

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

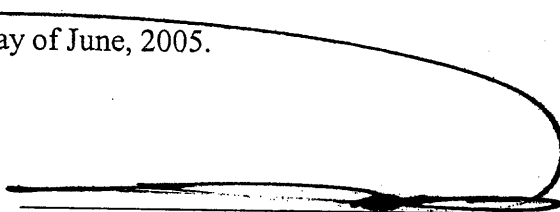
IN RE: IMPLEMENTATION OF CASE MANAGEMENT/ELECTRONIC CASE
FILES (CM/ECF) FOR CRIMINAL FILINGS

GENERAL ORDER NO. 37

Pursuant to Rule 49 of the Federal Rules of Criminal Procedure and Local Rules 5.1 and 5.2, which permit documents to be filed, signed, verified, and served by electronic means, the United States District Court for the Western District of Arkansas will permit full implementation of the Case Management/Electronic Case Files (CM/ECF) System effective August 15, 2005.

The attached CM/ECF Administrative Policies and Procedures Manual for Criminal Filings has been approved by the Court.

IT IS SO ORDERED this 30 day of June, 2005.


JIMM LARRY HENDREN
CHIEF UNITED STATES DISTRICT JUDGE

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

JUN 30 2005

BY 
CHRIS R. JOHNSON, CLERK
DEPUTY CLERK

CM/ECF ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL FOR CRIMINAL FILINGS

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**



ADOPTED JUNE 30, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

**ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL
FOR CRIMINAL FILINGS**

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Administrative Policies and Procedures Manual for Criminal Filings

I. ELECTRONIC FILING SYSTEM

Case Management/Electronic Case Files (CM/ECF) is a new automated case management and docketing system designed specifically for the Federal Courts. The case management and docketing (CM) portion is a nationally supported system that provides customized docketing and reporting capabilities. The electronic case files (ECF) portion allows attorneys to submit documents that are created in electronic form to the Court by means of the Internet. The electronic filing system generates a docket entry and automatically transmits a notice of the filing to the other participants in the case by electronic mail.

Attorneys who have registered to file documents in electronic form will have the same access to the Court's electronic files as the public; however, registered attorneys' unique login and password will give them access to the system that permits electronic filing and notification of filing to all case participants. The notice of filing will permit the registered attorneys to receive one free electronic copy of all documents filed in a case. These electronic copies should be downloaded to their computer for future reference.

A. ECF DEFINITIONS

The following definitions are used throughout this Manual:

- **“Conventional Filing”** means filing a document in paper or other non-electronic, tangible format. Documents filed conventionally will be scanned, uploaded, filed and maintained in CM/ECF unless these procedures provide otherwise.
- **“Electronic Document”** is the electronic version of a filed document. An electronic document has the same legal effect as a paper document.
- **“Electronic Filing”** means uploading a PDF document directly from the Filing User's computer to the CM/ECF System.
- **“Electronic Filing System (ECF)”** refers to the Court's automated system that receives and stores documents filed in electronic form in the Western District of Arkansas.
- **“Electronic Signature”** refers to the fact that an electronic document is deemed signed when filed by an attorney, judicial officer or deputy clerk using a valid login and password.
- **“Filing User”** is an individual who has a Court-issued login and password to the CM/ECF System to file documents electronically.
- **“Notice of Electronic Filing (NEF)”** is a notice automatically generated by the Electronic Filing System when a document is filed in the System, setting forth the time of filing, the date the document is entered on the docket, the name of the party and attorney filing the document, the type

of document, the text of the docket entry, the name of the party or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document electronically.

- “**Public Access to Court Electronic Records (PACER)**” is an automated system that allows an individual to view, print and download Court docket information over the Internet at a fee established by the Judicial Conference of the United States.
- “**Portable Document Format (PDF)**” is the format used for storing documents in the ECF System. A document created with a word processor, or a paper document which has been scanned, must be converted to PDF to be filed electronically with the Court.
- “**Proposed Order**” is a draft document submitted by an attorney for a Judge’s signature. A proposed order, in WordPerfect (.wpd extension) or Rich Text Format (.rtf extension), should be provided to the Court as an electronic attachment to an e-mail addressed to chambers.
- “**Technical Failure**” is a failure of Court owned/leased hardware, software, and/or telecommunications equipment which results in the inability of a Filing User to submit a document electronically. “Technical Failure” does not include the malfunctioning of a Filing User’s equipment.

