CASE MANAGEMENT
ELECTRONIC CASE FILING
CM/ECF

Administrative Procedures

Southern District of Florida
(Revised February 1, 2011)

Table of Contents

Section 1 - INTRODUCTION -5-
- 1A. Terms -5-
- 1B. The Electronic Record And The Authorization for Electronic Filing -6-

Section 2 - FILER CATEGORIES AND ELIGIBILITY TO FILE ELECTRONICALLY -6-
- 2A. Attorneys Admitted to Practice in the Southern District of Florida -6-
- 2B. Attorneys Appearing Pro Hac Vice ~~making limited appearances (Pro Hac Vice)~~ -6-
- 2C. Pro Se Litigants -7-

Section 3 - USER INFORMATION AND RESPONSIBILITIES -7-
- 3A. General Requirements -7-
- 3B. Registration -7-
- 3C. Login and Password -7-
- 3D. Changes of Address and Contact Information -8-
- 3E. Government Attorneys Who Leave Government Agencies -8-
- 3F. Changes of Name -9-
- 3G. Technical Specifications -9-
  - (1) Hardware/Software Generally Required for Electronic Filing -9-
  - (2) Electronic Mailbox -9-
  - (3) Size Limitation for Any Electronically-Filed Document -10-
  - (4) Hyperlinks -10-
- 3H. Filing Information -10-
  - (1) Date Electronic Document is Filed -10-
  - (2) Abolishment of the Nightbox Policy -10-
  - (3) Court CM/ECF System Hours and Help Desk Information -10-
  - (4) Technical Failure of the Court's CM/ECF System -10-
  - (5) Failure of User's System -11-
  - (6) Availability of CM/ECF Workstations and Scanners at Courthouses -11-
  - (7) Additional User Information -11-
- 3I. Filings That Require Special Attention -11-
  - (1) Motions Requesting Leave of the Court to File a Document -11-
  - (2) Documents that Include Personal Identifiers -11-
  - (3) Materials Inappropriate for Display or Distribution to the Public, Including Minors -11-
  - (4) Discovery Material -12-
  - (5) Mediation -12-
  - (6) Proposed Documents -12-
  - (7) Consent to Jurisdiction -13-
- 3J. Signatures and Affidavits or Declarations -13-
  - (1) Attorney's Signature Block -13-
  - (2) Documents Requiring Original Signatures -13-
  - (3) Stipulations or Other Documents Requiring Two or More Signatures -13-
  - (4) Documents Requiring a Judge's Signature -14-

3K. Service of Documents and Notices of Electronic Filing -14-
(1) Determining Whether Another Party is a User or Otherwise Authorized to Receive Notices of Electronic Filing -14-
(2) Notices of Electronic Filing and "One Free Look" -14-
(3) Service and Notice of Electronic Filing for Parties Who Are Not Authorized to Electronically Receive Notices of Electronic Filing -15-
(4) Certificates of Service -15-
(5) Notices of Electronic Filing Are Not Sent to Terminated Attorneys -15-
3L. Making Docket Entries -16-
(1) Designating Docket Entries -16-
(2) Correcting Docket Entries -16-
3M. Retention of Original Documents by Users -16-

Section 4 - EXCEPTIONS TO MANDATORY ELECTRONIC FILING REQUIREMENT -16-
4A. Requesting Leave of Court for Exception to General Mandatory Electronic Filing Requirement in a Specific Case -16-
4B. Suspension of Electronic Filing Requirement For a Specific Document That Cannot Be Scanned -17-

Section 5 - DOCUMENTS THAT CANNOT BE FILED ELECTRONICALLY -17-
5A. Documents and Cases Filed Under Seal -17-
5B. Documents Related to Habeas Cases -17-
5C. Civil Complaints Filed by *Pro Se* Litigants -18-
5D. Criminal Matters -18-
(1) Criminal Complaints -18-
(2) Indictments -18-
(3) Criminal Information -18-
(4) Plea Agreements -18-
(5) Filing and Uploading of Criminal Matters - Time and Date -18-
5E. Emergency Motions/Requests for Emergency Hearing -19-
5F. Summonses Filed by *Pro Se* Litigants -19-
5G. Surety Bonds -19-
5H. Proposed Trial Exhibits -19-
5I. Materials Inappropriate for Display or Distribution to the Public, Including Minors -19-
5J. Motion to Appear Pro Hac Vice ~~Make Limited Appearance (Pro Hac Vice)~~ -19-
5~~J~~K. Ex parte Filings -20-

Section 6 - REDACTION OF PERSONAL INFORMATION, PRIVACY POLICY, AND INAPPROPRIATE MATERIALS -20-
6A. Filing Documents Containing Personal Data Identifiers -20-
6B. Internet Availability of Unprotected Personal Information -20-
6C. Certain Documents in Criminal Cases Not Accessible to the Public -20-
6D. Redaction of Electronic Transcripts of Court Proceedings -21-
6E. Filing of Materials, Including Images, Inappropriate for Display or Distribution to the Public, Including Minors -21-

Section 7 - PUBLIC ACCESS TO THE ELECTRONIC RECORD -21-
7A. Access at the Courthouse -21-
7B. Access to Pacer Via the Internet -21-
7C. Certified Documents -21-

Section 8 - ELECTRONIC FILING OF NEW CIVIL COMPLAINTS -22-
8A. Electronic Filing Civil Complaints or Case Initiating Documents -22-
8B. Electronically Filed Civil Complaints - Filing Date -22-
8C. Filing Fees Processed Using Pay.gov -22-

FORM A -24-

FORM B -25-

FORM C -27-

Summary of Changes -28-

Section 1 - INTRODUCTION

1A. TERMS

CM/ECF: the federal judiciary's electronic case filing system known as Case Management/Electronic Case Filing (see our website).

Conventional manner: the manner used for filing documents (e.g., in person or by U.S. mail) prior to the implementation of e-filing and CM/ECF.

Document: shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other Court filing.

Electronic filing: uploading a document directly from a CM/ECF User's computer into CM/ECF, thereby filing the document in the Court's electronic case file. (Sending a document to the Court via e-mail or on diskette does not constitute "electronic filing.")

E-mail address of record: the internet e-mail address of each authorized CM/ECF User or party otherwise authorized to electronically receive Notices of Electronic Filing (e.g., attorneys admitted *pro hac vice*).

Judge: a United States District Judge or Magistrate Judge for the Southern District of Florida.

Notice of Electronic Filing: a notice generated automatically by CM/ECF upon completion of an electronic filing. The Notice of Electronic Filing, when transmitted to an e-mail address of record in a case, constitutes proof of service.

PACER ("Public Access to Court Electronic Records"): an electronic public access service that allows users to obtain case and docket information. Additional information is available at http://pacer.psc.uscourts.gov.

PDF ("Portable Document Format"): a PDF document allows anyone to open a converted document across a broad range of hardware and software, with layout, format, links, and images intact. PDF is the only document format acceptable for electronic filing in CM/ECF. For information on PDF, CM/ECF Users may wish to visit the websites of PDF vendors.

