



Tip of the Month August 2012 E-Filing & E-Serving

Submitted by Tyler O'Neill
J.D. Candidate
William Mitchell College of Law 2013

Starting September 1st 2012, e-Filing will be mandatory for many types of general civil cases in the Second and Fourth Judicial Districts. E-Filing is the filing of court documents through a computer based system. The system used in the Second and Fourth Judicial Districts is called Odyssey File & Serve (OFS). Attorney and government agencies must be registered in order to use the e-Filing system by the effective date. Volunteer attorneys working on housing or family cases will be required to e-File and e-Serve cases starting on this date. At this time, *pro se* parties will not be required to use the e-Filing system.

Before e-Filing and e-Serving, all attorneys are encouraged to complete training offered by court administration. At trainings, information will be provided regarding how to register for and use the OFS system. The Courts' website lists available in-person and online trainings. This tip provides information about how the changes will affect attorneys representing VLN clients.

Access and Registration

- In order to register for an account, see each district's website. You will find information regarding trainings, registration, and frequently asked questions.
- Direct questions about registration to the courts.
- Each VLN volunteer will need to register through his or her firm or individually, but not through VLN. Each firm needs a firm administrator, who will be responsible for creating and managing the firm's account. The firm administrator should attend e-File training with court administration. Once the firm administrator attends the training, he or she should go to the OFS website and select "register now" to begin the registration process.
- In the OFS system, VLN clients should be treated the same as an attorney's personal clients. VLN is not the firm for each volunteer when they are e-Filing a case on behalf of a VLN client. While VLN will have its own account, is solely for VLN staff attorneys.

Quick Notes

- The OFS system is not a case management system. It is the system that will be used by the Second and Fourth judicial districts to process court filings and service. For example, documents will only be viewable on OFS for 30 days. Attorneys should continue to maintain their own case management files.

- Any document that is submitted through the OFS system will be reviewed by court administration before being forwarded to the assigned judicial officer. This process can take up to one business day. If there is an error in filing, such as filing the documents in the wrong case, not paying the filing fee, or filing in the wrong county or division, it will be rejected. For information regarding rejected filings, see the Courts' website.
- The Minnesota Rules of Civil Procedure and Minnesota General Rules of Practice have been amended to include e-File rules. A copy of the amended rules can be found at: http://www.mncourts.gov/Documents/0/Public/Clerks_Office/ADM108011-05242012.pdf

Service

- E-Service will not replace personal service. The initial filing of the complaint will still need to be done via personal service. E-Service is to replace service by mail and facsimile on represented parties. See amended Rule of Civil Procedure Rule 5.02 (b).
- E-Filing and e-Serving a document will not require an affidavit of service. The record of e-Service on the system shall constitute proof of service. See the Amendments to Minnesota General Rules of Practice Rule 7.

Fees

- Fee waivers are still available for e-Filing documents.
 - In the Fourth Judicial District, you must obtain an IFP order signed by the appropriate signing judge for civil and family cases, or by the housing referee or clerk for housing cases. You must then scan the IFP order, upload it to OFS, and submit it with your filing.
 - In the Second Judicial District submit the IFP and proposed order with your filing through OFS. The court staff will present the IFP to a judicial officer for approval. If the IFP has been denied, the court staff will notify you.
- As a volunteer attorney representing a VLN client, you will not need to use a credit card. Because you are representing the client on behalf of VLN, a volunteer attorney program based upon indigency, the client will likely qualify for a fee waiver. When OFS prompts you for payment, select the waiver account option, and submit the IFP order.
- There are extra fees associated with e-Filing and e-Serving. Tyler Technologies, the provider of the OFS system, automatically assesses a \$5 credit card convenience fee and a \$3 e-Service fee. The \$5 credit card convenience fee is only charged for documents that have a statutorily required filing fee. The \$3 e-Service fee is charged anytime the e-Service function is used. A signed IFP order will waive these costs.
- Address any questions regarding fees and fee waivers to court administration in the judicial district where you will be filing.