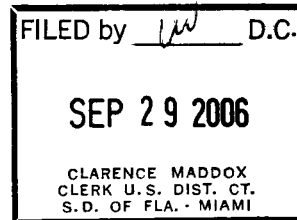


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2006-24

IN RE: AUTHORIZATION FOR CM/ECF
AND CM/ECF ADMINISTRATIVE PROCEDURES



The Federal Rules of Civil Procedure 5 and 83 and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means. The United States District Court for the Southern District of Florida will implement the Case Management/Electronic Case Filing System (CM/ECF) on October 12, 2006. This Court has adopted Administrative Procedures which will govern local noticing and filing in this district. It is hereby

ORDERED that the Southern District of Florida is authorized to implement CM/ECF. It is further

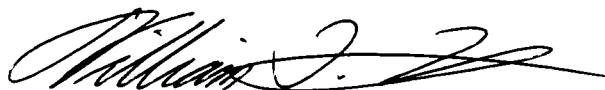
ORDERED that the attached Administrative Procedures for the Southern District of Florida are adopted and shall be effective October 12, 2006. It is further

ORDERED that future versions of the Administrative Procedures as published by the Court shall be effective the date of the published revision. It is further

ORDERED that to the extent there are inconsistencies between this Administrative Order and previous Administrative Orders or

Local Rules, this Administrative Order shall govern.

DONE and ORDERED in Chambers at Fort Lauderdale, Broward County,
Florida this 29th day of September 2006.



WILLIAM J. ZLOCH
CHIEF UNITED STATES DISTRICT JUDGE

c: The Honorable J. L. Edmondson, Chief Judge, United States
Court of Appeals for the Eleventh Circuit
All Southern District Judges and Magistrate Judges
R. Alexander Acosta, United States Attorney
Christina Pharo, United States Marshal
Kathleen Williams, Federal Public Defender
Reginald Michael, Chief Probation/Pretrial Services Officer
Clarence Maddox, Court Administrator • Clerk of Court
All members of the Ad Hoc Committee on Rules and Procedures
Linda Datko, Librarian
Daily Business Review

CASE MANAGEMENT ELECTRONIC CASE FILING CM/ECF



Administrative Procedures

Southern District of Florida
(October 12, 2006)

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

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

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

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

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

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

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

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

Procedures: the instant Administrative Procedures for Electronically Filing Documents, revised September 2006.

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

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

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

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

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

Section 2 - FILER CATEGORIES AND ELIGIBILITY TO FILE ELECTRONICALLY

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

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

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

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

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

2C. PRO SE LITIGANTS

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

Section 3 - USER INFORMATION AND RESPONSIBILITIES

3A. GENERAL REQUIREMENTS

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

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

3B. REGISTRATION

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

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

3C. LOGIN AND PASSWORD

Each User will be issued one login and password. When a User files a document electronically using his/her login and password, that document shall be considered signed by the attorney to whom the login and password were issued for purposes of the Local Rules and Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure, including Rule 11 of the Federal Rules of Civil Procedure. After registering, Users may change their passwords.

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

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

3D. CHANGES OF ADDRESS AND CONTACT INFORMATION

It is a User's responsibility to maintain current contact information (see [Administrative Order 2005-38](#)). A User whose e-mail address, mailing address, telephone or fax number changes at any time shall within five business days: file through CM/ECF a notice of a change of address for all the User's pending cases; serve a copy of the notice on all other parties to the case(s); and, update his/her User information in CM/ECF.

Users not associated with law firms may change their own mailing addresses of record via CM/ECF; however, Users who **are** associated with law firms **must** submit change-of-address requests in writing to the Attorney Admissions Clerk as CM/ECF will not allow them to change their mailing-address information themselves. The written request must include the User's Florida Bar number. Please note that all Users associated with law firms must file as case documents, notices of change of address in **each** of their pending cases via CM/ECF.

3E. 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.

3F. TECHNICAL SPECIFICATIONS

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

- A computer running a Windows or Macintosh operating system;
- Word processing software, such as WordPerfect or Microsoft Word, that can convert documents to PDF without the need for scanning;
- PDF reader software, such as Adobe, which may be obtained free of charge from the Adobe website or the Court's website. Users may find it useful to purchase PDF writer software which has additional features for creating, editing, and saving PDF's. Various companies market PDF writer software and the cost and features vary;
- Access to Netscape or Internet Explorer;
- High speed internet access is strongly recommended over dial-up internet service. High-speed service will reduce the amount of time necessary to make entries into CM/ECF and download lengthy documents;
- A scanner is necessary to convert paper documents to PDF format. Users should make certain their scanners are configured for **300 dpi**. The color setting should be configured for black and white rather than color scanning; however, if the document being filed contains color images (e.g. JPEG, GIF, PNG), the color setting may be configured for color scanning. The page size should be set at **8 ½ x 11 inches**. The scanner should be set to convert scanned documents to PDF.

