19th JUDICIAL DISTRICT ELECTRONIC FILING RULES (FOR THE CHANCERY AND CIRCUIT COURTS OF ROBERTSON AND MONTGOMERY COUNTIES)

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PART 1 – AUTHORITY / ABROGATION OF PRIOR E-FILING RULES

In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Trial Courts of the Nineteenth (19th) Judicial District do hereby adopt electronic filing. Pleadings and other electronic documents filed electronically in the Circuit Courts and Chancery Courts of Montgomery and Robertson Counties shall be considered filed the same as court documents filed in paper format. The prior E-Filing Rules previously entered by the Circuit Court for Montgomery County Tennessee on October 1, 2021 are hereby abrogated in their entirety. Upon the approval of these rules by the Administrative Director of the Administrative Office of the Courts, the rules set forth herein shall supersede and fully replace the previous E-Filing Rules adopted by the Circuit Court for Montgomery County on October 1, 2021.

PART 2 – SHORT TITLE

These rules may be cited as "19th Judicial District E-Filing Rules," and shall be applicable in the Circuit and Chancery Courts for Montgomery and Robertson Counties, Tennessee.

PART 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 Judges of 19th Judicial District 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 Circuit Court Clerks and Clerk and Masters of the Chancery Courts of the 19th Judicial District shall maintain the official case file in electronic formats. Documents submitted to the Courts are maintained by the Court in accordance with the Tennessee Open Records Act.

(d) Except as expressly provided herein, for all new cases filed on or after the effective date of these E-Filing Rules, the Court shall accept as validly filed all documents that are filed through E-Filing.

(e) The Courts and the Clerks may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of these E-Filing Rules.

(f) E-Filers may obtain access to the E-Filing Website either through an internet access point or by using the Clerks' Public Access Terminal located in the Clerks' Office.

PART 4 – DEFINITIONS

The following terms in these E-Filing Rules shall be defined as follows:

"Authorized Users" means the following persons who, upon completion of the registration requirements or user account configuration, may E-File documents:

a. Attorneys licensed to practice law in Tennessee;
b. Pro Se litigants;
c. Law Enforcement Officers;
d. Process Servers;
e. Agents of Governmental entities;
f. Special appointed agents for Domestic Violence Support;
g. All Court judges and their staffs; and
h. The Clerk and all deputy clerks of the Clerk's Office.

"Clerk" means the Clerk and Masters of the Chancery Courts of Montgomery and Robertson Counties and the Circuit Court Clerks of Montgomery and Robertson Counties;

"Clerk's Office" means the office of the respective Court Clerks of each Court (Chancery and Circuit Court) in each County of the District (Montgomery and Robertson Counties) for which a particular matter is being filed;

"Convenience Fee" is a statutory fee charged in connection with electronic filing that is in addition to statutory filing fees. Such a fee is charged in connection with payment by credit card or ACH. (See Section 12 below);

"Case Management System" or "CMS" means a computer system operated by the Clerk's Office which maintains all case information. For the Montgomery County Chancery Court, the CMS is Alpine; For Montgomery County Circuit Court, Robertson County Circuit Court, and Robertson County Chancery Court, the CMS is TNCIS.

"Court Administrator" means the Deputy Clerk or Deputy Clerk and Master designated by the Clerk of each Court to administer the CMS, the DMS, and internal users;

"Court" means the Circuit Court or Chancery Court of Montgomery or Robertson Counties, and the Chancellor or Circuit Judges sitting as Chancellors by Interchange thereof;

"Document" means a pleading, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules;

"Document Management System" or "DMS" means a computer system operated by the respective Clerk's Office which maintains all electronic and scanned paper documents filed in the Court in electronic form.

