

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**



**Electronic Filing
Administrative Policies and Procedures
(March 2013)**

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Introduction

Case Management/Electronic Case Files (CM/ECF) is a case management system implemented by the Federal Judiciary for all bankruptcy, district and appellate courts. This technology is Internet-based, user friendly, and offers numerous benefits to attorneys, the Court, and the public including access to most case records via the Internet.

Since **January 3, 2006**, the U.S. District Court for the District of Alaska has required all attorneys in civil and criminal cases to file documents with the Court electronically over the Internet through the CM/ECF system. Only registered attorneys, as Officers of the Court, are permitted to file electronically. Non-attorneys must continue to file documents conventionally, *i.e.*, on “paper.” [See ¶ 19.] Non-attorneys may, however, access the public documents on-line through the PACER (Public Access to Court Electronic Records) System, or at a terminal located in the Clerk’s Office in Anchorage.¹

The Clerk’s Office has established two CM/ECF Help Desk phone lines (907-677-6145 or 1-866-403-1914) as well as an e-mail address (cmecfhelpdesk@akd.uscourts.gov) to respond to users’ questions regarding the electronic filing system and the registration process. The Help Desk is staffed on business days from 8:00 a.m. to 12:30 p.m. and 1:30 p.m. to 4:30 p.m., and is available at all other times to record voice mail messages or receive e-mail.

1. Authorization for Electronic Filing

These Electronic Filing Administrative Policies and Procedures, as well as the Attorney’s User Manual, govern electronic filing in this district; unless, due to extraordinary circumstances in a particular case, a judicial officer determines that these Electronic Filing Administrative Policies and Procedures should be modified in the interest of justice. *See* FED. R. CIV. P. 5(d)(3), FED. R. CRIM. P. 49(b), (c), D.AK. LR 5.3 and D.AK. LCrR 49.1.

2. Definitions and Instructions

The following definitions and instructions apply to these Electronic Filing Administrative Policies and Procedures:

- 2.1 The term “document” includes pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices and any other filing by or to the Court.
- 2.2 The term “component” includes all documents, other than exhibits, which are filed in conjunction with, or in support of another document.
- 2.3 The term “party” includes counsel of record and *pro se* litigants.
- 2.4 All hours stated are Alaska Standard Time or Alaska Daylight Time, as appropriate.

¹ Access through PACER requires a PACER account and is subject to a fee. See ¶¶ 12, 26. Access through the terminal located in the Clerk’s Office is without charge, except that a fee is charged for printing copies of the documents. *See* D.AK. LR 79.2(d).

3. Application of Rules and Orders

Unless modified by order of the court or approved stipulation, all Federal Rules of Civil and Criminal Procedure, Local Rules, and Orders of the Court apply to cases filed electronically.

4. Applicable Cases

Effective **January 3, 2006**, unless otherwise ordered by the court, attorneys admitted to practice in this district are required to file all documents electronically in all civil and criminal cases. The requirement for electronic filing applies to all open cases regardless of when the case was initiated.

5. Social Security Cases

Unless otherwise ordered by the court, all documents, notices, and orders in Social Security reviews filed on January 3, 2006, or later, must be electronically filed and noticed, except that Social Security transcripts must be filed and served conventionally. Transcripts will not be scanned or otherwise placed in the electronic case file and remote access will not be available.

To address the privacy issues inherent in a Social Security review, Internet access to individual documents is limited to counsel and court staff. Docket Reports are available over the Internet to non-parties.

6. System Requirements

The following hardware and software is needed to electronically file, view and retrieve documents in the electronic filing system:

- A personal computer running a standard platform such as Windows 95 or later or a Macintosh operating system, and with at least 16 mb of available memory.
- An Internet provider using Point to Point Protocol (PPP); it is recommended that you utilize a high speed connection (256 kbs, or higher).
- Internet browser: Internet Explorer 7.0 and 8.0 and Firefox 3.6.
- Software, such as Adobe Acrobat Writer or pdfFactory, to convert documents from a word processor format to portable document format (.pdf).
- A scanner to convert documents to electronic (.pdf) format that can not be converted from the word processor. **A scanner may not be used for converting documents that can be converted to electronic (.pdf) from a word processing program.**

7. Registration

In order to effectively use the electronic filing system, registered attorneys will need both a CM/ECF account and a PACER (Public Access to Court Electronic Records) account.

