

ELECTRONIC CASE FILING PROCEDURES MANUAL

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

IN

THE UNITED STATES DISTRICT COURTS

FOR THE

NORTHERN AND SOUTHERN DISTRICTS OF IOWA

January 1, 2006

N.D. Administrative Order Number 06 - AO - 0002-P

S.D. Administrative Order Number 06 - AO - 0002-P

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

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

TABLE OF CONTENTS

I.	<u>INTRODUCTION</u>	<u>1</u>
II.	<u>ELECTRONIC CASE FILING SYSTEM</u>	<u>1</u>
III.	<u>ELECTRONIC FILING MANDATORY</u>	<u>1</u>
IV.	<u>SANCTIONS</u>	<u>1</u>
V.	<u>OFFICIAL COURT RECORD</u>	<u>2</u>
VI.	<u>OBTAINING LOGINS/PASSWORDS AND REGISTRATION</u>	<u>2</u>
	A. <u>LOGINS/PASSWORDS</u>	<u>2</u>
	B. <u>REGISTRATION</u>	<u>3</u>
VII.	<u>ELECTRONIC FILING, SERVICE, AND DOCKETING</u>	<u>4</u>
	A. <u>ELECTRONIC FORMAT</u>	<u>5</u>
	B. <u>DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE</u>	<u>5</u>
	C. <u>DOCUMENTS REQUIRED TO BE FILED IN PAPER FORM</u>	<u>5</u>
	D. <u>PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS</u> ...	<u>6</u>
	E. <u>DOCUMENTS WHICH SHOULD NOT BE FILED</u>	<u>9</u>
VIII.	<u>FILING OF DOCUMENTS IN PAPER FORM</u>	<u>9</u>
IX.	<u>DOCUMENTS FILED UNDER SEAL</u>	<u>9</u>
	A. <u>MOTIONS TO FILE DOCUMENTS UNDER SEAL</u>	<u>9</u>
	B. <u>SYSTEM-SEALED DOCUMENTS</u>	<u>10</u>
	C. <u>ACCESS TO SEALED DOCUMENTS AND DOCKET ENTRIES</u>	<u>10</u>
X.	<u>COURT-GENERATED DOCUMENTS</u>	<u>11</u>
	A. <u>ELECTRONIC FILING OF ORDERS</u>	<u>11</u>
	B. <u>NEF TO NON-REGISTERED PARTIES</u>	<u>11</u>
	C. <u>TEXT-ONLY ORDERS</u>	<u>11</u>
XI.	<u>SERVICE</u>	<u>11</u>
	A. <u>NOTICE OF ELECTRONIC FILING</u>	<u>11</u>

B.	<u>CERTIFICATE OF SERVICE</u>	12
C.	<u>SERVICE OF PAPER-FILED DOCUMENTS</u>	12
D.	<u>SERVICE ON PARTIES WHO ARE NOT ECF SYSTEM REGISTRANTS</u>	12
E.	<u>SERVICE OF PAPER-FILED DOCUMENTS BY PARTIES WHO ARE NOT ECF SYSTEM REGISTRANTS</u>	13
F.	<u>FEDERAL RULE OF CIVIL PROCEDURE 6(e) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(e)</u>	13
XII.	<u>DOCKET ENTRIES</u>	13
A.	<u>DOCKET TEXT</u>	13
B.	<u>CORRECTING DOCKET ENTRIES</u>	13
XIII.	<u>SIGNATURES</u>	14
A.	<u>FILER'S SIGNATURES, GENERALLY</u>	14
B.	<u>NON-LAWYER SIGNATURES, GENERALLY</u>	14
C.	<u>LAWYER SIGNATURES, FORMAT</u>	14
D.	<u>MULTIPLE SIGNATURES</u>	14
XIV.	<u>RETENTION OF DOCUMENTS</u>	15
A.	<u>ORIGINAL DOCUMENTS RETAINED BY LAWYER OR PARTY</u>	15
B.	<u>ORIGINAL DOCUMENTS RETAINED IN CRIMINAL CASES</u>	15
C.	<u>DOCUMENTS AND OTHER MATERIALS NOT FILED</u>	15
XV.	<u>DATE AND TIME OF FILING, DEADLINES, AND TECHNICAL FAILURES</u> .	15
A.	<u>DATE AND TIME OF FILING, DEADLINES</u>	15
B.	<u>TECHNICAL FAILURES</u>	16
XVI.	<u>PRIVACY</u>	17
A.	<u>PERSONAL DATA IDENTIFIERS</u>	17
B.	<u>UNREDACTED DOCUMENTS</u>	18
C.	<u>RESPONSIBILITY FOR REDACTION</u>	18
XVII.	<u>PUBLIC ACCESS TO THE ECF SYSTEM DOCKET</u>	18
A.	<u>GENERAL RULE</u>	18
B.	<u>PUBLIC ACCESS AT THE COURT</u>	18
C.	<u>INTERNET ACCESS</u>	18
D.	<u>ACCESS TO FILES IN SOCIAL SECURITY BENEFITS CASES</u>	18
XVIII.	<u>CERTIFICATION OF DOCUMENTS BY THE CLERK</u>	19
XIX.	<u>CONVENTIONAL COPIES AND CERTIFIED COPIES</u>	19

