

**PROCEDURES FOR ELECTRONICALLY SERVING, FILING,
IMAGING AND ACCESSING DOCUMENTS IN**

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**



Updated 4/8/2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA**

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FILING, IMAGING AND ACCESSING DOCUMENTS**

TABLE OF CONTENTS

I.	<u>INTRODUCTION</u>	1
II.	<u>ELECTRONIC CASE FILING SYSTEM</u>	1
	A. <u>ELECTRONIC FILING AUTHORIZED</u>	<u>1</u>
	B. <u>ELECTRONIC FILING MANDATORY</u>	<u>1</u>
	C. <u>DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE</u>	<u>2</u>
	D. <u>DOCUMENTS FILED BY THE UNITED STATES ATTORNEY TO INITIATE PROSECUTIONS IN CRIMINAL CASES</u>	<u>2</u>
	E. <u>DOCUMENTS FILED IN CIVIL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM</u>	<u>2</u>
	F. <u>DOCUMENTS FILED IN CRIMINAL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM.</u>	<u>3</u>
	G. <u>DOCUMENTS FILED IN A MISCELLANEOUS CASE</u>	<u>5</u>
	H. <u>PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS</u> ...	<u>5</u>
III.	<u>OFFICIAL COURT FILES/RETENTION OF ORIGINAL DOCUMENTS</u>	8
	A. <u>ORIGINAL DOCUMENTS</u>	<u>9</u>
	B. <u>ORIGINAL DOCUMENTS RETAINED BY ATTORNEY OR PARTY</u>	<u>9</u>
	C. <u>ORIGINAL CHARGING DOCUMENTS IN CRIMINAL CASE</u>	<u>9</u>
	D. <u>DOCUMENTS AND OTHER MATERIALS NOT FILED</u>	<u>9</u>
IV.	<u>SIGNATURES</u>	9
	A. <u>FILER'S SIGNATURE, GENERALLY</u>	<u>9</u>
	B. <u>NON-ATTORNEY SIGNATURE, GENERALLY</u>	<u>10</u>
	C. <u>ATTORNEY SIGNATURES, FORMAT</u>	<u>10</u>
	D. <u>MULTIPLE SIGNATURES</u>	<u>10</u>
V.	<u>SERVICE</u>	11
	A. <u>NOTICE OF ELECTRONIC FILING</u>	<u>11</u>
	B. <u>NON-REGISTERED PARTICIPANTS</u>	<u>11</u>
	C. <u>CONVENTIONALLY-FILED DOCUMENTS</u>	<u>12</u>
	D. <u>CERTIFICATE OF SERVICE REQUIRED</u>	<u>12</u>
	E. <u>FEDERAL RULE OF CIVIL PROCEDURE 6(e) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(e)</u>	<u>12</u>

VI.	<u>OBTAINING PASSWORDS AND REGISTRATION</u>	<u>12</u>
	A. <u>PASSWORDS</u>	<u>12</u>
	B. <u>REGISTRATION</u>	<u>13</u>
VII.	<u>ORDERS</u>	<u>14</u>
	A. <u>ELECTRONIC FILING OF ORDERS</u>	<u>14</u>
	B. <u>NON REGISTERED PARTIES</u>	<u>14</u>
	C. <u>TEXT-ONLY ORDERS</u>	<u>14</u>
VIII.	<u>DOCKET ENTRIES</u>	<u>14</u>
	A. <u>DOCKET TEXT</u>	<u>14</u>
	B. <u>CORRECTING DOCKET ENTRIES</u>	<u>14</u>
IX.	<u>FILING OF DOCUMENTS AND TECHNICAL FAILURES</u>	<u>15</u>
	A. <u>TIMELY FILING</u>	<u>15</u>
	B. <u>TECHNICAL FAILURES</u>	<u>15</u>
X.	<u>PRIVACY</u>	<u>16</u>
	A. <u>GENERAL STATEMENT</u>	<u>16</u>
	B. <u>PERSONAL DATA IDENTIFIERS</u>	<u>16</u>
	C. <u>UNREDACTED DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS</u>	<u>17</u>
	D. <u>RESPONSIBILITY FOR COMPLIANCE</u>	<u>17</u>
	E. <u>DOCUMENTS TO BE FILED <i>EX PARTE</i> OR UNDER SEAL</u>	<u>18</u>
XI.	<u>FILING OF DOCUMENTS IN PAPER FORM</u>	<u>18</u>
	A. <u>PRO SE FILERS</u>	<u>18</u>
XII.	<u>SOCIAL SECURITY CASES</u>	<u>18</u>
	A. <u>ADMINISTRATIVE RECORD</u>	<u>18</u>
	B. <u>OTHER DOCUMENTS</u>	<u>18</u>
	C. <u>ACCESS TO DOCUMENTS</u>	<u>19</u>
XIII.	<u>PUBLIC ACCESS TO THE ECF SYSTEM DOCKET</u>	<u>19</u>
	A. <u>GENERAL RULE</u>	<u>19</u>
	B. <u>PUBLIC ACCESS AT THE COURT</u>	<u>19</u>
	C. <u>INTERNET ACCESS</u>	<u>19</u>
XIV.	<u>CONVENTIONAL COPIES AND CERTIFIED COPIES</u>	<u>20</u>

ATTACHMENT

ATTORNEY REGISTRATION FORM	<u>21</u>
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IT IS ORDERED

Pursuant to Local Rules 5.1(d) and 5.3(a) and Local Criminal Rule 55.2(a), the following Procedures are adopted to govern electronic serving, filing, imaging, and accessing documents in the Southern District of Iowa.

