

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**



**ELECTRONIC FILING
POLICIES AND PROCEDURES**

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Chief Judge**

Revised April 2023

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Introduction

As of June 1, 2004, the official record of filed cases shall be maintained electronically. These policies and procedures set forth the scope and requirements for filing users. The Court approved mandatory electronic filing November 30, 2005.

R1 Definitions

The following terms appear in these Electronic Filing Policies and Procedures:

- (a) “ECF Inaccessibility” is defined as a malfunction of ECF and/or PACER.
This does not include malfunctioning of a filing user’s equipment.
- (b) “E-Government Act of 2002” establishes a broad framework for the use of technology to enhance public access to government information and services. Pub. L. No. 107-347, 116 Stat. 2899. See 44 U.S.C. §§ 3601, et seq.
- (c) “Electronic Case Files” (hereinafter ECF) refers to the Court’s automated system that receives and stores papers filed in electronic form. The program is part of the CM/ECF (Case Management/Electronic Case Files) software, which was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
- (d) “Electronic Filing” means filing a paper over the Internet by a registered attorney or a non-incarcerated *pro se* party.
- (e) “Filing User” is an attorney or a *pro se* party who has been granted permission by the Court to file papers electronically over the Internet in the Eastern District of Michigan. *Pro se* party refers to a non-incarcerated person only.
- (f) “Flatten” refers to the process of saving a Portable Document Format (PDF) file so that all fields will be consolidated to the same imaging level and the content is no longer interactive (see R1(m)).

- (g) “Hyperlink” is a selectable connection from a word, picture, or information object to another, providing a mechanism for navigating to information between or within electronic documents or to Internet material. Hyperlinks are activated when the user clicks on an “active” region on the document. The active region is usually indicated by the highlighting or underlining of text.
- (h) “Initiating Papers” are comprised of the following: civil complaints, statements of disclosure of corporate affiliations and financial interest, notices of removal, criminal complaints, indictments or informations, and any other document filed with the Court that creates a new case and new case number on the Court's docket.
- (i) “Media File” is an audio or video recording that is presented in one of the following formats to be filed with the Court: avi, mov, mp3, mp4, mpeg, wav, wmv (see R19(c)).
- (j) “Notice of Electronic Filing” (hereinafter NEF) is a notice automatically generated by ECF at the time a paper is filed, setting forth the time of filing, the name of the filing user, the type of paper, the text of the docket entry, the name of the filing user receiving the notice, and an electronic link (hyperlink) to the filed paper, which allows recipients to retrieve the paper automatically.
- (k) “PageID” is a sequential page identification applied by the ECF system to each document that is initiated with the first filing of the case. The PageID

is found in the document header displayed at the top of every page in the ECF system.

- (l) “Paper” is defined as a pleading, motion, exhibit, declaration, affidavit, memorandum, order, notice, and any other filing by or to the Court.
- (m) “Portable Document Format” (hereinafter PDF) refers to an electronic file that is converted to a format that will look the same on a computer screen and in print, regardless of the printer used to print it, and regardless of the software package originally used to create it. PDF papers must be:
 - (1) flattened; and
 - (2) submitted in a text-searchable format to the extent possible (see R5(c)).
- (n) “Proposed Order” is a draft paper submitted for a judge's editing, if necessary, and signature, in a Microsoft Word compatible format and not in PDF (see R12(a)).
- (o) “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. A PACER account upgraded or obtained after August 10, 2014 will allow a user to use the same account for PACER and e-filing access to this Court and other Courts where e-filing privileges are granted.
- (p) “Restricted Paper” means a filing that is not accessible to the public or the parties in the case.

- (q) “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.
- (r) “Traditional Manner” means filing a paper (hard copy) or a physical object at a Clerk’s Office (see R19(d)).
- (s) “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.

R3 Eligibility and Registration

(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 permission to file on a case-by-case basis.

(1) Attorneys already admitted to practice who have a case pending before the Court must immediately comply with registration requirements outlined on the Court’s website to receive permission to file electronically.

