

Electronic Filing

How Will Common Mistakes Affect You As Counsel?

eFiling Consistency Committee September 2014



eFiling System Overview

Efiling is now available to attorneys through an eFiling Service Provider (EFSP) in all district courts for filings on all matters. All pleadings and other papers filed by attorneys in civil, probate, and domestic cases must be electronically filed (UCJA Rule 4-503).

All documents in district court criminal cases, other than an Information, must be electronically filed. Informations must be electronically filed beginning January 1, 2015 (UCJA Rule 4-603).

The Court has provided various training mediums to assist filers with eFiling which we will demonstrate at the conclusion of this training.



Case Initiation

Case Party Entry

Motion to Waive Fees

Credit Card Entry

Notifications



Case Initiation

Case Party Entry

Motion to Waive Fees

Credit Card Entry

Notifications



Case Parties

The party information you are submitting is what the court and the public will have to work with when processing and accessing records.

- Enter <u>all</u> parties individually enter full names (minors, heirs, claimants, decedents)
- The only punctuation allowed is a hyphen in hyphenated names. No periods, commas, apostrophes.
- Do not use professional titles (Dr.)
- Omit the word "The" whenever possible
- Use appropriate data fields do not put the entire name in the last name field unless the party is a business.
- CORIS will protect the appropriate parties

Plaintiff	
Party Type:	Plaintiff v
First Name:	
Middle Name:	
Last Name: * (or Business Name)	
Name Suffix: (Jr, Sr,)	
EIN (Business):	
SSN:	
DOB:	
Day Phone:	
Home Phone:	
Fax:	
EMail:	
Physical or Last Known /	Address:
Safeguard Information:	
Address Line 1:	
Address Line 2:	
City:	
State:	T
Zip / Postal Code:	
Country:	
Back Next	



Case Parties Cont...

Filers should include all available party data, including date of birth, social security number and party address.

Incomplete party information creates a risk of error in judgment entry, collection efforts, and case searches.

Complete data entry standards are available at http://www.utcourts.gov/efiling/docs/eFiling_FAQ-Attorneys.pdf.

There is also a quick video tutorial for entering party information at http://www.utcourts.gov/efiling/training/videos/Quick_Tip_Entering_Party_Information.htm



Case Initiation

Case Party Entry

Motion to Waive Fees

Credit Card Entry

Notifications



Motion to Waive Fees

Can I file a new complaint/petition without a filing fee?

- If your client is unable to pay, you may file an Affidavit and Application for Waiver of Court Fees/Order to Waive Fees at the same time the complaint/petition is filed. By doing so, your credit card will not be charged for the filing fee. It is important the documents submitted specify the fees you are requesting to be waived (petition, vital stats, etc.)
- If the judge orders that all or part of the filing fees be paid, you must contact the court to pay the filing fee. The court could decline to proceed with the action until the filing fee is paid. (UCA 78A-2-306).
- It is important to use the correct document type to prevent your credit card from being charged. (Affidavit and Application for Waiver of Court Fees and Order to Waive Fees (proposed).)



Case Initiation

Case Party Entry

Motion to Waive Fees

Credit Card Entry

Notifications



Credit Card

Review and Approve Filing	
Case Type : Debt Collection	
Payment Method: (a) Cardholder: Gidget MasterCard: X4444 Exp: 04/2015	Change Payment Method
 Government Filing Only select this waiver if you are filing on behalf of a government Filing Only select this waiver if you are filing on behalf of a government. 	emment agency.

If credit card data is not added or verified before submitting, the filer runs the risk of:

- 1. The filing going on hold or being returned to the filer. A filing on hold is delayed until the problem can be identified and resolved by the Administrative Office eFiling Team.
- 2. The court may decline to proceed until payment is received.
- 3. Dismissal process may begin after 10 days. (URCP 3(a)).
- 4. Filers with consistent credit card issues may be asked to appear before the court to address the problem.

Common credit card issues are due to expired cards, card limit has been exceeded, card is declined for other reasons.



