



SCOKY Issues Rules for eFiling Pilot Project in Franklin Circuit Court, effective 12/15/13

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In Order 2013-16 http://courts.ky.gov/courts/supreme/Rules_Procedures/201316.pdf (issued November 12, 2013), the Kentucky Supreme Court adopted rules of practice and procedures for the forthcoming electronic filing ("eFiling") system to be utilized in the Franklin Circuit Court (FCC) beginning December 15, 2013. That system will serve as a prototype or pilot for eFiling to be adopted on a statewide basis. Some of the more salient features of the eFiling Rules include the following:

- The FCC pilot project will begin only with attorneys who have agreed to participate in it. Self-represented litigants are not authorized to participate.
- The eFiling rules will supersede the Rules of Civil Procedure and the Local Rules of the FCC to the extent of any conflict.
- The format of documents preferred by the eFiling system is PDF/A, although PDF is also permitted.
- An eFiling may not exceed 50 megabytes. A filing larger than that presumably must be made conventionally or broken down into multiple filings.
- Initially, the filing of e-transcripts of depositions taken on oral examination will not be permitted under the Rules. Rather, transcripts or videos of depositions will need to be filed in the conventional manner.
- Once a document is eFiled, a notice of filing with a hyperlink to the document will be emailed to all parties registered in the case. The notice will record the date and time of eFiling. No other service of a document is required.
- Documents may be eFiled 24 hours a day, and documents due on a particular day may be filed until midnight (E.S.T.) that day. However, the Rules encourage filing during normal business hours in case the system is down for scheduled maintenance or an eFiler encounters technical difficulties and needs support from the eFiling help line operated by the Administrative Office of the Courts .
- eFiled documents must meet the privacy and redaction requirements of CR 7.03.
- eFiling does not apply to service of process, which must still be served by one of the conventional methods authorized by the Civil Rules.
- Documents that must be served but not filed (e.g., discovery requests) need not be served electronically except by mutual consent. (However, once amended CR 5.02 takes effect on January 1, 2014, any party may elect to receive documents by electronic service, which will mandate electronic service on the receiving party unless the serving party obtains leave of court for good cause shown. One would presume an attorney who is participating in eFiling in the FCC would have difficulty showing good cause not to serve opponents electronically if they elect to receive documents electronically.)

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