

## ENVIRONMENTAL HEARING BOARD

### INSTRUCTIONS FOR ELECTRONIC FILING

This memorandum describes how to file and serve legal papers through the Board's website (<http://ehb.courtapps.com>). Registered users of the efileing system should also read the EHB's Efileing Guidance, available at <http://ehb.courtapps.com/content/guidance.htm>, and the Board's rules on electronic filing found at 25 Pa. Code Chapter 1021.

Attorneys **must** register to file documents electronically, unless excused from electronic filing by the presiding judge. A notice of appeal may be electronically filed, conventionally filed, or filed by facsimile. Most other documents must be filed electronically, unless excused. Exceptions to this, including complaints, are listed at 25 Pa. Code section 1021.32(a) and require conventional filing or filing by fax. Non-attorneys **may** register to file electronically but may not electronically file a notice of appeal, complaint or petition to intervene.

Registration for efileing may be accomplished by filling out the registration form provided at <http://ehb.courtapps.com/efile/userRegistration.php>. Once the form is filled out and submitted to the Board, the registration will be reviewed. If the registration is approved, a password will be issued to the user through a welcome email that will include instructions on how to proceed. Once a password is issued, the registered user may then file documents electronically.

Using the system is self-explanatory. Registered users who log on with their user name and password can follow the online instructions that guide them through the process of electronically filing a document. These instructions are provided as a supplement to those online instructions.

To file a notice of appeal electronically, attorney registered users must log on with their user name and password and follow the instructions provided on the website. As stated above, only attorneys can file a notice of appeal electronically. All non-attorney registered users must file a notice of appeal by traditional means (i.e., delivering the notice of appeal to the Board in person or sending the notice of appeal to the Board via U.S. Mail or facsimile).

To file a document other than a notice of appeal in an existing case, after logging on, the registered user must first click on "New Filing" in the upper right corner of the screen. A dialog box will appear and "Existing Case Filing" should be selected. Next, select a docket number from the dropdown list of case numbers on the screen. This list includes only active cases for which the registered user is currently counsel of record or, in the case of pro se filers, the case in which the registered user is a party. Next, select the type of filing from the Filing Type dropdown list. Once the appropriate option is selected, click "Next" and a new screen appears that contains instructions on how to describe the document to be filed. Once an appropriate description is entered, click "Next" again. The registered user can now attach the document to be filed by using the "Choose File" button to locate the document on the user's hard drive. Once the document is located and

selected, click “Open.” After this step has been completed, click the “Submit to Court” button to file the document.

Clicking the “Submit to Court” button results in the submission of the document to the Board. Board personnel will then review the document at their earliest convenience (usually the same day that the filing is submitted). If the Board accepts the document for filing, the system will automatically send a notification message by email to all counsel of record and/or any *pro se* filers who are parties to the case and who are registered users of the system. This email will notify the appropriate parties of the filing of an electronic document in their case and will contain a link to the document itself. Additionally, the Board’s acceptance of a document will generate an acceptance message to the registered user who filed the document. This acceptance message will list the attorneys and/or *pro se* filers who have been served through the web site (i.e., those attorneys and *pro se* filers in the case who are registered users of the e-filing system). Service on registered users is complete when this acceptance message is sent. The document is deemed filed at the time the registered user submitted it, not the time when the Board accepts it. If the Board rejects the document, the document will not be filed and the registered user who filed the document will receive an email notification of the rejection.

### **Exhibits**

Registered users have two ways to submit any exhibits that may need to be filed with a document. First, exhibits can be scanned or saved in PDF format and uploaded by the registered user to the system in the same manner as filing a document. Second, users can file and serve exhibits via traditional, non-electronic means (i.e., delivering exhibits to the Board in person or sending exhibits to the Board via U.S. Mail or facsimile).

### **Protective Order**

Documents or materials covered by a protective order may be electronically filed under seal. When counsel wishes to have certain material covered by a protective order, he or she must file a motion to that effect with the Board. If the motion contains confidential material, the motion and any responses to the motion should not be filed electronically. If the motion is granted by the Board, the materials can then be filed electronically per these instructions. Prior to clicking the “Submit to Court” button, the registered user must click the box under “Restrict Public Viewing.” This box appears to the right of the “Choose File” button that is used to locate the document to be filed on the registered user’s hard drive.

### **Format of Filing and Docket View**

Filings must be made through any version of Microsoft Word for Windows or Adobe Acrobat PDF. Documents filed in Word format will automatically be converted to PDF format by the docketing system software. This ensures that the document cannot be altered after it is filed

and served regardless of the original format in which it was filed. Any registered user of the system and members of the public can view and print the document as filed once it is converted to the PDF format.