

**RULES
OF
TENNESSEE CLAIMS COMMISSION**

**CHAPTER 0310-01-02
ELECTRONIC FILING**

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0310-01-02-.01 PURPOSE.

These rules implement voluntary electronic filing (“E-filing”) of documents in the Tennessee Claims Commission.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.02 DEFINITIONS.

- (1) “Claims Commission” or “Commission” means the Tennessee Claims Commission created pursuant to T.C.A. § 9-8-301.
- (2) “Clerk” means the clerk of the Claims Commission.
- (3) “Document” means a complaint, motion, request, exhibit, brief, memorandum of law, or other instrument in paper form or electronic form that is permitted to be filed in the Claims Commission.
- (4) “E-file” or “E-filing” means the electronic transmission of a Document in a claim pending in the Claims Commission, using the E-filing System maintained by the Clerk.
- (5) “E-filer” means a Registered User who submits a Document for E-filing through the E-filing System.
- (6) “E-filing System” means a web-based system maintained by the Clerk for the purpose of providing a means for E-filers to transmit a Document to the Clerk for filing.
- (7) “Electronic Signature” means a signature line beginning with an “s/” followed by the typewritten name of the signatory.
- (8) “E-service” means the electronic transmission of an e-filed Document to a party or a party’s attorney through the E-filing System.
- (9) “Portable Document Format” or “PDF” means the computer file format developed by Adobe Systems Incorporated for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents.

(Rule 0310-01-02-.02, continued)

- (10) "Registered User" means any person listed in Rule 0310-01-02-.04 who has properly registered with the Clerk to E-file a Document in the Claims Commission.
- (11) "Terms-of-Use Agreement" means that agreement established by the Clerk that sets forth the parameters for use of the E-filing System by all Registered Users.
- (12) "Transaction Receipt" means an e-mail confirmation that is transmitted to an E-filer after an E-filer has submitted a Document to the Clerk to be filed through the E-filing System. The Transaction Receipt displays the date and time the Document was submitted by the E-filer. The Transaction Receipt may serve as the E-filer's proof of filing.
- (13) "TRCP" means the Tennessee Rules of Civil Procedure.
- (14) "User Guide" means the Claims Commission's written guide for using the E-filing System, which shall be posted as a PDF document on the Claims Commission's website (<https://treasury.tn.gov/Explore-Your-TN-Treasury/About-the-Treasury/Claims-Commission>). All E-filers should periodically check the Claims Commission's website for updates to the User Guide.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.03 APPLICATION AND SCOPE OF THE RULES.

These Rules apply to all new claims filed in the Claims Commission after such date as the web-based E-filing System becomes operational. Such determination shall be made by the State Treasurer in consultation with the Chair of the Claims Commission and posted on the Claims Commission's website. Except as may otherwise be provided in these Rules, any Document that can traditionally be filed with the Claims Commission may be E-filed in accordance with these Rules. Such E-filings shall constitute the official filing of the documents for purposes of the rules governing the Claims Commission. The Claims Commission may exclude certain Documents and/or certain types of cases from E-filing. Notice of these excluded documents and/or cases, if any, will be provided on the Claims Commission's website.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.04 REGISTERED USERS.

The following persons may E-file a Document upon completion of the registration requirements of these Rules:

- (1) An attorney licensed to practice law in Tennessee.
- (2) An attorney admitted or who seeks to be admitted pro hac vice.
- (3) Any party acting pro se in a case pending in the Claims Commission who is otherwise authorized by law to file Documents with the Claims Commission.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.05 REGISTRATION.

