



Revised: May 12, 2008

# Memorandum

TO: ALL CIRCUIT JUDGES (via mail)  
ALL CIRCUIT CLERKS (via mail)  
MEMBERS OF THE BAR (via e-mail)

FROM: RORY PERRY, CLERK OF COURT

RE: INVITATION TO COMMENT: RULE CHANGES RELATED TO ELECTRONIC  
FILING in cases referred to the MASS LITIGATION PANEL

On April 24, 2008, the Court entered an order seeking public comment on proposed rule additions and changes that will authorize a pilot program for electronic filing, service and docketing of cases pending in the circuit courts that have been referred to the Mass Litigation Panel under Trial Court Rule 26. When launched, the project will be a joint effort by the Mass Litigation Panel, the Supreme Court Clerk, and affected circuit clerks. Initially, electronic filing will be imposed only after case initiation, in the mass litigation context, and will expand to other case types and other counties as success is demonstrated and the project moves forward. Not only will electronic filing relieve some of the paper and management burdens imposed upon judges, counsel and circuit clerks who handle mass litigation, but it will also allow judges, counsel, court clerks and members of the public to have common access to an electronic docket without the necessity of travel to the courthouse.

Overall, the rule changes follow the general model used when facsimile filing was approved in 1996: one change to Rule 5 of the Rules of Civil Procedure was made, and a separate rule was promulgated to govern the specifics relating to facsimile filing itself. In this instance, a similar change to Rule 5 of the Rules of Civil Procedure is suggested, and a new Trial Court Rule 15 is proposed that addresses the core functions of electronic filing and service. Because it is expected that this program will expand and change over time, a separate Manual for Electronic Filing is also proposed. It is expected that the Manual will be periodically updated, and will govern the specific procedural aspects of the project. In addition, case management orders and case-specific protocols are likely to govern certain aspects of the implementation.

Members of the bar, interested parties and others are invited to comment on the proposed electronic filing rules package. **The deadline for filing public comments is Tuesday, May 27, 2008** Public comments should be filed in writing with the Clerk's Office State Capitol, Room E-317, Charleston WV 25305.