- I. INTRODUCTION. These Procedures, together with the court's Local Rules, govern the procedures for electronic filing of cases and documents and the maintenance of electronic case files in the United States District Court for the Southern District of Iowa. To the extent these Procedures are inconsistent with the Local Rules, these Procedures control. A User's Manual describing the mechanics of electronic filing and access to documents is available at www.iasd.uscourts.gov.
- II. ELECTRONIC CASE FILING SYSTEM. The Clerk of Court (Clerk) is responsible for maintaining electronic case files for all civil and criminal cases, receiving civil and criminal case filings by electronic transmission, and scanning and uploading paper filings in civil and criminal cases into the electronic file.
 - A. ELECTRONIC FILING AUTHORIZED. Electronic transmission of a document to the Electronic Case Filing (ECF) system consistent with these Procedures, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing and service of the document for all purposes under the Federal Rules of Civil, Criminal, and Appellate Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.
 - B. ELECTRONIC FILING MANDATORY. Unless otherwise required or authorized by these Procedures, or by the Clerk or the Court, all documents submitted for filing in all civil or criminal cases must be filed electronically using the ECF system in .pdf format compatible with the system requirements. System requirement information is available at the Pacer website, <http://pacer.psc.uscourts.gov>.

For good cause, the Clerk or the Court may authorize an attorney or a party to submit a document to the Clerk for filing via e-mail as a ".pdf" (Portable Document Format) file, or may authorize the attorney or party to submit the document to the Clerk for scanning so the Clerk can upload the document into the ECF system.

A federal judge may enter an order striking any paper document filed or submitted for filing in instances where the filing of paper documents is not specifically authorized or required by these Procedures or by an order of the Court.

- C. DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE. Unless otherwise authorized by the Court, all documents submitted for filing to the Clerk by parties proceeding pro se must be in paper form. With respect to all such documents, if a party represented by an attorney would have been required to file the document electronically under these Procedures, then the Clerk will scan and upload the document into the ECF system.
- D. DOCUMENTS FILED BY THE UNITED STATES ATTORNEY TO INITIATE PROSECUTIONS IN CRIMINAL CASES. The United States Attorney will electronically file all criminal complaints. The Clerk will electronically file indictments presented by the grand jury and informations and waiver of indictment forms. An indictment is considered filed on the date it is returned in open court as provided in Federal Rule of Criminal Procedure 6(f). The complaint is considered filed when it is sworn to before a judicial officer pursuant to Federal Rule of Criminal Procedure 3. Except in emergency situations (such as filing a complaint during weekend or evening hours), the U.S. Attorney's Office is responsible for opening a case before such a document is presented to the judicial officer, as required by section II(H)(4). In such circumstances, the responsibility for filing the complaint after presentation to a judicial officer shall remain with the U.S. Attorney's Office.
- E. DOCUMENTS FILED IN CIVIL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM.
1. Unless otherwise authorized by the Clerk or the Court, the following documents filed in civil cases must be filed in paper form (the Clerk then will maintain these documents in a paper file, and will not scan or upload the documents into the ECF system). Counsel should electronically file a notice, or the Clerk should note in the docket entry text, indicating what documents have been filed in paper form:
 - a. The record of state court proceedings in habeas corpus cases filed under 28 U.S.C. § 2254 (the petition, responsive pleading, briefs, motions, and orders in such cases will be maintained in the ECF system).
 - b. The administrative record in Social Security disability review cases and other administrative review cases (the complaint, answer, briefs, motions, and orders in such cases will be maintained in the ECF system).
 - c. Transcripts of proceedings before the Court and exhibits offered at a trial or hearing, except to the extent filed as an attachment or exhibit to a motion or brief or as part of an electronically-filed summary judgment appendix.
 - d. Filings totaling more than 200 pages in length.

- e. Color photographs, unless in a digital format which may be converted to .pdf format.
- f. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

For good cause, an attorney or a party may apply to the Court for permission to file a document in a civil case in paper form rather than electronically.

- 2. The following documents in civil cases will now be filed electronically in the Southern District of Iowa but will be accessible only by the Court and court staff:
 - a. In camera submissions.
- 3. The following documents should never be filed in the Court's live electronic database:
 - a. Settlement conference statements. These should be provided to the chambers of the settlement conference judge only, either by fax transmission, mail or hand delivery .
 - b. Test documents. These documents may be filed in the Court's training database at <http://www.ecf-train.iasd.uscourts.gov>.

