except that the judge may permit the documents to be filed with the judge, in which event the judge shall note the filing date on the documents and transmit them to the clerk. A court shall provide, by court order or local rule, for the filing of documents by electronic means. The court order or local rule shall include all of the following:

(1) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(2) A provision shall specify the days and hours during which electronically transmitted documents will be received by the court, and a provision shall specify when documents received electronically will be considered to have been filed.

(3) Any document filed electronically that requires a filing fee may be rejected by the clerk of court unless the filer has complied with the mechanism established by the court for the payment of filing fees.

**Staff Note (July 1, 2022 Amendment)**

Although no firm deadline is stated in the rule by which all courts must complete arrangements for filing documents by electronic means, this should be a priority for all courts. Receiving and filing facsimile or electronic mail documents is readily and economically done, and avoids difficulty with delay in United States Postal Service mail delivery.

- [Ohio Rules of Criminal Procedure](#) R. 12(B):

**RULE 12. Pleadings and Motions Before Trial: Defenses and Objections.**

.....

**(B) Filing with the court defined.** The filing of documents with the court, as required by these rules, shall be made by filing them with the clerk of court, except that the judge may permit the documents to be filed with the judge, in which event the judge shall note the filing date on the documents and transmit them to the clerk. A court may provide, by

local rules for the filing of documents by electronic means. If the court adopts such local rules, they shall include all of the following:

(1) The complaint, if permitted by local rules to be filed electronically, shall comply with Crim.R. 3.

(2) Any signature on electronically transmitted documents shall be considered that of the attorney or party it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court shall order the filing stricken.

(3) A provision shall specify the days and hours during which electronically transmitted documents will be received by the court, and a provision shall specify when documents received electronically will be considered to have been filed.

(4) Any document filed electronically that requires a filing fee may be rejected by the clerk of court unless the filer has complied with the mechanism established by the court for the payment of filing fees.

- [Ohio Rules of Civil Procedure](#), R. 6(A):

#### **RULE 6. Time**

**(A) Time: computation.** In computing any period of time prescribed or allowed by these rules, by the local rules of any court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. When a public office in which an act, required by law, rule, or order of court, is to be performed is closed to the public for the entire day which constitutes the last day for doing such an act, or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday.

- [Ohio Court of Claims, Administrative Rules Regarding Electronic Filing](#) (Feb. 11, 2020):

#### **VIII. FILING DATE AND TIME OF E-FILED DOCUMENTS**

A. Odyssey File & Serve TM is the appointed agent of the Clerk for purposes of electronic filing, receipt, service and retrieval of electronic documents. Any document submitted electronically to the Court shall not be considered filed until accepted at Clerk. Once accepted, the document will be deemed filed for purposes of Ohio law and relevant rules of court procedure, and shall contain an electronic stamp of the date and time it was submitted. A document that is not accepted at Clerk Review is deemed to be a Rejected Filing.

B. A document that passes Clerk Review will be deemed timely filed when submitted prior to 4:59 p.m. Eastern Standard Time on the due date, unless the Hearing Officer has ordered the document filed by an earlier time on that date. All time is calculated as Eastern Standard Time. Documents filed later than 4:59 p.m. Eastern Standard Time shall be deemed to have been filed the following business day.

- C. Upon filing documents, the Registered User may review the “View Filing Details” page in his/her/its user account to verify that the documents were received by the Clerk. No other confirmation of receipt will be issued by the Clerk. The Filing Receipt shall include the date and time of receipt, the service contact who received the electronic notice and, if the service contact has opened the email, all the information regarding when it was opened. The Registered User may monitor the status of acceptance or rejection of his or her filings via the “My Filing Activity” on the Filer Dashboard. When accepted, each document will receive an electronic stamp. This stamp will include the date and time the document was submitted by the Filer.
- D. While electronic documents may be submitted to the Clerk twenty-four (24) hours a day, seven (7) days a week (except when Odyssey File & Serve™ is unavailable due to maintenance, repair, or disaster), documents submitted on a Saturday, or Sunday, or Court holiday will be deemed submitted on the following business day. This does not in any way alter the provision of Civ.R. 6 that filing deadlines that fall on a Saturday, a Sunday or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or legal holiday.

*Ohio Courts of Common Pleas* (in each of Ohio’s 88 counties): examples of courts that have implemented an electronic filing system

- [Ashland County Court of Common Pleas Local Rule 8.03](#) (Sept. 1, 2020):

**Rule 8.03 E-FILING/MANDATORY**

.....  
**(J) Time, Effect and Process of E-Filing:**

1. **Submission:** Any filing may be e-Filed with the Clerk 24 hours a day, 7 days a week.
2. **Receipt:** Upon receipt, the Court’s e-File system shall issue a confirmation that the submission has been received. The confirmation shall include the date and time of receipt and serve as proof of receipt.
3. **Clerk Review:** After Clerk Review, a filer will receive notification from the Clerk that the submission has been accepted or rejected by the Clerk.
  - a. If the submission is rejected, the document shall not become part of the Court record and the filer shall be required to re-submit the document to meet the requirements. The re-submitted document shall receive a new submission date and time.
  - b. If the submission is accepted, the document shall be docketed and filed.
4. **Official Time Stamp:** Upon acceptance, the submission shall be deemed filed and shall receive an electronic stamp that includes the date and time that the filer submitted the document to the Court’s e-File system as well as the unique confirmation number of the filing. Once accepted the document will be deemed filed for purposes of Ohio Law and relevant Rules of Court Procedure.

- [Athens County Common Pleas Court, Civil/Criminal Administrative Order and Domestic Relations Administrative Order In Re: Electronic Filing of Court Documents](#) (adopted Dec. 16, 2020; effective Jan. 1, 2021).

.....  
**IV. REGISTERED USERS AND AUTHORIZATION IN MANDATORY E-FILE CASE TYPES**

.....  
**I. FILING DATE AND TIME OF ELECTRONICALLY FILED DOCUMENTS**

Documents may be submitted to the Clerk for e-Filing 24 hours a day, seven days a week. Documents may be deemed filed, however, 24 hours a day, five days a week - Monday through Friday. Documents electronically submitted for e-Filing shall be deemed filed on the date and time as outlined below. All times listed herein refer to Eastern Standard Time or Eastern Daylight Savings Time.

- .....
1. Upon receipt of an electronic document submitted for filing, the e-Filing System shall issue to the e-Filer a confirmation that the submission has been received. The confirmation notice shall include the date and time of receipt and shall serve as proof of receipt of the submission. The confirmation notice shall also inform the e-Filer that, if the document is accepted for filing, the date and time reflected in the confirmation notice shall serve as the date and time of filing, unless the document was submitted for filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday. In that case, the document will be deemed filed on the following business day.
  2. An e-Filer will receive subsequent notification from the Clerk indicating that the submission has been accepted or rejected by the Clerk's office for docketing and filing into the Court's Case Management System.
  3. If a document submitted for e-Filing has been accepted by the Clerk after Clerk Review, the document will receive an electronic stamp. This stamp will include the date and time that the filer transmitted the document to the e-Filing System (i.e., date and time of receipt outlined in Section A above). Subject to the exceptions noted in Section F below, the date and time reflected on the electronic stamp shall become the filing date and time for that document.
  4. In the event the Clerk rejects a submitted document following Clerk Review, the document shall not become part of the official Court record and the e-Filer will be required to re-file the document to meet necessary filing requirements. Once a submitted document is rejected, the date and time associated with its initial submission to the Clerk of Courts, which would have been the date and time on the time-stamp in the event the document was accepted for filing, becomes void.
  5. If a document is submitted for e-Filing prior to 11:59 p.m. on a Friday or prior to 11:59 p.m. on a business day that is not a Court holiday, and that document is then accepted for filing after Clerk Review, the date and time reflected on the electronic stamp on the document (i.e., the date and time of receipt of submission, as outlined in Section A above), shall be the date and time the document is deemed to have been filed.
  6. If a document is submitted for e-Filing after 11:59 p.m. on a Friday or after 11:59 p.m. on a business day before a Court holiday, and that document is then accepted for filing after Clerk Review, the document shall be deemed to have been filed on the following business day, even though the electronic stamp on the document will bear the date and time of submission of said document. This

does not in any way alter the provision in Civ. R. 6 that filing deadlines that fall on a Saturday, a Sunday, or a legal holiday run until the end of the following day that is not a Saturday, a Sunday, or a legal holiday.

- [Columbiana County Court of Common Pleas Local Rule 2.07](#):

**Rule 2.07 Electronic Filing (E-filing)**

.....  
**C. Electronic Filing Policy**

.....  
**5. Hours of Operation**

- a. The Clerk shall receive electronically submitted documents 24 hours per day, seven days per week, regardless of whether or not the Clerk’s Office is actually open.
- b. An electronically submitted document will be deemed filed when time stamped by the Clerk. Time at the Court (Eastern Standard) governs, rather than the time zone from which the submission is made. Accordingly, all electronic submissions should be made in adequate time to permit processing in the event of an imminent deadline.
- c. All electronically submitted documents shall receive a confirmation date and time acknowledgement as set forth in this Rule.

.....  
**9. Electronic Time Stamping**

- a. Upon successful completion of submission and acceptance by the Clerk, each electronically submitted document will receive a separate electronic time stamp.
- b. The electronic time stamp will include the date and time that the Clerk accepted the User’s entire electronic submission as well as the case number of the filing, if any.
- c. If the Clerk recognizes a processing error, the Clerk will contact the User in an effort to remediate the issue.
- d. After a document is electronically time stamped and accepted into the system, it cannot be altered by the User.

*Ohio Municipal Courts (129): examples of courts that have implemented an electronic filing system*

- [Local Rules of the Lima Municipal Court](#), R. 9.1 (the filing of pleadings, motions, and other documents with the Clerk of Court by electronic filing is optional for criminal and traffic cases only):

**RULE 9.1 FILING BY ELECTRONIC TRANSMISSION CRIMINAL AND TRAFFIC CASES (eFiling)**

.....  
**(B) Electronic Filing Policy**

**(4) Hours of Operation:**

- (a) The Clerk shall receive electronic documents 24 hours per day, seven days per week, regardless of whether or not the Clerk's Office is actually open. To be file stamped on the date of transmission, the document must be received by 4:00 pm. Documents received after 4:00 pm or at times when the Clerk's office is closed shall be file stamped the next business day.
  - (b) A document will be deemed filed when time stamped by the Clerk. Time at the Court (Eastern) governs, rather than the time zone from which the filing is made. Accordingly, all electronic submissions should be made in adequate time to permit processing in the event of a deadline.
  - (c) All electronically filed documents shall receive a confirmation e-mail to the e-mail address supplied by the filer.
- [Columbiana County Municipal Court Local Rule 8.1](#). Local Rule 8.1 is identical to the local rule governing electronic filing in the Court of Common Pleas. *See above* [Columbiana County Court of Common Pleas Local Rule 2.07](#).

**Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Ohio Supreme Court's e-Filing Portal:**

- an attorney registered for active status with the Supreme Court of Ohio's Office of Attorney Services (e-filing optional)
- an attorney granted pro hac vice admission pursuant to [S. Ct. Prac. R.](#) 2.02 (e-filing optional)
- non-attorney/self-represented litigants (e-filing optional)

*See* [Clerk of the Supreme Court of Ohio, E-Filing Frequently Asked Questions Q1](#).

The following are authorized to register and use the **Ohio First District Court of Appeals e-Filing Portal:**

- An attorney licensed to practice law in the State of Ohio (e-filing mandatory)
- An attorney with a certificate of pro hac vice registration
- Pro Se/Individual/Non-Attorney (e-filing optional)

*See* [Ohio First District Court of Appeals Local Rule 13.1\(B\)](#).

The following are authorized to register and use the **Ohio Eighth District Court of Appeals e-Filing Portal:**

- attorney admitted to practice in Ohio and registered with the clerk for active status (e-filing mandatory)
- Law Firm Support Staff (e-filing mandatory)
- Pro Se party (e-filing optional)

*See* [Cuyahoga County Clerk of Courts' Electronic Filing Registration Form](#) that must be submitted to set up an Electronic Filing Account with the Cuyahoga County Clerk of

Courts in order to file documents electronically with the Ohio Eighth District Court of Appeals.

The following are authorized to register and use the **Ohio Tenth District Court of Appeals e-Filing Portal**:

- An attorney licensed to practice law in the State of Ohio (e-filing mandatory)
- An attorney with a certificate of pro hac vice registration (e-filing mandatory)
- Pro se/Individual/Non-Attorney (e-filing optional)

See [Ohio Tenth District Court of Appeals Local Rules 1, 3](#).

The following are authorized to use the **Ohio Court of Claims e-Filing Portal**:

- Firm Account (licensed Ohio attorneys, firms with multiple filers, solo practitioners) (e-filing optional)
- Self-Represented Account (pro se filers, process servers, landlords /tenants) (e-filing optional)

See [Ohio Court of Claims, Administrative Rules Regarding Electronic Filing](#) (Feb. 11, 2020).

*Ohio Courts of Common Pleas* (in each of Ohio's 88 counties): examples of courts that have implemented an electronic filing system

The following are authorized to register and use the **Ashland County Common Pleas Court e-Filing Portal**:

- counsel of record (licensed to practice law in the State of Ohio) (e-filing mandatory)
- pro se parties (e-filing optional for initial filing; but required to become registered users on or after initial access to the court, then e-filing is mandatory for pro se parties)

See [Ashland County Court of Common Pleas Local Rule 8.03](#) (Sept. 1, 2020).

The following are authorized to register and use the **Athens County Common Pleas Court e-Filing Portal**:

- attorneys licensed to practice law in the State of Ohio (e-filing mandatory)
- pro se parties (e-filing optional)

See [Athens County Common Pleas Court, Civil/Criminal Administrative Order and Domestic Relations Administrative Order In Re: Electronic Filing of Court Documents](#) (Jan. 1, 2021).

The following are authorized to register and use the **Columbiana County Common Pleas Court e-Filing Portal**:

- attorneys licensed to practice law in the State of Ohio (e-filing optional)
- self-represented parties (e-filing optional)

See [Columbiana County Clerk of Courts Online Access System User Agreement](#).

*Ohio Municipal Courts* (129): examples of courts that have implemented an electronic filing system

The following are authorized to register and use the **Lima Municipal Court e-Filing Portal**:

- attorneys licensed to practice law in the State of Ohio (e-filing optional)
- self-represented parties (e-filing optional)

See form for submission of [Criminal Traffic Electronic Filings](#) with the Lima Municipal Court.

The following are authorized to register and use the **Columbiana County Municipal Court e-Filing Portal**:

- attorneys licensed to practice law in the State of Ohio (e-filing optional with court approval)
- self-represented parties (e-filing optional with court approval)

See [Columbiana County Clerk of Courts Online Access System User Agreement](#).

## SEVENTH CIRCUIT

### Illinois

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Illinois Supreme Court (mandatory in part<sup>114</sup>)

*State appellate court(s):* Illinois appellate courts (mandatory in part<sup>115</sup>)

*State trial court(s):* Illinois circuit courts (102 counties) (mandatory in part<sup>116</sup>)

*Illinois Courts e-Filing Portal (eFileIL)* (<https://efileil.tylertech.cloud/OfsEfsp/ui/landing>) is a web-based interface for the electronic filing system maintained by the electronic filing service manager Tyler Technologies that allows registered users to file and serve court documents electronically through Odyssey eFileIL, or an alternative electronic filing service provider,<sup>117</sup> subject to clerk review, in the Illinois Supreme Court, Illinois appellate court, and the Illinois circuit courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Illinois Courts' statewide electronic filing system homepage](#)
- [Illinois Supreme Court, Order M.R. 18368 Mandatory Electronic Filing in Civil Cases](#) (January 22, 2016) (announcing mandatory e-filing of civil cases in the Illinois Supreme, Appellate and Circuit Courts)
- [Illinois Supreme Court, Amended Order M.R. 18368 Electronic Filing in Criminal and Civil Cases and Remote Access Systems](#) (May 30, 2017) (exempts incarcerated pro se litigants from mandatory civil e-filing and allows permissive criminal e-filing in Illinois Circuit Courts)
- [Active Courts Chart](#) (information related to each court's status regarding civil and criminal/juvenile e-filing)

#### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Illinois Supreme Court (mandatory in part)

*State appellate court(s):* Illinois appellate courts (mandatory in part)

*State trial court(s):* Illinois circuit courts (102 counties) (mandatory in part)

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114. E-filing is mandatory for civil cases in the Illinois Supreme Court, Illinois appellate courts, and Illinois circuit courts. [Illinois Supreme Court, Order M.R. 18368 Mandatory Electronic Filing in Civil Cases](#) (Jan. 22, 2016).

115. *Id.*

116. In addition to mandatory e-Filing in civil cases, individual Illinois circuit courts may permit optional criminal and juvenile e-Filing through eFileIL for subsequent filings only (after case initiation and a case number is assigned). Criminal and juvenile case initiation in the circuit courts will continue under current practices until further order. [Illinois Supreme Court, Amended Order M.R. 18368 Electronic Filing in Criminal and Civil Cases and Remote Access Systems](#) (May 30, 2017).

117. To file through eFileIL registered users could use eFileIL's electronic filing service manager portal (Odyssey eFileIL) or select an electronic filing service provider from a [list of electronic filing service providers](#) that are certified to file through eFileIL by the Illinois Supreme Court.

*Note:* Electronic filing in the Illinois Supreme Court, Illinois appellate courts, and in all Illinois circuit courts using an electronic filing system approved by the Supreme Court of Illinois is governed by applicable policies, guidelines and/or standards authorized by the Illinois Supreme Court. See [Illinois Supreme Court, Order M.R. 18368 Mandatory Electronic Filing In Civil Cases](#) (Jan. 22, 2016).

- [Illinois Supreme Court Rules, Art. 1 General Rules, Rule 9:](#)

### **Rule 9. Electronic Filing of Documents**

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**(d) Timely Filing.** Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely if submitted before midnight (in the court’s time zone) on or before the date on which the document is due. A document submitted on a day when the clerk’s office is not open for business will, unless rejected, be file stamped as filed on the next day the clerk’s office is open for business. The filed document shall be endorsed with the clerk’s electronic file mark setting forth, at a minimum, the identification of the court, the clerk, the date, and the time of filing.

(1) If a document is untimely due to any court-approved electronic filing system technical failure, the filing party may seek appropriate relief from the court, upon good cause shown.

(2) If a document is rejected by the clerk and is therefore untimely, the filing party may seek appropriate relief from the court, upon good cause shown.

- [Electronic Filing Procedures and User Manual for the Supreme Court of Illinois](#) (approved: June 7, 2017, effective July 1, 2017; last revised Apr. 29, 2021):

**1. Electronic Filing Required in Civil Cases.** Unless exempt under Supreme Court Rule 9(c), all documents in civil cases shall be filed electronically . . . . . Documents filed in people/criminal cases and documents filed on the Supreme Court’s Miscellaneous Record Docket (MR Docket) may be filed electronically.

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### **7. Timing of e-filing; mechanics.**

a. The EFSP and the EFM are agents of the Court for the purpose of submission and e-filing of electronic documents. Upon submission of a document, the EFSP will email to the registered user a transaction confirmation which shall serve as proof of submission.

b. A document will be considered timely if submitted before midnight on or before the date on which the document is due. Upon acceptance, the document will be file stamped as filed on the date of submission.

c. A document submitted on a day when the Clerk’s office is not open for business will, upon acceptance, be file stamped as filed on the next day the Clerk’s office is open for business.

d. A document submitted to the Clerk for filing shall be deemed filed upon review and acceptance by the Clerk. The filed document shall be endorsed with the

clerk's electronic file mark setting forth, at a minimum, the identification of the Court, the Clerk, and the date and the time of filing.