Case Initiation

Case Party Entry

Motion to Waive Fees

Credit Card Entry

Notifications



Notification

I received electronic notification. Why wasn't the document attached?

- A copy of the document attached to the electronic notification isn't provided by the Utah State Courts.
- Some eFiling service providers provide a copy of the document as a courtesy.



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Scanning Documents in Color....

Can I submit my documents in color?

- No. Color documents do not meet the eFiling specifications. Please submit all documents in black and white.
- The size limitation on documents is 7 MB. Scanning your documents in color and using colored paper will increase the size of your documents.



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Abbreviations

IN THE SEVENTH DISTR CARBON COUNTY			
PROFESSIONAL COLLECTIONS, INC. Plaintiff	MEMORANDUM OF COSTS AND EXPENSES		
vs. TAYLOR SISNEROS	Document Type *	Memorandum of Costs	T
Defendant(s)		Acceptable File Format(s) (*	.PDF)
	Document Location Add to Submission	Choose File No file chosen	

How do you enter additional text when the entire text is not available from the eFiling drop down menu?

- The "Additional Text" box is used along with the document type to display the document title in the court docket.
- Use the document type and/or additional text to include the entire title of your eFiled document. Please do not shorten, abbreviate or summarize the document title.
- The additional docket text may also be used to alert the court to special circumstances. For examples, of special circumstances, see Notes & Special Cases, page 10 of the <u>Frequently</u> <u>Asked Questions for Attorneys</u>
- When adding additional docket text all caps should not be used, entries should be created using proper case, with no special characters.



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RTF Formatting

All documents requiring a court signature must be formatted according to Utah State District Courts eFiling Standards. The instructions for Formatting RTF Documents for eFiling can be found at:

http://www.utcourts.gov/efiling/docs/formattingrtfdocuments.pdf

Certain conditions within a document submitted to the courts' eFiling system will result in the document being rejected. Each rejection message, and a remedy to the problem, is provided in the document linked above, under "Managing Rejected Documents".



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Filing Multiple Documents

Document Type *	select a Document Type	¥			
AdditionalText					
	Acceptable File Format Type(s) (*.rtf)				
Document Location	Choose File No file chosen				
Add to Submission	Add				
	Document Name	View Document	Edit Dete	Size	Remove
Form		form.xml		0.01 MB	
Complaint		Complaint.pdf		0.39 MB	
Summons on Return		SummonsonReturn.pdf		0.28 MB	
				Total Size:	0.67 MB

Can I submit multiple documents as one document?

- No. Documents need to be submitted individually. The Court may not see document need to be acted upon.
- Documents can be submitted as a packet, by selecting each individual document type, uploading each document in the appropriate format, and adding each individual document to be submitted for filing.



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Documents signed by the Court/Signature Block

•Documents electronically signed by the court bear the signature in the upper right hand corner of the first page of the document.

•Documents electronically signed by a commissioner and a judge bear the commissioner's signature on the top left of the first page, and the judge's signature on the top right of the first page.



hearing before Commissioner David S. Dillon on July 3, 2014. Petitioner was present and

represented by James H. Woodall. Respondent did not appear.

The Court, having reviewed the file, and having considered the arguments and proffers of counsel, enters the following Order:

1.Judgment is entered against respondent for \$30,450.00, representing \$30,000.00

owing under the Decree of Divorce, plus \$450.00 in attorney's fees.

-----End of order. The Court's signature will appear at the top of the page------



Documents signed by the Court/Signature Block

•Efilers should not include a signature line and date at the end of their documents.

•Filers may include some reference to the placement of the signature at the end of the document, such as: "signature appears at top of first page"





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Signing with Permission

IN THE NINTH JUDICL ALBERTA	AL DISTRICT OF UTAH . COUNTY
JANE DOE, Plaintiff, vs.	ORDER Case No. 00-000000
JOHN SMITH, Defendant	Judge SOANDSO
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX	20202020202020202020202020202020202020
SIGNATU	IRE AT TOP
Approved as to form: /s/ Signed by Attorney for Plaintiff with permission of Attorney for Defendant	
CERTIFICAT	TE OF SERVICE
I certify that I served this document on opp filing system on November 15, 2013.	osing counsel by filing it in the electronic
	Attorney

Approved as to form:

Signed by Attorney for Plaintiff with permission of Attorney for Defendant

Do not paste an image of a signature into a submitted document.

