

In the Supreme Court of the State of Idaho

IN RE: ORDER AMENDING RULE ON
ELECTRONIC FILING AND SERVICE

ORDER

The Court having received recommendations for amendments to the new rule on electronic filing and service and having reviewed those recommendations:

NOW THEREFORE IT IS ORDERED THAT:

1. The attached rule amendments are adopted for use in those counties and district courts that have approval from the Supreme Court to accept filings electronically. This rule shall apply, in those designated courts, to all actions or proceedings after the effective date of this order.
2. Upon the effective date of this order and implementation of electronic filing, any court rules in conflict with this rule are superseded, and the terms of the attached rule as it relates to electronic filing, electronic service and the electronic trial courts shall prevail.
3. The amendments shall be effective **April 30, 2018**, and this rule will be published on the Idaho Supreme Court website: <https://www.isc.idaho.gov/main/idaho-court-rules>.

DATED this 25th day of April, 2018.

By Order of the Supreme Court

R. Burdick
Roger S. Burdick, Chief Justice

ATTEST:

Karel Lehrman
Karel Lehrman, Clerk

I, Karel A. Lehrman, Clerk of the Supreme Court/
Court of Appeals of the State of Idaho, do hereby
certify that the above is a true and correct copy of the
Order entered in the above entitled
cause and now on record in my office. WITNESS my
hand and the Seal of this Court April 25, 2018
Karel A. Lehrman, Clerk

By Carol C. C.

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Deputy

Rule ELECTRONIC FILING AND ELECTRONIC SERVICE

(d) Payment and Fee Waiver

- 1. Payment Due on Filing.** A filer must pay the fees for filing a document electronically at the time of electronic filing. Acceptance of the document triggers payment to be captured. In the event the payment funds are not available, at the time of filing or the acceptance, the filing will be rejected.
- 2. Fee Waivers and Deferrals.** A filer may apply for a waiver of the filing fee by submitting an application for waiver with the document to be filed.
 - A. If Fee Waiver Granted - Date of Filing.** If the filer's fee waiver application is granted, the document is deemed to have been filed on the date of the original submission.
 - B. If Fee Waiver Denied.** If the filer's fee waiver application is denied, the document will be rejected and deemed to have not been filed. Notice of fee waiver application denial will be forwarded to the filer per subsection (e)(4) of this rule. The applicable statute of limitations will therefore continue to run unless the filer resubmits the document with payment as described below.
 - i. Resubmitting a document with full payment within 3 business days (excluding legal holidays) of the date of notice of denial of fee waiver application denial, will result in the filing date related back to the date of the original submission to meet filing requirements.
 - ii. A filer who resubmits a document under this subsection must copy the existing envelope and include in the Filing Comment field notification for an electronic resubmission the following words: "Resubmission of filing with payment after denial of fee waiver, request filing relate back to _____, the date of original submission."
 - C. NOTICE OF APPEAL TO SUPREME COURT – REQUEST FOR WAIVER OF FILING FEE.** All notices of appeal to the Supreme Court must be file stamped with the date of original submission. The appellant may apply for a waiver of the filing fee by submitting an application for a fee waiver. The application must be first submitted to the district court for entry of an order recommending waiver or no waiver. The notice of appeal, application for fee waiver and district court order recommending waiver or denial of waiver must be forwarded to the Supreme Court.
