

## **APPENDIX H**

### **REVISED ELECTRONIC CASE FILING STANDING ORDER AND ADMINISTRATIVE PROCEDURES**

**STANDING ORDER**  
**No. 19-01**

**IN RE:**

**REVISED ELECTRONIC CASE  
FILING STANDING ORDER AND  
ADMINISTRATIVE PROCEDURES**

**ORDER**

Federal Rules of Civil Procedure 5 and 83 and Federal Rule of Criminal Procedure 57 authorize the Court to establish practices and procedures for filing, signing, and verifying documents by electronic means.

IT IS THEREFORE ORDERED:

1. Absent good cause shown and the permission of the Court, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, must file, sign, and verify documents only by electronic means to the extent and in the manner authorized by this Standing Order, Local Rule 5.1(A). NDGa., and the administrative procedures attached hereto as Exhibits A and B, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil and Criminal Cases in the United States District Court for the Northern District of Georgia (Administrative Procedures).

2. The Administrative Procedures are intended to be consistent with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and this Court's Local Rules. Any conflicts should be brought to the Court's attention immediately.

3. The official record of the Court shall be the electronic file maintained by the Court and such paper files as are permitted by the Administrative Procedures.

4. The Clerk of Court will implement and publish the Administrative Procedures.

5. Pro se litigants who are not attorneys in good standing admitted to the Bar of this Court must file all documents with the Court in paper form.

6. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Court's Electronic Case Filing System shall constitute the signature of that attorney under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. The attorney whose login and password are used to accomplish an electronic filing certifies that the attorney and the attorney's law firm have authorized the filing.

7. No attorney shall knowingly permit or cause to permit his/her login or password to be used by anyone other than an authorized employee of his/her law firm.

8. No person shall knowingly use or cause another person to use the login or password of a registered attorney unless such person is an authorized employee of the law firm.

9. The electronic filing of a pleading or other paper in accordance with the Court's Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

10. The fact that a party files a document electronically does not alter the filing deadline for that document.

11. The Clerk's Office shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry of the orders, decrees, judgments, and proceedings on the docket kept by the Clerk under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Any order filed electronically without the original signature of a judge shall have the same force and effect as if the judge had

affixed his or her signature to a paper copy of the order and it had been entered in a conventional manner.

12. Whenever a pleading or other paper is filed electronically in accordance with the Administrative Procedures, the Clerk's Office shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

13. The filing party shall serve the pleading or other document upon all persons entitled to receive notice or service in accordance with the applicable rules and Administrative Procedures.

14. A pleading or document that a person signs and thereby verifies, certifies, declares, affirms, or swears under oath or penalty of perjury concerning the truth of the matters set forth in that pleading or document is a "Verified Pleading." An attorney filing a Verified Pleading shall thereafter maintain in his or her office the original Verified Pleading in its entirety for a period ending two (2) years after expiration of the time for filing a timely appeal. The filing of a Verified Pleading constitutes a representation by the attorney who files it that the attorney has in his or her possession at the time of filing the fully executed original Verified Pleading.

15. This Revised Order is effective April 15, 2019 and will be published together with Exhibits A and B as Appendix H to the Local Rules for the Northern District of Georgia.

Dated this 15<sup>th</sup> day of April, 2019.

BY THE COURT:

s/Thomas W. Thrash, Jr.

THOMAS W. THRASH, JR.

Chief United States District Judge

Northern District of Georgia

**EXHIBIT A**

**CIVIL CASES**

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

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

**Revised effective  
April 15, 2019**

<b>DEFINITIONS .....</b>	<b>4</b>
<b>I. THE ELECTRONIC CASE FILING SYSTEM.....</b>	<b>6</b>
A. IN GENERAL.....	6
B. LOGINS AND PASSWORDS .....	8
C. REGISTRATION .....	8
<b>II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS .....</b>	<b>9</b>
A. FILING GENERALLY .....	9
B. SERVICE.....	12
C. SIGNATURES .....	13
D. FEES PAYABLE TO THE CLERK .....	15
E. ORDERS.....	15
F. TITLE OF DOCKET ENTRIES .....	16
G. CORRECTING DOCKET ENTRIES .....	16
H. TECHNICAL FAILURES.....	17
I. PRIVACY.....	17
J. FILING DOCUMENTS UNDER SEAL IN CIVIL CASES.....	18
<b>III. CONVENTIONAL FILING OF DOCUMENTS.....</b>	<b>21</b>
A. PRO SE FILERS.....	22
B. SOCIAL SECURITY CASES .....	22
C. ELECTRONIC MEDIA .....	22
<b>IV. EXHIBITS .....</b>	<b>22</b>
A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION .....	22
B. EVIDENCE NOT IN SUPPORT OF OR IN OPPOSITION TO A MOTION.....	24
<b>V. PUBLIC ACCESS TO CM/ECF.....</b>	<b>24</b>
A. PUBLIC ACCESS AT THE COURT .....	24
B. INTERNET ACCESS.....	25

## TABLE OF CONTENTS

<b>VI. ELECTRONIC TRANSCRIPTS.....</b>	<b>25</b>
A. OFFICIAL TRANSCRIPTS.....	25
B. REDACTION .....	26
C. REMOTE ACCESS TO TRANSCRIPTS .....	27
FORM A: SAMPLE FORMATS – CERTIFICATE OF SERVICE .....	28
FORM B: SAMPLE FORM – DECLARATION OF TECHNICAL DIFFICULTIES .....	30
FORM C: SAMPLE FORM - NOTICE OF MANUAL FILING.....	31
FORM D: SAMPLE FORM - NOTICE OF FILING ELECTRONIC MEDIA.....	32

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

**DEFINITIONS**

1. “Electronic Case Filing System” (ECF) refers to the court’s automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s ECF system, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via email does not constitute “electronic filing”.
3. “Notice of Electronic Filing” (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. “Public Access to Court Electronic Records” (PACER) is an automated system that allows an individual to view, print and download court docket information over the internet.
5. “Portable Document Format” (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension “.pdf”. The program takes a “picture” of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may visit the websites of PDF vendors, such as [www.adobe.com](http://www.adobe.com) or [www.fineprint.com](http://www.fineprint.com).

6. “Technical failure” is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer’s equipment or internet connection.

7. “Proposed Order” is a draft document submitted by an attorney for a judge’s signature. A proposed order shall accompany a motion or other request for relief as an electronic attachment to the document.

## I. THE ELECTRONIC CASE FILING SYSTEM

**A. IN GENERAL.** All documents submitted for filing in civil cases in this district shall be filed electronically using the Electronic Case Filing system (“ECF”) or shall be scanned and uploaded to ECF, unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge. Although permitted by these procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into .pdf format from a word processing program is not feasible.