(2) **Electronic Mailbox**

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

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

CM/ECF will inform Users if they are attempting to file a document larger than five megabytes (5 MB). Any document over this size will be rejected by the system due to its inability to upload/download properly; thus, the document must be saved and transmitted in segments not exceeding five megabytes. Please contact the [Help Desk](#) if further instruction is needed.

(4) **Hyperlinks**

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

3G. FILING INFORMATION

(1) Date Electronic Document is Filed

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

(2) Abolishment of the Nightbox Policy

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

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

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

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

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

The outage notice will inform Users of the expected duration of the outage and will provide alternative filing instructions if the outage is of such a nature to cause alternative filing to be necessary. Generally, alternative filing instructions will advise Users to file in the conventional manner on the same day. Should Users be instructed to file in the conventional manner, the conventional filing **must** be accompanied by [Form A](#) (attached hereto). In the event that conventional filing is required, such filings may be delivered to any courthouse in the District, with the exception of emergency matters. Emergency motions and hearings must be filed conventionally **in the division where the Judge is chambered** (see [Section 5F](#)).

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

(5) Failure of User's System

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

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

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

(7) Additional User Information

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

3H. 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) Discovery Material

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

(4) Mediation Report

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

(5) Proposed Documents

In addition to being filed in accordance with these procedures, proposed findings of fact, conclusions of law, jury instructions, and proposed orders, **unless otherwise directed by a Judge**, shall be filed initially as an attachment to a motion, notice, or other filing; however, the **final version** of the proposed document must be e-mailed to the appropriate Judge at the e-mail

address listed below. The final document, if approved by the Court, will be filed with the Clerk of Court.

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

District Judges

zloch@flsd.uscourts.gov
moreno@flsd.uscourts.gov
graham@flsd.uscourts.gov
moore@flsd.uscourts.gov
ungaro-benages@flsd.uscourts.gov
hurley@flsd.uscourts.gov
lenard@flsd.uscourts.gov
middlebrooks@flsd.uscourts.gov
gold@flsd.uscourts.gov
dimitrouleas@flsd.uscourts.gov
seitz@flsd.uscourts.gov
jordan@flsd.uscourts.gov
huck@flsd.uscourts.gov
marra@flsd.uscourts.gov
martinez@flsd.uscourts.gov
altonaga@flsd.uscourts.gov
cohn@flsd.uscourts.gov
cooke@flsd.uscourts.gov
king@flsd.uscourts.gov
hoeveler@flsd.uscourts.gov
gonzalez@flsd.uscourts.gov
paine@flsd.uscourts.gov
ryskamp@flsd.uscourts.gov
highsmith@flsd.uscourts.gov

Magistrate Judges

vitunac@flsd.uscourts.gov
turnoff@flsd.uscourts.gov
snow@flsd.uscourts.gov
johnson@flsd.uscourts.gov
bandstra@flsd.uscourts.gov
brown@flsd.uscourts.gov
seltzer@flsd.uscourts.gov
garber@flsd.uscourts.gov
lynch@flsd.uscourts.gov
simonton@flsd.uscourts.gov
o'sullivan@flsd.uscourts.gov
white@flsd.uscourts.gov
hopkins@flsd.uscourts.gov
torres@flsd.uscourts.gov
mcaliley@flsd.uscourts.gov
palermo@flsd.uscourts.gov
dube@flsd.uscourts.gov

3I. SIGNATURES AND AFFIDAVITS OR DECLARATIONS

(1) Attorney's Signature Block

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

s/Pat T. Lawyer

Pat T. Lawyer (Florida Bar Number: 12345)

Attorney E-mail address: pat_lawyer@law.com

XYZ Law Firm

123 Main Street
Miami, Florida 33128
Telephone: (305) 123-4567
Facsimile: (786) 123-4567
Attorneys for Plaintiff/Defendant [Party Name(s)]

(2) Documents Requiring Original Signatures

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

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

In the case of a stipulation or other document to be signed by two or more persons, the filer should: submit a scanned document containing all necessary signatures; or, indicate the consent of the other parties on the document; or, file the document identifying the parties whose signatures are required and submit a notice of endorsement by the other parties no later than three business days after the filing. A model form (**Form C**) is attached hereto. The filing party or attorney shall retain the paper copy of the document containing the original signatures for a period of one year after final resolution of the action, including final disposition of all appeals.