PAGE INTENTIONALLY LEFT BLANK

Pursuant to Local Rules 1.1.I and 5.3.a, 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, governs 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 Manual controls. Further information about the electronic case filing systems in the Northern and Southern Districts of Iowa is available at www.iand.uscourts.gov and www.iasd.uscourts.gov.
- II. ELECTRONIC CASE FILING SYSTEM. The Clerk of Court (“Clerk”) is responsible for maintaining an electronic case file in the court’s Electronic Case Filing (“ECF”) system for all cases filed with the court, including civil, criminal, and magistrate cases; receiving case filings into the ECF system by electronic transmission; and imaging documents filed in paper form into the ECF system. Certain collateral filings, such as transfers of receiverships, registrations of judgments from other districts, motions to quash subpoenas issued in cases pending in other districts, and motions for protective orders where there is no pending case in the district, will be filed under a “Miscellaneous” case number.
- III. ELECTRONIC FILING MANDATORY. All lawyers admitted to practice before the court, including lawyers admitted pro hac vice in civil cases (see LR 83.2.d.3.B) and criminal cases (see LR 83.2.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.

For good cause, 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 lawyer or party to submit a paper document to the Clerk for scanning so the Clerk can upload the document into the ECF system.

- IV. SANCTIONS. In the Northern District of Iowa, the Clerk is authorized to impose a sanction of \$25.00 for each document submitted for filing in paper form when the filing of the document non-electronically is not authorized by the Local Rules, this Manual, or a previously-entered order of the court. In the Southern District of Iowa, the Clerk may be authorized by Administrative Order to impose sanctions.

Although the Clerk will not refuse to accept a document submitted for filing non-electronically (see Fed. R. Civ. P. 5(e)), the court may strike or order the document not to be filed if filing non-electronically is not specifically authorized or required by the Local Rules, this Manual, the Clerk, or the court.

V. OFFICIAL COURT RECORD. The official court record for all cases is the following (see LR 79.1):

- 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.

Except as otherwise provided in the Local Rules or this Manual, or directed by the court, the Clerk in the Northern District of Iowa will not maintain paper case files in cases initiated on or after March 1, 2004, and the Clerk in the Southern District of Iowa will not maintain paper case files in cases initiated on or after October 1, 2004.

VI. OBTAINING LOGINS/PASSWORDS AND REGISTRATION.

- A. LOGINS/PASSWORDS. Each lawyer admitted to practice in the Northern or Southern District of Iowa will be issued an ECF system login/password for the district. Upon request, the lawyer will 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 admitted pro hac vice must register for a login/password in accordance with the Local Rules and this Manual. If a lawyer files a motion of admission pro hac vice and the motion is granted, and the Clerk does not receive the documentation required for registration in the ECF system within 10 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.
 - 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, these lawyers must not use the login/password to file any documents electronically with the

court without first being admitted to practice before the court under Local Rule 83.2.