With the conversion to NextGen, each attorney must register for an individual, upgraded PACER account through the PACER website, [www.pacer.gov](http://www.pacer.gov). An attorney who registered to file in this district prior to April 15, 2019 must link the individual PACER account to the court’s CM/ECF account. An attorney who registers to file in this district for the first time on or after April 15, 2019 must request e-file access through PACER. Instructions on this process appear on the Court’s website at [www.gand.uscourts.gov](http://www.gand.uscourts.gov).

Unless otherwise specified by the presiding judge, a paper courtesy copy of all summary judgment motions, to include exhibits and any response to such motions must be delivered to the assigned judge. Similarly, a paper courtesy copy, including all exhibits, will accompany any request for a temporary restraining order.

1. Absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, must file civil pleadings electronically using the ECF System.

a. Electronically filed documents may contain the following types of hyperlinks:

(A) Hyperlinks to other portions of the same document;

(B) Hyperlinks to other documents in CM/ECF in this court, or any other CM/ECF court; and

(C) Hyperlinks to a location on the Internet that contains a source document for a citation.

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

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

2. A party proceeding *pro se* shall not file electronically unless the party is an attorney in good standing admitted to practice before this Court. (*See* III(A) of these procedures).

3. The filing of social security cases shall be subject to the limitations imposed in III(B) of these procedures.

4. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time and require the attorney to file documents electronically using ECF.

5. An attorney seeking the Court's permission to file conventionally rather than electronically will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a "Proposed Order Granting Leave to File Conventionally." Such requests will be provided to the judge to whom the filer's case is assigned, or, in those cases in which a case has not been filed or the case has not yet been assigned, to the duty judge.

6. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

**B. LOGINS & PASSWORDS.** Each attorney admitted to practice in the Northern District of Georgia is entitled to one individual PACER login for filing. Additional PACER accounts are available from the PACER Service Center, as needed, for firm billing and staff use for document retrieval.

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than an authorized employee of his or her office. CM/ECF filers must be aware of the potential to inadvertently share restricted documents when using third-party services or software and must not share CM/ECF filing credentials with third parties, including service providers. Sharing filing credentials with a third-party will give it access to sealed case information and documents in violation of court order. Filers must use caution in their computer security practices to ensure that sealed documents to which they have access are not disclosed. Fee exempt users should not share the documents they obtain from PACER under the exemption, unless expressly authorized by the court. Filers who have shared CM/ECF filing and/or PACER account credentials with a third-party service provider must reset their passwords to prevent further access to sensitive documents.

2. Once registered, the attorney shall be responsible for all documents filed with his or her login.

3. Registration for a login is governed by Paragraph I(C).

4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.

5. The login and password of an attorney constitute a signature on the document being filed. Thus, the login and password of the filing attorney must match the attorney whose signature block appears on the document filed.

**C. REGISTRATION.**

1. Registration for the Northern District of Georgia's electronic filing system utilizes the PACER website at [www.pacer.gov](http://www.pacer.gov) and requires an upgraded, individual PACER account.

2. Following admission to the bar of this Court or the grant of admission *pro hac vice*, an attorney must request e-file access through PACER. Attorneys (including those admitted *pro hac vice*) who first received a login and password prior to April 15, 2019 must link their individual, upgraded PACER account to the Court's CM/ECF system using the PACER website. Instructions on this process appear on the Court's website at [www.gand.uscourts.gov](http://www.gand.uscourts.gov).

3. Upon approval of an e-filing request, the attorney will be notified through the primary email address registered with PACER.

4. An attorney may register one email address when completing the initial e-filing registration request through PACER. Once the Clerk's Office has activated access to CM/ECF, other email addresses may be added to the filing account in CM/ECF to receive notification of docket entries.

5. The Court does not monitor undeliverable email (i.e. bounce-backs) or delayed mail from a registered user's primary or secondary email accounts. It is the user's responsibility to update email addresses, monitor email spam filters, and maintain sufficient email storage space to prevent undeliverable or untimely delivery of email notifications from the CM/ECF system.

The primary email address must be updated through the attorney's individual PACER account. Secondary email addresses must be updated through the court's CM/ECF System using the Utilities menu.

6. After registering through PACER, the attorney is responsible for protecting the security of the password and may change it at any time. If an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately at [www.pacer.gov](http://www.pacer.gov) and notify the PACER Service Center and the Clerk's Office.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING GENERALLY**

1. Complaints and Other Initial Filings.

a. A party may not electronically serve a complaint or summons but instead must perfect service according to Federal Rule of Civil Procedure 4.

b. New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.

2. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case to include attachments to the extent feasible shall be electronically filed on ECF except as otherwise provided by these administrative procedures.

3. Emailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives an ECF-generated "Notice of Electronic Filing" described in II(B)(1) of these procedures.

4. The Notice of Electronic Filing reflects the time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects a time prior to midnight. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.

5. If filing a document requires leave of the court, such as an amended complaint or a sur-reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.

6. Attachments and exhibits larger than 30 MB may be filed electronically in separate 30 MB (or smaller) segments.

7. The Clerk's Office shall not maintain a paper court file in any case begun after July 15, 2005, except as otherwise provided herein. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures that are not converted to electronic format.

a. Except as provided above, the Clerk's Office will discard all original documents brought to the Clerk's Office for filing after they are scanned and uploaded to ECF.<sup>1</sup>

b. Documents that are electronically filed and require an original signature other than that of the filer should be maintained in paper form by the filer until five (5) years after the expiration of the time for filing a timely appeal.

c. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the documents. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

8. Official and contract court reporters will submit to the Clerk's Office the official recordings of transcribed proceedings and original notes, if applicable. Official and contract court reporters must also either file the certified transcript of those proceedings electronically on ECF or email a file containing the certified transcript of the proceedings in PDF format to the Clerk's Office for uploading. For information on the public access and redaction procedures for transcripts, please see Section VI of these procedures.

9. The parties must individually label all electronically uploaded files according to their content. For example, documents should be uploaded as Ex. A: Smith Deposition, Ex. B: Employment Contract, and Ex. C: Jones Letter, instead of Ex. A, Ex. B, and Ex. C.

---

<sup>1</sup> If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

## **B. SERVICE**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF shall generate a “Notice of Electronic Filing” to the filing party and any other party who is a registered user.<sup>2</sup>

a. If the recipient is a registered user of ECF, filing in the ECF system or otherwise electronically sending a filing by a means that the recipient consented to in writing constitutes service of the pleading or other paper under Fed. R. Civ. P. 5(b)(2)(E).

b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in ECF may be accomplished by email, subject to the additional service requirements of B(3) below.

2. A certificate of service on all parties entitled to service or notice is only required when a party serves a document through a means other than filing it in the ECF system. The certificate must state the manner in which service or notice was accomplished on each party. Sample language for a certificate of service is attached to these procedures as Form A.

