

# File and Serve

## Guidelines for Rejecting E-Filed Documents

### REJECT E-FILED DOCUMENTS IF...

#### Case Initiation:

1. ...document is not venued in correct county.
2. ...the filing fee is not included with documents/proceedings that require a filing fee.
3. ...the complaint/petition document is not filed 1<sup>st</sup> to receipt filing fee. Up to 10 exhibit pages may be attached to the complaint/petition.
4. ...all party information, i.e., names of parties and addresses, including attorneys, are not entered.
5. ...a/k/a or d/b/a is not added as a separate party.
6. ...wrong case type.
7. ...all data entry to descriptions, party and attorney names are not entered in the proper case - cannot be all caps.

#### Event Codes/Service:

8. ...proposed event code and correct security code are not used (Proposed Order, Proposed Judgment, Proposed Findings, Proposed Statement of Costs)
  - a. Proposed Order - Proposed Security Level
  - b. Pre-Sentence Investigation (PSI) - External Sealed Security Level
9. ...incorrect Event code is used, for example:
  - a. When Service Document (SER) is filed in lieu of Service of Motion (SOM)
  - b. When Criminal Filings (CRF) is filed in lieu of Pre-trial Diversion (PDA)
  - c. When Civil Filings (CVF) is filed in lieu of Jury Instructions (INS)
  - d. When Civil Filings (CVF) is filed in lieu of Interrogatories (INT)
10. ...Service Document does not indicate who was served in the additional filing description.
11. ...Service of Motion is not used for all motions, and who was served is not indicated in the additional filing description.
  - a. John Doe and Jane Doe
12. ...proof of service documents are not filed as separate documents with complete case heading and case number.

#### Documents:

13. ...multiple documents are NOT filed separately (i.e. Complaint with attachments - doc. 1; Summons – doc. 2; Affidavit of Service – doc. 3; Affidavit of No Answer – doc. 4).
  - o E-filing may be accepted when each document is submitted individually; documents may not be combined.
  - o Exceptions –
    - Combined Motion documents may be accepted per N.D.R.Civ.P. 7(b); When a Motion and Notice of Motion are e-filed as one document, the document must be evented as a Motion (MOT) with 'and Notice of Motion' added in the additional description field in File and Serve.
    - Pleadings/Complaint may be accepted with certain attachments that are considered part of that pleading or complaint, and that are 10 pages or less (ex. copy of a bad check, copy of a credit card contract). If the attachment has a separate heading, it must be a separate filing.
14. ...Notice of Entry of Judgment does not identify the docket number and the date the judgment was signed. A copy of the judgment MAY be attached to the notice of entry of judgment (as one document). (N.D.R.Civ.P. 58)

15. ...document is not signed. Attorneys, probation officers, or court reporters/court recorders can either sign or use the /s/ symbol if it is followed up with a typed first and last name.
  - a. See attached North Dakota Information Technology Department (ITD) – Electronic Signature Guidelines  
<http://www.nd.gov/itd/standards/records-management/electronic-signature-guidelines>
16. ...document is not readable due to scanning issues on the attorney's end: color or poor quality makes it unreadable, document is not straight (use good judgment if slightly crooked), document misfed to half of it is on 1 page and the other half is included on the next page. Attorneys should be encouraged to scan documents in black and white, when color is not critical to the document – their scanner can be set to scan colored signatures in black and white.
17. Note: File and Serve will block filers from sending 20MB or larger documents. The filer will get a pop-up warning message when they are doing their filing initially that will advise 20MB or larger documents are not allowed. Clerks reviewing filings do not need to address file size issues.
18. ...multiple documents are submitted as one document
  - b. Motion and Order – the complete case hearing and file number must be on each document
  - c. Stipulation and Order
  - d. Brief and Exhibits
19. ...case number is not on the document. Do not reject a document because the leading zeroes are not included in the file number.
  - e. If law firms cannot include all the digits in the correct file number because their computer program does not allow it, do not reject the filing – there is nothing they can do about that.
  - f. Exhibits do not need a case number on the exhibit document when submitted with a brief or other related document. (Stand alone exhibits must have case number on document.)
20. ...the document description is not understandable when abbreviations, acronyms, or incorrect descriptions are used.
21. ...cover letter indicating documents is enclosed for filing.
22. ...letters requesting copies or request for the clerk to issue an execution.
23. ...documents signed by attorneys do not include all of the following: the attorney's individual name, address, telephone number, service e-mail address, and State Board of Law Examiners Bar identification number. (N.D.R.Ct. 3.1)
24. ...a Confidential Information Form is not filed when a redacted document is filed. (Don't reject if there is a redacted and original/unredacted version of the document. Let the attorney know about the Confidential Information form.)
25. ...any pages in the document are missing and not in proper number sequence.

Exhibits:

26. ...exhibits not filed separately
27. ...description of Exhibits is not listed in the additional filing description
  - g. An exhibit does not need to be labeled with a sticker when properly identified.

E-Filing - Supreme Court Web Page <http://www.ndcourts.gov/>:

Under Quick Search select E-Filing link to access File and Serve "Guidelines for Rejecting E-Filed Documents", "Guidelines for E-Filing" and other related File & Serve information.