

ELECTRONIC CASE FILING PROCEDURES MANUAL

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

IN CM/ECF FOR

**THE UNITED STATES DISTRICT COURTS
FOR THE
NORTHERN AND SOUTHERN DISTRICTS OF IOWA**

Amended May 1, 2017

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**IN THE UNITED STATES DISTRICT COURTS
FOR THE NORTHERN AND SOUTHERN
DISTRICTS OF IOWA**

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Pursuant to Local Rules 1(l) and 5A, this “ECF Procedures Manual” (“Procedures Manual” or “Manual”) is adopted to govern the electronic serving, filing, imaging, and accessing of documents in the Northern and Southern Districts of Iowa.

I. INTRODUCTION

This Procedures Manual, together with the courts’ Local Rules, govern the electronic filing of cases and documents and the maintenance of and access to electronic case files in the United States District Courts for the Northern and Southern Districts of Iowa. To the extent the Manual is inconsistent with the Local Rules, the Local Rules control. Further information about the electronic case filing systems can be found at:

Northern District of Iowa: www.iand.uscourts.gov
Southern District of Iowa: www.iasd.uscourts.gov

II. ELECTRONIC CASE FILING SYSTEM

The Clerk of Court (“Clerk”) is authorized and directed to do the following: maintain an electronic case file in the court’s Electronic Case Filing (“ECF”) system for all cases filed with the court, including civil, criminal, magistrate, and miscellaneous cases; receive case filings into the ECF system by electronic transmission; and image documents filed in paper form into the ECF system. The Clerk of Court is also authorized to assign a “Miscellaneous” case number to certain collateral filings.

III. ELECTRONIC FILING MANDATORY

All lawyers admitted to practice before the court, including lawyers admitted pro hac vice in civil cases (see LR 83(d)(3)(B)) and criminal cases (see LR 83(d)(3)(C)), must register to participate in the ECF system, and must submit all documents to be filed with the court electronically unless otherwise required or authorized by the Local Rules, this Manual, the Clerk, or the court.

The Clerk or the court may authorize a lawyer or a party to submit a document to the Clerk for filing via e-mail or on a standard computer disk as a .pdf file, or may authorize the party to submit a paper document to the Clerk for scanning into the ECF system.

IV. OFFICIAL COURT RECORD

The official court record for all cases is the following (see LR 79):

- A. The electronic files maintained in the court’s ECF system;
- B. Filings maintained by the Clerk in paper form that are not part of the ECF system; and
- C. 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 files.

V. OBTAINING LOGINS/PASSWORDS AND REGISTRATION

A. LOGINS/PASSWORDS

A lawyer in the Northern and Southern District of Iowa will be issued an ECF system login/password for the district(s) they register in. Upon request, the lawyer can be issued the same login for both districts. The login/password will permit the lawyer to participate in electronic filing and the electronic retrieval of documents from the ECF system in the district. Pro se parties will not be given logins/passwords or be allowed to file documents electronically unless the court so orders.

1. A lawyer must not knowingly permit or cause to permit his or her login/password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, a lawyer is responsible for all documents filed with his or her login/password.
3. A lawyer requesting to be admitted pro hac vice must first register for a login/password in accordance with the Local Rules and this Manual. The lawyer must file a motion for admission pro hac vice in the case they are requesting to appear in and pay the applicable fee.
4. The Clerk may issue a login/password to lawyers who are not admitted to practice before this court but who are admitted to practice in another state or federal court. However, until the lawyer is admitted pro hac vice or applies for admission, their ECF account will be restricted and they will not be allowed to file any documents electronically with the court under Local Rule 83.
5. 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 lawyer may knowingly cause or permit their login or password to be utilized by anyone other than themselves or an authorized employee. If a pro se party obtains court-approval to participate in the ECF system, the pro se party must not knowingly cause or permit the pro se party's login or password to be utilized by any other person. If a login or password is lost, misappropriated, or misused, the responsible person must notify the Clerk, immediately of the loss, misappropriation, or misuse.

6. The court may remove or restrict the login and password of any person responsible for the loss, misappropriation, or misuse of a login or password, or not allow the responsible person to participate further in the ECF system.

B. REGISTRATION

1. For a lawyer to file documents with the court electronically, the lawyer must complete an ECF Registration Form and obtain a login/password for the ECF system. A copy of the form is attached to this Manual as Form A, and is available on the courts' web sites at:

Northern District of Iowa: www.iand.uscourts.gov

Southern District of Iowa: www.iasd.uscourts.gov

Except as provided in subsection V(A)4 and V(A)5 above, the court will issue a login/password only to lawyers admitted to practice before the court in accordance with Local Rule 83.

