IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO
OFFICE OF THE CLERK

NOTICE TO COUNSEL
NO. 06-14

REVISED MANUAL FOR CM/ECF

Please take notice that on this date, July 26, 2006, by the authority the Court has vested on me in Electronic Case Filing, Standing Order No. 1, Misc. No. 03-149(HL), I am issuing the **Manual for Civil and Criminal Cases, Administrative Procedure for Filing, Signing and Verifying Pleadings and Papers by Electronic Means in the United States District Court for the District of Puerto Rico, Revised July 26, 2006.** This Manual will be revised as necessary and will be immediately published and posted in the Court's web-site at www.prd.uscourts.gov. Attorneys are encouraged to retrieve the above Manual and become familiar with its procedures.

In San Juan, Puerto Rico, this 26th day of July, 2006.

FRANCES RIOS DE MORAN, ESQ.
CLERK OF COURT

MANUAL FOR

CIVIL AND CRIMINAL

CASES

ADMINISTRATIVE PROCEDURE FOR FILING,

SIGNING, AND VERIFYING PLEADINGS AND PAPERS

BY ELECTRONIC MEANS

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

(REVISED July 26, 2006)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS IN CIVIL AND CRIMINAL CASES

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ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS IN CIVIL AND CRIMINAL CASES

I. THE ELECTRONIC FILING SYSTEM

A. AUTHORITY. This manual is published under the authority vested upon the Clerk of Court by Standing Order No. 1 (In the Matter of Electronic Case Filing, Miscellaneous No. 03-149 (HL), issued on November 24, 2003).

B. DEFINITIONS.

1. The term "document" shall include pleadings, indictments, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and other filings by or to the Court.
2. The term "party" shall include both counsel of record and pro-se litigants.
3. All hours stated shall correspond to Atlantic time.

C. IN GENERAL. Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents[1] submitted for filing in this district after February 24, 2004, in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System ("System") or shall be scanned[2] and uploaded to the System.[3]

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[1] The requirement that "all documents" be filed electronically includes briefs, exhibits/attachments, and transcripts of proceedings used in support of motions or at trial – a substantial departure from prior district Court procedure.

[2] When scanning documents to be subsequently filed electronically, filing parties should make certain their scanners are configured for 200 dpi, and for black and white rather than color scanning. The filing party (continued...)

1. Parties proceeding pro se shall not file electronically.

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

3. A case filed under seal will be maintained in paper form until the assigned judge orders the case unsealed.

4. Juvenile criminal matters shall not be filed electronically until the Court rules that the juvenile will be tried as an adult.

5. While registered attorneys of record will have remote access to documents in Social Security cases, no public remote access will be available until further order of the Court. Public access to criminal cases is available. Also, members of the public may view electronic criminal files at the public terminals in the Clerk's Office.[4]

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[2](...continued)
is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk's Office and file an electronic notice of manual filing into the electronic record.

Because large documents may not upload properly to the System or download within a reasonable amount of time for users with a 56K modem, documents over 3.0 MB (approximately 50 pages) will be rejected by the System and must be broken into 3.0 MB segments (50-page segments) for electronic filing; or it must be filed conventionally.

As used in these administrative procedures, a "conventionally" filed or submitted document or pleading is one presented to the Court or a party in paper or other non-electronic, tangible format.

[3] "Electronic filing" means uploading a pleading or document directly from the registered user's computer, using the Court's Internet-based System, to file that pleading or document in the Court's case file. Sending a document or pleading to the Court via e-mail does not constitute "electronic filing."

[4]In September 2004, the Judicial Conference approved the implementation of the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files. Since November 1st, 2004, electronically criminal records are available to the public. Documents filed before November 1st, are not available for public viewing through the Internet, but access was granted only to attorney of record.

