STATE OF MISSISSIPPI JUDICIARY
ADMINISTRATIVE OFFICE OF COURTS

Administrative Procedures For Mississippi Electronic Court System

Electronic Means for Filing, Signing, Verification, and Service of Pleadings and Papers

Jan. 2009

The Mississippi Electronic Court System (MEC) is not yet operational.
These procedures are for review purposes only.

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MISSISSIPPI ELECTRONIC COURT SYSTEM ADMINISTRATIVE PROCEDURES

Section 1. INTRODUCTION AND SCOPE OF ELECTRONIC FILING

In those chancery, circuit, and county courts which have adopted these procedures by local rule, the filing of court pleadings and documents is carried out electronically through the Mississippi Electronic Court System (MEC). This system permits properly registered attorneys to file documents and to view and search court records from any location over the Internet, twenty-four hours a day. Non-attorneys and non-registered attorneys may read only documents in the system by utilizing the court's public access program. The following information explains the court procedures applicable to system use. This information is available on the Administrative Office of Court's (AOC) web site, ***www.mssc.state.ms.us/aoc***, and should be referenced there for most recent revisions or modifications.

The following procedures govern the utilization of the system.

A. Authorization for Electronic Filing

Section § 9-1-53 of the Mississippi Code authorizes electronic filing in conjunction with Rule 5 of the Mississippi Rules of Civil Procedure, Rule 1.16 of the Uniform Rules of Circuit and County Court Practice, and Rule 1.13 of the Uniform Chancery Court Rules. These rules authorize the courts to establish practices and procedures for the serving, filing, signing, and verification of documents by electronic means. The following procedures shall govern use of MEC unless, due to extraordinary circumstances in a particular case, a judge determines in the exercise of discretion that it is appropriate to deviate from these procedures in the interest of justice.

B. Participants in Electronic Filing

The system permits attorneys to file documents with the court from any location over the Internet. While all parties, including those proceeding pro se, may register to receive "read only" public access accounts, only registered attorneys, as officers of the court, are permitted to file electronically.

C. Training and Technical Assistance

These procedures govern use of MEC and are not intended as a technical guide for the use of the system. Information regarding the equipment needed to participate in MEC, as well as information on training and access to computer-based tutorials, can be obtained from the AOC, ***www.mssc.state.ms.us/aoc***.

D. Definitions and Instructions

The term "conventional filing" means presentation to the clerk's office of a hard copy of a document which cannot or should not be filed electronically. The hard or paper copy should be accompanied by a disk with the document in a text PDF file(s). If not, the document will be scanned for inclusion as an image PDF unless otherwise provided in these procedures. The "image" is not a searchable document; a text PDF is a searchable document.

The term "document" shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the court, whether or not the document is electronic or a hard or paper copy. "Hard copy" and "paper copy" are used interchangeably in these procedures.

"Electronic filing" means uploading a document in PDF format directly from the registered user's computer, to file that document in the court's case file using the court's Internet-based system. **Sending a document or pleading to the court via e-mail or facsimile does not constitute "electronic filing."**

The "E-Mail Address of Record" is the Internet e-mail address of each party or attorney in the case as maintained by the MEC.

The "Events List" identifies the categories of documents which may be filed in the system.

The term "MEC" refers to the Mississippi Electronic Court System and is used interchangeably with the term "system".

An "MEC Filing User" is an attorney who is registered to use the MEC; a "PAMEC User" is a person only entitled to read the documents filed.

A "Notice of Electronic Filing" (NEF) is generated automatically by the MEC upon completion of an electronic filing. The Notice of Electronic Filing when e-mailed to the e-mail addresses of record in the case acts as the proof of service.

The term "PAMEC" refers to Public Access to Mississippi Electronic Court System, the public access component of MEC which is an automated public service that allows users to obtain case and docket information from courts which have implemented the MEC.

The term "PDF" refers to Portable Document Format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact.

"Restricted access" or "limited access" means that only counsel of record and the court shall have internet access to the electronic case files.

