

Internal Rule 12. Facsimile or Email Filing Rules.

I. “Facsimile filing” or “filing by fax” means the facsimile transmission of a document to this court for filing with this court. “Email filing” means the electronic transmission of a document to this court for filing with this court.

II. Facsimile or email filing will only be accepted by this court in the case of an emergency writ.

III. “Emergency writ” is defined as a situation where a trial court sets a return date that would otherwise bar a party from completing a timely filing with this court due to geographic distance from this office, or where the time frame is such that if the party could physically deliver the filing timely, the court would be burdened with undue time restraints in considering the application and rendering an order.

IV. *NO* filing will be accepted without prior contact with the clerk’s office to advise the nature of the emergency, request authority to proceed with the fax or email filing and notification of the approximate time of transmittal.

V. All filings must be complete and in compliance with the Uniform Rules of Courts of Appeal at the time of transmission. Additionally, any facsimile or email filing must be sequentially numbered, beginning with the first

page of the writ application and ending with the last page of the facsimile transmittal or email.

VI. Once an application is received by fax or email, any responses or oppositions by opposing counsel may also be received by ~~fax~~ the same method.

VII. A facsimile filing shall be accompanied by a facsimile cover sheet. The cover sheet shall be the first page transmitted and clearly identify the sender by name, fax number, and voice telephone number. It should also identify the documents being transmitted by caption and matter and the number of pages. Any risk associated with the use of facsimile transmissions shall lie with the sender.

VIII. An email filing shall be accompanied by a cover letter. The cover letter shall be attached separately to the first email transmission and should clearly identify the sender by name, email address, and voice telephone number. A document being emailed shall be in the form of a pdf file and shall not contain more than 50 pages. If the filing contains more than 50 pages, it shall be broken down into separate files each containing 50 pages or less. The cover letter should also identify the documents being emailed by caption, matter, the number of forthcoming documents, and total number of pages. The sender shall assume all risks associated with the use of email transmissions.

IX. Notwithstanding any provisions of law to the contrary, a signature produced by facsimile or email transmission will be treated as an original. A party who files a signed document by fax or email represents that the original physically signed document is in his or her possession or control and can be made available for review as necessary for any subsequent challenge to authenticity.

IXX. Payment of filing fees and charges levied by the court for use of facsimile or email filing shall be paid in the manner prescribed by this court.

(1) The filing fee, accompanied by a copy of the facsimile or email filing cover sheet shall be deposited in the U.S. mail no later than the day following the transmission.

(2) Non-receipt of payments will result in suspension of facsimile or email privileges, the striking of pleadings for which fees were not tendered and any other penalties deemed appropriate within the discretion of the Court.

XXI. The following service charge will be assessed over and above the court's standard filing fees for civil and criminal writs for all fax or email filings to cover duplicating, operating and maintenance costs.

(1) Each document from 1 to 10 pages in length filed by fax or email shall be assessed a \$25.00 service charge. Each page exceeding 10 pages will be assessed a service charge of \$2.00 per page.

(2) This service charge will be added to the standard filing fee of this court and shall be paid as provided in ~~IXX~~.

Adopted September 29, 1993; amended May 28, 1997, effective June 1, 1997; amended April 29, 2015, effective April 29, 2015.