5. 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 lawyer may knowingly cause or permit the lawyer's login or password to be utilized by anyone other than the lawyer or an authorized employee of the lawyer's law office. 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 promptly of the loss, misappropriation, or misuse.
6. The court may cancel 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 and sign a Lawyer 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 also is available on the courts' web sites at www.iand.uscourts.gov and www.iasd.uscourts.gov.

Except as provided in subsection VI.A.4 above, the court will issue a login/password only to lawyers admitted to practice before the court in accordance with Local Rule 83.2.

2. All signed original Lawyer Registration Forms must be mailed or delivered to the Clerk's Office, United States District Court, 101 First Street S.E., Cedar Rapids, Iowa 52401, or to the Clerk's Office, United States District Court, P.O. Box 9344, Des Moines, Iowa 50306-9344. A lawyer may send a copy of the same Lawyer Registration Form to both the Northern and Southern Districts of Iowa to register to participate in the ECF system in both districts. However, even if a lawyer is a registrant in a district's ECF system, the lawyer may enter an appearance in a case in that district only if the lawyer also either is a member of the bar of the district or has been admitted pro hac vice to appear in the case.

3. After assigning a login/password, the Clerk will mail login/password information to the lawyer via regular, first-class mail, or the lawyer may arrange to pick up the login/password at the Clerk's office.
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 mailed or delivered to the Clerk's Office, United States District Court, 101 First Street S.E., Cedar Rapids, Iowa 52401, or 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 lawyer's login/password and delete the lawyer's name from any applicable electronic service list. 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. If a lawyer believes the security of an existing password has been compromised and a threat to the ECF system exists, the lawyer must change his or her password immediately.
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.**

VII. 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") compatible with the requirements of the court's computer system. To the extent possible, electronic filings also must conform with the requirements of Local Rule 10.1.
- 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. With respect to all such documents, if a party represented by a lawyer would have been required to file the document electronically under the Local Rules or this Manual, then the Clerk will scan and upload the document into the ECF system.
- C. 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, but the application, motion, or petition; responsive pleadings; briefs; and motions in such cases will be maintained in the ECF system.
 2. Filings totaling more than 200 pages in length.
 3. The administrative record in cases, such as Social Security benefits cases or claim-review cases brought under the Employee Retirement Income Security Act of 1974, where the court is asked to rule based on an administrative record, but the complaint, answer, briefs, and motions in such cases must be filed electronically, and will be maintained in the electronic case file.
 4. Transcripts of proceedings before the court and exhibits offered at trials or hearings, except to the extent filed by a party as an exhibit electronically attached to a motion, brief, or resistance, or as part of an electronically filed summary judgment appendix.
 5. Documents filed in petty offense cases not charged as misdemeanors.
 6. Any other document or filing that the court orders not to be electronically filed or maintained in the electronic case file.

D. PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS.

1. Documents Initiating Civil Cases. A lawyer initiating a civil case in this court by either (a) filing an original action in this court, or (b) removing an action to this court must open 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 plaintiff must complete a copy of the summons for service on each defendant who is to be served with a summons. A party moving to bring in a third party pursuant to Federal Rule of Civil Procedure 14(a) must, if the proposed third party is to be served with a summons, electronically attach to the motion a completed summons for service on the proposed third party. If the motion is granted, the Clerk will sign, seal, and deliver the summons to the plaintiff. (See LR 14.1.)

A summons cannot be served 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 the return of service.

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, who will scan the return into the electronic file. 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 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. Briefs. Except as provided by Local Rule 7.1.d, every motion must be accompanied by a brief, and the brief must be filed under the same docket entry as the motion as an electronic attachment to the motion.
5. 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 the court grants the motion, the Clerk will detach, file, and docket the document.
6. Large Documents. A document larger than four megabytes in size must be filed in separate segments, with each segment four megabytes or smaller in size.
7. Proposed Orders. 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 16.1.b, relating to proposed scheduling orders and discovery plans.)