B. GENERAL INFORMATION

The policies and procedures that govern electronic case filing in the United States District Court for the Western District of Arkansas are contained in this manual. The following general information is relevant to our CM/ECF program.

- The official record of the Court will be the electronic file maintained on the Court’s servers. This includes information transmitted to the Court in electronic format, as well as in paper form.
- All criminal cases will be made part of the CM/ECF System.
- All pleadings and documents required to be filed with the Court in connection with a case assigned to the Court’s ECF System, shall be filed electronically effective **August 15, 2005**, except as otherwise provided in this manual.
- All case initiating documents (*e.g.*, complaint, indictment, superseding indictment and information) and any notice of appeal shall be filed conventionally.
- Pro se parties will not be permitted to file electronically.
- Sealed documents will be filed conventionally.
- The Court may amend these procedures at any time without prior notice. It is the responsibility of the filer to be familiar with the current policies and procedures.

II. ELIGIBILITY, REGISTRATION AND PASSWORDS

A. ELIGIBILITY

Any attorney admitted to the Bar of this Court, including an attorney admitted *pro hac vice*, may register as a Filing User by completing the prescribed ECF Registration Form and submitting it to the Clerk for the District in which the attorney intends to become a Filing User. If a Filing User intends to file documents electronically in both the Eastern and Western Districts of Arkansas, a separate ECF Registration Form must be completed for each District.

B. REGISTRATION

1. The ECF Registration Form for the Western District of Arkansas is located on the Court's website, www.arwd.uscourts.gov, and is attached as Form A to this manual. The ECF Registration Form for the Eastern District of Arkansas is located on the Court's website, www.are.uscourts.gov, and is attached as Form B to this manual.
2. The ECF Registration Form for the Western District of Arkansas may be completed online at the Court's website, or it may be completed in paper form and mailed or delivered to the Clerk's office.
3. A Filing User may register more than one Internet e-mail address. A second e-mail address (home or work) enhances the notification process by providing the Filing User with essential information at multiple locations.
4. Upon receipt of the ECF Registration Form, the Clerk's office will e-mail the login and password to the Filing User, or the Filing User may arrange to pick up the login and password at the Clerk's office. E-mail distribution of the login and password is preferable, because it allows the Clerk's office to validate the accuracy of the e-mail address or addresses.
5. Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with the Local Rules, Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure.
6. Registration as a Filing User also constitutes certification by the Filing User that he or she has read and is familiar with the policies and procedures of the CM/ECF Administrative Policies and Procedures Manual applicable to the type of cases the Filing User is handling, either civil or criminal. Some Filing Users will need to be familiar with both manuals.
7. An attorney whose e-mail, mailing address, telephone number, or fax number has changed from that on the original ECF Registration Form should file a timely notice of a change of address and serve a copy of the notice on all other parties.

8. In order to withdraw from status as a Filing User, an attorney must first obtain leave of Court to withdraw as counsel of record from every case the attorney has pending before the Court. Upon receipt of such leave, the Filing User shall deliver to the Clerk's office a Notice of Withdrawal from the ECF System which must (a) list the cases from which the attorney has been allowed to withdraw, and (b) recite that the attorney is no longer counsel of record in any case pending before the Court. Upon receipt of the Notice of Withdrawal from the ECF System, the Clerk's office will immediately disable the attorney's login and password and remove the attorney's name from any applicable electronic service list.

C. PASSWORDS

1. A Filing User may change his or her password at any time following registration.
2. The Filing User is responsible for protecting the security of his or her password. A Filing User who believes that his or her password has been compromised must immediately notify the Clerk's office and change the password.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING

1. In General
 - a. All case initiating documents (*e.g.*, complaint, indictment, superseding indictment and information) and any notice of appeal in a criminal action shall be filed conventionally. The Clerk's office will scan these documents and upload them into the System.
 - b. All motions, applications, briefs, responses, replies, memoranda of law, or exhibits in a criminal case (except for documents noted in Section III.A.1.a. and official transcripts of proceedings), shall be filed electronically, except as otherwise provided by these administrative procedures, Local Rules or Court order.
 - c. A document submitted electronically shall not be considered filed for purposes of the Federal Rules of Criminal Procedure until the System generates a Notice of Electronic Filing.
 - d. Other than proposed orders, documents should not be transmitted by e-mail to the Clerk's office or to the assigned Judge's chambers. A document transmitted by e-mail does not constitute "filing" for the purposes of the Federal Rules of Criminal Procedure.