Procedures: the instant Administrative Procedures for Electronically Filing Documents.

User(s): anyone (including attorneys, the Court, and the Clerk of the Court) who is authorized to use the CM/ECF system in the Southern District of Florida.

1B. THE ELECTRONIC RECORD AND THE AUTHORIZATION FOR ELECTRONIC FILING

In 1996, the Southern District of Florida began to convert its paper Court files into an electronic format, while continuing to maintain the paper file as the official record. Though the file was converted to an electronic format once received by the Clerk's Office, the filing itself was still accomplished in the conventional manner, creating parallel paper and electronic records. By 2002, technology had advanced to the point that Administrative Order 2002-36 authorized attorneys in this District to use an optional electronic filing system developed by local staff; however, both electronic and paper records continued to be maintained for all cases.

In 2004, Administrative Order 2004-39 sought to alleviate the fiscal and administrative burdens of maintaining the largely duplicative paper and electronic records created up to that time by establishing that the electronic record would become the official Court record as of October 28, 2004. The Order designated as part of the official record all documents transmitted to the Court in electronic format, as well as documents filed in paper form, then scanned and converted to an electronic image by the Clerk's Office. With the exception of various categories of documents specified, it was ordered that the Clerk's Office cease maintaining as part of the paper case file any document filed after October 27, 2004.

The evolutionary process has continued, and, in conjunction with Federal Rule of Civil Procedure 5(d)(3) ~~5(e)~~ and Federal Rule of Criminal Procedure 57, the electronic filing system known as CM/ECF has been designated for use nationwide by the United States Courts.

Section 2 - FILER CATEGORIES AND ELIGIBILITY TO FILE ELECTRONICALLY

2A. ATTORNEYS ADMITTED TO PRACTICE IN THE SOUTHERN DISTRICT OF FLORIDA

Electronic filing is mandatory for all attorneys admitted to practice in the Southern District of Florida.

2B. ATTORNEYS APPEARING PRO HAC VICE ~~MAKING LIMITED APPEARANCES (PRO HAC VICE)~~

An attorney who has been permitted to appear pro hac vice ~~make a limited appearance (i.e., admitted *pro hac vice*)~~ will **not** be permitted to register as a User in this District, but may access the electronic record through the PACER System (see Section 7B). With the exception of the original motion to appear pro hac vice ~~make a limited appearance~~, attorneys so admitted will be required to electronically file all documents through their local counsel (who must be associated with the case pursuant to Local Rule 4(b) ~~4.B~~ of the Rules Governing the Admission and Practice of Attorneys). A motion to appear pro hac vice ~~make a limited appearance~~ must be filed in the conventional manner along with the applicable filing fee.

Although attorneys admitted *pro hac vice* will not be permitted to **file** electronically, they will be able to electronically **receive** Notices of Electronic Filing. Such requests should be included in motions to appear *pro hac vice* and in the accompanying proposed order. E-mail addresses must be provided in both the motion and proposed order in order to receive electronic notices.

2C. Pro Se Litigants

Pro se litigants will **not** be permitted to register as Users at this time. *Pro se* litigants must file their documents in the conventional manner. *Pro se* litigants may access the electronic record at the public counter in the Clerk's Office in all divisions or through PACER. *Pro se* litigants will be served and noticed by U.S. mail or in person (or, if agreed, by facsimile or e-mail).

Section 3 - USER INFORMATION AND RESPONSIBILITIES

3A. General Requirements

All documents shall be filed electronically in CM/ECF except as otherwise provided by these Procedures. E-mailing a document to the Clerk's Office or to a Judge shall **not** constitute "filing" the document. A document shall not be considered "filed" for purposes of the Federal Rules of Civil Procedure until the filing party receives a Notice of Electronic Filing (see Section 3J).

Documents filed electronically must meet the requirements of Federal Rule of Civil Procedure 10 (Form of Pleadings) and Local Rule 5.1 (Filing and Copies), as if they had been submitted on paper. Each Judge will instruct litigants if it is necessary to provide paper copies for the Judge. Documents filed electronically are also subject to any page limitation set forth by Court order or by Local Rule 7.1(c)(2). ~~7.1.C.2.~~

3B. Registration

Attorneys admitted to practice in the Southern District of Florida (see the Southern District of Florida's Special Rules Governing the Admission and Practice of Attorneys within the Local Rules) must register to use CM/ECF. Eligible attorneys must register electronically on the Court's website at http://www.flsd.uscourts.gov/?page_id=21. User logins and passwords will be issued upon registration and completion of training. Registration is free of charge.

A PACER login is required **in addition to** the CM/ECF password and login. To register for PACER, a User must complete the form available on the PACER website at http://pacer.psc.uscourts.gov.

3C. Login and Password

Each User will be issued one login and password. When a User files a document electronically using his/her login and password, that document shall be considered signed by the attorney to whom

the login and password were issued for purposes of the Local Rules and Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure, including Rule 11 of the Federal Rules of Civil Procedure. After registering, Users may change their passwords.

Users shall be responsible for all documents filed with their passwords, whether by Users or any other person.

No User shall permit his/her password to be used by anyone other than an authorized employee of the User's office. If, at any time, a User believes that his/her password has been compromised, the User must immediately change the password and contact the Help Desk. In such case, the User should also generate a CM/ECF report to identify unauthorized documents that may have been filed under the User's password and to notify the Court of the existence of such documents.

3D. Changes of Address and Contact Information

Users shall maintain current contact information (Local Rule 11.1(g) and Administrative Order 2005-38). Upon the change of a User's e-mail address, mailing address, telephone or fax number, the User shall complete the following whenever such a change occurs:

- Electronically file a Notice of Change of Address in all the User's pending cases;
- Update the User's email address in CM/ECF Maintain User Account; and
- Update the User's mailing address, telephone and fax numbers in CM/ECF Maintain User Account. If the system does not allow the User to update the mailing address, the Attorney Admissions Clerk will update the information upon the filing of a Notice of Change of Address in all the User's pending cases.
- Electronically file a Notice of Removal in all cases in which the attorney is no longer the attorney of record.

Also, parties appearing pro se and counsel appearing pro hac vice must file, in each pending case, a notice of change of mailing address or contact information whenever such a change occurs (Administrative Order 2005-38). If court notices sent via the U.S. mail are returned as undeliverable TWICE in a case, notices will no longer be sent to that party until a current mailing address is provided.

3E. Government Attorneys Who Leave Government Agencies

Upon request, CM/ECF logins/passwords are issued to attorneys employed by government agencies. Upon transfer to different government agencies, Users must fax notification to the Attorney Admissions Clerk and include updated U.S. mail and email addresses in order for their logins/passwords to remain valid. Users who leave government agencies and do not transfer to other government agencies must fax notification to the Attorney Admissions Clerk so that their log-ins/passwords may be deactivated. Users associated with government agencies who leave government practice must already be or become members of the Bar of the Southern District of Florida in order to register for CM/ECF logins/passwords. Click here for information on becoming a member of the Southern District of Florida Bar.