"E-file" or "E-filing" means the electronic transmission of original documents to the Court, and from the Court, for the purposes of recording information and Court documents to a Court case or other official Court purposes in accordance with TRCP 5B. For purposes of these rules, e-filing does not include the filing of faxed documents under TRCP 5A;

"E-Filer" is an Authorized User who has a Court approved E-Filing login, username, and password allowing E-Filing of Documents into the Court's CMS and DMS;

"Electronic Court Filing System" or "ECF" means the software and services provided to Authorized Users to E-file, review filings, and process information that is recorded to the Court's CMS and DMS;

"E-Filing Fee" is the fee an attorney or pro se litigant pays for using the E-Filing system. This is in addition to the Convenience Fee charged by the credit card processor and the statutory filing fee (See Section 12 below);

"E-Filing Rules" means the 19th Judicial District E-Filing Rules;

"E-flex" means the ECF owned by Tybera and licensed to the Chancery and Circuit Courts of Montgomery and Robertson Counties and E-filers in said Courts.

"Local Rules" mean the Local Rules of the Chancery Court of Montgomery and Robertson Counties, or the Local Rules of the Circuit Court of Montgomery and Robertson Counties;

"Notice of Association" means a method provided by the ECF that a pro se filer will use to link the ECF Authorized User account to a case participant in the Clerk's Case Management System;

"Notice of Electronic Filing" or "NEF" means an electronic notice distributed by the ECF to Authorized Users when court documents are E-filed to a case. The notices are specific to a case and are distributed to case participants or their legal representatives who are registered in the ECF System, recorded in a Clerk's CMS as a case participant, and are linked between ECF and a Clerk's CMS;

"Party" or "Parties" means any person, including an individual, fiduciary, corporation, partnership, association or any other legal, governmental or commercial entity, whether organized under the laws of this State who is a party in a case pending in the Courts and is represented by an attorney or an individual party acting pro-se;

"PDF" or "Portable Document Format" means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. Converted Documents must contain the ".pdf" file extension;

"Public Access Terminal" means a publicly accessible computer provided by the Clerks for the purposes of allowing E-filing and viewing of public electronic court records. The public access terminal shall be in the Clerk's Office and made available during normal business hours. The Clerk's Office may also offer printed copies of the electronic court records and apply relevant copying fees as permitted by relevant statutory and court rules;

"Statutory Fees" means those normal filing fees charged by the Courts to file a law suit and other usual fees charged by the Courts in the course of the case;

"System Administrator" means the Tybera Development Group, Inc. management team that supports the Court Administrator and the registration and support of Authorized Users;

"Terms of Use Agreement" means the agreement established by the Clerk(s) that sets forth the parameters for the use of the ECF System by all Authorized Users;

"Traditional Filing" is a process by which a Party files a paper document with the Clerk;

"TRCP" means the Tennessee Rules of Civil Procedure;

"User Guide" means the directions for using the ECF, including procedures and recommendations for filing. E-Filers should periodically check the following websites for updates to the User's Guide:

(1) Montgomery County Circuit Court Website:
<mcgtn.org/circuit>

(2) Montgomery County Chancery Court Website:
<mcgtn.org/chancery>

(3) Robertson County Circuit Court Website:
<robertsoncountytn.gov/local_government/circuit_court_clerk>

(4) Robertson County Chancery Court Website:
<robertsoncountytn.gov/departments/clerk_and_master>

PART 5 – EFFECT ON EXISTING LOCAL RULES

These E-Filing Rules are adopted as an Appendix to the Local Rules of the Chancery Court and Circuit Court and do not supersede or replace any other Local Rules of the Courts. In the event of a conflict between these E-Filing Rules and any statute, T.R.C.P. and/or any Local Rule, the E-Filing Rules shall not apply.

PART 6 – ELECTRONIC FILING ENCOURAGED UNLESS PROHIBITED BY ORDER OF THE COURT

(a) E-Filing of documents is strongly encouraged by the Courts. Except as provided by subsection (b) below, a document that can be traditionally filed with the Courts may be E-Filed.

(b) The Courts or the Clerks may exclude documents and/or certain types of cases from E-Filing. Notice of these excluded documents and/or cases will be provided on each of the Courts' E-Filing Websites.

PART 7 – ELECTRONIC CASE FILE

The Clerks shall maintain all E-Filed documents that are reviewed and approved in electronic format as part of the official case file.