E. Selection and Designation of Cases for MEC

Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents submitted for filing in courts which have implemented the MEC shall be filed electronically by the attorney or shall be scanned and uploaded to the system by the clerk's office. Parties proceeding pro se shall not file electronically.

Section 2. REGISTRATION FOR THE MEC

A. Eligibility

Attorneys admitted to practice in courts which have implemented the MEC, including attorneys admitted to practice in those courts under the *pro hac vice* provisions of the Mississippi Rules of Appellate Procedure, may register as MEC Users. No other person may register as an MEC user, even if he or she is a party proceeding *pro se*.

B. Registration

1. Attorneys should register with the system electronically by accessing the Attorney Registration site at ***www.mssc.state.ms.us/aoc***. The form is similar to the **Attorney Registration Form**, attached as **Form 1**. Each attorney in a law firm must individually register.

2. Each attorney registering in the system will receive an Internet e-mail message after his or her password has been assigned. This is to insure that the attorney's Internet e-mail address has been entered correctly in the system and to convey the login and password information to the attorney.

3. An attorney's registration will constitute a waiver of conventional service of documents. The attorney agrees to accept service of notice of the electronic filing by authorized e-mail.

4. Attorneys are responsible for updating their mailing address or e-mail address on-line through the MEC.

C. Passwords

Each attorney registered to participate in the MEC shall be entitled to one system password. Attorneys may change their own passwords.

Pursuant to M.R.C.P. 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all such papers shall be signed by the party. An attorney's password issued by the MEC combined with the user's login identification serves as the attorney's signature for Rule 11 and other purposes. Therefore, it is imperative that an attorney protect and secure the password issued by the MEC. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the AOC by calling the office of the Administrative Director. In the event of the resignation or reassignment of the person with authority to use a password, the attorney should change the password immediately.

No attorney shall knowingly permit his or her password to be utilized by anyone other than an authorized employee of his or her office. Because the login and password together constitute an attorney's signature regardless of whether the attorney personally uses the login and password or delegates that authority to someone else, the attorney is responsible for safeguarding and protecting his or her login and password at all times. Once registered, the attorney shall be responsible for all documents filed with his or her password.

Section 3. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Electronic Filing

1. Unless otherwise permitted by these procedures (e.g., see Section 6) or otherwise authorized by the assigned judge, all motions, pleadings, applications, briefs, memoranda of law, or other documents submitted for filing in civil and criminal cases in courts which have implemented the MEC, no matter when a case was originally filed, should be filed electronically by the attorney or shall be scanned and uploaded to the system by the clerk's office.[1]

2. Electronically filed documents must meet the same requirements of format and page limits as documents "conventionally filed" (as defined in Definitions and Instructions) pursuant to the Mississippi Rules of Civil Procedure, Uniform Circuit Court and County Court Rules, and Uniform Chancery Court Rules.

3. In order to file a document which requires leave of court such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to a motion. If the motion is granted, **the attorney must electronically re-file the proposed document as an independent document after entry of the court's order**.

4. Electronic transmission of a document consistent with these procedures will, upon the complete transmission of the same to the clerk's office, constitute filing of the document for all purposes of the Mississippi Rules of Civil Procedure, and will constitute entry of that document onto the docket maintained by the clerk pursuant to M.R.C.P. 79.

5. The attorney filing a document is responsible for ensuring the complete transmission of the document being electronically filed. A receipt acknowledging the complete transmission of the document which has been filed will immediately appear on the filer's screen. Parties can also

[1] Documents filed in the MEC system must be in PDF format. A document created with almost any word-processing program can be converted to PDF format. The PDF program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. Instructions on how to save a document in PDF format are located on the AOC's website at *www.mssc.state.ms.us/aoc*. For information on PDF, users may visit the websites of PDF vendors, such as *www.adobe.com/products/acrobat* or *www.fineprint.com*.

verify the filing of documents by inspecting the court's electronic docket sheet.

6. Unless otherwise provided in these procedures, the clerk's office shall not maintain a paper court file in any case which is subject to these procedures. The official court record shall be the electronic file maintained by the court, supplemented with any conventionally-filed documents or exhibits filed in accordance with these procedures.

