FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

1997

CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF ELECTRONIC FILING
(Advanced Court Engineering)

NO. 97-26

ADMINISTRATIVE ORDER

THIS MATTER is before the Court ***sua sponte.***

WHEREAS this Court having implemented Local Rules 5.5 and 5.6 permitting filing, notice and service by electronic transmission in compliance with Rule 5(e) of the Federal Rules of Civil Procedures,

WHEREAS the Advanced Court Engineering (ACE) project for this District having developed an electronic filing system, and that the execution of such a system requires the implementation of procedures governing the process,

IT IS NOW THEREFORE ORDERED that the Clerk of the United States District Court of New Mexico is authorized to establish the following procedures for filing documents electronically.

1. The use of identification number and the password required to submit documents over the system shall constitute the attorney's signature under Rule 11 of the Federal Rules of Civil Procedure on all electronic documents filed with the Court.

2. In order to obtain the necessary user identification number and user password, an attorney must be admitted to practice in Federal Court and in good standing.

3. Any attorney seeking access to the Court's electronic filing must meet the minimum requirements set by the Court for participant/users and must submit a WWW Account Request Form to the United States District Court Clerk's Office, P.O. Box 689, Albuquerque, NM 87103, Attn: Acemaster.

4. Participant attorney/users must protect the security of their passwords and immediately notify the Court if they learn that their password has been compromised.

5. When filed electronically by the user/participant attorney or Court, the official document of record is the electronic document stored in the Court's data base (ACE server). A printed copy of the Court's ACE electronic file stamp shall serve as the equivalent of the Court's mechanical file stamp.

6. The original paper documents requiring verified signatures (such as affidavits) of other than the user/participant must be retained by the attorney/user for retrieval if so ordered by the Court. Such documents may be scanned by scanner and/or by fax machine by the filing attorney and then filed electronically as a separate document.

7. D.N.M.LR-Civ. 7.3's "motion packet procedure" is suspended as to documents filed electronically. Instead, the following procedure will apply:

A. Electronic submission to the Ace Server of a motion, supporting brief, responsive pleadings, exhibits, affidavits and other documents relating to the motion constitutes filing of these documents with the Court Clerk's Office.

B. Upon electronic filing of any document, a notice of such filing is immediately placed in the electronic mailbox of all attorney/users/participants in the relevant case who have agreed to the use of electronic filing. Arrival in the electronic

mailbox shall constitute service of the document on those parties. ~~Additional time for response time~~, such as the 3 days mailing, will not be given unless otherwise provided by federal or local rules.

C. An attorney/user/participant is required to notify the Court of conventional service of non-electronic participants in a case.

D. Timing of responses and replies must conform with D.N.M.LR-Civ. 7.6 unless the parties agree otherwise. Failure of a party to file a response or reply within the time prescribed by that local rule or the period within which the parties have otherwise agreed, constitutes consent that the briefing is complete.

E. Once briefing is complete, the movant shall electronically submit to the Ace Server a "Notice of Briefing Completion" to notify the Court that it is ready for ruling. If, during the briefing process or thereafter, the parties resolve the issues raised by the motion or otherwise deem that a ruling by the Court is no longer necessary, the movant shall file electronically a "Notice of Withdrawal of Motion."

8. Attorney/user/participants in ACE are required to check their electronic mailbox as they would their traditional mailbox.

9. Attorney/user/participants must maintain a back-up copy of any transmissions made to the Court.

CHIEF UNITED STATES DISTRICT JUDGE