

Service by E-Mail and E-Filing

An update on Service by E-Mail and
E-Filing in Florida Courts, including
2012 Rule Changes

Why do you care?

Mandatory Rules

Opinions Issued
by
Florida Supreme Court
on
June 21, 2012

Service by E-Mail: [SC10-2101*](#)

[E-Filing: SC11-399](#)

[*Amended on August 30, 2012](#)

On July 5, 2012, an opinion was issued regarding electronic discovery, SC 11-1542. This e-subject is not addressed in these materials.

Opinion Issued
by
Florida Supreme Court
on
July 12, 2012

Computation of Time: SC10-2299

New Rule: 2.514

Modified Rules: 1.090, 3.040, 4.090,
5.042, 6.350, 6.370, 8.085, 8.180,
8.240, 8.630, 9.420, 12.090

Effective Dates

Service by E-Mail:

- **Mandatory** as of September 1, 2012,* for:
 - Trial court divisions:
 - Civil
 - Probate
 - Small Claims
 - Family
 - Appellate cases**
- **APPLIES TO ALL CASES, EVEN THOSE PENDING AS OF SEPTEMBER 1, 2012**

* The effective date announced by the court was July 1, 2012 in its opinion issued on June 21, 2012. A corrected opinion later changed July 1, 2012 to September 1, 2012 throughout the opinion.

** References to “appellate” includes the Supreme Court and the District Courts of Appeal, as well as the Circuit Court when sitting as an appellate court.

Effective Dates

Service by E-Mail:

- **Mandatory*** on October 1, 2013, for:
 - Trial court divisions
 - Criminal
 - Traffic
 - Juvenile
- **APPLIES TO ALL CASES, EVEN THOSE PENDING AS OF OCTOBER 1, 2013**

* Attorneys may voluntarily serve and receive documents by e-mail in these divisions for 13 months, from September 1, 2012, to October 1, 2013, if both attorneys agree.

Effective Dates

E-Filing:

- Except as provided by administrative order,* **mandatory** as of October 1, 2012, for:
 - Supreme Court
 - District Courts of Appeal
- **Mandatory**** as of January 1, 2013
 - Clerks electronically transmit record on appeal

* An administrative order will likely be issued extending the date for mandatory e-filing in the Supreme Court and the District Courts of Appeal.

** This requirement is for the appellate clerks, not for counsel. Clerks are encouraged to transmit the record electronically before January 1, 2013.

Effective Dates

E-Filing:

- **Mandatory** as of April 1, 2013, for:
 - Trial court divisions:
 - Civil
 - Probate
 - Small Claims
 - Family
 - Appeals to Circuit Courts for these types of cases

Effective Dates

E-Filing:

- **Mandatory** as of October 1, 2013 for:
 - Trial court divisions:
 - Criminal
 - Traffic
 - Juvenile*
 - Appeals to Circuit Courts for these types of cases

* Juvenile includes juvenile delinquency proceedings, dependency and termination of parental rights proceedings, and proceedings for families and children in need of services.

Effective Dates

Summary of **Mandatory** Dates

- September 1, 2012: **Service by e-mail** for non-criminal trial court and appellate cases
- October 1, 2012: **E-filing** for Supreme Court and District Courts of Appeal (unless deferred by Administrative Order)
- January 1, 2013: Clerks must transmit record electronically
- April 1, 2013: **E-filing** for non-criminal trial court and non-criminal appeals to circuit court
- October 1, 2013: **Service by e-mail** for criminal trial court
- October 1, 2013: **E-filing** for criminal trial court and criminal appeals to circuit court

Service by E-Mail
versus
E-Filing

Service by E-Mail

The remainder of this presentation will review the requirements for service by e-mail

E-Filing

Stay tuned for additional educational opportunities

Service by E-Mail

New and Changed Rules

SC10-2101

Rules with Significant Changes

- Rule 2.515* Signature of Attorneys and Parties
- Rule 2.516** Service of Pleadings and Papers

Many rules with conforming and minor changes

Get to know the Rules of Judicial Administration

* Changes to an existing rule

** New rule

Signature of Attorneys and Parties

Rule 2.515

An Overview

- Before these changes, all pleadings and other papers filed by a party represented by counsel required a signature of at least one attorney of record.
 - The rule also required the attorney’s:
 - individual name
 - address
 - telephone number, including area code and
 - Florida Bar number
- Those requirements continue and the rule now also requires:
 - primary e-mail address and secondary e-mail addresses, if any,
- The rule clarifies the address to be provided is to be the address on record with The Florida Bar. The addition of “current record Florida Bar” only modifies “address,” not the other required information.
 - Therefore, the e-mail address provided in the official bar record does not need to be one of the e-mail address(es) provided as part of the signature of an attorney under Rule 2.515.

Signature of Attorneys and Parties

Rule 2.515

The Rule As Changed

(a) Attorney Signature. Every pleading and other paper of a party represented by an attorney shall be signed by at least 1 attorney of record in that attorney's individual name whose current record Florida Bar address, telephone number, including area code, primary e-mail address and secondary e-mail addresses, if any, and Florida Bar number shall be stated, and who shall be duly licensed to practice law in Florida or who shall have received permission to appear in the particular case as provided in rule 2.510. The attorney may be required by the court to give the address of, and to vouch for the attorney's authority to represent, the party. Except when otherwise specifically provided by an applicable rule or statute, pleadings need not be verified or accompanied by affidavit. The signature of an attorney shall constitute a certificate by the attorney that the attorney has read the pleading or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the action may proceed as though the pleading or other paper had not been served.

