

Amended by Order dated November 1, 2012; effective January 1, 2013.

RULES OF SUPREME COURT OF VIRGINIA
PART THREE
PRACTICE AND PROCEDURE IN CIVIL ACTIONS

Rule 3:3. Filing of Pleadings; Return of Certain Writs.

(a) *Filing Generally.* The clerk shall receive and file all pleadings when tendered, without order of the court. The clerk shall note and attest the date of filing thereon. In an Electronically Filed Case, the procedures of Rule 1:17 shall be applicable to the notation by the clerk of the date of filing. Any controversy over whether a party who has filed a pleading has a right to file it shall be decided by the court.

(b) *Electronic Filing.* In any circuit court which has established an electronic filing system pursuant to Rule 1:17:

(1) Any civil proceeding action for which electronic filing is available in the circuit court may be designated as an Electronically Filed Case upon consent of all parties in the case. Such designation shall be made promptly, complying with all filing and procedural requirements for making such designations as may be prescribed by such circuit court.

(2) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other filings in an Electronically Filed Case shall be formatted, served and filed electronically as specified in the requirements and procedures of Rule 1:17; provided, however, that when any document listed below is filed in the case, the filing party shall notify the clerk of court that the original document must be retained.

- (i) Any pleading or affidavit required by statute or rule to be sworn, verified or certified as provided in Rule 1:17(d)(5).
- (ii) Any last will and testament or other testamentary document, whether or not it is holographic.
- (iii) Any contract or deed.
- (iv) Any prenuptial agreement or written settlement agreement, including any property settlement agreement.
- (v) Any check or other negotiable instrument.
- (vi) Any handwritten statement, waiver, or consent by a defendant or witness in a criminal proceeding.
- (vii) Any form signed by a defendant in a criminal proceeding, including any typed statements or a guilty plea form.
- (viii) Any document that cannot be converted into an electronic document in such a way as to produce a clear and readable image.

(c) *Return of writs.* No writ shall be returnable more than 90 days after its date unless a longer period is provided by statute.