

# **NOTICE TO THE BAR**

## **MANDATORY ELECTRONIC FILING IN THE SPECIAL CIVIL PART OF THE LAW DIVISION OF THE NEW JERSEY SUPERIOR COURT**

The New Jersey Supreme Court has approved a two-phase plan that will eventually require attorneys to file all pleadings and other documents electronically in civil actions commenced in the Special Civil Part (i.e., actions where the amount in controversy is \$15,000 or less, commonly referred to as DC docket-type cases). The Judiciary has been operating the Judiciary Electronic Filing/Imaging System (JEFIS) as a voluntary e-filing program statewide since November 2000. Members of the bar have been extremely helpful in the creation of the program and currently 54% of the nearly 400,000 complaints filed annually in DC docket-type cases are being filed electronically. The Judiciary's experience with JEFIS has shown that documents filed electronically can be processed much more efficiently and accurately than paper documents and given the recent rapid increase in the number of DC filings, coupled with the constraints of the current State budget, it is clear that steps must be taken to increase electronic filings and decrease the scanning of paper documents if the current level of efficiency is to be maintained in the Special Civil Part.

### **Phase One – First Year**

Phase one commences with a Supreme Court order that relaxes and supplements the court rules to require that New Jersey attorneys who filed 1,000 or more complaints in DC docket type cases in 2008 file all DC pleadings and documents electronically through JEFIS, effective May 17, 2010, approximately one year after entry of the order. This will affect approximately 35 law firms who, in the aggregate, account for 75% of all DC docket-type cases. The order was entered on March 10, 2009 and a copy accompanies this Notice.

During this phase, the Administrative Office of the Courts (AOC) will work closely with the affected law firms to assist them in complying with the May 17, 2010 deadline set forth in the Order. This direct assistance will include:

- guidance in registering with the Superior Court Clerk's Office,
- an initial consultation with the law firm's information technology specialists,
- guidance in establishing a user ID and password for each attorney in the firm,
- assistance in downloading the Judiciary-provided e-filing software,
- a site visit to each firm, if necessary,
- evaluations of test filings and follow-up to help the firm remedy any unresolved problems, and
- answering any questions the firm may have as they go through the conversion process.

The AOC will initiate contact with the law firms affected by the Court's order during the last week of March 2009 and will host informational meetings with these firms in mid-April 2009.

Beyond the substantial benefits of the current program, the Judiciary will provide additional inducements to participate in JEFIS, including remote access from attorneys' offices to the electronic case jackets for their cases, automation of the monthly statements for the collateral accounts used by attorneys to pay filing fees and on-line access to real-time balances in these accounts.

### **Phase Two – Second Year and Beyond**

The second phase of implementing mandatory e-filing will commence in the second year after entry of the Supreme Court's order. It will focus on some or possibly all of the remaining 4,000 low-volume filers of DC docket-type cases in the Special Civil Part. The specific plan for the second phase will be developed during the implementation of Phase One.

/s/ Glenn A. Grant

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Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts

**Dated: March 16, 2009**

## SUPREME COURT OF NEW JERSEY

WHEREAS the New Jersey Judiciary has successfully implemented the Judiciary Electronic Filing and Imaging System (JEFIS) project in the Special Civil Part of the Law Division of Superior Court in all twenty-one counties pursuant to several prior orders of the Court as listed in the closing paragraph of this order;

WHEREAS those prior orders permit documents in civil actions that are to be filed in that court pursuant to Rule 6:1-2(a)(1) (i.e., actions in which the amount in controversy does not exceed the Special Civil Part's \$15,000 monetary limit) to be submitted either electronically or on paper, and to permit those documents to be processed and stored electronically by the court and the clerk;

WHEREAS the Judiciary's experience with JEFIS has shown that documents filed electronically by attorneys can be processed much more efficiently than those submitted on paper; and

WHEREAS the Court has approved a proposal to move incrementally towards eventually making the use of JEFIS mandatory for attorneys;

IT IS ORDERED pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, that effective immediately and until further order, the Rules of Court are supplemented and relaxed, as set forth below, to increase the number of documents submitted electronically through JEFIS in civil actions filed pursuant to Rule 6:1-2(a)(1):

1. Rule 6:1-1(d) is supplemented so as to require all attorneys who filed 1,000 or more complaints in the Special Civil Part during calendar 2008 to file all future pleadings and other documents in those actions electronically through JEFIS, with this requirement to be implemented no later than May 17, 2010;
2. Rule 1:5-6(c) is supplemented so as to require that after May 17, 2010, as to papers submitted for filing by those attorneys identified in the preceding paragraph, the clerk shall return any paper submitted for filing that is not in compliance with paragraph 1 of this order, with that paper stamped as "Received But Not Filed – Must Be E-Filed Via JEFIS."
3. The court may grant an exception from these requirements on a case by case basis when extraordinary circumstances would prevent the attorney from using JEFIS to file a particular document.

This Order supplements the Court's Orders of December 10, 1996 and February 1, 1999 with regard to the JEFIS project in Monmouth County; March 27, 2000, which permitted the statewide expansion of the electronic filing component of JEFIS; the Court's Order of October 7,

2003, permitting expansion of the imaging component of JEFIS to Mercer and Ocean Counties; Order of April 27, 2004 permitting expansion of the imaging component of JEFIS to nine additional counties; and the Court's Order of July 7, 2005 permitting expansion of the imaging component of JEFIS to the remaining nine counties.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: March 10, 2009