visited on 11/13/2018

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

GUIDELINES FOR THE SUBMISSION OF DOCUMENTS TO THE SUPREME COURT'S ELECTRONIC FILING SYSTEM

These guidelines govern the submission of documents to the electronic filing system at the Supreme Court of the United States. They are issued pursuant to Supreme Court Rule 29.7, and are effective beginning November 13, 2017.

1. Electronic Submission Requirement. Filings submitted by parties represented by counsel (with the exception of material addressed in paragraphs 7, 9 and 14 below) must be submitted through the Court's electronic filing system. This requirement is in addition to the existing requirements concerning the paper filing of documents with the Court. This requirement applies to all documents required or permitted to be presented to the Court or a Justice, unless otherwise directed by Court Rule, these Guidelines, or other communication from the Clerk's Office. Documents should be submitted through the electronic filing system contemporaneously with their filing pursuant to Rule 29.2, *i.e.*, at or near the time they are delivered to the Court, placed in the mail, delivered to a third-party carrier, etc.

Only the following types of letters to the Court should be submitted through the electronic filing system: (1) motions for an extension of time under Rule 30.4, and responses thereto; (2) notices under Rule 12.6 of a petitioner's view that a party below no longer has an interest in the outcome of a petition, and responses thereto; (3) amendments to corporate disclosure statements or party name changes; (4) substitutions of public officers under Rule 35.3; (5) renewed applications under

visited on 11/13/2018

Rule 22.4; (6) waivers of the 14-day waiting period under Rule 15.5; (7) blanket consents to the filing of *amicus* briefs; and (8) letters that are submitted in response to a specific request from the Court. Any other letters or correspondence to the Court should be submitted in paper form only.

2. Registration. Before submitting documents through the electronic filing system, attorneys must register at https://file.supremecourt.gov. Only members of the Supreme Court Bar and attorneys appointed for a particular case under the federal Criminal Justice Act are eligible to register. As part of the registration process, an attorney will establish a username and password that will enable the attorney to submit documents through the system. Users must protect the security of their username and password, and must notify the Clerk's Office immediately upon learning that either has been compromised. Users also have a responsibility to keep contact information up-to-date; changes to contact information can be made through the "My Account" link on the electronic filing system home page.

3. Notice of Appearance. Attorneys are required to enter a notice of appearance in a case before submitting filings on behalf of a party or *amicus curiae* in that case. The submission of a case-initiating document (*e.g.*, a petition for a writ of certiorari, a jurisdictional statement, a petition for an extraordinary writ, or an application not connected to an existing case) will serve as a notice of appearance for the filer. But a filer seeking to submit any other filings in a case will be required to enter a notice of appearance in that case. The notice of appearance is created and submitted entirely through the system itself; no separate paper document need be submitted, and no PDF need be uploaded. While it is permissible for multiple attorneys to submit notices of appearance on behalf of the same party, the requirement that a party have a single counsel of record remains in effect. If an attorney no longer represents a party in this Court, the attorney should submit a withdrawal of appearance through the system. This withdrawal will also be entirely electronic; no paper document need be submitted, and no PDF need be uploaded.

4. Format of Documents. Documents submitted through the electronic filing system should be in the PDF/A format. Where possible, the electronic file should be created from a word processing document and should be text searchable. Where possible, the electronic version of a document with a signature (including

visited on 11/13/2018

letters to the Court, certificates of compliance with word limitations under Rule 33(h), and proofs of service under Rule 29.5) should also be created from a word processing document and be text searchable; the version submitted through the electronic filing system need not contain a physical signature. Items included in an appendix to a filing may be scanned if a word-processing document is not available. A document submitted through the electronic filing system may contain hyperlinks to another part of the same document, or to an external source cited in the document.

5. Maximum Size of Documents. The maximum size of any single computer file that can be uploaded to the electronic filing system is 100MB. Documents larger than 100MB should be separated into multiple parts to allow each part to be under this limit.

6. Viruses and Malware. Before submitting any document through the electronic filing system, the filer should ensure that the document has been scanned for viruses and malware. The electronic filing system will also perform a scan for viruses and malware, and it will not accept a filing until the scan has determined that the entire document does not pose a risk of infection for the system. In most instances, the scan should be completed within 3-5 minutes of the time that a document has been uploaded. (Note that the "Summary" page for a filing will update automatically to reflect when the scan has been completed.)

