

**IN THE THIRTY-SEVENTH JUDICIAL CIRCUIT OF MISSOURI**

**ORDER**

Now on this 30<sup>th</sup> day of September 2013, it is ordered by the Court that the following rules are- adopted and enacted as Court Rules of the Thirty-Seventh Judicial Circuit of the State of Missouri:

1. Amended Rule 4.4.1, a copy of which is attached hereto as Exhibit A; and
2. New Rule 103, a copy of which is attached hereto as Exhibit B.

These rules are to become effective immediately.

It is further ordered that a copy of this *Order* and said Rules be forwarded to the Clerk of the Supreme Court of the State of Missouri at Jefferson City, Missouri. SO ORDERED.



**DAVID P. EVANS, Presiding Judge**  
**37<sup>th</sup> Judicial Circuit**  
**State of Missouri**  
For Court *en banc*

**Rule 4.4.1 Authority for Rule.**

This rule is promulgated under the authority conferred in Mo.S.Ct. Rule 43.

(a) Procedures herein described shall only be applicable in the Circuit Court of Howell, Oregon and Carter Counties.

(b) Fax filings of pleadings in the Circuit Court of Shannon County shall not be accepted.

## **RULE 103. ELECTRONIC FILING**

Procedures herein described shall only be applicable in the Circuit Court of Shannon County.

### **Rule 103.01 Electronic Filing**

Rule 103 and Court Operating Rule 27 govern all matters subject to electronic filing.

### **Rule 103.02 Registration**

Registration for electronic filing shall be made as required by Court Operating Rule 27.

### **Rule 103.03 Files of the Court**

(a) When a court accepts an electronic document for filing, the electronic document is the official court record.

(b) If a court digitizes, records, scans, or otherwise reproduces a document that is filed in paper into an electronic record, document, or image, the electronic record, document, or image is the official court record. The court may then destroy the paper document unless that document is required to be preserved by law or court order.

(c) For the convenience of the court, in addition to any electronic document filed as the official court record, a party or amicus curiae may submit to the court a copy of an electronic document on read-only disc (CD-R or DVD-R). A copy of any such disc also shall be provided to all other counsel and all self-represented parties.

The electronic document shall be submitted in text searchable PDF that must be identical in content and format as the electronic document filed as the official court record, except that the document may also include hyperlinks to the complete text of any authorities cited therein and to any document or other material contained in the record on appeal. In order for the hyperlinks to function properly, the record (or the cited portions of the record) and authorities must be included on the same discs as the electronic document.

An adhesive label shall be affixed to each disc legibly identifying:

- (1) The caption of the case;
- (2) The party filing the disc;
- (3) The disc number (e.g. "Disc 1 of 2").

**EXHIBIT B**

The filing party shall certify that the disc has been scanned for viruses and that it is virus-free.

(d) An electronic document requiring a signature shall be signed by an original signature, stamped signature or an electronic graphic representation of a signature, or in the following manner: *Is/* John or Jane Person.

#### **Rule 103.05 Electronic Filing with the Court**

(a) Any filing shall be made with the clerk of the court through the electronic filing system. Attachments, including exhibits, that are part of any filing shall be filed electronically at the same time.

(b) An attachment or exhibit that exceeds the technical standards for the electronic filing system or is unable to be electronically filed must be filed with the court on approved media as defined in Court Operating Rule 27. When an attachment or exhibit is filed on approved media, a notice of exhibit attachment shall be filed through the electronic filing system.

#### **Rule 103.06 Electronic Filing Deadlines**

(a) Electronic filing is permitted at all times when the electronic filing system is available. If the electronic filing system is unavailable at the time the user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(b) If a registered user believes the unavailability of the electronic filing system prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten days of the user's first unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically and why the delay was prejudicial.

(c) If the court determines that the unavailability of the electronic filing system prevented the court from receiving the filing, the court shall deem the document filed on the day that the user initially attempted to file the document.

(d) The filing deadline for any document filed electronically is 11:59:59 p.m. central time.

(e) A document is submitted for filing when the electronic filing system receives the document and sends a confirmation receipt to the filer. The electronic filing system will issue a confirmation receipt that includes the date and time.

(f) If the clerk accepts a document for filing, the date and time of filing entered in the case management system shall be the date and time the electronic filing system received the document. The electronic filing system will affix the date and time of filing on the document.

### **EXHIBIT B**

**Rule 103.07 Verified Documents and Affidavits**

A document required by law to be verified, to be signed under penalty of perjury, or to be signed by a notary public, may be filed as an electronic document if the affiant, declarant, or notary public has signed a paper document. Until the entire case is finally disposed, the registered user shall be the custodian of the paper document.

**Rule 103.08 Service**

Service shall be made to registered users through the electronic filing system and to all others as provided in Rule 43.01(c). Service by the electronic filing system is complete upon transmission except that, for the purpose of calculating the time for filing a response, a transmission made on a Saturday, Sunday, or legal holiday, or after 5:00 p.m. shall be considered complete on the next day that is not a Saturday, Sunday, or legal holiday.

**Rule 103.09 Notice of Entry of Orders and Judgments**

Any notice to the parties required by Rule 74.03 shall be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.

**Rule 103.10 Issuance of Summons**

If the electronic filing system is used to file a document that must be served with a summons, the clerk shall transmit the summons electronically to the registered user.

**Rule 103.11 Electronic Signature**

All judges handling cases in Shannon County are encouraged to obtain an electronic signature from OSCA and complete the Electronic Training Plan outlined on the Missouri Court Information Center.