3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.

4. Attorneys should be aware that the submission due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to ECF must serve conventional copies on all parties to the

---

<sup>2</sup> To determine whether another party is a registered user, the filer can select ECF’s “Utilities” category, then click on “Mailings” on the pull-down menu, and then “Mailing Information for a Case”. The filer then enters the case number and the ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

case and should expect some delay in the uploading and subsequent electronic noticing of the document.

## C. SIGNATURES

### 1. Attorney Signature

a. A pleading or other document requiring an attorney's signature shall be signed in the following manner, when filed electronically: "(attorney name)." The correct format for an attorney signature is as follows:

**John Doe**

Attorney Bar Number: xxxxxx

Attorney for (Party Name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: [john.doe@abclaw.com](mailto:john.doe@abclaw.com)

The attorney's signature must match the login and password of the filing attorney.

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

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

### 2. Multiple Signatures

a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall

obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.

b. The filing attorney then shall file the document electronically, indicating the signatories, *e.g.*, “Jane Doe,” “John Doe,” etc. The correct format for each signature is as follows:

**Jane Doe**

Attorney Bar Number: xxxxxx

Attorney for (Party name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: [jane\\_doe@abclaw.com](mailto:jane_doe@abclaw.com)

One of the attorney’s signatures must match the login and password of the filing attorney.

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

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document’s contents.

**3. Non-Attorney Signature**

a. If the original document requires the signature of a non-attorney, the filing party or the Clerk’s Office shall scan the original document and then electronically file it on ECF.

b. The electronically filed document as maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.

c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by cash, check, U.S. Postal money order, or cashier's check. The Clerk's Office will accept payment by credit card (MasterCard, Visa, American Express, and Discover). Debit cards with a MasterCard or Visa logo are acceptable and treated as a credit card transaction. Checks, money orders, and cashier checks are to be made payable to "Clerk, U.S. District Court". A law firm check will be accepted for payment by attorneys. The Clerk's Office will note the receipt of fees on the docket. The court will not maintain electronic billing or debit accounts for attorneys or law firms.

Fees for Applications for Admission *Pro Hac Vice* must be paid by credit card through the Pay.gov system concurrent with the electronic filing of the application in CM/ECF. Fees for filing a Notice of Appeal may be paid through the Pay.gov system, as well.

**E. ORDERS.**

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket conventionally.

2. When filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the requested relief shall be included with the electronic filing as an attachment.

3. When mailing paper copies of an electronically signed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing.

4. The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter and will have the same force and effect as if the judge had issued a conventional paper order. ECF will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures.

**F. TITLE OF DOCKET ENTRIES.** The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>3</sup>

**G. CORRECTING DOCKET ENTRIES.**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed.

3. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the Clerk's office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office

---

<sup>3</sup> Readers may view an event listing in CM/ECF under the Utilities function or search for a particular event in CM/ECF through the Search function.

internal procedures. No substitution of documents by Clerk's Office staff is permissible.

If the entry was made in the wrong case, the document should be refiled in the correct case.

As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. In the event that the incorrectly attached document contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for other relief as appropriate. The Clerk's Office also has the discretion to limit access to documents it perceives contain sensitive information and were incorrectly filed. In those instances when the Clerk's Office exercises its discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the Court will make a corrective entry indicating the original error.

**H. TECHNICAL FAILURES.** The Clerk's Office shall deem the Northern District of Georgia ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible. An attorney may timely file a declaration seeking relief from the court for not meeting the deadline as a result of a technical failure. (Form B).

Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

## **I. PRIVACY.**

1. **Redacted Documents.** To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, filing parties shall omit or, where inclusion is necessary, partially redact

the following personal data identifiers from all filings, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. **Minors' names:** Use the minors' initials;
- b. **Financial account numbers:** Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. **Social Security numbers:** Use only the last four numbers;
- d. **Dates of birth:** Use only the year; and
- e. **Home addresses:** Use only the city and state.

Filing parties should review the Court's Standing Orders on the Court's web page for a complete statement of the Court's privacy policy.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

3. Please *see* Section VI for procedures regarding redaction of personal identifiers in electronic transcripts.

## **J. FILING DOCUMENTS UNDER SEAL IN CIVIL CASES**

1. **Policy.** It is the general policy of this Court not to allow the filing of documents under seal without a Court order, even if all parties consent to the filing under seal. Agreements between or among the parties to protect documents from public disclosure, whether through designation under a confidentiality agreement or protective order or otherwise, will not prevent their disclosure in the event the Court denies sealed filing for the documents. Documents filed in court are presumptively public, and counsel are expected to exercise appropriate discretion in requesting sealing for any filing. Counsel generally should not request sealing of an entire filing but only those portions of the filing for which there is legal authority to seal, including but not limited to scientific formulas, confidential pricing calculations, trade secrets, and sensitive security data. Counsel need not seek leave to redact

items identified in subsection II(I)(1) of these procedures. Except in rare circumstances, motions and settlement agreements may not be filed under seal. A party may request that a brief or other document in support of a motion be filed under seal consistent with this policy. Except as set forth in subsection 2(e) below, the party moving to file a document under seal shall bear the burden of establishing good cause for sealing.

2. **Rules and Procedures.** A party seeking to file a document under seal in a civil case must follow any specific procedures of the presiding judge. Procedures of individual judges are available on the Court's website under the heading "For Attorneys" and then "Trial Instructions / Preparation" or by contacting the Clerk's Office. The following rules and procedures govern the filing of documents under seal in a civil case, unless the presiding judge has specific policies, procedures, or orders that are inconsistent with these rules and procedures. In summary, the party seeking to file a document under seal must electronically file a motion to file under seal, a supporting brief, and a proposed order granting the motion, in addition to the document(s) for which sealing is sought:

a. The document(s) for which sealing is sought must be electronically filed as a provisionally sealed filing using the applicable event in the Court's CM/ECF system. Step-by-step instructions for filing provisionally under seal are available on the Court's website under the heading "For Attorneys" and then "Trial Instructions / Preparation" or by contacting the Clerk's Office. A document containing any material for which sealing is sought must be provisionally filed under seal in its entirety. In addition, the party must file as a typical public filing all documents and/or portions of documents that the party does not seek to seal. Unless previously specified by the presiding judge, the party must contact chambers to determine whether to provide a paper courtesy copy of the provisionally sealed filing to the judge.

b. Electronic provisionally sealed filings will be served through the Court's CM/ECF system consistent with other electronic filings and will be viewable only by Court staff and attorneys registered with CM/ECF who have appeared in the matter, unless otherwise specified by the Court. If the filing party believes that an attorney who has appeared in the matter should not be permitted to view the provisionally sealed filing (such as an attorney for a non-party or a party that is not subject to a protective order), the filer

must make advance arrangements with the Court to restrict that attorney's ability to view provisionally sealed filings.

