Appendix

Davidson County Chancery Court Electronic Filing Rules
(E-filing Rules)

Section 1. General Provisions.

1.01. Authority. In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Chancery Court of Davidson County Tennessee for the Twentieth Judicial District adopts electronic filing. The electronic filing rules set forth in this Appendix govern the electronic filing of pleadings and other papers in the Chancery Court of Davidson County Tennessee.

1.02. Short Title. These rules may be cited as the "Davidson County Chancery Court E-Filing Rules".

1.03. Definitions.

(a) "Clerk" means the Clerk & Master of the Davidson County Chancery Court.

(b) "Court" means the Davidson County Chancery Court and all Parts thereof.

(c) "Document" means a pleading, motion, application, request, exhibit, brief, memorandum of law, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the Tennessee Rules of Civil Procedure and the Local Rules of Court.

(d) "Document management system" or "DMS" means a computer system owned and in the custody of the clerk which maintains electronic and scanned paper documents filed in the Court in electronic form.

(e) "E-file" or "e-filing" means the electronic transmission of documents in the Court using the dedicated e-filing system.

(f) "E-filer" means a registered user who submits a document for e-filing through the e-filing system.

(g) "E-filing fee" is a fee charged in connection with electronic filing that is in addition to statutory filing fees. Such fee includes a convenience fee assessed to cover credit card processing fees and/or a transaction fee or subscription fee per T.C.A § 8-21-401.

(h) "E-filing rules" means the Davidson County Chancery Court E-filing Rules.

(i) "E-filing system" means a web-based system maintained by the clerk for the purpose of providing a means for e-filers to access the DMS and transmit documents to the clerk for filing. E-filers may obtain access to the e-filing system either through an internet access point or by using the clerk's public access terminal located in the clerk's office.

(j) "Electronic signature" means a signature line beginning with an "s/" followed by the typewritten name of the signatory.

(k) "E-service" means the electronic transmission of an e-filed document to a party or a party's attorney through the e-filing system.

(l) "Local rules" mean the rules of the Circuit, Chancery, Criminal, and Probate Courts of Davidson County, Tennessee for the Twentieth Judicial District.

(m) "Party" or "Parties" means any person, including an individual, executor, administrator or other personal representative, or a corporation, partnership, association or any other legal, governmental or commercial entity, whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state who is a party in a case pending in the Court and is represented by an attorney or acting pro se.

(n) "Portable Document Format" or "PDF" means the computer file format developed by Adobe Systems Incorporated for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents.

(o) "Public access terminal" means a publicly accessible computer provided by the clerk for the purposes of allowing e-filing and viewing of public electronic court records. The public access terminal shall be located in the clerk's office, and made available during regular business hours. The clerk's office may also offer printed copies of electronic court records for applicable copying fees as permitted by relevant statute and court rules.

(p) "Registered user" means any person listed in section 2.01 who has properly registered with the clerk to e-file documents in the Court.

(q) "System administrator" means the Davidson County employee designated by the clerk to administer the DMS, the e-filing system, and the registration of registered users.

(r) "Terms of use agreement" means that agreement established by the clerk that sets forth the parameters for use of the e-filing system by all registered users.

(s) "Traditional filing" is a process by which a party files a paper document with the clerk.

(t) "Transaction receipt" means an e-mail confirmation that is transmitted to an e-filer after an e-filer has submitted a document to the clerk to be filed through the e-filing system. The transaction receipt displays the date and time the document was submitted by the e-filer. The transaction receipt may serve as the e-filer's proof of filing.

(u) "TRCP" means the Tennessee Rules of Civil Procedure.

(v) "User guide" means the Odyssey eFileTN user guide(s) for using the e-filing system. E-filers should periodically check for updates to the user guide(s) posted on the Court website (http://www.chanceryclerkandmaster.nashville.gov/) and the eFileTN website (http://www.odysseyefiletn.com/).

1.04. Application and Scope of the Rules. These e-filing rules are adopted as an Appendix to the local rules of the Court, and do not supersede or replace any other local rules of the Court. E-filing of documents is strongly encouraged by this Court. Except as expressly provided herein, for all new cases filed on or after the effective date of these e-filing rules, the Court shall accept as validly filed all documents that are e-filed through the e-filing system, and a document that can be traditionally filed with the Court may be e-filed.

1.05. Exclusions. The Court or the clerk may exclude documents and/or certain types of cases from e-filing. Notice of these excluded documents and/or cases will be provided on the clerk's website and the e-filing system.

1.06. Electronic Case File. The clerk shall maintain the original and official case file in electronic format for those cases filed on or after the effective date.

Section 2. Registered Users.

