

ARLINGTON COUNTY CIRCUIT COURT PROJECT PAPERLESS

FREQUENTLY ASKED QUESTIONS JANUARY 2021

WHAT IS PROJECT PAPERLESS?

Project Paperless is an initiative by Clerk of the Circuit Court, Paul Ferguson, to streamline and automate Circuit Court files and to eliminate to the greatest extent possible the processing and tracking of paper court documents. This initiative will be implemented in multiple phases.

Phase One, which was implemented July 1, 2013 enables counsel of record to file electronically into all active civil cases in the Arlington County Circuit Court utilizing TrueFiling™ and OnBase™ as the electronic filing and records management platforms. **Paper case files will no longer be used for active cases and will be replaced by electronic case files in both civil and criminal cases.**

Phase Two, which was implemented December 1, 2013 enables counsel of record to file electronically into all active criminal cases in the Arlington County Circuit Court.

Phase Three, which was released January 5, 2015, provides attorneys licensed by the Virginia State Bar or admitted *pro hac vice* remote access to non-confidential civil and criminal case files using the TrueFiling™ system. Electronic certification of court documents is also available via TrueFiling™. Secure remote access is a for-fee, subscription service.

Phase Four, which was released August 22, 2016, allows attorneys to electronically initiate original law and reinstated law cases. Concealed handgun permits, confessed judgments, garnishments, adoptions, and district court or juvenile court appeals will still need to be filed in paper.

WHAT DOES TRUEFILING™ PROVIDE FOR ATTORNEYS PRACTICING IN ARLINGTON?

TrueFiling™ provides Virginia licensed attorneys and attorneys admitted *pro hac vice* in the Arlington County Circuit Court, to file and serve documents electronically. Once a document is filed using TrueFiling™, an electronic confirmation is transmitted to the filing party if they have opted in to receive emails from TrueFiling™. The Clerk will also transmit electronic acknowledgement of receipt once a filing has been accepted by the Clerk to filers that have opted in to receive emails from TrueFiling™.

In addition, TrueFiling™ provides subscribers read-only access to publicly available non-confidential civil and criminal case filings without the need to physically visit the courthouse where the records are maintained. Details about how to subscribe to secure remote access are provided below.

WHO MAY FILE DOCUMENTS USING TRUEFILING™?

Every attorney who intends to utilize the TrueFiling™ portal to file electronically in the Arlington Circuit Court, must register as an authorized TrueFiling™ user and receive a unique username and password. Access to TrueFiling™ for Arlington Circuit Court cases is limited to Virginia licensed attorneys, or attorneys admitted *pro hac vice*, and who are counsel of record in the case. Attorneys may also register others in their firm (for example, paralegals or legal assistants) as contacts who are authorized to receive electronic service in that case. *Pro se* parties cannot file using TrueFiling™ at this time.

WHAT HARDWARE AND SOFTWARE ARE NEEDED TO FILE DOCUMENTS USING TRUEFILING™?

TrueFiling™ is a web-based application that can be accessed via the Internet using most leading web browsers including Internet Explorer. TrueFiling™ is optimized for use with a minimum screen resolution setting of 1024 x 768.

HOW DO I ENROLL IN TRUEFILING?

Users enroll in TrueFiling™ through the website, <https://va.truefiling.com>. Click on the “Sign Up” button on the upper right-hand corner of the screen and follow the instructions to create an account.

If a staff person is enrolling in TrueFiling™ in order to be able to file on the behalf of an attorney, the staff person should not select a select a role. Contact is the default role if the other options are not checked.

I ENROLLED IN TRUEFILING BUT I DID NOT RECEIVE ELECTRONIC NOTIFICATION THAT MY FILING WAS ACCEPTED OR REJECTED?

If you did not receive an email notifying you that a document was accepted or rejected by the Arlington Circuit Court, it is because you did not opt in to receive emails. The system does **not** automatically default to sending emails to users. Each user must manually sign up to receive email notifications regarding the status of filings. To opt in, navigate to Settings and the Notification Settings section and check the boxes indicating the types of emails you would like to receive from the system. It is highly recommended that you check all of the boxes.

WHAT CAN BE FILED AND SERVED ELECTRONICALLY?

Most documents that pertain to an active civil or criminal case pending in the Arlington Circuit Court that may be filed and served electronically. In addition, may civil cases may be initiated electronically. However, concealed handgun permits, confessed judgments, garnishments, adoptions, and district court or juvenile court appeals will still need to be filed in paper.

IF A DOCUMENT IS FILED ELECTRONICALLY WITH THE COURT, MUST IT BE SERVED ELECTRONICALLY?

No. As set forth in Rule 1:17 of the Rules of the Supreme Court of Virginia, the parties may agree, or the Court may order upon a showing of good cause, that service of any document required to be served after the initial service can be effectuated in any manner provided in Rule 1:12.

CAN TRUEFILING™ BE USED TO SERVE AN ATTORNEY THAT IS NOT REGISTERED?

