



eFiling

**Learn how eFiling can benefit
your legal practice**

Provided by the Administrative Office of the Courts

Overview

- If you are not certified to eFile, you are welcome to attend.
- This presentation is **not** enough to get eFiling certification.
- You can get certified at any time online through the eLearning Application.
- This presentation will discuss a brief history of eFiling in Kentucky state courts, a review of recent changes to the eFile Rules, a discussion of new features, and frequently asked questions and problems connected to eFiling.

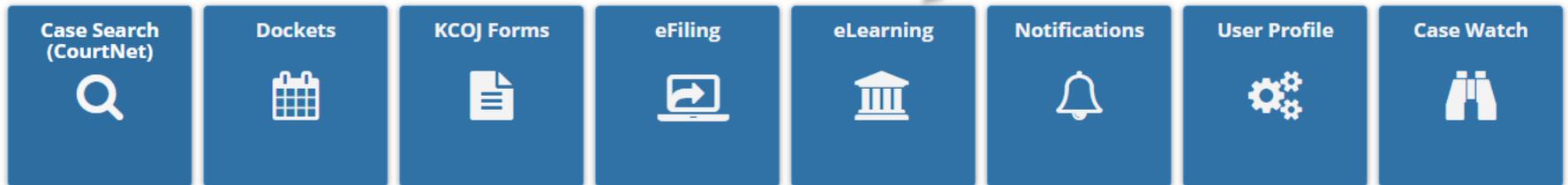


eLearning

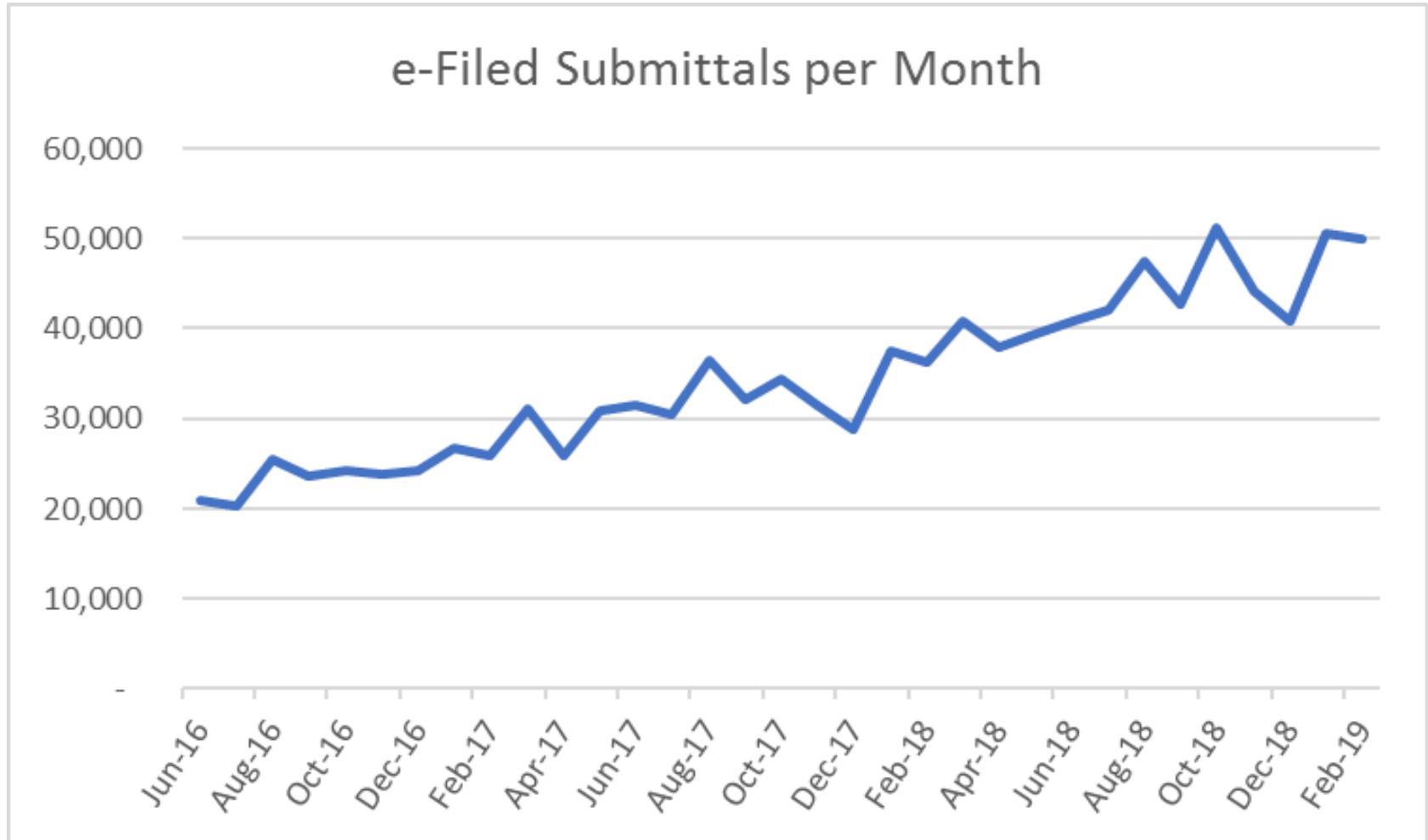
- You can access eFiling certification training via the eLearning Application.

