

# CIVIL CASES

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## *Administrative Procedures*

FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND DOCUMENTS IN  
THE DISTRICT COURT UNDER THE  
CASE MANAGEMENT/ELECTRONIC CASE FILES SYSTEM  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING  
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**I. THE CASE MANAGEMENT/ELECTRONIC CASE FILES SYSTEM**

**A. AUTHORIZATION**

**General Order** 04-0001 adopts the Case Management/Electronic Case Files (“CM/ECF”) System and authorizes electronic filing in conjunction with Federal Rule of Civil Procedure 5(e). Pursuant to this order, the following procedures govern electronic filing in this district unless, due to extraordinary circumstances in a particular case, a judicial officer determines that the requirements of these policies and procedures should be modified in the interest of justice. **The General Order and these Procedures are effective November 1, 2004.**

**B. DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply to these Procedures for the CM/ECF System:

- ▶ 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, pro se litigants, and other persons or entities eligible to receive notice.
- ▶ The terms “CM/ECF” and “the System” refer to the court’s Case Management/Electronic Case Files System.
- ▶ The term “CM/ECF website” refers to the official Internet site of the Northern District of Alabama at <http://www.alnd.uscourts.gov>. Click on the CM/ECF link.
- ▶ A “CM/ECF user” is a person who is registered to file electronically, receive electronic noticing and to browse the System.
- ▶ “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 email does not constitute “electronic filing.”
- ▶ The “Email Address of Record” refers to the Internet email address(s) of each party to the case as maintained by the Clerk.

- ▶ A “Notice of Electronic Filing” (“NEF”) is generated automatically by the ECF System upon completion of an electronic filing. The NEF emailed to the email addresses of record in the case acts as the proof of service, except as noted in these procedures.
- ▶ 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 visit the websites of PDF vendors, such as <http://www.adobe.com/products/acrobat> or <http://www.fineprint.com>. Users are encouraged to use Adobe to save PDF documents.
- ▶ The term “conventional filing” refers to documents filed in paper.
- ▶ The term “initial pleading” refers to any document that results in the opening of a civil case.
- ▶ Procedures and instructions for using the court’s CM/ECF System consistent with these policies may be found on the CM/ECF website.
- ▶ All hours stated shall be Central time.

### C. TECHNICAL SPECIFICATIONS

1. 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 file System. Other specifications are also indicated for optimum performance.
  - a. A computer running a Windows or a Macintosh operating system.
  - b. Software able to convert documents from a word processor such as WordPerfect or Word to PDF. Adobe is preferred as the software for conversion to PDF.
  - c. Netscape browser version 4.7x or higher or Internet Explorer 5.5 or higher, each with 128 bit encryption is strongly recommended.
  - d. High speed internet access.
  - e. A scanner, if non-computerized documents need to be imaged.
2. When scanning documents to be subsequently filed electronically, filing parties should make certain their **scanners are configured for 200 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.

3. 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 more than 5 megabytes will be rejected by the System and may be filed conventionally if the filer cannot break the document into segments of not more than 5 megabytes. As an estimate, PDF documents produced by converting a normal text file using conversion software can yield between 300 and 500 pages per 1 megabyte depending on the software used; scanned documents will yield considerably fewer pages (approximately one-tenth the number of pages depending on the scanner settings). Documents with color and graphics may yield even fewer pages. Filers are encouraged to save document to black and white only in PDF format using Adobe software which produces a smaller document.

#### **D. 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. Several judges restrict filing times to normal business hours of the Clerk of Court. Restrictions are listed on the webpages of the individual judges which can be accessed on the court's Internet site at [www.alnd.uscourts.gov](http://www.alnd.uscourts.gov). Clerk's office staff is available to respond to questions regarding the electronic files system and the registration process and to receive voice mail messages. The deputy docket clerk assigned to each of the judges is available from 8:30 a.m. to 4:30 p.m. Monday through Friday and will accept voice mail messages at any time. Calls received after 4:30 p.m. will be returned the morning of the next business day.

If a party misses a filing deadline due to an inability to file electronically, the party may seek relief by filing an appropriate motion.

#### **E. 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 the official implementation date, currently January 1, 2005, in all cases, no matter when a case was originally filed, shall be filed electronically, with the following exceptions:

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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.