2. Entry of Appearance and Withdrawal of Appearance by Counsel
 - a. The attorney signing a conventionally filed document will be entered as attorney of record by the Clerk's office. If a party is represented by multiple attorneys, a separate Notice of Appearance must be electronically filed by each attorney. This will ensure that each attorney representing a party will receive prompt electronic service of documents throughout the duration of the case. A sample Notice of Appearance form can be downloaded from the court's website at www.arwd.uscourts.gov, and is attached as Form C.
 - b. A Withdrawal of Appearance by counsel may be permitted only by leave of Court in accordance with Local Rule 83.5.
 - c. A Notice of Appearance of substituted counsel may be filed only by the attorney entering the appearance, not by the withdrawing attorney.
3. A document will be deemed timely filed if the System generates a Notice of Electronic Filing prior to midnight, Central Time, on the date it is due. However, the assigned Judge may order that the document be filed at a specific time.
4. A party who moves to amend a previously filed document shall attach a copy of the proposed amended document to the motion as an exhibit. If the motion is granted, the order will direct the attorney to file the amended document with the Court electronically, except that amended documents that add parties will be filed conventionally.
5. Consistent with the policies of the National Archives and Records Administration (NARA), the Clerk's office shall maintain a paper file of any case filed on or after **August 15, 2005**, only to the extent provided by Court order, Local Rules or these procedures. The official Court record will be the electronic file maintained on the Court's servers and any other documents or exhibits allowed to be filed conventionally.

The Clerk's office will discard all documents brought to the Clerk's office for filing after those documents are scanned and uploaded to the System, unless otherwise provided in these procedures, or the filing party arranges to promptly pick up the documents.

B. SERVICE

1. Whenever a document or other paper is filed electronically in accordance with these procedures, the System will generate a "Notice of Electronic Filing (NEF)" to the filing party, to any other party who is a registered Filing User and has requested electronic notice in that case, and to the assigned Judge.
2. If the recipient is a registered Filing User, the System-generated Notice of Electronic Filing will be deemed to constitute service of the document by first class mail, postage prepaid.

3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form D.
4. A pro se litigant, or other party who is not a Filing User, is entitled to a paper copy of any electronically filed document or order. The filing party must therefore provide the pro se litigant, or other nonregistered party, with the document or order according to the Federal Rules of Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.

C. SIGNATURES

1. Nonattorney Signature

If the original document requires the signature of a nonattorney, the filing party or the Clerk's office will scan the original document, and file it on the System electronically.

- a. This rule includes all notarized documents and affidavits.
- b. The electronically filed document maintained on the Court's servers shall constitute the official version of that document. The Court will not maintain a paper copy of the original document, except as otherwise provided in these procedures.
- c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document with a nonattorney signature or the authenticity of the signature on that document must file an objection to the document within eleven (11) days of service of the document.

2. Attorney Signature

- a. A pleading or other document requiring an attorney's signature will be signed in the following manner: "/s/ (attorney name)." The correct format for an attorney signature is as follows:

/s/ Pat Attorney

Pat Attorney

Bar Number 12345

Attorney for (Government/Defendant)

ABC Law Firm

6th Street and Rogers Avenue

Fort Smith, Arkansas 72901

Telephone: (479) 783-6833

E-mail: pat_attorney@law.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within eleven (11) days of service of the document.
3. Multiple Attorney Signatures. The following procedure applies when a stipulation or other document (e.g., a joint motion) requires two or more attorney signatures:
 - a. The filing attorney will confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
 - b. The filing attorney shall then file the document electronically indicating the name of each attorney signatory (e.g., "/s/ Jane Doe," "/s/ John Smith," etc.).
 - c. A nonfiling signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven (11) days of service of the document.

D. FEES PAYABLE TO THE CLERK

Any fee required for filing a document or paper is payable to the Clerk of the Court by check, money order, or cash. The Clerk's office will document the receipt of the fees on the docket with a text-only entry. The Court will not maintain electronic billing or debit accounts.

E. ORDERS

1. The assigned Judge or the Clerk's office will electronically file all signed orders.
2. Proposed orders shall be submitted as outlined below:
 - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by e-mail. The proposed order must refer to the document number that the System assigns to the motion when the motion is electronically filed.
 - b. So that the Court can have flexibility to edit proposed orders, all proposed orders must be submitted in WordPerfect or Rich Text Format. Judges will not accept proposed orders in PDF format.

