

# CIVIL AND CRIMINAL CASES

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## *Administrative Procedure*

FOR FILING, SIGNING, AND VERIFYING DOCUMENTS  
BY ELECTRONIC MEANS IN THE UNITED STATES  
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
ALABAMA



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

**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
DOCUMENTS BY ELECTRONIC MEANS IN CIVIL CASES**

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**ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING  
DOCUMENTS BY ELECTRONIC MEANS IN CIVIL CASES**

**I. THE ELECTRONIC FILING SYSTEM**

**A. AUTHORIZATION FOR ELECTRONIC FILING**

Standing Order No. 29 authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5(e) and Federal Rule of Criminal Procedure 57. Pursuant to Standing Order No. 29, the following procedures govern electronic filing in this District unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these policies and procedures should be modified in the interest of justice.

**B. THE ELECTRONIC RECORD**

The official record of the court shall be the electronic file maintained on the court's servers. This includes information transmitted to the court in electronic format, as well as documents filed in paper form, scanned, and made a part of the electronic record. The official record shall also include any conventional documents or exhibits that may be impractical to scan. Filings of this nature will be identified on the docket as maintained in the Clerk's Office only.

1. The Clerk's Office shall not maintain a paper court file in any case begun on or after the effective date of these procedures except as otherwise provided in these procedures.
2. Registration in the CM/ECF system for the purpose of electronic service of pleadings and other papers shall be mandatory as of July 1, 2004.
3. Electronic filing through CM/ECF shall be mandatory for all counsel as of September 1, 2004.

(a) It is the responsibility of the filing party to maintain an electronic mailbox sufficient to receive the orders and other papers transmitted electronically to counsel.

(b) If an attorney is not able to register for electronic service of pleadings and other papers on or after July 1, 2004, or file electronically on or after September 1, 2004, counsel must show good cause in each case to file and serve pleadings in a traditional manner.

(c) Attorneys filing pro hac vice shall have ten days after their Notice of Appearance in which to register for electronic filing.

4. Prior to September 1, 2004, and for pro se filers who do not file electronically, if pleadings are filed in paper form, the court will convert the documents to an electronic format and maintain the electronic version as the court's official record.
5. If pleadings are filed in paper form, it is the responsibility of the filer to ensure that the paper document can be scanned with a legible image. The court encourages such documents to be black print on white paper, for maximum contrast. The court may return filings that are not legible.
6. A party filing in paper form who wishes to have an original pleading returned after scanning and uploading to ECF may, at the time of submitting the document to the court, make arrangements with the Clerk's Office for the return of the original pleading.
  - (a) If an original pleading has some intrinsic value, the filing party is encouraged to retain the original and submit a copy to the Clerk's Office for scanning and uploading.
7. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

### **C. DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply to these Procedures for Electronic Filing:

- 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 counsel of record and a pro se litigant.
- The term "ECF" refers to the court's Electronic Case Filing system.
- The term "ECF Web site" refers to the official Internet site of the Southern District of Alabama at <https://ecf.alsd.uscourts.gov>.
- An "ECF User" is a person who is registered to use the ECF site.
- "Electronic filing" means uploading a document directly from the registered user's computer, using the court's Internet-based 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."
- The "E-Mail Address of Record" is the internet e-mail address of each party to the case as maintained by the Clerk.

- A “Notice of Electronic Filing” is generated automatically by the ECF system upon completion of an electronic filing. The Notice of Electronic Filing, when e-mailed to the e-mail addresses of record in the case, acts as the proof of service.
- 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 web sites of PDF vendors by using your favorite search engine.
- Procedures and instructions for using the Court’s ECF system consistent with these policies may be found on the court’s ECF web site.
- All hours stated shall be Central time.

#### **D. TECHNICAL SPECIFICATIONS**

While the system requirements may be set forth more completely in a User’s Manual or other Court publication, it is expected that the following hardware and software will be needed to electronically file, view and retrieve documents in the electronic filing system. Other specifications are also indicated for optimum performance.

- A computer running a Windows or a Macintosh operating system.
- Ability to convert documents from a word processor such as WordPerfect or Word to portable document format (PDF).
- CM/ECF has been tested and works correctly with Netscape and Internet Explorer.
- High speed internet access.
- Access to a scanner if non-computerized documents need to be imaged.
- When scanning documents to be subsequently filed electronically, filing parties should make certain their **scanners are configured for 400 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 conventionally file it 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 a 56K modem, documents over ten (10) megabytes will be rejected by the System and must be filed conventionally, or in ten (10) megabyte segments as attachments.

