

# MDEC Policies & Procedures



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#### **Introduction to this Manual**

#### What is MDEC?

MDEC stands for Maryland Electronic Courts. MDEC's goal is to create a judiciary-wide integrated case management system that will enable courts at all levels to collect, store, process, and access records electronically. Registered attorneys and parties may file and access records electronically. The system produces paper-on-demand.

## **MDEC** has Three Component Parts

#### 1. Odyssey File & Serve

Operated by Tyler Technologies, it's the filing interface between the registered users and Odyssey.

#### 2. Odyssey

The judiciary's case management system.

#### 3. Maryland Judiciary Record Search Portal

Allows attorneys of record and parties to have full access – where not restricted by law or court order – to cases in which they are involved. This includes document access.

The Maryland Judiciary Record Search Portal can be found here: https://mdecportal.courts.state.md.us/MDODYSSEYPORTAL

For additional information regarding the portal, see <a href="https://www.mdcourts.gov/mdec/efilingatty">https://www.mdcourts.gov/mdec/efilingatty</a>

## **MDEC Functionality and Benefits**

- 1. **Convenience of 24/7 access**. Registered users can send documents to and obtain information from the court from anywhere at any time.<sup>1</sup>
- 2. **Increased efficiency** in the areas of case initiation and indexing, docketing and recordkeeping, document generation and processing, in-court docketing, disposition, monitoring compliance, and case closing.
- 3. **An Alternative Dispute Resolution (ADR) component** to monitor resolution efforts occurring outside of the court.
- 4. **A bond tracking component** for tracking bonds posted statewide.
- 5. **A scheduling component** for setting, maintaining, and displaying information about court-scheduled events, and for calendar maintenance.
- 6. **Information exchanges** with the Judiciary's justice partners.

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<sup>&</sup>lt;sup>1</sup> Access to MDEC is governed by the provisions of Rule 20-109 and, for the general public, Title 16 Chapter 900.

## **Purpose of This Manual**

This manual describes the requirements, protocols, and procedures for using MDEC as set forth in <u>Title 20</u> (Electronic Filing and Case Management) of the Maryland Rules. It is intended as a supplement and a guide to these Rules. It is published under the authority granted to the State Court Administrator by Maryland <u>Rule 20-103(b)(1)</u>.

**Title 20 governs all MDEC actions.** MDEC users must be familiar with the Rules contained in Title 20. If you encounter an issue that you can't resolve by a careful reading of the Title 20 Rules or this Manual, you may:

- Consult the MDEC Frequently Asked Questions segment on the Judiciary Website.
- Send your question to the Judiciary's IT Service Desk at <a href="mailto:mdcourts@service-now.com">mdcourts@service-now.com</a>.

**Compliance with Title 20 is mandatory** for MDEC users. Failure to comply can have serious consequences. Rule 20-203(a)(2) requires the clerk to review a submission prior to docketing.

If your submission materially violates a provision of the Rules in Title 20 or an applicable published policy or procedure established by the State Court Administrator, the clerk may issue a Deficiency Notice under Rule 20-203(d). If your submission fails to comply with the requirements of Rule 20-107(a)(1) or Rule 20-201(g), the clerk must strike the submission and notify the filer and all other parties of the striking and the reason for it. See Rule 20-203(c). For information regarding deficient or stricken filings, please visit <a href="https://www.mdcourts.gov/sites/default/files/import/mdec/pdfs/qrgmdecfileandserveofsenvel">https://www.mdcourts.gov/sites/default/files/import/mdec/pdfs/qrgmdecfileandserveofsenvel</a> opestatusforattorneys.pdf.

A submission containing a confidential document will be rejected if the submission fails to comply with <u>Rule 20-201.1</u>. For more information on filing restricted information, please visit <u>https://www.mdcourts.gov/courthelp/restrictedinfoform</u>.

Filings will be rejected if a submission does not relate to the case in which it was filed under Rule 20-203(a)(2). See File & Serve (OFS) Envelope Status for Filers.

## Registration—Rule 20-104

## **Registered Users Generally**

- 1. To electronically file a submission, a filer must be a registered user. Only a person may become a registered user. Corporations and other business entities may not be registered users.
- 2. There are two basic types of registered users:
  - a. Individual user—an individual user is a non-attorney who only files for himself or herself and not on behalf of another person or entity.
  - b. Firm user—a firm user includes:
    - i. All attorneys, whether or not they are associated with a firm;
    - ii. Persons authorized by an attorney to file on behalf of the attorney;
    - iii. Persons authorized by law to file on behalf of another person or entity.

All firm users must register with at least one firm administrator (See <u>firm administrator</u> registration).

- 3. There is no charge for registration.
- 4. When filing electronically in an official capacity, judicial personnel<sup>2</sup> need not be registered users. When filing electronically in an individual capacity, however, judicial personnel must register with a private email address.
- 5. To be a registered user, a person must:
  - a. Maintain a current email address for electronic notice and service.
  - b. Meet certain minimum equipment requirements.
  - c. Complete an on-line application in the form prescribed by the State Court Administrator and comply with the submission procedure prescribed by the State Court Administrator.
  - d. Maintain a valid payment account for electronic filing fees.
- 6. By registering, an individual agrees to comply with Title 20 of the Maryland Rules and the MDEC policies and procedures in this manual.
- 7. A person who is a registered user on behalf of a firm, public agency, or other entity may need to register individually for other purposes. See <a href="Md. Rule 20-104">Md. Rule 20-104</a>(e) and Committee Note.
- 8. If a user's registration is suspended or revoked and the State Court Administrator does not authorize the suspended or revoked user to re-register, the user must file in paper.
- 9. A registered user may file a submission in MDEC only for that registered user, or, if the registered user is an attorney (paralegal, assistant, or other staff member in the attorney's office), for the attorney's client(s). A registered user may not file a submission in MDEC for any other person or entity.

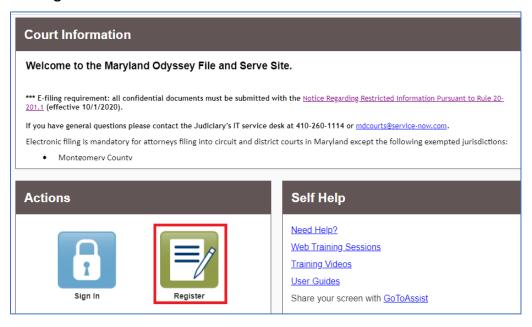
**EXCEPTION**: If a person or entity has been certified by both JIS and Tyler Technologies as a "Vendor Electronic Filing Service Provider (VEFSP)", the VEFSP may file on behalf of another person or entity. For more information regarding certification requirements, please visit <a href="https://mdcourts.gov/mdec/efilingproviders">https://mdcourts.gov/mdec/efilingproviders</a>.

<sup>&</sup>lt;sup>2</sup> Judges, judicial appointees, court clerks and judicial personnel, as defined in Rule 20-101.

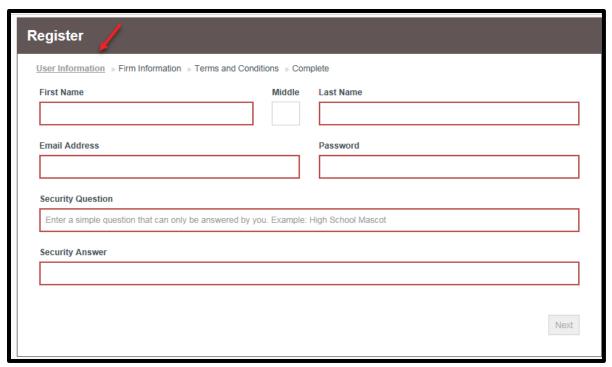
## **Individual User Registration**

Individual user registration is for any individual, other than an attorney, who wishes to file electronically. An individual other than an attorney, who is registered with a firm, but wishes to file electronically for other purposes, must register as an individual user.

