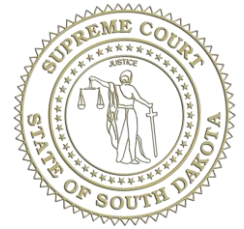




SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM

eFiling Guidelines



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

1. File all documents in black and white. Documents with color that are submitted for filing, even just color signatures (blue ink) will be rejected. If you need to file a document in color for any reason, you will need to submit it over the counter to be filed with the clerk of courts.
2. Since cover letters are not included as a document in the court file, do not include them with your filing.
3. 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, select Efile Only to prevent confidential information from being sent to any service contacts.
4. Any time you start representing a client **after a court file has been initiated, you must file a Notice of Appearance along with a Civil Case Filing Statement in the court file.** The clerk will then update the court file assigning you to the party you represent. After the court file is updated to reflect you as an attorney of record, you will have access to the record and the documents filed in them.
5. 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).
6. 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).
7. 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.
8. 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 must still include a certificate of service with the motion or as a separate document.
9. Do not file a lead document that is **not** confidential or sealed with an attachment that is confidential or sealed. Instead, the confidential or sealed attachment must be filed separately.

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

10. There are practical limits to the size of an electronic document that judges and staff can quickly and easily retrieve and read with the case management system. For optimal manageability, files should not exceed 5MB per document and 25MB per envelope. If a document exceeds 5MB, 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 5MB and select the same document code as the initial section, adding "Volume 2," "Volume 3," etc., in the comment field.
11. 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.
- ❖ For example, if your pleadings list the name as Jon L. Smith on the caption, please make sure Jon L Smith is on the Case filing statement and the File & Serve entry as well. Don't have Jon L. Smith on the documents and only enter Jon Smith in F&S.
12. When entering a party name in File & Serve, please follow the below guidelines:
- ❖ Do not add a separate party for a name that is an "aka," "fka," "dba," or "Assignee of ____" of the primary party (they can be listed in the caption of your documents but only the primary name needs to be added as a party in File & Serve). Including these

add-ons makes name searches difficult because Odyssey will recognize the entire text as one name which can cause the system to error.

- ❖ Do not add a separate party in File & Serve for the following “parties” that do not have demographics:
 - “Any person in possession”
 - “Any other persons”
 - “Any person claiming interest”
 - Listing them in the caption of the document is sufficient
13. 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 = CCTTTY-XXXXXX (although extra leading 0’s can be omitted – see ex. 2 below)
 - ❖ CC = County Code
 - ❖ TTT = Case Type CIV, CRI, MAG, etc.
 - ❖ YY = Year Filed
 - ❖ XXXXXX = number of case
 - ❖ Example 1: 51CRI14-000123 (Pennington Co. criminal case for the year 2014)
 - ❖ Example 2: 51CRI14-123 (leading 0’s can be omitted if they aren’t part of the number of the case)
14. Avoid using abbreviations whenever possible. If you do choose to use abbreviations, make sure they will be understandable to others.
15. 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).
16. 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.

17. 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.
18. When scanning documents to file, make sure the document will not appear upside down. If the document is upside down, it may be rejected.
19. When scanning documents to file, make sure all pages are submitted in the same format. If the filer submits a document with some pages in Portrait format and other pages in Landscape format, the document will be rejected.
20. When entering a Filing Description in File & Serve, you **enter the title of the document only**. Be sure to capitalize every letter in every word and do not retype the words used in the Filing Code.
- ❖ Example: If the filing code is “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.”
 - ❖ Incorrect: of ronald mcdonald
 - ❖ Incorrect: of Ronald McDonald
 - ❖ Incorrect: NOTICE OF DEPOSITION OF RONALD MCDONALD
21. Pursuant to SDCL 16-21A-2, unless otherwise directed by the court, the following documents should not be filed electronically:
- ❖ 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
 - ❖ Discovery documents except 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. Examples include:
 - Appeal Bonds;
 - Color Documents;
 - Pro Hac Vice documents and fees;
 - New cases with request for waiver of filing fees

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

22. The following Case Types are available for e filing. The case types are closed per SDC 15-15A-7 and sealed per SDCL 21-22-28. The case description and the party names are masked. The case name will display as "Confidential". The cases cannot be searched by the party information. To submit a subsequent filing into these case types, you must search by the case number.

Open Case Types	Initial	Subsequent
Administration of Small Estates	Yes	Yes
Administrative Appeals	Yes	Yes
Annulment	Yes	Yes
Civil Administrative	No	Yes
Claim and Delivery Action	Yes	Yes
Conservatorship	Yes	Yes
Criminal Circuit	No	Yes
Criminal Judgment	No	Yes
Criminal Magistrate	No	Yes
Determination of Inheritance Tax	Yes	Yes
Divorce	Yes	Yes
Domestic Abuse Protection Order	No	Yes
Expungement	Yes	Yes
Federal Transcript	Yes	Yes
Forcible Entry and Detainer	Yes	Yes
Foreclosure	Yes	Yes
Foreign Judgment	Yes	Yes
Formal Probate	Yes	Yes
Guardian Ad Litem	Yes	Yes
Guardian/Conservatorship	Yes	Yes
Guardianship	Yes	Yes
Habeas Corpus	Yes	Yes
Informal Probate	Yes	Yes
Litigation	Yes	Yes
Other	Yes	Yes
Other Writ	Yes	Yes
Paternity	Yes	Yes
POA Citation	No	Yes
Reciprocal	Yes	Yes
Separate Maintenance	Yes	Yes
Small Claims - \$.01-\$100	Yes	Yes
Small Claims - \$100.01-\$1000	Yes	Yes
Small Claims - \$1000.01-\$3999.99	Yes	Yes
Small Claims - \$4000 & Over	Yes	Yes
Stalking Protection Order	No	Yes
Termination of Joint Tenancy	Yes	Yes

Termination of Life Estate	Yes	Yes
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Closed Case Types	Initial	Subsequent
Abuse & Neglect	Yes	Yes
Adoption	Yes	Yes
Termination of Parental Rights	Yes	Yes
Juvenile (CHINS, Delinquent, Citation)	No	Yes
Involuntary Commitment	No	Yes
Mental Illness	No	Yes

Sealed Case Types	Initial	Subsequent
Trust	Yes	Yes

23. Proposed Documents must be submitted through File & Serve statewide.

24. When opposing parties are instructed to submit PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW for the consideration of the judge assigned to the case, they are to use the PFFCL - PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW filing code and indicate in the Filing Description if it's the PLAINTIFF'S or the DEFENDANT'S. The filing will automatically be filed stamped in File & Serve, unlike a PROPOSED DOCUMENT. When the judge has decided which of the proposals he or she is going to grant, the attorney with the proposal to be granted shall resubmit it in File & Serve as a PROPOSED DOCUMENT so the clerk can forward it to the judge's signature queue.

25. A filer can request certified copies of a proposed document by adding their request in the Filing Description with the name of the requestor and by selecting "Optional Services of Copies-Certified/Authenticated/Exemplified (\$2.00)." Note: Fees can be waived per SDCL 16-2-29(7).

Please do not hesitate to contact the clerk of court's office of 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@uj.s.sd.us.