

Oregon Law Practice Management

Zero Tolerance for eFiling Errors

In April the [Oregon State Bar](#) will publish my article, "Zero Tolerance for E-Filing Errors: How to Avoid Committing Malpractice with a Few Clicks of Your Mouse." I don't want to give *all* my tips away (smile), but here is a small snippet to whet your appetite:

While some courts have excused lawyers for missing a deadline due to an errant spam filter, [1] most are not given a second chance. Follow these steps to prevent court notices and other important e-mails from getting blocked:

Smart Spam and Junk Mail Filtering

- Practice whitelisting. Set your spam or junk e-mail filters to allow receipt of e-mails from approved senders or domains. Include courts, administrative agencies, key clients, opposing counsel, and any other senders whose e-mail you don't want to miss. You may need to make this change at the ISP level *and* in the settings of your specific e-mail program. If you aren't sure how to whitelist a sender or domain, search the Help or Support pages for your e-mail program or provider.
- Review quarantine summaries daily. Aggressive spam filters like Google's Postini® will occasionally block senders and domains you have added to your whitelist if the filter finds content in the e-mail to be possible spam. Court e-mail addresses and domains can also change, causing new notices to be marked as spam.
- Check junk mail folders daily. Approved senders and domains can make it past your ISP or server-level spam filter, then land in your e-mail program's junk mail folder. Outlook permits users to disable automatic filtering of junk mail to avoid this problem, but understand that if Outlook believes a message originated from a blocked sender, it will still land in your junk mail folder. The best practice is to check your junk mail folder regardless.

Safety First

- Once you've learned how to retrieve docket activity online, consider making it a weekly routine. Every Friday, run a docket activity report for a specified date range or search circuit court calendars online. Compare the court's calendar with yours and update your calendar if necessary.
- Thoroughly train support staff – on CM/ECF systems, proper handling of court notices, and technology in general.
- If you have no staff, consider creating a secondary e-mail account for yourself to use exclusively for court notices. Include it in ECF court filings whenever permitted. If your primary e-mail account goes down, you can check the second account.
- If you're experiencing problems, tell the court. The attorney who lost the right to arbitrate in Philadelphia would probably still have a viable \$35,000 fee claim if he

had just picked up the phone. According to the judge, “A telephone call to [my] chambers might have avoided the whole predicament.”

The full article is 2,498 words and will appear in the April edition of the [Oregon State Bar Bulletin](#).

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[1] See *Pace v. American Int'l Group*, 08 C 945 (N.D. Ill; November 1, 2010) and *Shuey v. Schwab*, Case No. 08-4727 (3rd Cir. 2009). For a discussion of these cases, see Eric Goldman's Technology and Marketing Law Blog at <http://blog.ericgoldman.org/>. (Posts dated November 4, 2010 and December 1, 2009.)

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