

(Rev. 9/15/2016)

# **CM/ECF Administrative Policies and Procedures Manual for Criminal Filings**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS**

**ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL  
FOR CRIMINAL FILING**

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# Administrative Policies and Procedures Manual For Criminal Filings

## I. *ELECTRONIC FILING SYSTEM*

Case Management/Electronic Case Files (CM/ECF) is an automated case management and docketing system designed specifically for the Federal Courts. The case management and docketing (CM) portion is a nationally supported system that provides customized docketing and reporting capability. The electronic case files (ECF) portion allows attorneys to submit documents that are created in electronic form to the Court by means of the Internet. The electronic filing system generates a docket entry and automatically transmits a notice of the filing to the other participants in the case by electronic mail.

Attorneys who have registered to file documents in electronic form shall have the same access to the Court's electronic files as the public; however, registered attorneys' unique login and password shall give them access to the system that permits electronic filing and notification of filing to all case participants. The notice of filing shall permit the registered attorneys to receive one free electronic copy of all documents filed in the case. These electronic copies are time sensitive and should be downloaded to their computer for future reference.

### A. *ECF DEFINITIONS*

The following definitions are used throughout this Manual:

- **“Conventional Filing”** means submitting a document to the Court or a party in paper or other nonelectronic, tangible format. Documents submitted conventionally shall be scanned, uploaded, filed and maintained in CM/ECF unless these procedures provide otherwise.
- **“Electronic Document”** is an electronic version of information otherwise filed in paper form. An electronic document has the same legal effect as a paper document.
- **“Electronic Filing System”** refers to the Court's automated system that receives and stores documents filed in electronic form in the Eastern District of Arkansas.
- **“Electronic Filing”** means uploading a PDF document directly from the registered user's computer to the CM/ECF system.
- **“Electronic Signature”** refers to the fact that an electronic document is deemed signed when filed by an attorney, judicial officer or deputy Clerk using a valid login and password.
- **“Filing User”** is an individual who has a Court-issued login and password to the CM/ECF system to file documents electronically.
- **“Notice of Electronic Filing”** is a notice automatically generated by the Electronic Filing System at the time a document is filed in the system, setting

forth the time of filing, the date the document is entered on the docket, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the party or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document electronically.

- **“PACER”** (Public Access to Court Electronic Records) is an automated system that allows an individual to view, print and download Court docket information over the Internet at a fee established by the Judicial Conference of the United States.
- **“PDF”** is portable document format. A document created with a word processor, or a paper document which has been scanned, must be converted to PDF to be filed electronically with the Court.
- **“Proposed Order”** is a draft document submitted by an attorney for a judge’s signature. A proposed order in WordPerfect format should be provided to the Court as an electronic attachment to an e-mail addressed to chambers.
- **“Technical Failure”** is a failure of Court owned/leased hardware, software, or telecommunications facility which results in the inability of a Filing User to submit a filing electronically. “Technical Failure” does not include the malfunctioning of a Filing User’s equipment.

## ***B. GENERAL INFORMATION***

The policies and procedures that govern electronic case filing in the United States District Court for the Eastern District of Arkansas are contained in this manual. The following general information is relevant to our CM/ECF program.

- The official record of the Court shall be the electronic file maintained on the Court’s servers. This includes information transmitted to the Court in electronic format, as well as paper form.
- All criminal cases shall be made part of the CM/ECF system.
- All pleadings and documents required to be filed with the Court in connection with a case assigned to the Courts’ ECF system, are requested to be filed electronically effective July 1, 2005.
- All case initiating documents (indictments, superceding indictments, complaints and information) shall be filed conventionally.
- Pro se parties shall not be permitted to file electronically.
- Sealed documents shall be filed conventionally.
- The Court may amend these procedures at any time without prior notice.

## **II. ELIGIBILITY, REGISTRATION & PASSWORDS**

### **A. ELIGIBILITY**

An attorney admitted to the Bar of this Court, including an attorney admitted *pro hac vice*, may register as a Filing User by completing the prescribed registration form and submitting it to the Clerk for the District in which the attorney intends to become a Filing User. If the Filing User intends to file documents electronically in both the Eastern and Western Districts of Arkansas, a separate registration form must be completed for each District. The registration form for the Eastern District is located on the Court's website, [www.are.uscourts.gov](http://www.are.uscourts.gov).