- c. A proposed order should be attached to an Internet e-mail sent to the e-mail address for the assigned Judge's chambers. The Judges' chambers e-mail addresses are as follows:

Jimm Larry Hendren	jlhinfo@arwd.uscourts.gov
Harry F. Barnes	hfbinfo@arwd.uscourts.gov
Robert T. Dawson	rtdinfo@arwd.uscourts.gov
Beverly S. Jones	bsjinfo@arwd.uscourts.gov
Bobby E. Shepherd	besinfo@arwd.uscourts.gov
 - d. If in doubt regarding whether to submit a proposed order to the assigned District Judge or the assigned Magistrate Judge, the proposed order should **not** be submitted to both. Rather, the proposed order should be submitted to the District Judge and, if appropriate, the District Judge will then forward the proposed order to the Magistrate Judge.
3. When the Clerk's office mails paper copies of an electronically filed order to a party who is not a Filing User, the Clerk's office will include a copy of the Notice of Electronic Filing to provide the party with proof of the filing.
 4. The assigned Judge or the Clerk's office, if appropriate, may grant routine orders by a text-only docket entry. The System will generate a Notice of Electronic Filing of such an entry. In such cases, no PDF document will issue; the text-only entry will constitute the Court's order on the matter. The Clerk's office will mail a paper copy of the Notice of Electronic Filing of a text-only order to a party who is not a Filing User.

F. TITLE OF DOCKET ENTRIES

The Filing User who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories available in the CM/ECF System.

G. CORRECTING DOCKET ENTRIES

1. Once a document is filed electronically, corrections to the docket can **ONLY** be made by the Clerk's office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document may be filed incorrectly as a result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, entering the wrong case number and not noticing the error before the transaction is completed, etc. **The filing party should not attempt to refile the document.** Rather, as soon as possible after an error is discovered, the filing party should contact the Clerk's office with the case number and document number that needs to be corrected. If

appropriate, the Court or the Clerk's office, will make an entry indicating the document was filed in error. The Clerk's office will advise the filing party if the document needs to be refiled.

H. TECHNICAL FAILURES

The Clerk's office shall deem the Western District of Arkansas CM/ECF site to be subject to 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 8:00 a.m. that day. Known system outages will be posted on the web site, if possible.

1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing.

A filer who cannot file a document electronically because of a problem with the filer's equipment **must** file the document conventionally, accompanied by a Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties. A sample Declaration is attached as Form E.

2. In the event of a technical failure of the Court's CM/ECF site, documents may be submitted to the Clerk's office conventionally.
3. A filing party whose pleading is made untimely as a result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court.

I. PRIVACY

Attorneys should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. With the implementation of CM/ECF, filed documents will be available over the Internet via PACER, creating new privacy concerns.

If sensitive information must be included in a filed document, whether the document is filed electronically or conventionally, the following precautions should be taken:

1. The document may be filed with sensitive information in a partially-redacted form. The following personal data identifiers **must** be partially redacted:
 - Social Security numbers to the last four digits;
 - Names of minor children to the initials;
 - Dates of birth to the year;
 - Financial account numbers to the last four digits, and
 - Home addresses to city and state.

2. In compliance with the E-Government Act of 2002, and the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files of 2003, a party who files a document containing redacted personal data identifiers should, if the unredacted form of such identifiers is necessary to any Court action to be taken with regard to that document, file a key to the redactions in one of the following ways:
 - a. 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 identifier.

The reference list must be submitted to the Clerk's office in the format prescribed in Section IV.B. of this Manual. The reference list may be filed without a motion and order to seal, and may be amended as a matter of right.
 - b. File an unredacted version of the document under seal. The unredacted document must be submitted to the Clerk's office in the format prescribed in Section IV.B. of this Manual, and must indicate the number and name of the redacted document filed with the Clerk's office. The unredacted document may be filed without a motion and order to seal.
3. In addition, caution should be exercised when filing documents that contain the following personal information. A party should consider redacting or filing a motion to file under seal any document which contains the following information:
 - Personal identifying numbers, such as a driver's license number;
 - Medical Records, treatment and diagnosis;
 - Employment history;
 - Individual financial information;
 - Proprietary or trade secret information;
 - Information regarding the victim of any criminal activity;
 - National security information; and
 - Sensitive security information as described in 49 U.S.C. § 114(s).
4. Counsel are urged to share this information with all clients so that they may make an informed decision about the inclusion of certain materials. It is the sole responsibility of the filing party to be sure that all filed documents comply with the requirements regarding the partial redaction of personal data identifiers. The Clerk's office will not review each document for compliance with these requirements.
5. The following documents will not be included in the public case file, and will not be available to the public either at the courthouse or via remote electronic access:

