

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
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Notice of Changes to Electronic Filing Policies and Procedures

On April 4, 2016, the Judges of the United States District Court for the Eastern District of Michigan approved changes to the to the Electronic Filing Policies and Procedures, effective May 1, 2016. The changes are detailed below.

[Additions are indicated by underline, and deletions by strikethrough.]

PREFACE:

[...]

At its regular meeting on September 8, 2003, the Court approved Local Rules [~~<http://www.mied.uscourts.gov/Rules/RuleViewer.cfm?n=LR%205.1.1>~~] establishing the authority for electronic filing in civil and criminal cases in the Eastern District of Michigan.

[...]

R1 DEFINITIONS:

[...]

(b) “Electronic Filing” means filing a paper over the Internet by a registered attorney or a non-incarcerated *pro se* party. ⁴

~~⁴Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR-26.2 regarding the prohibition of filing certain papers.~~

[...]

(j) “Proposed Order” is a draft paper submitted for a judge's editing, if necessary, and signature, in a format compatible with Word or WordPerfect and not in PDF (see R11(a)).

(k) “Public Access to Court Electronic Records” (hereinafter PACER) is an electronic public access service that allows users to obtain case and docket information online from federal appellate, district, and bankruptcy courts. ~~automated system that allows any individual to view, print and download Court docket information over the Internet.~~

[...]

(m) “Text-Only Order” is a docket entry that itself constitutes the order; no PDF or paper order is issued. These text-only orders, which are generally only used for routine matters, are official and binding.

(n) “Traditional Manner” means ~~filed on~~ filing a paper (hard copy) or a physical object at a Clerk’s Office (see ~~R7~~ R18(c)).

(o) “Web-Based Resource” is material made available on the World Wide Web, accessed by means of a universal record locator (URL).

R2 Scope of Electronic Filing

All papers (not simply cases) filed June 1, 2004 and thereafter will be maintained as electronic case files no matter when a case was originally filed. ~~All filings are subject to the exceptions noted in R7.~~

R3 Eligibility, Registration, Passwords

(a) A filing user must be an attorney admitted and in good standing to practice in the Eastern District of Michigan, an attorney authorized to represent the United States Government, or a non-incarcerated *pro se* party granted ~~access permission to file on a case-by-case basis~~.

[...]

(b) Each filing user must ~~submit the ECF Registration Form~~ complete the ECF Registration Requirements outlined on the Court’s website to receive a login and password to ECF. ~~<https://secure.mied.uscourts.gov/ECF/ecfprereg.html>~~. ~~Effective September 19, 2005,~~ Filing users must complete mandatory ECF Training.

(c) ~~(d)~~ A filing user must have a PACER account.

~~(e)~~ (d) Each filing user is responsible for maintaining valid and current contact information in his or her ECF Registration account profile.

[...]

~~(e)~~ ~~Once the above requirements have been met, the Clerk will issue a login and password.~~

R5 Filing - In General

(a) Filing users are required to file papers² electronically [~~see R6 and R7 for exceptions] beginning December 1, 2005.~~

²Filing users are directed to Fed. R. Civ. P. 5(d) and E.D. Mich. LR 26.2 regarding the prohibition of filing certain papers.

(b) ~~Effective January 8, 2007,~~ Filing users must present one “courtesy” or “chambers copy” of all dispositive motion papers, as defined in LR 7.1(e)(1)(A), (including responses and replies) and all accompanying exhibits must be submitted directly to the judge’s chambers on paper.

[...]

(c) All fonts embedded in PDF records (except in papers that have been scanned) must have been publicly identified as a font that may be legally embedded (i.e., the font license permits embedding) in a file for unlimited, universal viewing and printing. Common font styles include but are not limited to the following: Courier, Arial, Times New Roman, Calibri, Century Schoolbook, Symbol and ZapfDingbats (see R1(i)). [~~font styles, which are the most commonly used fonts for document production: Courier (Regular, Bold, Italic, and Bold Italic), Arial MT (Regular, Bold, Oblique, and Bold Oblique), Times New Roman PS MT (Roman, Bold, Italic, and Bold Italic), Symbol, and ZapfDingbats].~~ [~~see R1(i)~~]

(d) A hyperlink (as defined in R1(e)) contained in an electronic filing is merely a convenient mechanism created by the author for accessing ~~Internet material~~ Web-based resources (see R1(o)).

[...]

(e) If A cited Internet Web-based resource is fundamental to the paper and that refers to information that has not already been made part of the record, the Internet material must be captured, preserved in PDF, and attached to the paper.

R6 Filing - Civil Initiating Papers

(a) Filing users must file civil initiating papers and request for issuance of a summons electronically. ~~The filing of civil initiating papers, issuance and service of the summons, and payment of initial filing fees may be done electronically until July 31, 2008, and must be done electronically. beginning August 1, 2008.~~ A case is not considered filed until an initiating paper has been uploaded and a judicial officer has been assigned to the case.

(b) Payment of initial filing fees may be accomplished electronically at the time the initiating papers are filed and is the Court’s preferred method. If payment is not made at that time, the filing user has seven calendar days to remit payment to the Clerk’s Office or file an application to proceed *in forma pauperis*, or the case may be dismissed by the

~~assigned judicial officer. The filing of criminal initiating papers (e.g., criminal complaints, indictments, or informations) must be accomplished in the traditional manner.~~

[...]