F. DOCUMENTS FILED IN CRIMINAL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM.

- 1. Unless otherwise authorized by the Clerk or the Court, the following documents filed in criminal cases must be filed in paper form (the Clerk then will maintain these documents in a paper file, and will not scan or upload the documents into the ECF system). Counsel should electronically file a notice, or the Clerk should note in the docket entry text, indicating what documents have been filed in paper form:
 - a. Transcripts of proceedings before the Court and exhibits offered at a trial or hearing, except to the extent filed as an attachment or exhibit to a motion or brief.
 - b. Filings and other documents relating to petty offenses.
 - c. Filings totaling more than 200 pages in length.
 - d. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

- e. Color photographs, unless in a digital format which may be converted to .pdf format.
- f. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

For good cause, an attorney or a party may apply to the Court for permission to file a document in a criminal case in paper form rather than electronically.

- 2. The following documents in criminal cases will now be filed electronically in the Southern District of Iowa but will be accessible only by the Court, court staff and counsel of record:

- a. Any motion seeking a reduction in sentence for substantial assistance or cooperation with the government, regardless of how denominated, including motions under 18 U.S.C. § 3553(e), U.S.S.G. § 5K1.1 and/or Federal Rule of Criminal Procedure 35(b), as well as any motions to extend deadlines for the filing of such a motion or to continue a sentencing hearing for reasons relating to a defendant's ongoing cooperation.
- b. Filings in cases on the magistrate docket.
- c. Juror challenge sheets.
- d. Plea Agreements
- e. Indictments, which include the signature of the grand jury foreperson. A redacted version of each indictment, which omits the identity of the grand jury foreperson (and, if applicable, any personal identifiers and sensitive information under section X(B) of these procedures), shall also be filed and shall be available to the public upon the unsealing of the case under Local Criminal Rule 6.1.

- 3. The following documents in criminal cases will now be filed electronically in the Southern District of Iowa but will be accessible only by the Court and court staff:

- a. Financial affidavits, requests for and orders concerning the issuance of subpoenas, requests for and orders concerning writs of habeas corpus ad testificandum and ad prosequendum, and motions by defendants for investigative,

expert, or other services under the Criminal Justice Act (18 U.S.C. § 3006A(e)).

- b. Any ex parte request, order or other document which, under the policies of the district or by rule, would not be filed in the public file or would be filed under seal (i.e., unexecuted warrants of any kind, presentence investigation reports, and reports of medical or mental evaluations of defendants).

G. DOCUMENTS FILED IN A MISCELLANEOUS CASE. Documents filed in a miscellaneous case (a case not assigned civil or criminal number, for instance, pen registers) must be filed in paper form. The Clerk will scan the documents into an electronic file and make all docket entries.

H. PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS.

1. Opening Civil Cases. An attorney initiating a civil case in this Court either by (a) filing an original action in this Court, or (b) removing an action to this Court, must open the case electronically through the CM/ECF case management system. The attorney then must electronically file the Complaint (or the removal papers required by Local Rule 81.1(a)), and thereafter must electronically file all subsequent documents that, under these Procedures, are required to be filed electronically. Any case opened electronically does not need a civil cover sheet as required by Local Rule 3.1(e).

2. Civil and Criminal Summonses.

- a. A civil summons will be issued to an attorney or party as specified in Federal Rule of Civil Procedure 4(b). If counsel wish a summons to be mailed to their offices, counsel should mail a separate written request for the same, indicating the number of summonses required and providing a self-addressed, stamped envelope.
- b. A summons may not be served electronically; service of a summons must be made in accordance with the requirements of Federal Rules of Civil and Criminal Procedure 4.
- c. After a civil summons has been served, the serving attorney or party must promptly scan the return of service and electronically file it into the ECF system.
- d. After a criminal summons is served, the agency or person making the return must promptly scan the return of service and electronically file it into the ECF system.

3. Warrants:

- a. Search warrant applications, arrest warrant applications, and the like, shall be submitted to a federal judge in paper form. After the judge has acted on the application, the U.S. Attorney shall present the application and the warrant to the Clerk's office, which will process the warrant and return it to the U.S. Attorney or U.S. Marshal, noting issuance of the warrant on the record. The U.S. Attorney may e-file the application before or after the warrant is issued, unless it is to be filed in a miscellaneous case. See section (II)(G) supra.
- b. The U.S. Attorney will prepare a completed arrest warrant and present it to the Clerk at the time an indictment is returned in a criminal case in which the U.S. Attorney is seeking an arrest warrant.
- c. The officer or agent who executes an arrest warrant must deliver the return of service to the Clerk who will scan the return into the electronic file.

4. Opening Criminal Cases.

- a. The U.S. Attorney is responsible for electronically opening all criminal cases except for cases involving out-of-district arrest warrants and initial appearances under Rule 5 of the Federal Rules of Criminal Procedure, which will be opened by the Clerk's office.
- b. All documents filed thereafter must be filed electronically to the extent and in the manner required by these Procedures.