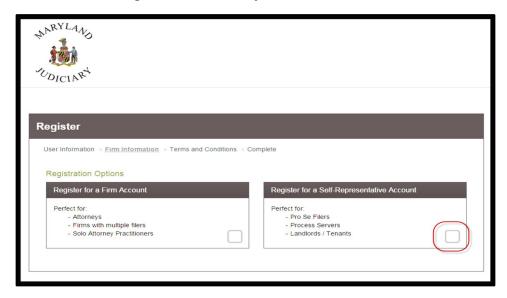
- 1. Go to <a href="https://maryland.tylertech.cloud/ofsweb">https://maryland.tylertech.cloud/ofsweb</a>. The File & Serve home page will appear.
- 2. Click the Register link.



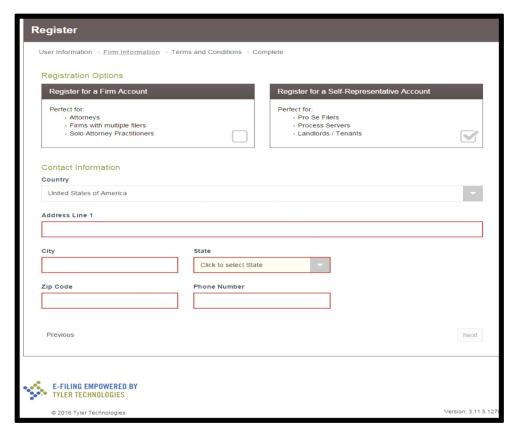
3. Complete the **User Information** screen. Click **Next** to continue registration.



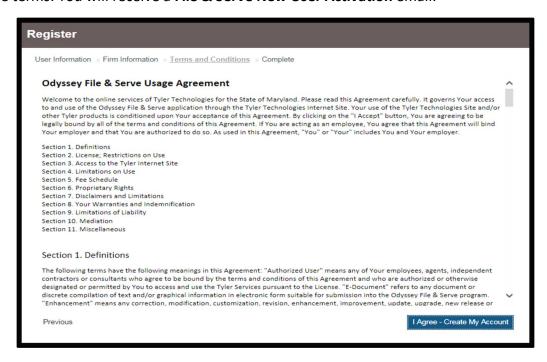
4. Select the check box to register for a **Self-Representative Account.** 



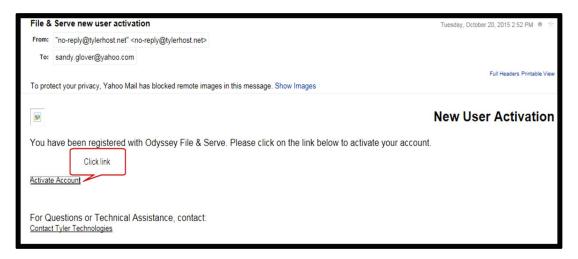
5. Complete the Firm Information screen. Click Next.



6. Read the Terms and Conditions. Click I Agree - Create My Account to accept and agree to the terms. You will receive a File & Serve New User Activation email.



7. Click on the Activate Account link in the email.



8. Your registration as an Individual User is now complete.

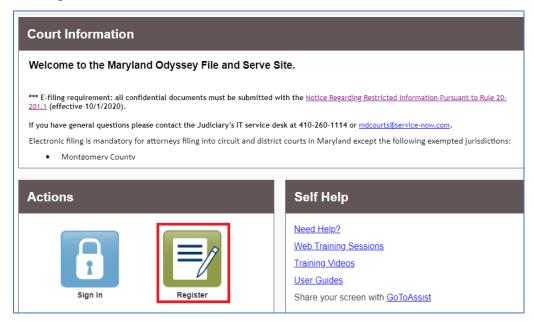


Return to <a href="https://maryland.tylertech.cloud/ofsweb">https://maryland.tylertech.cloud/ofsweb</a> and sign in with your email address and password.

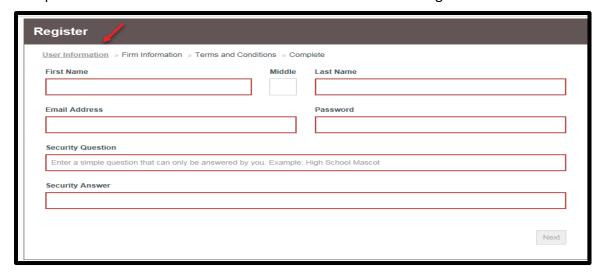
## **Registering the Firm**

Before registration as a firm user, the firm must establish one or more firm administrators. For continuity of operations, two firm administrators are recommended. The firm administrator authorizes individual firm users' registrations, establishes the firm payment account, and ensures that only authorized persons are allowed to use the firm payment account. The firm administrator may also be a firm user. Even a solo practitioner must register as a firm.

- 1. Go to <a href="https://maryland.tylertech.cloud/ofsweb">https://maryland.tylertech.cloud/ofsweb</a>. The File & Serve home page will appear.
- 2. Click the Register link.



3. Complete the **User Information** screen. Click **Next** to continue registration.



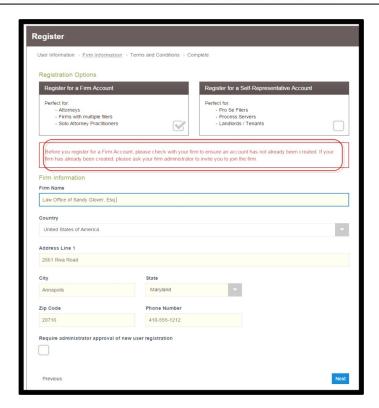
4. Select the check box to register for a **Firm Account**.



**Note:** If you are an attorney or paralegal and want to join a firm account, you must request an email invitation from your Firm Administrator. After clicking the link in the body of the email, you will be guided through registration. See page 13 for more details.

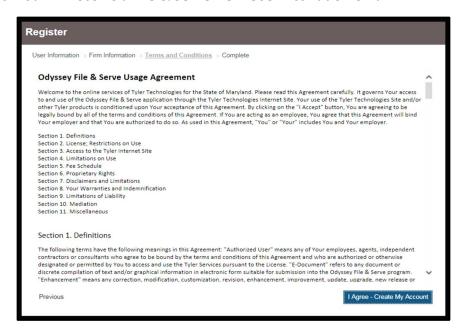
5. **Please read and follow the information highlighted in red before proceeding.** If your firm does not have an account, complete the **Firm Information** section.

Before you register for a Firm Account, please check with your firm to ensure an account has not already been created. If your firm has already been created, please ask your firm administrator to invite you to join the firm.

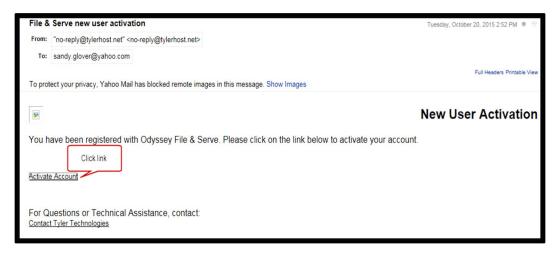


**Note:** If the firm administrator selects the check box **Require administrator approval of new user registration**, then a second approval will be needed to complete the activation. Click **Next** and the Register screen will appear.

6. Read the Terms and Conditions. Click I Agree - Create My Account to accept and agree to the terms. You will receive a File & Serve New User Activation email.



7. Click on the Activate Account link in this email.



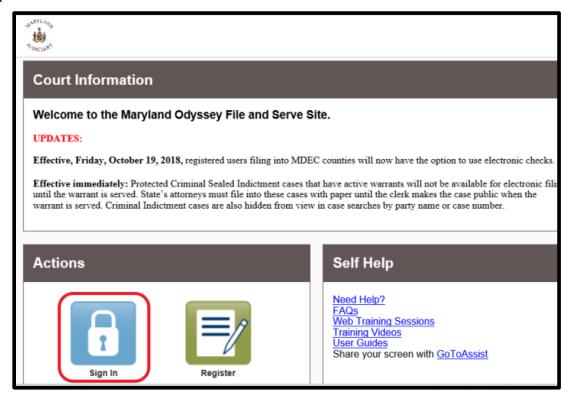
8. Your registration as a Firm Administrator and the creation of your Firm Account are now complete.