~~(d) A *pro se* party does not have permission to file civil initiating papers electronically in ECF.~~

~~R7 Other Exceptions to Filing Electronically~~ Filing - Criminal Initiating Papers

~~Criminal initiating papers may be filed in the traditional manner or may be filed electronically by the United States Government. The following papers must be filed in the traditional manner:~~

- ~~(a) sealed criminal papers criminal initiating papers (e.g., criminal complaints, indictments, or informations),~~
- ~~(b) papers submitted *in camera*, and~~
- ~~(c) warrants issued.~~

R9 Signatures

[...]

(b) A paper filed electronically must include a signature block containing the name of the filing user represented by “s/”, “/s/” or a scanned signature, firm name (if applicable), street address, telephone number, primary e-mail address, and bar ID number (where applicable). The format of the signature block should substantially conform to the following sample:

SAMPLE: s/Christopher Adams s/John Doe
~~Adams, Adams & Adams P.C.~~
Doe Law Firm
123 Main Street
Detroit, MI 48200
(313) 555-1234
cadams@adamslaw.com
jdoe@doelaw.com
P12345

[...]

(e) A paper requiring the signature of more than one party shall be filed electronically by:

(2) (1) representing the consent of the other parties on the paper by including the name of the consenting party in a separate signature block as shown in the following sample;

SAMPLE: s/ with consent of Morgan-Davis Jane Roe
Law Office of Davis & Davis-Roe & Roe
456 Mockingbird Lane
Ann Arbor, MI 49888
(734) 555-6789
mdavis@DavisDavis.com
jroe@roeroe.com
P23456

[...]

(f) No filing user may submit a paper with an electronic signature unless the filing user has permission of the signatory.

R10 Entry of Court-Issued Papers

[...]

(b) The judge to whom a case is assigned may issue routine text-only notices and orders for which ECF will generate a NEF. ~~For text-only orders, no PDF paper will be issued;~~ The text-only order entry shall constitute the Court's only order on the matter. In civil cases, such notices and orders may include but are not limited to notices orders setting or modifying a schedule, orders extending time, and orders granting leave to file papers. In criminal cases, such orders could include orders of dismissal filed under Fed. R. Crim. P. 48(a) and orders unsealing documents.

R11 Proposed Orders

(a) Proposed orders (see R1(j)) must be submitted to the judge to whom the case is assigned or to the magistrate judge to whom the matter is referred via the link located under the Utilities section of ~~CM/ECF~~. This link may not be used for any other purpose. Proposed orders must not include the judge's electronic signature.

[...]

(b) The movant (filing user) must provide all other parties a copy of the proposed order either by e-mail or other form. ~~CM/ECF~~ does not automatically generate an NEF or a copy of the proposed order for them.

R13 Technical Failure of Court Equipment; Malfunction of Filing User's Equipment

[...]

(b) The Court will attempt to send email updates to primary and secondary email addresses when technical failures occur and when they are resolved, however some technical failures may preclude the possibility of a Court email update.

R16 Transcripts and Audio Files of Federal Court Proceedings

(a) Transcripts of federal court proceedings will be filed electronically in CM/ECF by the court reporter, ~~or~~ transcriber, or Court personnel.

[...]

(c) An audio file uploaded in ECF by the Court is a copy of the original audio recording and provided as a convenience to filing and PACER users. A transcript must still be produced in accordance with 28 U.S.C. § 753(b).

R18 Exhibits

(a) In General

An exhibit available in original electronic format must be converted to PDF and filed electronically, subject to size limitations contained herein. A filing user must scan a paper exhibit that is less than 50 ~~5~~ megabytes (~~5 megabytes equals approximately 80 pages of conventional text~~—filing users are directed to file only portions of exhibits that are germane and not include any paper that is already part of the record) and submit the exhibit as a PDF file. Because PDF files containing scanned papers take up considerably more space on ECF than PDF files containing electronically-generated papers, filing users may submit PDF files containing scanned papers of more than 50 ~~5~~ megabytes only if they are filed in separate 50 ~~5~~ megabyte segments.

[...]

(c) Video Tapes, DVDs and Physical Objects

A filing user must obtain leave of court to file in the traditional manner exhibits that are physical objects that cannot authentically be converted to PDF as required in R18(a). Examples include but are not limited to media files such as .mp3 and .wav. ~~and objects such as oversized maps and blueprints.~~ CDs and DVDs that contain files such as briefs, motions, and exhibits that can be authentically converted to PDF shall not be submitted. See Ex Parte Motion for Leave to File Exhibits in the Traditional Manner

(EXHIBIT E). If the Court grants a filing user leave of court to file exhibits in the traditional manner, the Notice of Filing Exhibits in the Traditional Manner (EXHIBIT F) must be completed and accompany the ~~filing~~ original and judge's courtesy copy.

[...]

R19 Access To Papers in ECF

(a) ~~Subject to the "Transcript of Court Proceedings" section,~~ A person may retrieve information from ECF at the Court's Internet site by obtaining a PACER login and password.

R20 E-Government Act of 2002

~~Effective December 1, 2007,~~ Privacy protection for filings made with the Court is governed by Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1.

April 15, 2016