

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

**IN RE: PROCEDURAL RULES FOR
ELECTRONIC CASE FILING IN
CIVIL AND CRIMINAL CASES**

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**STANDING ORDER
#04-01
(Amended November 23, 2004)**

Federal Rules of Civil Procedure 5 and 83, and Federal Rule of Criminal Procedure 57 authorize courts to establish practices and procedures for filing, signing, and verifying documents by electronic means. The District Court for the Middle District of Georgia will convert to the Case Management/Electronic Case Files system (CM/ECF) on October 6, 2004. Therefore, the Clerk of the District Court is directed to implement and publish interim *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* for both civil and criminal cases filed in the District Court, including the procedure for registration of attorneys and for the distribution of passwords to permit electronic filing and noticing of pleadings and other documents.

Once the CM/ECF system is implemented on October 6, 2004, the following will apply:

1. The electronic filing of petitions, pleadings, motions, or other documents by an attorney who is a registered participant in the CM/ECF system including entry of the electronic format of signature on these documents (as specified in the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* for both civil and criminal cases) shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.

2. No attorney shall knowingly permit or cause to permit his/her password to be utilized by anyone other than an authorized employee of his/her law firm.

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3. No person shall knowingly utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm.

4. The electronic filing of pleadings or other documents in accordance with the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* shall constitute entry of that pleading or other document on the docket kept by the Clerk under Federal Rule of Civil Procedure 79.

5. The Office of the Clerk shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* which shall constitute entry of the order, decree, judgment, or proceeding on the docket kept by the Clerk under Federal Rule of Civil Procedure 58 and Federal Rule of Criminal Procedure 55.

6. Filing and Service -

A. Whenever pleadings or other documents are filed electronically in accordance with the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means*, the Office of the Clerk will electronically send the filing party a "Notice of Electronic Filing". The "Notice of Electronic Filing" will serve as a receipt evidencing that the pleadings or other documents have been filed and docketed.

B. The filing party shall serve the pleadings or other documents on all pro se parties or non-registered attorneys by conventional means in accordance with Federal Rule of Civil Procedure 5 and Federal Rule of Criminal Procedure 49. Service on registered attorneys, however, will be made pursuant to sub-paragraph C. below.

C. Service will be perfected on registered attorneys in CM/ECF through the Clerk's Office by electronic means. The registered attorney will receive a "Notice of Electronic Filing" which will be the equivalent of service by mail under Federal Rule of Civil Procedure 5 and Federal Rule of Criminal Procedure 49.

D. Service by electronic means is complete on transmission.

E. 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.

F. Participation in CM/ECF by receipt of a password from the Court shall constitute a request for service and notice electronically pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Criminal Procedure 49. Participants in CM/ECF, by receiving a password from the Court, agree to receive service by electronic means.

This Standing Order is considered to be consistent with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Middle District of Georgia Local Rules. Any conflicts between the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Documents by Electronic Means* published by the Clerk of the District Court and any of the court's local rules are to be brought to the Court's attention immediately.

SO ORDERED this 23rd day of November, 2004.



Hon. W. Louis Sands, Chief Judge
United States District Court