

# CRIMINAL 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 (CM/ECF) SYSTEM  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE 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 No. 2:04-mc-3164** adopts the Case Management/Electronic Case Files (CM/ECF) System and authorizes electronic filing in conjunction with FED.R.CRIM.P. 57. 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 April 5, 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 Web site” refers to the official Internet site of the Middle District of Alabama at <http://www.almd.uscourts.gov>. Click on the CM/ECF link.
- ▶ A “CM/ECF User” is a person who is registered to use the CM/ECF System. A CM/ECF Noticed User is a person who is initially signed up only for electronic noticing and is able to browse the System. A CM/ECF Filer is a person who is also registered to file electronically.
- ▶ “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” refers to the internet e-mail address(s) 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 (NEF) e-mailed to the e-mail 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 web sites of PDF vendors, such as <http://www.adobe.com/products/acrobat> or <http://www.fineprint.com>.
- ▶ Procedures and instructions for using the Court’s CM/ECF System consistent with these policies may be found on the CM/ECF Web site.
- ▶ 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 portable document format (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. If scanning documents to be subsequently filed electronically, filing parties should make certain their **scanners are set for at least 300 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 10 megabytes will be rejected by the System and must be filed conventionally. You may, however, file your document in 10 megabyte chunks as attachments. As an estimate, PDF documents produced by converting a

normal text file using conversion software can yield between 300 and 500 pages per 1 MG 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.

#### **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. The Clerk's Office has established a Help Desk (334.954.3935) to respond to questions regarding the electronic files 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's office 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 A**).

#### **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 planned as April 5, 2004, in criminal cases, no matter when a case was originally filed, shall be filed electronically, with the following exceptions:

1. Parties proceeding pro se, however, shall not file electronically.
2. A case filed under seal will be maintained in paper form and will not be placed on the System unless the assigned judge orders the case unsealed.
3. Juvenile criminal matters shall not be filed electronically unless, after hearing, the court rules that the juvenile shall be tried as an adult.

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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.

4. While only registered attorneys of record had remote access to documents in criminal cases originally, public remote access<sup>2</sup> was made available subsequently. Also, members of the public may view electronic criminal docket sheets and documents at the public terminals in the Clerk's Office.
5. A registered CM/ECF Filer may apply in a particular case to the assigned judge for permission to file documents conventionally. 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.
6. 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. The court may also amend these procedures at any time without prior notice.

#### **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 web site <http://www.almd.uscourts.gov>; click on the CM/ECF link
2. 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 M.D. ALA. LR 83.1. The login assigned will correspond to the attorney's last name (the first 4 letters or if the last name has fewer than 4 letters, the remaining spaces will be filled in with x's followed by the last four digits of the user's social security number.) The initial password will correspond to the last four digits of the social security number followed by the first four letters of the last name (or x-filled if fewer).
3. To ensure that the Clerk's Office has correctly entered a registering attorney's e-mail address in the System, the Clerk's Office will send the attorney an e-mail message after the registration is processed.

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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."

4. Each attorney filing electronically must complete and submit an Attorney Electronic Filing Registration Form. The form will be available on the court's web site at <http://www.almd.uscourts.gov>; click on the CM/ECF link.
5. Once registered, an attorney may withdraw from participating in the System by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk of the Court. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list.
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 immediately must change his or her password and notify the Clerk's Office's Help Desk (telephone: 334.954.3935) about the potential breach of security.
7. An attorney whose e-mail address, mailing address, telephone or fax number has changed shall timely file a Notice of Change of Address in every active case in which that attorney is attorney of record.

Additionally, any ECF Filer must also update his or her user account in the System. This update must be effected prior to the electronic filing of the Notices of Change of Address. **Training materials and instruction will be provided as part of the CM/ECF Electronic Filing Registration.**

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 web site (<http://pacer.psc.uscourts.gov>).

## **G. LOGIN and PASSWORD**

Each attorney admitted to practice in the Middle 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.
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. CRIM P. 47 and shall be in a visual format that would comply with M.D. ALA. LR 5.5, as if they had been submitted on paper.
2. All charging documents (including the complaint, information, and indictment), 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.

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 Criminal Procedure until the filing party receives a System-generated "Notice of Electronic Filing" described in paragraph II(B)1 of these procedures.

3. Pleadings or documents will be deemed timely filed if filed prior to midnight. The time of filing is governed by the Notice of Electronic Filing; in some cases, large filings initiated close to midnight may not be completed by midnight. However, if the time of day is of the essence, the assigned judge may order that document to be filed by a time certain.
4. 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 attorney must file electronically an exact duplicate of the attachment.
5. Attachments and exhibits larger than 10 megabytes may be filed electronically in separate 10-megabyte segments or may be submitted, in conventional format. 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. If the document is filed conventionally, the filing party must serve conventional copies on all other parties to the case.
6. 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.