PART 8 - REGISTRATION REQUIREMENTS

(a) Persons who qualify as Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the ECF Website. The registration process requires the prospective user to accept the User Agreement, identify their role for the account, enter their personal information, their username and password, and submit the request. Attorneys must include a valid Tennessee issued Bar Number. There is an approval process that will occur. Once the approval process is completed the user will received an email notifying them that their account is approved. The user must then register their payment options and credit card with the ECF system and the Court. If the user does not receive an email the user can determine if their account is activated by logging into the ECF website. If the user is not approved, the Clerk will inform the user by email of the disapproval and state the reason(s) for disapproval;

(b) E-Filers shall change their E-Filing profile promptly upon any change in firm name, delivery address, phone number, fax number or e-mail address;

(c) Attorneys who intend to practice Pro Hoc Vice are not allowed to register as E-Filers. The Tennessee attorney sponsoring the attorney admitted Pro Hac Vice may E-File any allowed document in accordance with these Rules.

PART 9 – TIME AND EFFECT OF E-FILING

Any E-Filed document shall be considered as filed with a Clerk once the transmission of the entire document is received and approved by the Clerk. Any document received by the Clerks before midnight local time (by 11:59 p.m. CST) of the Clerk's Office shall be deemed filed on that date if such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon approval by the Clerks of an E-Filed document, the ECF system shall electronically transmit a Transaction Receipt indicating that the E-Filing has been filed. The Transaction Receipt shall serve as proof of filing. In the event the Clerks reject the submitted document following review, the rejected documents shall not become part of the official Court records and the E-Filer will receive status on the submission of the rejection. E-Filers may be required to re-file the document to meet necessary filing requirements.

eFlex is an agent of the Courts for the purpose of electronic filing, receipt, service and retrieval of electronic documents.

Documents that are rejected and filed again will receive a new effective date, upon approval, based on when the corrected documents were E-Filed.

PART 10 – FORM OF DOCUMENTS ELECTRONICALLY FILED

(a) Each E-Filed document shall be uploaded in a PDF format unless it is a Proposed Order for a judge to review. The document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules Governing formatting of paper documents and in such other and further format as the Courts may require from time to time. Proposed Orders can be E-Filed in Microsoft Word format;

(b) The E-Filer is responsible for verifying that the documents to be E-Filed are legible. Documents that are not legible or scanned sideways will be rejected and will require the E-Filer to correct the documents and E-File them again. The corrected documents will be date and time stamped according to the date and time of E-Filing the corrected documents;

(c) In addition to the information required by TRCP Rule 11 and any other Local Rule, The Party or attorney signing a document that is being E-Filed shall also follow the requirements in Part 13 below.

PART 11 – NOTICE OF ELECTRONIC FILING (NEF)

When a person E-files to a case, whether they are a case participant or not, notifications of the E-Filing are distributed to Authorized Users that are recorded in the Clerk's Case Management

System as case participants or legal representatives. To receive notifications participants must be Authorized Users and have an active account in the ECF System. For the notification to recognize the association of an Authorized User to a case they must be recorded on the case in the Clerk's CMS as a pro se litigant or as a legal representative with a Tennessee Issued Bar Number.

All Authorized Users agree to receive their notices of documents which are E-Filed in their cases electronically through the ECF system. All Authorized Users agree and consent that the e-mail address provided in the account request and maintained in the ECF User Account supersedes the Courts' Case Management Systems for the purpose of electronic notification resulting in effective notification and delivery of filed documents.

All Authorized Users must include a Certificate of Service on each pleading filed just as if it had been filed on paper.

Pro se litigants recorded in the Court's CMS on a case must be registered Authorized Users in ECF and have previously filed a Notice of Association that links the ECF user account to the CMS participant ID.

