

Frequently asked Questions for Mandatory e-Filing

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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.** Probate matters shall be filed electronically. However, an original will, along with the pleading it is offered with, if any, must be filed both electronically and conventionally. The conventional filing must be made no more than seven business days, excluding legal holidays, from the date of electronic filing.
- **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 file 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. 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.

6. Can I use e-filing if I am a 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.

7. 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 online 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? (Mailing Orders of the Court / Initial Appearance Fee)

The Optional Services drop down serves two purposes: 1) it allows filers to select fees not associated with specific pleadings; and/or 2) provides a means for filers to pay for court services. Examples of optional services include: paying initial appearance fee; pay for court mandated classes; court service by registered mail, certified copies, service / mail fees to have signed proposed orders or other court signed documents mailed and served.

After you have loaded your first document and clicked "Save Changes" the Optional Services button will appear.

Optional Services

⊕ Add New Optional Service

Optional Service	Quantity	Fee Amount
	1	

Optional Services

Optional Service

Click to select Optional Service

The drop down contains the various services available and the associated fees to attach to that particular document. If you have multiple documents to load in this single e-filing session (also referred to as *envelope*) be careful to link the particular service to the particular document. For example, if you have 4 documents to load but only one requires a certified copy, be careful to select the service of certified copy for that particular loaded document. This may not apply to the fee to have the court mail serve court signed pleadings. See below for more details.

Initial Appearance

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.

Mailing / Service Fee

In the paper world when a litigator forwarded a proposed order or notice to the court they complied with Idaho Rules of Civil Procedure, Rule 77(d) which stated:

The prevailing party, or other party designated by the court to draft an order or judgment, shall provide and deliver to the clerk sufficient copies for service upon all parties together with envelopes addressed to each party, as provided above, with sufficient postage attached, unless otherwise ordered by the court.

Now in the electronic world the court will serve any signed orders or notice submitted by the parties via email to those attorneys or parties utilizing electronic

filing. But what about the case where there are parties who are not participating in electronic filing such as a self-represented litigant or a party who simply never appeared in the lawsuit but per the rules / law requires service? The service of orders in this case will need to be accomplished via paper copies and stuffed stamped addressed envelopes. After careful analysis of this scenario and experience with early electronic filings the Court concluded that receipt of extra copies and stamped envelopes from litigants was not feasible in our electronic court. As such, we ask that litigants select the appropriate copies / mailing fee when they submit documents that require mail service by the court.

As described above, select Optional Services after you have loaded your document(s). Then select the appropriate mailing fee based upon the number of pages your pleading is.

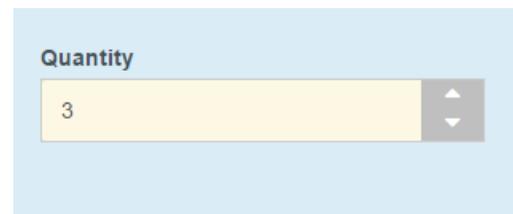
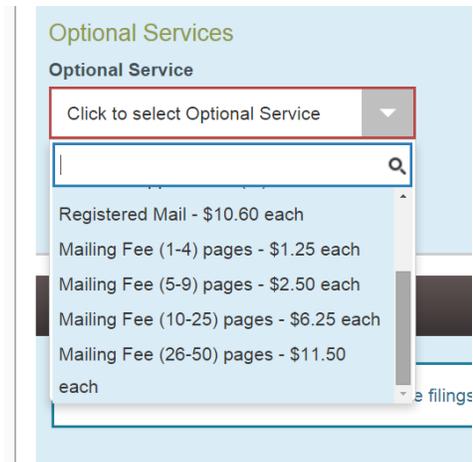
Then select how many mailings you need sent by the court. This will most likely be determined by how many different parties need to be served by mail.

Thinking of this in terms of paper simplifies the process. Below is an example.

You are filing in a case with 3 other parties in an action, two are accepting service through electronic filing and one is a self-represented party who has elected to opt out of electronic filing and service.

You are filing four documents: a motion; proposed notice of hearing (2 pages); affidavit of fact witness; and proposed order (3 pages). As such there are two documents that need to be forward via mail to the self-represented party after they are signed by the Court.