### **B. REGISTRATION AND PASSWORDS**

Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with our Local Rules, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Attorneys who register for electronic filing shall receive important information from this Court about revisions to our local rules, general orders, fees, and the electronic case filing system by means of our electronic notification service and not by any other means. There is no fee for the electronic notification service and the usage is restricted to official Court business.

By signing the ECF Registration Form (Form A), the Filing Users certify that they have read and are familiar with the administrative policies and procedures governing electronic filing. Attorneys may register more than one Internet e-mail address. A second e-mail address (home or work) enhances the notification process by providing the Filing User with essential information at multiple locations.

All signed, original ECF Attorney Registration Forms must be mailed or delivered by hand to the Clerk's office. The Clerk's office will e-mail the login and password to the attorney, or the attorney may arrange to pick up the login and password at the Clerk's office. E-mail distribution of the login and password allows the Clerk's office to validate the accuracy of the e-mail address or addresses.

Attorneys may change their passwords at any time following registration.

1. Once the registration is processed by the Clerk, the Filing User shall protect the security of the User password and immediately notify the Clerk if the Filing User learns that the password has been compromised. If an attorney comes to believe that the security of an existing password has been compromised or that a threat to the system exists, the attorney must change his or her password immediately.

2. Once registered, an attorney may withdraw from participating in the system by providing the Clerk's office with a notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the Clerk's office, with a copy to counsel of record in each case in which the attorney is involved. Upon receipt, the Clerk's office shall immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list.
3. If an attorney is leaving a law firm and is the attorney of record on an existing case and representation in the case shall remain with the law firm, then withdrawal and substitution of counsel must be made prior to the attorney's termination in the law firm, for the following reason:
  - The attorney leaving the firm has an e-mail address with the law firm he or she is leaving on record with the Court. This e-mail address may be disabled by the law firm as soon as the attorney terminates his/her employment. The electronic notices in ECF shall continue to go to the terminated attorney's e-mail address at the former firm. If the e-mail address is disabled at the law firm, the attorney shall not receive the electronic notice. If a withdrawal/substitution of counsel has not been filed prior to the attorney leaving the firm, the law firm should not disable the e-mail account of the attorney leaving the firm until another attorney in the firm enters an appearance. The law firm should designate someone in the firm to check this e-mail account for ECF notices until substitution of counsel has been filed with the Court.
4. All Filing Users are required to maintain an accurate e-mail address in ECF. The responsibility for changing an e-mail address rests entirely with the Filing User. Attorneys may contact the Clerk's office ECF Help Desk at 501-604-5323 or 1-866-449-2550 for assistance.
5. An attorney whose e-mail address, mailing address or telephone number has changed from that on the original Attorney Registration Form should file a timely notice of a change of address and serve a copy of the notice on all other parties. A Filing User may file such a notice electronically.

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

#### **A. FILING**

1. In General
  - a. All case initiating documents (i.e., indictments, superseding indictments, complaints, information, etc.) shall be filed conventionally.
  - b. All motions, applications, memoranda in support (briefs), reply to responses, or exhibits in a criminal case (except for case initiating documents) will be filed on the system electronically except as otherwise provided by these administrative procedures, by local rules, or by Court order.
  - c. E-mailing a document to the Clerk's office or to the assigned judge does not constitute filing the document. A document shall not be considered filed until the system generates a Notice of Electronic Filing.
2. Entry of Appearance and Withdrawal of Appearance by Counsel
  - a. The Clerk's office must be informed of the name, address, telephone number and e-mail address of the attorney entering a case after the filing of the criminal complaint. A separate notice of appearance form must be filed in the system electronically by each attorney and served on all parties. The early filing of the notice of appearance form by each attorney shall ensure prompt electronic service of documents throughout the duration of the case. A notice of appearance form can be downloaded from the Court's website @ [www.are.uscourts.gov](http://www.are.uscourts.gov). A notice of appearance is not required by counsel appointed by the court to represent a criminal defendant.
  - b. A withdrawal of appearance by counsel may be accomplished only by leave of Court in accordance with Local Rule 83.5. A notice of appearance of substituted counsel may be filed only by the attorney entering the appearance, not by the withdrawing attorney.
3. If a document is filed prior to midnight, it shall be docketed on that day. However, time sensitive filings, which are electronically filed on the last day of any given deadline, shall be filed by 5:00 p.m., unless otherwise ordered by the Court.
4. A party who moves to amend a previously filed document shall attach a copy of the proposed document to the motion as an exhibit. If the motion is granted, the order shall direct the attorney to file the document with the Court electronically.
5. The Clerk's office shall maintain a paper Court file in any case filed on or after July 1, 2005, only to the extent provided by Court order, local rule and these procedures. The official Court record shall be the electronic file maintained on the Court's servers and any documents or exhibits allowed to be filed conventionally.