- **CM/ECF Account:** An attorney seeking to file documents electronically must complete either this Court's Attorney CM/ECF Training Session or its Computer Based Training Program or alternatively, be registered as a CM/ECF participant in another court. Upon completion of one of the training sessions, or proof of registration with another court, prior to being assigned a CM/ECF user identification name and password the attorney must submit a completed

Electronic Filing System Registration form. The assigned CM/ECF user identification name and password serves as the attorney's signature for all purposes, including Fed. R. Civ. P. 11. [See D.Ak. L.R. 5.3(d)(1)[A].]

- By participating in CM/ECF, registered attorneys consent to electronic service of all documents, and must make available electronic mail addresses for service, unless the attorney specifically opts out of electronic service. [See D.Ak. LR 5.3(c)(2)[C].]
- Online registration forms are available on the Court's web site (www.akd.uscourts.gov). Additionally, attorneys seeking to file electronically must be admitted to practice in the U.S. District Court for the District of Alaska or permitted to appear *pro hac vice*. All completed Registration Form must be signed by the registrant and addressed to:

Office of The Clerk of Court
CM/ECF Attorney Registration
U.S. Courthouse and Federal Building
222 West 7th Avenue, #4
Anchorage, Alaska 99513-7564

- Once registration is completed, the Attorney Registration Clerk will e-mail the registrant with his/her user login name and password, unless the attorney has opted out of electronic service, in which case, his/her login name and password will be mailed to the address listed on the Attorney Registration Form.

Parties agree to protect the security of their passwords and immediately notify the Clerk of Court if they learn that their password has been compromised. Parties may be subject to sanctions for failure to comply with this provision.

- **PACER Account:** In order to retrieve documents from the CM/ECF system over the Internet, all users, including members of the public, must have a PACER account. PACER is a national billing system that provides case information from nearly all federal courts.
- Users who do not have a PACER account will be unable to view or retrieve docket sheets or documents over the Internet, but may access that information, unless otherwise restricted, at the courthouse. PACER accounts can be established through the PACER Service Center:

<http://pacer.psc.uscourts.gov>

PACER Service Center
P.O. Box 780549
San Antonio, TX 78278
(800) 676-6856 or (210) 301-6440

Under the PACER system, parties with PACER accounts and registered attorneys, are entitled to one free copy of each document filed in their cases, so long as they retrieve the document within 15 days of filing. Subsequent access to those documents, or access to documents in other cases, is subject to PACER billing fees. See the PACER web site for current rates and details.

8. Pay.gov

Attorneys wishing to pay new civil filing fees, civil appeal fee or Pro Hac attorney admissions fee using a credit card, must register with Pay.Gov at: www.pay.gov.

Attorneys who wish to pay their Pro Hac Vice attorney admissions fee via Pay.gov must file their Motion to Appear using the event “**Appear as Pro Hac Vice (Non-Resident) Attorney using Pay.gov**” located in the “Motions” menu.

9. Filing of Civil Case Initiating Documents, Payment of Filing Fee and Service of Summons

Case initiating documents (*e.g.* Complaints, Notices of Removal, Civil Cover Sheet, Summons) may be sent by e-mail or U.S. Mail, or delivered in person or by courier to the Clerk’s Office. The preferred method is to receive case initiating documents by e-mail in (.pdf) format at the following address: newcvcases@akd.uscourts.gov. The subject matter of the e-mail should read “**name of satellite office-new civil case**”, *i.e.*, “**Anchorage-new civil case.**” Parties filing case initiating documents via e-mail will be contacted by the Clerk’s Office to obtain the method of payment for the case opening fee. Case initiating documents sent by U.S. Mail, or delivered by courier or in person to the Clerk’s Office, should be accompanied by a disc containing the documents in electronic (.pdf) format with a check or money order for the case opening fee. All new case filing fees must be received by the Clerk’s office **no later than 3 business days** after receipt of the case initiating documents. **The case will be filed the date that the filing fee or application to proceed *in forma pauperis* is received.**