7. All documents which form part of a single pleading and which are being filed at the same time may be electronically filed together under one document number, e.g., the motion and a supporting affidavit, with the exception of memoranda in support.

8. Memoranda in support shall be electronically filed separately and shown as a related document to the motion. Memoranda in support of motions or responses do not need to be mailed to the presiding judge.

9. In filing documents and attachments to documents, a filing party should electronically image, i.e., "scan," the paper exhibit that is less than two megabytes (2 MB) and submit the exhibit as an attachment in PDF format. Some attached documents, whether a scanned exhibit or other evidence, may exceed the 2MB size requirement on the system. When this occurs, the document shall be reduced to as many 2MB "bundles" as required to file the entire document. Each bundle is filed as a separate attachment, and requires that the division of the attachments be listed in the description of the attachment, i.e., "Exhibit 1 - Pages 1 - 43" or "Exhibit 2 - Pages 44 - 83." Attorneys are encouraged to file an Exhibit List as the first attachment.

10. All motions, pleadings, and other papers filed electronically during or within twenty-four hours prior to a trial, hearing, or other proceeding related to the case in which the filing occurs shall be accompanied by a paper copy of the filing to be distributed to the appropriate chambers by the clerk.

11. In an emergency, an attorney who is not an MEC Filing User may conventionally file documents in courts which have implemented the MEC if it is impracticable to become an MEC Filing User or designate other registered counsel prior to filing the documents. However, the paper filing must be followed by a motion seeking leave to file in paper form and showing cause for not becoming an MEC Filing User and for not

designating other registered counsel in time to file the documents electronically.

12. Any fee required for filing a pleading or paper with the court is payable as required by statute. The clerk's office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

B. Signatures

1. **Non-Attorney Signatures:** If a document must be filed which contains original signatures, such as affidavits, contracts, bonds, etc., or which requires either verification or an unsworn declaration under any rule or statute, the filing party or the clerk's office shall scan the original document, electronically file it on the system, and the filing party shall retain the originally executed copies for subsequent production to the assigned judge if so ordered for inspection upon request by a party or the judge's own motion, until one year after final resolution of the action (including appeal, if any).

   The electronically filed document as it is maintained on the system shall constitute the official version of that record. The court will not maintain a paper copy of the original document except as otherwise provided in these procedures.

2. **Attorney Signatures:** A pleading or other document requiring an attorney's signature shall identify the attorney in the following manner, whether filed electronically or submitted on disk or CD to the clerk's office:

   "s/(attorney name)" (e.g., s/Jane Doe)
   Jane Doe
   Mississippi Bar Number
   Firm Name
   Firm Address
   Telephone Number
   Fax Number
   E-Mail Address

   An attorney challenging the authenticity of an electronically filed document must file a timely objection to the document.

3. **Criminal cases:** Unless otherwise provide by these procedures, all documents which must contain original signatures, such as a grand jury foreperson, a defendant, a probation officer, or some other state or local officer or agent, or which require either verification or an unsworn declaration under any rule or statute, shall be filed conventionally on paper, scanned into the system, and maintained in the clerk's office. The electronically filed document as it is maintained on the system shall constitute the official version of that record.

C. Title of Documents

The person electronically filing a pleading or other document will be responsible for designating a title for the pleading or other document by using one of the categories contained in the Events List on the AOC's website at ***www.mssc.state.ms.us/aoc***.

D. Filing Deadlines

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to M.R.C.P. 6. All electronic transmissions of documents must be completed (i.e., received completely by the clerk's office) prior to **midnight Central Standard (or Daylight Savings) Time**. For the filing to be **completed**, the filer must have received the Notice of Electronic Filing from the court. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during office hours when the Help Line is available.

E. Errors in Filing

Once a document is submitted electronically, it becomes part of the court file, and corrections may be made only by the court and/or the clerk's office. The system **will not permit** the filing party to make changes to the document(s) or docket entry once the transaction has been accepted, and the filer should **not** attempt to refile the documents(s).