Government agencies must also notify the Attorney Admissions Clerk when Users leave their agencies. A notice of substitution of counsel must be filed in order for a government agency to receive future CM/ECF notices regarding case activity associated with a User who is no longer with their agency.

3F. Changes of Name

Requests for name changes must be made in writing and forwarded to the Attorney Admissions Clerk. In order for the Clerk's Office to process a name change request, the request must be accompanied by a copy of a name change order from the Supreme Court of Florida. In the absence of such an order, a name change request will not be processed and a User must continue to file under the name listed on the roll of attorneys of the Bar of the Southern District of Florida. Further, if the name change order is not submitted, Attorney Admissions may be unable to verify that a User is listed on the roll of attorneys.

3G. Technical Specifications

(1) Hardware/Software Generally Required for Electronic Filing:

- A computer running a Windows or Macintosh operating system;
- Word processing software, such as WordPerfect or Microsoft Word, that can convert documents to PDF without the need for scanning;
- PDF reader software, such as Adobe, which may be obtained free of charge from the Adobe website or the Court's website. Users may find it useful to purchase PDF writer software which has additional features for creating, editing, and saving PDF's. Various companies market PDF writer software and the cost and features vary. Note: PDF documents must be printable and must not contain water marks or advertising which may be generated as a result of the use of free or trial run PDF conversion software;
- Access to a Javascript enabled browser; Internet Explorer 6, 7; and Firefox 3 are supported;
- High speed internet access is strongly recommended over dial-up internet service. High-speed service will reduce the amount of time necessary to make entries into CM/ECF and download lengthy documents;
- A scanner is necessary to convert paper documents to PDF format. Users should make certain their scanners are configured for **300 dpi and 300 pixels per inch.** The color setting should be configured for black and white rather than color scanning; however, if the document being filed contains color images (e.g. JPEG, GIF, PNG), the color setting may be configured for color scanning. The page size should be set at **8 ½ x 11 inches.** The scanner should be set to convert scanned documents to PDF.

(2) Electronic Mailbox

It is the responsibility of the User to maintain an electronic mailbox of sufficient capacity to receive all documents transmitted electronically to counsel.

(3) Size Limitation for Any Electronically-Filed Document

CM/ECF will inform Users if they are attempting to file a document larger than five megabytes

(5 MB). Any document over this size will be rejected by the system due to its inability to upload/download properly; thus, the document must be saved and transmitted in segments not exceeding five megabytes. Please contact the Help Desk if further instruction is needed.

(4) Hyperlinks

Pursuant to the policy set forth in Rule 13 of the Model Local Rules for Electronic Case Filing, endorsed by the Judicial Conference in October 2005, a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in a document. A hyperlink reference is extraneous to any filed document and is not part of the Court's record. In order to preserve the integrity of the Court record, Users wishing to insert hyperlinks in Court filings shall continue to use the conventional citation method for the cited authority, in addition to the hyperlink.

3H. Filing Information

(1) Date Electronic Document is Filed

A document will be deemed "filed" on a particular date if uploaded to CM/ECF prior to midnight on that date as evidenced by receipt of the Notice of Electronic Filing, unless otherwise ordered by a Judge.

(2) Abolishment of the Nightbox Policy

With the implementation of CM/ECF the Court's nightbox policy, as provided for in Administrative Order 2003-10, will be abolished. Electronic documents will be considered "filed" as stated above in 3G(1). Documents filed in the conventional manner will be considered "filed" on the date they are physically received by the Court.

(3) Court CM/ECF System Hours and Help Desk Information

CM/ECF is designed to provide system access 24 hours a day; however, parties are encouraged to file documents in advance of filing deadlines and during normal business hours. Users may access the CM/ECF Help Desk either by telephone, 1-888-318-2260, or in person. The Help Desk will respond to questions regarding the electronic filing system and registration process. Please refer to the Help Desk website for further information.

(4) Technical Failure of the Court's CM/ECF System

If CM/ECF is unable to accept electronic filings for a continuous period of approximately one hour during regular business hours, a notice of the system outage/technical failure will be posted on the CM/ECF website and/or on the Court's website (www.flsd.uscourts.gov). Should circumstances prevent posting of an outage notification on either of the Court's website, the notification will be placed on the CM/ECF Help Desk telephone line.

The outage notice will inform Users of the expected duration of the outage and will provide alternative filing instructions if the outage is of such a nature to cause alternative filing to be necessary. Generally, alternative filing instructions will advise Users to file in the conventional manner on the same day. Should Users be instructed to file in the conventional manner, the conventional filing **must** be accompanied by **Form A** (attached hereto). In the event that

conventional filing is required, such filings may be delivered to any courthouse in the District, with the exception of emergency matters. Emergency motions and hearings must be filed conventionally **in the division where the Judge is chambered** (see Section 5F).

In the unlikely event that a technical failure occurs after regular business hours on the day a User's filing is due or a filing is otherwise made untimely as a result of a CM/ECF technical failure, Users may have to seek relief from the Court. Users are cautioned that in some circumstances, the Court lacks the authority to grant an extension of time to file (see, e.g., Rule 6(b) of the Federal Rules of Civil Procedure); thus Users are strongly encouraged to file documents in advance of filing deadlines and during regular business hours.

(5) Failure of User's System

Problems with a **User's** hardware, software, or Internet Service Provider will not constitute a technical failure under these Procedures. If a User experiences a technical problem that prevents electronic filing from the User's regular workplace, the User should try to file electronically from other computers in the vicinity that have internet access. Alternatively, the User may electronically file from any CM/ECF workstation available at the courthouses in the District.

(6) Availability of CM/ECF Workstations and Scanners at Courthouses

The Clerk's Office will maintain CM/ECF workstations and scanners in each division of the Southern District of Florida. The workstations and scanners will be available for use by Users.

(7) Additional User Information

Additional information for using CM/ECF can be found on the Court's website at http://www.flsd.uscourts.gov/?page_id=21.

3I. Filings That Require Special Attention

(1) Motions Requesting Leave of the Court to File a Document

If a document to be filed requires a motion requesting leave of the Court (e.g., an amended complaint, a document to be filed out of time, or a document exceeding the page limitation), the proposed document shall be submitted as a PDF attachment to the motion. If the motion to file the proposed document is granted, the filing party must electronically refile the document.

(2) Documents that Include Personal Identifiers

See Section 6 for special requirements for filing documents that contain personal data identifiers.

(3) Materials Inappropriate for Display or Distribution to the Public, Including Minors

See Section 6E for restrictions regarding documents containing inappropriate materials, including images (not textual descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene.

(4) Discovery Material

Only discovery materials **authorized by** Local Rule 26.1(b) ~~Local Rule 26.1.B~~ will be accepted by this Court and must be filed electronically.

(5) Mediation

A request for the Clerk of Court to appoint a mediator pursuant to Local Rule 16.2(d)(1)(b) ~~16.2.D.1(b)~~ shall be submitted electronically as a "Request for Clerk to Appoint Mediator". This request category may be found on the CM/ECF website, under "Civil," "Other Filings," "Mediation Documents." Such a request shall *not* be filed as a motion.