c. A provisionally sealed electronic filing that complies with these procedures constitutes a completed filing for purposes of meeting deadlines but will not be considered by the Court for any substantive purpose unless and until the Court gives it permanently sealed status.

d. The party desiring to file under seal also must electronically file a motion for leave to file under seal, together with a supporting brief and a proposed order granting the motion. Except as set forth in subsection (e) below, the moving party shall bear the burden of establishing good cause for sealing, and the brief must: (i) identify, with specificity, the document(s) or portion(s) thereof for which sealing is requested; (ii) explain (for each document or group of documents) the reasons sealing is necessary; (iii) explain (for each document or group of documents) why less drastic alternatives than sealing will not provide adequate protection; and (iv) address the factors governing sealing of documents reflected in controlling case law. *See e.g., Romero v. Drummond Co.*, 480 F.3d 1234, 1245-48 (11<sup>th</sup> Cir. 2007). Unless previously specified by the presiding judge, the party must contact chambers to determine whether to provide a paper courtesy copy of the motion and supporting brief to the judge.

e. If any document is included in the provisionally sealed filing because a non-movant has requested protection of the document from public disclosure, including but not limited to documents designated pursuant to a protective order, then for each such document, the non-movant shall bear the burden of establishing good cause for sealing and must provide the information required by subsections 2(d)(ii) through 2(d)(iv) above in its response to the motion for leave to file under seal. As to each such document, the motion for leave to file under seal and supporting brief need only: (i) identify, with specificity, the documents or portions thereof for which sealing is requested by the non-movant and (ii) briefly explain the nature of the request or designation made by the non-movant. The movant must serve the motion and brief on all persons and entities (including non-parties) who have requested protection from public disclosure for one or more of the documents in the provisionally sealed filing.

f. If the Court enters an order granting a party's motion to seal as to all matters included in a provisionally sealed filing, the Clerk's Office will modify the original, "provisional" docket entry to reflect its permanently sealed status, and no further action will be required from the parties for sealing.

g. If the Court enters an order granting a party's motion to seal as to some but not all of the matters included in a provisionally sealed filing, that party must refile the documents approved for sealing under seal (not provisionally) within three days of the date of the order on the motion to seal using the "Notice of Court Ordered Sealed Filing" event in CM/ECF. This event is permanently sealed without further action of the parties or the Clerk's Office.

h. Document(s) from a provisionally sealed filing that the Court did not approve for sealing will be treated as withdrawn and will not be considered by the Court except for any document(s) the party re-files as a typical public filing within three days of the date of the order on the motion to seal using the "Notice of Public Filing Consistent with Order on Motion for Leave to File Under Seal" event. A party, in its discretion, publicly may file any document as to which the Court denied sealing without violating any protective order or confidentiality agreement that otherwise would have required the document to be filed under seal, provided that the parties to the protective order or confidentiality agreement had notice and an opportunity to be heard on the motion to file under seal.

i. The Clerk's Office or any judge of this Court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive disposition of matters before the Court. The Court may amend these procedures at any time without prior notice.

### **III. CONVENTIONAL FILING OF DOCUMENTS**

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures. Paper documents should be printed on only one side of the page.

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

**A. PRO SE FILERS.** Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk’s Office will scan these original documents and upload them into ECF but will also maintain a paper file.

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

1. All Social Security documents and cases will be filed and served according to II(A)(2) of these procedures.

2. Social Security transcripts will be electronically filed and served, when feasible.

3. To address the privacy issues inherent in a Social Security review, access to most of the individual documents will be limited to counsel and court staff. Court orders and docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk’s Office.

**C. ELECTRONIC MEDIA.** Any party presenting electronic media to be filed, including but not limited to a CD-ROM, DVD-ROM, or flash drive, will also present a paper “Notice of Filing of Electronic Media” signed by the party and describing the contents of the electronic media. (*See* Form D to these Procedures.)

#### **IV. EXHIBITS**

**A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION.** In general, evidence in support of or in opposition to a motion should be filed

electronically, rather than conventionally. (Exhibits that are not filed but are submitted in conventional form during a hearing will be maintained in conventional format.)

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of or in opposition to a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.

2. Whenever feasible a filing party must scan a paper exhibit that is less than 30 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 30 MB as separate attachments of 30 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

3. Because documents scanned in color or containing graphics take much longer to upload, filing parties generally should configure their scanners to scan documents at 300 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates.

6. Copies of conventionally filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents.

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

1. Whenever feasible a filing party must scan a paper exhibit that is less than 30 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 30 MB as separate attachments of 30 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

2. A party may conventionally submit exhibits which are not available in electronic form. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry. Any document filed conventionally will be noted in a Notice of Manual Filing.

3. Because documents scanned in color or containing graphics take much longer to upload, filing parties generally should configure their scanners to scan documents at 300 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. Exhibits submitted conventionally shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents. Exhibits filed conventionally will be listed in an electronically filed Notice of Manual Filing.

## **V. PUBLIC ACCESS TO CM/ECF**

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

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

Please *see* Section VI regarding public access to electronic transcripts.

**B. INTERNET ACCESS.** Remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has determined that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.<sup>4</sup>

## **VI. ELECTRONIC TRANSCRIPTS**

**A. OFFICIAL TRANSCRIPTS.** Official Transcripts of proceedings, or parts of proceedings, before United States District and Magistrate Judges that are ordered by a party will be filed electronically in CM/ECF. For the first 90 days after filing, the electronic version of a transcript will be available to the public for viewing only and only at the Clerk's public counters.

Parties desiring a copy of the transcript during the first 90 days from the date of filing (or from the date of the filing of a redacted copy) must obtain the transcript from the respective court reporter.

---

<sup>4</sup> Non-judiciary CM/ECF users will be charged a per page fee to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A per document cap does not apply to transcripts. Transcripts may be obtained following a minimum 90 day restriction period for a per page fee, with no per document cap. Fees will be charged for each access regardless of whether or not the attorney has been given access to the transcript by the court through CM/ECF. The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged the standard per page PACER fee.

## **B. REDACTION**

1. Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all court proceedings, unless otherwise ordered by the Court:

a. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of the child should be used.

b. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

c. **Social Security numbers.** If an individual's Social Security number must be included, only the last four digits of that number should be used.

d. **Dates of birth.** If an individual's date of birth is relevant, use only the year of birth.

e. **Home addresses.** If a home address must be mentioned, only the city and state should be used.