(2) Newly-admitted attorneys will be automatically registered as filing users as part of the admissions process.

(b) (Reserved)

(c) A filing user must have an upgraded PACER account (see R1(o)).

(d) Each filing user is responsible for maintaining valid and current contact information in his or her PACER account¹. When a user's contact information changes, the user must promptly update his or her PACER account. If the filing user has a pending case before the Court, the user must also promptly notify all parties in all cases. Electronic service upon an obsolete e-mail address will constitute valid service if the user has not updated the account profile with the new e-mail address.

R4 Non-Compliance

(a) The Court may excuse a party from electronic filing on motion for good cause shown.

(b) The Court may issue an order to show cause for repeated filing errors or other instances of non-compliance with these Policies and Procedures. The Court may also subject a filing user to sanctions in accordance with LR 11.1. See Procedure to Address Non-Compliance with ECF Policies and Procedures (EXHIBIT A).

R5 Filing - In General

(a) Filing users are required to file papers electronically.

(b) Filing users must comply with the courtesy copy policy of the judge to whom the case is assigned, as outlined in each judge's practices guidelines appearing on the Court website.

(c) A file created with a word processor, or a paper that has been scanned, must be converted to PDF to be filed electronically with the Court. Converted files contain the extension ".pdf". Scanned papers must be text-searchable whenever possible. All

¹ A filing user must maintain a primary email address to receive all NEFs as part of a user's PACER account. In addition, a filing user has the option of maintaining a secondary email address with the Court. Instructions on establishing a secondary email address are found on the Court's website.

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(m)). No embedded interactive content is allowed, such as embedded audio and video. If a party chooses to file audio or video recordings with the Court, the party must obtain leave of Court to file using the Media File Upload procedures under R19(c).

(d) A hyperlink (as defined in R1(g)) contained in an electronic filing is merely a convenient mechanism created by the author for accessing Web-based resources (see R1(s)). A hyperlink is not a part of the Court's record. Accordingly, the Court does not endorse nor exercise any responsibility over the content at the destination. Any hyperlink to a case or other authority included in an electronic filing must be expressed in the full traditional citation method for the cited authority.

(e) A cited Web-based resource that refers to information that has not already been made part of the record, must be captured, preserved in PDF, and attached to the paper. The attachment should include a notation of the date it was viewed and the case to which it relates.

(f) Motions must be filed with an accompanying brief and any supporting affidavits/declarations as one PDF document (See LR 7.1(d)). Motions must not be combined with any other stand-alone document. For example, a motion for preliminary relief must not be combined with a complaint. A counter-motion must not be combined

with a response or reply. A motion for downward departure must not be combined with a sentencing memorandum. Papers filed in violation of this rule will be stricken.

(g) Papers containing advertisements, which may be generated as a result of the use of free or trial-run PDF conversion software, will be stricken.

(h) PDF files must be flattened (See R1(f)).

R6 Referencing the Court Record

A filing user referring to a portion of the record previously filed shall make reference to the PageID (see R1(k)) identified thereon, following the citation form identified below.

Pro se litigants are exempt from this requirement.

TO REFERENCE:

A single page

Multiple sequential pages

Multiple pages that are not in succession

CITATION FORM EXAMPLE:

PageID.234

PageID.234-235

PageID.234, 238, 245

The citation form for any filing that references a portion of a different case record within the Eastern District of Michigan shall be preceded with the 13-character case number for that other case (e.g., 1:19-cv-59999 PageID.234).

[NOTE: PageID numbers are assigned to restricted papers (see R1(p)) but will not be available to filing users for referencing.]

If a media file is filed as an exhibit to a paper, the filing user must include a timestamp citation wherever it is referenced in the paper (e.g., Exhibit A – Dashcam video 4:36 – 6:03) (see R19(c)).

R7 Filing - Civil Initiating Papers

(a) Filing users must file civil initiating papers and request for issuance of a summons electronically. 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.

