

# CASE MANAGEMENT ELECTRONIC CASE FILING CM/ECF



## Administrative Procedures

Southern District of Florida  
(Revised May 12, 2009)

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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 October 2007.

**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**

Users shall maintain current contact information ([Administrative Order 2005-38](#)). Upon the change of a User's e-mail address, mailing address, telephone or fax number, the User shall complete the following within five business days:

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

### **3E. Government Attorneys Who Leave Government Agencies**

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

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

### **3F. Changes of Name**

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

### **3G. Technical Specifications**

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

- A computer running a Windows or Macintosh operating system;
- Word processing software, such as WordPerfect or Microsoft Word, that can convert documents to PDF without the need for scanning;
- PDF reader software, such as Adobe, which may be obtained free of charge from the Adobe website or the Court's website. Users may find it useful to purchase PDF writer software which has additional features for creating, editing, and saving PDF's. Various companies market PDF writer software and the cost and features vary;
- Access to a Javascript enabled browser; Internet Explorer 6, 7 and Firefox 2 are supported;
- High speed internet access is strongly recommended over dial-up internet service. High-speed service will reduce the amount of time necessary to make entries into CM/ECF and download lengthy documents;
- A scanner is necessary to convert paper documents to PDF format. Users should make certain their scanners are configured for **300 dpi**. The color setting should be configured for black and white rather than color scanning; however, if the document being filed contains color images (e.g. JPEG, GIF, PNG), the color setting may be configured for color scanning. The page size should be set at **8 ½ x 11 inches**. The scanner should be set to convert scanned documents to PDF.

#### **(2) Electronic Mailbox**

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

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

CM/ECF will inform Users if they are attempting to file a document larger than five megabytes (5 MB). Any document over this size will be rejected by the system due to its inability to upload/download properly; thus, the document must be saved and transmitted in

segments not exceeding five megabytes. Please contact the [Help Desk](#) if further instruction is needed.

**(4) Hyperlinks**

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

**3H. Filing Information**

**(1) Date Electronic Document is Filed**

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

**(2) Abolishment of the Nightbox Policy**

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

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

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

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

If CM/ECF is unable to accept electronic filings for a continuous period of approximately one hour during regular business hours, a notice of the system outage/technical failure will be posted on the CM/ECF website and/or on the Court's website ([www.flsd.uscourts.gov](http://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/](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 (5) days following a mediation conference, the mediator, if a User, shall electronically file a Mediation Report. If the mediator is not a User, the mediator shall file the Mediation Report in the conventional manner. The report shall indicate whether all required parties were present and whether the case settled (in full or in part), whether the mediation was adjourned, or whether the mediator declared an impasse..

**(6) Proposed Documents**

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

[moreno@flsd.uscourts.gov](mailto:moreno@flsd.uscourts.gov)  
[zloch@flsd.uscourts.gov](mailto:zloch@flsd.uscourts.gov)  
[graham@flsd.uscourts.gov](mailto:graham@flsd.uscourts.gov)  
[moore@flsd.uscourts.gov](mailto:moore@flsd.uscourts.gov)  
[ungaro@flsd.uscourts.gov](mailto:ungaro@flsd.uscourts.gov)  
[hurley@flsd.uscourts.gov](mailto:hurley@flsd.uscourts.gov)  
[lenard@flsd.uscourts.gov](mailto:lenard@flsd.uscourts.gov)  
[middlebrooks@flsd.uscourts.gov](mailto:middlebrooks@flsd.uscourts.gov)  
[gold@flsd.uscourts.gov](mailto:gold@flsd.uscourts.gov)  
[dimitrouleas@flsd.uscourts.gov](mailto:dimitrouleas@flsd.uscourts.gov)  
[seitz@flsd.uscourts.gov](mailto:seitz@flsd.uscourts.gov)  
[jordan@flsd.uscourts.gov](mailto:jordan@flsd.uscourts.gov)  
[huck@flsd.uscourts.gov](mailto:huck@flsd.uscourts.gov)  
[marra@flsd.uscourts.gov](mailto:marra@flsd.uscourts.gov)

**Magistrate Judges**

[vitunac@flsd.uscourts.gov](mailto:vitunac@flsd.uscourts.gov)  
[turnoff@flsd.uscourts.gov](mailto:turnoff@flsd.uscourts.gov)  
[snow@flsd.uscourts.gov](mailto:snow@flsd.uscourts.gov)  
[johnson@flsd.uscourts.gov](mailto:johnson@flsd.uscourts.gov)  
[bandstra@flsd.uscourts.gov](mailto:bandstra@flsd.uscourts.gov)  
[brown@flsd.uscourts.gov](mailto:brown@flsd.uscourts.gov)  
[seltzer@flsd.uscourts.gov](mailto:seltzer@flsd.uscourts.gov)  
[garber@flsd.uscourts.gov](mailto:garber@flsd.uscourts.gov)  
[lynch@flsd.uscourts.gov](mailto:lynch@flsd.uscourts.gov)  
[simonton@flsd.uscourts.gov](mailto:simonton@flsd.uscourts.gov)  
[o'sullivan@flsd.uscourts.gov](mailto:o'sullivan@flsd.uscourts.gov)  
[white@flsd.uscourts.gov](mailto:white@flsd.uscourts.gov)  
[hopkins@flsd.uscourts.gov](mailto:hopkins@flsd.uscourts.gov)  
[torres@flsd.uscourts.gov](mailto:torres@flsd.uscourts.gov)

