NOTICE TO THE BAR
Electronic Filing in the Appellate Division ("eDATA")

Published with this notice is the Supreme Court's April 29, 2013 Order relaxing a number of Rules of Court and authorizing a number of procedures so as to facilitate electronic filing in the Appellate Division of Superior Court. The Appellate Division will incrementally begin to accept electronic filing of appeals and motions using its new application known as "eDATA" (Electronic Docketing of Appeals and Tracking Application). Access to eDATA will be through the Judiciary's website at www.njcourts.com.

The Judiciary will open eDATA on a voluntary basis to attorneys who are licensed to practice law in New Jersey consistent with the schedule set forth below. Participating attorneys may initiate an appeal and submit motions, along with all associated documents, from any computer having internet access. Attorneys representing respondents in appeals filed through eDATA will also be permitted to use eDATA consistent with the schedule below. Attorneys will be able to review their submitted documents, as well as documents electronically submitted by their adversary, through the eDATA portal. In addition, attorneys will receive communications from their Appellate Division case manager through this application via email. Use of eDATA requires an internet connection with a standard browser (e.g., Google Chrome, Mozilla FireFox, Opera, Safari, Windows Internet Explorer). All documents uploaded through eDATA must be in PDF format, which may require the use of a scanner.

The Appellate Division's plan is to begin its eDATA rollout starting with criminal appeals and motions submitted by the Office of the Public Defender, Office of the Attorney General, and the County Prosecutors' offices, with law firms and other attorneys to follow over the next several months. Again, participation is on a voluntary basis. The anticipated rollout schedule is as follows:

Spring 2013:
Criminal appeals and motions submitted by the Office of the Public Defender, the Office of the Attorney General, and the County Prosecutors' offices.

Summer 2013:
Civil appeals and motions submitted by the Office of the Public Defender, the Office of the Attorney General, and the Law Guardian.

Late Summer 2013:
Criminal or civil appeals and motions submitted by attorneys who have a collateral (JACS) account.

Fall 2013:
Any appeals and motions submitted by any attorney.

The Judiciary's website will provide updates on the schedule as more specific dates emerge. Questions regarding eDATA may be directed to Appellate Division Deputy Clerk Jeffrey Newman at jeff.newman@judiciary.state.nj.us or eDATA Project Leader Karen Carroll at karen.carroll@judiciary.state.nj.us .

Joseph H. Orlando
Clerk of the Appellate Division

Dated: May 16, 2013

SUPREME COURT OF NEW JERSEY

In furtherance of the New Jersey Judiciary's implementation of an electronic filing system for the Appellate Division of the Superior Court of New Jersey, which electronic filing system is presently known as eDATA ("Electronic Docketing of Appeals and Tracking Application"), it is ORDERED that effective May 13, 2013 and until further order, the various Rules of Court as set forth below are supplemented and relaxed pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, and the procedures and practices as set forth below are adopted.

Except as otherwise provided in this Order, the provisions of the Rules of Court that are applicable to matters filed in the Appellate Division shall remain in full force and effect.

Unless otherwise directed by the court, the following procedures apply to attorneys who elect to e-file in a particular matter using the Appellate Division's e-filing system (presently known as eDATA).

1. **Authorized users.** Attorneys who are authorized by Rule 1:21 to practice law in New Jersey may use the Appellate Division's e-filing system for filing appeals, motions and other related documents.

2. **Registration**. Attorneys using the eDATA system shall be required to accurately maintain and update attorney registration information, including current e-mail addresses.

3. **Required Information**. All documents submitted electronically to the court through the eDATA system shall include the attorney's identification number and e-mail address adjacent to the attorney's name.

4. **Submission of documents**. All documents shall be submitted electronically through the e-filing system to the court except those documents sealed pursuant to a protective order or N.J.S.A. 2A:4A-62, or as otherwise provided by this order or by the court.

   Three paper copies of sealed documents subject to a protective order pursuant to Rule 3:13-3 or Rule 4:10-3, or sealed juvenile records pursuant to N.J.S.A. 2A:4A-62, shall be submitted to the court in three separate envelopes clearly marked for the confidential use of the court. Other confidential documents excluded from public access pursuant to statute, rule or case law shall be submitted electronically through the eDATA system.

5. **Calculation of time**. Documents may normally be submitted for filing electronically through the eDATA system by litigants at any time, unless

otherwise directed by the court. The time in which any required or permitted response may be filed shall begin to run on the first business day following such electronic filing.

6. **Emergent applications**. An initial Application for Permission to File an Emergent Motion ("Application") may be submitted electronically. A disposition form advising whether or not the electronically submitted Application has been granted or denied shall be forwarded to all parties via e-mail. If granted, the disposition form shall provide further instruction to the parties.

7. **Service and filing**. Rule 2:5-1(a) is relaxed so as to provide that service of documents upon all other parties who have appeared in the action, and, in adult criminal matters, upon the Appellate Section of the New Jersey Division of Criminal Justice, shall be made via e-mail that provides a link to the documents. Service of documents by and on non-represented litigants and attorneys not registered in the eDATA system shall be made via mail or personal service.

8. **Notice to trial judge or agency**. Rule 2:5-1(b) is relaxed for appeals filed via the eDATA system so as to provide that copies of the Notice of Appeal and Case Information Statement, and all related documents, shall be forwarded by the Clerk to the trial judge via email that provides a link to the documents or, if the appeal is taken directly from the decision or action of an administrative agency or officer, to the agency or officer, except that if the appeal is taken from the Division of Workers' Compensation, to the Workers' Compensation judge who decided the matter.

9. **Request for transcript and deposit for transcript and payment completion**. Rule 2:5-3(a) is relaxed for appeals filed via the eDATA system so as to provide for the completion and submission of the prescribed transcript request form electronically through the eDATA system, and to provide that the eDATA system shall notify the reporter and reporter supervisor if the appeal is from a judgment of the Superior Court; the clerk of the court if the appeal is from the judgment of the Tax Court or a municipal court; or the agency or officer if the appeal is from administrative action. The transcriber shall notify the requesting party of the amount of the required deposit, in accordance with Rule 2:5-3(d). The deposit must be paid to the transcriber within five business days of notification of the amount due. Failure to make payment of the deposit within this time frame shall make the appeal subject to dismissal.

10. **Appendices; briefs; transcript**. Rule 2:6 is relaxed so as to provide that briefs and appendices in electronically filed appeals shall be submitted electronically through the eDATA system for review for compliance with the Rules. After the Clerk's Office has reviewed and filed the brief and appendix, the filer shall be notified via e-mail and shall provide three hard copies of the filed brief and appendix with the court via mail or personal delivery. In instances where a merits brief is filed, the response time shall be calculated from the date of the

court's e-mail notification advising that the merits brief has been accepted for filing, unless the court directs otherwise.

11. **Notices**. Notices generated by the Clerk in electronically filed appeals shall be sent via e-mail to the parties who are authorized eDATA users and shall contain a link to any correspondence, order or opinion filed in the matter.

For the Court,

Chief Justice

Dated: April 29, 2013