1. Parties proceeding pro se shall not file electronically. Attorneys appearing in cases with pro se parties may electronically file documents and serve pro se parties conventionally.
2. The filing of social security cases shall be subject to the limitations imposed in Section III(C) of these procedures.
3. A registered CM/ECF user may apply in a particular case to the assigned judge for permission to file documents conventionally, for good cause shown. Even 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 that documents be filed electronically using the System. If the case is reassigned, the judge receiving the case may review and withdraw previously granted permission to file conventionally.
4. The Clerk's office or any judge of this court may deviate from the requirements of 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. Documents filed thereafter will be affected by the change. The court may also amend these procedures at any time without prior notice. The most current version of Civil Administrative Procedures can always be found on the court's website at [www.alnd.uscourts.gov](http://www.alnd.uscourts.gov).

## **F. REGISTRATION**

1. Each attorney who wishes to practice in this court will register for CM/ECF Electronic Noticing. The Attorney Update and Registration for E-Noticing form is available on the court's website at <http://www.alnd.uscourts.gov>; click on the CM/ECF link.
2. The court will issue logins and passwords to attorneys in good standing in the Northern District of Alabama. To be in good standing, an attorney must meet the requirements in N.D. ALA. LR 83.1. The login assigned will correspond to the attorney's Alabama State Bar identification number. The initial password will be assigned by the court. Attorneys should change their password as soon as possible after registering. The court will issue logins and passwords to attorneys practicing pro hac vice in the Northern District of Alabama. The login assigned will correspond to the Bar identification number assigned in his/her state of residence. Attorneys should contact the Clerk's office to resolve any question regarding assignment of the login.
3. 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 the registration is processed. The user must reply to the email for confirmation to activate the account.

4. Each attorney filing electronically must complete and submit an Attorney Electronic Filing Registration Form. The form is available on the court's website at <http://www.alnd.uscourts.gov>; click on the CM/ECF link.
5. Once registered, attorneys may withdraw from participating in CM/ECF only with written permission from the court for good cause shown. Upon entry of an order withdrawing an attorney, the Clerk's office will immediately cancel the attorney's password and delete the attorney's name from applicable electronic service lists.
6. After registering, attorneys should change their passwords. If an attorney has information that the security of an existing password may have been compromised, the attorney should immediately change his or her password and notify the Clerk's office about the potential breach of security.
7. An attorney whose email address, mailing address, telephone or fax number has changed shall timely file a Notice of Change of Address in any active case in which that attorney is attorney of record. One notice to the court will change the address in every active case as of the date the notice is electronically filed.
8. **A PACER login is required in addition to the CM/ECF login and password issued by the court in order to file electronically and to access the System.** To register for PACER, a user must complete the online form or submit a registration form, available on the PACER website at <http://pacer.psc.uscourts.gov>.

## **G. LOGIN AND PASSWORD**

Each attorney admitted to practice in the Northern District of Alabama shall be entitled to one login and password from the District Court. The login and password permit 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. Use of the login and password to file documents will have the same effect as an original signature under Rule 11 of the Federal Rules of Civil Procedure.
3. Registration for a login and password is governed by Section I(F).

4. An attorney admitted pro hac vice must register for a login and password in accordance with these Administrative Procedures. The \$50 fee may be paid online via **Pay.gov** during the filing of the event or mailed to the Clerk at the time the motion for pro hac vice admission is electronically filed.
5. To comply with CM/ECF requirements, the password must consist of (a) at least eight characters, (b) contain both uppercase and lowercase characters, and (c) contain at least one numeral or special character (such as \$, %, #, \*, &, ?).

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

### **A. FILING**

1. Electronically filed documents must meet the requirements of Rule 10 of the Federal Rules of Civil Procedure (Form of Pleadings).
2. All pleadings, motions, 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.

Emailing 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 Section II(B)1 of these procedures.