- e. After the Clerk reviews a document, the registered user will receive an e-mail notification of the review results.
  - f. If the Clerk rejects a submitted document, the document will not be filed, and the registered user will receive an electronic notification of the reason(s) for the rejection.
  - g. A document requiring a motion and a Court order allowing its filing will be deemed filed on the date the motion is granted.
  - h. If a document is untimely due to a technical failure, the registered user may seek appropriate relief from the Court, upon good cause shown.
- [Illinois Compiled Statutes, 5 ILCS 70/1.11](#) (governs computation of time periods in Illinois civil litigation):

**Section 5 ILCS 70/1.11 - Computing time periods**

The time within which any act provided by law is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the day succeeding such Saturday, Sunday or holiday is also a holiday or a Saturday or Sunday then such succeeding day shall also be excluded.

**Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Illinois Courts' e-Filing Portal**:

- Attorneys licensed to practice in IL with an attorney number from the state (e-filing mandatory)
- Out of state or pro hac vice attorneys (e-filing mandatory)
- Paralegals, and staff at firms with multiple filers (Firm Account)
- Employers submitting wage garnishment information, process servers and other non-parties (Individual Account)
- Individuals without lawyers/self-represented litigants/pro se filers (e-filing mandatory; incarcerated self-represented litigants are exempt)

See [Register](#) on the Illinois Courts' e-Filing Portal (Odyssey eFileIL).

## Wisconsin

### Implementation of Electronic Filing in State Court System

*State supreme court:* Wisconsin Supreme Court (mandatory<sup>118</sup>)

*State appellate court(s):* Wisconsin court of appeals (mandatory)

*State trial court(s):* Wisconsin circuit courts (mandatory), Wisconsin municipal courts (inactive)

*Wisconsin Appellate Court e-Filing Portal* (<https://logon.wicourts.gov/index.html?target=sccaefiling>) is a web-based interface for the electronic filing system implemented by the Office of the Clerk of Wisconsin Appellate Courts that allows registered users to file and service court documents electronically, subject to clerk review, in the Wisconsin Supreme Court and Wisconsin Court of Appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Wisconsin Appellate court electronic filing system homepage](#)
- [Wis. Stat. chapter 809, Wisconsin Rule of Appellate Procedure 809.801](#) (Appellate electronic filing)
- [Electronic filing in Wisconsin courts, Implementation timeline & transition instructions to mandatory appellate eFiling](#)

*Wisconsin Circuit Court e-Filing Portal* (<https://logon.wicourts.gov/index.html?target=efiling>) is a web-based interface maintained by the Clerk of Circuit Court's Office in the county where the case is filed that allows registered users to file and serve court documents electronically in Wisconsin circuit courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Wisconsin Circuit Courts electronic filing system homepage](#)
- [Wis. Stat. chapter 801, Wisconsin Rule of Civil Procedure 801.18](#) (electronic filing)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Wisconsin Supreme Court (mandatory in part)

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118. The Wisconsin Supreme Court is implementing a plan for a phased transition to electronic filing for the Wisconsin Court of Appeals and Wisconsin Supreme Court. On July 1, 2021, eFiling became mandatory for attorneys in the Wisconsin Court of Appeals. Until mandatory electronic filing commences in the Wisconsin Supreme Court, electronic filing and service is mandatory for attorneys submitting documents in some designated supreme court proceedings pursuant to the electronic filing provisions in the amended Rules of Appellate Procedure, while documents in all other supreme court proceedings will be filed on paper and served by traditional methods. See [Interim Rules for the \(Wisconsin\) Supreme Court Pilot Project](#) (effective July 1, 2021). No date has been set to begin mandatory eFiling in the Wisconsin Supreme Court.

State appellate court(s): Wisconsin court of appeals (mandatory)

- Wis. Stat. chapter 809, Wisconsin Rules of Appellate Procedure (Miscellaneous Procedures in Court of Appeals and Supreme Court):

[809.801 Rule \(Appellate electronic filing\).](#)

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**(4) Time and effect of electronic filing.**

- (a) The electronic filing system is an agent of the appellate courts for purposes of filing, receipt, service, and retrieval of electronic documents. The electronic filing system shall receive electronic filings 24 hours per day except when undergoing maintenance or repair.
  - (am) A document is considered filed on a particular day if the submission is completed by 11:59 p.m. central time, as recorded by the electronic filing system, so long as it is subsequently accepted by the clerk of court upon review. Documents filed after 11:59 p.m. are considered filed the next day the clerk’s office is open. The expanded availability of time to file shall not affect the calculation of time under other statutes, rules, and court orders. The electronic filing system shall issue a confirmation that submission to the electronic filing system is complete.
  - (b) When a document is submitted by a user to the electronic filing system, the electronic filing system shall transmit it to the appropriate clerk of court. The clerk may review documents for compliance with rule requirements relating to form, including caption, case number, format, length, and confidentiality, to determine if the documents should be accepted for filing.
  - (c) If the clerk of court accepts a document for filing, it shall be considered filed with the court at the date and time of the original submission, as recorded by the electronic filing system. The electronic filing system shall issue a notice of activity to serve as proof of filing. When personal service or traditional service is not required, the notice of activity shall constitute service on the other users in the case.
  - (cm) If the clerk rejects the document following review, the user shall receive notification of the rejection. The user may be required to resubmit the document.
- [809.82 Rule \(Computation and enlargement of time\).](#)  
**(1) Computation.** In computing any period of time prescribed by these rules, the provisions of Wisconsin Rule of Civil Procedure 801.15(1) and (5) apply.

[Wis. Stat. chapter 801, Wisconsin Rules of Civil Procedure, Rule 801.15:](#)

**801.15 Time.**

- (1)(a) In this subsection, “holiday” means any day that is a holiday provided in s. 230.35 (4) (a) or a statewide legal holiday provided in s. 995.20 or both, and a full day on Good Friday.
- (b) Notwithstanding ss. 985.09 and 990.001 (4), in computing any period of time prescribed or allowed by chs. 801 to 847, by any other statute governing actions and special proceedings, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included.

The last day of the period so computed shall be included, unless it is a day the clerk of courts office is closed. When the period of time prescribed or allowed is less than 11 days, Saturdays, Sundays and holidays shall be excluded in the computation.

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- (5) Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon the party:
  - (a) If the notice or paper is served by mail, 3 days shall be added to the prescribed period.
  - (b) If the notice or paper is served by facsimile transmission, by electronic mail, or by the electronic filing system under s. 801.18 and such transmission is completed between 5 p.m. and midnight, one day shall be added to the prescribed period.

*State trial court(s):* Wisconsin circuit courts (mandatory), Wisconsin municipal courts (inactive)

- [Wis. Stat. chapter 801, Wisconsin Rule of Civil Procedure 801.18](#) (electronic filing):

#### **801.18 Electronic filing**

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##### **(4) TIME AND EFFECT OF ELECTRONIC FILING.**

- (a) The electronic filing system is an agent of the circuit courts for purposes of filing, receipt, service, and retrieval of electronic documents. The electronic filing system shall receive electronic filings 24 hours per day except when undergoing maintenance or repair.
- (am) A document is considered filed on a particular day if the submission is completed by 11:59 p.m. central time, as recorded by the electronic filing system, so long as it is subsequently accepted by the clerk of court upon review. Documents filed after 11:59 p.m. are considered filed the next day the clerk's office is open. The expanded availability of time to file shall not affect the calculation of time under other statutes, rules, and court orders. The electronic filing system shall issue a confirmation that submission to the electronic filing system is complete.
- (b) When a document is submitted by a user to the electronic filing system, the electronic filing system shall transmit it to the appropriate clerk of court in the county where the case is filed.
- (c) If the clerk of court accepts a document for filing, it shall be considered filed with the court at the date and time of the original submission, as recorded by the electronic filing system. The electronic filing system shall issue a notice of activity to serve as proof of filing. When personal service is not required, the notice of activity shall constitute proof of service on the other users in the case.
- (cm) If the clerk rejects the document, the user shall receive notification of the rejection. The user may be required to resubmit the document.
- (f) The clerk of the circuit court may not refuse to accept a notice of appeal for failure to pay the appellate court filing fee required by s. 809.25 (2) (a) or the transmittal fee required by s. 814.61 (9).

- [Frequently Asked Questions](#) on Wisconsin Circuit Courts electronic filing system home page.

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**Filing & viewing**

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- Q. When filing electronically, what is a reasonable time to wait before confirming that the filing has been submitted?

Filings are instantly transmitted to the appropriate circuit court for review. You can monitor the status of your filing from the “My cases” portal. Submitted filings show a status of “submitted”. You will receive an email notification as soon as the clerk of circuit court office has processed the case/document.

- Q. When cases or documents are eFiled shortly before the court closes at the end of the day, are the documents deemed filed the same day?

A document submitted by 11:59 p.m. on a day is considered filed on that day as long as the case or document is accepted by the clerk upon review. A document filed after midnight is considered filed on the next day the clerk of circuit courts office is open.

- Q. What if I submit my filing within the filing timeline, but it takes me until after the filing deadline to complete the payment process?

Filing is not considered complete until payment is made. Allow enough time to complete the entire process.

- [Wis. Stat. chapter 801, Wisconsin Rules of Civil Procedure, Rule 801.15](#) (see text above).

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Wisconsin Appellate Court eFiling Portal**:

- Licensed Wisconsin attorneys (eFiling mandatory in part Wisconsin Supreme Court/eFiling mandatory Wisconsin Court of Appeals)
- Attorneys appearing following court approval of a motion to appear pro hac vice (eFiling mandatory in part Wisconsin Supreme Court/eFiling mandatory Wisconsin Court of Appeals)
- High-volume filing agents (a person who appears on behalf of an entity filing 10 or more actions per calendar year in the county where the action is being filed) (eFiling mandatory in part Wisconsin Supreme Court/eFiling mandatory Wisconsin Court of Appeals)
- In Wis. Court of Appeals only, Self-represented party (self-represented litigant not filing on behalf of a business or corporation) (eFiling optional)

See [Wis. Stat. chapter 809, Wisconsin Rule of Appellate Procedure 809.801\(3\)](#) (Appellate electronic filing).

The following are authorized to register and use the **Wisconsin Circuit Courts e-filing Portal**:

- Licensed Wisconsin attorneys (e-filing mandatory)
- Paralegals and legal secretaries (attorneys may authorize staff members to submit pleadings to the e-filing system on the attorney's behalf and to apply the attorney's electronic signature; attorneys remain responsible for all documents e-filed by staff).
- Attorneys appearing following court approval of a motion to appear pro hac vice (e-filing mandatory)
- High-volume filing agents (a person authorized under Wis. Stat. 799.06 (2) to appear on behalf of a business or corporation who files 10 or more actions per calendar year in a particular county) (e-filing mandatory)
- Self-represented party (self-represented litigant not filing on behalf of a business or corporation) (e-filing optional)

See [Wis. Stat. chapter 801, Wisconsin Rule of Civil Procedure 801.18\(3\)](#) (electronic filing).

**EIGHTH CIRCUIT**

**Arkansas**

**Implementation of Electronic Filing in State Court System**

*State supreme court:* Arkansas Supreme Court (mandatory)

*Appellate court(s):* Arkansas court of appeals (mandatory)

*Trial courts*<sup>119</sup>: Arkansas circuit courts (56 active courts) (mandatory), Arkansas district courts (4 active courts) (mandatory), Arkansas city courts (inactive)

*Arkansas Judiciary’s eFiling Portal* (<https://efile.arcourts.gov/>)

is a web-based interface for the electronic filing system (eFLEX) maintained by the electronic filing service provider Tybera that allows registered users to file and service court documents electronically, subject to clerk review, in the Arkansas Supreme Court, Arkansas court of appeals, Arkansas circuit courts, and Arkansas district courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Arkansas Judiciary’s electronic filing system homepage](#)
- Arkansas Courts Currently Electronic Filing on the Arkansas Judiciary [Electronic Filing Support and Contact Information](#) webpage (courts currently participating in eFiling and case types for which eFiling is mandatory)
- [Arkansas Supreme Court Administrative Order 21. Electronic Filing](#) (last amended Jan. 1, 2019)

**Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* Arkansas Supreme Court (mandatory)

*Appellate court(s):* Arkansas Court of Appeals (mandatory)

*Trial courts:* Arkansas Circuit Courts (56 active courts) (mandatory), Arkansas District Courts (4 active courts) (mandatory), Arkansas City Courts (inactive)

- [Arkansas Supreme Court Administrative Order 21. Electronic Filing](#) (last amended Jan. 1, 2019) (establishes statewide policies and procedures governing the electronic filing process in all courts in Arkansas that elect to adopt electronic filing):

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119. Individual trial courts may offer electronic filing via eFlex electronic filing system. In the district courts, the district judge(s) decide whether to adopt the electronic filing system. In the circuit courts, the administrative judge of the judicial circuit, with input from the Clerk, and, if applicable, the Ex Officio Circuit Clerk for the Probate Division, of the counties within the circuit, decide whether to adopt the electronic filing system. Once implemented, use of the electronic filing system in all cases or a particular type of case is mandatory for attorneys. [Arkansas Supreme Court Administrative Order 21. Electronic Filing](#) (last amended Jan. 1, 2019).

**Section 6. Time of Filing, Confirmation, Existing Practice, and File-Mark.**

**(a) Filed upon transmission.**

(1) An electronic document shall be considered filed in district court or circuit court with the clerk when the transmission to the electronic filing system is completed. Upon receipt of the electronic document, the electronic filing system shall automatically confirm to the registered user that the transmission of the electronic document was completed and the date and time of the document's receipt by the electronic filing system. Absent confirmation of receipt, there is no presumption that the electronic filing system received the electronic document, and the electronic filer is responsible for verifying that the clerk received and filed the document transmitted.

(2) Subject to review and acceptance by the clerk, an electronic document shall be considered filed in the Supreme Court or the Arkansas Court of Appeals when the transmission to the electronic filing system is completed. Upon receipt of the electronic document, the electronic filing system shall automatically confirm to the registered user that the transmission of the electronic document was completed and the date and time of the document's receipt by the electronic filing system.

**(b) Existing practice maintained.** Electronic filing of documents does not change the rules and practice for the acceptance or rejection of documents presented to a clerk for filing.

**(c) File mark.** The electronic filing system shall affix an electronic file mark that shall have the same force and effect as a manually affixed stamp of the clerk.

**(d) Time of filing.** Any electronic document received by the electronic filing system before midnight shall be deemed filed on that date.

- [Rules of the Supreme Court and Court of Appeals of the State of Arkansas](#) (Sept. 8, 2021), R. 1-4:

**Rule 1-4. Clerk's Office Business Hours.**

The Clerk will record the exact time and date of filing or tender upon any document filed or tendered for filing in the Clerk's Office. Filings shall occur only between business hours of 8:00 a.m. and 5:00 p.m. on business days; however, Administrative Order 21 controls electronic filing.

If the Clerk discovers documents left in or about the Clerk's Office after business hours with a written request for filing or tender, and the documents are in order for filing or tender, they may be marked as filed or tendered as of the beginning of the following business day. Neither the Clerk nor any member of the Clerk's Office staff shall be responsible to see to it that documents are filed or tendered unless they are presented during business hours by a person delivering them to the Clerk's Office.

- [Arkansas Rules of Civil Procedure](#), R. 6:

**Rule 6. Time.**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of the Court or by any applicable statute, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day when the clerk’s office is closed, in which event the period runs until the end of the next day that the clerk’s office is open. When the period of time prescribed or allowed is less than fourteen (14) days, intermediate Saturdays, Sundays, or legal holidays shall be excluded in the computation. As used in this rule and Rule 77(c), “legal holiday” means those days designated as a holiday by the President or Congress of the United States or designated by the laws of this State.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Arkansas Judiciary’s eFiling Portal**:

- an attorney in good standing licensed to practice law in the State of Arkansas (eFiling mandatory)
- an attorney admitted on a case pro hac vice; must provide a letter of good standing from local bar (eFiling mandatory)
- agents and employees of a registered attorney
- a litigant appearing pro se in a particular case for which the court has mandated electronic filing; affidavit in support of pro se request for electronic filing account required (eFiling optional)

See User Account Registration Procedure on the [Electronic Filing Support and Contact Information](#) webpage (accessible from Arkansas Judiciary’s electronic filing system home page).

## Minnesota

### Implementation of Electronic Filing in State Court System

*State supreme court:* Minnesota Supreme Court (mandatory)

*State appellate court(s):* Minnesota court of appeals (mandatory)

*State trial court(s):* Minnesota district courts (mandatory)

*Minnesota Appellate Court's E-Filing Portal (E-MACS)* (<https://emacs.courts.state.mn.us/login>) is a web-based interface for the electronic filing system (C-Track™ E-Filing,) maintained by the electronic filing service provider Thomson Reuters Court Management Solutions that allows registered users to file and service court documents electronically, subject to clerk review, in the Minnesota Supreme Court and the Minnesota court of appeals.

For the court(s), types of cases and/or documents for which electronic filings and service are permitted (voluntary) and/or required (mandatory), see:

- [Minnesota Appellate Court electronic filing system homepage](#)
- [Minnesota Rules of Civil Appellate Procedure](#), R. 125.01
- [Minnesota Supreme Court, Orders Regarding Mandatory and Permissive Electronic Filing and Service in the Appellate Courts](#) (Jan. 27, 2016 & June 30, 2016)

*Minnesota District Courts eFile & eServe (eFS) portal* (<https://minnesota.tylerhost.net/>) is a web-based interface for the electronic filing system (Odyssey File and Serve) maintained by the electronic filing service provider Tyler Technologies that allows registered users to file and serve court documents electronically, subject to clerk review, in the Minnesota District Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Minnesota District Courts electronic filing system homepage](#)
- [Minnesota General Rules of Practice for the District Courts](#), R. 14
- [Minnesota District Court Registered User Guide for Electronic Filing \(Revised November 29, 2021\)](#)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Minnesota Supreme Court (mandatory)

*State appellate court(s):* Minnesota Court of Appeals (mandatory)

- [Minnesota Rules of Civil Appellate Procedure](#), R. 125.01:

#### 125.01. Filing

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(c) Filing shall occur at the time and date of:

- (1) Electronic filing for any document electronically submitted for filing by 11:59 p.m. at the court's local time, so long as it is accepted by the clerk upon review;
  - (2) mailing by United States Mail addressed to the clerk of the appellate courts; or
  - (3) receipt by the clerk of the appellate courts during normal office hours for documents filed by hand delivery or by use of a commercial courier service.
- [Minnesota Rules of Civil Appellate Procedure](#), R. 126.01 (Computation and Extension or Limitation of Time):

**126.01. Computation**

In computing any period of time prescribed or allowed by these rules, by order of court or by any applicable statute, the method of computation specified in Rules 6.01, Minnesota Rules of Civil Procedure, shall be used. (Amended effective January 1, 2020.)