Attorneys wishing to pay their civil filing fee using Pay.gov must email their case initiating documents in (.pdf) format to the following address: newcvcases@akd.uscourts.gov. The subject matter of the e-mail should read “**name of satellite office-new civil case**”, *i.e.*, “**Anchorage-new civil case.**” The submitting office will be contacted by the Clerk’s Office and will be provided the case number for counsel to upload their documents into. **The filing fee must be paid, via Pay.gov, and case initiating documents must be uploaded no later than 10:00 a.m. the day after submission of the original email to the newcvcases@akd.uscourts.gov email address.**

A defendant or defendants desiring to remove any civil action from state court under 28 U.S.C. § 1446 must file a Notice of Removal signed in accordance with FED. R. CIV. P. 11 and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings and orders served upon such defendant or defendants in such action. **Parties filing a Notice of Removal should refrain from submitting any additional state court documents, other than those required by 28 U.S.C. § 1446, until directed to do so by the Court’s Notice to Petitioner Subsequent to Removal.**

Parties requesting summons to be issued may present them to the court by e-mail, by U.S. mail, or by delivery in person to the Clerk’s Office. The party requesting the issuance of summons must complete the top portion of the summons form. To submit the summons by e-mail, it must be sent to newcvcases@akd.uscourts.gov. If the summons is submitted **after** the case initiating

documents, the subject matter of the e-mail should read “**name of satellite office-summons for new civil case,**” *i.e.*, “**Anchorage-summons for new civil case.**”

Once the summons has been issued, the Clerk’s Office will notify the requesting party that the summons is available for pick up at the Clerk’s office, or, if a self-addressed stamped envelope was submitted, the summons will be mailed to the requesting party.

A party may not electronically serve a summons, but instead must perfect service according to FED. R. CIV. P. 4. Affidavits of service, that pertain to an executed summons, may be filed electronically through ECF.

10. General Format of Documents to be Filed Electronically

Electronically filed documents must meet the requirements of FED. R. CIV P. 10, D.AK. LR. 10.1, and D.AK. LCrR 49.1, as if they had been filed conventionally on paper. Documents filed electronically are also subject to any page limitations set forth by Court Order or by D.AK. LR 10.1.

11. Filing Documents Electronically

Electronic transmission of a document consistent with the procedures adopted by the Court will, upon the complete receipt of the same by the Clerk of Court, constitute filing of the document for all purposes of the Federal Rules of Civil and Criminal Procedure and the Local Rules of this Court, and will constitute entry of that document on the docket sheet maintained by the Clerk, under FED. R. CIV. P. 58 and 79, and FED. R. CRIM. P. 55.

A “Notice of Electronic Filing”(NEF) acknowledging that the document has been filed will immediately appear on the filer’s screen and will be transmitted to the registered parties in the case. Parties can also verify the filing of documents by inspecting the Court’s electronic docket sheet. The Court may, upon the motion of a party or upon its own motion, strike any inappropriately filed document.

Documents filed electronically must be submitted in Adobe Acrobat (.pdf) format and **may not exceed 5.0 megabytes.**

Filing documents electronically does not alter any filing deadlines. All electronic transmissions of documents must be completed (*i.e.*, received **completely** by the Clerk’s Office) prior to midnight in order to be considered timely filed that day. Although parties may, in most instances, file documents electronically 24 hours a day, attorneys and parties are strongly encouraged to file all documents during normal working hours of the Clerk’s Office (8:00 a.m. – 4:30 p.m) when assistance is available.

