



## Electronic Filing Rules

### COURT OPERATING RULE 27.01 – ELECTRONIC FILING SYSTEM

- (a) The Missouri Court Automation Committee shall establish an electronic filing system.
- (b) The system shall be phased in as the committee determines and can be applied to particular courts, counties, circuits, or case types.
- (c) The presiding judge of each circuit and the chief judge of each court of appeals district shall cooperate with the committee to implement electronic filing. All other judges and staff shall cooperate and assist with the implementation of electronic filing.

### COURT OPERATING RULE 27.02 – DEFINITIONS

As used in this Court Operating Rule 27, the following terms mean:

- (a) "Approved media," storage media for submitting attachments or exhibits that exceed approved file size limit. Approved media are: CD-R (Compact Disc-Recordable) write-once discs, and (2) DVD-R (Digital Video Disc-Recordable/Digital Versatile Disk-Recordable) write-once discs. DVD-R discs must be created as data, not video discs.
- (b) "Government attorney," a lawyer who is using the electronic filing system in his or her capacity as a lawyer for the state of Missouri or one of its political subdivisions;
- (c) "Portable document format" or "PDF," a file format that allows a document to be read by a PDF reader by the court.
- (d) "Registered user," an individual who has been granted login privileges to access and file in the electronic filing system and has paid any required subscription fee.

### COURT OPERATING RULE 27.03 – REGISTRATION

- (a) The state courts administrator shall establish registration requirements for all registered users.
- (b) Registered users shall be individuals - not law firms, nor agencies, nor corporations, nor other groups. The following may be registered users of the electronic filing system:
  - (1) Any member of The Missouri Bar who is authorized to practice law;
  - (2) Any lawyer admitted to the practice of law pro hac vice during the period of the lawyer's temporary admission.
  - (c) To become a registered user, an individual must complete an online registration form to request access to the electronic filing system and accept the conditions of electronic filing. If the person is approved as a registered user to access the electronic filing system, the person shall be granted login privileges. A lawyer may register to use multiple logins, but a separate fee shall be paid for each login, if applicable.
  - (d) Conditions of electronic filing. To access the electronic filing system, each person must comply with and acknowledge the following conditions:
    - (1) Pay any required subscription fee;
    - (2) Electronically furnish and maintain registration information;
    - (3) Maintain an email address at which the registered user agrees to accept service through the electronic filing system and other notices;
    - (4) Ensure that the login is used only by the registered user to whom it is assigned and by non-attorney agents and employees as the registered user may authorize. No registered user shall knowingly permit his or her login to be used by anyone other than his or her authorized agents and employees. A government attorney whose subscription fee has been waived shall use that login only for governmental purposes;
    - (5) Furnish required information for case processing; and
    - (6) Such other conditions that may be established by the state courts administrator.
  - (e) Any registered user who violates any conditions of use or takes any action intending to harm the electronic filing system in any manner, alter electronic documents or information stored in the system, or make any unauthorized use of the system commits misuse. Misuse of the electronic filing system may result in loss of a user's registration and subject the registered user to any other applicable penalty.

### 103.01 ELECTRONIC FILING

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

### 103.02 REGISTRATION

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

### 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.

### 103.04 FORMAT OF ELECTRONICALLY FILED DOCUMENTS

- (a) An electronic document shall be filed in the PDF format as defined in Court Operating Rule 27 and shall be formatted in accordance with the applicable rules governing formatting of paper documents, including page and word limits. Color coding of electronic documents is not required.
- (b) Electronic documents that are part of the official court record shall be self-contained and shall not contain hyperlinks.
- (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 a 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 disc as the electronic document. An adhesive label shall be affixed to each disc legibly identifying:

  - (1) The caption of the case;
  - (2) The party or amicus curiae filing the disk;
  - (3) The disc number (e.g., "Disc 1 of 2").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: /s/ John or Jane Person.

To view rules regarding electronic filing, visit [courts.mo.gov/efilingrules](http://courts.mo.gov/efilingrules).

effective **September 1, 2011**

For more information about electronic filing, visit [courts.mo.gov/efiling](http://courts.mo.gov/efiling).

### **103.05 ELECTRONIC FILING WITH THE COURT**

(a) Any filing shall be made with the clerk of the court through the electronic filing system unless otherwise required by law. 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 may be filed with the court on approved media as defined in Court Operating Rule 27 or may be filed as multiple electronic documents.

(c) A legal file that exceeds the technical standards for the electronic filing system or is unable to be electronically filed may with the approval of the court be filed with the court on approved media as defined in Court Operating Rule 27 or may be filed as multiple electronic documents.

(d) When any item is filed on approved media as defined in Court Operating Rule 27, a notice of filing shall be filed through the electronic filing system.

### **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.

### **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, signed electronically as provided in Rule 103.04(d), 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.

### **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 purposes 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.

### **103.09 NOTICE OF ENTRY OF ORDERS AND JUDGMENTS**

Any notice from the court including notice to the parties pursuant to Rule 74.03 or permitted by Rule 43.01(h) be made to the registered users through the electronic filing system and to all others as provided in Rule 43.01.

### **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.

### **103.11 FILING OF COPIES AND REQUIRED FORMAT OF CERTAIN DOCUMENTS IN THIS COURT AND COURT OF APPEALS**

(a) If a document is filed electronically in this Court or the court of appeals, no paper copies are required to be filed except as provided by local court rule.

(b) If the following documents are filed electronically in this Court or the court of appeals, the electronic document shall be submitted in text searchable PDF:

- (1) Applications and Motions;
- (2) Suggestions;
- (3) Briefs;
- (4) Petitions for a Writ; and
- (5) Answers and Returns to a Writ

(c) If the transcript is filed electronically in this Court or the court of appeals, the transcript shall be submitted in text searchable PDF. This provision shall also apply to any supplemental transcript requested under Rule 81.12(c) and (f) and 30.04(c).

### **103.12 APPENDIX TO BRIEF ON APPEAL**

An appendix to a brief on appeal, regardless of the number of pages it contains, shall be filed as a separate document.

### **41.08 SIGNATURES OF JUDICIAL OFFICERS AND COURT OFFICIALS**

(a) Signature of judicial officer. Documents requiring a judge's or commissioner's signature may be signed by an original signature, stamped signature, or an electronic graphic representation of a signature.

(b) Signature of clerk. Documents requiring a clerk's signature may be signed by an original signature, stamped signature, an electronic graphic representation of a signature, or /s/ John or Jane Clerk.

(c) Signature of court reporter and transcriber. Documents requiring a court reporter's or transcriber's signature may be signed by an original signature, stamped signature, an electronic graphic representation of a signature, or /s/ John or Jane Person.

## **Applicability of Rules**

### **19.01 MISDEMEANORS OR FELONIES – RULES – WHEN APPLICABLE**

Rules 19 to 36, inclusive, govern the procedure in all courts of this state having jurisdiction of criminal proceedings. Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. To the extent there is a conflict between Rule 103 and Rules 19 to 36, Rule 103 shall apply.

### **41.01 RULES – WHEN APPLICABLE**

(e) Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. To the extent there is a conflict between Rule 103 and Rules 41 to 101, Rule 103 shall apply.

### **110.01 APPLICABILITY OF RULES**

Rules 110 to 129 shall govern practice and procedure in the juvenile court and family court divisions of the circuit court under sections 210.125, 210.160, 210.166, 210.710 to 210.764, RSMo, and chapter 211, RSMo. Rule 103 and Court Operating Rule 27 shall apply to all matters subject to electronic filing. To the extent there is a conflict between Rule 103 and Rules 110 to 129, Rule 103 shall apply.

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