

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

IN RE: ELECTRONIC CASE FILING
_____ /

Misc. No. _____

ADMINISTRATIVE ORDER

Courts are authorized to establish practices and procedures for the filing, signing, and verification of documents by electronic means. See, e.g., Rules 5 and 83, Fed. R. Civ. P., and Rules 49 and 57, Fed. R. Crim. P. This Court elects to do so through its Local Rules and through this administrative order. It is, therefore, ORDERED:

(1) The docketing and case management system for the Northern District of Florida shall be the judiciary's Case Management and Electronic Case Files (CM/ECF) program and the official record of the court shall be the electronic file maintained by the court and such paper files as are permitted by the Clerk's *Attorney User's Manual (User's Manual)*.

(2) The Clerk of this Court is authorized to implement and publish *Electronic Case Filing Policies and Procedures (User's Manual) for Civil Cases*, and *Electronic Case Filing Policies and Procedures (User's Manual) for Criminal Cases*. All documents in civil and criminal cases shall be filed as outlined in the current version of the User's Manuals. The provisions in this Administrative Order and the *User's Manuals* are intended to be consistent with the Federal Rules of Civil and Criminal Procedure and this Court's Local Rules. Any conflicts should be brought to the Court's attention immediately.

(3) Commencement of Action.

(A) Civil Cases are commenced with the filing of a complaint. Attorneys may commence a civil case electronically. The procedures for commencing a civil case are contained in the *User's Manual*.

(B) Criminal Cases are commenced with filing of an indictment or information by the government. The procedures for commencing a criminal case are contained in the *User's Manual*.

(4) The electronic filing of a pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Case Filing System shall constitute the signature of the attorney under Federal Rules of Civil and Criminal Procedure.

(5) No attorney shall knowingly permit or cause to permit his/her password to be utilized by any unauthorized person.

(6) The electronic filing of a pleading, motion, or other paper in accordance with the *User's Manuals* shall constitute entry of that document on the docket kept by the Clerk under Federal Rules of Civil Procedure 79.

(7) The Office of Clerk shall enter orders, decrees, judgments, and proceedings of the court in accordance with the *User's Manuals*, which shall constitute entry of the order, decree, judgments, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58, and Federal Rules of Criminal Procedure 55.

(8) Registration in the Electronic Filing System and receipt of a password from the court shall constitute consent to receive service and notices electronically.

(9) Service.

(A) Transmission of a notice of electronic filing constitutes service of the filed document upon each party in the case who is registered as a filing user.

(B) Service by electronic means is complete on transmission. Service by electronic means is not effective if the party making service receives an error message or otherwise learns that the attempted service did not reach the person to be served.

(C) Service to a non-filing user shall be carried out through traditional means such as first class mail or hand delivery, or other means.

(10) Attorneys shall not cause any notice, pleading, or other document to be filed on the court's electronic filing system which is not authorized or required by statute or rule.

(11) Public Access to Files.

(A) All documents filed in a case, whether in paper or electronic form, other than sealed documents, may be viewed by any person in the Clerk's Office. Paper documents may be examined only in the division of the Clerk's Office where the paper file, to the extent there is one, is maintained. A person may also obtain access to the CM/ECF system by obtaining a *Public Access to Court Electronic Records* (PACER) log-in user name and password. A person who has PACER access may view and retrieve docket sheets in civil and criminal cases and documents in civil cases (except Social Security cases). Only counsel for the government and for a defendant may retrieve electronic documents in criminal cases.

(12) A document filed in the court's electronic filing system must be received prior to midnight local time in the division where the case is pending in order to be considered timely filed on that day.

(13) Attorneys and parties shall retain any documents filed electronically where an original signature is required for two years after the document is filed.

(14) *Pro se* litigants who are not attorneys must file all documents with the court in paper form.

This Administrative Order shall be effective on and after **November 12, 2003**.

DONE AND ORDERED this 28th day of November, 2003.

/s/Roger Vinson
ROGER VINSON
Chief Judge