Within (5) days following a mediation conference, the mediator, if a User, shall electronically file a Mediation Report. If the mediator is not a User, the mediator shall file the Mediation Report in the conventional manner. The report shall indicate whether all required parties were present and whether the case settled (in full or in part), whether the mediation was adjourned, or whether the mediator declared an impasse.

(6) Proposed Documents

In addition to being filed in accordance with these procedures, proposed findings of fact and conclusions of law, jury instructions, and proposed orders, **unless otherwise directed by a Judge**, shall be filed initially as an attachment to a motion, notice, or other filing; however, the **final version** of the proposed document must be e-mailed to the appropriate Judge at the e-mail address listed below. All counsel must be copied on the e-mail to the Judge. The final document, if approved by the Court, will be filed with the Clerk of Court.

Users will submit the final version of the proposed document by e-mail in WordPerfect or Word format. The **e-mail subject line** and the **name of the attachment** should include the case number, followed by a short description of the attachment (e.g., 05-cv-20534 Order). The following e-mail addresses are to be used **only** to submit documents as described above unless otherwise specifically permitted by the Judge.

District Judges	**Magistrate Judges**
moreno@flsd.uscourts.gov	brown@flsd.uscourts.gov
zloch@flsd.uscourts.gov	turnoff@flsd.uscourts.gov
graham@flsd.uscourts.gov	snow@flsd.uscourts.gov
moore@flsd.uscourts.gov	johnson@flsd.uscourts.gov
ungaro@flsd.uscourts.gov	vitunac@flsd.uscourts.gov
lenard@flsd.uscourts.gov	bandstra@flsd.uscourts.gov
middlebrooks@flsd.uscourts.gov	seltzer@flsd.uscourts.gov
~~gold@flsd.uscourts.gov~~	lynch@flsd.uscourts.gov
dimitrouleas@flsd.uscourts.gov	simonton@flsd.uscourts.gov
seitz@flsd.uscourts.gov	o'sullivan@flsd.uscourts.gov
jordan@flsd.uscourts.gov	white@flsd.uscourts.gov
marra@flsd.uscourts.gov	hopkins@flsd.uscourts.gov
martinez@flsd.uscourts.gov	torres@flsd.uscourts.gov
altonaga@flsd.uscourts.gov	mcaliley@flsd.uscourts.gov

cohn@flsd.uscourts.gov
cooke@flsd.uscourts.gov
king@flsd.uscourts.gov
hoeveler@flsd.uscourts.gov
gonzalez@flsd.uscourts.gov
ryskamp@flsd.uscourts.gov
~~highsmith@flsd.uscourts.gov~~
hurley@flsd.uscourts.gov
huck@flsd.uscourts.gov
gold@flsd.uscourts.gov
rosenbaum@flsd.uscourts.gov
goodman@flsd.uscourts.gov
palermo@flsd.uscourts.gov
dube@flsd.uscourts.gov
garber@flsd.uscourts.gov

(7) Consent to Jurisdiction

Parties who consent to having a Magistrate Judge conduct civil proceedings may file a Consent to Jurisdiction electronically ***only*** if the consent is signed by *both* parties on the same form. If a party has only one signature – the consent *must* be filed in the conventional manner.

3J. Signatures and Affidavits or Declarations

(1) Attorney's Signature Block

A document filed electronically, requiring an attorney's signature, shall be signed according to the format below. An "s/" signature has the same force and effect as an original signature.

s/Pat T. Lawyer
Pat T. Lawyer (Florida Bar Number: 12345)
Attorney E-mail address: pat_lawyer@law.com
XYZ Law Firm
123 Main Street
Miami, Florida 33128
Telephone: (305) 123-4567
Facsimile: (786) 123-4567
Attorneys for Plaintiff/Defendant [Party Name(s)]

(2) Documents Requiring Original Signatures

Documents that require original signatures or that require either verification or a sworn declaration under any rule or statute, shall be filed electronically with the originally-executed documents maintained by the filer. The document filed electronically shall indicate a signature (e.g., "s/Jane Doe"). Alternatively, the original signed document may be scanned and electronically filed. The User shall retain the paper document containing the original signature(s) for a period of one year after final resolution of the action, including final disposition of all appeals.

(3) Stipulations or Other Documents Requiring Two or More Signatures

In the case of a stipulation or other document to be signed by two or more persons, the filer should: submit a scanned document containing all necessary signatures; or, indicate the consent of the other parties on the document; or, file the document identifying the parties

whose signatures are required and submit a notice of endorsement by the other parties no later than three business days after the filing. A model form (**Form C**) is attached hereto. The filing party or attorney shall retain the paper copy of the document containing the original signatures for a period of one year after final resolution of the action, including final disposition of all appeals.

(4) Documents Requiring a Judge's Signature

Documents requiring a Judge's signature may be signed with "/s Judge's Name" or an original signature. An "s/" signature has the same force and effect as an original signature.

3K. Service of Documents and Notices of Electronic Filing

(1) Determining Whether Another Party is a User or Otherwise Authorized to Receive Notices of Electronic Filing

When a document is filed electronically, CM/ECF will generate a Notice of Electronic Filing to: the filing party; any party who is a User; parties otherwise authorized to receive Notices of Electronic Filing (e.g., *pro hac vice* attorneys); and, the assigned Judge. To determine whether another party is a User or otherwise authorized to receive Notices of Electronic Filing, the filer should: select "Utilities" from the CM/ECF menu; click on "Mailings"; click on "Mailing Information for a Case"; and, enter the case number. The notification information will appear stating whether the filer must mail a copy to the party or if CM/ECF will issue a Notice of Electronic Filing.

(2) Notices of Electronic Filing and "One Free Look"

If the recipient is a User or otherwise authorized to electronically receive Notices of Electronic Filing (e.g., a *pro hac vice* attorney), CM/ECF will produce a Notice of Electronic Filing for that party and it shall be the equivalent of service by U.S. mail. The Notice of Electronic Filing will contain a hyperlink to the document in PACER. **Under the conditions set forth in the paragraph below**, recipients of Notices of Electronic filing will be allowed one "free look" at the document and may view, print, or download it. After the one "free look," normal PACER usage fees apply. The hyperlink to access the document will expire after the earlier of these two events: the first use or 15 days. (**CAUTION**: **double** clicking the hyperlink instead of single clicking it will use up the one "free look.")

Only Users who are listed as **active attorneys** on a particular case, will receive Notices of Electronic Filing (at both their primary and secondary e-mail addresses) that contain hyperlinks allowing them one free look at documents filed in that case. Users who have tagged cases on which they are **not** listed as **active attorneys** but for which they, nevertheless, wish to receive Notices of Electronic Filing, will also receive Notices of Electronic Filing (at both their primary and secondary e-mail addresses) that contain hyperlinks allowing them to view documents filed in the cases tagged. **CAUTION:** Users who are **not** listed as **active attorneys** on cases for which they have chosen to receive Notices of Electronic Filing will **automatically incur PACER charges by clicking on the hyperlink**. Regular PACER usage fees will apply.

