

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of the Court, and considering the need to enact a Court Rule pertaining to the electronic filing of documents,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Louisiana Supreme Court Part P, Rule XLII be and is hereby enacted to read as follows:

PART P. ELECTRONIC FILING

RULE XLII. ELECTRONIC FILING

Section 1. Definitions.

- (a) **Case Management System** (“CMS”) means the system used by the Louisiana Supreme Court for maintaining conventionally and electronically filed documents at the Louisiana Supreme Court.
- (b) **Conventional Filing** means the filing of paper documents pursuant to the provisions of the Louisiana Supreme Court Rules. See, Louisiana Supreme Court Rules I through XIV.
- (c) **Court Data/Document Exchange** (“CDX”) means the system maintained by the Louisiana Supreme Court for

Registered Users to electronically file Louisiana Supreme Court documents.

- (d) **Docket Number** means the number assigned to a case by the clerk of court.
- (e) **Document** means any instrument on which is recorded, by means of letters, figures or marks the original, official or legal form of something, which may be evidentially used.
- (f) **Electronic Filing** means uploading a document directly from the Registered User's computer to the Louisiana Supreme Court's Data/Document Exchange.
- (g) **Electronic Filing Costs** means the costs charged to Registered Users by the Louisiana Supreme Court for Electronic Filing and distribution of paper copies required by Louisiana Supreme Court Rules VII and X. See, Louisiana Supreme Court Rule XLII Appendix A, Schedule of Electronic Filing Costs.
- (h) **Filing Confirmation** means the written notice that is electronically mailed to the Registered User by the Louisiana Supreme Court's Data/Document Exchange displaying the Filing Number previously electronically mailed to the Registered User, the Docket Number assigned to the case, the date and time of electronic filing of the document and whether the clerk of court has accepted or rejected the electronically filed document. The Filing Confirmation shall constitute proof of the electronic filing of a document.

- (i) **Filing Number** means the number that is electronically mailed to the Registered User by the Louisiana Supreme Court's Data/Document Exchange immediately upon electronic receipt of the uploaded document from the Registered User's computer.
- (j) **Registered User** means any attorney who has completed the Louisiana Supreme Court's Data/Document Exchange Training Course, has registered a username and password with the Louisiana Supreme Court's Data/Document Exchange and been approved by the clerk of court for the electronic filing of documents.

Section 2. Scope.

- (a) Attorneys admitted to and in good standing with the Louisiana Supreme Court may electronically file documents as provided herein.
- (b) Any document which may be filed by conventional filing may be electronically filed. See, Louisiana Supreme Court Rule XLII Appendix B, Schedule of Electronic Filing Types.
- (c) An electronically filed document has the same legal effect as a conventionally filed document.
- (d) If a document is electronically filed, the electronic document constitutes the official original court record of said document.
- (e) The electronic filing of a document does not relieve the Registered User of any legal duty to serve copies on

parties and/or lower courts as required by order, rule or statute.

- (f) Electronic filings will be accepted by the Louisiana Supreme Court in a pending matter regardless of the form of filing of previous or subsequent documents in a case.
- (g) The Louisiana Supreme Court will provide technical support for the Louisiana Supreme Court's Data/Document Exchange during normal business hours. However, failure of the Louisiana Supreme Court's technical support to remedy any technical difficulty will not be taken into account in the Louisiana Supreme Court's consideration of timeliness of the electronic filing of a document.
- (h) To the extent of any conflict between the provisions of the Louisiana Supreme Court Rule XLII and the provisions of Louisiana Supreme Court Rules I through XIV, the provisions of the Louisiana Supreme Court Rule XLII will prevail.

Section 3. Registration, Change of Contact Information, Usernames and Passwords.

- (a) Attorneys admitted to and in good standing with the Louisiana Supreme Court may register to file documents through the Louisiana Supreme Court's Data/Document Exchange located at the Louisiana Supreme Court's website, <http://cdx.lasc.org>.

