



## **I.R.E.F.S. 17. Service**

### **Idaho Rules for Electronic Filing and Service**

#### **Rule 17: Service**

##### **(a) Consent to electronic service, withdrawal of consent.**

(1) A party who electronically appears in the action by filing a document through the File and Serve electronic filing system, that the court has accepted, is deemed to have given consent to accept electronic service of any document filed by any other registered filer in this action or the court, except for any document that requires personal service, pursuant to Idaho court rules. Service by electronic means upon this filer through their designated service contact is thereafter mandatory unless exempted by rule or court order.

(2) A filer who is dismissed as a party from the action or withdraws as an attorney of record in the action, may withdraw consent to electronic service in that specific action.

**(b) Service when using Guide and File.** Businesses filing in small claims actions or self-represented parties (who are individuals) who utilize Guide and File to file Court Assistance Office forms are not required to exchange service between the parties through the electronic filing system. The electronic service requirements of this subparagraph are applicable, however, if they utilize File and Serve to electronically file or serve documents. Courts may utilize email for service upon Guide and File users.

**(c) Service by conventional means.** Service may be accomplished by conventional means:

- (1) in cases where an attorney or party has failed to designate a service contact;
- (2) where the party being served is a self-represented litigant who has opted not to utilize the electronic filing system;
- (3) where service is upon a party who has not appeared in the lawsuit; or
- (4) where service is upon a third party who has not designated an "Other Service Contact."

##### **(d) Contact Information.**

(1) At the time of preparing the party's first electronic filing in the action through File and Serve, a party must enter the name and service email address designated as a service contact on behalf of the party in the action. This service contact must be utilized for service between the parties through the electronic filing system. If an attorney represents more than one party, it is permissible to designate a service contact(s) for a single party to be utilized for service upon all parties represented by that attorney. Service through the system is accomplished through the party's designated service contact. Valid legal service is not accomplished by utilizing the system's "Courtesy Copy" feature.



(2) A party described in subsection (a)(1) of this rule may enter in the electronic filing system, as an “other service contact” in the action:

(A) an alternative email address for the party; and

(B) the name and email address of any additional person whom the party wishes to receive electronic notification of documents electronically served in the action, as defined in Rule 2(h). If an attorney enters a client's name and contact information as an "other service contact" under this subsection, then the attorney is deemed to have consented for purposes of Rule of Professional Conduct 4.2 to delivery to the client of documents electronically served by other filers in the action.

(3) A party is responsible for updating any contact information for any person whom the party has entered in the electronic filing system as either a service contact for a party or as an “other service contact” in an action.

(4) A party in the action may seek court approval to remove a person entered by another party in the action as an “other service contact” in an action if the person

**(e) Selecting service contacts and other service contacts.** When preparing an electronic filing submission through File and Serve with electronic service, a filer is responsible for selecting:

(1) The appropriate service contacts in the action, for the purpose of accomplishing electronic service as required by law of any document being electronically filed; and

(2) The appropriate other service contacts in the action, if any, for the purpose of delivering an electronic copy of any document being electronically filed.

(3) Filers must not create or designate service contacts for other parties unless selected from the Public Service Contact list derived from submissions to the Idaho State Bar or loaded by the Idaho Supreme Court.

**(f) Court notification and transmission constituting service.** When the filer submits, and again when the document is accepted for filing under Rule 11, the electronic filing system sends an email to the email address of the filer who submitted the document through the electronic filing system. The email contains a hyperlink to access the document or documents that have been filed electronically. Transmission of the email by the electronic filing system to the selected service contacts in the action constitutes service.

**(g) Completion and time of service.** Electronic service is complete when the electronic filing system sends the email to the selected service contacts in the action.

**(h) Additional time after late service.** If electronic service is accomplished by a party after 5:00 p.m. local time on the day of service, one (1) additional day will be added to the prescribed period.

**(i) Service of discovery documents.** Formal responses to discovery must be served through the electronic filing system. Production of documents responsive to formal discovery may be served conventionally or through the electronic filing system.

**(j) Service by other than electronic means.** The filing party is responsible for accomplishing service in any manner permitted by the applicable Idaho court rules and for filing a proof of service with the court for the following documents:



- (1) A document required to be filed conventionally under this chapter;
- (2) A document that cannot be served electronically on a party who is listed in the action; and
- (3) A civil protective order or criminal no contact order.

*(Adopted April 15, 2019, effective July 1, 2019)*

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