

**Administrative Procedures for
Electronic Filing and Electronic Service
for the
United States District Court
for the Northern Mariana Islands**

Effective June 15, 2006

By signature to the separate document: "*User Agreement for Electronic Case Filing*", the User acknowledges and agrees to be bound by the following Administrative Procedures for Electronic Filing and Electronic Service for the United States District Court for the Northern Mariana Islands. These administrative procedures are based on the *Model Local District Court Rules for Electronic Case Filing*, endorsed in March 2005 by the Judicial Conference of the United States.

The Federal Rules of Procedure (Civil Rule 5(e), also incorporated into the Federal Rules of Criminal Procedure through Criminal Rule 49(d)), provide that a court may, by local rule, permit filing, signing and verification of documents by electronic means. The Federal Rules of Criminal Procedure also provide that service upon an attorney or upon a party shall be made in the manner provided in civil actions (Criminal Rule 49(b), incorporating Civil Rule 5(b)). The Federal Rules of Procedure also authorize each district court to make and amend rules governing its practice (Civil Rule 83(a) and Criminal Rule 57(a)(1)).

The U.S. District Court for the Northern Mariana Islands has authorized filing, signing, verification and service of documents by electronic means through its Local Rule 5.1.

The term "Electronic Filing System" shall refer to this court's "Case Management / Electronic Case Filing (CM/ECF)" system that receives documents filed in electronic form. The term "Filing User" shall refer to those who have a court-issued log-in and password to file documents electronically.

1. Scope of Electronic Filing

Except as prescribed by local rule, order, or other procedure, the court has designated all Civil, Criminal and Miscellaneous cases to be assigned to the Electronic Filing System. Unless otherwise expressly provided in these procedures or in exceptional circumstances preventing a Filing User from filing electronically, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court by a Filing User in connection with a case assigned to the Electronic Filing System must be electronically filed.

In a Civil case, the filing of the initial papers, including the complaint and the service of the summons, will be accomplished in the traditional manner on paper rather than electronically.

In a Criminal case, the charging documents, including the complaint, information, indictment and superseding information or indictment, shall be filed by Filing Users either in the traditional manner in paper form or as electronic documents that contain an *image* of any legally required signature. In both Civil and Criminal cases, an electronic recording of the initial papers will be the official record of the document in the Electronic Filing System.

2. Eligibility, Registration, Passwords

Attorneys admitted to the bar of this court, including those admitted pro hac vice and attorneys who have been temporarily admitted pursuant to Local Rule, may register as Filing Users of the court's Electronic Filing System. Registration is in a form prescribed by the clerk and requires the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this court.

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes consent to electronic service of all documents as provided in these procedures in accordance with the Federal Rules of Procedure.

Once registration is completed, the Filing User will receive notification of the user log-in and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

Filing Users may find it desirable to change their court assigned passwords periodically. In the event that a Filing User believes that the security of an existing password has been compromised and that a threat to the System exists, the Filing User must give immediate notice by telephone to the clerk, chief deputy clerk or systems department manager and confirm by facsimile in order to prevent access to the system by use of that password.

Once registered, a Filing User may withdraw from participation in the Electronic Filing System only by permission of the Chief Judge of the District for good cause shown. The Filing User seeking to withdraw must submit a written request to the Chief Judge explaining the reason(s) or justification(s) for withdrawal. Upon the Chief Judge's approval of the request, the Clerk of Court shall delete the Filing User's username and password from the system, and notify the Filing User of same. It is the Filing User's responsibility to notify opposing counsel in all pending cases that the Filing User has been granted permission to withdraw from the Electronic Filing System and that all future service must therefore be made by conventional means.

3. Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these procedures, together with the transmission of a "*Notice of Electronic Filing*" from the court, constitutes filing of the document for all purposes of the Federal Rules of Procedure and

the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55.

Before filing a document into the Electronic Filing System, a Filing User must verify its legibility, and the electronic document file must be saved or converted into "searchable" Portable Document Format (PDF). A file is considered searchable when it has been either saved directly from a wordprocessor into PDF format, or else a scanned document which has had Optical Character Recognition (OCR) performed on the document before saving in its final PDF format.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Part (1) of these procedures, a document filed electronically is deemed filed at the date and time stated on the "*Notice of Electronic Filing*" from the Electronic Filing System.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time for the Northern Mariana Islands in order to be considered timely filed that day.

4. Special Filing Requirements and Exceptions

The following documents shall be filed on paper, and will be scanned into the Electronic Filing System by the District Court Clerk's Office:

- Administrative records in social security cases and in other administrative review proceedings.
- The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. Sections 2254 and 2255 proceedings.
- All handwritten pleadings.
- All pleadings and documents filed by pro se litigants who are not registered Filing Users in the Electronic Filing System.
- Affidavits for search and arrest warrants and related papers.
- Fed.R.Crim.P.20 and Fed.R.Crim.P.40 papers received from another court.

The following documents may be filed either electronically or on paper, at the option of the Filing User:

- Oversize or non-flat items.
- Motions to file documents under seal and documents filed under seal.
- Ex parte motions and applications.
- Memoranda, exhibits and attachments to documents which are *otherwise permitted for filing*, but exceed 25 pages in length.
- Rule 4 executed service of process documents.

- The state court record filed in 28 U.S.C. Section 1446 removal proceedings; and
- Petitions for violations of supervised release.

The following documents may be received by the Clerk's Office in criminal cases, but are not filed electronically or otherwise, unless ordered by the Court:

- Pretrial service reports.
- Appearance bonds.
- Psychiatric and psychological reports.
- Pre-sentencing reports and other papers submitted prior to sentencing.
- Letters from defendants, or on their behalf.

