

**Proposed**  
**Mercer Island Municipal Court**  
**MIMCLR 8 ELECTRONIC FILING AND SERVICE**  
**Comment Period June 3, 2021 – July 3, 2021**

**(a) Electronic filing (“eFile”) authorization, charges, exceptions, waiver and non-compliance**

- (1) *Mandatory Electronic Filing.* Effective 90 days after Odyssey File and Serve is effective in the court, attorneys shall electronically file (eFile) all documents except the initial criminal complaint, citation, or notice of infraction, using the court’s designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. With the exception of government filers, the attorney of record for a defendant in a criminal case, non-attorneys or *pro se* parties are not required to eFile but are encouraged to do so.
- (2) *eFiling service charges.* An eFiling charge will be assessed each time a group of documents (sometimes referred to as an “envelope”) is filed on a case. This eFiling service charge will be waived for (a) persons who are indigent or their attorney of record, (b) government filers, (c) qualified legal services providers, and (d) protection orders or other matters for which filing fees may not be charged by law.
- (3) *Documents That Shall Not Be eFiled.* The following documents must be filed in paper form rather than e-Filed:
  - (a) A document that is required by law to be filed in non-electronic format, for example, original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal;
  - (b) Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
  - (c) Documents larger than permitted in the User Agreement.
- (4) *Waiver of the Requirement to eFile for attorneys.*
  - (a) If an attorney is unable to eFile documents **required by this rule**, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they

file documents. Attorneys who receive a waiver shall place the words “Exempt from eFiling per waiver filed on (date)” in the caption of all paper documents filed for the duration of the waiver.

(b) Upon a showing of good cause the court may waive the requirement as to a specific document or documents on a case by case basis.

(5) *Non-Compliance with this Rule.* If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.

**(b) Electronic Service.** If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.