

**AMENDMENT 2**

**APPENDIX 3**

**ELEVENTH JUDICIAL DISTRICT**  
**HAMILTON COUNTY CHANCERY COURT**  
**ELECTRONIC FILING RULES**  
**(E-FILING RULES)**

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**1. AUTHORITY**

In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Chancery Court of Tennessee, for the 11<sup>th</sup> Judicial District, Hamilton County, adopts electronic filing. Pleadings and other papers filed electronically in the Chancery Court shall be considered the same as written papers.

**2. SHORT TITLE**

These rules may be cited as “Hamilton County Chancery Court E-Filing Rules.”

**3. DEFINITIONS**

“**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 staff; and
- h. The Clerk and all deputy clerks in the Clerk’s Office;

**“Case Management System” or “CMS”** means a computer system operated by the Clerk’s Office which maintains all case information. For the Hamilton County Clerk and Master the CMS is TnCIS;

**“Clerk”** means the Clerk and Master of the Chancery Court of Hamilton County;

**“Clerk’s Office”** means the office of the Clerk and Master in the Hamilton County Courthouse;

**“Convenience Fee”** is a statutory fee charged in connection with electronic filing that is in addition to statutory filing fees. *See* T.C.A. § 9-1-108(c)(4)&(5). The Convenience Fee covers the cost of processing the credit card. The amount of that fee will appear with each credit card transaction;

**“Court”** means the Chancery Court of Hamilton County and the Chancellors or Circuit Judges sitting as Chancellors by Interchange thereof;

**“Court Administrator”** means the Chancery Court Deputy Clerk and Master designated by the Clerk to administer TnCIS, the DMS, and internal users;

**“Document”** means a pleading, plea, 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 Clerk’s Office which maintains all electronic and scanned paper documents filed in the Court in electronic form. For the Hamilton County Clerk and Master, the DMS is Laserfiche.

**“E-File” or “E-Filing”** means the proper 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. For purposes of these rules, e-filing does not include the filing of faxed documents;

**“E-Filer”** is an Authorized User who has an E-Filing-approved username and password allowing E-Filing of documents into the Court’s DMS;

**“E-Filing Fee”** is the fee an attorney or pro se litigant pays for using the E-Filing system. This fee is \$5.00 per filing up to a maximum of \$50.00 per case or a \$300.00 flat subscription fee per lawyer, law firm, 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 participates in, in any Court in the State using the Tybera E-Filing System. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing Fee shall not be assessed against the State, a party declared indigent or to that indigent party’s legal representative. Tybera will keep an account of the amount of fees paid in each case;

**“E-Filing Rules”** means the Hamilton County Chancery Court E-Filing Rules;

**“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. For the Hamilton County Clerk and Master the ECF is Tybera.

**“Local Rules”** means the Rules of the Chancery Court of Hamilton County, Tennessee, for the Eleventh Judicial District;

**“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 TnCIS;

**“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 TnCIS as a case participant, and are linked between ECF and TnCIS;

**“Party”** or **“Parties”** means any person, including an individual, executor, administrator, or other personal representative, or a corporation partnership, association or any other legal, governmental or commercial entity, whether or not organized under the laws of this State, who is a party in a case pending in the Court and is represented by an attorney or 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 Clerk for purposes of Allowing E-Filing and viewing of public electronic court records. The public access terminal shall be located 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 Court to file a lawsuit and other usual fees charged by the Court 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;

**“TnCIS”** or **“CMS”** means the Tennessee Case Information System or Case Management System software supported by Local Government, owned and controlled by

the Tennessee Administrative Office of the Courts, used to manage and record case information specific to Tennessee;

“**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 recommendations and modification to procedures specific to the court. All E-Filers should periodically check the Clerk and Master’s website, <http://www.hamiltontn.gov/Courts/ClerkMaster/>, for updates to the User’s Guide. The ECF system will provide a Filer’s User Manual specific to how to use the ECF system that will function for state courts in all counties.

#### **4. EFFECT ON EXISTING LOCAL RULES**

These Rules are adopted as an appendix to the Local Rules of Court and do not supersede or replace any other Local Rules of Court. Litigants may continue to engage in Traditional Filing.

#### **5. RULES**

##### **a. Filings.**

Any document may be E-Filed that could be filed in Court as a paper document pursuant to TRCP and the Local Rules, except for the following case and document types:

Case Types:

- a. Adoptions
- b. Conservatorships
- c. Guardianships
- d. Order of Protection
- e. Name Changes
- f. Healthcare Liability/Medical Malpractice
- g. Restoration of Citizenship
- h. Surrender

Document Types:

- a. Notice of Appeal
- b. Confidential Statistical Information
- c. Original Wills in probate matters
- d. Creditor claims in probate matters
- e. Requests for Temporary Restraining Orders pursuant to T.R.Civ. P. 65.03

E-Filing shall constitute the official filing of such documents unless excepted above.

The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically.