As soon as possible after an error is discovered, the filing party should contact the clerk's office with the case number and document number for which the correction is being requested. If appropriate, the clerk's office will make an entry on the docket indicating that the document was filed in error, or otherwise describing the error. The clerk's office will inform the filing party of the corrective steps which need to be taken.

F. Service of Filed Documents on Parties

1. The system will generate a "Notice of Electronic Filing" when any document is filed. This notice represents service of the document on parties who are registered participants with the system. Except as provided in Section 6, regarding conventional filing, the filing party shall not be required to serve any pleading[2] or other documents on any party receiving electronic notice. A Certificate of Service [Form 2] must still be attached to the document.

2. The filing party shall also serve those parties not designated or able to receive electronic notice but nevertheless are entitled to notice of said pleading or other document in accordance with the Mississippi Rules of Civil Procedure, except as otherwise provided by order of the court. If such service of a paper copy is to be made, it shall be done in the manner provided in the Mississippi Rules of Civil Procedure.

3. A party may not electronically serve a summons and complaint, but instead must perfect service according to M.R.C.P. 4. For issuance of a summons, see Section 6.A.2.

4. Service pursuant to Section 3(F)(1) will constitute service pursuant to M.R.C.P. 5(b) and will entitle the party being served, as in conventional service by U.S. mail, to the additional three days provided by M.R.C.P. 6(e).

G. Certificate of Service

A Certificate of Service is still a requirement when filing documents electronically. A sample **Certificate of Service** is attached as **Form 2**.

Section 4. ORDERS

A. General

The system will generate a Notice of Electronic Filing for entry of all orders as described in these procedures. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a

[2] The term "pleading" refers only to those documents listed in Mississippi Rules of Civil Procedure 7(a).

paper copy of the order and it had been entered on the docket conventionally.

B. Text Only Orders

The assigned judge or the clerk's office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue and the entry will contain language that "no further written order will issue from the court." The text-only entry shall constitute the court's only order on the matter. A text-only order carries the same weight and authority as a written order signed by the judge.

C. Proposed Orders Procedure

1. **Electronic Submittals – Generally**: Except as provided in subsection 3 below, all proposed orders must be e-mailed to the assigned judge and all parties. The judge's e-mail address is listed on the AOC website, *www.mssc.state.ms.us/aoc*. A proposed order should not be filed. The proposed order must be in WORDPERFECT FORMAT or such other word-processing format established by the judge. The subject line of the e-mail message should indicate the case title, cause number and document number of the motion, e.g., *Smith v. Jones 3:02-cv-1234, motion#___*. Final orders will be electronically signed and filed in the system.

2. **Electronic Submittals – Joint Orders**: In the case of a proposed order to bear the signature of two or more attorneys, the following procedure should be used:

   a. The drafting attorney shall initially confirm that all persons required to sign the proposed order have reviewed it and that it acceptable as presented (e.g., agreed as to form only or as to form and substance).

   b. The drafting attorney then shall submit the proposed order to the judge electronically, indicating the signatories, e.g., "s/Jane Doe," "s/John Doe," etc. and including a signature line for the judge. The e-mail to the judge shall confirm that all persons required to sign the proposed order have reviewed the proposed order and that it is acceptable as presented. All persons required to sign the proposed order shall be copied on the e-mail to the judge.

c. A non-drafting signatory or party who disputes the authenticity of a proposed order containing multiple signatures or the authenticity of the signatures themselves must file an objection to the proposed order within ten (10) days of the transmittal of the proposed order to the judge. However, the judge may enter the proposed order at any time after it is submitted.

3. Hard-Copy Proposed Orders:

a. If a hard copy of a proposed order includes hand-written signatures, the drafting attorney shall submit the proposed order as requested by the judge either by: (1) sending the hard copy to the judge; or (2) electronically submitting the proposed order as set forth in subsection 2.b. with the drafting attorney retaining the hard copy of the proposed order containing the original signatures.

b. If a proposed order is tendered in person (e.g., at a hearing or in chambers), the presenting attorney shall submit a hard copy of the proposed order bearing the hand-written signatures of all persons required to sign the order. If the judge approves the order, it will be signed, scanned, and filed in the system.