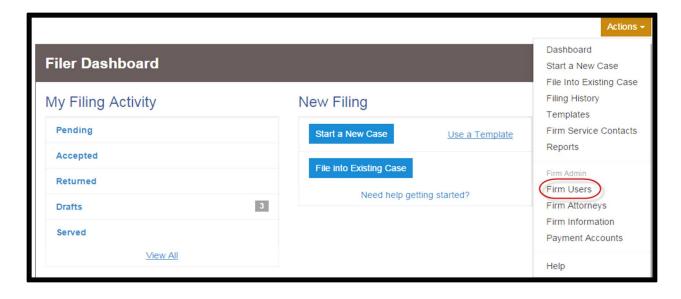
## **Managing the Firm Account (Firm Administrator)**

For an attorney to electronically file, both the firm administrator and the attorney must complete *all* the following steps.

1. Return to <a href="https://maryland.tylertech.cloud/ofsweb">https://maryland.tylertech.cloud/ofsweb</a> and sign in with your email address and password.



2. Invite all firm users to join the firm account through email. From the **Actions** drop-down select **Firm Users**.

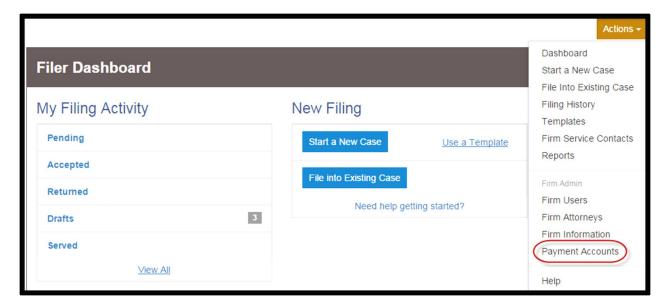


3. Click on the envelope icon to send the invitation link through email to firm users.

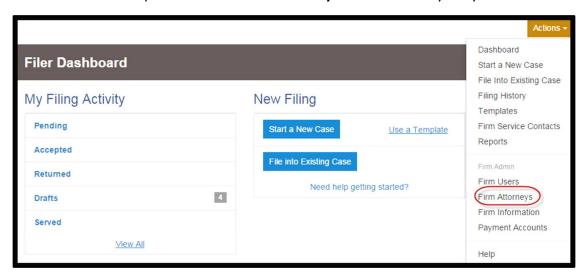


#### Firm Users are:

- Attorneys affiliated with the firm who, upon the attorney's registration, will be authorized to file submissions on behalf of the firm, use the firm's credit card in connection with such submissions, and use the firm's name in his/her e-mail address; and
- Paralegals or other assistants who, pursuant to <u>Rule 20-108(a)</u>, are authorized to file submissions on behalf of an affiliated attorney.
- 4. From the **Actions** drop-down select **Payment Accounts** and complete the information on that screen.



5. From the **Actions** drop-down select **Firm Attorneys** to add attorneys to your firm account.



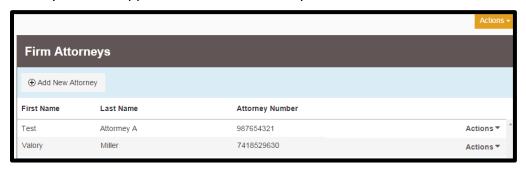
6. Click Add New Attorney.



7. Enter the attorney number and click **Verify** and then **Save Changes**.



8. The attorney will now appear on the Firm Attorneys list.



## Firm Administrator's Continuing Duties

As circumstances change, the firm administrator must promptly update the information supplied. For example:

- Users leave or join the firm
- Changes in names or other identifying information
- A change in the firm administrator
- A change in payment information
- Other changes
- 1. To update information, return to the firm administrator's screen.
- 2. If there is a change in user information, click on **Firm Users** and enter the information.
- 3. If there is a change in the firm information, click on **Firm Information** and enter the information.

## **Firm User Registration**

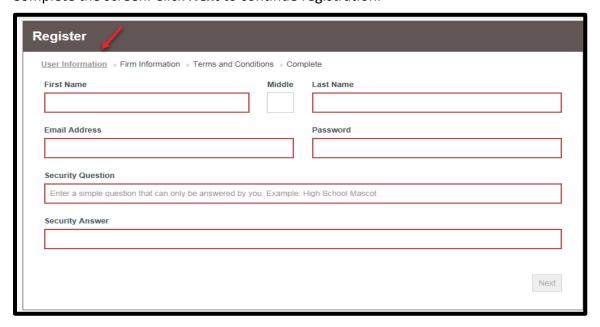
If you are an attorney or paralegal and want to join a firm account, contact your firm administrator, and request an email invitation. When you receive the invitation:

1. Click on the Activate Account link in the email.

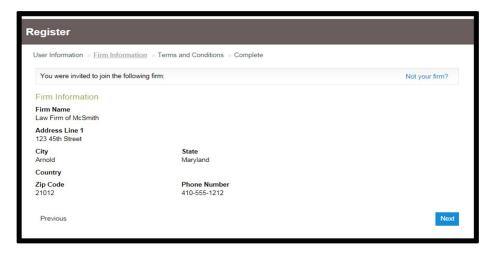
To: <a href="mailto:vmiller2825@comcast.net">vmiller2825@comcast.net</a>
Sent: Friday, February 19, 2016 9:45:21 AM
Subject: Law Firm of McSmith invite to file electronically with Odyssey File and Serve

You have been invited to join firm Law Firm of McSmith. Please use this link to begin electronic filing with Odyssey File and Serve. <a href="https://maryland-stage.tylerhost.net/OfsWeb/UserModule/Registration?">https://maryland-stage.tylerhost.net/OfsWeb/UserModule/Registration?</a>
firm=9b075c5e-a6cd-4361-b6c6-22b2154b440a

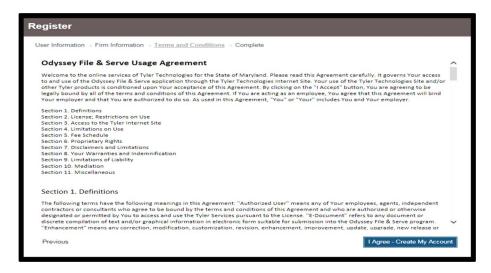
2. Complete the screen. Click **Next** to continue registration.



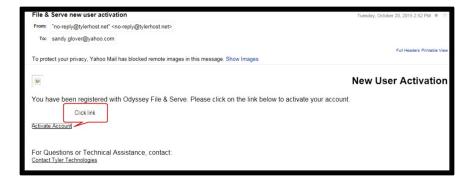
3. Verify you wish to join the displayed firm account and click **Next**.



4. Read the Terms and Conditions. Click I Agree - Create My Account to accept and agree to the terms. You will receive a File & Serve New User Activation email.



5. Click on the Activate Account link in the email.



- 6. Your registration as a Firm User is now complete.
- 7. Return to <a href="https://maryland.tylertech.cloud/ofsweb">https://maryland.tylertech.cloud/ofsweb</a> and sign in with your email address and password.

#### Who Must E-file

- 1. **Generally**, Rule 20-106(a). The following persons must e-file all submissions in an MDEC action that are required to be e-filed:
  - Attorneys
  - Judges
  - Judicial appointees (commissioners, court magistrates, examiners, and auditors)
  - Court clerks
  - Other Judicial personnel, as defined in Rule 20-101
  - Self-represented litigants (SRL) who choose to become registered users
  - Any other person who is a registered user and who is required or permitted to file submissions in an affected action, including:
    - o Persons seeking to intervene in the action
    - Victims
    - Representatives of government entities
- 2. **Exceptions** Rule 20-106(b). There are only three circumstances in which a person required to e-file may be excused from doing so:
  - 1) An MDEC System Outage that prevents MDEC from receiving e-filed submissions. See Rule 20-501.
  - 2) An unexpected event that prevents the filer from using the equipment necessary to file electronically, such as a power outage or temporary computer malfunction. In this case, you must submit an affidavit with your filing describing the event and stating when, to your knowledge, information, and belief, the ability to file electronically will be restored.
  - 3) Other good cause, with prior approval of the administrative judge.

