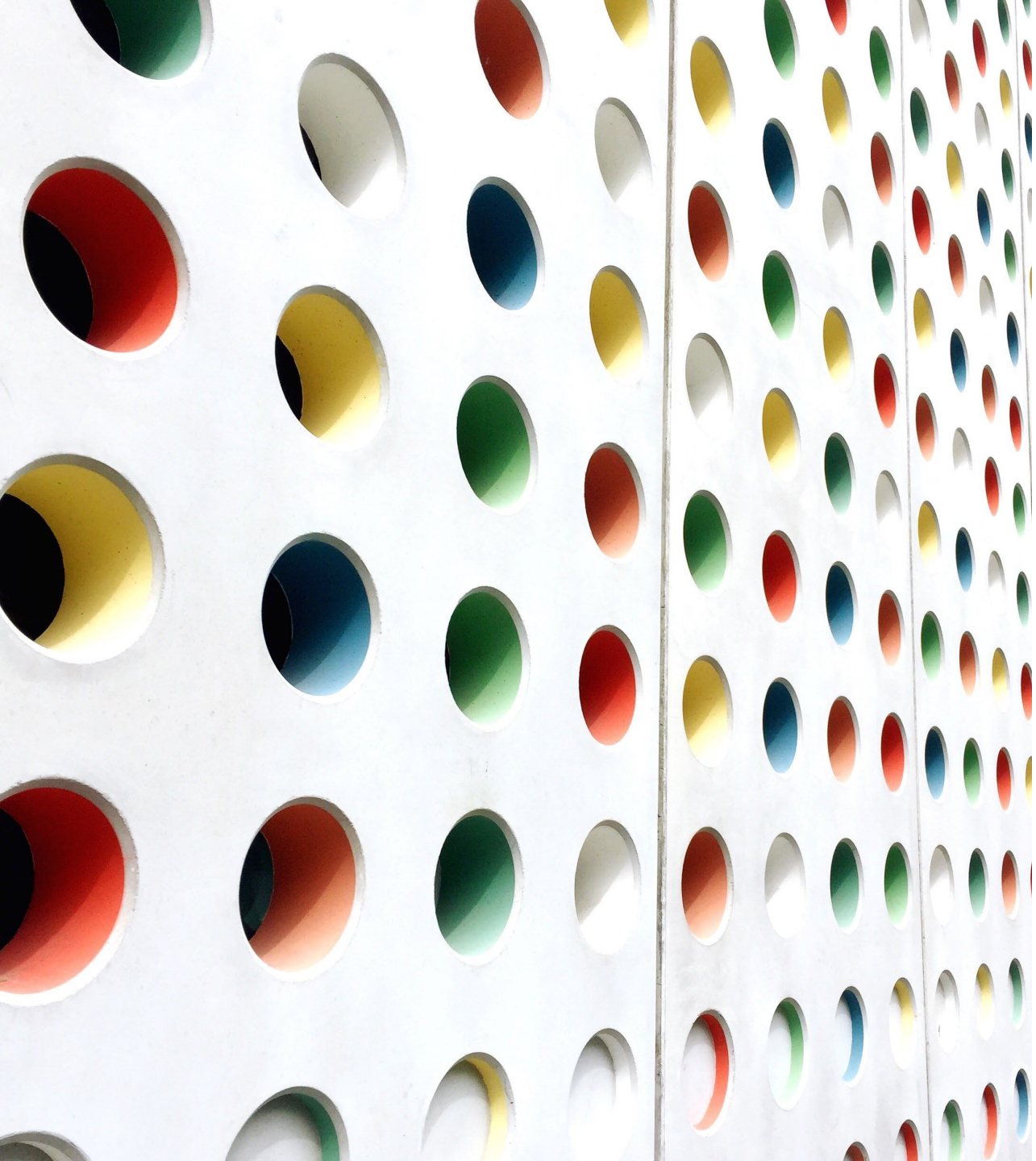


ELECTRONIC FILING- THE GOOD, THE BAD AND THE UGLY

JOHN O. POSTL

LORI J. FRANK

JEFFREY S. NICOLET

The Panel

Lori J. Frank
Markoff Law, PLLC
16155 W 12 Mile Road
Suite 6
Southfield, MI 48076
312-698-3312
Lori@markofflaw.com

