

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

ORDER CONCERNING ELECTRONIC FILING PILOT PROJECT

The Supreme Judicial Court authorized certain courts, including the Appeals Court, to conduct electronic filing ("e-filing") pilot projects by order dated February 25, 2015. The order requires each pilot court to issue an order describing the scope of its pilot project. The Appeals Court hereby issues this order concerning its electronic filing pilot which shall commence on March 31, 2016, or as soon after as practicable. The pilot shall proceed according to the following:

(a) Governing Rules.

(1) Filers who submit documents electronically through the e-filing service provider, Tyler Technologies ("Tyler"), on the Massachusetts Court System Odyssey File and Serve Site shall comply with the Interim Massachusetts Electronic Filing Rules for Pilot Courts ("E-Filing Rules"), the Massachusetts Rules of Appellate Procedure, and all applicable Appeals Court rules and standing orders.

(2) To the extent that any court rules or standing orders are inconsistent with this order, the E-Filing Rules, or the Appeals Court Frequently Asked Questions ("FAQ") guidance, this Order, the E-Filing Rules, and FAQ guidance shall control.

(b) Scope. The initial scope of the pilot is civil cases assigned to a panel of the Appeals Court, subject to the exclusions in subsection (d). An appeal initiation document, electronic payment of entry fees, and certain motions and other documents and papers may be submitted through the Massachusetts Court System Odyssey File and Serve Site.

(c) Eligibility. All attorneys who are members of the Massachusetts bar who are able to register with Tyler may participate in this pilot, subject to the exclusions in subsection (d). Eligibility for self-represented litigants may be added at a future date. All filers shall become familiar with the E-Filing Rules and all cited training and guidance materials.

(d) Exclusions. The following exclusions apply to the pilot:

(1) **Excluded Case Types.** Cases that have been designated fully impounded and all criminal cases shall not be included in the pilot. E-filed documents shall not be permitted in these cases.

(2) **Documents.** Any document containing impounded or confidential information is excluded from the pilot and shall not be e-filed.

(3) Excluded Participants. Attorneys admitted pro hac vice in Massachusetts and all non-parties are excluded from this pilot.

(e) Registration. Effective immediately, Tyler is open for registration. All participants in this pilot are required to register with Tyler. Registration shall be accomplished online at <https://efilema.tylerhost.net/ofswweb> Registration shall not constitute a Notice of Appearance in any particular case. Attorney registrants are required to use their business email address on file with the Board of Bar Overseers. If such email address is different from the email address on file with the Appeals Court for receipt of electronic court notices, the filer shall file a change of email address with the Appeals Court. See <http://www.mass.gov/courts/docs/forms/appeals/emailchange.pdf>

(f) Format. All e-filed papers shall comply with the formatting requirements of the Massachusetts Rules of Appellate Procedure. All filings must be submitted in portable document format (PDF). A PDF file must be no larger than 25 megabytes (MB). Multiple documents may be e-filed together, but they must relate to the same case, have a combined file size of no more than 35 MB in the electronic submission envelope, and be a document eligible for e-filing. See generally E-Filing Rule 6.

(g) No Paper Duplicates. All filings that are e-filed will be submitted electronically only. Neither a paper original nor duplicate shall be filed unless specifically requested by the Court.

(h) Submission. Filings pursuant to this pilot shall be submitted through Tyler's website.

(i) Electronic Service of E-Filed Documents.

(1) Service of Documents E-Filed in the Appeals Court. Pursuant to E-Filing Rule 3(d), the filer's registration with Tyler constitutes consent to receive electronic service for all e-filed documents in any case in which the user is involved. All documents submitted electronically through Tyler may be electronically served through Tyler pursuant to E-Filing Rule 7 and such service shall be considered compliant with Massachusetts Rule of Appellate Procedure 13, provided the other parties' representatives have registered with Tyler. If a party's representative has not registered with Tyler, service should be made by the conventional methods (e.g., paper copies and regular mail).

(2) Copies of Applications E-Filed in the Supreme Judicial Court. If an application for direct appellate review or further appellate review is electronically filed with the Supreme Judicial Court through the Massachusetts Court System Odyssey File and Serve Site, the filer is not required to serve a paper or electronic copy on the Appeals Court as set forth in Mass.R.A.P. 11(d) and 27.1(d).

(j) Notice.

(1) Notice from Tyler. Tyler will transmit electronic notifications when an e-filed document is submitted, when accepted or rejected by the Clerk's Office, and at other times during an e-filing transaction.

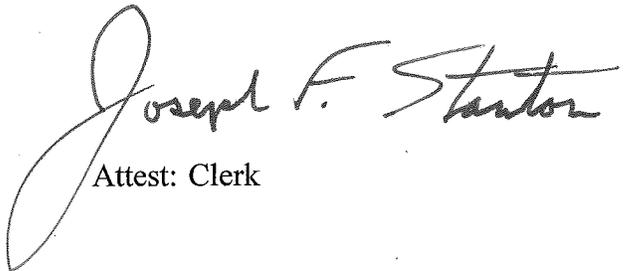
(2) Notice from the Appeals Court. The Court will transmit only electronic notifications of the court's actions, orders, judgments, rescripts, and decisions to filers registered with Tyler. It is incumbent on the filer to ensure they have properly registered their current business email address with the Court by submitting a consent form pursuant to the Standing Order Governing Electronic Notification of Court Orders, Notices, and Decisions in Lieu of Paper Notice. See <http://www.mass.gov/courts/docs/forms/appeals/enoticeconsent.pdf>

(k) Support. All technical support shall be provided by Tyler. The Appeals Court's Clerk's Office may be contacted with procedural questions or with questions regarding the application of this order.

(l) Future Changes and Updates. This order may be superseded or amended, in writing, at any time during the duration of the pilot.

(m) Duration. The pilot shall continue until further order of the Court.

By the Court (Kafker, C.J.)



Attest: Clerk

Date: March 30, 2016