Welcome

Please choose from one of the following authorized applications:



Number of eFilings since June 2016:



Recent Changes to the eFiling Rules:

- Redaction changes
- Self-represented parties may eFile
- Time zone changes
- No longer need to include “electronically filed” in the heading
- Filing attorney must intend on practicing in the case
- Fees and costs associated with eFiling are taxed as costs and are recoverable
- Technical Failure includes the failure of the eFiler’s equipment



Where to Find eFiling Rules:

Kentucky Court of Justice website

<http://courts.ky.gov/courts/supreme/Pages/rulesprocedures.aspx>

Where to Find Help with eFiling:

eFiling Help Page

<https://ehelp.kycourts.net/>

AOC Tech Support Number

502-573-2350 ext. 50109



KCOJ eCourts Help Page



KCOJ eCourts Help

SEARCH

Attorneys & Legal Staff

First time eFiler? Start here and you'll be a pro in no time.

CourtNet 2.0

Helpful guides for accessing information about cases.

Self-Represented Litigants

New! Small Claims eFiling for self-represented litigants.

KYeCourts FAQs

Troubleshooting? Start here for answers to frequently asked questions.

Release Notes

Learn more about new features and updates.

AOC to Offer Changes to CourtNet 2.0 Service Plans in 2019

Attorneys who subscribe to CourtNet 2.0 will have a new economy option and



Redaction Requirements

All eFilers must comply with the redaction requirements set out in CR 7.03 and Section 10 of the eFiling Rules, **regardless of case type.**

These requirements apply to all documents, including attachments and exhibits.

The circuit clerk **will not** review filings for compliance with this rule.

The responsibility to redact filings rests with the eFiler.



Redaction Requirements

eFiled documents appear in CourtNet 2.0

Failure to redact could result in anyone with a CourtNet 2.0 account viewing unredacted documents

Failure to redact could result in Rule 11 sanctions

A party may move to redact improperly included private or protected information



Authorized eFilers:

- Licensed attorneys in good standing
- Judges and their staff
- Court administrative staff
- Government employees
- Law Enforcement
- Self-represented parties may be permitted to electronically file subject to authentication and training requirements imposed by the AOC



Time Zone Changes

Filing a document electronically does not alter the filing deadline for that document. **Filing must be completed BEFORE MIDNIGHT, in the time zone of the receiving court, in order to be timely filed.**

However, if time of day is of the essence, the presiding judge may order a document filed by a certain time.



No longer need to include “electronically filed”

Electronically filed documents must meet the same formatting requirements as paper documents conventionally filed pursuant to the Kentucky Rules of Procedure.

The eFiling system automatically stamps documents as electronically filed.

You are no longer required to include “electronically filed” in the heading of your document.

A certificate of service indicating how the parties were served is still required.



Filing attorney must intend on practicing in the case

An eFiler may not electronically file a document on another person's behalf without the intent to represent a party or participate in the case

The signature on the eFiled document should match the name of the filing attorney

Could result in CR 11 sanctions



Fees and costs are recoverable

Fees, including filing fees, are due and payable at the time of electronic filing unless the fee is waived by order of the court, the fee is not due or payable, or if the filer submits an affidavit to proceed in forma pauperis.

Other costs may be assessed through the eFiling system for service of process for printing and mailing (.10 per page).

eFilers will be assessed a third-party payment vendor fee.

Fees and costs associated with eFiling shall be taxed as costs and are recoverable by the prevailing party.



Technical Difficulties/System Unavailability

A technical failure is a failure of the court's hardware, software, and/or telecommunications facility which results in the impossibility for an eFiler to submit a filing electronically. **Technical failure can also include the malfunctioning of an eFiler's equipment.**

Users still need to comply with applicable jurisdictional deadlines even in cases of technical difficulty.



