

Davidson County Circuit, Probate and General Sessions-Civil E-Filing Rules

July 1, 2019

DISCLAIMER: The internet version of the Local Rules is for informational purposes only. All legal decisions must be based on the most recent printed copy along with any official updates.

1. Short Title

These rules may be cited as the “Davidson County – Circuit, Probate and General Sessions-Civil Courts E-Filing Rules.”

2. Definitions

The following words or phrases used in these Rules are defined as follows:

- a. "Court" means the Court of Davidson County - Circuit, Probate, General Sessions-Civil, including all of the divisions of the Clerk’s Office of the Court (“Court Clerk”). When specificity is needed, the Office of the Clerk of Court (“Court Clerk”) may be referenced separately.
- b. “Electronic Filing” (“E-Filing”) means the electronic transmission of documents in cases using the dedicated E-Filing system maintained by the Clerk of the Court for the purposes of filing.
- c. “Electronic Service” (“E-Service” or “E-Served”) means the automatically generated electronic transmission, by and through an e-filing system, of a notice to all participants in a case who are registered users that a document has been e-filed. Electronic service does not include service of process or Summons to gain jurisdiction over persons or property.
- d. “Conventional Service” means the certification that a true and correct copy of documents filed have been mailed, postage prepaid, to a party, attorney or representative under TRCP 5.
- e. “Electronic Notary” (“E-Notary”) means a document that is required to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be e-filed as a scanned image or electronically notarized in accordance with Tennessee Code Annotated, Title 8, Chapter 16.
- f. “eFlex” refers to the service provider used by the Court for E-Filing and E-Service of documents via the internet.
- g. “E-Filer” means a registered user of the dedicated e-filing system who e-files a document.
- h. “Conventional Filing” means filing of physical paper documents with the Clerk’s Office.
- i. “Registered User” is a person who has properly registered with and has been authorized to use the e-filing system for the e-filing of documents in accordance with the requirements of the Courts’ Local Rules. A Registered User is deemed to

have consent to receive E-Service and is responsible for maintaining a valid and current e-mail address and keeping same up to date in the e-filing system.

- j. “Documents” that may be E-Served under this Rule include only those items that must be served pursuant to Tenn. R. Civ. P. 5.01 and any similar General Sessions Court Rules.

3. Scope Of Rules

- a. Use of eFlex for E-Filing and E-Service delivery of notification of documents is intended to be consistent with and in accordance with Sup. Ct Rule 46A, T.R.C.P. 5 and 5B and Tennessee Code Annotated, Title 16, Chapter 15, Part 7. Registered Users agree to comply with E-Filing and E-Service requirements set out by law.
- b. The Court may at any time revise the E-Filing Rules, policies and procedures as needed to comply with changes in law or legal interpretation, and to facilitate use or to more accurately and efficiently create a record of the case, without notice. Registered Users are responsible for reviewing the E-Filing Rules for revision.
- c. The Court Clerk maintains the official case file in electronic formats. Documents submitted to the Court are maintained by the Court in accordance with the Tennessee Open Records Act.

4. No Warranty

- a. Every effort is made to provide accurate and current information thru eFlex. However, due to updates and resources, there may be times that the system is down which will result in outdated/inaccurate information. The Circuit Court Clerk makes no warranties regarding the availability of the eFlex system or the accuracy, reliability, or content of the information provided.
- b. Due to the complex nature of the internet, the Circuit Court Clerk does not warrant that access to eFlex or the operation or performance of the system will be uninterrupted or error-free. The operation of eFlex is subject to limitations, delays, and problems inherent with the internet. The Circuit Court Clerk will use reasonable efforts to notify and cure any such defects.
- c. Refer to the Court’s Local Rules regarding the effect of any statute of limitations when the eFlex system is down or inoperable.

5. Authorized Registered Users

For the purpose of accessing eFlex over the internet, only the following members of the general public are authorized to register as “eFlex Registered Users”:

- a. Attorneys licensed to practice in the State of Tennessee in good standing.
- b. Attorneys admitted to practice on a case pro hac vice.
- c. Pro se and indigent litigants.
- d. Authorized agencies that have a legal duty to file Court documents.