John O. Postl
Postl Legal
21 Mayor Thomas J. McGrath Hwy
Suite 4040
Quincy, MA 02169
617-423-6400
John.postl@postllegal.com

Jeffrey S. Nicolet
Wagner, Falconer & Judd, Ltd
100 South Fifth Street
Suite 800
Minneapolis, MN 55402
612-339-1421
Jnicolet@wfjlaw.com

Benefits of electronic filing

Faster – don't need to mail documents to the court

Cheaper- no postage and copying charges

More time to file (11:59 P.M. instead of 4:59 P.M.)

Convenience- pay by credit card- no need for checks

Public has access to court documents

Drawbacks of electronic filing

Technical glitches- could affect statute of limitations

Clerks, practitioners and judges not computer savvy

Not all courts are online or different courts are using different systems in the same state

Courts on different systems can't "talk" to each other

Challenges in filing nonstandard document (e.g. legal size)

Minnesota & Wisconsin - the Good

Minnesota and Wisconsin Courts finally have a unified statewide electronic filing systems.

Minnesota: As of July 1, 2016, the use of eFile and eServe (eFS) System is mandatory for attorneys in all court cases filed in all 87 Minnesota counties.

Wisconsin: Also beginning July 1, 2016, the Wisconsin Supreme Court ordered the mandatory use of the electronic filing system for all Circuit Court cases. I expanded to the WI Court of Appeals and Supreme Court in 2020.

Both MN & WI have resources such as guides and video training for the use of the e-filing systems.

Minnesota & Wisconsin – the Good

Some benefits to both systems:

- Service of Motions and Discovery
- No paper
- Electronic Signatures
- Ability to adapt to remote practice when necessary - COVID
- Relatively quick (Courts are struggling in some counties due to COVID and staffing)

MN – Accessing and viewing existing case

Minnesota Public Access (MPA) Remote

Minnesota Public Access (MPA) Remote offers access to case information via the internet for certain court records in the Minnesota Court Information System (MNCIS). The information is limited as described in the MN Rules of Public Access to Records of the Judicial Branch.
Court documents cannot be viewed in MPA Remote.

Minnesota Court Records Online (MCRO)

MCRO will eventually replace MPA Remote as the online platform for public access to district court records. MPA Remote will continue to be fully accessible to the public until all three phases of the MCRO rollout are complete.

Currently, in Phase 2: A Case Search tab allows users to search for cases by person name, business name, attorney name, case number, citation number, or attorney bar number. Case Search provides access to a Register of Actions (case details) for each case, as well as public documents filed in each case. The Document Search tab continues to be available, where users can search by case number to find documents in cases that are available online. While there is no charge for documents at this time, when MCRO is fully implemented, there will be a charge per document.

WI – Accessing and viewing existing case

Wisconsin Ciricuit Court Access

The WCCA webiste provides access to certain public records of the Wisconsin circuit courts. The information displayed is an exact copy of the case information entered into the circuit court case management system by court staff in the counties where the case files are located. The court record summaries viewed here are all public records under Wisconsin open records law.