3. Summons and Complaints.
  - (a) A party may submit initial pleadings (complaint, notice of removal, miscellaneous motions, summons, and civil cover sheet) in two ways: (1) via CM/ECF under the section entitled "Send New Case to Clerk" under CASE INITIATING DOCUMENTS or (2) file it in the Clerk's office in paper format. If filing in paper format your document must be signed and you must provide the Clerk a disk with a PDF image of all initial pleadings and documents. Payment of the initial filing fee may be made in the Clerk's office by check or credit card or electronically in CM/ECF via Pay.gov. The Clerk will assign a judge and electronically file the initial pleading document when the case is opened so that images will be available in CM/ECF.
  - (b) A party may not electronically serve a summons and complaint, but instead must perfect service according to one of the methods allowed by Rule 4 of the Federal Rules of Civil Procedure.



(c) If a party wishes the Clerk's office to effect service of the initial pleading by means of certified mail, the party must file a written request for certified mail service and provide to the Clerk's office service materials including copies of all documents to be served, summonses, and pre-addressed envelopes with postage and certified mail, return receipt requested ("CMRRR") forms returnable to the Clerk of Court. The filing party may elect some other conventional form of service permitted by the Federal Rules of Civil Procedure.

4. Pleadings or documents will be deemed timely filed on any particular date if filed prior to midnight on that date unless otherwise limited by order of this court. The time of filing is governed by the Notice of Electronic Filing which is generated after the document is uploaded to the court's CM/ECF server. Attorneys should be aware that large filings initiated close to midnight may not complete before the date changes in the System.
5. Documents which require leave of court, such as amended complaints, shall be attached as an exhibit to the motion for leave to file as set out in Section IV(B). If the court grants the motion, the attorney must electronically file an exact duplicate of the attachment.
6. Pleadings, attachments and exhibits larger than 5 megabytes may be filed electronically in separate 5 megabyte segments. Documents and exhibits which cannot be produced in digital format may be filed in paper format with conventional service on the other side. The filing party must additionally file an electronic notice of filing of paper documents in the CM/ECF system.
7. The Clerk's office shall not maintain a paper court file in any case begun after the effective date of these procedures except as otherwise provided in these procedures. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures.
8. The filing of civil discovery shall be governed by N.D. ALA. LR 5.1. The filing of discovery materials as required by N.D. ALA. LR 5.1(c) or as required by the court shall be accomplished electronically. Attorneys shall determine among themselves the manner of exchanging discovery, whether it be by posted mail, email, courier, etc.
9. For all filings electronic or conventional, the style of the civil case number on the face of the document will change as follows:

[Division#]:[2-digit year]-cv-[case #][Initials of presiding judge][Initials of referral judge]

Division numbers: 1-Eastern, 2-Southern, 3-Northwestern, 4-Middle, 5-Northeastern, 6-Jasper, 7-Western

For example, 2:04-cv-5000-KOB-JEO is the court's 5,000<sup>th</sup> civil case filed in 2004. The case was filed in the Southern Division and is assigned to Chief Judge Bowdre and referred to Chief Magistrate Judge Ott. The system will read case number with or without dashes and will find the case with only the year and number.

10. All motions, pleadings, and other papers filed electronically *during* or within *twenty-four hours prior* to a trial, hearing, or other proceeding related to the case in which the filing occurs shall be accompanied by a paper copy of the filing to be distributed to the appropriate chambers by the Clerk.
11. Affidavits and requests for execution of judgment shall be electronically filed, but proposed execution orders and process, such as garnishments, notices of garnishment, levies, and executions, shall be emailed (in Word or WordPerfect format) to the appropriate judicial officer's helpdesk as listed on the court's webpage. Forms necessary for the Marshal to serve execution orders (*e.g.*, USMS-285) are to be prepared in conventional paper format and hand delivered to the Clerk for forwarding to the Marshals Service.
12. Pursuant to the policy set forth in Rule 13 of the Model Local Rules for Electronic Case Filing, endorsed by the Judicial Conference in October 2005, a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in a document. **A hyperlink reference is extraneous to a filed document and is not a part of the court's record.** In order to preserve the integrity of the court record, users wishing to insert hyperlinks in court filings shall continue to use the conventional citation method for the cited authority, in addition to the hyperlink. Hyperlinks are only permissible for legal references and citations and are not to include advertisements. The court may direct the Clerk to strike any pleading which contains an inappropriate hyperlink.
13. **Filing a Document Containing Redactions**

