

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 03-1
(Court Administration)**

IN RE: ASBESTOS LITIGATION	)	ADMINISTRATIVE ORDER
ELECTRONIC SERVICE	)	NO. 03-02
PROGRAM	)	
	)	

WHEREAS, technology is considered by this Circuit as a valuable tool in the ongoing effort to serve the community and the legal system in the most efficient manner possible; and

WHEREAS, the court has the authority to order alternative means of service pursuant to Florida Rules of Civil Procedure 1.080 and it believes that an electronic service system would be a just and reasonable manner of service for the parties in the asbestos litigation cases;

NOW THEREFORE, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit Court of Florida, it is

ORDERED that:

1. The Asbestos Litigation Electronic Service Program (hereinafter, "Program") is hereby authorized as a program to be conducted, in addition to conventional filing with the court clerk, in all cases specific to asbestos (hereinafter, "asbestos cases"). Program participation is mandatory for all asbestos firms in all asbestos cases litigated in Dade County, commenced before or after the effective date of this order.
2. This Order shall take effect immediately and remain in effect until otherwise directed to cease participating in the Program by the Chief Judge of the Eleventh Judicial Circuit Court of Florida, and all the terms and conditions set forth in this Order shall apply unless otherwise ordered by the court.

ASBESTOS LITIGATION ELECTRONIC SERVICE PROGRAM

I. GENERAL PROVISIONS

- A. Scope of the Program Except as expressly provided herein, or as expressly authorized by the court, all motions, memoranda of law, declarations, orders, responses, discovery demands, notice of hearings, or other documents filed in asbestos cases shall be served electronically through the Verilaw System. Any exhibits or attachments, including proposed court orders, shall be electronically served along with the pertinent document. All initial complaints must be served via traditional process of service in accordance with Florida Rules of Civil Procedure and applicable Florida law. All electronic service of documents via the Verilaw System shall be done in addition to conventional filing with the clerk of court.
- B. Definitions The following terms in this Order shall be defined or described as follows:
1. Conventional Service - service of documents, other than the initial complaint, by mail, hand-delivery, or fax service in accordance with Florida Rules of Court and applicable Florida laws;
 2. Electronic Service - an electronic transmission containing a hyperlink to an original document, other than the initial complaint, to designated registered users via the Verilaw System;
 3. Master Docket - a docket with all orders and documents to correlate with the All Asbestos Cases docket, case number 91-80000;
 4. Registered User - court personnel and counsels of record or their designees within their law firms. Each registered user will receive a user name and password to access the Verilaw System. Court personnel are special registered users that can access the Verilaw System, but cannot be electronically served by other registered users;
 5. Verilaw System - a web site specifically created by Verilaw Technologies, Inc. for

the electronic service, delivery, and storage of documents in asbestos cases litigated in Dade County, Florida. The web site will contain a Master Docket and individual dockets for each asbestos case.

C. Effect of Electronic Service Electronic service shall be considered to substitute conventional service for registered users.

D. Conventional Filing and Service

1. *Conventional Filing:* Electronic service via the Verilaw System shall be conducted in addition to conventional filing of the documents with the clerk of court. The clerk's filing record will be the only determination of whether a document has been properly filed.

2. *Conventional Service:* Electronic service between registered users satisfies all service requirements and no additional conventional service is necessary.

3. All parties must serve the initial complaint by traditional process of service in accordance with the Florida Rules of Civil Procedure and applicable Florida laws.

E. Appearance of Document(s) All parties must adhere to the Florida Rules of Civil Procedure and Florida laws in the drafting of all documents in asbestos cases. Documents that are electronically served must be exact copies of the document filed with the clerk with the exception of technological changes as discussed below.

1. Word-processing documents transferred to the Verilaw System will not contain visual representations of the filing attorneys' original signatures. On word-processing documents that parties submit, parties shall, in place of a signature and where the signature would normally appear, place "Original Signature on File with the Court." The original documents filed in the court's record must have original signatures.

