

**Administrative Policies and Procedures for
Electronic Filing in the Civil Divisions
of the Alabama Unified Judicial System**

September 6, 2012

Table of Contents

AUTHORIZATION FOR ELECTRONIC FILING..... 3

FILING DOCUMENTS WITH THE COURT..... 3

THE ELECTRONIC RECORD..... 4

ELECTRONIC SIGNATURES..... 4

REGISTRATION and RESPONSIBILITES OF USERS 5

DEFINITIONS..... 5

TECHNICAL SPECIFICATIONS..... 6

SYSTEM AVAILABILITY/INABILITY TO FILE..... 7

FILING 7

COMPLAINTS/PETITIONS..... 8

SUMMONSES..... 8

SERVICE..... 8

FEES PAYABLE TO THE CLERK..... 9

TITLE OF DOCKET ENTRIES..... 9

PRIVACY AND SECURITY..... 9

ACCESS 10

AUTHORIZATION FOR ELECTRONIC FILING

The Alabama Rules of Civil Procedure, by amendment dated October 24, 2008, recognized that electronic filing was available as an option statewide. On September 6, 2012, the Chief Justice rendered an order mandating e-filing for attorneys in all civil cases statewide. The following procedures govern electronic filing unless, due to extraordinary circumstances in a particular case, a judge determines that these policies and procedures should be modified in the interest of justice.

The Administrative Director of Courts (ADC) is authorized to modify these procedures to ensure that the electronic filing system meets the needs of the litigants and counsel utilizing the Alabama Judicial System.

The orders of the Supreme Court, these administrative procedures, and additional information may be found at the Web site: <http://efile.alacourt.gov>.

FILING DOCUMENTS WITH THE COURT

Unless otherwise permitted by these policies and procedures, all documents submitted for filing with the court beginning October 1, 2012, in civil cases, shall be filed electronically, with the following exceptions:

- By parties proceeding pro se.¹
- By attorneys who have been granted a hardship exception by the Administrative Director of Courts.
- By judges who have been granted a hardship exception by the Administrative Director of Courts and the Chief Justice.
- If the user cannot file electronically based upon the unavailability of the system, documents may be filed conventionally only if it is the last day of a court imposed deadline or statute of limitations, or emergency relief is requested.
- If the judge is unable to file an electronic order because of the unavailability of AlacourtPlus, the order may be filed conventionally only if the order must be filed immediately.
- Documents or exhibits that cannot be scanned and converted to a PDF (i.e. video or audio tapes, large maps, etc.) should be filed conventionally.
- Exhibits offered at trial or hearing.
- The circuit clerk may deviate from the requirements in specific cases, if deemed appropriate in the exercise of discretion, considering the need for the just and speedy determination of matters pending before the court.
- Documents not available for e-filing on the system. A current list of document types that are not available for e-filing will be maintained at: <http://efile.alacourt.gov>. Examples of document types not currently available:
 - Notices of Appeal.

¹ Pro se parties may register for AlaFile and file documents electronically.

- Post-judgment filings (i.e. garnishments, execution of judgments, etc.), other than motion practice.
- Discovery requests and responses (Notices of Discovery may be e-filed).
- Notices of Intent to obtain a Rule 45 subpoena for production of documents from a non-party.
- Summons for service by publication.
- If the filing party wishes to file a document under seal in a case file that has not previously been sealed by the court, the document should be filed conventionally.

THE ELECTRONIC RECORD

In addition to the current physical paper record of the court proceedings, the official record of the court may also include files or document images maintained in an electronic format.

The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures (October 1, 2012) except as otherwise provided in these procedures. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures that have not been scanned into the court file by the clerk.

Unless otherwise sealed by order of the judge or rendered confidential by Alabama law, the official court record will be available for public inspection at the clerk's office during normal business hours of the court.

The official court record may also be made available for inspection via a secure Internet site.

ELECTRONIC SIGNATURES

Electronic signatures should be in the form prescribed by Rule 30(G) of the Alabama Rules of Judicial Administration.

Attorneys and parties are advised that documents that must contain original signatures or that require either verification or an unsworn declaration under any rule or statute shall be filed electronically with the originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "/s/Jane Doe," or the original may be scanned and electronically filed. The filing party or attorney shall retain the physical copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition and all appeals.