**B. SERVICE**

1. Whenever an indictment or information is scanned and uploaded into the system or a document is filed electronically in accordance with these procedures, the system shall generate a “Notice of Electronic Filing” to the filing party, to any other party who is a registered user and to the assigned judge.
2. If the recipient is a registered Filing User, the system-generated Notice of Electronic Filing shall be deemed to constitute service of the document by first class mail, postage prepaid.
3. 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.
4. 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. The filing party must therefore provide the nonregistered party with the document or order according to Rule 49 of the Federal Rules of Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.
5. System-generated deadlines are for Court use only and should not be relied upon by counsel.

**C. SIGNATURES**

1. Nonattorney Signature

If the original document requires the signature of a nonattorney, the filing party or the Clerk’s office will scan the original document, and then file it on the system electronically.

- a. This rule includes all notarized documents.
- b. The electronically filed document as it is maintained on the Court’s servers shall constitute the official version of that record. The Court shall not maintain a paper copy of the original document unless directed by the Court.
- c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document with a nonattorney signature or the authenticity of the signature on that document must file an objection to the document within fourteen days of service of the document.

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

**/s/ Pat Attorney**

Bar Number 12345

Attorney for (Government/Defendant) XYZ Company

ABC Law Firm

1600 West Capitol Avenue

Little Rock, Arkansas 72201

Telephone: (501) 604-5300

E-mail: pat\_attorney@law.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within fourteen days of service of the document.
3. Multiple Attorney Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires two or more attorney signatures:
  - a. The filing attorney shall confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
  - b. The filing attorney shall then file the document electronically indicating the signatories, (*e.g.*, "/s/ Jane Doe," "/s/ John Smith," etc.) for each attorney's signature.
  - c. A nonfiling 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 fourteen days of service of the document.

**D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a document or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The payment of fees will be noted on the docket sheet. The Court shall 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.
2. Proposed orders shall be submitted as outlined below.
  - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by e-mail. The proposed order must refer to the document number that the system assigns to the motion when the motion is electronically filed.
  - b. So that the Court can have the flexibility to edit proposed orders, all proposed orders must be submitted in WordPerfect or Rich Text Format. Judges shall not accept proposed orders in PDF format.
  - c. A 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:

|                     |  |
|---------------------|--|
| Susan Webber Wright | <a href="mailto:swwchambers@ared.uscourts.gov">swwchambers@ared.uscourts.gov</a> |
| Billy Roy Wilson    | <a href="mailto:brwchambers@ared.uscourts.gov">brwchambers@ared.uscourts.gov</a> |
| J. Leon Holmes      | <a href="mailto:jlhchambers@ared.uscourts.gov">jlhchambers@ared.uscourts.gov</a> |
| Brian S. Miller     | <a href="mailto:bsmchambers@ared.uscourts.gov">bsmchambers@ared.uscourts.gov</a> |
| D. P. Marshall Jr.  | <a href="mailto:dpmchambers@ared.uscourts.gov">dpmchambers@ared.uscourts.gov</a> |
| Kristine G. Baker   | <a href="mailto:kgbchambers@ared.uscourts.gov">kgbchambers@ared.uscourts.gov</a> |
| James M. Moody Jr.  | <a href="mailto:jmchambers@ared.uscourts.gov">jmchambers@ared.uscourts.gov</a>   |
| Jerry W. Cavaneau   | <a href="mailto:jwcchambers@ared.uscourts.gov">jwcchambers@ared.uscourts.gov</a> |
| J. Thomas Ray       | <a href="mailto:jtrchambers@ared.uscourts.gov">jtrchambers@ared.uscourts.gov</a> |
| Beth Deere          | <a href="mailto:bdchambers@ared.uscourts.gov">bdchambers@ared.uscourts.gov</a>   |
| Joe J. Volpe        | <a href="mailto:jjvchambers@ared.uscourts.gov">jjvchambers@ared.uscourts.gov</a> |
| Jerome T. Kearney   | <a href="mailto:jtkchambers@ared.uscourts.gov">jtkchambers@ared.uscourts.gov</a> |
| Patricia S. Harris  | <a href="mailto:pshchambers@ared.uscourts.gov">pshchambers@ared.uscourts.gov</a> |