Unless redacted properly, redactions in pdf documents can be revealed using Adobe Acrobat Pro, even after the document has been filed electronically in the CM/ECF system. Adobe provides an overview of how to redact documents and remove sensitive information at the following link: <https://helpx.adobe.com/acrobat/using/removing-sensitive-content-pdfs.html>

Here is an additional link for assistance with handling redactions in a pdf document: <https://lawyerist.com/how-to-redact-a-pdf/>

To properly make redactions that cannot be revealed, use the following steps:

First, open the document you wish to redact in Acrobat Pro, go to the Tools menu, then select **Redact**. Doing so will bring up the redaction tools when you return to your document. Select **Mark for Redaction** and Adobe will remind you that redacting is a two-step process. In the document, highlight the text you want to redact and Acrobat will outline it in red. Then click **Apply** to redact the highlighted text. Acrobat will ask if you are sure you want the material redacted. If so, click **OK**.

The second step of the two-step process is to remove metadata regarding the redacted text. After you click **OK**, Acrobat will then ask you if you want to find and remove any other hidden information. You should always say **Yes** to this. Acrobat is asking if you want to remove the metadata, and you always want to remove the metadata.

Alternatively, to assure that redactions cannot be revealed once a document is filed in CM/ECF, the document should be printed and the redactions made with a black marker. The marked document can then be scanned and the resulting pdf can be filed in CM/ECF.

## **B. SERVICE**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a NEF to the filing party and to any other party who is a registered user and has requested electronic notice in that case.<sup>2</sup>
  - (a) If the recipient is a registered participant in the System, the System's emailing of the NEF shall be the equivalent of service of the pleading or other paper by hand delivery.
  - (b) Service of the NEF on a party who is not a registered participant in the System may be accomplished by email, subject to the additional service requirements of paragraph 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.

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<sup>2</sup>To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

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 must include the NEF to provide the recipient with proof of the filing.
4. A filer who elects to bring a document to the Clerk's office for scanning and uploading to the System due to technical difficulties, must serve conventional copies on all non-registered parties to the case. Some delay in the uploading and subsequent electronic noticing of the document may be expected. If time is an issue, filers should consider paper service or notice by an alternate means on registered parties, such as email or fax.

### C. SIGNATURES AND AFFIDAVITS

1. A pleading or other document requiring an attorney's signature shall be signed in the following manner if filed electronically: "s/(attorney name)." The correct format for an attorney signature is as follows:

**s/E. Cape Able** [or electronic signature]  
Able Attorney  
Bar Number: 12345  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 Biscuit Street  
Birmingham, Alabama 35203  
Telephone: (205) 123-4567  
Fax: (205) 123-7654  
Email: ecapeable\_attorney@law.com

2. Documents that must contain original signatures, such as affidavits, contracts, bonds, etc., 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 electronic filing must include a certificate that the filer currently holds the original signature document with all the formalities. 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 at least one (1) year after exhaustion of time to appeal final resolution of the action, or issuance of mandate from the Court of 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 by submitting a scanned document containing all necessary signatures.

**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 check, money order, or cash. The Clerk's office will document 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**

1. Court personnel will electronically file all orders and notices entered by the court. An order signed, entered and noticed electronically has the same force and effect of a traditional paper copy of the order signed and entered conventionally.
2. The court will fax or mail copies of orders entered electronically to pro se parties who are not registered participants of the CM/ECF System.

**3. Submitting Proposed Orders**

Proposed orders may be electronically submitted directly to chambers as an attachment to an email and not submitted electronically through the court's CM/ECF System. The email should include the case number and style in the subject line. Attorneys are encouraged to send proposed orders directly to chambers in Word or WordPerfect format. Special email addresses for each judge are listed on the court's website. If the judge approves the proposed order, it will be electronically signed and filed in CM/ECF by court staff.

**4. Filing Proposed Documents**

If leave of court is required before a party may file a document, such as an amended complaint or a document which will be filed out of time, the proposed document shall be attached as an exhibit to the motion requesting leave of court. If the court grants the motion, the attorney must file electronically an exact duplicate of the proposed document.

**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>3</sup>

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<sup>3</sup>Readers may view the "CM/ECF Civil Menu for Attorneys" on the CM/ECF link on the court's website: [www.alnd.uscourts.gov](http://www.alnd.uscourts.gov).

