

# Circuit Court Expands eFiling Pilot Program

by *Kevin M. Oeffner*  
*Circuit Court Administrator*



**E**lectronic filing of court documents in civil cases has been a fixture in the Circuit Court since August 2007. Beginning May 3, 2010, our eFiling program will be expanded to include divorce cases with case numbers ending in “DO” (divorce cases with no children). The pilot program will continue to December 31, 2012.

The Supreme Court authorized the implementation of our Family Division eFiling pilot program to “study the effectiveness of electronically filing court documents in connection

with the just, speedy, and economical determination of divorce actions” filed in this Circuit Court and assigned to the participating circuit judges in the pilot program. The court will monitor the effectiveness of the pilot program and make periodic reports to the State Court Administrative Office.

The Circuit judges who will participate in the pilot program are the Honorable Joan Young and the Honorable James Alexander. Participation in the program will be mandatory for “DO” type cases filed on or after May 3, 2010, that are assigned to Judges Young and Alexander. The initial complaint will be filed as usual (by paper) and the case will be assigned by blind draw. For cases assigned to Judge Young and Judge Alexander, all subsequent documents (after the initial complaint) must be eFiled.

Although eFiling is mandatory for those cases assigned to the pilot program judges, litigants may file a motion to request to file documents in paper format if they can demonstrate good cause as to why they are prevented from eFiling. Persons who are excused from eFiling must file their paper documents with the County Clerk, who will then scan the documents in the traditional manner. Persons with cases in the eFiling pilot program must submit their documents in accord with the requirements of Supreme Court Administrative Order 2010-3, a copy of which may be viewed at <http://courts.michigan.gov/supremecourt/Resources/Administrative/AO2010-3-File2002-37.pdf>. Electronic filings must also comply with relevant statutes and court rules, including MCR 2.113. The County Clerk’s Office may reject documents submitted via eFiling if they are not accompanied by the proper fees or do not comply with Administrative Order 2010-3, MCR 2.113, or other relevant court rules and statutes.

Documents submitted via eFiling may be sent to the court at any time from any location. The County Clerk’s Office will accept the documents for filing only during the hours of 8:00 a.m. to 4:30 p.m. on weekdays. In most instances, documents eFiled after normal business hours will be deemed filed the next business day.

All times for the filing and serving of eFiled documents shall be governed by the same court rules, statutes and administrative orders applicable to documents filed in the tradi-

**How can you increase your visibility to the general public and enhance the image of the legal profession at the same time?**

**The OCBA Public Service Committee has opportunities for you!**



**For more information about how you can take advantage of these opportunities, contact Candice Russ at (248) 334-3400**

tional paper format and hand-delivered. Praecipes required by LCR 2.110(A) must be filed through the court's ePraecipe application at <http://courts.oakgov.com/ePraecipe/>.

All fees required by statute or court rule for the submission of documents (such as motion fees) will still apply. In addition, persons who eFile documents will be charged a mandatory \$5 fee for each instance of eFiling. Electronically serving documents in eFiling cases is discretionary on the part of the parties, but strongly encouraged by the court. Orders from the court will be eFiled and served via the Wiznet application. Those who opt to serve documents electronically must pay a \$3 fee for each instance of electronic service in addition to the eFiling fee. Payment of eFiling and eService fees must be made by credit card.

The court will insist, under the provisions of the eFiling pilot program, that attorneys and parties exclude personal identifiers from court documents. Social Security numbers, names of minor children, dates of birth, financial account numbers and driver's license numbers, in their entirety, must not be included in eFiled documents. Parties wanting to include a complete personal data identifier may file a motion to file a paper version of the document under seal or file a paper reference list, under seal, in which would be contained the complete personal data identifier(s).

Training is available for attorneys and parties who have cases in the eFiling pilot program. Please visit <http://www.oakgov.com/clerkrod/efiling/index.html> for the dates, times and locations of training opportunities and to learn how to register online for training.

The Circuit Court's civil case eFiling program has gained wide acceptance by the legal community since its inception in 2007. The entire civil dockets of eight of the court's 14 Civil/Criminal Division judges are now eFiling dockets, with the expectation that additional judges will opt for eFiling civil dockets this year.

The success of the civil eFiling program warrants expansion to the family docket. The Family Division's foray into eFiling will enable the court to gauge the applicability and effectiveness of a mandatory eFiling environment with respect to "DO" cases and whether that environment will be suitable for other Family Division cases.

As mentioned earlier, please go to <http://courts.michigan.gov/supremecourt/Resources/Administrative/AO2010-3-File2002-37.pdf> to view the provisions and requirements of the Family Division eFiling pilot program. You may also contact the Circuit Court at 248-858-0345 for more information.

Until next time...

**Do you have a case at the Oakland County Circuit Court that you are required to e-file?**

**Do you practice in the U.S. District Court-Eastern District of Michigan, U.S. Bankruptcy Court-Eastern District of Michigan, or the Michigan Court of Appeals and are required to e-file your court documents?**

**Did you miss the OCBA's e-Filing Symposium?**

Copies of the DVD and handout materials are available for \$120 at the OCBA. If you would like to order a copy please fill out the form below and return it to the OCBA by **Friday, May 5, 2010**. Materials are limited and these sets are available for pre-orders ONLY.

**For more information contact Candice Russ at 248-334-3400**

Please send \_\_\_\_\_ set(s) at \$120 each to:

Name \_\_\_\_\_ P# / LA# \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

**Method of Payment:** Check VISA MC

Card Number \_\_\_\_\_

Billing Addr. & Zip \_\_\_\_\_

Exp. Date \_\_\_\_\_ CVV2/CVC2 (3-digit code) \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Oakland County Bar Association, 1760 S. Telegraph Rd., Suite 100, Bloomfield Hills, MI 48302