2. Counsel or parties must review the transcript and determine whether redaction of the listed personal identifiers is necessary. Sentencing transcripts must be reviewed by both defense counsel and the government. If redaction is necessary, counsel must electronically file a Request for Redaction within 21 calendar days of the transcript filing date. The request should list, by page and line, each redaction to be made. Remote electronic access to the Request for Redaction will be limited to court staff and counsel. The Request for Redaction must be served by the filing party on the court reporter through U.S. Mail or hand delivery.

3. Failure to request the redaction within the 21-day time period, or seek extension of time to do so from the Court, will result in the transcript being made electronically available, without redaction, 90 days after the transcript was initially filed with the Clerk.

4. The responsibility for omitting or redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review filings for compliance with this rule. Counsel and the parties are cautioned that failure to

redact these personal identifiers may subject them to sanctions or other disciplinary proceedings as appropriate.

5. If a party requests redaction, the transcript will not be made remotely available to other parties through PACER until the redactions have been made. A copy of the official transcript will be available for review in the Clerk's Office or purchase from the court reporter during this time. Redacted transcripts must be filed within ten (10) days of the Request for Redaction absent further direction from the court.

6. Redaction of information other than the personal identifiers listed herein will require the electronic filing of a separate motion served on all of the parties and the court reporter within the 21-day notice period.

**C. REMOTE ACCESS TO TRANSCRIPTS.** Transcripts will be made remotely available through PACER, subject to standard PACER fees, as follows:

1. Transcripts in which no redaction was requested: 90 days from the filing date of the official transcript.

2. Transcripts in which a redaction was requested: 90 days from the filing date of the official transcript OR date of filing redacted transcript, whichever is later. Although the unredacted transcript will remain on record and be available for public viewing at the Clerk's Office, only the redacted transcript will be released for remote public access through PACER.

**FORM A**

**SAMPLE FORMATS**

**CERTIFICATE OF SERVICE**

**Sample 1**

I hereby certify that on (Date), I electronically filed (Name of Document) with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non- CM/ECF participants:

Attorney names  
Address to which mailed

(Name of ECF-Registered Attorney)  
Georgia Bar No. xxxxxxx  
Attorney for (Name of Party)

Firm Name  
Firm Address  
City, State, Zip  
Telephone: (xxx) xxx-xxxx  
Email: [xxxxxx@xxxx.xxx](mailto:xxxxxx@xxxx.xxx)

**Sample 2**

I hereby certify that on (Date), I presented (Name of Document) to the Clerk of the Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non- CM/ECF participants:

Attorney names  
Address to which mailed

(Name of ECF-Registered Attorney)  
Georgia Bar No. xxxxxx  
Attorney for (Name of Party)

Firm Name  
Firm Address  
City, State, Zip  
Telephone: (xxx) xxx-xxxx  
Email: [xxxxxxx@xxxx.xxx](mailto:xxxxxxx@xxxx.xxx)

**FORM B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

**DECLARATION OF TECHNICAL DIFFICULTIES**

Please take notice that **[Plaintiff / Defendant / Name of Party]** was unable to file the attached **[Title of Document]** in a timely manner due to technical difficulties. The deadline for filing this document was **[Filing Deadline Date]**. The reason(s) that I was unable to file the document in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

**[Statement of reasons and good faith efforts to file and to inform (including dates and times)]**

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

(Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: [xxxxxx@xxxx.xxx](mailto:xxxxxx@xxxx.xxx)

**FORM C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

NOTICE OF MANUAL FILING

Please take notice that **[Plaintiff / Defendant]** has manually filed the following document or thing:

**[Title of document or thing.]**

This document was not filed electronically because **[the document or thing cannot be converted to an electronic format / [Plaintiff/Defendant] is excused from filing this document or thing electronically by Court order.]**

The document or thing has been manually served on all parties.

Respectfully submitted,

(Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: [xxxxxx@xxxx.xxx](mailto:xxxxxx@xxxx.xxx)

**FORM D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

NOTICE OF FILING ELECTRONIC MEDIA

Please take notice that **[Plaintiff / Defendant]** has filed the following document on [description of electronic media]:

**[Title of document.]**

The document has been served on all parties.

Respectfully submitted,

(Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: [xxxxxx@xxxx.xxx](mailto:xxxxxx@xxxx.xxx)

**EXHIBIT B**

**CRIMINAL CASES**

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

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

**TABLE OF CONTENTS**

**DEFINITIONS ..... 4**

**I. THE ELECTRONIC CASE FILING SYSTEM..... 6**

A. IN GENERAL..... 6

B. LOGINS AND PASSWORDS..... 7

C. REGISTRATION..... 8

**II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS ..... 9**

A. FILING..... 9

B. SERVICE ..... 12

C. SIGNATURES ..... 13

D. FEES PAYABLE TO THE CLERK ..... 15

E. ORDERS ..... 16

F. TITLE OF DOCKET ENTRIES ..... 16

G. CORRECTING DOCKET ENTRIES ..... 16

H. TECHNICAL FAILURES..... 17

I. PRIVACY ..... 17

**III. CONVENTIONAL FILING OF DOCUMENTS ..... 18**

A. DOCUMENTS TO BE FILED UNDER SEAL..... 19

B. PRO SE FILERS ..... 19

C. ELECTRONIC MEDIA..... 19

**IV. EXHIBITS..... 19**

A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION ..... 19

B. EVIDENCE NOT IN SUPPORT OF OR IN OPPOSITION TO A MOTION ..... 20

**V. PUBLIC ACCESS TO CM/ECF..... 21**

A. PUBLIC ACCESS AT THE COURT ..... 21

B. INTERNET ACCESS ..... 21

**VI. ELECTRONIC TRANSCRIPTS..... 22**

A. OFFICIAL TRANSCRIPTS ..... 22

B. REDACTION..... 22

C. REMOTE ACCESS TO TRANSCRIPTS..... 23

FORM A: SAMPLE FORMATS - CERTIFICATE OF SERVICE..... 24  
FORM B: SAMPLE FORM - DECLARATION OF TECHNICAL DIFFICULTIES ..... 26  
FORM C: SAMPLE FORM - NOTICE OF MANUAL FILING..... 27  
FORM D: SAMPLE FORM - NOTICE OF FILING ELECTRONIC MEDIA..... 28

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

**DEFINITIONS**

1. “Electronic Case Filing System” (ECF) refers to the court’s automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s ECF system, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via email does not constitute “electronic filing”.
3. “Notice of Electronic Filing” (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. “Public Access to Court Electronic Records” (PACER) is an automated system that allows an individual to view, print and download court docket information over the internet.
5. “Portable Document Format” (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension “.pdf”. The program takes a “picture” of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may visit the websites of PDF vendors, such as [www.adobe.com](http://www.adobe.com) or [www.fineprint.com](http://www.fineprint.com).
6. “Technical failure” is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the

inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer's equipment or internet connection.