D. REGISTRATION.

1. Attorneys must complete and sign the Attorney Registration Form to file electronically. The Registration Form is attached to these procedures as Form A. The form is also available on the Court's web site at http://www.prd.uscourts.gov.

   a. The Court will issue passwords only to attorneys who are members in good standing of this Court or admitted pro-hac-vice according to Local Rule. To be in good standing, an attorney must meet the requirements in Local Rule 83.1.

   b. As an exception, and upon request, the Court may grant a "monitor" or a "court appointed mediator" authority to file electronically. The authorization may be limited to the terms of the appointment order, filings in a particular case and related cases and the duration of the appointment. If granted, the monitor will "register" as appropriate under a special account.

2. All signed original Attorney Registration Forms shall be faxed to 787-772-3434, or mailed or delivered to the Clerk's Office, United States District Court, Attn: ECF Attorney Registration, 150 Federal Building, 150 Carlos Chardón Avenue, Hato Rey, P.R. 00918-1767.

3. The Clerk's Office will either mail password information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her password in persona at the Clerk's Office.

4. Once registered, an attorney may withdraw from participating in the System by providing the Clerk's Office with notice of withdrawal. Such notice must be in writing, and mailed or delivered to Clerk's Office, United States District Court, 150 Federal Building, 150 Carlos Chardón Avenue, Hato Rey, P.R. 00918-1767. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the System shall not be construed as authorization to file cases or documents conventionally.

5. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney must change his or her password immediately.

6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties.

E. PASSWORDS. Each attorney admitted to practice in the District of Puerto Rico shall be entitled to one System password from the District Court. The password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized agent

and/or employee of his or her office. Counsel shall not file with another counsel's login and password.

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

3. Registration for a password is governed by Section I(D).

4. An attorney admitted pro hac vice must register for a password in accordance with these Administrative Procedures.[5]

5. Lost or forgotten logins and passwords will only be provided through regular mail or in person.

6. Attorneys may change their name, telephone numbers, facsimile or email information and the password in the "Utilities Menu" of the program.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings[6], or other documents in civil and criminal cases shall be electronically filed in the adobe-acrobat .pdf format in the System[7], except as otherwise provided by these administrative

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[5] Filing by pro hac vice attorneys is governed by local rule 83.1(f).

[6] The Judicial Conference approved a policy that requires the Court to make electronic transcripts of proceedings available on the internet. The Court Administration Committee of the Judicial Conference is designing the implementation of this policy.

[7] Documents submitted in electronic format (PDF) to the court shall not have any logo, text or graphics that shows advertisement for any company, business or organization. The only logo acceptable is the heading (continued...)

procedures. These include all charging documents in criminal cases such as the complaint, information, and indictment.

a. **Attorneys shall not e-mail documents directly to the Clerk's Office.** E-mailing 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 ECF system generates a "Notice of Electronic Filing" described in II(B)1 of these procedures.

2. Complaints in Civil Cases.

a. The Clerk's Office will accept complaints and civil cover sheets sent by United States mail or delivered in person to the Clerk's Office.

i. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office.

ii. Once the case has been opened, the Clerk's Office will request from the filer by phone or e-mail the electronic version of the complaint, including the civil cover sheet, the category sheet and the current address notice as

[7](...continued)
of the attorney's office. A document filed with unauthorized logo will be treated as defective filing and will be processed accordingly.

attachments. The electronic-format version must be submitted within 24 hours of being notified by the Clerk's Office. If not done, a second notice will be sent electronically. If after second notice the electronic version of the document is not filed, the case will be referred to the Judge for appropriate action, which may include dismissal of the complaint or other sanctions, as the Court sees fit. The paper and electronic complaint shall be the same.

b. The filing drop box located at the entrance of the courthouse in Federico Degetau Federal Building will remain in operation **only** for "after hours" filing of initial complaints and for filing of documents in conventional format as permitted by the Court and this Manual.

c. For removal cases from state court, the filer will continue to attach certified copies of all original pleadings filed at the state level such as complaints, summons, motions, etc., in electronic form. If the pleadings are excessively bulky, then the filer may file an electronic motion for leave of Court to submit them in conventional form. If granted, the Office of the Clerk will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.

d. A party may not electronically serve a complaint, but instead must effect service according to Federal Rule of Civil Procedure 4.