2.01. Registered Users. The following persons may e-file documents upon completion of the registration requirements of these rules:

(a) Attorneys licensed to practice law in Tennessee;
(b) Attorneys admitted or who seek to be admitted pro hac vice
(c) Chancellors of the Court and their staff;
(d) The clerk and all deputy clerks; and
(e) Pro se litigants.

2.02. Registration. Any person listed in section 2.01 who desires to e-file documents in the Court shall register with the clerk on the e-filing system. Upon receipt of a properly executed terms of use agreement, the e-filing system shall generate to the registered user an initial confidential log-in name and password to access the e-filing system. Each registered user shall safeguard the registered user's log-in name and password and any e-filing shall be presumed authorized by the registered user whose log-in name and password were used to transmit said e-filing. Except as expressly permitted in this rule, documents shall be e-filed using the log-in name and password of the registered user who signed the document being filed. Registration with the clerk constitutes consent by the registered user to receive electronic service of all documents and electronic notices issued by the Court or the clerk

2.03. Duty of Registered User to Update Contact Information. Registered users shall change their profile maintained in the e-filing system immediately upon any change in the registered user's name, law firm name, delivery address, telephone number, facsimile number, or e-mail address. E-service on an obsolete e-mail address shall constitute valid service on the registered user.

2.04. User Guide. The clerk will provide all registered users with access to the online user guide(s) to assist in e-filing.

Section 3. Filing and Service Procedures.

3.01. Time and Effect of E-Filing.

(a) *Filed upon transmission.* Subject to acceptance by the clerk pursuant to paragraph (b), any document electronically submitted for filing shall be considered filed with the court when the transmission of the entire document to the court's e-filing system is completed. Upon receipt of the transmitted document, the e-filing system shall automatically e-mail a transaction receipt to the e-filer, stating that the transmission of the document was completed and also stating the date and time of the document's receipt. The e-filer is responsible for verifying that the court received and filed the document transmitted. Absent confirmation of receipt, there is no presumption that the court received and filed the document. The transaction receipt shall serve as proof of filing.

(b) *Review by clerk.* The clerk may review the document to determine if it conforms with the applicable filing requirements. If the clerk rejects the document for filing because it does not comply with the applicable filing requirements or because any required filing fee has not been paid, the rejected document shall not become part of the official Court record, and the e-filer will receive notification of the rejection. The notice must set forth the reason(s) the document was rejected for filing. In the event the clerk rejects the submitted document following review, the e-filer may be required to re-file the document to meet necessary filing requirements and deadlines. Notification that the clerk has accepted the document for filing is not required.

(c) *"Filed" Stamp.* E-filed documents accepted for filing by the clerk shall have a "filed" stamp affixed by the clerk. The clerk's stamp of an e-filed document must contain the following: "Electronically Filed/[Date] and Time/[Name of Clerk]." This "electronically filed" stamp has the same force and effect as a manually affixed "filed" stamp of the clerk.

(d) *Time of filing.* Any document e-filed by 11:59 p.m. Central Standard Time shall be deemed to be filed on that date, so long as it is accepted by the clerk upon review and otherwise meets all the requirements for filing under the relevant Court rules.

(e) *Documents Filed by the Court.* The court may electronically transmit orders, opinions, judgments, and other court-issued documents through the e-filing system. When a document electronically transmitted by the court for filing by the clerk requires the signature of the judge(s), clerk, or authorized deputy clerk, the signature may be reflected at the end of the document by means of an electronic signature in the format: "s/ [judge's/clerk's/deputy clerk's name]," followed by the appropriate title (i.e., "Judge," "Clerk," "Deputy Clerk"). Any order, opinion, judgment, or other court-issued document filed electronically without the handwritten signature of the judge(s), clerk, or authorized deputy clerk but containing an approved electronic signature has the same effect as if the judge or clerk had signed a paper copy of the filing.

3.02. Format of Documents.

(a) All e-filed documents shall be formatted in accordance with the terms of use agreement as well as TRCP and local rules governing formatting of paper

documents, and in such other and further format as the Court may require from time to time.

(b) All original documents that are e-filed shall be prepared through direct conversion from the word processing file to Portable Document Format and not through scanning of the original paper document. Notwithstanding the foregoing sentence, all attachments and exhibits containing photocopies of documents may be scanned into Portable Document Format. E-filed PDF documents shall be text searchable, if possible.

3.03. Payment of Filing Fees. Unless excused by statute or the Court, statutory filing fees or other statutorily permitted fees and taxes required to be paid at the time of filing of an e-filed document must be paid with an approved form of electronic payment at the time of e-filing. Use of the e-filing system constitutes e-filer's consent to process or charge the form of electronic payment supplied. An e-filing fee may be charged to e-file, and is in addition to statutory filing fees. A refund due to improper collection will require the e-filer to contact the clerk's office directly. A refund will not be made in cash.

