

# CASE MANAGEMENT ELECTRONIC CASE FILING



## CM/ECF NextGen Administrative Procedures

Southern District of Florida

(Effective December 12, 2023)

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## 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 method used to file documents that cannot or should not be filed electronically via CM/ECF and must be filed by other means (e.g., in person or by U.S. mail). Conventionally filed documents are hard copies containing an original, handwritten (wet) signature of the filing attorney or pro se party.

**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 <https://www.pacer.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 & 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) 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**

An attorney who has been permitted to appear 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](#)). All documents, including the motion to appear pro hac vice, must be filed electronically through their local counsel (who must be associated with the case pursuant to Local Rule 4(b) of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys).

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 and 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 e-mail), unless there is consent to receive notices electronically as indicated below.

Pro se litigants (non-prisoner) interested in receiving notices electronically must file the form "Consent by Pro Se Litigants (Non-Prisoner) to Receive Notice of Electronic Filing" which can be found on the Court's website (<http://www.flstd.uscourts.gov/forms/consent-pro-se-litigant-non-prisoner-receive-nefs>). After filing the consent, pro se litigants will receive case orders, notices and other documents filed via email. Paper copies of filings will no longer be sent by the Court or opposing counsel in that particular case. **Note:** Pro se litigants who consent to receiving notices electronically are responsible for maintaining a current email address with the Court (See Section 3D).

## 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 3K](#)).

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).

### 3B. Registration

Attorneys admitted to practice in the Southern District of Florida (see the [Southern District of Florida's Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys within the Local Rules](#)) must register to use CM/ECF. Eligible attorneys must register and complete training on the Court's website at <http://www.flsd.uscourts.gov/cmecf-attorney-registration-district-court>. 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 <https://www.pacer.gov/>.

### 3C. Login and Password

Each User will be issued one login and password to be linked to the attorney's PACER account, in PACER. 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, or telephone 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 PACER – Manage My Account at the top of the screen; and
- Update the User's mailing address and telephone number in PACER under Manage My Account at the top of the screen;
- 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**

Upon request and pursuant to Local Rule 4(d), CM/ECF logins/passwords are issued to attorneys employed by government agencies. Upon transfer to different government agencies, Users must notify the Attorney Admissions Clerk and update their 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 notify the Attorney Admissions Clerk so that their logins/passwords may be deactivated. See the Court's website (<http://www.flsd.uscourts.gov/government-attorneys>) for additional information regarding Government Attorneys and notifying the Attorney Admissions Clerk.

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 documents. 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 and Firefox browsers have been tested with CM/ECF (for specific versions that are support, see our [CM/ECF FAQ](#));
- 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 text-searchable 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 must be set at 8 ½ x 11 inches. The scanner must be set to convert scanned documents to text-searchable PDF format.

## **(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 50 megabytes (50 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 or attachments not exceeding 50 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.

## **(5) Text Searchable Requirement**

Court filings made via the CM/ECF system must be in a text searchable format. Filings are text searchable if they are converted to PDF format directly from a word processing program (Microsoft Word, WordPerfect, etc.) using Adobe Acrobat or similar software. If documents in paper format are scanned into PDF format, the scanning software must have Optical Character Recognition (OCR) functionality and the option must be turned on (OCR functionality is sometimes referred to as text layering).

# **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 3H(1). Documents filed in the conventional manner will be considered "filed" on the date they are docketed by the Clerk of 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 (<http://www.flsd.uscourts.gov/cmecf-system-notices>). 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.

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)(2) 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.

**(6) Availability of CM/ECF Workstations and Scanners at Courthouses**  
**[DELETED]**

**(7) Filings May Not Be Submitted on CD, DVD, or Thumb Drive**

Filings submitted on CD, DVD, or thumb drive (or other multi-media format) will not be accepted for filing, unless they were previously submitted as evidence or unless filed pursuant to Court order.

**(8) Documents Written in Foreign Languages Must Be Accompanied With Translation**

Documents not written in English (i.e., foreign language, braille) must be accompanied by a translation, unless a waiver has been granted by the Court.

**(9) Additional User Information**

Additional information for using CM/ECF can be found on the Court's website at <http://www.flsd.uscourts.gov/cmecf>.

**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) 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) 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 seven (7) 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 in PDF format as required for electronic filings; however, the **final version** of the proposed document must be e-mailed to the appropriate Judge at the e-mail address listed below. Users must submit the final version of the proposed document by e-mail in Word format (not in PDF 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). 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.

The following e-mail addresses are to be used **only** to submit documents as described above unless otherwise specifically permitted by the Judge.