D. Proposed Case Management Orders and Final Pretrial Orders

Proposed case management orders and final pretrial orders, when required by the judge assigned to the case, shall be submitted by e-mail to the appropriate judge at the e-mail address listed on the AOC website, *www.mssc.state.ms.us/aoc*. A signature line for the judge shall be included.

E. Entry of Orders

The office of the clerk of court or a judge shall file all orders, decrees, judgments, and proceedings of the court in accordance with these procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under M.R.C.P. 58 and 79, URCCC 11.05, and UCCR 5.06.

Section 5. SEALED CASES, SEALEDDOCUMENTS, DOCUMENTS FOR IN CAMERA REVIEW, AND RESTRICTED ACCESS

A. Filing of Cases Under Seal

1. All documents in sealed cases shall be submitted conventionally to the clerk's office for filing.

2. *Viewing Sealed cases*. Only court personnel will be able to view docket entries and documents in sealed cases.

3. *Service and Notice*. Parties must not use the Court's electronic notice facilities to serve documents in sealed cases. An NEF will not be sent on documents filed in sealed cases. Service should be made in accordance with the Mississippi Rules of Civil Procedure, and a certificate of service must be attached to the filed document.

4. **The following types of proceedings shall be treated as cases filed under seal** pursuant to the procedures set forth in this section: commitment proceedings pursuant to §§ 41-21-61 et seq., 41-30-1 et seq., 41-31-17, and 41-32-1; adoption proceedings; youth court proceedings; petitions for waiver of consent to abortion; and proceedings under the Protection from Domestic Abuse Law.

B. Filing of Documents Under Seal

1. *With Prior Court Order*. Any document ordered to be filed under seal shall be electronically filed using the docket event "Sealed Document", which is found under civil / other filings / other documents / sealed document.

2. *Without Prior Court Order*. A party who has a legal basis for filing a document under seal without prior court order shall electronically file an appropriate motion, such as a motion for leave to file under seal. The motion shall include an explanation of how the documents meet the legal standards for filing sealed documents. By filing documents under seal, the filer is representing that these standards have been met. Filings that do not comply with or are made in disregard of these standards may result in the imposition of sanctions, including but not limited to ordering the sealed documents to be made public. The document in question shall not be attached to the motion as an attachment but rather shall be electronically filed contemporaneously as a separate event

"Sealed Document", which is found under civil / other filings / other documents / sealed document.

3. *Filing Sealed Motions*. In the rare event that the motion must itself be filed under seal, the motion shall be electronically filed using the docket event "Sealed Motion", which is found under civil / motions / sealed motion.

4. *Service and Notice*. A publicly viewable NEF will be generated for a sealed document, but the document will not be viewable. The NEF will only contain the statement "Sealed Document." Parties must not use the court's electronic notice facilities to serve sealed documents. Service must be made in accordance with the Mississippi Rules of Civil Procedure. A certificate of service must be attached to the filed document.

5. *Denial of Leave to File*. In the event that a motion for leave to file under seal is denied, the document tendered shall remain under seal, and it will not be considered by the presiding judge for any purpose. If the filer wishes to have the document considered by the court, it must be re-filed in the normal fashion as an unsealed document. The Court may, in its discretion, order a sealed document to be made public if (1) the document is filed in disregard of the legal standards for such filings, or (2) if the document is so intricately connected with a pending matter that the interests of justice are best served by doing so.

6. *Viewing Sealed Documents*. Only court personnel will be able to view sealed documents although the docket text "sealed document" is publicly viewable.

C. Documents Submitted for In Camera Review

Documents submitted for in camera review shall follow the same procedures as Documents Under Seal set forth in Section 6.B. above.

D. Restricted Access

A case involving one or more of the following natures of suit shall have Restricted Access: Debt Collection; Garnishment; Replevin; Child Custody/Visitation; Child Support; Divorce: Fault; Divorce: Irreconcilable Differences; Modification; Paternity; Termination of Parental Rights; Birth Certificate Correction; Minor's Settlement.

