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## Technical Issues

Because the world of technology can be complex, technical issues or problems may arise that prevent the proper E-Filing of documents. The **E-Filing Policies and Guidelines** ([www.sccourts.org/efiling](http://www.sccourts.org/efiling)) govern what steps the E-Filer must take to preserve the time to file in the event of a technical problem. If preserving the time to file is not an issue, simply file the documents once the technical difficulty has been resolved.

There are two types of technical issues: 1) Technical Failure with the SCJD E-Filing System and 2) Technical Difficulty with the E-Filer's system. In either situation, the E-Filer should utilize the procedures outlined below.

### Technical Failure at the SCJD Court Level

A technical failure at the court level is when an unexpected issue with the E-Filing System has occurred. The issue may result from a failure with the E-Filing System itself or another system that interfaces with the E-Filing System, such as the statewide Case Management System (CMS), the Attorney Information System (AIS), the SC.Gov payment processing system, or SCJD's internet service provider. The Judicial Department will announce, as soon as possible, on the E-Filing portal and through email notifications that a technical failure has occurred.

Scheduled maintenance is not considered a Technical Failure since the scheduled maintenance will be announced in advance on the E-Filing portal ([www.sccourts.org/efiling](http://www.sccourts.org/efiling)) and in the announcement section on the E-Filing Login page.

### Technical Difficulties at the E-Filer or Attorney Level

A technical difficulty at the E-Filer or Attorney level may be caused by many issues, such as browser issues, file size issues, internet connectivity, and security issues.

## Procedures for Filing if a Technical Failure or Technical Difficulty Occurs

E-Filers must take some affirmative action if the pleading must be filed that day to be timely. In the event of a technical failure or a technical difficulty, there are several options.

### Traditional Filing in Person at the Clerk of Court's Office

The first option is that the E-Filer may traditionally file the pleading in person at the Clerk of Court's office, provided the filing is accompanied by a **Certificate of Technical Failure or Technical Difficulties** ([www.sccourts.org/forms](http://www.sccourts.org/forms)). This certificate will briefly explain the technical problem that occurred.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	
	)	<b>CERTIFICATE OF TECHNICAL FAILURE</b>
	)	<b>OR TECHNICAL DIFFICULTIES</b>
MARY DAVIS	)	
	)	Case No.: 2015CP2200200
vs.	)	
	)	
JOHN HUNTER	)	
	)	
Plaintiff,	)	
	)	
Defendant.	)	

Pursuant to the *South Carolina Electronic Filing Policies and Guidelines*, Hayden Williams, Attorney for the defendant, seeks to file the attached ANSWER by a Traditional Filing Method/Alternative Method of Submission based on the inability to Electronically File the document. The inability to Electronically File the document was caused by:

- An announced Technical Failure of the Electronic Filing System;
- A technical difficulty that prevented the successful E-Filing of this document, which is described in detail below, including a statement certifying compliance with Section 9(d) of the Policies and Guidelines: \_\_\_\_\_;

**Figure 1** -- Certificate of Technical Failure or Technical Difficulties for an announced SCJD Technical Failure of the E-Filing System

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF GEORGETOWN	)	
	)	
	)	<b>CERTIFICATE OF TECHNICAL FAILURE OR TECHNICAL DIFFICULTIES</b>
MARY DAVIS	)	
	Plaintiff, )	
vs.	)	
	)	Case No.: 2015CP2200200
JOHN HUNTER	)	
	Defendant. )	
<p>Pursuant to the <i>South Carolina Electronic Filing Policies and Guidelines</i>, Hayden Williams, Attorney for the defendant, seeks to file the attached ANSWER by a Traditional Filing Method/Alternative Method of Submission based on the inability to Electronically File the document. The inability to Electronically File the document was caused by:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> An announced Technical Failure of the Electronic Filing System;</li> <li><input checked="" type="checkbox"/> A technical difficulty that prevented the successful E-Filing of this document, which is described in detail below, including a statement certifying compliance with Section 9(d) of the Policies and Guidelines: <b>Internet Service through Time Warner Business has been interrupted by an outage in the downtown Columbia area. Representatives of Time Warner indicate the problem will not be remedied until July 29.</b></li> </ul>		

**Figure 2** -- Certificate of Technical Failure or Technical Difficulties for an E-Filer's or Attorney's Technical Difficulty

The attorney must then serve the document by traditional means on all other parties. Even though E-Filing is mandatory, the clerk will accept paper filings from an E-Filer when a **Certificate of Technical Failure or Technical Difficulties** is included. If the E-Filer files the pleading in this fashion, no other steps are required, and the document will be deemed properly filed.