3.04. Signatures.

(a) *Registered User's Signature.* A registered user's use of the assigned log-in name and password to e-file a document serves as that user's signature on that document for all purposes. The identity of the e-filer must be reflected at the end of the document by means of an electronic signature, followed by the user's name, business address, telephone number, e-mail address, and number assigned by the Board of Professional Responsibility, if applicable. The requirement that an e-mail address be listed in a registered user's signature is waived if the registered user does not maintain an e-mail address and relies on the public access terminal.

(b) *Multiple signatures.* An e-filer e-filing a document requiring the signatures of multiple attorneys (e.g., stipulations) must list thereon the names of all other attorney signatories and include their electronic signatures. By e-filing such a document, the e-filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, and that the e-filer has their permission to e-file the document. In the alternative, the e-filer may submit a scanned document containing all necessary signatures.

(c) *Signatures Under Penalty of Perjury and Notarized Signatures.* A document required by law to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be e-filed, provided that the declarant or notary public has signed a printed form of the document. The printed document bearing the original signatures must be scanned as a PDF in a format that accurately reproduces the original signatures and contents of the document electronically submitted for filing. The original document shall be maintained by the e-filer, and shall be made available, upon reasonable notice, for inspection by another party, other counsel, the clerk or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

(d) *Effect of Signatures on E-Filed Documents.* Any filing made under these rules shall bind the signatory as if a paper document were physically signed and filed. An e-filing therefore shall function as the signatory's attestation to the truthfulness

of an e-filed affidavit, declaration, or certification, or as a validly signed document for any other purpose under the TRCP, including TRCP Rule 11 or other Court rule.

Section 4. Electronic Service.

4.01. Automatic Service by E-Filing System. Upon the receipt of an e-filed document, the e-filing system will automatically generate and send by e-mail a notice of filing along with the document to all registered users participating in the case. This automatically generated notice shall constitute proper service of the e-filed document on those registered users and shall have the same legal effect as service of a paper document under the TRCP. Independent service, either by paper or otherwise, need not be made on any registered user receiving e-service. Attorneys and self-represented parties who did not receive e-service must be served by the e-filer through the conventional means of service set forth in the TRCP.

4.02. E-Service of Documents Filed by the Court. The clerk's e-service on a registered user of a notice, order, opinion, or judgment filed by the Court shall constitute proper service and shall satisfy the notice requirements of the TRCP, including the mailing requirements of TRCP Rule 5.02 and Rule 58.

Section 5. Effect of Technical Failure in E-filing. If the e-filing of a document does not occur because of: (1) a technical error in the transmission of the document to the clerk which was unknown to the sending party, (2) a failure to process the electronic document when received by the clerk, (3) rejection of the transmitted document by the Court or clerk, or (4) other technical problems experienced by the e-filer or the clerk, the Court may, upon motion of the e-filing party, enter an order directing that the document be filed nunc pro tunc to the date the document was first attempted to be filed electronically. If the court directs the filing of the document nunc pro tunc, the Court may also extend the date for filing any response to the delayed filing and may extend the period within which any other right, duty, or other act must be performed.

Section 6. Privacy Issues. E-filers must be sensitive to confidential and personal information filed publicly, not under seal. E-filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court:

(a) *Social security number.* If a social security number must be included in a document, only the last four digits of that number must be used.

(b) *Date of birth.* If an individual's date of birth must be included in a document, only the year must be used.

(c) *Financial account number.* If a financial account number is relevant, only the last four digits of the number must be used.

In addition, e-filers should exercise caution when filing documents that contain the following:

(1) Personal identifying number, such as a driver's license number
(2) Medical record, treatment or diagnosis

(3) Employment history
(4) Individual financial information
(5) Proprietary or trade secret information

It is the sole responsibility of the e-filer that all documents comply with the rules of this Court requiring redaction of personal identifiers. The clerk will not review each document for redaction.

Section 7. Effective Date. These rules shall become effective on the ___ day of _____, 2016.

ADOPTION OF ELECTRONIC FILING RULES

The foregoing Davidson County Chancery Court E-Filing Rules concerning the electronic filing of documents are hereby adopted by the undersigned Chancellors on this the _____ day of _____, 2016 and submitted to the Administrative Director of the Administrative Office of Courts.

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CHANCELLOR CLAUDIA C. BONNYMAN – Part I

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CHANCELLOR WILLIAM E. YOUNG – Part II

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CHANCELLOR ELLEN HOBBS LYLE – Part III

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CHANCELLOR RUSSELL PERKINS – Part IV

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