3. Summons in Civil Cases.

a. The party requesting a summons must complete the top portion of the summons form and either hand-deliver it or send it via United States mail to the Clerk's Office. If sending the summons by United States mail, also submit a stamped, self-addressed return envelope. Once a summons has been issued, the Clerk's Office will return the summons to the attorney or party personally or by mail.

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

c. The serving attorney shall be responsible for filing proof of service electronically (by scanning the documents and electronically filing with the Court).

4. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.

5. If filing a document requires leave of the Court, such as an amended complaint or a reply brief in civil cases, or such as a motion to submit a reply brief in criminal cases, the attorney shall tender such

document as an attachment to the motion rather than a separate document. If the Court grants leave, the order will direct the attorney to file the document electronically with the Court. The attorney must file electronically not later than the close of business of the next working day after notification. Proposed orders are governed by Section II(E)(2) of this manual.

6. Attachments and exhibits larger than fifty (50) pages may be filed electronically in two or more separate 50-page segments or may be submitted in conventional format according to procedures in Section IV. If submitted in conventional format the filing party must serve copies on all other parties to the case, as appropriate.

7. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures, except as otherwise provided in these procedures. **As of February 24, 2004, 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.

   a. The Clerk's Office will discard all paper versions of documents brought to the Clerk's Office. Notwithstanding, in criminal

cases, the Clerk's Office will retain all original indictments, petitions to enter pleas of guilty, and plea agreements. [8]

b. Prior to submitting the document to the Clerk's Office, an attorney who wishes to have the paper version of a document returned, must seek authorization from the assigned judge for the document's return. Authorization, if granted, will be on a submission-by-submission basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System is programmed to automatically generate a "Notice of Electronic Filing" to all parties in the case, to registered users who have requested electronic notice in that case, to non-registered users who have provided an e-mail address [9] and to the assigned judge . The filing party must verify that

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[8] The National Archives and Record Administration (NARA) has approved the records disposition authority. Effective May 12, 2006 the Court is authorized to dispose paper records scanned into CM/ECF, after verification and quality control checks, unless prohibited by local rule. 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. **Original documents containing notarized signatures must be kept by counsel through the completion of the appeal process. In criminal cases, documents containing notarized signatures will be kept by counsel for five years.**

[9] Non-registered attorneys implicitly consent to electronic notification unless he/she opposes such notification within ten days of being notified.

service will be effectuated, either in electronic or conventional fashion[10].

a. The System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

b. Once the Electronic Case Filing System sends the "Notice of Electronic Filing," it is presumed that it reached the attorney's e-mail address, unless the e-mail bounces back to the Electronic Case Filing System.

c. The attorney is responsible for verifying his/her notifications through e-mail, docket activity report and ECF Notifications.[11]

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.

3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order.

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[10] To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Info for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

[11] The Docket Activity report is available through the Report menu option. It shows all activity in the cases the attorney appears for any period of time. The ECF Notifications feature is available through the Utilities menu option. It display daily notifications sent to the attorney.

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, including the Court, with proof of the filing.

4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail, applicable to both civil and criminal cases, shall also apply to service by electronic means.

5. Attorneys should be aware that the response 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.

6. An exempted filer for electronic filing who brings a document to the Clerk's Office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax. However, email or fax service requires the consent of the served party pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49 (b).

For fax noticing, the Court's registry of consent for fax service supplies the required consent stated above.

C. SIGNATURES.

1. Non-Attorney Signature, Generally. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on the System.

   a. The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record.

   b. 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.