1. Internet access to those documents identified above will be on a "restricted access" basis, i.e., limited to counsel of record in the case and court staff. Docket sheets will be available over the Internet to non-parties, who will also have direct access at the clerk's office to the documents on file in the case.

2. A publicly viewable NEF will be generated for a restricted access document, and the document will be attainable through the NEF. Parties will use the court's electronic notice facilities to serve restricted access documents.

3. In addition to those documents identified above, a party may file a motion to restrict a document and/or case. The motion must state the reason and show good cause for restricting remote access to the document or case. If the motion is granted, remote access to the document or case will be limited to MEC Filing Users who are counsel of record in the case. Docket sheets will be available over the Internet to non-parties, who will also have direct access at the clerk's office to the documents on file in the case.

Section 6. CONVENTIONAL FILING AND SERVICE OF DOCUMENTS

A. Conventional Filings.

As used in these procedures, a "conventionally" filed or submitted document or pleading is one presented to the clerk or a party on 8-1/2 inch by 11 inch paper or other non-electronic, tangible format; **documents filed conventionally should NOT be stapled or bound**. The clerk's office will scan and upload all original documents brought or sent to the clerk's office for filing unless otherwise provided in these procedures. Once uploaded, the original document will be discarded unless otherwise required to be maintained as set forth in these procedures.

1. **Civil complaints** cannot be initiated electronically via the MEC system. The clerk's office will accept original complaints and the required civil cover sheet by conventional filing, i.e., a hard copy sent by United States mail or delivered in person to the clerk's office. The complaint **must be accompanied by the required filing fee** before the filing is completed.

2. **Summonses and subpoenas** shall be not be filed in MEC prior to issuance. A party may either deliver in person or send to the clerk's office by United States mail "hard copy" summonses and subpoenas.

   The clerk's office shall issue a summons by conventional means. The party requesting the summons must complete the top portion of the summons form. The clerk's office will upload a copy of the summons into the system and return the original to counsel for service. The clerk will return the original summons via United States mail to counsel only if counsel supplies a stamped, self-addressed envelope.

   Unless otherwise requested by counsel, the clerk's office shall issue a subpoena by electronic means. After receipt of the subpoena from the requesting party, the clerk shall upload a copy of the issued subpoena into the system at which time an NEF will be created. The requesting party may then print a copy of the issued subpoena for service on the appropriate person or entity. If requested by counsel to issue a subpoena by conventional means, the clerk shall follow the same procedure as set forth above for issuance of a summons.

   The return of service for both a summons and a subpoena shall be electronically filed by counsel and the original shall be maintained as set forth in Section 3.B.1.

3. **Criminal complaints**, informations, indictments, and those documents identified in 3.B.4. shall be filed conventionally on paper with the court. The clerk's office will upload these documents into the system and retain the originals of these documents after they have been uploaded into the system. All documents, including any attachments thereto, should be accompanied by an electronic PDF image. Instructions on how to save a document in PDF format are located on the AOC's web site at ***www.mssc.state.ms.us/aoc***.

4. **Other documents** which shall also be filed conventionally and not electronically unless specifically authorized by the court:

   a. **Exhibits and other documents** which cannot or should not be filed electronically by conversion to a legible electronic form shall be filed conventionally. Whenever possible, counsel is responsible for converting filings to an electronic form. However, if that is not possible, counsel shall electronically file a PDF document titled ***Notice of Conventional Filing*** as a notation on the docket sheet that filings are being held in the

clerk's office in paper. A sample ***Notice of Conventional Filing*** is attached as **Form 3**. If documents are filed in paper format, counsel must provide an original for the clerk's office, and submit a copy to the judge. A paper copy must be served on all parties in the case.

b. **Documents filed by pro se litigants** shall be filed conventionally. The clerk's office will upload these documents into the system.

c. **All requests for issuance of warrants and pen registers** shall be filed conventionally. These documents will not be made available electronically to the public.

d. **All original wills, vouchers, bonds, oaths, proofs of claims,** and other such documents as required by statute shall be filed conventionally and maintained by the clerk in accordance with the applicable statute. The clerk's office will upload these documents into the system.

e. **All documents in sealed cases** shall be filed conventionally as set forth in Section 5.A.

f. **Attorneys may apply to the assigned judge for permission to file documents conventionally.** Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the system.

g. **Any judge may deviate from these procedures in specific cases**, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court.