(c) Corporate plaintiffs must file the Statement of Disclosure of Corporate Affiliations and Financial Interest in accordance with LR 83.4, along with initiating papers. Corporate defendants in either civil or criminal cases should e-file the Statement as one of the first pleadings or papers filed with the Court, or as soon as the party becomes aware of the corporate affiliation or financial interest, or as otherwise ordered by the judge to whom the case is assigned.

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

R8 Filing - Criminal Initiating Papers

Criminal initiating papers may be filed in the traditional manner or may be filed electronically by the United States Government.

R9 Service

(a) Fed. R. Civ. P. 5(b) and Fed. R. Crim. P. 49(b) do not permit electronic service of process for purposes of obtaining personal jurisdiction, i.e., Rule 4 service. Therefore, service of process must be effected in the traditional manner.

(b) Whenever a non-restricted paper is filed electronically in accordance with these procedures, ECF will generate a NEF to all filing users associated with that case and to the judge to whom the case is assigned. Sealed papers, allowed by court order or statute, must be filed electronically and served in the traditional manner on all applicable parties as prescribed by Fed. R. Civ. P. 5(b)(A)-(D).

(c) (Reserved)

(d) (Reserved)

(e) A party who is *pro se* and not a filing user, or a party excused from electronic filing under Fed. R. Civ. P. 5(d)(3)(A), is entitled to a hard copy of any paper filed electronically. Service of such copy must be made according to the federal rules of procedure (civil and criminal) and local rules. Unless otherwise ordered by the Court, an attorney who is not a filing user is not entitled to this traditional service.

R10 Signatures

(a) See Fed. R. Civ. P. 5(d)(3)(C).

(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/John Doe
 Doe Law Firm
 123 Main Street
 Detroit, MI 48200
 (313) 555-1234
 jdoe@doelaw.com
 P12345

(c) A paper containing the signature of a defendant in a criminal case shall be scanned and filed by filing users or Court personnel.

(d) An affidavit, declaration or paper containing the signature of a non-attorney shall be scanned and filed electronically.

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

(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 Jane Roe
Law Office of Roe & Roe
456 Mockingbird Lane
Ann Arbor, MI 49888
(734) 555-6789
jroe@roeroe.com
P23456

or

(2) submitting a scanned paper containing all necessary signatures, or

(3) in any other manner approved by the Court.

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

R11 Entry of Court-Issued Papers

(a) All signed orders will be filed by Court personnel. Any order signed electronically (with s/judge's name) shall have the same force and effect as if the judge had affixed his or her signature to a hard copy of the order and it had been entered on the docket in the traditional manner.

(b) The judge to whom a case is assigned may issue routine text-only notices and orders for which ECF will generate a NEF. 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 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.

R12 Proposed Orders

(a) Proposed orders (see R1(n)) 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 ECF. This link may not be used for any other purpose. Proposed orders must not include the judge's electronic signature.

(1) If the movant (filing user) obtains concurrence pursuant to E.D. Mich. LR 7.1(a)(1), the proposed stipulated order must be submitted via the link referred to in (a).

(2) If concurrence is obtained and the movant (filing user) prepares a separate stipulation and separate proposed order, the stipulation must be submitted with the proposed order via the link referred to in (a), unless:

(i) the stipulation requires the signature of a *pro se* party who is not a filing user or a non-attorney, in which case the stipulation is to be electronically filed and the proposed order submitted via the link referred to in (a); or

(ii) the stipulation is regarding trial exhibits for appeal purposes and does not require an order signed by a district or magistrate judge.

(3) Proposed orders shall not be combined with *ex-parte* motions. The *ex-parte* motion must be filed electronically first and the proposed order must be submitted via the link referred to in (a).

(4) An exception to the submission of proposed orders via the link referred to in (a) is found in E.D. Mich. LR 58.1(c).

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

(c) Alternatively, a motion or stipulation may request that routine relief be granted by text-only order. Such orders are official and binding.