/s/



/S/ WITNESS

I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

IN THE NINTH JUDICIAL DISTRICT OF UTAH ALBERTA COUNTY

JANE DOE, Plaintiff. DECLARATION OF WITNESS

JOHN SMITH, Defendant

VS

Case No. 00-000000

Judge SOANDSO

1. I am a resident of Juab County, State of Utah. My address is 123 South State Street, Nephi.

2. I am over 18 years of age.

3. I am the seventh cousin of the Jane Doe, the plaintiff in this action.

 On April 1st, 2011, at about 7 p.m., I drove to Ms. Doe's house on 125 South State Street, Nephi.

5. When I arrived, my ninth cousin, Lou Miller, was there, eating at the kitchen table.

I, WITNESS, DECLARE under criminal penalty of the State of Utah that the above statements are true and correct.

DATED THIS 9th DAY OF SEPTEMBER, 2013.

/S/ WITNESS

I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.



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Appearance, Withdrawal, Substitution

Why didn't I receive electronic notification?

• When filing an Appearance of Counsel, it is important to use the correct document type APPEARANCE OF COUNSEL / LIMITED APPEARANCE. By doing so, the filer will be attached to the selected party.

Document Type *	Appearance of Counsel/Notice of Limited Appearance
AdditionalText	
	Acceptable File Format(s) (*.PDF)
Document Location	Choose File No file chosen
Add to Submission	Add

• If you file an ANSWER for a party, you will be attached to the selected party without the need to file an Appearance of Counsel.

		Add an Attorney for this Party Last Name:			
Document Type *	Answer 🔻	Bar #:			
AdditionalText		Bar State: Utah T Add Last Name Bar # Bar State Delete			
	Acceptable File Format(s) (*.PDF)	Atty1 20000013 UT X Check all Parties represented in this Answer,			
Document Location	Choose File No file chosen	For Participant Name BILLY BOB	Current Role Plaintiff	Attorney(s) for Party ATTY1	
Add to Submission	Add	BOBBY BEAN Back Next	Defendant		

If you fail to use the correct document type, you may not receive notifications.



Appearance, Withdrawal, Substitution

Why am I still receiving notifications after withdrawing from the case?

- Did you use the correct document type?
- By using Notice of Withdrawal, the document will be routed to a queue for clerical review. If the correct document type isn't used, the document won't be routed for review, and the court will not see that an action needs to be taken.

Document Type *	Notice of Withdrawal
AdditionalText	of Counsel
	Acceptable File Format(s) (*.PDF)
Document Location	Choose File No file chosen
Add to Submission	Add



Appearance, Withdrawal, Substitution

Do I need to file an Appearance of Counsel if a Substitution of Counsel has been filed?

No. By using the document type SUBSTITUTION OF COUNSEL, the document will be routed to a queue for review by court staff. Court staff will then attach the new attorney to the appropriate party and detach the attorney who is withdrawing.

Document Type *	Substitution of Counsel
AdditionalText	
	Acceptable File Format(s) (*.PDF)
Document Location	Choose File No file chosen
Add to Submission	Add



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Certificate of Service

How does service work with eFiling?

Original service of process under URCP 4 cannot be accomplished through eFiling. Service of subsequent filings under URCP 5 is accomplished via eFiling if both parties are eFilers. When the court's electronic filing system initiates a service message, the EFSP will respond that the service message has been received and delivered to the intended recipient. Recording and storing the receipt of the message constitutes valid service. The filer will receive notification of parties not participating electronically (attorneys may not be attached upon fling of the information, defense counsel may need to contact the prosecutors office to determine which attorney should receive notification by traditional means) to allow the filer to use another method of service. Please note this process is considered the same as service by other means; it does not replace the requirement for filing a certificate of service document. (URCP Rule 5d)



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Answers

Can I file a jury demand, cross claim, counterclaim and/or third-party complaint with an answer?

