

6 Cir. R. 25 Filing, Proof of Filing, Service, and Proof of Service - Acknowledgment of Filing; Electronic Case Filing

- (a) Unless otherwise required by the Sixth Circuit Rules or by order of the court, all documents submitted in cases filed with the Sixth Circuit on or after June 1, 2008, shall be filed electronically, using the Electronic Case Filing (ECF) system. Electronic filings shall be governed by the Sixth Circuit Rules and by the Sixth Circuit Guide to Electronic Filing.

- (b) **Exceptions to Electronic Filing.** The following documents shall not be filed electronically, but shall be filed in paper format:
 - (1) Any document filed by a party that is unrepresented by counsel;
 - (2) Petitions for permission to appeal under Fed. R. App. P. 5;
 - (3) Petitions for review of an agency order under Fed. R. App. P. 15;
 - (4) Petitions for a writ of mandamus or writ of prohibition under Fed. R. App. P. 21;
 - (5) Applications for any other extraordinary writ under Fed. R. App. P. 21;
 - (6) Any other document initiating an original action in the court of appeals;
 - (7) Motions to authorize the filing in the district court of a second or successive petition for a writ of habeas corpus under 6 Cir. R. 22;
 - (8) Documents filed under seal;
 - (9) Documents relating to complaints of attorney misconduct;
 - (10) Vouchers or other documents relating to claims for compensation and reimbursement of expenses incurred with regard to representation afforded under the Criminal Justice Act; and
 - (11) Documents that exceed any limit that the court may set for the size of electronic filings.

- (c) **ECF Registration and Passwords.**
 - (1) To participate in the ECF system, an attorney must register to file and serve documents electronically. An attorney's registration constitutes consent to receive electronic service of all documents as provided by the Federal Rules of Appellate Procedure and the Sixth Circuit Rules, as well as to receive notice of correspondence, orders, and opinions issued by the court.

 - (2) To register as a user of the ECF system, an attorney must be admitted to practice in this court, be a member in good standing, and have submitted to the Public Access to Court Electronic Records (PACER) Service Center a completed ECF Attorney Registration form. In addition, the attorney or the attorney's firm must have a valid PACER account and e-mail address.

 - (3) The clerk shall issue a login name and user password to an attorney who registers. The attorney may thereafter change the password as he or she

wishes. A registered attorney shall inform the clerk immediately of any change in the attorney's e-mail address. Service on an obsolete e-mail address will still constitute valid service on a registered attorney if the attorney has failed to notify the clerk of a new address.

- (4) An attorney whose e-mail address, mailing address, telephone number, or fax number has changed from that disclosed on the attorney's original Attorney Registration Form shall file a notice of such change and serve the notice of such change on all parties in all cases in which the attorney has entered an appearance.
- (5) The use of an attorney's login name and password by another, with the authorization of the attorney, is deemed to be the act of the attorney. If a login name and/or password should become compromised, the attorney is responsible for notifying the court, as provided in the Sixth Circuit Guide to Electronic Filing.

(d) **Signatures.**

- (1) **Attorney Signature.** A registered attorney's use of the attorney's assigned login name and password to submit a document electronically serves as that attorney's signature on that document for all purposes. The identity of the registered attorney submitting the electronically filed document must be reflected at the end of the document by means of an "s/[attorney's name]" block showing the attorney's name, followed by the attorney's business address, telephone number, and e-mail address. Graphic and other electronic signatures are discouraged. The correct format for an attorney signature block on an electronically filed document is as follows:

/s/ Attorney Name
Attorney Name
ABC Law Firm
1234 First Street
Cincinnati, Ohio 45202
Telephone: (513) 987-6543
Facsimile: (513) 987-3456
E-mail: AttorneyName@abclawfirm.com
Attorney for _____.

- (2) **Multiple Attorney Signatures.** The filer of any electronically filed document requiring multiple signatures (e.g., stipulations) must list thereon all the names of other attorney signatories by means of an "s/ [attorney's name]" block for each. By submitting such a document, the filer certifies that each of the other attorneys has expressly agreed to the form and substance of the document, and that the filer has each attorney's authority to submit the

document electronically. In the alternative, the filer may submit a scanned document containing all necessary signatures.

- (3) **Clerk of Court or Deputy Clerks.** The electronic filing of any document by the clerk or a deputy clerk of this court by use of that individual's login and password shall be deemed the filing of a signed original document for all purposes.

