

## **SUPREME COURT OF NEW JERSEY**

In furtherance of the New Jersey Judiciary's implementation of an electronic filing system for foreclosure actions, referred to as JEFIS-Foreclosure (Judiciary Electronic Filing and Imaging System – Foreclosure), it is ORDERED pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, that effective July 1, 2010 and until further order, the following Rules of Court are supplemented and relaxed for purposes of such actions, as set forth below:

1. Rule 1:4-4(c) (facsimile signatures) so as to permit an attorney participating in the program and electronically filing an affidavit or certification to use a facsimile of the original signature regardless of the affiant's availability; the original signature of an affiant who is an attorney may be typed or digitized if the affiant is the individual attorney filing the document electronically; the remaining requirements of the rule continue to be in effect.
2. Rule 1:4-4(c) (facsimile signature) so as to prohibit an attorney participating in the program from authorizing another person to file a document electronically on his or her behalf using the attorney User's ID and/or password.
3. Rule 1:4-5 (signing and dating pleadings) so as to permit the use of the individual attorney's typed or digitized signature, or to permit signature by electronic entry secured by a Personal Identification Number or other authentication method in accordance with protocols established by the Administrative Office of the Courts, on all electronically filed documents that would otherwise require the attorney's handwritten signature, and to prohibit an attorney participating in the program from authorizing another person to file a document electronically on his or her behalf using the attorney User's ID and/or password.
4. Rule 1:4-8 (frivolous litigation) so as to apply the provisions of that rule to an attorney who uses a typed or digitized signature on a document that is filed electronically, and to prohibit an attorney participating in the program from authorizing another person to file a document electronically on his or her behalf using the attorney User's ID and/or password.
5. Rule 1:4-9 (size, weight and format of filed papers) so as to permit attorneys participating in the program to file all pleadings and other papers in an electronic format prescribed by the Administrative Office of the Courts that will produce, as needed, printed paper copies that meet the requirements of the rule.

6. Rule 1:5-2 (manner of service) so as to permit attorneys participating in the program to serve copies of all papers referred to in Rule 1:5-1 electronically.
7. Rule 1:5-3 (proof of service) so as to permit the use of the individual attorney's typed or digitized signature in lieu of a handwritten signature on a certification of service appended to a document that the attorney files electronically.
8. Rule 1:5-6(b) (what constitutes filing) so as to require attorneys participating in the program to submit the information prescribed in the foreclosure case information statement in electronic form when the complaint is filed electronically and to require as well that any other data required to be entered into the Judiciary's Automated Case Management System (ACMS) or that are required for statistical purposes be provided in electronic form when the complaint is filed electronically. This rule also is relaxed and supplemented so as to provide that documents are deemed to be received by the court when submitted and accepted electronically. The rule is further relaxed and supplemented so as to dispense with filing a paper complaint and instead to require that attorneys participating in the program file the original complaint electronically, together with such electronic data as the Administrative Office of the Courts may require for commencement of foreclosure actions.
9. Rule 1:5-6(c) (filing, nonconforming papers) so as to permit the clerk to reject a document presented for filing electronically individually or as part of a batch of electronic documents, or to reject the entire batch, if the document is not presented in accordance with the standards for filing prescribed by the Administrative Office of the Courts, and to permit the clerk to transmit information concerning the rejection to the participating attorney by electronic means.
10. Rule 1:6-2 (form of motion; hearing) so as to require attorneys participating in the program to file, in electronic form, proofs of service of notice of motion as well as any other motion information prescribed by the Administrative Office of the Courts when the moving papers are filed electronically.
11. Rule 1:13-4 (transfer of actions) so as to provide that the papers transferred to another court or agency may be printed paper copies of the documents that have been filed electronically.
12. Rules 1:32-2(a) (recordkeeping by clerk) and 1:32-2(d) (reproduction of original as evidence) so as to make clear that when a document has been

filed electronically in the program, the official court record shall be the electronic recording of the document stored on the Judiciary's computer system on behalf of the Superior Court Clerk, and to mandate that each copy shall bear a conspicuous notice on the first page that the document has been electronically filed.

- 13.** Rule 1:34-6 (Office of Foreclosure; electronic signature of judge) so as to authorize the Office of Foreclosure to affix the electronic signature of the Mercer County General Equity judge to orders and judgments recommended for entry pursuant to Rule 1:34-6.
- 14.** Rule 1:37-2 (seal) so as to permit the printed reproduction of the court's seal on all papers required by the Rules of Court to contain a seal.
- 15.** Rule 4:2-2 (commencement of action) so as to dispense with filing a paper complaint and instead to require that attorneys participating in the program file the original complaint electronically, together with such electronic data as the Administrative Office of the Courts may require for commencement of foreclosure actions.
- 16.** Rule 4:4-7 (return of service) so as to permit attorneys participating in the program to file proofs of service in electronic form.
- 17.** Rule 4:5-1(b)(1) so as to require attorneys participating in the program to submit the information prescribed in the foreclosure case information statement in electronic form when the complaint is filed electronically, and to require as well that any other data required to be entered into the Judiciary's Automated Case Management System (ACMS) or that are required for statistical purposes be provided in electronic form when the complaint is required electronically.
- 18.** Rule 4:42-1(e) (form; settlement) so as to permit judges to affix electronically a facsimile of the judge's signature to an order or judgment, to permit the submission of the form of order or judgment electronically by an attorney participating in the program, and to require the submission of only the original of the form of order or judgment if it is filed electronically. This rule is further relaxed and supplemented so as to dispense with the requirement that a self-addressed, stamped envelope be submitted by the attorney or party submitting the form of order and to require, in lieu thereof, prepayment of the postage to send a copy of the order.
- 19.** Rule 4:43-1 (entry of default) so as to permit attorneys participating in the program to request entry of default in an electronic format prescribed by the Administrative Office of the Courts; however, the remaining requirements of the rule remain in effect.

20. Rules 4:60-6(a) and 4:60-6(b) (issuance of writs) so as to permit the clerk or the clerk's designee to affix electronically a facsimile of the clerk's signature to all writs for the enforcement of judgments, and to permit the clerk to enter electronically signed writs into the Civil Order and Judgment docket.
21. Rule 4:64-2(a) (proof) so as to permit attorneys participating in the program to produce in electronic form the mortgage, evidence of indebtedness, assignments, claim of lien, and any other document upon which the claim is based, together with such electronic data as the Administrative Office of the Courts may require. This rule is further relaxed and supplemented so as to permit the attorneys participating in the program to certify electronically a document as a true copy.
22. Rule 4:64-2(b) (proof) so as to permit attorneys participating in the program to produce the proof of amounts due affidavit and schedule set forth in Appendix XII-J in electronic form, together with such electronic data as the Administrative Office of the Courts may require.
23. Rule 4:64-2(c) (proof) so as to permit attorneys participating in the program to certify electronically that a facsimile of the original signature on the proof of amounts due affidavit and schedule set forth in Appendix XII-J has been affixed not more than 60 days prior to its presentation to the court or the Office of Foreclosure and that the affidavit is made on personal knowledge of all the facts recited therein, and, if the affiant is not the plaintiff, that the affiant is authorized to make the affidavit.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: February 9, 2010