(3) Service and Notice of Electronic Filing for Parties Who Are Not Authorized to Electronically Receive Notices of Electronic Filing

A party who is not a User or is not otherwise authorized to electronically receive Notices of Electronic Filing is entitled to a paper copy of any electronically-filed document. It is the responsibility of the filing party to provide the party with the electronically-filed document 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.

Service of a Notice of Electronic Filing on a party who is not a User or otherwise authorized to electronically receive Notices of Electronic Filing may be accomplished by e-mail, subject to the additional service requirements of Federal Rules of Civil Procedure 6(d) and Federal Rules of Criminal Procedure 49(d).

(4) Certificates of Service

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. A model form **(Form B)** is attached hereto.

~~Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.~~ Attorneys should be aware that response and reply deadlines which appear in docket text or deadline queries are for Court use only.

(5) Notices of Electronic Filing Are Not Sent to Terminated Attorneys

A User who is terminated as an attorney on a case in the Southern District of Florida will not receive notices regarding future case activity; however, Users will continue to receive NEFs after cases are closed as long as they have not been terminated as attorneys on the closed cases. This affects notices to Users who receive notices electronically and to attorneys who receive notices through the U.S. mail.

Users who want to continue receiving electronic notices in a case after they have been terminated must take the following steps:

- Access the Court's CM/ECF website at http://ecf.flsd.uscourts.gov;
- Under "Utilities", select "Maintain Your Account";
- Select "Email Information";
- Click on the primary e-mail address hyperlink, in the left pane;
- In the right pane, type in the case number in the "Add additional cases for noticing" field;
- Press the [Find This Case] button;
- Once the case number has been located, press the [Add Case(s)] button;
- Select the [Return to Person Information Screen] button;
- Press [Submit].

Users who no longer want to continue receiving electronic notices in cases where the parties they represent have been terminated, must take the following steps:

- Contact the CM/ECF Help Desk at 1-888-318-2260;
- Provide the name of the party represented and the date they were terminated from the case;
- Request termination of electronic noticing in that case.

Attorneys may also track the status of cases through PACER.

3L. Making Docket Entries

(1) Designating Docket Entries

The party filing a document electronically shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court. Users may view the selection of docket event categories by: accessing the Court's website at www.flsd.uscourts.gov; clicking on the CM/ECF website link; and then clicking on "CM/ECF Civil and Criminal Menus for Attorneys."

(2) Correcting Docket Entries

CM/ECF will not permit the filing party to make changes to a document or docket entry once the transaction has been accepted. A document filed incorrectly 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.

If a User makes an error during the filing process, the User should contact the CM/ECF Help Desk, 1-888-318-2260, as soon as possible with the case number and document number for which the correction is being requested. If appropriate, the Clerk's Office will make an entry indicating the document was filed in error. The filing party will be advised if the document needs to be re-filed.

If an error is discovered by the Clerk's Office during the quality control process, the Clerk's Office will docket a "Notice of Instructions to Filer" informing the filer of the error and the manner in which to proceed. *The Clerk's Office will not strike or delete attorney entries, unless directed to do so by the Court.*

3M. Retention of Original Documents by Users

Original documents that require scanning in order to be filed electronically must be retained by the filing party or attorney for a period of one year after final resolution of the action, including final disposition of all appeals.

Section 4 - EXCEPTIONS TO MANDATORY ELECTRONIC FILING REQUIREMENT

4A. Requesting Leave of Court for Exception to General Mandatory Electronic Filing Requirement in a Specific Case

An attorney who is a member of the Southern District of Florida Bar, and who is not able to register for CM/ECF by the Court's implementation date, must show good cause in each case in which the attorney wishes to file and serve documents in the conventional manner. Documents filed in the conventional manner must be accompanied by **Form A** (attached hereto).

An attorney who is a registered User may apply to the Judge for permission to file documents in the conventional manner in a specific case upon a showing of good cause. Documents filed in the conventional manner must be accompanied by **Form A** (attached hereto). Even though a Judge may initially grant an attorney permission to file documents in the conventional manner, the Judge may withdraw that permission at any time during the pendency of a case and require that the attorney file documents using CM/ECF.

4B. Suspension of Electronic Filing Requirement For a Specific Document That Cannot Be Scanned

The filing party is responsible for the legibility of scanned documents. 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 the document with the Clerk's Office along with **Form A** (attached hereto). (For a listing of categories of documents that **can never** be filed electronically, see Section 5 below.)

Section 5 - DOCUMENTS THAT CANNOT BE FILED ELECTRONICALLY

5A. Documents and Cases Filed Under Seal

Attorneys are prohibited from filing sealed documents electronically. Sealed documents shall be filed in the conventional paper format accompanied by a motion to seal, a sealed document tracking form, and copies for the Judge as described in Local Rule 5.4. Motions to seal documents previously filed and on the docket must also be filed conventionally. In addition, motions to unseal documents/cases must be filed conventionally and must not be filed electronically.

A case filed under seal must be filed conventionally and shall be maintained in the electronic filing system for indexing purposes. Documents filed under seal will *not* be available for inspection by case participants or the public. Litigants must serve a notice of filing upon all other parties by conventional means and must file such notice with the sealed document. For complete procedures for filing under seal, see Local Rule 5.4(b). ~~Local Rule 5.4.B.~~

5B. Documents Related to Habeas Cases [Deleted]

~~**Transcripts** and **exhibits** filed in *habeas* cases will be conventionally filed and served. The Clerk's Office will docket a text-only event stating that the transcripts are available in paper format in the Clerk's Office.~~

5C. Civil Complaints Filed by *Pro Se* Litigants

Pro se litigants must file all documents, including new civil complaints and other civil case initiating documents, in the conventional manner. Complaints filed by attorneys are subject to Administrative Order 2009-36, which requires ~~establishes a pilot project for~~ the electronic filing of new civil complaints or other civil case initiating documents via the CM/ECF system(See Section 8).

A complaint or other initiating documents filed in the conventional manner may be sent through the U.S. mail or personally delivered to the Clerk's Office. It must be accompanied by a civil cover sheet (JS44) and either the required filing fee or Motion to Proceed *In Forma Pauperis*. (Filing fees are payable by cash, check, money order, or credit card.) The Clerk's Office will scan paper complaints and cover sheets and upload them to CM/ECF. For additional filing requirements, see the Civil Case Filing Requirements.

A complaint filed conventionally will be considered filed on the same day it is received if such filing is in compliance with the Local Rules and these Procedures. A complaint filed conventionally and received before 2:00 p.m. will normally be available for viewing on CM/ECF (PACER) the same day while those received between 2:00 p.m. and close of business will normally be available for viewing in CM/ECF (PACER) no later than 12:00 noon on the next business day.

5D. Criminal Matters

(1) Criminal Complaints

Criminal complaints must be presented in paper form by the U.S. Attorney's Office to the Duty Magistrate Judge. The Clerk's Office will scan the complaint, open the case and upload the PDF to CM/ECF.

