

Frequently asked Questions for Mandatory e-Filing

Basic e-Filing Questions

1. How does e-filing work?

Electronic filing or e-filing enables filers and courts to efficiently process documents and fees online.

E-filing manages the flow of information among filers, clerks, court personnel, and judges:

- **Filer Submits Documents**
Filers log onto the e-filing website to file case-related documents and pay appropriate filing fees online to any participating court in Idaho.
- **Clerks Accept or Reject Submissions**
Court clerks receive the electronically filed documents and associated fees for processing and acceptance, review the documents, accept the filings or return them for correction, and provide an electronic timestamp notification to the filer for the accepted documents.

2. Is e-filing secure?

Yes. The Tyler e-filing system adheres to state and federal security regulations and meets Payment Card Industry Security Standards to protect filer and transaction information.

3. Who will be subject to mandatory e-filing?

All active members of the Idaho State Bar.

4. Are all documents required to be e-filed?

Most, but not all, documents will be subject to mandatory e-filing. Documents that must be filed conventionally (paper form at court filing counter) include:

- **Probate / Wills.** A document that is required by Title 15 Uniform Probate Code, Chapters 2 and 3, to be filed in original form, such as, but not limited to, an original will.
- **Warrant.** A document delivered to the court to secure a warrant pursuant to Idaho Criminal Rule 4.
- **Limits on Exhibits.** A demonstrative or oversized exhibit.
- **Grand Jury material.** Grand jury materials, which should also be accompanied by a

disk or CD-ROM containing the documents in .pdf format, if possible.

- Charging documents. Charging documents in a criminal action including complaints and indictments unless filed through an electronic system approved by the Supreme Court.
- Federally restricted storage. A document or image that is barred from electronic storage, including but not limited to sexually explicit images of a minor.
- Document submitted for *in camera* inspection. A document filed subject to *in camera* inspection.
- Motion to Seal Document. A motion to seal by court order and document that is the subject of the motion (which is treated as sealed until the court rules on the motion).
- Notice of Appeal to Supreme Court. A notice of appeal to the Idaho Supreme Court. In addition, original actions filed under Idaho Appellate Rule 5.
- Other documents that cannot be filed electronically. Any document that cannot be scanned or otherwise converted to electronic format. Upon a showing of good cause, the court may accept for conventional filing a document that would otherwise be required to be filed through the electronic filing system.
- Please review the Idaho Supreme Court rule regarding e-filing and e-service:
 - [Order Adopting Rule on Electronic Filing and Service](#)

5. How do I serve other individuals with my e-filed documents?

Filers are responsible for accomplishing service of all filings *as required by applicable court rules*. For this purpose, filers may use serve by hand delivery, certified mail, or use the e-filing system as it offers electronic service of each filing to the designated service contact. So, if the rules require personal service – you still must do so. (E.g. Service of Complaint) If the rules do not require personal service and the person or entity you are serving is registered with the e-filing system, you must serve through the e-filing service.

6. What are the system requirements for e-filing?

The e-filing system, requires an internet connection and either Internet Explorer 7 (or above) or Firefox. Your word processing document should have the ability to either save or print your document as a PDF file. Doing so will create a text searchable document as required by the Supreme Court's e-filing / e-service rule. You may need to utilize special software if you need to combine a file text searchable PDF pleading and a PDF scan (not text searchable) as an exhibit.

7. Can I use e-filing if I am representing myself (*pro per / pro se*) in a case?

Yes, self-represented litigants are eligible to use e-filing. However, it is not mandatory they do so.

8. What if I don't have a computer?

There will be computers installed in courthouse lobbies to access e-filing for self-represented litigants. Please note, however, that if you are a self-represented litigant and you choose to utilize e-filing and e-service you will be responsible for reviewing your emails on a regular basis for service of documents from other parties and notices from the court. Not checking your email will not be a reasonable excuse for failing to comply with a court order or timely responses to legal pleadings.

Understanding Fees

1. Is there a fee to use e-filing?

Yes and no, while the filer will still be responsible for paying standard court filing fees, there are no additional fees for utilizing File and Serve. There is, however, a convenience fee that is assessed to cover the credit card processing fees.

2. What if I need to pay the filing fee in cash?

There will be an option to file on-line using credit cards, debit cards, and electronic check. Cash payments for making your filings can still be made at the court.

3. What are Optional Services? (Initial Appearance Fee)

The Optional Services drop down allows filers to select fees or services that are not necessarily associated with a specific file or pleading. An example would be the optional service of court service by registered mail.

NOTE – If you are making your initial appearance by Answer or Notice of Appearance you must select the Optional Service “Initial Appearance” so to pay the required filing fee. Failure to do so will result in the rejection of your pleading by the court with a request that you resubmit with payment.

4. What do I put for the Party Responsible for Fees?

The e-filing software asks that you select from a drop down the “Party Responsible for Fees.” Select the party for whom the documents are being filed.