(e) **Entry onto Docket; Official Court Record.**

- (1) The electronic transmission of a document, together with transmission of the Notice of Docket Activity (NDA) from the court, in accordance with the policies, procedures, and rules adopted by the court, constitutes the filing of the document under the Federal Rules of Appellate Procedure and constitutes the entry of that document onto the official docket of the court maintained by the clerk pursuant to Fed. R. App. P. 45(b)(1). All orders, decrees, notices, opinions and judgments of the court will be filed and maintained by the ECF system and constitute entry on the docket kept by the clerk for purposes of Rules 36 and 45(b)(1) and (c) of the Federal Rules of Appellate Procedure.
- (2) The electronic version of filed documents, whether filed electronically in the first instance or received by the clerk in paper format and subsequently scanned into electronic format, constitutes the official record in the case. Later modification of a filed document or docket entry is not permitted except as authorized by the court. A document submitted electronically is deemed to have been filed on the date and at the time indicated in the system-generated Notice of Docket Activity.
- (3) The office of the clerk will discard all paper documents once they have been scanned and made a part of the official record, unless the electronic file thereby produced is incomplete or of questionable quality, or unless otherwise ordered by the court.

(f) **Service of Documents Filed Electronically.**

- (1) All documents presented for filing with the court must contain a certificate of service that complies with Fed. R. App. P. 25(d). For documents filed electronically, the ECF system will automatically generate and send by e-mail a Notice of Docket Activity (NDA) to all registered attorneys participating in any case. This notice constitutes service on those registered attorneys. Registration for electronic filing by the ECF system constitutes consent to service through the NDA. Independent service, either by paper or otherwise, need not be made on any registered attorney. Parties that are unrepresented by counsel and attorneys who are not registered for electronic filing must be served by the filing party through other means of service set forth in Fed. R.

App. P. 25. The NDA generated by the ECF system does not replace the certificate of service required by Fed. R. App. P. 25(d), which is still required to be included in all documents.

(2) Except as otherwise provided by the Sixth Circuit Rules or by order of the court, all orders, opinions, judgments, and other documents issued by the court in cases maintained in the ECF system will be filed electronically. The electronic filing of all orders, opinions, judgments, and other court-issued documents will constitute entry on the docket maintained by the clerk under Fed. R. App. P. 36 and 45(b).

(3) Any order, opinion, judgment, or other court-issued document filed electronically without the signature of the judge, clerk, or authorized deputy clerk, has the same effect as if the judge or clerk had signed a paper copy of the filing.

(g) **Redaction of Certain Information Contained in Documents Filed with the Court.** All documents filed with the court must comply with the privacy protection requirements set forth in Fed. R. App. P. 25(a)(5), regardless of whether a document is filed electronically or in paper. It is the responsibility of the filer to redact documents in the manner required by Fed. R. App. P. 25(a)(5).

(h) **Filing Deadlines; ECF Technical Failures.**

(1) The electronic filing of a document does not in any way alter the filing deadline for the document. Where a specific time of day deadline is set by court order or stipulation, the electronic filing must be completed by that time. An electronically filed document is deemed filed upon completion of the transmission and issuance by the court's system of a Notice of Docket Activity.

(2) The clerk shall deem the court's website 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 12:00 noon (Eastern time) that day, in which case, filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings must be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay because of such technical failure. The initial point of contact for anyone experiencing difficulty filing a document electronically shall be the court's ECF Help Desk, which may be contacted as set forth at the court's website or in the Sixth Circuit Guide to Electronic Filing.

(i) **Attachments to Documents.**

Notwithstanding any provision of this rule with respect to exhibits or attachments to documents, items that are contained in the record on appeal or in an appendix permitted to be filed under 6 Cir. R. 30 shall not be submitted as attachments or exhibits to a brief filed electronically.

(j) **Documents Filed Under Seal.**

(1) A motion to file documents under seal may be filed electronically unless prohibited by law, local rule, or court order. If the court grants the motion, the order authorizing the filing of documents under seal may be filed electronically unless prohibited by law. Documents ordered placed under seal must be filed in paper format in a sealed envelope. The face of the envelope containing such documents shall contain a conspicuous notation that it contains “DOCUMENTS UNDER SEAL,” or substantially similar language, and shall have attached to it a paper copy of the order authorizing the filing of the documents under seal.

(2) Documents filed under seal in the court from which an appeal is taken shall continue to be filed under seal on appeal to this court. Documents filed under seal shall be filed in paper format and shall comply with all filing requirements of the court that originally ordered or otherwise authorized the documents to be filed under seal.

(k) When the court allows or requires a party to file a document in paper, the party may obtain a file stamped copy of the document by providing the clerk with a pre-addressed stamped envelope and an extra copy of the document.