

**United States Court of Appeals
for the Eighth Circuit**

**Administrative Order Regarding Electronic Filing in
All Eighth Circuit Cases
Filed: May 29, 2007**

General Provisions:

Effective June 1, 2007, the court will require filings to be made by means of the Court's electronic case filing system (CM/ECF). Use of the system is mandatory for all attorneys filing in this court, unless they are granted an exemption, and is voluntary for all pro se litigants proceeding without counsel. Registration shall be required to obtain a login and password for use of the electronic case filing system. Attorneys and pro se litigants may register at:
<https://pacer.psc.uscourts.gov/psco/cgi-bin/cmecf/ea-regform.pl>

Computer-based training modules explaining CM/ECF, PACER reports and document filing in the Eighth Circuit are available on the court's website at:
www.ca8.uscourts.gov

The court strongly encourages all filers to review these training materials.

A form for attorney exemptions is available from the clerk's office and from the "Forms" Section of the court's website. Exemptions will be granted only for good cause. The clerk is authorized to determine when to grant an exemption and whether and when to allow a non-exempt attorney to file a document in paper format.

A filing in electronic format constitutes the official record in the appeal. Filers should not submit paper copies of any documents filed through CM/ECF.

Questions concerning the system, attorney registration and attorney exemptions should be directed to the clerk's office.

Documents Which Must Be Filed Electronically:

Among the documents which must be filed electronically with the court are the following:

- * Forms A & B (8th Cir. Rule 3B);
- * Appearance Forms;
- * Corporate Disclosure Statements (FRAP 26.1);
- * Applications to Grant or Modify Certificates of Appealability (FRAP 22b);
- * Motions, Responses to Motions and Replies (FRAP 27);
- * Record on Appeal Notices (FRAP 30 and 8th Cir. R. 30A);
- * Status Reports Required by the Court's Orders;
- * Citations of Supplemental Authorities [FRAP 28(j)];
- * Petitions for Panel Rehearing or Rehearing En Banc (FRAP 35 and 40) and Responses as Requested by the Court;
- * Bills of Costs (FRAP 39) and Motions for Attorneys' Fees;
- * Correspondence Directed to the Clerk of the Court; and
- * Other documents as directed by the Clerk or the Court.

Documents Which Cannot Be Filed Electronically:

This order does not apply to documents initiating proceedings under Federal Rules of Appellate Procedure 5, 15, or 21 or to petitions for review filed in the first instance in the court of appeals. Any document initiating a proceeding in the court of appeals must be filed with the clerk in paper format. Only the clerk's office can initiate a new case.

Briefs filed pursuant Federal Rules of Appellate Procedure 28, 28.1 and 29 must be filed in paper format in accordance with the provisions of those rules and Eighth Circuit Rule 28A. Counsel must continue to provide the clerk with an electronic version of the brief, on either diskette or CD, when they file the paper brief. See Eighth Circuit Rule 28A(d). The clerk will post these electronic versions of the briefs on the public docket sheet on PACER.

Appendices and other record materials are not subject to this order and must be filed in paper format in accordance with the provisions of Federal Rules of Appellate Procedure 10 and 30 and Eighth Circuit Rule 30A.

Criminal Justice Act vouchers and attachments are not subject to this order and must be filed in paper format.

Service:

A Certificate of Service is required for all filings, and filers must comply with the provisions of Federal Rule of Appellate Procedure 25 and Eighth Circuit Rule 25A(a) when they file electronically. CM/ECF will generate a Notice of Docket Activity when any document is filed. This notice represents service of the document on parties who are registered participants in the CM/ECF system or who have provided the clerk with their email address. An attorney's or party's registration for electronic filing constitutes consent to service through the Notice of Docket Activity. The filing party is not required to serve a paper or electronic copy of a filing of any electronically-filed pleading or document on any party receiving electronic notice. Filing parties must serve paper copies of pleadings or documents on parties not receiving electronic notices. In such instances, the filing party must comply with the paper service requirements of Federal Rule of Appellate Procedure 25. The filing party may obtain the names and addresses of parties not participating in CM/ECF from the Notice of Docket Activity they receive when they complete a docketing transaction.

Filers must comply with Federal Rule of Appellate Procedure 25 when they file documents in paper format.

Sample Certificates of Service are attached to this Order and may be downloaded from the "Forms" Section of the court's website.