Some self-represented litigants have questioned whether they should select the opposing party based on the belief that they will prevail in the end and a judge will order the opposing party to pay their court filing fees. While this may or may not occur, this filing field is a feature for attorneys to record, for internal purposes, who is responsible for reimbursing the filing fee. As such, the correct selection will be the party for whom the documents are being filed.

Filer Information

1. When can I use e-file?

E-filing is available 24 hours a day, seven days a week.

2. When I need to file with a specific court, how will I know whether the county has transitioned to the new system?

Currently only Twin Falls County is open for e-filing. Notice of future courts opening to e-filing will be provided on the iCourt project website:

[iCourt Project Information](#)

3. What qualifies as a signature when e-filing?

The Supreme Court's e-filing rule defines what a valid signature is when e-filing. You have two options to place where the signature would otherwise appear:

- 1) You can type your name preceded by a "/s/" – Example

/s/ John Q. Smith

JOHN Q. Smith

Attorney for Plaintiff Smith Corporation, Inc.

- 2) You can use a scan of your handwritten signature - Example

A scan of a handwritten signature in black ink on a light background. The signature is written in a cursive style and reads "B. Franklen".

4. What should the filer provide in the "Filing Description" field?

In the Filing Description field, please provide a complete title of the filing. The court clerk and judge will rely on your description to properly identify your filing in the court's case management system and to properly prepare for the consideration of your motion. It is also important to accurately describe your filing for statewide reporting purposes. For example, describing a filing as "Motion" is not sufficient or satisfactory if you were filing a "Motion to Compel Responses to Interrogatories." Please provide complete descriptive titles to your filings in the "Filing Description" field.

5. What is a "Lead Document"? If I have exhibits or ancillary pleadings, should I load my filing as one .pdf / Lead Document or should I load them separately?

"Lead Document" is the reference given by the software vendor for each separate PDF loaded. For clarification, any document requiring a file stamp is loaded, in a single PDF

file, as a “Lead Document.” Some examples may help:

Example 1:

Paper Filing -

An attorney is filing a pleading that has exhibits behind it. When he or she filed in paper form, this was one document that was stapled together and would receive a filing stamp from the clerk on the first page only.

Electronic Filing -

With e-filing, the above described document would be ONE PDF file loaded as a single Lead Document.

Example 2:

Paper Filing -

An attorney is filing a four pleading including: 1) Notice of Motion and Motion for Summary Judgment; 2) Memorandum in Support for Motion for Summary Judgment; 3) Affidavit of Attorney Atticus Finch with Exhibits in Support of Motion for Summary Judgment; and 4) Affidavit of John Smith with Exhibits in Support of Motion for Summary Judgment. When he or she filed in paper form, this was FOUR separate documents stapled separately and each of the FOUR documents would receive a filing stamp from the clerk on the first page of each.

Electronic Filing –

With e-filing, the above described documents would be FOUR PDF files loaded as four Lead Documents.

Tyler Technologies Firm User Guide makes references to loading “Attachments.” Please disregard any references to such attachments as the Idaho e-filing is not configured to utilize this feature. Also disregard any language in the guide that suggests that only one document can be uploaded as a lead document per envelope (or session). To avoid confusion with filers and to streamline process in the courts the system has been configured to accommodate multiple “Lead Documents” (or files) and to load files / documents much the same way they were stapled when filing in the paper world. See *above*.

6. Can I load more than one document per filing session?

Yes, in fact we encourage you to do so long as the documents all pertain to the same case. For example, if the filer was filing a Motion to Compel, Motion for Summary Judgment (as well as other supportive pleadings such as Affidavits), Notice of Service of Response to Discovery, and Motion to Appear at Status Conference Telephonically – ALL IN THE SAME CASE – the filer SHOULD file all these pleadings in the same session

or “envelope” as the courts may refer to each electronic session / submission to the Court for review and filing.

7. How large can my filing be and how will I know how large it is?

How large is too large?

Per the Supreme Court’s e-filing / e-service rule, each PDF loaded shall not exceed 25 megabytes. Further, each envelope (filing session) should not exceed 25 megabytes in size.

How will I know the size of my file?

There are multiple ways to know the size of your file. For starters, adjust the view of the folders on your computer to see the size of files. (Note that 1 megabyte is about 1,000 kilobytes.) You will also know the size of your file after you have loaded it into e-filing. It will appear in gray italicized text next to the loaded title. (In the example image below the document was 100 pages, with color, and was a size of 4.34 MB.)



8. What if my document is larger than 25MB?

If your file is larger than 25 megabytes, please break the document file into smaller documents / files. The Supreme Court’s e-filing rule addresses this scenario with specific instructions:

A document that exceeds the size limit must be broken down and submitted as separate files that do not exceed 25 megabytes each. Separate files under this section must include in the Filing Comments field for each submission a description that clearly identifies the part of the document that the file represents, for example, "Motion for Summary Judgment, part 1 of 2."

9. Can I load and file a color document?

Yes. Having said that we ask that you only do so when necessary. Unnecessary loading of color files places a burden on the court’s computer system and may cause your document to exceed the maximum size of 25 megabytes per file and/or 35 megabytes per envelope (filing session).

