

Cite as 2011 Ark. 292

SUPREME COURT OF ARKANSAS

No.

IN RE ADMINISTRATIVE ORDER
NO. 21–ELECTRONIC FILING**Opinion Delivered** June 23, 2011**PER CURIAM**

We adopted Administrative Order No. 21 on June 17, 2010. *See In re Administrative Order No. 21 – Electronic Filing*, 2010 Ark. 304 (per curiam). At that time, we said, “Notwithstanding all the hard work that has produced Administrative Order Number 21, we view it as a work in progress. We anticipate modifying the order in the coming years based on our experience with e-filing. We encourage the bench and bar to advise us about where change is needed.” *Id.*

With a year to work on the project of making electronic filing a reality in our courts, the people most involved in this process in the Administrative Office of the Courts and the Supreme Court Committee on Automation, in consultation with the Arkansas Bar Association, have considered several amendments to Administrative Order No. 21.

One of the hotly debated issues last year was the question whether case-initiating documents should be required to be filed conventionally or electronically. At that time, based on competing recommendations from the Committee on Automation, the Committee’s Task

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Force on E-Filing, and the Committee on Civil Practice, we opted for conventional filing. With the benefit of experience and working through various implementation issues, the Committee on Automation now strongly recommends the option to electronically file case-initiating documents. One of the issues driving this change is the fee structure that has been developed as set out in section (3)(g). We defer to the expertise of the persons most familiar with the details of the project and accept the request to amend section (3) of Administrative Order No. 21. We do note, however, during a transition phase within each judicial district, conventional filing will continue to be permitted.

We also amend section (10) of Administrative Order No. 21 to require training for those who apply to be registered users of the state electronic filing system and to allow Continuing Legal Education credit for the completion of the training.

We now adopt the amendments to sections (3) and (10) of Administrative Order No. 21—Electronic Filing, as set out below, and republish this order. These amendments are effective immediately. (Below, the changes are illustrated, then a clean version of the order appears in the End Note.)

Administrative Order 21 – Electronic Filing

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Section 3. Implementation of Electronic Filing.

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(c) *Paper filing exceptions.*

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~~(1) All case initiating documents shall be filed conventionally, and the clerk must electronically file such documents not later than 48 hours after the conventional filing. Law enforcement citations that are case initiating documents may, however, be filed conventionally or electronically. Documents may be filed conventionally during the one-year transition period required by section (3)(b)(4) herein, and the clerk must electronically file such documents not later than 48 hours after the conventional filing.~~

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(g) Fee for electronic filing system.

(1) (A) The fee to be charged for use of the electronic filing system shall be as prescribed in this section.

(B) No portion of the electronic filing system fee shall be refunded.

(2) The electronic filing system fee is as follows:

(A) For all civil actions and misdemeanors electronically filed in either the Supreme Court or the Court of Appeals.....\$20.00;

(B) For initiating a cause of action through the electronic filing system in the civil, domestic relations, or probate division of circuit court, including appeals.....\$20.00;

(C) For initiating a cause of action through the electronic filing system in the civil or small claims division of district court.....\$20.00.

(3) The fee provided under subdivision (g) of this section shall be remitted by the Clerk of the Supreme Court on or before the fifteenth day of each month to the Administration of Justice Funds Section on a form provided by the Office of Administrative Services of the Department of Finance and Administration for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(4) No fee shall be charged or collected when the court by order, under Rule 72 of the Arkansas Rules of Civil Procedure, allows an indigent person to prosecute a cause of action in forma pauperis.

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(5) Prosecuting attorneys filing actions on behalf of the state, with the exception of child support cases, are exempt from paying fees under this section.

(6) Fees under this section shall not be charged or collected in cases brought in the circuit court under the Arkansas Juvenile Code of 1989, § 9-27-301 et seq., by a governmental entity or nonprofit corporation, including without limitation, an attorney ad litem appointed in a dependency-neglect case or the Department of Human Services.

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Section 10. Registration requirements.

(a) *Registration mandatory.* All persons wanting access to the electronic filing system or document management system must become a registered user in order to access the system. The following persons shall be permitted to become registered users: (1) licensed Arkansas attorneys; (2) non-Arkansas attorneys permitted to practice pro hac vice in Arkansas; (3) litigants appearing pro se in a particular case in which the court has mandated electronic filing; and (4) clerk and court personnel. A clerk shall permit persons who are not registered users and who are not authorized to access the document management system to access electronically filed documents via a public access terminal located in the courthouse, subject to the restriction on disclosure of confidential documents provided in section (11) of this order.

(b) *Registration requirements.* The AOC shall establish registration requirements for all authorized users and must limit the registration of users to individuals, not law firms, agencies, corporations, or other groups. The AOC must assign to the registered user a confidential, secure log-in sequence. The log-in sequence must be used only by the registered user to whom it is assigned and by agents and employees as the registered user may authorize. No registered user shall knowingly permit his or her log-in sequence to be used by anyone other than his or her authorized agents and employees. The AOC may require users to undergo training prior to authorizing access to the electronic filing system. The AOC is permitted to collect a fee not to exceed \$100 for training and registration to be deposited in the Bar Account of Arkansas. Attorneys who complete this training shall be entitled to receive one hour of general Continuing Legal Education credit.

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End Note

[clean version of revised order with changes]

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