| <b><u>District Judges</u></b>                                                      | <b><u>Magistrate Judges</u></b>                                                        |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <a href="mailto:altonaga@flsd.uscourts.gov">altonaga@flsd.uscourts.gov</a>         | <a href="mailto:torres@flsd.uscourts.gov">torres@flsd.uscourts.gov</a>                 |
| <a href="mailto:moore@flsd.uscourts.gov">moore@flsd.uscourts.gov</a>               | <a href="mailto:goodman@flsd.uscourts.gov">goodman@flsd.uscourts.gov</a>               |
| <a href="mailto:middlebrooks@flsd.uscourts.gov">middlebrooks@flsd.uscourts.gov</a> | <a href="mailto:matthewman@flsd.uscourts.gov">matthewman@flsd.uscourts.gov</a>         |
| <a href="mailto:dimitrouleas@flsd.uscourts.gov">dimitrouleas@flsd.uscourts.gov</a> | <a href="mailto:hunt@flsd.uscourts.gov">hunt@flsd.uscourts.gov</a>                     |
| <a href="mailto:martinez@flsd.uscourts.gov">martinez@flsd.uscourts.gov</a>         | <a href="mailto:valle@flsd.uscourts.gov">valle@flsd.uscourts.gov</a>                   |
| <a href="mailto:williams@flsd.uscourts.gov">williams@flsd.uscourts.gov</a>         | <a href="mailto:maynard@flsd.uscourts.gov">maynard@flsd.uscourts.gov</a>               |
| <a href="mailto:gayles@flsd.uscourts.gov">gayles@flsd.uscourts.gov</a>             | <a href="mailto:louis@flsd.uscourts.gov">louis@flsd.uscourts.gov</a>                   |
| <a href="mailto:bloom@flsd.uscourts.gov">bloom@flsd.uscourts.gov</a>               | <a href="mailto:reinhardt@flsd.uscourts.gov">reinhardt@flsd.uscourts.gov</a>           |
| <a href="mailto:rosenberg@flsd.uscourts.gov">rosenberg@flsd.uscourts.gov</a>       | <a href="mailto:reid@flsd.uscourts.gov">reid@flsd.uscourts.gov</a>                     |
| <a href="mailto:altman@flsd.uscourts.gov">altman@flsd.uscourts.gov</a>             | <del><a href="mailto:becerra@flsd.uscourts.gov">becerra@flsd.uscourts.gov</a></del>    |
| <a href="mailto:ruiz@flsd.uscourts.gov">ruiz@flsd.uscourts.gov</a>                 | <a href="mailto:strauss@flsd.uscourts.gov">strauss@flsd.uscourts.gov</a>               |
| <a href="mailto:smith@flsd.uscourts.gov">smith@flsd.uscourts.gov</a>               | <del><a href="mailto:damian@flsd.uscourts.gov">damian@flsd.uscourts.gov</a></del>      |
| <a href="mailto:singhal@flsd.uscourts.gov">singhal@flsd.uscourts.gov</a>           | <a href="mailto:mccabe@flsd.uscourts.gov">mccabe@flsd.uscourts.gov</a>                 |
| <a href="mailto:cannon@flsd.uscourts.gov">cannon@flsd.uscourts.gov</a>             | <a href="mailto:augustin-birch@flsd.uscourts.gov">augustin-birch@flsd.uscourts.gov</a> |
| <a href="mailto:becerra@flsd.uscourts.gov">becerra@flsd.uscourts.gov</a>           | <a href="mailto:sanchez@flsd.uscourts.gov">sanchez@flsd.uscourts.gov</a>               |
| <a href="mailto:leibowitz@flsd.uscourts.gov">leibowitz@flsd.uscourts.gov</a>       | <a href="mailto:elfenbein@flsd.uscourts.gov">elfenbein@flsd.uscourts.gov</a>           |
| <a href="mailto:damian@flsd.uscourts.gov">damian@flsd.uscourts.gov</a>             | <a href="mailto:lett@flsd.uscourts.gov">lett@flsd.uscourts.gov</a>                     |
| <a href="mailto:king@flsd.uscourts.gov">king@flsd.uscourts.gov</a>                 | <a href="mailto:DAngelo@flsd.uscourts.gov">DAngelo@flsd.uscourts.gov</a>               |
| <a href="mailto:zloch@flsd.uscourts.gov">zloch@flsd.uscourts.gov</a>               | <a href="mailto:snow@flsd.uscourts.gov">snow@flsd.uscourts.gov</a>                     |
| <a href="mailto:moreno@flsd.uscourts.gov">moreno@flsd.uscourts.gov</a>             |                                                                                        |
| <a href="mailto:graham@flsd.uscourts.gov">graham@flsd.uscourts.gov</a>             |                                                                                        |
| <a href="mailto:lenard@flsd.uscourts.gov">lenard@flsd.uscourts.gov</a>             |                                                                                        |
| <a href="mailto:seitz@flsd.uscourts.gov">seitz@flsd.uscourts.gov</a>               |                                                                                        |
| <a href="mailto:huck@flsd.uscourts.gov">huck@flsd.uscourts.gov</a>                 |                                                                                        |
| <a href="mailto:marra@flsd.uscourts.gov">marra@flsd.uscourts.gov</a>               |                                                                                        |
| <a href="mailto:cohn@flsd.uscourts.gov">cohn@flsd.uscourts.gov</a>                 |                                                                                        |
| <a href="mailto:scola@flsd.uscourts.gov">scola@flsd.uscourts.gov</a>               |                                                                                        |

## (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 requiring an attorney's signature that is filed electronically using his/her login and password shall be considered signed when the attorney's name is on the signature block according to the format below.

**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

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 in accordance with Section 3J(1). 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 electronically with the Judge's Name on a signature block, a digitized signature, or an original signature. An electronic or digitized 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. 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 5(b) and Federal Rules of Criminal Procedure 49(a).

Parties served by non-electronic means may be entitled to additional time to respond. See Federal Rules of Civil Procedure 6(d), Federal Rules of Criminal Procedure 45(c), and Local Rule 7.1(c)(1). Parties are advised that deadlines to respond automatically calculated in CM/ECF do NOT account for and may not be accurate when service is by mail. Parties may NOT rely on response times calculated in CM/ECF, which are only a general guide, and must calculate response deadlines themselves.

