



## MAPA BROWN-BAG E-FILE Q/A

April 12, 2017

### **Participants/panel:**

**Elizabeth** – Paralegal at Commissioner Center (Family Law questions only).

**Crystal** – Clerk at windows in clerk of court office.

*Crystal's initial comments:* When you e-file, you still need to stick to circuit court rules – address in caption, not just in body of document. Otherwise it will be rejected. Petition doesn't matter. Anything that you e-file is done the same as you did on paper.

**Hunter** – Clerk of Court office.

*Hunter's initial comments:* Don't be afraid to call the clerks if you have a question.

### **GENERAL:**

Q: What do you most want to see? (question to the clerks)

A: There MUST be a 2x2 corner MUST be open at the top of the front page of the pleading. This is where the court stamp goes. If you submit a document with other verbiage there, you can't read that or the stamp. Corner should be open and not include "for official court use" – that gets stamped over, too.

Q: Can the page number be at the top?

A: Yes, don't have it on first page in the right-hand corner. There should be no page numbers at the bottom of the last page for Orders, whether in Word or PDF. The software looks for the lowest point of text on the last page.

Stipulation-Order always PDF. Easiest to put BY THE COURT: with nothing underneath (including page number) and signature will go underneath. Reason: The software looks for the last thing at the bottom of the page. If there is a page number or "prepared by" block, it will struggle to put the court signature block under that.

*[Julie Houg note: I talked to a branch clerk 4/17/17 who said NO, most Orders still should be in Word, even if stipulated. Clerk suggested calling the branch before efilng an order.]*

If you're submitting an order, put in the clerk notes which court official should sign.

Notes typed into the "notes to clerk" window: They are read, but they do not get saved. Clerk who receives/processes the document may take a screen shot and send it to the branch or commissioner center. They are not saved and do not become part of the record.

Pleadings may be edited to conform with new efile lingo. Ex: Notice of Retainer mentions that pleadings should be "sent to the address below" – may modify to say "efiled with below-named counsel" or whatever language you're comfortable with.



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Q: Do we need to send letters with filings?

A: Do not upload “Enclosed please find” letter unless there’s something being referenced – “approved as to form by opposing counsel” or “please cancel hearing as this settles the matter” for example.

Q: Will there be uniformity (for how things should be filed) in the branches?

A: Judges will be consistent to some degree in certain types of cases, but for now may need to just make notes of how each branch requests filings. The clerks do want an interchangeable/consistent system.

Discussion: Would be nice if local rules were set up. Local rules, however, are set up by the judges ... so ... If they see lists, maybe they’ll catch on. If you’re not clear about how to file something, call the clerk first and walk through the procedure.

Q: Will each branch say how they want e-filing done? Could it be on the scheduling order?

A: Great question – will bring that to the judges.

Question re doing Notice of Appearance. May be time-sensitive. How do we ensure the attorney gets entered as soon as possible?

A: Do the filing, then call and ask the clerk to please process ASAP.

Q: Attorney perspective question: Can they e-file without entering e-mail each time?

A: That’s a “CCAP question” – but at this time, no. Log in each time.

Q: Why do we get a mailed copy of the e-file notification when our attorneys register on a case?

A: Getting the paper e-file notification is part of the security system.

Q: I haven’t used the court debit account. How do you use it and what are the benefits?

A: You can set up a debit account. You get a 4-digit number – on user end, drop-down menu. Send a check saying “court-debit account” – once receipted in it will tell you your balance. When low, just send in more. Other benefit is: If filing is rejected, money goes back into your account immediately. Takes 2 weeks through credit card.

Keep in mind: Clerks are using the CCAP software. The county doesn’t get the \$20 fee. It’s a state-mandated program. (It’s like a doctor’s office using Epic for medical records.) Some things are CCAP and some things are Statutory.

Q: What is the difference between circuit court filing and district court filing? (In other words, why does it sometimes take a while for a document to be processed/uploaded?)

A: When you submit it, a person still has to open and review the document. The clerk’s office is short-staffed. They try to get to them right away but they’re human. Monday (4/10/17) morning, for example, 75 new cases were in the cue, with only 3 people to review and process.



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**Q:** If a filing is due and filed the day it's due, but ends up being rejected and we don't know that until the next day, then what? Can it be re-dated to the day it originally submitted?

**A:** If rejected, it will be dated it the day you refile it. Talk to the branch and advise what happened. Most will be forgiving.

**Q:** What cases are not included in e-filing at this point?

**A:** TRO/injunctions/guardianship/adoption/JV – will include these cases eventually. Dec 2019 is the ultimate deadline for e-file.

**Q:** Old cases – how do we request that they be converted for electronic if we need to file new motions?

**A:** You can go ahead and fax the request for conversion. The clerks will just deal with it electronically from there. County is inundated with scan requests at this time.

