# E-FILING GUIDELINES FOR ODYSSEY FILE & SERVE

For best results, please follow the guidelines below when filing documents through Odyssey File & Serve:

1. Since cover letters are not included as a document in the court file, do not include them with your filing.

2. Make sure the information contained in the Civil Case Filing Statements you have filed is correct. If information in a document you wish to file later differs from information in a Civil Case Filing Statement (e.g., a party's name is spelled differently), you may have difficulty filing the document.

   - When submitting a Civil Case Filing Statement, uncheck the Service box to prevent confidential information from being sent to any service contacts.

3. Remember to file a Confidential Information Form or Confidential Financial Documents Form as required by SDCL 15-15A-9.

   - Before filing a document containing confidential or redacted information, carefully review SDCL 16-21A-5.
   - Note that you must "seek advance approval from the court for submitting a document as sealed or confidential if that document is not already declared confidential or sealed by existing law, court rules or order." SDCL 16-21A-5(3).
   - Motions requesting that a document be sealed and original sealed documents will not be accepted unless otherwise directed to be filed electronically by the court.

4. When filing a redacted version of a document, you must also file the original document. To properly communicate that original and redacted versions of the document are being filed, it is important to write in the Filing Description section "Original" or "Redacted Version." Any additional comments to the clerk can be made in the Filing Comments section.

   - If accepted, the clerk will seal the original document.
   - Remember to seek advance approval with the court if necessary per SDCL 16-21A-5(3).

5. When filing multiple documents, file each document separately (e.g., Complaint with attachments – doc. 1; Summons – doc. 2). Generally, documents may not be combined.

   - Exceptions:
     - Documents may be accepted with attachments that are considered part of the document.
     - Service documents, such as certificates of service, may be filed together with another document (e.g., at the end of a document) or separately.

6. When electronic service is used, the actual service document must also be filed. For example, if a motion is served and filed electronically, the attorney filing it must still include a certificate of service with the motion or as a separate document.

7. Do not file a lead document that is **not** confidential with an attachment that is confidential. Instead, the confidential attachment must be filed separately.

    - If both the lead document and attachment are confidential, the documents may be filed together.

8. No document filing can exceed 20 megabytes. If a document exceeds 20 megabytes, separate the document at a logical point and file each section separately. For the first section, select the appropriate code for the document and add "Volume 1" in the comments. Separate the remaining pages into sections of no more than 20 megabytes and select the same document code as the initial section, adding "Volume 2," "Volume 3," etc., in the comment field.

9. When filing a document through File & Serve, be careful to use the exact party name shown on the document being filed. Names on all subsequently filed documents should be the same as the initiating document.

10. When entering a party name in File & Serve, use only the primary name. Do not include "aka," "fka," "dba," or "Assignee of ____" as part of the name. Including these add-ons makes name searches difficult because Odyssey will recognize the entire text as all part of one name.

11. Subsequent filings in a case must include a case number on the document. Be sure to enter/use the case number accurately on each document filed. The correct format for Odyssey cases is:

    - 13 digits = CCTTTYY-XXXXXX
    - CC = County Code
    - TTT = Case Type CIV, CRI, MAG, etc.
    - YY = Year Filed
    - XXXXXX = number of case
    - Example: 51CRI14-000123 (Pennington Co. criminal case for the year 2014)

12. Avoid using abbreviations whenever possible. If you do choose to use abbreviations, make sure they will be understandable to others.

13. Documents being filed with the court must be signed. You may sign and scan the document or use an electronic signature. An "electronic signature" is "an electronic symbol or process attached to or logically associated with a document executed or adopted by a user with the intent to sign a document." SDCL 16-21A-1.

- To sign a document electronically, use the following format: "/s/ name." Example: /s/ Jimmy Jones.
- If you choose to sign and scan a document, make sure you sign it in black ink.
- Remember to include your address and telephone number in addition to your signature. *See* SDCL 15-6-11(a).
- Documents requiring the signature of more than one party may be filed electronically by submitting a scanned document containing all necessary signatures or by any other method authorized in SDCL 16-21A-2(7).

14. If you wish to file a notarized document electronically, you must sign the document before a notary as you would if you were filing the document over the counter. Then scan and file the notarized document. There is currently no electronic process for having a document notarized.

15. Check to make sure the entire scanned document is legible. If a portion of the scanned document is so crooked that the content does not appear, or if the document is otherwise illegible, the document may be rejected.

    - If you need to file a document that is illegible, such as an original document that cannot be made legible, write "non-legible" in the Filing Description. This will inform the clerk that the document should be accepted even though it appears illegible.

16. When scanning documents to file, make sure the document will not appear upside down. If the document is upside down, it may be rejected.

17. When entering the Filing Description in File & Serve, capitalize every letter in every word.

    - Correct: BRIEF IN RESPONSE TO DEFENDANT'S MOTION TO SUPPRESS
    - Incorrect: brief in response to defendant's motion to suppress
    - Incorrect: Brief in Response to Defendant's Motion to Suppress

18. Generally, the Filing Code and Filing Description, when read together, should mirror the entire title in the caption of the document being filed.

    - Example: If the filing code is simply "NOTICE OF DEPOSITION" and the title in the caption of the document is "NOTICE OF DEPOSITION OF RONALD MCDONALD," the Filing Description should read, "OF RONALD MCDONALD."

19. Pursuant to SDCL 16-21A-2, unless otherwise directed by the court, the following documents should not be accepted for electronic filing:

    - New criminal case initiating documents
    - Motions requesting that a document be sealed and original sealed documents
    - Trial or hearing exhibits

- Wills to be retained for safekeeping pursuant to SDCL 29A-2-515
- Oversized documents that cannot be scanned effectively
- Documents not of sufficient graphical quality to be legible when scanned
- Administrative appeal records filed with the court pursuant to SDCL 1-26-33
- Discovery documents as provided by SDCL 15-6-5(g)
    - This includes depositions (except notices to take depositions), interrogatories, requests for documents, requests for admissions, and answers and responses.[1]
- Any other documents directed by the court not to be filed electronically

20. At this time, electronic filing is not permitted for the following case types:

    - Abuse and neglect
    - Mental illness
    - Involuntary commitment
    - Adoption
    - Pro se
    - Small claims
    - Juvenile

21. Proposed orders and other proposed documents, except for proposed orders from child support referees, must be filed over the counter until further notice. Generally, any document requiring a judge's signature must be filed over the counter at this time.

    - Orders and other documents signed by the judge should be filed by the judge, not a party's attorney filing on behalf of the judge.
    - Attorneys may file documents signed by the judge and previously filed as attachments to documents they are filing.

22. Any document sent to a clerk of court's office requesting action from staff, such as a request for certified copies, request for execution, etc., should not be filed through the e-filing system.

Please do not hesitate to contact the clerk of court's office for the county you are filing into with any questions related to a specific filing. If you are experiencing technical difficulties with File & Serve, please contact the UJS E-Support Help Desk by sending an email to ujsesupport@ujs.state.sd.us.

[1]Depositions offered into evidence "shall become a permanent part of the file." SDCL 15-6-5(g).