

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 IN THE MATTER OF:

4 RESTRICTED FILING AND  
5 VIEWING LEVELS.  
6

Misc. No. 03-149 (JAF)

7 **STANDING ORDER NO. 4**

8 This Standing Order addresses the modern reality mandated by the  
9 implementation of the CM/ECF system of electronic case filing as it  
10 pertains to what was known during the days of the superseded paper  
11 practice as "sealed" documents.

12 Effective November 14, 2007, the Bar will have to conform its  
13 "sealed" filings to new procedures, with different levels of  
14 restriction at the time of filing in electronic format (restricted  
15 filing). The new practice of restricted filing is described as  
16 follows.

17 First, a restricted filing and viewing motion practice module  
18 will be placed in operation in regular cases. Second, and  
19 independently of the restricted filing and viewing levels, the court  
20 will start receiving in electronic format cases that by their very  
21 nature require totally-sealed management. Some cases or proceedings  
22 in this category include a number of miscellaneous proceedings, a  
23 limited number of instances in criminal cases, some civil cases, and  
24 Social Security cases.

25 Both the restricted filing and viewing motion practice and the  
26 sealed case management changes are explained below:

1 I.

2 A. Restricted Filing and Viewing Levels in Regular Cases

3 The courts have developed updated applications (upgrades)  
4 that require filings in regular cases to be made by selecting one of  
5 the following restriction levels for viewing:

- 6 1. Public  
7 2. Parties  
8 3. Selected Parties  
9 4. Ex-Parte

10 B. Level Description

11 1. Public - The "Public" filing level contemplates no  
12 restriction at all. **It is the system's default level.** When a filer  
13 chooses to file a document as a "Public" document, everyone will be  
14 able to view the document filed.

15 2. Parties - This restriction level limits viewing to  
16 participants within the case and court personnel, including the  
17 Probation Department. The public cannot view a document filed using  
18 this restriction level.

19 3. Selected Parties - In this restriction level, the  
20 filer will be able to select which party or parties will have access  
21 to the document to be filed. Court staff can also view the document.  
22 **Neither the public nor the attorneys of record for parties not**  
23 **selected will be able to view the document filed.**



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1 **pertinent document(s) accompanied by a one-time-only motion to seal.**  
2 **Subsequent filings will be electronically submitted without motions**  
3 **to seal.**

### 4 III.

#### 5 Notifications

6 The Clerk's Office Operations Department will give notice  
7 of orders and other dispositions through automatic notice of  
8 electronic filing (NEF) or, in sealed cases, manual notice by e-mail.

### 9 IV.

#### 10 Cautionary Notice on Docket Entries

11 Counsel should bear in mind that restricted filings and filings  
12 in sealed cases are protected from unauthorized viewing only as it  
13 pertains to the document itself (the .pdf version). The docket entry  
14 associated with such filing will be public. Therefore, caution should  
15 be taken in not revealing the nature of the restricted filing by  
16 excessive wording or when selecting the event at the time of creating  
17 the docket entry.

18 An example follows: A Motion for Psychiatric Examination can be  
19 identified in at least two ways at the time of the creation of the  
20 docket entry. If counsel restricts viewing but chooses "Motion for  
21 Psychiatric Examination" from the event menu, the restricted viewer  
22 will not be able to view the document, but will be able to figure out  
23 the topic of the filing. If the filing is identified in the docket

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1 entry as "Motion Requesting Order" or "Motion for Miscellaneous  
2 Relief," without more, said viewer will not be able to identify the  
3 content of the restricted filing.

4 Counsel should be aware and take precautions accordingly.

5 **IT IS SO ORDERED.**

6 San Juan, Puerto Rico, this 9<sup>th</sup> day of November, 2007.

7 S/José Antonio Fusté  
8 JOSE ANTONIO FUSTE  
9 Chief U. S. District Judge