2. All Documents Filed Under Seal

a. If any part of a document to be served is under seal, the party serving the document shall serve electronically only the portion that is not under seal

with appropriate indication of the portion that has been conventionally filed under seal with the court reflected in the electronically served portion of the document. The portion of the document under seal shall be filed with the clerk of court in paper form.

b. If the sealed portion(s) of the document is so substantial that the balance of the document is essentially unintelligible or the entire document is under seal, the entire document may be filed in paper form with the clerk of court and no electronic service of the document is required. However, a notice of filing under seal in paper form shall be served electronically.

3. A party serving exhibits that are real objects or otherwise not readily susceptible to electronic service and/or viewing shall electronically serve a notice of filing detailing the exhibit served and the alternate manner of service.

F. Electronic Service of Orders and Other Papers by the Court. Florida Rules of Judicial Administration 2.090 requires that the court receive the approval of the Florida Supreme Court to electronically serve orders and other papers by the court. Such approval is currently pending.

1. Pending Approval No party or court personnel shall electronically serve an order or other paper by the court. Verilaw has agreed that registered users may post orders and other papers by the court on the Verilaw system at no cost. However, all parties must continue to serve via conventional service all orders and other papers by the court until notified otherwise.

2. Subject to Approval If the Verilaw System is approved for electronic service of orders and other papers by the court, the court shall issue an order notifying all parties that service of orders and other papers by the court shall be made via the Verilaw System after an activation date provided in the order. The order shall outline the specific procedure for electronic service of the orders and other papers by the court.

At no time should the posting and/or electronic service of documents by the court substitute for conventional filing of court orders.

II. VERILAW SYSTEM

- A. General Verilaw Technologies, Inc. (hereinafter, “Verilaw”) personnel will perform all administrative functions for the Verilaw System. The Verilaw System will be privately funded by the parties as discussed below. The Verilaw System will have docket, on-line event calendar, and bulletin board features.
- B. Docket Verilaw shall make available to the court and parties in asbestos cases a web site for electronic service, delivery, and storage of documents. Registered users, except for court personnel, shall receive a notice of service via e-mail of documents served. A registered user may personally change its user’s information by contacting a Verilaw representative. Any additions or deletions to the registered users’ list must be submitted to Verilaw.
- C. On-line Event Calendar As part of the web site, Verilaw shall provide a calendaring feature in the Master Docket and for each individual asbestos case. All depositions, motions, status conferences, and hearings shall be noticed by the parties in the respective case calendar. The system shall notify the registered users of the applicable case by e-mail of the date, time, location, and type of events noticed.
 - 1. No party in an action shall notice a deposition without first contacting all counsels of record in the case to clear available times. All parties shall cooperate to facilitate the discovery process, avoid conflicts, and to keep court intervention in discovery disputes to a minimum.
 - 2. Parties setting motion matters shall communicate with the court regarding hearing date and time. Thereafter, all documents related thereto shall be filed and served consistent with the procedures in this order. The moving party shall then make certain that the matter is properly noticed in the applicable case calendar with the

date, time, location, and type of event.

3. The court may use the calendar system to schedule any hearing or conference.

D. Bulletin Board As part of the web site, Verilaw shall establish for each individual asbestos case, as well as for the Master Docket, an electronic Bulletin Board to facilitate communication between and amongst counsels. Verilaw shall provide a plaintiffs' Bulletin Board and a defendants' Bulletin Board that will be accessible only by relevant plaintiffs' counsels or defense counsels, as applicable.

III. ELECTRONIC SERVICE PROCEDURES

A. Verilaw System Access Access to the Verilaw System will be limited to registered users only. There will be no public access to the Verilaw System.

1. All firms litigating in asbestos cases shall become registered users of the Verilaw System no later than fourteen (14) days after entry of this Order. All firms shall pay an initial set up fee of \$350 per firm to register. The check should be made out to "Verilaw Technologies, Inc." and sent to 400 East Lancaster Avenue, Suite 300, Wayne, Pennsylvania 19087, c/o Dade County Asbestos Litigation. Verilaw requires specific data from each law firm to make the system operational. Verilaw will collect this data electronically. Within seven (7) days of the date of this Order, Verilaw will contact all law firms with instructions on how to submit the necessary data. If Verilaw does not contact a firm, the firm should contact Chris Huff, a Verilaw representative, at (610) 688-1926(X3603).
2. When the Verilaw System has been designed and implemented for registered users, the court will issue an order notifying all parties that electronic service shall be via the Verilaw System after an activation date provided in the order.
3. New firms that become counsel of record in any present asbestos case or file new asbestos cases in Dade County, after the effective date of this order, shall become registered users of the Verilaw System no later than fourteen (14) days after

initiation of the lawsuit as a plaintiff or no later than fourteen (14) days after service of the complaint as a defendant.

