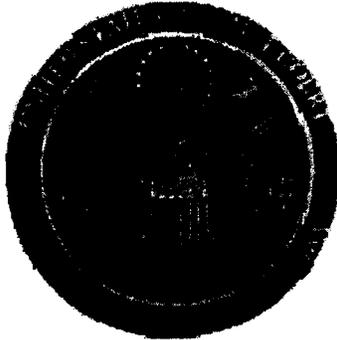


FILED  
U.S. DISTRICT COURT  
SIOUX CITY DIVISIONAL OFFICE  
NORTHERN DISTRICT OF IOWA

NOV 03 2003

By: \_\_\_\_\_ DEPUTY  
**PROCEDURES FOR ELECTRONICALLY FILING,  
IMAGING, AND ACCESS TO DOCUMENTS IN**

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



November 2003

Administrative Order Number 03-AO-0015-P

03-AO-0015

---

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

**PROCEDURES FOR ELECTRONICALLY FILING,  
IMAGING, AND ACCESS TO DOCUMENTS**

**TABLE OF CONTENTS**

<b>I.</b>	<b>INTRODUCTION</b> .....	<b>1</b>
<b>II.</b>	<b>ELECTRONIC CASE FILING SYSTEM</b> .....	<b>1</b>
	A. ELECTRONIC FILING AUTHORIZED .....	1
	B. CASES SUBJECT TO ELECTRONIC FILING .....	1
	C. DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE .....	1
	D. DOCUMENTS FILED BY THE UNITED STATES ATTORNEY TO INITIATE PROSECUTIONS IN CRIMINAL CASES .....	2
	E. DOCUMENTS FILED IN CIVIL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM, AND WILL BE MAINTAINED BY THE CLERK IN A PAPER FILE AND NOT SCANNED OR UPLOADED INTO THE ECF SYSTEM .....	2
	F. DOCUMENTS FILED IN CRIMINAL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM, AND WILL BE MAINTAINED BY THE CLERK IN A PAPER FILE AND NOT SCANNED OR UPLOADED INTO THE ECF SYSTEM. ....	3
	G. PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS ...	3
<b>III.</b>	<b>OFFICIAL COURT FILES</b> .....	<b>5</b>
<b>IV.</b>	<b>SIGNATURES</b> .....	<b>6</b>
	A. FILER'S SIGNATURE, GENERALLY .....	6
	B. NON-ATTORNEY SIGNATURE, GENERALLY .....	6
	C. ATTORNEY SIGNATURES, FORMAT .....	7
	D. MULTIPLE SIGNATURES .....	7
<b>V.</b>	<b>SERVICE</b> .....	<b>8</b>
	A. NOTICE OF ELECTRONIC FILING .....	8
	B. NON-REGISTERED PARTICIPANTS .....	8
	C. CONVENTIONALLY-FILED DOCUMENTS .....	8
	D. CERTIFICATE OF SERVICE REQUIRED .....	8
	E. FEDERAL RULE OF CIVIL PROCEDURE 6(e) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(e) .....	9

<b>VI.</b>	<b>OBTAINING PASSWORDS AND REGISTRATION</b> .....	<b>9</b>
	A. PASSWORDS .....	9
	B. REGISTRATION .....	9
<b>VII.</b>	<b>ORDERS</b> .....	<b>10</b>
	A. ELECTRONIC FILING OF ORDERS .....	10
	B. SUBMISSION OF ORDERS .....	10
	C. NON REGISTERED PARTIES .....	10
	D. TEXT-ONLY ORDERS .....	11
<b>VIII.</b>	<b>DOCKET ENTRIES</b> .....	<b>11</b>
	A. DOCKET TEXT .....	11
	B. CORRECTING DOCKET ENTRIES .....	11
<b>IX.</b>	<b>FILING OF DOCUMENTS AND TECHNICAL FAILURES</b> .....	<b>12</b>
	A. TIMELY FILING .....	12
	B. TECHNICAL FAILURES .....	12
<b>X.</b>	<b>PRIVACY</b> .....	<b>13</b>
	A. PERSONAL DATA IDENTIFIERS .....	13
	B. UNREDACTED DOCUMENTS .....	14
	C. RESPONSIBILITY FOR REDACTION .....	14
<b>XI.</b>	<b>FILING OF DOCUMENTS IN PAPER FORM</b> .....	<b>14</b>
	A. DOCUMENTS TO BE FILED <i>EX PARTE</i> OR UNDER SEAL .....	14
	B. PRO SE FILERS .....	14
<b>XII.</b>	<b>SOCIAL SECURITY CASES</b> .....	<b>14</b>
	A. ....	15
	ADMINISTRATIVE RECORD .....	15
	B. OTHER DOCUMENTS .....	15
	C. ACCESS TO DOCUMENTS .....	15
<b>XIII.</b>	<b>PUBLIC ACCESS TO THE ECF SYSTEM DOCKET</b> .....	<b>15</b>
	A. PUBLIC ACCESS AT THE COURT .....	15
	B. INTERNET ACCESS .....	15
<b>XIV.</b>	<b>CONVENTIONAL COPIES AND CERTIFIED COPIES</b> .....	<b>16</b>

**ATTACHMENTS**

FORM A      REGISTRATION FORM  
FORM B      CERTIFICATE OF SERVICE

## **IT IS ORDERED**

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

I. **INTRODUCTION.** These Procedures, together with the court's Local Rules, govern the electronic filing of cases and documents, and the maintenance of electronic case files, in the United States District Court for the Northern District of Iowa. To the extent these Procedures are inconsistent with the Local Rules, these Procedures control. A User's Manual describing the mechanics of electronic filing and access to documents is available at [www.iaand.uscourts.gov](http://www.iaand.uscourts.gov).

