

## **E-Filing Policy Issue - # 1** (General Direction)

**Issue:** (State the issue and whether it is specific to a certain level of court or case type.)

Should TurboCourt E-Filing business processes always parallel paper filing business processes, even when efficiencies can be gained by enforcing certain procedural decisions through E-filing?

**Discussion:** (Provide the factual setting or context for the issue.)

There are numerous instances where a case is filed in paper format even though the filing does not follow court rules or statutory restrictions. The argument for leaving this activity in place is that the other party can file a motion to address the issue. The argument against leaving this activity in place is that it generally causes the court additional work. The AOC E-filing team would like general direction to guide the project in these instances.

An example is:

The justice court and superior court have concurrent jurisdiction in matters of \$5,000 to \$10,000. Anything over \$10,000 should be filed in the superior court. However, in paper format, a complaint seeking \$12,000 is accepted by the justice court, although the case will likely soon be transferred to superior court.

1. In this example, should TurboCourt prevent a complaint seeking more than \$10,000 from being filed in justice court in accordance with statute?
2. Does the process of allowing a party to move to dismiss, based upon monetary jurisdiction, outweigh the efficiency of forcing the filing into superior court?
3. If the court does transfer or dismiss in all of these instances, should this matter be automated to save the courts work?
4. Should what happens over the counter be exactly the same as what happens electronically? Conversely, if electronic restrictions are enforced, should courts be trained to enforce these restrictions with paper filings as well?

**Authorities:** (Provide references to specific statutes, rules, codes or administrative orders you believe are pertinent to the issue.)

This issue is general in nature, and does not rely on any specific legal authority.

**Alternative Solutions:** (List all identified alternative solutions for the issue.)

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- Allow TurboCourt to enforce procedural court rules and statutes and take advantage of electronic efficiencies.
- Require TurboCourt to mirror the procedure followed with paper filings over the counter, allowing legal procedures to play out.

**Position/Recommendation:** (Does the AOC E-filing team have a recommendation on this issue?)

None.

**Decision:**

Turbo Court must not replace a judicial officer's discretion to sort out the legalities of any filing. In general, a warning text should alert a filer whenever legal limits are being exceeded and offer options. In the particular instance of a general civil claim filed in justice court in excess of the amount allowed, no judicial discretion is involved, so the software will prohibit the filing unless the filer reduces the claim below the jurisdictional maximum. Warning text should also indicate that the \$10,000 jurisdictional limit does not include court costs or attorney's fees.