



MANDATORY EMAIL SERVICE

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AGENDA

- ◉ Implementation Schedule
- ◉ Designating Email Addresses
- ◉ eMail Service Requirements
- ◉ Computing Time
- ◉ Format of the Email
- ◉ Preparing and Attaching Your Documents
- ◉ Accessibility Requirements
- ◉ Coming Attractions: Court Orders and Mandatory eFiling Deadlines
- ◉ Resources and Points of Contact

EMAIL SERVICE IMPLEMENTATION

- ◉ Civil, Probate, Small Claims and Family Law
 - Mandatory as of September 1, 2012
- ◉ Criminal, Traffic, Juvenile
 - Voluntary as of September 1, 2012
 - Mandatory as of October 1, 2013 (date on which eFiling is mandatory for those divisions)
- ◉ Temporary Solution - eventually replaced by **eservice** via the Portal

DESIGNATION OF EMAIL ADDRESS

- ◉ Each member of The Florida Bar shall designate an official bar name, mailing address, business telephone number, and **business e-mail address**, if the member has one. *Rules Regulating the Florida Bar 1-3.3*
- ◉ [U]pon appearing in a proceeding a lawyer must serve a designation of a **primary e-mail address**, and may designate **up to two secondary e-mail addresses**, for receiving service. *RJA 2.516*
- ◉ If an attorney does not designate any e-mail address for service, documents may be served on that attorney at the e-mail address on record with The Florida Bar. *RJA 2.516*
- ◉ Every pleading and other paper of a party represented by an attorney shall be signed by at least 1 attorney of record in [including] record Florida Bar address, telephone number, including area code, **primary e-mail address and secondary e-mail addresses, if any**, and Florida Bar number ... *RJA 2.515*

SERVICE BY EMAIL RJA 2.516

- ◉ Modeled after former FRCP 1.080
- ◉ [E]very pleading subsequent to the initial pleading and every other document filed in any court proceeding ... must be served in accordance with this rule on each party.
 - Exceptions:
 - ◉ Lawyer with no email account/lack of internet service (by motion)
 - ◉ Applications for witness subpoenas and **documents served by formal notice or required to be served by formal notice**
 - ◉ Parties against whom a default has been entered

SERVICE BY EMAIL RJA 2.516

- Service must be directed to **all** designated e-mail addresses in that proceeding.
- Probate Rules now define interested persons as parties for purposes of service. FPR 5.041



SELF-REPRESENTED LITIGANTS

2.516(b)(1)(C)

- ◉ Opt-in
- ◉ **May** serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses.
- ◉ If a self-represented litigant does not designate an e-mail address for service in a proceeding, service on and by that party **must** be by the means provided in subdivision (b)(2). (hand delivery, US mail, etc.)

“E-MAILBOX” RULE RJA

2.516(b)(1)(D)

- ⦿ Email deemed served on date **sent**
- ⦿ Treated as service by mail (includes 5 days for transmission RJA 2.514(b))
- ⦿ If the sender learns that the e-mail did not reach the address of the person to be served, the sender must immediately send another copy by e-mail, **or** by a means authorized by subdivision (b)(2) of 2.516. (hand delivery, US mail, etc.)
- ⦿ When serving by another method, in addition to email, differing time limits applicable to the other means of service control RJA 2.516(b)(1)

COMPUTING AND EXTENDING TIME

RJA 2.514

- ◉ “Uniform rule of procedure to govern the computation of time periods in all types of proceedings...” and also to “factor in periods of time extended by administrative order of the chief justice.”
- ◉ FRCP 1.090, Probate Rule 5.042 now refers to 2.514
 - Additional Time after Service by Mail or E-mail. When a party may or must act within a specified time after service and service is made by mail or e-mail, 5 days are added after the period that would otherwise expire under subdivision (a). RJA 2.514(b)
 - “Last Day” of a time period: unless a different time is set by a statute, local rule, or court order, the last day ends at midnight for **efiling** and at close of business for clerk’s office for other means. RJA 2.514(4)
- ◉ **Effective October 1, 2012**

FORMAT OF THE EMAIL RJA

2.516(b)(1)(E)