- [Minnesota Rules of Civil Procedure](#), R. 6.01:

**RULE 6. TIME**

**6.01. Computation**

(a) **Computing Time.** The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

- (1) **Period Stated in Days or a Longer Unit of Time.** When the period is stated in days or a longer unit of time:
  - (A) exclude the day of the event that triggers the period;
  - (B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
  - (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (2) **Periods Shorter than 7 Days.** Only if expressly so provided by any other rule or statute, a time period that is less than 7 days may exclude intermediate Saturdays, Sundays, and legal holidays.
- (3) **Period Stated in Hours.** When the period is stated in hours:
  - (A) begin counting immediately on the occurrence of the event that triggers the period;
  - (B) count every hour, including hours occurring during intermediate Saturdays, Sundays, and legal holidays; and
  - (C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.
- (4) **Inaccessibility of the Court Administrator's Office.** Unless the court orders otherwise, if the court administrator's office is inaccessible:
  - (A) on the last day for filing or service under Rule 6.01(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 6.01(a)(1), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

**(b) “Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends:

(1) for electronic filing, at 11:59 p.m. local Minnesota time; and

(2) for filing by other means, when the Court Administrator’s office is scheduled to close.

**(c) “Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

**(d) Definition of Legal Holiday.** As used in this rule and in Rule 77(c), “legal holiday” includes any holiday designated in Minn. Stat. § 645.44, subd. 5, as a holiday for the state or any state-wide branch of government and any day that the United States Mail does not operate.

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- [E-filing Frequently Asked Questions](#) (revised Aug. 2018) accessible from the Minnesota Appellate Court’s E-Filing Portal:

### **E-Filings General**

*What does it mean for an e-filing to be “submitted” vs. “filed”?*

An e-filing that has been “submitted” has been sent electronically to the clerk’s office for review. It is not yet approved or rejected.

An e-filing that is “filed” has been approved by the clerk’s office.

*How will I know if I have successfully submitted an electronic filing?*

After submitting an e-filing, you will receive a confirmation email regarding your submission. You will receive a second email once the clerk’s office approves or rejects the filing.

*When do I need to submit an e-filing by to be considered submitted that business day?*

A filing must be submitted by 11:59 p.m. in order to be considered submitted on that business day.

*After submitting a filing, I received a notification that my filing was “Received - No Further Action.” What does this mean?*

Filings designated as “Received - No Further Action” have not been approved or rejected. However, they will appear in the Rejected filing queue, and it is important to note that the submission has not been filed with the courts.

### Rejected E-Filings

*If an e-filing is rejected by the clerk's office, will the original date of submission be preserved?*

No. If your filing is rejected for any reason, your original date of submission will not be preserved. If you resubmit a rejected filing and it is approved, the new date of submission will be the date you resubmitted the filing.

*State trial court(s):* Minnesota district courts (mandatory)

- [Minnesota General Rules of Practice for the District Courts](#), R. 14:

#### **Rule 14.03. Filing and Service of Documents and Court Notices**

**(a) Availability of E-Filing System.** Registered Users may electronically transmit documents for filing or service through the E-Filing System 24 hours a day, 7 days a week, except when the system is unavailable due to breakdown or scheduled maintenance.

**(b) Filed Upon Transmittal.** A document that is electronically filed is deemed to have been filed by the court administrator on the date and time of its transmittal to the court through the E-Filing System, and except for proposed orders, the filing shall be stamped with this date and time if it is subsequently accepted by the court administrator. Acceptance of electronic filings is governed by Rule 5.04(c) of the Rules of Civil Procedure, except that Rule 5.04(c)(4) shall not apply to criminal, civil commitment, juvenile protection, or juvenile delinquency cases, or to medical records in any type of case. If the filing is not subsequently accepted by the court administrator, no date stamp shall be applied, and the E-Filing System shall notify the filer that the filing was not accepted. Upon receipt of a document electronically transmitted for filing by a Registered User, the E-Filing System shall confirm to the Registered User, through an automatically generated notification to the Registered User's designated e-mail address, that the transmission of the document was completed and the date and time of the document's receipt. Absent confirmation of receipt, there is no presumption that the document was successfully transmitted to the court. The Registered User is solely responsible for verifying that the court received all electronically transmitted documents.

**(c) Effective Time of Filing.** Any document electronically transmitted to the court through the E-Filing System for filing by 11:59 p.m. local Minnesota time shall be deemed filed on that date, so long as the document is not subsequently rejected for filing by the court administrator for a reason authorized by Rule 5.04 of the Rules of Civil Procedure. Filing by facsimile transmission, where authorized, is effective at the time the transmission is received by the court.

- [Minnesota Rules of Civil Procedure](#) R. 6.01 is the applicable time-computation rule for electronic filing deadlines in the Minnesota trial courts. *See* above for text.

## **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Minnesota Appellate Court's E-Filing Portal**:

- Attorneys admitted to practice in Minnesota (eFiling mandatory)
- Attorneys admitted pro hac vice to practice before Minnesota appellate courts (eFiling mandatory)
- Court reporters, executive branch records managers, court appointed examiners, panels appointed by the appellate courts to act as the trier of fact and/or referee over a petition (eFiling mandatory)
- Self-represented parties, if Clerk of Appellate Courts approves request to register (eFiling optional; after approved and documents efiled in an appellate matter, eFiling mandatory for all further filings by that party)

*Note:* To promote understanding of the rules and methods for using E-MACS, users are required to take and pass a short test before using E-MACS.

See [Minnesota Supreme Court, Orders Regarding Mandatory and Permissive Electronic Filing and Service in the Appellate Courts](#) (Jan. 27, 2016 & June 30, 2016).

The following are authorized to register and use the **Minnesota District Courts eFile & eServe (eFS) portal**:

- Attorneys admitted to practice in Minnesota (eFiling mandatory)
- Government agencies (including law enforcement) (eFiling mandatory)
- Guardians ad litem (eFiling mandatory)
- Non-party participants who need to submit documents to the court for filing (e.g., special masters, bondspersons, examiners, potential intervenors, etc.) (eFiling optional; after becoming a registered user, eFiling mandatory for that case)
- Self-represented litigant (eFiling optional; after becoming a registered user, eFiling mandatory for that case)

See [Minnesota General Rules of Practice for the District Courts](#), R. 14.01.

## Nebraska

### Implementation of Electronic Filing in State Court System

*State supreme court:* Nebraska Supreme Court (mandatory)

*State appellate court(s):* Nebraska court of appeals (mandatory)

*State trial court(s):* Nebraska district courts (mandatory), Nebraska county courts (mandatory), Nebraska juvenile courts (mandatory), Nebraska workers' compensation court (mandatory)

#### *Nebraska Appellate e-Filing Portal*

(<https://www.nebraska.gov/apps-EFILE/login/index>) is a web-based interface for the electronic filing system maintained by the electronic filing service provider Nebraska.gov that permits registered users to file and serve court documents electronically, subject to clerk review, in the Nebraska Supreme Court and the Nebraska court of appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Nebraska Courts' statewide electronic filing system homepage](#)
- [Nebraska Supreme Court Rules, Chapter 2 Appeals, Article 2: Electronic Filing, Service, and Notice System in Nebraska Trial and Appellate Courts](#) (adopted June 9, 2021; effective Jan. 1, 2022)

#### *Nebraska Trial Court e-Filing Portal*

(<https://www.nebraska.gov/apps-EFILE/login/index>) is a web-based interface for the electronic filing system maintained by the electronic filing service provider Nebraska.gov that permits registered users to file and serve court documents electronically, subject to clerk review, in the Nebraska district courts, Nebraska county courts, and Nebraska juvenile courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Nebraska Courts' statewide electronic filing system homepage](#)
- [Nebraska Supreme Court Rules, Chapter 2 Appeals, Article 2: Electronic Filing, Service, and Notice System in Nebraska Trial and Appellate Courts](#) (adopted June 9, 2021; effective Jan. 1, 2022), [Neb. Ct. R. § 2-201 to § 2-217](#)

*Nebraska Workers' Compensation Court e-Filing Portal* (<https://www.nebraska.gov/apps-WCC-EFILE/>) is a web-based interface for the electronic filing system maintained by the electronic filing service provider Nebraska.gov that permits registered users to file and serve court documents electronically, subject to clerk review, in the Nebraska workers' compensation court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Nebraska Courts' statewide electronic filing system homepage](#)
- [Nebraska Workers' Compensation Court Rules of Procedure \(Revised Feb. 2022\), Rule 2.D. Electronic Filing, Service, and Notice](#)

### **Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* Nebraska Supreme Court (mandatory)

*State appellate court(s):* Nebraska court of appeals (mandatory)

*State trial court(s):* Nebraska district courts (mandatory), Nebraska county courts (mandatory), Nebraska juvenile courts (mandatory), Nebraska workers' compensation court (mandatory)

- [Nebraska Supreme Court Rules, Chapter 2 Appeals, Article 2: Electronic Filing, Service, and Notice System in Nebraska Trial and Appellate Courts](#) (adopted June 9, 2021; effective Jan. 1, 2022), [Neb. Ct. R. § 2-201 to § 2-217](#) (governs electronic filing in Nebraska appellate and trial courts, except Nebraska workers' compensation court):

#### **§ 2-202. Mandatory electronic filing, electronic service and electronic notice.**

(A) Electronic Filing, Service, and Notice is mandatory for all Nebraska attorneys in all Nebraska trial and appellate courts unless specifically exempted pursuant to these rules. Electronic filing and service rules apply to non-attorneys only as provided by these rules.

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(D) To the extent these rules are inconsistent with any other Nebraska Supreme Court or local rule, the rules in this article govern cases filed electronically on or after the effective date(s) of these rules. Stated another way, if another court rule permits a paper filing, or references a paper filing, the provisions of these rules still apply and require electronic filing and service by Nebraska attorneys and electronic notice by courts unless otherwise specifically excepted by these rules.

#### **§ 2-206. Time of filing and time of service.**

(A) **Time of Filing.** All documents electronically received by the clerk by 11:59:59 p.m. in the local time zone where the court is located shall be deemed to have been filed on that date.

(B) **Time of Service.** All documents electronically received by the court-authorized service provider for electronic service by 11:59:59 p.m. in the local time zone where the court is located shall be deemed to have been served on that date.

(C) The location of the Clerk of the Supreme Court and Court of Appeals is at Lincoln, Lancaster County, Nebraska.

(D) For all county court and district courts, the location of the court is deemed to be at the county seat of the county where the action or proceeding is filed.

- [Appellate eFiling FAQ](#) accessible from the Nebraska Appellate E-filing Portal (login webpage):

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### **Filing Submissions**

#### **Q: What date will be considered the file date when a document is eFiled?**

The filing deadline for any document filed electronically is 11:59:59 p.m. Central Time. A document is submitted for filing when the eFiling system receives the document and displays a confirmation receipt to the filer. The confirmation receipt will include the date and time, also to be included in the stamped copies. Although it will not affect your filing date, documents may not be accepted or declined by the Clerk’s Office on the same day they are submitted to the eFiling system depending on the workload of the office on that day.

- [Nebraska Workers’ Compensation Court Rules of Procedure \(Revised Feb. 2022\), Rule 2.D. Electronic Filing, Service, and Notice:](#)

### **RULE 2 FILINGS**

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#### **D. Electronic Filing, Service, and Notice.**

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6. Pleadings or other documents in compliance with applicable filing requirements and electronically received by the court clerk by 11:59:59 p.m. local time shall be deemed to have been filed on that date. The court clerk shall notify the filing party of any document that fails to comply with applicable filing requirements.

- [Nebraska Revised Statute § 25-2221](#) (2017) (applicable time-computation rule for electronic filing deadlines in the Nebraska state courts):

#### **§ 25-2221. Time; how computed; offices may be closed, when; federal holiday schedule observed; exceptions.**

Except as may be otherwise more specifically provided, the period of time within which an act is to be done in any action or proceeding shall be computed by excluding the day of the act, event, or default after which the designated period of time begins to run. The last day of the period so computed shall be included unless it is a Saturday, a Sunday, or a day during which the offices of courts of record may be legally closed as provided in this section, in which event the period shall run until the end of the next day on which the office will be open.

All courts and their offices may be closed on Saturdays, Sundays, days on which a specifically designated court is closed by order of the Chief Justice of the Supreme Court, and these holidays: New Year’s Day, January 1; Birthday of Martin Luther King, Jr., the third Monday in January; President’s Day, the third Monday in February; Arbor Day, the last Friday in April; Memorial Day, the last Monday in May; Independence

Day, July 4; Labor Day, the first Monday in September; Indigenous Peoples' Day and Columbus Day, the second Monday in October; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; the day after Thanksgiving; Christmas Day, December 25; and all days declared by law or proclamation of the Governor to be holidays. Such days shall be designated as nonjudicial days. If any such holiday falls on Sunday, the following Monday shall be a holiday. If any such holiday falls on Saturday, the preceding Friday shall be a holiday. Court services shall be available on all other days. If the date designated by the state for observance of any legal holiday pursuant to this section, except Veterans Day, is different from the date of observance of such holiday pursuant to a federal holiday schedule, the federal holiday schedule shall be observed.

### **Users Authorized to Access the Court's Electronic Filing System(s)**

The following are authorized to register and use the **Nebraska Appellate e-Filing Portal** and the **Nebraska Trial Court e-Filing Portal**:

- Attorneys in good standing with Nebraska state bar (eFiling mandatory)
- Non-attorney users for which eFiling is mandatory:
  - (1) Pro hac vice attorneys admitted pro hac vice in a particular case (all electronic filings shall be done exclusively by Nebraska counsel with whom the attorney is associated)
  - (2) Governmental agencies approved by the Nebraska Supreme Court
  - (3) Process servers ordered by statute or by court order to serve process
  - (4) Judicial Branch officers (probation officers and associate public guardians not licensed to practice law)
  - (5) Indian Child Welfare Act tribal representatives
  - (6) Court reporting personnel for filing a verbatim record with any court
  - (7) Mediation centers and online dispute resolution platforms approved by the Nebraska Supreme Court
- Non-attorney users with access to the internet and a valid email address who do not claim in forma pauperis status (registration and filing fees must be paid) (eFiling optional; after registration, eFiling mandatory for all future filings in Nebraska courts)

See [Nebraska Supreme Court Rules, Chapter 2 Appeals, Article 2: Electronic Filing, Service, and Notice System in Nebraska Trial and Appellate Courts](#) (adopted June 9, 2021 and effective Jan. 1, 2022), [Neb. Ct. R. §§ 2-203, 2-216](#).

The following are authorized to register and use the **Nebraska Workers' Compensation Court e-Filing Portal**:

- Attorneys licensed to practice law in Nebraska making any filing or appearance in the Nebraska Workers' Compensation Court (eFiling mandatory)
- Pro hac vice attorneys admitted in a particular case (all electronic filings shall be done exclusively by Nebraska counsel with whom the attorney is associated) (eFiling optional)

See [Nebraska Workers' Compensation Court Rules of Procedure \(Revised Feb. 2022\), Rule 2\(D\)\(2\), \(D\)\(3\)\(g\)](#).

*Note:* Although self-represented litigants are not authorized to register and eFile documents via the Nebraska workers' compensation court e-Filing Portal at this time, self-represented litigants may file documents by email with the court ([filings@wcc.ne.gov](mailto:filings@wcc.ne.gov)). Self-represented litigants must meet general pleading requirements outlined in the Nebraska Workers' Compensation Act and court rules. Documents electronically received by the court clerk at [filings@wcc.ne.gov](mailto:filings@wcc.ne.gov) by 11:59:59 p.m. local time shall be deemed to have been filed on that date. [Nebraska Workers' Compensation Court Rules of Procedure \(Revised Feb. 2022\), Rule 2\(E\)](#).

## North Dakota

### Implementation of Electronic Filing in State Court System

*State supreme court:* North Dakota Supreme Court (mandatory)

*State appellate court(s):* North Dakota court of appeals (inactive)

*State trial court(s):* North Dakota district courts (mandatory), North Dakota municipal courts (inactive)

#### *North Dakota Supreme Court E-Filing Portal*

(<https://scefile.ndcourts.gov/>) is a web-based interface for the electronic filing system maintained by the Supreme Court Clerk's Office that allows registered users to file and serve court documents electronically, subject to clerk review, in the North Dakota Supreme Court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Dakota Supreme Court's electronic filing system home](#)
- [North Dakota Rule of Appellate Procedure 25](#)

*North Dakota District Court E-Filing Portal* (<https://northdakota.tylerhost.net/ofswweb>) is a web-based interface for the electronic filing system (Odyssey® File & Serve) maintained by the electronic filing service provider Tyler Technologies that allows registered users to file and serve court documents electronically, subject to clerk review, in the North Dakota district courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [North Dakota District Court's electronic filing system homepage](#)
- [North Dakota Rules of Court, Rule 3.5 Electronic Filing in District Courts](#)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* North Dakota Supreme Court (mandatory)

*State appellate court(s):* North Dakota court of appeals (inactive)

- [North Dakota Rule of Appellate Procedure 25:](#)

#### **RULE 25. FILING AND SERVICE**

##### **(a) Filing.**

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##### **(2) Filing: Method and Timeliness.**

(A) In general. Filing may be accomplished by mail or delivery addressed to the clerk or by electronic means as provided in these rules, but filing is not

timely unless the clerk receives the documents within the time fixed for filing. If a document submitted for filing is rejected, the time for filing is tolled from the time of submission to the time the rejection notice is sent. A corrected document will be considered timely filed if submitted and served within three days after the notice of rejection is sent.

.....  
**(C) Electronic filing.**

.....  
(iii) A document in compliance with these rules and submitted electronically to the clerk of the supreme court by 11:59 p.m. Bismarck, North Dakota, time is considered filed on the date submitted. Upon receiving an electronic document, the clerk of the supreme court will issue an e-mail confirmation that the document has been received.

- [North Dakota Rule of Appellate Procedure 26\(a\)](#):

**RULE 26. COMPUTING AND EXTENDING TIME**

**(a) Computing Time.** The following rules apply in computing any period of time specified in these rules or in any local rule, court order, or in any statute that does not specify a method of computing time:

- (1) Period Stated in Days or a Longer Unit.** When the period is stated in days or a longer unit of time:
  - (A) exclude the day of the event that triggers the period;
  - (B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
  - (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (2) Period Stated in Hours.** When the period is stated in hours:
  - (A) begin counting immediately on the occurrence of the event that triggers the period;
  - (B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
  - (C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.
- (3) Inaccessibility of the Clerk’s Office.** Unless the court orders otherwise, if the clerk’s office is inaccessible:
  - (A) on the last day for filing under Rule 26(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or
  - (B) during the last hour for filing under Rule 26(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.
- (4) “Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends:
  - (A) for electronic filing, at midnight in the court’s time zone;

- (B) for filing by mail or third-party commercial carrier, at the latest time for the method chosen for delivery to the post office or third-party commercial carrier; and
- (C) for filing by other means, when the clerk’s office is scheduled to close.
- (5) **“Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.
- (6) **“Legal Holiday” Defined.** As used in this rule, “legal holiday” means a day set aside as a holiday under N.D.C.C. §§ 1-03-01, 1-03-02 and 1-03-02.1.

