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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

ADMINISTRATIVE ORDER CONCERNING ELECTRONIC CIVIL CASE FILES, ELECTRONIC IMAGING AND ACCESS.	))))	**Misc. No. M1-38**
		ORDER

Pursuant to Local Rule 5.1(d) (effective January 1, 2001), this Order shall govern the policies and procedures in this district for the maintenance of electronic civil case files, electronic imaging of documents filed in civil cases, and access to electronic civil case files.

1. Electronic Imaging.

Effective January 1, 2001, or as soon thereafter as practicable, the Clerk of Court shall electronically scan all civil filings and maintain an electronic file in all civil cases except cases on the miscellaneous docket.

2. Documents Not to Be Electronically Imaged or Maintained in the Electronic Civil Case File.

The following documents and filings shall not, except as noted below or upon separate order of the Court, be electronically imaged or maintained in the electronic civil case file.

a. The record of state court proceedings in habeas corpus cases under 28 U.S.C. § 2254. The petition, responsive pleading, briefs, motions and orders in such cases shall be imaged and maintained in the electronic file.

b. Filings greater than 200 pages in length.

c. The administrative record in social security disability review cases. The complaint, answer, briefs, motions and orders in such cases shall be imaged and maintained in the electronic civil case file. The social security number on the complaint shall be blocked out in all publicly accessible files, including the electronic civil case file.

d. Filings made under seal.

e. Transcripts of proceedings before the Court, except to the extent filed by a party as an attachment or exhibit to a motion or brief, or as part of a summary judgment appendix.

f. Exhibits offered at trial or hearing.

g. Any other document or filing as ordered by the Court.

Documents which are not electronically imaged or maintained in the electronic civil case file will be filed and maintained by the Clerk of Court in accordance with the policies and procedures existing prior to the date of this Order.

3. Privacy, Proprietary, and Copyright Interests.

a. Notice substantially as follows in an appropriate format shall be given to persons accessing the Court's electronic civil case files:

"The contents of each filing in the electronic civil case files of the United States District Court for the Southern District of Iowa are subject to copyright and other proprietary rights to the extent provided by law (with the exception of the opinions, memoranda and orders of this Court). Access to the Court's civil case files, whether electronically or by review of the paper file, does not permit any use of copyrighted or proprietary material which is inconsistent with the copyright or proprietary rights of the owner, or which would otherwise be prohibited by law."

b. Any person may apply by motion for an order prohibiting the electronic imaging or filing in an action, or seeking removal from the electronic civil case file, of certain specifically-identified materials on the grounds that such materials are subject to copyright or other proprietary rights and that, notwithstanding the existence of such rights and the notice provided in subparagraph (a), electronic access to such materials in the action is likely to result in substantial prejudice to those proprietary rights.

c. Any person may apply by motion for an order prohibiting the electronic imaging or filing in an action, or seeking removal from the electronic civil case file, of certain specifically-identified materials on the grounds that such materials are subject to privacy interests and that electronic access in the action is likely to prejudice those privacy interests.

4. Access to Electronic Civil Case Files.

Any person may access the Court's electronic civil case files. To do so from a location outside the Clerk of Court's office, the person must first obtain a password and an account for the payment of fees. Access to electronic civil case files is subject to the payment of fees as authorized by the Judicial Conference of the United States or other competent authority. Information on how to obtain a password, the fees charged, and how to set up an account for the payment of fees may be obtained from the Clerk of Court and is posted on the Court's website at www.iasd.uscourts.gov.

The Clerk of Court shall maintain at least one public access terminal in each courthouse in this district from which the electronic civil case files may be accessed by members of the public at no charge. Conventional copies and certified copies of electronically filed documents may be purchased at the Office of the Clerk, during business hours Monday through Friday. The fee for copying and certification will be as established by the Judicial Conference of the United States.

5. Official Civil Case Files.

The official court file shall continue to be the hard copy paper file currently maintained by the Clerk of Court. Once imaged, the original of all filings in the electronic civil

case file will be maintained in paper format and made accessible to members of the public in conformity with the current policies and practices of this district. The "judge's copy" of all paper filings will be received and distributed by the Clerk of Court as before.

IT IS SO ORDERED.

Dated this 8th day of January, 2001.

RONALD E. LONGSTAFF, Chief Judge
United States District Court
Southern District of Iowa