- (b) Registration will be on a form available on the Louisiana Supreme Court's Data/Document Exchange. The form shall include the Registered User's name, address, telephone number, electronic mail address and Louisiana State Bar number.
- (c) Any Registered User whose name, address, telephone number or electronic mail address changes, must update the information on the Louisiana Supreme Court's Data/Document Exchange. If a Registered User does not keep his or her name, address, telephone number, or electronic mail address current, the account access will be suspended. Updating this information on the Louisiana Supreme Court's Data/Document Exchange does not relieve an attorney from complying with the requirements contained in Louisiana Supreme Court Rule XVIII, Sections 1 and 2.
- (d) After registration is complete, a Registered User will be offered mandatory training on the Louisiana Supreme Court's Data/Document Exchange.
- (e) Once training has successfully been completed, the Registered User will submit one username and password. The clerk of court will review the Registered User's registration and, upon the clerk of court's approval, the Registered User may file documents through the Louisiana Supreme Court's Data/Document Exchange.
- (f) The Registered User is responsible for all documents filed, and any fees or costs incurred in doing so, whether

or not the Registered User performs the physical act of filing such documents.

- (g) Registration as a Registered User constitutes consent to an electronically mailed notice of receipt of document(s) by the Louisiana Supreme Court.
- (h) Registration as a Registered User constitutes consent to pay Electronic Filing Costs as set by the Louisiana Supreme Court. See, Louisiana Supreme Court Rule XLII Appendix A, Schedule of Electronic Filing Costs.
- (i) The Louisiana Supreme Court reserves the right to revoke a Registered User's privileges with or without cause.

Section 4. Document Format.

- (a) An electronically filed document shall comply with Louisiana Supreme Court Rules governing conventional filings, including but not limited to page limitations, paper size, font type, margin width and font size. See, Louisiana Supreme Court Rules VII and X.
- (b) An electronically filed document must be in text-searchable PDF-A format. Appendix and/or exhibit materials may be scanned if necessary, but should maintain 300 dots per inch when scanned.
- (c) A Registered User may electronically upload multiple documents in a single electronic filing through the Louisiana Supreme Court's Data/Document Exchange. The Registered User will receive a single Filing Number

and Filing Confirmation for the electronically filed documents.

- (d) An electronically filed document may contain hyperlinks to another part of the same document, a motion and order electronically filed with the document or an appendix and/or exhibit electronically filed with the document. No other hyperlinks are permitted.
- (e) The size of any single electronic filing shall not exceed 175 megabytes.
- (f) A Registered User must refrain from including, or must partially redact where inclusion is necessary, any personal data identifiers from all documents electronically filed, including exhibits, unless otherwise ordered by the Louisiana Supreme Court.
- (g) An electronically filed document must not contain a virus, malware, encryption, public key infrastructure, password or any other type of rights management when uploaded.
- (h) The clerk of court may reject an electronically filed document for nonconformance with this Rule or any other Louisiana Supreme Court Rule.

Section 5. Signatures.

- (a) The Registered User's username and password constitute the Registered User's signature on an electronically filed document. The Registered User must also include the notation, "/s/", and the Registered User's name in the

space where the Registered User's signature would otherwise appear on the electronically filed document.

- (b) When a Registered User electronically files a document requiring multiple signatures, the Registered User will include a statement in the electronically filed document, following the Certificate of Service, setting forth the Registered User's authority to submit the electronically filed document on behalf of those appearers other than the Registered User.
- (c) Signature(s) on an electronically filed document shall have the same legal effect as any signature(s) on a conventionally filed document.

Section 6. Timeliness.

- (a) Documents may be electronically filed at any time and shall be deemed filed with the Louisiana Supreme Court at the date and time of the electronic filing. However, documents electronically filed after 5:00 P.M. Central Time will be processed by the clerk of court beginning at 9:00 A.M. Central Time on the next day of business.
- (b) Following the electronic filing of a document, the Louisiana Supreme Court's Data/Document Exchange will provide the Registered User with a Filing Number by electronic mail, documenting that the electronic filing has been received by the Louisiana Supreme Court's Data/Document Exchange.

- (c) Once processed by the clerk of court, the Louisiana Supreme Court's Data/Document Exchange will provide the Registered User, and those Registered Users designated by the electronically filing Registered User, with a Filing Confirmation by electronic mail, documenting the Filing Number previously assigned to the electronically filed document, the Docket Number of the case, the date and time of filing of the electronically filed document and whether the clerk of court has accepted or rejected the electronically filed document.
- (d) Once a document is electronically filed by the Registered User through the Louisiana Supreme Court's Data/Document Exchange, the Registered User is bound by the document as electronically filed.
- (e) An electronically filed document will be considered timely filed if electronic filing is completed at any time before 12:00 Midnight Central Time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute.
- (f) A Registered User whose electronic filing is untimely due to technical failure may seek relief from the Louisiana Supreme Court.