[martinez@flsd.uscourts.gov](mailto:martinez@flsd.uscourts.gov)  
[altonaga@flsd.uscourts.gov](mailto:altonaga@flsd.uscourts.gov)  
[cohn@flsd.uscourts.gov](mailto:cohn@flsd.uscourts.gov)  
[cooke@flsd.uscourts.gov](mailto:cooke@flsd.uscourts.gov)  
[king@flsd.uscourts.gov](mailto:king@flsd.uscourts.gov)  
[hoeveler@flsd.uscourts.gov](mailto:hoeveler@flsd.uscourts.gov)  
[gonzalez@flsd.uscourts.gov](mailto:gonzalez@flsd.uscourts.gov)  
[ryskamp@flsd.uscourts.gov](mailto:ryskamp@flsd.uscourts.gov)  
[highsmith@flsd.uscourts.gov](mailto:highsmith@flsd.uscourts.gov)

[mcaliley@flsd.uscourts.gov](mailto:mcaliley@flsd.uscourts.gov)  
[rosenbaum@flsd.uscourts.gov](mailto:rosenbaum@flsd.uscourts.gov)  
[palermo@flsd.uscourts.gov](mailto:palermo@flsd.uscourts.gov)  
[dube@flsd.uscourts.gov](mailto:dube@flsd.uscourts.gov)

### **(7) Consent to Jurisdiction**

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

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

#### **(1) Attorney’s Signature Block**

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

**s/Pat T. Lawyer**

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

#### **(2) Documents Requiring Original Signatures**

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

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

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

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

**(4) Documents Requiring a Judge’s Signature**

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

**3K. Service of Documents and Notices of Electronic Filing**

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

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

**(2) Notices of Electronic Filing and “One Free Look”**

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

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

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

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

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

**(4) Certificates of Service**

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

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

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

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

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

- Access the Court's CM/ECF website at <http://ecf.flsd.uscourts.gov>;
- Under "Utilities", select "Maintain Your Account";
- Select "Email Information";
- Check the box next to "Send Notices in These Additional Cases";
- Enter the case number in the open box;
- Select "Return to Account Screen";
- Press Submit.

Attorneys may also track the status of cases through PACER.

### **3L. Making Docket Entries**

#### **(1) Designating Docket Entries**

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

#### **(2) Correcting Docket Entries**

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

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

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

### **3M. Retention of Original Documents by Users**

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

## **Section 4 - EXCEPTIONS TO MANDATORY ELECTRONIC FILING REQUIREMENT**

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

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

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

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

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

### **Section 5 - DOCUMENTS THAT CANNOT BE FILED ELECTRONICALLY**

#### **5A. Documents 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**

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

#### **5C. Civil Complaints**

##### **(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. Criminal Matters**

**(1) Criminal Complaints**

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

**(2) Indictments**

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

**(3) Criminal Information**

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

**(4) Plea Agreements**

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

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

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

**5E. Emergency Motions/Requests for Emergency Hearing**

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

## **5F. Summonses**

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.

## **5G. Surety Bonds**

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

## **5H. Proposed Trial Exhibits**

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

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

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

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

## **6A. Filing Documents Containing Personal Data Identifiers**

Filers must exclude or redact personal information from documents filed with the Court as required by Federal Rule of Criminal Procedure 49.1 and Federal Rule of Civil Procedure 5.2. Unless specifically exempted by the rules or by court order, the personal data identifiers noted below must be redacted to show **only** the following: **Social Security number**: last four digits only; **taxpayer ID number**: last four digits only; **financial account numbers**: last four digits only; **date of birth**:

year only; **minor's name:** initials only; **home address:** city and state only (for criminal cases only). Consult the applicable rules for complete instructions on redaction.

#### **6B. Internet Availability of Unprotected Personal Information**

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

- Personal identifying numbers, such as a driver's license number;
- Medical records, including treatment and diagnosis records;
- Employment history;
- Individual financial information;
- Proprietary or trade secret information;
- Information regarding the individual's cooperation with the government;
- Information regarding the victim of any criminal activity;
- National security information;
- Sensitive security information as described in 49 USC §114(s); and
- Other data as permitted by order of the Court.

**Counsel is strongly urged to share this information with all clients** so that an informed decision about the inclusion, redaction, and/or exclusion of certain materials may be made. It is the **sole responsibility of counsel and the parties** to ensure the redaction of personal identifiers. The Clerk's Office **will not** review any document for redaction purposes. **SPECIAL NOTICE:** It is the filing party's responsibility to provide the U.S. Attorney's Office with the social security number of the plaintiff upon the filing of a new social security case.

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

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

#### **6D. Redaction of Electronic Transcripts of Court Proceedings**

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

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

Pursuant to Administrative Order 2007-50, Users shall not electronically file materials which would otherwise be inappropriate for display or distribution to the public, including minors, through PACER or the CM/ECF System. These inappropriate materials include images (not textual

descriptions) depicting sexual acts or excretory acts that could be described as pornography or indecent or vulgar even if not legally obscene. A document containing such visual materials may only be filed electronically in a redacted version describing in words the images, but removing all images. Alternatively, such documents may be filed in the conventional manner, along with a motion to seal. Counsel and parties are cautioned that failure to protect such images from public dissemination, which includes minors, may subject them to the disciplinary authority of the Court.

## **Section 7 - PUBLIC ACCESS TO THE ELECTRONIC RECORD**

### **7A. Access at the Courthouse**

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

### **7B. Access to Pacer Via the Internet**

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

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

**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.

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

**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.)