



Attorneys: Frequently Asked Questions about E-filing

Case Access

What if you need an old file or case?

When you are e-filing, you should be able to search for all cases, open or closed, to submit a new filing. In the unlikely event you search for a case and are unable to find it, you will need to contact the court. Not all previously filed documents will be available at first, but the courts will be doing back-scanning of documents as quickly as possible.

What portals will I have access to?

There are four portals:

1. Case Search – public
2. Secure Case Search - nonpublic information; justice partners only
3. Public Portal Access – replaces current paper files
4. Secure Portal – available to registered e-filers; attorneys or electronic parties in a case, who will be given full access, including remote access, to all case records in that action

In addition, filers can always see the documents they submit to the court through the Maryland Odyssey File and Serve site from their workplace.

Will we have access to closed cases remotely?

All existing records will be converted. However, the documents may not be scanned in on the first day. We will be working as quickly as possible to scan in all previously filed cases. If you have a particular case that you need, you can contact the court to get this case made available for you.

Will Case Search still be available?

Yes.

E-service

Is there confirmation that service has been made?

Yes, when you click on “View Filing Details,” this will be your filing receipt. This receipt will show the service contact who received the electronic notice. If the party has opened the email, you will also see all the information regarding when it was opened.

Will the system automatically send pleadings to the other council?

You have several different types of filing options:

1. E-file only: this means that you are only filing the document.
2. E-file and serve: this means you are filing the pleading with the court as well as serving it to the parties designated on the case for service.
3. Service only: this allows you to serve without presenting anything to the court.

Filing Information

I am an attorney: May I authorize someone else to act as my agent for purposes of e-filing?

Yes, you may authorize a paralegal or other member of your staff to file a document with “File and Serve” on your behalf. This authorized user will register as a “User with an Existing Firm” to file and serve submissions electronically.

How long after e-filing does electronic service take place?

Service will take place when a submission is received by MDEC, i.e., at the time of filing.

What if another attorney in my firm takes over a case in which I am listed in MDEC as the attorney of record?

The firm administrator can edit the attorney’s contact information to send any correspondence to the other attorney designated to take over the case. The other attorney, of course, must have filed, or will need to file, a line of appearance with the court and promptly register with “File and Serve” through the firm administrator.

Will the initial filing still be in paper?

No, the initial filing will be electronic. The initial service will be in paper.

Will the courts still be able to reject filings?

Yes, the courts will be able to reject filings if there is no signature, no certificate of service, or no certificate of redaction.

Will we get emails about our filing being rejected?

Yes, you have the ability to choose from a selection of email notification types based on the various statuses of your filings. These notifications can be controlled through each user’s “My Account” area under the “Manage Notifications” tab. By selecting and deselecting the available options, each registered user determines which email notification types he or she would like to receive based on the submitted filings.

Can anyone file using a waiver account?

No, waiver accounts are used by government agencies, legal aid, social services, public defenders, pro bono, etc. All requests for waivers will be reviewed by a clerk before filing is accepted.

Will foreign liens be electronic?

Yes.

What document types are available to be filed?

All documents are required to be filed in PDF format. Most word processing systems have PDF converters in them now; however, there are many free online tools that can help you create a PDF document if you are unable to do so through your word processing software.

Can you file more than one document in a filing?

Yes. The e-filing system has an envelope concept, which means you may file as many documents as you need to for the same case at the same time.

Are information sheets still required?

Yes, there is important information on the information sheet that is needed by the clerk to complete the case.

What is a filing code?

The filing code is an explanation of what you are trying to file, such as motions, orders, petitions, etc., for example.

What is the timeline estimate to review pleadings?

Remember, this is a pilot and the clerks are learning a new system at the same time as you. Initially, the filings may take a little longer for the clerk to review, but hopefully we will get to a point that they are being reviewed in two days or less.

What size documents can be uploaded?

The system allows documents that are 25MB or smaller to be uploaded. If you have a document that is larger than that, you will want to break it up into multiple volumes. Typically, documents that are 300 pages or less will meet the file size requirements, however many factors can affect the file size.

What types of filings are included in the mandate?