CourtNet 2.0

- In order to eFile, you need a valid CourtNet account.
- An “eFile only” free account is available for eFiling.
 - Does not restrict ability to eFile
 - Limited CourtNet options

	Monthly Rate	Cases Per Month	Overage Rate	Image Rate
<input checked="" type="radio"/> ECONOMY	\$5.00	10	\$0.25	\$0.35
<input type="radio"/> PERSONAL	\$25.00	100	\$0.25	\$0.35
<input type="radio"/> BASIC	\$50.00	250	\$0.25	\$0.35
<input type="radio"/> ADVANCED	\$100.00	750	\$0.25	\$0.35
<input type="radio"/> PROFESSIONAL	\$150.00	1,250	\$0.25	\$0.35
<input type="radio"/> ENTERPRISE	\$250.00	2,500	\$0.25	\$0.35
<input type="radio"/> EFILE ONLY	\$0.00	0	\$0.00	\$0.00
<input type="radio"/> Cancel My Plan				



CourtNet 2.0 User Agreement

- If there are changes to the CourtNet User Agreement, you will be prompted to read the User Agreement again.
- You can always review the User Agreement in the “User Profile” application.
- A CourtNet account is necessary to eFile, violations of the CourtNet User Agreement could affect your ability to eFile.
- Common violations to avoid:
 - Do not share your account credentials
 - Do not sell CourtNet information
 - CourtNet is not a background check
- **AOC regularly monitors Courtnet usage**
 - **Violations can result in termination of CourtNet access and a possible referral to the Kentucky Bar Association**



New Feature – Claim Cases

- Claim Cases allows you to agree to receive electronic notifications for a particular case.
- System checks to see if you have conventionally filed in a case and lists those cases eligible for electronic service.
- Once you agree to electronic service, you will only receive electronic service from other eFilers in the case.
- In essence, you become an eFiler in the case without having to eFile a document.



New Feature – Claim Cases

 Notifications

 My eFilings ▾

 eFile ▾

 Claim Cases

 Help

 Apps

 Logout (aoc_train-7)

Claim Cases

The list below includes cases you are associated with as a party, but are not electronically opted into. Claim the case to opt in electronically.

*** By claiming a case, the user agrees to receive electronic notifications and service for that case.**

Show entries

Search:

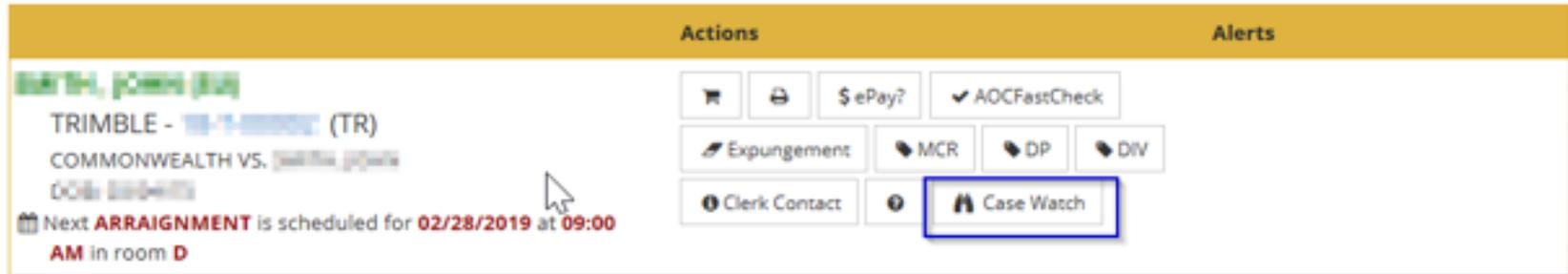
<input type="checkbox"/>	Site Name/Case # 	Case Style 	Opt-In As Party Type 	Filing Date 	Last eFiling Activity Date 
No data available in table					

Showing 0 to 0 of 0 entries



New Feature – Case Watch

- Case Watch allows users to monitor and receive daily notification of activity on cases of interest.
- Your CourtNet account will be charged for each unique case accessed during a billing period.
- A unique case is a case that is opened or drilled down into for additional information.
- You can add cases to watch by manually adding the case information or through CourtNet searches



The screenshot displays a user interface for a case. On the left, the case name is "TRIMBLE - JOHN (M)", followed by "TRIMBLE - 18-1-00000 (TR)", "COMMONWEALTH VS. JOHN (M)", and "DOB: 01/04/1971". A calendar icon indicates "Next **ARRAIGNMENT** is scheduled for **02/28/2019** at **09:00 AM** in room **D**". On the right, under the "Actions" header, there are several buttons: "Expungement", "Clerk Contact", "MCR", "DP", "DIV", "Case Watch", "\$ePay?", and "AOCFastCheck". The "Case Watch" button is highlighted with a blue rectangular box.