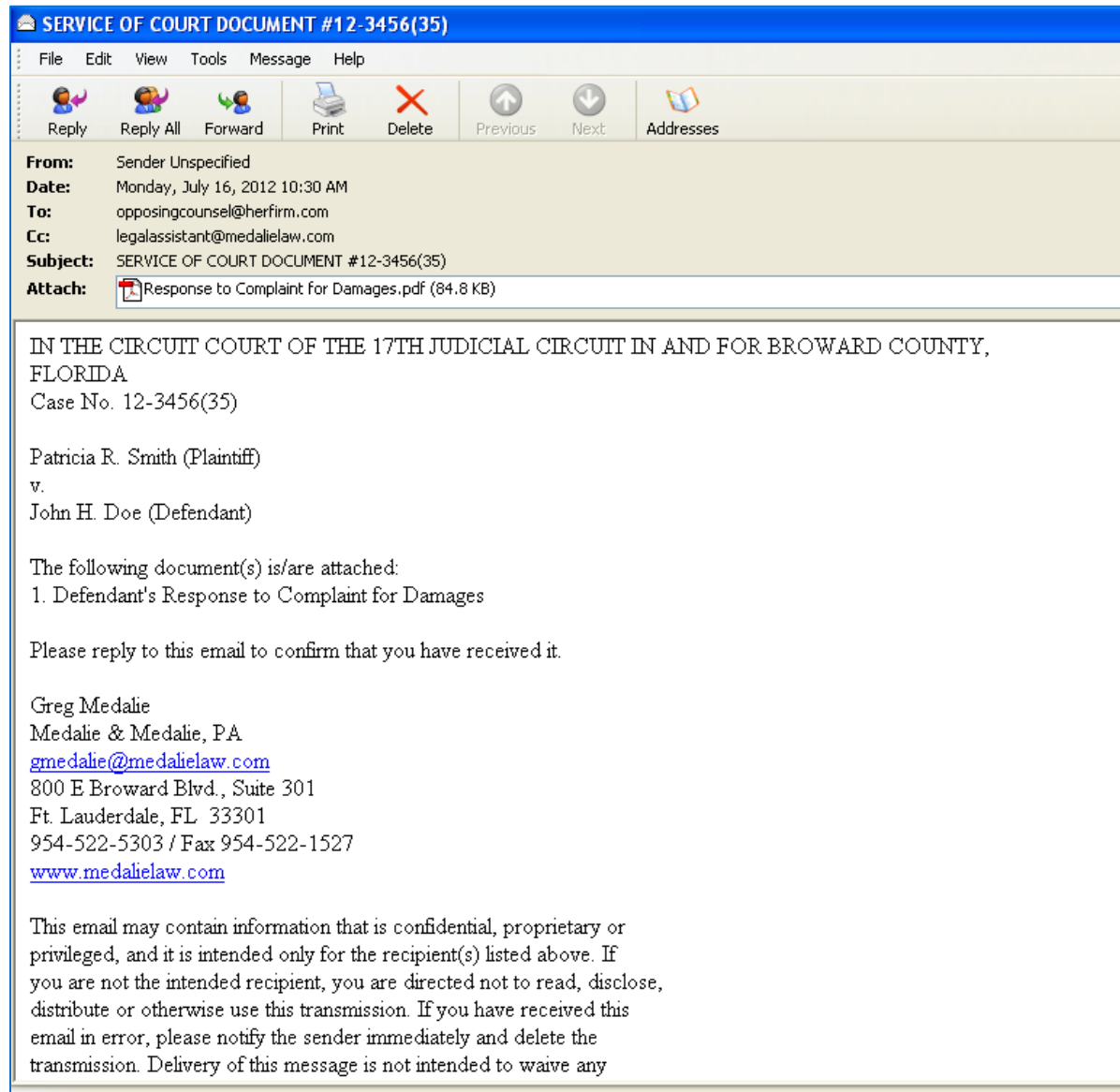
- ◉ Subject of email

- “SERVICE OF COURT DOCUMENT [Case Number]”
- ALL CAPITALS!

- ◉ Body of email

- court in which the proceeding is pending
- case number
- name of the initial party on each side
- title of each document served with that e-mail
- sender’s name and telephone number