#### What Must Be E-filed

1. Generally: Everything - Rule 20-106(c)(1):

A person required to e-file submissions must e-file all submissions that are capable of being converted into electronic format and that, in electronic format, may be converted into a legible paper document.

**Note regarding multiple citations**: If you are filing a submission into related citations, you must file it into each citation in which you intend to represent your client. The Judiciary is aware of the significant inconvenience caused by this software limitation, and we are attempting to address this problem.

You may submit a pleading, motion, entry of appearance, or other filing that contains all the related citation numbers, as long as you file the submission into each citation.

2. Exceptions - Rule 20-106(c)(2):

The following submissions may not be e-filed without leave of court:

- A single document comprising more than 300 pages (unless submitted separately in shorter segments);
- Oversized documents, such as blueprints, maps, and plats;

- Items that cannot practicably be filed electronically because of their physical nature;
   and
- Other categories of submissions exempted by the State Court Administrator.

#### 3. Notes:

- 1. **Failure to Pay Rent** actions in District Court must be initiated by using the following site: <a href="https://efilemd.tylertech.cloud/OfsEfsp/batch">https://efilemd.tylertech.cloud/OfsEfsp/batch</a>. Subsequent filings should be filed using the File & Serve site discussed in this manual.
- 2. **Circuit Court Case Information Report**: must be filed for both original and reopened cases. A case information report must be submitted as a separate document with its own filing code.
- 3. **Discovery Material and Courts and Judicial Proceedings § 10-104 Submissions**: Items that are prohibited by rule or statute from being filed in the case file in paper may not be filed into the case file in MDEC. See the Discovery Material section of this manual.
- 4. **Suggestion of Bankruptcy**: An attorney must file electronically, even if the attorney is not an interested party in the case. The system requires a valid credit card but no fee will be assessed. See the File into Existing Cases section of this manual.
- 5. **Audit Reports**: An audit report should be sent directly to the auditor. Do not file an audit report through File & Serve.

## **Attorney Appearance**

- 1. An attorney who enters an appearance in a case must enter the appearance electronically Rule 20-106(a)(1).
- 2. An attorney should enter an appearance in a case on behalf of a party to an action only if, at the time of the entry of appearance, the attorney represents the party in that case. If the attorney's representation of the party is limited in any fashion, the entry of appearance must comply with the requirements of the Maryland Rules regarding limited appearances.
- 3. It is not permissible for an attorney to enter an appearance solely to view or copy documents remotely. Such an entry of appearance may be considered an ethical violation.
- 4. You may submit an entry of appearance that contains all the related citation numbers, as long as you file the entry of appearance into each citation.

## **Electronic Filing-General Requirements and Procedure**

#### **General Requirements**

- 1. To e-file a submission, the filer must:
  - Be a registered user Rule 20-104
  - Be authorized by law to file the submission Rule 20-201(b)
  - Comply with the requirements of Rule 20-201
  - Comply with the requirements of this manual
  - File all electronic submissions in PDF format

#### 2. Definitions:

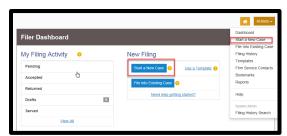
- Envelope: An electronic folder in which submissions are filed. An envelope should contain all submissions related to one case that are filed at one time. For example, a new case envelope might contain the following five submissions in one envelope 1) a complaint, 2) exhibits to the complaint, 3) a request for service, 4) a motion for summary judgment, 5) an exhibit to the motion for summary judgment. Do not use separate envelopes for submissions being filed at the same time in the same case.
- **Submission**: A single document contained in a single PDF file within an envelope. This does not include an item/document offered or admitted into evidence in open court. Rules 20-101(w) and 20-106(e).
- **Lead Document**: The filing field in which *every* submission is to be uploaded/filed.
- Optional Services and Fees: Services and fees that are not required with every filing but may be required for certain filings. These include Appearance Fees, Sheriff or Constable Service, etc.
- **Service Contact:** The email address of each person to be served electronically. See the Service Contact section.
- Actions: Action buttons allow you to perform a task with the item next to the button.
- 3. Every submission must comply with the Rules set forth in Title 20, and with all published policies and procedures established by the State Court Administrator.
- 4. For the consequences of non-compliance, see the <u>Review by Clerk Correction, Deficiencies</u> and <u>Striking Rule 20-203</u> section of this manual.

## **E-Filing Process**

#### **New Case Initiation**

Initiate a new case from the Actions drop-down list or the Filer Dashboard.

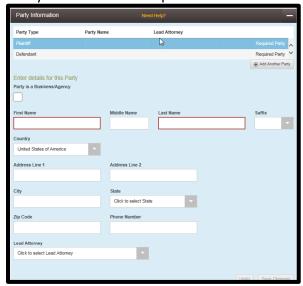
1. Click on **Start a New Case**. **Note**: Starting a new case creates a new envelope.



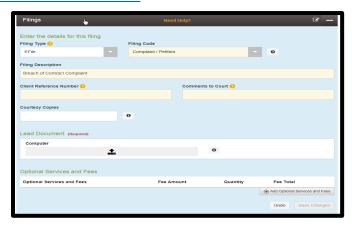
 At the Start a New Case screen, select the Location, Category and Case Type. A red box indicates a required field. All drop-down menus are searchable by keyword. Click Save Changes.



- 3. At the Party Information screen, enter the details for the highlighted party type(s), then click **Save Changes**.
  - If the party is a business or agency select Party is a Business/Agency.
  - Enter the party's name, address, phone number.
  - If applicable, elect lead attorney from the drop-down list.
  - Save Changes and complete the party information for the other party.
  - Click Add Another Party to add additional parties.



- 4. At the Filings screen, enter the filing details, then click **Save Changes**.
  - **Efile** will be the only Filing Type enabled.
  - Select the Filing Code from the drop-down menu that best describes the submission.
     See Filing Codes.
  - Enter a **Filing Description**. This will become the caption of your document.
  - Optional Fields:
    - You may enter the number or name of the Client Reference Number. This is for the filer's internal recordkeeping only.
    - Enter any information that you want to convey to the clerk in the Comments to Court. The Judge will not read these comments.
    - Enter a recipient's email address in Courtesy Copies if you want to send a courtesy copy to someone. This is not electronic service. See <u>Electronic</u> Service.
  - Click on the Lead Document button to upload the document for your chosen Filing Code. See Uploading PDF's below. Multiple submissions filed in the same case at the same time must be contained in the same envelope as separate PDFs.
  - See the Optional Services and Fees section if needed.



5. If you have multiple submissions to file in one envelope, click **Save Changes** and scroll up to the Filings section. Now click **Add Another Filing**. Repeat the previous steps for <u>Filing the</u> <u>Documents</u>.

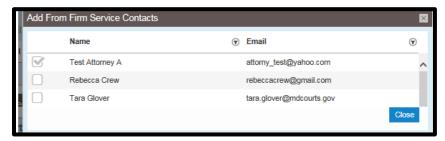


6. If there are no more submissions to add, go to Service Contacts.

At the Service Contacts screen, from the Actions drop-down, select Add From Firm Service
 Contacts to receive electronic documents for the party you represent. See <u>Service Contact</u>.
 Do not add Service Contacts for opposing parties or opposing attorneys.



- 8. Check the box next to your service contact. If you don't see your desired service contact, continue to efile and see below.
- 9. Click Close to exit this screen.



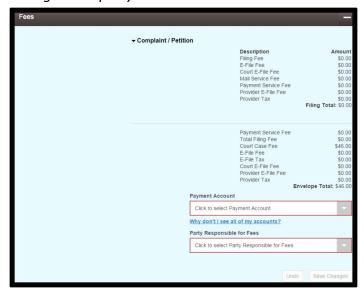
10. This screen will now display your service contact for the case.



**Note:** If you don't designate a service contact for the case, the system will default to the filer's email as the service contact. The service contact will be displayed under **Other Service Contacts**.