Typically where the filer has one case with one envelope to be served on one party you only need to select one mailing fee for the mailing (Mailing Fee 5-9 pages in this case). In this case, however, the notice of hearing would be served before the hearing and the proposed order (if the motion is granted) would be signed after the hearing. Therefore the filer should select "Mailing Fee (1-4)" and select the



Quantity as 2 as the court is making two separate mailings.

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. The signature is written in a cursive style and appears to read "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 35 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.

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.

Filer Dashboard	
My Filing Activity	
Pending	
Accepted	
Returned	1
Drafts	13
Served	
View All	

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"

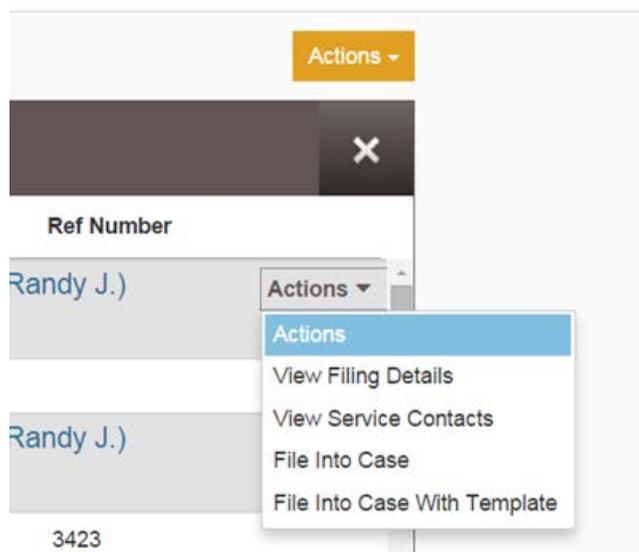
5. Be sure to click "Save Changes" after you have completed your corrections.
6. Click "Continue" at the bottom of the page when you have completed and saved your corrections.
7. Review the Summary Page. If you don't need to back up and make other corrections you are ready to click "Submit." The envelope will then be forwarded to the clerk for a review of your corrected filing. You will receive email confirmation of your submittal.

15. 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.

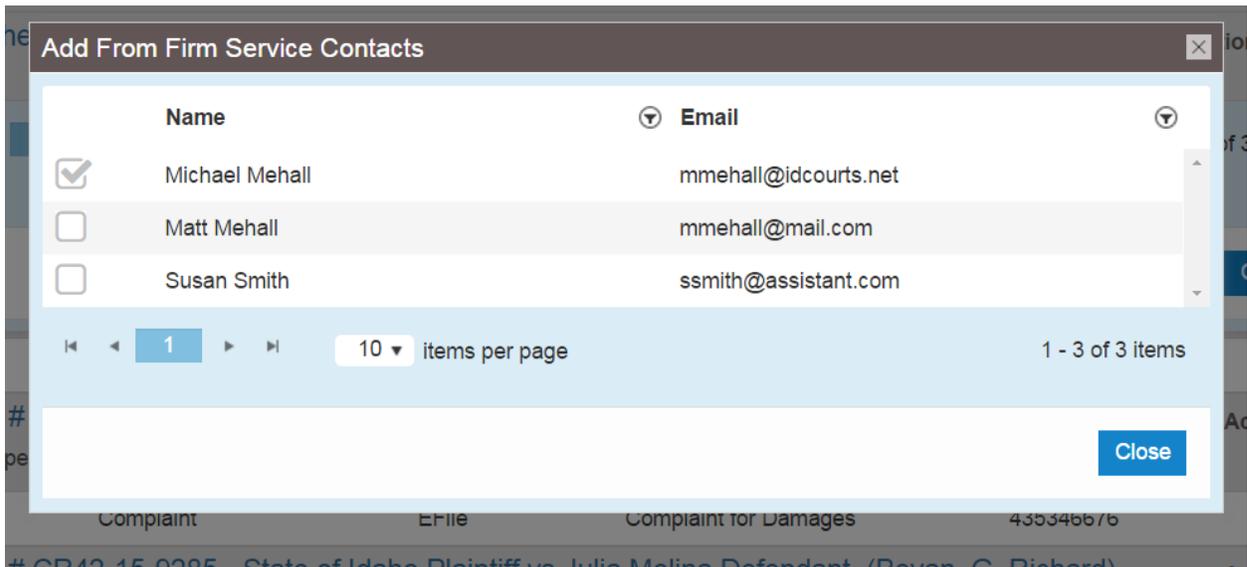
- FIRST – Designate a "Service Contact" in each case.

