

Rule Thirty (30)

THE 12TH JUDICIAL DISTRICT ELECTRONIC FILING RULES

(E-FILING RULES)

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30.01. Authority

In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, Tenn. Code Ann. § 16-15-701, Rule 106 of the Tennessee Rules of Juvenile Procedure, and pending adoption of e-filing in each court, the Courts participating in e-filing for the Twelfth Judicial District adopts the following electronic filing rules. Pleadings and other electronic documents filed electronically in any participating Court shall be considered filed the same as court documents filed in paper format.

30.02. Short Title

These rules may be cited as “E-Filing Rules for the Twelfth Judicial District.”

30.03. Definitions

The following terms in these E-Filing Rules shall be defined as follows:

“Authorized Users” means the following persons who, upon completion of the registration requirements or user account configuration, may E-File documents:

- a. Attorneys licensed to practice law in Tennessee;
- b. Pro Se litigants;
- c. Law Enforcement Officers;
- d. Process Servers;
- e. Agents of Governmental entities;
- f. Special appointed agents for Domestic Violence Support;
- g. All Court judges and their staff; and
- h. The Clerk and all deputy clerks of the Clerk’s Office;

“Clerk” means any participating Court Clerk and Clerk and Master for the Twelfth Judicial District;

“Clerk’s Office” means the office of any participating Court Clerk and/or the Clerk and Master in the Twelfth Judicial District;

“Convenience Fee” is a minimum fee or percentage of any statutory charged fee which is charged by a credit card processing company in connection with electronic filing and which is in addition to the statutory filing fees. Such a fee is charged in connection with payment by credit card or ACH (if accepted). (See Section 12 below);

“Case Management System” or “CMS” means a computer system operated by the Clerk’s Office which maintains all case information within each office. The CMS includes TnCIS and CourtPro.

“Court Administrator” means the Court Clerk and the Clerk and Master, or their designated deputy clerk, who administers TnCIS, CourtPro, the document management system, and internal users;

“Court” means any participating Court Clerk’s or Clerk and Master’s office for the Twelfth Judicial District, and any Judge or Chancellor;

“CourtPro” means the Tennessee Case Information System or Case Management System software supported by CourTNet, used to manage and record case information specific to Tennessee;

“Document” means a pleading, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules;

“Document Management System” or “DMS” means a computer system operated by the Clerk’s Office which maintains all electronic and scanned paper documents filed in the Court in electronic form;

“E-file” or “E-filing” means the electronic transmission of original documents to and from the Court for the purposes of recording information and Court documents to a Court case, or other official Court purposes. For purposes of these rules, e-filing does not include the filing of faxed documents;

“E-Filer” is an Authorized User who has a Court approved E-Filing login, username, and password allowing E-Filing of Documents into the Court’s CMS and DMS;

“Electronic Court Filing System” or “ECF” means the software and services provided to Authorized Users to E-file, review filings, and process information that is recorded to the Court’s CMS and DMS;

“E-Filing Fee” is the fee an attorney or pro se litigant pays for using the E-Filing system. This is a separate fee from, and in addition to, the Convenience Fee charged by the credit card processor and the statutory filing fee(s) (See Section 12 below);

“E-Filing Rules” means the E-Filing Rules for the Twelfth Judicial District;

“Local Rules” means the Rules of the Circuit Court and Chancery Court for the Twelfth Judicial District;

“Notice of Association” means a method provided by the ECF that a pro se filer will use to link the ECF Authorized User account to a case in TnCIS or CourtPro;

“Notice of Electronic Filing” or “NEF” means an electronic notice distributed by the ECF to Authorized Users when court documents are E-filed to a case. The notices are specific to a case and are distributed to case participants or their legal representatives who are registered in the ECF System, recorded in TnCIS or CourtPro as a case participant, and are linked between ECF and TnCIS or CourtPro;

“Party” or “Parties” means any person, including an individual, executor, administrator, or other personal representative, corporation, partnership, association or any other legal, governmental or commercial entity, whether organized under the laws of this State who is a party in a case pending in the Court and is represented by an attorney or acting pro se;

“PDF” or “Portable Document Format” means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. Converted Documents must contain the “.pdf” file extension;

“Public Access Terminal” means a publicly accessible computer provided by the Clerk for the purposes of allowing E-filing and/or viewing of public electronic court records. The public access terminal, where available, shall be available in the Clerk’s Office and made available during normal business hours. The Clerk’s Office may also offer printed copies of the electronic court records and apply relevant copying fees as permitted by relevant statutory and court rules;

“Statutory Fee” means the normal filing fee charged by the Court to file a law suit, and other usual fees charged by the Court in the course of the case;