2. All executed ECF Registration Forms must be e-mailed to :

Northern District of Iowa: ecfmail@iand.uscourts.gov

Southern District of Iowa: iasd_attorneyreg@iasd.uscourts.gov

To enter an appearance in a case, a lawyer must be a registrant in that district's ECF system and be either a member of that district's bar, or admitted pro hac vice.

3. Once a login/password is assigned, the Clerk's office in either district will email the login/password information to the registrants primary e-mail address. If you are applying for general Admission to the Northern District you will not complete the ECF Registration Form. You will need to go to:

www.iand.uscourts.gov/attorney_information/admission_to_the_northern_district_of_iowa for further instructions.

4. Once registered, a lawyer may withdraw from participating in the ECF system by providing the Clerk with notice of withdrawal. Such notice must be in writing and be e-mailed to:

Northern District of Iowa: ecfmail@iand.uscourts.gov

Southern District of Iowa: iasd_attorneyreg@iasd.uscourts.gov

Upon receipt, the Clerk's office will change the status/access restrictions in the system to make the lawyer "Inactive". A lawyer's withdrawal from participation in the ECF system will not be construed as authorization for the lawyer to file cases or documents conventionally.

5. After registering, a lawyer may change his or her password as long as it meets the requirements of the electronic filing system: 8 characters, at least 1 capital letter, at least 1 number and 1 symbol.
6. If a lawyer's e-mail address, mailing address, telephone number, or fax number changes, the lawyer must electronically file a "notice of change of address" promptly in every active case in which the lawyer has appeared, and make the necessary changes to the lawyer's account with the ECF system.
7. **Each registered participant in the ECF system is responsible for assuring that the user's e-mail account information on the ECF system is current, the account is monitored regularly, and e-mail notices sent to the account are opened in a timely manner.**

VI. ELECTRONIC FILING, SERVICE, AND DOCKETING

The electronic transmission of a document to the Electronic Case Filing ("ECF") system consistent with the procedures specified in the Local Rules and this Manual, together with the production and transmission of a Notice of Electronic Filing ("NEF") by the ECF system, constitutes filing of the document and service of the document on all persons who have appeared in the case and are ECF system registrants for all purposes under the Federal Rules of Civil, Criminal, and Appellate Procedure and the Local Rules; 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.

A. ELECTRONIC FORMAT

Documents filed using the ECF system first must be converted to a portable document format (".pdf or .pdf/a") compatible with the requirements of the court's computer system. For scanned text, a resolution of 300 dpi or more is recommended. The system will accept documents up to 15 megabytes in size. For documents larger than 15 megabytes, see subsection VI(D)(5) of this Manual. To the extent possible, electronic filings also must conform with the requirements of Local Rule 10.

B. DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE

Unless otherwise authorized by the court, all documents submitted to the Clerk for filing by parties proceeding pro se must be in paper form.

C. OTHER DOCUMENTS REQUIRED TO BE FILED IN PAPER FORM

Except as noted below, unless otherwise required or authorized by the Local Rules, this Manual, the Clerk, or the court, the following documents are not to be filed electronically, but must be filed in paper form:

1. The record of state court proceedings in habeas corpus cases filed under 28 U.S.C. § 2254 (if over 15mb), but the application, motion, or petition; responsive pleadings; briefs; and motions in such cases will be maintained in the ECF system.

The state court proceeding documents in habeas corpus cases filed under 28 U.S.C. § 2254, should be filed in the ECF system. If the document exceeds the 15mb (per document) limit, the document should be broken down into multiple segments and attached to the entry. Each segment may not exceed 15 mb.

2. In the Southern District, exhibits offered at trials or hearings, except to the extent filed by a party as an exhibit electronically attached to a motion, brief, or response, or as part of an electronically filed summary judgment appendix.
3. Any other document the court orders not to be electronically filed or maintained in the electronic case file. The Clerk has the discretion to either scan and upload these documents into the ECF system or maintain the documents in a paper file, or both.

D. PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS

1. Documents Initiating Civil Cases

A lawyer may initiate a civil case in this court by either (a) filing an original action in this court, or (b) removing an action to this court. The lawyer is responsible for opening the case electronically through the ECF system.

2. Civil Summonses

When a new case is filed electronically, the Clerk will deliver to the plaintiff a signed and sealed blank summons. The summons is delivered to the plaintiff via electronic mail or regular mail.

In the Northern District the summons is delivered via the ECF filing system. If the parties are pro se, the summons will be delivered via U.S. Mail. The plaintiff must complete a summons for service on each defendant being served. If a motion to bring in a third party pursuant to Federal Rule of Civil Procedure 14(a) is granted, the Clerk will deliver (via one of the methods previously described) to the movant a signed and sealed blank summons. The movant must complete a copy of the summons for service on each third party being served with a summons. (See LR 14.)