B. Procedure for Electronic Service

1. On the same day that a document is conventionally filed pursuant to the Florida Rules of Civil Procedure and applicable Florida laws, an exact copy of that document shall be sent to Verilaw for service by one of the following methods: (1) electronic transfer or downloading of the document via the Internet onto the Verilaw System; (2) fax transmission to Verilaw; or (3) hard copy via overnight mail to Verilaw. All documents electronically served via the Verilaw system shall be clearly titled as to identify the document and the party on whose behalf such document is being submitted.
2. Each time a registered user serves a document via the Verilaw System, the firm is charged 50¢ per firm on the service list for the asbestos case indicated, subject to a \$12 minimum. The transaction fee will not vary based on the number of pages transmitted (subject to the exception of a lower fee for certain 1-2 page documents). There is no additional fee for exhibits and attachments submitted with a document. However, there is an additional 30¢ per page handling charge for faxed or mailed documents. It is the responsibility of the firm to insure that it maintains its debit account with Verilaw to effectuate service based on these charges.
3. Verilaw will convert all documents into Adobe Portable Document format and make them available to parties on the Verilaw System. Verilaw will post all documents on the Verilaw System according to the following timetable:
 - a. Electronic documents will be posted on the Verilaw System within one (1) hour of receipt of such documents from a registered user;
 - b. Faxed documents will be posted on the Verilaw System within six (6) business hours of receipt from a registered user; and

- c. Mailed hard copy documents will be posted on the Verilaw System within twenty-four (24) hours of receipt of the overnight mail package.
- 4. There are two options to receive notice of the service of a new document posted on the Verilaw System. Within one hour of posting of the document on the Verilaw System, Verilaw shall send an e-mail to all registered users, except for court personnel, notifying them of the new document. Alternatively, Verilaw provides a daily digest notification option, which aggregates all the e-mails distributed in one day into a single e-mail. The e-mail or digest shall contain a hypertext link(s) to the document(s) location(s) on the Verilaw System.
- C. Timeliness of Electronic Service Verilaw shall date and time stamp (electronically or otherwise) each document served. Unless a conventionally filed document is rejected by the clerk, Verilaw's date and time stamp shall constitute the date and time of service of the document. Any document received by Verilaw after 8:00 p.m. Eastern Time on a day the court is open for business or received on a day the court is closed for business shall be deemed as have been served on the next court day that is not a Saturday, Sunday, or legal holiday. Parties must adhere to all filing and service deadline requirements in the Florida Rules of Civil Procedure and applicable Florida laws and must adjust its electronic service to satisfy these rules and laws.
- D. Use of the Verilaw System The Verilaw System shall contain an index of all documents served in the asbestos cases, which will be searchable and sortable according to methods that provide useful access to the documents. All documents on the system will be identified by (1) the name of the filing party; (2) the name of the filing law firm (3) the precise title of the document; and (4) the case-specific court docket number(s) to which the document applies.

IV. MISCELLANEOUS PROVISIONS

- A. Court Costs There will be no cost to the court to utilize the Verilaw System.

- B. Courtesy Copy The court will not receive electronic notice of electronically served documents. Therefore, parties must insure that the court receives a courtesy copy in its chambers of all documents necessary for the court's response.
- C. Verilaw System Training It is the responsibility of each firm to insure that its attorney and staff are properly trained in the use of the Verilaw System.
- D. Verilaw System or User Errors Verilaw shall designate a Verilaw representative to provide technical support for the web site to all parties and the court.

DONE AND ORDERED in Chambers in Miami-Dade County, Florida, this _____day of _____, 2003.

JOSEPH P. FARINA, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT COURT