## **G. CORRECTING DOCKET ENTRIES**

1. Once a document is filed electronically 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 and the Notice of Electronic Filing has been displayed.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, 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 re-file the document.**
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 re-filed.
4. The Clerk will correct filing-process errors, such as errors related to case numbers, document-type selection, filing in the wrong case, and obviously erroneous filings, but will not remove or correct documents correctly filed in a case simply because counsel requests removal or correction for reasons unrelated to errors in the process of electronic filing.

## **H. TECHNICAL FAILURES**

1. The Clerk's office shall deem the Northern 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. Scheduled maintenance outages of the system will be posted on the website prior to the outage.
2. Technical problems encountered by the filer, such as phone lines, 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 his own technical problems may bring a disk to the Clerk's office for filing.
3. A filing party whose pleading is made untimely as the result of a technical failure of the court's CM/ECF site may seek relief by filing an appropriate motion.

## 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. Pursuant to the E-Government Act, e-filers are required to redact the five personal data identifiers from electronically filed documents, 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.
5. **Addresses of Individuals.** If the address of an individual is relevant, only the city and state 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 conventionally file, with leave of court, an un-redacted document under seal. This document shall be retained by the court as part of the record. The court, however, will require a redacted version of the pleading to be filed electronically for the public file. Caution is recommended with regard to other personal identifiers, such as driver's license, medical records, treatment and diagnosis, employment history, individual financial information, and proprietary or trade secret information.

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 the responsibility of counsel for the Social Security claimant to provide to the U.S. Attorney's office, by separate letter, the social security number of the plaintiff upon the filing of a new social security case.**

### III. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally. Attorneys are required to additionally submit, with the paper filing, a disk containing a PDF image of the complaint. The Clerk will scan and electronically file paper documents for pro se parties and others excused by the court for good cause shown from the requirement of submitting a disk. Documents which are not available in electronic format such as transcripts before the Office of Hearings and Appeals filed in Social Security cases and state trial transcripts offered by the State of Alabama in habeas corpus cases may be filed conventionally as set out in Section III(C) below. The court may authorize conventional filing of other documents upon a showing of good cause by the filer.

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

**Before a document is filed under seal, the filing party first must obtain permission from a judicial officer by filing a motion or application seeking leave to file a sealed document. At the same time, the document(s) proposed to be sealed is to be submitted to the Clerk in conventional paper format with a PDF copy of the document(s) on a disk.** A party must electronically file the motion or application for leave to file documents under seal, but **the filer should not electronically attach the document(s) proposed to be sealed.** A motion or application for leave to file documents under seal which is not filed electronically shall be presented in conventional paper format to the Clerk's office, together with a PDF version of the motion and sealed document(s) on a disk, along with a proposed order in paper format. If the motion or application is granted, the assigned judge, or designee, will enter an order authorizing the filing of the document(s) under seal, and the Clerk will file electronically the PDF version of the sealed document(s). **The filer should not undertake to electronically file the sealed document(s).** Documents so filed will be available for viewing only by counsel in the case and court staff assigned to the presiding judicial officer(s). Counsel must serve copies of seal documents on opposing counsel by mail.

#### B. PRO SE LITIGANTS

Pro se litigants shall file paper originals of all 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 and file the document electronically and retain the paper original. The official court record will be the electronic file maintained on the court's servers.

#### C. SOCIAL SECURITY AND TITLE 28 U.S.C. § 2254 CASES

Absent a showing of good cause, all documents, notices, and orders filed in social security reviews and state habeas cases shall be filed and noticed electronically, except as noted:



1. Answers of the government in Social Security cases will be electronically filed. The transcript of the Office of Hearings and Appeals, which is attached as an exhibit to the answer, will be electronically filed by the Social Security Administration (“SSA”); a paper courtesy copy will also be provided to the court on the same day according to Section II(A)(3) of these procedures. Service of electronic copies on opposing counsel will be accomplished via CM/ECF; pro se and/or incarcerated parties shall be by conventional means. If conventionally filed, the Clerk will not scan or place the transcript into the System, but will retain the paper copy of the transcript in accordance with the records management guide.
2. Answers in habeas corpus cases filed pursuant to Title 28 U.S.C. § 2254 will be electronically filed. The transcript of the state proceedings, which is attached as an exhibit to the answer, will be conventionally filed in paper on the same day according to Section II(A)(3), unless an electronic version is available. Service on opposing counsel, pro se and/or incarcerated parties shall be by conventional means. If conventionally filed, the Clerk will not scan or place the transcript into the System, but will retain the paper copy of the transcript in accordance with the records management guide.
3. All other documents in Social Security and habeas corpus cases, including briefs, will be filed and served electronically unless the court otherwise orders.
4. If filed electronically, transcripts and exhibits in a Social Security case will be available only to attorneys of record and court staff. Internet access to all other documents filed in a Social Security case will be identical to all other civil cases.
5. Counsel and pro se parties filing Social Security cases are required to provide the social security number of the plaintiff to the U. S. Attorney by separate letter outside the CM/ECF System.

#### **D. COPY REQUIREMENT FOR OVERSIZE DOCUMENTS**

For all electronic filings of twenty-five (25) pages or more, counsel is required to supply **one** conventional (paper) copy of the filing to the Clerk of Court. Such paper copies of the documents are to be submitted to the Clerk’s office, **not to chambers**, within twenty-four hours after the electronic filing. The electronically filed document shall remain the official filing, and any discrepancy between it and the paper copy is resolved in favor of the electronically filed version. **Some judges have waived this requirement with respect to filings other than summary judgment submissions, which can be determined by reviewing the judge’s personal webpage linked to the court’s webpage.**

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

Originals of documents which have been scanned by counsel and filed electronically must be retained by the filing party and made available upon request to the court and other parties for a period of at least one (1) year following the expiration of all time periods for appeals, or resolution of appeals, whichever is later.

**F. SERVICE OF CONVENTIONAL FILINGS**

A filer who files documents conventionally pursuant to these Administrative Procedures by bringing a document to the Clerk's office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case in accordance with the Federal Rules of Civil Procedure. Some delay in the uploading and subsequent electronic noticing of the document may be expected. If time of receipt by opposing counsel is an issue, filers should serve paper copies on registered parties conventionally or by an alternate means, such as email or fax.

**IV. EXHIBITS**

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

This section applies to attachments and 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 Section IV(B) of these procedures.

1. Attachments and exhibits to documents which are too large to convert to a usable electronic format, such as books, large color pictures or old documents of poor quality, may be conventionally filed with the Clerk and served on opposing counsel. The conventionally filed document or electronically filed document with exhibits must include a statement that the attachments and/or exhibits are being conventionally filed. Documents so filed shall be retained by the Clerk in accordance with the records management guide.
2. If possible, filers should electronically image, *i.e.*, "scan," a paper exhibit that is fewer than 5 megabytes and submit the exhibit as a PDF file. 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 5 megabytes only if they are filed in separate 5-megabyte segments. Electronically filed documents with large attachments and/or exhibits must attach an appendix clearly identifying the exhibits and attachments. Additionally, each PDF attachment of exhibits or evidence should clearly identify the content in the description field on the electronic filing.

3. If the scanner is set to scan in color, documents will take much longer to upload; filing parties should configure their scanners to scan documents at 200 dpi and in black and white, not 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 must verify the readability of scanned documents before filing them electronically with the court.
5. Exhibits submitted conventionally shall be served on other parties conventionally.

**B. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION**

1. A party electronically submitting evidentiary materials to the Clerk's office in support of, or in opposition to, a motion shall reference the base motion being supported or opposed in the caption of the pleading and include as the first attachment an index listing each item of evidence being filed. Attachments and exhibits which are too large to file electronically shall be filed in accordance with Sections IV(A)(1)&(2).
2. If possible, filing parties should electronically image, *i.e.*, "scan," a paper exhibit and attach the resulting PDF file(s) to the electronically filed motion if the attached files are no more than 5 megabytes each. Note that multiple files can be attached to a filing, so long as each does not exceed the 5 megabyte limitation. Each separate file attachment must be clearly identified in the index of the attachment for easy recognition.
3. If the scanner is set to scan in color, documents will take much longer to upload; filing parties should configure their scanners to scan documents at 200 dpi and in black and white, not 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. Copies of conventionally filed supporting materials shall be served on other parties conventionally.

