

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

Date: April 5, 2004  
Transmittal: 1

**Notice of Changes to Electronic Filing Policies and Procedures**

Change code:

E = Editorial

P = New policy/procedure

R = Revised policy/procedure

This document was approved April 5, 2004.

Type of Change	Old Information	New Information	Reason for Change
R, E	<p style="text-align: center;"><u>EXHIBITS</u></p> <p>A On-Line Attorney ECF Registration Form</p> <p>B Notice of Change of Attorney Information Form</p> <p>C Sample Formats -Certificate of Service</p> <p>D Sample of Exhibits and Appendices Index</p> <p>E Notice of Filing in the Traditional Manner</p> <p>F Administrative Order 03-AO-028</p>	<p style="text-align: center;"><u>EXHIBITS</u></p> <p>A Notice of Change of Attorney Information Form</p> <p>B Sample Formats -Certificate of Service</p> <p>C Sample of Exhibits and Appendices Index</p> <p>D Sample Ex Parte Motion for Leave to File Exhibits and/or Appendices in the Traditional Manner</p> <p>E Sample Notice of Filing Exhibits and Appendices in the Traditional Manner</p> <p>F Administrative Order 03-AO-028</p>	<p>The On-Line Attorney ECF Registration form was deleted as an exhibit as it can only be submitted via the Court's Web site.</p> <p>New exhibit added as Exhibit D for clarification of procedure to obtain leave of the Court when filing exhibits in the traditional manner.</p>
E		<p><b>Introduction</b> <i>The phrase "including via the Internet" has been deleted</i></p>	<p>Papers filed by electronic means may only be done so via the Internet.</p>
E		<p><b>R1(b) Definitions</b> <i>A Footnote has been added directing filing users to Fed. R. Civ. P. 5(d) and LR 26.2 regarding the prohibition of filing certain papers.</i></p>	<p>To emphasize the types of papers that should not be filed electronically.</p>

Type of Change	Old Information	New Information	Reason for Change
E		<b>R1(d) Definitions</b> <i>Filing user has been redefined.</i>	To clarify that access applies only for the Eastern District of Michigan.
P/E		<b>R1(e) Definitions</b> <i>Definition of "Hyperlink" added.</i>	Hyperlinks in PDF documents had not been previously defined.  Subsequent definitions re-lettered due to addition of Hyperlink.
E		<b>R1(f) Definitions</b> <i>Addition of the sentence: An appeal to the Court of Appeals is also considered an initiating paper.</i>	Clarification
E		<b>R1(g) Definitions</b> <i>"paper entry" has been changed to "docket entry"</i>	Clarification
R/E	<b>R3 Eligibility, Registration, Passwords</b> (b) Each filing user must complete an On-Line Attorney ECF Registration Form. (EXHIBIT A)	<b>R3 Eligibility, Registration, Passwords</b> <i>The On-Line Attorney ECF Registration Form is no longer an exhibit.</i>	The form can only be submitted to the Court via the Internet.
E	<b>R3 Eligibility, Registration, Passwords</b> (d) A filing user must have a PACER account and an ECF account.	<b>R3 Eligibility, Registration, Passwords</b> <i>Reference to Eastern District of Michigan has been added to (d).</i>	Clarification

Change code:

E = Editorial

P = New policy/procedure

R = Revised policy/procedure

Type of Change	Old Information	New Information	Reason for Change
R/E		<p><b>R5(a) Filing - In General</b>                      Where multiple attorneys, at least one of whom is a filing user, appear on behalf of a party, all papers filed on behalf of that party should be filed electronically.</p> <p><i>A footnote has been added directing filing users to Fed. R. Civ. P. 5(d) and LR 26.2 regarding the prohibition of filing certain papers.</i></p>	<p>Addresses multiple attorneys filing for a single party.</p> <p>The footnote emphasizes the types of papers that should not be filed electronically.</p>
P		<p><b>R5(c) Filing - In General</b>  <i>Includes recent action taken by the Judicial Conference regarding use of hyperlinks in PDF documents transmitted to the Court electronically.</i></p>	<p>To address the use of hyperlinks in PDF submissions.</p> <p>This is based on recent action taken by the Judicial Conference.</p>
R	<p><b>R6 Filing - Initiating Papers</b>                      (b) In a removal case, copies of papers filed in state court may be submitted in the traditional manner, unless the Court orders a party or parties to furnish electronic copies of such papers.</p>	<p><b>R6 Filing - Initiating Papers</b>  <i>Reference to removal cases (b) has been deleted.</i></p>	<p>Papers filed in state court are considered part of the initiating document and must be filed in the traditional manner.</p>
R	<p><b>R7 Other Exceptions to Filing Electronically</b>                      (d) Administrative records and transcripts in social security benefits claims (all other papers in social security benefits cases will be accepted for filing electronically subject to the E-Government Act of 2002 requiring a redaction of sensitive information),</p>	<p><b>R7 Other Exceptions to Filing Electronically</b>  <i>Reference to all other papers in social security benefits claims has been deleted.</i></p>	<p>Social security cases are not subject to redaction. They are not accessible via the Internet to the general public.</p>

Change code:  
 E = Editorial  
 P = New policy/procedure  
 R = Revised policy/procedure