## **E. SYSTEM AVAILABILITY**

The Court's system is designed to provide service 24 hours a day. The parties, however, are encouraged to file documents in advance of filing deadlines and during normal business hours. The Clerk's Office has established a Help Desk (1-251-690-2371) to respond to questions regarding the electronic filing system and the registration process and to receive voice mail messages. The Help Desk will be staffed business days from 8:00 a.m. to 5:00 p.m., and will be available at all other times to record voice mail messages. If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the Help Desk to inform the Clerk of Court of the difficulty. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely filed document, accompanied by a declaration stating the reason(s) 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. A model form is provided in the forms section (**Form B**).

## **F. SELECTION OF CASES**

Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents<sup>1</sup> submitted for filing in this district after September 1, 2004, no matter when a case was originally filed, shall be filed electronically or shall be scanned and uploaded to the System.

1. The filing of social security cases shall be subject to the limitations imposed in paragraph III(C) of these procedures.
2. A case filed under seal will be maintained in the electronic filing system. Sealed documents *are not* viewable by case participants or the public. Any sealed documents uploaded via CM/ECF must be served upon other litigants in the conventional manner - not by electronic service by the court.
3. An attorney may apply to the assigned judge for permission to file documents conventionally. If the assigned judge initially grants an attorney permission to file documents conventionally the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.
4. Juvenile criminal matters will be sealed and maintained in the electronic filing system.

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<sup>1</sup>The requirement that "all documents" be filed electronically includes briefs, transcripts of proceedings, and deposition transcripts used in support of motions or at trial.

5. While registered attorneys of record will have remote access to documents in criminal cases, no public remote access will be available until further order of the court.<sup>2</sup> Public access to docket sheets in criminal cases, however, will be available. Also, members of the public may view electronic criminal files at the public terminals in the Clerk's Office.

## G. REGISTRATION

1. Each attorney filing electronically must complete and sign an Attorney Registration Form. This must be done electronically on the court's website at [www.alsd.uscourts.gov](http://www.alsd.uscourts.gov).

The court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.5(b)(2) and (c). After electronic registration the court will assign the user a login and password.

2. To ensure that the Clerk's Office has correctly entered a registering attorney's email address in the System, the Clerk's Office will send the attorney an email message after registration.
3. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney must change his or her password immediately.
4. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties.
5. **A PACER login is required, in addition to, the user ID and password issued by the court for CM/ECF.** To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).

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<sup>2</sup>On March 13, 2002, the Judicial Conference of the United States approved an exception to the prohibition on public access to criminal case records. In a high-profile criminal case where the demand for documents will "impose extraordinary demands on a court's resources," that court is authorized to provide Internet access to criminal case files "if all parties consent and the trial judge or presiding judge of an appellate panel finds that such access would be warranted."

On September 19, 2001, the Judicial Conference determined that the policy restricting remote public access to criminal records would be "re-examined within the next two years."

## **H. LOGIN AND PASSWORD**

Each attorney admitted to practice in the Southern District of Alabama shall be entitled to one login and password from the District Court. The login and password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, the attorney shall be responsible for all documents filed with his or her password.
3. Registration for a login and password is governed by paragraph I(F).
4. An attorney admitted pro hac vice must register for a login and password in accordance with these Administrative Procedures.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING**

1. Electronically filed documents must meet the requirements of Fed. R. Civ. P. 10 (Form of Pleadings), and LR 5.1 (Files and Filings), as if they had been submitted on paper. Documents filed electronically are also subject to any page limitations set forth by Court order or by LR 7.1(b) (Page Limitation).
2. All documents (including the complaint, information, and indictment), motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed on the System except as otherwise provided by these administrative procedures.

E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a System-generated "Notice of Electronic Filing" described in paragraph II(B)(1) of these procedures.

3. Complaints.

(a) Registered ECF users may arrange to file their complaints or other case initiating documents in the ECF system as identified below. Case initiating

documents may also continue to be filed conventionally at this time. The Clerk's Office will **not** accept pleadings sent by e-mail.

