

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

March 1, 2009

**GENERAL ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS
BY ELECTRONIC MEANS**

DEFINITIONS

1. “Electronic Case Filing System” (ECF) refers to the Court’s automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s ECF system, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute “electronic filing”.
3. “Notice of Electronic Filing” (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. “Public Access to Court Electronic Records” (PACER) is an automated system that allows an individual to view, print, and download Court docket information over the Internet.
5. “Portable Document Format” (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension “.pdf”. The program takes a “picture” of the original document and 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 www.adobe.com.
6. “Technical failure” is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer’s equipment or Internet connection.
7. “Separate Attachment” is a separate PDF document appended to an electronic filing.
8. “Proposed order” is a draft order for a judge’s signature submitted as a separate attachment to an electronic filing.

I. THE ELECTRONIC CASE FILING SYSTEM

A. IN GENERAL

All documents submitted for filing in this district after February 1, 2008¹, regardless of the original filing date of the case, shall be filed electronically using the Electronic Case Filing system (“ECF”) or shall be scanned and uploaded to ECF, unless otherwise required or permitted by these Administrative Procedures or unless otherwise authorized by the assigned judge. Documents may also be submitted for filing to the Clerk’s Office on CD-ROM as Portable Document Format (“PDF”) files. Although permitted by these Administrative Procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into .pdf format is not feasible. Any party presenting a CD-ROM to be filed will also present a paper “Notice of Filing of Electronic Media” signed by the party and describing the documents on the CD-ROM. *See* Form E to these Administrative Procedures.

Those members of the Bar who do not intend to file electronically at the earliest opportunity, must nonetheless register for a login and password in order to facilitate the use of electronic noticing by the Court and other electronic filers.

1. Effective February 1, 2008¹, absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, including attorneys admitted pro hac vice, must file documents electronically using the ECF System.
 - a. Electronically filed documents may contain the following types of hyperlinks:
 - (A) Hyperlinks to other portions of the same document; and
 - (B) Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The Court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be

¹ The Court anticipates mandatory filing to begin on February 1, 2008. Voluntary participation in electronic filing will occur on November 1, 2007

linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.

2. Unless an attorney in good standing and admitted to practice before the Bar of this Court, parties proceeding *pro se* shall not file electronically. See III(B) of these Administrative Procedures.
3. The filing of Social Security cases shall be subject to the limitations imposed in III(C) of these Administrative Procedures.
4. Sealed cases, and sealed documents in unsealed cases, will be scanned and uploaded into ECF but will not be available for public inspection until the assigned judge orders the case or document unsealed. The procedures for sealing documents or matters are set forth in section III(A) of these Administrative Procedures and LR 79.7.
5. An attorney may apply 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 and require the attorney to file documents electronically using ECF.

An attorney seeking the Court's permission to file conventionally rather than electronically, will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a "Proposed Order Granting Leave to File Conventionally." Such requests will be provided to the judge to whom the filer's case is assigned.

6. The Clerk's Office or any judge of this Court may deviate from these Administrative 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 Administrative Procedures at any time without prior notice.
7. Juvenile criminal matters shall not be filed electronically unless the Court rules that the juvenile shall be tried as an adult.

B. LOGINS & PASSWORDS.

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

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than authorized persons within his or her firm.

2. Once registered, the attorney bears the ultimate responsibility for all documents filed with his or her login.
3. Registration for a login is governed by section I(C).
4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.

C. REGISTRATION

1. Attorneys admitted to the bar of this Court, including attorneys admitted *pro hac vice*, must complete and submit an Attorney Registration Form online from the Court's web page (www.gas.uscourts.gov) or may use the Registration Form attached to these Administrative Procedures as Form A and mail or deliver the completed Registration Form to the Clerk's Office. An ECF login and password will be mailed back to the attorney and he/she may then access ECF to file pleadings electronically.

The Court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.

2. To ensure that the Clerk's Office has correctly entered a registering attorney's e-mail address in ECF, the Clerk's Office will send the attorney an e-mail message after assigning the attorney a login and password. The Clerk's Office will then either mail login information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her login information at the Clerk's Office.
3. Once registered, an attorney may withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal. Such notice must be in writing, and mailed or delivered to the Clerk of Court. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's e-mail address from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file cases or documents conventionally.
4. After registering, attorneys may change their passwords. If at any time an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately. In addition, the attorney must immediately notify the Clerk's Office by telephone of the security issue.
5. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties of the cases

in which the attorney is counsel of record. The attorney is responsible for keeping all of his/her contact information updated in ECF.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING

1. General Rules for All Filers

- a. All pleadings, motions, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents, to include attachments to the extent feasible, shall be electronically filed on ECF except as otherwise provided by these Administrative Procedures.
- b. E-mailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil/Criminal Procedure until the filing party receives an ECF-generated "Notice of Electronic Filing" described in II(B)1 of these Administrative Procedures.
- c. The Notice of Electronic Filing reflects the date and time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects a time prior to midnight on the due date. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.
- d. If filing a document requires leave of the Court, the attorney shall attach the proposed document as a separate attachment to the motion or request. If the motion or request is granted, the attorney shall then file the document electronically with the Court.
- e. Attachments and exhibits larger than five megabytes (5 MB) may be filed electronically in separate segments of 5 MB or smaller. If the filer is unable to divide a filing into segments of 5 MB or smaller, the filer may file in conventional format.
- f. The Clerk's Office shall not maintain a paper Court file in any case begun after the effective date of these Administrative Procedures except as otherwise provided herein. The official court record shall be the electronic file maintained by the Court. The official record shall include, however, initiating documents and other conventional documents or exhibits filed in accordance with these Administrative Procedures.

1. Except as otherwise provided by these Administrative Procedures, the Clerk may discard all original paper documents after they have been scanned and uploaded into ECF.²
 2. Documents that are electronically filed and require an original signature other than that of the filer should be maintained in paper form by the filer for at least five (5) years after the conclusion of an appeal or the expiration of the time for filing a timely appeal.
 3. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the documents. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.
- g. Official and contract court reporters will submit to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable. Official and contract court reporters must also either file the certified transcript of those proceedings electronically on ECF or submit a CD-ROM containing the certified transcript of the proceedings in PDF to the Clerk's Office for uploading.

2. Civil Cases (* updated on 3/1/2009)

- a. The initial pleading, civil cover sheet, application to proceed in forma pauperis, and the return of service of the summons may be filed either conventionally (in paper form) or by electronic means. If these documents are filed conventionally, then attorneys are required to submit a duplicate original of the documents on a CD-ROM as PDF files. If these documents are filed electronically, then they are deemed filed at the moment that they are received by the Court's ECF system. They must be filed using the designated temporary case number for that particular year. (For example, the temporary case number for the year 2009 is 09-tc-5000, for they year 2010 it is 10-tc-5000, etc.) Once the case is processed by the Clerk's staff, it will be assigned a permanent case number that must be used on all subsequent filings.
- b. The filing fee shall be paid upon the presentation of the initial pleading. *See* section II(D) of these Administrative Procedures.

² If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

- c. A paper courtesy copy of all summary judgment motions and responses to such motions, including all exhibits, shall be filed with the Clerk for submission to the assigned judge within three (3) business days of the electronic filing of such motion or response. The notice of electronic filing “NEF” should accompany the courtesy copy.
- d. Parties should forward a paper courtesy copy of any filed document which exceeds 250 pages to the Clerk for submission to the assigned judge within three (3) business days of the electronic filing. The notice of electronic filing “NEF” should accompany the courtesy copy.

3. Criminal Cases

A. Charging Documents

The initial papers in a criminal case, including the complaint, information, and indictment, must be filed conventionally in paper form, not electronically.

B. Other documents

Other documents in criminal cases exempted from the electronic filing requirement include the following:

- 1. Applications and affidavits for search warrants and seizure warrants, and related papers;
- 2. Appearance bonds;
- 3. Plea agreements and related papers;
- 4. Any other document containing a signature of a defendant;
- 5. Any results or reports of mental examinations conducted pursuant to Fed. R. Crim. P. 12.2;
- 6. Petitions for violations of supervised release or probation; and
- 7. Any documents filed under seal or ex parte.

C. Juvenile Matters

Juvenile criminal matters shall not be filed electronically unless the Court rules that the juvenile shall be tried as an adult.

B. SERVICE

- 1. Whenever a pleading or other paper is filed electronically in accordance with these Administrative Procedures, ECF shall generate a “Notice of Electronic Filing” to the

filing party, and any other party who is a registered user and has requested electronic notice in that case.³

- a. If the recipient is a registered participant of ECF, the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
 - b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in ECF 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. Sample language for a certificate of service is attached to these Administrative Procedures as Form B.
 3. A party who is not a registered participant of ECF 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 “Notice of Electronic Filing” to provide the recipient with proof of the filing.
 4. The three-day rule of Fed. R. Civ. P. 6(e) and Fed. R. Crim. P. 45(C) for service by mail shall also apply to service by electronic means.⁴
 5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to ECF must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document.

