

# Technology

## The Benefits of E-Filing *Electronic Case Filing Is Not Only Easy, In Some Courts, it's a Requirement*

BY DANIEL J. SIEGEL

**S**ome lawyers will kick and scream and others will protest, but in the end they will have no choice. The days of filing legal documents only in hard copy are slowly coming to an end. While the pace differs among various courts, more and more courts are either requiring or exploring ways to implement electronic filing (“e-filing”).

E-filing is already the rule for criminal and civil cases pending in the Eastern District Court in Philadelphia and in U.S. Bankruptcy Court. Although Common Pleas Court and Municipal Court have yet to adopt electronic filing, they are also testing the waters, albeit more slowly. Thus, it is safe to assume that paper filings will eventually become the exception.

E-filing has many advantages. First, it is generally easy to do, requiring minimal computer skills. Second, e-filing saves storage space—for the courts and for counsel. When documents are filed electronically, courts (and opposing counsel) will not necessarily have to print every page of every document; instead, they can review the documents on their computers and save them. When they need a printed copy, all they have to do is click on the “print” button, and out will come hard copies of entire documents or just the relevant pages. By not having every document printed, everyone uses less physical file space and consequently reduces the attendant costs of storing the files when

the cases are completed. Third, when a pleading is filed electronically, the court can make the document instantly available—to the general public, only to counsel, or to other “approved” individuals—depending upon the court’s policies. Fourth, it is harder to “misplace” e-filings. If something happens to a document (like coffee spilling on it), all you do is print a replacement. Plus, because courts and law offices should (really, they must) have systematic back-up systems, even if a computer crashes there is a back-up copy that is relatively easy to restore—particularly compared with the difficulty and time wasted trying to locate a

misfiled or accidentally discarded document.

The Eastern District Court has utilized electronic filing for a few years. In 2002, the court implemented its “Electronic Case Filing” (ECF) program under Local Rule of Civil Procedure 5.1.2, and later extended ECF to criminal proceedings. The court publishes extensive information about the program at <https://ecf.paed.uscourts.gov>. Although the Web site states that ECF is not mandatory, the only documents specifically exempt from the ECF program are “initial papers in civil cases, such as the complaint and the issuance and service of the summons, and, in criminal cases, the indictment or information, warrant for arrest or summons,” which must still be filed in hard copy. In addition, the “Procedural Order” creating ECF implies that the program is, for all practical purposes, required: “All civil and criminal cases filed in this court on or after May 1, 2002, will be entered into the court’s Electronic Case Filing (“ECF”) System.”

Under the ECF program, counsel would create the filing on his or her office’s word processing software, and then convert it to a pdf (portable document format) using either software on the computer or a scanner. Pdf is a universal format, sometimes called “Adobe,” which is the name of the company that pioneered the pdf, and whose software, Adobe Acrobat, dominates the market. Pdf is the preferred format in most courts because the software to create pdfs is easy to use and many programs, such as WordPerfect, have a built-in pdf maker. When a document is converted to pdf, the layout of the document, as well as all fonts, images and graphics, are preserved, regardless of what application and platform were used to create the original. Moreover, when a document is converted to a pdf, a reader cannot view or track prior versions



