

# E-Filing is Coming: Here's How to Prepare

By Daniel J. Siegel

"The times they are a changin'" is more than just the title of a Bob Dylan song. It is also an apt description of how attorneys will be practicing law in 2008 when electronic filing in civil cases becomes a reality in the Philadelphia Court of Common Pleas. The culmination of nearly three years of work, Philadelphia's e-filing system is a state-of-the-art process designed to make filing and accessing pleadings and other filings simple and seamless. But for many lawyers, e-filing is a frightening proposition, yet another reminder that they no longer can do things the way they did in the "good old days."

E-filing is not nearly the daunting challenge that some believe. After all, e-filing is already the rule for Orphans' Court; it has also been *de rigeur* for criminal and civil cases in most federal courts for many years – and attorneys in Philadelphia and throughout the country seem to have survived the transition. What newcomers to the process need to know – and this article will provide – are the benefits of e-filing and how to prepare documents easily.

## THERE ARE MANY BENEFITS TO E-FILING:

- It's easy and requires minimal computer skills. Plus, the Court of Common Pleas will offer training sessions for counsel and their staffs.
- It saves time. You will no longer have to rush to City Hall to file papers before the Prothonotary's Office closes. With a few mouse clicks, you can file papers and pay fees – anytime, day or night – and documents may be filed up to 11:59 p.m. on the date they are due.
- It saves storage space and paper because the 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 and print relevant pages as needed.

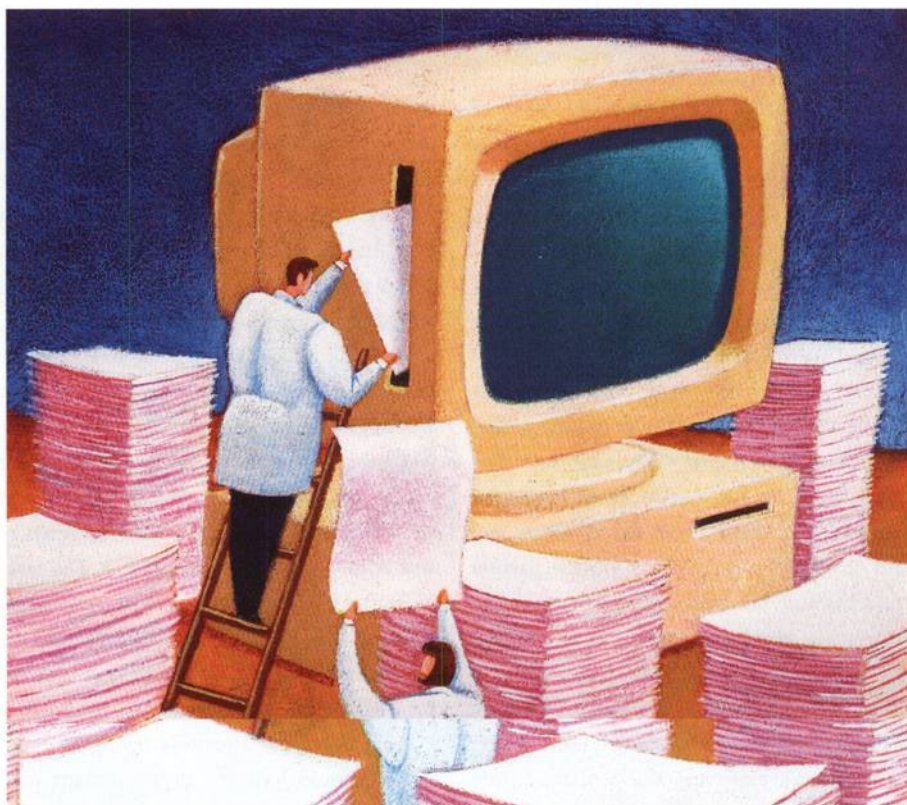
- It makes every document instantly available. Counsel will receive e-mail notification when a document is filed and will have instant access to it.
- Lawyers who move will no longer have to wait for mail to be forwarded or addresses to be updated. With e-filing, as long as counsel's e-mail address is accurate, he or she receives notification of every filing as soon as it occurs.

Under the direction of Project Manager

Harold Palmer, the civil e-filing system is modeled after the successful Orphans' Court Electronic Filing System, which has been in operation since 2005. Because the court recognizes that there are many more civil filings compared with Orphans' Court, the new e-filing site is more robust than its sister court's system.

Despite the wide array of pleadings the system can accommodate, using the e-filing system is as simple as including an attachment with an e-mail. To access the e-filing process, counsel and *pro se* parties must first electronically apply for a user name and password. Registered users will log on to the court's site with the user name and password. The user then:

- Selects the case for which the filing applies or creates a new case. For new filings, subsequent screens will appear for the type of case, including Arbitration, Commerce, Major Jury, Major Non-Jury, Mass Tort, etc.;
- Determines and inputs the type of pleading, as well as any attachments;
- Provides a major credit card number to pay any filing fees, if applicable;
- Reviews the filing information for accuracy;



- Approves the transaction, after which the document will be uploaded to the court's computer server; and,
- Receives confirmation that the transaction was approved and the document was filed.