### **(4) Certificates of Service**

No certificate of service is required when a party files a document electronically unless the document is served other than through CM/ECF.

### **(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. Docket Entries

#### (1) Making a Docket Entry

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. A user may view the selection of a docket event category categories by: accessing the Court's website at <http://www.flstd.uscourts.gov/information-cmecf-users>; clicking on the "CM/ECF tab"; selecting "User Information"; and then selecting "Civil Event List" or "Criminal Event List." website link; and then clicking on "CM/ECF Civil and Criminal Menus for Attorneys."

#### (2) Describing an Attachment to a Docket Entry

A party filing an attachment to a document shall select one of the prescribed attachment categories from the drop-down menu (e.g., affidavit, transcript), provide an alphabetical or numerical designation (e.g., Exhibit A, Exhibit 1), and descriptively name each attachment (e.g., Exhibit 1 - Affidavit of Boo Radley) in a manner that enables the Court to easily locate and distinguish attachments. The following is illustrative:

| Attachments                                     | Category  | Description                         |
|-------------------------------------------------|-----------|-------------------------------------|
| 1. <top\Exhibit 1 - Affidavit of Boo Radley.pdf | Affidavit | Exhibit 1 - Affidavit of Boo Radley |

#### (3) Correcting a Docket Entry

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.

### **3N. Electronic Submission of Exhibits**

Most exhibits must be submitted in CM/ECF electronically within ten (10) days of the close of trial or proceeding, unless otherwise ordered by the presiding Judge. For specific instructions see Local Rule 5.3 and the ["Quick Reference Guide to Electronically Filing Trial Exhibits"](#) which can be found on the Court's website under CM/ECF Policies and Procedures.

## **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. Cases Filed Under Seal and Sealed Documents in Criminal Cases**

Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file sealed documents electronically via CM/ECF in civil cases that are otherwise open to the public (See Section 9). If the entire civil case is sealed, the initial complaint or other initiating document as well as subsequent sealed filings must continue to be filed conventionally. Attorneys are prohibited from filing sealed documents in criminal actions electronically. Sealed documents in criminal actions shall be filed in the conventional paper format accompanied by a motion to seal as described in [Local Rule 5.4](#). In criminal actions, motions to seal documents previously filed and on the docket must also be filed conventionally. Motions to unseal documents in criminal actions or criminal cases must be filed conventionally and must not be filed electronically.

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.

### **5B. Documents Related to Habeas Cases [Deleted]**

### **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 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 Application to Proceed in District Court Without Paying Fees or Costs. (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**

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

## **(4) Documents Requiring the Signature of a Non-Attorney**

Documents signed by a grand jury foreperson or a third-party custodian must be submitted in paper format to the Clerk's Office.

## **(5) Criminal Data Sheet, Summons, and Warrant**

The criminal data sheet, summons, and warrant must be submitted to the Clerk's Office in paper form.

## **(6) Highly Sensitive Documents**

Highly Sensitive Documents, as defined in the Eleventh Circuit's Amended Order regarding Procedures for the Filing, Service, and Management of Highly Sensitive Documents must be submitted to the Clerk's Office in the conventional manner.

## **~~(4)~~(7) Plea Agreements**

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

## **~~(5)~~(8) 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 [DELETED – See Section 10]**

## **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 requires 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 [DELETED]

See [“Quick Reference Guide to Electronically Filing Trial Exhibits”](#).

## 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 [DELETED]

## 5K. Ex Parte Filings in Criminal Actions

Ex parte filings in criminal actions must be filed conventionally in conformity with Local Rule 5.4. (Note: ex parte filings in civil actions must be filed electronically pursuant to Section 9). At the time of filing, ex parte filings will appear on the docket as “restricted” with electronic access limited to the Court, but will thereafter be treated in the manner set forth in Local Rule 5.4.

# 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 <https://www.pacer.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, 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.

## **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/policies-procedures>. 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, other civil case initiating documents, motions to appear pro hac vice, and other documents that require a filing fee and are 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/court-fees> for additional information regarding "Pay.gov" and Filing Instructions for the Southern District of Florida.

# **Section 9 - ELECTRONIC FILING OF SEALED AND EX PARTE**

## **DOCUMENTS IN CIVIL MATTERS**

### **9A. Electronic Filing of Motions to Seal and Proposed Orders**

Effective December 1, 2015, attorneys authorized to file electronically in the CM/ECF system must file sealed documents electronically in civil cases otherwise open to the public and civil ex parte matters. Attorneys must upload motions to seal and the proposed order via CM/ECF using the “Motion to Seal” (public) event. Notices of Electronic Filing will be sent to CM/ECF users. Attorneys must continue to provide service to pro se parties and other non-ECF users.

The proposed sealed material shall not be filed unless the Court grants the motion to file under seal.

In instances where the entire civil case is sealed, the initial complaint or other initiating document as well as subsequent sealed filings must continue to be filed conventionally (See Section 5).

### **9B. Sealed Filings and Subsequent Sealed Documents**

If the Court grants a motion to file under seal, then the moving party shall file any pleading, motion, memorandum, or other document that has been authorized to be filed under seal via CM/ECF using events specifically earmarked for sealed civil filings, but if a redacted filing previously has been made or is accompanying the sealed filing, then the material that is being filed under seal shall be filed as an attachment to a “Notice of Sealed Filing” which shall be filed via CM/ECF using events specifically earmarked for sealed civil filings.