A summons cannot be served by a party electronically, but must be served in compliance with Federal Rule of Civil Procedure 4. After a summons has been served, the serving party promptly must scan and file in ECF the return of service. If the serving party is pro se the return must be filed with the Clerk of Court.

3. Documents Initiating Criminal Cases

The U.S. Attorney's office must open its criminal and magistrate cases on the ECF system, except for cases where an offense has been charged in another district and the government is seeking transfer of the defendant to that district.

- a. Complaints initiating criminal prosecutions must be filed electronically by the U.S. Attorney's office. Except in emergency situations (such as where a complaint is filed during weekend or evening hours), the U.S. Attorney's office must open the case in the ECF system before presenting the complaint to a judicial officer. If the U.S. Attorney's office is not able to open the case before presenting the complaint to a judicial officer, the U.S. Attorney's office may open the case and file the complaint electronically that day, or if it is not reasonably possible to do so, on the next court day. The U.S. Attorney must prepare any arrest warrant to be issued upon the filing of the complaint and present it, along with the complaint, to the judicial officer. The officer or agent who executes the arrest warrant must deliver the return of service of the warrant to the Clerk for filing in the ECF system. A complaint will be deemed by the court to have been filed on the date it is signed by a federal judge.
- b. Indictments, informations, and completed waiver of indictment forms must be delivered to the Clerk for electronic filing, but the U.S. Attorney's office must open the case in the ECF system before the Clerk will file the document. If the U.S. Attorney is seeking an arrest warrant at the time an indictment is returned, the U.S. Attorney must prepare the arrest warrant and present it to the Clerk/Judge at the time the indictment is returned. The officer or agent who executes the arrest warrant must deliver the return of service of the warrant to the Clerk, who will scan the return into the electronic file. An indictment will be deemed by the court to have been filed on the date it is returned to a federal judge in open court.
- c. Search warrant applications, arrest warrant applications, and other similar applications to the court must be submitted to a federal judge in paper form. If the judge grants the application and issues a warrant or other process, the U.S. Attorney must deliver the application and the warrant or other process to the Clerk, who will issue the warrant or other process and, after noting the

issuance of the warrant or other process on the record, either return it to the U.S. Attorney or have it delivered to the U.S. Marshal. The U.S. Attorney may electronically file the application before or after the warrant or other process is issued.

4. Documents Which Require Leave of Court

If leave of court is required to file a document (for example, an amended complaint or an over-length brief), the document must be filed as an electronic attachment to the motion requesting permission from the court to file the document. If granted, the court may order the motion to stand as filed, or direct the Clerk to detach and file the document. This subsection does not apply to the filing of sealed documents, which is governed by Local Rule 5(c).

5. Filings Totaling More than 100 Pages in Length

A document larger than 15 megabytes in size must be filed in separate segments, with each segment 15 megabytes or smaller in size.

If a motion, resistance, or reply, together with any supporting filings, totals more than 100 pages in length and is filed electronically, within 7 days after the document is filed, the filer must deliver to the Clerk of Court, for use by the presiding judge, a paper copy of the docketed motion, resistance, or reply, together with any supporting filings, reproduced on one side of the page, bound or fastened at the left margin, and tabbed to facilitate ready reference. (See LR 10(c)(3))

6. Administrative Records

Where the court is asked to rule in a case based on an administrative record, such as a Social Security benefits case or a claim-review case brought under the Employee Retirement Income Security Act of 1974, the administrative record must be filed electronically, and within 4 days after the administrative record is filed, the filer must deliver to the Clerk, for use by the presiding judge, a paper copy of the administrative record. For good cause shown, a party may request leave to file a lengthy administrative record in paper form only.

7. Proposed Orders

In the Southern District where appropriate (for example, in the case of protective orders, orders for writs, orders for warrants for arrest *in rem*, and form orders), a proposed order may be electronically attached to a motion requesting entry of the order. (*But see* LR 16(b), relating to proposed scheduling orders and discovery plans.)

In the Northern District, all proposed orders should be submitted electronically in Word or WordPerfect and in PDF format to: ecfmail@iand.uscourts.gov. Upon receipt the Clerk will forward the proposed order to the appropriate judge for review.

A proposed order that contains personal data identifiers (see LR 10(g)) must not be electronically attached to a motion requesting entry of the order or the personal data identifiers will become part of the public case file.

8. Documents Prepared Under Penalty of Perjury

A sworn or unsworn declaration, verification, certificate, statement, oath, or affidavit prepared under penalty of perjury may be filed electronically, but an original paper version of any such document, bearing the original signature and any verification, must be maintained by the filer during the pendency of the case, and must be filed promptly if ordered by the court or requested by another party.

