

# SUPREME COURT OF NEW JERSEY

## NOTICE TO THE BAR

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### Electronic Filing in the Special Civil Part

Whereas the Judiciary has successfully tested the use of electronic filing technology in the Judiciary Electronic Filing and Imaging System (JEFIS) pilot project in the Special Civil Part of the Superior Court, Law Division, Monmouth County, pursuant to orders of this Court dated December 10, 1996 and February 1, 1999; and

Whereas the Judiciary is preparing to implement the electronic filing component of JEFIS in all of the Special Civil Part offices in the other twenty counties, while continuing to operate the pilot project in Monmouth County;

Pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, it is ORDERED, effective September 1, 2000 and until further Order of the Court, that the Rules of Court be relaxed and supplemented, as set forth below, so as to permit the the Judiciary to establish and operate a statewide program in the Special Civil Part of the Superior Court, Law Division, in which attorneys who meet the requirements established by the Administrative Office of the Courts and are registered with the Superior Court Clerk's Office may, in civil actions in which the amount in controversy does not exceed the Part's monetary limit and where the actions are filed in that court pursuant to Rule 6:1-2(a)(1), electronically file pleadings and other papers in a prescribed format via the Internet with the Clerk of the Superior Court, with computers capable of electronically managing documents and images of documents to be used to process and distribute those documents and images of documents to the office of the Special Civil Part Clerk in the county of venue for printing, processing, and storage in paper form (except in Monmouth County, where the documents will continue to be processed and stored in electronic form as part of the JEFIS project):

1. Rule 1:4-4(c) is relaxed 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 remain in effect.
2. Rule 1:4-5 is relaxed so as to permit the use of the individual attorney's typed or digitized signature on all electronically filed documents that would otherwise require the attorney's handwritten signature.
3. Rule 1:4-8 is supplemented so to impose its obligations on an attorney who uses a typed or digitized signature on a document that is filed electronically.
4. Rule 1:4-9 is relaxed 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. Pleadings and papers subsequent to the complaint may be filed electronically only in those cases that were commenced by electronic filing of the complaint.
5. Rule 1:5-2 is relaxed so as to permit attorneys participating in the program to serve copies of all papers referred to in Rule 1:5-1 on each other electronically through the program's computer system, if it provides this service.
6. Rule 1:5-3 is supplemented 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.
7. Rule 1:5-6(b) is supplemented and paragraph 7 of the Court's December 10, 1996 Order is superseded to the effect that documents transmitted electronically to the court after 4:30 p.m. shall be deemed received on the next court day.
8. Rule 1:5-6(c) is relaxed and supplemented so as to permit the clerk to reject a document presented electronically for

filing 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 batch filing prescribed by the Administrative Office of the Courts.

9. Rule 1:13-4 is supplemented 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.
10. Rule 1:37-2 is supplemented so as to permit the printed reproduction of the court's seal on all papers that require a seal under the Rules of Court.
11. Rule 4:42-1(e) is relaxed so as to permit the judge to electronically affix 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. The rule is further relaxed and supplemented so as to dispense with the requirement that a self-addressed, stamped envelope be submitted by the attorney submitting the form of order and to require, in lieu thereof, prepayment of the postage to send a copy of the order.
12. Rules 6:1-1(d) and 6:12-2 are relaxed so as to permit the filing of all papers by electronic transmission to the Clerk of the Superior Court, where they will be processed and forwarded to the county of venue.
13. Rule 6:2-2(a) is relaxed and supplemented so as to dispense with filing the summons and copies of the complaint and to instead require that participants in the program file an original complaint electronically, together with such electronic data as the Administrative Office of the Courts may require for the program to produce the summons.
14. Rule 6:2-3(d)(1) is relaxed so as to permit the clerk to transmit the required information to the attorney by electronic means.
15. Rule 6:2-4 is supplemented so as to permit the clerk or the clerk's designee to electronically affix a facsimile of the clerk's signature to all process issued by the court in cases that were filed electronically.
16. Rule 6:3-3(a) is supplemented so as to permit the Administrative Office of the Courts to require the submission of prescribed information in electronic form when the moving papers are filed electronically.
17. Rule 6:3-3(c)(4) is relaxed and supplemented so as to permit the clerk to send notice of a hearing by electronic means, rather than by mail, to an attorney who has filed pleadings electronically in the case.
18. Rule 6:7 is supplemented so as to permit the clerk or the clerk's designee to electronically affix a facsimile of the clerk's signature to all process for the enforcement of judgments. Rule 6:7 is further supplemented so as to permit the judge to electronically affix a facsimile of the judge's signature where necessary for the enforcement of judgments.
19. Rule 6:7-1(a) is supplemented so as to permit attorneys who have filed their pleadings in the case electronically to make requests electronically for the issuance of writs of execution and other process for the enforcement of judgments.
20. Rules 6:8 and 6:9 are supplemented so as to permit the clerk or the clerk's designee to electronically affix a facsimile of the clerk's signature to all process requiring the clerk's signature. Rules 6:8 and 6:9 are further supplemented so as to permit the judge to electronically affix a facsimile of the judge's signature to the orders, writs, warrants or judgments that require the judge's signature.
21. Rule 6:12-2 is further supplemented for electronically filed cases so as to dispense with the requirement that a self-addressed, stamped envelope accompany requests for information or for the return of papers and to require in lieu thereof prepayment of the postage necessary for mailing the paper.

This Order also supplements, where appropriate, the Court's Orders of December 10, 1996 and February 1, 1999 with regard to the JEFIS project in Monmouth County.

For the Court

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