Yes. At the present time, however, eFiling doesn't have functionality to collect multiple filing fees at the same time. You will need to contact the court after filing to pay any additional filing fees not collected.

Document Type	Additional Docket Text	Filing Fee(s) Assessed
Answer		None
Answer	and Jury Demand	Jury demand fee will be assessed if you select the radio button/checkbox/Yes or No dropdown for jury demand
Demand for Jury Trial – Civil		Jury demand fee will be assessed if you use this document type. Do NOT use both the document type and the radio button/checkbox/Yes or No dropdown for jury demand.
Answer and Counterclaim	and Third Party Complaint	The counterclaim fee will be assessed; you will need to contact the court to pay the third party complaint filing fee.
Answer and Counterclaim	and Jury Demand	Counterclaim fee assessed Jury Demand fee will be assessed if you select the radio button/checkbox/Yes or No dropdown for jury demand.
Counterclaim		If you are filing an Answer and Counterclaim, do not use this document type.
Cross claim		The cross claim fee will be assessed
Notice of Appeal – Civil		The filing fee will be assessed
Notice of Bond		None – At the present time, bonds may not be posted through Efiling, you will need to contact the court to pay the cost bond on appeal.
Utah State Courts



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How do I file a private document?

- The document type of Motion to Classify must be filed at the same time as the document to be classified as private. All documents filed as part of the eFiling submission will be automatically marked as private temporarily, until the Judge rules on said Motion. If the judge grants the motion, the court will change the classification as requested per the Motion to Classify. If the judge declines to sign the order, court staff will change the classification to public.
- Reminder: parties and counsel have access to private documents.

Utah State Courts



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Request to Submit

Why hasn't the judge ruled on my motion?

By selecting the document type "Request/Notice to Submit", the filing will be routed to a queue for review by court staff. If you select the document type "Other", the request may not be reviewed in a timely manner.

Document Type * AdditionalText	Request/Notice to Submit
	Acceptable File Format(s) (*.PDF)
Document Location	Choose File No file chosen
Add to Submission	Add

Utah State Courts



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Exhibits

How do I file exhibits with affidavits and memorandums, that exceed the size limit?

If your document exceeds the 7MB size limit, you will need to split the document into multiple parts.

- 1. Document Type: Memorandum, Additional Docket Text: in Opposition to Plaintiff's Motion for Summary Judgment
- Document Type: Other, Additional Docket Text: Part 2 of 3 -Memorandum in Opposition to Plaintiff's Motion for Summary Judgment
- Document Type: Other, Additional Docket Text: Part 3 of 3 Memorandum in Opposition to Plaintiff's Motion for Summary Judgment





Exhibits

It is very important to provide a complete and accurate description of the document being filed:

Document Type: Additional Docket Text: Other Exhibit to Affidavit in Support of Motion to Dismiss

If you only put Exhibit in the field for additional docket text, it will be difficult for anyone looking at the case history to match the exhibit with the appropriate document.





Why can't I file exhibits with a proposed order submitted for signature?

Rule 7(f)(3) states: "Unless otherwise directed by the court, all orders shall be prepared as separate documents and shall not incorporate any matter by reference." As such, exhibits can't be attached with a RTF document submitted for signature and the Information must be included in the order, not incorporated by reference.

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Document Submission

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Proposed Orders

Should I include the language "proposed" in the title of my proposed order?

No. By using the document type Order, and including your Additional Text (if applicable). The Order will be docketed as proposed by the Court automatically, and the Order if/when signed will docket as an Order.



Judgment Entry



Default Packets

Judgments



Judgment Entry

Default Packets

Judgments

Summons on Return

Why do I need to use Summons on Return as the document type?

- By using the correct document type, the document will be routed to the appropriate queue and the court can proceed accordingly.
- Return of Service should be selected for types of service, other than the Summons, for proper routing and processing, i.e. Supp Order on Return

Document Type * AdditionalText	Summons on Return
	Acceptable File Format(s) (*.PDF)
Document Location	Choose File No file chosen
Add to Submission	Add

Can I file one Summons and Proof of Service for all defendants?