7. Documents Containing Sealed Material. Documents containing material that is under seal, including documents filed under seal in lower courts and motions to file documents under seal in this Court, should *not* be submitted through the electronic filing system. Those documents (including redacted versions for the public record) should be submitted only in paper form. Such documents also should not be served upon other parties electronically. Filers are admonished to pay strict attention to the prohibition, since documents submitted through the electronic filing system may be posted publicly before personal review by Clerk's Office staff.

8. Redaction of Personal Identifying Information. Personal identifying information contained in filings must be redacted in keeping with the standards set forth in Rule 34.6. No motion is required to make redactions to conform with this rule. Nothing in the rule precludes a party from filing a motion

visited on 11/13/2018

to redact additional information in appropriate circumstances. The responsibility to redact this information rests with counsel and the parties.

9. Cases Governed by Fed. R. Civ. P. 5.2(c). In cases governed below by Federal Rule of Civil Procedure 5.2(c), including immigration cases addressed in Federal Rule of Criminal Procedure 49.1(c), filings by the parties should not be submitted through the electronic filing system. ***A cover letter provided along with the petition for a writ of certiorari, application for an extension of time to file a petition for a writ of certiorari, or other case-initiating document should clearly state that the case was governed by Rule 5.2(c)***.

10. Posting of Documents. Electronic versions of all documents filed with the Court (except those containing sealed material or otherwise exempt from electronic posting) will be made available to the public without charge on the Supreme Court's website at http://www.supremecourt.gov.

(a) Filings that initiate a new case at the Supreme Court will be posted on the Court's website only after the Clerk's Office has received and reviewed the paper version of the filing, determined that it should be accepted for filing, and assigned a case number.

(b) Subsequent filings from represented parties that are submitted through the electronic filing system will be posted upon electronic submission to the system. Such filings will initially be noted on the docket as "Submitted." Once the Clerk's Office has received and reviewed the paper version of the document and determined that it should be accepted for filing, the docket will reflect that the document has been "Filed." If a document is not accepted for filing, the docket entry will reflect that it is "Not Accepted for Filing," and an electronic version of the document will no longer be accessible.

(c) Paper filings from parties not represented by counsel will be scanned by the Clerk's Office and posted on the Court's website once the Clerk's Office has reviewed the filing and determined that it should be accepted for filing.

11. Service and Notification of Case Activity. Registered users who have entered an appearance in a given case will receive automated email notification of all action in that case, including filings by other parties. This

visited on 11/13/2018

notification does not constitute official service, and parties remain obligated to effect formal service as outlined in the Rules of the Court. The system will also have the ability to provide notification of case activity to email addresses of attorneys and other legal professionals actually working on the case.

12. Changes to Filings. Once a document is submitted through the electronic filing system, the filer will no longer have the ability to withdraw the electronic filing or make changes to it through the system. In the event that a filer needs to make a change to the document that was submitted, the filer should contact the Clerk's Office.

13. Filing Fees. Filers submitting through the electronic filing system will continue to pay filing fees, where applicable, by check. If a fee is required, the filing will not be docketed until the fee is received.

14. Supreme Court Bar Matters. Documents relating to membership in the Supreme Court Bar, including responses to rules to show cause why a member of the Court's Bar should not be disbarred, should not be submitted through the electronic filing system. Such documents should be submitted only on paper.

15. Technical Problems. A filer who is unable to submit documents through the system due to technical problems can contact the Clerk's Office for assistance at efilingsupport@supremecourt.gov or 202-479-5660. Clerk's Office personnel will be available to respond to telephone inquiries between 9:00 am and 5:00 pm on days that the Clerk's Office is open under Rule 1.3. In the event that a technical problem is discovered after working hours and the deadline to file is before the Clerk's Office reopens, the filing should be emailed to other parties and to efilingsupport@supremecourt.gov. The inability to submit a document through the electronic filing system due to technical problems does not affect the timeliness of the filing, but the Clerk's Office generally will not docket filings from attorneys until they are submitted through the electronic filing system.

Updated: November 20, 2017