

# **NOTICE TO THE BAR**

## **MANDATORY ELECTRONIC FILING IN THE SPECIAL CIVIL PART OF THE LAW DIVISION OF THE NEW JERSEY SUPERIOR COURT – PHASE TWO**

The New Jersey Supreme Court approved a two-phase plan requiring attorneys to file all pleadings and other documents electronically in civil actions commenced in the Special Civil Part (i.e., actions where the amount in controversy is \$15,000 or less, commonly referred to as DC docket-type cases). The Judiciary has been operating the Judiciary Electronic Filing/Imaging System (JEFIS) as a voluntary e-filing program statewide since November 2000. Currently 85% of the nearly 385,000 complaints filed annually in DC docket-type cases are being filed electronically. Overall 75% of the 1.8 million documents filed annually in the DC docket-type are being filed electronically. The Judiciary's experience with JEFIS has shown that documents filed electronically can be processed much more efficiently and accurately than paper documents and given the recent rapid increase in the number of DC filings, coupled with the constraints of the current State budget, it is clear that steps must be taken to increase electronic filings and decrease the scanning of paper documents if the current level of efficiency is to be maintained in the Special Civil Part.

### **Phase One — First Year**

Phase One of Mandatory JEFIS commenced with a May 17, 2009 Supreme Court rule relaxation order requiring that New Jersey attorneys who filed 1,000 or more complaints in DC docket type cases in 2008 file all DC pleadings and documents electronically through JEFIS by May 17, 2010. Phase One affected 32 law firms who, in the aggregate, accounted for 80% of all DC docket-type cases.

The Judiciary provided additional inducements to participate in JEFIS, including remote access from attorneys' offices to the electronic case jackets for their cases, automation of the monthly statements for the collateral accounts used by attorneys to pay filing fees, on-line access to real-time balances in these accounts, and electronic access to notices from the court. Central office staff reached out to the bar regarding these enhancements, with the result that 80 additional firms not subject to the Phase One order became active e-filers this past year.

### **Phase Two — Second Year and Beyond**

The Court at its July 8, 2010 Administrative Conference approved Phase Two of Mandatory JEFIS. Under Phase Two, New Jersey attorneys who filed 400 or more complaints in DC docket type cases in 2009 will be required to file all DC pleadings and documents electronically through JEFIS by May 1, 2011. This will affect approximately 34 law firms who, in the aggregate, accounted for the next 8% of all DC docket-type cases. The Court's rule relaxation order was entered on July 8, 2010 and accompanies this Notice.

As in Phase One, in Phase Two the Administrative Office of the Courts (AOC) will work closely with the affected law firms to assist them in meeting the May 1, 2011 deadline set forth in the July 8, 2010 order. This direct assistance will include:

- guidance in registering with the Superior Court Clerk's Office,
- an initial consultation with the law firm's information technology specialists,
- guidance in establishing a user ID and password for each attorney in the firm,
- assistance in downloading the Judiciary-provided e-filing software,
- a site visit to each firm, if necessary,
- evaluations of test filings and follow-up to help the firm remedy any unresolved problems, and
- answering any questions the firm may have as they go through the conversion process.

While the focus of Phase Two is on those attorneys filing 400 or more DC cases annually, the Administrative Office of the Courts (AOC) during this time will continue to reach out to attorneys who file fewer than 400 cases per year regarding the JEFIS application in an effort to efficiently process their filings with the court.

/s/ Glenn A. Grant

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Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts

Dated: July 20, 2010

## SUPREME COURT OF NEW JERSEY

WHEREAS the Judiciary has successfully implemented the Judiciary Electronic Filing and Imaging System (JEFIS) project in the Special Civil Part of the Superior Court, Law Division, in all twenty-one counties pursuant to orders of this Court as listed in the closing paragraph of this order; and

WHEREAS those orders permit documents in civil actions filed in that court pursuant to Rule 6:1-2(a)(1) (i.e., actions in which the amount in controversy does not exceed the Special Civil Part's \$15,000 monetary limit) to be submitted electronically or on paper and further permit those documents to be processed and stored electronically by the court and the clerk; and

WHEREAS the Judiciary's experience with JEFIS has shown that documents filed electronically by attorneys can be processed much more efficiently than those submitted on paper; and

WHEREAS the Court, by order dated March 10, 2009, required attorneys who filed 1,000 or more complaints in the Special Civil Part, pursuant to Rule 6:1-2(a)(1), during calendar 2008 to file all future pleadings in those actions electronically through JEFIS, effective May 17, 2010, as part of a plan to move incrementally towards eventually making the use of JEFIS mandatory for all attorneys;

IT IS ORDERED pursuant to N.J. Const. (1947), Art. VI, §2, par. 3, that effective immediately and until further order, the Rules of Court are supplemented and relaxed, as set forth below, so as to further increase the proportion of documents submitted electronically through JEFIS in civil actions filed pursuant to Rule 6:1-2(a)(1):

1. Rule 6:1-1(d) is again supplemented so as to require attorneys who filed 400 or more complaints in the Special Civil Part, pursuant to Rule 6:1-2(a)(1), during calendar 2009 to file all future pleadings and other documents in those actions electronically through JEFIS, with this requirement to be implemented no later than May 1, 2011; this supersedes the triggering threshold at 1000 or more complaints set in the March 10, 2009 Order.
2. Rule 1:5-6(c) is supplemented so as to require the clerk to return any paper submitted for filing in violation of paragraph 1 above stamped "Received But Not Filed – Must Be E-Filed Via JEFIS."
3. Exceptions to these requirements may be made if extraordinary circumstances prevent the attorney from utilizing JEFIS to file a document.

This Order supersedes the Court's Order of March 10, 2009. 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, the Court's Order of March 27, 2000 permitting the

statewide expansion of the electronic filing component of JEFIS, the Court's Order of October 7, 2003 permitting expansion of the imaging component of JEFIS to Mercer and Ocean Counties, the Court's Order of April 27, 2004 permitting expansion of the imaging component of JEFIS to nine additional counties, and the Court's Order of July 7, 2005 permitting expansion of the imaging component of JEFIS to the remaining nine counties.

For the Court,

/s/ Stuart Rabner

Chief Justice

Dated: July 8, 2010