

Supreme Court

In re Article X, Rules Governing :
Electronic Filing :

ORDER

Article X of the Supreme Court Rules Governing Electronic Filing is hereby amended as follows:

Rule 1. General

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c. *Definitions:*

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~~9.~~ **eNotification Message.** An electronic message generated by the CMS and sent to all attorneys in a given case to denote the entry of a docketable event or the scheduling of a hearing. An eNotification message is informational only and does not constitute official notice from the court, is not entered into the court record, and shall not be relied upon by recipients for any official purpose.

~~9.~~ **10. Non-public Document.** A document which is required to be filed with a court and made available to opposing parties in the case but contains a significant amount of personal identifying information or contains information that is designated as nonpublic state or federal law, court rule, court order or case law resulting in the document being designated as non-public in its entirety.

~~10.~~ **11. Personal Identifying Information.** Information of a non-public nature which can be used to identify an individual but can be redacted within the document.

~~11.~~ **12. Registered User.** An individual or entity with an assigned username and password authorized by the Judiciary to access and utilize the EFS.

- ~~12.~~ **13. Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information.** Rules governing the terms and conditions of access to Electronic Documents maintained in the Judiciary's CMS. This document shall be available on the Judiciary's website at www.courts.ri.gov.
- ~~13.~~ **14. Rhode Island Judiciary User Guide for Electronic Filing.** A document published by the Judiciary and updated from time to time which provides instruction and guidance as to the proper use of the EFS. This document shall be available on the Judiciary's website at www.courts.ri.gov.
- ~~14.~~ **15. Sealed Document.** A document that is required by court order, rule or statute to be submitted under the strictest levels of privacy with access allowed only to the court and/or upon approval of the court.
- ~~15.~~ **16. Usage Agreement.** An agreement that establishes the obligations and responsibilities of the Registered User and provides guidelines for use of the EFS.
- d. **Technical Requirements.** It is the responsibility of the Registered User to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, eNotification messages, and other documents. Additional technical guidelines and requirements for usage of the EFS shall be maintained by the Judiciary and published and/or amended from time to time.

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Rule 3. Registration for Use of the Electronic Filing System. – a. *Usage Agreement.* Execution of a Usage Agreement constitutes registration as a user of the EFS and shall constitute consent to receive eNotification messages and Electronic Service of all documents through the EFS. A username and password may be used only by the individual or attorney to whom the username and password were issued, by an attorney's law firm or office, or by another person authorized by an attorney to use the username and password.

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Rule 6.1. eNotification. - a. *Applicability.* eNotification messages are automatically generated and transmitted by the CMS upon the entry of a docketable event or the scheduling of a hearing in a given case and are sent to the email address on file with the Supreme Court attorney registration. All attorneys who have filed an entry of appearance in a case will receive all eNotification messages generated for that case.

b. *Consent to eNotification.* Upon the initiation of a case and/or upon submission of an entry of appearance in a matter, attorneys are deemed to consent to receive all

eNotification messages applicable to that matter through email.

c. **Not Official Notice.** eNotification messages to attorneys are for informational purposes only and do not constitute official notice of the court. All attorneys remain obligated under the Usage Agreement, the Rhode Island Rules of Professional Conduct, and/or other applicable rules to remain abreast of developments in each case to which they are a party, and to keep their contact information, including email addresses, up to date at all times. No party may rely upon the failure to receive an eNotification message to assert lack of notice of a given event, nor may the receipt or lack of receipt of an eNotification message be used by a party in the prosecution or defense of an argument in any proceeding before any court

d. **Not Official Court Record.** eNotification messages do not comprise any part of the official court record of any case and will not be maintained in the CMS or elsewhere.

The amendments to Article X of the Supreme Court Rules Governing Electronic Filing will become effective on June 18, 2018.

Entered as an Order of this Court this **29th** day of **May 2018**.

_____/s/
Suttell, C. J.

_____/s/
Goldberg, J.

_____/s/
Flaherty, J.

_____/s/
Robinson, J.

_____/s/
Indeglia, J.