**Q:** re foreign judgments: Judgment from another state or county filed (Crystal question) – but some find if it can't be e-filed.

**A:** May still need to submit on paper. Carlo Esqueda and the judges are working on local court rules for paper copies with time-sensitive and other documents.

**Q:** re stipulations – do we need to convert handwritten signature to e-signature?

**A:** No.

**Q:** Regarding Stipulation and Order: Case was done. Did not submit till end of day. Next day, couldn't open it. Thought it was an internet problem. End of day, tried to file something for same attorney, case was gone.

**A:** Check under closed cases.

**Q:** re filing a document under seal – can we do that?

**A:** It's available. File with proposed Order to Seal. There are forms online – motion and order to seal.

**NOTE:** If there's already a Protective Order, attach to new ones a proposed order to seal. Use cover letter saying One Order for all 5 motions to be sealed.

**Q:** How do we file Petition/Complaint with exhibits?

**A:** Keep exhibits with Petition or Complaint – all one document. Post-filing, potentially different answers from the judges' clerks – call the branch. After initial filing, call the clerk and ask how they want it.

**Q:** Motions – how should those be filed?

**A:** File motion, affidavit and exhibits separately (each exhibit separately) – all as PDF.



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**Q:** How much detail to include when filing exhibits?

**A:** Exhibits should be filed individually, and named what they are – not “Ex. 1, Ex. 2.” Depending on the case, the court may not want exhibits filed prior to the hearing. That would be decided on a case-by-case basis – get clarification from the clerk prior to hearing.

### FAMILY LAW QUESTIONS:

Once everything is in – Financial Disclosure Statements and MSA(s) – do efile a separate cover letter saying that everything has been submitted, please schedule (or please call to schedule). Commissioner wants to see the letter.

**Q:** About filing divorce judgment: Any attachments should be attached?

**A:** Yes, file as one large PDF document (Judgment with MSA together.)

**Q:** The Application for Support Services has text all across the top. What should we do?

**A:** There's a new form for Application for Support Services with 2x2 opening at the top. Note: This form is confidential and not kept in the Court file. Court downloads it, then it goes away. Must include SSNs on the form.

**Q:** Stipulation and Order for Collaborative Divorce. If no judge review, pdf is supposed to be ok. What is the new rule?

**A:** Stipulation/orders can be submitted as PDF as one document. If it's rejected, follow-up with the branch. Any stipulated order should be submitted together as PDF. Don't put page numbers at the bottom.

Certificates of divorce – Do not e-file prior. For now, attorney should bring it to the hearing on paper.

**Q:** If we file an MSA with Keller language – is a separate Order needed in word?

**A:** That should go to the branches – call first.

**Q:** What's the proper way to file a Qualified Domestic Relations Order (QDRO) since we need a certified copy back?

**A:** [discussion] Some efile it and then contact the clerk (or put a note in the “notes to clerk” window) re getting a certified copy back. At this time there's no way to pay the \$5 certification fee online. Some are submitting on paper the “old-fashioned” way, with a \$5 check and return/postage paid envelope. Procedure still under development.

**Q:** re time allotted for hearings being listed on notices – why not listed right on hearing notice? And do parties need to appear? Can't that be listed?

**A:** [discussion]: For Commissioners, hearings are 40 min. unless more time is requested. Motion hearings are in-person. Must give 2-week notice for appearance by phone. Judges won't say how long the hearing is slated for – maybe check CCAP calendar or call clerk?



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### OTHER TYPES OF CASES:

Q: re jury fee: If it's shared, how is that split out?

A: If it's a 12-person jury, which has a \$72 fee, each office should do a 6-person request. If you have a 6-person jury fee, it can't be split. CCAP can't split other ways. May have to agree with opposing counsel prior to pay full cost and get half reimbursed from other office (or vice versa).

Q: TR cases have a lot of motions attached. All of a sudden you get many motions. Can discovery motions be put together?

A: Clerk (Crystal) will check on that.

Q: re criminal cases: Criminal case, prelim, sub of judge – normally would be filed with court.

A: Some clerks will want submissions in court – will need to check into it. Some things will be needed on paper, in court. Keep doing what you're doing until you hear otherwise.

Q re TR cases: Will not be set up until initial appearance. How do we e-file anything prior?

A: Not everything is going to be paperless. Do it as in the past – take in paper – like the Notice of defendant standing mute.

(FYI: CT cases are combined, TR are not.)

Q: When one defendant multi cases – will they track together?

A: File under each case number. 1 jury fee in 1 case – they still route together.

Q: We filed an Affidavit w/out notary – then notarized arrived. Should we resubmit notarized affidavit via efile?

A: Unusual – it should have been rejected – since it wasn't, make a note in the “notes to clerk” window and it will be put in the same event.