Attorneys also must electronically file any subsequent sealed filings required by Court order and motions to unseal using the “Sealed Motion or Sealed Document” events in CM/ECF. When uploading sealed documents, attorneys must indicate the authority under which the documents are being filed under seal and the date and docket entry number of any applicable order.

Attorneys will not have access to their sealed filings via PACER. Attorneys must complete any required service of a sealed document or Notice of Sealed Filing conventionally, indicating the corresponding docket entry number of the sealed document or Notice of Sealed Filing. Service of sealed filings is not completed via CM/ECF. The public docket will reflect that a restricted/sealed document has been filed.

If a sealed document is erroneously filed as a public document, attorneys must immediately call the CM/ECF Help Desk (1-888-318-2260).

### **9C. Ex Parte Filings**

Attorneys must file electronically ex parte motions and proposed orders in civil cases using the “Ex parte Document or Ex parte Motion” events in CM/ECF. Ex parte filings will be restricted from public view unless otherwise directed by the Court. The public docket will reflect that a restricted document has been filed.

### **9D. Summary of Electronic Filing Requirement for Attorneys**

The following is a summary of the electronic filing requirements for sealed, ex parte, and emergency or expedited matters. When filing sealed or ex parte matters electronically, attorneys must be certain to use the correct CM/ECF events. Otherwise the filing may be subject to public view rather than restricted. Please contact the CM/ECF Help Desk (1-888-318-2260) if there is any question about which CM/ECF event to use.

|                 | Sealed Filings | Ex Parte Filings | Emergency/Expedited Matters                 |
|-----------------|----------------|------------------|---------------------------------------------|
| <b>Civil</b>    | Electronic*    | Electronic       | Electronic                                  |
| <b>Criminal</b> | Conventional   | Conventional     | Electronic (unless also sealed or ex parte) |

*\*If the entire case is sealed, civil sealed filings must be conventionally filed.*

## **Section 10 - EMERGENCY AND EXPEDITED MOTIONS/REQUESTS FOR EMERGENCY HEARINGS**

### **10A. Filing of Emergency and Expedited Matters**

#### **(1) Emergency Motions and Expedited Motions**

Effective December 1, 2015, and December 3, 2018, respectively, attorneys authorized to file electronically in the CM/ECF system must file emergency and expedited matters electronically. Emergency and expedited matters in criminal cases that are also ex parte or sealed must be conventionally filed. A party appearing pro se must continue to file emergency and expedited matters conventionally. Attorneys must file emergency and expedited motions electronically in CM/ECF using the event “Emergency Motion/Certification of Emergency” or “Expedited Motion” (which will be accessible to the public on the docket). Notices of Electronic Filing will be sent to CM/ECF users. Attorneys must continue to provide service to pro se parties and other non-CM/ECF users.

For emergency motions, filers must certify that the matter is a true emergency. Motions are not considered emergencies if the urgency arises due to the attorney’s or party’s own dilatory conduct. The filer must certify that the matter is a true emergency by including the language specified in Local Rule 7.1(d)(1) before the motion’s signature block.

Expedited motions are for matters that do not qualify as emergency motions but are nonetheless time-sensitive and require an expedited ruling by a date certain. The filer must include the words “Expedited Motion” in the title and set forth in detail the date by which an expedited ruling is needed and the reason the ruling is needed by the stated date.

#### **(2) Attorneys Must Contact The Clerk’s Office When Filing Emergency Motions**

If an emergency matter is being docketed during business hours, the attorney **must** immediately contact the CM/ECF Help Desk via telephone (1-888-318-2260) to alert the Clerk’s Office that an Emergency Motion has been docketed in CM/ECF.

If the Emergency Motion does not include the required certification, the Clerk’s Office will contact the filer and docket a Clerk’s Notice of Non-Compliance. The Motion will not be processed as an emergency until the filer has filed an Amended Emergency Motion containing the required certification.

Once filed in compliance with Rule 7.1(d), the Clerk’s Office will contact the chambers of the District Judge assigned to the case and verify that the Judge is aware of the emergency matter.

If an emergency matter must be filed after hours, the filer must contact the Clerk’s Office for instruction. (Refer to the Court’s website for additional information.)

### **(3) Assigned Judge Unavailable to Rule on Emergency Motion**

If the District Judge assigned to the case is unavailable, the Clerk's Office will verify that the Emergency Motion contains the required certification. If the Emergency Motion is properly certified, the Clerk's Office will assign the matter to another Judge from the emergency assignment wheel and contact that chambers to ensure that the Judge is aware of the emergency matter. The Clerk's Office will docket the "Clerk's Notice of Assignment Due to Judge Unavailability" in CM/ECF.

If the Emergency Motion does not include the required certification, the Clerk's Office will contact the filer and docket a Clerk's Notice of Non-Compliance. The matter will not be processed as an emergency until the filer has filed an Amended Emergency Motion containing the required certification.

### **(4) Conventional Filing of Emergency and Expedited Matters in Criminal Actions that are also Ex Parte or Sealed and by Pro Se Parties**

Emergency and expedited motions in criminal cases that are also ex parte or sealed must be conventionally filed. A party appearing pro se must file emergency and expedited motions conventionally.