Documents requiring signatures of more than one party shall be filed by submitting a scanned document containing all necessary signatures. The filing party or attorney shall retain the hard copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition and all appeals.

REGISTRATION and RESPONSIBILITES OF USERS

Each attorney or party wishing to file electronically must register on-line via the Register link at: <http://efile.alacourt.gov>

1. Once the initial registration process is completed, an email will be sent to the user at the e-mail address supplied during registration for verification.
2. Users may change their passwords at any time via the AlaFile application. If a user believes that the security of an existing password has been compromised and that a threat to the system exists, the user must change his or her password immediately.
3. A user whose e-mail address, telephone number, or other information provided during registration has changed shall modify his or her contact information on the AlaFile application on the "Update Account" page and give notice of any changes to all other parties and the Administrative Office of Courts.
4. It is the responsibility of the user to have a valid and working e-mail address that has not exceeded its size limitation in order to receive the orders and other documents served electronically. It is not the responsibility of the trial court, the circuit clerk, the UJS or the AOC to ascertain whether a user registered for AlaFile is receiving notifications from the system via e-mail. The system provides users with a secondary notification mechanism that can be accessed by logging into AlaFile.

DEFINITIONS

The following definitions shall apply to these policies and procedures for electronic filing:

- The term "**document**" shall include pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or to the Court.
- The term "**party**" shall include parties to the action, the counsel of record and any pro se litigants.
- A "**user**" is a person who is registered to use the electronic filing system site designated by the Administrative Office of Courts.
- "**Electronic filing**" means uploading a document directly from the registered user's computer, using the court's internet-based system to file that document in the court's case file. Sending a document to the court via e-mail does not constitute "electronic filing."
- The "**e-mail address of record**" is the e-mail address of each user as provided by the user during the registration process in AlaFile or as updated by the user through AlaFile.

- The “**system**” is the electronic-filing application and repository commonly referred to as “AlaFile.” The system is managed by the Administrative Office of Courts (“AOC”).
- An “**E-filing Receipt**” is a receipt generated automatically by the system upon completion of an electronic filing. The notice of electronic filing, when e-mailed to the e-mail addresses of record in the case, acts as the proof of service.
- The term “**PDF**” refers to portable document format. A PDF document allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF, users may wish to visit the Web sites of PDF vendors by using your favorite search engine.

TECHNICAL SPECIFICATIONS

Although the system requirements may be set forth more completely in a user’s manual or other publication, it is expected that the following hardware and software will be needed to file documents electronically:

- A computer system or systems.
- The ability to convert documents from word processing software to PDF.
- Any standard web browser (i.e. Internet Explorer, Firefox, Google Chrome, Safari).
- Internet access.
- A document scanner, if documents need to be imaged.
- **When scanning documents to be filed electronically, filing parties should make certain their scanners are configured for 200 dpi and black and white, rather than color, scanning.** The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must file the document conventionally with the clerk’s office.
- Because large documents may not upload properly to the system or download within a reasonable amount of time for users with a 56K modem, documents over ten (10) megabytes will be rejected by the system and must be filed conventionally, or in ten (10) megabyte segments as attachments.

SYSTEM AVAILABILITY/INABILITY TO FILE

The system is designed to provide service 24 hours a day. Users, however, are encouraged to file documents in advance of filing deadlines and during normal business hours in the event assistance or support is needed from the help desk.

The Administrative Office of Courts has established a help desk for questions related to electronic filing. The help desk may be reached at 1-866-954-9411, option 1, option 4, or by email at itsupport@alacourt.gov. The help desk will be staffed from 8:00 a.m. to 5:00 p.m. on business days on which state offices are open for business.

Additionally, a list of frequently asked questions and answers to those questions are available at <http://efile.alacourt.gov>.

If a party misses a Court imposed filing deadline because of an inability to electronically file based upon the unavailability of the system, the party may submit the untimely filed document, accompanied by a declaration stating the reason or reasons for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the court of jurisdiction is open for business following the original filing deadline. A model form of the declaration is available at <http://efile.alacourt.gov>.