5. Filing Briefs In Civil and Criminal Cases.

- a. Except as provided by Local Rule 7.1(d), every motion must be accompanied by a brief. The brief must be filed as an electronic attachment to the motion. As part of the e-filing, counsel should describe the attachments to any motion.
- b. Hyperlinks - In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. The Judiciary's policy on hyperlinks is that a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document. A hyperlink reference is extraneous to any filed document and is not part of the court's record.

6. Filing Documents Which Require Leave of Court.
 - a. If leave of court is required to file a document (for example, an amended complaint or an over-length brief), the attorney must electronically attach the document to the motion requesting permission from the Court to file the document, unless the document is one which counsel wishes to file under seal. Please see section (X)(E) for procedures for filing under seal. If the Court grants the motion, the Clerk will detach, file, and docket the document.
 - b. A motion for overlength brief or a motion for leave to file under seal should not be filed as an attachment to another motion. These motions should be separately filed with their attachments.
7. Filing Large Documents. A document larger than two megabytes in size but 200 pages or fewer in length (see subsections II.E.4. and II.F.3. of these Procedures) must be filed electronically in the ECF system, but must be filed in separate segments, with each segment less than two-megabytes in size. Chambers retains the discretion to request courtesy copies of lengthy filings from counsel.
8. Summary Judgment Appendices. Summary judgment appendices must be prepared, served, and filed in accordance with Local Rules 5.3(f), and 56.1(e).
9. Documents Submitted to the Court for Approval.
 - a. If entry of a stipulated or routine administrative order is requested, the request should be made by motion filed electronically. A proposed order may be attached to the motion. A Proposed Scheduling Order and Discovery Plan is a separate event on the e-filing menu; no proposed order should be attached to these proposed documents.
 - b. Chambers may or may not use proposed orders at their discretion. Proposed orders in .pdf format (such as proposed protective orders) should not contain a date or signature block. A digital signature may be affixed by chambers. The effective date of any such order will be the date filed.
 - c. Some motions require a full order with signature block, for example, judgment decrees of foreclosure, order confirming Marshals' sale; Social Security cost and/or fee orders. If a receiving agency requires a complete order, a proposed order in Wordperfect format (which is a "Save As" option in most

word processing software) may be e-mailed to the appropriate chambers after a motion is filed and upon request from chambers.

- d. If a proposed order is not attached to a motion, chambers may enter a text order only depending on the nature of the motion.
10. Filings in Cases on the Miscellaneous Docket. Filings in cases on the miscellaneous docket will be submitted in paper to the Court and then scanned by the Clerk and entered into the ECF system. Documents which should be sealed should be clearly marked as Sealed.
11. Plea Agreements. Original, executed Plea Agreements and Statements by Defendant in Advance of Plea of Guilty may be filed electronically by either party in advance of the plea proceeding or presented to the Court for filing at the time of the plea proceeding, in which case they shall be filed electronically by Court staff. If these documents are filed electronically in advance of the plea proceeding, the party filing the documents shall retain the original paper copies for at least one year beyond the conclusion of the criminal proceedings in the district court. If these documents are filed electronically by Court staff after the plea proceeding, the original paper documents shall be returned to the U.S. Attorney's Office, which shall retain them for at least one year beyond the conclusion of the criminal proceedings in the district court. For purposes of the record, however, the electronically-filed plea agreement shall be considered the only and official record of the plea agreement.
12. Documents Seeking Expedited Relief. If a filing seeks expedited relief which requires immediate attention, counsel should call the appropriate chambers or the Clerk's office to notify them a request for expedited relief has been filed.
13. Section 2255 Cases. All section 2255 cases will be opened as new cases in the civil docket with reference to the former criminal case. All subsequent filings in these cases will be made in the civil case only.

III. OFFICIAL COURT FILES/RETENTION OF ORIGINAL DOCUMENTS.

The Clerk will not maintain paper case files in civil or criminal cases initiated on or after October 1, 2004, except as otherwise provided in these Procedures or directed by the presiding judge. The official court record for all cases is the following: (1) the electronic files maintained on the Court's servers; (2) filings maintained by the Clerk in paper form that are not part of the electronic file; (3) exhibits and other materials filed with or delivered to the Court and maintained by the Clerk in paper form as part of the official court file.

A. ORIGINAL DOCUMENTS. Except as provided below, the Clerk will retain all documents brought to the Clerk's office for filing after the documents are scanned and uploaded into the ECF system in chronological order by month until such time as the statute changes, except for those documents noted above as being required to be filed in paper form. An electronically-filed document maintained on the Court's servers constitutes the official court record of the document.

B. ORIGINAL DOCUMENTS RETAINED BY ATTORNEY OR PARTY. If an attorney or a party wants to retain the original of a document that is to be filed, the attorney must scan the original document and electronically file it into the ECF system.

The filer of a document that (1) contains the signature of a non-attorney, or (2) has evidentiary value must scan the original document and electronically file it into the ECF system. The filer must maintain the original paper version of the document during the pendency of the case, and for the period required by the policies of the Judicial Conference after the electronic filing of the document.