All non-criminal filings by attorneys will be included in the mandate with the exception of Failure to Pay cases.

When do you expect Failure to Pay cases to be included?

We are still working on the details for this and do not have a date at this time.

Can you have multiple firm administrators?

Yes, the system allows for multiple firm administrators and we encourage that process to help with personnel availability.

How do you accept scanned motions?

You will save the scanned document to a computer and upload it just as you would upload a prepared pleading.

What procedure will be used for emergency filing?

Such procedures will be handled on a case-by-case basis by the clerk's office.

On a subsequent filing, do you use part of the case number or the full case number?

When you are searching for the case to file into, you will want to use the entire case number. Once you have filed in a case, it will then be located on your workspace and much easier to locate.

When you scan in a complaint, do you scan in all attachments separately?

Yes, each exhibit should be scanned separately and entered into the system by the type of document.

What is the cut off time for time stamp?

Anything submitted prior to 11:59 p.m. will be considered filed that day.

General**Where are files stored?**

Files are stored in the e-filing system for a short time, generally 30 to 90 days. The files are also stored in MDEC based on court configurations/policies. Once in MDEC, those documents would be stored on the court's servers.

Is filing with MDEC considered filing with the clerk?

Yes, MDEC is Maryland Electronic Courts, the complete system, which includes e-filing, case management, and document management. So when you file electronically into MDEC -- e-filing -- that is the same as going to the clerk and filing the paper copy.

Is this the same vendor that is being used in Prince George's County and Baltimore City for e-filing?

No, Prince George's County and Baltimore City have e-filing for landlord tenant and asbestos cases through another vendor. However, with the open model, that vendor may decide to participate and offer e-filing once they are certified by the Judiciary.

Can you file using an Apple computer?

Yes. The state-provided application, Odyssey File and Serve, is a Web-based application, but it does require a Microsoft Silverlight plug-in to be installed on your computer. The current version of the application will work on PC's or Mac's but is not compatible with iOS mobile devices.

How is this going to affect expedited cases that can be handed to the clerk to be given directly to the judge?

You will still want to file these electronically, but you can do courtesy paper filings to the court and judges as you currently do.

What about exhibits offered during trial?

Exhibits or documents that are submitted during open court should be submitted in paper. The clerks will have scanners in the courtroom that they will be able to scan the document in at that point or as when feasible.

When will the statewide MDEC project be completed?

The entire MDEC rollout is expected to be completed by 2018.

Is this system similar to other states?

Yes, this system is currently being used in Texas, North Dakota, South Dakota, Minnesota, Rhode Island, California, New Mexico, Oregon, and a few others.

What is the cost of copies?

You are able to print copies of the items you have filed or have been served to you via the e-filing site free of charge.

When is the system available?

The system is designed to be available 24/7, however downtime will be necessary to make system changes. Planned outages will be announced prior to bringing the system down. In the unlikely event the system has an unplanned downtime, the rules allow for extended deadlines to the next business day.

How do pro se litigants use it?

The e-filing mandate is only for attorneys; however, a self-represented (pro se) litigant or filer is able to use the system if they choose to do so.

Will electronic devices be allowed in the courtroom?

It is being considered.

Payment/Fees

Can you pay filing fees by electronic check?

Currently, the state application does not support electronic checks; however, we are looking to expand to that in the near future. Additionally, we are planning an open model to allow attorneys to use other e-filing service providers (EFSP). We are not sure of the features of the other EFSPs.

What if I represent a client who isn't required to pay fees?

You have the ability to use a "waiver" option. When a waiver is used, that means that you are not paying the fees for filing. The clerks have the ability to reject your filing if you select to pay by waiver for a case that does require payment.

Do you have to pay e-filing costs as well as court costs?

At this time, through the state portal, you will not have any e-filing use fees. However, there is a convenience fee, based on the filing fee amount, which will be charged to cover the fee charged by the credit card company. We are planning to offer an open model for e-filing, which means you are allowed to use the state provided free portal or use an e-filing service provider (EFSP). The EFSPs will likely have additional charges for additional services they are offering the attorneys.

Does the credit card transaction go through upon e-filing submission?