### **Alternative Method of Submission if the Clerk of Court's Office is Closed**

The second option can be used when an E-Filer cannot traditionally file the pleading, for example, because the attorney works in another county and cannot get to the court house in time, or because it is after 5:00 pm and the Clerk of Court's office is closed. The E-Filer should utilize an alternative method of submission to properly perfect the filing. This process is almost identical to the current rule in the South Carolina Federal District Court, and gives you two options.

- A. The E-Filer may email the pleading in PDF, together with the **Certificate of Technical Failure or Technical Difficulties**, to the Clerk of Court, if email is available. There will be a dedicated email address in each county to accept such emails. These email addresses can be found on the E-Filing portal ([www.sccourts.org/efiling](http://www.sccourts.org/efiling)). The E-Filer must then serve the filing on all other parties by traditional means.
- B. The E-Filer may fax the first and signature pages of the document, together with the **Certificate of Technical Failure or Technical Difficulties**, to the Clerk of Court. The E-Filer must then serve the entire document on all other parties.

Unlike delivering the document in person for filing, emailing or faxing the document is not, in itself, a proper filing. The E-Filer must E-File the document the next business day after the technical issue is resolved and pay any required filing fees at that time. The alternative method of submission simply acts to preserve the time to file. Under this procedure, where a pleading is submitted by alternative means and subsequently E-Filed, the pleading will be deemed filed at the time of the alternative method of submission.

Keep in mind that, unlike in the Federal District Court, the subsequently E-Filed document will be time-stamped the same day it is E-Filed, rather than back-dated to the previous day. However, the Public Index will show that a **Certificate of Technical Failure or Technical Difficulties** was previously submitted by the E-Filer, which tolls the time to file.

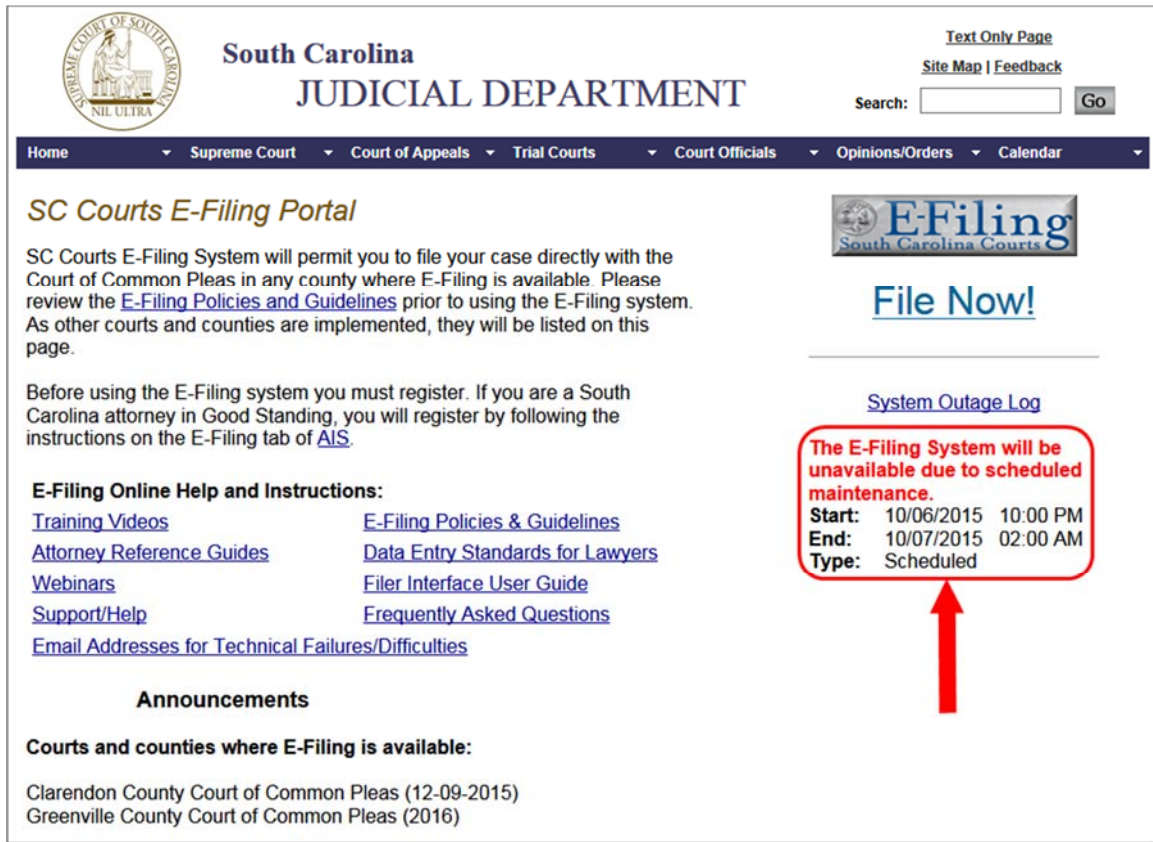
Attorneys should keep any **Certificate of Technical Failure or Technical Difficulties** submitted to the clerk, as well as copies of any email or fax confirmation for their files.