7. "Proposed Order" is a draft document submitted by an attorney for a judge's signature. A proposed order shall accompany a motion or other request for relief as an electronic attachment to the document.

## I. THE ELECTRONIC CASE FILING SYSTEM

**A. IN GENERAL.** All documents submitted for filing in criminal cases in this district shall be filed electronically using the Electronic Case Filing system (“ECF”) or shall be scanned and uploaded to ECF, unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge. Although permitted by these procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into .pdf format from a word processing program is not feasible.

With the conversion to NextGen, each attorney must register for an individual, upgraded PACER account through the PACER website, [www.pacer.gov](http://www.pacer.gov). An attorney who registered to file in this district prior to April 15, 2019 must link the individual PACER account to the court’s CM/ECF account. An attorney who registers to file in this district for the first time on or after April 15, 2019 must request e-file access through PACER. Instructions on this process appear on the Court’s website at [www.gand.uscourts.gov](http://www.gand.uscourts.gov).

1. Absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, must file criminal pleadings electronically using the ECF System.

a. Electronically filed documents may contain the following types of hyperlinks:

(A) Hyperlinks to other portions of the same document;

(B) Hyperlinks to other documents in CM/ECF, in this court, or any other CM/ECF court; and

(C) Hyperlinks to a location on the Internet that contains a source document for a citation.

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

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

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

2. A party proceeding *pro se* shall not file electronically unless the party is an attorney in good standing admitted to practice before the Bar of this Court. (*See* III(B) of these Procedures).

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

4. Matters filed under 18 U.S.C. § 3607 shall not be filed electronically unless ordered by the Court.

5. Registered attorneys of record and the public will have remote access to documents in criminal cases. Members of the public may also view electronic criminal files at the public terminals in the Clerk's Office.

6. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time and require the attorney to file documents electronically using ECF.

An attorney seeking the Court's permission to file conventionally rather than electronically will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a "Proposed Order Granting Leave to File Conventionally." Such requests will be provided to the judge to whom the filer's case is assigned, or, in those cases in which a case has not been filed or the case has not yet been assigned, to the duty judge.

7. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

**B. LOGINS & PASSWORDS.** Each attorney admitted to practice in the Northern District of Georgia is entitled to one individual PACER login for filing. Additional PACER accounts are available from the PACER Service Center, as needed, for firm billing and staff use for document retrieval.

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than an authorized employee of his or her office. CM/ECF filers must be aware of the potential to inadvertently share restricted documents when using third-party services or software and must not share CM/ECF filing credentials with third parties, including service providers. Sharing filing credentials with a third-party will give it access to sealed case information and documents in violation of court order. Filers must use caution in their computer security practices to ensure that sealed documents to which they have access are not disclosed. Fee exempt users should not share the documents they obtain from PACER under the exemption, unless expressly authorized by the court. Filers who have shared CM/ECF filing and/or PACER account credentials with a third-party service provider must reset their passwords to prevent further access to sensitive documents.

2. Once registered, the attorney shall be responsible for all documents filed with his or her login.

3. Registration for a login is governed by Paragraph I(C).

4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.

5. The login and password of an attorney constitutes a signature on the document being filed. Thus, the login and password of the filing attorney must match the attorney whose signature block appears on the document being filed.

## **C. REGISTRATION.**

1. Registration for the Northern District of Georgia's electronic filing system utilizes the PACER website at [www.pacer.gov](http://www.pacer.gov) and requires an upgraded, individual PACER account.

2. Following admission to the bar of this Court or the grant of admission *pro hac vice*, an attorney must request e-file access through PACER. Attorneys (including those admitted *pro hac vice*) who first received a login and password prior to April 15, 2019 must link their individual, upgraded PACER account to the Court's CM/ECF system using the PACER website. Instructions on this process appear on the Court's website at [www.gand.uscourts.gov](http://www.gand.uscourts.gov).

3. Upon approval of an e-filing request, the attorney will be notified through the primary email address registered with PACER.

4. An attorney may register one email address when completing the initial e-filing registration request through PACER. Once the Clerk's Office has activated access to CM/ECF, other email addresses may be added to the filing account in CM/ECF to receive notification of docket entries.

5. The Court does not monitor undeliverable email (i.e. bounce-backs) or delayed mail from a registered user's primary or secondary email accounts. It is the user's responsibility to update email addresses, monitor email spam filters, and maintain sufficient email storage space to prevent undeliverable or untimely delivery of email notifications from the CM/ECF system.

The primary email address must be updated through the attorney's individual PACER account. Secondary email addresses must be updated through the court's CM/ECF System using the Utilities menu.

6. After registering through PACER, the attorney is responsible for protecting the security of the password and may change it at any time. If an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately at [www.pacer.gov](http://www.pacer.gov) and notify the PACER Service Center and the Clerk's Office.

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING**

#### **1. Charging Documents.**

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

2. Other criminal documents (in addition to charging papers, mentioned above) exempted from the electronic filing requirement are as follows:

a. Affidavits for search warrants and related papers;

b. Fed. R. Crim. P. 20 and Fed. R. Crim. P. 40 papers received from another court;

- c. Appearance bonds;
- d. Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement;
- e. Petitions for violations of supervised release; and
- f. Other documents filed under seal or ex parte.

3. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case to include attachments to the extent feasible shall be electronically filed on ECF except as otherwise provided by these administrative procedures.

4. Emailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Criminal Procedure until the filing party receives an ECF-generated "Notice of Electronic Filing" described in II(B)1 of these procedures.

5. The Notice of Electronic Filing reflects the time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects a time prior to midnight. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.

6. If filing a document requires leave of the court, such as a motion to submit a sur-reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.

7. Attachments and exhibits larger than 30 MB may be filed electronically in separate 30 MB (or smaller) segments or may be submitted to the Clerk's Office in conventional format.

8. The Clerk's Office shall not maintain a paper court file in any case begun after July 15, 2005, except as otherwise provided herein. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, any initiating documents and other conventional

documents or exhibits filed in accordance with these procedures that are not converted to electronic format.

a. The Clerk's Office will retain all original indictments, petitions to enter plea of guilty, plea agreements, and other original documents containing original signatures as described in section II(A) of these procedures.

b. Except as provided above, the Clerk's Office will discard all other original documents brought to the Clerk's Office for filing after they are scanned and uploaded to ECF.<sup>5</sup>

c. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the documents. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

9. Official and contract court reporters will submit to the Clerk's Office the official recordings of transcribed proceedings and original notes, if applicable. Official and contract court reporters must also file the certified transcript of those proceedings electronically on ECF or email a file containing the certified transcript of the proceedings in PDF format to the Clerk's Office for uploading.