(2) Indictments

Indictments will be presented by the U.S. Attorney's Office in paper form during the Grand Jury return. The Clerk's Office will then scan the documents, open the criminal case, and upload the PDF to CM/ECF.

(3) Criminal Information

A criminal information that initiates a case must be filed in the conventional manner by the U.S. Attorney's Office.

(4) Plea Agreements

Fully executed plea agreements must be filed in the conventional manner.

(5) Filing and Uploading of Criminal Matters - Time and Date

New criminal matters are deemed filed the day the Clerk's Office receives the initiating document. The U.S. Attorney's Office will be notified electronically when a new case has been opened and a number and Judge assigned. New criminal complaints/cases received before 2:00 p.m. will normally be available for viewing on CM/ECF the same day while

those received between 2:00 p.m. and close of business, will normally be available for viewing on CM/ECF no later than 12:00 noon the next business day.

5E. Emergency Motions/Requests for Emergency Hearing

Because these matters require the immediate attention of the Judge, the attorney must file the original motion and a copy for the Judge in conventional paper format **in the division where the Judge is chambered**. Once filed, the **Clerk's Office** will contact the Judge to determine how the matter should be handled.

5F. Summonses Filed by *Pro Se* Litigants

Summonses are available on the Court's website in the "Forms" section. *Pro se* litigants must file all documents, including summonses, in the conventional manner. Summonses filed by attorneys are subject to Administrative Order 2009-36 which establishes a pilot project for the electronic filing of new civil complaints or other civil case initiating documents via the CM/ECF system (See Section 8).

A *pro se* party requesting the summons must complete the top portion of the summons form and forward the summons to the Clerk's Office in the conventional manner. If sending the summons by U.S. mail, the pro se party must also submit a stamped, self-addressed envelope. The Clerk's Office will issue the summons, make an entry on the Court docket indicating that a summons was issued, and return the issued summons to the requesting party for service in person or by U.S. mail.

5G. Surety Bonds

The Clerk of Court must maintain the original surety bond with the original power of attorney for bonds attached in the Court file until such time as a Judge orders that it be returned to the filing party.

5H. Proposed Trial Exhibits

Exhibits offered or admitted at trial will not be filed electronically or conventionally unless so ordered by the Court.

5I. Materials Inappropriate for Display or Distribution to the Public, Including Minors

See Section 6E for restrictions regarding documents containing inappropriate materials, including images (not textual descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene.

5J. Motion to Appear Pro Hac Vice ~~Make Limited Appearance (Pro Hac Vice)~~

A motion to appear pro hac vice ~~make a limited appearance (motion to appear pro hac vice)~~ must

be filed in the conventional manner along with the applicable filing fees. (See Section 2B.)

5~~J~~K. Ex parte Filings

All ex parte filings must be filed in the conventional manner and must not be filed electronically.

Section 6 - REDACTION OF PERSONAL INFORMATION, PRIVACY POLICY, AND INAPPROPRIATE MATERIALS

6A. Filing Documents Containing Personal Data Identifiers

Filers must exclude or redact personal information from documents filed with the Court as required by Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil Procedure 5.2. Unless specifically exempted by the rules or by court order, the personal data identifiers noted below must be redacted to show **only** the following: **Social Security number**: last four digits only; **taxpayer ID number**: last four digits only; **financial account numbers**: last four digits only; **date of birth**: year only; **minor's name:** initials only; **home address:** city and state only (for criminal cases only). Consult the applicable rules for complete instructions on redaction.

6B. Internet Availability of Unprotected Personal Information

It must be remembered that any personal information not otherwise protected will be made available over the internet via PACER. Thus, filers should *exercise caution* when filing documents that contain the following:

- Personal identifying numbers, such as a driver's license number;
- Medical records, including treatment and diagnosis records;
- Employment history;
- Individual financial information;
- Proprietary or trade secret information;
- Information regarding the individual's cooperation with the government;
- Information regarding the victim of any criminal activity;
- National security information;
- Sensitive security information as described in 49 USC §114(s); and
- 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 the redaction of personal identifiers. The Clerk's Office **will not** review any document for redaction purposes. **SPECIAL NOTICE**: It is the filing party's responsibility to provide the U.S. Attorney's Office with the social security number of the plaintiff upon the filing of a new social security case.

6C. Certain Documents in Criminal Cases Not Accessible to the Public

Pursuant to the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files, [Click here] certain documents in criminal cases shall not be included in the public case file and should not be made available to the public at the courthouse or via remote electronic access.

6D. Redaction of Electronic Transcripts of Court Proceedings

Filers are responsible for redacting personal data identifiers from transcripts of court proceedings filed with the Court as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files [Click here] and Administrative Order 2008-31 of the Southern District of Florida [Click here].

6E. Filing of Materials, Including Images, Inappropriate for Display or Distribution to the Public, Including Minors

Pursuant to Administrative Order 2007-50, Users shall not electronically file materials which would otherwise be inappropriate for display or distribution to the public, including minors, through PACER or the CM/ECF System. These inappropriate materials include images (not textual descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene. A document containing such visual materials may only be filed electronically in a redacted version describing in words the images, but removing all images. Alternatively, such documents may be filed in the conventional manner, along with a motion to seal. Counsel and parties are cautioned that failure to protect such images from public dissemination, which includes minors, may subject them to the disciplinary authority of the Court.

Section 7 - PUBLIC ACCESS TO THE ELECTRONIC RECORD

7A. Access at the Courthouse

The electronic docket and documents in CM/ECF can be viewed by 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. § 1930.

7B. Access to Pacer Via the Internet

Remote electronic access to CM/ECF for viewing and printing purposes is available only to PACER system subscribers. A fee will be charged to access any document on the PACER system. Trial and hearing transcripts are not available on PACER at this time and may only be obtained from court reporters. Please refer to the PACER website at www.pacer.psc.uscourts.gov for further information.

7C. Certified Documents

Documents available in PACER are only copies of the Court record. Certified copies are only available through the Clerk's Office.

Section 8 - ELECTRONIC FILING OF NEW CIVIL COMPLAINTS

8A. Electronic Filing Civil Complaints or Case Initiating Documents

Pursuant to Administrative Order 2009-36, ~~a pilot project for the electronic filing of new civil complaints, or other civil case initiating documents via the CM/ECF system will be in effect from January 4, 2010 until April 5, 2010. During this pilot project, attorneys authorized to electronically file in the CM/ECF system in the Southern District of Florida may opt to electronically file new civil complaints or other civil case initiating documents via CM/ECF or they may continue to file such documents in the conventional manner in accordance with Section 5C of these Procedures.~~ as of **April 5, 2010**, attorneys authorized to electronically file in the CM/ECF system **must** electronically file new civil complaints or other civil case initiating documents via the CM/ECF system. *Pro se* litigants must continue to file all documents, including new civil complaints and other civil case initiating documents, in the conventional manner.

Any new civil complaint or other civil case initiating document that is to be automatically *sealed* by statute or operation of law, or that is accompanied by a motion or other request to seal the civil case in its entirety, *must be filed conventionally* and must not be filed electronically. This requirement for the conventional filing of sealed complaints applies to filings before, during and after the pilot.