- d. If in doubt regarding whether to submit a proposed order to the assigned magistrate judge or the assigned district judge, the proposed order should **not** be submitted to both. Rather, the proposed order should be submitted to the district judge and, if appropriate, the district judge shall then forward the proposed order to the magistrate judge.

3. When the Clerk's office mails 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 a copy of the Notice of Electronic Filing to provide the nonparticipant with proof of the filing.
4. The assigned judge or the Clerk's office, if appropriate, may grant routine orders by a text-only docket entry. The system shall generate a Notice of Electronic Filing of such an entry. In such cases, no PDF document shall issue; the text-only entry shall constitute the Court's only order on the matter. The Clerk's office will mail a paper copy of the Notice of Electronic Filing of an order by text-only docket entry to a party who is not a registered participant of the system.

***F. TITLE OF DOCKET ENTRIES***

The Filing User who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the Court.

***G. CORRECTING DOCKET ENTRIES***

1. Once a document is filed electronically, corrections to the docket can only be made by the Clerk's office. The system shall not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document may be filed incorrectly as the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, entering the wrong case number and not catching the error before the transaction is completed, etc. **The filing party should not attempt to refile the document.** Rather, 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 that needs to be corrected. If appropriate, the Court shall make an entry indicating the document was filed in error. The Clerk's office will advise the filing party if the document needs to be refiled.

***H. TECHNICAL FAILURES***

The Clerk's office shall deem the Eastern District of Arkansas 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 8:00 a.m. that day. Known system outages must be posted on the web site, if possible.

1. 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, shall not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.
2. In the event of a technical failure of the Court's CM/ECF site, documents may be submitted to the Clerk's office conventionally.
3. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. Sample language is attached to these procedures as Form C.

## ***I. PRIVACY***

To address the privacy concerns created by Internet access to Court documents, litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the Court as follows:

Attorneys should not include sensitive information in any document filed with the Court unless that inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected shall be made available over the Internet via PACER. If sensitive information must be included, certain personal data identifiers must be redacted by the filer of the document, whether the document is filed electronically or in paper, as follows: Social-security numbers, taxpayer-identification numbers and financial-account numbers to the last four digits, names of minor children to the initials, dates of birth to the year, and home addresses of individuals to city and state. (F.R.Cr. P. 49.1(a.)) Exemptions to the redaction requirements can be found in F.R.Cr.P. 49.1(b).

In compliance with Federal Rule of Criminal Procedure 49.1(f) and (g), a party wishing to file a document containing the personal data identifiers specified above may:

1. File an un-redacted document under seal. This document shall be retained by the Court as part of the record. Or,
2. File a reference list under seal. A filing that contains redacted information may be filed together with a reference list that identifies each item of redacted information and specifies an appropriate identifier that uniquely corresponds to each item listed. The list must be filed under seal and may be amended as of right. Any reference in the case to a listed identifier will be construed to refer to the corresponding items of information.

The Court may, however, still require the party to file a redacted copy for the public file.