After a document is electronically filed, it will be reviewed by the Prothonotary's Office to verify that it complies with applicable rules. When the Prothonotary's Office approves the filing, it will then be transferred to and integrated with the court's case management and document management systems. At that point, all counsel will be notified that the document has been e-filed. Counsel can then review the document online and save it on their own computers or servers. The only documents 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 will also issue and serve all other Court Notices and Orders electronically.

To maintain the integrity, pagination and formatting of pleadings, the court requires that pleadings be submitted in a portable document format ("pdf"). In other words, e-filers must convert a document (generally prepared in a word processing application such as Microsoft Word or Corel WordPerfect) and all exhibits to portable document format. In addition, each filing and/or attachment must be no larger than 3MB; larger files must be divided into files less than 3MB.

There are many ways to convert documents to pdf format, with varying costs. Some word processing software, such as WordPerfect, can automatically convert documents to pdf format by using the "Publish to PDF" command. Although Microsoft Office for Vista contains a pdf creation feature, older versions of Word and other programs do not generally have internal pdf creation abilities, leaving two alternatives – scanning or using software sold by other manufacturers.

Obviously, if a document is converted to pdf by software, it cannot be "signed" in the traditional sense. At press time, it is unclear whether the court will accept such documents (e.g., they could be marked "/s/" as is the practice in federal court) or whether it will require a scanned copy of counsel's signature. This requirement will

depend, however, upon the final version of proposed amendments to the Pennsylvania Rules of Civil Procedure, which have not been approved as of the date this article was written.

Generally, firms that e-file will use a scanner and pdf-creation software. There are many reasons to use these products, including the need to convert various exhibits into an electronic format. In recent years, scanning technology has improved dramatically, and many office copiers are either programmed to also serve as scanners or can easily be modified to do so. Firms

With the arrival  
of e-filing in  
Philadelphia, the  
days of just saying  
"no" to technology  
are quickly  
disappearing.

can also use sheet-fed scanners, which have become far more common, much more affordable, and simple to use. For about \$300, you can purchase a scanner with a 35- to 50-page sheet feeder, which is sufficient for most small to mid-size firms. For about \$750, you can purchase a sheet-fed scanner that can scan 50 double-sided pages in about a minute and automatically convert the document to pdf format.

Scanning is no more difficult than making a copy. You either click a button on the scanner or open the software, click the scan button, and the scanning begins. When the scanning is complete, the software either asks you what format to save the images in, generally a pdf, and where to save it, or does so automatically. That's it.

The companion to the scanner is the pdf creation software. Most manufacturers supply pdf creation software for free with the purchase of each scanner, and the quality and capabilities of the complimentary software vary dramatically. Of course, if you don't have a scanner, or it does not come with pdf creation software, or the software is not very good, you will need to purchase the software. There are a wide range of choices,

from free to very expensive. One of the best products is Adobe Acrobat Professional (now in version 8.1), which is extremely versatile, includes numerous lawyer-friendly features (such as Bates numbering, redaction capability, indexing, etc.), and sells for about \$429. There are also numerous alternatives to Adobe Acrobat. For example, an online service, pdf995 (<http://www.pdf995.com>), offers free or inexpensive pdf creation products, but with fewer bells and whistles than Adobe Acrobat. Other popular products include ScanSoft PDF Create!, and CutePDF (<http://www.cutepdf.com>), both of which sell for \$49.99.

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 or messengers. More importantly, documents will be available immediately after filing. The court will continue to review documents, particularly those with specific filing requirements, for compliance with all procedural requirements. "We will have review clerks to verify that all the requirements have been met before documents such as default judgments and non *prosses* are accepted for filing," says Charles Mapp Sr., deputy court administrator.

The e-filing system is expected to go "live" in January 2008. The court envisions a short (three- to six-month) transition period during which e-filing will be optional, after which it will be mandatory. The court will provide assistance at a designated location in City Hall for *pro se* litigants who do not have access to the technology necessary to use electronic filing. The Hon. William J. Manfredi views e-filing as a natural expansion of the court's and counsel's use of technology: "We are bridging the disconnect between law firms and the court."

With the arrival of e-filing in Philadelphia, the days of just saying "no" to technology are quickly disappearing. While some may fear that reality, Pennsylvania Supreme Court Justice James J. Fitzgerald III, who served as administrative judge of the Trial Division during much of the period when the civil e-filing system was designed, notes that, in the long run, the court is creating a system that will "work for everyone's benefit." ■