- Unexecuted summons or warrants of any kind (*e.g.*, search warrants, arrest warrants);
- Pretrial bail or presentence investigation reports;
- Statements of reason in the judgment of conviction;
- Juvenile records;
- Documents containing identifying information about jurors or potential jurors;
- Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
- Ex parte requests for authorization of investigation, expert, or other services pursuant to the Criminal Justice Act; and
- Sealed documents (*e.g.*, motions for downward departure for substantial assistance, plea agreements including cooperation).

IV. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally. The Court may, on motion, authorize the conventional filing of other documents otherwise required to be filed electronically.

A. CASE INITIATING DOCUMENTS

All case initiating documents (*e.g.*, complaint, indictment, superseding indictment and information) and any notice of appeal shall be filed conventionally. The Clerk's office will scan these documents and upload them into the System.

B. DOCUMENTS FILED UNDER SEAL

All requests to seal a document must be made by motion. Sealed documents shall not be filed electronically, but rather conventionally with the Clerk's office. If a document accompanies the motion to seal, it must be submitted to the Clerk's office conventionally and shall be placed inside an 8½" × 11" envelope. Affixed to the exterior of the envelope shall be a cover sheet containing the following:

- The case caption;
- The name of the document, if it can be disclosed publicly; otherwise an appropriate title by which the document may be identified on the public docket; and
- The name, address and telephone number of the person filing the document.

If the motion is granted, the assigned Judge will electronically enter the order authorizing the filing of the document under seal. If the motion is denied, the document will be returned to the movant.

If the document was not submitted with the motion to seal, the Filing User will deliver the sealed document to the Clerk's office for conventional filing under seal in the format listed above. A copy of the Court's order permitting sealing will be attached to the envelope containing the sealed document.

C. PRO SE FILERS

Pro se filers shall file paper originals of documents with the Clerk's office. The Clerk's office will scan these original documents into an electronic file, upload and file them in the System. The original documents will be maintained by the Clerk's office in a paper file.

D. DOCUMENTS CONTAINING CERTAIN ORIGINAL SIGNATURES

Documents in criminal cases containing the signature(s) of a defendant, a grand jury foreperson, a surety, or a third-party custodian shall be filed conventionally. The Clerk's office will scan these original documents into an electronic file and upload them into the System but will maintain the original in a paper file, as appropriate.

E. FEE MATTERS

Documents relating to the appointment of and authority to pay Court appointed counsel, authorization and voucher for expert and other services, authorization and voucher for payment of transcript, and requests for excess fees, pursuant to the Criminal Justice Act (CJA), shall be filed conventionally. The initial document appointing counsel will be scanned by the Clerk's office and electronically filed. However, in order to address privacy issues, all other documents relating to fee matters pursuant to the Criminal Justice Act will be maintained in the Clerk's office in a separate paper file.

V. ATTACHMENTS AND EXHIBITS

A. IN GENERAL

1. Whenever possible, a filing party should convert documents directly to PDF format using Acrobat software or other PDF-generating software. Some wordprocessors can create PDF's directly.
2. Otherwise, a filing party should electronically scan a paper document or exhibit and submit it as a PDF file, provided that the PDF's are less than 5 megabyte.

3. Because PDF files containing scanned documents take up considerably more space than PDF files created directly from PDF-generating software, filing parties may submit PDF attachments or exhibits larger than five megabytes only if they are submitted in separate five megabyte segments.
4. When scanning documents to be filed electronically, a filing party should configure their scanners for 200-300 dpi and black and white rather than color scanning.
5. Documents appearing in color in their original form, such as color photographs, may be scanned in color and uploaded to the System.
6. Depending on the complexity of the document, five megabytes equates to approximately 75 pages of print documents scanned using the above criteria; and approximately 25 8 x10 color photos.
7. Filing Users are required to verify that scanned documents are legible before the documents are filed electronically with the Court.
8. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document, but must seek permission to conventionally file the document with the Clerk's office.