Any party filing a pleading or other document electronically or conventionally, that is time sensitive, must immediately contact the appropriate Data Quality Analyst (formerly Case

Management Clerk) telephonically and advise him/her of the time-sensitive filing.² The filing party should be prepared to provide the Data Quality Analyst with the following information:

- The case number; and
- The docket number.

Unless exceptional circumstances exist that prevent the document from being transmitted during regular business hours, the participant must make every effort to transmit any time-sensitive document during regular business hours on or before the date the document is due.

12. System Availability

The Court's CM/ECF system is designed to provide service 24 hours a day.* Registered attorneys are encouraged to file documents in advance of filing deadlines and during normal business hours.

*** Periodic maintenance will cause a temporary unavailability of CM/ECF. In such instances the Court will make every effort to publish the date and duration of the anticipated unavailability on the Court's CM/ECF main page.**

If a participant in the CM/ECF System is unable to transmit a time-critical document electronically, due to technical failure of either the CM/ECF System or the participant's system, or due to internet congestion or internet service provider problems, the participant must promptly contact the judicial officer's Data Quality Analyst telephonically and make alternate arrangements for filing the document in electronic format during normal working hours.

13. Civil and Criminal Dockets

The registered attorney electronically filing a pleading or other document is responsible for designating a proper docket entry title for the document, by using one of the event categories prescribed by the court. [*See Attorney's User Manual.*]

Once a document is electronically filed it becomes part of the electronic case file. Once the transaction is accepted, CM/ECF will not permit the electronic filer to make changes. The Clerk's staff will edit the docket text to clarify what the filing error is and the appropriate action necessary to correct the filing error. In many instances, the Clerk's staff will enter a Docket Annotation to notify the electronic filer of how to comply with quality control standards. The electronic filer will be advised if the document needs to be refiled (*i.e.*, the wrong event was selected).

14. Service of Filed Documents

Upon the entry of a document in the CM/ECF System, whether filed electronically or conventionally and uploaded by the clerk, a "Notice of Electronic Filing" (NEF) will be automatically generated by CM/ECF, and sent electronically to the e-mail address of registered

² The appropriate Data Quality Analyst may be found on the court's website, www.akd.uscourts.gov under Court Info: Contacts.

attorneys in the case, except attorneys who have opted out of electronic service. In addition to receiving NEFs, registered attorneys are strongly encouraged to sign onto CM/ECF at regular intervals to check case activity. Service by electronic mail constitutes service in accordance with FED. R. CIV. P. 5(b)(2)(E) and FED. R. CRIM. P. 49(b) and, unless otherwise ordered, will entitle the party being served to the additional three (3) days provided by FED. R. CIV. P. 6(d) and FED. R. CRIM. P. 45(c). Service must be effected conventionally (non-electronic) on *pro se* parties and attorneys who have opted out of electronic service.

A certificate of service must be included with all documents filed in CM/ECF, electronically or conventionally. The certificate will indicate that service was accomplished in accordance with the Court's electronic filing procedures. The following is a suggested certificate of service for electronic service:

Certificate of Service

I hereby certify that on [date], a copy of foregoing [name of document] was served electronically on [names of parties served].

s/ [Name of Password Registrant]

It is the responsibility of the filing party to ensure that all other parties are properly served. FED. R. CIV. P. 5(b)(2)(E) notes that service by electronic means is not effective if the party making service learns that the attempted service did not reach the person to be served. If a party requiring service is not listed on the NEF receipt as having been sent an NEF of the filing, *i.e.*, *pro se* parties or attorneys who have opted out of electronic service, the filing party must serve that party by other appropriate means. The following is a suggested certificate of service for electronic **and non-electronic** service:

Certificate of Service

I hereby certify that on [date], a copy of foregoing [name of document] was served electronically on [names of parties served electronically] and on [name(s) and address(es) of parties served by mail] by regular U.S. mail.

s/ [Name of Password Registrant]

15. Attorney Termination of Service

In order to ensure attorneys receive notice of necessary post-judgment documents (*i.e.*, appeals, bill of costs, *etc.*) an attorney will not automatically be terminated at entry of judgment. In order to be terminated from service in a case, the attorney must electronically file a "Notice-Other" and state in the notice that he/she is no longer active in the case and authorizes the Clerk's Office to terminate service of all future documents filed in the case. This procedure does not apply to attorneys who are requesting withdrawal and/or substitution of counsel. [See D.AK LR 11.1.]

