

# Era of E-Filing

## Philadelphia Court of Common Pleas To Introduce Civil Case E-Filing in 2008

**W**hen does City Hall close? To lawyers, that question really means, “When does the Prothonotary’s Office close?” or “When does Motion Court close?” or “When does second filing close?” Deep down, the question translates to, “Oh my God, have I screwed up and missed the filing deadline?” and “Am I going to get fired?”

It’s a feeling of numb desperation — an emptiness that should disappear forever in 2008 when electronic filing in civil cases becomes a reality in the Philadelphia Court of Common Pleas. The culmination of nearly two years of work, countless hours of computer programming and testing, and with significant input from the bar, Philadelphia’s e-filing system will be a state-of-the-art process that will eliminate that sinking feeling when the copier jams five minutes before the courier is scheduled to pick up a pleading that, of course, must be filed that day.

E-filing is already the rule for Orphans’ Court as well as for criminal and civil cases in most federal courts because e-filing:

- Is easy — E-filing requires minimal computer skills, and the Court of Common Pleas will provide numerous training sessions to help counsel and their staffs.

- Saves time — No longer will counsel or couriers have to rush to City Hall to file papers before the offices close. Instead, with a few mouse clicks, papers will be filed and fees paid — any day, anytime, day or night.

- Saves storage space and paper — When documents are filed electronically, courts and counsel will not necessarily have to print every page of every document. Instead, they can review and save the documents on their computers, while saving money as the price of electronic storage (hard drive and server space) continues to plummet daily. If anyone needs a printed

- Makes every document instantly available — No longer will counsel or the court have to wait for the mail to arrive to see a document. Access is virtually immediate.

- Makes it harder to “misplace” filings — If something happens to your paper copy of a document (like coffee spilling on it or your dog eating it) or you misplace it, all you do is print a replacement. Plus, because the courts have — and law offices should have — backup systems, even if a computer crashes, there will be a backup copy.

### BUILDING THE SYSTEM

Under the direction of Project Manager Harold Palmer, the new civil e-filing system is modeled after the successful program that has operated in Orphans’ Court since January 1, 2005, when the court implemented the Orphans’ Court Electronic Filing System (“OCEFS”) through the First Judicial District’s Web site at <http://courts.phila.gov>. “Orphans’ Court has had great success with their e-filing system,” said Judge James J. Fitzgerald III, administrative judge of the Trial Division who has been nominated to the Pennsylvania Supreme Court by Governor Ed Rendell. “We used that as a test and it has worked extremely well.”

Practitioners also agree that the Orphans’ Court system has worked well. “We have used the Orphans’ Court system and have had no problems,” said M. Howard Vigderman, chair of the trusts and estates section at Montgomery, McCracken, Walker and Rhoads, LLP.

While planning the civil e-filing site, the court was well aware that there are many more civil filings compared with Orphans’ Court. In addition, the

court views the e-filing system as another example of the cooperation between the bench and the bar. Fitzgerald notes, for example, that the project’s oversight committee, which includes attorneys Andrew Stern, Nancy Fullam and Rudolph Garcia, “is a cooperative effort with the bar, and we intend to make further adjustments based



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copy of a document, all he or she has to do is click on the print button, and out will come copies of entire documents — or just the relevant pages. By not having to print every document, law offices and the court will use less file space, and consequently reduce the attendant costs of storing files when cases are completed.

on the input we receive.”

“We are building a great system,” said Charles A. Mapp Sr., deputy court administrator, noting that the court’s goal is to create “the best system in the country.” Mapp is also optimistic that once Philadelphia’s e-filing system is up and running, “Other counties throughout the state will take a look and follow suit.”

Although still under construction, the basic design and function of the civil e-filing system are complete and it will look similar to the Orphans’ Court system.

“We are looking to make [civil e-filing] a more robust system,” said Prothonotary Joseph H. Evers, who co-chairs the e-filing project with Mapp. “But we also want to make it intuitive enough that all the users will be able to negotiate what they have to do with minimal problems.” Before designing the system, the court looked all over the country to see what other courts are doing.

The court also welcomes input from the bar; just send an e-mail to [cefs@courts.phila.gov](mailto:cefs@courts.phila.gov).