Type of Change	Old Information	New Information	Reason for Change
R	<p><b>R7 Other Exceptions to Filing Electronically</b>                      (e) Any paper over 5 megabytes, approximately 80 pages or more of conventional text.<sup>3</sup></p> <p><i>Footnote reads:</i> <sup>3</sup>This prohibition, as originally contemplated, was to apply to papers filed in the traditional manner in the Clerk's Office. However, the committee recommends that exhibits <u>filed electronically</u> be filed in separate 5 megabyte segments (see section (18)-Exhibits and Appendices), <b>with no page</b> limit. Therefore, prohibition R7(e) may not be necessary. In any event, whether filed in the traditional manner or electronically, it may be helpful to direct filing users to file only portions of exhibits that are germane and not include any paper that is already part of the record.</p>	<p><b>R7 Other Exceptions to Filing Electronically</b>  <i>Subsection (e) and related footnote have been deleted.</i></p>	<p>Exhibits filed electronically can be filed in separate 5 megabyte segments according to R18. The exception is not necessary.</p> <p>Subsequent items have been re-lettered.</p>
R	<p><b>R8 Service</b>                      (b) Whenever a paper is filed electronically in accordance with these procedures, ECF will generate a NEF to all filing users associated with that case, to any other filing user who has requested electronic notice in that case, and to the judge to whom the case is assigned.</p>	<p><b>R8 Service</b>  <i>Reference to other filing users who have requested electronic notice has been deleted.</i></p>	<p>Filing users are not allowed access at this time to the function in ECF that notifies them about cases in which they are not an attorney of record.</p>
R		<p><b>R8 Service</b>  <i>Adds reference to multiple attorneys.</i></p>	<p>To clarify service when multiple attorneys are involved.</p>

Change code:  
 E = Editorial  
 P = New policy/procedure  
 R = Revised policy/procedure

Type of Change	Old Information	New Information	Reason for Change
E		<p><b>R9 Signatures</b>                      (b) A paper filed electronically must include a signature block containing name, address, telephone number, <i>primary</i>* e-mail address, and bar ID number (where applicable).</p> <p><i>* Reference to "primary" e-mail address added.</i></p>	Clarification
R/E	<p><b>R11 Proposed Orders by Motion or Stipulation</b>                      (a) Proposed orders shall not be combined with the motion or stipulation into one paper. The motion or stipulation must be filed electronically first [see R1(j)]. Proposed orders must be submitted to the judge to whom the case is assigned, in a format compatible with WordPerfect and <u>not</u> in PDF, addressed to the judge's "orders" mailbox in the following format.  <a href="mailto:[judgelastname]orders@mied.uscourts.gov">[judgelastname]orders@mied.uscourts.gov</a>                      SAMPLE:  <a href="mailto:smithorders@mied.uscourts.gov">smithorders@mied.uscourts.gov</a></p> <p>No other papers may be submitted to this e-mail address.</p>	<p><b>R11 Proposed Orders by Motion or Stipulation</b>                      (a) Proposed orders shall not be combined with the motion or stipulation into one paper. The motion or stipulation must be filed electronically first [see R1(j)]. Proposed orders must be submitted to the judge to whom the case is assigned or to the magistrate judge to whom the matter is referred, in a format compatible with WordPerfect and <u>not</u> in PDF, via the link located under the Utilities section of CM/ECF.</p> <p>This link may not be used for any other purpose.</p>	<p>To restrict access to judges' e-mail addresses.</p> <p>Clarification to add magistrate judges.</p>
E		<p><b>R18 Exhibits and Appendices (a) In General</b>  <i>Footnote added to qualify that five megabytes equals approximately 80 pages of conventional text.</i></p>	Clarification

Change code:  
 E = Editorial  
 P = New policy/procedure  
 R = Revised policy/procedure

Type of Change	Old Information	New Information	Reason for Change
E	<p><b>R18 Exhibits and Appendices (b) Filing Exhibits and Appendices to Papers Electronically</b>                      (1) The filing user must prepare an exhibit index and file the index as an attachment to the main paper.</p>	<p><b>R18 Exhibits and Appendices (b) Filing Exhibits and Appendices to Papers Electronically</b>                      (1) The filing user must prepare an exhibit index and file the index as the first* attachment to the main paper.</p> <p><i>*emphasis added here to highlight change</i></p>	<p>Clarification to filing users that the index list should <u>not</u> be contained in the main document, but rather filed as the first separate attachment.</p>
R	<p><b>R18 Exhibits and Appendices (c) Filing Exhibits and Appendices in Traditional Manner</b>                      A filing user may file exhibits and appendices in the traditional manner if the exhibits and appendices cannot authentically be converted to electronic form as required in R18(a). If the Court grants a filing user leave to file exhibits or appendices in the traditional manner, the exhibits and appendices must then be filed according to the following procedures:</p>	<p><b>R18 Exhibits and Appendices (c) Filing Exhibits and Appendices in Traditional Manner</b>                      A filing user must obtain leave of court to file exhibits and appendices in the traditional manner if the exhibits and appendices cannot authentically be converted to electronic form as required in R18(a). See Sample Ex Parte Motion For Leave of Court to File Exhibits and/or Appendices in the Traditional Manner (EXHIBIT D). If the Court grants a filing user leave of court to file exhibits or appendices in the traditional manner, the Notice of Filing Exhibits and Appendices in the Traditional Manner (EXHIBIT E) must be completed and accompany the filing. The exhibits and appendices must then be filed according to the following procedures:</p>	<p>Clarification was necessary that a filing user must obtain leave of Court before filing exhibits and appendices in the traditional manner.</p>

Change code:  
 E = Editorial  
 P = New policy/procedure  
 R = Revised policy/procedure

Type of Change	Old Information	New Information	Reason for Change
E		<b>R18 Exhibits and Appendices (c) Filing Exhibits and Appendices in Traditional Manner</b>  <i>Reference to filing a Notice of Manual Filing has been deleted.</i>	Clarification of the policy is made at the beginning of the R18(c).

Change code:  
E = Editorial  
P = New policy/procedure  
R = Revised policy/procedure