2. Attorney Signature. A pleading or other document requiring an attorney's signature shall be signed in the following manner: "s/ (attorney's name) ." The correct format for an attorney's signature is as follows:

s/ Judith Attorney
Judith Attorney Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
San Juan, Puerto Rico 00918
Telephone: (787) 123-4567
Fax: (787)123-4567
E-mail: judith_attorney@law.com

Documents filed in the conventional format shall bear an original signature by counsel or a party, as appropriate (*i.e.*, sealed, pro se, social security transcripts, etc.)

a. 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.

3. Multiple Signatures. The following procedure applies when a stipulation or other document requires two or more signatures:

a. The filing party or 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 manual, physical, facsimile, or ECF signatures are permitted.

b. The filing party or attorney then shall file the document electronically, indicating the signatories, *e.g.*, "s/ Jane Doe," "s/ John Smith," etc. The correct format for a signature is referenced at Section II(C)2.

c. A non-filing signatory or party who disputes 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.

4. Documents in Criminal Cases. Several documents in criminal cases require the signature of a non-attorney, such as a defendant, a third-party custodian, a United States 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, upload them to the System, and except as otherwise provided by these administrative procedures, discard them. The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper in District Court is payable to the Clerk of Court by check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts for lawyers or law firms.

E. ORDERS.

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

2. Electronically submitted proposed orders may not be combined with the motion into one document. The proposed order must be tendered as an attachment to the motion. In addition, proposed orders may be e-mailed to the Judge's mailbox in a format compatible with WordPerfect, which is a "Save As" alternative in most word processing software, **at the option of the judge**.[12] If the judge determines that a copy of the proposed order filed electronically be submitted also in a "WordPerfect" compatible format, the WordPerfect compatible formatted proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges' e-mail addresses are as follows:

Judge	Electronic Address
José Antonio Fusté	PRD_JAF@prd.uscourts.gov
Carmen Consuelo Cerezo	PRD_CC@prd.uscourts.gov
Daniel R. Domínguez	PRD_DRD@prd.uscourts.gov
Jay A. García-Gregory	PRD_JAG@prd.uscourts.gov

[12] Judges' requests are published in our web site http://www.prd.uscourts.gov

Aida Delgado-Colón	PRD_ADC@prd.uscourts.gov
Juan M. Pérez-Giménez	PRD_PG@prd.uscourts.gov
Jaime Pieras	PRD_JP@prd.uscourts.gov
Raymond L. Acosta	PRD_RLA@prd.uscourts.gov
Héctor M. Laffitte	PRD_HL@prd.uscourts.gov
Salvador E. Casellas	PRD_SEC@prd.uscourts.gov
Justo Arenas	PRD_JA@prd.uscourts.gov
Gustavo A. Gelpí	PRD_GAG@prd.uscourts.gov
Camille Vélez-Rivé	PRD_CVR@prd.uscourts.gov

3. A filing party moving for issuance of a writ, warrant or summons should advise the judge that a prompt ruling is required and attach the writ, warrant or summons in .pdf format to the proposed order (if one is needed). A motion to file document(s) under seal shall be made in the manner specified in Section III(A) of these procedures.

4. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of the System, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

5. 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. The System will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures and

a copy of the "Notice of Electronic Filing" will be sent to non-electronic parties.

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.[13]

1. The attorney shall use the event that most accurately describes the relief sought.
2. If multiple reliefs are sought, the attorney must choose all of them as described in the Attorneys' Manual.
3. Contact the help desk (787-772-3449) if in doubt as to what event to use.

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. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error 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, or selecting the wrong document type from the menu, or entering the wrong case number and not catching

[13] The dictionary is on the Court's web site, http://www.prd.uscourts.gov.

the error before the transaction is completed. **The filing party should not attempt to refile the document.**

3. 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. If appropriate, the Court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

H. TECHNICAL FAILURES. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF's site may seek appropriate relief from the Court. The Clerk's Office shall deem the District of Puerto Rico CM/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.

1. Generally, problems on the filer's end such as phone 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 may file a motion for relief with the Court. See model of appropriate motion (Form C).