*State trial court(s):* North Dakota district courts (mandatory), North Dakota municipal courts (inactive)

- [North Dakota Rules of Court, Rule 3.5 Electronic Filing in District Courts:](#)

**RULE 3.5 ELECTRONIC FILING IN DISTRICT COURTS**

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**(c) Time of Filing.**

- (1) A document in compliance with the rules and submitted electronically to the district court clerk by 11:59 p.m. local time is considered filed on the date submitted. A document electronically signed by the court is considered filed when the e-signature is affixed.
- (2) After reviewing an electronically filed document, the district court clerk must inform the filer, through an e-mail generated by the Odyssey system, whether the document has been accepted or rejected. A notice of rejection must state all provisions of Appendix K or other statute, rule or case relied upon.
- (3) If a document submitted for electronic filing is rejected, the time for filing is tolled from the time of submission to the time the e-mail generated by the Odyssey system notifying the filer of rejection is sent. The document will be considered timely filed if resubmitted within three days after the notice of rejection.
- (4) Any required filing fee must be paid by credit card or debit card at the time the document is filed.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **North Dakota Supreme Court E-Filing Portal:**

- Attorneys licensed in North Dakota (eFiling mandatory)
- Self-represented litigants and prisoners (eFiling optional)

See [North Dakota Rule of Appellate Procedure 25\(a\)\(2\)\(C\)](#).

The following are authorized to register and use the **North Dakota District Court E-Filing Portal:**

- Attorneys licensed in North Dakota (eFiling mandatory)
- Self-represented litigants and prisoners (eFiling optional)

See [North Dakota Rules of Court, Rule 3.5\(a\) Electronic Filing in District Courts](#).

NINTH CIRCUIT

Alaska

**Implementation of Electronic Filing in State Court System**

*State supreme court:* Alaska Supreme Court (inactive)

*Appellate court(s):* Alaska court of appeals (inactive)

*Trial courts*<sup>120</sup>: Alaska superior court (mandatory), Alaska district courts (mandatory)

*Alaska Court System’s Electronic Filing Portal*

(<https://akfile.truefiling.com/>) is a web-based interface for the electronic filing system (TrueFiling) maintained by the electronic service provider ImageSoft Inc. that allows registered users to file and serve court documents electronically, subject to clerk review, in the Alaska superior court and Alaska district courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Alaska Court System’s electronic filing system homepage](#)
- [Alaska Court System Office of the Administrative Director, Administrative Bulletin No. 92, Provisional Rules for eFiling through TrueFiling](#) (issued Nov. 22, 2019 (nunc pro tunc May 1, 2019); revised June 1, 2022)
- [Current eFiling Court Locations and Case Types](#) (list of case types and court locations where eFiling is currently available)

**Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents**

*State supreme court:* Alaska Supreme Court (inactive)

*Appellate court(s):* Alaska court of appeals (inactive)

*Trial courts:* Alaska superior court (mandatory), Alaska district courts (mandatory)

- [Alaska Court System Office of the Administrative Director, Administrative Bulletin No. 92, Provisional Rules for eFiling through TrueFiling](#) (issued Nov. 22, 2019 (nunc pro tunc May 1, 2019); revised June 1, 2022):

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**3. System Availability.** TrueFiling is designed to provide service 24 hours a day. If the internet is not available or a filer’s computer malfunctions, the filer may submit a paper filing, i.e., a conventional filing, in any manner allowed by court rule.

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120. Beginning March 2021 and continuing through 2023, the Alaska court system is in the process of deploying electronic filing to trial courts (Alaska superior court and Alaska district courts) throughout the state. EFiling is mandatory at the time that it becomes available in a court location in criminal, minor offense, small claims, and general civil (excluding CINA, mental commitment, and probate) cases. See [Alaska Court System’s electronic filing system home page](#).

**4. eFiling Deadline.**

- a. Filing a document through TrueFiling does not alter any filing date set by court rule or order. A document submitted in TrueFiling before 11:59 p.m. Alaska Time is deemed filed that day.
- b. Notwithstanding subsection (a), complaints for forcible entry and detainer (FED) filed in TrueFiling outside of regular court business hours (8:00 a.m. - 4:30 p.m. Monday through Thursday; 8 a.m. - 12:00 noon Friday) will be considered filed on the next business day following electronic filing.
- c. The court system does not offer TrueFiling assistance outside of regular court hours (8:00 a.m. - 4:30 p.m. Monday through Thursday; 8 a.m. - 12:00 noon Friday). Technical support from ImageSoft, the TrueFiling vendor, is available Monday through Friday from 4:00 a.m. to 5:00 p.m. Alaska Time at: Phone: (855) 959-8868 Email: support@truefiling.com.

- [Alaska TrueFiling User Guide](#) at 9 (Nov. 4, 2021):

**Section 1 – All Users**

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**9. Date of Filing.**

Documents may be filed 24 hours a day, 7 days a week. A document filed in TrueFiling before 11:59 p.m. Alaska Time is deemed filed that day. The court processes most filings during normal business hours Monday through Friday.

Exception: Complaints for forcible entry and detainer (FED) filed in TrueFiling outside of regular court business hours (8:00 a.m. – 4:30 p.m. Monday through Thursday; 8 a.m.–12:00 noon Friday) will be considered filed on the next business day following electronic filing.

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**Appendix D - Email Notifications from TrueFiling**

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**C. Document Filed**

When you file a document through TrueFiling, your document is not officially accepted for filing until the court reviews and accepts it. After review, if the court determines that your document meets the court’s filing requirements, you will receive a Document Filed notification

- [Alaska Rules of Civil Procedure](#), R. 6:

**Rule 6. Time.**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or

allowed is less than seven days, not counting any period for mailing added under subsection (c) of this rule, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

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- [Alaska Rules of Criminal Procedure](#) Rule 40(a), which governs the practice and procedure in criminal proceedings in all Alaska courts, is identical to Alaska Rule of Civil Procedure 6(a). *See* above.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Alaska Court System’s Electronic Filing Portal**:

- an attorney in one or more states/provinces, includes an attorney in a private law firm or an attorney representing a public agency such as District Attorney, Public Defender or the Office of Public Advocacy (eFiling mandatory)
- individual filing on behalf of an attorney, includes law office staff of a private law firm or a public agency, and a law enforcement officer filing criminal cases on behalf of the prosecutor.
- agency staff (e.g., probation officer or pretrial enforcement officer)
- individual filing a case and representing themselves (pro se) (eFiling optional)

*See* [Alaska Truefiling User Guide](#) at 4 (Nov. 4, 2021).

## Arizona

### Implementation of Electronic Filing in State Court System

*State supreme court:* Arizona Supreme Court (mandatory)

*Appellate court(s):* Arizona court of appeals (mandatory)

*Trial courts:* Arizona superior courts (mandatory), Arizona justice of the peace courts (optional), Arizona municipal courts (inactive), tribal courts (inactive)

*Arizona Courts TurboCourt Electronic Filing Portal (AZTurboCourt)* (<https://turbocourt.com/go.jsp?tmstp=1649916728714&id=11542622>) is a web-based interface for the electronic filing system (TurboCourt) maintained by the electronic service provider Intresys, Inc. that allows registered users to file and serve court documents electronically, subject to clerk review, in the Arizona Supreme Court, Arizona Court of Appeals, Arizona Superior Courts<sup>121</sup>, and Arizona Justice of the Peace Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Arizona TurboCourt electronic filing system homepage](#)
- [Arizona Courts TurboCourt Electronic Filing Portal](#) (courts and case types for which electronic filing is available)
- [eFiling Administrative Orders](#)

*Arizona Courts eFileAZ Electronic Filing Portal*

(<https://efile.azcourts.gov/>) is a web-based interface for the electronic filing system (eFileAZ) maintained by the electronic service provider Granicus that allows registered users to file and serve court documents electronically, subject to clerk review, in Arizona superior courts.<sup>122</sup>

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Arizona Courts eFileAZ electronic filing system homepage](#)
- [eFileAZ table of Superior Courts by county](#) (courts and case types available for electronic filing)
- [eFiling Administrative Orders](#)

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121. Arizona TurboCourt authorizes electronic filing in Arizona superior courts for civil cases and process server filings (documents regarding service on an existing case) in all counties, and tax cases in Maricopa County Superior Court (subsequent documents only). See [Arizona Courts TurboCourt Electronic Filing Portal](#) (courts and case types for which electronic filing is available).

122. Arizona Courts eFileAZ authorizes electronic filing in Arizona superior courts for civil cases in all counties, criminal cases (subsequent documents only) in all counties except Maricopa, family cases in all counties, guardianship cases (subsequent documents only) in all counties, except Maricopa and Pima, juvenile delinquency (subsequent documents only) in all counties, except Maricopa, Pima, and Yuma, probate cases (subsequent documents only) in all counties, except Maricopa and Pima, and tax cases (subsequent documents only) in Maricopa. See [eFileAZ Table of Superior Courts by County](#) (courts and case types available for electronic filing).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Arizona Supreme Court (mandatory)

*Appellate court(s):* Arizona Court of Appeals (mandatory)

- [Arizona Rules of Civil Appellate Procedure, Rule 4.2:](#)

### Rule 4.2. Electronic Filing

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**(g) Time of Filing.** An electronically filed document will be deemed filed on the date and time that it is received by the appellate clerk, as shown on an email notification from the portal or as displayed within the portal.

- [Arizona Court of Appeals, Division One, Filer Information, Filing in the Court:](#)

Unless otherwise ordered in a particular case, paper documents must be submitted by 5 p.m. and electronic documents must be electronically filed by 11:59:59 p.m. on the due date in order to be considered timely.

- [Arizona Rules of Civil Appellate Procedure, Rule 5:](#)

### Rule 5. Computing and Modifying Deadlines

**(a) Computing Time.** Rules 6(a) and, except for electronically served documents, 6(c) of the Arizona Rules of Civil Procedure govern the computation of any time period set by these Rules, a court order, or an applicable statute. *See* below.

*Trial courts:* Arizona superior courts (mandatory), Arizona justice of the peace courts (optional), Arizona municipal courts (inactive), tribal courts (inactive)

- [Rules of Civil Procedure for the Superior Courts of Arizona, Rule 5.1:](#)

### Rule 5.1. Filing Pleadings and Other Documents

**(a) “Filing with the Court” Defined.** The filing of a document with the court is accomplished only by filing it with the clerk. If a judge permits, a document may be submitted directly to a judge, who must transmit it to the clerk for filing and notify the clerk of the date of its receipt.

**(b) Effective Date of Filing.**

**(1) Paper Documents.** A document is deemed filed on the date the clerk receives and accepts it. If a document is submitted to a judge and is later transmitted to the clerk for filing, the document is deemed filed on the date the judge receives it.

**(2) Electronically Filed Documents.** An electronically filed document is filed on the date and time the clerk receives it. Unless the clerk later rejects the document based on a deficiency, the date and time shown on the email notification from the court’s electronic filing portal or as displayed within the portal is the effective date of filing. If a filing is rejected, the clerk must promptly provide the filing party with an explanation for the rejection.

- (3) **Late Filing Because of an Interruption in Service.** If a person fails to meet a deadline for filing a document because of a failure in the document’s electronic transmission or receipt, the person may file a motion asking the court to accept the document as timely filed. On a showing of good cause, the court may enter an order permitting the document to be deemed filed on the date that the person originally attempted to transmit the document.
- (4) **Incarcerated Parties.** If a party is incarcerated and another party contends that the incarcerated party did not timely file a document, the court must deem the filing date to be the date when the document was delivered to jail or prison authorities to deposit in the mail.

- [Rules of Civil Procedure for the Superior Courts of Arizona, Rule 6:](#)

**Rule 6. Computing and Extending Time**

- (a) **Computing Time.** The following rules apply in computing any time period specified in these rules or in any local rule, court order, or statute:
  - (1) **Day of the Event Excluded.** Exclude the day of the act, event, or default that begins the period.
  - (2) **Exclusions if the Deadline Is Less Than 11 Days.** Exclude intermediate Saturdays, Sundays, and legal holidays if the period is less than 11 days.
  - (3) **Last Day.** Include the last day of the period unless it is a Saturday, Sunday, or legal holiday. When the last day is excluded, the period runs until the next day that is not a Saturday, Sunday, or legal holiday.
  - (4) **Next Day.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

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- [Arizona Rules of Criminal Procedure, Rule 1.7. Filing and Service of Documents](#) and [Rule 1.3 Computation of Time](#) (governs electronic filing and time computation in all criminal proceedings in Arizona state courts; text of relevant sections is identical to AZ Civil Procedure Rules 5.1(a), (b) and 6(a) (see above)).

**Who May File Electronically**

The following are authorized to register and use the **Arizona Courts TurboCourt Electronic Filing Portal**:

- Attorney/ Law Firm: an attorney who is an active member of AZ Bar (eFiling mandatory); professional law association, corporation or partnership authorized to practice law.
- A person employed by an attorney or law firm who is authorized to file on behalf of the licensed attorney (i.e. paralegal, legal secretary).
- Business: a nonattorney filing or responding to a lawsuit on behalf of a company, sole proprietorship, partnership, association and/or corporation.

- Non-Exempt Government Organization: a person or attorney authorized to represent a governmental body charged with administering and implementing legislation that is required to pay application fees or filing fees under state law.
- Exempt Government Organization: a person or attorney authorized to represent a federal court, or a state, county or city governmental body, charged with administering and implementing legislation, that is NOT required to pay application fees or filing fees under state law.
- Individual/Pro-se (self-represented): a person representing himself or herself in a lawsuit) (eFiling optional)

See [Arizona Supreme Court, AZTurboCourt User Manual](#) Version 3.9 (2015), § 1.

The following are authorized to register and use the **Arizona Courts eFileAZ Electronic Filing Portal**:

- Attorneys with a valid Arizona Bar Number evidencing admission to the state or local bar (eFiling mandatory)
- Out-of-state attorneys, who have been admitted pro hac vice in an existing case by the Court
- Associated Attorneys and Legal Assistants: an attorney who is a registered user may permit an associated attorney or legal assistant to file documents under the registered attorney's user name and password; the registered attorney remains accountable and responsible for all such submissions.
- Organization: organizations include government organizations, fee exempt agencies, businesses, and law firms.
- Self-Represented Litigants: non-attorneys who choose to represent themselves in court proceedings (eFiling optional)

See [Arizona Supreme Court, eFile User's Guide](#) Version 2.0 (Jan. 2017), §§ 1, 3.

## California

### Implementation of Electronic Filing in State Court System

*State supreme court:* California Supreme Court (mandatory)

*Appellate court(s):* California courts of appeal (6) (mandatory)

*Trial courts:* California superior courts (mandatory in part if required in active courts<sup>123</sup>)

*California Appellate Courts Electronic Filing Portal* (<https://tf3.truefiling.com/login>) is a web-based interface for the electronic filing system (TrueFiling) maintained by the electronic service provider ImageSoft Inc. that allows registered users to file and serve court documents electronically, subject to clerk review, in the California Supreme Court and the courts of appeal.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [California Appellate Courts electronic filing system homepage](#)
- [California Supreme Court Rules Regarding Electronic Filing](#), amended and effective Jan. 1, 2022
- [2022 California Rules of Court, Rule 8.71](#)

*California Superior Courts Electronic Filing Portal (eFileCA)*

(<https://california.tylertech.cloud/OfsEfsp/ui/landing>) is a web-based interface for the electronic filing system (Odyssey File and Serve) maintained by the electronic service provider Tyler Technologies, Inc. that allows registered users to file and serve court documents electronically, subject to clerk review, in the California superior courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [California Superior Courts electronic filing system \(eFileCA\) homepage](#)
- [2022 California Rules of Court, Title 2. Trial Court Rules, Rule 2.253](#) (California superior courts may implement mandatory and/or optional/permissive electronic filing by local rule subject to conditions for civil and criminal case types)
- [California Superior Courts' Local Rules](#) (listed alphabetically by county)

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123. California superior courts may implement optional or permissive electronic filing by local rule for any case types (civil or criminal) and/or mandatory electronic filing by local rule in civil actions, subject to the conditions in 2022 California Rules of Court, R. 2.253, California Code of Civil Procedure section 1010.6, and California Penal Code section 690.5. [2022 California Rules of Court, Title 2. Trial Court Rules, R. 2.253](#). As of 2022, eFiling is mandatory and/or permissive in 30 of the 58 California Superior Courts. See [California Superior Courts' Local Rules](#) (listed alphabetically by county).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* California Supreme Court (mandatory)

*Appellate court(s):* California courts of appeal (mandatory)

- [2022 California Rules of Court, Title 8 Appellate Rules, Rule 8.77](#) (governs filing and service by electronic means in the California Supreme Court and the Courts of Appeal):

### **Rule 8.77. Actions by court on receipt of electronically submitted document; date and time of filing**

#### **(a) Confirmation of receipt and filing of document**

##### **(1) Confirmation of receipt**

When the court receives an electronically submitted document, the court must arrange to promptly send the electronic filer confirmation of the court's receipt of the document, indicating the date and time of receipt by the court.

##### **(2) Filing**

If the electronically submitted document received by the court complies with filing requirements, the document is deemed filed on the date and time it was received by the court as stated in the confirmation of receipt.

##### **(3) Confirmation of filing**

When the court files an electronically submitted document, the court must arrange to promptly send the electronic filer confirmation that the document has been filed. The filing confirmation must indicate the date and time of filing as specified in the confirmation of receipt, and must also specify:

- (A) Any transaction number associated with the filing; and
- (B) The titles of the documents as filed by the court.

##### **(4) Transmission of confirmations**

The court must arrange to send receipt and filing confirmation to the electronic filer at the electronic service address that the filer furnished to the court under rule 8.72(b)(2). The court or the electronic filing service provider must maintain a record of all receipt and filing confirmations.

##### **(5) Filer responsible for verification**

In the absence of confirmation of receipt and filing, there is no presumption that the court received and filed the document. The electronic filer is responsible for verifying that the court received and filed any document that the electronic filer submitted to the court electronically.

#### **(b) Notice of rejection of document for filing**

If the clerk does not file a document because it does not comply with applicable filing requirements, the court must arrange to promptly send notice of the rejection of the document for filing to the electronic filer. The notice must state the reasons that the document was rejected for filing.

#### **(c) Document received after close of business**

A document that is received electronically by the court after 11:59 p.m. is deemed to have been received on the next court day.

**(d) Delayed delivery**

If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.

**(e) Endorsement**

- (1) The court’s endorsement of a document electronically filed must contain the following: “Electronically filed by (Name of Court), on \_\_\_\_\_ (date),” followed by the name of the court clerk.
- (2) The endorsement required under (1) has the same force and effect as a manually affixed endorsement stamp with the signature and initials of the court clerk.
- (3) A record on appeal, brief, or petition in an appeal or original proceeding that is filed and endorsed electronically may be printed and served on the appellant or respondent in the same manner as if it had been filed in paper form.

- [2022 California Rules of Court, Title 8 Appellate Rules, Rule 8.60:](#)

**Rule 8.60. Extending time**

**(a) Computing time**

The Code of Civil Procedure governs computing and extending the time to do any act required or permitted under these rules. *See* below.

- [California Court of Appeal, First Appellate District, Local Rule 12:](#)

**Rule 12. Electronic Filing**

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- (f) (Filing Deadlines) Filing documents electronically does not alter any filing deadlines. In order to be timely filed on the day they are due, all electronic transmissions of documents must be completed (i.e., received completely by the Clerk of the Court) prior to midnight. Where a specific time of day is set for filing by Court order or stipulation, the electronic filing shall be completed by that time. Although EFS permits parties to submit documents electronically 24 hours a day, users should be aware that telephone or online assistance may not be available outside of normal Court business hours.