7. For all filings electronic or conventional, the style of the criminal case number on the face of the document shall change as follows:

[division#]:[2-digit year]-cr (or mj)-[case #]-[presider judge initials]

With Division numbers: 1-Southern, 2-Northern, 3-Eastern

JUDGE	INITIALS	JUDGE	INITIALS	JUDGE	INITIALS
Albritton	WHA	Fuller	MEF	Walker	SRW
Capel	WC	Hobbs	TMH	Watkins	WKW
Coody	CSC	Moorer	TFM		
DeMent	ID	Thompson	MHT		

For example, 2:04-cr-500-WHA is the court’s 500<sup>th</sup> criminal case filed in 2004. The case was filed in the Northern Division and is assigned to Judge Albritton. (You may also omit the intermediate dashes: 02:04cr500-WHA.)

Access on the System will require only the case year and number, for example, 4-500.

## **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” (NEF) to the filing party and to any other party who is a registered user and has requested electronic notice in that case.<sup>3</sup>
  - (a) If the recipient is a registered participant in the System, the System’s e-mailing of the “NEF” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
  - (b) Service of the “NEF” 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

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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, 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.

Form B.

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 Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" (NEF) to provide the recipient with proof of the filing.
4. The three-day rule of FED.R.CRIM.P. 45(c) 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 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 e-mail 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  
Montgomery, Alabama 36101  
Telephone: (334) 123-4567  
Fax: (334) 123-7654  
E-mail: ecapeable\_attorney@law.com

2. Certain documents which must contain original signatures other than those of a participating attorney or which require either verification or an unsworn

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<sup>4</sup>Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

declaration under any rule or statute, shall be filed in paper, scanned and electronically filed in the ECF system, and maintained in the Clerk's office

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 or by certifying within the document that all parties have agreed.

#### **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 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**

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's signature were affixed 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 nonparticipant with proof of the filing.

#### **3. Submitting Proposed Orders**

Proposed orders, with the exception of proposed pretrial orders, must be submitted electronically, must be in PDF format, and must be attached as an exhibit to a motion or stipulation. In addition, attorneys are encouraged to send a Word or WordPerfect version of the proposed order to the judge as an attachment to an e-mail with the case number and style included in the subject line. Special e-mail addresses for each judge are listed on the Court's web site. If the judge approves the proposed order, it will be electronically signed and filed under a separate document number.

(a) 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.

(b) A motion to file documents under seal shall be made in the manner specified in 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.

#### **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 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.

#### **H. TECHNICAL FAILURES**

1. The Clerk's Office shall deem the Middle 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

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<sup>5</sup>Readers may view the "CM/ECF Criminal Menu for Attorneys" on the CM/ECF link on the court's web site: [www.almd.uscourts.gov](http://www.almd.uscourts.gov).

provisionally files a document via facsimile (fax), the filer then must conventionally or electronically file the document by the next day in accordance with M.D. Ala LR 5.4.

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 by filing a motion for relief together with the "Declaration of Technical Difficulties" referred to in section I-D of these procedures. (see Form A)

## 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** personal data identifiers **must be redacted** from the document, whether it is filed conventionally 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.
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 an un-redacted document under seal. This document shall be retained by the court as part of the record. The court, however, still requires 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 a 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.

### **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**

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 Clerk's Office along with a proposed order. If the motion or application is granted, the assigned judge or designee, will enter an 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.

#### **B. PRO SE LITIGANTS**

Pro se litigants shall 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 these original documents into an electronic file, but will also maintain a paper file.

#### **C. SERVICE OF CONVENTIONAL FILINGS**

A filer who elects to file conventionally 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 is an issue, filers should consider paper service or notice by an alternate means on registered parties, such as e-mail or fax.

#### **D. 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. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. A party may conventionally submit exhibits which are not available in electronic form or which are too lengthy to electronically image, *i.e.*, “scan.” 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. 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 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.
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 A MOTION**

In general, evidence in support of a motion should not be filed conventionally.

1. A party electronically submitting evidentiary materials to the Clerk’s Office in support of a motion shall also file electronically a separate index listing each item of evidence then being filed and identifying the motion to which it relates. A party filing conventionally must submit the index on paper, which the Clerk’s Office will scan and upload to the System.
2. If possible, however, a filing party should electronically image, *i.e.*, “scan,” a paper exhibit and attach the resulting PDF file(s) to the motion if the motion is

filed electronically and 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.

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 then 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 EXHIBITS**

Exhibits presented for trials and other proceedings will not be filed electronically. Such documents will be subject to M.D. Ala LR 5.2.

## **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.<sup>6</sup>

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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<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, 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.

# FORMS

FORM A                    **SAMPLE FORMAT**  
IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

UNITED STATES OF AMERICA    )  
  )  
vs.    )     Case No. 2:04-cr-500-A  
  )  
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]  
Name of Password Registrant  
Address  
City, State, Zip Code  
Phone: (xxx) xxx-xxxx  
Fax: (xxx) xxx-xxxx  
E-mail: xxx@xxx.xxx  
[attorney bar number, if applicable]

Note: 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 by filing a motion for relief together with the “Declaration of Technical Difficulties.”

**FORM B**

**SAMPLE FORMAT**

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

	)	
UNITED STATES OF AMERICA	)	
	)	
vs.	)	Case No. 2:04-cr-500-A
	)	
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  
 E-mail: xxx@xxx.xxx  
 [attorney bar number, if applicable]