II. **ELECTRONIC CASE FILING SYSTEM.** Effective immediately, the Clerk of Court (Clerk) will maintain an electronic case file for all civil and criminal cases, receive civil and criminal case filings by electronic transmission, and scan and upload paper filings in civil and criminal cases into the electronic file.

A. **ELECTRONIC FILING AUTHORIZED.** Electronic transmission of a document to the Electronic Case Filing (ECF) system consistent with these Procedures, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes under the Federal Rules of Civil, Criminal, and Appellate Procedure and the Local Rules of this court, and constitutes entry of the document on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

B. **CASES SUBJECT TO ELECTRONIC FILING.** Unless otherwise required or authorized by these Procedures, the Clerk, or the court, all documents submitted for filing on or after March 1, 2004, in all civil or criminal cases must be filed electronically using the ECF system, regardless of the date on which the case originally was commenced.

For good cause, the Clerk or the court may authorize an attorney to submit a document to the Clerk for filing via e-mail or on 3.5" disk as a ".pdf" (Portable Document Format) file, or may authorize an attorney to submit a document to the Clerk for scanning so the Clerk can upload the document into the ECF system.

C. **DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE.** Unless otherwise authorized by the court, all documents submitted for filing to the Clerk by parties proceeding pro se must be in paper form. With respect to all such documents, if a party represented by an attorney would have been required to file the document electronically under these Procedures, then the Clerk will scan and upload the document into the ECF system.

D. DOCUMENTS FILED BY THE UNITED STATES ATTORNEY TO INITIATE PROSECUTIONS IN CRIMINAL CASES. When initiating a criminal prosecution, the United States Attorney must supply the Clerk with a paper copy of the charging document, which the Clerk will, after the document is no longer sealed, scan and upload into the ECF system.

E. DOCUMENTS FILED IN CIVIL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM, AND WILL BE MAINTAINED BY THE CLERK IN A PAPER FILE AND NOT SCANNED OR UPLOADED INTO THE ECF SYSTEM. Unless otherwise authorized by the Clerk or the court, the following documents filed in civil cases must be filed in paper form (the Clerk then will maintain these documents in a paper file, and will not scan or upload the documents into the ECF system):

1. The record of state court proceedings in habeas corpus cases filed under 28 U.S.C. § 2254 (the petition, responsive pleading, briefs, motions, and orders in such cases will be maintained in the ECF system).
2. The administrative record in Social Security disability review cases (the complaint, answer, briefs, motions, and orders in such cases will be maintained in the ECF system).
3. Filings made under seal (the court may, however, implement procedures for the Clerk to scan and upload sealed documents into the ECF system, with access to the documents limited to authorized individuals).
4. Transcripts of proceedings before the court and exhibits offered at a trial or hearing, except to the extent filed by a party as an attachment or exhibit to a motion or brief or as part of an electronically-filed summary judgment appendix.
5. Filings totaling more than 200 pages in length.
6. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

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

F. DOCUMENTS FILED IN CRIMINAL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM, AND WILL BE MAINTAINED BY THE CLERK IN A PAPER FILE AND NOT SCANNED OR UPLOADED INTO THE ECF SYSTEM. Unless otherwise authorized by the Clerk or the court, the following documents filed in criminal cases must be filed in paper form (the Clerk then will maintain these documents in a paper file, and will not scan or upload the documents into the ECF system):

1. Transcripts of proceedings before the court and exhibits offered at a trial or hearing, except to the extent filed by a party as an attachment or exhibit to a motion or brief.
2. Reports of medical or mental evaluations of defendants.
3. Filings made under seal (the court may, however, implement procedures for the Clerk to scan and upload sealed documents into the ECF system, with access to the documents limited to authorized individuals).
4. Filings and other documents relating to petty offenses.
5. Filings totaling more than 200 pages in length.
6. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

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

A document listed in Local Criminal Rules 55.2(f)(1), (2), (3), (4), (5), and (11) as not to be filed electronically is to be filed electronically in the Northern District of Iowa, unless the document is to be filed under seal. See subsection XI.A. of these Procedures.

G. PROCEDURES FOR FILING SPECIFIC TYPES OF DOCUMENTS.

1. Opening Civil Cases. An attorney initiating a civil case in this court either by (a) filing an original action in this court, or (b) removing an action to this court, first must deliver to the Clerk a civil cover sheet and the filing fee. The Clerk then will open the case, enter all parties into the ECF system, assign a case number to the case, and forward the case number to the attorney via e-mail. The attorney then must electronically file and docket the Complaint (or the removal papers required by Local Rule 81.1(a)), and thereafter must electronically file

and docket all subsequent documents that, under these Procedures, are required to be filed electronically.

