

MDEC Rules Overview

Rule	Area	Highlights
20-101	Definitions	Definitions for new terms are included in the electronic rules.
20-102	Overall Rule	- MDEC Rules apply only to MDEC counties. Rule will list county and dates effective. - All new actions, submissions and filings will be electronic. - Existing Documents; Pending and Reopened will be scanned according to policy developed by the Chief Judge of the District Court and the SCA-and approved by the MDEC Major Projects Committee. - Appellate courts will receive an electronic record from the trial courts.

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20-103	Administration of MDEC	The State Court Administrator is responsible for administering the system.
20-104	User Registration	- Attorneys will register and file using their attorney number. - Attorneys who become disbarred, suspended, placed on inactive status or decertified will no longer be allowed to e-file as an attorney. They will have to file their withdrawal of appearance in paper form.
20-105	Judges; Judicial Appointees; Clerks; Judicial Personnel	Each person will be issued a user ID.

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20-106	When Electronic Filing Required	- E-filing for attorneys is mandatory. - Judges use Taskmanager and Judge Edition, and may use Odyssey. - E-filing is optional for self-represented litigants (SRLs). However, if they register to e-file they must-continue to e-file. - If a party cannot file electronically due to an unexpected event they can file in paper. However, they must submit to the clerk an affidavit describing the event that prevents them from e-filing and stating when e-filing capability will be restored. - The Administrative Judge may permit, for good cause and on a temporary basis, the registered user to submit in paper. - Exceptions to e-filing: oversized documents which can't be scanned, documents offered in open court, physical evidence. <u>PAPER SUBMISSIONS/DUTY OF CLERK</u> - Clerks shall immediately scan documents submitted in paper. - The clerk shall destroy a paper submission after scanning and verifying the legibility. - The SCA may approve procedures to return certain types of documents.

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20-101(t) and 20-107	Signatures in MDEC	- A signature in MDEC is the signer's typewritten name accompanied by a visual image of the signer's handwritten signature or by the symbol /s/. Rule 20-101(t). - When a submission is required to be signed, in addition to the signature, it must contain the filer's address, e-mail address, and telephone number and, if the filer is an attorney, the attorney's Client Protection Fund ID number. - When a person is required to sign a document under oath, affirmation, or with verification, the signer shall hand-sign the document and scan it. Exception: Landlord Tenant Actions.
20-108	Delegation of Authority to File	- Attorneys – may authorize someone in the attorney's office to file the signed submission electronically on their behalf. - Judges – may authorize another staff member to file a document on their behalf after they have signed it.

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20-109	Access to Electronic Records	- Parties to and attorneys of record in an MDEC action shall have full access, including remote access, to all case records in that action. - Judges and judicial appointees shall have full access, including remote access, to judicial records to the extent that such access is necessary to the performance of their official duties. - Judicial Personnel and Clerks – will have full access from their work stations. - Remote public access will not change.
20-201	Requirements for Electronic Filing	- Other than an original pleading that is served by original process, each submission that is required to be served shall contain a certificate of service signed by the filer. Rule 20-201(g) - Restricted Information: Generally, a submission filed by a filer shall not contain any restricted information. For exceptions, see Rule 20-201(h)(2) - Sealed submissions: 20-201(j) - A proposed order shall be in an electronic text format specified by the SCA and unless submitted on an official court form that contains an order in the body of the form filed as a separate document. - Multiple submissions filed together in an action must be submitted as separate pleadings within the same electronic folder known as an envelope. - Filers entitled to electronic notification must provide service contact information within their submission. - Submissions must be accompanied by any required fee in the absence of a waiver. See Rule 20-201(l)
20-202	Effective Date of Filing	Date received by the MDEC system, not the date accepted by the clerk.

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20-203	Clerk Review	- Clerk can correct errors of non-compliance that apply to form and language of a proposed docket entry. - STRIKING: a submission shall be stricken if it lacks a required certificate of service. - TO STRIKE, the clerk must: - Accept the filing and then strike it. - Enter a docket that submission was received and stricken with reason - DEFICIENCY NOTICE; If, upon review, the clerk concludes that a submission is not subject to striking but materially violates a provision of the Rules in Title 20 or an applicable published policy or procedure established by the SCA, the clerk shall send to the filer with a copy to the other parties/their attorneys a deficiency notice describing the nature of the violation. - JUDICIAL REVIEW; STRIKING OF SUBMISSION. The filer may file a request that the administrative judge, or a judge designated by the administrative judge, direct the clerk to withdraw the deficiency notice. Unless (A) the judge issues such an order, or (B) the deficiency is otherwise resolved within 14 days after the notice was sent, upon notification by the clerk, the court shall strike the submission. - RESTRICTED INFORMATION: if found in a document the document shall be shielded and a deficiency notice sent. It remains shielded until deficiency is corrected.

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20-204	• Notice of Filing Tangible Items	• When a tangible item is filed, a registered user has 1 business day to file a "Notice of Filing Tangible Item".
20-205	• Service	• Original service of process remains the same. • Subsequent service can be done electronically if the party is a registered user.
20-206	• Notice of Filing of Discovery Material	• E-service
20-301	• Content of Official Record	• The electronic record is the official record. • A hyperlink to external items is not part of the official record.
20-302	• Duty to Retain Records	• It is the e-filer's responsibility to maintain all original documents and unredacted documents until the case is concluded or for such longer period of time that is required by court order or applicable law.

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Chapter 400	• Appellate	• Defines the Appellate rules. • Mandatory e-filing for attorneys however, 8 copies of the brief, file extract or appendix shall be filed in paper form. • 2 paper copies will still need to be served to each party.
20-501	• MDEC System Outage	• Notice of date and time when e-filing became unavailable and when service is resumed will be posted. • Expiring time extended – If a court is inaccessible under this rule for any portion of the same day that the time for filing a submission expires, the time to file the submission electronically is automatically extended until the first full day, other than Saturday, Sunday or legal holiday, that the system is able to accept electronic filings. • Paper is accepted during this outage.
20-502	• Removal to and Remand from the US District Court	• The AOC will work with the US District Court to determine whether an electronic transfer protocol will be feasible.

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20-503	Archival of Records	The State Court Admin. and the State Archivist will attempt to develop a plan for transmitting electronic records.

This document is meant as a high level overview of the new Electronic Court rules, please read the rules in their entirety for a complete understanding of the changes. **5/18/2020**