In addition, an attorney should exercise caution and may want to file a motion to seal when filing documents that contain the following information:

- Personal identifying number, such as a driver's license number;
- Medical Records, treatment and diagnosis;
- Employment history;
- Individual financial information;
- Proprietary or trade secret information;
- Information regarding the victim of any criminal activity;
- National security information; and
- Sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this information with all clients so that clients may make an informed decision about the inclusion of certain materials. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents comply with the rules requiring redaction of personal data identifiers. The Clerk will not review each document for redactions.

Also, this section recognizes that certain documents shall not be included in the public case file and should not be available to the public at the courthouse or via remote electronic access:

- Unexecuted summonses or warrants of any kind (*e.g.*, search warrants, arrest warrants);
- Pretrial bail or presentence investigation reports;
- Statements of reason in the judgment of conviction;
- Juvenile records;
- Documents containing identifying information about jurors or potential jurors;
- Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
- Ex parte requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act; and
- Sealed documents (*e.g.*, motions for downward departure for substantial assistance, plea agreements, including cooperation).

#### **IV. CONVENTIONAL FILING OF DOCUMENTS**

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

##### **A. CASE INITIATING DOCUMENTS**

All case initiating documents (*i.e.*, indictments, superseding indictments, complaints, and information) shall be filed conventionally on paper. The Clerk's office shall image these documents and upload them into the system.

##### **B. DOCUMENTS TO BE FILED UNDER SEAL**

1. All requests to seal a document or material must be made by motion and accompanied by a proposed order (see Section III, E.2. "Orders"). Sealed documents shall not be filed electronically, but rather manually on paper with the Clerk's office. If a document accompanies the motion to seal, it must be submitted to the Clerk's office manually on paper and shall be placed inside an 8 ½" X 11" envelope. Affixed to the exterior of the envelope shall be a cover sheet containing:

- The case caption;
- The name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket; and
- The name, address and telephone number of the person filing the document.

If the motion is granted, the assigned judge shall electronically enter the order authorizing the filing of the documents under seal. If the documents were not submitted with the motion to seal, the Filing User shall deliver the sealed documents to the Clerk's office for conventional filing under seal in the format listed above. Attached to these documents shall be a copy of the Court's order permitting sealing.

##### **C. PRO SE FILERS**

Pro se filers shall file paper originals of all motions, affidavits, briefs, and other

documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The Clerk's office will image these original documents into an electronic file in the system, but shall also maintain the original in a paper file.

***D. DOCUMENTS CONTAINING CERTAIN ORIGINAL SIGNATURES***

Documents in criminal cases containing the signature(s) of a defendant, a grand jury foreperson, a surety, and/or a third-party custodian shall be filed conventionally. The Clerk's office will image these original documents into an electronic file and upload them into the system but shall maintain the original in a paper file, as appropriate.

***E. FEE MATTERS***

Documents relating to fee matters shall be filed conventionally. This includes documents such as appointment of and authority to pay Court appointed counsel, authorization and voucher for expert and other services, authorization and voucher for payment of transcript, and requests for excess fees. The initial document appointing counsel shall be scanned by the Clerk's office and made a part of the electronic case file. However, in order to address privacy issues, all other documents relating to fee matters must be maintained in the Clerk's office in a separate paper file.

***V. ATTACHMENTS AND EXHIBITS***

***A. IN GENERAL***

1. A filing party should electronically image, *i.e.*, "scan," a paper exhibit that is less than 35 megabytes 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, filing parties may submit PDF files containing scanned documents of more than 35 megabytes only if they are filed in separate 35 megabyte segments.
2. The Filing User should configure their scanner to scan at 600 dpi.
3. Filing Users shall verify that scanned documents are legible before the documents are filed electronically with the Court.

**B. VOLUMINOUS EXHIBITS**

If the exhibit(s) attached to any particular document exceed a total of 35 megabytes, then the document and exhibits must be filed according to the following procedure.