“System Administrator” means the Tybera Development Group, Inc. management team that supports the Court Administrator and the registration and support of Authorized Users;

“Terms of Use Agreement” means the agreement parameters for the use of the ECF System by all Authorized Users;

“TnCIS” means the Tennessee Case Information System or Case Management System software supported by Local Government, owned and controlled by the Tennessee Administrative Office of the Courts, used to manage and record case information specific to Tennessee;

“Traditional Filing” is a process by which a Party files a paper document with the Clerk;

“TRCP” means the Tennessee Rules of Civil Procedure;

“User Guide” means the recommendations and modifications to procedures specific to the participating court. All E-Filers should periodically check participating Clerk’s Website for updates to the User’s Guide. The ECF system will provide a Filer’s User Manual specific to how to use the ECF system that will function for State courts in all counties.

30.04. Effect on Existing Local Rules

These E-Filing Rules are adopted as an Appendix to the Local Rules of the Court and do not supersede or replace any other Local Rules of the Court.

30.05. Electronic Filing Encouraged Unless Prohibited by Order of the Court

(a) E-Filing of documents is encouraged by this Court. Except as provided by subsection (b) below, a document that can be traditionally filed with the Court may be E-Filed.

(b) The Court or the Clerk may exclude documents and/or certain types of cases from E-Filing. Notice of these excluded documents and/or cases may be obtained from the Clerk’s office.

30.06. Scope of Rules

(a) Except as expressly provided herein, for all new cases filed on or after the effective date of these E-Filing Rules, the Court shall accept as validly filed all documents that are filed through E-Filing. Existing cases can be converted to e-filed cases at the request of the litigants or their attorneys.

(b) The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of these E-Filing Rules.

(c) E-Filers may obtain access to the E-Filing Website either through an internet access point, or, where available, by using the Clerk’s Public Access Terminal located in the Clerk’s Office.

30.07. Electronic Case File

The Clerk shall maintain all E-Filed documents that are reviewed and approved in electronic format as part of the official case file. Although the electronic case file will be the official case file, each Clerk will continue to maintain a paper copy of the file until these rules are modified to permit only electronic files to be kept.

30.08. Registration Requirements

(a) Persons who qualify as Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the ECF Website. The registration process requires the prospective user to accept the User Agreement, identify their role for the account, enter their personal information, their username and password, and submit the request. Attorneys must include a valid Tennessee issued Bar Number. There is an approval process that will occur. Once the approval process is completed the user will receive an email notifying them that their account is approved. The user must then register their payment options and credit card with the ECF system and the Court. If the user does not receive an email the user can determine if their account is activated by logging into the ECF website;

(b) E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number or e-mail address;

(c) Attorneys who intend to practice Pro Hac Vice are not allowed to register. Out of State Attorneys who are not admitted to the Bar in Tennessee are required to associate with an attorney who has a Tennessee issued Bar number, and they must follow the rules for participating in a case.

30.09. Time and Effect of E-Filing

Any E-Filed document shall be considered as filed with the Clerk once the transmission of the entire document is received and approved by the Clerk. Any document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on that date if such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon approval by the Clerk of an E-Filed document, the ECF system shall electronically transmit a Transaction Receipt indicating that the E-Filing has been filed. The Transaction Receipt shall serve as proof of filing.

If a document is rejected and returned to the E-Filer and that document has to be resubmitted due to an E-Filer not submitting a .pdf file, or other filing errors by the E-Filer, the document will receive a new time and date stamp when the correct document type is filed. A Party may petition the Court for good cause for the document to receive a *nunc pro tunc* effective time and date for the filing (see Part 15 below).

30.10. Form of Documents Electronically Filed

(a) Each E-Filed document shall be uploaded in a PDF format unless it is a Proposed Order for a judge to review. The document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules governing formatting of paper documents and in such

other and further format as the Court may require from time to time. Proposed Orders can be E-Filed in Microsoft Word format;

(b) The E-Filer is responsible for verifying that the documents to be E-Filed are legible and formatted correctly. The Clerk will not reject documents that are generally not legible or are sideways so long as the document can be associated to a case. However, the Clerk will be held harmless for any such errors by the E-filer. Notwithstanding proposed orders, documents that are not formatted as a .pdf are unable to be e-filed and will be rejected since they cannot be added to the CMS. By E-filing, the E-Filer accepts the consequences for not formatting documents correctly and the Clerk will be held harmless for the consequences of any such error by the E-filer;

(c) In addition to the information required by TRCP Rule 11 and any other Local Rule, the Party or Attorney signing a document that is being E-Filed shall also follow the requirements in Part 30.13.