New Feature – Case Watch

- The Case Watch Dashboard allows you to manage and view your currently watched cases.
- You can also get additional information on the activity within your watched cases in the Case Watch Dashboard.

The screenshot displays the Case Watch Dashboard interface. At the top, there are four columns: 'Case Info', 'Watch Access', 'Activity Date', and 'Remove CaseWatch'. The 'Case Info' column shows the case number '18-T-00002' and the case name 'TRIMBLE - DISTRICT COMMONWEALTH VS. SMITH, JAMES'. The 'Watch Access' column has a dropdown menu open, listing 'Status' (3), 'Document' (3), 'Party' (1), and 'Event' (3). The 'Activity Date' column shows '2/20/2019'. The 'Remove CaseWatch' column has a red trash icon. Below the dashboard, a modal window titled 'Activities' is open, showing a list of activities under three categories: Documents and Parties. The Documents section lists: 'PROOF OF INSURANCE was Changed on 2/20/2019', 'AFFIDAVIT was Changed on 2/20/2019', and 'ACKNOWLEDGEMENT was Changed on 2/20/2019'. The Parties section lists: 'SMITH, JAMES was Changed as COMPLAINING WITNESS on 2/20/2019'. At the bottom of the modal, there is a message: 'Closing acknowledges that you have viewed listed Activities' and a 'Close' button.



eFiling Frequently Asked Questions

- Almost all available filing types are listed within the eFiling system.
- Avoid using “other/other” as an option when eFiling
 - Currently, garnishments are **not** available in eFiling
 - Many attorneys are using other/other as a means to circumvent garnishments not being an available option
 - When you use other/other, especially when a fee is involved, the clerk will likely reject your filing
 - Other/other does not assess the appropriate fee
- *Bruner v. Sullivan University System, INC.*, 544 S.W.3d 669 (Ky. Ct. App. 2018). Notice of Appeal, which was not a document that could be eFiled at the time, was filed using “other/other.” The system did not prompt for payment and payment was made outside of the appeals window. The appeal was untimely and the case dismissed.
- **Call the AOC before you use other/other, there might be a better option. 502-573-2350 ext. 50109**



DO NOT USE!!

Select a County

FRANKLIN Training

What would you like to file?

Other Documents / Pleadings

Select the most appropriate option.

(select)