**C. TRIAL AND HEARING EXHIBITS**

Effective December 1, 2016, the United States Court of Appeals for the Eleventh Circuit adopted changes to its Local Rules and Internal Operating Procedures that impact the manner in which trial or hearing exhibits are transmitted to the court of

appeals in connection with appeals. For purposes of CM/ECF, there are three (3) important requirements:

- “The district court clerk must include in the electronic record on appeal electronic versions of all documentary exhibits admitted into evidence at trial or any evidentiary hearing”;
  - “If documentary exhibits have been sealed or marked confidential by the district court or the district court clerk, the district court clerk must transmit any such sealed or confidential documentary exhibits to this court either in their original form or in electronic form provided the electronic access is appropriately restricted,...”; and
  - “As to non-documentary physical exhibits, the parties are required to include photographs or other reproductions of such exhibits in the electronic record on appeal.”
1. In order to comply with the Eleventh Circuit’s requirements, beginning December 1, 2016, counsel offering any **documentary exhibit** at a trial or hearing must supply the courtroom deputy assigned to the trial or hearing a full, complete, and unaltered electronic version of each offered documentary exhibit, scanned or created in PDF format. (Counsel should refer to paragraph I(C)(2) of this Administrative Procedures Manual for specifications related to scanning and creating PDF-formatted files). To enable the courtroom deputy to electronically docket each separate exhibit, each exhibit shall be a separate PDF-formatted electronic file (*i.e.*, trial or hearing exhibits should NOT be combined in one large PDF file).
  2. At the beginning of the trial or hearing, counsel must supply the courtroom deputy with a disk or other electronic medium on which such separate exhibit files have been stored so that the courtroom deputy may upload each such exhibit file to CM/ECF at the conclusion of the trial or hearing. The labeling of each electronic exhibit file must correspond to the exhibit number or other identification on the documentary exhibit. If counsel offers an exhibit for which he or she has not supplied an electronic version at the beginning of the trial or hearing, counsel shall provide such an electronic version before the end of the proceeding.
  3. In the event counsel desires to keep an exhibit confidential or sealed, counsel should bring that to the attention of the court and the courtroom deputy so that appropriate docketing can occur.
  4. For every **non-documentary physical exhibit**, counsel must supply the courtroom deputy with one or more unaltered and unannotated photographs, drawings, diagrams, or other depictions of the exhibit, scanned or created in PDF format for electronic filing. Multiple photographs, drawings, diagrams,

or depictions of the same physical exhibit may be combined into one PDF-formatted file, but separate electronic files will be provided for each separate exhibit.

5. At the beginning of a trial or hearing, counsel shall provide the courtroom deputy with a disk or other electronic medium on which such PDF-formatted electronic files depicting physical exhibits have been stored. The courtroom deputy will upload and docket into CM/ECF the electronic files related to admitted exhibits at the conclusion of the trial or hearing. The labeling of each electronic exhibit file must correspond to the exhibit number or other identification on the physical exhibit. If counsel offers an exhibit for which he or she has not supplied an electronic depiction at the beginning of the trial or hearing, counsel shall provide such an electronic depiction before the end of the proceeding.
6. Counsel may request that the court instruct the courtroom deputy to upload and docket a documentary exhibit or depictions of a physical exhibit not admitted into evidence by the court for purposes of preserving for appeal an offer of proof as to such an exhibit, but such exhibit shall not be displayed to or revealed to the jury.

## **V. PUBLIC ACCESS TO THE SYSTEM DOCKET**

### **A. PUBLIC ACCESS AT THE COURT**

Electronic access to the electronic docket and documents filed in the System is available 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**

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>4</sup>

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<sup>4</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, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. The maximum charge per document is \$2.10.

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.

**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.

# **FORM ATTACHMENT**

# FORM A

## SAMPLE FORMAT

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

Plaintiff,	)	
	)	
	)	
vs.	)	Case No. 2:04-cv-5000-KOB-JEO
	)	
Defendant.	)	

### 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]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
Email: xxx@xxx.xxx  
[attorney bar number, if applicable]