30.11. Notice of Electronic Filing (NEF)

When a person E-files to a case, whether they are a case participant or not, notifications of the E-Filing are distributed to Authorized Users that are recorded in TnCIS or CourtPro as case participants or legal representatives. To receive notifications, participants must be Authorized Users and have an active account in the ECF System. For the notification to recognize the association of an Authorized User to a case the Clerk must first record the Authorized User on the case in TnCIS or CourtPro as a pro se litigant, or as a legal representative with a Bar Number. TnCIS and CourtPro only maintain Tennessee issued Bar Numbers.

All Authorized Users agree to receive their notices of documents which are E-Filed in their cases electronically through the ECF system.

All Authorized Users must include a Certificate of Service on each pleading filed just as if it had been filed on paper.

Pro se litigants recorded in TnCIS or CourtPro on a case must be registered Authorized Users in ECF and have previously filed a Notice of Association that links the ECF user account to their TnCIS or CourtPro participant ID.

The NEF **does not** replace the need for service of process. The NEF satisfies the responsibility of a filer to send service to other parties that are registered in the ECF System and linked as participants on the case for secondary filings. This service does not replace the responsibility of E-Filers to notify parties by conventional means when they are not registered in the ECF system. The ECF system provides a method to identify what case participants are Authorized Users and recorded in TnCIS or CourtPro as participants in the case each time an e-filing is submitted.

The NEF is distributed as an email and posted in the ECF web interface for access. It is incumbent on each filer to keep the NEF in his/her permanent files as proof of notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs within ninety days (90) from the time the NEF is posted to their user account. After ninety days, all NEFs are deleted from the Authorized User's account.

All electronic service of papers e-filed shall be done according to Tennessee Supreme Court Rule 46A which reads as follows:

- (1) For purposes of this Rule, the following definitions shall apply:
 - (a) "E-file" or "E-filing" means the electronic transmission of documents in cases pending in the court, using the dedicated E-Filing system maintained by the clerk of the court.
 - (b) "E-Filer" means a registered user who e-files a document.
 - (c) "E-Filing system" means a system adopted by any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court Clerk that allows for the e-filing of documents and is in compliance with the technological standards promulgated by this Court.
 - (d) "E-service" or "E-served" means the automatically generated electronic transmission, by and through an e-filing system, of a notice to all participants in a case who are registered users that a document has been e- filed.
 - (e) A "registered user" is a person who has properly registered with and has been authorized to use an e-filing system for the e-filing of documents in accordance with the requirements of a local rule of court. A registered user is deemed to have consented to receive e-service and is responsible for maintaining a valid and current e-mail address and keeping same up to date in the e-filing system.
 - (f) "Documents" that may be e-served under this Rule include only those items that must be served pursuant to Tenn. R. Civ. P. 5.01, Tenn. R. Crim. P. 49, Tenn. R. Juv. P. 106, and any similar General Sessions Court rule.
- (2) Any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court that has, by local rule of court, allowed documents to be filed, signed or verified by a registered user of an e-filing system shall allow such documents to be e-served. E-service shall constitute proper service of the e-filed document on a registered user and shall have the same legal effect as service of a paper document under the applicable rules of procedure. Independent conventional service of an e-filed document, either by paper or otherwise, need not be made by an e-filer on any registered user, unless otherwise ordered by the court.
- (3) Any (A) lawyer representing a person, party or participant in the case, or (B) pro se person, party or participant in the case, who is either (i) not a registered user of the e-filing system or (ii) known by the e-filer not to have been e-served, must be served by the e-filer through the conventional means of service set forth in the applicable rules of procedure.
- (4) Unless ordered otherwise by the court, a court clerk may, through the e-filing system, transmit to registered users all notices, orders, opinions, or judgments filed by the court or court clerk, which transmission shall constitute proper service and shall satisfy

the notice requirements of Tenn. R. Civ. P. 58 or any other applicable rules of procedure.

- (5) The court has the discretion, for good cause shown, to order that service, other than e-service, be required in a particular case.

30.12. Payment of Fees

(a) All E-Filed Documents subject to statutory filing fees (Court Costs) shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card or via ACH (if available) at the time of E-Filing. Use of the E-Filing Website constitutes E-Filer's consent to process or charge the credit card or ACH supplied. Notwithstanding, attorneys may enter into a separate payment agreement with the participating Clerk's office in lieu of paying the **statutory fee** through the ECF that will permit the attorney to pay the statutory fees by cash or check. Payment of the **E-Filing** fee must be paid by credit card or ACH through the ECF and cannot be paid in the Clerk's office. If an attorney fails to promptly pay any statutory fees pursuant to their agreement with the Clerk's office then any such agreement may be voided at the Clerk's discretion and payment by credit card through the ECF will be required for any future E-Filing;