C. ORIGINAL CHARGING DOCUMENTS IN CRIMINAL CASES. The Clerk will retain the original paper version of indictments and grand jury vote sheets in a chronological file for the period required by the policies of the Judicial Conference. The U.S. Attorney will retain the original paper version of complaints and informations for at least one year beyond the conclusion of criminal proceedings in the district court.

D. DOCUMENTS AND OTHER MATERIALS NOT FILED. Documents and other materials maintained by the Clerk but not filed in the case file will not be scanned or uploaded into the ECF system.

IV. SIGNATURES.

A. FILER'S SIGNATURE, GENERALLY. The user's login name, combined with the user's password, serves as and constitutes the signature of the filer for the purposes of Local Rule 11.1 and the applicable Federal Rules of Civil, Criminal, and Appellate Procedure. All documents filed electronically also must include a signature block for the filer in the form set out in subsection C, below.

An attorney or a party who disputes the authenticity of a filer's signature on an electronically-filed document must file an objection to the document within ten

days after the attorney or party receives the Notice of Electronic Filing (NEF).¹ If no timely objection is filed, the Court will presume the signature to be authentic.

- B. NON-ATTORNEY SIGNATURE, GENERALLY. If a document contains an original signature of a non-attorney, the filer must scan the original document and electronically file it into the ECF system.

An attorney or a party who disputes the authenticity of a non-attorney's signature on an electronically-filed document must file an objection to the document within ten days after the attorney or party receives the NEF.¹ If no timely objection is filed, the Court will presume the signature to be authentic.

- C. ATTORNEY SIGNATURES, FORMAT. Any document requiring an attorney's signature that is to be filed electronically **must be signed**, either with the symbol "/s/" or with a digitized signature. The correct format for an attorney signature block is as follows:

"/s/" or digitized signature
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Des Moines, IA 50309
Telephone: (515) 123-4567
Fax: (515)123-4568
E-mail: judith_attorney@law.com

- D. MULTIPLE SIGNATURES. The following procedure applies when a document to be filed requires two or more signatures:

1. The filer initially must confirm that the content of the document is acceptable to all persons required to sign the document, and that all such persons consent to having their signatures appear on the document.
2. The filer then must do one of the following: (a) scan the original document, with all of the signatures attached (facsimile and electronic signatures are permissible), and file the document electronically; or

¹ The Notice of Electronic Filing (NEF) is described in subsection V(A) of these Procedures.

(b) electronically file the document in .pdf format, using either the “s/signature” format or a digitized signature for the required signatures.

An attorney or a party who disputes the authenticity of a signature on an electronically-filed document containing two or more signatures must file an objection to the document within ten days after the attorney or party receives the NEF. If no timely objection is filed, the Court will presume the signatures to be authentic.

V. SERVICE.

- A. NOTICE OF ELECTRONIC FILING. Whenever a document in a case is filed electronically in accordance with these Procedures, the ECF system will generate a Notice of Electronic Filing (NEF), which will be sent via e-mail both to the attorney for the filing party and to the attorneys for the other parties who are registered users of the ECF system.²

All attorneys who are registered users of the ECF system agree to accept electronic service of all notices and documents filed in the case. If an attorney is a registered user of the ECF system, the ECF system automatically will e-mail the NEF to the attorney whenever a document is filed in a case in which the attorney has appeared. The NEF will constitute service of the document on the attorney for purposes of the Federal Rules of Civil, Criminal, and Appellate Procedure; no additional proof or certificate of service is required for service on a party represented by a registered user of the ECF system.

Each registered user of the ECF system is responsible for assuring that the user’s e-mail account is monitored regularly, and that e-mail notices sent to the account are opened in a timely manner.

- B. NON-REGISTERED PARTICIPANTS. Filers must serve a paper copy of any electronically-filed document on all persons entitled to service who are not participants in the ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving paper copies of documents that have been filed electronically, the filer must include a copy of the NEF.
- C. CONVENTIONALLY-FILED DOCUMENTS. Pro se parties filing paper documents and other filers electing to bring a document to the Clerk for scanning and uploading into the ECF system must serve a paper copy of the document on all persons entitled to service who are not participants in the

² To determine whether an attorney is a registered user, enter the ECF system and select the system’s “Utilities” category. Click on “Mailing Information for a Case” on the pull-down menu, and enter the case number. A screen will appear, indicating which attorneys in the case are and are not registered users.

ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving a paper copy of the document, the filer must include a copy of the NEF. Such filers should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, such filers should consider paper service or, with respect to attorneys registered to participate in the ECF system, service by e-mail or fax.

- D. CERTIFICATE OF SERVICE REQUIRED. A certificate of service is required when an attorney or a party files a document and there are persons entitled to service who are not listed as served on the NEF. The certificate must state the manner in which service on such persons was accomplished.

- E. FEDERAL RULE OF CIVIL PROCEDURE 6(e) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(e). The three-day mailing rule in Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(e) applies to documents served electronically. See Local Rule 6.1 and Local Criminal Rule 45.1.