B. Service of Conventional Filings

Pleadings or other documents which are filed conventionally rather than electronically shall be served in the manner provided for in the Mississippi Rules of Civil Procedure, except as otherwise provided by order of the court.

C. Return of Original Documents

A filer may request that an original document be returned after it has been scanned and uploaded by the clerk, provided the clerk is not required to maintain the original document. The filer shall request return of the original in writing to the clerk's office at the time the document is submitted for scanning and filing. Any such request shall be accompanied by a self-addressed, postage-paid envelope. If a document is submitted without a request for return and a self-addressed, postage-paid envelope, the clerk's office will discard the document after it is scanned and uploaded to the system. No standing authorizations for the return of all original documents filed by an attorney, office or party will be allowed. Any original document returned to the filer shall be maintained in the same manner as those documents provided for in Section 3.B.

Section 7. PUBLIC ACCESS TO THE SYSTEM

A. Public Remote Access

Civil and Criminal cases: Public remote access to the system for viewing purposes is limited to subscribers to PAMEC. The Administrative Office of Courts has established a user fee for remotely accessing certain detailed case information, such as docket sheets and filed documents. PAMEC users may access the system at the AOC's Internet site at ***www.mssc.state.ms.us/aoc***. Unless otherwise limited by these procedures or order of the court, such access to the system through the Internet site will allow retrieval of the docket sheet and documents. Access to the system will be on a "read only" basis unless a user has an MEC filing level account.

The user fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under the Mississippi Rules of Civil Procedure. Official recipients may hyperlink from the NEF to the filed document and will have a one-time opportunity to view and/or download that document without charge, as they see fit. If they remotely access and/or print the document again, however, they will be charged.

B. Public Access at the Courthouse and/or Clerk's Office

Unless otherwise limited by these procedures or order of the court, the public will have free electronic access for viewing of civil and criminal documents filed in the system in the office of the clerk during regular

business hours. A copy fee for reproduction of documents is required in accordance with §§ 25-7-9 and 25-7-13.

Section 8. TECHNICAL FAILURES

A. The Court's System

The AOC shall deem the public website for the MEC to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day.

Questions about the system failure may be directed to the Help Line.

When unable to file a document in a timely manner due to a failure of the MEC, a document **may** be filed conventionally, and the filer shall explain the conventional filing by attaching a **Declaration of Technical Difficulties**, attached hereto as **Form 4**.

B. The Attorney's System

If the attorney is unable to file a document in a timely manner due to technical difficulties in the user's system (e.g., phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems), the attorney should file the document conventionally and notify the court of the inability to electronically file. Such notification may be made by attaching a **Declaration of Technical Difficulties**, wherein he or she explains the inability to file electronically.

Section 9. PRIVACY

A. Obligation to Protect Sensitive and Private Information.

To achieve the goal of promoting electronic access to case files while still protecting personal privacy and addressing concerns created by Internet access to court documents, counsel shall refrain from including, or shall partially redact where inclusion is necessary and relevant to the case, the following personal data identifiers from all pleadings and other papers filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

1. **Social Security numbers**. If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

2. **Names of minor children**. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

3. **Dates of birth**. If an individual's date of birth must be included in a pleading, only the year should be used.

4. **Financial account numbers**. If financial account numbers are relevant, only the last four digits of these numbers should be used.

5. **Home addresses to the city and state**. All addresses shall be limited to the city and state. No street addresses or apartment numbers should be used.

   The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review pleadings for compliance with this procedure. Attorneys are also advised to exercise caution when filing documents that contain the following:

   1) personal identifying number, such as driver's license number;
   2) medical records, treatment and diagnosis;
   3) employment history;
   4) individual financial information; and,
   5) proprietary or trade secret information.

