

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.³

³Readers may view the "CM/ECF Civil Menu for Attorneys" on the CM/ECF link on the court's website: www.alnd.uscourts.gov.

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 10 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 10 megabytes only if they are filed in separate 10-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 10 megabytes each. Note that multiple files can be attached to a filing, so long as each does not exceed the 10 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.⁴

⁴According 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]