FILING

Electronically filed documents must substantially meet the requirements of the Alabama Rules of Civil Procedure.

All documents including the complaint, motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed on the system except as otherwise provided by these procedures.

E-mailing a document to the clerk's office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed until a system-generated "E-filing Receipt" has been generated. It is recommended that the user print or save a copy of the "E-filing receipt" as evidence of filing. The time and date stamp generated by AlaFile, on the document filed and the "E-filing Receipt," controls. Personally e-mailing a document directly to a party or an attorney shall not constitute service of the document.

COMPLAINTS/PETITIONS

It is the responsibility of the filing attorney to ensure that the proper filing fee is paid through the application when the complaint/petition is filed.

SUMMONSES

Summonses will be issued by the application upon the filing of the complaint and the payment of the filing fee. Summonses may be issued for service via certified mail, by the sheriff, or by special process server.

SERVICE

Service of process shall be perfected using the methods mandated by the Alabama Rules of Civil Procedure. Summonses shall be issued in the following manner: for service by certified mail, the clerk shall issue the summons and service of the summons and complaint shall be made by the clerk or user via certified mail; for service by the sheriff, the clerk shall issue the summons and deliver it to the sheriff for service; for service by process server, the summons shall be issued by the clerk and delivered to the user via email for service.

Whenever a pleading or other paper is filed electronically in accordance with these policies and procedures, the system shall generate a “notice of electronic filing” to the e-mail address of record of the filing party and any attorneys of record or pro se parties in the case who are users of the system and who are required to be served by the Alabama Rules of Civil Procedure. The email will include an attachment with a copy of the “notice of electronic filing” and the document that was filed electronically.

If the attorney or party is a user of the system, the e-mailing of the “notice of electronic filing” by the system shall constitute service of the pleading or other paper.

A party who is not a registered participant of the system is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the nonregistered party with the pleading, document, or order according to the Alabama Rules of Civil Procedure. After the document is filed electronically, the user will receive an email from the system with an attachment containing the “notice of electronic filing” and a copy of the document electronically filed for service on the non-registered party(s).

To determine whether another party is a registered user, the filer can enter the case number, select the notification tab and notification information will appear, stating whether or not the filer must mail a copy or if the system will electronically generate notice.

FEES PAYABLE TO THE CLERK

Any fee required for filing a pleading or paper is payable to the Clerk of the Court at the time of filing. Payment must be made by credit/debit card (4% of total added as convenience/administrative fee). The clerk's office will document the receipt of fees in the usual manner. No filing shall be deemed completed until receipt of any required filing fee. The 4% convenience fee may be taxed as costs pursuant to Rule 41 of the Alabama Rules of Judicial Administration.

TITLE OF DOCKET ENTRIES

The party electronically filing a pleading or other document shall be responsible for designating the Title and Description of the document that will be used in the case action summary and index for that case file using the document Title and Description boxes in AlaFile. The Title contains the generic document types the user should select from to most accurately label the document. The specific title of the document being filed should be typed into the Description field.

Judges are encouraged to use a detailed description when rendering an order electronically. The description will be used in the case action summary and index for that case file. A detailed description provides a more accurate and useful index for future reference.

PRIVACY AND SECURITY

To address the privacy concerns created by Internet access, you should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available. Please see Rule 5.1 of the Rules of Civil Procedure regarding privacy protection for court filings.

In addition, exercise caution when filing documents that contain the following:

1. Personal identifying numbers, such as a driver's license number;
2. Names of minor children;
3. Dates of birth;
4. Medical records, including treatment and diagnosis records;
5. Employment history;
6. Proprietary or trade secret information; and
7. Other data as permitted by order of the court.

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion, redaction and/or exclusion of certain materials may be made. It is the sole

responsibility of counsel and the parties to ensure that redaction of personal identifiers is done. The clerk will not review each pleading for redaction.

ACCESS

Electronic access to the electronic docket and documents filed in the system is available for viewing to the public at no charge at the clerk's office during regular business hours.

A fee for a copy of the court record or document will be required pursuant to Rule 30 of the Alabama Rules of Judicial Administration.

General remote access to the public records of the court is available via a subscribers' service.