## **10B. Summary of Electronic Filing Requirement for Attorneys**

The following is a summary of the electronic filing requirements for sealed, ex parte, and emergency/expedited matters. When filing sealed or ex parte matters electronically, attorneys must be certain to use the correct CM/ECF events. Otherwise the filing may be subject to public view rather than restricted. Please contact the CM/ECF Help Desk (1-888-318-2260) if there is any question about which CM/ECF event to use.

|                 | <b>Sealed Filings</b> | <b>Ex Parte Filings</b> | <b>Emergency/Expedited Matters</b>          |
|-----------------|-----------------------|-------------------------|---------------------------------------------|
| <b>Civil</b>    | Electronic*           | Electronic              | Electronic                                  |
| <b>Criminal</b> | Conventional          | Conventional            | Electronic (unless also sealed or ex parte) |

*\*If the entire case is sealed, civil sealed filings must be conventionally filed.*

## **SECTION 11 –ATTORNEY DISCIPLINE**

### **11A. Electronic Filing of Attorney Discipline/Peer Review Matters**

Effective December 1, 2017, all matters relating to attorney discipline or peer review will be docketed in the CM/ECF System, see "Attorney Discipline" under "Other Filings" in the CM/ECF Civil Events Menu.

The screenshot shows the ECF system homepage. At the top is a blue navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the bar, the page is titled "Civil Events". There are two main columns of links. The left column includes "Open a Case" (with a link to "Civil Case - Atty"), "Initial Pleadings and Service" (with links to "Complaints, Other Initiating Documents", "Service of Process", "Answers to Complaints", and "Other Answers/Responses/Replies"), "Motions and Related Filings" (with links to "Motions", "Responses and Replies to Motions", "Motion to Seal/Sealed and Exparte Filings", and "Emergency Motion/Certification of Emergency"), and "Other Filings" (with links to "Discovery Documents", "Mediation Documents", "Notices", "Trial Documents", "USCA Appeal Documents", "Other Appeals", "Bankruptcy Documents", and "Other Documents"). The right column includes "Other Filings (cont.)" (with a link to "Attorney Discipline") and "Attorney Events" (with a link to "Utility Events - Atty").

Attorneys authorized to file electronically in the CM/ECF system must electronically file all documents under the event “Attorney Discipline filing (Restricted)” via the CM/ECF system once the Clerk assigns a miscellaneous case docket number to the matter.

The screenshot shows the "Attorney Discipline" page in the ECF system. At the top is a blue navigation bar with the ECF logo and links for Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the bar, the page is titled "Attorney Discipline". There is a search bar at the top. Below the search bar, there are two sections. The left section is titled "Available Events (click to select an event)" and contains a list of events: "AD HOC Committee Report and Recommendation (Restricted)", "AD HOC Committee filing (Restricted)", "Attorney Discipline Complaint (Restricted or Public)", "Attorney Discipline filing (Restricted)" (which is highlighted in blue), and "Petition (Motion) for Reinstatement (Public)". The right section is titled "Selected Event" and contains a text box with the text "Attorney Discipline filing (Restricted)". At the bottom of the page, there are two buttons: "Next" and "Clear".

All filings and identifiable information on the docket will be under seal until an order of discipline is entered. Attorneys are responsible for independently recording what they file, as they will not be able to view or identify those documents after they have been docketed.

## 11B. Notice and Docketing

### (1) Notice

Matters initiated by the Ad Hoc Committee will be communicated to the attorney by that Committee and subsequently uploaded electronically on the docket. Once docketed, notice of filing and any required responses are to proceed through the CM/ECF System. Matters initiated by an order to show cause or order of discipline will be entered into CM/ECF electronically and served by personal service or by registered or certified mail addressed to the attorney’s court record address in accordance with Local Rule 16 of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys.

### (2) Docketing

All matters will be docketed under the case number provided by the Clerk. All documents will be filed under seal except that any resulting order of discipline will be made publically viewable on the docket.

## 11C. Reinstatement

Petitions for reinstatement shall be filed under the corresponding docket number and will be publicly

viewable on the docket. Any resulting order will also be publicly viewable under the docket. If the Petitioner is being represented by counsel, the Petition must be electronically filed using the event "Petition (Motion) for Reinstatement (Public)." If the Petitioner is not represented by counsel and has lost electronic filing privileges, the Petition is to be filed conventionally.

The screenshot shows the ECF (Electronic Case Filing) interface for Attorney Discipline. The top navigation bar is blue with white text and includes links for Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title "Attorney Discipline" is displayed. A search bar is located above the "Available Events" list. The "Available Events" section contains a list of events, with "Petition (Motion) for Reinstatement (Public)" selected and highlighted in blue. The "Selected Event" section shows the chosen event in a text box. At the bottom, there are "Next" and "Clear" buttons.

| Available Events (click to select an event)             | Selected Event                               |
|---------------------------------------------------------|----------------------------------------------|
| AD HOC Committee Report and Recommendation (Restricted) | Petition (Motion) for Reinstatement (Public) |
| AD HOC Committee filing (Restricted)                    |                                              |
| Attorney Discipline Complaint (Restricted or Public)    |                                              |
| Attorney Discipline filing (Restricted)                 |                                              |
| <b>Petition (Motion) for Reinstatement (Public)</b>     |                                              |

Next Clear

**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,

**[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

Attorneys for Plaintiff/Defendant [Party Name(s)]

**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(s)

vs. Defendant(s).