Signature of Attorneys and Parties

Rule 2.515

Considerations Regarding E-Mail Addresses – Page 1

Primary and Secondary E-Mail Addresses

- Primary e-mail address:
 - Primary e-mail address of attorney under Rule 2.515 need not be same as the business e-mail address as part of official record*
 - Best practice will be to provide the attorney’s official bar e-mail address** as the primary Rule 2.515 e-mail address
 - Primary e-mail address should be the e-mail address of an attorney
- Secondary e-mail address(es):
 - Not required
 - A secondary e-mail address provided for a particular matter could be:
 - Standardized e-mail address for all filings for the law firm established solely for receiving service, *i.e.*, Service@LairdALile.com
 - Similar to a mail clerk’s desk prior to the e-world
 - An e-mail address for legal assistants, paralegals, Residents At Law, associates
 - The Client’s e-mail address: possible, but not necessarily a good practice

* A business e-mail address is required to be provided as part of official bar record if the member has one.
Rule 1-3.3 of Rules Regulating The Florida Bar

** The Florida Bar requirement to provide a business e-mail address as part of an attorney’s official bar record is distinct from the requirements under Rule 2.515. The e-mail address provided for the official bar record may or may not be the same as the primary or one of the secondary e-mail addresses for a particular proceeding.

Signature of Attorneys and Parties

Rule 2.515

[Considerations Regarding E-Mail Addresses – Page 2](#)

Primary and Secondary E-Mail Addresses

- Both the primary e-mail address and the secondary e-mail address(es) can vary from one case to another
- If more than one attorney appears in a proceeding, the rules regarding e-mail addresses described above apply to each attorney
 - More than one attorney, typically at the same firm, may combined designation of e-mail addresses in one filing
- Designation for a law firm not permitted

Signature of Attorneys and Parties

Rule 2.515

Considerations Regarding Signatures

Format of the signature of the attorney

- Traditional format still acceptable
 - Print a hard copy, sign with a pen and scan the signed document
- New formats also acceptable
 - /s/
 - Type “/s/” followed by the attorney’s name, in place of the actual signature
 - Example: /s/ Laird A. Lile
 - Electronic version can be created without the need to print a hard copy
 - Referred to in Rule 2.516(b)(1)(E)(ii), authorized for document served by e-mail
 - s/ and /s alternatives
 - s/ was adopted for electronic signatures in Administrative Order 09-30
 - /s is referred to by Office of State Court Administrator as preferred format
 - Practically, any of these new formats (/s/,s/,/s) should be sufficient

Service of Pleadings and Documents

Rule 2.516

An Overview

- New Rule, modeled on former Rule of Civil Procedure 1.080
- Structure of Rule 2.516
 - (a) Service; When Required
 - (b) Service; How Made
 - (1) Service by Electronic Mail (“e-mail”)
 - (A) Service on Attorneys
 - (B) Exception to E-mail Service* on Attorneys
 - (C) Service on and by Parties Not Represented by an Attorney
 - (D) Time of Service
 - (E) Format of E-mail for Service
 - (2) Service by Other Means
 - (c) Service; Numerous Defendants
 - (d) Filing
 - (e) Filing Defined
 - (f) Certificate of Service
 - (g) Service by Clerk
 - (h) Service of Orders

* The type of service anticipated by this Rule is best referred to as “service by e-mail.” The term “E-Mail Service” is used interchangeably with this preferred term throughout the opinion and Rule 2.516. The term “e-service” is something different and may be offered through the e-portal at some point in the future.

Service of Pleadings and Documents

Rule 2.516

(a) Service; When Required

- Service* required in accordance with this new rule nearly all of the time
- Limited Exceptions:
 - Unless the court otherwise orders (same as in former Rule 1.080)
 - Unless a statute or Supreme Court administrative order specifies a different means of service
 - Not required for applications for witness subpoenas (same as in former Rule 1.080)
 - Not required for documents served by formal notice or required to be served in the manner provided for service of formal notice (a concept carried over from special probate rules)
 - No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them must be served in the manner provided for service of summons (same as in former Rule 1.080)

* This subsection only requires service, not necessarily e-mail. The manner in which service is made is addressed in subsection(b).

Service of Pleadings and Documents

Rule 2.516

(b) Service; How Made

(b)(1) Service by Electronic Mail (“e-mail”)

- Service to be made upon a party represented by an attorney must be made upon the attorney unless court orders otherwise. (same as in former Rule 1.080)
- Service by e-mail is mandated for all documents required or permitted to be served on another party, unless this rule otherwise provides.
- A document may, in addition to being served by e-mail, be served by another means provided for in this rule.
 - Any different time limits and other provisions applicable to that other means of service control over the time limits established by the service by e-mail.
 - The other means of service must be in addition to, not in place of, service by e-mail.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(A) Service on Attorneys

- An attorney appearing in a proceeding must serve a designation of a primary e-mail address
 - Although not required, the best practice will be to utilize the attorney's official bar e-mail address as the designated primary e-mail address
- An attorney appearing in a proceeding may designate no more than two secondary e-mail addresses
 - These secondary e-mail addresses may vary from matter to matter. See discussion of Rule 2.515(a).