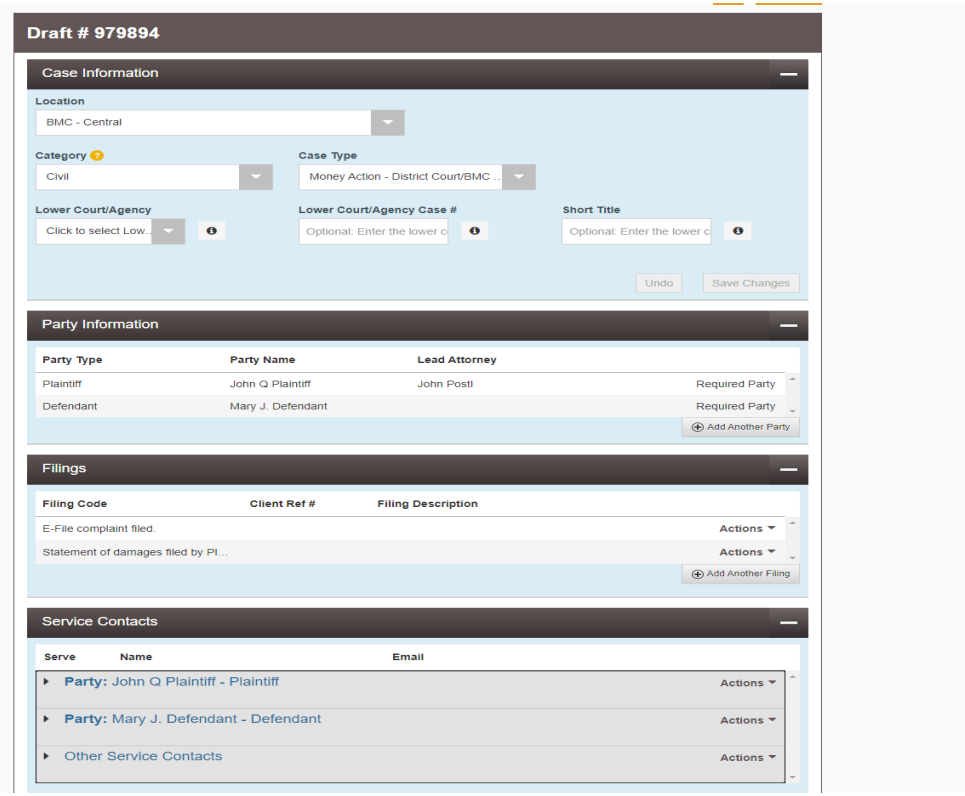
The data available on the WCCA website is limited:

Each county began using the circuit court case management system at different times and made independent decisions about the conversion or backloading of old cases. Converted cases may display less information.

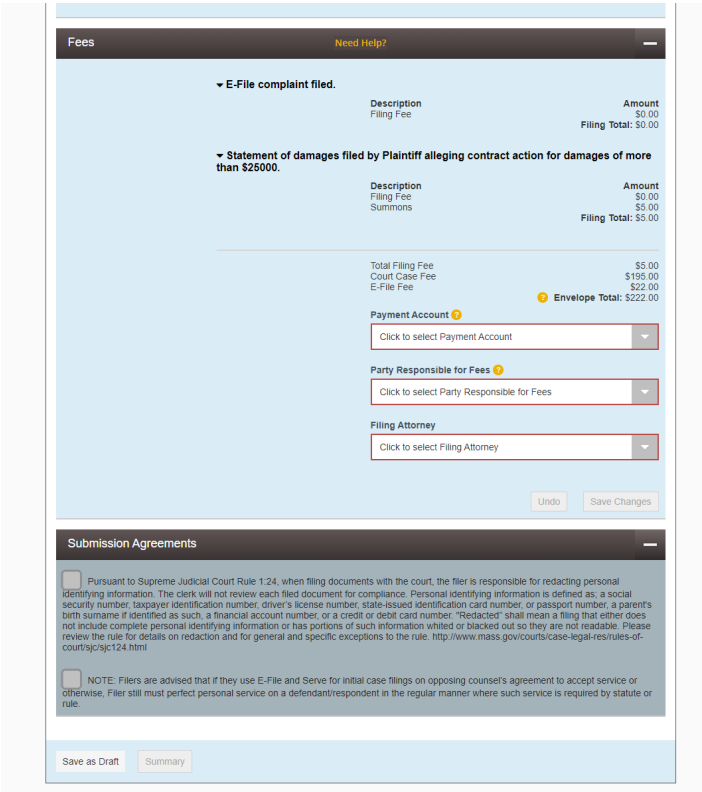
The official judgment and lien docket is located in the office of the clerk of circuit court for each county. Although WCCA is not the official judgment and lien docket, it does accurately reflect the information entered into the circuit court case management system for that purpose.

