

SERVICE BY E-MAIL AND E-FILING



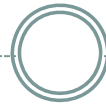
The Thomas S. Biggs American Inns of Court

Team 3

Laird A. Lile, Honorary Member



SERVICE BY E-MAIL AND E-FILING



Opinions issued by
Florida Supreme Court
on June 21, 2012

Service by E-Mail: SC10-2101*
E-Filing: SC11-399*

*Amended most recently on October 18, 2012

*Amended most recently on November 28, 2012

EFFECTIVE DATES



Service by E-Mail:

- **Mandatory** as of September 1, 2012,* for:
 - Trial court divisions:
 - ✦ Civil
 - ✦ Probate
 - ✦ Small Claims
 - ✦ Family
- **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:

- **Mandatory in Supreme Court:** February 27, 2013
- **Mandatory in District Courts of Appeal:**
 - 1st : December 27, 2013
 - 2nd : July 22, 2013
 - 3rd : September 27, 2013
 - 4th : October 31, 2013
 - 5th: November 27, 2013
 - Unless earlier ordered by Chief Judge
- **Mandatory*** as of July 1, 2013
 - Clerks electronically transmit record on 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:

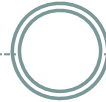
- **Mandatory** as of October 1, 2013 for:
 - Trial court divisions:
 - ✦ Criminal
 - ✦ Traffic
 - ✦ Juvenile*
 - Appeals to Circuit Courts for these types of cases

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

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

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

* 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

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 3

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 combine designation of e-mail addresses in one filing
- Designation for a law firm not permitted

Service of Pleadings and Documents

Overview of Rule 2.516

- 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

Overview of Rule 2.516

- Service by e-mail is mandated for attorneys when serving 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

Overview of 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

Overview of 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

Overview of 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

Overview of 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

Overview of Rule 2.516

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

Overview of 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

Overview of 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

Overview of Rule 2.516

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

- The document being served must be attached in a “pdf” format OR a link to document on a clerk’s website.
 - 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

Overview of 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.
- Attach PDFs or link to document on clerk's website.
- 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

Overview of Rule 2.516

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

Example

- To: GAYoung@CarltonFields.com; EKPetttis@haliczperpettis.com
- Attachment:  A small icon representing a PDF document, showing the Adobe logo and the word 'PDF' in a red box.
- 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.

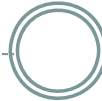
Laird A. Lile



E-FILING

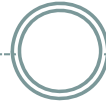
New and Changed Rules

SC11-399



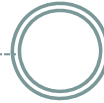
- Rules with Significant Changes
 - 2.520 Documents
 - 2.525 Electronic Filing
- Many rules with conforming and minor changes.

PRACTICAL CONSIDERATIONS



- Can I e-file by attaching the document to an e-mail that I send to the clerk's office?
 - NO!
- How can I e-file, if not by e-mail?
 - The e-portal at www.myFLcourtaccess.com
- Can I still file through the clerk's system instead of the e-portal?
 - Yes, at least for now

PRACTICAL CONSIDERATIONS



- How can I file through the e-portal?
 - Obtain your credentials now at the e-portal.
 - Credentials are for attorneys only, not staff.
 - No prohibition on sharing credentials with staff.

E-FILING

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

The screenshot shows a Windows Internet Explorer browser window displaying the Florida Courts eFiling Portal. The address bar shows the URL <https://www.myflcourtaaccess.com/>. The page title is "Florida Courts eFiling Portal". The main content area features a welcome message and a notice: "NOTICE: The Florida Courts ePortal will be unavailable from Saturday, August 25 @ 12:00 AM ET until Monday, August 27 @ 6:00 AM ET". Below the notice, there is a login section with fields for "User Name:" and "Password:", a "Sign In" button, and links for "Register Now!" and "Forgot Password?". A large photograph of a classical building with a dome and columns is centered on the page. At the bottom, there are links for "Terms Of Use", "Privacy Statement", and "Request eFiling Support for Attorneys & Paralegals", along with a copyright notice: "© 2012 FACC Services Group". The browser's status bar at the bottom indicates "Internet" and a zoom level of "80%".

