**E-FILING INSTRUCTIONS**

**Supplement to Information on Courts.mt.gov**

[Flathead County](http://flathead.mt.gov/clerk_of_court/documents/2019OrderImplementingElectronicFilingSystem.pdf) and [Missoula County](https://www.missoulacounty.us/home/showdocument?id=21258) have implemented a mandate that all Montana licensed attorneys use the Electronic Filing System. Also please see the [Supreme Court’s Temporary E-filing Rules](https://courts.mt.gov/courts/efile/rules) issued on 10/03/2017. There are full [sets of instructions](https://courts.mt.gov/courts/efile/instructions) as well as [FAQs and Instructions](https://courts.mt.gov/courts/efile) on the Supreme Court’s website that are very informative and helpful. The E-filing Program Director, Ryan Davies, and staff are available for support at efilingtechsupport@mt.gov or 406-841-2962 if anyone encounters a system error or requires assistance.

**DOCUMENT PREPARATION TIPS**

Documents submitted through the E-Filing system must be in one of these formats: **Word** (recent versions), **WordPerfect** (recent versions), or **PDF** (portable document format)

Documents must be able to be processed by the E-Filing system:

* Not password-protected
* Virus free

Document formatting mistakes that will prevent processing;

* If you are using templates that were created may years ago, use the “save as” option to convert them to formats consistent with recent versions of Word or WordPerfect
* Update any Table of Contents in your document and “save” the document before attaching it

Scanned documents:

* Scanned in OCR mode
* PDF output, instead of an ‘image’

Reserved portions of documents:

* **Upper right corner** – this is where the electronic file stamp will be placed. The file stamp will contain the case number. (see example)
* **Lower right corner of a proposed order** – this is where the judge/justice electronic signature will be placed. (see example)
* **Do not add date and signature lines for the Court** ~ the judge/justice will not need a date line or a signature line.
* **The case number will be in the file stamp** and not added where you may be used to leaving a line.

Files must not be larger than 25 MB:

* To E-file a very large document, you must split the document into segments, each of which is 25 MB or smaller.
* Submit all the segments in the same filing, as “additional” documents attached to the lead document.

Combined Files: In Adobe Acrobat, after using the “Combine File” features, you may need to “optimize” the PDF. To do so, click on File 🡪 Save as Other 🡪 Optimized PRF. Leave all the technical settings as they are.

**ANSWER / FIRST APPEARANCE / NOTICE OF APPEARANCE**

If making a first appearance in a case, please note that the first document selected is the one that defines the E-Filing workflow (e.g. whether it has fees or not) so if the filer chooses Notice of Appearance first, which does not have fees attached to it, the system will not charge a fee for the second document which is likely an Answer-First Appearance. Please choose the Answer-First Appearance option **first** (on the Create Filing page) so the system will appropriately charge a first appearance fee.

These options are configured with an appearance fee requirement:

* Answer/Brief - Response First Appearance
* Answer/Brief - Answer First Appearance
* Answer/Brief - Answer and Counterclaim

**FEE PAID PREVIOUSLY**

If a fee was paid previously for some reason – maybe an answer had to be rejected as un-signed – upon re-submitting the filer must choose an Exception on the payment page – such as Already Paid – and must reference the previous Receipt Number in the Comment field so the Clerk can move the correct fee from the attorney’s unapplied account to the case.

**CERTIFICATE OF SERVICE**

If you take advantage of the **Service Page in the E-Filing system**, please remove the certificate of service (COS) portion from your documents. Otherwise, each document will contain two Certificates of Service.

Attorneys registered with the E-Filing system will appear as an option for e-service. All other attorneys and parties must be conventionally served – mail, hand-deliver, etc. On the service information page, e-filers can add non-parties to the COS and include their address information.  However, if a party is already on the case, the e-filer cannot add or modify the address information (pulled by the E-Filing System from the court’s case management system, Full Court Enterprise (FCE).  Self-represented litigants appearing in cases are entered into FCE by the clerk with a generic “Pro Se” attorney assignment which does not contain any address or contact information since it is used for all pro se litigants. This, in turn, causes the address information for pro se litigants to be blank on the COS.