VI. OBTAINING PASSWORDS AND REGISTRATION.

- A. PASSWORDS. Each attorney admitted to practice in the Southern District of Iowa is entitled to one ECF system password from the district court. The password permits the attorney to participate in electronic filing and the retrieval of documents from the ECF system. Pro se parties will not be given passwords or allowed to file electronically unless the Court so orders in writing.
 - 1. No attorney should knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
 - 2. Once registered, the attorney will be responsible for all documents filed with his or her password.
 - 3. An attorney admitted pro hac vice must register for a password in accordance with these Procedures.
 - 4. The Clerk may issue a password to attorneys who are not admitted to practice before this Court but who are admitted to practice in another state or federal court. However, these attorneys must not use the password to file any documents electronically with the Court without first being admitted to practice before the Court under Local Rule 83.2.

B. REGISTRATION.

1. For an attorney to file documents with the Court electronically, the attorney must complete and sign an Attorney Registration Form, Credit Card Authorization form, and obtain a password for the ECF system. Copies of these forms are available on the Court's web site at www.iasd.uscourts.gov.

Except as provided in subsection VI.A.4. of these Procedures, the Court will issue passwords only to attorneys admitted to practice before the Court in accordance with Local Rule 83.2.

2. All signed original Attorney Registration Forms must be mailed or delivered to the Clerk's Office, United States District Court, P.O. Box 9344, Des Moines, Iowa 50306-9344.
3. After assigning a password, the Clerk will mail password information to the attorney via regular, first-class mail, or the attorney may arrange to pick up the password at the Clerk's office.
4. Once registered, an attorney may withdraw from participating in the ECF system by providing the Clerk with notice of withdrawal. Such notice must be in writing and mailed or delivered to the Clerk's Office, United States District Court, P.O. Box 9344, Des Moines, Iowa 50306-9344. Upon receipt, the Clerk's office immediately will cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in the ECF system will not be construed as authorization for the attorney to file cases or documents conventionally.
5. After registering, attorneys may change their passwords. If an attorney comes to believe that the security of an existing password has been compromised and that a threat to the ECF system exists, the attorney must change his or her password immediately.
6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from what the attorney submitted on the original Attorney Registration Form must serve upon all other parties and file a timely notification of the changes.
7. **Each registered user of the ECF system is responsible for assuring that the user's e-mail account is monitored regularly, and that e-mail notices sent to the account are opened in a timely manner.**

VII. ORDERS.

- A. ELECTRONIC FILING OF ORDERS. The Clerk or a federal judge will electronically file all signed court-generated documents, including orders, decrees, judgments, and records of proceedings of the Court. All court-generated documents will be uploaded into the ECF system, which will constitute entry on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Any court-generated document signed electronically and uploaded to the ECF system has the same force and effect as if the Clerk or the judge had affixed his or her signature to a paper version of the document and the document had been entered conventionally on the court docket.
- B. NON REGISTERED PARTIES. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of the ECF system, the Clerk will include a copy of the NEF.
- C. TEXT-ONLY ORDERS. The Clerk or the Court may grant routine orders by a text-only entry upon the docket or by placing a .pdf stamp on the motion. In such cases, no additional .pdf document will issue; the text-only entry or stamp will constitute the Court's only order on the matter. The ECF system will generate an NEF for each text-only order filed in the system.

VIII. DOCKET ENTRIES.

- A. DOCKET TEXT. A party electronically filing a document is responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.
- B. CORRECTING DOCKET ENTRIES.
 - 1. Once a document is submitted and docketed into the ECF system, corrections to the docket can be made only by the Clerk.
 - 2. If a filer discovers an error in the electronic filing or docketing of a document, the filer should contact the Clerk as soon as possible. The filer should have the case number and docket number of the document that was filed or docketed erroneously. The Clerk will research the error and advise the filing party of how the error will be addressed by the Clerk and what further action by the filer, if any, is required to address the error. A filer **should not** refile or attempt to re-docket a document that has been filed or docketed erroneously unless specifically directed to do so by the Clerk.
 - 3. If errors in the filing or docketing of a document are discovered by the Clerk, the Clerk ordinarily will notify the filer of the error by e-mail and advise the filer of what further action, if any, is required to address the

error. However, if the error is a minor one, the Clerk may, with or without notifying the parties, either correct or disregard the error.

4. A federal judge may enter an order striking, sealing or directing the refiling of any electronically-filed document that is of poor quality or not in compliance with these Procedures.

IX. FILING OF DOCUMENTS AND TECHNICAL FAILURES.

A. TIMELY FILING. Unless contrary to the specific requirements of a Local Rule or an order of the Court, an electronic filing can be made on any day of the week, including holidays and weekends, and at any time of the day or night. The NEF produced by the ECF system when the document is filed and docketed will record the date and time of filing of the document in local time for the Southern District of Iowa, and will constitute the “file stamp” for all purposes. This date and time will be the official filing date and time of the document regardless of when the filer actually transmitted the document to the Clerk.