C.D.,

\_\_\_\_\_/

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

Attorneys for Plaintiff/Defendant [Party 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(s),

vs.

C.D.,

Defendant(s).

**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,

[Name of Password Registrant] (Florida Bar Number)

Attorney E-mail address: [xxx@xxx.xxx](mailto:xxx@xxx.xxx)

Firm Name

Street Address

City, State, Zip Code

Telephone: (xxx) xxx-xxxx

Attorneys for Plaintiff/Defendant [Party Name(s)]

## **Summary of Changes to the Administrative Procedures**

**Change Date: December 2, 2024**

### **Section 3I – Filings that Require Special Attention**

Magistrate Judge Ellen D'Angelo was appointed on October 8, 2024 and the list of email addresses used to submit proposed documents was modified to add Judge D'Angelo.

Magistrate Judge Enjoliqué A. Lett was appointed on September 16, 2024 and the list of email addresses used to submit proposed documents was modified to add Judge Lett.

Due to Magistrate Judge Jacqueline Becerra's elevation from Magistrate Judge to District Judge on February 29, 2024, the list of email addresses used to submit proposed documents was modified to list Judge Becerra after District Judge Aileen M. Cannon.

District Judge David S. Leibowitz was appointed on March 1, 2024 and the list of email addresses used to submit proposed documents was modified to list Judge Leibowitz.

Due to Magistrate Judge Melissa Damian's elevation from Magistrate Judge to District Judge on March 5, 2024, the list of email addresses used to submit proposed documents was modified to list Judge Damian after District Judge Davis S. Leibowitz.

Magistrate Judge Marty Fulgueira Elfenbein was appointed on March 11, 2024 and the list of email addresses used to submit proposed documents was modified to add Judge Elfenbein.

### **Section 5D – Criminal Matters**

Added additional items that need to be filed conventionally with the Clerk's Office to comply with the amendments to Local Rule 5.4(c).

**Change Date: December 1, 2023**

### **Section 3I – Filings that Require Special Attention**

With the retirement of U.S. Magistrate Judge Chris M. McAliley, her email address was removed and added recently appointed U.S. Magistrate Judge Eduardo I. Sanchez's email.

Due to the passing of Senior U.S. District Judge Marcia G. Cooke, her email was removed from this section.

U.S. District Judge Robert N. Scola, Jr. elected senior status on November 1, 2023, so his email was moved based on seniority.

With the retirement of U.S. Magistrate Judge Alicia M. Otazo-Reyes, her email address was removed.

**Change Date: December 1, 2022**

**Section 3I – Filings that Require Special Attention**

With the retirement of Chief U.S. Magistrate Judge John J. O’Sullivan, removed his email address and added recently appointed U.S. Magistrate Judge Melissa Damian’s email.

District Judge Marcia G. Cooke elected Senior status on July 15, 2022. Senior Judge Marcia G. Cooke will be listed in seniority order after Senior Judge James I. Cohn on the District Judges list.

Magistrate Judge Panayotta Augustin-Birch was appointed on September 30, 2022. She will be listed in seniority order after Magistrate Judge Ryon M. McCabe on the list of Magistrate Judges.

Magistrate Judge Lurana S. Snow is on Recall status effective June 1, 2022. She will be listed in seniority order after Magistrate Judge Augustin-Birch. Added recently appointed U.S. Magistrate Judge Panayotta Augustin-Birch’s email.

**Change Date: December 1, 2021**

**Section 3I – Filings that Require Special Attention**

Updated listing of emails for Judges.

**Change Date: December 1, 2020**

**CM/ECF Admin Proc. 3H(2) Abolishment of the Nightbox Policy** – modified to comply with Local Rule Amendment 5.1(b) – amended to clarify when a document is submitted/filed and the date to be used for service – “the date that a submission from a party who is exempt from electronic filing is *docketed by the Clerk of Court* shall be deemed the date that such submission is served.

**Change Date: November 23, 2020**

Added email address for newly appointed Judge Aileen M. Cannon

**Change Date: January 7, 2020**

Added email address for newly appointed Judge Raag Singhal.

**Change Date: November 6, 2019**

**Section 3I – Filings that Require Special Attention**

Updated Magistrate Judge John O’Sullivan’s email address which removed the apostrophe due to recent email migration.

**Change Date: June 17, 2019**

**Section 3I – Filings that Require Special Attention**

Added recently appointed District Judge Rodney Smith’s email address.

**Change Date: May 7, 2019**

### **Section 3I – Filings that Require Special Attention**

Added recently appointed District Judge Roy K. Altman's email address. Added recently appointed District Judge Rodolfo A. Ruiz's email address.

**Change Date: February 1, 2019**

### **Section 3I – Filings that Require Special Attention**

Removed Magistrate Judge Andrea M. Simonton's email address due to retirement. Added recently appointed Magistrate Judge Jacqueline Becerra's email address. Removed Magistrate Patrick A. White's email address due to retirement. Added recently appointed Magistrate Judge Lisette M. Reid's email address.

**Change Date: December 3, 2018**

### **Section 2C Pro Se Litigants**

Provided exception to mandatory electronic filing if allowed by court order or local rule.

### **Section 3H(6) Proposed Documents**

Updated email address for judges.

### **Section 3H(7) Filings May Not Be Submitted on CD, DVD, or Thumb Drive**

Modified for updates in technology.

