

**ADMINISTRATIVE PROCEDURE FOR
FILING, SIGNING, AND VERIFYING DOCUMENTS
BY ELECTRONIC MEANS
IN THE ALABAMA JUDICIAL SYSTEM**

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AUTHORIZATION FOR ELECTRONIC FILING

An order of the Supreme Court dated July 29, 2005, authorizes an electronic filing pilot project for the Alabama Judicial System (AJS). 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 pilot project meets the needs of the litigants and counsel utilizing the Alabama Judicial System. The ADC will appoint an Advisory Committee composed of court officials and attorneys selected from the pilot project counties. The committee will offer recommendations to the ADC for the operation of the pilot project.

Proposed changes, additional information and finalized changes to this procedure may be found at the Web site:

<http://efile.alacourt.gov>

PILOT PROJECT

The pilot project shall consist of cases filed in the civil and domestic relations jurisdictions of the Circuit and District Courts of Autauga, Baldwin, Barbour, Blount, Bullock, Butler, Calhoun, Cherokee, Chilton, Clay, Cleburne, Coffee, Colbert, Coosa, Crenshaw, Cullman, Dale, Dallas, Dekalb, Elmore, Etowah, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Macon, Madison, Marion, Marshall, Mobile, Montgomery, Morgan, Perry, Pike, Russell, Shelby, St. Clair, Talladega, Tallapoosa, Tuscaloosa and Winston Counties. The ADC may add additional Courts to the pilot project group.

The pilot project began July 1, 2005, for an initial period of one year and has been extended by the ADC for an additional year.

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 maintained in an electronic format. This includes information transmitted to the court electronically, as well as documents filed in paper form, scanned, and made a part of the official record. The combination of both physical and electronic records shall constitute the official case record.

Unless otherwise sealed by order of the judge or closed by Alabama statute, the official court record will be available for public inspection at the clerk's office during normal business hours of the court. Copies of the official court record will be available from the clerk's office at \$.25 per page uncertified or \$1.25 per page for certified copies.

The official court record may also be made available for inspection via a secure Internet site. Cost of copies of the court record delivered via this site will be determined by the ADC. However, the cost of such copies shall not be more than the cost of the records available through the clerk's office.

ELECTRONIC SIGNATURES

A pleading or other document requiring a signature shall be signed in the following manner: "/s/ name". Additionally, an attorney's electronic signature must also include the Alabama Judicial System Attorney Identification Code.

The correct format for an attorney's signature is as follows:

/s/Neal Smith
Neal Smith
Attorney for ABC Law Firm
123 South Street
Mobile, Alabama 36602
Telephone: (251) 123-4567
Fax: (251) 123-4567
SMI999
E-mail: neal_smith@law.com

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 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 of all appeals.

Documents requiring signatures of more than one party shall be filed by submitting a scanned document containing all necessary signatures, by representing the consent of the other parties on the document, or by filing the document identifying 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. A sample of the notice of endorsement will be provided at a later date. 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 of all appeals.

REGISTRATION and RESPONSIBILITES OF USERS

1. Each attorney or party (user) wishing to file electronically must register on-line via the Register link at:

<http://efile.alacourt.gov>

2. Logins and passwords will be returned to the user via the e-mail address supplied during the registration.

3. Users may change their passwords at any time via the AlaFile application. If a user comes to believe 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.

4. A user whose e-mail address, mailing address, telephone or fax number has changed from that of the original registration shall modify their contact information on the AlaFile application on the "Update my Account" page and give notice of any changes to all other parties, and the court in which the user's case is pending.

5. It is the responsibility of the filing party to maintain an electronic mailbox sufficient to receive the orders and other papers transmitted electronically.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply to these 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.
- **Electronic filing** means uploading a document directly from the registered user's computer, using the court's internet-based system and 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 internet e-mail address of each party to the case as maintained by the Alabama Judicial System.
- An **E-file Receipt** is 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.
- All hours stated shall be central time.

