

## Court of Appeals Standing Order No. 13

### Authorizing the Electronic Filing of Pleadings and the Electronic Distribution of Notices and Orders

1. *Scope of this order.*

- (a) *Pleadings.* This standing order applies to the filing of all pleadings in the Court of Appeals except briefs and sentencing memoranda. The final version of a brief or sentencing memorandum must still be filed in paper form, and a pdf version of the brief or sentencing memorandum should also be e-mailed to the Clerk's Office at [coabriefs@akcourts.us](mailto:coabriefs@akcourts.us).
- (b) *Judicial notices and orders.* This standing order applies to all notices and orders issued by the Clerk's Office or the Court of Appeals, with the exception of the Court of Appeals' final decision in a case. The Court will continue to distribute its final decisions in paper form, even if the parties also consent to receive copies by e-mail.
- (c) *Consent required.* Before an attorney or a self-represented party may be served with pleadings by e-mail, that attorney or party must consent to receive pleadings by e-mail. Likewise, before the Clerk's Office and the Court may distribute notices and orders to an attorney or self-represented party by e-mail, the attorney or party must consent to e-mail distribution. These consents are separate. An attorney's or party's consent to be served with pleadings by e-mail does not constitute consent to the electronic distribution of court documents by the Clerk's Office and the Court, and an attorney's or party's consent to receive court documents by e-mail does not constitute their consent to be served with other parties' pleadings by e-mail.

- (d) *Form of the consent.* A consent to receive pleadings and/or court documents by e-mail must be in writing. An attorney or self-represented party can include this consent beneath their signature in their initial filing, or they can file a separate notice of consent. Whichever form the consent takes, it must include a valid e-mail address at which the attorney or self-represented party will receive the pleadings and/or court documents. An attorney working for a law firm or government agency may designate two e-mail addresses — one for the firm or agency, and one for the attorney personally. E-mail addresses must not contain words or other combinations of letters and symbols that might be perceived as offensive or sexually suggestive, or that are otherwise deemed inappropriate by the Court.
- (e) Attorneys and self-represented parties who elect to receive filings and/or court documents by e-mail must immediately inform the Clerk’s Office and the other parties of any change in their e-mail address.

2. *Electronic Filing of Pleadings*

- (a) Any party may file a pleading in the Court of Appeals by creating a pdf copy of the pleading, attaching that pdf document to an e-mail, and sending the e-mail to the address specified by the Clerk’s Office.
- (b) A party may serve pleadings by e-mail on any attorney or self-represented party who consents to be served by e-mail — by attaching a pdf copy of the pleading to an e-mail, and then sending the e-mail to the receiving address specified by the attorney or party. If that pleading is also being filed by

e-mail, the filing party can use a single e-mail to send the pleading to the Court and to serve the pleading on other parties.

- (c) When a pleading is filed by e-mail, it must be signed by the attorney before it is converted to .pdf format.
- (d) If a pleading is supported by one or more affidavits, those affidavits must be signed and sworn to before they are converted to .pdf format.
- (e) A party who files a pleading electronically must provide the Court with proof that the pleading has been served on all other parties.
  - (1) If other parties have agreed that they can be served by e-mail, then the filing party's inclusion of those parties in the "CC" or "Copy" section of the transmitting e-mail will constitute the required proof of service.
  - (2) If other parties have agreed that they can be served by fax, a party who files a pleading by e-mail and who serves other parties by fax may put the information required by Civil Rule 5.1(c)(6) in the body of their transmitting e-mail.
  - (3) No additional time is awarded to another party under Appellate Rule 502(c) when a pleading is served by e-mail or fax.
  - (4) If other parties have not agreed to be served by e-mail or fax, so that the filing party must serve those other parties by mail or by hand-delivering a paper version of the pleading(s), the filing party must file a proof of service conforming to Civil Rule 5(f). (*See Appellate Rule 514(b).*)

- (f) *Form of the transmitting e-mail.*
- (1) The subject line of the transmitting e-mail must include the pertinent case number(s) and case name(s).
  - (2) The body of the transmitting e-mail must list the title of every attached document.
  - (3) The body of the transmitting e-mail must not contain any narrative or explanation of the attached pleadings, nor any citation of authority in support of those pleadings.
- (g) Although the Clerk's Office will try to alert attorneys when their transmitting e-mails do not contain the attachments listed in the body of the e-mail, it is ultimately the attorney's responsibility (not the Clerk's Office's responsibility) to make sure that a transmitting e-mail actually includes a complete version of every attachment listed in the e-mail.
- (h) *Rules for determining the date of filing.*
- (1) Except for the circumstances described in subparagraph (2), e-mail pleadings that are received before or during the hours that the Clerk's Office is open for business will be deemed to have been filed on that day, and e-mail pleadings that are received after hours will be deemed to have been filed on the next day that the Clerk's Office is open for business.
  - (2) Pursuant to Supreme Court Order No. 1875, if pleadings are due on a business day when the court is closed (either for the whole day or part of the day), e-mail pleadings will be deemed to have been timely filed if they are received before or during business hours on the next day that the Clerk's Office is open for business.

- (3) The time of receipt recorded by the Clerk's Office e-mail server will presumptively govern these calculations.
- (i) When pleadings are filed by e-mail, the Clerk's Office staff will print out a copy of every document attached to the transmitting e-mail. The Clerk's shall also print out the transmitting e-mail itself, to establish the date of filing. These print-outs will be placed in the case file. Unless there is an error in the printing of an attachment, the printed copy of the attachment will be the official version of the pleading.
  - (j) The Clerk's Office will retain all of the transmitting e-mails in a case until 90 days after that case is finally resolved (including the resolution of any petition for hearing to the supreme court).
  - (k) The Clerk's Office is not responsible for verifying that the pleadings filed by email were received correctly — *e.g.*, that all of the pages were transmitted, that the document is legible, etc. The Clerk's Office is also not responsible for any technological problems that may occur when a party attempts to transmit pleadings by e-mail. A party who files pleadings by e-mail should keep the original version of those pleadings so that the originals are available to resolve any question of completeness or authenticity.
  - (l) If the Court System identifies a transmitting e-mail as infected with a virus, that e-mail will be deleted immediately, and the Clerk's Office will promptly inform the filing party and all other parties who were served by e-mail.

3. *Electronic Distribution of Notices and Orders by the Clerk's Office and the Court*
- (a) The Court of Appeals and the Clerk's Office may distribute notices and orders by e-mail to any attorney or self-represented party who consents to this electronic distribution.
  - (b) The distribution of court documents by e-mail is deemed complete upon receipt of the Court's transmitting e-mail at the e-mail address(es) that the attorney or party has provided. No additional time is awarded under Appellate Rule 502(c) when a notice or order is distributed by e-mail.
  - (c) If the Clerk's Office is notified that an e-mail sent to an attorney or a self-represented party was undeliverable, the Clerk's Office will print the rejection page and place it in the court file. This printed-out rejection page will also be distributed to the attorney or the party — either via the appropriate Agency tray in the Clerk's Office, or by regular mail. The attorney or party will be responsible for remedying this situation.

Approved: December 22, 2016

Effective: January 1, 2017