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States, the E-Government Act of 2002, Pub. L. No. 107-347, and Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case files, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise.[14] **Do not use blackout feature or black highlighting in electronic docketing (as opposed to scanned), since data carries through.**

   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 address to city and state

   f. Other data as directed by order of the Court.

   In addition, the filing party may omit or, where inclusion is necessary, partially redact the following confidential information from all

[14] Refer to Notice to Counsel 04-37. More information on http://www.privacy.uscourts.gov

pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise.

a. Personal identifying number, such as driver's license number;

b. Medical records, treatment and diagnosis;

c. Employment history;

d. Individual financial information; and

e. Proprietary or trade secret information.

f. Information regarding an individual's cooperation with the government, in criminal cases

g. Information regarding the victim of any criminal activity, in criminal cases

h. National security information, in criminal cases

i. Sensitive security information as described in 49 U.S.C. § 114(s), in criminal cases.

A party may file the redacted document electronically and file a "reference list in conventional format with the court that would include the complete version of each personal identifier and a corresponding partially redacted version of each identifier." This list will be used as reference to subsequent filings in the case.[15]

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[15] August 2, 2004 H.R. 1303 law amending section 205(c)(3) of the E-Government Act.

"(3) Privacy and security concerns.--

1. **"(A)(i)** The Supreme Court shall prescribe rules, in accordance with and , to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically or converted to electronic form.

(continued...)

2. Unredacted Documents. A party may file under seal a document containing the unredacted personal data identifiers listed above. This document shall be retained by the court as part of the record.

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[15](...continued)

"(ii) Such rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.

"(iii) Such rules shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.

"(iv) Except as provided in clause (v), to the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code [et seq.], shall be either in lieu of, or in addition to, a redacted copy in the public file.

"(v) Such rules may require the use of appropriate redacted identifiers in lieu of protected information described in clause (iv) in any pleading, motion, or other paper filed with the court (except with respect to a paper that is an exhibit or other evidentiary matter, or with respect to a reference list described in this subclause), or in any written discovery response--

"(I) By authorizing the filing under seal, and permitting the amendment as of right under seal, of a reference list that--

"(aa) identifies each item of unredacted protected information that the attorney or, if there is no attorney, the party, certifies is relevant to the case; and

"(bb) specifies an appropriate redacted identifier that uniquely corresponds to each item of unredacted protected information listed; and

"(II) by providing that all references in the case to the redacted identifiers in such reference list shall be construed, without more, to refer to the corresponding unredacted item of protected information.

"(B)(i) Subject to clause (ii), the Judicial Conference of the United States may issue interim rules, and interpretive statements relating to the application of such rules, which conform to the requirements of this paragraph and which shall cease to have effect upon the effective date of the rules required under subparagraph (A).

"(ii) Pending issuance of the rules required under subparagraph (A), any rule or order of any court, or of the Judicial Conference, providing for the redaction of certain categories of information in order to protect privacy and security concerns arising from electronic filing or electronic conversion shall comply with, and be construed in conformity with, subparagraph (A)(iv).

"(C) Not later than 1 year after the rules prescribed under subparagraph (A) take effect, and every 2 years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of those rules to protect privacy and security.

a. The party seeking to file an unredacted document may, but is not required, to file electronically a motion or application to file the document under seal pursuant to the E-Government Act of 2002. A motion or application not filed electronically shall be presented in conventional format to the chambers of the assigned magistrate or district judge along with a proposed order.

b. If the assigned judge grants the motion or application, the filing party shall then submit the unredacted paper document to the Clerk's Office. The paper document must have a cover page or notation on the first page stating the following: "Document filed under seal pursuant to the E-Government Act." The Court will retain this paper document as part of the record.

c. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

3. 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.