**DEFAULT DOCUMENTS**

The following options exist in the E-Filing system:

Motion – Request for Entry of Default

Motion – Request for Entry of Default Judgment

Motion – Request for Entry of Default and Default Judgment

Motion – Entry of Default

**JUDGMENT FEE SUBMISSION**

Choose any judgment option when a $45 fee is due.

(Previously e-filers were advised to upload a blank document and submit the fee separately from the proposed judgment. This is no longer necessary.)

**LEAD DOCUMENT versus SUPPORTING DOCUMENT**

**All documents must be filed as a Lead Document** **except for the following** which must be filed as Supporting Documents:

1. Proposed summons for clerk to issue
	1. Must have a date line and signature line for Clerk / Deputy Clerk
	2. Clerk creates an entry in FCE (case management system) when the summons has been signed
2. Documents exceeding 20MB in size
	1. The main document, such as a motion or brief, must be submitted as a Lead Document and additional voluminous exhibits or attachments on the document must be separated and submitted as Supporting Document(s) to decrease the overall size to allow it to pass through the system. The clerk will manually create entries in FCE to correspond with the underlying motion/brief. This option may be used only if the size of a document exceeds 20 mgs. District court judges prefer that briefs with attachments/exhibits be submitted as one document when possible.
3. Documents that are not part of the district court file, such as the Montana Statistical Reporting Form for CSED and VSB which is required in all dissolution and child support award cases
	1. These forms belong to the VSB but are submitted to the Clerk and subsequently transferred to the State

**Supporting Documents DO NOT Receive a Certificate of Service by the E-Filing system and do not create an entry in FCE (case management program).**

**MOTIONS with proposed orders**

The clerk must route motions and proposed orders to the court together so they must be submitted together through the E-Fling system, and whenever possible, all documents for the same case being submitted on the same day should be filed in the same submission. With dozens of submissions received daily it is impossible for the clerk and the court to match up documents for a case that are submitted separately and interspersed with other matters.

**PROPOSED ORDERS**

1. Remove the date line and signature line for the judge which may be replaced with the phrase “Electronically dated and signed below”. The E-Filing system places the date and judge’s signature in a very small block at the very bottom right corner of the last page of each order. NOTE: Flathead County will reject proposed orders for judges that include a date and signature line.
2. Upload every proposed order in Word or Word Perfect format. To protect the data the E-Filing system converts all documents to a pdf when submitted; proposed orders are also converted to pdf but when routed to the court by the clerk, the E-Filing system converts them back into Word so judges can change language, add hearing dates and times, etc, and electronically sign. When courts file orders the E-Filing system again converts the documents to pdf for protection. PDF PROPOSED ORDERS MUST BE REJECTED in Flathead County
3. Remove any formatting line down the right side of all documents and proposed orders as it interferes with the file-stamp and the court’s electronic signature block
4. Remove footers from proposed orders – or at least adjust them so text is NOT located at the bottom right side such as the example on this document

**SAME-DAY SUBMISSIONS**

All documents filed on the same day for the same case should be submitted in one E-Filing submission. With dozens of submissions received daily it is impossible for the clerk and the court to match up documents for a case that are submitted separately and interspersed with other matters.

**UNABLE TO FIND A CASE**

**STATUS of CLOSED**

The E-filing system has a box that is checked by default for excluding closed cases in the Case Search window. This box must be unchecked if you can’t find a case which may have a status of closed or if you are specifically looking for closed cases.



**INCORRECT ENTRY OF THE CASE NUMBER**

Each county has a unique identifier for the Supreme Court to track cases. These numbers were assigned to counties from an alphabetical list and Flathead County happens to be number 15 on that list. The ‘15’ must be included in every case number search in the E-filing system. Example:

DR-15-2015-329 – Flathead

DR-32-2015-300 – Missoula



**WRITS**

The OCA is working on modifying this list, but these are the current options. (Aug 2019)

* Writ – Writ of Assistance
	+ Must include date and signature lines for clerk to sign
* Writ – Writ of Execution
	+ Must include date and signature lines for clerk to sign
* Writ – Writ of Certiorari
	+ Must NOT include date and signature lines – court will sign electronically