1. The Filing User must prepare an exhibit index and file the index as an attachment to the main document.
2. Each separate exhibit must be filed as a separate attachment to the main document.
3. If any particular exhibit exceeds 35 megabytes, then that exhibit must be broken down into separate components of 35 megabytes or less, and each component must be filed as a separate attachment.
4. Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document.

| <b>Exhibit</b> | <b>Description</b>  |
|----------------|---|
| A              | Affidavit of John Smith   |
| B              | Excerpts from Jane Doe’s Deposition                                   |
| C-1            | Contract Between XYZ Company and ABC Company<br>(Part 1, Pages 1-15)  |
| C-2            | Contract Between XYZ Company and ABC Company<br>(Part 2, Pages 16-24) |
| D              | XYZ Company General Ledgers   |

**C. CONVENTIONAL FILING OF EXHIBITS**

The Court will allow a party to conventionally file exhibits that are not available in electronic form or too lengthy to electronically image, *i.e.*, “scan.” Sealed exhibits shall be filed conventionally with the Clerk’s office in accordance with the procedures set forth in Section IV, B. If a party files exhibits conventionally, then the exhibits must be filed according to the following procedure.

1. The Filing User must prepare an exhibit index. This exhibit index must be filed as an attachment to the main document and must state that the exhibits are being filed conventionally rather than electronically.
2. The Filing User shall file the main document containing the exhibits electronically and submit an exhibit index and the actual exhibits conventionally to the Clerk’s office. The exhibits must be tabbed and bound.

Receipt of the document containing the exhibits with a text-only entry shall be noted on the docket.

3. A party must serve conventionally filed materials on other parties as if not subject to these electronic filing procedures.

## **VI. NOTICE OF COURT ORDERS AND JUDGMENTS**

Immediately upon the entry of an order or judgment in an action, the Clerk's office will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing (NEF), with a hyperlink to the electronic document. Electronic transmission of the NEF, along with a hyperlink to the electronic document, constitutes the notice required by Federal Rules of Civil Procedure 77 (d) and Criminal Procedure 49(c). The Clerk's office must give notice in paper form to a person who has not consented to electronic service.

## **VII. PUBLIC ACCESS TO COURT RECORDS**

### **A. PUBLIC ACCESS AT THE COURT**

Electronic access to the system is available for viewing to the public at no charge at the Clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.

### **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 shall be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in criminal cases, but excluding review of written orders, calendars and certain other general information.

### **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 shall be in accordance with 28 U.S.C. § 1914.



United States District Court  
Eastern District of Arkansas  
**ELECTRONIC CASE FILING  
REGISTRATION FORM**

|   |   |
|---|---|
| <p><b>Background:</b> This form is used to register for an account on the Electronic Case Filing (ECF) System. Registered users consent to electronic service of all electronically filed documents, including Orders, and will have privileges to electronically file documents. Please visit <a href="http://www.are.uscourts.gov">www.are.uscourts.gov</a> for more information about ECF.</p>   | <p><b>Instructions:</b> This form cannot be submitted electronically. Complete the form, print, sign, and return it to the Clerk's office at the address below. A user login name and password for access to the ECF system will be issued to you upon receipt of the fully completed form. All information is required, including your original signature, except where noted.</p> |
| <p><b>Name:</b></p> <p>(First, Middle Initial, Last)</p> <p><b>Telephone:</b></p> <p><b>E-mail (primary):</b></p> <p>(Address for receipt of official notification of electronic filings.)</p> <p><b>E-mail (secondary):</b></p> <p>(Optional address for receiving additional notification of electronic filings, e.g. secretary.)</p> <p><b>State Bar Number:</b></p>   | <p><b>Firm Name:</b></p> <p><b>Firm Address:</b></p>  |
| <p><b>Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Eastern District of Arkansas pursuant to Local Rule 83.5 and currently in good standing.</b></p> <p><b>The undersigned agrees to abide by all Court rules, orders, policies and procedures governing the use of the ECF system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Fed R. Crim. P. 49(b) via the court's ECF system. The combination of user login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Attorneys enrolling in the court's ECF system will automatically receive important information from the U.S. District Court regarding revisions to local rules, general orders, fees, and general information concerning the ECF system.</b></p> <p>Attorney Signature _____ Date _____</p> <p>Submit completed ECF Registration Form to:</p> <p style="text-align: right;">James W. McCormack, Clerk of Court<br/>United States District Court<br/>Attention: ECF Registration<br/>600 West Capitol Avenue<br/>Room A149<br/>Little Rock, AR 72201-3325</p> |   |