- 11. At the Fees screen, fill out all required fields, and **Save Changes**.
  - Select a **Payment Account** from the drop-down menu.
  - Select the Party Responsible for Fees.
    - Guidelines for Selecting the Responsible Party:
    - Select the party you represent in the case or if filing as a self-represented litigant, select yourself with the following exceptions:
    - Criminal cases Select the defendant party when the filer is a state agency or a filer not representing a case party.
    - o **Juvenile cases** Select the petitioner party when the filer is a state agency or a filer not representing a case party.



- 12. At the Submission Agreement screen, read and comply with the requirements next to each checkbox. You will not be able to file if you have not checked all three boxes.
- 13. Click **Summary**.



- 14. Verify all information on the Summary screen, and click **Submit** to complete your filing. If any information is incorrect, click the Back button.
- 15. A Confirmation window displaying your Envelope # number will appear at the top.



**Note**: If you forgot to add your **Service Contacts**, after you receive your case number:

- Go to filer dashboard and click accepted.
- Locate your envelope and case number.
- In Actions dropdown click view service contacts.
- For your party only, in **Actions** dropdown click **Add** from firm service contacts.

## **Uploading PDFs**

#### Attach a Lead Document

- 1. Click the to select the lead document. The system will display the Open window as shown below.
- 2. For a filing, each individual document filed in a case must be submitted as a separate PDF. **Every document is a Lead Document**.



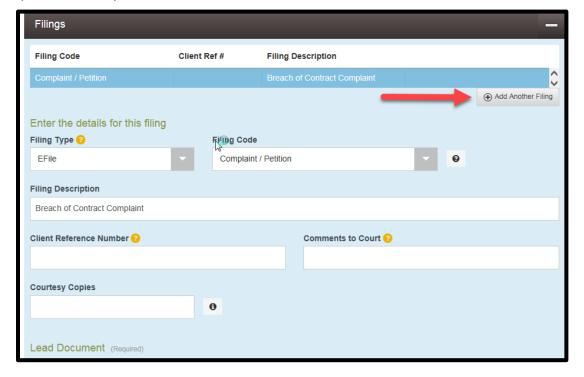
- 3. Select the PDF file you want to upload.
- 4. To review and/or verify that the document is correct, right click the document and select **open** or **open with Adobe Reader**.
- 5. Click the file name of the document that you want to upload and click the **Open** button at the bottom of the screen.



6. The file name should describe who is filing and what the document is. Unless the clerk renames the document, the name that the filer gives to the document is the name the judge will see. For example: *Defendant Smith's Motion for Summary Judgment*.

## Include Multiple Documents in a Single Envelope

- 1. Each document is a Lead Document with its own filing code.
- 2. You can add additional filings by clicking **Add Another Filing** and entering the required information.
- 3. Each exhibit is a lead document and should reference the document it is associated with. *Example*: For a Complaint for Divorce, the exhibits should be entitled Complaint for Divorce-Exhibit 1-Finance Statement or Complaint for Divorce-Exhibit 2-Affidavit.
- 4. Select Filing Code click the drop-down menu, scroll or keyword search, and select the applicable Filing Code (*e.g.*, *Supporting Exhibits or Supporting Documents*).
- 5. Filing Description type a specific description of the exhibit (*e.g., Complaint for Divorce Exhibit 1 Finance Statement*).
- 6. Client Reference Number, Comments to Court, and Courtesy Copies are optional.
- 7. Lead Document select a file to upload, select the Complaint for Divorce-Exhibit 1-Finance Statement, and upload submission.
- 8. Repeat these steps for each additional exhibit.

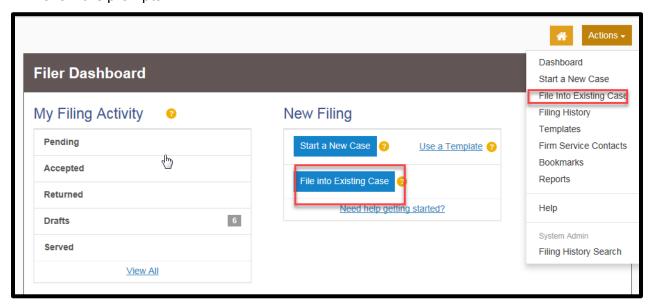


## Redacting and Un-redacting Documents

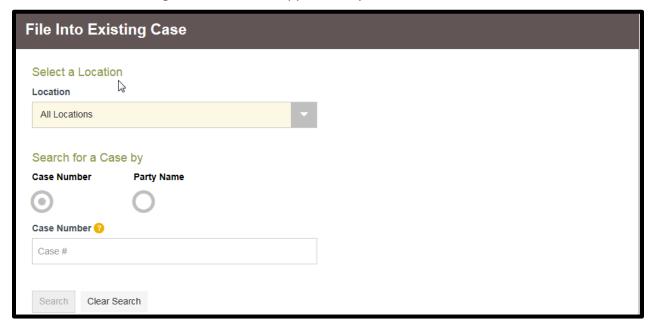
- 1. Unless by rule, statue or court order, parties must refrain from including confidential information.
- 2. If the filer desires the submission to be confidential, the filer must submit a Motion to Seal along with a proposed order.
- 3. If the motion is granted, the filer must provide a redacted and unredacted version as required by Rule 20-201(c)).
- 4. Redacted Filings: when submitting, remember to exclude the confidential information and note in the filing description/caption that the document is redacted:
  - Select the Filing Code from the drop-down menu that best describes the submission.
     See Filing Codes.
  - Enter a **Filing Description**. This will become the caption of your document.
  - Optional Fields:
    - You may enter the number or name of the Client Reference Number. This is for the filer's internal recordkeeping only.
    - Enter any information that you want to convey to the clerk in the Comments to Court. The Judge will not read these comments.
    - Enter a recipient's email address in Courtesy Copies if you want to send a courtesy copy to someone. This is not electronic service. See <u>Electronic Service</u>.
  - Click on the Lead Document button to upload the document for your chosen Filing Code.
- 5. Unredacted Filings: when submitting remember to note in the filing description/caption that the document is unredacted. The first page of the document must be prominently marked as containing restricted information.
  - Select the Filing Code from the drop-down menu that best describes the submission.
     See Filing Codes.
  - Enter a **Filing Description**. This will become the caption of your document.
  - Optional Fields:
    - You may enter the number or name of the Client Reference Number. This is for the filer's internal recordkeeping only.
    - Enter any information that you want to convey to the clerk in the Comments to Court. The Judge will not read these comments.
    - Enter a recipient's email address in Courtesy Copies if you want to send a courtesy copy to someone. This is not electronic service. See <u>Electronic Service</u>.
  - Click on the Lead Document button to upload the document for your chosen Filing Code.
  - Add a filing for the notice of restricted information.
  - Enter the "Notice of Restricted Information" filing code.
  - Complete and attach the "Notice Regarding Restricted Information Pursuant to Rule 20-201.1" form to the filing.

## File Into Existing Case

1. File into an existing case from the Actions drop-down list, or from the Filer Dashboard. Follow the prompts.



2. The File Into Existing Case screen will appear and you can search for the case.



3. Refer to Filing the Documents section to complete and submit your filing.

## **Templates – Foreclosure**

File & Serve allows you to create a template for frequently used case types. To create a template, go to the Filer dashboard and click on:

- Actions
- Templates
- New Template

## **Example: Foreclosure Cases**

The proper foreclosure docket sequence when creating an initial filing for a foreclosure case increases the efficiency rate that filings are processed. Each pleading (submission) should have its own filing code and be a lead document within the submitted envelope. Create a Foreclosure template using the following and sequence:

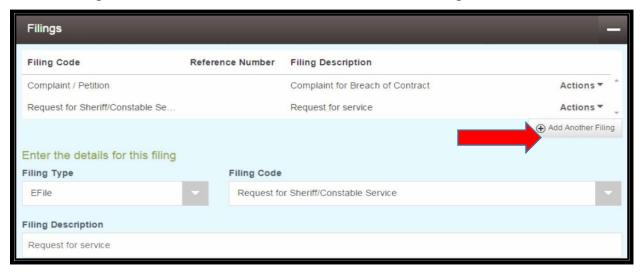
- 1. Order to Docket Suit
- 2. Attorney Appearance Fee
- 3. Deed of Trust
- 4. Affidavit Deed of Trust Debt
- 5. Assignment of Deed of Trust
- 6. Affidavit
- 7. Note Lien Instrument
- 8. Affidavit Certifying Ownership of Debt Instrument
- 9. Deed of Appointment of Substitute Trustee
- 10. Affidavit
- 11. Attorney Certification under Rule 1-313
- 12. Affidavit Non-Military
- 13. Affidavit Military
- 14. Statement of Debt
- 15. Statement Rule 14-207(b)(6)
- 16. Affidavit
- 17. Affidavit Notice to Occupants Mailed
- 18. Affidavit Notice of Intent to Foreclose Mailed
- 19. Affidavit Preliminary Loss Mitigation
- 20. Affidavit Final Loss Mitigation Analysis
- 21. Declaration of Substitution of Trustee
- 22. Bond File and Approve

## **Optional Services**

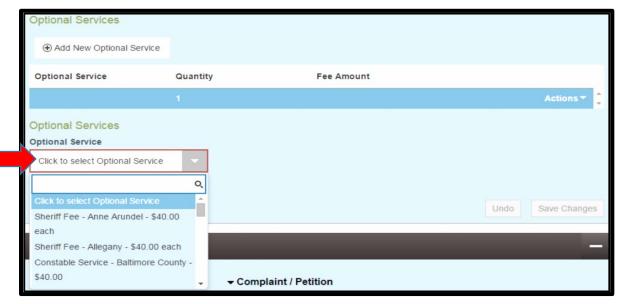
Optional Services are services that might be required with some filings. These services include paying Appearance Fees, requesting Sheriff or Constable Service, etc. All associated fees must be paid at the time of filing.

## Example: Requesting Sheriff/Constable or Certified Mail Service in District Court

- 1. File the document or submission with the court. This step is *required*.
- 2. After filing the document or submission, select Add Another Filing.



- 3. File a separate document that includes service instructions, i.e. which party needs to be served and how, and use the Request for Sheriff/Constable Service filing code or Request for Service Certified Mail, SDAT or MIA filing code, as appropriate. **Note**: this step has already been completed in the example above.
- 4. Click **Add Optional Services and Fees.** Under **Optional Service**, select the appropriate service from the drop-down menu.



5. Enter the number of parties to be served.



6. Click Save Changes.



## **Proposed Orders**

A proposed order should be filed as a separate document in PDF format with its own filing code. Both the description and the document should reference the corresponding motion/pleading.

## **Original Documents**

Examples of original documents are birth certificates, death certificates, marriage certificates, wills, deeds, etc. Rule 20-106(c)(3). Original documents may be scanned and filed electronically as long as the filer complies with the following:

- The filer must retain the original document containing the original signatures and official seal pursuant to Rule 20-302.
- The filer must present original documents in open court or other judicial proceedings when directed by the court to do so or required by the rules of evidence.
- If the filer has filed a redacted and un-redacted version, the clerk will docket both and shield the un-redacted version from public access.
- Any party and any person who is the subject of restricted information in the unredacted submission may move to strike the un-redacted version.

## Filing Exhibits for Remote Hearings via File & Serve

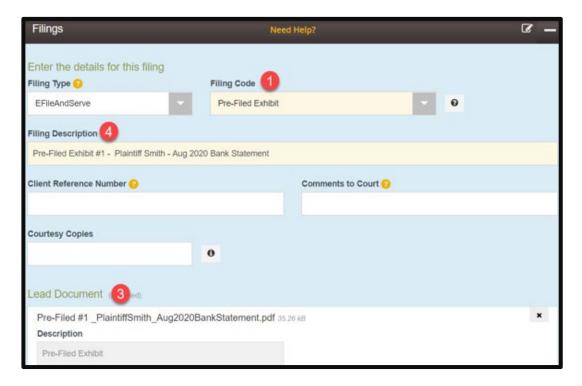
Due to the COVID-19 pandemic, Maryland trial courts are increasing the use of remote hearings. The preferred Judiciary platform for remote hearings is Zoom for Government.

Filers may pre-file exhibits for *remote hearings* through File & Serve. A new filing code - **Pre-Filed Exhibit** - must be selected when uploading any pre-filed exhibit for a remote hearing. Documents uploaded with this filing code will default to a new security type, Pre-Filed Exhibit. Use of this filing code and security type will exclude these documents from the case record until offered as evidence and admitted or denied admission by the judge during the hearing.

Note: Pre-filing of exhibits does not constitute admission of the documents.

#### **Filer Steps**

- Create a lead document for each separate exhibit through File & Serve, using the Pre-Filed Exhibit filing code (screenshot item 1). If the correct code is not selected, the clerk may not recognize the document as a hearing/trial exhibit. This could cause the document to become part of the record when it should not.
- Clearly title the exhibit document before uploading. Recommended naming convention to include a pre-filed exhibit number, the submitting party and a description of the exhibit:
   Pre-Filed#1\_Plaintiff Smith\_Aug2020BankStatement. This description should make it easier to locate the appropriate exhibit during a hearing (screenshot item 3).
- 3. Use a filing description similar to the recommended exhibit naming convention to differentiate between multiple pre-filed exhibit submissions (screenshot item 4).



#### **Omnibus Motions Not Allowed**

An Omnibus Motion combines more than one motion into one document. MDEC does not permit omnibus motions, which have been replaced by three (3) filing codes. They are:

- 1) Motion/Demand for Speedy Trial
- 2) Motion / Request / Demand for Discovery and Inspection
- 3) Motion to Suppress/Exclude Evidence, Dismiss or Sever

**Each code requires a separate PDF and will cover the filings typically included in Omnibus Motions.** Motion / Request / Demand for Discovery and Inspection may be used in both civil and criminal. Motion to Suppress/Exclude Evidence, Dismiss or Sever, may be used in both civil and criminal cases where the relief sought is the exclusion of evidence, the dismissal of a case or the severance of a party.

Odyssey File & Serve provides a filing description field to be used to provide more specific information about the filing than the code description does. The filing description will appear in the case events.

## **Pre-payment Waiver**

To request a waiver, the first filing that you upload should be the Request for Prepay Waiver – New Case (RPWNC) **or** Request for Prepay Waiver – Subsequent Filing (RPWSF). An affidavit or statement in support of the Request for Prepayment Waiver should be uploaded with its own filing code and be a lead document within the envelope. The filing that is the subject of the request should be uploaded as a *separate* lead document within the same envelope. A Notice of Restricted Information (MDJ-008) must accompany this filing as it contains restricted financial information, per MD Rule 20-201.1. Once the documents are uploaded the filer should submit using the waiver payment account for consideration by the court.

- If the filer seeks a waiver of the fee by the clerk pursuant to <a href="Rule 1-325">Rule 1-325</a>(d), the submission must include the information required by that section.
- If the filer seeks a waiver of the fee by the court pursuant to <u>Rule 1-325(e)</u>, the submission must include the information required by that section, as well as the proposed order.
- Click <u>here</u> to view more information on court pre-payment procedures to be followed.

## Review by Clerk - Correction, Deficiencies and Striking - Rule 20-203

- 1. As soon as practicable after receiving the e-filing, a clerk will review the submission to make sure that:
  - It is signed in accordance with Rule 20-107
  - Any required fee has been paid or waived
  - It complies with published policies and procedures of the State Court Administrator. Rule 20-203(a)(2).
- 2. **Correction by Clerk**: The clerk shall promptly correct errors of noncompliance that apply to the form and language of the proposed docket entry for the submission. <u>Rule 20-203(b)(1)</u>.

- 3. **Striking by Clerk:** A submission without a certificate of service when one is required by the Maryland Rules will be stricken from the case file. The clerk shall notify all parties. Rule 20-203(c).
- 4. **Deficiency**: If the clerk concludes that a submission materially violates a provision of the Rules in Title 20 or an applicable published policy or procedure established by the State Court Administrator the clerk shall send a deficiency notice to the filer with a copy to the other parties. Unless (A) a judge, upon request, orders the clerk to withdraw the deficiency notice, or (B) the deficiency is otherwise resolved within 14 days after the notice was sent, upon notification by the clerk, the court shall strike the submission. Rule 20-203(d).
- Rejection. A submission containing a confidential document will be rejected if the submission fails to comply with <u>Rule 20-201.1</u>. Filings will be rejected if a submission does not relate to the case in which it was filed under Rule 20-203(a)(2).
   See the <u>State Court Administrator's Best Practices on How to Avoid Deficiencies or</u> Rejections.

