

## **Special eFile Instructions for law firms filing into ADR/Arbitration Cases in the DE Superior Courts on File & ServeXpress**

### **1. eFiling documents in an ADR/Arbitration Case**

- At the appropriate time, the Court will add the ADR Attorney as a party to the case through Case & Party Management.
- It is the Attorney's responsibility to enter any withdrawals/substitutions through Case & Party Management. This is in addition to the documents you file with the Court notifying them of such changes.
- Even though there are specific ADR Document Types listed on the Document Type drop down list on the Documents Tab, all document types are available for users to choose, depending on what is appropriate for their document. The Court has chosen all of these types, so if you have questions about which types to use, please contact the Prothonotary's Office.
- When entering your Document Title on the Documents tab, *it is imperative* that your Document Title be both detailed and specific. This includes Proposed Orders as well as other document types. For example, if the document is a Motion for Summary Judgment, do not just type Motion for Summary Judgment. Instead, type in the full document title. i.e.: "Plaintiff John Doe's Motion for Summary Judgment against Defendant ABC Corporation".
- If your Proposed Order will be acted upon by the ADR Attorney, please select the document type "**ADR – Proposed Order.**" If your proposed order will be acted upon by a judge, please select the document type "**Proposed Order.**"
- When eFiling motions and Proposed Orders, upload them as separate documents in the Word or Word Perfect format. This will allow the ADR attorney to download the original format of the document and edit as needed in order to create the final Order.

### **2. Stapling and Linking Documents together in an ADR/Arbitration Case**

- The Court has indicated that the Stapling and Linking features are very important in eFiling Arbitration Cases.
- When you are uploading documents on the Documents Tab, remember to 'staple' all supporting documents to their main documents in the Attached Documents List. For instance, if you are eFiling both a Motion and Exhibits, staple the Exhibits to the Motion using the "Main/Supporting" column in the Attached Documents List.
- When appropriate, please link any document that you are uploading on the Documents Tab to related, prior eFiled documents using the "Linked To" column of the Attached Documents List. i.e., if you are filing a reply brief, please 'link' it to the brief that you are replying to. Please note that users cannot link to prior documents that are still pending with the Court. Once the Court has accepted the documents, they will be available for linking by users on the Documents tab.

### 3. Serving Arbitrators, Mediators and Neutral Assessors in an ADR/Arbitration Case

- In order to send your documents to the Arbitrator, Mediator or Neutral Assessor through File & ServeXpress, you need to choose to serve them on the Service Tab. If you do not choose the Arbitrator, Mediator or Neutral Assessor on the Service tab, File & ServeXpress will not send the document to them.
  - *NOTE:* To send documents to the Arbitrator, Mediator or Neutral Assessor through File & ServeXpress, place a checkmark next to the party described as Designated Arbitrator, Designated Mediator or Neutral Assessor. The ADR Attorney’s actual name will be listed under the Attorney Column. Please see the chart below for details:

Party 1st Name	Party Last Name	Party Type	Attorney	Attorney Type
Designated Arbitrator	Arbitrator	Arbitrator	{actual atty assigned as the ADR}	ADR Attorney
Designated Mediator	Mediator	Mediator	{actual atty assigned as the ADR}	ADR Attorney
Neutral Assessor	Assessor	Neutral Assessor	{actual atty assigned as the ADR}	ADR Attorney

### 4. Special eFile Instructions for law firms filing into ADR/Arbitration Cases in the DE Superior Courts

- Some documents such as exhibits will be shared with the parties and the arbitrator and are NOT filed with the court. In this situation, the parties *may* still use File & ServeXpress and select the **Serve Only** option.
- Orders by Arbitrators, Mediators and Neutral Attorneys should be filed and served electronically like any other subsequent filing, using the Filing & Service feature.

### 5. Payment of ADR fees

- In New Castle & Kent Counties, parties to a case may choose to pay ADR fees through File & ServeXpress or to send a check to the Court in the traditional manner. Users choosing to pay ADR fees through FSX will be billed for the appropriate fees on their monthly FSX invoice.
- Take the following steps when choosing to pay ADR fees through File & ServeXpress:
  - I. On the Documents tab in the Filing & Service area, choose the Document Type “ADR – Payment of Arbitration Fees (adjusted by Ct)”.
  - II. Upload a document typed on Firm Letterhead indicating that the payment represents the ADR fees and is being made in the amount of \$\_\_\_\_\_.
  - III. The Statutory Filing fee for the “ADR – Payment of Arbitration Fees (adjusted byCt)” is pre-set to \$150.00. If necessary, the Prothonotary’s Office will adjust the fee to the appropriate amount during the process of reviewing the document.
- In Sussex County, payment of ADR fees must be made via cash, check or money order to the Court. The fees may not be paid through File & ServeXpress in Sussex County.
- The Court will distribute fees to the ADR Attorney as necessary.