1. Attorney notifies clerk's office with request to file complaint or other case initiating document(s).
2. Clerk's Office collects fee either by credit card, next day delivery, or hand delivery to clerk's office
3. **Counsel must assure clerk's office personnel that complaint or other initiating documents are ready to be filed.**
4. Filing party emails case opening information to [efile\\_newcases@alsd.uscourts.gov](mailto:efile_newcases@alsd.uscourts.gov) (civil cover sheet and complete listing of parties).
5. Clerk's Office opens a shell case with no assignment of judges.
6. Filing party receives return email with case number.
7. Attorney e-files complaint, etc. (the complaint must be filed the same day). **(New cases are deemed 'filed' the day the clerk's office receives the e-filed complaint and any required filing fee.)**
8. After complaint is filed and fee collected judges will be assigned.

(i) A complaint sent through the United States mail or personally delivered to the Clerk's Office must be accompanied by the required filing fee. The Clerk's Office will scan the complaint and cover sheet and upload them to the System.

(b) If an attorney sends pleadings to the court by e-mail, the Clerk's Office will call the attorney and explain that the pleading must be electronically filed in the System.

(c) A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.

4. Summonses.

(a) The Clerk's Office will receive summonses attached to entries (i.e. complaint) in the electronic case filing system. They will be issued and returned to the requesting party for service. Summons are available on the courts website.

(b) The party requesting the summons must complete the top portion of the summons form and, if sending the summons by United States mail, also submit a stamped, self-addressed return envelope. Once a summons has been issued, the Clerk's Office will scan it, upload it to the System, then return the summons to the attorney or party for service.

(c) A party may not electronically serve a summons, but instead must perfect service according to the Rule 4, Federal Rules of Civil Procedure.

5. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.
6. If filing a document requires leave of the court, such as an amended complaint or a reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.
7. Attachments and exhibits larger than ten (10) megabytes may be filed electronically in separate ten (10) megabyte segments.
8. The filing of discovery materials and exhibits as authorized by Local Rule 5.5 shall be by electronic means, unless otherwise authorized by the court.
9. An official transcriber or contract court reporter must electronically file a certified transcript of proceedings they transcribe, or submit to the Clerk's Office for uploading to the System an electronically formatted transcript of the proceedings in PDF format. A transcriber or court reporter will not receive payment until the transcriber or reporter has filed a certified transcript electronically or submitted it to the Clerk's Office electronically.

## **B. SERVICE**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a "Notice of Electronic Filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case,<sup>3</sup> and the assigned judge if he or she has elected to receive notice.

(a) If the recipient is a registered participant in the System, the System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

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<sup>3</sup>To determine whether another party is a registered user, the filer can select the System's "Utilities" category, then click on "Mailings", and "Mailing Information for a Case". Enter the case number and notification information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate notice.

(b) Service of the “Notice of Electronic Filing” on a party who is not a registered participant in the System may be accomplished by e-mail, subject to the additional service requirements of B(3) below.

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as **Form A**.
3. 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 non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.<sup>4</sup>
5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to the System must serve copies on all parties to the case by conventional means and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.

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<sup>4</sup>Attorneys should be aware that the response deadlines which appear in docket text, or when querying deadlines, are for court use only and should not be relied upon as an accurate computation of the response date.

## C. SIGNATURES AND AFFIDAVITS

1. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk's Office: "s/(attorney name) ." The correct format for an attorney signature is as follows:

**s/Judith Attorney**  
Judith Attorney Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 South Street  
Mobile, Alabama 36602  
Telephone: (251) 123-4567  
Fax: (251) 123-4567  
E-mail: judith\_attorney@law.com

2. Documents which must contain original signatures or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically with 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 in the ECF system. 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 final disposition of all appeals.
3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure should be used:

Documents requiring signatures of more than one party shall be filed either by submitting a scanned document containing all necessary signatures; by representing the consent of the other parties on the document; or by filing the document identifying the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing. **Please see FORM E in the forms section of these procedures for a sample Notice of Endorsement.** 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 final disposition of all appeals.

#### **D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

#### **E. ORDERS AND PROPOSED DOCUMENTS**

1. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally.
2. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.
3. The assigned judge or the Clerk's Office, if appropriate, may grant routine motions by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter. The System will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures.