The NEF does not replace the need for service of process. The NEF satisfies the responsibility of a filer to send service to other parties that are registered in the ECF System and linked as participants on the case for secondary filings. This service does not replace the responsibility of E-Filers to notify parties by conventional means when they are not registered in the ECF system. The ECF system provides a method to identify what case participants are Authorized Users and recorded in CMS as participants in the case.

The NEF is distributed as an email and posted in the ECF web interface for access. It is incumbent on each filer to keep the NEF in his/her permanent files as proof of notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs within ninety days (90) from the time the NEF is posted to their user account. After ninety days, all NEFs are deleted from the Authorized User's account.

Registered Users agree and consent that the e-mail address provided in the account request and maintained in the Registered User's eFlex user profile supersedes the Courts' Case Management Systems for the purpose of electronic notification resulting in effective notification and delivery of filed documents.

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 Courts, Registered Users must submit an original paper copy of any document to the Courts for filing to be completed.

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.

E-Service delivery of notifications and documents shall be deemed complete when the transmission to eFlex is completed and Registered User receives notification.

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.

Registered User agrees to accept electronic notices through e-mail as a courtesy notification of a document filed with the Courts. 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.

All electronic service of papers e-filed shall be done in according to Supreme Court Rule 46A which reads as follows:

Tennessee Supreme Court Rule 46A, entitled "Electronic Service of Papers E-Filed Pursuant to Local Rules of Court."

(1) For purposes of this Rule, the following definitions shall apply:

(a) "E-file" or "E-filing" means the electronic transmission of documents in cases pending in the court, using the dedicated E-Filing system maintained by the clerk of the court.

(b) "E-Filer" means a registered user who e-files a document.

(c) "E-Filing system" means a system adopted by any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court Clerk that allows for the e-filing of documents and is in compliance with the technological standards promulgated by this Court.

(d) "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.

(e) A "registered user" is a person who has properly registered with and has been authorized to use an e-filing system for the e-filing of documents in accordance with the requirements of a local rule of court. A registered user is deemed to have consented 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.

(f) "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, Tenn. R. Crim. P. 49, Tenn. R. Juv. P. 106, and any similar General Sessions Court rule.

(2) Any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court that has, by local rule of court, allowed documents to be filed, signed or verified by a registered user of an e-filing system shall allow such documents to be e-served. E-service shall

constitute proper service of the e-filed document on a registered user and shall have the same legal effect as service of a paper document under the applicable rules of procedure. Independent conventional service of an e-filed document, either by paper or otherwise, need not be made by an e-filer on any registered user, unless otherwise ordered by the court.

(3) Any (A) lawyer representing a person, party or participant in the case, or (B) pro se person, party or participant in the case, who is either (i) not a registered user of the e-filing system or (ii) known by the e-filer not to have been e-served, must be served by the e-filer through the conventional means of service set forth in the applicable rules of procedure.

(4) Unless ordered otherwise by the court, a court clerk may, through the e-filing system, transmit to registered users all notices, orders, opinions, or judgments filed by the court or court clerk, which transmission shall constitute proper service and shall satisfy the notice requirements of Tenn. R. Civ. P. 58 or any other applicable rules of procedure.

(5) The court has the discretion, for good cause shown, to order that service, other than e-service, be required in a particular case.

PART 12 – PAYMENT OF FEES

(a) All E-Filed Documents subject to statutory filing fees (Court Costs) shall require payment of such filing fees immediately upon filing unless excused by the Courts. These filing fees must be paid with a credit card at the time of E-Filing. Use of the E-Filing Website constitutes E-Filer's consent to process or charge the credit card supplied;

(b) The E-Filing Fee is in addition to the statutory filing fees and is $5.00 per filing up to a maximum of $50.00 per case or a flat $300.00 flat subscription fee per lawyer or pro se litigant for a one-year period starting on the date the flat fee is paid. The flat fee pays all the E-filing fees for all cases filed by that lawyer or pro se litigant in any Court in the State using the Tybera E-Filing System. The E-Filing Fee shall not be assessed against the State, a party declared indigent or to that indigent's party's legal representative. Tybera will keep an account of the amount of fees paid in each case and shall distribute the funds collected or processed to the appropriate Clerk and Court.