C. SIGNATURES

1. Attorney Signature
 - a. A pleading or other document requiring an attorney’s signature shall be signed in the following manner, whether filed electronically or submitted on CD-ROM to

³ To determine whether another party is a registered user, the filer can select ECF’s “Utilities” category, then click on “Mailings” on the pull-down menu, and then “Mailing Information for a Case”. The filer then enters the case number and the ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

⁴ Attorneys should be aware that the submission 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.

the Clerk's Office: "s/ (attorney name) ." The correct format for an attorney signature is as follows:

s/ John Doe, Esq.

Attorney Bar Number: xxxxxx

Attorney for (Party Name)

ABC Law Firm

123 South Street

Savannah, Georgia 31403

Telephone: (xxx) xxx-xxxx

E-Mail: john.doe@abclaw.com

- b. Any party challenging the authenticity of an electronically-filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

2. Multiple Signatures

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, *e.g.*, "s/ Jane Doe," "s/ John Doe," etc. The correct format for each signature is as follows:

s/ Jane Doe, Esq.

Attorney Bar Number: xxxxxx

Attorney for (Party name)

ABC Law Firm

123 South Street

Savannah, Georgia 31403

Telephone: (xxx) xxx-xxxx

E-Mail: jane.doe@abclaw.com

- c. A non-filing signatory or party who disputes their acceptance of the contents of the document, the authenticity of an electronically-filed document containing multiple signatures, or the authenticity of the signatures themselves must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

3. Non-Attorney Signature

- a. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on ECF.
- b. The electronically-filed document as maintained by the Court shall constitute the official court record. *See* section II(A)(1)(f) of these Administrative Procedures.
- c. A non-filing signatory or party who disputes the authenticity of an electronically-filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

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 cash, check, U.S. Postal money order, cashier's check, or certain credit/debit cards approved by the Court. Checks, money orders and cashier checks are to be made payable to "Clerk, United States Courts". A law firm check will be accepted for payment by attorneys. The Clerk's Office will note the receipt of fees on the docket. The Court will not maintain electronic billing or debit accounts for attorneys or law firms.

E. ORDERS

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket conventionally.
2. A party submitting a proposed order with an electronic filing shall include the proposed order as a separate PDF attachment to the filing. *See* LR 7. The proposed order shall also be e-mailed as a Word Perfect or MS Word document to the e-mail address specified below which corresponds to the court division where the case is pending. The subject line of the e-mail shall reflect the case number, the docket entry number of the motion to which the proposed order pertains, and a brief description of the motion.

<u>Division No.</u>	<u>Division Name</u>	<u>E-Mail Address</u>
1	Augusta	proposedorders_aug@gas.uscourts.gov
2	Brunswick	proposedorders_bwk@gas.uscourts.gov
3	Dublin	proposedorders_dub@gas.uscourts.gov
4	Savannah	proposedorders_sav@gas.uscourts.gov
5	Waycross	proposedorders_wyx@gas.uscourts.gov
6	Statesboro	proposedorders_sta@gas.uscourts.gov

The above e-mail addresses shall be used exclusively for the submission of proposed orders, and the e-mail shall not include any comment, inquiry, or other communication to the Court.

3. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing.
4. The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will be issued; the text-only entry shall constitute the Court's only order on the matter and will have the same force and effect as if the judge had issued a conventional paper order. ECF will generate a "Notice of Electronic Filing" as described in II(B)(1) of these Administrative Procedures.

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.⁵

G. CORRECTING DOCKET ENTRIES

1. Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed. The filing party should not attempt to refile 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. In the event that the document incorrectly attached contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for deletion of the document or other relief as appropriate. The Clerk's Office at its discretion may also limit access to documents that were incorrectly filed that may contain sensitive information. In those instances when the Clerk's Office exercises its

⁵ Readers may view the "CM/ECF Menus for Attorneys" on the Court's web site, www.gas.uscourts.gov.

discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the Court will make a corrective entry indicating the original error. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the Clerk's office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office internal procedures. No substitution of documents by Clerk's Office staff is permissible.

H. TECHNICAL FAILURES

The Clerk's Office shall deem the Southern District of Georgia 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. An attorney may file a declaration seeking relief from the Court for not meeting the deadline as a result of a technical failure. (Form C).

Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these Administrative 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.

I. PRIVACY

1. Redacted Documents

Pursuant to the E-Government Act of 2002, the policy of the Judicial Conference of the United States, and LR 8, parties are required to omit, or where inclusion is necessary, partially redact the following personal data identifiers from all pleadings or documents, whether filed electronically or conventionally, unless otherwise ordered by the Court:

- a. **Minor's names:** use minor's initials;
- b. **Financial account numbers:** identify the name or type of account and financial institution where maintained, but use only the last four numbers of the account number;
- c. **Social Security numbers or taxpayer identification numbers:** use only the last four numbers;
- d. **Dates of birth:** use only the year; and
- e. **Addresses:** in criminal cases, use only city and state.