A proposed order that contains personal data identifiers (see LR 10.1.h) 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 Rule 56.1.e.
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 earlier 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 an unaltered condition until 30 days after the resolution of both any appeal and any application for relief under 28 U.S.C. § 2255, or if no application for relief under 28 U.S.C. § 2255 is filed, until two years after the date on which the judgment of conviction becomes final after any appeal. 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 deliver the original paper document to the U.S. Attorney's office, which must retain the original paper copy of the document in an unaltered condition until 30 days after the resolution of both any appeal and any application for relief under 28 U.S.C. § 2255, or if no application for relief under 28 U.S.C. § 2255 is filed, until two years after the date on which the judgment of conviction becomes final after any appeal. A party seeking to file such a document under seal must file a motion under Local Rule 5.1.c, or must orally move to seal the document during the plea proceeding.

- 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 Local Rule 5.2.)
 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 <http://www.ecf-train.iand.uscourts.gov> and <http://www.ecf-train.iasd.uscourts.gov>.)
- VIII. 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 VII.B of this Manual, scan the document and upload it into the ECF system.
- IX. DOCUMENTS FILED UNDER SEAL. Documents may be filed under seal pursuant to Local Rule 5.1.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 first must 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. The 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 thereafter must, without obtaining a further order from the court, file under seal all documents covered by the 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. 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. Most of these “system-sealed” filings are in criminal cases. (A current list of system-sealed filings is available from the Clerk of Court and on the court’s web site at the web address in Local Rule 1.1.i.) A party filing such a document should not file a motion for leave to file the document under seal, but should file the document under seal directly through the ECF system.
- C. Access to Sealed Documents and Docket Entries. Access to documents filed under seal is managed in three different ways by the ECF system: (1) some documents are available for viewing only by the parties and the court, but are summarized in a docket entry available to the public; (2) some documents are available for viewing only by the parties and the court, and are not summarized in a docket entry available to the public; and (3) some documents are available for viewing only by the court, and are not summarized in a docket entry available 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.

The following are examples of documents available for viewing only by the parties and the court, but summarized in a docket entry available to the public:

1. Documents filed under seal pursuant to Local Rule 5.1.c (unless otherwise ordered by the court).
2. CJA financial affidavits.
3. Presentence investigation reports.

The following are examples of documents available for viewing only by the parties and the court, and not summarized in a docket entry available to the public:

1. Motions to seal documents that already have been filed in the court record.
2. Motions to seal cases.
3. Motions for medical examinations.

The following are examples of documents available for viewing only by the court, and not summarized in a docket entry available to the parties or the public:

1. Ex parte filings.
2. Motions to revoke pretrial release.
3. Motions for the issuance of warrants.

X. 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, including minutes, orders, decrees, and judgments. All such court-generated documents will be uploaded into the ECF system, and the docketing 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 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.

XI. SERVICE.

- A. NOTICE OF ELECTRONIC FILING. 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 both to the lawyer for the filing party and to 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 automatically will 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.

- B. CERTIFICATE OF SERVICE. A certificate of service must be filed for all documents required to be served by Federal Rule of Civil Procedure 5(a), including documents filed electronically. The certificate of service may be included on the last page of the document being served. (See Fed. R. Civ. P. 5(d) and LR 5.1.a.)
- C. SERVICE OF PAPER-FILED DOCUMENTS. Parties who file paper documents pursuant to subsections VII.C.1-5 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), or (C) or Federal Rule of Criminal Procedure 49(b).
- D. SERVICE ON PARTIES WHO ARE NOT ECF SYSTEM REGISTRANTS. Filers must serve a paper copy of any electronically-filed document on all persons entitled to service who are not registered participants in the ECF system in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A), (B), or (C) 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.

¹To 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" on the pull-down menu, and enter the case number. A screen will appear indicating which lawyers in the case are and are not registered participants.

- E. SERVICE OF PAPER-FILED DOCUMENTS BY PARTIES WHO ARE NOT ECF SYSTEM REGISTRANTS. Parties who are not ECF system registrants must serve a paper copy of documents filed with the court on all persons entitled to service who also are not ECF system registrants in the manner required by Federal Rule of Civil Procedure 5(b)(2)(A), (B), or (C) or Federal Rule of Criminal Procedure 49(b). No separate service is required on persons who are ECF system registrants because service on such persons will be made electronically through the ECF system.
- F. 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 LR 6.1 and LCrR 45.1.