1. Unless contrary to an order entered by the Court establishing a time of day as part of a deadline for filing a document in a case, a document is timely filed if it is filed before midnight in the Southern District of Iowa on the date on which the filing is due.
2. E-mailing a document to the Clerk’s office or to the Court does not constitute “filing” of the document. A document is not filed electronically for purposes of the Federal Rules of Civil, Criminal, or Appellate Procedure until the ECF produces the NEF.

Because it is foreseeable that, from time to time, the ECF system will not operate properly, attorneys are cautioned not to wait until the last moment to file documents electronically.

B. TECHNICAL FAILURES.

1. Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. *See, for example*, Fed. R. Civ. P. 6(b). It is the responsibility of the filer to ensure, by whatever means necessary, that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the ECF system will not excuse the filer from compliance with a jurisdictional filing deadline.
2. If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer must, by the earliest available conventional or electronic means, file the document. The filing of the document will be accepted by the Court as timely unless the presiding judge

determines that the untimely filing of the document should not be excused.

3. **A filer is not excused from missing a filing deadline** because of (a) problems attributable to the Court, or (b) problems attributable to the filer (such as phone line problems, problems with the filer's Internet Service Provider, hardware problems, or software problems). If the Clerk determines that the ECF system is unable to accept filings continuously or intermittently for more than one hour during the Clerk's regular office hours, the clerk may, but is not required to, notify potential filers of the problem by e-mail or by posting notice of the problem on the Court's web site.

X. PRIVACY.

A. GENERAL STATEMENT. Unless sealed or restricted by court order, electronically filed documents are accessible to any subscriber to the PACER system (see Part XIII). Subscribers will be able to read, download, store and print the full content of electronically filed documents not under seal or to which access is restricted. Therefore, filers should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via PACER.

B. PERSONAL DATA IDENTIFIERS AND SENSITIVE INFORMATION. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, as amended, and Local Rule 10.1(h), unless otherwise ordered by the Court or required by law, a filer of a document containing personal data identifiers must, unless the document is filed under seal, modify or partially redact the document to prevent the disclosure of the identifiers. Personal data identifiers include the following:

1. Social Security numbers;
2. Financial account numbers;
3. Dates of birth;
4. Names of minor children; and
5. Home addresses.

By way of example, and not limitation, if the Social Security number of an individual must be included in a document, only the last four digits of that number should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document. If an individual's date

of birth is necessary, only the year should be used. If a minor child must be mentioned, only that child's initials should be used. Where possible, references to home addresses should be limited to city and state.

In addition, attorneys and parties should exercise caution when filing unsealed documents that contain the following information:

1. Other personal identifying numbers, such as driver's license numbers;
2. Information concerning medical treatment or diagnosis;
3. Employment history;
4. Personal financial information;
5. Proprietary or trade secret information;
6. Information concerning a person's cooperation with the government;
7. Information concerning victims; and
8. Sensitive security information.

C. UNREDACTED DOCUMENTS CONTAINING PERSONAL DATA IDENTIFIERS. A party wishing to file a document containing personal data identifiers may:

1. File an unredacted document under seal. This document shall be retained by the Court as part of the record; or
2. File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. A reference list shall be retained by the Court as part of the record.

D. RESPONSIBILITY FOR COMPLIANCE. It is the responsibility of attorneys and parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk of Court will not review filings to determine whether appropriate redactions have been made. The Clerk also will not, on his or her own initiative, redact documents or seal documents containing personal data identifiers.

- E. DOCUMENTS TO BE FILED *EX PARTE* OR UNDER SEAL. Documents filed *ex parte* and documents to be filed under seal should be filed electronically into the ECF system. The filer is responsible for insuring that he has been granted the right to file under seal prior to attempting to file the document.

A filer can file a document under seal only pursuant to the procedures set out in Local Rule 5.1(e) and Local Criminal Rule 47.1(b). A motion to seal generally is required to file a document under seal, unless filing under seal is permitted specifically by the Administrative Order of September 16, 2003 in Miscellaneous case M-138 (which is available on the Court's web site at www.iasd.uscourts.gov under Court Information, Administrative Orders, filed 09/16/2003), or the document contains unredacted personal data identifiers (Part X(B),(C)), or the document is filed in accordance with a protective order specific to the case. Said motion may be filed as an attachment to a Notice of EX PARTE filing (which may only be seen by the Court) or as a motion for leave to file under seal (which may be viewed by all parties to a case). The document(s) to be filed under seal should not be attached; counsel are responsible for providing sufficient descriptive information to enable the Court to determine whether sealing is necessary. If the motion is granted the party shall file the subject document(s) under seal in the ECF system. If an attorney or a party attempts to file a document under seal but does not comply with the procedures set out in the Local Rules or the Court's Administrative Orders, then the Clerk is authorized to unseal the motion upon direction of the Court.

- XI. FILING OF DOCUMENTS IN PAPER FORM. The following procedures govern documents that are required to be filed in paper form.