#### **4. Submitting Proposed Orders and Other Documents**

(a) Proposed orders, findings of fact, conclusions of law and jury charges required by court order or rule shall be filed electronically in PDF format and shall be: (1) attached as an exhibit to a motion or stipulation; or (2) contained within the body of a stipulation; or (3) submitted separately and identified as "proposed." To facilitate the review and use of all or portions of the proposed documents, a working copy of each document shall be submitted by email to the appropriate judge's chambers in WordPerfect or Word format. The email subject line should include the case number, followed by a short description of the attachment (ex. 04-534 Order). The name of the attachment is to be the case number followed by .wpd for WordPerfect files, or .doc for Word files (ex. 04-534.wpd, 04-534.doc). **These e-mail addresses are not to be utilized to communicate with the Court unless otherwise permitted or when communications are solicited by the Court.**

[efile\\_granade@alsd.uscourts.gov](mailto:efile_granade@alsd.uscourts.gov)  
[efile\\_butler@alsd.uscourts.gov](mailto:efile_butler@alsd.uscourts.gov)  
[efile\\_steele@alsd.uscourts.gov](mailto:efile_steele@alsd.uscourts.gov)  
[efile\\_pittman@alsd.uscourts.gov](mailto:efile_pittman@alsd.uscourts.gov)  
[efile\\_hand@alsd.uscourts.gov](mailto:efile_hand@alsd.uscourts.gov)  
[efile\\_cassady@alsd.uscourts.gov](mailto:efile_cassady@alsd.uscourts.gov)  
[efile\\_milling@alsd.uscourts.gov](mailto:efile_milling@alsd.uscourts.gov)  
[efile\\_lee@alsd.uscourts.gov](mailto:efile_lee@alsd.uscourts.gov)  
[efile\\_bivins@alsd.uscourts.gov](mailto:efile_bivins@alsd.uscourts.gov)

(b) A filing party moving for issuance of a writ, warrant, or summons should advise the judge that a prompt ruling is required, and attach the writ, warrant, or summons in PDF format.

(c) A motion to file documents under seal shall be made in the manner specified in III(A) of these procedures.

#### 5. **Pleadings Requiring Leave of Court**

If the document you wish to file requires leave of Court, such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to the motion.

#### **F. TITLE OF DOCKET ENTRIES**

The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>5</sup>

#### **G. CORRECTING DOCKET ENTRIES**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**

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<sup>5</sup>Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site at <http://www.als.uscourts.gov>. Click on the CM/ECF Website link.

3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

## H. TECHNICAL FAILURES

1. The Clerk's Office shall deem the Southern District of Alabama CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.
2. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via fax. If the filer provisionally files a document, the filer then must conventionally or electronically file the document within forty-eight hours after faxing it.
3. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court.

## I. PRIVACY

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 over the Internet via CM/ECF. If sensitive information must be included, the following personal data identifiers must be **redacted** from the document, whether it is filed traditionally or electronically, unless otherwise ordered by the Court:

1. **Social Security numbers.** If an individual's social security number must be included in a document, only the last four digits of that number should be used.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

3. **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used.
4. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require a party to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

1. Personal identifying numbers, such as driver's license number;
2. Medical records, including treatment and diagnosis records;
3. Employment history;
4. Proprietary or trade secret information; and
5. Other data as permitted by order of the court.

**Counsel is strongly urged to share this information with all clients** so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. 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.

**SPECIAL NOTICE TO ATTORNEYS INVOLVED IN SOCIAL SECURITY CASES - It is your responsibility to provide the U.S. Attorneys' Office with the social security number of the plaintiff upon the filing of a new social security case. You may e-mail Brenda Mass at [brenda.mass@usdoj.gov](mailto:brenda.mass@usdoj.gov), or you may call Brenda at 251-415-7142 with this information.**

### **III. CONVENTIONAL FILING OF DOCUMENTS**

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of documents otherwise subject to these procedures.

#### **A. DOCUMENTS TO BE FILED UNDER SEAL**

A party may, but is not required, to file electronically a motion or application to file documents under seal. A motion or application not filed electronically shall be presented in conventional format to the chambers of the assigned magistrate judge

or district judge along with a proposed order. If the motion or application is granted, the assigned judge, or designee, will enter electronically the order authorizing the filing of the documents under seal. The filing party shall then deliver the documents to the Clerk's Office for conventional filing under seal, unless otherwise ordered by the court. Upon application the court may permit sealed materials to be filed electronically.

**B. PRO SE FILERS**

Pro se filers may conventionally file paper originals of complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file in the System. Pro se filers may also register for electronic filing.