**b. Filings After Effective Date of These Rules.**

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

**c. Case Files.**

The Clerk shall maintain the original and official case file in electronic format for all new cases filed on or after the effective date of these rules. Existing cases can be converted to e-filed cases at the request of the litigants or their attorneys.

**d. Time and Effect of E-Filing.**

Any E-Filed document shall be considered as filed with the Clerk when the transmission of the entire document is received by the Clerk. Any document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on the date of such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon receipt by the Clerk of an E-Filed document, the Clerk shall electronically transmit a Transaction Receipt indicating that the E-Filing has been received. The Transaction Receipt shall serve as proof of filing.

The clerk may review the document to determine if it conforms with the applicable filing requirements. If the clerk rejects the document for filing because it does not comply with the applicable filing requirements or because any required filing fee has not been paid, the clerk must promptly send notice to the registered user who filed the document; the notice must set forth the reason(s) the document was rejected for filing. If the clerk rejects the filing, the clerk may, in his or her discretion, give the filing party up to 3 days to correct the deficient filing; upon the filing party's timely submission of a corrected filing, the filing shall relate back to the date of the initial filing. Notification that the clerk has accepted the document for filing is not required, however, the notice of rejection requirement applies to all deficiency correction filings.

A document that is required to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be E-Filed only as a scanned image. The original document shall be maintained by the filing party or attorney and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

If the E-Filing does not occur 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 Court or Clerk; or (4) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon

satisfactory proof, 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.

**e. Redaction and Under Seal Documents.**

E-Filers 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 Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court.

It is the responsibility of the Authorized User to redact all documents that are E-Filed. When a document includes sensitive data that otherwise would be redacted, the E-Filer must hand-file the original and e-file the redacted version. Only the redacted version will be stored for public access. The original must be filed with a motion to place the original unredacted document under seal. If an entire document is required to be placed under seal, when no redacted document is E-Filed, it must be hand-filed with the Clerk and accompanied by a motion to place that document under seal.

Exercise caution when filing documents that contain the following:

(a) Social Security Numbers. If a social security 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;

(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 in the documents and then file a sealed document with the actual names.

(e) Personal identifying number, such as a driver's license number;

(f) Medical records, treatment and diagnosis;

(g) Employment history;

(h) Individual financial information;

(i) Proprietary or trade secret information;

It is the sole responsibility of E-Filers to be sure that all documents comply with the rules of this Court and the law requiring redaction of personal identifiers. The Clerk will not review each document of redaction.

**f. Form of Documents Electronically Filed.**

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 Court may require from time to time. Proposed orders can be E-Filed in Microsoft Word format.

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 document and E-File them again. The corrected documents will be dated and time-stamped according to the date and time of E-Filing the corrected documents.

In addition to the information required by TRCP 11 and any other Local Rule, the party or attorney signing a document that is being E-Filed shall also follow the requirements in Rule 4.

**g. Registration Requirement.**

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 receive 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 to each Court with which the Authorized User will E-File. If the user does not receive an email, the user can try to determine if their account is activated by logging into the ECF website.

E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number, or email address.

Attorneys who intend to practice Pro Hac Vice are not allowed to register. Out-of-State Attorneys who are not admitted to the Tennessee Bar are required to associate with an attorney who has a Tennessee-issued Bar Number, and they must follow the rules for participating in a case.

**h. 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 TnCIS as case participants or legal representatives. To receive notifications, participants must be Authorized Users and have an active account in the ECF System. In order for the notification to recognize the association of an Authorized User to a case, they must be

recorded on the case in TnCIS as a pro se litigant or as a legal representative with a Bar Number. TnCIS only maintains Tennessee-issued Bar Numbers.

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

Pro se litigants recorded in TnCIS 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 TnCIS participant ID.

The Court has the ability to configure when NEFs are distributed. Some notifications are distributed when a filer submits the court documents in ECF. Some notifications are distributed after clerk review and approval of the E-Filing. The Court has the ability to configure some documents to not distribute notifications. This last condition may be used when a criminal warrant for an arrest is issued through the ECF system and the Court does not want this information distributed to parties on the case.

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 physically 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 TnCIS as participants in the case.

The NEF is distributed as an email and posted in the ECF web interface for access. The email is not always reliable and considered a courtesy notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs prior to ninety (90) days from the time the NEF is posted to their user account. After ninety (90) days, the NEFs are cleaned up, and the information is removed from the Authorized User's account.

#### **i. Payment of Filing Fees.**

*Court Costs.* All E-Filed cases subject to statutory filing fees/court costs shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card at the time of E-Filing. Use of the E-Filing website constitutes the E-Filer's consent to process or change the credit card supplied. It is the responsibility of the Authorized User to refer to the Clerk and Master's website (<http://www.hamiltontn.gov/Courts/ClerkMaster/>) or call the Clerk and Master's office during office hours for a table of fees for cases and documents filed. The ECF system will not calculate the fees in this release of the E-Filing system (release one). When the ECF system provides an estimate in later releases, the Clerk is still responsible for calculation of the fees which may be different from the estimates. This can occur when the Clerk makes corrections to information entered by the filer.