For information on the public access and redaction procedures for transcripts, please *see* Section VI of these Administrative Procedures.

10. Filings by Nonparties (e.g. media, material witness, victim)

a. Nonparties may file documents in a criminal matter electronically only if represented by counsel who is either a member of the Northern District of Georgia bar or who has been granted permission to appear *pro hac vice* and who is a registered user of CM/ECF. The nonparty

---

<sup>5</sup> If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

and counsel will be added to the case in CM/ECF in the appropriate role for the purposes of filing and service.

b. Nonparties proceeding without counsel will be added to the case but will not be permitted to file documents electronically and must follow the procedures in Section III for filing conventionally.

## **B. SERVICE.**

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF shall generate a “Notice of Electronic Filing” to the filing party and any other party who is a registered user.<sup>6</sup>

a. If the recipient is a registered user of ECF, filing in the ECF system or otherwise electronically sending a filing by a means that the recipient consented to in writing constitutes service of the pleading or other paper under Fed. R. Crim. P. 49.

b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in ECF may be accomplished by email, subject to the additional service requirements of B(3) below.

2. A certificate of service on all parties entitled to service or notice is only required when a party serves a document through a means other than filing it in the ECF system. The certificate must state the manner in which service or notice was accomplished on each party. Sample language for a certificate of service is attached to these procedures as Form A.

3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Criminal 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.

---

<sup>6</sup> To determine whether another party is a registered user, the filer can select ECF’s “Utilities” category, then click on “Mailings” on the pull-down menu, and then “Mailing Information for a Case”. The filer then enters the case number and the ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

4. Attorneys should be aware that the submission due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

5. A filer who elects to bring a document to the Clerk's Office for scanning and uploading to ECF must serve conventional copies on all parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document.

## C. SIGNATURES.

### 1. Attorney Signature

a. A pleading or other document requiring an attorney's signature shall be signed in the following manner, when filed electronically: "(attorney name)." The correct format for an attorney signature is as follows:

**John Doe**  
Attorney Bar Number: xxxxxx  
Attorney for (Party Name)  
ABC Law Firm  
123 South Street  
Atlanta, Georgia 30303  
Telephone: (xxx) xxx-xxxx  
Email: [john\\_doe@abclaw.com](mailto:john_doe@abclaw.com)

The attorney's signature must match the login and password of the filing attorney.

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

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

## 2. **Multiple Signatures**

a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.

b. The filing attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, *e.g.*, "Jane Doe," "John Doe," etc. The correct format for each signature is as follows:

**Jane Doe**

Attorney Bar Number: xxxxxx

Attorney for (Party name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: [jane\\_doe@abclaw.com](mailto:jane_doe@abclaw.com)

One of the attorney's signatures must match the login and password of the filing attorney.

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

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

## 3. **Non-Attorney Signature**

a. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party

custodian, a U.S. Marshal, an officer from Pretrial Services or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and upload them to ECF. The electronically filed document as maintained on ECF shall constitute the official version of that record.

b. If any other original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document and then electronically file it on ECF.

c. The electronically filed document as maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.

d. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document nor reasonably should have known of the contents of the documents and who can show that he or she was adversely impacted by the document and has reason to believe either that the signature on the document or the document itself is not authentic must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by cash, check, U.S. Postal money order, or cashier's check. The Clerk's Office will accept payment by credit card (MasterCard, Visa, American Express, and Discover). Debit cards with a MasterCard or Visa logo are acceptable and treated as a credit card transaction. Checks, money orders and cashier checks are to be made payable to "Clerk, U.S. District Court". A law firm check will be accepted for payment by attorneys. The Clerk's Office will note the receipt of fees on the docket. The court will not maintain electronic billing or debit accounts for attorneys or law firms.

Fees for Applications for Admission *Pro Hac Vice* must be paid by credit card through the Pay.gov system concurrent with the electronic filing of the application in CM/ECF. Fees for filing a Notice of Appeal may be paid through the Pay.gov system, as well.

## **E. ORDERS.**

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket conventionally.

2. When filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the requested relief shall be included with the electronic filing as an attachment.

3. If a judge enters an order during a hearing, copies of the order will be distributed electronically after the hearing.

4. When mailing paper copies of an electronically signed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing.

**F. TITLE OF DOCKET ENTRIES.** The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>7</sup>

## **G. CORRECTING DOCKET ENTRIES.**

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed.

3. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the

---

<sup>7</sup> Readers may view an event listing in CM/ECF under the Utilities function or search for a particular event in CM/ECF using the Search function.

document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the Clerk's office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office internal procedures. No substitution of documents by Clerk's Office staff is permissible.

If the entry was made in the wrong case, the document should be refiled in the correct case.

As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. In the event that the incorrectly attached document contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for other relief as appropriate. The Clerk's Office also has the discretion to limit access to documents it perceives contain sensitive information and were incorrectly filed. In those instances when the Clerk's Office exercises its discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the Court will make a corrective entry indicating the original error.

**H. TECHNICAL FAILURES.** The Clerk's Office shall deem the Northern District of Georgia ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible. An attorney may timely file a declaration seeking relief from the court for not meeting the deadline as a result of a technical failure. (Form B).

Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

## **I. PRIVACY.**

1. **Redacted Documents.** To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No.

107-347, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all filings, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. **Minors' names:** Use the minors' initials;
- b. **Financial account numbers:** Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. **Social Security numbers:** Use only the last four numbers;
- d. **Dates of birth:** Use only the year; and
- e. **Home addresses:** Use only the city and state.

Filing parties should review the Court's Standing Orders on the Court's web page for a complete statement of the Court's privacy policy.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

3. Please *see* Section VI for procedures regarding redaction of personal identifiers in electronic transcripts.

### **III. CONVENTIONAL FILING OF DOCUMENTS**

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures. Paper documents should be printed on only one side of the page.

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

**A. DOCUMENTS TO BE FILED UNDER SEAL.** A motion or application to file documents under seal must be filed in paper form, not electronically, along with a proposed order and the documents the party is seeking to seal. Sealed documents will not be publicly accessible on ECF. No Notice of Manual Filing is required for sealed documents.

**B. PRO SE FILERS.** Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk's Office will scan these original documents and upload them into ECF, but will also maintain a paper file.

**C. ELECTRONIC MEDIA.** Any party presenting electronic media to be filed including but not limited to a CD-ROM, DVD-ROM, or flash drive, will also present a paper "Notice of Filing of Electronic Media" signed by the party and describing the documents on the disk or CD. (*See* Form D to these Procedures.)

#### **IV. EXHIBITS**

**A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION.** In general, evidence in support of or in opposition to a motion should be filed electronically, rather than conventionally. (Exhibits that are not filed but are submitted in conventional form during a hearing will be maintained in conventional format.)