(c) The convenience fee pursuant to T.C.A. Sec. 9-1-108(c)(4)&(5), is charged to E-Filers in addition to the statutory filing fee and the E-Filing Fee. The convenience fee covers the cost of processing the credit card. The amount of that fee will appear with each credit card transaction;

(d) Authorized users will be able to access their cases as well as any other cases in the system that are not under seal and make copies of documents in those files. Certified and paper copies will be available from the Clerk's office for the statutory fees;

(e) Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. The Clerk will issue checks for refunds. Refunds will not be made in cash;

(f) Refunds on a case will be paid to the owner of the credit card used to make the payment.

PART 13 – SIGNATURES/NOTARIES

(a) A document that is required to be, verified by a notary public, sworn to, or made under oath, or one that requires multiple signatures may be E-Filed only as a scanned image of the original. The original document shall be maintained by the Party or the attorney E-Filing the document and shall be made available, upon reasonable notice, for inspection by other counsel, the Clerks, or the Courts. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities;

(b) Any document filed with an electronic signature must be filed using the user account of the individual electronically signing the document. Any document signed and filed using the account that matches the signature is considered binding on that individual even if that user shares their username and password;

(c) For all other documents that generally include an attorney's or pro se E-Filer's signature the following pattern is to be used:

/S/John Doe (Authorized User's name) and TN Bar No. (if an attorney)
123in Street (Authorized User's street address)
City, State, Zip Code

(d) 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

PART 14 – REDACTION

Authorized Users must be sensitive to confidential and personal information filed publicly, not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerks, including exhibits thereto, unless required by statute or otherwise ordered by the Courts:

(a) Social Security Numbers/EIN Numbers/Tax Payer ID Numbers. If a social security number or Tax Payer ID/EIN number must be included in a document, only the last four digits of that number must be used;

(b) Dates of Birth. If an individual's date of birth must be included in a document, only the year must be used;

(c) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers must be used; and

(d) Names of Minors. If a case includes a minor this information needs to be protected from the public, the Authorized User should use a pseudo name or initials of the minor in the documents and then file a sealed document with the actual names.

It is the sole responsibility of the Authorized User to redact all documents that are E-Filed to the Courts. When a document required to be E-Filed includes sensitive data that otherwise would be redacted, the Authorized User must E-file an original unredacted version under seal and a redacted version not under seal. The redacted version will be electronically stored for public access.

The Clerk will not review each document for redaction and the Clerk is not responsible for redaction. Nevertheless, the Court Clerk upon discovery of any redaction issues or other redaction non-compliance may reject such filings or, otherwise, request that that new corrected filing be E-Filed.

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

(1) Personal identifying number, such as a driver's license number;
(2) Medical Records, treatment and diagnosis;
(3) Employment History;
(4) Individual Financial Information;
(5) Proprietary or Trade Secret Information; and
(6) Reports pursuant to TCA §34-3-105(f) in conservatorship proceedings.

It is the responsibility of E-Filers to be sure that all documents comply with the rules of the Courts and Tennessee Code requiring redaction of personal identifiers. The Clerk will not review each document for redaction.

PART 15 - SYSTEM OR USER FILING ERRORS

If the E-Filing does not reach a status of RECEIVED because of:

(1) an error in the transmission of the document to the Clerk which was unknown to the sending party,

(2) a failure to process the electronic document when received by the Clerk,

(3) rejection by the Courts or Clerks, or

(4) other technical problems experienced by the E-Filer or the Clerk;

the Courts may, upon satisfactory proof and for good cause shown, enter an order permitting the document to be filed nunc pro tunc to the date the document was first attempted to be filed electronically and may also extend the date for any response or the period within which any right, duty, or other act must be performed.

PART 16 – ELECTRONIC EVIDENCE PROCEDURES

The Courts of the 19th Judicial District do hereby approved procedures for electronic submission of evidence. Cite these procedures as "E-Evidence Procedures" or "EEP."