TECHNICAL SPECIFICATIONS

While 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 electronically file, view and retrieve documents in the electronic filing system.

- A computer system(s) that operates in a Windows operating system.
- Ability to convert documents from WordPerfect or Word to portable document format (PDF).
- Internet Explorer.
- Internet access.
- Document scanner, if documents need to be imaged.
- When scanning documents to be subsequently 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 conventionally file it 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 AJS's 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. An e-filing support center has established a help desk that may be reached at (1-866-954-9411) or by via email at efiling@alacourt.gov.

Additionally, frequently asked questions are available at <http://efile.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.

The Alabama Rules of Judicial Administration, Rule 44(B) states "If a party misses a filing deadline because of a technical inability to electronically file a document, the party must file the document within the time prescribed in this rule, accompanied by a motion to accept the document as timely filed, before the court will accept the document. The motion must include a declaration stating the reason or reasons for missing the deadline and requesting that the document be accepted as timely filed. The document and motion must be filed no later than the first day on which the court is open for business following the deadline date for filing the document. If the court grants the motion to accept the document as timely filed, the document will be deemed timely filed on the date the court grants the motion, except that this rule may not extend any statutory deadline, such as a deadline imposed by a statute of limitations or statute of repose."

FILING

1. Electronically filed documents must substantially meet the requirements of the Alabama Rules of Civil Procedure (ARCP).

2. All documents including the complaint, motions,

pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case may 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-file Receipt" has been generated. The time and date stamp generated by AlaFile on the "E-file Receipt" controls.

COMPLAINTS

Complaints may be filed electronically. It is the responsibility of the filing attorney to ensure that the proper filing fee is paid through the application when the complaint is filed.

SUMMONSES

Summons will be issued by the application upon the filing of the complaint and the payment of the filing fee. Summons 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. Summons shall be issued in the following manner: for service by certified mail the clerk shall issue the summons and serve it with the complaint 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 special process server, the summons shall be delivered to the filing attorney via e-mail. Service of other pleadings or paper filed electronically shall be accomplished as set forth below.

Whenever a pleading or other paper is filed electronically in accordance with these procedures, the system shall generate a "notice of electronic filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case.

If the recipient is a registered participant in the system, the system's e-mailing of the "notice of electronic filing"

shall be the equivalent of service of the pleading or other paper.

Service of the "notice of electronic filing" on a party who is not a registered participant in the system may be accomplished by conventional means of service.

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.

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. When mailing paper copies of documents that have been electronically filed, the filing party may include the "notice of electronic filing" to provide the recipient with proof of the filing.

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.

DISCOVERY

Discovery practice will remain substantially unchanged in the electronic filing process. Parties may file a notice of discovery or the first and last page of the discovery document as mandated by Ala. R. Civ. P. 5(d). However, discovery that the Plaintiff wishes to be served with an electronically filed Complaint may be uploaded as an attachment to the Complaint and served accordingly.

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 may be made by credit/debit card (4% of total added as administrative cost) or electronic draft¹. 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.

ORDERS AND PROPOSED DOCUMENTS

The judge assigned to the case may electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order. Any documents signed electronically by the circuit or district clerk shall also bear the same force and effect as ones bearing an original signature of such clerk, including the issuance of summons and subpoenas.

TITLE OF DOCKET ENTRIES

The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.

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.

¹Electronic drafts are currently unavailable. This and other alternative payment options are under consideration and expected to be available in the future at a nominal administrative cost.

If sensitive information must be included, the following personal data identifiers must be redacted from the document, whether it is filed traditionally or electronically, unless otherwise ordered by the Court:

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

2. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

3. Dates of birth. If an individual's date of birth must be included in a document, only the year should be used.

4. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.

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

1. Personal identifying numbers, such as a driver's license number;

2. Medical records, including treatment and diagnosis records;

3. Employment history;

4. Proprietary or trade secret information; and

5. 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 copy fee for an electronic reproduction is required.

Remote electronic access to the system for viewing purposes is limited to those who have entered appearances in the cases being accessed and who are registered users.

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