 No. To produce an accurate court record, it is necessary for the court to receive a separate summons and return of service for each defendant.

Summons on Return Cont...

Why does the Summons and Proof of Service need to be filed as one document?

- If the documents aren't filed together, you may run the risk of a request for default certificate being rejected by the clerk if they are unable to match the summons with the appropriate return of service.
- You must file a single PDF document which includes both the Summons and Affidavit of Service.

Judgment Entry

Judgments

Default Packets

When preparing default judgment packets, following these steps will help the process run more efficiently:

- 1. When eFiling, it is helpful to use the full name of the document in the title. This will assist clerks in identifying what has been filed and also help in searching for documents.
- 2. In most districts, if a Military Service Affidavit and a valid certificate from Department of Defense Manpower Data Center have been filed, it is not necessary to file a Military Service Order. The exceptions to this are the 5th and 7th districts. These sites *require* the military service order. When filing a Military Service Order in the 5th or 7th district, please also mark the appropriate box on the Military Service Affidavit document.

Default Packets Cont..

- If only the default judgment document has been unsigned/declined to sign, it is not necessary to resubmit the entire default packet again.
 Only resubmit the default judgment.
- 4. The principal judgment amount being sought is required. The judgment amount is entered on the details page. Failure to do so may cause the filing to go on hold and be delayed.
- 5. When preparing a judgment or order for the judge's signature, do not type "PROPOSED" in front of the title of your document. The word "Proposed" will automatically be sprayed across the page when the order is eFiled and docketed. If the order is prepared with the typewritten word "PROPOSED" manually added to the order, there is no way to remove it once the judge has approved the order.

Judgment Entry

Default Packets

Judgments

Based on the content of your judgment document, begin by identifying the appropriate judgment details.

- 1. A judgment document must be filed.
- 2. After you have uploaded and attached your proposed judgment document for eFiling, judgment details (or judgment entry) screen. Begin by selecting the appropriate judgment type.

Judgments Cont...

- Select the appropriate parties as judgment creditor(s) and debtor(s). Do not include minor children as creditors in domestic cases.
- 3. Enter the actual dollar amount for the judgment.
- 4. You may enter the total judgment amount in the "principal" box AND the total box, OR you may choose to enter each of the judgment details individually. Make certain to enter something in the principal box and that all entries equal the total judgment sought.

Utah State Courts

Entry of Foreign Orders

Writs of Execution

Utah State Courts

Entry of Foreign Orders

Writs of Execution

UCCJEA - The Uniform Child Custody Jurisdiction and Enforcement Act is an interstate law designed to deter interstate parental kidnapping and promote uniform jurisdiction and enforcement provisions in interstate child custody and visitation cases. The UCCJEA provides a means to determine which state court has the final jurisdiction to make a child **custody** determination, allows a state court to enter temporary orders when there are immediate needs and provides a process for enforcing other state's custody and visitation orders. The UCCJEA does not apply to child support cases.

UCCJEA cases are filed as a domestic case type and require a filing fee unless filed by a state agency.

When filing a <u>UCCJEA</u> matter there must be:

- Request to Register a Foreign Order (using the correct document type will result in the correct assessment of fees)
- Copy of the foreign order
- Notice of Registration (proposed)
- Affidavit/declaration stating address information after the time has passed
- For the notice the filer will need to file a:
 - Confirmation of Registration (proposed)

UIFSA is an acronym for Uniform Interstate Family Support Act. UIFSA creates a process for establishing and enforcing support orders across state boundaries. Support orders include child support and spousal support. UIFSA can also be used to establish paternity of a child. UIFSA permits many of these proceedings to be done through the state's Office of Recovery Services (ORS) without the proactive involvement of the courts. A UIFSA action may be initiated by an individual or by a support enforcement agency.

