

**ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

NO. 2003-2

eFILE ADMINISTRATIVE PROCEDURES

This 9th day of January, 2003, IT IS HEREBY DIRECTED that the following administrative procedures apply for electronic filing or eFiling pursuant to Civil Rule 79.1:

eFile Administrative Procedures

1. Registration and fees for eFiling

- (a) *Registration.* Any person intending to use eFile must register with LexisNexis™ CourtLink® at www.courtlink.com
- (b) *Filing Fees.*
- (1) There are several parts to the fee structure for eFiling. These will be billed by CourtLink, using the billing arrangements established through the CourtLink registration process. The parts are:
- The routine filing fee for various pleadings (Superior Court Civil Rule (“Rules”) 77(h)A-F).
 - A technology fee of 50 cents per document (Rule 79.1).
 - A per page filing fee of 10 cents, with a minimum of \$2.00 per document. There are also various fees associated with service options. See fee schedule attached as Exhibit A.
 - Pro Hac Vice fees, trial fees and filing fees.
- (2) The Rules impose a fee for every additional 50 documents filed in a case (Rule 77(h)B) and for alternate dispute resolution (Rule 16.1). Those fees will be billed by the Prothonotary directly to the plaintiff, and will not be part of the CourtLink billing process.

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2. Minimum Technical Requirements

The **minimum** technical requirements for eFilings are:¹

(a) Browser

Microsoft Internet Explorer IE 5.01 with Service Pack 2 or higher
Netscape Navigator 4.72 or higher

(b) Word Processor

Microsoft Word 97 OR Corel WordPerfect, v. 8.0 or higher

(c) Text Viewer

Adobe Acrobat 4.05 or higher (Reader only; available at no charge)

Use of Adobe Acrobat (full version) allows users to create PDF files that are smaller in size and thus increase the speed of filing large documents.

(d) Internet Connection

Internet connectivity, 56 KBps modem per user or higher, higher speed connection strongly recommended.

(e) Scanner

Scanner

(f) Scanner Software

Should be capable of creating Multi-page TIFFs, or PDFs, and 200 x 200 resolution documents. The resolution of scanned documents shall not be higher than 600 x 600.

(g) Document Size

¹ In the event a user does not have these minimum technical requirements, eFiling may be done through the Court's Public Access Terminal or a CourtLink-trained Service Provider. For a list of optimal technology see the Superior Court website (<http://courts.state.de.us/superior>)

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eFile document size shall not exceed six (6) megabytes. If a particular filing is larger than six megabytes, the document should be split into parts, and filed using the linking feature referenced in Section 4(d) below.

3. Documents which must be electronically filed; Exceptions

Each document which must be filed under the Rules shall be eFiled unless otherwise ordered by the Court. Excepted are all guardianship petitions whether assigned or not, affidavits in support of long arm jurisdiction, U.S. Postal Service green cards reflecting service of process, and affidavits pursuant to the Soldiers and Sailors Civil Relief Act. In addition, a paper copy of any praecipe, CIS (case information statement), complaint and summons shall also be filed to facilitate service of process, with additional copies for service as required by the Rules. A paper copy of each motion, answer and reply and each brief and appendix shall be sent to the assigned Judge. The cover page must indicate "COPY" and include the assigned document ID number.

4. Form of Documents Electronically filed

(a) *Format.* Each electronically filed document shall be filed in Word, WordPerfect, TIFF or PDF format. To the extent practicable it shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Prothonotary may require from time to time. A document may exceed page limitation rules to a maximum of two (2) additional pages when the additional pages are attributed to the electronic conversion or filing process.

- (1) eFile will automatically convert any Word, WordPerfect or TIFF file to .PDF format, but the original format will also be available for downloading.
- (2) The official record of the court is the .PDF version.

(b) *Title of Documents.* The title of each electronically filed document shall include:

- (1) Party or parties filing the document,
- (2) Nature of the document,
- (3) Party or parties against whom relief, if any, is sought, and
- (4) Nature of the relief sought (e.g., Defendant ABC Corporation's Motion for Summary Judgment).