## Documents That Must Be Timely Served

The South Carolina Rules of Civil Procedure require that a number of documents must be timely served, rather than timely filed, in order to be perfected. For example, suppose an E-Filer intended to rely on the E-Filing System to serve an answer, a reply to a counterclaim, a Rule 59(e) motion, or a notice of appeal. Under the South Carolina E-Filing Policies and Guidelines, the E-Filer can simply serve that pleading traditionally. In this case, the E-Filer may deposit the pleading in the mail to all other parties, then e-file the pleading the next day with proof of traditional service. This is consistent with the South Carolina Rules of Civil Procedure, which provide that papers required to be served upon a party must be filed with the court within five (5) days after service.

## Scheduled Maintenance

Scheduled maintenance for the SCJD's E-Filing System and scheduled maintenance for the application of server updates are not considered technical failures since the scheduled maintenance will be announced in advance on both the E-Filing portal ([www.sccourts.org/efiling](http://www.sccourts.org/efiling)) and in the announcement section on the E-Filing Login page (see below). Scheduled maintenance periods do not exempt the filer from E-Filing and filers should plan accordingly. It is highly recommended that the filers sign up for email notifications on the Judicial Department's webpage ([www.sccourts.org](http://www.sccourts.org)).



**South Carolina JUDICIAL DEPARTMENT**

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**SC Courts E-Filing Portal**

SC Courts E-Filing System will permit you to file your case directly with the Court of Common Pleas in any county where E-Filing is available. Please review the [E-Filing Policies and Guidelines](#) prior to using the E-Filing system. As other courts and counties are implemented, they will be listed on this page.

Before using the E-Filing system you must register. If you are a South Carolina attorney in Good Standing, you will register by following the instructions on the E-Filing tab of [AIS](#).

**E-Filing Online Help and Instructions:**

[Training Videos](#) [E-Filing Policies & Guidelines](#)  
[Attorney Reference Guides](#) [Data Entry Standards for Lawyers](#)  
[Webinars](#) [Filer Interface User Guide](#)  
[Support/Help](#) [Frequently Asked Questions](#)  
[Email Addresses for Technical Failures/Difficulties](#)