9. Summary Judgment Appendices

Summary judgment appendices must be prepared, served, and filed in accordance with Local Rules 56(e) and (f).

10. Expedited Relief

If expedited relief is requested in a pleading or motion, the caption of the document must include a clear indication that expedited relief is being requested. At the time such a pleading or motion is filed, counsel must alert the assigned federal judge immediately that the pleading or motion has been filed and that expedited relief is being requested.

11. Section 2255 Cases

A case filed under 28 U.S.C. § 2255 will be opened as a new civil case referencing the related criminal case. All subsequent filings in the case must be made in the civil case only.

12. Plea Agreements and Statements by Defendant in Advance of Plea of Guilty

In the Southern District of Iowa, executed plea agreements and “Statements by Defendant in Advance of Plea of Guilty” may be filed electronically in advance of a plea proceeding, or they may be presented to the court for electronic filing at the time of the plea proceeding. If such a document is filed electronically in advance of a plea proceeding, the party filing the document must retain the original paper copy of the document in compliance with Local Rule 57B.

If the document is presented to the court for filing at the time of the plea proceeding, the court will electronically file the document and will return the original paper document to the U.S. Attorney's office, which must retain the original paper copy of the document in compliance with Local Rule 57B.

A party seeking to file such a document under seal must file a motion under Local Rule 5(c), or must orally move to seal the document during the plea proceeding.

In the Northern District of Iowa all Rule 11 or Plea documents are to be emailed to: ecfmail@iand.uscourts.gov. The email should also be addressed to the Magistrate Judge's judicial assistant. These documents are no longer docketed in the ECF System.

13. Documents Filed in Paper Form

The Clerk will note on the docket when a document has been filed in paper form and has not been up-loaded into the system electronically.

E. DOCUMENTS WHICH SHOULD NOT BE FILED

The following documents should not be filed in the ECF system:

1. Initial disclosures, expert disclosures, and discovery materials. (See LR 5(A)(e))
2. Written submissions in connection with court-sponsored ADR proceedings. (These submissions must be sent directly to the settlement judge or other neutral person conducting the proceeding, and not filed.)
3. Test documents. These documents may be filed in the courts' training databases at:

Northern District of Iowa: <http://www.ecf-train.iand.uscourts.gov>

Southern District of Iowa: <http://www.ecf-train.iasd.uscourts.gov>

VII. FILING OF DOCUMENTS IN PAPER FORM

A document filed in paper form must be mailed or delivered to the Clerk's office for filing. The Clerk will, if required by subsection VI(B) of this Manual, scan the document and upload it into the ECF system.

VIII. DOCUMENTS FILED UNDER SEAL

Documents may be filed under seal pursuant to Local Rule 5(c).

A. MOTIONS TO FILE DOCUMENTS UNDER SEAL

Unless otherwise authorized by the Local Rules, this Manual, or a statute of the United States, a party seeking to file documents under seal must first file a motion requesting leave to do so. The documents sought to be filed under seal must not be attached to the motion or they will become part of the public case file. Documents may be filed under seal only if an order is entered granting the motion. If the court enters a protective order or some other order directing or permitting the filing of documents under seal, the parties must thereafter file under seal all documents covered by the protective order. The parties also must file under seal all documents referring to or disclosing confidential information in the sealed documents. Care should be taken by the filer to insure that a document intended to be filed under seal is properly electronically submitted as a sealed document.

B. SYSTEM-SEALED DOCUMENTS

In Iowa Northern District certain types of documents, because of their nature, are filed under seal by the ECF system without a motion by a party or an order of the court. See IAND Administrative Order 16-AO-0008-P.

C. ACCESS TO SEALED DOCUMENTS AND DOCKET ENTRIES

Access to documents filed under seal is managed in 3 different ways by the ECF system: (1) the documents are available for viewing only by the parties and the court, but the docket entry text is viewable to the public; (2) the documents are available for viewing only by the parties and the court, but the docket entry text is not viewable to the public; and (3) the documents are available for viewing only by the court, and are not viewable on the docket to the parties or the public. In civil cases, most documents filed under seal are summarized in a docket entry available to the public, but are available for viewing only by the parties and the court. See IAND Administrative Order #16-AO-0008-P.

IX. COURT-GENERATED DOCUMENTS

A. ELECTRONIC FILING OF ORDERS

The Clerk and the court will electronically file all court-generated documents issued in cases pending before the court. All such court-generated documents will be uploaded into the ECF system. The filing of the document on the ECF system 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. A court-generated document signed electronically and uploaded to the ECF system has the same force and effect as if the Clerk or the judge has affixed his or her signature to a paper version of the document and the document has been entered conventionally on the court docket.