R13 Docket/Official Court Record

A paper filed electronically in accordance with these policies and procedures shall constitute entry of that paper on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 55.

R14 ECF Inaccessibility; Technical Difficulties with Filing User's Equipment

(a) If ECF inaccessibility (see R1(a)) is prolonged, the Court will send an e-mail to primary and secondary e-mail addresses to notify users of the problem. The Court will send another e-mail when ECF is accessible. If a filing user has a deadline during that time, he or she should contact the judicial officer's chambers to seek appropriate relief.

(b) A filing user experiencing technical difficulties on his or her own equipment should make every effort to honor deadlines but may also seek appropriate relief from the Court by contacting chambers.

R15 Correcting Docket Entries Including Papers Filed in Error

Once a paper is filed electronically and becomes part of the docket, corrections to the docket may be made only by the Clerk's Office. If a paper is filed in error, the filing user must seek appropriate relief from the Court.

R16 Deadlines

(a) A paper filed electronically is deemed filed on the date and time stated on the NEF.

(b) Filing electronically does not alter the filing deadline for a paper. Filing users are encouraged to file electronically during ordinary business hours; however, filing electronically must be completed before 12:00 midnight (Eastern Time) in order to be considered timely filed that day. In accordance with Fed.R.Civ.P. 6(d) and Fed.R.Crim.P. 45(c), service by electronic means is governed by Federal Rule of Civil Procedure 5(b)(2)(E).

R17 Transcripts and Audio Files of Federal Court Proceedings

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

(b) Access to transcripts of federal court proceedings will be governed by the Court's Procedures Governing the Electronic Availability and Redaction of Transcripts (EXHIBIT B).

(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 Retention Requirements

The official Court record shall be the electronic file maintained on the Court's servers and any papers allowed to be filed in the traditional manner. The Clerk's Office will discard all papers brought to the Clerk's Office for entry on the docket after those papers are scanned and uploaded to ECF. Therefore, the Court encourages filing users to retain the originals of papers with intrinsic value.

R19 Exhibits

(a) In General

An exhibit available in original electronic format must be converted to PDF, made text-searchable and filed electronically. An exhibit available in paper must be scanned as an electronic image, converted to PDF, made text-searchable and filed electronically. If an individual exhibit's file size is larger than 50 megabytes, filing users must divide the exhibit into separate files, each smaller than 50 megabytes, and upload the files.

Filing users must file only portions of exhibits that are germane and shall not include any paper that is already part of the record. Previously filed papers should be referenced using the PageID (see R6).

The offering party shall retain hard copies, or accurate electronic copies, of exhibits until entry of final orders by the District Court and, if applicable, appellate courts.

(b) Filing Exhibits to Papers Electronically

For exhibits filed electronically, filing users must use the following procedure:

(1) Unless there is only one exhibit, the filing user must prepare an index of exhibits and file the index as the first attachment to the paper. Each exhibit must be described on the index both by an exhibit identifier and by a brief narrative description. See Sample Index of Exhibits (EXHIBIT C).

(2) Each exhibit then must be filed and identified as a separate attachment to the paper and must be labeled in the electronic record with an exhibit identifier and brief narrative description.

SAMPLE DOCKET ENTRY: Motion for Summary Judgment filed by ABC Company (Attachments: #1 Index of Exhibits #2 Exhibit A - Affidavit of John Smith #3 Exhibit B - Excerpts from Jane Doe's Deposition #4 Exhibit C1 - Contract Between XYZ Company and ABC Company, pages 1-35 #5 Exhibit C2 - Contract Between XYZ Company and ABC Company, pages 36-69 #6 Exhibit D - XYZ Company General Ledgers)

(c) Media Files

Media files (see R1(i)), such as an audio clip or video clip, may be filed only with leave of court. A filing user must file a motion for leave in accordance with L.R. 7.1 and include the following:

- (1) A statement regarding concurrence pursuant to L.R. 7.1(a);
- (2) A description of the content of the media file;
- (3) A concise explanation of how the media file provides factual support to the motion, response, reply or memorandum;
- (4) Whether the media file has been or will be used in a court proceeding; and

(5) Whether the content of the media file complies with the privacy protections outlined in the E-Government Act of 2002 and all other applicable law (see R21).

