



MINNESOTA JUDICIAL BRANCH

eCourtMN
University

Top Ten e-File Tips for Attorneys in Civil and Family Cases

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Why is this important?

- Documents coming online soon!
- Rules of professional conduct
- Other sanctions
- Retain clients

MPA Courthouse View

- All trial court locations are imaging documents
- Quality control testing for proper classifications
- Once QC testing verified, public documents available at courthouse terminals statewide
- Imperative that e-filed documents are properly classified because once filing is accepted, documents will be accessible at courthouse terminals statewide

MPA Courthouse View

- District court records available statewide from any courthouse terminal as of 9/9/2013:
 - Cass, Cook, Faribault, Goodhue, Hennepin, Kandiyohi, Lake, Le Sueur, Morrison, Scott, Washington
- Coming later in September 2013:
 - Carver, McLeod, Sibley and Dakota

Rules of Professional Conduct

Rule 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Sanctions

- Follow court rules
- Follow court orders including scheduling orders and notices
 - E.g., Second district routinely orders attorneys to sign up for EFS to receive service as no more paper notices are being provided

1. Always Sign Up for e-Service

- “Signing-up” for e-Service is MANDATORY
 - Gen. R. Prac. 14.02
- Separate Sign-Up required for EACH Case
- “Sign-Up” by designating e-mail address for receiving e-Service
- If want court notices, Sign-Up for e-Service!

1. Always Sign-Up for e-Service

- “Registration” not same as e-Service Sign-Up
 - Registration yields password, user ID, payment
 - Register only once
 - Must designate a Law Firm Administrator
 - Administrator controls who in firm may register

2. When to e-Serve, then e-File

- Joint e-File plus e-Service command not recommended where timely service is a concern
 - Service does not occur until filing accepted by court staff (R. Civ. P. 5.02(c))
 - Filings can be rejected (R. Civ. P. 5.04, 5.06)
 - Most e-filing processed within the next business day

3. Don't E-File Discovery

- Must use e-Service to serve discovery (Gen. R. Prac. 14.01(b))
- Do NOT “e-File” discovery unless court orders filing (R. Civ. P. 5.04)
- If court orders e-Filing of Discovery:
 - Protect privacy interests of individuals identified, e.g. redact addresses and telephone numbers of witnesses
 - Expedited Litigation Track Pilot Project Rule 2(b) mandates that attorneys take necessary and appropriate steps to protect the privacy interests of individuals identified in the disclosures

4. Don't e-File These:

- Don't e-File trial exhibits
- Don't e-File cover letters that merely introduce the contents of a filing
 - Letters presenting formal requests such as for hearing, for special handling, etc. should be e-Filed as “Correspondence.”
- Don't e-File ICMC Data Sheets (Family Court)
 - Judicial Council Policy 520.1 § IV

5. Assign the case type correctly

- Consult website (www.mncourts.gov) for list of case types for e-filing
- <http://www.mncourts.gov/efile>

6. Each e-Filed document needs a separate filing code

- Combine documents with supporting exhibits only if:
 - All have same security level (public, confidential or sealed)
 - E.g., an affidavit and supporting exhibits can be combined into one document if all are public
 - The cumulative size does not exceed 4MB
- Multiple, separately classified and coded documents can be submitted in a single “envelope” subject to envelope size limit

7. Limit document size to 4MB

- Although Gen. R. Prac. 14.03(c) permits e-filing documents up to 5 MB, in practice documents that are 4 MB each sometimes prevent a successful transmission
- Separate lengthy documents into segments if necessary and use the same filing code with the comment volume 1 of 2, volume 2 of 2, etc. or pages 1 to 150, pages 151 to 300, etc.

8. Use correct security classification

- Person e-filing is responsible for designating correct security classification of each document (Gen. R. Prac. 14.06)
- Three classes: public, confidential, or sealed
- Consult public access rules and charts posted on website under “Court Rules”
- Consult with local court staff

8. Use correct security classification

- An entire document may be sealed or confidential
 - Some documents require a special cover sheet (see item 9, below)
- Some individual data elements require special consideration
 - Some data elements must be redacted and placed on a separate data sheet (see item 9, below)

8. Use correct security classification

- Court staff review of e-filing may or may not catch your errors
- Can request to file a sealed or confidential document in paper format
 - Use for highly sensitive matters
 - Medical records
 - Motion making such request must itself be e-filed

9. Use confidential data forms

- Gen. R. Prac. 11
- Redact restricted identifiers from documents
 - Social security numbers (full or partial)
 - Financial account numbers
 - Employer identification number
- Place restricted identifiers on separate form 11.1 Confidential Information Form
- Classify redacted document as public and classify form 11.1 as confidential

9. Use confidential data forms

- Use form 11.2 to classify as confidential all Financial Source Documents:
 - Tax returns, wage stubs, credit card statements, financial institution statements, check registers, and other documents so designated by the court
- Form 11.2 is a cover sheet that lists the attached financial source documents
- Best practice: classify form 11.2 as public and all financial source documents identified on form 11.2 are themselves classified as confidential

9. Use confidential data forms

- Use correct filing codes:
 - “Confidential Information Form 11.1 personal information”
 - cover sheet code is “Confidential Information Form 11.2 sealed financial info”
 - financial documents themselves code is “Confidential Information Form 11.2 Attachments.”

9. Use confidential data forms

- Sanctions for failure to comply (Gen. R.Prac. 11.04)
 - Resubmit correctly classified and redacted forms
 - Reimburse court or other party for costs of appropriate redaction
 - Other?
- Court can act on its own initiative to address violations of rule 11 (Gen. R. Prac. 11.04)

10. E-File in PDF format only

- Effective September 16, 2013
- “Text-searchable” PDF required for:
 - electronically converted PDFs created from electronic document formats such as word processing documents (MS Word[®], WordPerfect[®], etc.),
 - portions of documents that contain charts, graphics, signatures, or handwritten items (fill in the blank spaces on pre-printed forms) need NOT be text searchable.

10. E-File in PDF format only

- “text-searchable” PDF format NOT required for PDFs created from paper documents processed through an optical scanner
- Guide to E-Filing With “Searchable PDF” is posted at <http://www.mncourts.gov/efile>
- Source: Gen. R. Prac. 14

Questions

- MN e-File Support Center
 - Submit inquiries
 - Located on website at
<http://www.mncourts.gov/efile>
- FAQs and other resources also posted at
<http://www.mncourts.gov/efile>