

**ADMINISTRATIVE POLICIES AND PROCEDURES FOR
ELECTRONIC FILING IN THE JUDICIAL DIVISION OF THE
PROBATE COURT OF SHELBY COUNTY, ALABAMA**



February 21, 2025

Allison S. Boyd
Judge of Probate

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AUTHORIZATION FOR ELECTRONIC FILING

The Alabama Rules of Civil Procedure, by amendment dated October 24, 2008, recognized that electronic filing was available as an option statewide. On June 23rd, 2015, the Chief Justice issued an order authorizing electronic filing in certain probate courts of this state including the Probate Court of Shelby County. Pursuant to said order the following procedures shall govern electronic filing of pleadings in the Probate Court of Shelby County unless, due to extraordinary circumstances in a particular case, the judge of probate determines that these policies and procedures should be modified in the interest of justice.

The orders of the Supreme Court, these administrative procedures, and additional information may be found at the Internet website: <https://judicial.shelbyal.com/Web/Home.aspx>

DEFINITIONS

The following definitions shall apply to these policies and procedures for electronic filing:

Probate Court of Shelby County will hereinafter be referred to as “**Court**”.

The Alabama Rules of Civil Procedure will hereinafter be referred to as “**A.R.C.P.**”.

The Clerk of the Court will hereinafter be referred to as “**Court Clerk**” and/or “**Clerk**”. The term shall mean any staff member of the Court’s Judicial Division given duties regarding any pleading filed in the various cases under the jurisdiction of the probate courts of the State of Alabama.

The terms “**Benchmark**”, “**Benchmark System**” and “**System**” refer to the electronic case management system currently utilized by the Court. It is owned, licensed and supported by Catalis of Alpharetta, GA.

The term “**document**” shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.

The term “**party**” shall include parties to the action, the counsel of record and any *pro se* litigants.

A “**user**” is a person who is registered to use the electronic filing system site designated by the Court.

The term “**Electronic filing**” means uploading a document directly from the registered user’s computer, using the Court’s Benchmark System to file that document in the Court’s case file. Sending a document to the Court via e-mail **does not** constitute “electronic filing”.

An “**e-Filing Confirmation**” is a unique number given to all e-Filed documents upon completion of an electronic filing. The Confirmation Number associated with each filing can be found in the users account under e-File Submissions along with a current status of same.

The term “**PDF**” refers to portable document format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may wish to visit the websites of PDF vendors by using their favorite search engine.

FILING DOCUMENTS WITH THE COURT

Electronically filed documents must substantially meet the requirements of the A.R.C.P. **including a Certificate of Service.**

A document shall not be considered filed until a system-generated e-Filing Confirmation Number has been generated. The time and date stamp generated by Benchmark, on the document filed and the E-filing Confirmation, controls.

E-mailing a document to the Clerk’s office or to the assigned judge shall not constitute “filing” of the document.

Personally e-mailing a document directly to a party or an attorney shall not constitute service of the document.

Documents that may be -Filed:

- All documents including the petition, complaint, applications, response, answer, motions, pleadings, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case currently allowed and/or required by the A.R.C.P. may be electronically filed through the Benchmark System except as otherwise provided by these procedures.

Documents that may NOT be -Filed:

- Documents filed under seal
- Documents or exhibits that cannot be scanned and converted to a PDF (i.e. video or audio tapes, large maps, etc.)
- Exhibits offered at trial or hearing
- Post Judgment filings (i.e. execution of judgments, etc.), other than garnishments and motion practice
- Summons for service by publication
- **Original last wills and testaments and codicils**
- Original Letters of Administration and orders from the court of origin filed in an ancillary estate
- Original Letters Testamentary and orders from the court of origin filed in an ancillary estate
- **Surety Bonds**

- Miscellaneous Filings:
 - Genetic Test Results (Confidential)
 - Guardian Ad Litem Reports

This list of documents is also displayed on the e-filing webpage after entering your Benchmark login information at <https://judicial.shelbyal.com/Web/Home.aspx> Please refer to this list as it may be updated periodically.

THE ELECTRONIC RECORD

In addition to the current physical paper record of the Court's proceedings, the official record of the Court may also include files or documents images maintained in an electronic format.

The Court Clerk will continue to maintain a paper court file in any case except as otherwise provided in these procedures. The official Court record shall be the electronic file maintained on the Court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures that have not been scanned into the Court file by the Clerk.

Unless otherwise sealed by order of the judge or rendered confidential by Alabama law, the official Court record will be available for public inspection at the Clerk's office during normal business hours of the Court.

Portions of the electronic record may also be made available for inspection and review by attorneys of record in a case via secure internet connection to the Court's Benchmark System in a manner and at a cost established by the judge of probate.

ELECTRONIC SIGNATURES

Electronic signatures should be in the form prescribed by Rule 11 A.R.C.P. and Rule 30(G) of the Alabama Rules of Judicial Administration.

Attorneys and parties are advised that documents that must contain original signatures or that require either verification or an unsworn declaration under any rule or statute shall be filed electronically with the originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/Jane Doe", or the original may be scanned and electronically filed. The filing party or attorney shall retain the physical copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition and all appeals.