A party wishing to file a document containing the personal data identifiers specified above may file conventionally under seal either an unredacted version of the document or a reference list containing the complete personal data identifiers. *See* LR 8. A party must, however, electronically file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the filing party or person. The Clerk will not review documents for compliance with this rule, or redact documents, whether filed electronically or in paper form.

2. Other Sensitive Information

Counsel and parties are reminded that all documents filed with the Court, whether filed electronically or conventionally in paper form, will be electronically available over the Internet unless that document is placed under seal. Counsel and parties are further reminded that in addition to the personal data identifiers listed above, other sensitive information implicating not only privacy but also personal security concerns may be prohibited or restricted from disclosure by federal or state statutes or by rule. Counsel and parties, therefore, must exercise caution when filing documents that contain the following information:

- a. Records of medical, psychological, or psychiatric treatment or diagnosis;
- b. A personal identifying number, such as a driver's license number;
- c. Employment history;
- d. Individual financial account identifiers;
- e. Proprietary or trade secret information;
- f. Information regarding an individual's cooperation with the government;
- g. Information regarding the victim of any criminal activity;
- h. National security information; and
- i. Sensitive security information as described in 49 U.S.C. § 114(s).

Where the inclusion of such sensitive information is relevant and necessary to the case, counsel and the filing party should redact such information before submitting the document for the public file.

3. Transcript Redaction

The filer's obligation to redact the personal identifiers specified in LR 8 and other sensitive information prohibited or restricted from disclosure by law applies to any transcript submitted as an exhibit or attachment to any filing.

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 Administrative Procedures. Paper documents should be printed on only one side of an 8 ½" by 11" page.

When a document has been filed conventionally, a "Notice of Manual Filing" (Form D) should be electronically filed, naming the document that was filed conventionally and stating the reason for conventional (rather than electronic) filing. (In the event that a party cannot file the requisite Notice of Manual Filing electronically, the party must file the Notice conventionally.)

A. DOCUMENTS TO BE FILED UNDER SEAL

All documents, both criminal and civil, that are required or sought to be filed under seal must be filed conventionally in paper form, not electronically. Parties should carefully review LR 79.7 before seeking to file any document under seal.

B. PRO SE FILERS

Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk's Office will scan these original documents and upload them into ECF. Once documents are scanned into the system, the electronic version will become the official record.

C. SOCIAL SECURITY CASES

Absent a showing of good cause, all documents, notices, and orders in Social Security reviews filed in this District Court after ECF is implemented shall be filed and noticed electronically, except as noted below.

1. All Social Security documents and cases will be filed and served according to II(A)(2) and II(B) of these Administrative Procedures.
2. Social Security administrative records will be conventionally-filed and the first page of this document will be electronically scanned and entered into the ECF. The entire document will be maintained in a paper file in the Clerk's Office. Because Social Security transcripts will not be scanned or otherwise placed into ECF, the Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office.
3. To address the privacy issues inherent in a Social Security review, access to the individual documents will be limited to counsel and Court staff. Docket sheets,

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

IV. EXHIBITS

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

In general, evidence in support of or in opposition to a motion should be filed electronically, rather than conventionally. (Exhibits that are not filed, but are submitted in conventional form during a hearing, will be maintained by the Clerk's office in conventional format.)

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of or in opposition to a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.
2. Whenever feasible a filing party must scan a paper exhibit that is less than 5 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 5 MB as separate attachments of 5 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and uploaded to ECF.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)
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.
6. Copies of conventionally-filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Administrative Procedures governing service of conventional documents.

B. EVIDENCE NOT IN SUPPORT OF OR IN OPPOSITION TO A MOTION

1. Whenever feasible a filing party must scan a paper exhibit that is less than 5 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 5 MB as separate attachments of 5 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.
2. A party may conventionally submit exhibits which are not available or cannot be converted in electronic form which exceed 5MB in size. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry. Any exhibit filed conventionally will be noted in a Notice of Manual Filing.
3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.
4. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)
5. Exhibits submitted conventionally shall be served on other parties pursuant to section II(B)(3) of these Administrative Procedures governing service of conventional documents. Exhibits filed conventionally will be listed in an electronically-filed Notice of Manual Filing.

V. PUBLIC ACCESS TO CM/ECF

A. PUBLIC ACCESS AT THE COURT

Access to the electronic docket and documents filed in ECF is available to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. §1914.

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.

B. INTERNET ACCESS

Remote electronic access to ECF 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 determined 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.⁶

⁶ According to a memorandum from the Administrative Office of the United States Courts dated October 20, 2003, non-judiciary CM/ECF users will be charged a fee of seven cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of \$2.10 per document has been approved; however, this cap does not apply to transcripts. 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.