No, the e-filing system will pre-authorize the card to confirm it has funds for the proposed transactions, but the card will not be debited until the filing is accepted by the court. In the event the transaction is rejected, the card will not be debited.

Do you accept bulk prepayment of fees instead of paying for each filing?

Currently we are only accepting credit card payments at the time of filing. More payment options will be coming in the future. Also, we are planning to do an open model allowing other e-filing service providers (EFSP) to participate and these EFSP's may offer other payment methods.

Are we going to be charged to view or print e-served documents?

No, you will be able to open and print anything that is served to you free of charge. However, the documents are only available for a defined period of time. If you intend to print or use the document ongoing, you should open the document from the service and save it locally to your computer.

Are the rules going to be changed to allow us to use a debit card from our escrow accounts?

At this time there is no plan to change this rule.

What types of credit cards will be accepted?

Visa, MasterCard, Discover, and American Express.

Registration

When can we start the registration process?

The start date to register to e-file was September 15, 2014.

Do passwords expire?

Passwords will not expire on the state portal; however, passwords may expire on other e-filing service providers (EFSPs).

Is a new ID required when an attorney switches firms?

Yes, the ID is your email address. When you switch to a different firm, you will want to use the email address at that firm and register in the firm account to keep your cases as part of the new firm account.

Are out-of-state attorneys required to e-file?

Yes, out-of-state attorneys will need to work with JIS to get a number equivalent to the Client Protection Fund Number. Once they have this number, they will be able to file whenever necessary.

Do office assistants who do filings need to be registered in the system?

Yes, the system allows for office staff to be registered and to file on behalf of the attorneys they work for.

Rules

What about pro se litigant / self-representing litigants (SRLs) who might not have credit cards?

The mandate only requires attorneys to e-file. Pro se litigants (self-represented litigants, SRLs) can still come to the courthouse and file as they would normally do. If SRLs decide they would like to e-file, they do have that option.

What about things like original birth certificates, etc.?

The rule states that the electronic record is the official record, and it is the responsibility of the filer to maintain the original documents and present them to the court on request.

When do we start e-filing?

E-filing for civil, family, and juvenile matters begins in Anne Arundel County on October 14, 2014.

Can mediators e-file?

Yes, justice partners are able to e-file information as well, but are not mandated to do so.

What happens if e-filing is down?

The rules allow for this, if the system is down, you are allowed to file in paper. You will also be given an additional day to cover those situations where you tried to file after hours and the system wasn't available.

What about cases appealed to the Court of Appeals?

The Court of Special Appeals and the Court of Appeals will both be moving to the MDEC system. We know we will continue to live in two worlds for some time until the statewide rollout is complete. The appellate courts will have electronic access to the lower case files. Some case files may still be sent in paper to the appellate courts if it is too large and does not make sense to back-scan.

What about the three-day mailing deadline?

This deadline has not changed.

Security

Will the system allow for the filing of confidential documents?

Yes, they can be flagged as confidential and they will not be available to the public.

What is the system timeout?

The default configure is 240 minutes/4 hours if you are logged in but not using the site.

How will we safeguard and provide security measures for the system?

The e-filing system adheres to state and federal security regulations and meets payment card industry security standards to protect filer and transaction information.

How is the confidentiality of juvenile cases being protected?

When you file cases in e-filing, you have the ability to mark documents as confidential. All case types that should be secured will be marked secured in the clerk's MDEC version.

Locked versus unlocked, what does that mean?

Locked means it is locked from view of the public. This is just a way to illustrate that a document is confidential.

Will the security level allow for Skype use?

A master who is Skyping with social services and a juvenile is outside of the MDEC system.

Support

When is a help desk going to be staffed and what are the hours?

Our vendor will be providing help desk support for the e-filing application. They are more experienced and should be able to provide more consistent help. They are available from 8 a.m.-10 p.m. EST. They can answer application specific questions. If you have questions regarding something that is considered a court process, you will need to contact the court during normal court hours.

Can we email future questions?

Yes: efilinginfo@mdcourts.gov or mdec@mdcourts.gov

Learn more

www.mdcourts.gov/mdec/efiling.html or email efilinginfo@mdcourts.gov