Scope and Application:

(a) Electronic Evidence as defined below for use in any trial, hearing or motion docket may (temporarily not mandatory) be submitted using Electronic Court Filing System "ECF." These EEP apply in all cases, contested matters and adversary proceedings.

(b) While the Courts strongly encourage evidence to be submitted electronically, evidence will be accepted by the Courts or Clerks of the Courts through traditional methods until such time that the Courts order that evidence will only be accepted electronically. Ample notice will be given of such a requirement and training

(c) Evidence that is submitted in court during a hearing and which is amenable to scanning will be scanned by the clerk, entered into the electronic file, and returned to the attorney or pro se litigant who submitted it to the Court. Maintaining all original copies of the evidence, whether filed electronically or in paper will be the responsibility of the filer.

(d) Evidence that is impractical or impossible to submit in electronic format—such as physical objects, original documents when required and oversized documents not capable of conversion to a format listed below—are not subject to EEP.

Definitions:

(a) ECF – Electronic Court Filing System maintained by the Trial Courts of the 19th Judicial District.

(b) Electronic Evidence – Includes, but is not limited to, documents, diagrams, charts, photographs, audio file, video files, e-mails, texts, and power points that are electronically submitted for use at a trial, hearing, or motion docket.

(c) Filer - An Authorized User who has an E-Filing approved username and password allowing E-Filling of documents into the Document Management System (DMS) through the ECF.

(d) Flatten a PDF document – PDF documents may have editable fields. Flattening a PDF document means to eliminate all editable fields from the PDF document so that it cannot be modified other than by adding a date stamp.

Electronic Format Requirements:

(a) Allowable Formats. All electronic evidence must be submitted in one of the following formats:

- PDF

- PNG, GIF, JPG/JPEG
- WMV
- MP3
- PPT/PPTX

Any of the allowable formats can be compressed into a ZIP file.

(b) File size. The maximum file size for exhibits is 10.0 megabytes (MB). Exhibits may be compressed in ZIP format only. Any compressed exhibit file shall not exceed 10 MB. Exhibits in excess of 10.0 MB, if an exhibit file must exceed 10.0 MB, shall be provided to the court clerk on a thumb drive the same day that other exhibit files are submitted. Parties submitting files larger than 10.0 MB must also provide the files(s) on thumb drive to all other parties due to receive them, and must comply with requirements of the Document Management Protocol (DMP) below.

(c) Disabling of Security Features. Any security features in an exhibit file, such as passwords, locked or editing features, must be disabled.

(d) All PDF documents must be flattened.

Document Management Protocol (DMP):

(a) For any trial, hearing, or motion docket all parties must access the E-Filed exhibits using the ECF.

(b) Timing of Submission – Trials, Hearings, and Motion Dockets. Except as provided in a pretrial order:

(1) All evidence must be submitted no later than 48 hours before trial, hearing, or motion docket using ECF;
(2) Parties are to confer concerning the admissibility of electronic evidence, and 48 hours before a trial, hearing, or motion docket designate in ECF exhibits to be admitted by stipulation.
(3) Upon request, originals are to be made available for inspection.

(c) Identifying Exhibits

The following format must be used when submitting electronic evidence:

(1) Exhibit Number or Letter. Descriptive Exhibit Name. The first component of the file name shall be a number or letter, depending on the party's role.

(A) Plaintiffs/Movants shall use numbers.
(B) Defendants/Respondents shall use letters. If the alphabet is exhausted, then letters will repeat. For Example: "AA" or "AAA."

(2) Descriptive Exhibit Name. The second component of the file name shall be a brief description of the exhibit. It should be sufficiently descriptive to identify the exhibit, and it should not contain any information the filer does not want displayed to the Courts or to other parties.

(3) Format of File. The third component of the file name is the extension which shall identify the format of the file as listed above under electronic formats required.

(4) File Name Examples: (File names must be continuous and not have spaces or periods.)