Also, any new civil complaint or other civil case initiating document seeking emergency relief must be filed conventionally and must not be filed electronically (See Section 5E).

8B. Electronically Filed Civil Complaints - Filing Date

New civil complaints and other civil case initiating documents filed electronically will be deemed filed on a particular date if electronically received prior to midnight on that date and if the filings are in compliance with the Local Rules and these Procedures. New civil cases received electronically on or before 2:00 p.m. during business days will normally be available for viewing on CM/ECF (PACER) the same day. New civil cases electronically filed after 2:00 p.m. on business days, or on weekends or holidays will normally be available for viewing on CM/ECF (PACER) no later than 12:00 noon on the next business day. Until the case opening process is completed, new civil case filings will not be accessible to the public in CM/ECF (PACER).

Attorneys electronically filing new civil complaints or other civil case initiating documents are responsible for complying with the instructions posted on the Court's website at http://www.flsd.uscourts.gov/?page_id=21. Failure to attach the appropriate documents, submit the appropriate filing fees, and comply with such instructions will delay the case opening process until the appropriate remedial action is taken.

8C. Filing Fees Processed Using Pay.gov

The filing fees for new civil complaints and other civil case initiating documents filed electronically by Users will be processed using "Pay.gov", a secure government-wide collection portal. Through "Pay.gov", filers may pay the applicable filing fees with a credit card, debit card, or electronic debit from a checking or savings account. Please refer to the Court's website at

http://www.flsd.uscourts.gov/?page_id=21 for additional information regarding "Pay.gov" and Filing Instructions for the Southern District of Florida.

FORM A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.___Civ or CR-(USDJ's last name/USMJ's last name)

A. B.
Plaintiff(s),

vs

C.D.
Defendant(s).
_____/

NOTICE OF CONVENTIONAL FILING

Please take notice that the foregoing [name of document] is being filed conventionally for the following reason:

- ❑ A Court Order (copy attached).
- ❑ It cannot be converted to an electronic format.
- ❑ A technical failure of the Court's CM/ECF website on date .

Respectfully submitted,

s/[Name of Password Registrant] (Florida Bar Number)
Attorney E-mail address: xxx@xxx.xxx
Firm Name
Street Address
City, State, Zip Code
Telephone: (xxx) xxx-xxxx
Facsimile: (xxx) xxx-xxxx
Attorneys for Plaintiff/Defendant [Party Name(s)]

~~**FORM B**~~ [See Revised Form B Below]

~~**UNITED STATES DISTRICT COURT**~~
~~**SOUTHERN DISTRICT OF FLORIDA**~~

~~Case No.___Civ or CR-(USDJ's last name/USMJ's last name)~~

~~_____~~
~~_____ Plaintiff,~~
~~v.~~

~~_____~~
~~_____ Defendant.~~
~~_____/~~

~~**Certificate of Service**~~

~~I hereby certify that on (date), I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.~~

~~_____s/_____~~
~~_____[Name of Password Registrant]~~
-

~~= = = = = = = = = = = = = = = = =~~
~~Start new page~~
-

~~**SERVICE LIST**~~
~~**[Plaintiff] versus [Defendant]**~~
~~**Case No. ____–Civ or Cr–(USDJ's last name/USMJ's last name)**~~
~~**United States District Court, Southern District of Florida**~~

~~Attorney Name~~	~~Attorney Name~~
~~Attorney E–mail Address~~	~~Attorney E–mail Address~~
~~Firm Name~~	~~Firm Name~~
~~Street Address~~	~~Street Address~~
~~City, State, Zip Code~~	~~City, State, Zip Code~~
~~Telephone: (xxx)xxx–xxxx~~	~~Telephone: (xxx)xxx–xxxx~~
~~Facsimile: (xxx)xxx–xxxx~~	~~Facsimile: (xxx)xxx–xxxx~~
~~Attorneys for Plaintiff/Defendant~~	~~Attorneys for Plaintiff/Defendant~~
~~[Party's Name(s)]~~	~~[Party's Name(s)]~~
~~[Method of Service]~~	~~[Method of Service~~]

FORM B (1" from top of page, and centered, begin title of Court)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. ____–Civ or Cr–(USDJ's last name/USMJ's last name)

A.B.,
Plaintiff
vs.
C.D.,
Defendant.
_____/

TITLE OF DOCUMENT

Dated: Month, day, year

Respectfully submitted,

_____
Attorney Name (Bar Number)
Attorney E-mail Address
Firm Name
Street Address
City, State, Zip Code
Telephone: (xxx)xxx–xxxx
Facsimile: (xxx)xxx–xxxx
Attorneys for Plaintiff/Defendant [Party Name(s)]

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by [specify method of service] on [date] on all counsel or parties of record on the Service List below.

_____
Attorney Name

SERVICE LIST

Attorney Name
Attorney E–mail Address
Firm Name
Street Address
City, State, Zip Code
Telephone: (xxx)xxx–xxxx
Facsimile: (xxx)xxx–xxxx
Attorneys for Plaintiff/Defendant
[Party's Name(s)]

Attorney Name
Attorney E–mail Address
Firm Name
Street Address
City, State, Zip Code
Telephone: (xxx)xxx–xxxx
Facsimile: (xxx)xxx–xxxx
Attorneys for Plaintiff/Defendant
[Party's Name(s)]

FORM C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.___Civ or CR-(District/Magistrate Judges' Last Name)

A,B.

Plaintiff,

v.

C.D.,

Defendant.

_____/

NOTICE OF ENDORSEMENT

Pursuant to the CM/ECF Administrative Procedures, I, _____ , hereby certify that my original signature was placed on the following document which was electronically filed on _____:

___ Joint Proposed Scheduling Order

___ Stipulation of Dismissal

___ Joint Motion

Other:_____

On behalf of _____.

Respectfully submitted,

s/[Name of Password Registrant] (Florida Bar Number)
Attorney E-mail address: xxx@xxx.xxx
Firm Name
Street Address
City, State, Zip Code
Telephone: (xxx) xxx-xxxx
Facsimile: (xxx) xxx-xxxx
Attorneys for Plaintiff/Defendant [Party Name(s)]

Summary of Changes
to the Administrative Procedures

Change Date: February 1, 2011

Section 1B Electronic Record and Authorization for Electronic Filing

Modified to correct reference to Federal Rules of Civil Procedure. Reference to Rule 5(e) deleted and replaced with reference to Rule 5(d)(3).

Section 2B Attorneys Appearing Pro Hac Vice

Modified to reflect 2010 amendments to the Local Rules correcting the usage of "limited appearance" which is now properly referred to as "appearance *pro hac vice*". Reference to Local Rules modified to reflect change in tabulation style used in the Local Rules.

Section 3A General Requirements

Reference to Local Rules modified to reflect change in tabulation style used in the Local Rules.

Section 3D Changes of Address and Contact Information

Modified to include reference to addition of 11.1(g) to the Local Rules.