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of or in opposition to a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.

2. Whenever feasible a filing party must scan a paper exhibit that is less than 30 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 30 MB as separate attachments of 30 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

3. Because documents scanned in color or containing graphics take much longer to upload, filing parties generally should configure their scanners to scan documents at 300 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates.

6. Copies of conventionally filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents.

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

1. Whenever feasible a filing party must scan a paper exhibit that is less than 30 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 30 MB as separate attachments of 30 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

2. A party may conventionally submit exhibits which are not available in electronic form. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry. Any document filed conventionally will be noted in a Notice of Manual Filing.

3. Because documents scanned in color or containing graphics take much longer to upload, filing parties generally should configure their scanners to scan documents at 300 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. Exhibits submitted conventionally shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents. Exhibits filed conventionally will be listed in an electronically filed Notice of Manual Filing.

## **V. PUBLIC ACCESS TO CM/ECF**

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

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

**B. INTERNET ACCESS.** Remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has determined that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in Criminal cases, but excluding review of calendars and similar general information.<sup>8</sup>

---

<sup>8</sup> Non-judiciary CM/ECF users will be charged a per page fee to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A per document cap has been approved, however this cap does not apply to transcripts. Transcripts may be obtained following a minimum 90 day restriction period for the standard per page fee. Fees will be charged for each access regardless of whether or not the attorney has been given access to the transcript by the court through CM/ECF. The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Criminal Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged the standard per page PACER fee.

## VI. ELECTRONIC TRANSCRIPTS.

**A. OFFICIAL TRANSCRIPTS.** Official Transcripts of proceedings, or parts of proceedings, before United States District and Magistrate Judges that are ordered by a party will be filed electronically in CM/ECF. For the first 90 days after filing, the electronic version of a transcript will be available to the public for viewing only and only at the Clerk's public counters.

Parties desiring a copy of the transcript during the first 90 days from the date of filing (or from the date of the filing of a redacted copy) must obtain the transcript from the respective court reporter.

### B. REDACTION

1. Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all court proceedings, unless otherwise ordered by the Court:

a. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of the child should be used.

b. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

c. **Social Security numbers.** If an individual's Social Security number must be included, only the last four digits of that number should be used.

d. **Dates of birth.** If an individual's date of birth is relevant, use only the year of birth.

e. **Home addresses.** If a home address must be mentioned, only the city and state should be used.

2. Counsel or parties must review the transcript and determine whether redaction of the listed personal identifiers is necessary. Sentencing transcripts must be reviewed by both defense counsel and the government. If redaction is necessary, counsel must electronically file a Request for Redaction within 21 calendar days of the transcript filing date. The request should list, by page and line, each redaction to be made. Remote electronic access to the Request for Redaction will be limited to

court staff and counsel. The Request for Redaction must be served by the filing party on the court reporter through U.S. Mail or hand delivery.

3. Failure to request the redaction within the 21-day time period, or seek extension of time to do so from the Court, will result in the transcript being made electronically available, without redaction, 90 days after the transcript was initially filed with the Clerk.

4. The responsibility for omitting or redacting personal identifiers rests solely with counsel and the parties. The Clerk will not review filings for compliance with this rule. Counsel and the parties are cautioned that failure to redact these personal identifiers may subject them to sanctions or other disciplinary proceedings as appropriate.

5. If a party requests redaction, the transcript will not be made remotely available through PACER until the redactions have been made. A copy of the official transcript will be available for review in the Clerk's Office or purchase from the court reporter during this time. Redacted transcripts must be filed within ten (10) days of the Request for Redaction absent further direction from the court.

6. Redaction of information other than the personal identifiers listed herein will require the electronic filing of a separate motion served on all of the parties and the court reporter within the 21-day notice period.

**C. REMOTE ACCESS TO TRANSCRIPTS.** Transcripts will be made remotely available through PACER, subject to standard PACER fees, as follows:

1. Transcripts in which no redaction was requested: 90 days from the filing date of the official transcript.

2. Transcripts in which a redaction was requested: 90 days from the filing date of the official transcript OR date of filing redacted transcript, whichever is later. Although the unredacted transcript will remain on record, only the redacted transcript will be released for remote public access through PACER.

**FORM A**

**SAMPLE FORMATS**

**CERTIFICATE OF SERVICE**

**Sample 1**

I hereby certify that on (Date) , I electronically filed (Name of Document) with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney names  
Address to which mailed

(Name of Registered Attorney)  
Attorney's Name and  
Bar Number  
Attorney for (Party Name)

Law Firm Name  
Law Firm Address  
Law Firm Phone Number  
Law Firm Fax Number  
Attorney's Email Address

## Sample 2

I hereby certify that on (Date), I presented (Name of Document) to the Clerk of the Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney names  
Address to which mailed

(Name of Registered Attorney)  
Georgia Bar No. xxxxxx  
Attorney for (Party Name)

Firm Name  
Firm Address  
City, State, Zip  
Telephone: (xxx) xxx-xxxx  
Email: xxxxxx@xxxx.xxx

**FORM B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Criminal Action No.

Defendant Name

Defendant.

**DECLARATION OF TECHNICAL DIFFICULTIES**

Please take notice that [**Plaintiff / Defendant / Name of Party**] was unable to file the attached [**Title of Document**] in a timely manner due to technical difficulties. The deadline for filing this document was [**Filing Deadline Date**]. The reason(s) that I was unable to file the document in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

**[Statement of reasons and good faith efforts to file and to inform (including dates and times)]**

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

(Name of Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Party Name)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxx@xxxx.xxx

**FORM C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Criminal Action No.

Defendant Name

Defendant.

**NOTICE OF MANUAL FILING**

Please take notice that **[Plaintiff / Defendant]** has manually filed the following document or thing:

**[Title of document or thing.]**

This document was not filed electronically because **[the document or thing cannot be converted to an electronic format/ [Plaintiff/Defendant] is excused from filing this document or thing electronically by Court order.]**

The document or thing has been manually served on all parties.

Respectfully submitted,

(Name of Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Party Name)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxx@xxxx.xxx

**FORM D**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
\_\_\_\_\_ DIVISION

Plaintiff Name

Plaintiff,

vs.

Criminal Action No.

Defendant Name

Defendant.

NOTICE OF FILING ELECTRONIC MEDIA

Please take notice that [**Plaintiff / Defendant**] has filed the following document on  
[description of electronic media]:

**[Title of document]**

The document has been manually served on all parties.

Respectfully submitted,

(Name of Registered Attorney)  
Georgia Bar No. xxxxxx  
Attorney for (Name of Party)

Firm Name  
Firm Address  
City, State, Zip  
Telephone: (xxx) xxx-xxxx  
Email: xxxxxx@xxxx.xxx