

Frequently Asked Questions On Electronic Filing of Briefs

Before e-filing a document, be sure to read the court's Administrative Order 07-1 (available on our website www.1dca.org) and the pink "Notice re: Electronic Filing of Briefs" sent out with the acknowledgment letter when a case is set up.

Q: How do I e-file?

A: Attach a copy of the document to an email and email it to the court. See the Administrative Order or pink Notice sheet for the required formats and naming nomenclature.

Q: So once I email the document, is it considered filed?

A: **No.** To file a document with the court, you must still submit the paper original and appropriate number of copies to the court. The day the paper original is received in the court is the filing date. Emailing the electronic copy of the document is an extra requirement; it does not replace the paper filing requirement.

Q: What do I e-file?

A: Only briefs, petitions, responses to petitions, and replies to responses to petitions.

Q: Can I e-file a motion?

A: No. The court does not currently accept the e-filing of any other documents, including motions, responses to motions, or general correspondence. Those pleadings should be sent in paper format only.

Q: Can I e-file in PDF format?

A: No. The court only accepts documents in Microsoft Word or Word Perfect format.

Q: Why can't I use PDF format?

A: The court's order requires documents to be in Microsoft Word or Word Perfect format and does not currently allow documents to be in PDF.

Q: Am I required to e-file?

A: If the case is number 07-3000 or above and you are an attorney, you are required to electronically file the documents specified in the court's Administrative Order. If you feel you are unable to do so, you must file a motion in the case claiming a hardship exception. If you are not an attorney or the case number is below 07-3000, you are not required to electronically file. However, if you are able to do so, it is encouraged by the court.

Q: I don't understand the naming nomenclature (naming system) for e-filing.

A: When sending the email, put in the subject line of the email the case number plus two-letter abbreviation for the type of document (ex: 1D07-3004IB for the initial brief in case 07-3004) and the style of the case (ex: William J. Doe v. State of Florida). When

you attach the document, make sure the document is only named the case number plus the two-letter abbreviation (ex: 1D07-3004IB.doc). If it is a petition that has not yet been filed with the court and does not have a case number, just put the case style and "Petition".

Q: Why do I have to put both the case style and case number in the subject line of the email?

A: Having both identifiers in the subject line of the email allows the court to find a particular email in its email system.

Q: What do I do about the signature?

A: The court's administrative order does not require electronic documents to be "signed." The litigant's signature should be on the original paper document. Litigants may electronically "sign" electronically filed documents using the /s_____ format but are not required to.

Q: When do I electronically file my brief/petition/etc?

A: The electronic brief/petition/response/reply is required to be emailed the same day as it is stated in the certificate of service that the party served the document on opposing counsel. If that time has passed, file the electronic copy as soon as possible. The filing of the paper original document with the court determines the actual filing date of the document.

Q: Can I check to see if my electronic document has been received?

A: If the online docket shows in the "NOTES" line for the docket entry of your brief/petition/response the phrase "Copy in B Directory," then the electronic copy has been received, compared against the paper original, and placed in the court's internal electronic directory accessible only by court personnel. If the online docket does not show that phrase, you may call the clerk's office to ask if the emailed document has been received but has not yet been compared against the paper original and placed in the directory.

Q: Am I supposed to receive an automatic confirmation email saying the court received my electronic document?

A: No, but if you request confirmation of receipt of the email within the body of the email, a confirmation email will be sent to you. This may take up to a week or more as the paper copy is received and reviewed against the electronic copy.

Q: What is the email address for electronically filing briefs/petitions/etc?

A: emailfilings@1dca.org

Q: If I am an attorney and I believe that I cannot comply with the electronic filing requirement, what do I do?

A: File a motion requesting a hardship exception with the court. Pro se litigants are not

required to file electronically and thus are not required to file a motion for hardship exception.

Q: If I email an electronic copy, do I still have to file the paper copies?

A: YES! The electronic filing requirement does not effect the number of paper copies required by the rules. The filing of the paper original determines the filing date of the brief/petition.

Q: What if I can't get the page numbers to come out right in the electronic document (i.e., using I, ii, iii... for the cover page, table of contents, and table of authorities and 1, 2, 3... for the body of the brief). Can I file the brief in two separate documents?

A: The entire brief must be contained in a single document. There is a way in both Microsoft Word and Word Perfect to change the type of page numbers in a single document, usually explained in a search of the "Help" section. However, if there are any deviations in the brief, such as the type of page numbering, the paper original filed with the court will control. Additionally if the cover page, table of contents, and table of authorities are included at the end of the document so as to accommodate the correct page numbers in the body of the brief, the electronic document will not be rejected.

Q: I'm a secretary/administrative assistant/paralegal for an attorney. Can I email the electronic brief from my email account for my attorney?

A: Yes. However, the paper brief must of course be signed by the attorney filing the document.

Q: What will happen if I am required to file my brief/petition electronically but I don't?

A: The court will issue a show cause order requiring you to email the brief. If you do not respond by emailing the brief or filing a motion for hardship exception, the brief will be stricken by the court and/or other sanctions imposed for failure to comply with a court order.

Q: Are briefs available online now?

A: No. While this may occur sometime in the future, electronic briefs filed with the court are currently only used for internal court purposes.

Q: Why doesn't your court follow the same procedures as the JCC/federal court/other court?

(Or)

I have a problem with your electronic filing procedure.

A: This court follows procedures similar to those of the other Florida District Courts of Appeal and the Florida Supreme Court. If you have a problem with the electronic filing procedure, you should file a motion with the court.

Q: Will my case be decided faster if I file my brief electronically? (Pro se)

A: No. The filing of optional electronic briefs (pro se or under 1D07-3000) will not expedite the consideration of your case.

Q: Do I have to email the appendix to my brief? How do I do that in one of the required formats?

A: The electronic filing of appendices is neither required or permitted, so you don't need to worry about fitting it into one of the required formats.

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