*Trial courts:* California superior courts<sup>124</sup>

- [2022 California Rules of Court, Title 2. Trial Court Rules, Rule 2.253:](#)

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124. *See* [2022 California Rules of Court, Title 2. Trial Court Rules, R. 2.253](#); [California Superior Courts’ Local Rules](#).

**Rule 2.253. Permissive electronic filing, mandatory electronic filing, and electronic filing by court order**

**(a) Permissive electronic filing by local rule**

A court may permit parties by local rule to file documents electronically in any types of cases, subject to the conditions in Code of Civil Procedure section 1010.6, Penal Code section 690.5, and the rules in this chapter.

**(b) Mandatory electronic filing by local rule**

A court may require parties by local rule to electronically file documents in civil actions directly with the court, or directly with the court and through one or more approved electronic filing service providers, or through more than one approved electronic filing service provider, subject to the conditions in Code of Civil Procedure section 1010.6, the rules in this chapter, and the following conditions:

(1) The court must specify the types or categories of civil actions in which parties or other persons are required to file and serve documents electronically. . . . .

(2) Self-represented parties or other self-represented persons are exempt from any mandatory electronic filing and service requirements adopted by courts under this rule and Code of Civil Procedure section 1010.6.

(6) The effective date of filing any document received electronically is prescribed by Code of Civil Procedure section 1010.6. This provision concerns only the effective date of filing. Any document that is received electronically must be processed and satisfy all other legal filing requirements to be filed as an official court record.

- [California Penal Code, Section 690.5](#) (as amended Aug. 29, 2022):

**690.5. Permissive filing and service of documents**

(a) Subdivisions (a) and (e) of Section 1010.6 of the Code of Civil Procedure, pertaining to the permissive filing and service of documents, are applicable to criminal actions, except as otherwise provided in Section 959.1 or any other provision of this code.

(b) The Judicial Council shall adopt uniform rules for the electronic filing and service of documents in criminal cases in the trial courts of this state.

- [California Code of Civil Procedure, § 1010.6](#):

**Section 1010.6**

(b) A trial court may adopt local rules permitting electronic filing of documents, subject to rules adopted by the Judicial Council pursuant to subdivision (f) and the following conditions:

(3) Any document received electronically by the court between 12:00 a.m. and 11:59:59 p.m. on a court day shall be deemed filed on that court day. Any document

that is received electronically on a noncourt day shall be deemed filed on the next court day.

(4) (A) Whichever of a court, an electronic filing service provider, or an electronic filing manager is the first to receive a document submitted for electronic filing shall promptly send a confirmation of receipt of the document indicating the date and time of receipt to the party or person who submitted the document.

(B) If a document received by the court under subparagraph (A) complies with filing requirements and all required filing fees have been paid, the court shall promptly send confirmation that the document has been filed to the party or person who submitted the document.

(C) If the clerk of the court does not file a document received by the court under subparagraph (A) because the document does not comply with applicable filing requirements or the required filing fee has not been paid, the court shall promptly send notice of the rejection of the document for filing to the party or person who submitted the document. The notice of rejection shall state the reasons that the document was rejected for filing and include the date the clerk of the court sent the notice.

- [2022 California Rules of Court, Title 1. Rules Applicable to All Courts, Rule 1.10:](#)

**Rule 1.10. Time for actions**

**(a) Computation of time**

The time in which any act provided by these rules is to be performed is computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or other legal holiday, and then it is also excluded.

**(b) Holidays**

Unless otherwise provided by law, if the last day for the performance of any act that is required by these rules to be performed within a specific period of time falls on a Saturday, Sunday, or other legal holiday, the period is extended to and includes the next day that is not a holiday.

**(c) Extending or shortening time**

Unless otherwise provided by law, the court may extend or shorten the time within which a party must perform any act under the rules.

- *Note:* Although California Superior Courts authorizing electronic filing by local rule can chose the types or categories of civil actions for which e-filing is mandatory and/or the types of civil and criminal cases for which e-filing is optional/permissive, [2022 California Rules of Court, Rule 2.253](#) requires these courts to define the effective date of filing for any document received electronically as prescribed by [Cal Code of Civil Procedure § 1010.6\(b\)\(3\)](#). *See* above.

For example, San Diego Superior Court has implemented mandatory electronic filing for specified civil actions.

[Local Rules of the Superior Court of California, County of San Diego \(Effective 1/1/2022\):](#)

**Rule 2.1.4 Electronic Filing Program:**

Mandatory Electronic Filing and Service Pursuant to Code of Civil Procedure section 1010.6 and California Rules of Court, rule 2.250 et seq., documents filed in all limited, unlimited, and complex civil actions on or after April 15, 2021, must be filed electronically by attorneys representing a party or other person, unless an ex parte application is filed to be excused from the electronic filing program. E-filing is encouraged, but not mandated, for a self-represented party or other self-represented person. All e-filers are required to comply with the e-filing requirements set forth in Electronic Filing Requirements (Civil) (SDSC Form #CIV-409) and California Rules of Court, rules 2.250-2.261.

Pursuant to [San Diego Superior Court General Order No. 010122-22, In Re Procedures Regarding Electronically Imaged Court Records, Electronic Filing, and Access to Electronic Court Records in Civil and Probate Cases](#) (adopted Dec. 27, 2021; effective Jan. 1, 2022), the Superior Court reminded efilers that the filing deadline established by CCP § 1010.6 and CRC, rule 2.259 (11 :59:59 p.m. Pacific Time) applies:

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**4. General E-filing Requirements**

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The receipt and filing of documents submitted electronically is governed by CCP § 1010.6 and CRC, rule 2.259. The court’s filing deadline is 11 :59:59 p.m. (Pacific Time) on court days. The electronic transmission of a document to the court can take time, so waiting until shortly before the deadline to electronically transmit a filing is not advised, as it could be received by the court after 11 :59:59 p.m. and deemed filed the next court day. Per CRC, rule 2.259(a)(4), the filer is responsible for verifying that the court received and filed any document submitted electronically. Please see the applicable EFSP’s website for filing instructions. To the extent any Local Rule sets forth a different time deadline for filing electronic documents, the applicable portions of the Local Rules are repealed and are superseded by this General Order. . . . .

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **California Appellate Courts Electronic Filing Portal**:

- An attorney licensed in one or more states or provinces (efiling mandatory)
- Pro hac vice or out-of-state attorneys
- Individual filing on behalf of an attorney
- A court reporter/recorder
- Nonattorney filing a case and representing himself/herself (pro se) (eFiling optional)

See [TrueFiling Registration](#) (choices available to individuals registering to file documents electronically on the California Appellate Courts Electronic Filing Portal).

The following are authorized to register and use the **California Superior Courts Electronic Filing Portal (eFileCA)**:

- Firm Account: all legal professionals including attorneys licensed in California (e-Filing mandatory in courts implementing a mandatory e-Filing program for designated civil cases), paralegals and staff at firms with multiple filers, and solo practitioners.
- Individual Account: filers without lawyers (*pro-se* filers or self-represented litigants) (e-Filing optional), including process servers, landlords and tenants (renters), pro hac vice or out-of-state attorneys, other non-parties (e.g., employers filing garnishment information).

See [eFile California Register](#) (choices available to individuals registering to file documents electronically on the California Superior Courts Electronic Filing Portal (eFileCA)).

## Montana

### Implementation of Electronic Filing in State Court System

*State supreme court:* Montana Supreme Court (optional)

*State appellate court(s):* N/A

*State trial court(s)*<sup>125</sup>: Montana district courts (20 active courts), Montana water court (inactive), Montana workers' compensation court (inactive), Montana justice courts (9 active courts), Montana city courts (5 active courts), Montana municipal courts (4 active courts)

#### *Montana Courts E-Filing Portal*

(<https://mtefile.courts.mt.gov/login>) is a web-based interface for the electronic filing system implemented by the Office of the Court Administrator that permits registered users to file and serve court documents electronically, subject to clerk review, in the Montana Supreme Court, Montana District Courts, Montana Justice Courts, Montana City Courts, and Montana Municipal Courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Montana State Courts' electronic filing system homepage](#)
- [Montana Supreme Court, Temporary Electronic Filing Rules](#) (adopted Nov. 18, 2014, amended Feb. 22, 2022)
- [Montana Courts Electronic Filing Court Policy](#) (Feb. 10, 2022) (Courts and case types enabled for electronic filing as of September 2022. Consult trial courts' local rules to determine if e-filing is mandatory.)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Montana Supreme Court (optional)

*State appellate court(s):* N/A

- [Montana Supreme Court, Temporary Electronic Filing Rules \(TEFR\)](#) (adopted Nov. 18, 2014, amended Feb. 22, 2022), TEFR 4:

#### **TEFR (4) TIME AND EFFECT OF ELECTRONIC FILING:**

- (a) The electronic filing system is an agent of the court for purposes of electronic filing, receipt, notification of filings and retrieval of electronic documents.

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125. By formal application to the Office of the Court Administrator, individual Montana trial courts can implement mandatory and/or permissive electronic filing for all or some case types. [Montana Supreme Court, Temporary Electronic Filing Rules](#) (adopted Nov. 18, 2014, amended Feb. 22, 2022). Implementation by the trial courts must be consistent with the Temporary Electronic Filing Rules. As of September 2022, electronic filing has been implemented in twenty of Montana's fifty-six district courts, nine of Montana's sixty-one justice courts, five of Montana's eighty-four city courts, and four of Montana's six municipal courts. [Montana Courts Electronic Filing Court Policy](#) (Feb. 10, 2022) (Courts and case types enabled for electronic filing as of September 2022. Consult trial courts' local rules to determine if e-filing is mandatory.).

- (b) When a document is submitted by a user to the electronic filing system, the electronic filing system shall transmit it to the appropriate court where the case is filed. The electronic filing system shall issue a confirmation that submission to the electronic filing system is complete.
  - (c) Filing of documents with the electronic filing system shall be accepted on a 24 hour basis, from 12:00 a.m. to 11:59 p.m. Mountain Time. Documents electronically submitted and approved by the clerk shall receive the filing date the document was initially submitted if the filing date is a business day for the court. If the filing occurs on a weekend or holiday the next court business day will be the filing date. The electronic filing system shall note the date and time the document is submitted. The calculation of time under other statutes and rules is neither expanded nor contracted by this section.
  - (d) The clerk of court shall review the document to determine if the document should be accepted for filing. If the clerk accepts the document, the document shall be considered filed with the court on the date the original submission to the electronic filing system was complete, as specified in section (4)(c) above. Upon acceptance, the electronic filing system shall issue a confirmation with the file-stamped date. If the clerk rejects the document, the document shall not become part of the court record and the filer shall receive notification of the rejection.
  - (e) The electronic filing system shall receive electronic filings 24 hours per day except when undergoing maintenance or repair.
- [State of Montana Judicial Branch, Technical Operations Manual for Electronic Filing in Montana State Courts](#) at 8 (March 2022):

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**E-Filing Documents in General**

- An e-filer submits documents through the E-Filing system subject to approval/rejection by the clerk of court.
  - Documents are served to opposing counsel and others through the E-Filing system at the time of submittal, before review by the Clerk of Court.
  - When a submitted document is approved by the Clerk of Court, it is filed with the case and becomes part of the official court record.
  - Clerks of Court may defer to local rules in their review and approval/rejection of the submitted documents. This may differ from court to court. Some reasons that some clerks may reject documents include:
    - Lack of signature;
    - Wrong cause number on document;
    - No proposed order submitted with a motion;
    - Obviously wrong document that is unassociated with the specified court case.
  - Documents filed through the E-Filing system are immediately accessible through the E-Filing system by parties/attorneys on the case.
  - If approved and filed by the clerk, documents submitted between 12:00:00 a.m. and 11:59:59 p.m. on a court business day will be stamped “filed” with that day’s date. An example: if a document submitted on Friday at 8:30 p.m. is

subsequently approved by the clerk on the following Monday morning, it will be filed as of Friday's date. (TEFR 4(c))

- If approved and filed by the clerk, documents submitted on a court nonbusiness day will be filed as of the first subsequent court business day.

- [Montana Supreme Court Office of the Court Administrator, Montana Courts Electronic Filing FAQ](#) (Jan. 2022):

.....  
**Time and Effect of E-Filed Submissions**

*When will my submitted document be file stamped?*

There are two possible answers, depending on if your submission occurs on a court business day. If you submit a document on a court business day and the document is not rejected, it will receive a file stamp of the day it was submitted. You have until 11:59:59 PM (Helena time) to submit your document to receive that day's filing date. (TEFR 4(c))

If you submit a document on a day that is not a court business day and the document is not rejected, it will receive a file stamp of the court's next business day. The timing listed above applies without regard to the actual day that the clerk processes your submission.

Examples of how the file stamp rules work:

If you submit your documents on a court business day, say Friday at 8:30 PM, and the submission is accepted and filed the following week, your document(s) will be file stamped with Friday's date.

Assume you are submitting a document on Saturday to a court for which Saturday is not a business day and the following Monday is a business day. If your submission is accepted and filed on any day of the following week, your document(s) will be file stamped with Monday's date.

*What if I miss a deadline because my filing was rejected?*

You take a risk when submitting a document via E-Filing that the document will not be (accepted) by the clerk. Upon receiving your submission, the clerk will decide whether to accept it or reject it. Clerks typically follow local rules for rejection reasons, which may include lack of signature, wrong case numbers or other basic errors. If you are filing during court business hours and your filing is rejected, you may be able to quickly correct the error and resubmit.

TEFR 13(a)2 states in part:

PARTIES ARE RESPONSIBLE FOR TIMELY FILING OF ELECTRONIC DOCUMENTS TO THE SAME EXTENT AS WITH THE FILING OF PAPER DOCUMENTS, WITH THE SAME CONSEQUENCES FOR MISSED

DEADLINES. THE CALCULATION OF TIME UNDER OTHER STATUTES AND RULES IS NEITHER EXPANDED NOR CONTRACTED BY THIS SECTION.

*What if I miss a deadline because my filing errored?*

Infrequently, there will be a system fault that causes your submission to error. You should receive notice of this error within a few minutes of the error situation. An entry will appear in your Error Filing queue (and in the error filings widget if you have it displayed and in the notifications and email, depending on your notifications settings). At that time, be certain to keep a copy of original submission notification so that you have proof of the submission time. Contact the court clerk for resolution.

TEFR 13(a)1 states in part:

IF THE FAILURE WAS CAUSED BY THE COURT'S ELECTRONIC FILING SYSTEM, THE COURT SHALL GRANT APPROPRIATE RELIEF UPON SATISFACTORY PROOF OF THE CAUSE.

.....

- [Montana Rules of Appellate Procedure, Rule 3:](#)

**Rule 3. Interpretation of time requirements.**

All time limits set forth in these rules for filing documents or performing any act are actual time limits. In order to comply with a time-specific requirement, the document must be filed or the act performed on or before the last day of the time specified. In computing any period of time prescribed by these rules, by an order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included, but the last day of the period shall be included. No additional time may be added to any such time requirement for mailing or transmitting any document and all weekends and holidays are included in the times specified; provided, however, that if the last day of the time limit falls upon a weekend or holiday, then the time limit is extended to the next business day. All documents must be filed in the office of the clerk of the supreme court between 8:00 a.m. and 5:00 p.m. on business days.

*State trial court(s):* Montana district courts (20 active courts), Montana water court (inactive), Montana workers' compensation court (inactive), Montana justice courts (9 active courts), Montana city courts (5 active courts), Montana municipal courts (4 active courts)

- [Montana Rules of Civil Procedure, Rule 5:](#)

**Rule 5. Serving and Filing Pleadings and other Papers.**

.....  
**(d) Filing.**

.....

**(3) Electronic Filing, Signing, or Verification.** A court may, by local rule, allow papers to be filed, signed, or verified by electronic means, including facsimile, that are consistent with any technical standards established by the court or local rule. A paper filed by electronic means in compliance with a local rule is a written paper for purposes of these rules.

- [Montana Supreme Court, Temporary Electronic Filing Rules \(TEFR\)](#) (adopted Nov. 18, 2014, amended Feb. 22, 2022) (By formal application to the Supreme Court Administrator, individual Montana trial courts can implement mandatory and/or permissive electronic filing for all or some case types.<sup>126</sup> TEFR 2. Implementation by the trial courts must be consistent with the Temporary Electronic Filing Rules including TEFR 4 addressing when electronically submitted documents are deemed filed by the court). *See* above.

*See, e.g.,* [Montana Eleventh Judicial District Court, Flathead County, Order Implementing Electronic Filing System](#) (Feb. 7, 2019) (Effective March 15, 2019, the Eleventh Judicial District Court will be implementing an electronic filing system for all case types capable of being electronically filed. . . . The Montana Supreme Court has adopted rules governing access to and use of the electronic filing system. *See In Re Tempormy Electronic Filing Rules.* . . they are incorporated herein. Consistent with Temporary Electronic Filing Rule 2(b), use of the electronic filing system for all lawyers admitted to practice in Montana, or those appearing pro hac vice, is mandatory . . . subject to Temporary Electronic Filing Rule 6(a). All lawyers admitted to practice in Montana, or those appearing pro hac vice, have until May I, 2019, to become registered users of the electronic filing system and begin using the electronic filing system. . . . While use of the electronic filing system is not currently mandatory for self-represented litigants, self-represented litigants are strongly encouraged to become registered users of the system. . .).

- [Montana Rules of Civil Procedure, Rule 6:](#)

**Rule 6. Computing and Extending Time; Time for Motion Papers.**

**(a) Computing Time.** The following rules apply in computing any time period specified in these rules, or court order, or in any statute that does not specify a method of computing time.

**(1) Period Stated in Days or a Longer Unit.** When the period is stated in days or a longer unit of time:

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**(2) Period Stated in Hours.** When the period is stated in hours:

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126. *See* [Montana Supreme Court, Temporary Electronic Filing Rules](#); [Montana Courts Electronic Filing Court Policy](#).

- (A) begin counting immediately on the occurrence of the event that triggers the period;
  - (B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
  - (C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.
- (3) Inaccessibility of the Clerk’s Office.** Unless the court orders otherwise, if the clerk’s office is inaccessible:
- (A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or
  - (B) during the last hour for filing under Rule 6(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.
- (4) “Last Day” Defined.** Unless a different time is set by a statute or court order, the last day ends:
- (A) for electronic filing, at midnight in the court’s time zone; and
  - (B) for filing by other means, when the clerk’s office is scheduled to close.
- (5) “Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.
- (6) “Legal Holiday” Defined.** “Legal holiday” means:
- (A) the day set aside by statute for observing New Year’s Day, Martin Luther King, Jr. Day, Lincoln’s and Washington’s Birthdays, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, or state general election day;
  - (B) any day declared a holiday by the President of the United States or by the Governor of this state; and
  - (C) for periods that are measured after an event, any other day declared a holiday by the state.

### Users Authorized to Access the Court’s Electronic Filing System(s)

The following are authorized to register and use the **Montana Courts E-Filing Portal**:

- Attorneys registered with the Montana State Bar, including city/county government attorneys (eFiling optional Montana Supreme Court). For active Montana trial courts, see eFiling rules for each court.<sup>127</sup> *See, e.g.,* Montana District Court, Flathead County (eFiling mandatory).
- Designated staff of registered attorneys authorized to submit documents on behalf of a govt attorney, private attorney, justice, judge or clerk
- Attorneys appearing pro hac vice.
- Court employees, including court reporters
- Other individuals as appointed or ordered by the court.