Documents requiring signatures of more than one party shall be filed by submitting a scanned document containing all necessary signatures. The filing party or attorney shall retain the hard copy of the document

containing the original signatures for two (2) years after final resolution of the action, including the final disposition and all appeals.

REGISTRATION AND RESPONSIBILITIES OF USERS

Each attorney or party wishing to file electronically must register on-line via Benchmark at: <https://www.shelbyal.com/FormCenter/Probate-Court-Forms-10/Request-For-Attorney-Access-To-Benchmark-133>

Once the initial registration process is completed, an email will be sent to the user at the e-mail address supplied during registration for verification.

Users may change their passwords at any time via the Benchmark settings page. If a user believes that the security of an existing password has been compromised and that a threat to the system exists, the user must change his or her password immediately.

Users may update their primary email address at any time via the Benchmark settings page.

Changes to all other information related to a user's law practice, including all firm billing, payment and tax identification information, on file with the Court cannot be made online. Such information must be updated or corrected by contacting the Court's clerks during normal business hours of the Court.

TECHNICAL SPECIFICATIONS

Although the system requirements may be set forth more completely in a user's manual or other publication, it is expected that the following minimum hardware and software will be needed to file documents electronically:

- A computer system or systems
- The ability to convert documents from word processing software to PDF
- Any standard web browser (i.e. Internet Explorer, Firefox, Google Chrome, Safari)
- Internet access
- A document scanner, if documents need to be imaged

When scanning documents to be filed electronically, filing parties should make certain their scanners are configured for 300 dpi and black and white, rather than color, scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must file the document conventionally with the Clerk's office.

Because large documents may not upload properly to the system or download within a reasonable amount of time for users with unlimited bandwidth, documents over ten (10) megabytes will be rejected by the system and must be filed conventionally or in (10) megabyte segments as attachments. The maximum number of pages for an e-filing may not exceed 250 pages.

SYSTEM AVAILABILITY - INABILITY TO FILE

The system is designed to provide service 24 hours a day. Users, however, are encouraged to file documents in advance of filing deadlines and during normal business hours in the event assistance or support is needed from the help desk.

The Court utilizes Benchmark which is an electronic case management application developed by PTG. PTG has established a help desk for questions related to electronic filing. The help desk may be reached by phone at 1-800-280-5281 or email at benchmark@catalisgov.com. The help desk will be staffed from 8:00a.m. to 5:00 p.m. on business days on which the Court is open for business.

Additionally, a list of frequently asked questions and answers to those questions are available at https://judicial.shelbyal.com/Web/Home.aspx/About#_Toc363121566lp

If a party misses a Court imposed filing deadline because of an inability to electronically file based upon the unavailability of the system, the party may submit the untimely filed document, accompanied by a declaration stating the reason or reasons for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline.

SERVICE

Service of process shall be perfected using the methods mandated by the A.R.C.P. unless specifically modified by statute (e.g., Uniform Guardianship Act). Summonses shall be issued in the following manner: for service by certified mail, the Clerk shall issue the summons and service of the summons and complaint/petition shall be made by the Clerk or user via certified mail; for service by the sheriff, the Clerk shall issue the summons and deliver it to the sheriff for service; for service by process server, the summons shall be issued by the Clerk and delivered to the user via email for service.

A party who is not a registered participant of the system is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the nonregistered party with the pleading, document, or order according to the A.R.C.P. **All papers filed with the Court subsequent to the initial served pleadings must contain a Certificate of Service.**

To determine whether another party is a registered user, the filer can enter the case number, select the notification tab and notification information will appear, stating whether or not the filer must mail a copy or if the system will electronically generate notice.

FEES PAYABLE TO THE CLERK

Any fee required for filing a pleading or paper is payable to the Clerk of Court at the time of filing. Payment must be made by credit/debit card and the credit/debit card processor will add a convenience fee for their service. The Clerk's office will document the receipt of fees in the usual manner. No filing shall be deemed completed until receipt of any required filing fee. The convenience fee may be taxed as costs pursuant to Rule 41 of the Alabama Rules of Judicial Administration.

COMPLAINTS/PETITIONS

It is the responsibility of the filing attorney to ensure that the proper filing fee is paid through the application when the complaint/petition is filed. No fee may be waived when electronically filing.

TITLE OF DOCKET ENTRIES

The party electronically filing a pleading or other document shall be responsible for designating as correctly as possible the type of the document that will be used in the case action summary and index for that case file using the document type designations in Benchmark. Any questions regarding the correct document type to use should be resolved with the Clerk prior to electronically filing a document.

PRIVACY AND SECURITY

To address the privacy concerns created by internet access, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available. Please see Rule 5.1 of the A.R.C.P. regarding privacy protection for court filings.

It is the sole responsibility of counsel and the parties to ensure that redaction of personal identifiers is done. The Clerk will not review each pleading for redaction.

ACCESS

Electronic access to the electronic docket and documents filed in the system is available for viewing to the public at no charge at the Clerk's office during regular business hours. A fee will be charged for copies of any document from a case file.

General remote access to the public records of the court may be available in the future via a subscribers' service to be established by the Judge of Probate for Shelby County.

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By ORDER of the Court on February 21, 2025.

/s/ Allison S. Boyd
JUDGE OF PROBATE
Shelby County, Alabama