B. NEF TO NON-REGISTERED PARTIES

When mailing paper copies of an electronically-filed, court-generated document to a party who is not a registered participant of the ECF system, the Clerk will include a copy of the Notice of Electronic Filing (NEF).

C. TEXT-ONLY ORDERS

The Clerk or the court may enter a routine order by making a text-only entry on the docket or by placing a .pdf stamp order on the motion requesting entry of the order. In such cases, no additional court-generated document will be issued; the text-only entry or stamp will be the court's only order on the matter. The ECF system will generate an NEF for each text-only order or .pdf stamp order filed in the system.

X. SERVICE

A. NOTICE OF ELECTRONIC FILING (NEF)

When a document is filed electronically, it will be served electronically through the ECF system on all persons who have appeared in the case and are ECF system registrants. No other service on such persons is required.

When a document in a case is filed electronically, the ECF system will generate an NEF, which will be sent via e-mail to both the lawyer for the filing party and the other persons who have appeared in the case and are ECF system registrants.¹ Electronic service of a document is complete when an NEF for the document is produced and transmitted by the ECF system. Electronic service is not effective, however, if the filer learns that the NEF did not reach the person to be served.

All persons who are registered participants in the ECF system agree to accept electronic service of all notices and documents filed in the case. If a person is a registered user of the ECF system, the ECF system will automatically e-mail the NEF to the person whenever a document is filed in a case in which the person has appeared. The NEF constitutes service of the document on the person for purposes of the Federal Rules of Civil, Criminal, and Appellate Procedure.

Each registered participant in the ECF system is responsible for assuring that the user's e-mail account information on the ECF System is current, the account is monitored regularly, and e-mail notices sent to the account are opened in a timely manner.

¹ To determine whether a lawyer is a registered participant, enter the ECF system and select the system's "Utilities" category. Click on "Mailing Information for a Case", and enter the case number. A screen will appear indicating which lawyers in the case are and are not ECF registered.

B. SERVICE OF PAPER-FILED DOCUMENTS

Parties who file paper documents pursuant to subsections VII(C)(1),(2), and (3) of this Manual must serve a paper copy of the document on all persons entitled to service. Service must be in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A),(B),(C), or (D) or Federal Rule of Criminal Procedure 49(b).

C. SERVICE ON NON-PARTICIPANTS IN THE ECF SYSTEM

Electronic filers are responsible for serving parties who are not participants in the ECF system in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A), (B), (C), (D), or (F) or Federal Rule of Criminal Procedure 49(b).

D. FEDERAL RULE OF CIVIL PROCEDURE 6(d) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(C)

The 3-day mailing rule in Federal Rule of Civil Procedure 6(d) and Federal Rule of Criminal Procedure 45 (C) does not apply to documents served electronically. See LR 6 and LCrR 45.

XI. DOCKET ENTRIES

A. DOCKET TEXT

A party electronically filing a document is responsible for an accurate docket entry and text.

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.

If a filer discovers an error in the electronic filing or docketing of a document, the filer must contact the Clerk as soon as possible. When contacting the Clerk, the filer must have available the case number and docket number of the document that was filed erroneously. The Clerk will research the error and advise the filing party of how the error will be addressed and what further action by the filer, if any, is required. A filer **must 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.

2. If errors in the filing of a document are discovered by the Clerk, the Clerk will notify the filer of the error by e-mail or telephone. If the error is a minor one, the Clerk may, with or without notifying the parties, correct the error.

XII. SIGNATURES

A. FILER'S SIGNATURES, GENERALLY

A filer's login name and password are the filer's signature for purposes of Local Rule 11 and the applicable Federal Rules of Civil, Criminal, and Appellate Procedure. All documents filed electronically must include a signature block for the lawyer filing the document in the form set out in subsection C, below.

A lawyer or a party who disputes the authenticity of a filer's signature on an electronically-filed document must file an objection to the signature within 14 days after the lawyer or party receives the NEF. If no timely objection is filed, the court will presume the signature to be authentic.

B. NON-LAWYER SIGNATURES, GENERALLY

If a document contains an original signature of a non-lawyer, the filer must scan the original document and electronically file it into the ECF system.

A lawyer or a party who disputes the authenticity of a non-lawyer's signature on an electronically-filed document must file an objection to the signature within 14 days after the lawyer or party receives the NEF. If no timely objection is filed, the court will presume the signature to be authentic.