**Form B-1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS**

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

I hereby certify that on \_\_\_\_\_, I mailed the document by United States Postal Service to the following non CM/ECF participants:

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

\*\*\*\*\*

**Form B-2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS**

**CERTIFICATE OF SERVICE**

I hereby certify that on \_\_\_\_\_, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system, which shall send notification of such filing to the following:

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

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

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS

|               |   |                |
|---------------|---|----------------|
| _____         | ) |                |
|               | ) |                |
| Plaintiff(s), | ) |                |
| vs.           | ) | Case No. _____ |
| _____         | ) |                |
|               | ) |                |
| Defendant(s)  | ) |                |

DECLARATION THAT PARTY WAS UNABLE  
TO FILE IN A TIMELY MANNER

Please take notice that \_\_\_\_\_ was unable to file \_\_\_\_\_ in a timely manner due to technical difficulties. The deadline for filing the \_\_\_\_\_ was \_\_\_\_\_. The reason(s) that I was unable to file the \_\_\_\_\_ 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]

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

Respectfully submitted,

/s/ \_\_\_\_\_

Name of Password Registrant

Address

City, State, Zip Code

Phone:

E-mail:

**Form D**

**DOCUMENTS EXCLUDED OR REDACTED FROM PUBLIC ACCESS<sup>1</sup>  
(Paper or Electronic Form)**

| <b>Document</b>   | <b>Clerk’s Office Instructions</b>   | <b>Location<sup>2</sup></b> |
|---|--|-----------------------------|
| Any Document or Case File Sealed by Court (sua sponte)  | Docket as “Sealed Document.” Remove document that was placed under seal from public case file and electronic record. Place case under seal, if required. | Sealed Records Room         |
| Criminal Case Summary (containing DOB, defendant’s address)   | Do not docket, scan or place in public case file.  | Non-Public File             |
| Ex Parte Requests for Authorization of Investigative, Expert or other Services under CJA (CJA 21)                     | All “ex parte” requests are docketed as “Sealed Motion.” Do not scan or place in public case file.   | Sealed Records Room         |
| Financial Affidavit (CJA 23) Pursuant to Criminal Justice Act (CJA)   | Docket as “CJA 23-Financial affidavit.” Do not scan or place in public case file.  | Non-Public File             |
| Indictment (signature page)   | Detach the page of the Indictment containing the Grand Jury foreperson’s name and signature. Do not scan or place in the public case file.               | Non-Public File             |
| Juror Challenge List  | Detach from courtroom minutes (civil and criminal cases).  | Jury Records                |
| Juror Information List  | Detach from courtroom minutes (civil and criminal cases).  | Jury Records                |
| Juror Seating Chart   | Detach from courtroom minutes (civil and criminal cases).  | Jury Records                |
| Jury Notes to Court   | Redact juror’s name from note before placing in file (only in criminal cases). Place un-redacted note in separate file in sealed records room.           | Sealed Records Room         |
| Juvenile Records  | Docket as “Sealed Case.” Place case file under seal. (Docket sheet automatically sealed.)  | Sealed Records Room         |
| Motions to Reduce Under FRCrP 35(b)<br><br>Motions to Reduce Under Section 5K1.1 of the Federal Sentencing Guidelines | Docket as “Sealed Motion.” Do not scan or place in the public file.  | Sealed Records Room         |

<sup>1</sup>Pursuant to the instructions received from the Court following its meeting on March 20, 2008, the documents excluded or redacted from public access (Form D) will remain in place.

<sup>2</sup>All sealed documents and un-redacted copies of documents identified in this form (Form D) will be housed in the Clerk’s office sealed records room. Non-Public Files are maintained in the criminal docketing section.