16. Electronic Filings

A key objective of the electronic filing system is to ensure that as much of the case as possible is filed, stored, and made available electronically. To facilitate electronic filing and retrieval, documents filed electronically **may not exceed 5.0 megabytes**. Documents exceeding 5.0 megabytes in size must be broken into sequentially numbered component parts not exceeding 5.0 megabytes each. The foundation document, *e.g.* motion, should be filed with the exhibits attached. Exhibits that are **not** available in electronic format are to be filed conventionally, attached to a copy of the NEF for the electronically filed document to which the exhibit(s) relate. If an exhibit is filed conventionally, the filer must include a “dummy” page in the appropriate place sequentially in the electronically filed document to which the exhibit applies, with a conspicuous notation in the middle of the page “Exhibit ___ (insert exhibit number and brief description of the exhibit) filed conventionally.” [See D.AK. LR 5.3.] Documents related to a motion, *e.g.* memorandum of law and a supporting affidavit, should be filed separately and must show as being a component related to the motion or other pleading. [See D.AK. LR 5.3(e)(2).]

17. Chambers Copy

A complete and legible paper copy of every pleading, document, or paper exceeding twenty-five (25) pages, filed conventionally or electronically, must be provided for use by the judge in chambers. If the original pleading, document, or paper was filed electronically, the chambers copy must be attached to a copy of the Notice of Electronic Filing and must be printed with the ECF .pdf footer on each page. [See D.AK. LR 10.1(b).]

18. Motions for Leave to File Late and/or Over Length Documents

A party who moves for leave to file a late-filed or over-length document, whether filing electronically or conventionally, **must** attach a copy of the proposed late filed or over length pleading as an exhibit to the Motion for Leave. **The exhibit must be conspicuously labeled "PROPOSED"**. Any exhibits to the late filed or over length pleading should **not** be filed as attachments to the proposed document. If the Motion for Leave is granted, the requesting party must then file the late or over-length document without delay, or within the time frame ordered by the court. The clerk will not convert the exhibit to the underlying Motion into a new filing.

19. Motions to Amend and/or Supplement

A party who moves to amend or supplement **must** attach a copy of the proposed amended pleading as an exhibit to the Motion. [See D.AK. LR 15.1.] The exhibit should be conspicuously labeled “PROPOSED.” If the Motion to Amend or to Supplement is granted, the requesting party must then file the amended or supplemental document without delay, or within the time frame ordered by the court. **The clerk will not convert the exhibit to the underlying Motion into a new filing.**

20. Conventional Filings

A. *By Non-Attorneys.* Non-attorney filers may not file documents electronically but must file all documents conventionally on paper. Conventional filers should, where possible, include a disc containing the document in electronic (.pdf) format (either scanned or converted from the word processor) complying with the requirements of these Electronic Filing Administrative Policies and Procedures. If accompanied by a disc containing the document in electronic (.pdf) format, the Clerk will upload the .pdf document into the CM/ECF System. If unaccompanied by a disc containing the document in electronic (.pdf) format, the Clerk will scan and upload the document into the CM/ECF System. Unless the filer requests return of the conventionally filed paper document, once the document is uploaded into the CM/ECF System it will be retained or discarded in accordance with otherwise applicable rules and regulations.

