

APPENDIX

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

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AUTHORIZATION FOR ELECTRONIC FILING

An order of the Alabama Supreme Court dated May 19, 2009, authorized a pilot project allowing the electronic filing by judges of orders in criminal cases in the district courts and the circuit courts in the Alabama Unified Judicial System ("UJS"). This pilot project terminates on May 31, 2011, unless it is extended by the Administrative Director of Courts ("ADC") for an additional 12 months.

The Alabama Supreme Court, by order dated April 20, 2011, has now authorized a pilot project that would allow electronic filing of pleadings and other documents in criminal cases in the district courts and the circuit courts.

The following procedures govern electronic filing in criminal cases unless, because of extraordinary circumstances in a particular case and in the interest of justice, a judge determines that these policies and procedures should be modified.

The ADC is authorized to modify these procedures to ensure that the pilot project meets the needs of parties and counsel involved in criminal cases in the circuit courts and the district courts of the UJS. Furthermore, the ADC shall ascertain that the pilot project does not interfere with the due-process rights of any criminal defendant.

Proposed and finalized changes to these policies and procedures and additional information may be found at the following Web site: <http://efile.alacourt.gov>.

PILOT PROJECTS

The pilot project for electronic orders has been expanded to include all cases on the criminal dockets of the circuit courts and the district courts statewide. The counties initially participating in the pilot project for other electronically filed documents in cases on the criminal dockets of the circuit courts and the district courts in those counties shall be determined by the ADC. The ADC may add additional courts to the pilot-project group.

The pilot project for electronically filing documents other than orders in criminal cases, authorized by the Alabama Supreme Court on April 20, 2011, will terminate on May 31, 2012, unless extended by the ADC.

THE ELECTRONIC RECORD

In addition to the current physical paper record of the court proceedings in criminal cases, the official record in a criminal case may include files or document images that exist in electronic format. It is strongly recommended that clerk's offices begin scanning all paper documents filed in criminal cases. Otherwise, in a specific criminal case, the clerk may be required to maintain a dual system of paper and electronic files.

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 circuit 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 form prescribed by Rule 30(G) of the Alabama Rules of Judicial Administration.

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.

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.

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 the State or municipality or any defendant in the criminal case.
- The term "**attorney**" shall mean the defendant's attorney or attorneys and/or the prosecuting attorney or attorneys.
- A "**user**" is a person who is registered to use the electronic-filing-system site.
- "**Electronic filing**" means uploading a document directly from a judge's or user's computer, using the UJS'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 software application and repository commonly known 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 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 their favorite search engine.
- All hours stated herein shall be Central Time.

REGISTRATION AND RESPONSIBILITIES OF USERS

1. Each user wishing to file electronically must register online via the "Register" link at: <https://alafile.alacourt.gov>.
2. Once the initial registration process is completed, an e-mail will be sent to the user at the e-mail address supplied during registration for verification.
3. 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.
4. 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 to the AOC.
5. 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 transmitted 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 the system.

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 that operate in a Windows operating system.
- The ability to convert documents from WordPerfect or Word to PDF.
- Internet access.
- Internet Explorer.
- A document scanner, if documents need to be imaged.
- When scanning documents to be filed electronically, parties should make certain that 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 document should not be electronically filed. Instead, the filing party must file it conventionally with the office of the clerk of the court.
- Because large documents may not upload properly to the system or may not download within a reasonable time for users with a 56K modem, documents over 10 megabytes will be rejected by the system and must be filed conventionally or in 10-megabyte segments as attachments.

SYSTEM AVAILABILITY/INABILITY TO FILE

The UJS'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.

The AOC has established a help desk for questions relating to electronic filing. The help desk may be reached at 1-866-954-9411, option 1, option 4, or by e-mail at applicationsupport@alacourt.gov. The help desk will be staffed from 8:00 a.m. to 5:00 p.m. on days on which State offices are open for business.

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

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

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

Initially, the system will have the capability for only motion practice and orders. Electronic filing of other documents commonly filed in criminal cases will be added as capabilities of the system are expanded.

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. The time and date stamp generated by AlaFile on the "E-Filing Receipt" controls. Personally e-mailing a document directly to a party or an attorney shall not constitute service.

SERVICE

Whenever a document is filed electronically in a case in accordance with these polices 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 prose parties in the case who are users. A copy of the electronically filed document shall be attached to the "notice of electronic filing."

If the attorney or party is a user, the system's e-mailing of the "notice of electronic filing" shall be the equivalent of service pursuant to Rule 34.1, Rule 34.4 and Rule 34.5, Alabama Rules of Criminal Procedure, and any other applicable rule of the Alabama Rules of Criminal Procedure.

Service of the "notice of electronic filing" on an attorney or party who is not a user shall be accomplished by conventional means of service as provided by the Alabama Rules of Criminal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party should include the "notice of electronic filing" to provide the recipient with proof of the filing.

EFFECT OF ELECTRONIC DOCUMENTS AND SIGNATURES

Any order signed and filed electronically has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order. Any document signed electronically by the circuit or district clerk shall also have the same force and effect as documents bearing the original signature of such clerk. Any other document signed and filed electronically by a user has the same effect as if the attorney or party had affi ed his or her signature to a paper copy of the document.

TITLE OF DOCKET ENTRIES

The user electronically filing a document shall be responsible for designating a title for the document as part of the filing process that will be used to label the document in the online case-action summary. The system shall record on the online case-action summary that the electronic document has been filed.

PRIVACY AND SECURITY

Judges and users should be mindful that personal information contained in an electronically filed document may be available for public inspection. Therefore, if sensitive, identifying, and/or confidential information must be included in a document, the judge or the party electronically filing the document should strongly consider redacting such information from the electronically filed document. In order to protect sensitive, identifying, and confidential information, the following information should not be included in an electronically filed document unless specifically required by relevant statute, rule, or order of the court, and, if it is so required, the following rules apply:

1. Social Security numbers. If an individual's Social Security number must be included in a document, use only the last four digits of that number.
2. Names of minor children. If the involvement of a minor child must be mentioned, use only the initials of the child's name.
3. Financial-account numbers. If financial-account numbers are relevant, use only the last four digits of the account number.
4. Victim information: Information that could tend to identify or help locate the victim of a crime should be omitted or redacted.
5. In addition, exercise caution when filing documents that contain the following:
 - a. Personal identifying numbers, such as, for example, a driver's license number;
 - b. Medical records, including treatment and diagnosis records;
 - c. Employment history;
 - d. Proprietary or trade-secret information; and
 - e. Other data as permitted by order of the court.

6. It is the sole responsibility of counsel and the parties to ensure that redaction of sensitive, identifying, and/or confidential information is done as appropriate. The clerk of the court in which a document is filed will not review each document filed for redaction.

ACCESS

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

Copy fees as required by Rule 30 of the Alabama Rules of Judicial Administration for reproduction of a paper copy of a document are required, regardless of whether the document is maintained in electronic or paper form.

General remote access to the public records of the court file is available via a subscription service when the documents have been stored electronically.