Section 7. Rejected Electronic Filings.

- (a) If an electronically filed document has been rejected by the clerk of court, the Registered User and those Registered Users designated by the electronically filing Registered User will receive notification of the rejection

in the Filing Confirmation together with a written reason as to why the electronically filed document was rejected.

- (b) If an electronically filed document has been rejected by the clerk of court, the Registered User will have seven (7) calendar days from the date of transmission by the clerk of court to the Registered User of the electronically mailed Filing Confirmation to re-file the document(s) either electronically or conventionally.
- (c) A properly re-filed document will retain the date and time of its original electronic filing.

Section 8. Electronic Filing of Documents Cost(s).

- (a) The Louisiana Supreme Court will charge for costs in connection with the electronic filing of documents. See, Louisiana Supreme Court Rule XLII Appendix A. Schedule of Electronic Filing Costs.
- (b) The electronic filing costs will be collected at the time the Registered User electronically files documents.

Section 9. Electronic Priority/Stay Requests.

- (a) A Registered User may electronically file a document seeking priority consideration of same and/or a request for stay of proceedings. However, the clerk of court or designee must be contacted by telephone prior to the electronic filing of such a document.
- (b) If a Registered User electronically files a document seeking priority consideration and/or a stay request, the

Registered User must indicate such request by attaching the Louisiana Supreme Court's Priority Filing Sheet when uploading the electronic document to the Louisiana Supreme Court's Data/Document Exchange.

Section 10. Electronic Sealed/Confidential Filings.

- (a) A motion to electronically file sealed documents and the documents to be sealed, documents previously sealed by lower court order and/or documents that are confidential by operation of law may be filed electronically.
- (b) If a Registered User electronically files a motion to electronically file sealed documents and the documents to be sealed, documents previously sealed by lower court order and/or documents that are confidential by operation of law, the Registered User must indicate such request when uploading the electronic document to the Louisiana Supreme Court's Data/Document Exchange.

Section 11. Electronic Notice.

- (a) The Louisiana Supreme Court's Data/Document Exchange will electronically mail a Filing Confirmation to the Registered User who initiated the electronic filing of a document, as well as any other Registered Users designated in the electronically filed document. This notice cannot be substituted for the legal duty to serve the electronic document on parties and/or lower courts as required by order, rule or statute. See, Section 2(e), supra.

Section 12. Electronic Filing Errors.

- (a) The Louisiana Supreme Court will not permit the Registered User to electronically alter and/or change any document.
- (b) If a Registered User discovers an error in an electronic filing, the Registered User should report the error to the clerk of court by telephone at (504) 310-2300 or by electronic mail at efiling@lasc.org.

RULE XLII APPENDICES

Appendix A. Schedule of Electronic Filing Costs

Electronic Costs for Writ Applications - \$100.00

Electronic Costs for all other Documents - \$ 50.00

Appendix B. Schedule of Electronic Filing Types

The following documents may be filed electronically by Registered Users through the Louisiana Supreme Court Document/Data Exchange:

1. Writ Application
2. Appendix/Exhibit
3. Opposition
4. Reply
5. Supplement
6. Motion
7. Brief
8. Rehearing

Appendix C. Terms and Conditions of the Louisiana Supreme Court Document/Data Exchange

By becoming a Registered User of the Louisiana Supreme Court Document/Data Exchange, you hereby certify that as a Registered User, you are and will continue to be in compliance with all applicable Louisiana Supreme Court Rules and the Louisiana Supreme Court Document/Data Exchange Policies and Procedures. This includes, but is not limited to, the following security requirements:

- (1) Username and password is to be kept secure and never be disclosed to any unauthorized user.

- (2) You will, as a Registered User, take responsibility for those persons having access to your username and password.
- (3) Antivirus software must be installed and set to run automatically on all computers used to access the Louisiana Supreme Court Document/Data Exchange.

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This rule shall become effective on August 1, 2012, and shall remain in full force and effect thereafter, until amended or changed through future Orders of the Court.

New Orleans, Louisiana, this _____ day of July, 2012.

FOR THE COURT:

Catherine D. Kimball, Chief Justice