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THE NATIONAL LAW JOURNAL

The National Law Journal

June 4, 2012 Monday

SECTION: Pg. 17 Vol. 34 No. 40

LENGTH: 1048 words

HEADLINE: District court adopts e-filing;
Mandatory system for filing new cases in D.C. starts next month.;
WASHINGTON

BYLINE: ZOE TILLMAN

BODY:

Electronic filing revolutionized the federal judiciary more than a decade ago. Next month, the U.S. District Court for the District of Columbia will join a growing number of courts conquering the final frontier: e-filing to open new cases.

As of July 1, the court will make e-filing mandatory to open almost all new civil cases. The new system, which has been in place on a voluntary basis since March, is a natural progression for the court, said Chief Judge Royce Lamberth.

"We've been heading in this direction," he said. "We think it not only will save the clerk's time, but it should save a lot of lawyers' time."

All 94 federal court districts allow e-filing. Until recently, the common setup was that lawyers-or hired couriers-had to deliver new complaints to the courthouse for processing in person, but parties on both sides could then file any documents that followed electronically.

About half of the federal courts now require e-filing in some form, whether it's to open new cases or for filing

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subsequent documents, according to data provided by the Administrative Office of the U.S. Courts. The administrative office doesn't track how many courts allow or require e-filing to open new cases, though.

Jim McMillan, a principal court technology consultant for the National Center for State Courts, said a major reason for the split was that different court offices traditionally managed new case openings and pending case filings. The clerk's office would usually process new complaints, he said, and then file-room staff would manage the rest of the documents as cases proceeded. And then it became a matter of the cost of adding new capacities and inertia. "When you start changing something that's fundamental, it's not just changing what the judge does, it changes what every person in the courthouse does," he said.

Local lawyers have given the change a warm reception so far. They say the new rules will make filing new cases more cost-effective and efficient. "You won't have to make sure you're down there by 4 p.m.," said Lynne Bernabei of Washington's Bernabei & Wachtel, referring to the weekday closing time of the clerk's office. "It's such a simple system to do it."

William Lightfoot, managing partner of Washington's Koonz, McKenney, Johnson, DePaolis & Lightfoot, said he expected the change will save the firm money, since it will no longer need to hire couriers to bring complaints to the courthouse. The new rule won't significantly change how the firm manages cases, but he said it supports the overall shift to a paperless system. "I think it's a very good thing," he said. "Everything is readily accessible."

McMillan said he expects that more federal courts will move toward comprehensive e-filing systems, and that the state courts will follow. That prediction is playing out in Washington. Leah Gurowitz, a spokeswoman for the local court system, said the District of Columbia Superior Court expects to expand its e-filing system to allow attorneys to open new civil cases electronically by the end of this year.

TRAINING DAYS

Under the new system, members of the D.C. federal court bar will be required to file civil complaints online, and they'll be able to do so 24 hours a day, seven days a week. In the weeks leading up to the switch, the court has held in-court training sessions, posted tutorials online and arranged in-house training for some of the large firms, Lamberth said.

Although e-filing is widespread, McMillan said courts have been slow to move to mandatory and comprehensive e-filing because the technology—chiefly Internet speeds and server storage capacity—wouldn't allow it until recently.

Each district court can decide whether to make e-filing mandatory. Lamberth said he was inspired to make the change in part because the U.S. District Court for Maryland already allows it. "I was getting a lot of complaints about lawyers wasting their time," he said. "I got us to set up the system so we could at least be comparable with Maryland."

For attorneys who practice in D.C. but are based outside city limits, the change is especially welcome. David Wachen, a shareholder at Shulman, Rogers, Gandal, Pordy & Ecker in Potomac, Md., said the firm will no longer have to worry about traffic or other issues related to getting new cases to the courthouse. "We won't have to make decisions at two in the afternoon," he said. "If the client wants to file sometime today, we'll be able to file today, regardless of what time it is."

A few things won't change. Cases will still be randomly assigned to judges once they're filed, regardless of whether they're filed during regular business hours or at midnight. Emergency matters will still have to be filed on paper.

Pro se prisoners and other self-represented litigants will be exempt from the new rules. With a few limited exceptions, prisoners aren't allowed to access the Internet, making e-filing a nonissue, said Ivy Finkenstadt, a staff attorney with the D.C. Prisoners' Rights Project.

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Richard Zorza, a local solo practitioner and coordinator of the national Self-Represented Litigation Network, said the D.C. federal court is right not to make e-filing mandatory for pro se litigants, who might not have a computer or feel comfortable using the Internet. "I think most courts understand that they would have enormous, frankly constitutional, problems" if they did, he said.

But he said that courts should be wary of creating a two-tiered system where pro se litigants aren't privy to the benefits of e-filing, from 24-hour remote access to the improved accuracy that can come with using computer programs to draft and file complaints. He said that some state court systems have partnered with local law libraries to provide points of access for pro se litigants trying to take advantage of e-filing.

Zorza urged court administrators to make sure pro se advocates are a part of the discussion as more jurisdictions shift to electronic-only filing. "A lot of people are making decisions that we'll be living with for decades," he said.

Lamberth said he is optimistic about the new system. "I'm expecting filing will be easier...but obviously it's a change," he said. "We've got good staff to provide them [with] the technical support when they run into problems."

Contact Zoe Tillman at ztillman@alm.com

LOAD-DATE: June 4, 2012