I.R.C.P. 5.e. Filing With the Court.

Idaho Rules of Civil Procedure Rule 5(e). Filing With the Court.

(1) Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk, except that the judge may accept the papers for filing, in which event the judge shall note thereon the filing date, hour and minute and forthwith transmit them to the office of the clerk. The judge or clerk shall indorse upon every pleading and other paper the hour and minute of its filing.

(2) Filing by Facsimile. Any pleading or document except those documents requiring a filing fee or filed as proof of incarceration of a party to the action may be transmitted to the court for filing by a facsimile machine process. The clerk shall file stamp the facsimile copy as an original and the signature, court seal, and notary seal on the copy shall constitute the required signature and be considered as originals under Rule 11(a)(1). After a document is filed by facsimile, there is no need to mail that document to the court. Filings may be made to the court only during the normal working hours of the clerk and only if there is a facsimile machine in the office of the filing clerk of the court. Provided, documents over ten (10) pages in length cannot be filed by the facsimile machine process.

(Amended April 22, 2004, effective July 1, 2004.)

(3) Other use of facsimile copies. Any facsimile machine process copy that is not transmitted directly to the court may be filed with the court. The clerk shall file stamp the facsimile copy as an original and the signature on the copy shall constitute the required signature under Rule 11(a)(1). There shall be no limit as to the number of pages of a facsimile copy which was not transmitted directly to the court by the facsimilemachine process.

(Amended November 15, 1989, effective January 1, 1990; amended April 3, 1996, effective July 1, 1996.)

(4) Additional filings by county. Each county, on an individual basis, may elect to waive any or all of the restrictions of subsection (2) above to the extent that (a) documents requiring a filing fee may be transmitted to the court for filing by a facsimile machine process provided that the fee is prepaid by credit card in accordance with the county's credit card acceptance policy; (b) filings may be made at any time, provided that filings received outside normal working hours or on any non-judicial day will be file stamped at 9:00 a.m. on the next judicial day; (c) documents of any length may be faxed.

(Amended March 9, 1999, effective July 1, 1999.)

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