Sections 3I(4) Discovery Material and (5) Mediation

Reference to Local Rules modified to reflect change in tabulation style used in the Local Rules.

Section 3I(6) Proposed Documents

Modified to reflect requirement that all counsel must be copied on the e-mail to the Judge. Modified to reflect that final versions of proposed documents for the recently appointed U.S. Magistrate Judge Jonathan Goodman should be sent to the following email address: goodman@flsd.uscourts.gov. Also modified to reflect changes related to senior and retired Judges.

Section 3K(4) Certificates of Service

Reference to Federal Rule of Civil Procedure 6(e) and service by mail deleted from Section.

Section 3K(5) Notices of Electronic Filing Are Not Sent to Terminated Attorneys

Modified to clarify procedures for users who no longer want to continue receiving electronic notices in cases where the parties represented have been terminated.

Summary of Changes
to the Administrative Procedures

Section 5A Documents and Cases Filed Under Seal

Modified to clarify that motions to seal documents previously filed and on the docket, as well as motions unseal documents/cases must also be filed conventionally and must not be filed electronically. Reference to Local Rules modified to reflect change in tabulation style used in the Local Rules.

Section 5B Documents Related to Habeas Cases

Entire section deleted. Eliminated the requirement that transcripts and exhibits filed in state *habeas* cases must be filed conventionally. Such documents may now be filed electronically via CM/ECF or conventionally.

Section 5C Civil Complaints Filed by *Pro Se* Litigants

Modified to reflect that pursuant to Administrative Order 2009-36, the pilot project for the electronic filing of new civil cases was terminated and effective April 5, 2010, attorneys are required to electronically file all new civil complaints or other civil case initiating documents, except as provided in the Administrative Order.

Section 5J Motion to Appear Pro Hac Vice

Modified to reflect 2010 amendments to the Local Rules correcting the usage of "limited appearance" which is now properly referred to as "appearance *pro hac vice*".

Section 5K Ex parte Filings

Modified to correct duplicate numbering (previously 5J).

Section 8A Electronic Filing of New Civil Complaints

Modified to reflect that pursuant to Administrative Order 2009-36, the pilot project for the electronic filing of new civil cases was terminated and effective April 5, 2010, attorneys are required to electronically file all new civil complaints or other civil case initiating documents, except as provided in the Administrative Order. Also modified to reflect that attorneys may pay the applicable fees via "Pay.gov" with a credit card, debit card, or electronic debit from a checking of savings account.

Form B Certificate of Service

Modified to conform with Certificate of Service form following Local Rule 5.1. Changes include eliminating the requirement that filers "attach" a Service List on a separate page.

Summary of Changes
to the Administrative Procedures

Change Date: 11/13/2009

Section 5C Civil Complaints

Modified to reflect that complaints filed by attorneys are subject to Administrative Order 2009-36, which establishes a pilot project for the electronic filing of civil complaints or other civil case initiating documents via the CM/ECF system. Pro se litigants are required to file all documents, including new civil complaints a other civil case initiating documents, in the conventional manner.

Section 5F Summonses

Modified to reflect that pro se litigants must file all documents, including summonses, in the conventional manner. Summons filed by attorneys are subject to Administrative Order 2009-36, which establishes a pilot project for electronic filing of new civil complaints or other civil case initiating documents via the CM/ECF system.

Section 5J Ex Parte Filings

Added to clarify that ex parte filings must be filed in the conventional manner and must not be filed electronically.

Section 8 Electronic Filing of New Civil Complaints

Entire section added to comply with Administrative Order 2009-36, which establishes a pilot project for the electronic filing of new civil complaint or other civil case initiating documents via the CM/ECF system.

Change Date: 10/5/2009

Section 3D Change of Address and Contact Information

Modified to show that parties appearing pro se and counsel appearing pro hac vice must also maintain current contact information. Also modified to indicate that any change in contact information must be updated whenever such a change occurs.

Section 3G(1) Hardware/Software Generally Required for Electronic Filing

Modified to update scanner configurations. Also modified to indicate that PDF documents must be printable.

Section 3K(2) Notices of Electronic Filing Are Not Sent to Terminated Attorneys

Modified to reflect revised instructions for Users to continue receiving NEFs after they have been terminated in a case, in accordance with Release 4.0.2.

Summary of Changes
to the Administrative Procedures

Section 3K(2) Notices of Electronic Filing and "One Free Look"

Modified to include PACER's policy that hyperlinks to view documents referenced in NEFs expire after the earlier of two events: first use or 15 days.

Section 5J Motion to Make Limited Appearance (Pro Hac Vice)

Added to reflect that a motion to make a limited appearance must be filed in the conventional manner according to Section 2B. Such motions cannot be filed electronically.

Change Date: 5/12/2009

Section 6 Redaction of Personal Information, Privacy Policy, and Inappropriate Materials

Entire section revised to comply with changes to Judicial Conference Policy and to the Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil Procedure 5.2.

Change Date: 5/27/2008

Section 3K(2) NEF and One Free Look

Modified to show that, upon the implementation of CM/ECF Version 3.1, only Users who are listed as active attorneys on a given case will receive "one free look" at case documents.

Section 5B Documents Related to Habeas Cases and Social Security Cases

Modified pursuant to Rule 5.2 of the Federal Rules of Civil Procedure to remove the requirement that social security transcripts and exhibits be filed conventionally and to remove language restricting PACER access to social security cases to counsel of record and court staff due to privacy issues.

Section 5I Proposed Trial Exhibits

Modified to show that the Court will continue its pre-CM/ECF practice of conventionally filing trial exhibits admitted into the public record.

Section 5K Consent to Jurisdiction

5K was renamed 3I(7) and was changed to clarify that parties may electronically file a Consent to Jurisdiction only if both parties sign the same form.

Summary of Changes
to the Administrative Procedures

Change Date: 10/15/2007

Section 3D Changes of Address and Contact Information

Modified to clarify that Users can generally update contact information directly in CM/ECF.

Section 3E Government Attorneys Who Leave Their Agencies

Added to indicate that CM/ECF logins and passwords issued to attorneys employed by government agencies are valid only for filings on behalf of the specified agency.

Section 3I(5) Mediation

Modified to bring to the attention of Users that requests for the Clerk to appoint a mediator must be filed using the event "Request for Clerk to Appoint Mediator." Such requests should not be filed as motions.

Section 3K(5) NEFs Not Sent to Terminated Attorneys

Added to indicate that NEFs will no longer be sent to attorneys terminated in a case.

Section 5K Consent to Jurisdiction

Added to clarify that parties who consented to have a magistrate judge conduct a civil proceeding must file a consent in the conventional manner, after both parties have signed the consent.

Section 6B Exemptions from the Redaction Requirement

Exemptions from the Privacy Policy redaction requirement were added to comply with the Federal Criminal and Civil Rules, effective December 1, 2007.

Section 6C Filing of Inappropriate Materials

As directed by Administrative Order 2007-50, the section was added to address the filing of inappropriate materials. (The subject is also referenced in Sections 3I(3) and 5J.)