

SUPREME COURT ELECTRONIC FILING SYSTEM

FILING REQUIREMENT

Who will be required to file electronically?

Once the electronic filing system begins operation in November 2017, any attorney representing a party in the Supreme Court will be required to submit filings through the system.

Are individuals representing themselves eligible to file through the system?

No. At the outset, only parties represented by attorneys will be able to file through the system. But filings submitted by pro se parties will be scanned by the Clerk's Office and posted on the docket for the case, just as with filings from attorneys.

Should all filings from attorneys be submitted through the system?

Most filings should be submitted through the system. Limited exceptions to this requirement (for example, when documents are filed under seal) will be included in guidance issued before the system goes into operation.

If a document is submitted through the electronic filing system, does a filer still have to send paper versions of the filing?

Yes. At this time, the paper version of a document remains the official filing, and the requirement to submit electronically does not alter the core requirement of filing in paper form.

Will electronic filing at some point become the official means of filing?

It is expected that the electronic filing will become the official means of filing once the system has operated effectively for some period of time.

When should documents be submitted through the electronic filing system?

The electronic version should be submitted contemporaneously with the filing of the paper document in this Court. Thus, if a document is mailed or delivered by third-party commercial carrier, it should be submitted through the system at or near the same time that it is delivered to the Postal Service or third-party carrier. If a document is delivered to the Court directly, it should be submitted through the system at or near the same time that it is delivered.

Will amici submit filings through the electronic filing system?

Yes. Amici will submit filings just as parties do.

Does the submission of a document through the electronic filing system constitute service of the document upon other attorneys in the case?

No. Service of process continues to be via paper as governed by Rule 29.

REGISTRATION

Who can register to file through the system?

Members of the Supreme Court Bar, along with attorneys who are not Bar members but were appointed for a particular case in the lower courts under the federal Criminal Justice Act, 18 U.S.C. § 3006A(d)(6), will be able to register for the system.

When will registration open?

It is expected that registration will open 4-8 weeks before the system begins full operation. The opening of registration will be announced on the Court's website.

Will attorneys be able to file immediately upon submitting an application to register?

No. It will take 1-2 business days for an application to be processed. So an attorney who plans to file a document should ensure that the application has been submitted several days before the due date of the document.

POSTING OF FILINGS ON THE COURT'S DOCKET

When will a petition for a writ of certiorari submitted through the system be available on the Court's docket?

Certiorari petitions and other case-initiating documents (e.g., jurisdictional statements, petitions for extraordinary writs, and applications not connected to existing cases) will be available on the docket only once the Clerk's Office has reviewed the paper document and accepted it for filing. If a filing is mailed to the Court, it may take several days from mailing for the filing to be reviewed, docketed, and posted.

When will subsequent filings in a case be available on the docket?

Most subsequent filings in a case will become available on the docket within 10-15 minutes of the time that the document is submitted to the system, even before the Clerk's Office has reviewed the paper document and determined whether it should be accepted for filing.

How will the public be able to determine whether the Clerk’s Office has reviewed a document and accepted it for filing?

Before a document submitted through the system has been reviewed, the docket will indicate that it has been “submitted.” For example, it may read, “Brief in Opposition of the United States submitted.” Once that document has been reviewed and accepted, the docket entry will change to “Brief in Opposition of the United States filed.”

What happens if a document that was submitted through the system is not accepted for filing?

If a document is not accepted for filing the docket entry will change to indicate that the document was “not accepted for filing,” and the electronic version of document will no longer be available for view or download.

Will there be a mechanism for attorneys and other legal professionals participating in a case to receive electronic notification of activity in the case?

Yes. The system will automatically send email notification of filings and Court action in a case to attorneys who have entered an appearance in a case, and to those legal professionals working on the case whose email addresses have been provided by participating attorneys.

Will there be a mechanism for members of the press to receive electronic notification of activity in a case?

The software will permit members of the press and public to subscribe to RSS feeds for individual cases. It is expected that future versions of the software will likely allow for direct email notification of activity in a case to members of the press.

EMERGENCY APPLICATIONS

Will emergency applications be submitted through the electronic filing system?

Yes. But the paper version of the document remains the official filing, and the mere submission of an emergency application through the system will not cause the Clerk’s Office to review the application. As under current practice, those requiring prompt action on an emergency application due to unique circumstances will be required to make direct contact with the Clerk’s Office by telephone.

When will emergency applications be available on the docket?

As with other filings, applications in cases that have already been docketed will be available within minutes after submission through the system. The same will be true for responses to docketed applications and other subsequent filings in connection with a docketed application. Applications in cases that have not already been docketed will be available only once reviewed by the Clerk’s Office and accepted for filing.

RULES AMENDMENTS AND OTHER GUIDANCE

Will there be amendments to the Supreme Court Rules to implement the system?

Yes. But because paper will remain the official filing, those rules amendments will not be extensive.

Will there be other documentation in connection with the system?

Yes. The Court expects to issue guidelines governing the submission of documents through the system, which will provide more detail about how documents should be submitted. In addition, we will issue user guides and “quick start guides” concerning operation of the software.

When will these documents be published?

They will be released when finalized and approved, well in advance of the date when the system begins full operation.

SUPPORT AND TECHNICAL ISSUES

Will the Court provide technical support if a filer encounters problems submitting a document through the system?

The Clerk’s Office will provide support during business hours. If a filer has problems after business hours that make it impossible to submit the filing through the system, the filer will be permitted to email the document to a specified address at the Court with a brief explanation of the nature of the technical problem.

If a filing cannot be submitted electronically due to technical problems, but the paper version was properly filed, will the filing still be timely?

Yes. Because the official filing remains the paper version, the fact that a document was not submitted through the system due to technical problems does not affect the timeliness of the filing.