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127. *See* [Montana Supreme Court, Temporary Electronic Filing Rules](#); [Montana Courts Electronic Filing Court Policy](#).

*Note:* E-Filing is not enabled for use by self-represented litigants in Montana courts at this time.

See [Montana Supreme Court, Temporary Electronic Filing Rules \(TEFR\) R. 3](#) (adopted Nov. 18, 2014, amended Feb. 22, 2022). For more information re e-filing system “roles” available upon registration, see [Montana Courts Electronic Filing – Registration](#).

## Hawai`i

### Implementation of Electronic Filing in State Court System

*State supreme court:* Hawai`i Supreme Court (mandatory)

*State appellate court(s):* Hawai`i intermediate court of appeals (mandatory)

*State trial court(s):* Hawai`i circuit courts (mandatory), Hawai`i district courts (mandatory), Hawai`i family courts (mandatory), Hawai`i environmental courts (inactive), Hawai`i land court (mandatory), Hawai`i tax appeal court (mandatory)

*Hawai`i Judiciary's Electronic Filing and Service System (JEFS) Portal* (<https://jimspss1.courts.state.hi.us/JIMSEExternal/login.iface>) is a web-based interface for the electronic filing system implemented by the Hawai`i Judiciary that permits registered users to file and serve court documents electronically, subject to clerk review, in the Hawai`i Supreme Court, Hawai`i intermediate court of appeals, Hawai`i circuit courts, Hawai`i district courts, Hawai`i family courts, Hawai`i land court, and the Hawai`i tax appeal court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Hawai`i Judiciary's electronic filing system homepage](#)
- [Hawai`i Supreme Court, Hawai`i Electronic Filing and Service Rules](#) (effective Sept. 27, 2010, with amendments as noted)
- [Hawai`i Judiciary's Electronic Filing and Service System \(JEFS\) Portal](#) (login page lists courts and case types currently eligible for electronic filing)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Hawai`i Supreme Court (mandatory)

*State appellate court(s):* Hawai`i intermediate court of appeals (mandatory)

- [Hawai`i Rules of Appellate Procedure:](#)

#### **Rule 3. APPEALS - HOW TAKEN.**

**(a) Filing the notice of appeal.** An appeal permitted by law from a court or agency shall be taken by filing a notice of appeal, together with such fees as are established by statute or these rules, with the appellate court within the time allowed by Rule 4 of these Rules. As required by Rule 25 of these Rules and Rules 2.2 and 4.1 of the Hawai`i Electronic Filing and Service Rules, attorneys who are registered users of the Judiciary Electronic Filing System (JEFS) shall electronically file the notice of appeal with the appellate court through JEFS. A self-represented party and an attorney who is exempt from registering as a JEFS User shall conventionally file the notice of appeal with the clerk of the court or agency appealed from. Within 7 days after the conventional filing of the notice of appeal, the clerk of the court or agency appealed from shall electronically file the notice of appeal with the appellate court. . . . . The date of receipt shall be deemed the date the notice of appeal was filed with the appellate court. . . . .

**Rule 25. REGISTRATION, FILING, AND SERVICE.**

**(a) Registration and Filing.** Unless excused by order of the supreme court or the intermediate court of appeals, each attorney who represents a party before the appellate courts shall register as a JEFS User and file all documents through JEFS. A self represented party may register as a JEFS User for the self-represented party’s case. A party who is not a JEFS User shall submit documents to the appellate clerk or to an ex officio clerk. Physical documents may be submitted by conventional mail addressed to the appellate clerk, but filing shall not be considered timely unless the documents are received by the clerk within the time fixed for filing, except that briefs and appendices shall be deemed filed on the day of mailing if mailed by First Class Mail or other class of mail that is at least as expeditious, postage prepaid. If a motion requests relief that may be granted by a single judge or justice, the judge or justice may permit the motion to be filed and shall note thereon the date of filing and shall thereafter transmit it to the appellate clerk.

- [Hawai`i Supreme Court, Hawai`i Electronic Filing and Service Rules](#) (effective Sept. 27, 2010, with amendments as noted through 06/19), R. 1, 3 (Court Rules applicable to each Hawai`i court participating in Hawai`i Judiciary’s electronic filing system must be read and construed with reference to the Hawai`i Electronic Filing and Service Rules.):

**Rule 1. DEFINITIONS**

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Notice of electronic filing means the notification generated automatically upon the electronic filing of a document through JEFS (the Judiciary Electronic Filing System) or JIMS (Judiciary Information Management System) and noticed by e-mail to parties who are JEFS Users or who have consented to service by e-mail

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**Rule 3. EFFECT OF ELECTRONIC FILING.**

- 3.1. Filing Complete.** The electronic filing of a document is deemed complete for all purposes under any of the Hawai`i Rules of Court when a Notice of Electronic Filing is generated.
- 3.2. Official Court Record.** The record of each court case maintained in JIMS (Judiciary Information Management System) is the official court record. Documents electronically filed in JIMS are deemed original documents for all purposes under any of the Hawai`i Rules of Court. Printed or electronic copies of documents maintained in JIMS may be certified as true and correct copies of the documents in the official record of the case.
- 3.3. Time of Filing.** Except as provided in Rule 2.5 of these rules, a document filed through JEFS or JIMS for docketing and storage in JIMS is deemed filed at the date and time stated on the Notice of Electronic Filing. The time stamp on the Notice of Electronic Filing is the time the document was electronically received by the court, not the time the document was transmitted by the JEFS User.
- 3.4. Filing Deadlines.** Filing a document electronically does not alter filing deadlines.

- [Hawai'i Judiciary's electronic filing system homepage:](#)

**System Availability:**

Mon to Sat – 4:00 a.m. to 12:00 midnight, Hawaii Standard Time (HST)

Sunday – noon to 12:00 midnight, Hawaii Standard Time (HST)

**ADVISORY:** JEFS users should be aware that efilings queues may slow down prior to system shut down at 12:00 a.m. This may relate to efilings volume, network, and other technical variables outside of JEFS. This may occasionally cause the efilings submission to fail to complete. To avoid this problem, please give yourself enough time to address technical issues prior to filing deadlines.

- [Hawai'i Judiciary Electronic Filing and Service System \(JEFS\) Civil Frequently Asked Questions](#) (as of 02/14/20):

.....

- 10) **Currently, to meet a filing deadline, the pleading must be presented to the clerk and filed before the clerk's office is closed at the end of the day. With JEFS, is the time to file extended to midnight?**

You will need to refer to the court rules and/or if the presiding judge prescribes a specific filing deadline in a particular case. The electronic filing system is available every day, including holidays and weekends. The system is shut down for maintenance each night from Monday through Saturday between midnight and 4:00 a.m. System maintenance is longer on Sundays from 12:00 a.m. to noon. System availability information can also be found on the Efilings website.

.....

- 15) **Will there be a filing box outside the courthouse for after-hours filing of Judges' copies like the Federal Court maintains? Will the filing deadline be to midnight on the date the document is due for filing, like the federal court rules provide for electronic filing?**

- a. State courthouses do not have an outdoor filing box for after-hours filing of judges' copies.
- b. If a document has been filed electronically, a courtesy copy should be a printout of the filed document, showing the header containing the electronic file stamp. Courtesy copies of electronically filed documents that are submitted from out-of state shall be deemed to comply with this rule when mailed no later than the business day after filing using "overnight" or "next day" priority. Courtesy copies of electronically filed documents may be mailed or hand delivered to the division of the presiding judge or clerk's office in the normal course if they are mailed from anywhere in Hawaii no later than the business day following the date the document was filed. If a document concerns an imminent or expedited proceeding, courtesy copies shall be delivered as soon as possible after filing.

- c. The filing deadline for a day is before midnight unless there is a specific legal requirement for an earlier deadline or if the presiding judge prescribes a specific filing deadline in a particular case. Go to the Judiciary Efiling webpage for JEFS system availability. If you wait until a few minutes before midnight to efile, it is possible that you might not complete the efile process before the system goes offline.
- [Hawai'i Rules of Appellate Procedure](#), R. 26:

**Rule 26. COMPUTATION AND EXTENSION OF TIME.**

**(a) Computation of time.** In computing any period of time prescribed by these rules, an order of court, or any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period extends until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is less than 7 days, any intervening Saturday, Sunday, or legal holiday shall be excluded in the computation.

*State trial court(s):* Hawai'i circuit courts (mandatory), Hawai'i district courts (mandatory), Hawai'i family courts (mandatory), Hawai'i environmental courts (inactive), Hawai'i land court (mandatory), Hawai'i tax appeal court (mandatory)

**Note:** Rules of the Hawai'i trial courts participating in the Hawai'i Judiciary's Electronic Filing and Service System must be read and construed with reference to the [Hawai'i Supreme Court, Hawai'i Electronic Filing and Service Rules](#) (effective Sept. 27, 2010, with amendments as noted through 06/19). See above.

- [Hawai'i Rules of Penal Procedure](#):

**Rule 1. Scope; Interpretation; Effects of E-filing and Automation**

**(a) Scope of rules.** These rules shall govern the procedure in the courts of the State in all penal proceedings, with the exceptions stated in Rule 54.

**(b) Interpretation and enforcement of rules.** These rules shall be read and construed with reference to each other, the Hawai'i Electronic Filing and Service Rules, and the Hawai'i Court Records Rules. In any conflict amongst the Hawai'i Rules of Penal Procedure, the Hawai'i Court Records Rules, and the Hawai'i Electronic Filing and Service Rules, the Hawai'i Electronic Filing and Service Rules shall prevail.

**Rule 4. Eligibility; Registration Required.**

As provided by Rule 4 of the Hawai'i Electronic Filing and Service Rules, unless exempted by the court, each attorney representing a party to a case maintained in JIMS shall register as a JEFS user and file all documents electronically.

- [Hawai`i Rules of Civil Procedure](#) (Rules govern civil cases in Hawai`i Circuit Courts):

**Rule 1.1. REGISTRATION REQUIRED.**

As provided by Rule 4 of the Hawai`i Electronic Filing and Service Rules, unless exempted by the court, each attorney representing a party to a case maintained in the Judiciary Information Management System (JIMS) shall register as a Judiciary Electronic Filing and Service System (JEFS) User and shall file all documents electronically. An unrepresented party may register as a JEFS User for the case in which the unrepresented party is an individual party.

**Rule 6. TIMES.**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, a Sunday or a holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. As used in this rule, “holiday” includes any day designated as such pursuant to section 8-1 of the Hawai`i Revised Statutes.

- For similar rules of the Hawai`i trial courts participating in Hawai`i Judiciary’s Electronic Filing and Service System that incorporate the Hawai`i Electronic Filing and Service Rules, see:
  - [Rules of the Hawai`i District Courts](#), R. 1.1
  - [Hawai`i Family Court Rules](#) 1, 1.2, 5, 6
  - [Hawai`i Land Court Rules](#) 1.1, 3
  - [Rules of the Hawai`i Tax Appeal Court](#), R. 1, 2

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Hawai`i Judiciary’s Electronic Filing and Service System (JEFS) Portal**:

- Attorney admitted to practice before the courts of the State of Hawai`i, on active status, and not suspended, disbarred, or otherwise prohibited from practicing law in the State of Hawai`i (eFiling mandatory)
- Organization Administrator, or an assistant or staff member employed by an attorney JEFS User, or employed by the law firm or the organization of the attorney JEFS user; may register as a JEFS user in his or her own name to electronically file documents on behalf of the employer. The employer shall be responsible for the actions and documents electronically filed by the assistant or staff member.
- Approved government agency partners (government agencies that the Judiciary determines are necessary for filing essential documents as non-parties in court cases); An employee of an approved government agency partner, who is not a party, but who

- prepares documents for filing in a court case, may register as a JEFS User for the sole purpose of filing through JEFS court documents necessary for a particular case.
- Self-represented party may register as a JEFS User for the case(s) in which he or she is a party (eFiling optional).

See [Hawai'i Supreme Court, Hawai'i Electronic Filing and Service Rules](#) (effective Sept. 27, 2010, with amendments as noted), Rule 4.1.

## TENTH CIRCUIT

### Colorado

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Colorado Supreme Court (mandatory)

*Appellate court(s):* Colorado court of appeals (optional)

*Trial courts:* Colorado district courts (mandatory in part),<sup>128</sup> Colorado county courts (64),<sup>129</sup> Colorado water courts (mandatory)

*Colorado Courts E-Filing Portal* (<https://www.jbits.courts.state.co.us/efiling/web/login.htm>) is the web-based interface implemented and maintained by the Colorado Judicial Department that allows registered users to file and serve court documents electronically, subject to clerk review, in the Colorado Supreme Court, Colorado court of appeals, Colorado district courts, Colorado county courts, and Colorado water courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Colorado Courts electronic filing system home page for attorneys](#)
- [Colorado Courts electronic filing system home page for non-attorneys](#)
- [Colorado Supreme Court, Order re: Mandatory Electronic Filing in the Supreme Court](#) (July 1, 2021)
- [Colorado Supreme Court, Order re: Attorney E-Filing in the Colorado Supreme Court and Court of Appeals](#) (June 3, 2013, updated Jan. 2, 2018)
- [Colorado Rules of Civil Procedure, Rule 121\(c\), Practice Standard 1-26](#)
- [Colorado Rules of Criminal Procedure, R. 49.5](#)
- [Colorado Rules of County Court Civil Procedure, R. 305.5](#)
- [Uniform Local Rules for All Colorado State Water Court Divisions, R. 2](#)

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128. The Colorado Courts E-Filing system is available in Colorado district courts for general jurisdiction civil, domestic relations, probate, and water cases, and criminal (felony), juvenile delinquency, misdemeanors and traffic cases. [Colorado Rules of Civil Procedure, R. 121\(c\), Practice Standard 1-26](#); [Colorado Rules of Criminal Procedure, R. 49.5](#). With the permission of the Chief Justice, a chief judge may mandate E-Filing within a county or judicial district for specific case classes or types of cases. Colo. R. Civ. P. 121, Practice Standard 1-26, § 13; Colo. R. Crim. P. 49.5(b). In districts where E-Filing is mandated, attorneys licensed to practice law in Colorado must register and use the E-Filing System. As of 2010, it appears that e-filing is mandatory in district courts in all twenty-two Colorado judicial districts for civil case types. See [Colorado Judicial Branch, Mandatory E-Filing Courts](#) (January 2010). Colorado district courts may also require attorneys to e-file criminal case types. See, e.g., [Chief Judge Order 2022-03, Colorado First Judicial District, Revised Order Regarding Mandatory Electronic Filing for All E-Filing Cases via Colorado Courts E-Filing System](#) (Apr. 1, 2022). See also [Colorado Judicial Branch, Courts by District](#).

129. The Colorado Courts E-Filing system is available in Colorado county courts for civil suits asking for money damages, FED, foreign judgments, name changes, protection orders and replevin cases. [Colorado Rules of County Court Civil Procedure, R. 305.5](#). With the permission of the Chief Justice, a chief judge may mandate E-filing within a county or judicial district for specific case classes or types of cases. Colo. R. Civ. P. 305.5(o). In county courts where E-Filing is mandated, attorneys licensed to practice law in Colorado must register and use the E-Filing System. To determine whether e-filing is mandatory and the case types included, see [E-Filing Contact Information By County](#).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Colorado Supreme Court (mandatory)

*Appellate court(s):* Colorado court of appeals (optional)

- [Colorado Rules of Appellate Procedure, Rule 30\(d\)](#) (adopted Feb. 24, 2022, effective July 1, 2022):

### Rule 30 - E-Filing (Effective July 1, 2022)

.....  
**(d) E-Filing-Date and Time of Filing.** A document transmitted to the E-System Provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

- [Colorado Rules of Appellate Procedure, Rule 26](#) (adopted Feb. 24, 2022, effective July 1, 2022):

### Rule 26 - Computing and Extending Time (Effective July 1, 2022)

**(a) Computing Time.** In computing any period of time prescribed or allowed by these rules the day of the act, event, or default from which the designated period of time begins to run will not be included. Thereafter, every day will be counted including holidays, Saturdays, and Sundays. The last day of the period so computed will be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.

**(b) “Legal Holiday” Defined.** As used in these rules, “legal holiday” includes the first day of January, observed as New Year’s Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; the nineteenth day of June, observed as Juneteenth Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the first Monday in October, observed as Frances Cabrini Day; the 11th day of November, observed as Veteran’s Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

*Trial courts:* Colorado district courts (mandatory in part),<sup>130</sup> Colorado county courts (64),<sup>131</sup> Colorado water courts (mandatory)

- [Colorado Rules of Civil Procedure, Rule 121\(c\), Section 1-26:](#)

### Rule 121. Local Rules — Statewide Practice Standards.

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130. *Supra* note 128.

131. *Supra* note 129.

.....

**(c) Matters of statewide concern.**

The Colorado Rules of Civil Procedure and the following rule subject areas called “Practice Standards” are declared to be of statewide concern and shall preempt and control in their form and content over any differing local rule:

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**Section 1-26 ELECTRONIC FILING AND SERVICE SYSTEM**

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**5. E-Filing — Date and Time of Filing:** Documents filed in cases on the E-System may be filed under C.R.C.P. 5 through an E-Filing. A document transmitted to the E-System Provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

- [Colorado Rules of Criminal Procedure, Rule 49.5\(e\)](#) (governs criminal proceedings in all Colorado courts):

**Rule 49.5. Electronic Filing and Service System.**

.....

**(e) E-Filing — Date and Time of Filing.** Documents filed in cases on the E-System may be filed under Crim. P. 49 through E-Filing. A document transmitted to the E-System Provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

- [Colorado Rules of County Court Civil Procedure, Rule 305.5\(e\)](#):

**Rule 305.5. Electronic Filing and Serving.**

.....

**(e) E-Filing, Date and Time of Filing:** Documents filed in cases on the E-System may be filed under C.R.C.P. 305 through an E-Filing. A document transmitted to the E-System provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

- [Uniform Local Rules for All Colorado State Water Court Divisions, Rule 2](#):

**Rule 2. Filing and Service Procedure.**

(a) For all cases filed pursuant to C.R.C.P. 90 after July 1, 2009, applicants and opposers represented by counsel shall electronically file and serve through the approved judicial branch e-filing service provider all applications, pleadings, motions, briefs, exhibits, and other documents on all parties and on the state and division engineer. C.R.C.P. Rule 121, Section 1-26, Electronic Filing, applies to water court filings. ....

- For rules governing computation of time in their respective courts similar to Colorado Rule of Appellate Procedure 26 above, see [Colorado Rules of Civil Procedure 6\(a\)](#), [Colorado Rule of Criminal Procedure 45\(a\)](#), [Colorado Rule of County Court Civil Procedure 306\(a\)](#).

## **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the Colorado Courts E-Filing Portal:

- Attorneys licensed or certified to practice law in Colorado part of an organization (e.g., law firm, government agency, or private entity) representing a party (eFiling mandatory in Colorado Supreme Court and Water Courts/eFiling optional Colorado Court of Appeals/eFiling mandatory in part Colorado District Courts)
- Any non-attorney staff within an organization, e.g. collection agent or paralegal, authorized to file and serve documents for any attorney linked to that organization.
- Attorney admitted pro hac vice (filing permitted only in the case identified by a court order approving pro hac vice admission) (trial courts only)
- Pro se or a self-represented litigant who is not part of an organization (eFiling optional family court cases only<sup>132</sup>)

See [Colorado Courts E-Filing User Agreement, Terms and Conditions of Use](#) (Last updated: July 18, 2022).