Agreed Order

Proposed Order

Entry of Appearance

Other Document / Pleading



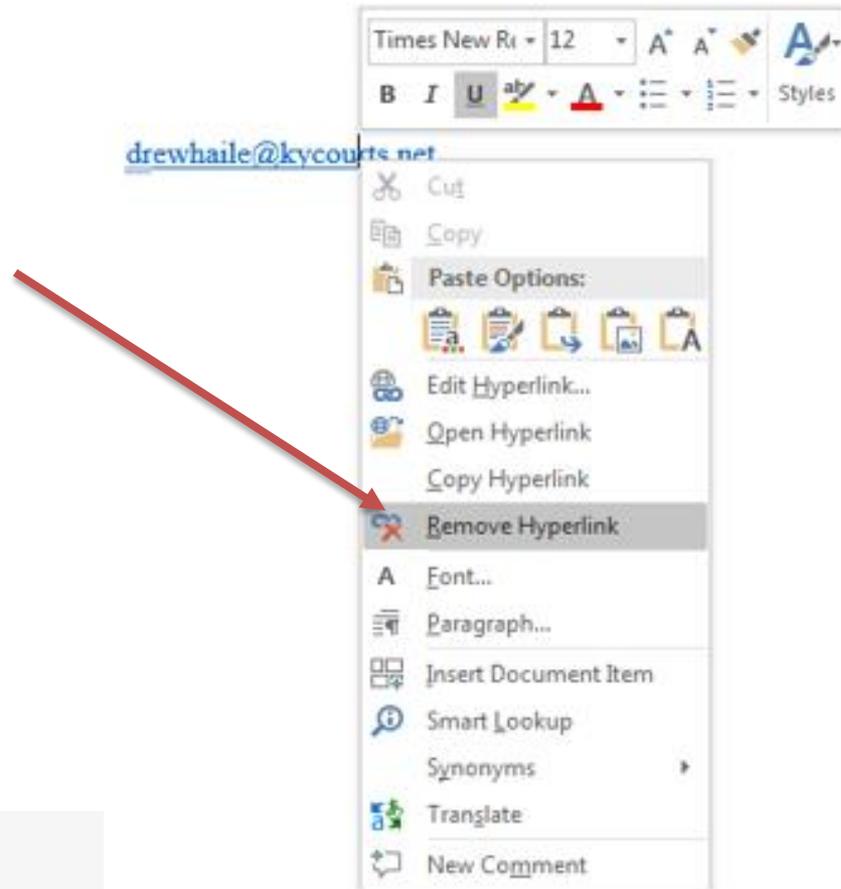
eFiling Frequently Asked Questions

- Do not include active hyperlinks in eFiled documents
 - Sec. 7(6) of eFiling Rules, “No electronically filed document may contain hyperlinks other than internal hyperlinks to the document itself.”
 - Hyperlinks in documents can cause technical issues
 - The prohibition against hyperlinks **also applies to email addresses**
 - Instead of active links, use URLs and plain text



eFiling Frequently Asked Questions

- Do not include active hyperlinks in eFiled documents



eFiling Frequently Asked Questions

- Businesses and organizations should be served using the “Registered Agent of Service” (RAOS) option.
 - **Do not** make the Registered Agent a defendant
 - Registered Agents are not parties to the case and should not be listed as such
 - It’s also more expensive as you will be serving the defendant AND the registered agent



Party Type* DEFENDANT / DEFENDENT

Person Organization or Business

Organization or Business Name*

Registered Agent Of Service (RAOS)

Person Organization or Business

Organization or Business Name*

AOS Address Line 1

AOS Address Line 2

AOS Address Zip **AOS Address City**

AOS Address State

 ▼

Select Method(s) for Service of Process



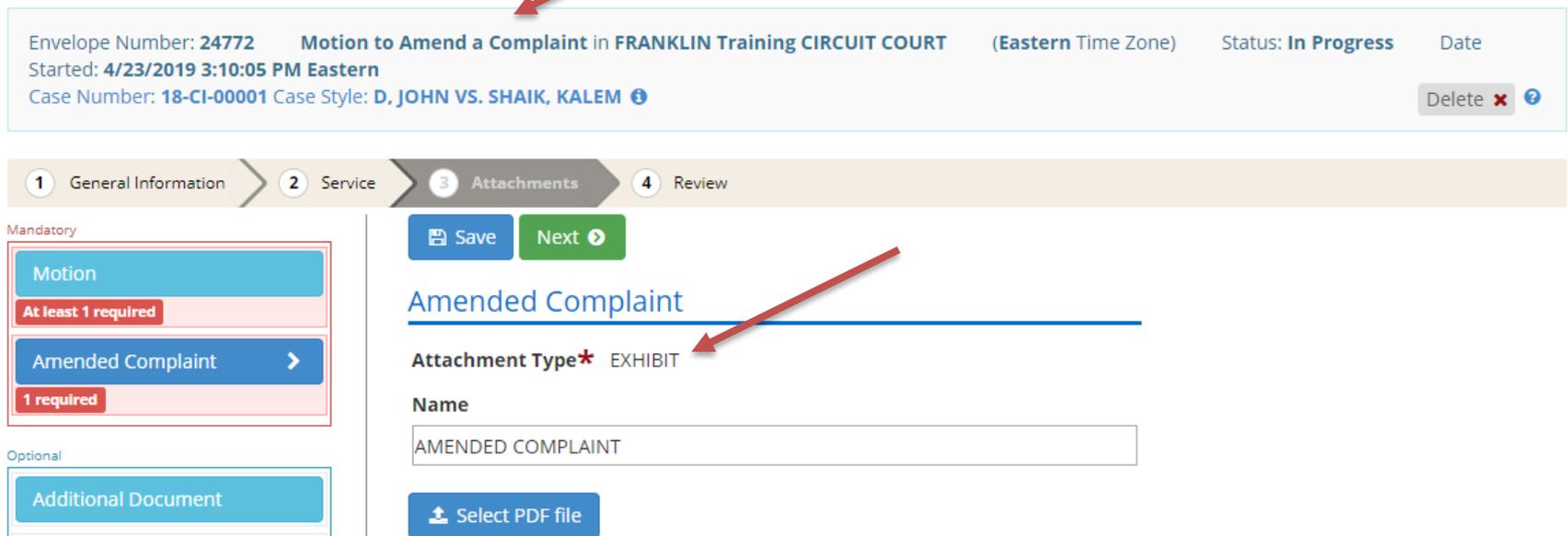
eFiling Frequently Asked Questions

- Make sure to file proposed documents after leave has been granted.
 - Section 8(5)(a): “If the filing of an electronically submitted document requires leave of court, such as an amended complaint or a document to be filed out of time, the eFiler should attach the proposed document as an attachment to the motion requesting leave to file. **If the court grants the motion and allows the proposed document, the eFiler must refile the proposed document to make it part of the record.**” (emphasis added.)



eFiling Frequently Asked Questions

- Make sure to file proposed documents after leave has been granted.