Michigan- the Bad

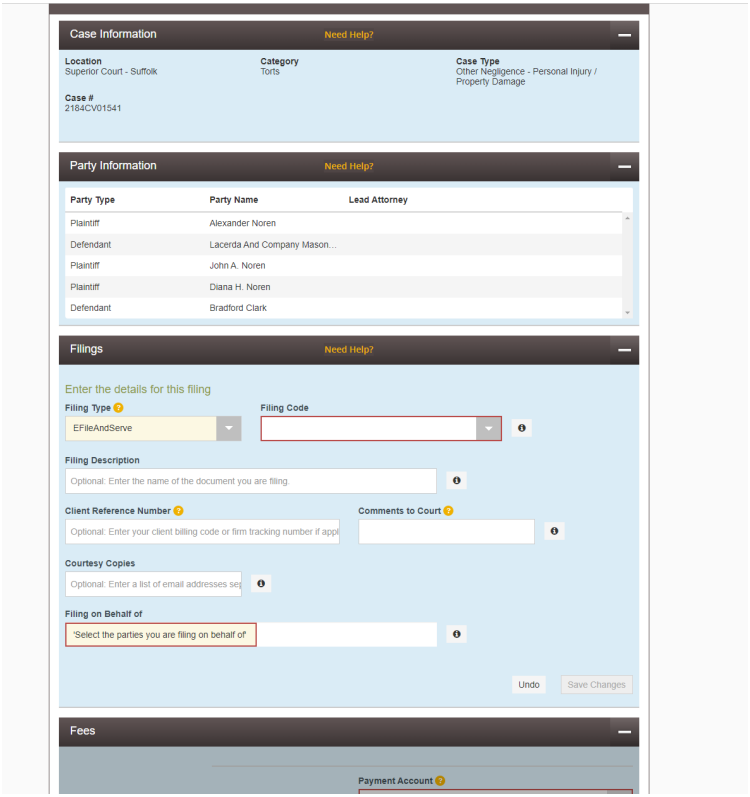
Massachusetts- the Ugly



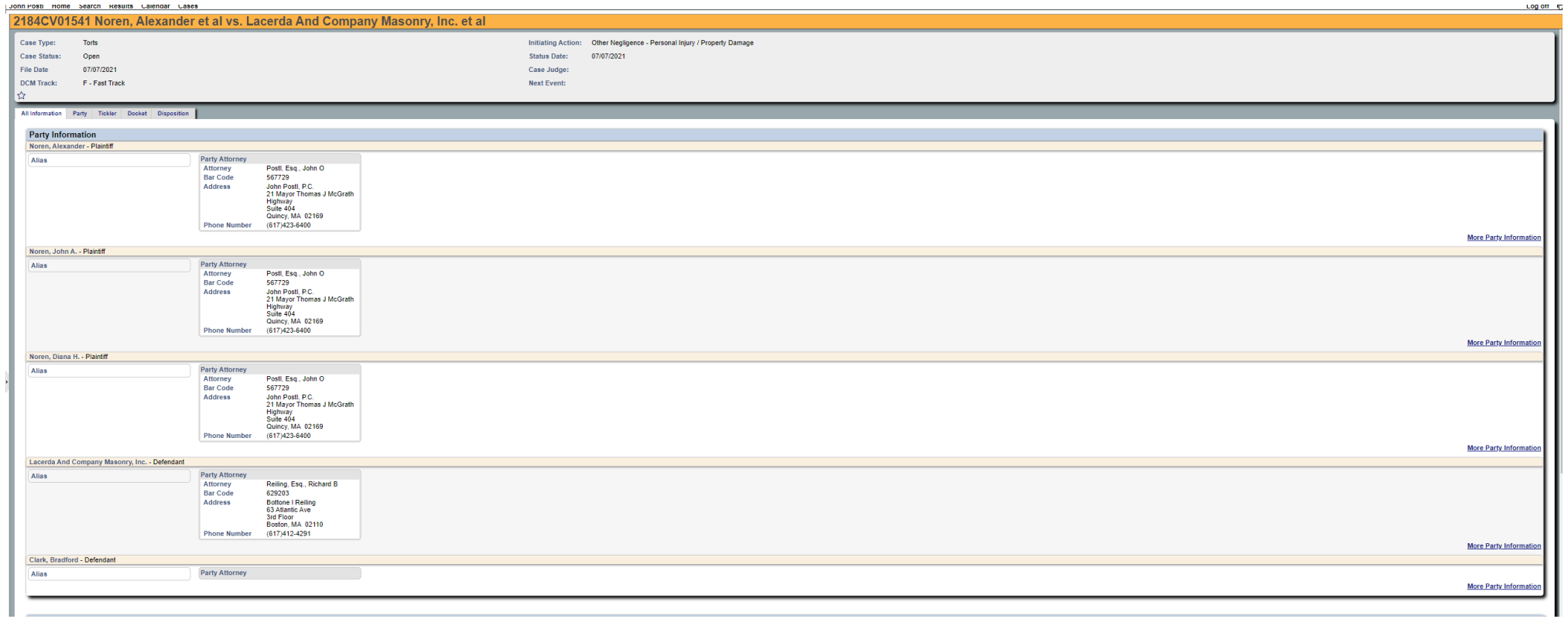
Filing a new case



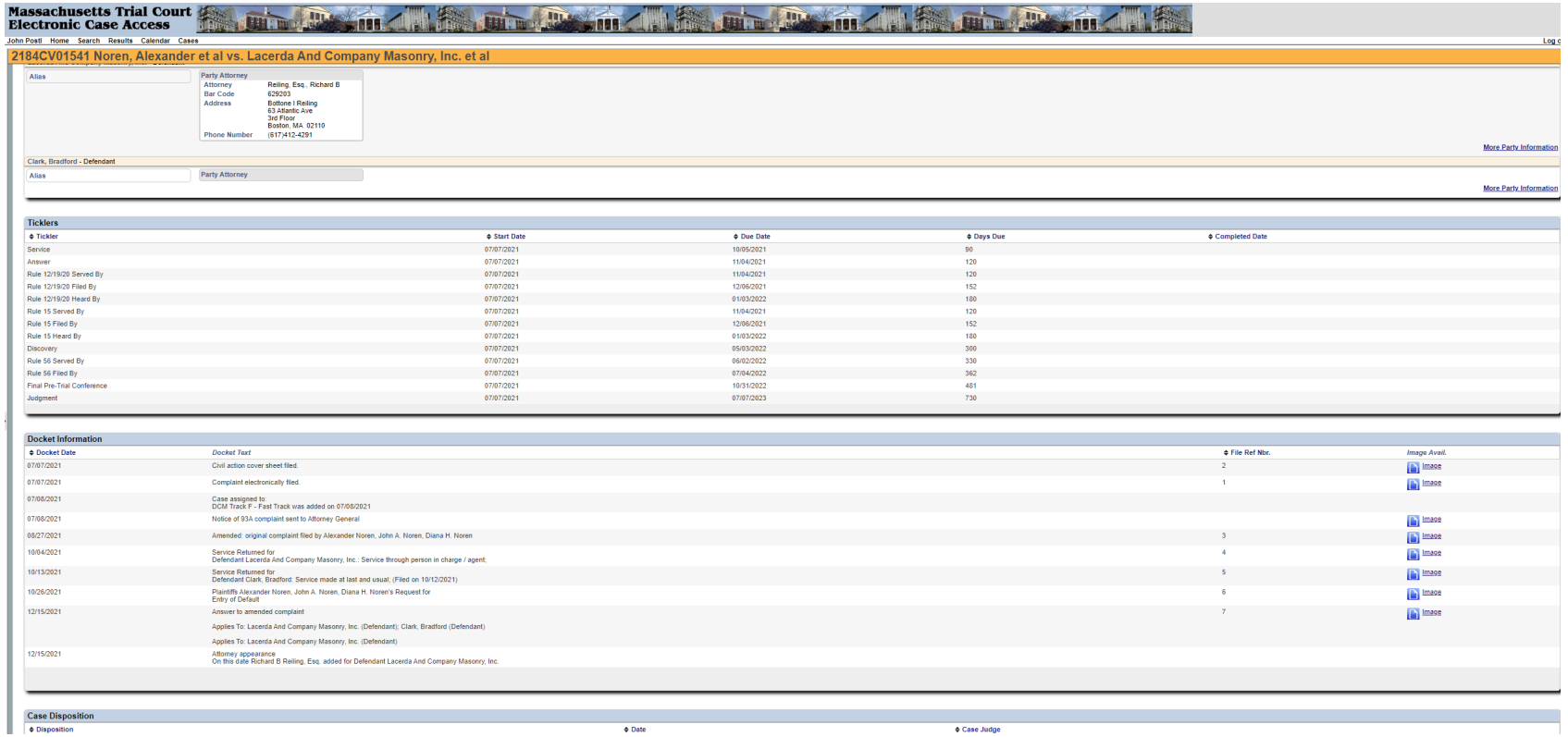
Filing into existing case



Accessing existing court case



Viewing court documents online



Massachusetts Trial Court
Electronic Case Access

John Postl Home Search Results Calendar Cases Log o

2184CV01541 Noren, Alexander et al vs. Lacerda And Company Masonry, Inc. et al

Alias

Party Attorney
Attorney Reiling, Esq., Richard B
Bar Code 629203
Address Bottone I Reiling
63 Atlantic Ave
3rd Floor
Boston, MA 02110
Phone Number (617)412-4291

More Party Information

Clark, Bradford - Defendant

Alias

Party Attorney

More Party Information

Ticklers

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	07/07/2021	10/05/2021	90	
Answer	07/07/2021	11/04/2021	120	
Rule 12/19/20 Served By	07/07/2021	11/04/2021	120	
Rule 12/19/20 Filed By	07/07/2021	12/06/2021	152	