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132. A pilot program allowing e-filing by self-represented litigants in family court cases (dissolution of marriage, dissolution of civil union, and custody cases) including existing cases, available in all or portions of judicial districts 4, 7, 8, 9, 11, 12, 14, 16, 17, 18, 19, 20 and 21, encompassing 45 counties). See [Colorado Judicial Department, Pilot program allowing e-filing by self-represented litigants expands to three more judicial districts](#) (Sept. 14, 2021).

## New Mexico

### Implementation of Electronic Filing in State Court System

*State supreme court:* New Mexico Supreme Court (mandatory)

*State appellate court(s):* New Mexico court of appeals (mandatory)

*State trial court(s):* New Mexico district courts (mandatory in part<sup>133</sup>), New Mexico magistrate courts (mandatory in part<sup>134</sup>), New Mexico Bernalillo metropolitan court (mandatory in part<sup>135</sup>), New Mexico probate courts (inactive), New Mexico municipal courts (optional)

*New Mexico Courts Electronic Filing Portal* (<https://newmexico.tylerhost.net/ofswb>) is a web-based interface provided by the electronic service provider Tyler Technologies (Odyssey File & Serve Electronic Filing System) that allows registered users to file and serve court documents electronically, subject to clerk review, in the New Mexico Supreme Court, New Mexico court of appeals, New Mexico district courts, New Mexico magistrate courts, New Mexico Bernalillo metropolitan court, and New Mexico municipal courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [New Mexico Courts electronic filing system homepage](#)
- [New Mexico Rules of Appellate Procedure 12-307.2](#)
- [New Mexico Rule of Civil Procedure for the District Courts 1-005.2](#); [New Mexico Rule of Criminal Procedure for the District Courts 5-103.2](#)
- [New Mexico Rule of Civil Procedure for the Magistrate Courts 2-205](#); [New Mexico Rules of Criminal Procedure for the Magistrate Courts](#), R. 6-211
- [New Mexico Rule of Civil Procedure for the New Mexico Bernalillo Metropolitan Court 3-205](#); [New Mexico Rules of Criminal Procedure for the New Mexico Bernalillo Metropolitan Court](#), R. 7-211
- [New Mexico Rules of Procedure for the Municipal Courts 8-210](#).

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133. A district court may, by local rule approved by the Supreme Court, implement the mandatory filing of documents by electronic transmission through the EFS for attorneys representing parties in civil and/or criminal cases. [New Mexico Rule of Civil Procedure for the District Courts 1-005.2](#); [New Mexico Rule of Criminal Procedure for the District Courts 5-103.2](#). Self-represented parties are prohibited from electronically filing documents. As of October 2022, all thirteen of New Mexico's district courts have implemented mandatory e-filing for all civil actions, and most also require e-filing in probate actions *See, e.g.*, [New Mexico First Judicial District Court, Local R. 1-205](#). The Second and the Twelfth judicial district courts have implemented mandatory electronic filing for both civil cases and for subsequent filings in criminal cases. *See, e.g.*, [New Mexico Second Judicial District Court, Local R. 2-203, 2-309](#).

134. Electronic filing is mandatory for attorneys representing parties in civil cases in the New Mexico magistrate courts. [New Mexico Rule of Civil Procedure for the Magistrate Courts 2-205](#). Electronic filing is optional for attorneys representing parties in criminal cases in all New Mexico magistrate courts. [New Mexico Rule of Criminal Procedure for the Magistrate Courts 6-211](#).

135. Electronic filing is mandatory for attorneys representing parties in civil cases in the New Mexico Bernalillo metropolitan court. [New Mexico Rule of Civil Procedure for the New Mexico Bernalillo Metropolitan Court 3-205](#). Electronic filing is optional for attorneys representing parties in criminal cases in the Bernalillo County New Mexico metropolitan court. [New Mexico Rule of Criminal Procedure for the New Mexico Bernalillo Metropolitan Court 7-211](#).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* New Mexico Supreme Court (mandatory)

*State appellate court(s):* New Mexico court of appeals (mandatory)

- [New Mexico Rules of Appellate Procedure, Rule 12-307.2:](#)

### 12-307.2. Electronic service and filing of papers.

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**F. Time of filing.** For purposes of filing by electronic transmission, a “day” begins at 12:01 a.m. and ends at midnight. If electronic transmission of a document is received before midnight on the day preceding the next business day of the Court it will be considered filed on the immediately preceding business day of the Court. For any questions of timeliness, the time and date registered by the Court’s computer will be determinative. For purposes of filing by electronic transmission only, notwithstanding rejection of an attempted filing through the EFS or its placement into an error queue for additional processing, the date and time that the filer submits the electronic filing envelope will serve as the filing date and time for purposes of meeting any filing deadline.

- [New Mexico Rules of Appellate Procedure, Rule 12-308](#)

### 12-308. Time

- (1) Period stated in days or a longer unit; eleven (11) days or more.** When the period is stated as eleven (11) days or a longer unit of time,
- (a) exclude the day of the event that triggers the period;
  - (b) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
  - (c) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (2) Period stated in days or a longer unit; ten (10) days or less.** When the period is stated in days but the number of days is ten (10) days or less,
- (a) exclude the day of the event that triggers the period;
  - (b) exclude intermediate Saturdays, Sundays, and legal holidays; and
  - (c) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (3) Period stated in hours.** When the period is stated in hours,
- (a) begin counting immediately on the occurrence of the event that triggers the period;
  - (b) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
  - (c) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

- (4) **Unavailability of the court for filing.** If any location of the appellate court is closed or is unavailable for filing at any time that such location the court is regularly open,
- (a) on the last day for filing under Subparagraphs (A)(1) or (A)(2) of this rule, then the time for filing is extended to the first day that such location of the court is open and available for filing that is not a Saturday, Sunday, or legal holiday; or
  - (b) during the last hour for filing under Subparagraph (A)(3) of this rule, then the time for filing is extended to the same time on the first day that such location of the court is open and available for filing that is not a Saturday, Sunday, or legal holiday.
- (5) **“Last day” defined.** Unless a different time is set by a court order, the last day ends
- (a) for electronic filing, at midnight; and
  - (b) for filing by other means, when the court is scheduled to close.
- (6) **“Next day” defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.
- (7) **“Legal holiday” defined.** “Legal holiday” means the day that the following are observed by the judiciary:
- (a) New Year’s Day, Martin Luther King Jr.’s Birthday, Presidents’ Day (traditionally observed on the day after Thanksgiving), Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, or Christmas Day; and
  - (b) any other day observed as a holiday by the judiciary.

*State trial court(s):* New Mexico district courts (mandatory in part), New Mexico magistrate courts (mandatory in part), New Mexico Bernalillo metropolitan court (mandatory in part), New Mexico probate courts (inactive), New Mexico municipal courts (optional)

- New Mexico district courts that implement mandatory e-filing for civil and/or criminal cases<sup>136</sup> by local rule incorporate the relevant provisions of the statewide rules of civil and criminal procedure addressing electronic filing, including Paragraph G below addressing time of filing. [New Mexico Rules of Civil Procedure for the District Courts, Rule 1-005.2.G](#); (electronic service and filing of pleadings and other papers); [New Mexico Rules of Criminal Procedure for the District Courts, Rule 5-103.2.G](#) (electronic service and filing of pleadings and other papers):

**G. Time of filing.** For purposes of filing by electronic transmission, a “day” begins at 12:01 a.m. and ends at midnight. If electronic transmission of a document is received before midnight on the day preceding the next business day of the court it will be considered filed on the immediately preceding business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative. For purposes of electronic filing only, the date and time that the filer submits the electronic filing envelope will serve as the filing date and time for purposes of meeting statute of limitations or any other filing deadlines, notwithstanding rejection of the attempted filing or its placement into an error queue for additional processing.

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136. See *supra* note 133.

- The rules governing computation of time in civil and criminal cases filed in New Mexico district Courts are similar to New Mexico Rule of Appellate Procedure 12-308 above, except time-computation rules for the district courts have an additional provision that provides for a three day enlargement of the period of time a party must act after service if a party was served by mail, facsimile, or electronic transmission. [New Mexico Rule of Civil Procedure for the District Courts 1-006\(C\)](#), [New Mexico Rule of Criminal Procedure for the District Courts 5-104\(C\)](#):

**C. Additional time after certain kinds of service.** When a party may or must act within a specified time after service and service is made by mail, facsimile, electronic transmission, or by deposit at a location designated for an attorney at a court facility under Rule 1-005(C)(1)(e) NMRA, three (3) days are added after the period would otherwise expire under Paragraph A. Intermediate Saturdays, Sundays, and legal holidays are included in counting these added three (3) days. If the third day is a Saturday, Sunday, or legal holiday, the last day to act is the next day that is not a Saturday, Sunday, or legal holiday.

- [New Mexico Rules of Civil Procedure for the Magistrate Courts, Rule 2-205\(G\)](#):

**G. Time of filing.** For purposes of filing by electronic transmission, a “day” begins at 12:01 a.m. and ends at midnight. If electronic transmission of a document is received before midnight on the day preceding the next business day of the court it will be considered filed on the immediately preceding business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative. For purposes of electronic filing only, the date and time that the filer submits the electronic filing envelope will serve as the filing date and time for purposes of meeting statute of limitations or any other filing deadlines, notwithstanding rejection of the attempted filing or its placement into an error queue for additional processing.

*See also* [New Mexico Rules of Civil Procedure for the Magistrate Courts, Rule 2-104](#) (time-computation rule for civil cases filed in N.M. magistrate courts). Identical to [New Mexico Rule of Civil Procedure for the District Courts, Rule 1-006](#). *See* above.

- [New Mexico Rules of Criminal Procedure for the Magistrate Courts, R. 6-211](#).

**G. Time of filing.** If electronic transmission of a document is received before the close of the business day of the court in which it is being filed, it will be considered filed on that date. If electronic transmission is received after the close of business, the document will be considered filed on the next business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative.

*See also* [New Mexico Rules of Criminal Procedure for the Magistrate Courts, R. 6-104](#) (time-computation rule for criminal cases filed in N.M. magistrate courts). Identical to [New Mexico Rule of Civil Procedure for the District Courts, Rule 1-006](#). *See* above.

- [New Mexico Rules of Civil Procedure for the New Mexico Bernalillo Metropolitan Court, Rule 3-205\(G\)](#) (time of filing provision for rule governing electronic filing in N.M. Bernalillo metropolitan court). Identical to [New Mexico Rule of Civil Procedure for the Magistrate Courts, Rule 2-205\(G\)](#). *See* above.

*See also* [New Mexico Rule of Civil Procedure for the New Mexico Bernalillo Metropolitan Court, Rule 3-104](#) (time-computation rule for civil cases filed in N.M. Bernalillo metropolitan court). Identical to [New Mexico Rule of Civil Procedure for the District Courts, Rule 1-006](#). *See* above.

- [New Mexico Rules of Criminal Procedure for the New Mexico Bernalillo Metropolitan Court](#), R. 7-211(G):

**G. Time of filing.** If electronic transmission of a document is received before the close of the business day of the court in which it is being filed, it will be considered filed on that date. If electronic transmission is received after the close of business, the document will be considered filed on the next business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative.

*See also* [New Mexico Rules of Criminal Procedure for the New Mexico Bernalillo Metropolitan Court](#), R. 7-104 (time-computation rule for criminal cases filed in N.M. Bernalillo metropolitan court). Identical to [New Mexico Rule of Civil Procedure for the District Courts, Rule 1-006](#). *See* above.

- [New Mexico Rules of Procedure for the Municipal Courts 8-210](#):

**8-210. Electronic service and filing of pleadings and other papers.**

.....

**G. Time of filing.** If electronic transmission of a document is received before the close of the business day of the court in which it is being filed, it will be considered filed on that date. If electronic transmission is received after the close of business, the document will be considered filed on the next business day of the court. For any questions of timeliness, the time and date registered by the court’s computer will be determinative.

*See also* [New Mexico Rules of Procedure for the Municipal Courts, Rule 8-104](#) (time-computation rule for cases filed in N.M. municipal courts). Identical to [New Mexico Rule of Civil Procedure for the District Courts, Rule 1-006](#). *See* above.

**Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **New Mexico Courts Electronic Filing Portal**:

- An attorney admitted to practice law in New Mexico representing a party in any proceeding, includes attorneys who represent themselves (eFiling mandatory in NM

appellate courts) (eFiling mandatory in part in N.M. district courts,<sup>137</sup> magistrate courts,<sup>138</sup> and Bernalillo metropolitan court<sup>139</sup>)

- For N.M. municipal courts, attorneys admitted to practice law in New Mexico who agree to accept documents by electronic transmission (eFiling optional).

*Note:* Efiling by self-represented persons is prohibited in all active courts.

*See* [New Mexico Rule of Appellate Procedure 12-307.2\(B\)](#); [New Mexico Rule of Civil Procedure for the District Courts 1-005.2\(B\)](#); [New Mexico Rule of Criminal Procedure for the District Courts 5-103.2\(B\)](#); [New Mexico Rules of Civil Procedure for the Magistrate Courts, Rule 2-205\(B\)](#); [New Mexico Rules of Civil Procedure for the New Mexico Bernalillo Metropolitan Court, Rule 3-205\(B\)](#); [New Mexico Rule of Procedure for the Municipal Courts 8-210\(B\)](#).

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137. *Id.*

138. *See supra* note 134.

139. *See supra* note 135.

## Wyoming

### Implementation of Electronic Filing in State Court System

*State supreme court:* Supreme Court of Wyoming (mandatory)

*State appellate court(s):* N/A

*State trial court(s):* Wyoming district courts (optional<sup>140</sup>), Wyoming circuit courts (inactive), Wyoming municipal courts (inactive), Wyoming chancery courts (mandatory)

*Wyoming Appellate Electronic Filing Portal* (<https://efiling.courts.state.wy.us/login.do>) is a web-based interface provided by the electronic service provider Thomson Reuters (C-Track Electronic Filing System) that allows registered users to file and serve court documents electronically, subject to clerk review, in the Wyoming Supreme Court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Wyoming Supreme Court electronic filing system home](#)
- [Wyoming Rules of Appellate Procedure](#), R. 1.01
- [Wyoming Supreme Court, Electronic Filing Administrative Policies and Procedures Manual](#), Fifth Revision (Aug. 1, 2019)

*Wyoming File & ServeXpress Electronic Filing Portal* (<https://www.courts.state.wy.us/chancery-court/chancery-court-efiling/>) is a web-based interface provided by the electronic service provider File & ServeXpress, LLC. (File & ServeXpress Wyoming Electronic Filing System) that allows registered users to file and serve court documents electronically, subject to clerk review, in the Wyoming district courts and chancery court.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Wyoming File & ServeXpress electronic filing system homepage](#)
- [Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual](#), Version 1.3 (Jan. 14, 2022).
- [Wyoming Supreme Court, Order Adopting the Wyoming Rules for Electronic Filing and Service in District Courts](#) (adopted June 28, 2022; effective Aug. 29, 2022).

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140. At this time, eFiling and eService through File & ServeXpress is available (voluntary) for civil case types in the Albany County district court. Fremont County district court was scheduled to go live on the FSX system on October 24, 2022. Additional case types and counties are expected to go live until eFiling is available in all twenty-three Wyoming district courts. See [Wyoming File & ServeXpress electronic filing system homepage](#).

## Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Supreme Court of Wyoming (mandatory)

*State appellate court(s):* N/A

- [Wyoming Rules of Appellate Procedure](#), R. 1.01:

### 1.01 Electronic Filing; Number of Copies to Be Filed; Format.

(a) Except as noted below, all briefs, motions and other pleadings shall be filed electronically in the supreme court using C-Track Electronic Filing System (CTEF), and the electronic version shall be the officially filed document in the case. The rules will apply to district courts and circuit courts as they adopt electronic filing. The current version of the supreme court e-filing training, policies, and login can be found at <https://www.courts.state.wy.us/supreme-court/clerk-of-court-efiling>.

- (1) Electronic filing must be completed within the time set forth in the Wyoming Supreme Court, Electronic Filing Administrative Policies and Procedures Manual, to be considered timely filed on the date it is due. Electronic filing, together with the Notice of Electronic Filing that is automatically generated by CTEF, constitutes filing of a document.
- (2) When documents filed do not comply with the rules (such as the Rules Governing Redaction from Court Records), the document will be removed from the public docket and counsel will immediately be notified and instructed to re-file the pleading within a specified amount of time. If the pleading is not correctly re-filed within the required time, it shall not be considered timely filed.
- (3) Documents filed by pro se non-attorney parties shall not be electronically filed unless ordered by the supreme court. Attorneys acting in a pro se capacity shall comply with the electronic filing requirements.

- [Wyoming Supreme Court, Electronic Filing Administrative Policies and Procedures Manual](#), Fifth Revision (Aug. 1, 2019):

### 3. General Policies, Public Access.

.....

(e) Registered users may submit documents electronically 24 hours a day, seven days a week. Documents received after 11:59:59 p.m., Mountain Standard Time (MST), will be considered submitted on the next business day. Documents submitted on weekends or recognized holidays will be considered submitted on the next business day.

- [Wyoming Rules of Appellate Procedure](#), R. 14.02:

### 14.02 Computation of Time.

In computing any period of time prescribed or allowed by these rules, or by order of court, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be

done is the filing of a paper, a day on which weather or other conditions have closed the office of the clerk of the court, in which event the period runs until the end of the next day which is not one of the above described days. As used in this rule “legal holiday” includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.

*State trial court(s)*: Wyoming district courts (optional), Wyoming circuit courts (inactive), Wyoming municipal courts (inactive), Wyoming chancery courts (mandatory)

- [Wyoming Rules of Civil Procedure for the Chancery Court](#), R. 5(c)(2):

**Rule 5. Serving and Filing Pleadings and Other Papers.**

.....  
**(c) Filing.**  
.....

(2) **How Filing Is Made--In General.** A document, including a case initiating document, is filed by:

(A) Electronically submitting it to the chancery court using the electronic filing system, and the electronic version shall be the officially filed document in the case. The current version of the chancery court e-filing training, policies and log-in can be found on the chancery court website, [www.courts.state.wy.us/chancery-court](http://www.courts.state.wy.us/chancery-court).

(i) Electronic filing must be completed within the time set forth in the Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual to be considered timely filed on the date it is due. Electronic filing constitutes filing of a document.

(ii) When documents filed do not comply with the rules (such as the Rules Governing Redaction from Court Records), the document may be removed from the public docket and counsel will immediately be notified by email or through the electronic filing system and instructed to re-file the pleading within a specified amount of time. If the pleading is not correctly re-filed within the required time, it shall not be considered timely filed.

(iii) Documents filed by pro se litigants shall comply with the electronic filing requirements.

(iv) Paper filings shall not be accepted absent a prior order of the court. Any request to be excused from the electronic filing requirements must be timely presented and demonstrate exceptional cause for excusal.

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- [Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual](#), Version 1.3 (Jan. 14, 2022), Rule 4.E, F:

**Rule 4. eFiling of Documents**

.....

**E. Timing and Acceptance of an eFiling**

A document will be considered filed at the time of electronic transmission to the EFS, unless the clerk rejects the filing as set forth below.