E-FILING

Access to the e-Filer Documentation – 47 page manual

https://www.myflcourtaccess.com/Docs/Filer_072012.pdf

State of Florida ePortal
e-Filer Documentation

Prepared by: Florida Association of Court Clerks
7/19/2012



E-FILING


Florida Courts eFiling Portal - Windows Internet Explorer

https://www.myflcourtagency.com/Common/UIPages/MyFilingsfl.aspx

efiling portal florida

File Edit View Favorites Tools Help

Florida Courts eFiling Portal


Florida Courts eFiling Portal
 www.myflcourtagency.com

[My Trial Court Filings](#) [Email Log](#) [Sign Out](#)
[Existing Case](#) [New Case](#) [Simple E-File](#)

[Account](#) [Filing Options](#)
Welcome - Laird A Lile
Last signed in on - 12/06/2012 01:21:53 PM

My Trial Court Filings

* From (mm/dd/yyyy): * To (mm/dd/yyyy): [Refresh](#)

Filing #	Case #	Clerk Case #	Status	County	Division	Submission Date	Completion Date/Remarks
501140	112009CP0005040001XX	1523728	Filed	Collier	Probate	12/06/2012 01:24:04 PM	12/06/2012 02:33:46 PM
#	Status	Document Group	Document Type	Document Received Time		File Name	
1	Filed			12/06/2012 01:24:04 PM		Report of AAL Supplement.pdf	
482440	362012CP001085A001CH	362012CP001085A001CH	Filed	Lee	Probate	11/30/2012 12:57:51 PM	11/30/2012 01:49:59 PM
#	Status	Document Group	Document Type	Document Received Time		File Name	
1	Filed	Inventory & Reports	Inventory	11/30/2012 12:57:51 PM		Inventory_NOT STAMPED.pdf	
2	Filed	Notices	Notice of Confidential Information within Court Filing	11/30/2012 12:57:51 PM		Notice of Confidential Info.Inventory_NOT STAMPED.pdf	
3	Filed	Notices	Proof Of Service	11/30/2012 12:57:51 PM		Proof of Service.Inventory_NOT STAMPED.pdf	
439490	112011CP0006770001XX	1529529	Filed	Collier	Probate	11/15/2012 10:21:43 AM	11/15/2012 03:10:12 PM
405568	362012CP001085A001CH	362012CP001085A001CH	Filed	Lee	Probate	10/31/2012 03:43:10 PM	10/31/2012 03:54:19 PM
356232	112009CP0005040001XX	1523728	Filed	Collier	Probate	10/15/2012 11:34:37 AM	10/15/2012 11:51:35 AM
						10/12/2012 02:49:05	10/12/2012 02:56:47

Internet 95%

E-FILING

Florida Courts eFiling Portal - Windows Internet Explorer

https://www.myflcouraccess.com/Courts/UIPages/ExistingCase_FL.aspx

efiling portal florida

File Edit View Favorites Tools Help

Florida Courts eFiling Portal

Collier County Clerk of Courts eFiling Portal

My Trial Court Filings Email Log Sign Out
Existing Case New Case Simple E-File

Account Filing Options

Welcome - Laird A Lile
Last signed in on - 12/06/2012 01:21:53 PM

File Subsequent Document(s) into an existing Case

Court Type: Trial County: Collier Division: Probate
Case #: 112009CP0005040001XX Case Type: Probate Guardianship Total Fee: \$0.00

Case Information Parties Documents Payments Review And Submit

Review Information shown below and select submit. **Submit**

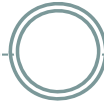
Filer

Name: Laird A Lile
Address: 3033 Riviera Drive Naples FL 34103
Email Address: LLile@LairdALile.com
Phone Number: 239-649-7778

Fee

#	Description	Amount
1	Filing fee	\$0.00
2	All Probate Filing Document	\$0.00

CONCLUSION



Summary of **Mandatory** Dates – Trial Courts

Service by e-mail

- September 1, 2012 for non-criminal trial court and appellate cases
- October 1, 2013 for criminal trial court

E-filing

- April 1, 2013 for non-criminal trial court and non-criminal appeals to circuit court
- October 1, 2013 for criminal trial court and criminal appeals to circuit court