(4) Documents Requiring a Judge's Signature

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

3J. SERVICE OF DOCUMENTS AND NOTICES OF ELECTRONIC FILING

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

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

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

If the recipient is a User or otherwise authorized to electronically receive Notices of Electronic Filing (e.g., a *pro hac vice* attorney), CM/ECF will produce a Notice of Electronic Filing for

that party and it shall be the equivalent of service by U.S. mail. The Notice of Electronic Filing will contain a hyperlink to the document in PACER. 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 user fees will apply. (**CAUTION: double** clicking the hyperlink instead of single clicking it will use up the one “free look.”)

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

A party who is not a User or is not otherwise authorized to electronically receive Notices of Electronic Filing is entitled to a paper copy of any electronically-filed document. It is the responsibility of the filing party to provide the party with the electronically-filed document according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the Notice of Electronic Filing to provide the recipient with proof of the filing.

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

(4) Certificates of Service

A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party. A model form (**Form B**) is attached hereto.

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

3K. MAKING DOCKET ENTRIES

(1) Designating Docket Entries

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

(2) Correcting Docket Entries

CM/ECF will not permit the filing party to make changes to a document or docket entry once the transaction has been accepted. A document filed incorrectly may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed.

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

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

3L. RETENTION OF ORIGINAL DOCUMENTS BY USERS

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

Section 4 - EXCEPTIONS TO MANDATORY ELECTRONIC FILING REQUIREMENT

4A. REQUESTING LEAVE OF COURT FOR EXCEPTION TO GENERAL MANDATORY ELECTRONIC FILING REQUIREMENT IN A SPECIFIC CASE

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

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

4B. SUSPENSION OF ELECTRONIC FILING REQUIREMENT FOR A SPECIFIC DOCUMENT THAT CANNOT BE SCANNED

The filing party is responsible for the legibility of scanned documents. If, for any reason, a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file the document with the Clerk's Office along with [Form A](#) (attached hereto). (For a listing of categories of documents that **can never** be filed electronically, see Section 5 below.)

Section 5 - DOCUMENTS THAT CANNOT BE FILED ELECTRONICALLY

5A. DOCUMENTS FILED UNDER SEAL

Attorneys are prohibited from filing sealed documents electronically. Sealed documents shall be filed in the conventional paper format accompanied by a motion to seal, a sealed document tracking form, and copies for the Judge as described in [Local Rule 5.4](#).

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

5B. DOCUMENTS RELATED TO HABEAS CASES AND SOCIAL SECURITY CASES

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

To address the privacy issues inherent in a social security review, PACER access to the individual documents will be limited to counsel of record and Court staff. Docket sheets, however, will be available via PACER to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

5C. CIVIL COMPLAINTS

(1) Filing a Civil Complaint or Initiating Document

A complaint or other initiating document may be sent through the U.S. mail or personally delivered to the Clerk's Office. It must be accompanied by a civil cover sheet ([JS44](#)) and either the required filing fee or Motion to Proceed *In Forma Pauperis*. (Filing fees are payable by cash, check, money order, or credit card.) The Clerk's Office will scan paper complaints and cover sheets and upload them to CM/ECF. All subsequent matters are to be filed using CM/ECF with the exception of matters filed by *pro se* litigants. *Pro se* litigants will continue to file all documents in the conventional manner.

(2) Filing and Uploading of Civil Complaints - Time and Date

A complaint will be filed by the Clerk's Office on the same day it is received. A complaint 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 in CM/ECF no later than 12:00 noon on the next business day.

5D. E-MAIL OPTION FOR CERTAIN CIVIL DOCUMENTS NOT REQUIRING A FILING FEE

The following civil initiating documents, which do not require a filing fee, may be filed in the conventional manner or may be sent by email: recovery of student loan, bankruptcy appeal, bankruptcy withdrawal of reference, recovery of veteran's benefits, and appointment of receiver. These documents will be filed by the Clerk's Office on the same day as they are received, whether submitted conventionally or by e-mail. If sent by e-mail, such documents must be in PDF format and sent to newcases@flsd.uscourts.gov. The filing party will receive a return e-mail indicating the case number and Judge. All civil initiating documents must be accompanied by a civil cover sheet ([JS44](#)). Initiating documents not listed above, must be filed in the conventional manner.

5E. CRIMINAL MATTERS

(1) Criminal Complaints

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

(2) Indictments

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

(3) Criminal Information

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

(4) Plea Agreements

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

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

New criminal matters are deemed filed the day the Clerk's Office receives the initiating document. The U.S. Attorney's Office will be notified electronically when a new case has been opened and a number and Judge assigned. New criminal complaints/cases received before 2:00 p.m. will normally be available for viewing on CM/ECF the same day while those received between 2:00 p.m. and close of business, will normally be available for viewing on CM/ECF no later than 12:00 noon the next business day.