5. Proposed Orders:

Proposed orders shall be transmitted by email or on disk in a compatible word processing format used at the District Court. Proposed orders do not need to be filed in the Electronic Filing System by a Filing User.

6. Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these procedures which will constitute entry on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

By or at the direction of the Judge in a case, orders may also be issued as “text-only” entries on the docket, without an attached document. Such orders are official and binding.

The court may sign, seal (by electronic graphical embossing) and *issue* a summons electronically. However, summons may not be *served* electronically. If summons was *issued* electronically by the court, the party shall print the electronically-embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4 and Fed.R.Crim.P. 4(c).

7. Attachments and Exhibits

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing of a specific document. Voluminous items should be electronically filed as multiple partial file attachments to avoid system limits on individual file size. The current system limit is 1.5 megabytes for any individual PDF file, which is about 25 to 35 pages of scanned paper documents (or up to several hundred pages of word-

processor document, directly converted to PDF without scanning in paper).

8. Sealed Documents

Documents ordered to be placed under seal may be filed conventionally or electronically as authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. If filed conventionally, a paper copy of the order must be attached to the documents under seal and delivered to the clerk.

9. Signatures

The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed. Electronically filed documents must set forth the name, address and telephone number of the attorney or other filer. In the signature block of filed documents, the name of the Filing User under whose log-in and password the document is submitted must be preceded by an "/s/" and typewritten in the space where the signature would otherwise appear.

In a criminal case, the charging documents, including the complaint, information, indictment and superseding information or indictment, shall have an original signature on paper, or an *imaged* signature in an electronic document form, as stated in Part 1 of this procedure.

Documents filed electronically by a Filing User which contain the signature(s) of non-Filing User(s) are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image of the original document having such signatures. The original document shall be retained by the Filing User as per Part (7) of these procedures.

A document containing the signature of a defendant in a Criminal case may at the court's option be filed either: (1) in paper form with an original written signature or (2) in a scanned format that contains an image of the defendant's signature, with the original document retained by the Filing User.

Documents filed electronically in a Civil or Criminal case by a Filing User which contain the signature(s) of non-Filing User(s) other than a defendant in a Criminal case are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image of the original document having such signatures. The original document with actual signatures shall be retained by the Filing User.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

10. Document Retention

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until the expiration of the time for filing a timely appeal, and until 30 days after all appeals have been concluded, and in criminal matters until the length of the defendant's criminal sentence (if any) has elapsed. On request of the court, the Filing User must provide original documents for review.

Normal case documents which for good reason are filed with the court on paper, instead of electronically filed, will be scanned and converted into electronic documents by the District Court Clerk's Office staff, and the electronic document shall be entered into the Electronic Filing System as the official record of the case. Only a few types of filed paper documents, specified Section 4 of these procedures, will be retained at the District Court as part of the official case record. Other paper documents will be returned to the filer. CM/ECF Filing Users must reclaim their returned paper documents within one business day. Filers who have not been granted CM/ECF Filing User access must wait while their documents are filed, and retrieve any returned paper documents immediately after filing. Unclaimed returned paper documents are subject to disposal, at the option of the District Court Clerks Office staff.

Disks or emails from presenting electronic documents to the District Court for filing by the District Court Clerk's Office staff will be discarded after the electronic documents are filed into the Electronic Filing System, unless the filer makes arrangements to retrieve the disk from the Clerk's Office immediately after filing.

Paper case records which pre-date the implementation of the Electronic Filing System will be retained by the court as paper records, subject to normal storage and disposal regulations for paper case records.

11. Service of Documents by Electronic Means

The "*Notice of Electronic Filing*" that is automatically generated by the court's Electronic Filing System, except as provided below, constitutes service of the filed document on Filing Users. Parties not indicated to have been electronically served on the *Notice of Electronic Filing* must be served by the Filing User with a paper copy of any pleading or other document filed, in

accordance with the Federal Rules of Civil Procedure and the local rules.

Most *sealed* filings do not produce a *Notice of Electronic Filing*, and therefore, service by the filer of any *sealed* document by paper copy is required.

For documents served by paper copy, a printed *Notice of Electronic Filing* may be attached to the paper document when served, in lieu of the "Filed" ink-stamp which may alternately be applied to paper documents when filed on paper at the court.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the *Notice of Electronic Filing* for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

12. Notice of Court Orders and Judgments

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Civ.P. 77(d) and Fed.R.Crim.P. 49(c). The clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Procedure.

13. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure (e.g. unavailability of the Electronic Filing System, extended local power outage, typhoon, Internet service outage beyond the Filing Party's control), may seek appropriate relief from the court. The court has discretion to grant or deny relief in light of the circumstances.

14. Public Access

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to documents in the case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the court, including exhibits thereto, whether filed electronically or on paper, unless otherwise ordered by the Court.

- a. Social Security numbers. If an individual's Social Security number must be included in a pleading, only the last four digits of that number should be used.

- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home addresses. If a home address must be included, only the city and state should be listed.

In compliance with the E-Government Act of 2002, a party filing a document containing the personal data identifiers listed above may

- a. file an unredacted version of the document under seal, or
- b. 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 personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this procedure.

15. Hyperlinks

Electronically filed documents may contain the following types of hyperlinks:

- (A) Hyperlinks to other portions of the same document; and
- (B) Hyperlinks to a location on the Internet that contains a source document for a citation.

Hyperlinks to other documents filed within the Electronic Filing System are not permitted.

Hyperlinks to cited authority may not replace standard citation format. Any electronically filed document that contains a hyperlink must also contain the standard citation to the same

material. This requirement ensures that anyone working with a printed version of the document has the necessary citation, and that subsequent failure of a hyperlink will not preclude finding the cited material.

Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

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