10. Is the “Courtesy Copies” field where I list who I need the pleadings to be served to?

No. The courtesy copies filed is an optional field to identify the email addresses of

third parties you would like a copy of your filing to be automatically forwarded to after the filing is accepted by the clerk of the court. An example of the use of this field would be to insert a client's email. Service will be accomplished automatically if those to be served are registered with the e-filing system.

11. How will I know if my filing went through to the court?

Upon submission of your e-filing you will receive a confirmation email from the computer system.

12. How will I know if my filing was accepted or rejected by the court? / How do I get a conformed copy of my filing?

Upon acceptance or rejection you will receive a second email.

If accepted you will be informed of the acceptance, the case number assigned (if an initial pleading opening a new case), and will receive a link to download your document which will include a file stamp from the court. (You should download this document promptly as the link will only be active for a limited amount of time.) This file stamped version of your filing will serve as your conformed copy.

If rejected you will be told why. Some filings will be rejected as they are not appropriate for e-filing but should instead be filed conventionally at the courthouse in paper form. (See our response to "Are all documents required to be e-filed?" above.) Some filings simply need a correction and may be resubmitted.

13. What typically results in a "request for correction" from the court?

A request from the clerk requesting that you correct a problem with your filing and then resubmit it could include (but are not limited to) the reasons below:

- Insufficient Fees or Funds
- Document Addressed to Wrong Clerk / Court
- Incorrect/Incomplete Information, problems could include:
 - Case Number
 - Case Type
 - Case Category
 - Filing Code
 - Party names on document(s)
 - Include Certificate of Service
- You attempted to initiate a new case when the case already exists
- Illegible / Unreadable
- No Signature
- Incorrect Formatting, problems could include:

- Corrupt files
- File types other than PDF (or not text searchable PDF if pleading)
- Illegible
- Not a page size of 8.5" x 11"
- Files containing non-standard fonts
- Secured or password-protected PDFs.
- Documents combined as a single PDF when they should be separate
- Documents submitted as multiple PDFs when they should be in a single PDF

14. What is the process when I receive a "Request for Correction" or a "Denial of Fee Waiver" from the court?

As stated above, you will be notified via email that your filing has been rejected. This email will include an explanation for why the submission was rejected. You will also see notice that you have a "Returned" filing in your e-filing "Dashboard" after signing into e-filing. Follow the process below to resubmit your filing envelope.

Note: that you will follow this same process whether you are filing a correction, resubmitting with payment after the denial of a fee waiver request, or to resubmit a filing after a technical error.

1. Select "Returned" in the Dashboard to view the rejected filing.



2. You will then see the filings or envelopes that were rejected by the court.

3. Under "Actions" on the right of the filing's title - select "Copy Envelope." It is important that you use this Copy Envelope rather than start from scratch and create a new filing / envelope. This is for three reasons: 1) You will save time not having to enter information all over again; 2) You will save the court's unnecessary costs associated with the creation of another envelope; and 3) Copying an envelope will make it easier for the court to relate your filing date back to the date that you originally filed the document. In other words, if you originally submitted the document on Monday, it was rejected on Tuesday, and you resubmitted a correction on Wednesday, the court will mark the date of filing as Monday. This could be important if you are faced with a legal deadline. NOTE: To receive this relation back date, you must submit your correction WITHIN 3 BUSINESS DAYS and you must request the same in the "Filing Comments" field. (See Paragraph 4(c) below.) Please consult the Supreme Court's rule regarding e-filing to learn more about this rule.
4. Now that the envelope is open you can make any changes requested by the court be it changing party information, case information, adjusting fees, or downloading a corrected pdf for filing.
 - a. If your pdf was identified as containing error you will need to scroll down to your defective "Filing" and select in "Actions" to the right "Remove Filing."
 - b. With the defective filing removed you can now load a new pdf with the defect corrected.
 - c. If you want the date of your filing to reflect the date you originally attempted filing, the Supreme Court's e-filing rule indicates that you must include the following language in the "Filing Comment" field:
"RESUBMISSION OF CORRECTED FILING, REQUEST FILING RELATE
BACK TO _____, THE DATE OF ORIGINAL SUBMISSION"
5. Be sure to click "Save Changes" after you have completed your corrections.
6. Click "Continue" at the bottom of the page when you have completed and saved your corrections.
7. Review the Summary Page. If you don't need to back up and make other corrections you are ready to click "Submit." The envelope will then be forwarded to the clerk for a review of your corrected filing. You will receive email confirmation of your submittal.

Registration and Support

1. Do I have to register to use e-filing?

Yes, all users must register prior to using e-filing. To get started, click here:

[Idaho e-filing Filer Site](#)

2. Where can I get more information about e-filing?

User guides, training videos, and rules are available at:

[Idaho e-filing Filer Training and Information](#)

3. Where can I review the Supreme Court's rule regarding e-filing and e-service?

A copy of the Supreme Court's rule can be found here:

[Order Adopting Rule on Electronic Filing and Service](#)