#### HOW TO E-FILE

To access the e-filing process, counsel and pro se parties will electronically apply for a user name and password. After registering, users will log on to the court’s site with the user name and password, and the filing process begins. The user will then:

- Either select the case for which the filing applies or create a new case. For new filings, subsequent screens will appear based upon the type of case, including arbitration, commerce, major jury, major non-jury, mass tort, etc.;

- Determine and input the type of pleading, as well as any attachments;

- Provide a major credit card number to pay any filing fees, if applicable;

- Review the filing information for accuracy;

- Approve the transaction, after which the document will be uploaded (sent) to the court’s computer server; and,

- Receive confirmation that the transaction was approved and the document was filed.

Once a document is filed, it will be transferred and integrated into the court’s case management and document management systems. The court will immediately serve notice to all counsel that a document has been e-filed. Counsel can then review the document online and save it on their own computers or servers. The only documents that the court will not serve are initial process such as complaints and writs of summons, which must still be personally served

according to the Pennsylvania Rules of Civil Procedure. The court also will issue and serve other court notices and orders electronically.

In order to maintain the integrity, pagination and formatting of pleadings, the court will require that pleadings be submitted in a portable document format, or “pdf.” In other words, registered users must convert a document (which is generally prepared in a word processing application such as Microsoft Word or Corel WordPerfect) and all exhibits to portable document format. The conversion may be accomplished by using programs such as Adobe Acrobat, pdf995 or WordPerfect, or by scanning paper documents and saving them in pdf format. Documents will then be uploaded to the court after the user logs in and pays any applicable fees. “If you can add an attachment to an e-mail, then you can file an electronic document,” Mapp said.

#### BENEFITS OF E-FILING

E-filing offers many benefits to counsel and the court, in addition to avoiding the last minute rush to City Hall. Counsel will benefit because attorneys and staff will devote less time to compiling documents for filing, and there will be no need to pay copy services, filing services and messengers. More importantly, documents will be available immediately after filing. The court will continue to review documents, particularly those with specific filing requirements. “We will have review clerks to verify that all the requirements have been met before documents such as default judgments and non proesses are accepted for filing,” says Mapp.

The court is extremely excited about e-filing and views it as a major step forward. “The bar should appreciate the First Judicial District is 100 percent committed to implementing this,” said President Judge C. Darnell Jones II. “It is mutually beneficial and the rewards are incalculable,” he added.

The Hon. William J. Manfredi, supervising judge, Trial Division-Civil, views e-filing as a natural expansion of the court’s and counsel’s use of technology. “Law firms have sophisticated case management and document management systems, and we have become sophisticated with our case management and document management systems,” he said. “We are bridging the disconnect between law firms and the court,” Judge Manfredi added, noting that the court’s goal is to develop eventually a seamless integration between the court’s and counsel’s technology.

E-filing has been used successfully for years throughout the country in mass torts

and other cases that involve many attorneys. Traditionally in these cases, counsel had been required to mail hard copies of every document to every attorney; the costs — especially for photocopies and postage — were enormous. Plus, whenever a law firm or attorney moved, it meant updating counsel lists, and mistakes were inevitable. Once e-filing was implemented, as long as counsel’s e-mail address is accurate, he or she receives notification of every filing as soon as it occurs. “E-filing puts everybody in contact with all information on a case immediately, not forty-eight hours later,” said Judge Fitzgerald, adding, “Lawyers are used to doing business through technology.”

#### COMING IN 2008

The e-filing system is expected to go “live” in January 2008. The court envisions a short transition period during which e-filing will be optional. After a few months, e-filing will be mandatory except for pro se litigants who do not have access to the technology necessary to use electronic filing. For those people, the court will provide assistance at a designated location in City Hall. The e-filing Web site also will comply with the Pennsylvania Rules of Civil Procedure and recent guidelines issued by the Pennsylvania Supreme Court. In addition, at press time, amendments to the rules had been proposed to facilitate e-filing in Philadelphia and throughout the commonwealth.

The court also recognizes that access to electronic documents raises privacy concerns, and it is considering methods to ensure that private information that appears in various filings, such as Social Security numbers, is protected from inadvertent disclosure. “We are concerned about privacy for litigants,” said Judge Jones. Privacy is among the reasons the court has not yet expanded e-filing to criminal cases.

With the arrival of e-filing in Philadelphia, the days of just saying “no” to technology are clearly disappearing. Lawyers who want to remain in the pre-computer age will now have no choice but to change when they find, to their chagrin, that rushing to City Hall is futile because the only way to file documents is online. While some may fear that reality, Judge Fitzgerald noted that, in the long run, the court is creating a system that will “work for everyone’s benefit.” ■

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