Rule 12/19/20 Heard By	07/07/2021	01/03/2022	180	
Rule 15 Served By	07/07/2021	11/04/2021	120	
Rule 15 Filed By	07/07/2021	12/06/2021	152	
Rule 15 Heard By	07/07/2021	01/03/2022	180	
Discovery	07/07/2021	05/03/2022	300	
Rule 56 Served By	07/07/2021	06/02/2022	330	
Rule 56 Filed By	07/07/2021	07/04/2022	362	
Final Pre-Trial Conference	07/07/2021	10/31/2022	481	
Judgment	07/07/2021	07/07/2023	730	

Docket Information

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
07/07/2021	Civil action cover sheet filed.	2	Image
07/07/2021	Complaint electronically filed.	1	Image
07/08/2021	Case assigned to: DCM Track F - Fast Track was added on 07/08/2021		
07/08/2021	Notice of 93A complaint sent to Attorney General		Image
08/27/2021	Amended: original complaint filed by Alexander Noren, John A. Noren, Diana H. Noren	3	Image
10/04/2021	Service Returned for Defendant Lacerda And Company Masonry, Inc.: Service through person in charge / agent;	4	Image
10/13/2021	Service Returned for Defendant Clark, Bradford: Service made at last and usual; (Filed on 10/12/2021)	5	Image
10/26/2021	Plaintiffs Alexander Noren, John A. Noren, Diana H. Noren's Request for Entry of Default	6	Image
12/15/2021	Answer to amended complaint Applies To: Lacerda And Company Masonry, Inc. (Defendant); Clark, Bradford (Defendant) Applies To: Lacerda And Company Masonry, Inc. (Defendant)	7	Image
12/15/2021	Attorney appearance On this date Richard B Reiling, Esq. added for Defendant Lacerda And Company Masonry, Inc.		

Case Disposition

Disposition	Date	Case Judge

Other issues with electronic filing

Recovery of e-filing “convenience fees”

Redaction of documents to be filed online

General IT security procedures

Use of e-file by staff/ non-lawyers

Uploading of large documents/ exhibits

Handing of original documents (summonses, writs, promissory notes)

Questions?