Service of Pleadings and Documents

Rule 2.516

(b)(1)(A) Service on Attorneys

- The rules do not specify any particular format for the designations.
 - In existing matters, the designation could be in a separate filing or incorporated in a filing prior to the relevant effective date.
 - In new matters, the designation could be included in the initial filing by the attorney.
- Changes in e-mail addresses should be handled in the same manner as changes in mailing addresses have been handled.

Service of Pleadings and Documents

Rule 2.516

Sample Form of Designation

[CASE CAPTION]

DESIGNATION OF E-MAIL ADDRESSES PURSUANT TO RULE 2.516

Laird A. Lile, as attorney for Justin Brenner, in his capacity as personal representative of the Estate of Jane Doe, hereby designates, pursuant to Rule 2.516 (effective September 1, 2012), the following e-mail addresses for the purpose of service of all documents required to be served pursuant to Rule 2.516 in this proceeding:

Primary E-Mail Address: LLile@LairdLile.com

Secondary E-Mail Addresses: Assistant@LairdLile.com and Service@LairdLile.com

Laird A. Lile, Esq.

Attorney for Justin Brenner as personal representative of the Estate of Jane Doe

Florida Bar Number 443141

Laird A. Lile, P.A.

3033 Riviera Drive, Suite #104

Naples, FL 34103

Telephone: (239) 649.7778

Fax: (239) 649.7780

LLile@LairdALile.com; Assistant@LairdALile.com; Service@LairdALile.com

[CERTIFICATE OF SERVICE]

Service of Pleadings and Documents

Rule 2.516

(b)(1)(A) Service on Attorneys

- All subsequent filings must include the primary and any secondary e-mail addresses of that attorney.
- Failing to designate an e-mail address in a filing does not let the attorney avoid service by e-mail.
 - Documents may be served on that attorney at the e-mail address on record with The Florida Bar.*
 - If an attorney in a proceeding fails to make an e-mail address available (i.e., none designated and none on record with The Florida Bar), a telephone call to the attorney with reference to these new rules should suffice. Hopefully court intervention will not be necessary.

* Select Find a Lawyer at www.FlaBar.org .

Service of Pleadings and Documents

Rule 2.516

(b)(1)(B) Exception to E-Mail Service on Attorneys

- Can an attorney avoid the new mandatory service by e-mail rules?
 - Yes, but only by court order, in each proceeding.
- The court may excuse an attorney from service by e-mail rules, if the attorney demonstrates that:
 - The attorney has no* e-mail account; and
 - The attorney lacks access to Internet at the attorney's office.
- If an exception is granted, then the attorney will neither be required to serve by e-mail nor receive service by e-mail.
- The other service rules (see 2.516(b)(2)) will then apply.

* The bar rules refer to a business e-mail account. This rule does not include the modifier of "business." Therefore, if an attorney has any e-mail account, the attorney may not be exempted from service by e-mail.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(B) Exception to E-Mail Service on Attorneys

- For an attorney attempting to avoid the mandatory service by e-mail rules, a motion will be required for each proceeding.
- The requirement is in the conjunctive – both parts must be met.
 - An attorney with any e-mail address, even a personal one, will not be permitted to avoid the new rules.
 - An attorney with any access to Internet at the attorney's office, even if only used sporadically, will not be permitted to avoid the new rules.
- The court is permitted, but not required, to excuse the attorney from service by e-mail rules.
- Of the 93,000+ members of The Florida Bar, very, very few are expected to qualify to seek this exception.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(C) Service on and by Parties Not Represented by Attorneys

- A party not represented by an attorney (“unrepresented party”) may, at the party’s election, participate in service by e-mail.
 - Optional, not mandatory.
- To participate in service by e-mail, an unrepresented party must serve a designation of a primary e-mail address.
 - The designation may include up to two secondary e-mail addresses.
- If an unrepresented party does not chose to participate in service by e-mail, then service (on and by) must be made by means other than e-mail (see subdivision (b)(2)).

Service of Pleadings and Documents

Rule 2.516

(b)(1)(D) Time of Service

- Service by e-mail is complete when the e-mail is sent.
 - “Sent” is not specifically defined in the rules.
 - From the sender’s viewpoint, the clicking of “Send” will likely be treated as when the e-mail is “sent.”
 - Depending upon the sender’s computer system, clicking “Send” may or may not cause the e-mail to be transmitted to the Internet for delivery to the recipient.
 - Some systems include internal e-mail servers that may require internal processing before releasing the e-mail to the Internet for delivery to the recipient.
 - Attorneys using delayed sending or other e-mail management features do so at their own peril if the feature results in the e-mail not being sent as anticipated.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(D) Time of Service

- Sometimes the sender of an e-mail is notified* of a issue that has precluded the e-mail from reaching the sender.
- If that occurs, the sender of the e-mail is required to immediately send another copy:
 - by e-mail or
 - by a means other than e-mail as authorized in this rule at subdivision (b)(2).
- Service by e-mail is treated as service by regular mail for purposes of computing time.
 - Including for purposes of allowing an additional 5 days.**

* Notice might be from the sender's system indicating a delay in delivery or a rejection notice from an Internet Service Provider (ISP). The source of the notice is not relevant. If the sender is on notice of a delivery issue, the sender is required to take action.