(A) Example of Plaintiff/Movant exhibits:

1_Deposition_of_Jane_Doe_pdf
2_Photo_of_Jack_Miller_Jpeg

(B) Example of Defendant/Respondent exhibits:

A_Photo_of_Childs_bedroom_Jpeg
B_Letter_from_Mother_to_Father_pdf
C_Parties_2016_US_Income_Tax_Return_pdf

(d) Redaction

The Clerks of the Courts will not remove or redact any electronic evidence containing personally identifiable information, confidential information or proprietary information. The filer submitting electronic evidence is responsible for redaction of such, information, or limiting access to such information. The Clerks of the Courts/Administrators may reject any filings which are not properly redacted or filed under seal as required by state and federal law.

(e) Equipment

The Courts provide audio-video presentation equipment in the courtroom. Any additional equipment required to view and/or listen to electronic evidence is the responsibility of party offering the evidence.

(f) Failure to Submit Evidence in Compliance with EEP

If a party fails to submit evidence in compliance with EEP, upon request of any other party, the Courts may:

(1) Prohibit the non-complying party from using the evidence at the hearing, trial, or motion docket unless the failure was substantially justified or is harmless;
(2) On motion and after opportunity to be heard, the Courts may order payment of the reasonable expenses, including attorney's fees, caused by the failure, and may impose other sanctions deemed appropriate by the Courts.

PART 17 – 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 Clerks may maintain the exhibits by conventional means or by electronic means where appropriate.

(e) The Courts' 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 Clerks 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 Clerks have received the original paper copy of the document prior to any court dates or filing deadlines.

iii. The Clerks will list all filings required by Local Rule to be filed by conventional means on the e-filing system's webpage.

PART 18 – 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 and Chancery Court Clerk and Master make 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 Clerks do 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 Court Clerks will use reasonable efforts to notify and cure any such defects.

(c) Refer to each Courts' Local Rules regarding the effect of any statute of limitations when the eFlex system is down or inoperable.

PART 19 – 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.

PART 20 – FILE SIZE LIMITATIONS FOR ALL ELECTRONIC FILINGS

Electronic filings will be limited to a maximum of 10 megabits (mb) per submission.

(a) Any issues with document size restrictions should be referred to the appropriate Clerk:

1. Montgomery County Clerk and Master at (931) 648-5703 and/or by e-mail at chanceryefilesupport@mcgtn.net.
2. Montgomery County Circuit Court Clerk at (931) 648-5701 and/or by e-mail at circuitefilesupport@mcgtn.net.
3. Robertson County Clerk and Master at (615) 384-5650 and/or by e-mail at chanceryefilesupport@robcotn.org.
4. Robertson County Circuit Court Clerk at (615) 384-7864 and/or by e-mail at circuitefilesupport@robcotn.org.

PART 21 – EFFECTIVE DATE

These rules shall become effective upon the approval of these rules by the Administrative Director of the Administrative Office of the Courts.

ADOPTION OF ELECTRONIC FILING RULES

The foregoing 19th Judicial District E-Filing Rules concerning the electronic filing of documents in the Circuit and Chancery Courts for Montgomery and Robertson County, Tennessee, are hereby adopted by the Chancellor for the Nineteenth (19th) Judicial District and the Circuit Court Judges for the Nineteenth (19th) Judicial District on this _____ day of _____, 2023 and submitted to the Administrative Director of the Administrative Office of the Courts for approval.

Circuit Judge Robert Bateman,
Presiding Judge of the Nineteenth (19th)
Judicial District (Part IV)

Circuit Judge Adrienne Fry
Circuit Judge of the Nineteenth (19th)
Judicial District (Part I)

Circuit Judge William R. Goodman, III
Circuit Judge of the Nineteenth (19th)
Judicial District (Part II)

Circuit Judge Joel Wallace
Circuit Judge of the Nineteenth (19th)
Judicial District (Part III)

Circuit Judge Kathryn W. Olita,
Circuit Judge of the Nineteenth (19th)
Judicial District, (Part V)

Chancellor Benjamin K. Dean
Chancellor of the Nineteenth (19th)
Judicial District