The clerk may reject an eFiled document only for the following reasons:

- i. The user eFiled the document in violation of the Rules Governing Redactions from Court Records.
- ii. The user eFiled the document in the wrong case or with an incorrect case number or caption.

If the clerk rejects a document for any of these reasons, the clerk will notify the filer and request resubmission within 24 business hours of the notification and request. If the filer fails to timely correct and resubmit the document, the document will be deemed to have not been filed. If the filer correctly and timely resubmits the document, it will be deemed filed on the original date and time that the filer first attempted to eFile the document.

#### **F. Timeliness of eFiling**

A document will be deemed timely filed if electronically transmitted to the EFS by 11:59:59 p.m. Mountain Time on the due date. For any questions of timeliness, the time and date registered by the EFS will be determinative.

- [Wyoming Rules of Civil Procedure for the Chancery Court](#), R. 6:

#### **Rule 6. Time.**

**All timelines are subject to adjustment and reduction by the chancery court judge.**

- (a) **Computation.** In computing any period of time prescribed or allowed by these rules, by order of the chancery court, or by any applicable statutes, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. As used in this rule, “legal holiday” includes any day officially recognized as a legal holiday in this state by designation of the legislature, appointment as a holiday by the governor or the chief justice of the Wyoming Supreme Court, or any day designated as such by local officials.

.....

- [Wyoming Supreme Court, Order Adopting the Wyoming Rules for Electronic Filing and Service in District Courts](#) (adopted June 28, 2022; effective Aug. 29, 2022), R. 5:

#### **Rule 5. Filing and service of electronic documents.**

.....

- (b) **Time of eFilings.** –

- (1) A “day” begins at 12:00 a.m. (Mountain Time) and ends at 11:59:59 p.m. (Mountain Time).
- (2) A document is deemed filed upon submission to the EFS.
- (3) The EFS will affix the date and time of submission upon the filed document. Questions of timeliness will be resolved by the date and time affixed to the eFiling by the EFS.

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Wyoming Appellate Electronic Filing Portal**:

- Attorneys who are active members in good standing of the Wyoming State Bar upon registration and completion of training, including attorneys acting in a pro se capacity (eFiling mandatory)

*Note:* Pro se non-attorney parties cannot electronically file documents unless ordered by the Wyoming Supreme Court.

See [Wyoming Supreme Court, Electronic Filing Administrative Policies and Procedures Manual](#), Fifth Revision (Aug. 1, 2019), AP&P 4(a).

The following are authorized to register and use the **Wyoming File & ServeXpress Electronic Filing Portal**:

- Attorneys who are active members in good standing of the Wyoming State Bar upon registration and completion of training, including attorneys acting in a pro se capacity (eFiling mandatory in Wyoming chancery court/eFiling optional Wyoming district courts)
  - Eligible attorneys’ designated staff
  - Self-represented individuals who are not licensed attorneys (eFiling mandatory in Wyoming chancery court only)
- See [Wyoming State Chancery Court Electronic Filing Administrative Policies and Procedures Manual](#), Version 1.3 (Jan. 14, 2022), R. 3; [Wyoming Supreme Court, Order Adopting the Wyoming Rules for Electronic Filing and Service in District Courts](#) (adopted June 28, 2022; effective Aug. 29, 2022), R. 4.

## ELEVENTH CIRCUIT

### Alabama

#### Implementation of Electronic Filing in State Court System

*State supreme court:* Alabama Supreme Court (optional)

*State appellate court(s):* Alabama court of civil appeals (optional), Alabama court of criminal appeals (optional)

*State trial court(s):* Alabama circuit courts (optional), Alabama district courts (optional), Alabama municipal courts (inactive), Alabama probate courts (inactive), juvenile courts (optional), small claims court (inactive)

*Alabama Appellate Courts' E-Filing System (ACES) Filing Portal* (<https://efile.alappeals.gov/login>) is the web-based interface provided by the electronic service provider Thomson Reuters Court Management Solutions (C-Track™ E-Filing electronic filing system) that allows registered users to file and serve court documents electronically, subject to clerk review, in the Supreme Court of Alabama, the Alabama Court of Criminal Appeals, and the Alabama Court of Civil Appeals.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Alabama Appellate Courts' electronic filing system homepage](#)
- [Alabama Rules of Appellate Procedure, Rule 57. Electronic Filing and Service](#) (adopted Sept. 29, 2010; amended effective Apr. 1, 2022)

*Alabama's State Court Electronic Filing System (AlaFile) Portal* (<https://alafile.alacourt.gov/>) is the web-based interface maintained by the Alabama Administrative Office of Courts IT Division (AlaFile electronic filing system) that allows registered users to file and serve court documents electronically, subject to clerk review, in all Alabama circuit courts, district courts, and juvenile courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Alabama's State Court System Electronic Filing homepage](#)
- [Administrative Policies and Procedures for Electronic Filing in the Civil Divisions of the Alabama Unified Judicial System](#) (Aug. 26, 2015)
- [Administrative Policies and Procedures for Electronic Filing in the Juvenile Division of the Circuit Courts and District Courts of the Alabama Unified Judicial System](#) (8/17/2012)
- [Administrative Policies and Procedures for Electronic Filing in the Criminal Divisions of the Alabama Unified Judicial Systems](#) (4/21/2011)

- [Alabama Administrative Office of the Courts, AlaFile User Manual](#) at 105 (revised Jan. 29, 2020) (AlaFile Current List of Documents Not Available for Electronic Filing).
- [Alabama Rules of Judicial Administration, Rule 44. Electronic Filing of Documents](#) (Dec. 3, 2018)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Alabama Supreme Court (optional)

*State appellate court(s):* Alabama court of civil appeals (optional), Alabama court of criminal appeals (optional)

- [Alabama Rules of Appellate Procedure, Rule 57\(h\)\(1\)](#) (adopted Sept. 29, 2010, amended effective Apr. 1, 2022):

#### **Rule 57. Electronic Filing and Service.**

.....  
**(h) E-Filing and E-Service of Electronic Documents.**

**(1) WHEN AN E-FILED DOCUMENT IS DEEMED FILED.** An efiled document shall be deemed filed in compliance with the Alabama Rules of Appellate Procedure on the date and time the document, along with any e-filed attachments, has been successfully uploaded onto ACES (Appellate Courts’ E-Filing System). Central time shall be used to determine the filing date and time for purposes of this rule. A document is successfully uploaded on ACES when ACES has successfully received the entire document, including any e-filed attachments.

.....  
**(3) CONFIRMATION RECEIPT OF E-FILING.** Upon the successful transmission and upload of an e-filed document, ACES shall e-serve the filer a receipt confirming the date and time that the document was filed. The confirmation receipt shall serve as proof of the filing.

- [Alabama Rules of Appellate Procedure, Rule 26:](#)

#### **Rule 26. Computation and extension of time.**

**(a) Computation of time.** In computing any period of time prescribed by these rules, by an order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period extends until the end of the next day that is not a Saturday, Sunday, or legal holiday or, when the act to be done is the filing of a document in an appellate court, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day that is not one of the aforementioned days. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule “legal holiday” includes New Year’s Day, Birthday of Martin Luther King, Jr., Presidents’ Day, Memorial Day,

Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the governor of the state, by the chief justice, by the legislature, or by the President or the Congress of the United States.

.....

*State trial court(s):* Alabama circuit courts (optional), Alabama district courts (optional), Alabama municipal courts (inactive), Alabama probate courts (inactive), juvenile courts (optional), small claims court (inactive)

- [Administrative Policies and Procedures for Electronic Filing in the Civil Divisions of the Alabama Unified Judicial System](#) at 7 (Aug. 26, 2015):

.....

#### **SYSTEM AVAILABILITY/INABILITY TO FILE**

The system is designed to provide service 24 hours a day. Users, however, are encouraged to file documents in advance of filing deadlines and during normal business hours in the event assistance or support is needed from the help desk.

The Administrative Office of Courts has established a help desk for questions related to electronic filing. The help desk may be reached at 1-866-954-9411, option 1, option 4, or by email at [itsupport@alacourt.gov](mailto:itsupport@alacourt.gov). The help desk will be staffed from 8:00 a.m. to 5:00 p.m. on business days on which state offices are open for business.

Additionally, a list of frequently asked questions and answers to those questions are available at <http://efile.alacourt.gov>.

If a party misses a Court imposed filing deadline because of an inability to electronically file based upon the unavailability of the system, the party may submit the untimely filed document, accompanied by a declaration stating the reason or reasons for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the court of jurisdiction is open for business following the original filing deadline. A model form of the declaration is available at <http://efile.alacourt.gov>.

#### **FILING**

Electronically filed documents must substantially meet the requirements of the Alabama Rules of Civil Procedure.

All documents including the complaint, motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed on the system except as otherwise provided by these procedures.

E-mailing a document to the clerk's office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed until a system-

generated “E-filing Receipt” has been generated. It is recommended that the user print or save a copy of the “E-filing receipt” as evidence of filing. The time and date stamp generated by AlaFile, on the document filed and the “E-filing Receipt,” controls. Personally e-mailing a document directly to a party or an attorney shall not constitute service of the document.

*Note:* Similar provisions on system availability and filing are included in the [Administrative Policies and Procedures for Electronic Filing in the Juvenile Division of the Circuit Courts and District Courts of the Alabama Unified Judicial System](#) at 6 (8/17/2012) and [Administrative Policies and Procedures for Electronic Filing in the Criminal Divisions of the Alabama Unified Judicial Systems](#) at 5 (4/21/2011).

- [Frequently Asked Questions](#) accessible on Alabama State Courts’ Electronic Filing System homepage:

**WHAT IS THE CUTOFF TIME FOR FILING?**

The AlaFile system is up 24/7/365. The cutoff time for filing on a particular day is 11:59:59 p.m. \*\*\*Although\*\*\* it is HIGHLY RECOMMENDED that you check with the judge hearing your case to confirm actual cutoff times (example: 5 p.m. or 11:59:59 p.m.).

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**WHEN IS MY MOTION DEEMED FILED?**

According to the Administrative Procedures your motion is deemed filed by the date time stamp that is returned to you on your e-file receipt.

- [Alabama Rules of Civil Procedure, Rule 6:](#)

**Rule 6. Time.**

**(a) Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day that is not one of the aforementioned days. When the period of time prescribed or allowed is less than eleven (11) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule and in Rule 77(c) “legal holiday” includes New Year’s Day, Birthday of Martin Luther King, Jr., Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or as prescribed in § 1-3-8, Code of Alabama 1975.

### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Alabama Appellate Courts’ E-Filing System (ACES) Filing Portal**:

- attorneys licensed to practice law in Alabama (eFiling optional)
- pro hac vice attorneys authorized to practice in an appellate court proceeding (eFiling optional)

*Note:* Pro se litigants are not authorized to use ACES to e-file documents and e-records in appellate court proceedings.

See [Alabama Rules of Appellate Procedure, Rule 57\(c\)](#).

The following are authorized to register and use the **Alabama’s State Court System Electronic Filing Portal**:

- Alabama Licensed Attorneys (eFiling optional)
- Pro Se Individuals (eFiling optional)
- Pro Se Business (eFiling optional)

See [AlaFile User’s Manual](#) at 6–7 (1/29/20).

## Florida

### Implementation of Electronic Filing in State Court System

*State supreme court:* Florida Supreme Court (mandatory)

*Appellate court(s):* Florida district courts of appeal (mandatory)

*Trial courts:* Florida circuit courts (mandatory), Florida county courts (mandatory)

#### *Florida Courts E-Filing Portal*

(<https://www.myflcourtagency.com/default.aspx>) is the web-based interface implemented and maintained by the Florida Courts E-Filing Authority that allows registered users to file and serve court documents electronically, subject to clerk review, in the Florida Supreme Court, Florida district courts of appeal, Florida circuit courts, and Florida county courts.

For links that identify (if applicable) specific court locations, types of cases and/or documents for which electronic filing is permitted (optional/voluntary) and/or required (mandatory), see:

- [Florida Courts electronic filing system homepage](#)
- [Florida Rules of General Practice and Judicial Administration](#), Rules 2.520, 2.525 (governs electronic filing in all Florida courts)

### Time-of-Day Deadlines and Related State Court Filing Rules for Electronic Documents

*State supreme court:* Florida Supreme Court (mandatory)

*Appellate court(s):* Florida district courts of appeal (mandatory)

*Trial courts:* Florida circuit courts (mandatory), Florida county courts (mandatory)

- [Florida Rules of General Practice and Judicial Administration](#), Rules 2.520, 2.525 (governs electronic filing in all Florida courts):

#### **RULE 2.520. DOCUMENTS**

**(a) Electronic Filing Mandatory.** All documents filed in any court shall be filed by electronic transmission in accordance with rule 2.525. “Documents” means pleadings, motions, petitions, memoranda, briefs, notices, exhibits, declarations, affidavits, orders, judgments, decrees, writs, opinions, and any paper or writing submitted to a court.

#### **RULE 2.525. ELECTRONIC FILING**

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##### **(f) Administration.**

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- (3) The filing date for an electronically transmitted document is the date and time that such filing is acknowledged by an electronic stamp or otherwise, pursuant to any procedure set forth in any ECF Procedures approved by the supreme court, or the date the last page of such filing is received by the court or clerk.

- (4) Any court or clerk may extend the hours of access or increase the page or size limitations set forth in this subdivision.

*Note:* [Florida Rules of General Practice and Judicial Administration](#), Rule 2.520(a) (*see above*) requires that all documents filed in any Florida state court must be filed electronically under the procedure set out in Rule 2.525. The Florida Rules of General Practice and Judicial Administration establish minimum requirements for electronic filing in Florida courts. The Florida Rules of Civil Procedure and a court’s local rules and administrative orders may cover additional aspects of e-filing not addressed by the Florida Rules of General Practice and Judicial Administration as long as they do not contradict Rule 2.525.

- [Florida Supreme Court, Standards for Electronic Access to the Courts](#), Version 19.0 (adopted June 2009, modifications adopted Aug. 2020):

## **1.2 Portal Functionality**

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### **1.2.3 Portal Time Stamp**

Date and time stamp formats must include a single line detailing the name of the court or Portal and shall not include clerk seals. Date stamps must be 8 numerical digits separated by slashes with 2 digits for the month, 2 digits for the date, and 4 digits for the year. Time stamps must be formatted in 12-hour time frames with a.m. or p.m. included.

The Portal’s official file stamp date and time shall be affixed in the upper left-hand corner in Eastern Time. The Florida Supreme Court and District Courts of Appeal stamps shall be on the left margin readable horizontally. Any administrative agency stamp shall be in the right margin and readable horizontally. The clerk’s stamp for circuit and county courts shall be in the bottom of the document.

### **1.2.4 Electronic Notification of Receipt**

All submissions must generate an acknowledgment message that is transmitted to the filer to indicate that the portal has received the document.

At a minimum the acknowledgment must include the date and time the submission was received which is the official filing date/time.

- [Florida Supreme Court, Florida Courts E-Filing Portal Standards](#) (adopted June 2009, modifications adopted Aug. 2020):

### **1.2.4 Electronic Notification of Receipt**

All submissions must generate an acknowledgment message that is transmitted to the filer to indicate that the portal has received the document. At a minimum the acknowledgment must include the date and time the submission was received which is the official filing date/time.

### **1.2.5 Review by Clerk of Court**

When information has been submitted electronically to the Clerk of Court's Office, via the Florida Courts E-Filing Portal, the Clerk of Court will review the filed document and determine whether it contains the required information for placement into the clerk's case maintenance system. If, during the local document receiving process, a determination is made that the filed document conflicts with any court rules or standards, then the clerk shall place the filed document into a correction queue. A filing may be placed in a correction queue for any reason that prevents the filing from being accepted into the clerk's case maintenance system ("CMS"), e.g., documents that cannot be associated with a pending case, a corrupt file, or an incorrect filing fee.

Once placed in a correction queue, the clerk shall attempt to contact the filer using the filer's registered email address and ask the filer to correct the identified issue(s) and resubmit. If not corrected, the filing will remain in a correction queue for no more than 5 (five) business days, after which time the filing will be moved to the abandoned filing queue.

- [General Filing Information](#) under the Practice & Procedures tab on the Florida Supreme Court homepage:

### **After Hours Filings**

Portal filings are accepted and dated for that submission date until 11:59:59 p.m.

Any required paper filings, including those of pro se litigants (representing yourself), must be delivered during normal working hours which are 8:00 a.m. - 5:00 p.m., Monday through Friday, Eastern Time. Filings delivered to the Court after 5:00 p.m. will not be accepted. If a filing cannot be delivered prior to 5:00 p.m. a motion for extension of time should be filed prior to 5:00 p.m. that day.

- [Florida Rules of General Practice and Judicial Administration](#), Rule 2.514:

### **RULE 2.514. COMPUTING AND EXTENDING TIME**

**(a) Computing Time.** The following rules apply in computing time periods specified in any rule of procedure, local rule, court order, or statute that does not specify a method of computing time.

**(1) Period Stated in Days or a Longer Unit.** When the period is stated in days or a longer unit of time:

- (A) begin counting from the next day that is not a Saturday, Sunday, or legal holiday;
- (B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and
- (C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, or falls within any period of time extended through an order of the chief justice under Florida Rule of General Practice and Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the end of

the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.

- (2) **Period Stated in Hours.** When the period is stated in hours
  - (A) begin counting immediately on the occurrence of the event that triggers the period;
  - (B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and
  - (C) if the period would end on a Saturday, Sunday, or legal holiday, or during any period of time extended through an order of the chief justice under Florida Rule of General Practice and Judicial Administration 2.205(a)(2)(B)(iv), the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday and does not fall within any period of time extended through an order of the chief justice.
- (3) **Period Stated in Days Less Than Seven Days.** When the period stated in days is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- (4) **“Last Day” Defined.** Unless a different time is set by a statute, local rule, or court order, the last day ends
  - (A) for electronic filing or for service by any means, at midnight; and
  - (B) for filing by other means, when the clerk’s office is scheduled to close.
- (5) **“Next Day” Defined.** The “next day” is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.
- (6) **“Legal Holiday” Defined.** “Legal holiday” means
  - (A) the day set aside by section 110.117, Florida Statutes, for observing New Year’s Day, Martin Luther King, Jr.’s Birthday, Memorial Day, Independence Day, Labor Day, Veterans’ Day, Thanksgiving Day, the Friday after Thanksgiving Day, or Christmas Day, and
  - (B) any day observed as a holiday by the clerk’s office or as designated by the chief judge.

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### **Users Authorized to Access the Court’s Electronic Filing System(s)**

The following are authorized to register and use the **Florida Courts E-Filing Portal**:

- Attorneys who are formally admitted to and remain in good standing with the Florida Bar (eFiling mandatory), including internal counsel for a state agency, or a prosecuting/county attorney
- Attorneys’ authorized agents like paralegals and assistants (the attorney with the assigned login and password used to make the e-filing is still responsible for the contents of the filing)
- Pro hac vice attorneys (must obtain a Portal registration number from The Florida Bar)
- Self-Represented/Pro se Litigants (eFiling optional)

See [Florida Courts E-Filing Portal, Portal Filer User Manual](#) at 8 (updated Nov. 2021); [Florida Courts E-filing Portal, FREQUENTLY ASKED QUESTIONS And Other Useful Information](#) at 4 (Aug. 2021).