

APPELLATE and GENERAL E-FILING (JEFS) FREQUENTLY ASKED QUESTIONS
Last Update: 09/19/13

AUTHORIZING STATUTES

Q1. What is an authorizing statute?

A1. An authorizing statute is a statute that allows a party to file a particular kind of case (e.g. an appeal) or empowers a court to hear the kind of case. An authorizing statute may also be called a “jurisdictional” statute.

AVAILABILITY

Q2. When is the e-filing system unavailable?

A2. The system is shut down for maintenance Monday through Saturday between midnight and 4:00 a.m. The system is shutdown on Sundays from midnight to noon.

Q3. What happens if the e-filing system is unavailable and I cannot e-file a document?

A3. If the e-filing system is unavailable due to technical problems, you should submit a paper document to the clerk. If the e-filing system is unavailable due to a natural or man-made disaster that closes the courts, the supreme court may extend the filing deadlines, as it has in the past.

Q4. Is there an auto-logout timer for e-filers?

A4. After 60 minutes of inactivity, the system will automatically log you off.

BUTTONS

Q5. What are “add” buttons?

A5. The add buttons may be labeled “Add” or may appear as a plus (+) sign. The button allows one to add more attorneys, persons, or documents, to a case.

CONFIDENTIAL / SEALED / IN CAMERA

Q6. When should I check the “confidential” box for a case?

A6. When the case is designated “confidential,” “restricted,” “sealed,” or “protected” by a statute or court rule.

Q7. When should I check the “sealed” box for a document?

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A7. When the document being filed is not available for public inspection and copying, but is available to the parties and the court. See Rules 2 and 10 of Hawaii Court Records Rule.

Q8. When should I check the “in camera” box for a document?

A8. When the document is intended for only the court’s review. See Rules 2 and 10 of the Hawaii Court Records Rules.

CONFIRMATION

Q9. Does the e-filing confirmation screen mean that everything was submitted properly?

A9. The e-filing confirmation screen means that the documents were e-filed. The e-filing system makes no judgment about the merit or content of the filed documents.

CONVENTIONAL FILING / BINDING

Q10. HRAP Rule 32(a) says “conventionally filed documents . . . shall not be bound, stapled, or tabbed.” Why?

A10. All paper documents submitted to the appellate courts will be imaged. Staples and other bindings must be removed by the appellate clerk and that delays documents being available in the Judiciary Electronic Filing System (JEFS) and the Judiciary Information Management System (JIMS).

Q11. Must conventionally filed documents submitted to district court be bound?

A11. Yes. Rule 3 of the Rules of the District Courts of the State of Hawaii requires conventionally filed documents to be “firmly bound together at the top.”

COST

Q12. Is there an additional charge for electronic filing?

A12. No, but a non-refundable 2.6% fee is added by the Hawai’i Information Consortium if you pay filing fees on-line by credit card.

DOCUMENTS FOR E-FILING

Q13. May I e-file a Word or WordPerfect document?

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A13. No. Only Adobe PDF documents may be e-filed.

Q14. How do I create an Adobe PDF document?

A14. Adobe PDF documents may be created in several ways. Please review the “help” portion of the word processing or other system you are using, but the process is usually simple. For example:

- In some versions of Word you may “save as” and select “pdf.” In other versions of Word, you may select “Adobe PDF” on the toolbar and then select “Convert to PDF.”
- In recent versions of WordPerfect you may select “publish to PDF” from the File menu.
- Most copy machines now include software that lets you copy and save the copy as an Adobe PDF document. Follow the instructions for your machine.

FILING ERRORS AND CORRECTIONS

Q15. If I filed a document in the wrong case or filed the wrong version of a document in a case, how do I correct the filing?

A15. Call the SCCO Help Line at 539-4789 for assistance. Be prepared to provide your Case ID, the docket number, the description of the erroneous filing, and the filing date and time. In some instances the clerk is not allowed to change the entry without a court order. Consequently, the clerk may tell you to file a motion to correct the record. The clerk's corrective action, if allowed, will generate a Notice Of Correction (NOC) that will be emailed to JEFS users and sent by U.S. mail to non-JEFS users.

Q16. I selected the wrong filing description for a document filing, how do I correct it?

A16. Call the SCCO Help Line at 539-4789 for assistance. Be prepared to provide your Case ID, the docket number, the description of the erroneous filing, and the filing date and time. In some instances the clerk is not allowed to change the entry without a court order. Consequently, the clerk may tell you to file a motion to correct the record. The clerk's corrective action, if allowed, will generate a Notice Of Correction (NOC) that will be emailed to JEFS users and sent by U.S. mail to non-JEFS users.