C. LAWYER SIGNATURES, FORMAT

Any document requiring a lawyer's signature **must be signed**, with either an actual signature, the symbol "/s/", or a digitized signature. The correct format for a lawyer signature block is as follows:

actual signature or "/s/" or digitized signature Judith Lawyer

ABC Law Firm 123 South Street

Somewhere, IA [Zip Code]

Telephone: (319) 123-4567

E-mail: judith_lawyer@law.com

E-mail: [e-mail addresses of other persons at the law firm who are to be notified of additions or corrections to the docket]

Attorney for (Plaintiff/Defendant)

D. MULTIPLE SIGNATURES

The following procedure applies to a document requiring 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 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 (b) electronically file the document in .pdf format using either the “/s/” signature format or digitized signatures for the required signatures.

A lawyer 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 signatures within 14 days after the lawyer or party receives the NEF. If no timely objection is filed, the court will presume the signatures to be authentic.

XIII. RETENTION OF DOCUMENTS

A. ORIGINAL DOCUMENTS RETAINED BY LAWYER OR PARTY

The electronic filer of a document that contains the signature of a non-lawyer or has potential evidentiary value in a case must maintain possession of the original paper version of the document during the pendency of the case.

B. ORIGINAL DOCUMENTS RETAINED IN CRIMINAL CASES

The Clerk of the Southern District will retain the original paper version of all indictments, informations, and grand jury vote sheets for the length of time required by the Judicial Conference of the United States Courts. The U.S. Attorney’s office must retain the original paper version of all criminal complaints for 5 years after the electronic filing of the complaint.

The Clerk of the Northern District does not retain the original paper version of indictments, informations, complaints, search warrants, or miscellaneous cases filed by the U.S. Attorney’s office. The original documents are scanned into the ECF system, filed electronically and are returned to the United States Attorney’s office.

C. DOCUMENTS AND OTHER MATERIALS NOT FILED

Other materials maintained by the Clerk but not filed in the case file (for example, non-paper trial exhibits) will not be scanned or uploaded into the ECF system.

XIV. DATE AND TIME OF FILING, DEADLINES, AND TECHNICAL FAILURES

A. DATE AND TIME OF FILING, DEADLINES

Unless contrary to the specific requirements of the Local Rules 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 generated by the ECF system when the document is filed will record the date and time of the filing of the document in local time for the State of Iowa. 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 on the date on which the filing is due.
2. E-mailing a document to the Clerk 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 system generates an NEF for the document.
3. If the ECF system automatically generates a deadline that is different from a deadline established in an order filed by the Clerk or the court, the deadline established in the order controls.

Because it is foreseeable that, from time to time, the ECF system will not operate properly, lawyers 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, e.g., Fed.R. Civ. P. 6(b)(2).) It is the filer’s responsibility to ensure, by whatever means necessary, that a document is filed timely to comply with jurisdictional deadlines. A technical failure, including a failure of the ECF system, will not excuse the filer from compliance with a jurisdictional deadline.
2. If a filer is unable to meet a non-jurisdictional filing deadline because of a technical failure, the filer must file the document using the earliest available electronic or non-electronic means. 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 in one of the districts determines that the district’s 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 website.

XV. PRIVACY

A. PERSONAL DATA IDENTIFIERS

To comply with the policies of the Judicial Conference of the United States Courts, the E-Government Act of 2002, Pub. L. No. 107-347, and Local Rule 10.g, 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 disclosure of the identifiers. Personal data identifiers include the following:

1. Social Security numbers;
2. Dates of birth;
3. Names of minors (anyone under the age of 18)
4. Finance account numbers; and
5. Taxpayer Identification numbers.

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 an individual's date of birth is necessary, only the year should be used. If a minor child must be mentioned, only that minor's initials should be used. If financial account numbers are relevant, only incomplete numbers should be recited in the document.

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

6. Other personal identifying numbers, such as driver's license numbers;
7. Information concerning medical treatment or diagnosis which includes mental health and substance abuse information;
8. Employment history;
9. Personal financial information;
10. Proprietary or trade secret information;
11. Information concerning a person's cooperation with the government;
12. Information concerning crime victims;
13. Sensitive security information;
14. Home address;

15. Telephone Numbers; and

16. Email address

B. UNREDACTED DOCUMENTS

A lawyer or a party may file a document containing unredacted personal data identifiers under seal after filing a motion and obtaining an order pursuant to Local Rule 5(c).

C. RESPONSIBILITY FOR REDACTION

It is the responsibility of lawyers and parties to assure that appropriate redactions from documents have been made before they are filed; the Clerk 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.

XVI. PUBLIC ACCESS TO THE ECF SYSTEM DOCKET

A. GENERAL RULE

This Manual is not intended to affect the scope of what is accessible to the public. Generally, documents not a part of the court's public files before the implementation of the ECF system are not part of the publicly-accessible electronic files.

B. PUBLIC ACCESS AT THE COURT

At least one public access terminal is maintained in each staffed courthouse in the district from which the court's electronic case files may be accessed by the public during regular business hours at no charge.