Any person listed in Rule 0310-01-02-.04 who desires to E-file documents in the Claims Commission shall register with the Clerk. Upon receipt of a properly executed Terms-of-Use Agreement, the E-filing System shall permit the Registered User to create a log-in identification and password to access the E-filing

(Rule 0310-01-02-.05, continued)

System. Each Registered User shall safeguard the Registered User's log-in identification and password. Any E-filing shall be presumed authorized by the Registered User whose log-in identification and password were used to transmit the E-filing. Except as expressly permitted in these Rules, a Document shall be E-filed using the log-in identification and password of the Registered User who signed the Document being filed. Registration on the E-filing System constitutes consent by the Registered User to receive electronic service of all documents and electronic notices issued by the Claims Commission or the Clerk.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.06 DUTY OF REGISTERED USER TO UPDATE CONTACT INFORMATION.

Registered Users shall change their profile maintained in the E-filing System immediately upon any change in the Registered User's name, law firm name, delivery address, telephone number, facsimile number, or e-mail address. E-service on an obsolete e-mail address shall constitute valid service on the Registered User.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.07 USER GUIDE.

Registered Users will be provided access to an online User Guide to assist in E-filing.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.08 FILING AND SERVICE PROCEDURES.

- (1) Time and Effect of E-Filing.
 - (a) Filed upon Transmission. Subject to acceptance by the Clerk pursuant to Subparagraph (b), any Document electronically submitted for filing shall be considered filed with the Claims Commission when the transmission to the Claim Commission's E-filing System is completed. Upon receipt of the transmitted Document, the E-filing System shall automatically e-mail a Transaction Receipt to the E-filer, stating that the transmission of the Document was completed and also stating the date and time of the Document's receipt. The E-filer is responsible for verifying that the Clerk received and filed the Document transmitted. Absent confirmation of receipt, there is no presumption that the Claims Commission received and filed the Document. The Transaction Receipt shall serve as proof of filing.
 - (b) Review by Clerk. The Clerk may review the Document to determine if it conforms with the applicable filing requirements. If the Clerk rejects the Document for filing because it does not comply with the applicable filing requirements or because any required filing fee has not been paid, the rejected document shall not become part of the official Claims Commission record, and the E-filer will receive notification of the rejection. The notice must set forth the reason(s) the document was rejected for filing. In the event the Clerk rejects the submitted Document following review, the E-filer is allowed up to forty-eight (48) hours from the notice of rejection to re-file the Document to meet necessary filing requirements and deadlines. The filing shall relate back to the date of the initial filing. Notification that the Clerk has accepted the document for filing is not required.
 - (c) "Filed" Stamp. E-filed documents accepted for filing by the Clerk shall have a "filed" stamp affixed by the Clerk. The Clerk's stamp of an E-filed Document must contain the

(Rule 0310-01-02-.08, continued)

following: “Electronically Filed/[Date and Time]”. This “electronically filed” stamp has the same force and effect as a manually affixed “filed” stamp of the Clerk.

