

**NOTICE AS REQUIRED BY RULE 20-106(d)(5) REGARDING PROCESSING PAPER SUBMISSIONS AND
DESTRUCTION OF PAPER SUBMISSIONS AFTER SCANNING**

Rule 20-106(d)(5) provides that the State Court Administrator must notify the public regarding destruction of paper filings that have been scanned into the MDEC system. This notice is to notify the public of the requirements for receiving and processing paper submissions, the destruction of paper submissions and the procedures for handling paper submissions when there is a duty of the filer to maintain the original.

1. **Procedure for the Receipt of Paper Submissions:** If a paper submission is permitted to be filed other than in open court, the clerk will review the submission.
 - a. The review will include a determination that:
 - i. the submission is properly signed (Rule 20-201(d)),
 - ii. includes a certificate of service in accordance for those persons entitled to service (Rule 20-201(e)),
 - iii. contains a certificate by the filer that the submission does not contain any restricted information or, if it does contain such information, that a redacted submission has been filed contemporaneously (Rule 20-201(f)), and
 - iv. the submission is accompanied by the appropriate fee. (Rule 20-201(i)).
 - b. If the submission is in compliance, the clerk will scan it into the MDEC system, verify that the electronic version is legible, and docket the submission. (Rule 20-106(d)(2)(A)).
 - c. If the submission is not in compliance, the clerk will decline to scan it and promptly notify the filer that the submission was rejected and the reason for the rejection. (Rule 20-106(d)(2)(A)).
 - d. If a submission is in paper form and it is required to be filed electronically, the clerk may not scan the submission and will notify the filer that the submission was rejected. (Rule 20-106(d)(2)).

2. **Destruction of Paper Submissions:** Subject to the provisions of Rule 20-106(d)(4)¹ and (e)(2)², the clerk may destroy a paper submission after scanning and verifying the legibility of the electronic version. The clerks are strongly encouraged to destroy paper submissions in this category as soon as practicable.

3. **Paper Submissions Where There is a Duty to Retain the Document in its Original Form:** If the filer has a duty to retain a paper submission in its original form under Rule 20-302³, a copy should be filed and the original document should be retained by the filer as required by law. The clerk may destroy the copy of such document as described in paragraph 2, above. If it is necessary to file the original document, the filer should identify the document and notify the clerk in writing at the time of filing that the original should not be destroyed. Unless the county

¹ The State Court Administrator may approve procedures for the identification and return of documents that must be preserved in their original form.

² Documents that must be preserved in their original form (20-106(d)(4)); Exhibits and other documents offered in open court that must be returned (20-106(e)(2)).

³ Affidavits or other submissions required to be under oath, original wills and codicils, property instruments that have been or are subject to being recorded, and original public records that contain an official seal.

or district administrative judge orders a longer time, the documents will be available for retrieval no earlier than 30 days from the date of filing and shall be retrieved by the filer within 60 days after the date of filing. Any documents that are not retrieved within this time will be destroyed.

4. **Exhibits and Other Documents Filed in Open Court:** When possible, the clerk will scan exhibits and other documents received in open court into the MDEC system. Such documents shall be returned to the party who offered the document at the conclusion of the proceeding, unless the court orders otherwise. If immediate scanning is not feasible, the clerk will notify the person who offered the document when and where the document may be retrieved and provide a date, on or after which, the document may be destroyed if not retrieved. Absent such notice, the documents will be available for retrieval no earlier than 30 days after the date of filing and may be retrieved by the filer within 60 days after the date of filing. Any documents that are not retrieved will be destroyed. (Rule 20-106(e)).
5. **Documents Converted to Electronic Form Prior to the Implementation Date:** The procedures described in this notice will apply to documents converted to electronic form prior to the implementation date of this notice. However, such documents will not be destroyed until the clerk determines that such documents are of the type that may be destroyed and verifies that the electronic version is legible and accurate. The clerk will consult with the county or district administrative judge to determine whether destruction is appropriate. Otherwise, the paper documents filed prior to the implementation date will be kept and disposed of in accordance with the applicable paper retention schedules.