

NOTICE TO THE BAR

ELECTRONIC FILING IN THE APPELLATE DIVISION ("eDATA")

Published with this notice is the Supreme Court's January 21, 2015 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 has begun to incrementally 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 opened eDATA on June 10, 2013, on a voluntary basis to attorneys 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 text searchable PDF format, which may require the use of a scanner.

The Appellate Division's plan is to expand its eDATA rollout with Civil appeals and motions submitted by the Office of the Public Defender, Office of the Attorney General, in Children in Court and Sexually Violent Predator Act (SVPA) matters, with law firms and other attorneys to follow over the next several months. The anticipated rollout schedule is as follows:

February, 2015:

Civil appeals and motions submitted by the Office of the Public Defender, the Office of the Attorney General.

Late Spring 2015:

Criminal or civil appeals and motions submitted by attorneys who have a Judiciary collateral account (JACS).

Late 2015/Early 2016:

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 eDATA Project Leader Karen Carroll at karen.carroll@judiciary.state.nj.us.

Joseph H. Orlando
Clerk of the Appellate Division

Dated: February 10, 2015

SUPREME COURT OF NEW JERSEY

By rule relaxation Order dated April 29, 2013, the Court set out procedures applicable to attorneys electing to electronically file ("e-file") using the Appellate Division's e-filing system (presently known as eDATA ("Electronic Docketing of Appeals and Tracking Application")).

Effective February 2, 2015, this Order supersedes that earlier April 29, 2013 Order. In furtherance of the New Jersey Judiciary's ongoing implementation of its eDATA system, the Rules of Court as set forth below are relaxed pursuant to N.J. Const. (1947), Art. VI, Sec. 2, par. 3, and the procedures 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 provided in this Order or directed by the court, the following procedures apply to attorneys who elect to e-file using the Appellate Division's eDATA system. The provisions of this Order supersede those contained in the April 29, 2013 Order.

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. Once an attorney has registered in the eDATA system, that attorney is deemed to have elected to utilize the eDATA system for all matters filed or that may thereafter be filed in the Appellate Division.
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. **Calculation of time.** Documents may normally be submitted for filing electronically through the eDATA system by attorneys 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. For filings that must be filed by a particular date, a filing is considered timely if it is filed by 11:59:59 PM as defined by the Judiciary's data systems.
5. **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 or, if the appeal is taken directly from the decision or action of an administrative agency or officer, such documents shall be forwarded by the Clerk to the agency or officer by email, if known. When the appeal is taken

from the Division of Workers' Compensation, such documents shall be forwarded by the Clerk to the Workers' Compensation judge who decided the matter by email.

- 6. 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.
- 7. Preparation and filing of transcripts.** Rule 2:5-3 is further relaxed so as to provide that when the last volume and copy of the transcript have been delivered to the appellant, the transcript delivery certification and a complete set of CD-ROM or DVD, in addition to the paper copy, shall be forwarded immediately to the Clerk of the Appellate Division.

The content, format and pagination of the paper transcript, original and copies, must be identical to that contained in the CD-ROM or DVD provided to the Clerk of the Appellate Division.
- 8. Format of scanned documents.** All scanned documents submitted electronically to the court through the eDATA system shall be submitted in a text-searchable portable document format (PDF).
- 9. Payment of fees and deposits for costs.** Payment of all required fees and deposits for costs, if required pursuant to Rule 2:5-2, shall be made electronically through the eDATA System. Any payments required may be made through the attorney's Judiciary Account Charge System (JACS). Effective in 2015, on a date specified in a future Notice to the Bar, attorneys may pay any required fees or deposits for costs by credit card.
- 10. Format of briefs and other papers.** Rule 2:6-10 is relaxed to provide that margins shall be one inch, with the exception of the top margin, which shall be one and one-half inches, to accommodate the new "filed" stamp format.
- 11. Submission of motions.** A filer who submits a motion electronically to the court through the eDATA system that exceeds a combined total of 75 pages, inclusive of notice of motion, supporting brief and appendix and exclusive of proof of service, is required to submit simultaneously two additional paper copies of the complete motion and any transcripts to the Clerk's Office. The prohibition set forth in Rule 2:8-1(a) that a motion brief not exceed 25 pages, without leave of court, applies in equal force and effect to e-filed motions.

12. **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 of Court. After the Clerk's Office has reviewed and filed the brief and appendix, the filer shall be notified via email and shall provide three paper copies of the filed brief and appendix to the court via mail or personal delivery.

13. **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 court in three separate envelopes clearly and prominently 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.

14. **Removal of documents.** No documents filed through eDATA shall be removed except upon order of a judge having administrative responsibility, except that the Clerk may remove such documents capable of causing immediate and irreparable harm pending the entry of such order by the judge which shall occur within 10 days.

15. **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 email that provides a link to the System. Service of documents by and on self-represented litigants and attorneys not registered in the eDATA system shall be made via mail or personal service.

16. **Notices.** Notices generated by the Clerk in electronically filed appeals shall be sent via email to the attorneys who are authorized eDATA users and shall contain a link to eDATA to view any correspondence, order or opinion filed in the matter.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: January 21, 2015