**C. SOCIAL SECURITY AND § 2254 CASES**

Absent a showing of good cause, all documents, notices, and orders filed in social security reviews and state habeas cases after the System is implemented shall be filed and noticed electronically, except as noted below.

1. The complaint and other documents typically submitted at the time a social security case is filed will be filed electronically and served according to II(A)(3) of these procedures. The complaints in cases proceeding pursuant to 28 U.S.C. § 2254, after being uploaded into the System, shall be transmitted electronically to the Warden named as a Respondent and the Attorney General of the State of Alabama. Service on pro se and/or incarcerated parties shall be by conventional means.
2. Transcripts and exhibits normally filed with the Answer in Social Security and habeas cases will be conventionally filed and served since scanning that set of documents and filing or retrieving them electronically is impractical at this time. Because these transcripts will not be scanned or otherwise placed into the System, the Clerk's Office will docket a text-only event stating that the transcripts are available in paper format in the Clerk's Office.
3. All other documents in the case, including briefs, will be filed and served electronically unless the court otherwise orders.
4. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel and court staff. Docket sheets, however, will be available over the Internet to non-

parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

**D. SERVICE OF CONVENTIONAL FILINGS**

Pleadings or other documents which are filed conventionally shall be served in the manner provided for in, and on those parties entitled to notice in accordance with, the Federal Rules of Civil Procedure except as otherwise provided by order of the Court.

**E. RETENTION OF ORIGINALS OF DOCUMENTS REQUIRING SCANNING**

Originals of documents requiring scanning to be filed electronically must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals.

**IV. EXHIBITS**

**A. EVIDENCE NOT IN SUPPORT OF A MOTION**

This section applies to exhibits other than those submitted in support of a motion, *e.g.*, an attachment to a complaint. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. A party may conventionally submit exhibits which are too lengthy to electronically image, *i.e.*, "scan." The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.
2. If possible, however, a filing party should electronically image, *i.e.*, "scan," a paper exhibit that is less than ten (10) megabytes and submit the exhibit as a PDF file. But because PDF files containing scanned documents take up considerably more space on the System than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than ten (10) megabytes only if they are filed in separate ten (10) megabyte segments.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 400 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
5. Exhibits submitted conventionally shall be served on other parties as if not subject to these procedures.

**B. EVIDENCE IN SUPPORT OF A MOTION**

In general, evidence in support of a motion should not be filed conventionally. However, when documents are filed conventionally, in addition to the procedures set out in IV(A), a party submitting lengthy evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence then being filed and identifying the motion to which it relates. The party is also required to electronically file a “Notice of Conventional Filing” (see **Form C**) along with an index of the materials being filed.

**C. TRIAL EXHIBITS**

Exhibits presented for trials and other proceedings will not be filed electronically. Such documents will not be placed into the electronic filing system until the Court requires that they become a part of the official public record. The party submitting the exhibits may be required to resubmit the documents in electronic format once they are admitted into the public record.

**V. PUBLIC ACCESS TO THE SYSTEM**

**A. PUBLIC ACCESS AT THE COURT**

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 copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

**B. INTERNET ACCESS**

1. Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.<sup>6</sup>

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<sup>6</sup>According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/ECF users will be charged a fee of seven cents per page starting on July 1, 2002,

2. Until further order of the court, no one but an attorney of record may remotely view records in criminal cases. Public remote access will be limited to viewing docket sheets only.
3. An exception to the prohibition on public remote access to criminal case filings is possible in a high-profile criminal case where the demand for documents will impose extraordinary demands on the court's resources. The district court is authorized to provide Internet access to the documents filed in that case if all parties consent and the trial judge finds that such access is warranted.

### **C. CONVENTIONAL COPIES AND CERTIFIED COPIES**

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

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to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

FORM A

SAMPLEFORMAT

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

Plaintiff,
vs
Defendant.
Case No.