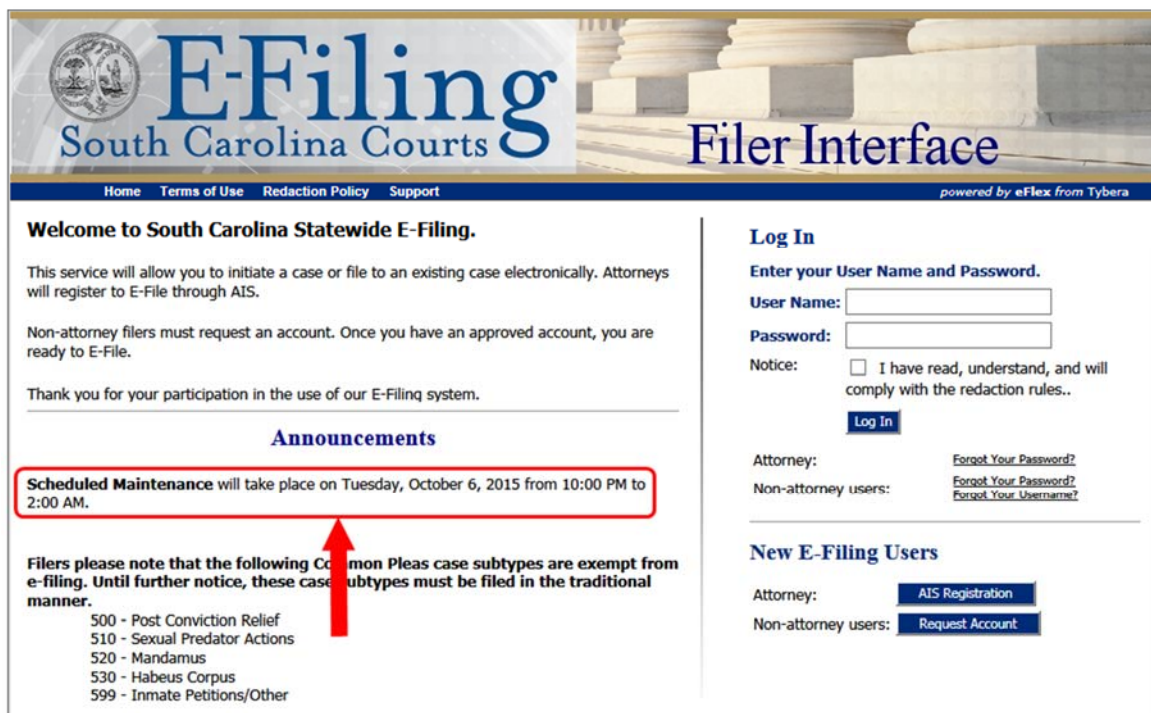
**Announcements**

**Courts and counties where E-Filing is available:**

Clarendon County Court of Common Pleas (12-09-2015)  
Greenville County Court of Common Pleas (2016)

**The E-Filing System will be unavailable due to scheduled maintenance.**  
**Start:** 10/06/2015 10:00 PM  
**End:** 10/07/2015 02:00 AM  
**Type:** Scheduled

Figure 3: System Availability Announcement on E-Filing Portal Page



**E-Filing South Carolina Courts Filer Interface**

Home Terms of Use Redaction Policy Support powered by eFlex from Tybera

**Welcome to South Carolina Statewide E-Filing.**

This service will allow you to initiate a case or file to an existing case electronically. Attorneys will register to E-File through AIS.

Non-attorney filers must request an account. Once you have an approved account, you are ready to E-File.

Thank you for your participation in the use of our E-Filing system.

**Announcements**

**Scheduled Maintenance** will take place on Tuesday, October 6, 2015 from 10:00 PM to 2:00 AM.

**Filers please note that the following Common Pleas case subtypes are exempt from e-filing. Until further notice, these case subtypes must be filed in the traditional manner.**

- 500 - Post Conviction Relief
- 510 - Sexual Predator Actions
- 520 - Mandamus
- 530 - Habeas Corpus
- 599 - Inmate Petitions/Other

**Log In**

Enter your User Name and Password.

User Name:   
 Password:

Notice:  I have read, understand, and will comply with the redaction rules..

[Log In](#)

Attorney: [Forgot Your Password?](#)  
 Non-attorney users: [Forgot Your Password?](#) [Forgot Your Username?](#)

**New E-Filing Users**

Attorney: [AIS Registration](#)  
 Non-attorney users: [Request Account](#)

Figure 4 – Scheduled Maintenance Announcement on Filer Interface Log In Page