### **Section 3J Signatures and Affidavits or Declarations**

Eliminated need for /s in signature block pursuant to Federal Rule of Civil Procedure 5(d)(3)©.

### **Section 3K(4) Certificates of Service**

Eliminated the requirement for a certificate of service, pursuant to Federal Rule of Civil Procedure 5(d)(1)(B), where service is made via CM/ECF.

### **Section 9 Electronic Filing of Sealed and Ex Parte Documents in Civil Matters**

Modified to require Court approval before filing proposed sealed material and updated procedures in filing sealed material.

### **Section 10 Emergency and Expedited Motions/Requests for Emergency Hearings**

Modified to provide new procedures for expedited motions and updated procedures for emergency motions.

### **Forms**

Updated to eliminate references to old technology and elimination of certificate of service.

**Change Date: December 1, 2017**

### **Section 3I(6) Proposed Documents**

The list of email addresses used to submit proposed documents was modified to remove the email address for retired Magistrate Judge Frank Lynch Jr. and to add the email address for Magistrate Judge Shaniek Maynard.

### **Section 3N Electronic Submission of Exhibits**

Pursuant to Local Rule 5.3 the deadline for electronically filing exhibits was changed from three days to ten days.

### **Section 11 –Attorney Discipline**

Modified to add new section with procedures relating to attorney discipline or peer review matters docketed in the CM/ECF System.

**Change Date: April 18, 2017**

### **Section 2C – Pro Se Litigants**

Modified to permit pro se litigants (non-prisoner) to consent to receive notices electronically.

**Change Date: December 1, 2016**

### **Section 3G(3) Size Limitation for Any Electronically-Filed Document**

Modified to reflect the size limitation for electronically-filed documents has been increased from 10 megabytes (MB) to 50 megabytes (MB).

### **Section 3I(6) Proposed Documents**

The list of email addresses used to submit proposed documents was modified to remove the email address for Senior U.S. District Judge Kenneth L. Ryskamp who retired from the U.S. Court.

### **Section 3K(2) Service of Documents and Notice of Electronic Filing**

Modified to remove language that Notice of Electronic Filing is equivalent to service by U.S. mail pursuant to revisions to FRCP 6(d) which no longer provides three (3) additional days for service by electronic means.

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

Modified to indicate that parties served by non-electronic means may be entitled to additional time to respond. This reflects amendments to the federal and local rules. Also modified to clarify that parties are not to rely on response deadlines calculated in CM/ECF which are only a general guide.

### **Section 3N: Electronic Submission of Exhibits**

New section added to reflect new policy that most exhibits must be electronically filed within three (3) days of the conclusion of any trial or proceeding, unless otherwise ordered by the presiding Judge, pursuant to Administrative Order 2016-70.

### **Section 5H: Proposed Trial Exhibits**

Section deleted as trial exhibits must now be electronically filed with the Court. See Section 3N.

**Change Date: December 1, 2015**

**Section 2B Attorneys Appearing Pro Hac Vice**

Modified to reflect that motions to appear pro hac vice must be filed electronically by local counsel and the filing fee must be paid electronically via pay.gov.

**Section 3(I)(5) Mediation**

Modified to reflect mediation reports must be filed within 7 days following a mediation conference, consistent with Local Rule 16.2(f)(1).

**Section 3(J)(4) Documents Requiring a Judge's Signature**

Modified to reflect that digitized signatures also have the same force and effect as an original signature.

**Section 5A Cases Filed Under Seal and Sealed Documents in Criminal Cases**

Modified to reflect that attorneys must file electronically sealed documents in civil cases that are otherwise open to the public, as outlined in Section 9. However, if the entire civil case is sealed, documents must continue to be filed conventionally. In addition, sealed documents in criminal actions must be filed conventionally.

**Section 5E Emergency Motions/Requests for Emergency Hearings**

Deleted from Section 5 "Documents That Cannot Be Filed Electronically". Attorneys must file emergency matters electronically. However, emergency matters in criminal cases that are also ex parte or sealed must be filed conventionally. See Section 10 for additional information.

**Section 5J Motion to Appear Pro Hac Vice**

Deleted from Section 5 "Documents That Cannot Be Filed Electronically". Motions to appear pro hac vice must be filed electronically through local counsel. See Section 2B.

**Section 5K Ex Parte Filings in Criminal Actions**

Modified to reflect that ex parte filings in criminal actions must continue to be filed conventionally. However, ex parte filings in civil cases must be filed electronically as outlined in Section 9.

**Section 8C Filing Fees Processed via Pay.gov**

Modified to reflect that filing fees for documents filed electronically, including motions to appear pro hac vice, must be paid via "pay.gov."

**Section 9 Electronic Filing of Civil Sealed Documents and Civil Ex Parte Documents**

New section added to reflect the new policy that requires attorneys to file electronically sealed documents in civil cases that are otherwise open to the public, as well as ex parte documents in civil cases. Additional instruction provided regarding the filing of sealed matters.

**Section 10 Emergency Motions/Requests for Emergency Hearings**

New section added to reflect new policy requiring attorneys to file emergency matters

electronically. However, emergency matters in criminal cases that are also sealed or *ex parte* must continue to be filed conventionally. Additional instruction provided regarding the filing of emergency matters.

#### **Change Date: December 1, 2014**

##### **Section 5K Ex parte Filings**

Modified to indicate that at the time of filing, *ex parte* filings will appear on the docket as “restricted” with electronic access limited to the Court, but will thereafter be treated in the manner set forth in Local Rule 5.4.