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

*E-Filing Fee.* The E-Filing fee is in addition to the statutory filing fees. This fee is \$5.00 per filing up to a maximum of \$50.00 per case or a \$300.00 flat subscription fee per lawyer or pro se litigant for a one (1) 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. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing fee shall not be assessed against the State or to a party declared indigent or to that indigent party's legal representative. Tybera will keep an account of the amount of E-Filing fees paid in each case.

*Convenience Fee.* The credit card vendor will charge a convenience fee for using the credit card services. That fee is paid to the vendor at the time of the charge. Currently the Clerk & Master's Office uses LexisNexis as its credit card vendor. The convenience fee is 2.39% for credit cards. Any charges less than \$83.74 will have a standard convenience fee of \$2.00. The convenience fee for debit cards is a standard \$2.00, and the convenience fee for online e-checks is \$1.00.

*Transaction Fees for Obtaining Copies.* Neither the E-Filing Fee nor the subscription fee shall limit a clerk's authority to charge transaction fees for obtaining copies of documents maintained by the clerk as part of an electronic filing system or a separate document management system.<sup>4</sup>

#### **j. Signatures.**

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 Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

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 issuer shares their username and password;

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

/s/ John Doe (Authorized User's name), TN BPR #0000 (if an attorney)  
123 Main Street (Authorized User's street address)  
City, State, Zip Code

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<sup>4</sup> See T.C.A. §8-21-401(o)(4). With regard to excepted filings, see T.C.A. §8-21-401(i) and §409.

## 6. ELECTONIC EVIDENCE PROCEDURES

The Chancery Court of Hamilton County, Eleventh Judicial District has approved procedures for electronic submission of evidence. These procedures may be cited 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 Court strongly encourages evidence to be submitted electronically, evidence will be accepted by the Court or Clerk of the Court through traditional methods on a temporary basis until such time that the Court orders that evidence will only be accepted electronically. Ample notice will be given of such a requirement. 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.

(c) 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 Circuit Court and the Chancery Court.

(b) Electronic Evidence. Includes, but is not limited to, documents, diagrams, charts, photographs, audio file, video files, emails, 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-Filing 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, JPB/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. If an exhibit file must exceed 10.0 MB, the file 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 file(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 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) The 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 Court 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\_John\_Doe\_jpeg

(B) Example of Defendant/Respondent exhibits:

A\_Photo\_of\_Childs\_bedroom\_jpeg

B\_Letter\_from\_Mother\_to\_Father\_pdf

C\_Parties\_2018\_US\_Income\_Tax\_Return\_pdf

(d) Redaction

The Clerk of the Court 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.

(e) Equipment

The Court provides audio-video presentation equipment in each courtroom. Any additional equipment required to view and/or listen to electronic evidence is the responsibility of the 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 Court 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, order payment of the reasonable expenses, including attorney's fees, caused by the failure, and impose other appropriate sanctions.


**7. EFFECTIVE DATE**

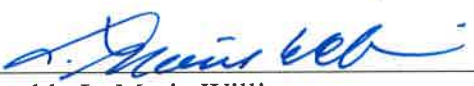
These rules shall become effective on the 12<sup>th</sup> day of January, 2022


## ADOPTION OF ELECTRONIC FILING RULES

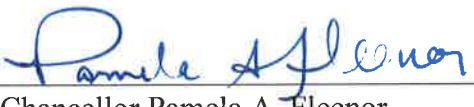
The foregoing Hamilton County Chancery Court E-Filing Rules concerning the electronic filing of documents are hereby adopted and shall be included as Appendix 3 to the Local Rules of Civil Practice, Chancery and Circuit Courts for the Eleventh Judicial District by the Presiding Judge on this 12<sup>th</sup> day of July, 2022 and submitted to the Administrative Director of the Administrative Office of the Courts.

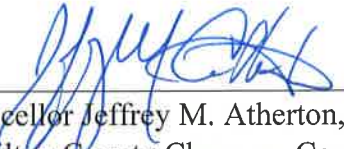
  
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Honorable J. B. Bennett  
Hamilton County Circuit Court Division I  
11<sup>th</sup> Judicial District

  
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Honorable W. Jeffrey Hollingsworth  
Hamilton County Circuit Court Division II  
11<sup>th</sup> Judicial District

  
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Honorable L. Marie Williams  
Hamilton County Circuit Court Division III  
11<sup>th</sup> Judicial District

  
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Honorable Kyle E. Hedrick  
Hamilton County Circuit Court Division IV  
11<sup>th</sup> Judicial District

  
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Chancellor Pamela A. Fleenor  
Hamilton County Chancery Court Part I  
11<sup>th</sup> Judicial District

  
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Chancellor Jeffrey M. Atherton, Presiding Judge  
Hamilton County Chancery Court Part II  
11<sup>th</sup> Judicial District