**Note:** If you have questions after receiving a deficiency notice, please contact the court that issued the deficiency notice.

## **Signatures**

All submissions that are required to be signed by a filer must contain a signature. <u>Rule 20-107</u>(a)(1). A signature consists of the signer's typewritten name accompanied by either a visual image of the signer's handwritten signature or by the symbol /s/. <u>Rule 20-101</u>(t).

When a submission is required to be signed by the filer it must contain the following: the filer's signature  $\frac{\text{Rule } 20\text{-}107}{\text{(a)}(1)}$ , the filer's address, email address, and telephone number and, if the filer is an attorney, the attorney number  $\frac{\text{Rule } 20\text{-}107}{\text{(a)}(2)}$ . The clerk will issue a deficiency notice if any of this information is missing.

#### **Electronic Service**

#### **Overview**

MDEC provides for certain documents to be electronically served when MDEC is implemented in the respective jurisdiction. To effectuate electronic service, the filer must:

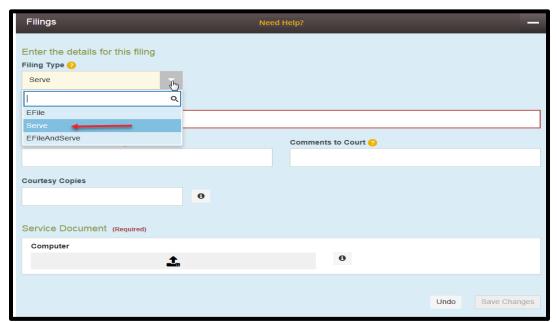
- 1. Be a registered MDEC user.
- 2. Be authorized by law to file the submission.
- 3. Electronically serve the submission through File & Serve, or another approved electronic filing service provider.
- 4. Provide an email address to be used as a Service Contact to receive electronic documents.
- 5. Be a party in a case filed in an MDEC jurisdiction or an attorney whose appearance has been entered.
- 6. Provide a certificate of service stating the date and manner of service for each person to be served.

If the above requirements are not met, electronic service cannot be affected. In addition, the filer is responsible for serving submissions on all persons who are not registered users.

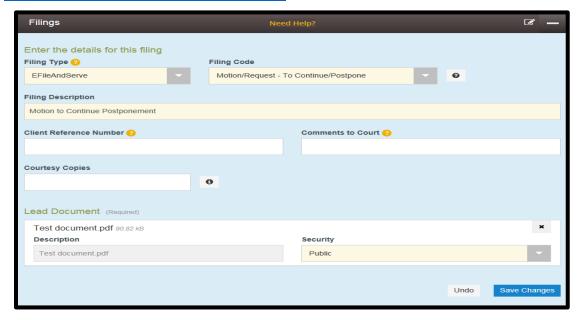
**Note**: Original process and subpoenas cannot be served electronically in MDEC.

## Steps to Electronically Serve a Submission

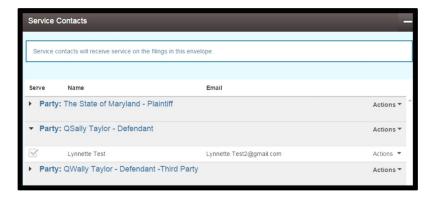
- 1. Return to the Filings section and enter the filing details.
- 2. In the upper left corner, under Filing Type, click the arrow on the drop-down box to display a menu with options for filing. Select Serve or EfileAndServe from the menu. Select Serve when the Rules provide for a document to be served but not filed into the court file. Select EfileAndServe when the Rules provide for a document to be both filed and served.
- 3. If Serve is selected, see section on <u>Discovery Material</u>.



4. If EfileAndServe is selected, enter the filing details for the filing type as explained in the New Case Initiation section of the Efiling Process.



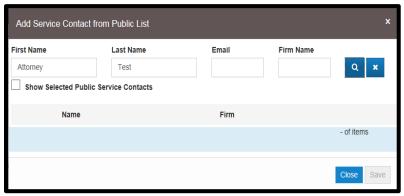
5. The Service Contacts screen will appear. Select the person(s) to be served.



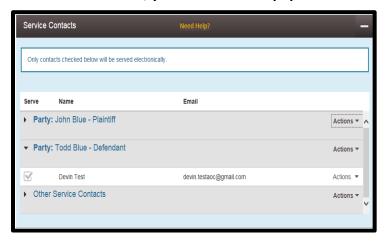
6. If the service contact is missing, locate the contact from the Actions drop-down list and select Add From Public List.



7. Enter search criteria to locate the service contact from the Public List.



8. If found, select the service contact and the email address will be associated to the party. If the service contact cannot be found, you must serve in paper.



## Serving the State's Attorney's Office

Each firm and/or agency is set up differently. The State's Attorney's Offices have generic email addresses set up as service contacts to receive service. Do not add individual users. The list of service contacts for the State's Attorneys Offices can be found in the Appendix.

## **Discovery Material**

MDEC users should submit discovery materials to other parties directly through MDEC. Discovery materials are only served on parties; they are not filed with the court. See Rules  $\underline{2}$ - $\underline{401}(d)(2)$ ,  $\underline{3}$ - $\underline{401}(b)(2)$ ,  $\underline{4}$ - $\underline{262}(k)$  and  $\underline{4}$ - $\underline{263}(k)(4)$ .

To serve discovery materials through MDEC, follow these steps:

1. In the upper left corner, under Filing Type, click the arrow ▼on the drop-down box to display a menu with options for filing. Select **Serve** from the menu.



2. On the next line down, under Filing Description, type a brief description of the documents to be served. This is a mandatory field.



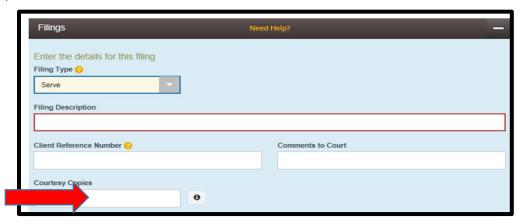
3. Client Reference Number is optional. The client reference number is for the filer's internal recordkeeping.



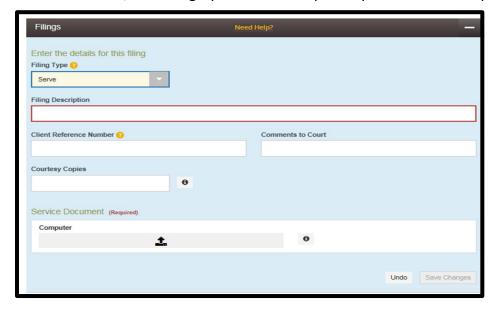
4. Do *not* enter any text in the Comments to Court box. Comments in this box will not be delivered to the court because materials will not be filed into the court file



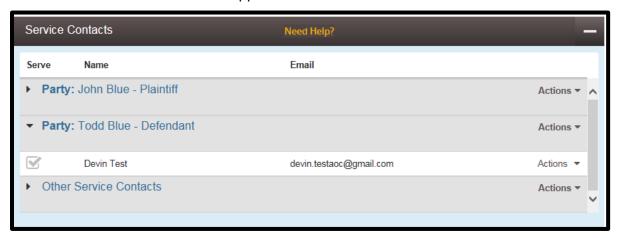
5. Under Courtesy Copies, add email addresses for anyone to whom you would like to send a courtesy copy. Sending a courtesy copy using this box does not qualify as service under the Maryland Rules.



