

## MILTON MUNICIPAL COURT

### LGR 2.5

#### ELECTRONIC FILING AND SERVICE

(a) **Definitions.** See GR 30(a)

(b) **Electronic filing (“eFile”) authorization, charges, exceptions, and waiver:**

- (1) *Mandatory Electronic Filing.* Effective January 1, 2022, attorneys shall electronically file (eFile) all documents except the initial criminal complaint, citation, or notice of infraction, using the court’s designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys or self-represented (*pro se*) parties are not required to eFile but are encouraged to do so.
- (2) *eFiling service charges.* An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for:
  - (i) persons who are indigent or their court-appointed attorneys;
  - (ii) government filers;
  - (iii) qualified legal services providers;
  - (iv) protected parties of no contact orders issued by the court;
  - (v) protection orders or other matters for which filing fees may not be charged by law.
- (3) *Documents That Shall Not Be eFiled.* The following documents must be filed in paper form rather than eFiled:
  - (i) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;
  - (ii) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
  - (iii) Documents presented for filing during a court hearing or trial including documents for in camera review pursuant to GR 15, jury trial exhibits, and proposed jury instructions. Proposed jury instructions shall be delivered to the judge the morning of the first day of trial;

(iv) Documents larger than permitted in the User Agreement.

(4) *Working Copies.* Persons who eFile documents under this rule are not required to provide duplicate paper copies of those documents as “working copies” for judicial officers. The court may require that a party provide working copies of documents that are not eFiled.

(5) *OCourts.* As long as the court is utilizing the OCourts document management system, all documents used in furtherance of the case during a court hearing, including, but not limited to, guilty pleas, stipulated orders of continuance, motions to continue (unless being requested in advance of the hearing) and proposed orders on motions, will continue to be prepared in OCourts and are required to be prepared by the attorneys using OCourts. Such documents will be filed and distributed by the clerk following the hearing. Documents that can be prepared and submitted through OCourts and are intended to be presented during a court hearing should not be separately eFiled with the court.

(6) *Waiver of the Requirement to eFile for attorneys.*

(i) If an attorney is unable to eFile documents **required by this rule**, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.

(ii) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.

1. *Non-Compliance with this Rule.* If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the Clerk is authorized to reject the document and return it to the attorney to be eFiled consistent with this rule.

(c) **Retention policy.** If filed electronically, the filing party must retain the original document until at least sixty (60) days after completing the instant case, during the pendency of any appeal, and shall present the original document to the court if requested to do so. This does not include documents submitted as an exhibit during a hearing or trial.

(d) **Time for filing.** An electronic document is considered filed with the clerk when it is received by the clerk’s eFiling system during regular business hours. Any document electronically filed with the clerk by 4:30 PM PST on a business day shall be deemed filed

with the clerk on that date. A document filed after 4:30 PM PST or on a non-business day or holiday shall be considered filed on the next business day.

**(e) Electronic Service.** If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email. Efiled documents should be served on the other party using the eServe function. E-Service under this subsection constitutes service under CrRLJ 8.4 and CRLJ 5.

*(1) Exceptions to E-Service.* E-Service does not apply when:

- (i) A statute or rule requires that a document be personally served on the receiving party;
- (ii) Documents are not intended for filing with the court (e.g. discovery);
- (iii) A self-represented party has not registered for e-service;
- (iv) A waiver has been obtained as set forth in this rule.

**(f) Electronic Transmission from the Court.** The court or clerk may electronically transmit notices, orders, or other documents to all attorneys, or to a party who has filed electronically or has agreed to accept electronic documents from the court, and has provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

- (i) It is the responsibility of attorneys and self-represented parties to keep their e-mail addresses updated. Attorneys must keep their email addresses updated with the Washington State Bar Association. Self-represented parties must update their email address with the clerk's office by eFiling a notice of change of address. Attorneys and self-represented parties will be considered served if served using the e-mail address currently on file in the Court's cases management system.