Q17. If the wrong party is added to a case, will there be any time to retract the email notification?

A17. No. A party will need to move to correct the record.

Q18. If the wrong party is assigned to the case at e-filing case creation, how is the incorrect party removed?

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A18. A party must move to correct the record. This requires a formal motion to the court and cannot be corrected by a phone call.

Q19. If the e-filer forgets to indicate a case is confidential – how will access be prevented?

A19. Access will not be prevented until someone brings the matter to the attention of the clerk and the clerk applies proper security. Because the case type is confidential, the clerk can make the case confidential without a court order or anyone's permission. The confidential case will appear on public eCourt Kokua until such time as the clerk makes the case secure.

Q20. If the e-filer forgets to indicate the case or document is confidential – and email notification is sent, is there a concern about allowing the recipients of that notification to see the case or document?

A20. No. Only parties to the case will get the email notification. Parties to the case are entitled to see the case/document. See HCRR Rule 10.4.

Q21. If the e-filer designates a document as confidential when the e-filer should have designated the document "in camera," is there a concern the document will be reviewed by opposing parties?

A21. Yes. The e-filer should immediately inform the clerk so the clerk can assign proper security. Until the document is designated "in camera," it will be visible to all parties.

Q22. Who is notified when a filing error is corrected?

A22. Registered JEFS users on the case will receive an emailed Notice Of Correction (NOC). The NOC will be sent to non-JEFS users by U.S. mail. The NOC will be docketed on the case and viewable in Manage Cases. For public cases, the docket entry can be viewed in eCourt Kokua.

Q23. I received an email referencing a Notice Of Correction (NOC), what do I do?

A23. The Notice Of Correction (NOC) is merely a notice. In most instances you will not need to do anything. If you think the correction was wrong, you may move the court to correct the record. You may view the NOC in manage cases. An NOC will be listed in the Dockets section. The corrected docket will be listed where the incorrect docket was listed. If the correction was a deletion, DEL will be displayed where the erroneous entry was located.

Q24. What information is provided on the Notice Of Correction (NOC)?

A24. The NOC includes:

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- the Case ID
- the identity of the docket entry that was corrected
- the type of action taken on the docket entry (e.g. deleted or changed)
- the new docket and filing description or an indication the docket entry was deleted (DEL)
- the reason for the delete or change action
- the date the correction was performed
- the supporting document for the correction (e.g. a court order), if any.

HELP

Q25. Who should I call if I have questions or issues when trying to e-file?

A25. Call the Office of the Supreme Court Clerk (SCCO) at 539-4789. The clerk's office will assist you or direct the call to a person who can assist you.

Q26. Should I call the clerk's office to confirm they have received my filing?

A26. No. You may log in and access "manage cases" to see if your documents were filed.

IMAGED DOCUMENTS

Q27. I received a notice of electronic filing. The filing is shown on the docket, but no image is attached.

A27. The clerk may not yet have imaged the documents or the document may not yet have been loaded by the document management system. When parties file through JEFS, the parties attach the documents and the image of the documents are usually accessible within 20 to 30 minutes. If the documents are submitted over-the-counter, the clerk must image the documents and then attach them to the docket. Depending on the clerk's workload, it may take the clerk a few days to image and attach the documents.

KINDS OF CASES

Q28. What kinds of cases may be initiated electronically?

A28. Currently, all of the types of cases that may be heard by the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court may be initiated electronically. As of mid-August 2012, district court criminal cases are also initiated electronically.

LEAD DOCUMENT; SUPPORTING DOCUMENT

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Q29. The system asks for my “lead” document and “supporting” documents. What does this mean?

A29. A lead document is the main document being filed. A supporting document is an attachment. Examples:

- a. If you file a notice of appeal, the "notice of appeal" is the lead document, the required copy of the judgment is a supporting document.
- b. If you file a motion, the motion is the "lead" document". Supporting documents may include a memorandum in support of the motion, a declaration, an exhibit.

Q30. May I have a lead document without a supporting document?

A30. Yes.

Q31. May I have a supporting document without a lead document?

A31. No.

Q32. What is the advantage of identifying “lead” and “supporting” documents?

A32. The documents are less likely to be rejected because they exceed the maximum 10 MB size. Also, the separate docket entries make the documents easier to find.

Q33. How are lead and supporting documents “easier to find”?