SAMPLE EMAIL

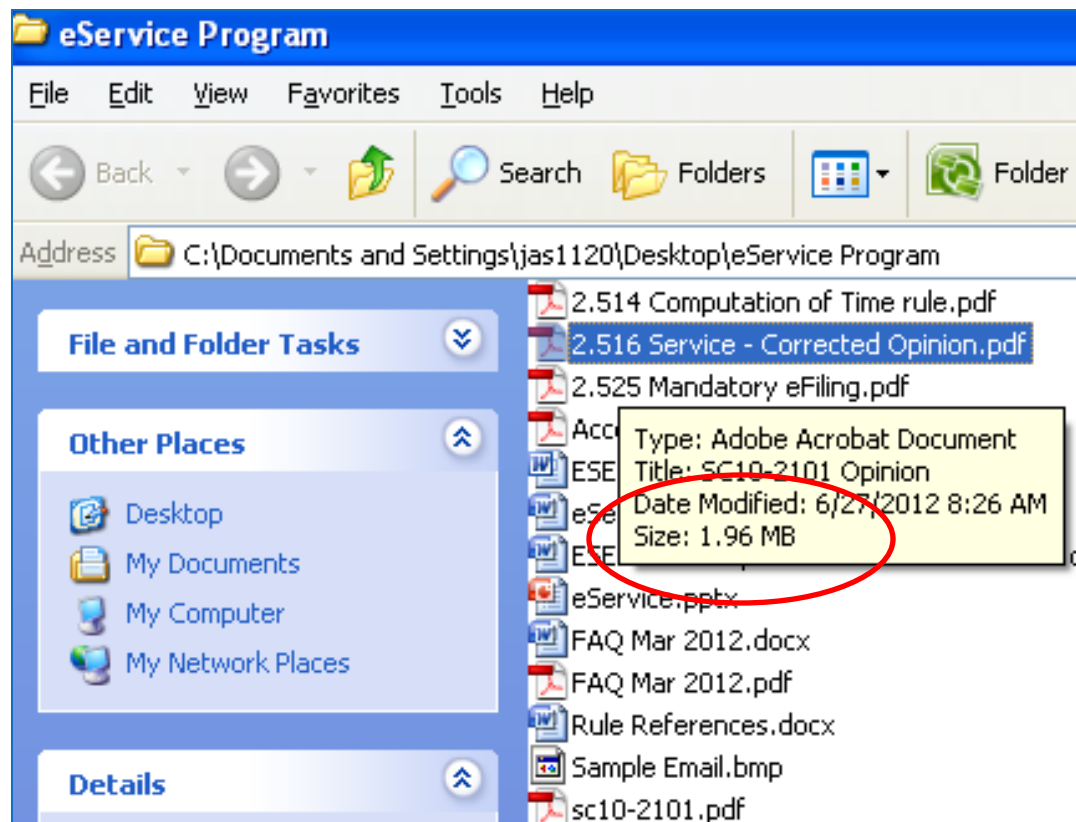


PREPARING AND ATTACHING YOUR DOCUMENTS

- Attach pleadings, papers, documents to be served in **PDF** format.
- Individual emails with attachments exceeding **5 MB** must be divided and sent sequentially.
- Scanned documents will be larger and will not comply with accessibility requirements if eFiled.

PREPARING AND ATTACHING YOUR DOCUMENTS

- Check size of your document by viewing the file description box.



PREPARING AND ATTACHING YOUR DOCUMENTS

- Any document served by e-mail **may** be signed by the /s/ format, as long as the filed original is signed in accordance with the applicable rule of procedure. 2.516(b)(1)(E)(iii).
- The certificate [used on document] is taken as prima facie proof of such service in compliance with 2.516.

I certify that a copy hereof has been furnished to
(here insert name or names and addresses used for
service) by (e-mail) (delivery) (mail) (fax) on [date].

/s/ Joe Attorney
Joe Attorney

ACCESSIBILITY OF INFORMATION AND TECHNOLOGY RJA 2.526

- ◉ Effective Jan 1, 2012
- ◉ Any document that is or will become a judicial branch record ... that is transmitted in an electronic form, as defined in rule 2.525, must be formatted in a manner that complies with all state and federal laws requiring that electronic judicial records be accessible to persons with disabilities, including ... Americans with Disabilities Act and Section 508 of the federal Rehabilitation Act of 1973 as incorporated into Florida law by section 282.603(1), Florida Statutes (2010), and any related federal or state regulations or administrative rules.

COMPLYING WITH RJA 2.526

- ◉ Making court documents usable by assistive devices, i.e. screen readers.
- ◉ “s/” or “/s/” signature
- ◉ Use formatting tools in Word.
- ◉ Lead pleading only at this time. Exhibits can be scanned.
- ◉ Take advantage of (free!) CLEs available from the Florida Bar.
- ◉ <http://www.floridasupremecourt.org/clerk/electronicAccessibility.shtml>

PRACTICAL CONSIDERATIONS

- ⦿ Work smarter not harder!
 - Use your email service more efficiently.
 - Create contact groups for complex cases.
 - Use labels, mail rules, forwarding.
 - Designate an email address for service only.
- ⦿ Software will make your life easier!

SERVICE OF COURT ORDERS RJA

2.516 (2)(h)

- ◉ The court may serve any order or judgment (except final judgments entered against parties in default) by e-mail to all attorneys who have not been excused from e-mail service and to all parties not represented by an attorney who have designated an e-mail address for service.

ELECTRONIC FILING RJA 2.525

- ⦿ April 1, 2013 - Mandatory for Probate, Civil, Family, Small Claims and appeals to circuit court for these cases
- ⦿ October 1, 2013 - Mandatory for Criminal, Traffic, Juvenile and appeals to circuit court for these cases

RESOURCES

- ◉ www.floridabar.org (eFiling and eService information)
- ◉ www.flcourts.org (Accessibility Page)
- ◉ Online video tutorial for eFiling
www.17th.flcourts.org
- ◉ Problems/Glitches with the Rules? Email
Alexandra Rieman, RJA Chair
arieman@17th.flcourts.org
- ◉ efileinfo@17th.flcourts.org