XII. DOCKET ENTRIES.

- A. DOCKET TEXT. A party electronically filing a document is responsible for designating an accurate docket entry title for the document by using one of the docket event categories provided by the ECF system.
- 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 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 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 **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.
 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. If the error is a minor one, the Clerk may, with or without notifying the parties, either correct or disregard the error.

XIII. SIGNATURES.

- A. FILER'S SIGNATURES, GENERALLY. A filer's login name and password are the filer's signature for purposes of Local Rule 11.1 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

Fax: (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.

XIV. 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 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 five years after the electronic filing of the complaint.
- C. DOCUMENTS AND OTHER MATERIALS NOT FILED. Documents and other materials maintained by the Clerk but not filed in the case file (for example, trial exhibits) will not be scanned or uploaded into the ECF system.

XV. 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 and docketed 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).) 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 nonjurisdictional 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 web site.

XVI. 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 10.1.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 disclosure of the identifiers. Personal data identifiers include the following:

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

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. If an address must be given, only the city or county and state should be used.

In addition, 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 crime victims;
8. Sensitive security information; and

9. Home addresses.

- 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 5.1.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.

XVII. 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
- D. ACCESS TO FILES IN SOCIAL SECURITY BENEFITS CASES. Internet access to the electronic case file in a Social Security benefits case will be

²According 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 of eight cents per page to access electronic data such as docket sheets and case documents obtained remotely via the PACER system. The maximum charge for a document is \$2.40.

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 eight cents per page.

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.

XVIII. CERTIFICATION OF DOCUMENTS BY THE CLERK. The Clerk may certify documents by digital signature and seal.

XIX. 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.

January 1, 2006, Edition

PAGE INTENTIONALLY LEFT BLANK

FORM AUNITED STATES DISTRICT COURT
NORTHERN/SOUTHERN DISTRICT OF IOWAELECTRONIC CASE FILING SYSTEM
LAWYER REGISTRATION FORM
PLEASE TYPE

This form must be used to register for an account on the court's ELECTRONIC CASE FILING (ECF) systems in the United States District Courts for the Northern and/or Southern Districts of Iowa. Registered lawyers and other participants will have privileges both to electronically file documents and to view and retrieve documents and docket sheets from case files maintained in the court's ECF system. **When registering, lawyers are encouraged to send a copy of this form to both districts.**

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 the ECF system in the other Iowa United States District Court, or do you have a login for the Bankruptcy Court in the Northern or Southern District of Iowa? Yes _____ No _____
If you do and you wish to use the same login id in this court, indicate the login here:
_____. NOTE: Only the login will remain the same – you will be issued a new password with your login (although you can immediately change your password if you wish).

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

1. The ECF system may be used to file and view electronic documents, docket sheets, and notices in case files maintained in the court's ECF system.
2. Each lawyer desiring to file documents electronically must complete and sign a Lawyer Registration Form. A lawyer/participant's password issued by the court, combined with the user's identification (login), serves as and constitutes the lawyer/participant's signature. Therefore, a lawyer/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 a person with authority to use the password, it is the duty and responsibility of the lawyer/participant to notify the court immediately. The court immediately will delete the password from the ECF system and issue a new password.

3. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper filed with the Clerk must be signed by at least one attorney of record or, if the party is not represented by a lawyer, all papers must be signed by the party. The electronic filing of a document by a lawyer who is a registered participant in the ECF system will constitute the signature of that lawyer 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 courts' Internet sites 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. Pursuant to this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent Administrative Order, *Procedures for Electronically Filing, Imaging, and Access to Documents*, currently in effect and any changes or additions that may be made to such Procedures in the future.

Please return to:	United States District Court Northern District of Iowa Attn: ECF Attorney Registration and/or 101 1st Street S.E. Cedar Rapids, IA 52401 Fax 319-286-2301	United States District Court Southern District of Iowa P.O. Box 9344 Des Moines, IA 50306-9344 Fax 515-284-6418
-------------------	---	---

Date

Lawyer/Participant Signature

Your login and password will be sent to you by the Clerk via regular, first-class mail. If you prefer to have your login/password sent to an address other than the one listed on the first page of this form, please write the address in the space provided below:

Address: _____