A33. Each document is given a different document sequence number. Thus, in a brief, memorandum, or other document a party can cite a sequence number and the court or opposing parties can easily find the document. For example: Docket #3.

MULTIPLE NOTICES OF APPEAL

Q34. The appellant filed a notice of appeal from the judgment and a separate notice of appeal from a post-judgment order on attorneys’ fees. Is the appellant charged a filing fee for each notice of appeal?

A34. Yes. Each notice of appeal or notice of cross-appeal incurs a filing fee unless the party is proceeding *in forma pauperis* or is a government attorney.

PAPER FILING

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Q35. If I initiated an e-filed case, may I later file paper documents instead?

A35. Not in usual circumstances. Attorneys must e-file unless excused by court order. Self-represented parties may elect to e-file, but if the self-represented party elects to e-file, he or she must seek permission from the court to return to paper filing.

PARTY, JUDGE, ATTORNEY

Q36. Must I add all parties to the case, as well as the judge(s) and attorney(s)?

A36. You may initiate the case without adding all of the legal parties, judges, and attorneys, but if you add everyone

- you will be able to take advantage of the "notice of electronic filing" (in lieu of conventional service);
- you will be able to search by party, judge, and attorney; and
- the Judiciary will be able to report all cases for each judge to the Judicial Selection Commission, when the judge seeks retention.

Q37. If I do not add all of the parties, will the clerk's office do it for me?

A37. Perhaps, but you may be asked to show cause as to why you should not be sanctioned for failing to add all parties.

Q38. Must attorneys be registered on a case to e-file on it?

A38. No. Active attorneys are authorized to practice before any court. Attorneys may enter an appearance in accordance with the rules of the court. If court permission is required by the rules of court, the attorney's first document should be a motion for leave to appear, but the attorney will be able to e-file the motion on the case. See, e.g., HRAP Rule 50 for withdrawal, discharge, or substitution of appellate counsel where sections (a) and (c) require a motion and order, section (b) does not. In short, the electronic system allows an attorney to e-file on any case, but the propriety of such a filing is governed by court rules.

Q39. If an attorney can e-file an appearance on any case, may the attorney add him- or her-self or other parties to the case?

A39. Yes

Q40. What if an attorney intentionally and wrongly adds him- or her-self or others to a case?

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A40. Opposing counsel or parties may bring the matter to the attention of the court. A judge or justice may take such actions as are appropriate. Possible actions include, but are not limited to, show cause orders, sanctions, removal, and/or referral to the Office of Disciplinary Counsel.

Q41. Must I add all court reporters, one for each Request for Transcript, as parties to the case, as well as selecting each one from the documents section drop down?

A41. You may add the court reporter(s) to the case if the reporter(s) is/are known, however, adding the court reporter(s) is NOT required to file a Request for Transcript. When filing a Request for Transcript (document category *Document*, document type *Request for Transcript*), an additional *Court Reporter* drop down menu will appear below the *Attach Document* section, and adding one or more reporters is required for each Request for Transcript document. Select the court reporter by name or select *Recorded Proceeding XX Circuit* so that the request may be routed accordingly. Click on the green plus sign to add; more than one court reporter may be added for each Request, as in a request which lists more than one date. The court reporter is required for each Request and failure to select and add at least one will result in an error message.

PAYMENT

Q42. What forms of payment are accepted?

A42. If the payment is for a case in the Hawaii Intermediate Court of Appeals or the Hawaii Supreme Court, cash or checks in the exact amount are accepted. Make a check payable to: Clerk, Supreme Court of Hawaii. If the payment is to a District Court, make the check payable to District Court. If payment is made on-line, Hawaii Information Consortium will accept VISA and MasterCard.

RECORD ON APPEAL

Q43. HRAP Rule 11 says "it is the responsibility of each appellant to provide a record...that is sufficient to review the points asserted [etc.]" The record is in the custody of the clerk of the court or agency, so how can it be the appellant's responsibility to provide the record?

A43. This rule means the appellant must take affirmative steps to see that the record is sufficient for appellate review. For example:

- a. Oral evidence is not transcribed unless someone asks that it be. Because oral evidence is often necessary to decide issues, the appellant must order transcripts or, if the transcript cannot be made, take other steps (set out in HRAP Rule 10) to provide a record of the oral evidence that was heard by the trial court or agency.

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- b. The appellant must review the documentary record to make sure all the documents needed for the appeal are in the record. If the clerk of the court or agency omitted a document, the appellant must take appropriate action to correct the record.

