

NOTICE TO THE BAR

Electronic Filing in the Supreme Court ("Supreme Court eFiling")

Published with this notice is the Supreme Court's February 10, 2015 Order relaxing a number of Rules of Court and authorizing various procedures, effective April 1, 2015, so as to facilitate electronic filing in the Supreme Court using the Court's new application known as "Supreme Court eFiling."

Through the Supreme Court eFiling application, registered users may initiate a case and submit motions, along with all associated documents, from any computer connected to the internet. Attorneys representing respondents in appeals filed through Supreme Court eFiling also will be permitted to use the application, as described below. Attorneys in electronically filed cases will be able to review their submitted documents, as well as documents submitted electronically by their adversaries, through the Supreme Court eFiling portal. In addition, through this application, attorneys will receive communications from their case manager via email. Note that use of Supreme Court eFiling requires an internet connection with a standard browser (e.g., Google Chrome, Mozilla FireFox, Opera, Safari, Windows Internet Explorer), and all documents uploaded through the Supreme Court eFiling application must be in PDF format.

The Judiciary will open Supreme Court eFiling incrementally, providing access to certain attorneys who are licensed to practice law in New Jersey. Access to Supreme Court eFiling will be through the Judiciary's website at www.njcourts.com and will begin with criminal matters submitted by the Office of the Public Defender, the Office of the Attorney General and the County Prosecutors' offices. Access to Supreme Court eFiling will expand to include additional groups of attorneys, ultimately including law firms and members of the private bar, as expeditiously as possible.

The Judiciary's website will provide updates on the expansion of Supreme Court eFiling as further information becomes available.

Mark Neary
Clerk of the Supreme Court

Dated: February 17, 2015

SUPREME COURT OF NEW JERSEY

In furtherance of the New Jersey Judiciary's implementation of an electronic filing system for the Supreme Court of New Jersey, which electronic filing system is known presently as Supreme Court eFiling ("Supreme Court eFiling"), it is ORDERED that effective April 1, 2015 and until further order, the Rules of Court are supplemented and relaxed, pursuant to N.J. Const. art. VI, § 2, ¶ 3, as set forth below, and the procedures and practices delineated herein are adopted.

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

Unless otherwise directed by the Court, the following practices and procedures apply to attorneys who submit documents electronically using the Supreme Court's eFiling system:

- 1. Authorized users.** Attorneys who are authorized by Rule 1:21 to practice law in New Jersey may file documents using Supreme Court eFiling, provided that such attorneys must also register as users of the application. Further, the Office of the Clerk of the Supreme Court may immediately revoke a user's authorization to use the Supreme Court eFiling application, without prior notice to the user, if the user fails to comply with the applicable Terms and Conditions of Use or otherwise misuses the application for an impermissible or unauthorized purpose.
- 2. Registration.** As stated above, participants using the Supreme Court eFiling system shall be required to register through the Judiciary website (<https://nycourts.judiciary.state.nj.us/web14/sso>) as users of the application. Registered users shall be required to accurately maintain and update registration information, including current e-mail addresses, and must comply at all times with the Terms and Conditions of Use. Registered users are deemed to have elected to utilize eFiling to initiate all future matters in the Supreme Court and to respond to all such matters initiated through the Supreme Court eFiling system.
- 3. Required information.** All documents submitted electronically to the Court through the Supreme Court eFiling system shall include the filing attorney's name, immediately succeeded by his or her New Jersey attorney identification number and registered e-mail address.