5F. EMERGENCY MOTIONS/REQUESTS FOR EMERGENCY HEARING

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

5G. SUMMONSES

Summonses will be issued and returned to the requesting party for service. Summonses are available on the Court's website in the "Forms" section. They are in fillable PDF format, but must be printed and submitted to the **Clerk's Office** as described below.

The party requesting the summons must complete the top portion of the form and forward the summons to the Clerk's Office in the conventional manner. If sending the summons by U.S. mail, the 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.

A party may **not** electronically serve a summons (refer to the Federal Rule of Civil Procedure 5(b) and Federal Rule of Criminal Procedure 49(b)). Instead, parties must perfect service in accordance with Rule 4 of the Federal Rules of Civil Procedure and Rule 4 of the Federal Rules of Criminal Procedure.

5H. 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.

5I. PROPOSED TRIAL EXHIBITS

Proposed exhibits presented for trial will not initially be filed electronically. Such documents will not be placed into the electronic filing system until the Court requires that they become a part of the official public record. Unless otherwise directed by the Court within three days of the conclusion of trial proceedings, the party submitting the trial exhibits will be required to resubmit the exhibits electronically that have been admitted into the public record. This includes exhibits marked for identification and not admitted, as well as those admitted.

Section 6 - PRIVACY POLICY REGARDING PUBLIC ACCESS TO CASE RECORDS

6A. FILING DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002 (44 U.S.C. §§ 3601-3606), and in order to promote electronic access to documents while also protecting personal privacy and other legitimate interests, unsealed documents containing the personal data identifiers set forth below **must be redacted**, whether the document is filed conventionally or electronically, unless otherwise ordered by the Court. Any personal information not otherwise protected will become part of the public record.

- **Social Security numbers.** If a social security number must be included in a document, only the last four digits of the number should be used, identified as follows: xxx-xx-1234.
- **Names of minor children.** If the name of a minor child must be mentioned in a document, only the initials of the child should be used.
- **Dates of birth.** If an individual's date of birth must be included in a document, only the year should be used, as follows: xx/xx/1970.
- **Financial account numbers.** If a financial account number is required in a document, only the last four digits of the number should be used, as follows: xxx-xxx-1234.
- **Home addresses (in criminal cases).** If a home address must be included in a document, only the city and state should be used.

A party wishing to file a document containing a personal data identifier specified above has two options. The party may move to file an unredacted version of the document under seal **OR** file an unsealed document with redacted personal data identifiers **and move to file a reference list under seal**. The reference list shall contain both complete personal data identifiers and the corresponding redacted personal data identifiers substituted for privacy purposes in the unsealed filing. Any reference in the case to a redacted personal data identifier will be construed to refer to the corresponding complete personal data identifier shown on the sealed reference list. The unredacted version of the document or reference list shall be retained by the Court as a part of the record. The Court may, however, still require the party to file a redacted copy for the public file (which would be available electronically and at the courthouse).

The **reference list** is intended to serve as a type of "key." For example, if an individual's social security number is 123-45-6789, the list would include the complete number with the corresponding redacted number of XXX-XX-6789, which would be used in future filings. This is beneficial to the court and the clerk's office because it eliminates the future filing of two versions of a document--one unredacted and one redacted.

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.

Section 7 - PUBLIC ACCESS TO THE ELECTRONIC RECORD

7A. ACCESS AT THE COURTHOUSE

The electronic docket and documents in CM/ECF can be viewed by the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

7B. ACCESS TO PACER VIA THE INTERNET

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

7C. CERTIFIED DOCUMENTS

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

FORM A

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

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

Plaintiff(s),

vs

Defendant(s).
_____ /

NOTICE OF CONVENTIONAL FILING

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

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

Respectfully submitted,

s/[Name of Password Registrant] (Florida Bar Number)

Attorney E-mail address: xxx@xxx.xxx

Firm Name

Street Address

City, State, Zip Code

Telephone: (xxx) xxx-xxxx

Facsimile: (xxx) xxx-xxxx

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

FORM B

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

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

Plaintiff,

v.

Defendant.

_____ /

Certificate of Service

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

s/

[Name of Password Registrant]

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Start new page

SERVICE LIST

[Plaintiff] versus [Defendant]

Case No. ___-Civ or Cr-(USDJ's last name/USMJ's last name)

United States District Court, Southern District of Florida

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

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

FORM C

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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

Plaintiff,

v.

Defendant.
_____ /

NOTICE OF ENDORSEMENT

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

___ Joint Proposed Scheduling Order

___ Stipulation of Dismissal

___ Joint Motion

___ Other: _____

On behalf of _____.

Respectfully submitted,

s/[Name of Password Registrant] (Florida Bar Number)

Attorney E-mail address: xxx@xxx.xxx

Firm Name

Street Address

City, State, Zip Code

Telephone: (xxx) xxx-xxxx

Facsimile: (xxx) xxx-xxxx

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