** Court rules (i.e., Rule 1.090(e) and 5.042(d)) have traditionally allowed an additional 5 days for a party to act after being served by mail. The 5 additional days is, effective October 1, 2012, provided for in Rule 2.514. See SC10-2299

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

- The document being served must be attached in a “pdf” format.
 - PDF stands for “portable document format.”
 - Universally recognized format.
 - Originally proprietary format by Adobe Systems.
 - Since at least 2001, free readers of PDF documents available from Adobe.
 - Free writers now also available on the internet.
 - Most word processors now include a print to PDF function.
 - Most scanners default to creating a document in PDF.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

- The e-mail by which the document is served must be sent to all addresses designated by the attorney or party.
 - A single e-mail to all those being served is expected, instead of separate e-mails to each attorney or party.
- The subject line of the e-mail must:
 - begin with “SERVICE OF COURT DOCUMENT”
 - All capital letters are required
 - followed by the case number of the proceeding in which the document is being served
 - The format of the case number is not specified in the rule
 - A format utilized in local practice should be sufficient.
 - An alternative is the uniform case number (UCN)*. This number consists of 20 characters consisting of:
 - 2 digit numeric county designation (i.e., 01, 11, 67)
 - 4 digit numeric year in which case was opened (i.e., 2012)
 - 2 alpha code for court type (i.e., CA, CP, SC)
 - 6 digit sequential number assigned by the clerk
 - 6 characters available for use by clerks for internal management

* When e-filing through the e-portal, the UCN is required. The e-portal interface has been updated to include a simpler interface for completing the UCN. This format will likely become the preferred format as e-things continue to develop.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

- The body of the e-mail by which the document is served must identify:
 - The court in which the proceeding is pending.
 - The case number.*
 - The name of the initial party on each side of the case.
 - The title of each document served with that e-mail.
 - More than one document may be serve in a single e-mail.
 - The sender's name and telephone number.

* The requirement for the case number is in addition to the requirement for the case number to also be in the subject line of the e-mail.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

- The document being served may be signed using a /s/ format
 - However, the original document filed with the clerk must be signed “in accordance with the applicable rule of procedure.”
- An e-mail and attachment may not exceed 5 megabytes (5 MB)
 - If more than 5 MB* is to be served, then attachments must be served by separate e-mails, none of which exceed 5 MB and all of which are numbered sequentially in the subject line.
 - Try compressing the attachments to reduce size.
 - If the size is in doubt, the sender could first save the e-mail and check the size in the draft folder.

* The size limitation applies to the size of the e-mail, not the size of an attachment to the e-mail.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

Summary of Format Requirements


- Each e-mail must be addressed to all e-mail addresses designated by each person being served.
- Only attach PDFs.
- Subject line: SERVICE OF COURT DOCUMENT – followed by case number.
- Body: court; case number; the name of the initial party on each side; title of each attached document; sender's name and telephone number.
- 5 MB Limit on size of e-mail.

Service of Pleadings and Documents

Rule 2.516

(b)(1)(E) Format of E-Mail for Service

Example

- To: GAYoung@CarltonFields.com; EKPetttis@haliczperpettis.com
- Attachment:  PDF
- Subject: SERVICE OF COURT DOCUMENT 112012CA000070xxxxxx
- Body: Hi, Gwynne and Gene. Attached is the Defendant's Motion to Dismiss that I have filed in Coleman v. Cohen, 112012CA000070xxxxxx in the Circuit Court. You can reach me at my office number 239.649.7778.
Laird A. Lile

Service of Pleadings and Documents

Rule 2.516

(b)(2) Service by Other Means

- In addition to serving by e-mail, a document may also be served by other means.
- Substance of this part of Rule 2.516 is from former Rule 1.080
- Service by other means will be utilized in two situations:
 - (i) When service by e-mail is not allowed:
 - Parties not represented by an attorney who have not designated an e-mail address.
 - An attorney who has obtained an order exempting from service by e-mail.
 - (ii) As an additional means of service.

Service of Pleadings and Documents

Rule 2.516

(b)(2) Service by Other Means

- Service by one of these other means in addition to service by e-mail might be beneficial to:
 - Shorten a response period
 - For instance, service by hand or fax of a document that commences a period within which a response is required will shorten the response period by 5 days.
 - Eliminate dispute over receipt of the document by the intended recipient.
 - An attorney may wish to also mail a document to an attorney who demonstrates a pattern of asserting documents served by e-mail are not received.

Service of Pleadings and Documents

Rule 2.516

(c), (d), (e), and (f)

- The following subdivisions of Rule 2.516 are not changed from former Rule 1.080:
 - (c) Service; Numerous Defendants
 - (d) Filing.
 - (e) Filing Defined
- Subdivision (f) is similar to former Rule 1.080 and adds a reference to e-mail in the form Certificate of Service.

Service of Pleadings and Documents

Rule 2.516

(g) AS AMENDED ON AUGUST 30, 2012

- Subdivision (g) refers to service by clerks.

“(g) Service by Clerk. When the clerk is required to serve notices and other documents, the clerk may do so by e-mail as provided in subdivision (b)(1) or by any other method permitted under subdivision (b)(2). Service by a clerk is not required to be by e-mail.”

- E-mail is permissive, not required, when clerks serve.
- Amended subdivision (g) clarifies original intention for service by e-mail to be optional for clerks.

“[Subdivision (g) and (h)] authorize, but do not require, the clerks and the courts to utilize e-mail service if they are equipped to do so.”

Service of Pleadings and Documents

Rule 2.516

(h)

- Subdivision (h) refers to service by the court.
 - Most of (h) is from former Rule 1.080(h) .
 - One new sentence at the end of (h)(1):

“The court may serve any order or judgment by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.”