Completion of the Electronic Appellate Case File:

In the event the clerk receives a document in paper format, the clerk will scan the document and attach it to the public docket sheet available on PACER. The clerk will attach the electronic copy of the brief to the public docket sheet available on PACER. All documents initiating original proceedings in petitions for review or in cases under FRAP 5, 15, and 21 will be scanned and placed on the docket. Joint and Separate Appendices prepared pursuant to FRAP 30 and 8th Cir. R. 30A(b) will not be scanned and attached to the docket sheet. District court original files and transcripts and agency records used as the record on appeal will not be scanned and attached to the public docket sheet available on PACER.

Filing Deadlines and Technical Requirements:

Electronic filing is permitted at all times, except when the system is temporarily unavailable due to routine or emergency maintenance. An electronic filing completed at any time before midnight Central Time will be entered on the docket as of that date. The court's electronic case filing system determines the date and time a filing is completed. A filing is timely only if accomplished in accordance with deadlines set by an applicable order, rule or statute. Should technical failure prevent timely electronic filing of any document, the filing party may seek relief from the court.

All electronic versions of the pleadings must be submitted in Portable Document Format (also known as PDF or Acrobat Format). The digital version filed with the clerk must be generated by printing to PDF from the original word processing file so that the text of the digital version of the pleading may be searched and copied. PDF images created by scanning paper documents do not comply with this order. However, exhibits which are submitted as attachments to an electronically-filed pleading may be scanned and attached if the filer does not possess a word-processing-file version of the attachment. Filers may contact the clerk's office for directions concerning the submission of scanned documents.

Sealed Documents:

Sealed documents shall be filed only in paper format. Motions for permission to file a document under seal must also be filed in paper format. The motion should state whether the filing party believes the motion to seal may be made publically available or should remain sealed.

Privacy:

In compliance with the privacy policies of the Judicial Conference of the United States and in order to address the privacy concerns created by Internet access to court documents, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court:

1. Minors' names (use initials only);
2. Social Security numbers (use last four digits only);
3. Dates of birth (use year of birth only);

4. Financial account numbers (identify the type of account and institution and provide the last four digits of the account number); and
5. Home address information (use phrases such as the "4000 block of Elm").

The filer bears sole responsibility for redacting documents.

Social Security and Immigration Cases:

Under the privacy policy of the Judicial Conference of the United States and various rules and statutory provisions, remote electronic public access to the CM/ECF file in appeals in Social Security cases and petitions for review in immigration cases is subject to restrictions. In order to implement these policies, the clerk will restrict remote electronic public access to documents in these cases so that only the court's judges and staff and the parties and attorneys in the case may access them electronically. No restrictions will be placed on remote electronic public access to the court's orders and opinions in Social Security and immigration cases. Any party seeking to restrict public access to orders and opinions must file a motion explaining why such relief is required. Non-parties may inspect the court's file in the case at the clerk's office.

Registered electronic filers in Social Security and immigration cases must submit their documents through CM/ECF and should comply with all of the other filing provisions of this order. When documents are filed electronically, CM/ECF automatically locks them to restrict access to the users authorized by this order. Access to any paper document received by the clerk and scanned for entry in the CM/ECF electronic case file will be similarly restricted. Filers should note that they cannot access filings in these cases through their PACER ID and Password and must access these files through their CM/ECF Filer ID and Password.

Effect of Failure to Comply with this Order:

The clerk will contact any non-exempt attorney who submits a covered document in paper format and will provide the attorney with a copy of this standing order. In the event a non-exempt attorney continues to submit documents in paper format after receiving notice of the order, the clerk is authorized to strike the filings or take other action he deems necessary to enforce this order.

**SAMPLE CERTIFICATES OF SERVICE
FOR DOCUMENTS FILED USING CM/ECF**

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that on ____ (DATE) ____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ _____

Certificate of Service When Not All Case Participants Are CM/ECF Participants

I hereby certify that on ____ (DATE) ____, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days, to the following non-CM/ECF participants:

s/ _____

EXEMPTION FORM

I am counsel of record for _____ in the following appeal or appeals
(Case Numbers and Captions):

I hereby request an exemption from the court's requirement that all attorneys participate
in the CM/ECF filing system. The basis for my request is:

Name

Address

Phone Number

Fax Number

Action (Approved or Denied) _____ Date: _____

Michael E. Gans