If the Court grants the motion, the filing user must provide a timestamp reference to the part of the media file that is offered in support of the corresponding paper (see R6). All audible portions of a media file must be transcribed; the transcript must be filed in written form as an exhibit to the paper (see R19(a)).

The approved media file exhibit is submitted using the electronic portal called “Media File Upload” located in the ECF system and then must be filed according to the following procedures:

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state that the media file exhibit is being filed under this rule.

(2) The filing user shall file the media file exhibit via the portal. The Clerk's Office will note on the docket its receipt of the exhibit.

(3) The filing user shall file the transcription of any audible portions of the media file as an attachment to the main paper.

(4) A filing user must serve materials filed under this rule on other parties in accordance with the federal and local rules, and file a certificate of service.

Files submitted without leave, not in the proper format or not in compliance with the above procedures may be stricken.

(d) Physical Objects

A filing user with a physical object must obtain leave of court to file it in the traditional manner. See Ex Parte Motion for Leave to File an Exhibit in the Traditional Manner (EXHIBIT D). If the Court grants a filing user's motion, an original and judge's courtesy copy (if practicable) must be brought or mailed to the Clerk's Office for filing. Physical objects must have a label physically attached that include a case number, date of the order granting permission to file and a description.

The exhibit then must be filed according to the following procedures:

(1) The filing user must prepare an index of exhibits. This index must be filed as an attachment to the main paper and must state the exhibit is being filed under this rule.

(2) The filing user shall file the exhibit in the traditional manner. The Clerk's Office will note on the docket its receipt of the exhibit.

(3) A filing user must serve materials filed under this rule (if practicable) on other parties in accordance with the federal and local rules, and file a certificate of service.

R20 Access To Papers in ECF

(a) A person may retrieve information from ECF at the Court's Internet site by obtaining a PACER login and password. A person who has PACER access may retrieve the docket and papers in civil cases, except immigration and social security benefits cases. In immigration and social security benefits cases, only counsel of record or parties

in the case may retrieve papers. Judicial Conference of the United States policy prohibits routine public access via the Internet of immigration and social security benefits cases.

(b) A person who has PACER access may retrieve the docket and papers filed after November 1, 2004 in a criminal case. However, only counsel of record in a case, or a *pro se* defendant with PACER access, may retrieve papers filed before November 1, 2004.

R21 E-Government Act of 2002

Privacy protection for filings made with the Court is governed by Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1. To supplement the federal rules, the Court has entered an administrative order (EXHIBIT E) which makes it clear that counsel and the parties are responsible for redacting filings with the Court. The Clerk's Office will not review papers for compliance with the federal rules.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**PROCEDURE TO ADDRESS NON-COMPLIANCE
WITH ECF POLICIES AND PROCEDURES**
(Revised September 2009)

I. Authority

At the May 2007 Judges' Meeting, the Court approved a Procedure to Address Non-Compliance with the ECF Policies and Procedures (Appendix ECF to the Local Rules).

II. Overview

With each e-filing error or instance of non-compliance a Notice of E-Filing Error or Notice of Non-Compliance will be generated and served on the filing user, opposing counsel, and the judge's chambers. Action will be taken after there have been a combined threshold of three occurrences of e-filing errors, or non-compliance, or a combination of the two within a six-month period. The threshold will be met whether three violations occur in a single case or a single violation occurs in three different cases.

With each violation, the offending filing user will receive a Notice of E-filing Error or Notice of Non-Compliance that will identify the problem and the course of action that should be taken. The Notice will caution the offending filing user that sanctions may result from repeated errors and/or instances of non-compliance.

III. Definitions

(A) E-filing Error. Electronically filing a document which violates the local and/or federal rules.

(B) Non-Compliance.