In order to serve and be served through the e-filing system the parties must all designate a service contact on a case by case basis. If you are the initiating party, upon acceptance of your filing, you must return to the case from your Dashboard to find the existing case (through your "Filing History"), select the black "Actions" to the right of your case name, and select "View Service Contacts." A new box will open which lists each of the parties. None of them will have a service contact identified. Identify the party or parties you represent and click on the black "Actions" button on the right. This will cause the option: "Add From Firm Service Contacts" to appear. Selecting that option will cause a box to appear which



lists each of the firm service contacts you have created for your office. Select the appropriate service contact for the party you represent. This service contact selection and all emails within it (a service contact can be created so that it includes multiple emails such as the attorney, his assistant, and/or a firm service email) will be where all service in this matter from outside your office will go. (See response below to “FAQ: What are Firm Service Contacts and Firm Users? How are they different?” for more information on how to add to and manage your firm service contacts and firm users.) You will be responsible for checking the emails in your designated service contact so that you do not miss service from others. Once you have made your selection, click “Close.” You will now be back to the parties list, click “Close” again and you are done. Again, if you are initiating the action you cannot designate a service contact until after your initial filing is accepted by the court.

If you are a responding party you must follow the same process to designate your service contact. You do not, however, need to wait until your filing has been accepted.



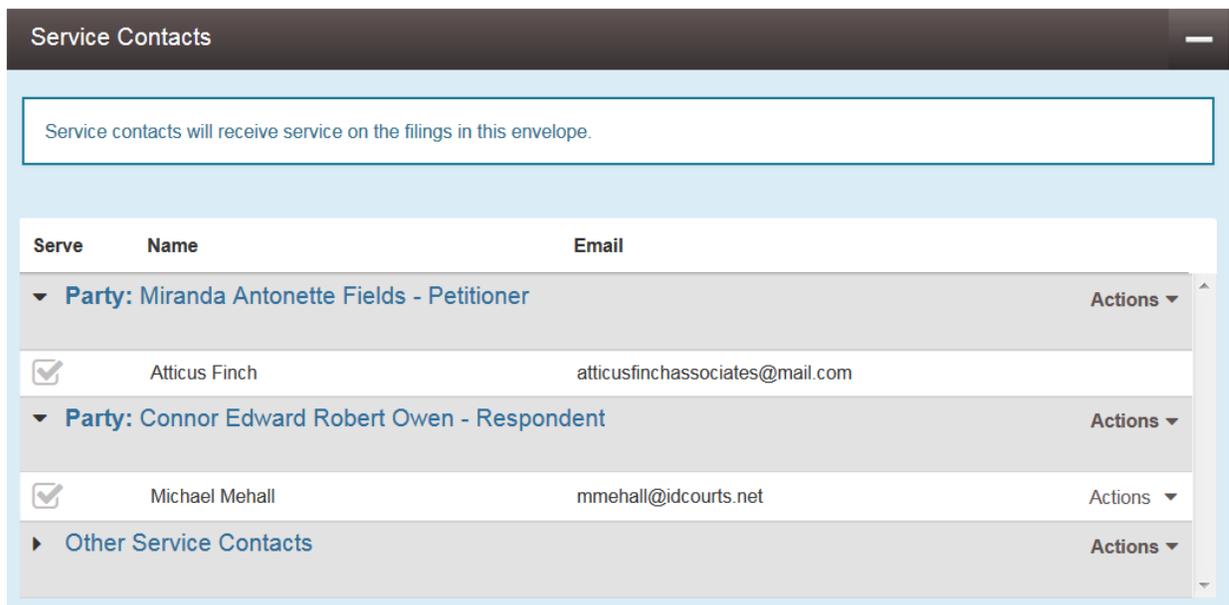
- SECOND – When serving a document on other parties you MUST select Efile and Serve and you must select those parties to be served.

