

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA**

**IN RE: PROCEDURAL RULES FOR
ELECTRONIC CASE FILING**

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STANDING ORDER NO. 29

Federal Rules of Civil Procedure 5 and 83, and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means.

IT IS THEREFORE ORDERED:

1. The Clerk of the District Court is authorized to implement and publish interim *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* in the District Court, including the procedure for registration of attorneys and for the distribution of passwords to permit electronic filing and noticing of pleadings and other documents. This Standing Order is considered to be consistent with the Federal Rules of Civil and Criminal Procedures and the Southern District of Alabama Local Rules. Any conflicts between the Administrative Procedures published by the Clerk of the District Court and any of the Rules are to be brought to the Court's attention immediately.

2. The electronic filing of petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the Electronic Case Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

3. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

4. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

5. The electronic filing of pleadings or other documents in accordance with the Electronic Case Filing Procedures shall constitute entry of that pleading or other document on the docket kept by the Clerk under Federal Rule of Civil Procedure 79.

6. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Electronic Case Filing Procedures, which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.

7. Service

- A. Whenever pleadings or other documents are filed electronically in accordance with the Electronic Filing Procedures, the Office of the Clerk shall serve the filing party with a “Notice of Electronic Filing” by electronic means at the time of docketing.
- B. The filing party shall serve the pleadings or other documents upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted under the Rules, the filing party may make service in accordance with sub-paragraph (C) below.
- C. If the recipient of notice or service is a registered participant in the Electronic Case Filing System, service by electronic means of the Notice of Electronic Filing shall be the equivalent of service of the pleadings or other documents by first class mail, postage prepaid.
- D. Service by electronic means is complete on transmission.
- E. Service by electronic means is not effective if the party making service learns that the

attempted service did not reach the person to be served.

8. Participation in the Electronic Case Filing System by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Participants in the Electronic Case Filing System, by receiving a password from the Court, agree to receive service by electronic means.

9. The effective date of the Standing Order is April 1, 2003.

IT IS SO ORDERED.

DATED this 25th day of February, 2003.

/s/
CALLIE V. S. GRANADE
Chief United States District Judge

/s/
CHARLES R. BUTLER, JR.
United States District Judge

/s/
VIRGIL PITTMAN
Senior United States District Judge

/s/
W. BREVARD HAND
Senior United States District Judge