Envelope Number: 24772 Motion to Amend a Complaint in FRANKLIN Training CIRCUIT COURT (Eastern Time Zone) Status: In Progress Date

Started: 4/23/2019 3:10:05 PM Eastern

Case Number: 18-CI-00001 Case Style: D, JOHN VS. SHAIK, KALEM ⓘ Delete ✕ ⓘ

1 General Information 2 Service 3 Attachments 4 Review

Mandatory

- Motion
At least 1 required
- Amended Complaint >
1 required

Optional

- Additional Document

Save Next >

Amended Complaint

Attachment Type* EXHIBIT

Name

AMENDED COMPLAINT

Select PDF file



eFiling Frequently Asked Questions

- Wet-ink signatures are still necessary in some circumstances.
 - Section 11(4): **“The signature on any document required to be notarized, acknowledged, verified, or made under oath must be handwritten and scanned into the eFiling system.** The court will maintain the scanned document as the official court record, and the filing party must retain the originally executed copy in accordance with Section 17, Retention Requirements. The court may require the filing party to produce the original paper document if validity of the signature is challenged.” (emphasis added.)
 - Section 11(1)(c): “Affidavits and exhibits to pleadings with original handwritten signatures must be scanned and filed in PDF or PDF/A format.”



eFiling Frequently Asked Questions

Warning Order Attorneys (WOA) in eFiling

- Attorneys are not attaching the right affidavit with the matching WOA request.
- Attorneys are also using affidavits that contain all the WOA requests in one large affidavit and uploading the same affidavit for every request.
 - Using one large affidavit is confusing to the eventual WOA and to circuit court clerks.
 - It costs you additional money because it's a larger than necessary document.
- Do not embed your WOA request within the Complaint, make it a separate document.



eFiling Frequently Asked Questions

Account Management Issues

- When an attorney leaves a firm, numerous problems can arise.
 - Best practices for when an attorney leaves (firm perspective):
 - Have a plan in place for when an attorney exits
 - Design your eCourts hierarchy to handle an attorney leaving
 - Make sure you have an accurate list of the attorney's cases and if it is an eFiling case
 - Decide how the attorney's cases are handled
 - File the appropriate substitutions of counsel, entries of appearance, and motions to withdraw
 - You will want to make sure that you are electronically filed into the cases you intend on representing. Any electronic filing will automatically associate you with the case.
- Call the AOC for assistance: 502-573-2350 ext. 50109



eFiling Frequently Asked Questions

Account Management Issues

- When an attorney leaves a firm, numerous problems can arise.
 - Best practices for when an attorney leaves (attorney perspective):
 - Is your eCourts/CourtNet account a firm account?
 - Create a new account if your old account was a firm account
 - Have an accurate list of all your cases
 - File substitutions of counsel or motions to withdraw in cases that you will no longer be representing
 - Make sure to request removal from the distribution list and call the circuit court clerk if you are not removed
- Call the AOC for assistance: 502-573-2350 ext. 50109



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

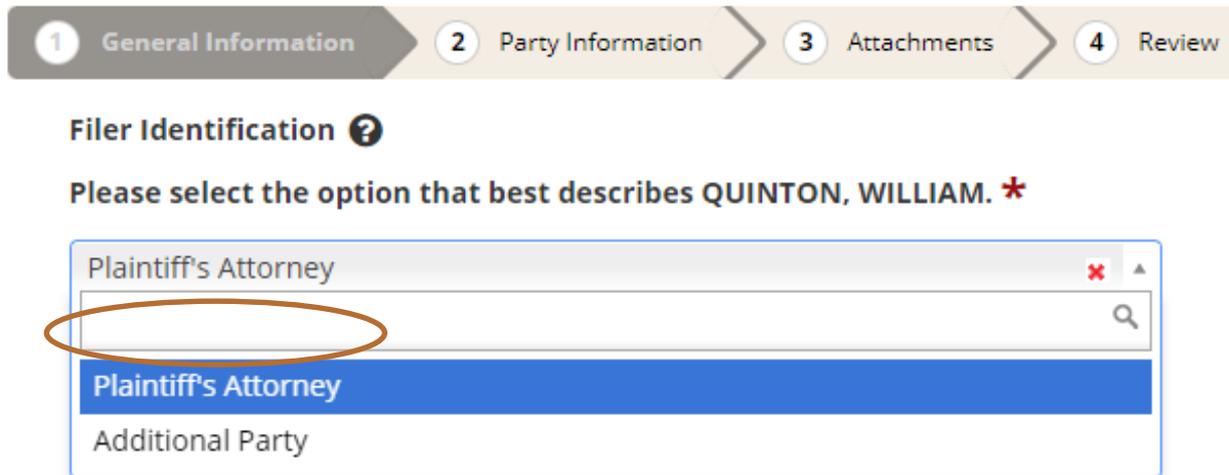
- In some cases, attorneys are adding themselves to an eFiling case multiple times
- Additionally, attorneys are designating themselves as a Plaintiff or Defendant, even though the attorney is representing a party
- Multiple instances of an attorney in a case can create a confusing case record
- You will not be attached to a case until the clerk processes your first filing in a case