- E-mail is permissive, not required, for the court.
- Opinion clearly makes service by e-mail optional for clerks.

“[Subdivision (g) and (h)] authorize, but do not require, the clerks and the courts to utilize e-mail service if they are equipped to do so.”

Practical Considerations – page 1

Rules 2.515 and 2.516

- Must the attorney who is serving the document personally send the e-mail by which service is effected?
 - Although not addressed in the rule, the answer should be no different than the answer to the question of whether the attorney must hand a document served by U.S. mail to the postperson.
- Must the attorney who is serving the document personally “sign” the document being filed?
 - The requirement for the attorney to “sign” is not dependent upon the manner of signing (i.e., traditional signing and then scanning or signing by typing an “s” with one or more “/”). Ethics opinion 87-11 concludes a nonlawyer should not sign an attorney’s name. Although not issued in an e-context, strict compliance with this opinion suggests only an attorney should type the /s/, s/, or /s.
- Should a copy of the e-mail be sent to the judge or judicial assistant?
 - ONLY if you would copy the judge or judicial assistant with a paper filing, which presumably would be very unusual.
 - Even then some judges and judicial assistants are not accepting e-mails.

Practical Considerations – page 2

Rules 2.515 and 2.516

- Can I automate the handling of e-mail that I receive with service of documents?
 - You could implement a rule in your e-mail program (i.e., Microsoft® Outlook) (See appendix 1.)
 - Test the rule once established.
- How can I manage e-mail addresses for matters with multiple attorneys and multiple e-mail addresses for those attorneys?
 - A group e-mail address could be established with all e-mail addresses for a particular matter. (See appendix 2.)
 - E-mails could then be sent to the group, instead of to the individual e-mail addresses.
 - When using the group e-mail address, consider expanding the list to show its members for proof of the members of the group at the time being sent.

Practical Considerations – page 3

Rules 2.515 and 2.516

- How can I be sure the intended document is attached?
 - Open each document after attaching to the e-mail and prior to sending
 - Utilize naming protocols that are descriptive of the contents of the document.
 - Personal Representative Kelley's Motion for Reconsideration.pdf instead of csxrbzy42.pdf.
- On whom should the designations be served?
 - Rule 2.516(a) requires every document to be served on each party with limited exceptions:
 - Applications for witness subpoenas.
 - Documents served by formal notice or in manner provided for service of formal notice. (Rule 5.040)
 - In probate, an interested person is a party. (Rule 5.041)

Practical Considerations – page 4

Rules 2.515 and 2.516

- Should party not represented by an attorney be encouraged to designation e-mail address?
 - Simplify service by attorneys.
 - Encourage extraneous communications.
- Must the Designation of E-Mail Addresses be filed, as well as served?
 - Yes. See Rule 2.516(d)
 - (d) Filing. All original documents must be filed with the court either before service or immediately thereafter, unless otherwise provided for by general law or other rules. ...
 - From Rule 1.080(d)
- Can the Designation of E-Mail Addresses be filed generically for all cases, perhaps by e-mail to all members of the local bar association?
 - NO!

List of Other Rules Changed Service by E-Mail

Conforming changes and changes to cross-references

- Rule 1.080
- Rule 1.170
- Rule 1.351
- Rule 1.410
- Rule 1.440
- Rule 1.442
- Rule 1.510
- Rule 1.630
- Rule 3.030
- Rule 3.070
- Rule 3.852
- Rule 5.030
- Rule 5.040
- Rule 5.041
- Rule 5.060
- Rule 5.120
- Rule 5.200
- Rule 5.340
- Rule 5.342
- Rule 5.350
- Rule 5.355
- Rule 5.360
- Rule 5.370
- Rule 5.380
- Rule 5.385
- Rule 5.386
- Rule 5.400
- Rule 5.401
- Rule 5.402
- Rule 5.403
- Rule 5.405
- Rule 5.406
- Rule 5.407
- Rule 5.430
- Rule 5.440
- Rule 5.460
- Rule 5.470
- Rule 5.475
- Rule 5.496
- Rule 5.498
- Rule 5.499
- Rule 5.510
- Rule 5.530
- Rule 5.620
- Rule 5.630
- Rule 5.650
- Rule 5.670
- Rule 5.680
- Rule 5.690
- Rule 5.695
- Rule 5.696
- Rule 5.700
- Rule 6.370
- Rule 7.080
- Rule 7.050
- Rule 8.085
- Rule 8.225
- Rule 8.635
- Rule 9.420
- Rule 12.040
- Rule 12.080
- Rule 12.090
- Rule 12.170
- Rule 12.285
- Rule 12.351
- Rule 12.410
- Rule 12.440
- Rule 12.510
- Rule 12.611
- Rule 12.615
- Rule 12.630

E-Filing

New and Changed Rules

SC11-399

- Rules with Significant Changes
 - 2.520 Documents
 - 2.525 Electronic Filing
- Many rules with conforming and minor changes.
- Additional guidance to be provided on e-filing.