##### **Section 3I(6) Proposed Documents**

The list of email addresses used to submit proposed documents was modified to add email addresses for the recently appointed U.S. District Judge Darrin P. Gayles, U.S. District Judge Beth Bloom, and U.S. District Judge Robin L. Rosenberg. In addition, email addresses were removed for Judge Robin S. Rosenbaum due to her elevation to the Eleventh Circuit Court of Appeals, for U.S. Senior District Judge William M. Hoeveler due to his retirement, and for U.S. Senior District Judge Alan S. Gold due to the closure of his chambers.

#### **Change Date: December 3, 2013**

##### **Section 1A Terms**

The term “conventional manner” in Section 1A was modified to clarify that documents filed in the conventional matter must contain an original, handwritten (wet) signature.

##### **Section 3H Filing Information**

Section 3H(5) “Failure of User’s System” was modified by removing the reference to CM/ECF workstations/scanners being available to Users at Courthouse locations.

Section 3H(6) “Availability of CM/ECF Workstations and Scanners at Courthouses” was deleted. CM/ECF workstations and scanners are no longer available to Users at Courthouse locations. (Note: Public Terminals to query are still available at Courthouse locations.)

##### **Section 3I(6) Proposed Documents**

Section 3I(6) was modified to reflect a policy change adopted by the Court that final versions of proposed documents must be submitted in Word format only, and may no longer be submitted in Word Perfect format.

In addition, the list of email addresses used to submit proposed documents was modified to remove the email addresses for U.S. Magistrate Judge Ted E. Bandstra and U.S. Magistrate Judge Robert L. Dube who retired from the District Court. The list was also modified to add email addresses for the recently appointed U.S. Magistrate Judge Patrick M. Hunt and U.S. Magistrate Judge Alicia O. Valle.

##### **Section 5A Documents and Cases Filed Under Seal**

Modified to remove the requirement that sealed documents and motions to seal be accompanied by a sealed document tracking form and copies for Judges pursuant to modifications to Local Rule 5.4.

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

Section 5C was modified to replace “Motions to Proceed Informa Pauperis” with “Application to Proceed in District Court Without Paying Fees or Costs”, to reflect current language in Local Rules.

## **Section 5H Proposed Trial Exhibits**

Clarified language to reflect “proposed” exhibits offered at trial.

### **Change Date: December 1, 2012**

## **Section 3H(7) Filings May Not be Submitted on CD, DVD, Cassette, or VHS Tape**

Added to reflect the new policy adopted by the Court in February 2012.

## **Section 3H(8) Documents Written in Foreign Languages Must be Accompanied with Translation**

Added to reflect the new policy adopted by the Court in February 2012.

## **Section 3H (9) Additional User Information**

Section number changed from number 7 to 9 to adjust for the above new policies.

## **Section 3I(6) Proposed Documents**

The list of email addresses used to submit proposed documents was modified to remove the email addresses for (1) U.S. District Judge Alberto Jordan who was elevated to the Eleventh Circuit Court of Appeals; (2) U.S. Magistrate Judge Stephen T. Brown who retired from the District Court; (3) U.S. Magistrate Judge Linnea R. Johnson who retired from the District Court; and (4) U.S. Magistrate Judge Ann E. Vituanc who retired from the District Court. In addition, the email address for U.S. District Judge Robin S. Rosenbaum was moved to the District Judge list to reflect her recent appointment as a District Judge (her email address remains the same).

The list was also modified to add email addresses for the recently appointed U.S. Magistrate Judge Dave Lee Brannon, U.S. Magistrate Judge Alicia M. Otazo-Reyes, and U.S. Magistrate Judge William Matthewman.

## **Section 3L Docket Entries**

Subsection (1) modified to clarify location of docket event categories on the Court’s website. Subsection (2) added to provide instructions on describing an attachment to a docket entry. Subsection (3) numbering changed from 2 to 3 in relation to the above changes.

## **Section 5E Emergency Motions\Requests for Emergency Hearing**

Modified to indicate that filers should refer to the Court’s website for contact information if emergency matters must be filed after-hours.

### **Change Date: December 13, 2011**

## **Section 3G(3) Size Limitation for Any Electronically-Filed Document**

Modified to reflect the size limitation for documents filed in CM/ECF will increase from 5 MB to 10

MB, effective January 1, 2012.

**Change Date: December 1, 2011**

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

Modified to refer Users to Court's website for specific versions of Internet Explorer and Firefox which are supported by CM/ECF. Also modified to indicate page size "must" be set at 8 ½ x 11 inches and scanners must be set to convert scanned documents to text-searchable PDF format.

**Section 3G(5) Text Searchable Requirement**

Section added to reflect that effective January 1, 2012, filings made via the CM/ECF system must be in text-searchable format.

**Section 3I(6) Proposed Documents**

Modified to clarify proposed orders must be submitted as an attachment to a motion, notice, or other filing "in PDF format"; however the final version of the proposed document must be emailed to the designated email address for the Judge in WordPerfect or Word format and "must not in be PDF format". Also modified to add email addresses for U.S. District Judge Kathleen M. Williams and Judge Robert N. Scola, Jr.

**Change Date: April 15, 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](mailto: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.

### **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.

### **Section 8C Filing Fees Processed Using Pay.gov**

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 or 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.

**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.

**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.

**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.)