B. VOLUMINOUS EXHIBITS

If the exhibit(s) attached to any particular document exceeds a total of five megabytes, then the document and exhibits must be filed according to the following procedures:

1. The Filing User must prepare an exhibit index and submit the index as an attachment to the main document.
2. Each exhibit must be submitted as a separate attachment to the main document.
3. If any particular exhibit exceeds five megabytes, then that exhibit must be broken down into separate components of five megabytes or less, and each component must be submitted as a separate attachment.
4. The following is a sample exhibit index, for which each exhibit must be submitted as a separate attachment to the main document.

Exhibit	Description
A	Affidavit of John Smith
B-1	Excerpts from Jane Doe's Deposition (Part 1, Pages 1-15)
B-2	Excerpts from Jane Doe's Deposition (Part 2, Pages 16-24)

C. CONVENTIONAL FILING OF EXHIBITS

A party may seek a Court order allowing the party to conventionally submit exhibits that are not available in electronic form (*i.e.*, documents that cannot be read after scanning) or are too lengthy to electronically scan. Sealed exhibits shall be submitted conventionally with the Clerk's office in accordance with the procedures set forth in Section IV.B. of this Manual. If the Court grants a party leave to submit exhibits conventionally, then the exhibits must be submitted according to the following procedures.

1. The Filing User must prepare an exhibit index. This exhibit index must be submitted as an attachment to the main document and must state that the exhibits are being submitted conventionally with the Court's permission rather than electronically.
2. The Filing User will submit the document containing the exhibits conventionally. The document's caption shall identify the document to which the exhibits relate. Receipt of the document containing the exhibits will be noted with a text-only entry.
3. A party must serve conventionally submitted materials on other parties by non-electronic means.

VI. NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order or judgment in a criminal action, the Clerk's office or Judge's staff will transmit to the Filing Users in the case, in electronic form, a Notice of Electronic Filing (NEF), with a hyperlink to the electronic document. Electronic transmission of the NEF, along with a hyperlink to the electronic document, constitutes the notice required by Federal Rules of Criminal Procedure 49(c). The Clerk's office must give notice in paper form to a person who has not consented to electronic service.

VII. PUBLIC ACCESS

A. PUBLIC ACCESS AT THE COURT

Electronic access to the System is available for viewing to the public at no charge at the Clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.

B. INTERNET ACCESS

Remote electronic access to the 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 has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in criminal cases, but excluding review of calendars and similar general information. However, no fee will be assessed for viewing any written order setting forth a reasoned explanation for a court's decision.

Pursuant to a Memorandum from the Administrative Office of the United States Courts, nonjudiciary CM/ECF users will be charged a fee of eight cents per page to access electronic data obtained remotely through the PACER System. A maximum access fee of thirty pages per document has been approved by the Judicial Conference of the United States.

The access fee does not apply to official recipients of electronic documents, *i.e.*, parties legally entitled to receive service or to whom service is directed by the filer under the Federal Rules of Criminal Procedure. Official recipients will receive the initial electronic copy of a document free, but will be charged eight cents a page if they remotely access the document again.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's office. The fee for copying and certifying documents will be in accordance with 28 U.S.C. § 1914.



United States District Court
Western District of Arkansas

ELECTRONIC CASE FILING
REGISTRATION FORM

This form is used to register for an account on the Western District of Arkansas Electronic Case Filing (ECF) System. Registered users will have privileges to electronically submit documents and to view and retrieve electronic docket sheets and documents.

Instructions: This form may be submitted online at the Court's website, www.arwd.uscourts.gov. You may also print a hard copy, complete the form, sign and return it to the Clerk's office at the address below. **After verification, unless other arrangements have been made, a user login and password for access to the ECF System will be electronically transmitted to the e-mail address listed on the registration form. All information indicated by an asterisk (*) is required.**

*First / Middle / Last Name: _____

*Bar ID Number: _____ *State Issued: _____

Firm Name: _____

*Mailing Address: _____

*City: _____ *State: _____ *Zip Code: _____

*Telephone Number: _____ Fax Number: _____

*Primary E-Mail Address: _____

Secondary E-Mail Address: _____

*Are you admitted to Practice in the Western District of Arkansas? Yes No

*If yes, are you a member in good standing? Yes No

*Are you admitted to practice pro hac vice in the Western District of Arkansas? Yes No

I already have an ECF login that I use at another court. Please assign the same login.