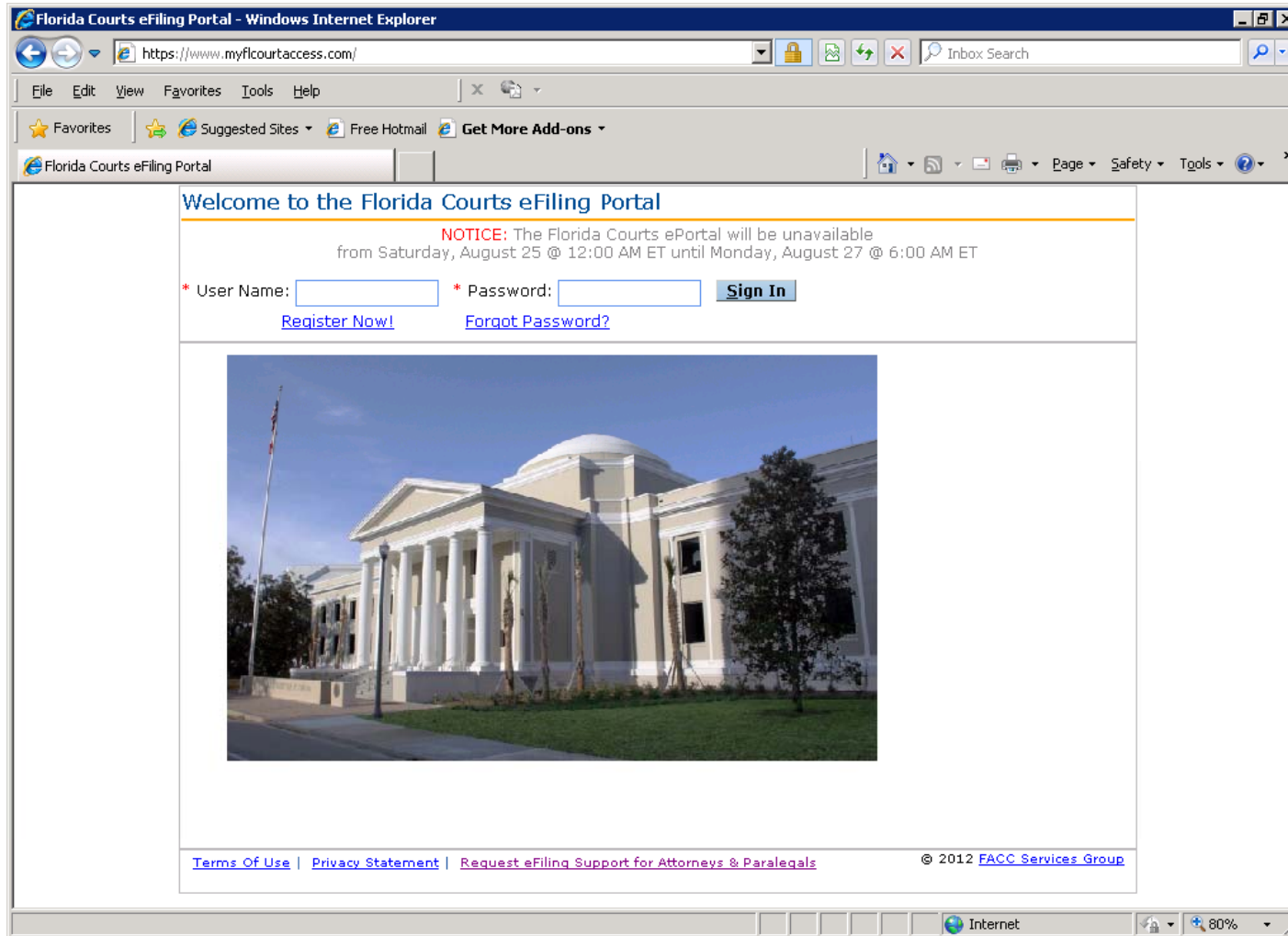
E-Filing

An Overview

- Rule 2.520(a) requires all documents filed in any court to be filed by electronic transmission as provided in rule 2.525.
- Rule 2.525(a) defines electronic transmission of documents to include filing through the centralized e-portal.
- Although not effective until April 1, 2013 for civil divisions and October 1, 2013 for criminal divisions, the e-portal is available now.

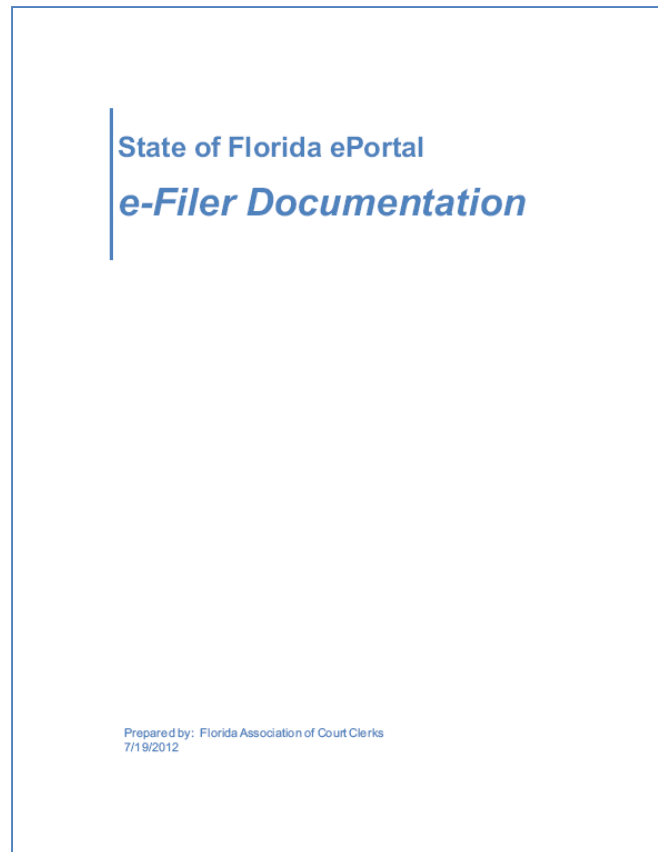
E-Filing

Access to the e-portal: www.myflcourtagency.com



E-Filing

Access to the e-Filer Documentation – 47 page manual
https://www.myflcourtaaccess.com/Docs/Filer_072012.pdf



E-Filing

Practical Considerations

- E-Filing <> Sending a document to the clerk by e-mail.
- Obtain your credentials now at the e-portal.
 - Credentials for attorneys only, not staff.
 - No prohibition on sharing credentials with staff.