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- When making an **initial filing**, you will be asked to select the option that best describes you in the “General Information” tab.



1 General Information 2 Party Information 3 Attachments 4 Review

Filer Identification ?

Please select the option that best describes QUINTON, WILLIAM. *

Plaintiff's Attorney

Plaintiff's Attorney

Additional Party



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- Your information will be imported from the “User Profile” application.
- Please note, on the party information screen, the attorney in this example is not a party to the case.



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

1 General Information > 2 Party Information > 3 Attachments > 4 Review

Mandatory

Plaintiff
At least 1 required

Defendant
At least 1 required

Optional

Plaintiff's Attorney
WILLIAM QUINTON [person icon] [x]

Additional Party

Save Add Another Plaintiff's Attorney Next

Plaintiff's Attorney

Party Type* ATTORNEY FOR PLAINTIFF

Person Organization or Business

First Name* Middle Last Name* Suffix

WILLIAM SAMUEL QUINTON (select)

Primary Address

Line 1
LIDDY, GATES AND WELLS

Line 2
1001 VANDALAY DRIVE

Zip Code City State

40601 FRANKFORT KY [x]

Phone Number eMail

502-573-2350 SAMQUINTON@KYCOURTS.NET

Other Information



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- When making a subsequent filing, the eFiling application may ask you to identify yourself.
- Make sure that you are not already listed in the “Service” tab before adding your information.



Electronic Service Will Be Sent via eFiling to: 

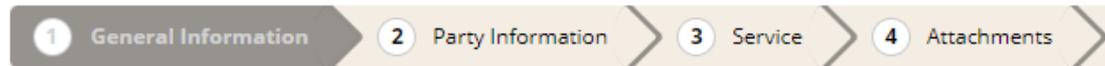
Party Type Description	Name
ATTORNEY FOR PLAINTIFF	SHAIK, KALEM
ATTORNEY FOR DEFENDANT	ABELL, LINZIE CRAIG



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- When asked to select the option that best describes you, use the dropdown menus and select the best option



Please select the option that best describes QUINTON, WILLIAM. *

A screenshot of a web form. At the top, there is a dropdown menu with the text 'Additional Party' and a red 'x' icon. Below it, a list of options is displayed, with 'ADMINISTRATOR/ADMINISTRATRIX' highlighted in blue. The other options are: (select), ATTORNEY FOR APPELLEE, ATTORNEY FOR APPELLANT, ATTORNEY-CROSS PLAINTIFF, ATTORNEY FOR DEFENDANT, ATTORNEY FOR DEFENDANT-INTERVENING, ATTY. FOR DEFENDANT - THIRD PARTY, and ATTORNEY/PROSECUTOR. A search icon is visible in the top right of the dropdown list.

eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- Again, your profile information will be imported from the “User Profile” application.
- Note, that this attorney is described as “Attorney for Defendant”.

The screenshot shows the 'Additional Party' form in the eFiling system. The form is divided into several sections:

- Navigation:** A breadcrumb trail at the top shows steps 1 through 5: General Information, Party Information, Service, Attachments, and Review. The 'Party Information' step is currently active.
- Buttons:** There are three buttons at the top: 'Save', 'Add Another Additional Party', and 'Next'.
- Party List:** A table on the left shows the current party being added: '(ATTORNEY FOR DEFENDANT) WILLIAM QUINTON'. This entry is circled in orange.
- Form Fields:**
 - Party Type*:** A dropdown menu set to 'ATTORNEY FOR DEFENDANT'.
 - Person Type:** Radio buttons for 'Person' (selected) and 'Organization or Business'.
 - Name Fields:** 'First Name*' (WILLIAM), 'Middle' (SAMUEL), 'Last Name*' (QUINTON), and 'Suffix' (select).
 - Primary Address:** 'Line 1' (LIDDY, GATES AND WELLS), 'Line 2' (1001 VANDALAY DRIVE), 'Zip Code' (40601), 'City' (FRANKFORT), and 'State' (KY).



eFiling Frequently Asked Questions

Attorneys adding themselves to a case multiple times

- The updated “Service” tab will display the new attorney with the other attorneys in the case.