- (1) Registered filing users filing a document in paper without leave of Court.
- (2) Failure to update the Court with current contact information resulting in an e-mail being returned to the Court's electronic mailbox as undeliverable.
- (3) An attorney who is admitted to practice before this Court, and has an active case or cases, but has not registered for electronic filing.
- (4) Any other violation of local and/or federal rules.

EXHIBIT A

(C) Chief Judge's Designee. For purposes of this procedure, the Chief Judge has designated Judge Robert H. Cleland to act for the Court.

IV. Clerk's Office Contact

After the third violation within a six-month period, the offending filing user will be contacted in writing by CM/ECF Help Desk personnel. The offending filing user will be instructed to follow a prescribed course of action appropriate for the violations that have occurred. Appropriate action may include, but not be limited to, completion of online training, a violation warning or direction to review specific online content related to electronic filing. The user will be warned that further violations will be referred to the Chief Judge's designee for further action.

V. Further Violations

Upon the fourth violation within a six-month period, the Chief Judge's designee may issue an Order to Show Cause directing the offending filing user to explain the offending conduct. The Chief Judge's designee may take any remedial action deemed appropriate.

Any additional violations within a six-month period may be considered contempt of court. If held in contempt, an appropriate monetary fine will be imposed.

VI. Newly-Admitted attorneys

Newly admitted attorneys, who have a pending case at the time of admission, have up to two weeks from their admission date to register and otherwise comply with the ECF Policies and Procedures. Attorneys who do not have any active cases pending at the time of admission are not required to register until such time as the attorney has appeared in an active case.

Approved: May 7, 2007
Revised: September 2009

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

**PROCEDURES GOVERNING THE ELECTRONIC AVAILABILITY
AND
REDACTION OF TRANSCRIPTS**
(Revised September 2009)

A. Authority

At its September 2007 session, the Judicial Conference of the United States approved a new policy regarding the availability of transcripts of courtroom proceedings. The language from that session states:

- (1) A transcript provided to a court by a court reporter or transcriber will be available at the office of the clerk of court for inspection only, for a period of 90 days after it is delivered to the clerk.
- (2) During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference, the transcript will be available within the court for internal use, and an attorney or party who obtains the transcript from the court reporter or transcriber may obtain remote electronic access to the transcript through the court's CM/ECF system for the purposes of creating hyperlinks to the transcript in court filings or for other purposes.
- (3) After the 90-day period has ended, the filed transcript will be available for inspection and copying in the clerk's office and for downloading from the court's CM/ECF system through the judiciary's PACER system.

In addition, amendments to the Federal Civil and Criminal Rules of Procedure that took effect on December 1, 2007, require that personal identification information be redacted from documents filed with the court - individuals' Social Security numbers, names of minor children, financial account numbers, dates of birth, and, in criminal cases, home addresses.

B. Procedures

These procedures apply to all transcripts of federal court proceedings, or parts of federal court proceedings, filed by official court reporters, contract court reporters, and transcribers.

The responsibility to review the transcripts and request redactions, if necessary, rests solely with the attorneys and parties to the case.

EXHIBIT B

Nothing in these procedures creates a private right of action against the court, the official court reporter, the contract court reporter, or transcriber.

1. Transcripts of federal court proceedings, or parts of federal court proceedings, will be filed electronically in CM/ECF by the court reporter or transcriber. Transcripts will not be made electronically available for 90 calendar days from the date of filing, however they may be viewed at the clerk's office using the public terminal. CM/ECF will calculate the release of transcript restriction deadlines.

2. Upon receipt of payment from the ordering party, the court reporter or transcriber will grant the attorney or party electronic access to the transcript in CM/ECF. If the transcript is ordered by a Federal Government agency, the agency will be granted access to the transcript in CM/ECF upon its completion.

3. Any attorney or party needing to review the transcript for redaction purposes may purchase a copy from the court reporter or transcriber, or view the transcript at the clerk's office using the public terminal.