C. INTERNET ACCESS

Remote electronic access to the 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 Courts has ruled that a user fee must be charged for remote access to certain detailed case information, such as filed documents and docket sheets, but not for reviewing calendars and similar general information.²

² According to a memorandum from the Administrative Office of the United States Courts dated November 12, 2004, non-judiciary ECF system users will be charged a fee to access electronic data such as docket sheets and case documents obtained remotely via the PACER system. The per-page rate and maximum rate per document are reviewed annually and adjusted periodically. For the most current page rate consult the court's website or contact the court directly.

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, but may be charged for subsequent access to that document.

D. ACCESS TO FILES IN SOCIAL SECURITY BENEFITS CASES.

Internet access to the electronic case file in a Social Security benefits case will be available only to lawyers who have appeared in the case. Docket sheets for these cases can be accessed via the Internet or using a public access terminal in the Clerk's office.

XVII. CERTIFICATION OF DOCUMENTS BY THE CLERK

The Clerk may certify documents by digital signature and seal.

XVIII. 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 are established by the Judicial Conference of the United States Courts.

ATTACHMENT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA**

CM/ECF ATTORNEY REGISTRATION FORM

If you are applying for Admission to this Court, do not submit this form. You must go to our website at: www.iand.uscourts.gov, click on Information for Attorneys and then Admission to the Northern District of Iowa.

This form shall be used to register for an account on the Case Management/Electronic Case Filing (CM/ECF) system for the U.S. District Court for the Northern District of Iowa. A registered attorney is allowed to electronically file documents, and review and retrieve electronic docket sheets and documents on the CM/ECF system. The following information must be completed for registration.

First/Middle/Last Name: _____

Attorney Bar ID/State: _____

Are you admitted to practice in the Northern District of Iowa? Yes No

Admission Date to the Northern District of Iowa: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____ Fax Number: _____

Your email address: _____

Additional email addresses to include on account:

Name of Federal Court Bar(s) you belong to:

Do you currently have a login for CM/ECF for another US District Court? Yes No

If yes, and you wish to use the same login and password for this District Court, please list below (password must be at least 8 characters, include a capital letter, a symbol and a number.)

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

1. The system is for use only in cases designated by the U.S. Courts for the Northern District of Iowa. The system may be used to file and view electronic documents and docket sheets.
2. Each attorney desiring to file pleadings or other papers electronically must complete and sign a CM/ECF Attorney Registration form. An attorney's password issued by the court, combined with the user's identification (login), serves as and constitutes the attorney's signature. Therefore, an attorney 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 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 website (<http://pacer.psc.uscourts.gov>)

Upon completion of this form, email it to: ecfmail@iand.uscourts.gov

Subject Line: "ECF Attorney Registration"

Date: _____ (type name) s/ _____
Name: _____
Firm Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Telephone Number: _____
E-mail Address: _____

COURT USE ONLY

Login	
Password	
Issuer	
Date sent to user	

ATTACHMENT B

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: _____

Attorney/Bar ID: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

Additional E-Mail Address: _____

Name of Federal Court Bar(s) you belong to: _____

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

Do you currently have a login for CM/ECF for another U.S. District Court? Yes _____ No _____

If you currently have a login and password, and wish to use the same in this U.S. District Court, please list them here:

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.

Completed form should be emailed to: iasd_attorneyreg@iasd.uscourts.gov

Date

Attorney/Participant Signature
(Attorney must physically sign this document)

Existing Users of the Iowa Northern District Court CM/ECF, who registered prior to September 2004, are able to login with their Iowa Northern District login and password immediately.

COURT USE ONLY:

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

ATTACHMENT C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN THE MATTER OF THE
"SYSTEM-SEALED" DOCUMENTS
FILED UNDER SEAL WITHOUT
MOTION OR ORDER PURSUANT TO
THE LOCAL RULES

PUBLIC
ADMINISTRATIVE ORDER

No. 16-AO-0008-P
(Supercedes 16-AO-0006-P)

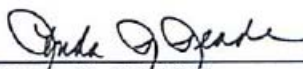
Local Rules provide that certain categories of documents filed with the court, because of their nature, are sealed by the CM-ECF system automatically without a motion by party or an order of the court.

IT IS HEREBY ORDERED that effective September 6, 2016, when filing documents in the Northern District of Iowa via CM-ECF, the documents listed on the attachment will be system sealed.


This Administrative Order supersedes 16-AO-0005-P dated June 15, 2016. The Clerk of Court is directed to place a copy of this order in the Public Administrative Orders binder.

IT IS SO ORDERED.

DATED this 2nd day of September, 2016.