6. Under Service Document, click the gray box with the upload symbol. Follow the prompts.



7. The Service Contacts screen will appear.



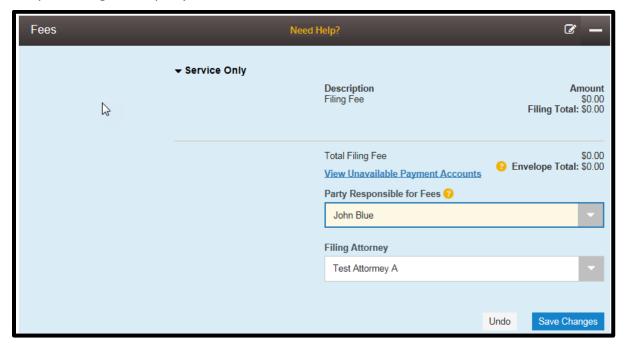
8. Select the Party Responsible for filing fees.

## Guidelines for Selecting the Responsible Party:

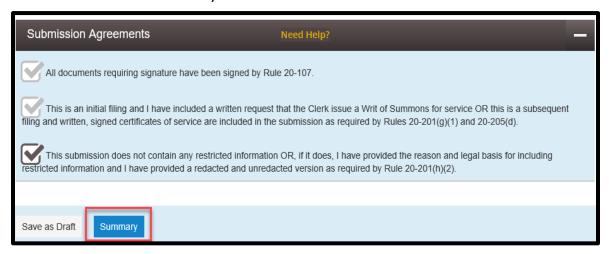
Select the party you represent in the case or if filing as a self-represented litigant, select yourself with the following exceptions:

**Criminal cases** – Select the defendant party when the filer is a state agency or a filer not representing a case party.

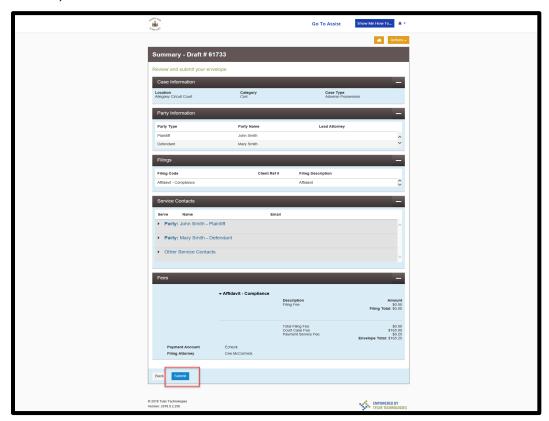
**Juvenile cases** – Select the petitioner party when the filer is a state agency or a filer not representing a case party.



9. **Submission Agreement**. Read and comply with the requirements next to each checkbox. You will not be able to continue if you have not checked all three boxes.



10. **Summary**. Verify all information and click submit to complete your filing. If any information is incorrect, click the Back button.



## **Appendix**

# **MDEC & State's Attorney's Offices Email Contacts**

Each firm or agency is set up differently. The State's Attorney's Offices have specific generic email addresses set up to receive e-service. *Please refer to the email addresses listed here when attempting to e-serve the State's Attorney's Offices in MDEC counties*.

County	Court	E-mail
Allegany SAO	Circuit Court	acsaocircuit@alleganygov.org
Allegany SAO	District Court	acsaodistrict@alleganygov.org
Anne Arundel SAO	Circuit Court	sacircuitcourt@aacounty.org
Anne Arundel SAO	District Court	saadc@aacounty.org
Anne Arundel SAO	Glen Burnie District Court	sagbdc@aacounty.org
Anne Arundel SAO	Juvenile Court	sajuvenile@aacounty.org
Baltimore City SAO	Circuit Court	saocircuitcourtmdec@stattorney.org
Baltimore City SAO	District Court	saodistrictcourtmdec@stattorney.org
Baltimore City SAO	Juvenile Court	saojuvenilemdec@stattorney.org
Baltimore County SAO	Circuit Court	saocircuitcourtmdec@baltimorecountymd.gov
Baltimore County SAO	District Court	saodistrictcourtmdec@baltimorecountymd.gov
Baltimore County SAO	Juvenile Court	saojuvenilemdec@baltimorecountymd.gov
Calvert SAO	Child Support	calvertsaochildsupport@calvertcountymd.gov
Calvert SAO	Circuit Court	calvertsaocircuit@calvertcountymd.gov
Calvert SAO	District Court	calvertsaodistrict@calvertcountymd.gov
Calvert SAO	Juvenile Court	calvertsaojuvenile@calvertcountymd.gov
Caroline SAO	Circuit Court	ccsaocirct@carolinemd.org
Caroline SAO	District Court	ccsaodistct@carolinemd.org
Carroll SAO	Circuit Court	carrollsaocircuit@carrollcountymd.gov
Carroll SAO	District Court	carrollsaodistrict@carrollcountymd.gov
Carroll SAO	Juvenile Court	carrollsaojuvenile@carrollcountymd.gov
Cecil SAO	Circuit Court	scecilcounty@ccgov.org
Charles SAO	Circuit Court	saocircuitcourt@charlescountymd.gov
Charles SAO	District Court	saodistrictcourt@charlescountymd.gov
Charles SAO	Juvenile Court	saojuvenilecourt@charlescountymd.gov
Dorchester SAO	All MDEC Courts	statesattorney@docogonet.com
Frederick SAO	Child Support	fredericksaochildsupport@frederickcountymd.gov
Frederick SAO	Circuit Court	fredericksaocircuit@frederickcountymd.gov
Frederick SAO	District Court	fredericksaodistrictrpts@frederickcountymd.gov
Frederick SAO	Juvenile Court	fredericksaojuvenile@frederickcountymd.gov
Garrett SAO	Circuit Court	gcsacircuit@garrettcounty.org
Garrett SAO	District Court	gcsadistrict@garrettcounty.org
Harford SAO	Circuit Court	harfordsaocircuit@harfordcountymd.gov
Harford SAO	District Court	harfordsaodistrict@harfordcountymd.gov
Harford SAO	Domestic Court	harfordsaodomestic@harfordcountymd.gov
Harford SAO	Family Court	harfordsaofamilysupport@maryland.gov
Harford SAO	Juvenile Court	harfordsaojuvenile@harfordcountymd.gov
Howard SAO	Circuit Court	hocosaocircuit@howardcountymd.gov
Howard SAO	District Court	hocosaodistrict@howardcountymd.gov
Howard SAO	Juvenile Court	hocosaojuv@howardcountymd.gov

County	Court	E-mail
Kent SAO	Circuit Court	kcsaocircuitcourt@kentgov.org
Kent SAO	District Court	kcsaodistrictcourt@kentgov.org
Montgomery SAO	Circuit Court	montgomerySAOCircuit@montgomerycountymd.gov
Montgomery SAO	District Court	MontgomerySAODistrict@montgomerycountymd.gov
Montgomery SAO	Juvenile Court	MontgomerySAOJuvenile@montgomerycountymd.gov
Prince George's SAO	Circuit Court	PGSAOCircuitCourt@co.pg.md.us
Prince George's SAO	District Court	PGSAODistrictCourt@co.pg.md.us
Prince George's SAO	Juvenile Court	PGSAOJuvenileCourt@co.pg.md.us
Queen Anne's SAO	District Court	gacmdecdc@gac.org
Queen Anne's SAO	Circuit Court	gacmdeccc@qac.org
Somerset SAO	All MDEC Courts	somersetsao@gmail.com
St. Mary's SAO	Circuit Court	<u>circuitsao@stmarysmd.com</u>
St. Mary's SAO	District Court	districtsao@stmarysmd.com
Talbot SAO	Circuit Court	<pre>circt@talbotcountysao.org</pre>
Talbot SAO	District Court	distct@talbotcountysao.org
Washington SAO	Circuit Court	washcosaocircuit@washco-md.net
Washington SAO	District Court	washcosaodistrict@washco-md.net
Washington SAO	Juvenile Court	washcosaojuvenile@washco-md.net
Wicomico SAO	Circuit Court	wcsaocc@wicomicocounty.org
Wicomico SAO	District Court	wcsaodc@wicomicocounty.org
Wicomico SAO	Juvenile Court	wcsaojc@wicomicocounty.org
Worcester SAO	Circuit Court	saocircuitcourt@co.worcester.md.us
Worcester SAO	District Court	saodistrictcourt@co.worcester.md.us
Worcester SAO	Juvenile Court	saojuvenile@co.worcester.md.us