CERTIFICATE OF SERVICE

I hereby certify that on (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

Respectfully submitted,

s/[Name of Password Registrant]
Federal Bar Number: 12345
Attorney for (Plaintiff/Defendant)
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

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

|            |   |          |
|------------|---|----------|
|            | ) |          |
|            | ) |          |
| Plaintiff, | ) | Case No. |
|            | ) |          |
| vs         | ) |          |
|            | ) |          |
| Defendant. | ) |          |

**DECLARATION OF TECHNICAL DIFFICULTIES**

Please take notice that [Plaintiff/Defendant, Name of Party] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of Document] in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

**s/[Name of Password Registrant]**

Federal Bar Number: 12345

Attorney for (Plaintiff/Defendant)

Address

City, State, Zip Code

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

E-mail: xxx@xxx.xxx

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

|            |   |          |
|------------|---|----------|
|            | ) |          |
|            | ) |          |
| Plaintiff, | ) | Case No. |
|            | ) |          |
| vs         | ) |          |
|            | ) |          |
| Defendant. | ) |          |

**NOTICE OF CONVENTIONAL FILING**

Please take notice that [Plaintiff/Defendant, Name of Party] has conventionally filed the following document or thing: [Title of Document or Thing]. This [Title of Document or Thing] has not been filed electronically because it cannot be converted to an electronic format, the electronic file size exceeds 10 megabytes, it is filed under seal, or [Plaintiff/Defendant] is excused from filing it by court order. A copy of the [Title of Document or Thing] has been served on all parties by conventional means.

Respectfully submitted,

**s/[Name of Password Registrant]**  
 Federal Bar Number: 12345  
 Attorney for (Plaintiff/Defendant)  
 Address  
 City, State, Zip Code  
 Phone: (xxx) xxx-xxxx  
 Fax: (xxx) xxx-xxxx  
 E-mail: xxx@xxx.xxx

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

|               |   |          |
|---------------|---|----------|
|               | ) |          |
|               | ) |          |
| Plaintiff(s), | ) | Case No. |
|               | ) |          |
| vs            | ) |          |
|               | ) |          |
| Defendant(s). | ) |          |

**NOTICE REGARDING EXHIBIT ATTACHMENT**

Exhibit \_\_\_\_\_ which is an attachment to \_\_\_\_\_  
is in paper form only and is being maintained in the case file in the Clerk’s Office.

Respectfully submitted,

**s/[Name of Password Registrant]**  
Federal Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx

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

Plaintiff(s),
vs
Defendant(s).
)
)
)
)
) Case No.
)
)
)

NOTICE OF ENDORSEMENT

Pursuant to the ECF Administrative Procedure, (Pla or Dft)
hereby certifies that my original signature was placed on the following document which was filed
electronically filed on :

- Joint Proposed Scheduling Order
Stipulation of Dismissal
Joint Motion for
Other:

Respectfully submitted,

s/[Name of Password Registrant]
Federal Bar Number: 12345
Attorney for (Plaintiff/Defendant)
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

## APPENDIX A

### Setting Up E-Mail Notification

Users can receive e-mail notification of all electronic filings in cases they are interested in by setting the automatic e-mail notification in their user accounts.

1. Access the "Live" system. (Please note that the "Live" electronic filing system and the "Training Area" are different systems. Setting your e-mail notification in one system does not set it in the other.)
2. Click on "*Utilities*"
3. Click on "*Maintain Your Account*"
4. Click on "*Email Information*"
5. Enter your correct email address in the "*Primary e-mail address*" box. You may include more than one e-mail address (i.e. work, home).
6. Under "*Send the notices specified below*", there will be a U next to "*to my primary e-mail address.*" Click on the box "*to these additional addresses*" to identify any additional email addresses of others you would like to receive electronic notice (i.e. an associate, para-legal, secretary).
7. You will find a U next to "*Send notices in cases in which I am involved*". Click on the box "*Send notices in these additional cases*" to receive notification of activity for other cases. In the box to the right, enter the case numbers each on a separate line. Please use the format YY-#### (ex. 97-1234). You do not have to be a party in the cases entered.
8. Select the type of notice you would like to receive. Notice "*Send a notice for each filing*" is automatically selected. This selection sends notices to you immediately upon filing. Click on "*Send a Daily Summary Report*" to have a summary of the notices sent to you at the end of the day (usually at midnight). If you seek electronic notice in only a handful of cases, this selection is the preferred method.
9. Under Format notices, select the format of the notice most appropriate to your e-mail system. Select "*html format for Netscape or ISP e-mail service*" or "*text format for cc:Mail, GroupWise, other e-mail service.*" Some experimentation may be required.
10. Click on "*Return to Account Screen.*" From the Account Screen, select "*Submit.*" You will receive a confirmation screen listing the cases and e-mail options you have selected.