

TO: All Attorneys Practicing Before The Court

FROM: Mike McCarter, Judge of the Workers' Compensation Court

DATE: December 27, 2004

RE: Committee on E-Filing

Dear Counsel:

During the last year the Workers' Compensation Court has been utilizing electronic (computerized) copies of documents on a more frequent basis. I have personally been requesting e-mailed copies of proposed findings and trial briefs. In addition to written transcripts, court reporters have been submitting many depositions to me in e-transcript form, i.e., via computer. We have also been posting transcripts, minute entries, and orders in common fund cases on our court website. Finally, after surveying attorneys and finding that most of you are interested in receiving minute entries via e-mail, we will begin sending minute entries by e-mail in January 2005.

Because of the increased use of e-mail and the internet in workers' compensation cases, I recently attended a conference in Las Vegas to determine if a more comprehensive effort to exchange documents via the internet might simplify and assist in practice before the Court. The conference concerned "e-filing," i.e., submission and service of pleadings and other court filings via e-mail and the internet. E-filing has already been adopted by federal bankruptcy and district courts – it will be fully implemented nation-wide by November 2005. It is also being implemented by a number of state courts, and a growing number of state courts are moving in that direction.

One of the advantages of an e-filing system is that all documents are preserved in electronic (computerized) form, typically in pdf format, and can be made available on-line to all attorneys. An e-filing system would also allow filing and service by e-mail or via our internet WEB site, with contemporaneous confirmation of filing and service.

I would like to establish a committee of interested attorneys practicing before the Court to explore e-filing. I propose that the committee meet in early March in Helena or another convenient place. I do not contemplate that e-filing would be mandatory. I also intend to only explore the *possibility* of e-filing. Any e-filing system which might develop

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from further consideration can be tailored to the needs of attorneys practicing before the Court.

I urge you to consider serving on the E-Filing Committee. The committee will not be limited by size, only by the interest and willingness to get involved. Please let me know if you want to enlist on this new, great adventure! (You can send your response to me via e-mail at [marsilius@mt.net](mailto:marsilius@mt.net) or to [jbockman@mt.gov](mailto:jbockman@mt.gov).)

P.S. I attended every session of the conference in Las Vegas and did not gamble one dime! I did overspend my state allotment for meals, the excess coming out of my pocket, and also came "very close" to singing karaoke.