6. Registered User Understanding and Account Maintenance Obligations

- a. Only persons who are authorized Registered Users and who seek to E-File or **E-Serve**, may register for an eFlex account, and only for Court filings on cases before the Court for whom they are attorney of record, an active party, or authorized agent. A Registered User who knowingly authorizes or permits his or her User name or password to be utilized by another is fully responsible for said transmissions and communications over eFlex.
- b. Authorized persons may register for an eFlex account.
- c. Upon receipt of a properly executed “click through” Registered User Agreement, the User will create a confidential password for the system which will be used to submit documents for E-Filing.
- d. By use of eFlex, the Registered User understands and agrees that the use of a login process with a user name and password followed by an approval process serves as a replacement of a signature on filed documents and serves as an “electronic signature” under T.C.A. §16-1-115. Every pleading, document, and instrument electronically filed or served shall be deemed to have been signed by the E-Filer and shall bear the typed name, address, and telephone number of the E-Filer, and the Bar Number of the E-Filer if submitted by an attorney.
- e. Registered Users of the system shall immediately update through eFlex any change in user name, delivery address, telephone number, fax number, and/or e-mail address. In addition to updating any change in eFlex, attorneys must at the same time notify the Bar Association of the change.
- f. Registered User agrees to regularly monitor the eFlex notifications, filing statuses, associated e-mail accounts and attempted eFlex logins. The IP address for each attempted login will be documented for additional security.
- g. Registered User is responsible for immediately notifying the Office of Circuit Court Support at **(615) 862-4444** in the event of any suspected fraudulent use of the eFlex account.
- h. Registered User may request electronic filing technical assistance weekdays during offices hours (**excluding holidays**) by calling the Office of Circuit Court Clerk Support at **(615) 862-4444** and/or by e-mail at efilesupport@nashville.gov.
- i. These E-Filing Rules remain in place and are binding upon the Registered User as long as the User remains a registered user of the eFlex electronic filing system. Registered Users may be prevented from using the eFlex system for violation of the E-Filing Rules by the Court Clerk.

7. Format of Documents

- a. For some documents, parties will be prompted to complete a pleading form which requires the input of certain requested information or the selection of an applicable box/menu item. The electronic document title of each pleading or other document shall include:
 - i. Party or parties filing/serving the document,
 - ii. Nature of the document,
 - iii. Party or parties against whom relief, if any, is sought; and
 - iv. Nature of the relief sought.
- b. For certain documents, parties are to prepare a paper copy of the document to be E-Served, and are to save or upload a scanned copy of the document (in PDF format) to eFlex. Submitting a scanned copy by e-mail to the Court Clerk will NOT be sufficient for E-Service.
- c. When instructed by the Court or Local Rules, parties shall submit the official paper copy of the document to the Court in the manner directed by the Court.
- d. All electronically filed and served pleadings shall be formatted in Word or PDF and shall conform to the Tennessee Rules of Civil Procedure and Local Rules governing formatting of paper documents, and in such other and further format as the Court may require.
- e. When e-filing a document that requires a notarization, the document may be E-Notarized in compliance with the “Online Notary Public Act” provided for in Tennessee Code Annotated, Title 8, Chapter 16.

8. Electronic Notification and Delivery of Documents

- a. Registered User agrees and consents that the e-mail address provided in the account request and maintained in the Registered User’s eFlex user profile supersedes the Court’s Case Management System for the purpose of electronic notification resulting in effective notification and delivery of filed documents.
- b. Delivery of E-Service notifications and documents through eFlex to other registered Users shall be considered valid and effective service and shall have the same legal effect as proper service of an original paper document, thereby replacing the need for most paper notifications except when required by law (e.g., for a Complaint, Petition, or other document that must be served with a Summons or Subpoena). Furthermore, when instructed by the Court, Registered User must submit an original paper copy of any document to the Court for filing to be completed.
 - i. Documents electronically filed **under seal** will not be E-Served. Conventional Service must be effectuated by certifying the mailing of the document by pre-paid postage.
- c. E-Service delivery of notifications and documents shall be deemed complete when the transmission to eFlex is completed and Registered User receives notification.
- d. Registered Users and parties who register with eFlex consent to receive E-Service delivery of notifications and documentation and will be deemed to have waived

other service, EXCEPT when physical service of paper Subpoena or Summons is required by law, in which case physical service shall be completed, in addition to E-Service.