III. CONVENTIONAL FILING OF DOCUMENTS THAT ARE TREATED AS AN EXEMPTION FOR ELECTRONIC FILING AS ALLOWED BY THE COURT.

The following procedures govern documents filed conventionally. The Court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures.

A. **DOCUMENTS TO BE FILED UNDER SEAL.** A party shall file electronically the motion or application to file documents under seal. The party shall print the NEF (Notice of Electronic Filing). The NEF will be attached to the envelope containing the sealed document and both documents would be brought to the Clerk's Office. The proposed sealed document or pleading must be filed on paper bearing an original signature by counsel or a party, as appropriate. (See Notice to Counsel No. 05-25). If an order is entered granting the filing of a sealed motion/application, the sealed documents will be placed in the vault at the Clerk's Office.

B. **PRO-SE FILERS.** Pro-se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file in the System, but will also maintain a paper file.

C. **SOCIAL SECURITY CASES.** Absent a showing of good cause, all documents, notices, and orders in social security reviews filed in the District

Court after the System is implemented shall be filed and noticed electronically, except as noted below.

1. The complaint and other documents typically submitted at the time a social security case is filed initially will be filed electronically and served according to II(A) of these procedures.
2. Social security transcripts will be conventionally filed and served since scanning that set of documents and filing or retrieving them electronically is impractical at this time. Since social security transcripts will not be scanned or otherwise placed into the System, the filer will electronically file the Notice of Filing Transcript stating that the transcript is available in paper format at the Clerk's Office.
3. All other documents in the case, including briefs, will be filed and served electronically unless the Court otherwise orders.
4. To address the privacy issues inherent in a social security review, Internet access to the individual documents will be limited to counsel of record in the case and court staff. 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.

IV. ATTACHMENTS AND EXHIBITS.

A. PROCEDURE TO FILE ELECTRONICALLY

1. All exhibits shall be filed electronically. This section applies to evidence in support of a motion as well as evidence not in support of a motion, *i.e.*, an attachment to a complaint.

2. A filing party should electronically image, *i.e.*, "scan," a paper exhibit that is less than 3.0 MB (approximately 50 pages) and submit the exhibit as a .pdf file. Because .pdf files containing scanned documents take up considerably more space on the System than .pdf files containing electronically-generated documents, the filing party may submit .pdf files containing scanned documents of more than 3MB (50-pages) only if they are filed in separate 3MB (50-pages) segments, duly indexed and named.

3. Documents must be scanned and attached separately. Each attachment must be described in the attachment screen using the attachment type and the description box. Examples:

TYPE	DESCRIPTION
Affidavit	John Doe
Exhibit	A-1 Contract between ABC Company and XYZ (page 1-50)
Exhibit	A-2 Contract between ABC Company and XYZ (page 51-100)
Exhibit	B Excerpts of Jane Doe's Deposition

4. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white, rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.

5. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court.

B. PROCEDURE TO FILE CONVENTIONALLY

1. A party may conventionally submit exhibits or attachments which are not available in electronic form or which are too lengthy to electronically image, *i.e.*, "scan."

2. The party shall also file electronically a "Notice of Filing Exhibits Conventionally" (FORM D) as an attachment of the main document those exhibits supports.

3. The Notice of Filing Exhibits Conventionally should accompany the exhibits when filed with the court. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.

4. Copies of conventionally filed supporting materials that must be served on other parties shall be served on other parties as if not subject to electronic filing procedures.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. PUBLIC ACCESS AT THE COURT. Electronic access to the electronic docket and documents filed in the System will be available for viewing by the public at no charge at the Clerk's Office during regular business hours. A ten-cent per page copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

B. INTERNET ACCESS. Remote electronic access to the System 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 ruled 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.[16]

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. 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.