Conclusion

Service by E-Mail becomes **mandatory** on September 1, 2012 for certain proceedings.

E-Filing becomes **mandatory** for non-appellate matters on April 1, 2013. Watch for additional educational opportunities.

Appendix 1: Slide 1 of 4

Outlook 2010 E-Mail Rules

Set up Outlook 2010 to copy incoming e-mail service messages to a special mail folder

(The original incoming e-mail will remain in your Inbox.)

by

Rohan Kelley

This must be performed on the computer of each person who may receive E-mail service

1. In your Microsoft Outlook 2010 program, click the “File” tab at the upper left above the “New E-mail” icon.
2. Click the last button “Manage Rules & Alerts”
3. A Rules and Alerts panel opens. The E-mail Rules tab should be active. Click “New Rule” on the far left.
4. A Rules Wizard panel opens. In “Step 1: Select a template” under “Start from a blank rule” click “Apply rule on messages I receive.”
5. Still in Step 1:, Under “Stay Organized” click the second item, “Move messages with specific words in the subject to a folder”
6. Still in the same Rules Wizard panel, in the “Step 2: Edit the rule description” area, click “specific words”.

Appendix 1: Slide 2 of 4

Outlook 2010 E-Mail Rules

7. A “Search Text” panel opens. In the field, “Specify words or phrases to search for in the subject:” type “SERVICE OF COURT” without the quote marks.. (I suggest not including the word, “DOCUMENTS” in the phrase.) Be sure it’s spelled correctly! “Search Text” entries are not case sensitive.
8. Click Add. The typed words will appear in the lower “Search lists” panel. Then click OK.
9. Back in the Rules Wizard panel, in the lower window, “Step 2: Edit the rule description”, click “specified”.
10. A “Rules and Alerts” panel opens. Click the NEW button
11. A “Create New Folder” panel opens. Under “Name” type the name of the folder you want to use to collect the e-mail service messages, for example, “(your initials) e-mail service received” (without the quote marks and typing your actual initials instead of “your initials”). For example, I typed “rk e-mail service received”.
12. Click OK. A new mail folder with the name you specified will appear in your Inbox as a subfolder. (It might be necessary to click the arrow head to the left of “Inbox” to see it.) Click OK.

Appendix 1: Slide 3 of 4

Outlook 2010 E-Mail Rules

13. In the Rules Wizard panel, click the “Next>” button.
14. In the Rules Wizard panel, under “Step 1: Select condition(s),” “with specific words in the subject” is checked. Also check “which has an attachment”. (You may need to scroll down to find it.) Click “Next>”
15. Under “Step 1: Select action(s)” the “stop processing more rules” and “move it to the specified folder” should be checked. Click “move it to the specified folder to deselect it and click “move a copy to the selected folder”.
16. In “Step 2: Edit the rule description”, click specified.
17. A Rules and Alerts panel will open. Click the new email folder you created above to highlight it. Then click “OK”
18. The Rules Wizard panel “Are there any exceptions” opens. Click “Next>”
19. A new Rules Wizard panel “Finish rule setup” opens. Be sure the “Turn on this rule” box is checked, then click “Finish”
20. In the Rules and Alerts panel Click OK. This concludes the setup.

Appendix 1: Slide 4 of 4

Outlook 2010 E-Mail Rules

Test this by sending yourself an e-mail conforming to the rule requirements. If the Outlook rule doesn't work properly, or you wish to change some of the rule parameters, it may be edited without starting over by clicking the Manage Rules & Alerts button under the File tab then clicking "Change Rule" in the Rules and Alerts panel and selecting "Edit Rule Settings".

IF THIS DOESN'T WORK FOR YOU, CONTACT YOUR REGULAR IT SUPPORT RESOURCE. Neither the author of these e-mail rules, Rohan Kelley, nor The Florida Bar can provide support.

Appendix 2: Slide 1 of 3 Create An E-Mail Service Group in Outlook 2010

by
Rohan Kelley

(This used to be called a Distribution Group, and is now called a Contact Group in Outlook. This procedure also works with 2007 Outlook, although the steps are slightly different.)