B. *By Registered Users.* Under certain limited circumstances, registered attorneys otherwise participating in CM/ECF may be excused from filing a particular exhibit or component electronically, such as when the exhibit is not available in electronic format or a component exceeds the file size limit described in ¶ 15. Such exhibit or component must **not** be filed electronically, but instead must be conventionally filed with the Clerk of Court and served on the parties, in accordance with the applicable Federal Rules of Civil and Criminal Procedure, and Local Rules for filing and service of non-electronic documents. A registered attorney may seek to have a component excluded from electronic filing under FED. R CIV. P. 26(c).

C. *Retention of Uploaded Conventionally Filed Documents.* The responsibility of converting documents to electronic (.pdf) format rests with the registered attorney filing the document. In extraordinary circumstances, the Clerk's Office may scan conventional filings and enter them into CM/ECF. Once a document is scanned into CM/ECF, the electronic version becomes the official record of the Court and permits the Clerk of Court to retain, return or discard the original. If a party believes that retention of the original is warranted, a copy of the document should be filed with the Court and the party should retain the original. A party may also request at the time of filing, through a separate document, that the original be returned, rather than discarded, should the Clerk's Office determine it is no longer needed by the Court.

21. Signature Block

The registered attorney's identification name and password constitutes the attorney's signature for the purposes of FED. R. CIV. P. 11. [See D.AK. LR 5.3(d)(1)[A].] All documents filed electronically must include a signature block in compliance with the appropriate Local Civil and Criminal Rule and include the typewritten name of the attorney and the party they represent. In addition, the name of the registered attorney under whose password the document is submitted should be preceded by a "s/" and typed in the space where the signature would otherwise appear.

s/ [Name of Password Registrant]
[Typed name of Attorney]
[Typed name of Represented Party]

Documents requiring signatures of more than one party must be filed either by submitting a scanned document containing all necessary signatures or a listing of all of the names of the signatories on the document by means of a “s/ [name](consent)” signature block for each. By submitting such a document, the party filing the document, whether electronically or conventionally, certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filer has been authorized to submit the document on their behalf. [See D.Ak. LR 5.3(d)(1)[B].] Physical, facsimile or electronic signatures may be used to satisfy the requirements of this provision.

22. Sealed Documents

A party who moves to file a sealed document **must** attach a copy of the proposed sealed document as an exhibit to the Sealed Motion Requesting Leave to File Under Seal. **The exhibit must be conspicuously labeled "PROPOSED."** If the Motion for Leave is granted, the requesting party must then electronically file the sealed document without delay, or within the time frame ordered by the court. **The clerk will not convert the exhibit to the underlying Motion into a new filing.** The electronic filing of documents under seal is governed by D.Ak. LR 5.4 and D.Ak. LCrR 47.1.

23. Proposed Orders

Proposed Orders, to non-dispositive motions, **must be submitted** as outlined below:

- Electronically submitted proposed orders must be attached to the motion to which it refers. This will provide service of the proposed order to all registered parties.
- All proposed orders must be conspicuously labeled “**Proposed.**” If the judge decides to use the proposed order, s/he will remove the “**Proposed**” language.
- A proposed order shall **also** be attached as a Word or WordPerfect (preferably WordPerfect) compatible file to an internet e-mail sent to the e-mail address of the assigned judge. Proposed Orders **must not be submitted as a WordPad document.** The subject line of the e-mail must include the **case number, title of the order, and docket number for the motion that it refers to.** The e-mail addresses are **for submission of proposed orders only** and are as follows:

BeistlineProposedOrders@akd.uscourts.gov
BurgessProposedOrders@akd.uscourts.gov
GleasonProposedOrders@akd.uscourts.gov
Holland_Chambers@akd.uscourts.gov
LongenbaughProposedOrders@akd.uscourts.gov
OravecProposedOrders@akd.uscourts.gov
RobertsProposedOrders@akd.uscourts.gov
Sedwick_Chambers@akd.uscourts.gov
SingletonProposedOrders@akd.uscourts.gov
SmithProposedOrders@akd.uscourts.gov

- Proposed orders, on motions for default judgment, submitted under D.AK. LR 55.1 should be prepared, filed and e-mailed as directed above. The subject line of the e-mail must include **“Proposed Default Judgment” as well as the case number, and docket number for the motion it refers to.**
- No other communication, documents or pleadings may be e-mailed to the Judge(s) at the e-mail addresses above.