- (d) Time of Filing. Any Document E-filed by 11:59 p.m., Central Standard Time, shall be deemed to be filed on that date, so long as it is accepted by the Clerk upon review.
 - (e) Documents Filed by the Claims Commission. The Claims Commission may electronically transmit orders, opinions, judgments, and other Commission-issued documents through the E-filing System. When a document electronically transmitted by the Commission for filing by the Clerk requires the signature of a Commissioner, the Clerk, or authorized deputy clerk, the signature may be reflected at the end of the document by means of an Electronic Signature in the format: “s/ [Commissioner’s/Clerk’s/deputy clerk’s name],” followed by the appropriate title (i.e., “Commissioner,” “Clerk,” “Deputy Clerk”). Any order, opinion, judgment, or other Commission-issued document filed electronically without the handwritten signature of the Commissioner, Clerk, or authorized deputy clerk but containing an approved Electronic Signature has the same effect as if the Commissioner or Clerk had signed a paper copy of the filing.
- (2) Format of Documents.
- (a) All E-filed documents shall be formatted in accordance with the Terms-of-Use Agreement and the applicable rules, if any, of the Claims Commission governing formatting of paper-filed documents, except that any rules relating to the number of copies, or to the color or types of paper, shall not apply.
 - (b) All original Documents that are E-filed shall be prepared through direct conversion from the word processing file to Portable Document Format and not through scanning of the original paper document. Notwithstanding the foregoing sentence, all attachments and exhibits containing photocopies of documents may be scanned into Portable Document Format. E-filed PDF documents shall be text searchable, if possible.
- (3) Payment of Filing Fees.
- Unless excused by statute, statutorily permitted fees and taxes required to be paid at the time of filing of an E-filed Document must be paid prior to the E-filing, or with an approved form of electronic payment at the time of E-filing.
- (4) Signatures.
- (a) Registered User’s Signature. A Registered User’s use of the assigned log-in identification and password to E-file a Document serves as that user’s signature on that Document for all purposes. The identity of the E-filer must be reflected at the end of the Document by means of an Electronic Signature, followed by the Registered User’s name, address, telephone number, e-mail address, and number assigned by the Board of Professional Responsibility, if applicable.
 - (b) Multiple Signatures. An E-filer E-filing a Document requiring the signatures of multiple persons (including but not limited to stipulations) must list thereon the names of all other signatories and include their Electronic Signatures. By E-filing such a Document, the E-filer certifies that each of the other persons has expressly agreed to the form and substance of the Document, and that the E-filer has their permission to E-file the Document. In the alternative, the E-filer may submit a scanned Document containing all necessary signatures.

(Rule 0310-01-02-.08, continued)

- (c) Signatures Under Penalty of Perjury and Notarized Signatures. A Document required by law to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be E-filed, provided that the declarant or notary public has signed a printed form of the Document. The printed Document bearing the original signatures must be scanned as a PDF in a format that accurately reproduces the original signatures and contents of the Document and electronically submitted for filing. The original Document shall be maintained by the E-filer, and shall be made available, upon reasonable notice, for inspection by another party, other counsel, the Clerk or the Claims Commission. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.
- (d) Effect of Signatures on E-Filed Documents. Any filing made under these Rules shall bind the signatory as if a paper Document were physically signed and filed. An E-filing therefore shall function as the signatory's attestation to the truthfulness of an e-filed affidavit, declaration, or certification, or as a validly signed Document for any other purpose under the TRCP or other rule of the Claims Commission.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.09 ELECTRONIC SERVICE.

- (1) Automatic Service by E-Filing System. Upon the acceptance by the Clerk of an E-filed Document, the E-filing System will automatically generate and send by e-mail a notice of filing along with the Document to all Registered Users on the case service list. This automatically generated notice shall constitute proper service of the E-filed Document on those Registered Users and shall have the same legal effect as service of a paper Document. Independent service, either by paper or otherwise, need not be made on any Registered User receiving E-service. Attorneys and self-represented parties who did not receive E-service must be served by the E-filer through the conventional means of service set forth in the TRCP.
- (2) E-Service of Documents Filed by the Claims Commission. The Clerk's E-service on a Registered User of a notice, order, opinion, or judgment filed by the Claims Commission shall constitute proper service and shall satisfy the notice and mailing requirements of the TRCP.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.

0310-01-02-.10 EFFECT OF TECHNICAL FAILURE IN E-FILING.

If the E-filing of a Document does not occur because of: (1) a technical error in the transmission of the Document to the Clerk, which was unknown to the sending party, (2) a failure to process the electronic Document when received by the Clerk, (3) rejection of the transmitted Document by the Clerk, or (4) other technical problems experienced by either the E-filer or the Clerk, the Claims Commission may, upon motion of the e-filing party, enter an order directing that the Document be filed nunc pro tunc to the date the document was first attempted to be filed electronically. If the Claims Commission directs the filing of the Document nunc pro tunc, the Claims Commission may also extend the date for filing any response to the delayed filing and may extend the period within which any other right, duty, or other act must be performed.

Authority: T.C.A. § 9-8-306. **Administrative History:** Original rules filed May 10, 2019; effective August 8, 2019.