

## APPELLATE ALERT

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### New Filing Procedures in the Second District Court of Appeal

By **Christopher D. Donovan**, Partner

If you have recently filed appeals in both the Second District Court of Appeal and in one of Florida's other district courts, then you know that the appellate courts have been using two different filing portals since e-filing became required. The Second District and the Florida Supreme Court are on the Florida Courts E-Filing Portal, which is the same portal used by the circuit courts. All of the other district courts use the eDCA Electronic Portal, which was developed by the First District in 2009 before the e-filing and e-service rules were enacted. The competing portals have different registrations, different filing procedures, and different functionality.

But this division is changing because the Second District is joining the eDCA—at least for now. On **March 1, 2017**, the eDCA portal will go live for the court and thereafter attorneys will no longer be able to file in the Second District using the Florida Courts E-Filing Portal. To avoid the rush, especially if you may have upcoming time-sensitive filings, attorneys are encouraged to register now, which can be done **here**. Even if you are already registered with another district court through the eDCA, you must still register with the Second District's eDCA page.

My initial reaction after hearing about this change was that the Second District was taking a step backwards since the Supreme Court's original goal was to have a unified e-filing system for all levels. And according to a presentation made by the Clerk of the Second District at a CLE in Tampa, this is still the goal. Clerk Mary Beth Kuenzel explained that the current E-Filing Portal cannot presently compete with the eDCA's functionality, which will save the clerk's office countless resources as well as provide several benefits to registered attorneys, including:

- A live docket, which means that attorneys will be able to access and download any document filed in a case that they have appeared in, such as the full appellate record
- A search engine giving access to all briefs in civil cases
- And instant electronic notice of court orders, opinions, and other filings through the eDCA's CaseMail

Until the E-Filing Portal can offer this functionality, the Second District will continue to use the eDCA Portal.

Despite these advantages, there is one notable drawback that will likely increase the workload for attorneys and their staff. Under the E-Filing Portal, after attorneys filed a document, they could rely on the portal to automatically serve a copy on other attorneys and registered parties via email. And the service email would not only meet the technical requirements in Florida Rule of Judicial Administration 2.516(b)(1)(E), but it would also automatically break up large attachments to meet the rule's size limitations. The eDCA Portal does not have this capability. While registered users receive CaseMail notifying them about a filing and containing a link to it, the CaseMail email does not satisfy Rule 2.516(b)(1)(E)'s technical requirements. So, attorneys or their staff will have to revert to the "old school" method of e-filing their document and then separately e-serving it on all attorneys of record in an email that complies with Rule 2.516(b)(1)(E).

Overall, however, the advantages gained from eDCA's increased functionality will likely outweigh this inconvenience, especially given that the switch is only intended to be temporary. For more information, attorneys are encouraged to read the user guides prepared by the **First District** and the **Third District**.

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