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(c) *Signature.*

- Each electronically filed document shall be deemed to have been signed by the attorney, or party not represented by an attorney, authorizing such filing, and shall bear a facsimile or typed signature of such person. Each document eFiled by or on behalf of a party shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Delaware bar number.
- Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. The original affidavit or declaration filed or served electronically, shall be maintained by the party filing the affidavit during the pendency of the litigation, and shall be made available, upon reasonable notice, for inspection by other counsel, the Prothonotary or the Court.

(d) *Filing Related Documents.*

- All electronically filed documents relating to a single pleading or paper shall be “electronically stapled” using the “main” and “supporting” functionality of the eFiling system. In this way, multiple related documents, although filed separately, are linked logically together and identified as a single transaction.
- All electronically filed documents, papers or pleadings directly relating to a previously-filed document, paper or pleading shall be linked to the previously filed document, paper or pleading, utilizing the “linked document feature” in the eFiling system.

5. **Sealed Documents**

- (a) Documents filed under seal MUST be formatted with a footer stating the following:

**THIS DOCUMENT IS CONFIDENTIAL AND FILED
UNDER SEAL. REVIEW AND ACCESS TO THIS
DOCUMENT IS PROHIBITED EXCEPT BY PRIOR
COURT ORDER.**

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7. **Public Access to the Docket**

The Prothonotary shall make a Public Access Terminal available to the general public to allow access to the eFile docket.

8. **Related eFile Documents**

The following eFile instructions and practice guides are available on the Superior Court Website (<http://courts.state.de.us/superior>) or in the Prothonotary's Office:

- Quick Guide: File & Serve
- Quick Guide: New Case Filing
- Quick Guide: Multi-Case Filing
- Quick Guide: File Room

9. **Privacy Issues**

Easy access to electronic documents raises many privacy issues. eFile users must be sensitive to confidential and personal information not filed under seal. Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents filed with the court, including exhibits thereto, unless otherwise ordered by the Court.

- (a) **Social Security Numbers.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
- (b) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (c) **Dates of Birth.** If an individual's date of birth must be included in a document, only the year should be used.
- (d) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In addition, exercise caution when filing documents that contain the following:

- (1) Personal identifying number, such as a driver's license number

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- (2) Medical Records, treatment and diagnosis
- (3) Employment History
- (4) Individual Financial Information
- (5) Proprietary or Trade Secret Information

It is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the rules of this court requiring redaction of personal identifiers. The Prothonotary will not review each pleading for redaction.

/s/ Henry duPont Ridgely

President Judge

cmh

Enclosure - Exhibit A

oc w/enc: Prothonotaries

xc w/enc: Superior Court Judges

Superior Court Commissioners

Court Administrator

Case Scheduling Offices

Law Libraries

Margaret Derrickson (for web page)

File

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EXHIBIT A
Fee Schedule

CourtLink’s current access fees to be paid by the Court for usage by Authorized Users are as follows:

	Rate
File	\$0
View	\$0
Process	\$0
Print	\$0

CourtLink charges access fees for users (other than Authorized Users) of the CourtLink System in accordance with its current fee schedule from time to time. The current fee schedule as of the date of this Agreement is as follows:

Filing with the Court	
<ul style="list-style-type: none"> • 10 cents a page (\$2 minimum) 	
Official Service	
To other subscribers	To non-subscribers:
<ul style="list-style-type: none"> • 10 cents a page (\$2 minimum) 	<ul style="list-style-type: none"> • 20 cents a page via fax (\$2 minimum) • 10 cents a page plus a U.S. mail upcharge via U.S. mail (\$2 minimum)
Courtesy Notification	
<ul style="list-style-type: none"> • 50 cents per party notified 	Provides e-mail or fax notification that a document(s) has been filed with the court and/or served to other parties.

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Accessing Documents	
For documents officially served on or filed by you:	All other documents:
<ul style="list-style-type: none">• No charge to view, print and/or download	<ul style="list-style-type: none">• No charge to view• 10 cents a page to print and/or download (\$1 minimum)
Fax File and/or Serve on Behalf Of	
\$50 plus standard filing and/or service fees.	Faxed documents filed and/or served by JusticeLink on behalf of faxing party.