**#0022**

**ECF 4.1 - Re-submission of filings**

**Support re-submission of e-filings when they are rejected for simple mistakes or omissions**

**Use Case examples**

1. Missing filing fees

The e-filer’s documents were fine, BUT he forgot to send along the statutory filing fee. Under long-standing direction from the Chief Justice, the Clerk’s Office / Registry is unable to accept any filings if missing their filing fees, and must immediately “return” to the filer his filings.

Filing result: rejected, and the e-filer has to start assembling his efiling all over again.

1. Wrong indication whether case has already commenced

The attorney’s e-filed documents were fine, BUT his litigation support clerk erroneously selected in the Filing Assembly MDE the selection “Initiate a New Case” instead of “File on an Existing Case” (the case was already commenced previously, and thus has already been assigned a new case number).

The Clerk’s Office / Registry is unable to accept the e-filings because if it did, a (second) new, *different* court number would be automatically generated by the system, thus causing confusion.

Filing result: rejected, and the e-filer has to start assembling his efiling all over again.

1. Missing an Attachment

The voluminous e-filed affidavit was fine, EXCEPT that of the many attachment exhibits, a single one was overlooked and not sent as an attachment, even though it was referenced within the body of the affidavit.

The Clerk’s Office / Registry is unable to accept the e-filed affidavit because *prima facie* it is deficient by being incomplete. It is not an option to simply permit the efiler to submit just the missing attachment, because the Court’s back-end electronic systems aren’t of a level of sophistication that would allow the Clerk’s Office / Registry to later “reattach” the said attachment to the lead document that was previously submitted.

Filing result: rejected, and the e-filer has to start assembling his efiling all over again.

1. Wrong file number

The e-filer’s documents were fine, BUT in the Filing Assembly MDE he

entered an incorrect court number in which to deposit his efilings. He didn’t catch his error as the “wrong case” had a somewhat similar case title.

The Clerk’s Office / Registry is of course unable to accept electronic filings if the legal envelope would be placed under a wrong court number, a fatal flaw.

Filing result: rejected, and the e-filer has to start assembling his efiling all over again.

1. Forgot a key document

The practice of the Court is to require a draft order be supplied by the party at the very same time it files its Motion. So counsel prepare and submit via e-filing the Notice of Motion, the supporting Affidavits, the Written Representations in support, and a covering letter. But she forgot to prepare a draft order …

Under long-standing direction from the Chief Justice, the Clerk’s Office / Registry is unable to accept any filings involving the placement of a Motion before the Court

if missing any of the aforesaid key documents.

Filing result: All documents submitted have to be rejected, and the e-filer has to start assembling her efilings all over again.

**Summary**

These fatal errors, resulting in instant rejections of the efilings, act as a huge disincentive to efilers – and a major source of frustration - especially when a similar flaw on a paper filing is easily fixed by the filing party or even the Clerk’s Office / Registry itself – often with just a stroke of a pen.

We should investigate whether we can provide an alternative to having to require the Court’s efiling clients to start all over and reassemble and resubmit all of their documents.

## Recommendation: filers ought to be able to resubmit filings

## An e-filer whose initial submission ends up being rejected may often wish to simply “resubmit” his filing(s) – after of course rectifying what was originally wrong. Currently there is no alternative but to completely start all over again. In other words, the initial attempt at e-filing has failed and a completely new attempt has to be made, with nothing of value carried forward from the first e-filing attempt.

There should be functionality that would permit the filer to reactivate a previously submitted envelope (of course the “new” envelope would be renumbered so as to not confuse the court which has already dealt with an envelope with the original, unique number). This notion of “reactivating” would allow the filer to simply rectify the omission(s) and basically resend the “same” efiling envelope, saving him from laboriously starting all over from scratch.

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