When you wish to “Serve” (serve only and not file with the court such as when you serve written discovery on a party) or “EfileAndServe (both file with the court AND serve your filing on all other parties and other service contacts [if any] such as most subsequent filings such as a motion to compel for example) you must select the appropriate “Filing Type” before loading EACH of



your documents. *See image to the right.* If you fail to do so and only have “EFile” selected for your “Filing Type” your document will be filed with the court but will NOT be served on the other parties. It is your responsibility to comply with all court rules. As such, it is your responsibility ensure that you properly select the “Filing Type” for each document you load so to comply with those rules.

If you have selected the file type of “Serve” or “EfileAndServe” a new box will appear after you complete loading documents for the purpose of designating “Service Contacts.” This box will list the parties and (if the parties have followed the process outlined above) will also identify the service contact for each.



You may amend the service contact information for the party you represent. You may not do so for other parties. If the party you intend to serve is lacking a service contact, contact that party’s attorney to request that they load a service contact as required by court rule.

Note that the “Service Contacts” includes “Other Service Contacts” for individuals or entities who are not a party to the action but require service of the document you are serving via the electronic file and serve system.

16. When I filed paper, Idaho Court Administrative Rule 32(g)(20) instructed me to file unredacted copies of any order, decree or judgment in a child custody, child support, and paternity case. Do I do that when electronic filing as well?

Per I.C.A.R. 32(g)(20) the records in cases involving child custody, child support, and paternity are exempt from public disclosure. However, the rule also states that no

redacted copy of any order, decree or judgment must be prepared until there is a specific request for the document, in which case the document should be redacted in the manner specified in Idaho Rule of Civil Procedure 3(c)(1) (a)-(d).

To comply with the language above the attorney or self-represented litigant should electronically file and serve the proposed orders, decrees, or judgment in unredacted form BUT must identify in the e-filing software that the document is "CONFIDENTIAL." This will alert the clerk to seal said document. In the event that a copy is requested by the public the court will then make a redacted copy of the record available for inspection. The copy will also exclude those portions of the record that allege abuse, abandonment or neglect of a child, or which the court determines would inflict undue embarrassment to or put at risk a person referenced in the record who was a child at the time of the filing of the record, or which are exempt from disclosure under the other provisions of Supreme Court rules.

17. Do documents with non-filer signatures need to be "text searchable"?

A document that includes the signature of an individual other than the filer (affidavit, declaration, stipulation, notary signature, etc.) may be a scanned image of its original form and be in standard PDF format. The document need not be text searchable as required in subsection (b)(2)(A) of the electronic filing rule. (See electronic rule, subparagraph (b)(1)(D)).

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](#)

4. What are Firm Service Contacts and Firm Users? How are they different?

It is important to think of your firm users and emails in two ways.

1) Firm Users

a) This is where you build your users. The email addresses you put here

for each user will be the email to which that user will receive notice of ALL OF YOUR OWN ACTIONS / FILINGS. In other words, this is the email address where you will get the 1) Receipt / Submittal Confirmation Email; 2) Acceptance / Rejection Email; and 3) Notice of your own service upon others.

- b) The Admin can manage these by going to the orange ACTIONS button and selecting "Firm Users." If you select a user you can change their information and email.
- 2) Firm Service Contacts
- a) This is where you build the contacts for SERVICE of filings INTO your office.
 - b) The Admin can manage these by going to the orange ACTIONS button and selecting "Firm Service Contacts." If you select a user you can change their information and email.
 - c) Note that the Firm Service Contact can include an "Administrative Copy" so this is where a firm could select either to include the attorney's assistant OR they could have the administrative copy go to a general administrative inbox. So you can either set up your service contacts so that things from the outside are served on the deputy / attorney AND an admin email or you could just have the same admin email for everything served on the office. I would recommend setting up your service contacts for both the deputy / attorney AND the admin address as the attorney is ultimately responsible (even though in the paper world we know they didn't open every envelope).
 - d) FINAL NOTE: Be aware that with EVERY case you must establish your Service Contacts for that case. You can only do so with an existing case that has a case number. So after you initiate a case and the filing is accepted by the court, then find the case from the Dashboard, from ACTIONS select "View Service Contacts" to view the parties. For your party select from ACTIONS "Add From Service Contacts" and select your service contact for that particular case.