LINDA R. READE
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA



LEONARD T. STRAND
DISTRICT JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

Certified original placed in Public Administrative Order Book.

Copies disbursed this 2nd day of September, 2016 via email to:

Chief Judge Linda R. Reade

Judge Mark W. Bennett

Judge Edward J. McManus

Judge Leonard T. Strand

Chief Magistrate Judge Jon S. Scoles

Judge C. J. Williams

Robert Phelps, Clerk of District Court

Kim Schwartz, Deputy in Charge

Bryan Woodward for posting on the external NDIA web-site



A handwritten signature in blue ink, reading "Renea Solmonson".

Renea Solmonson
Chief Deputy

System Sealed Documents*
Civil Cases

Key

A = Attorney

C = Court

NEF = Notice of Electronic Filing

Filed By	Document	Court Only	Sealed – NEF to selected participants	Selected Participants
A	CJA 23	X		
C	CJA 20, 21	X		
C	Prisoner Trust Fund Account Statement	X		
C	Seizure Warrant	X		Unseal after execution
C	Staff Notes	X		

Updated as of 9/6/16

*Documents sealed automatically without a motion or action by filer.

**System Sealed Documents*
Criminal Cases**

Key

C = Court
Def. = Defendants or the attorney
USA = United States Attorney
USPO = United States Probation

Key

NEF = Notice of Electronic Filing

Filed By	Document	Court Only	Sealed – NEF to selected participants	Selected Participants
C	Indictment - Original	X		
C	Indictment - Redacted	X	Unseal after arrest	Def. (after arrest)
C	Psychiatric Report		X	Def. USA USPO
C	Judge's Sentencing Notes	X		
C	Preemptory Challenges		X	Def. USA
C/USA	Search Warrant Affidavit	X	Unseal after arrest	Def. (after arrest)
C/USA	Tracker Warrant Affidavit	X	Unseal after arrest	Def. (after arrest)
C/USA	Title III Petition	X	Unseal after arrest	Def. (after arrest)
C/USA	Title III Motion for Extension	X	Unseal after arrest	Def. (after arrest)
C/USA	Title III Motion to Delay Disclosure	X	Unseal after arrest	Def. (after arrest)
USA	Complaint	X	Unseal after arrest	Def. (after arrest)

**System Sealed Documents*
Criminal Cases**

Key

C = Court
Def. = Defendants or the attorney
USA = United States Attorney
USPO = United States Probation

Key

NEF = Notice of Electronic Filing

Filed By	Document	Court Only	Sealed – NEF to selected participants	Selected Participants
USA	Criminal Cover Sheet	X		Unseal after arrest
USA	Motion for Arrest Warrant	X		Unseal after arrest
USA	Motion Under Rule 35		X	Def. USPO
USA	Motion to Revoke Pretrial Release	X		Def. (after arrest)
USA/Def.	Objections to PSIR		X	Def. USA USPO
USA/Def.	Motion in Limine, Brief and Order		X Unseal after verdict	Def. USA
Def.	CIA Forms 20, 21, 23, 30, 31	X		

**System Sealed Documents*
Criminal Cases**

Key

C = Court
Def. = Defendants or the attorney
USA = United States Attorney
USPO = United States Probation

Key

NEF = Notice of Electronic Filing

Filed By	Document	Court Only	Sealed – NEF to selected participants	Selected Participants
Def.	Motion to Incur Expenses (CIA)	X		
Def.	Motion to Issue Subpoena	X		
Def.	Pro Se Motion to Discharge Counsel		X	Def. only
USPO	PS-3 Pretrial Services Report		X	Def. USA
USPO	PSIR & Worksheet (Draft & Final)		X	Def. USA
USPO	Statement of Reasons		X	Def. USA
USPO	Petition to Revoke Supervision (Summons) Probation Form 12C		X	Def. USA
USPO	Petition to Revoke Supervision (Warrant) Probation Form 12C	X		After arrest: Def USA
USPO	Memorandum of Noncompliance or Report on Offender Under Supervision Probation Form 12A		X	Def. USA
USPO	Order Modifying Conditions of Supervision		X	Def. USA

System Sealed Documents*
Criminal Cases

Key

C = Court
Def. = Defendants or the attorney
USA = United States Attorney
USPO = United States Probation

Key

NEF = Notice of Electronic Filing

Filed By	Document	Court Only	Sealed – NEF to selected participants	Selected Participants
USPO	Request for Modifying the Conditions or Term of Supervision With Consent of Offender Probation Form 12B/Probation Form 49		X	Def. USA
USPO	Supervised Release/Probation Violation Worksheet and Recommendation		X	Def. USA
USPO	Rule 35 Worksheet		X	Def. USA
USPO	Appendix to Judgment (Victim Impact Statements)		X	USA Def.