Attorneys are strongly urged to share this notice with all clients so that an informed decision may be made about the inclusion of certain materials in court documents.

Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit filed electronically with the court may subject counsel to the disciplinary and remedial powers of the court, including sanctions pursuant to M.R.C.P. 11.

B. Exemptions From the Redaction Requirement

The redaction requirement shall not apply to the following:

1. The record of an administrative or agency proceeding.

2. The record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed.

3. Documents filed under seal.

4. Documents filed as Restricted Access if the private information is necessary and relevant to the case.

C. Filing Documents With Sensitive and Private Information

A party wishing to file a document containing the personal data identifiers listed above may do so in the following manner:

1. **File an unredacted version** of the document under seal, or

2. **File a reference list under seal**. The reference list shall contain the complete personal data identifier(s) used in its (their) place in the filing.

All references to the redacted identifiers in the case included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended without leave of court.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

D. Waiver of Protection of Personal Data Identifiers

A party waives his or her right to the protection of Section 9 by filing documents that include his or her own personal data identifiers without redaction.

Section 10. TRANSCRIPTS

In cases on an appeal, transcripts of proceedings and documentary exhibits proffered or admitted into evidence will be electronically filed and remotely available to the public through PAMEC.

The Mississippi Electronic Court System (MEC) is not yet operational.
These procedures are for review purposes only.

FORM 1

Administrative Office of Courts of Mississippi

Mississippi Electronic Court System
Attorney Registration Form

This form shall be used to register for an account on the Mississippi Electronic Court (MEC) system. Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the MEC system. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

Are you admitted to practice and in good standing in the state courts of Mississippi? _____

Attorney Bar #: _____ State: _____

Firm Name: _____

Primary Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: Primary: _____

Secondary: _____

Secondary: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases in those courts which have adopted and implemented the MEC by local rule. It may be used to file and view electronic documents, docket sheets, and notices.

2. Pursuant to Mississippi Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's password issued by the MEC combined with

the user's identification, serves as and constitutes the attorney signature. Therefore, an attorney must protect and secure the password issued by the MEC. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the AOC. This should include the resignation or reassignment of the person with authority to use the password. The attorney should change the password immediately.

3. An attorney's registration will constitute a waiver of conventional service of documents, the attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.

4. The undersigned attorney agrees to abide by the most recent Administrative Procedures for Mississippi Electronic Court System, and all technical and procedural requirements set forth therein and further agrees to the payment of any charges incurred for remote access to the system through PAMEC.

Please return to: Administrative Office of Courts
Attention: MEC Registration
450 High Street
Jackson, Mississippi 39201

_____
Applicant's Signature

FORM 2

SAMPLE FORMAT

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading or other paper with the Clerk of the Court using the MEC system which sent notification of such filing to the following:

Further, I hereby certify that I have mailed by United States Postal Service the document to the following non-MEC participants:

This the ___ day of _____, 20__.

/s/ [Name of Password Registrant]_____
Name of Password Registrant

The Mississippi Electronic Court System (MEC) is not yet operational.
These procedures are for review purposes only.

FORM 3

SAMPLE FORMAT

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

_____ **Plaintiff(s)**

vs. **Case No. _____**

_____ **Defendant(s)**

NOTICE OF CONVENTIONAL FILING

_____ is in paper form only and is being maintained in the case file in the Clerk's office. This document has not been filed electronically because [examples: the document or thing cannot be converted to an electronic format, the electronic file size of the document exceeds 2 megabytes, the document or thing is filed under seal, or the party is excused from filing this document or thing by court order.]

If appropriate, the document or thing has been manually served on all parties.

Date: _____

/s/ [Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX

The Mississippi Electronic Court System (MEC) is not yet operational.
These procedures are for review purposes only.

FORM 4

SAMPLE FORMAT

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

_____ **Plaintiff(s)**

vs. **Case No. _____**

_____ **Defendant(s)**

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that _____ was unable to file _____ in a timely manner due to technical difficulties. The deadline for filing the _____ was _____. The reason(s) that I was unable to file the _____ in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

/s/[Name of Password Registrant]
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX