

Virus Sends Philly Attys Back to Pre-Digital Dark Ages

By Matt Fair

Law360 (May 24, 2019, 4:49 PM EDT) -- A virus that has knocked computer systems offline in Pennsylvania's busiest court system over the past week is sowing confusion in judicial proceedings and forcing attorneys in the City of Brotherly Love to hearken back to the days before e-filing.

Priscilla Jimenez, an attorney with Kline & Specter PC who's been practicing law since 2011, told Law360 that the outage in the Philadelphia County Court of Common Pleas has made it difficult to keep tabs on updates in her cases and forced her to deliver filings by hand to the judicial records office in City Hall.

"It's causing a lot of complications that I don't think we're prepared for, especially my generation of lawyers because we've always had e-filing," she said. "We can't even imagine what it's like without it."

Online access to civil dockets and other court resources was shut down Tuesday afternoon to prevent the spread of what city spokesman Mike Dunn characterized in a statement as a "virus intrusion on a limited number of computers."

"This is a necessary step to contain the virus," he said, adding that there had been no data breach and that the situation did not represent a ransomware attack.

The shutdown has affected not only access to court records, but also email access for court employees.

In a statement sent out via its Twitter account on Thursday, the court system said only that it was experiencing “technical difficulties with its electronic filing system,” and noted that paper filings would be accepted in person during normal business hours between 9 a.m. and 4:30 p.m.

But under normal circumstances, Jimenez said filings could be submitted online through the court’s website up until midnight.

“The thing that’s great about the e-filing system in Philadelphia is you can file up until midnight and it still counts as that day,” she said. “Now you only have until when the court closes.”

And with a motion to compel discovery due on Friday in a medical malpractice case she’s been litigating, Jimenez said she was planning on making the walk from her Center City office to City Hall to personally deliver the filing.

For firms without a presence in Center City, however, the outage has proved more challenging.

“We’ve had a couple of answers that have been due, but we haven’t been able to file them,” said Michael Savett, an attorney with Clark & Fox in New Jersey. “We’ll have to wait until the system comes back up, and hopefully there won’t be any default or adverse consequences for that.”

In a Twitter posting Wednesday, the court said the outage could potentially be cited as an excuse for any missed filing deadlines.

Jimenez said the outage had also created disarray in normal court proceedings including case management conferences and discovery disputes, both of which involve a judge presiding over multiple cases during a single protracted hearing.

With the e-filing system down, Jimenez said she’s been unable to see a copy of the case management order she hammered out during a court appearance earlier this week.

“They can’t issue the order,” she said. “They’re telling us hopefully when they get back online they’ll be able to post it.”

As far as discovery court proceedings, she said that court officials had been unable to access updated information about outstanding disputes, which are frequently resolved in the immediate run-up to argument.

“They print a list of all the pending motions, but without that you have to go with the last filing you have,” she said.

As a result, she said attorneys were being forced to show up to discovery court even if they’d managed to reach an agreement in advance of the hearing.

“Discovery court can last a long time under normal circumstances even with the docket working, so without it I can only imagine what a nightmare it is,” Jimenez said.

The city has given no official estimate on when the system might be back up and running.

--Editing by Amy Rowe.