A support order from another state may be filed directly with the district court. This is the most common action filed under the **UIFSA** case type. The filer should submit:

- A Request to Register the Foreign Order (using the correct document type will result in the correct assessment of fees)
- Copy of the foreign support order
- A sworn statement showing the arrearage
- Address information, employment information, SSN and location of any non – exempt property in Utah using document type nonpublic information or redact non-public information
- Notice of the registration of the foreign support order
- Confirmation of Registration

Utah State Courts

Entry of Foreign Orders

Writ of Execution

For a writ of execution to be issued, the following requirements must be met:

- 1. A final judgment as it relates to the party to which the writ is associated to.
- 2. 14 calendar days have elapsed since the entry of the judgment.
- 3. No stay or satisfaction of judgment has been filed and no bankruptcy is pending. (If the judgment creditor has died, the writ of execution may be issued upon the affidavit of an authorized administrator, executor or a successor in interest)

When filing an application for a writ of execution, only the application (PDF) and the writ of execution (RTF) need to be eFiled. The Notice of Execution and Exemptions, Reply and Request for Hearing, etc., do not need to be filed, but need to be attached to the writ when it is served. This is the same practice that applies to garnishments.

Other Topics

Request for Data Correction

Case History "Refresh"

Other Topics

Request for Data Correction

Case History "Refresh"

Exceptions....

What are the exceptions to the rule regarding mandatory eFiling?

http://www.utcourts.gov/efiling/docs/eFiled_vs_paper_filed.pdf

Individuals (or companies) collecting on small claims judgments are allowed to paper file. They are considered self-represented parties
Paper copies of wills may still be submitted for safekeeping
Courtesy copies may be submitted to judges in paper. They are not electronically filed. However, as a courtesy contact the court for judge preference.
Attorneys who are not members of the Utah State Bar, but are attorneys of record on a case (pro hac vice) must electronically file through local counsel. Out of state depositions will be accepted in paper.
Filing fees are required to be submitted with the electronic filing. If a waiver of fees application submitted electronically is denied, the filing fee must be submitted by mail or over the counter. It may be submitted by check or credit card.

Exceptions Cont...

•Trust monies cannot be submitted electronically at this time. Trust monies may be submitted over the counter or through the mail. Any documents associated with a trust deposit must be filed electronically. Courtesy copies may be submitted with the deposit. Remember to add the case number to checks submitted over the counter or by mail.

•Civil bench warrants – Process servers may file the return on civil bench warrant paperwork and deposit funds over the counter or by mail.

•Exhibits submitted to the court and received into evidence are not electronically filed.

•As a practical matter, some "things" cannot be electronically filed and must be accepted at the front counter. Examples are: 1) oversize documents that need to remain larger than 8 $\frac{1}{2}$ x 11 in order to be readable, 2) plat maps, 3) stock certificates, 4) compact disks or DVDs, or 5) high quality photographs that lose too much resolution in scanning to 8 $\frac{1}{2}$ x 11 format. Items that cannot be electronically filed should be offered into evidence at an evidentiary hearing or trial, if possible. Refer to local judicial orders regarding filing these items.

•Sealed cases can not be eFiled on/to

Other Topics

Reque

Request for Data Correction

If it is discovered that party information was entered incorrectly, you will need to file a Request for Data Correction with the court. Judicial Support staff will not change case data without this request. Some Court locations will require a Motion and Order (proposed) to make corrections to a case. Please contact your district to verify what will be required.

 Keep in mind you may be required to re-serve if party information was entered incorrectly.

The Request for Data Correction can be found at: http://www.utcourts.gov/efiling/docs/Request_for_Data_Correction.pdf

Other Topics

Request for Data Correction

Case History "Refresh"

Case History "Refresh"

Why am I not seeing documents or why am I not showing attached to this case?

- Have you performed a case history refresh?
- A case history refresh should be conducted regularly, so the Courts Case Management System and eFiling communicate with one another, and data is transferred between the two systems.
- The process used to refresh case history varies among EFSPs.
Public eFiling Page

http://www.utcourts.gov/efiling

http://www.utcourts.gov/efiling/docs/District_Contact_List.pdf

Utah State Courts



QUESTIONS??

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