This procedure will create a “contact” in you Outlook Contacts, with the name you assign, and will have included all the email addresses you add to the group. Use this to serve by email to the entire list with one address, that being simply the name you assign to the contact Group, for instance, “Serve Jones” if the Jones case is the one you’re preparing the list for. Follow these steps:

1. Open Outlook
2. On the Home tab, click “New Items”
3. Click “More Items”
4. Click Contact Group. An “Untitled – Contact Group” panel opens
5. In the Name field, type the name you wish to designate for this Contact Group, for example: “Service Jones” <Enter>

Appendix 2: Slide 2 of 3

Create An E-Mail Service Group in Outlook 2010

6. Click Add Members. Depending on whether the desired email address is in your Outlook Contacts, Outlook Address Book, or can be copied from an existing email, or you wish to enter the information manually:

a. You can add Members to the list by copying them from an existing email. Open the email. Copy the names in the TO: or From: list by first highlighting, then right clicking, then select Copy. Then follow the directions in b. or c. below and click in the “Members ” field and right click and select Paste. Then click “OK”

OR

b. You add a Member from your Outlook Contacts list, select “From Outlook Contacts”. Your Contacts list opens. Find the new member and double click. Click “OK”.

OR

c. You can add a Member from an Outlook Address Book, select “From Address Book”. Your Address book opens. Find the new member and double click. Click OK.

OR

d. If you want to add a Member by entering the information, click “New E-mail contact”. A panel opens. Fill in the Display name and E-mail address. Uncheck “Add to Contacts” if you do not want to add this name and email address to your Outlook Contacts list.

OR

You can use any combination of the above.

Appendix 2: Slide 3 of 3

Create An E-Mail Service Group in Outlook 2010

When you have added all desired members to the Contact Group, click “Save & Close”

I suggest you test the process by sending an email. Open a new email and address it to the new Contact Group. When you have typed the name in the To: field, after a moment it should display the name should display as underlined. This means Outlook recognizes the name. Send the message with the subject line “Test of email service group – please ignore”. If you get any “bounces” correct the email address in the Contact Group, as discussed below.

**IF THIS DOESN'T WORK FOR YOU, CONTACT YOUR REGULAR IT SUPPORT RESOURCE.
Neither the author of these e-mail rules, Rohan Kelley, nor The Florida Bar can provide support.**

Version Control v1 to v2.1

The initial released version of these materials was numbered v1. This version is v2.1. The substantive changes between these two versions are summarized as follows:

- Slide 2: added reference to e-discovery
 - Slide 11 and Slide 13: Emphasize difference between e-mail addresses required in Rule 2.515 and business e-mail as part of official bar record
 - Slide 14: Emphasis on likely acceptability of any of the new formats for signing
 - Slide 15: addition of footnote re terminology
 - New Slide 20: added sample form of designation of email address
 - Old 21/New 22: addition of footnote
 - Old 24/New 25: addition of comment regarding e-mail management tools
 - Old 27/new 28: addition of footnote regarding UCN
 - Old 28/new 29: addition of footnote
 - Old 29/new 30: Clarifies the size limit applies to the e-mail, not the size of an attachment
 - Old 30/new 31: Clarifies recipients of e-mail and application of size limits
 - Old 33 was moved to new 36 and the added reference to ethics opinion 87-11 and possible application to new format of signing and added guidance on sending e-mails to judges and judicial assistants
- In addition to substantive changes, some formatting changes and grammatical corrections have been incorporated in this version.

Version Control v2.1 to v3.0

The second released version of these materials was numbered v2.1. This version is v3.0. The substantive changes between these two versions are summarized as follows:

- Slides 3 and 4: added emphasis about applicability to existing cases
 - Slide 11: clarified comment regarding e-mail address provided as part of official bar record
 - New Slide 14: Added additional slide regarding Considerations Regarding E-Mail Addresses
 - Old Slide 21/New Slide 22: Added reference to website to find e-mail addresses
 - New Slide 38: Added additional slide regarding Practical Considerations
- In addition to substantive changes, some formatting changes and grammatical corrections have been incorporated in this version.

Version Control

V3.0 to v4.0

The third released version of these materials was numbered v3.0. This version is v4.0. The substantive changes between these two versions are summarized as follows:

- Slide 31: Replaces suggested manner to check size of e-mail (with attachments) with a better suggestion for determining size for compliance with 5 MB limitation
 - New Slides 37 and 38: Expand upon the provisions for service by clerks and by the court
 - Old Slide 38/New Slide 40: Adds reference to Appendix 1 (Outlook rule for E-mail)
 - Old Slide 39/New Slide 41: Adds practical consideration
 - New Slides 41 and 42: Added additional Practical Considerations
 - New Slides 45 to 47: Added information about e-filing
 - New Slides 49 to 52: Added Appendix 1 regarding Outlook rules for E-mail
- In addition to substantive changes, some formatting changes and grammatical corrections have been incorporated in this version.

Version Control

V4.0 to v5.2

The fourth released version of these materials was numbered v4.0. This version is v5.2. The substantive changes between these two versions are summarized as follows:

Slide 2: Adds reference to additional court ruling, amending the service by e-mail rules

New Slide 3: Adds reference to new Rule 2.514, Computation of Time

New Slide 11/Old Slide 10: Adds reference to Rules of Judicial Administration

New Slide 15/Old Slide 14: Adds clarifications regarding designations

New Slide 32/Old Slide 31: Adds reference to compression software

New Slide 38/Old Slide 37: Incorporates changes in order of court issued on August 30, 2012

New Slide 39/Old Slide 40: Adds reference to Appendix 2 (Creating Groups in Outlook)

New Slide 43/Old Slide 42: Adds additional practical considerations for service by e-mail

New 49: Adds practical considerations for e-filing

New 55 to 57: Adds Appendix 2 (E-Mail Service Group in Outlook)

•In addition to substantive changes, some formatting changes and grammatical corrections have been incorporated in this version.