24. Orders Issued By The Court

All orders will be filed electronically. An order signed electronically, by either a digital signature or by using the “s/ Judge’s Name” convention, has the same force and effect as if the Judge affixed a signature to a paper copy of the order. [FED. R. CIV. P. 5(d)(3); D.AK. LR 5.3(d)(2).]

Routine orders may be entered by a text-only entry upon the docket. In such cases, no (.pdf) document will issue, and the text-only entry constitutes the Court’s only order on the matter. CM/ECF will generate a NEF as described previously in these procedures.

When mailing paper copies of an electronically filed order to a party who is not a registered CM/ECF participant, the Clerk’s Office will include the NEF to provide the non-participant with proof of the filing.

25. Trial Exhibits

Exhibits “lodged” with the Clerk of Court in accordance with D.AK. LR 39.3 will not be filed electronically. Such documents will not be placed in CM/ECF, unless and until the assigned judicial officer directs filing of the lodged document. If a “lodged” exhibit is to be entered into CM/ECF, the submitting party may be required to resubmit the document in electronic format.

26. Official Record

The official Court record is the electronic file maintained on the Court’s servers. The official record also includes, however, any conventional documents or exhibits filed in accordance with these provisions that have not been otherwise entered into the system. The Clerk’s Office will retain all original Indictments and Plea Agreements after they are uploaded into the system, at the discretion of the Clerk of Court, subject to any limitations imposed by statute, judiciary policy or orders of this Court.

27. Remote Public Access

In accordance with the E-Government Act of 2002 and policies set forth by the Judicial Conference of the United States (which governs the administration of the U.S. Courts), the Court strives to provide public Internet access to case related documents to the same extent that those documents are available at the courthouse, with some limitations. Remote electronic access to the CM/ECF 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 requires that a user fee must be charged for remotely accessing certain detailed case information, such as filed documents and docket reports. The access fee does not apply to official recipients of electronic

documents, *e.g.* parties legally required to receive service or to whom service is directed by the filer in the context of service under the Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged.

28. Privacy

The E-Government Act of 2002 and the Judicial Conference of the United States Courts' Policy on Privacy and Public Access to Electronic Case Files set forth rules and provide guidance to protect privacy and security concerns relating to the electronic filing of documents and the public availability of documents filed electronically. In accordance with the Act, the following Model Notice has been provided to Courts using the CM/ECF system:

The Office of the Clerk is now accepting electronically filed pleadings and making the content of these pleadings available on the Court's Internet website via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed documents that have been sealed or otherwise restricted by Court Order.

Do not include sensitive information in any documents filed with the Court, unless such inclusion is necessary and relevant to the case. Remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed conventionally or electronically:

- 1) Social Security numbers,
- 2) financial account numbers,
- 3) dates of birth,
- 4) names of minor children, and
- 5) (in criminal cases only) home addresses.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may:

- (a) file a redacted document in the public record and file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal and may be amended as of right, or
- (b) file an un-redacted version of the document under seal.

The court may, however, still require the party to file a redacted copy for the public file. Filers should exercise caution when filing documents that contain the following:

- 1) Personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel are strongly urged to share this notice with all clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. 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 of this Court requiring redaction of personal data identifiers. The Clerk will not review each pleading for redaction.

The privacy provisions required by court rule are set forth in FED. R. CIV. P. 5.2 and FED. R. CRIM. P. 49.1.

29. Additional Information

Additional information regarding CM/ECF can be obtained by visiting the Court's web site at www.akd.uscourts.gov, calling the CM/ECF Help Desk at 907-677-6145 or 1-866-403-1914 or by sending an e-mail message to the CM/ECF Help Desk (cmecfhelpdesk@akd.uscourts.gov).