4. Once a prepared transcript is filed with the clerk's office, the attorneys or parties in the case are responsible for reviewing it for the personal data identifiers required by the federal rules to be redacted, and providing the court reporter or transcriber with a statement of the redactions to be made to comply with the rules. Attorneys and parties must request the redaction of the following personal data identifiers:

- Social Security numbers (or taxpayer identification numbers) to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials; and
- in criminal cases, any home addresses stated in court to the city and state.

5. Unless otherwise ordered by the court, attorneys and parties must review the following portions of the transcript:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witnesses called by the party;
- sentencing proceedings; and
- any other portion of the transcript as ordered by the court.

6. An attorney serving as "standby" counsel appointed to assist a *pro se* defendant in his or her defense in a criminal case must review the same portions of the transcript as if the *pro se* defendant were his or her client. The attorney conducting the review is entitled

to compensation under the Criminal Justice Act for functions reasonably performed to fulfill the redaction obligation and for reimbursement for related reasonable expenses.

7. Within 21 days from the filing of the transcript, or longer if the court so orders, an attorney or party must submit to the court reporter or transcriber a statement (Redaction Request) indicating where the personal data identifiers appear in the transcript, by page and line number, and how they are to be redacted. A copy must also be filed with the clerk's office. [NOTE: The Court's standard Redaction Request is attached. It is also available on the Court's website.]

8. If an attorney or party wishes to redact additional information, he or she may make a motion to the court within the 21-day period, with a copy served on the court reporter or transcriber. The transcript will not be electronically available until the court has ruled on any such motion, even though the 90-day restriction period may have ended.

9. If redaction is requested, the court reporter or transcriber must, within 31 days from the filing of the original transcript, or longer if the court so orders, perform the requested redactions and file a redacted version of the transcript with the clerk of court. A copy of the redaction request must be retained by the court reporter or transcriber in order to have a record to support the redactions made.

10. The redacted transcript will be available for remote access after 90 calendar days from the date the original transcript was filed. The unredacted, original transcript will be retained by the clerk of court as a restricted document, and will continue to be available at the clerk's office public terminal for viewing only.

11. If, at the end of the 90-day restriction period, there are no redaction documents or motions linked to the transcript, CM/ECF will automatically remove the access restrictions.

12. Transcripts that include voir dire or other juror information will only be available to parties in the case if they are specifically requested. The voir dire transcript will be sealed to ensure a juror's right to privacy. Parties to the case will be required to seek permission of the Court to use the transcript in any other proceeding except an appeal of the same case. Members of the public must receive permission from the judge that ordered the voir dire transcript sealed prior to obtaining a copy of the transcript, and the transcript may be subject to redaction before it is given to any member of the public.

C. Purchase of Transcripts by the Public

Members of the public, including the news media, who purchase a transcript from the court reporter or transcriber within the 90-day restriction period, will not be granted remote electronic access during the restriction period. At the end of the restriction period, the public will be provided remote electronic access to the redacted transcript, or if no

redaction was done, to the transcript originally submitted, unless it is under seal.

If both redacted and unredacted versions exist at the time a transcript is ordered by a member of the public, including the news media, the redacted transcript is the version that should be sold.

D. Redaction Procedures

Court reporters and transcribers may perform the requested redactions manually or with the assistance of various software programs. To manually redact, an “x” should be placed in the space of each redacted character. Regardless of the method used, the page and line numbers of the original transcript must be preserved.

E. Certification of Redacted Transcripts

The title page of the transcript will include a notation of “REDACTED TRANSCRIPT” on a blank line immediately below the case caption and before the volume number and the name and title of the Judge.

At the end of the transcript, and without affecting the page number, the redacted transcript should be certified by the court reporter or transcriber by stating:

“I (we) certify that the foregoing is a true and correct copy of the transcript originally filed with the clerk of court on mm/dd/yy, and incorporating redactions of personal identifiers requested by the following attorneys of record or parties: _____ in accordance with Judicial Conference policy. Redacted characters appear as an “x” (or black box) in the transcript.”