VI. NON-COMPLIANCE WITH PROCEDURES IN THIS MANUAL

A. Non-compliance with the procedures established by Standing Orders No. 1 and 2, the Manual of Procedures for civil and criminal cases and the local

[16] The cost of public access to court electronic records (PACER) increased by a penny, to 8 cents per page, effective January 1, 2005. The total for any document, docket sheet, or case-specific report still will not exceed the fee for 30 pages and no fee is owed until an account holder accrues charges of more than $10 in a calendar year. Attorneys of record and parties in a case, including pro se litigants, receive one free electronic copy of all documents filed electronically. Printing copies of any record or document that can be accessed electronically at a public terminal in the courthouse continue to be 10 cents per page.

rules, may result in defective filing, orders to show cause, sanctions and/or dismissal of the case. This includes filing of discovery papers prohibited by local rule 26.

FORM A

United States District Court
for the District of Puerto Rico

ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM

(PLEASE TYPE)

This form shall be used to register for accounts on the Courts' Case Management/Electronic Files (CM/ECF) systems. Registered attorneys and other participants will have privileges both to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for all civil and criminal cases in the CM/ECF systems. Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the District of Puerto Rico or be admitted pro hac vice for a specific case pursuant to Local Rule 83.1. The following information is required for registration:

First/Middle/Last Name: _____

Last Four Digits of Social Security Number: _____

Attorney Federal Bar # (District of Puerto Rico): _____

If admitted pro hac vice, date motion pro hac vice granted:_____ , for Case No._____

Firm Name: _____

Firm Address: _____ _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet ECF E-Mail Address: _____

Additional E-Mail Address: _____

Does your E-mail Software support *HTML (Hyper Text Markup Language) messages?

Yes_____ No _____

(*Note: Some e-mail software - like Microsoft Outlook, Microsoft Outlook Express & Lotus Notes -can display messages with special text formatting & graphics as Internet pages. Select "No" if you prefer to receive e-mails in plain text.)

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. The systems are for use only in cases designated by the U.S. District Court for the District of Puerto Rico. The systems may be used to file and view electronic documents, view docket sheets, and notices.

2. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney/participant's password issued by the Court combined with

the user's identification (login), serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to immediately notify the Court. The Court will immediately delete the password from the electronic filing system and issue a new password.

3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

4. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in the applicable Standing Order.

5. A user accesses Court information via the Court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required, in addition to, the password issued by the Court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (http://pacer.psc.uscourts.gov).

6. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent Standing Order, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means currently in effect and any changes or additions that may be made to such Administrative Procedures in the future.

Please return to: Clerk's Office
U.S. District Court
for the District of Puerto Rico
Attn: ECF Attorney Registration
Rm 150 Federal Building
150 Chardon Avenue
Hato Rey, P.R. 00918-1767

_____ _____
Date Attorney/Participant Signature

Your login and password will be sent to you by the Office of the Clerk by regular, first-class mail. If you prefer to have your login/password sent to an address other than the one listed on page one of this form, please write the address in the space provided below:
Firm Address: _____

_____

FORM B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____(Date)____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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

At _____, Puerto Rico, (Date)

s/Attorney name typed
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on _____(Date)_____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

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

At _____, Puerto Rico, (Date)

s/ Attorney name typed
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

FORM C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

	)	
	)	
Plaintiff	)	Case No.
	)	
v.	)	Judge
	)	
Defendant	)	
	)	
	)	
	)	

DECLARATION THAT PARTY WAS UNABLE TO FILE IN A TIMELY MANNER
DUE TO 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 the [Title of Document] was [Filing Deadline Date]. The reason(s) that I was unable to file the [Title of 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, at _____, Puerto Rico, (Date)

s/ Attorney name typed
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

FORM D

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

	)	
	)	
Plaintiff	)	Case No.
	)	
v.	)	Judge
	)	
Defendant	)	
	)	
	)	
	)	

NOTICE OF FILING EXHIBITS CONVENTIONALLY

The following exhibits are being filed conventionally due to (state the reason).

(State the list of exhibits filed conventionally)

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

Respectfully submitted, at _____, Puerto Rico, (Date)

s/ Attorney name typed
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address