

## Summary of E-Filing Public Comments and Responses

**5. Clerk Rejection/Deficiency Notices** Some commenters stated that they preferred the Federal District Court's E-Filing System because the Federal Court sends deficiency notices to the party, rather than rejecting the document outright, which allows the E-Filer to correct any errors and "save" the time of filing or service.

This process was carefully examined during implementation and ultimately rejected. Principally, the E-Filing software is not capable of substituting one document for another and retaining the same date and time stamp. Therefore, where there is a problem with an E-Filed document, an E-Filer cannot remove one document and replace it with a different document and retain the original date and time stamp. In order to allow a party to replace a deficient document with a corrected document, the Clerk of Court would need to be allowed to alter the file-stamp. It was believed that attorneys would be strongly opposed to granting Clerks of Court the power to alter a time stamp.

Furthermore, a document will ultimately receive a time-stamp with the exact time the document was submitted by an E-Filer, regardless of when that document is reviewed by the Clerk of Court. The NEF will also be transmitted via email upon submission, rather than at the Clerk's acceptance. This ensures that documents which are timely submitted are deemed timely served and filed, regardless of whether they are reviewed and formally accepted by the Clerk of Court that day or on a subsequent day.

**RECEIVED**

**Feb 16 2024**

**SC Court of Appeals**