SERVICE AND NOTICE

Q44. Must I file proof of service of the filed notice of appeal with the appellate court even if my notice of appeal was filed in the tax appeal court or another court or agency?

A44. Yes. HRAP Rule 3(e)(1) requires proof of service of a filed copy of the notice of appeal on all other parties and requires that the proof be filed in the appellate court.

Q45. The amendments to HRAP Rules 3(e), 10(b), and 30 delete provisions for service on counsel of record. Does this mean I serve the party directly and need not serve counsel?

A45. No. The provisions were redundant of HRAP Rule 25(b). HRAP Rule 25(b) says “service on a party represented by counsel shall be made on counsel.” Thus, if a party is represented by counsel, always serve counsel; if a party represents him- or herself, serve the party.

Q46. You have deleted from HRAP Rule 12(b) the requirement that the clerk give notice when the record on appeal is filed with the appellate court. Will the clerk no longer give notice?

A46. The notice will be provided by the appellate clerk under HRAP Rule 11(c)(1), as amended. JEFS users will be notified electronically.

Q47. How will service be effectuated when I e-file a document?

A47. A Notice of Electronic Filing will be e-mailed to parties who are JEFS users. You must conventionally serve parties who are not JEFS users. If the Appellant entered all the parties and their attorneys, the Notice of Electronic Filing will tell you which parties received the Notice and which must be conventionally served.

SUPPORTED VERSIONS OPERATING SYSTEM (OS), BROWSER, PDF

Q48. What are the OS, Browser, PDF supported versions?

A48. Operating Systems supported:

- Windows XP, Vista, Windows 7
- Mac OS 9, 10

Browsers supported:

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- Chrome 17
- Firefox 10, 11
- IE6, IE8
- Safari 5

PDF supported:

- Adobe Reader 9, 10, 11
- Adobe Acrobat 9, 10, 11

Note: PDF documents that comply with the ISO standard ISO 32000-1 (which is more commonly known as PDF version 1.7) are supported.

TITLE

Q49. Must I type all of the case title in the extended case title box?

A49. You can initiate the case without typing all of the extended case title. We recommend that you copy and paste the whole case title from the caption on your initiating document. What you type in the extended case title box will print on some court generated documents, including orders and judgments.

TRAINING

Q50. Will additional training classes be offered?

A50. Periodically, as the need arises. Check the eFiling web page for updates. In addition, the eFiling web page includes links to on-line training videos. Many attorneys and parties find the video training sufficient.

WHAT DO I NEED

Q51. What do I need to e-file?

A51. A computer with internet access and the ability to attach Adobe PDF documents.

WHERE TO FILE

Q52. The rules require that I file the notice of appeal in the court or agency from which the appeal is taken. Is electronic filing for the Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court legal?

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A52. Yes, the Supreme Court amended the rules so that a notice of appeal filed through JEFS is deemed filed in the court or agency appealed from. Also, all clerks are *ex officio* clerks of the other courts and may file any document for another court. See HRS § 606-1(b).

WHO MUST E-FILE

Q53. Are self-represented (pro se) parties required to e-file?

A53. Self-represented parties may elect to e-file in their cases, but they are not required to e-file. See Hawaii Electronic Filing and Service Rules, Rule 4.1.

Q54. Must attorneys with cases in the Hawai'i Supreme Court and the Hawai'i Intermediate Court of Appeals and with criminal cases in a District Court e-file through JEFS?

A54. Yes. Rule 4.1 of the Hawai'i Electronic Filing and Service Rules requires each attorney representing a party to a case maintained in JIMS to register as a JEFS User. Rule 2.2 of those rules requires each registered JEFS User to file through JEFS. By order filed August 31, 2010 the supreme court excepted traffic cases in JIMS from the e-filing requirement for now.)

Q55. Some attorneys argue that HRAP Rule 3, 3.1, and 4 require them to conventionally file the notice of appeal and the CADS over-the-counter at the court appealed from. Are they correct?

A55. No. HRAP Rule 25(a) requires attorneys who represent parties in the appellate courts to register as JEFS Users and to e-file all documents. See *a/so* HRAP Rule 3(a) (an e-filed notice of appeal is deemed filed with the clerk of the court appealed from) and HRAP Rule 1(e) (documents filed and served in accordance with the Hawai'i Electronic Filing and Service Rules deemed to comply with filing, mailing, certified mailing, notice, and service requirements of the HRAP).

Q56. May attorneys be sanctioned if they do not e-file?

A56. Yes. See HRAP Rules 25(a) and 51, RDCH Rule 3.