No. Only attorneys that have registered for TrueFiling™ can be served electronically. If an attorney has not registered, traditional service methods are required.

HOW DO I KNOW THAT A PARTY HAS RECEIVED SERVICE?

TrueFiling™ automatically tracks when a document is served and when the receiving party opens the document. The word “YES” will appear in the Service Recipients screen when service is obtained and also when a document is viewed by the recipient.

MUST ELECTRONIC DOCUMENTS BE FILED IN ANY PARTICULAR FORMAT?

All documents filed electronically must conform with applicable Rules of the Virginia Supreme Court and the Virginia Code. Although TrueFiling™ will accept documents in Adobe PDF, Microsoft Word (doc and docx) and TIFF formats, Rule 1:17(d)(4) of the Rules of the Supreme Court of Virginia requires that all electronic documents **must be filed in PDF format.**

WHAT IS A BUNDLE?

A bundle is a group of related filings for an individual case that are submitted to court at the same time. For example, a notice of motion, motion, memorandum in support, and a proposed order that are filed in the same TrueFiling transaction are considered a bundle.

ARE THERE PAGE OR SIZE LIMITS ON DOCUMENTS FILED ELECTRONICALLY?

Yes. Each document filed electronically cannot be larger than 5MB. There is no limitation to the number of documents that can be filed as a bundle, as long as each individual document is 5MB or less.

ARE THERE PROCEDURAL RULES THAT GOVERN ELECTRONIC FILING USING TRUEFILING™?

Attorneys using TrueFiling™ in the Arlington Circuit Court must enter into a user agreement with the vendor, ImageSoft, Inc. for use of the TrueFiling™ product. In addition to that agreement, which governs terms of use of the software itself, electronic filing in the Arlington County Circuit Court will be governed by Rules 1:17, 3:3, 3A:23, and all other applicable Rules of the Supreme Court of Virginia, Title 17.1, Chapter 2, Article 4.1 of the Code of Virginia 1950, as amended, the Circuit Court’s Order Governing Electronic Filing entered on June 25, 2013 and all other applicable rules of Court and laws of the Commonwealth of Virginia governing filings with a Circuit Court.

Prior to filing any electronic document in the Arlington Circuit Court using TrueFiling™, users must also agree to the following terms and conditions of use:

User agrees that electronic documents filed using the TrueFiling™ system comport with the Rules of the Supreme Court of Virginia and the Code of Virginia. User further agrees that to the extent any issue arises between or among any of the parties to a case being heard in the Arlington County Circuit Court as to the timeliness of the filing or service of any electronic document using the TrueFiling™ system, or whether any electronic document comports with Virginia rules or statutes, such issues shall be determined in accordance with Virginia law and jurisdiction will reside solely in the Arlington County

Circuit Court. User acknowledges that the failure to comply with applicable rules and statutes, including payment of any required convenience fees, is a basis for rejecting an electronic document and/or terminating User's access to TrueFiling™ in the Arlington Circuit Court. Any such determination shall be made by the Clerk of the Circuit Court in his sole discretion and any dispute regarding such determination or any other action taken by the Clerk of the Arlington Circuit Court with respect to the TrueFiling™ system shall be resolved in accordance with Virginia law by an appropriate Virginia court. This agreement supersedes any provision in the User Agreement between User and ImageSoft, Inc. that may be interpreted otherwise.

HOW MUCH DOES IT COST TO FILE USING TRUEFILING™?

Statutory fees will be charged for cases that are initiated electronically. In addition to the statutory fees, initial filings that require service will incur an additional \$5 fee per service recipient.

At this time, for cases that have been initiated electronically or in paper, there is no fee to file and serve subsequent documents electronically using TrueFiling™.

HOW DO I KNOW THAT ANYTHING I FILE IS SECURE?

TrueFiling™ uses industry standards such as HTTPS and X.509 certificates for ensuring that all communications between TrueFiling™ and the Arlington Circuit Court are secure. TrueFiling™ architecture enables filers to work even when the court systems are offline. Filings and transactions will be queued and processed once court systems are restored and back online.

WHAT IF I WANT TO LOOK AT A CASE FILE?

The Clerk will no longer maintain paper files for active cases pending in the Circuit Court. Electronic case files can be reviewed at public kiosks located in the Clerk's office on the Sixth Floor. In addition, secure remote access to court records is available, via subscription, to attorneys licensed by the Virginia State Bar or admitted *pro hac vice*.

WHAT IF I NEED A COPY OF A DOCUMENT?

Filers utilizing TrueFiling™ will be able to print a copy of documents served electronically at no cost. In addition, attorneys that have enrolled in secure remote access, will be able to print non-confidential civil and criminal case files using the TrueFiling™ system. Printed copies of electronic documents also can be obtained at the Clerk's office. Copies cost \$0.50 per page. Certified copies of any record can be obtained in the Clerk's office for a fee of \$2.50 per document.