

## NOTICE TO THE BAR

### MANDATORY APPELLATE DIVISION ELECTRONIC FILING FOR ALL CASE TYPES

EFFECTIVE JANUARY 1, 2018

The Supreme Court earlier approved a two-phase plan to implement mandatory electronic filing of all Appellate Division appeals and other documents by attorneys in appellate matters through eCourts-Appellate. See the April 28, 2016 notice and April 12, 2016 Supreme Court order. That April 12, 2016 order established Phase I of mandatory Appellate Division electronic filing to include the following case types effective July 1, 2016:

- a. Criminal appeals;
- b. Children in Court (FG and FN) appeals;
- c. Sexually Violent Predator (SVP) appeals;
- d. Civil commitment appeals.

A subsequent notice to the Bar dated December 21, 2016, advised of the expansion of the list of mandatorily electronically filed appeals to include pretrial detention appeals.

This notice announces Phase II of implementation of mandatory electronic filing in the Appellate Division and expands the case types to be mandatorily electronically filed to include all other case types, effective January 1, 2018, pursuant to the attached September 26, 2017 Supreme Court order.

The Appellate Division offers training on the use of eCourts-Appellate. The free training sessions are approximately 90 minutes and 1.8 CLE credits are provided. Please check the court's website at <http://www.njcourts.gov/attorneys/ecourts.html> for information. Also, training materials, including a video tutorial, are available on the website.

#### **Mandatory Appellate Division e-Filing – Phase II Effective January 1, 2018**

1. All attorneys are required to file electronically in all case types. Electronic filing is required for notices of appeal, motions for leave to appeal, all other motions, Case Information Statements, briefs, all responses, and other documents in all appellate matters where the case was initiated electronically on or after January 1, 2018.
2. Rule 1:5-6 is supplemented and relaxed such that attorneys in all case types who file paper pleadings and documents that are required to be filed electronically will have those documents returned date-stamped "Received But Not Filed – Must Be Filed Electronically." Those documents must be filed electronically within 15 days in order to

preserve the original received date. Instructions on the filing requirements to preserve the time will be provided with the date-stamped documents.

3. Attorneys must file electronically in all Appellate Division case types, regardless of whether a party to the appeal may be self-represented. If a party is self-represented, attorneys shall print from the eCourts-Appellate system all pleadings and documents electronically filed and serve those pleadings and documents by mail on the self-represented litigant in accordance with the applicable court rule.

4. Emergent protocol in the Appellate Division remains unchanged. A party seeking emergent relief must contact the emergent clerk during normal office hours (generally 8:30 a.m. to 4:30 p.m.) in the Appellate Division at 609-815-2950, ext. 52614 for assistance. This procedure applies whether the application is sought in a pending or non-pending Appellate Division matter. In the event that an application to file a motion on an emergent basis is granted in a non-pending matter, a notice of appeal or motion for leave to appeal must be electronically filed to confer jurisdiction on the court to entertain the motion.

5. Exceptions to these requirements may be granted by leave of court if extraordinary circumstances prevent an attorney or law firm from utilizing eCourts-Appellate.

6. In order to receive proper electronic service, attorneys must maintain a current email address. This is accessible both from eCourts, eCourts Appellate and through the single sign on portal within Update Contact Information (Electronic Notification). This requirement includes attorneys for appellants, respondents, intervenors, and amici curiae.

7. Except as otherwise specified in the attached Supreme Court Order, the provisions of the Rules of Court applicable to matters filed in the Appellate Division, as relaxed by Supreme Court Order dated January 21, 2015 (available on njcourts.com), shall remain in full force and effect.

Joseph H. Orlando  
Clerk of the Appellate Division

Dated: September 26, 2017

## SUPREME COURT OF NEW JERSEY

In continuation of the New Jersey Judiciary's implementation of an electronic filing system in the Appellate Division of the Superior Court of New Jersey, which electronic filing system is currently designated as eCourts-Appellate, and which system permits attorneys to file appeals and other documents electronically and to view electronic documents;

And the Supreme Court having previously approved the Appellate Division's two-step implementation plan for mandatory electronic filing, with Phase I of the Appellate Division's plan having been adopted by Order dated April 12, 2016, as to certain case types, and the Supreme Court now concluding that there is no reason to delay implementation of Phase II of the mandatory electronic filing plan as to all other case types;

It is ORDERED that, pursuant to N.J. Const. (1947), Art. VI, sec. 2, par. 3, **effective January 1, 2018**, and until further order, the Rules Governing the Courts of the State of New Jersey are supplemented and relaxed in support of mandatory electronic filing in the Appellate Division as follows:

1. All attorneys are automatically registered and required to file all appeals to the Appellate Division electronically, excluding emergent applications.
2. If a party is self-represented, attorneys shall print from the eCourts-Appellate system all pleadings and documents electronically filed and serve those pleadings and documents by mail on the self-represented party in accordance with the applicable court rule.
3. Rule 1:5-6 is supplemented and relaxed such that attorneys in all Appellate Division case types who file paper pleadings and documents that are required to be filed electronically will have those documents returned via regular mail, date-stamped "Received But Not Filed – Must Be Filed Electronically." Those documents must be filed electronically within 15 days of the date on the notice returning the documents in order to preserve the original received date. Instructions on the filing requirements to preserve the time will be provided with the date-stamped documents.
4. Exceptions to these requirements may be granted by leave of court if extraordinary circumstances prevent an attorney or law firm from utilizing eCourts-Appellate.
5. All attorneys are required to maintain and update their current email addresses to ensure continuous electronic service of Appellate Division documents. This requirement includes attorneys for appellants, respondents, intervenors, and amici curiae.
6. Except as otherwise specified in this Order, the provisions of the Rules of Court applicable to matters filed in the Appellate Division, as relaxed by Supreme Court Order dated January 21, 2015 (available on njcourts.com), shall remain in full force and effect.

For the Court,



Chief Justice

Dated: September 26, 2017