FILED
DES MOINES, IOWA
01 APR 30 PM 2:49
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

ADMINISTRATIVE ORDER CONCERNING ELECTRONIC FILING OF DOCUMENTS IN CIVIL CASES.	))))	**Misc. No.** M1-38 **ORDER**

Pursuant to LR 5.1(d) this Order shall govern policies and procedures in this district for the electronic filing of documents in civil case files. This Order is the companion order to Misc. No. M1-38 captioned "Administrative Order Concerning Electronic Civil Case Files, Electronic Imaging and Access" filed January 8, 2001 (hereinafter "civil electronic case file order").

1. Electronic Filing. As soon as practicable the Clerk of Court shall receive documents by electronic transmission for filing in all civil case files, except in cases on the miscellaneous docket and documents described in paragraph 8 below. An electronic filing made in conformity with this Administrative Order is a filing with the Court as defined in Federal Rule of Civil Procedure 5(e). Electronic filing is at the option of the filer of the document.

2. Use of the Electronic Filing Option. Any party proceeding pro se and any attorney representing a party (collectively hereinafter "the filer") may electronically file documents. To do so, the person first must register in the Electronic Filing System (EFS) by obtaining a password and login

name, obtain an account for the payment of fees, and register with the Clerk of Court to receive facsimile noticing of court orders and judgments. Information on how to register, the fees charged to electronically file documents, and how to set up an account for the payment of fees may be obtained from the Clerk of Court and also is posted on the Court's website at www.iasd.uscourts.gov.

3. Form of Electronic Filings. Electronic filings shall conform with LR 10.1 to the extent possible using an electronic medium, except that LR 10.1(e) and (g) pertaining respectively to copies and return of file-stamped copies by mail shall not apply to electronic filings. File and service copies of summary judgment appendices required by LR 56.1(e) which are filed electronically need not be bound, fastened, or tabbed, as provided in the rule, but one paper copy of each appendix conforming to these requirements shall be delivered to the Clerk of Court within three court days (as defined in LR 1.1(i)) after the appendix is electronically filed.

4. Signing of Electronic Filings/Digital Certification by Clerk. All electronically-filed documents shall have the name of the filer stated in a signature block. A filer's login name and password is the signature of the filer for the purposes of LR 11.1 and the applicable Federal Rules of Civil and Appellate Procedure. All electronic filings are presumed to have been made by the person

or party whose login name and password have been used to make the electronic filing. No attorney knowingly shall permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her law firm. No pro se party knowingly shall permit or cause to permit his or her password to be utilized by any other person. No person knowingly shall utilize or cause another person to utilize the password of a registered attorney unless such person is an authorized employee of the law firm. The Court must be promptly advised if a password has been lost, misappropriated, or misused. If the Court determines that a password has been lost, misappropriated, or misused, the Court may cancel the password or not allow the responsible person to participate further in the EFS.

The Clerk of Court may certify documents by digital signature and seal.

5. Electronic Service of Electronically Filed Documents. Electronic service of court orders and judgments will be by facsimile transmission. Electronic service of documents filed electronically by the parties will be by electronic notice to the recipient's electronic mailbox established as part of the EFS. Registration by a person in the EFS shall constitute a request for, and consent to, electronic service of court orders and judgments, and documents electronically filed by other parties. When a

document is electronically filed it will be served by facsimile transmission or electronic notice through the court EFS on all persons appearing for any party who are EFS registrants. No other service on such persons is required. Electronic service by these means shall be the equivalent of service of the document by first class mail, postage prepaid. Facsimile transmission or arrival in the filer's electronic mailbox completes service. The three-day mailing rule of Federal Rule of Civil Procedure 6(e) applies to electronically served documents. Filers are responsible for serving persons who are not participants in the EFS in the manner required by Federal Rule of Civil Procedure 5 and LR 5.1(a). The certificate of service or other proof of service for an electronically filed document must specify the manner of service as required by LR 5.1(a).

6. Time of Day Electronic Filings Can Be Made/File-Stamped. Unless a Local Rule provides otherwise, or the presiding judicial officer orders otherwise, an electronic filing can be made at any time of day or night, on holidays and weekends. Each electronic filing will receive an electronic file-stamp which records the date and time of the filing. The date recorded on an electronic file-stamp will be the official filing date of the document. As it is foreseeable that, from time to time, the EFS

will not operate properly, parties are strongly encouraged not to wait until the last moment to electronically file documents.

7. Technical Failures. If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer shall, by the earliest available conventional or electronic means, file the document accompanied by an affidavit showing cause for failure to meet the deadline. The presiding judicial officer will determine on a case by case basis if the failure will be excused. Some deadlines in the Federal Rules of Civil Procedure are jurisdictional and cannot be extended. See, e.g., Federal Rule of Civil Procedure 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.

8. Documents Which May Not Be Filed Electronically/Verified Documents. Except upon separate order of court, documents which are not maintained in the civil electronic case file may not be filed electronically. These are:

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 may be electronically filed.

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 may be electronically filed.

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.

Verified documents such as affidavits may be filed electronically. An original paper version of all verified documents bearing the original signature and verification shall be maintained by the filer during the pendency of the case and filed if ordered by the Court or requested by another party.

9. The Docket. The Clerk of Court will continue to make all docket entries. The Clerk will review all electronic filings for this purpose.

10. Internal Court Procedures. The Clerk of Court will print a paper original of all electronic filings to be placed in the official court file specified in paragraph 5 of the civil electronic case file order.

The judicial officer to whom a filing is referred will receive electronic notice of the filing from the Clerk of Court's office. After July 1, 2001, unless a judge instructs that a paper

"judge's copy" of an electronic filing is to be made by the Clerk and sent to chambers, the "judge's copy" of all electronic filings will, if desired, be printed in chambers by the judge's staff.

IT IS SO ORDERED.

Dated this 30th day of April, 2001.

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