

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.

(a) A filing party moving for issuance of a writ, warrant, or summons should advise the judge if a prompt ruling is required. Any proposed writ or summons should be emailed directly to chambers in WordPerfect or Word format.

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

4. **Filing Proposed Documents**

If leave of court is required before a party may file a document, 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 into the System.

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.⁴

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.

⁴Readers may view the "CM/ECF Criminal Menu for Attorneys" on the CM/ECF link on the court's website: www.alnd.uscourts.gov.

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 **five (5)** personal data identifiers **must be redacted** 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 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 inclusion of 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 compliance with the rule.

III. CONVENTIONAL FILING OF DOCUMENTS

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

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 conventionally file paper originals of all 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. 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 Criminal 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 alternate means, such as email or fax.

D. 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.

E. 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 selected filings which can be determined by reviewing the judge's personal webpage linked to the court's webpage.**

F. WAIVERS OF ARRAIGNMENT

A Waiver of Arraignment and Plea of Not Guilty as authorized by Rule 10(b) of the Federal Rules of Criminal Procedure, is not effective if filed electronically and will not excuse a defendant or counsel from appearing if notified to appear for arraignment. A waiver under Rule 10(b)(2) is not effective until accepted and approved by the court (Rule 10(b)(3)). A document styled as a Waiver is a legal nullity unless and until accepted by the court. The only circumstance under which a written Waiver of Arraignment and Plea of Not Guilty has been accepted by the court has involved a superseding indictment in which there has been no substantive change to the charge made against a waiving defendant. The Waiver of Arraignment and Plea of Not Guilty must be on a paper form provided directly to counsel by a judge of this court, and signed by both counsel and the defendant. The Waiver of Arraignment and Plea of Not Guilty is to be returned directly to the chambers of the judge providing the form, not filed with the Clerk of the Court. **The waiver is valid only upon its acceptance by the court as certified by the judge's signature on the same form which contains the original signatures of both the defendant and defendant's counsel.** No other method of waiver of arraignment and plea of not guilty pursuant to Rule 10 has been or will be accepted by the United States District Court for the Northern District of Alabama without special order.

IV. EXHIBITS

A. ATTACHMENTS/EVIDENCE NOT IN SUPPORT OF A MOTION

This section applies to exhibits other than those submitted in support of a motion. 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 conventional charging 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, a filing party 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. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates. Lengthy documents submitted to the Clerk's office in paper form shall not be bound or stapled or paper clipped, but rather, shall be held together by removable spring binding clips.
6. 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

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 criminal cases, but excluding review of calendars and similar general information.⁵
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.

⁵According 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 Criminal 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 ATTACHMENT

FORM A

SAMPLE FORMAT

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

UNITED STATES OF AMERICA)	
)	
vs.)	Case No. 2:04-cr-500-LSC-SGC
)	
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]