| Document   | Clerk's Office Instructions  | Location   |
|--|--|--|
| Order Setting Conditions of Release (re: street addresses)   | Order modified to redact street address for defendant or third-party custodian. Ensure that street addresses are not included in Order before scanning and placing in public case file.  | Public File  |
| Plea Agreements  | Docket as "Plea Agreement as to [Defendant]." Document scanned and placed in public file.  | Public File  |
| Plea Agreement Addendum  | Docket as "Sealed Plea Agreement Addendum." Do not scan or place in the public file.   | Sealed Records Room  |
| Pretrial Bail Reports  | Do not docket or place in the public case file.  | Return to Pretrial Services  |
| Presentence Investigation Reports (PSR)  | Do not docket, scan or place the PSR in the case file. The criminal docketing section will return the original PSR to the U.S. Probation Office (USPO).  | Return to USPO   |
| Reference List   | Docket as "Sealed Reference List." Do not scan or place in public case file.   | Sealed Records Room  |
| Sealed Documents   | Docket as "Sealed Document." Do not scan or place in public case file.   | Sealed Records Room  |
| Statement or Reasons (SOR)   | Detach SOR pages from Criminal Judgment form. Do not place in the case file. SOR is scanned by criminal docketing only for distribution to USPO as part of e-Designate program.  | Sealed Records Room  |
| Subpoenas to Testify (Returned Executed or Unexecuted)   | Do not docket or place in public case file.  | Non-Public File  |
| Summons (Unexecuted)   | Docket as "Summons returned unexecuted." Do not scan or place in public case file.   | Non-Public File  |
| Summons (Executed)   | Redact street address information, scan and docket the returned executed summons. Docket as "Summons returned executed." Place the un-redacted executed summons in a separate non-public file.<br><br>Note: The un-redacted executed summons can be made available in paper from over-the-counter. | Redacted copy in CM/ECF<br><br>Un-redacted copy in Non-Public File |
| Transcript (voir dire portion of jury selection)   | Treat voir dire portion of transcript as a sealed document (only in criminal cases). Docket as "SEALED TRANSCRIPT (Voir Dire/Jury Selection.)"   | Sealed Access in CM/ECF  |
| Verdict Form (re: juror's name on form in criminal cases only)   | Redact juror's name from verdict from before placing in file (only in criminal cases). Place un-redacted form in separate file in sealed records room.   | Sealed Records Room  |
| Violation Report (Part 1 - Pretrial Violation Reports)<br>1. Petition for action on Conditions of Pretrial Release<br>2. Post-Court Violation Memorandum | Do not docket, scan or place in public case file.  | Return to USPO   |

| Document   | Clerk's Office Instructions  | Location   |
|--|--|--|
| <p>Violation Reports (Part II - Post Conviction Supervision Violation Reports)</p> <p>1. <u>Form Prob.12A</u> (Report of Offender Under Supervision)</p> <p>2. <u>Form Prob.12B</u> (Request for modifying the Conditions and Terms of Supervision)</p> <p>3. <u>Form Prob.12C</u> (Petition for Summons/Warrant for Offender Under Supervision)</p> | <p><u>Prob. 12A</u> - Do not docket or place in public case file. Return to USPO.</p> <p><u>Prob. 12B</u> - Docket, place in public case file, and scan.</p> <p><u>Prob. 12C</u> - Docket, place in public case file, and scan.</p>  | <p><u>Form Prob. 12A</u> returned to USPO.</p> <p>Awaiting decision of the Court</p> <p><u>Form Prob. 12B</u> place in public file.</p> <p><u>Form Prob. 12C</u> place in public file.</p> |
| <p>Vouchers for Claims and Payment Submitted Pursuant to CJA</p>   | <p>See <i>Guide</i> for public availability to CJA information.</p>  | <p>Room A159</p>   |
| <p>Warrants (Unexecuted)</p>   | <p>Docket as "Warrant returned unexecuted." Do not scan or place in public case file.</p>  | <p>Non-Public File</p>   |
| <p>Warrants (Executed)</p>   | <p>Redact street address information (if listed), scan and docket returned executed warrant. Docket as "Arrest Warrant returned executed." Place un-redacted executed warrant in a separate non-public file.</p> <p>Note: the un-redacted executed warrant can be made available in paper form over-the-counter.</p> | <p>Redacted copy in CM/ECF</p> <p>Un-redacted copy in Non-Public File</p>  |
| <p>Witness Lists (Criminal Cases)</p>  | <p>Scan and docket witness list. Docket as "Witness List filed by [party]." Docket entry will appear on docket sheet; however, the document is restricted to "case participant" only.</p>  | <p>Dispose Original (Hard Copy)</p>  |