- A. PRO SE FILERS. Pro se litigants must mail or deliver to the Clerk's office originals of all documents submitted to the Clerk for filing. The Clerk will scan these documents and upload them into the ECF system, and also will maintain the documents in a paper file. A pro se filer must serve a paper copy of filed documents on all persons entitled to service, in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b).

- XII. SOCIAL SECURITY CASES. Absent a showing of good cause, all documents filed in Social Security disability review cases must be filed using the ECF system, except as noted below.

- A. ADMINISTRATIVE RECORD. The administrative record must be filed in paper form. The Clerk will docket a "text-only event" stating that the transcript has been filed.
- B. OTHER DOCUMENTS. All other documents filed in Social Security disability review cases, including the complaint, answer, briefs, motions, and orders, must be filed electronically and served according to these Procedures. Filers

are cautioned to comply with the privacy and redaction requirements in section X of these Procedures.

- C. ACCESS TO DOCUMENTS. To address privacy issues inherent in Social Security review cases, Internet access to the electronic case file in such cases will be granted only to court staff and to attorneys who have appeared in the case. Anyone can review the docket sheet over the Internet or the public file in the Clerk's office.

XIII. PUBLIC ACCESS TO THE ECF SYSTEM DOCKET.

- A. GENERAL RULE. These Procedures are not intended to affect the scope of what is accessible to the public in the Court's criminal and civil files. Generally, those documents not a part of the public file prior to the maintenance of electronic files (documents under seal, filed *ex parte*, certain criminal papers and the like) will not be part of the publicly-accessible electronic file.
- B. PUBLIC ACCESS AT THE COURT. Electronic access to the electronic docket and documents filed in the publicly-accessible ECF system is available at no charge at the Clerk's office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.
- C. INTERNET ACCESS.
 - 1. Civil Cases. Remote electronic access to the publicly-accessible ECF system for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. The Judicial Conference of the United States has ruled that a user fee must be charged for remote access to certain detailed case information, such as filed documents and docket sheets in civil cases, but not for reviewing calendars and similar general information.³

³ According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary ECF system users will be charged a fee of seven cents per page beginning July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely via the PACER system. A maximum charge of thirty pages per document has been approved.

The access fee does not apply to official recipients of electronic documents; *i.e.*, parties legally required to receive service or to whom service is directed by the filer in the context of service under the Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit. If, however, they again remotely access the document, they will be charged seven cents per page.

2. Criminal Cases. Remote electronic access to the public case file in criminal cases will be available on the same basis as civil cases when the technology to permit such access is installed, anticipated to be after November 1, 2004. Until then only attorneys of record in the case may view the publicly accessible electronic file remotely. Note, the only electronic filings capable of remote public access after installation of the technology will be filings which post-date the installation.

XIV. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of electronically-filed documents may be purchased at the Clerk's Office. The fees charged for copying and certifying will be in accordance with 28 U.S.C. § 1914.

IT IS SO ORDERED.

Dated this 8th day of April, 2005.



Ronald E. Longstaff
Chief Judge, United States District Court
Southern District of Iowa

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

**ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM
PLEASE TYPE**

This form shall be used to register for accounts on the court's CASE MANAGEMENT/ELECTRONIC FILES (CM/ECF) systems in the United States District Court for the Southern District of Iowa. Registered attorneys and other participants will have privileges both to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF systems. The following information is required for registration:

First/Middle/Last Name:

Last Four Digits of Social Security Number:

Firm Name: _____

Firm Address:

Voice Phone Number:

FAX Phone Number:

Internet E-Mail Address:

Additional E-Mail Address:

Does your E-mail Software support HTML messages? Yes _____ No _____

Do you currently have a login for CM/ECF for the Northern District of Iowa? Yes No

If you currently have a login and wish to use the same login id and password in the Southern District, please list the login here:

Secondary Point of Contact: (Person to be contacted if something is filed erroneously)

First/Middle/Last Name:

Voice Phone Number:

Internet E-Mail Address:

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. The systems are for use only in cases designated by the U.S. Courts for the Southern District of Iowa. The systems may be used to file and view electronic documents, docket sheets and notices.
2. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney/participant's password issued by the court, combined with the user's identification (login), serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to notify the court immediately. The court will immediately delete the password from the electronic filing system and issue a new password.
3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion and other paper shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11.
4. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of any order or judgment.
5. A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required in addition to the password issued by the court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (<http://pacer.psc.uscourts.gov>).
6. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent Administrative Order, *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* currently in effect and any changes or additions that may be made to such Administrative Procedures in the future.

Please return to: U.S. Courts
 Southern District of Iowa
 Attn: ECF Attorney Registration
 P.O. Box 9344
 Des Moines, IA 50309-9344

Date

Attorney/Participant Signature

Your login and password will be sent to you by the Office of the Clerk via email to your email address. It is your responsibility to login and change your password within 5 days of it being sent.

COURT USE ONLY:

Login Assigned	
Password Assigned	
Issuer	
Date test email sent	
Date reply returned	
Date login sent to user	
Date Scanned	