1 General Information > 2 Party Information > 3 Service > 4 Attachments > 5 Review

Electronic Service Will Be Sent via eFiling to: ?

Party Type Description	Name	Filed As
ATTORNEY FOR PLAINTIFF	SHAIK, KALEM	
ATTORNEY FOR DEFENDANT	ABELL, LINZIE CRAIG	
ATTORNEY FOR DEFENDANT	QUINTON, WILLIAM	QUINTON, WILLIAM SAMUEL



eFiling Frequently Asked Questions

Filing in the wrong county

- Rare in the conventional world
- **Slow down**, check to make sure you have the correct county

Who is the filer of this envelope?

QUINTON, WILLIAM ✖ ▼

Select a County

FRANKLIN Training ✖ ▲

Frequently Used (in bold)

FRANKLIN Training

FAYETTE Training

ADAIR Training

ALLEN Training

ANDERSON Training

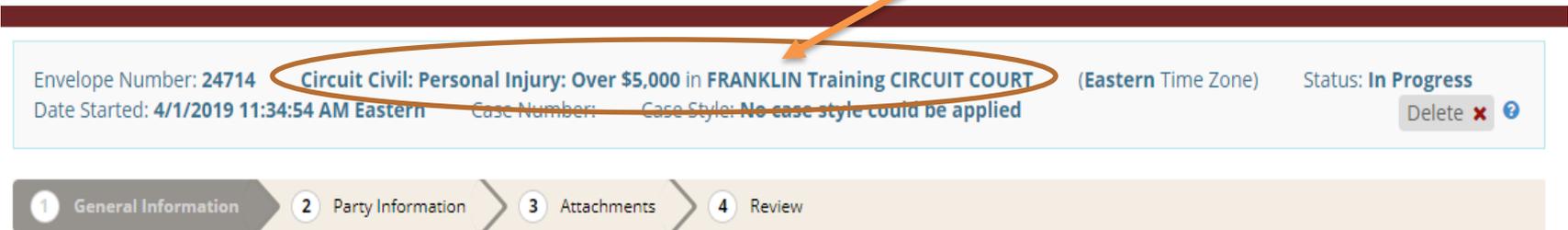
BALLARD Training



eFiling Frequently Asked Questions

Filing in the wrong county

- Once the envelope has been created, check the status bar at the top of your screen to make sure you have the right county.



The screenshot displays a status bar for an eFiled envelope. The text reads: "Envelope Number: 24714", "Date Started: 4/1/2019 11:34:54 AM Eastern", "Case Number:", "Case Style: No case style could be applied", "(Eastern Time Zone)", and "Status: In Progress". A red oval highlights the text "Circuit Civil: Personal Injury: Over \$5,000 in FRANKLIN Training CIRCUIT COURT", which is circled in red. An orange arrow points from the top right towards this highlighted text. Below the status bar is a navigation menu with four steps: "1 General Information", "2 Party Information", "3 Attachments", and "4 Review".



eFiling Frequently Asked Questions

Filing in the wrong county

- What to do if you filed in the wrong county
 - Like many mistakes, if you catch it in time you can avoid motioning the court for changes.
 - Call the circuit court clerk before he or she accepts your filing.
 - Do not expect the clerk to read the entirety of your initiating document for accuracy.
 - Once your filing has been accepted by the clerk, a case will be created.
 - You will need to move the case to the appropriate county through court filings.



eFiling Frequently Asked Questions

Pro hoc vice

- KBA assigns *pro hoc vice* attorneys a temporary bar identification number.
- *Pro hoc vice* attorneys can register to eFile using the temporary number.
- *Pro hoc vice* attorneys still need to complete eFiling certification training.
- KBA determines when the temporary number has expired.



Comments and Suggestions

The AOC is always interested in making eFiling better. Suggestions for improving the eFiling system can be sent to: [eCourtsupport@kycourts.net](mailto:ECourtsupport@kycourts.net) or call the AOC's eFiling Help Line at **502-573-2350 ext. 50109**.

The eFiling Help Line will be available during the AOC's regular business hours: 8 a.m. - 5:30 p.m., Monday through Friday.