Existing Login: _____

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Courts for the Eastern and Western Districts of Arkansas pursuant to Local Rule 83.5 and currently in good standing.

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders, policies and procedures governing the use of the ECF System. The undersigned also consents to receiving the notice of filings pursuant to Fed. R. Civ. P. 5(b) and 77(d) and Fed. R. Crim. P. 49(b)-(d) via the Court's ECF System. The combination of user login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their password and immediately notify the court if they learn that their password has been compromised.

*Attorney Signature: _____

Date: _____

This form may be submitted online at the Court's website, www.arwd.uscourts.gov, or print a hard copy, and mail the completed ECF Registration Form to:

Christopher R. Johnson, Clerk of Court
United States District Court
Attention: ECF Registration
P. O. Box 1547
Fort Smith, AR 72902-1547



United States District Court
Eastern District of Arkansas

ELECTRONIC CASE FILING
REGISTRATION FORM

<p>Background: This form is used to register for an account on the Electronic Case Filing (ECF) System. Registered users will have privileges to electronically submit documents and to view the electronic docket sheets and documents. Please visit our web site at www.are.uscourts.gov for more information about ECF.</p>	<p>Instructions: This form cannot be submitted electronically. Complete the form, print, sign, and return it to the Clerk's office at the address below. A user login name and password for access to the ECF system will be issued to you upon receipt of the fully completed form. All information is required, including your original signature, except where noted.</p>
<p>Name:</p> <p>(First, Middle Initial, Last)</p> <p>Telephone:</p> <p>E-mail (primary):</p> <p>(Address for receipt of official notification of electronic filings.)</p> <p>E-mail (secondary):</p> <p>(Optional address for receiving additional notification of electronic filings, e.g. secretary.)</p> <p>State Bar Number:</p>	<p>Firm Name:</p> <p>Firm Address:</p>
<p>Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Eastern District of Arkansas pursuant to Local Rule 83.5 and currently in good standing.</p> <p>The undersigned agrees to abide by all Court rules, orders, policies and procedures governing the use of the ECF system. The undersigned also consents to receiving notice of filings pursuant to Fed. R. Civ. P. 5(b)(2)(D) and Fed R. Crim. P. 49(b) via the court's ECF system. The combination of user login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised. Attorney's enrolling in the court's ECF system will automatically receive important information from the U.S. District Court regarding revisions to local rules, general orders, fees, and general information concerning the ECF system.</p> <p>Attorney Signature _____ Date _____</p> <p>Submit completed ECF Registration Form to: James W. McCormack, Clerk of Court United States District Court Attention: ECF Registration 600 West Capitol Avenue Suite 402 Little Rock, AR 72201-3325</p>	

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
_____ DIVISION

UNITED STATES OF AMERICA

vs. Case No. _____

NOTICE OF APPEARANCE

To the Clerk of this Court and all parties of record:

Enter my appearance as counsel in this case for

I certify that I am admitted to practice in this court.

Date

/s/ _____
Attorney's Name and Bar Number
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

CERTIFICATE OF SERVICE

I hereby certify that on _____, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following: _____, and I hereby certify that I have mailed the document by the United States Postal Service to the following non CM/ECF participants:

_____.

/s/ _____
Attorney's Name and Bar Number
Attorney for (Government/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

CERTIFICATE OF SERVICE

I hereby certify that on _____, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF System which will send notification of such filing to the following:

_____, and I hereby certify that I have mailed the document by the United States Postal Service to the following non CM/ECF participants: _____.

/s/ _____
Attorney's Name and Bar Number
Attorney for (Government/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF ARKANSAS
_____ DIVISION**

UNITED STATES OF AMERICA

vs. Case No. _____

**DECLARATION THAT PARTY WAS UNABLE TO FILE
IN A TIMELY MANNER DUE TO TECHNICAL DIFFICULTIES**

Please take notice that [Government/Defendant] was unable to file the attached [Title of Document] in a timely manner due to technical difficulties. The deadline for filing this document(s) was [Filing Deadline Date] . The reason(s) that I was unable to file this document(s) in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

/s/ _____
 Attorney's Name and Bar Number
 Attorney for (Government/Defendant)
 Law Firm Name
 Law Firm Address
 Law Firm Phone Number
 Law Firm Fax Number
 Attorney's E-mail Address