F. Remote Access and PACER Charges

Charges for access through PACER will accrue during and after the 90-day restriction period. Charges will accrue for the entire transcript rather than being capped at 30 pages. The user will incur PACER charges each time the transcript is accessed even though he or she may have purchased it from the court reporter or transcriber and obtained remote access through CM/ECF. There will not be a remote free copy of the transcript. In addition, the transcript policy approved by the Judicial Conference does not provide for a free copy of the transcripts for the Department of Justice at the clerk’s office.

G. Effective Date

These procedures apply to transcripts of court proceedings, or parts of proceedings, filed on or after June 16, 2008.

Attachment

The undersigned understands that redaction of information other than personal identifiers listed below requires an order of the court.

- Social Security or taxpayer-identification numbers to the last four digits**
- Dates of birth to the year**
- Names of minor children to the initials**
- Financial account numbers to the last four digits**
- Home addresses to the city and state (in a criminal case)**

The requesting party is responsible for providing a copy of this request to the Court Reporter.

Date: _____

Signature

Bar No.

Street Address

City, State, Zip Code

Telephone Number

Primary Email Address

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

SAMPLE INDEX OF EXHIBITS

<u>Exhibit</u>	<u>Description</u>
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-35)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 36-69)
D	XYZ Company General Ledgers

EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Plaintiff(s), Case No.
v. Judge
Defendant(s). Magistrate Judge

_____ /

**EX PARTE MOTION FOR LEAVE TO FILE
AN EXHIBIT IN THE TRADITIONAL MANNER**

NOW COMES the undersigned _____,
and pursuant to the Electronic Filing Policies and Procedures, seeks leave of this Court to file an
exhibit in the traditional manner. If granted, the exhibit would be filed via US mail or brought to
the Clerk's Office.

- An original and judge's copy will be provided.
- The original cannot be duplicated and a judge's copy is not practicable.

The exhibit to _____
cannot be converted to PDF for the following reason(s): _____

_____.

For the foregoing reasons, the undersigned respectfully requests that this Court grant the
leave sought in this motion.

Date: _____ s/Name of Filing User _____

Firm Name (if applicable)
Street Address
City, State, Zip Code
Telephone Number
Primary Email Address
Attorney Bar No. (if applicable)

EXHIBIT D

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

2007 NOV 30 P 2:42

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

In re: Federal Rules Governing
Privacy Protection for Filings
Made with the Court -
Responsibility for Redaction

Administrative Order

No. 07-AO- 030

ADMINISTRATIVE ORDER

It appearing that privacy protection for filings made with this Court have been governed by Administrative Orders 05-AO-025 (civil) and 05-AO-026 (criminal); and

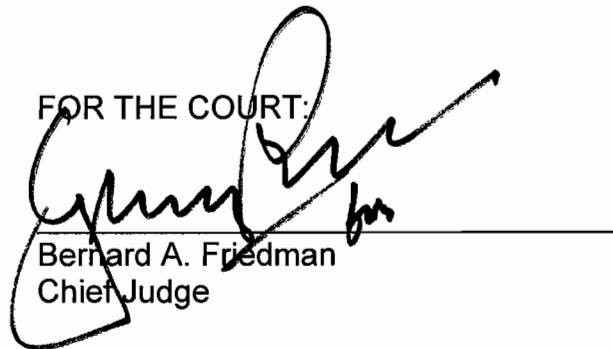
It further appearing that new federal rules, Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1, governing privacy protection for filings made with the Court will take effect on December 1, 2007, absent contrary Congressional action;

NOW THEREFORE IT IS ORDERED that counsel and the parties are responsible for redacting filings with the Court. The Clerk's Office will not review papers filed with the Court for compliance with the federal rules.

This administrative order supersedes Administrative Orders 05-AO-025 and 05-AO-026 in their entirety, and remains in effect until amendments to the appropriate local rule have been approved by the Court.

IT IS ORDERED.

FOR THE COURT:



Bernard A. Friedman
Chief Judge