4. **Format of briefs and other papers.** Rule 2:6-10 is relaxed to provide that margins for documents in eFiled cases shall be one inch, except that the top margin shall be one and one-half inches to accommodate electronic stamps applied by the trial courts, Appellate Division, and/or Supreme Court.
5. **Submission of documents.** All documents submitted to the Court in e-filed cases shall be in portable document format (PDF), transmitted electronically through the Supreme Court eFiling system, except those documents sealed pursuant to a protective order, Rule of Court, or as otherwise provided by this Order or by the Court. See, e.g., N.J.S.A. 2A:4A-62; R. 3:13-3(e); R. 4: 10-3. Sealed documents must be submitted to the Clerk's Office in paper copy, in separately sealed envelopes, in accordance with current procedures and Court Rules.
6. **Calculation of time.** Documents generally may be submitted through the Supreme Court eFiling system, without limitation as to the Judiciary's hours of operation. Documents submitted prior to 12:00 midnight, as defined by Judiciary data systems, will be deemed "received" as of that date. Unless otherwise directed by the Court, the time for submitting a response shall begin to run on the first business day that is not a recognized holiday following service of the electronic submission, as defined in paragraph 6 of this Order.
7. **Manner of Service.** Rule 1:5-2 is relaxed in eFiled matters submitted to the Supreme Court Clerk's Office, such that the automatic electronic notification generated by the Supreme Court eFiling application is deemed effective service on registered users. (Note that upon submission of a document, Supreme Court eFiling automatically generates an e-mail notification that documents have been submitted and are accessible to all registered users.) Service of documents by and on unrepresented litigants and attorneys who are not registered users of the Supreme Court eFiling system shall be made in accordance with existing Court Rules. See, e.g., R. 1:5-2; R. 2:8-1(b); R. 2:12-7.
8. **Submission of Briefs and Appendices to the Court; Paper Copies.**
 - a. The Court Rules and corollary procedures requiring the submission of an original and paper copies to the Clerk's Office are relaxed, as set forth in subparagraph (b), as to registered users in eFiled cases. Individuals who are not registered users and who file motions or other papers in cases that were initiated through the Supreme Court eFiling system should file all submissions in paper and follow the existing Court Rules regarding notice, service, and copy requirements. See, e.g., R. 2:8-1(b); R. 2:12-7; R. 1:13-9.

- b. Registered users in eFiled matters should not provide the Clerk's Office with their original documents or copies thereof. In eFiled matters, the duty to provide the Clerk's Office with paper copies does not arise until the Clerk's Office has reviewed the submission and stamped the documents as "filed." Within fourteen (14) days of that date, registered users should provide the Clerk's Office with paper copies of the "filed" stamped version of the submission, including the appropriately colored cover pursuant to Rule 2:6-6(b), according to the following schedule:
- i. *Petitions for Certification*: Zero (0) paper copies of a notice of petition for certification (R. 2:12-3), and two (2) paper copies of all subsequent submissions, including petition for certification, appendix, petitioner's Appellate Division brief and appendix, and any related materials filed in connection therewith. (R. 2:12-7). If certification is granted, petitioner shall file five (5) additional paper copies of the "filed" stamped submissions within 14 days following receipt of the order granting certification.
 - ii. *Motions*: Zero (0) paper copies of a notice of motion, brief in support of motion, appendix, and any related materials filed in connection therewith. (R. 2:8-1(b)). If leave to appeal is granted, movant shall file seven (7) paper copies of the "filed" stamped submissions within 14 days following receipt of the order granting leave to appeal.
 - iii. *Notice of Appeal*: Seven (7) paper copies of a notice of appeal or cross-appeal, and any related materials filed in connection therewith. (R. 2:6-12(c)).
9. **Notices.** Notices generated by the Clerk's Office in eFiled cases shall be sent via e-mail to registered users of the Supreme Court eFiling system. Notice to non-registered users will continue to be by paper copy, sent via regular mail.
10. **Payment of fees and deposits for costs.** Payment of all required fees and deposits for costs, if required pursuant to Rule 2:12-5, in eFiled cases shall be made electronically.

In addition, beyond the above enumerated practices and procedures applicable solely to users of the Supreme Court eFiling system, Rule 2:12-3 and Rule 2:5-6(a) are hereby relaxed as to all filers with the Supreme Court (including both paper filers and eFilers), so as to waive the requirement that filers serve a copy of a notice of petition for

certification (Rule 2:12-3) or a notice of motion for leave to appeal (Rule 2:5-6(a)) on the Appellate Division Clerk's Office.

For the Court,

A handwritten signature in black ink, appearing to be "S. R. ...", written over a horizontal line.

Chief Justice

Dated: February 10, 2015