(b) It is the responsibility of the Authorized User to contact the appropriate Clerk's Office or Clerk and Master's Office to obtain the correct amount of fees. The ECF system will not calculate the fees in this release of the E-Filing system (release one). When the ECF system provides an estimate in later releases the Clerk is still responsible for calculation of the fees which may be different from the estimates. This can occur when the Clerk corrects information entered by the filer;

(c) The E-Filing Fee is in addition to the statutory filing fees and is \$5.00 per filing up to a maximum of \$50.00 per case. In lieu of paying an E-Filing Fee for each transaction an E-Filer may elect to pay \$300.00 as a flat subscription fee per lawyer or pro se litigant for a one year period starting on the date the flat fee is paid. The flat fee pays all the E-filing fees for all cases filed by that lawyer or pro se litigant in any Court in the State using the Tybera E-Filing System. The E-Filing Fee shall not be assessed against the State, a party declared indigent or to that indigent's party's legal representative. Tybera will keep an account of the amount of fees paid in each case;

(d) The convenience fee charged by a credit card processor pursuant to T.C.A. Sec. 9-1-108(c)(4)&(5), is charged to E-Filers in addition to the statutory filing fee and the E-Filing Fee. The convenience fee covers the cost of processing the credit card. The amount of that fee will appear with each credit card transaction;

(e) Authorized users will be able to access their cases as well as any other cases in the system that are not under seal and make copies of documents in those files. Certified and paper copies will be available from the Clerk's office for the statutory fees;

(f) Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. The Clerk will issue either a check for a refund, or if available the refund may be applied directly back to the card holder's credit card. Refunds will not be made in cash and will be made to the original card holder. Depending on the credit card processing company the amount of any refund may be less the percentage charged as the credit card convenience fee;

- (g) Refunds on a case will be paid to the owner of the credit card used to make the payment.

30.13. Signatures

(a) A document that is required to be verified by a notary public, sworn to, or made under oath, or one that requires multiple signatures may be E-Filed only as a scanned image of the original. The original document shall be maintained by the Party or the attorney E-Filing the document and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities;

(b) Any document filed with an electronic signature must be filed using the user account of the individual electronically signing the document. Any document signed and filed using the account that matches the signature is considered binding on that individual even if that user shares their username and password;

(c) For all other documents that generally include an attorney's or pro se E-Filer's signature the following pattern is to be used:

/S/John Doe (Authorized User's name) and TN Bar No. (if an attorney)
123 Main Street (Authorized User's street address)
City, State, Zip Code

(d) Attorneys may also use any other electronic signature format that is approved pursuant to Tenn. R. Civ. P. 5B.

30.14. Redaction

Authorized Users must be sensitive to confidential and personal information filed publicly and not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court;

It is the responsibility of the Authorized User to redact all documents that are E-Filed to the Court. When a document required to be E-Filed includes sensitive data that otherwise would be redacted, the Authorized User must file an original and a redacted version in the manner described at the end of this part. The redacted version will be stored for public access and should be redacted as follows:

- (a) Social Security Numbers. If a social security number must be included in a document, only the last four digits of that number must be used;
- (b) Dates of Birth. If an individual's date of birth must be included in a document, only the year must be used;
- (c) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers must be used;

- (d) Names of Minors. If a case includes a minor and when this information needs to be protected from the public, the Authorized User should use a pseudo name in the documents and then file a sealed document with the actual names.

In addition, exercise caution when filing documents that contain the following:

- (1) Personal identifying number, such as a driver's license number;
- (2) Medical Records, treatment and diagnosis;
- (3) Employment History;
- (4) Individual Financial Information;
- (5) Proprietary or Trade Secret Information.

It is the responsibility of E-Filers to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. The Clerk will not review each document for redaction.

Only a redacted copy of a document shall be E-Filed. Any un-redacted document shall be delivered to the Clerk's office and the Clerk will attach the document to the case file in a manner that does not permit public access to the document or access through the ECF.

30.15. System or User Filing Errors

If the E-Filing does not reach a status of RECEIVED because of (1) an error in the transmission of the document to the Clerk which was unknown to the sending party, (2) a failure to process the electronic document when received by the Clerk, or (3) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date the document was first attempted to be filed electronically and may also extend the date for any response or the period within which any right, duty, or other act must be performed.

30.16. Effective Date

These rules shall become effective thirty (30) days after approval by the Administrative Office of the Courts E-Filing Committee.

ADOPTION OF ELECTRONIC FILING RULES

The foregoing Circuit Court and Chancery Courts of the Twelfth Judicial District, Tennessee E-Filing Rules concerning the electronic filing of documents are hereby adopted by the Presiding Judge on this the 14th day of February 2022 and submitted to the Administrative Director of the Administrative Office of the Courts.