- e. Registered User agrees to accept electronic notices through e-mail as a courtesy notification of a document filed with the Court.
- f. Registered User agrees that the official electronic Court notifications are maintained only through eFlex. Therefore, Registered User consents to accept e-mail notifications of a hearing or trial as valid notice, and will be deemed to have waived other service.

9. Time and Effect of E-Filing

- a. Registered Users may file electronic documents through eFlex twenty-four (24) hours a day, seven (7) days per week, except when the eFlex system is down for maintenance, etc.
- b. Other than documents noted in **Section 11(e)** of these E-Filing Rules that are required to be filed in paper format, any pleading filed electronically shall be considered as filed with the Court when the transmission to eFlex is complete.
- c. Any document e-filed by 11:59 p.m. shall be deemed filed on that date.
- d. eFlex is an agent of the Court for the purpose of electronic filing, receipt, service and retrieval of electronic documents.
- e. Upon completion of filing, eFlex shall issue a confirmation receipt that includes the date and time of receipt. The confirmation receipt shall serve as proof of filing.
- f. In the event the Court Clerk rejects the submitted documents following review due to substantive defects that prevent the document from being filed, the documents shall not become part of the official Court record and the E-Filer will receive notification of the rejection.
 - i. Registered Users may be required to re-file the instrument(s) to meet necessary filing requirements.

10. Payment of Filing Fees

- a. Registered Users shall pay statutory filing and service fees electronically for any e-filed documents submitted to the Court through eFlex. Filing fees are due and payable at the time of filing unless the party is approved by the Court to proceed in indigent status.
- b. A statutorily approved two point two five percent (2.25%) convenience (vendor) fee will be assessed on payments made by credit/debit card and electronic check.
- c. Attorneys and Firms may apply for an Escrow Account with the Circuit Court Clerk by submitting an Application and minimum deposit of Five Hundred and 00/100 Dollars (\$500.00).

- i. Escrow Accounts may be accessed without incurring a convenience fee.

11. Conventional Filing

Papers that are filed by “conventional filing” means will be converted to electronic format.

- a. If filed at the counter, the conventional papers will be scanned and returned to the E-Filer, if requested. Otherwise, the conventional papers will be destroyed after converting to electronic format.
- b. If filed by mail or courier, the conventional papers will be scanned and returned to the E-Filer only if accompanied by a self-addressed, stamped envelope with sufficient postage for the return. Otherwise, the conventional papers will be destroyed after converting to electronic format.
- c. Once converted, the electronic format of the document is the official Court record.
- d. If exhibits are submitted, the Clerk may maintain the exhibits by conventional means or by electronic means where appropriate.
- e. The Court’s Local Rules ***may require certain documents/pleadings to be conventionally filed*** in paper format rather than e-filed.
 - i. Anytime the Local Rules require the conventional filing of a pleading/document, unless and until the original paper copy of the pleading/document is received and filed by the Clerk in these cases, the submitting Registered User will NOT be deemed to have properly filed the document.
 - ii. The burden rests with the Registered User to ensure that the Clerk has received the original paper copy of the document prior to any Court dates or filing deadlines.
 - iii. The Clerk will list all filings required by Local Rule to be filed by conventional means on the e-filing system’s webpage.

12. System Use

- a. All documents submitted by e-filing and information provided to the eFlex system by E-Filers are subject to the Tennessee Open Records Act and may only be designated as confidential or sealed pursuant to Tennessee Code Annotated, TRCP, Local Rule or Court Order.
- b. In the event the eFlex system is unavailable, E-Filer agrees that time-sensitive documents should be conventionally filed with the Clerk during normal office business hours in order to meet any applicable statutes. At the Court’s discretion, the provisions of T.R.C.P. 6.01 may apply to the extent the Clerk’s Office is inaccessible due to unavailability of the eFlex system.

13. File Size Limitation for All Electronic Filings

- a. Any issues with document size restrictions should be referred to the Office of Circuit Court Clerk Support at (615) 862-4444 and/or by e-mail at efilesupport@nashville.gov.