2. Civil Summonses.

- a. An attorney or party seeking to have civil summonses issued by the Clerk may submit the summonses by e-mailing them to the Clerk at [ecfmail@iand.uscourts.gov](mailto:ecfmail@iand.uscourts.gov), or by mailing or delivering them to the Clerk's office.
- b. The attorney or party requesting the summonses must complete the top portion of the summons forms before they are submitted to the Clerk. After the summonses have been issued, the Clerk will scan them and upload them into the ECF system, and then return them to the attorney or party. If the summonses are to be returned to the requesting party via United States mail, the attorney or party must submit to the Clerk a stamped, self-addressed return envelope.
- c. A summons may not be served electronically; service of a summons must be perfected in accordance with the requirements of Federal Rule of Civil Procedure 4.

3. Opening Criminal Cases.

- a. Criminal cases must be opened by the Clerk.
- b. When initiating a criminal case, the U.S. Attorney must supply the Clerk with a cover sheet, any required praecipes, and sufficient copies of the charging document so that there is at least one paper copy for each defendant. The Clerk then will open the case and assign a case number.
- c. If the charging document is not sealed, the Clerk will scan and upload the document into the ECF system. If the charging document is sealed, the Clerk will keep the document in a non-public paper file in the Clerk's office until it is unsealed. When the document is unsealed, the Clerk will scan and upload the document into the ECF system.
- d. All documents filed thereafter must be filed electronically to the extent required by these Procedures.

4. Filing Briefs In Civil and Criminal Cases. Except as provided by Local Rule 7.1(d), every motion must be accompanied by a brief. The brief must be filed as an electronic attachment to the motion.
5. Filing 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 attorney must electronically attach the document 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. See User's Manual § 9.4.e.
6. Filing Large Documents. A document larger than two megabytes in size but 200 pages or fewer in length (see subsections II.E.5. and II.F.5. of these Procedures) must be filed electronically in the ECF system, but must be filed in separate segments, with each segment less than two-megabytes in size. See User's Manual § 9.4.h.
7. Summary Judgment Appendices. Summary judgment appendices must be prepared, served, and filed in accordance with Local Rules 5.3(f), and 56.1(e). See subsection II.E.5. of these Procedures.
8. Documents Submitted to the Court for Approval. Documents to be presented to the court for approval (for example, a Proposed Scheduling Order and Discovery Plan) cannot be filed electronically, but must be mailed or delivered to the Clerk's office or sent to the Clerk by e-mail at: [iand.ecfmail@iand.uscourts.gov](mailto:iand.ecfmail@iand.uscourts.gov). All proposed orders sent to the court via e-mail must be submitted in a format compatible with WordPerfect, which is a "Save As" option in most word processing software. The court will not accept proposed orders in .pdf format.

### III. OFFICIAL COURT FILES.

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

- A. ORIGINAL DOCUMENTS DISCARDED. Except as provided below, the Clerk will discard all original documents brought to the Clerk's office for filing after the documents are scanned and uploaded into the ECF system. An electronically-filed document maintained on the court's servers constitutes the official court record of the document.

- B. **ORIGINAL DOCUMENTS RETAINED BY PARTY OR ATTORNEY.** If an attorney wants to retain the original of a document that is to be filed, the attorney must mail or deliver a copy of the document to the Clerk's office for scanning and uploading. The attorney must maintain the original paper version of the document during the pendency of the case, and for 10 years after the electronic filing of the document.

The filer of an electronically-filed document containing the signature of a non-attorney must mail or deliver a copy of the document to the Clerk's office for scanning and uploading. The filer must maintain the original paper version of the document during the pendency of the case, and for 10 years after the electronic filing of the document.

- C. **DOCUMENTS AND OTHER MATERIALS NOT FILED.** Documents and other materials maintained by the Clerk but not filed in the case file will not be scanned or uploaded into the ECF system.
- D. **ORIGINAL DOCUMENTS RETAINED BY CLERK IN CRIMINAL CASES.** In criminal case files, the Clerk will retain the originals of all complaints; indictments; informations; and the originals of all documents signed by a defendant, witness, or other non-attorney, and filed with or delivered to the Clerk or attached to a document filed with or delivered to the Clerk.

#### IV. **SIGNATURES.**

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

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

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

A party or attorney who disputes the authenticity of a non-attorney's signature on an electronically-filed document must file an objection to the document within ten days after the party's attorney receives the Notice of Electronic

Filing (NEF). If no timely objection is filed, the court will presume the signature to be authentic.

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

s/ Judith Attorney [or digitized signature]  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
123 South Street  
Cedar Rapids, IA  
Telephone: (319) 123-4567  
Fax: (319)123-4567  
E-mail: judith\_attorney@law.com

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

1. The filer initially must confirm that the content of the document is acceptable to all persons required to sign the document, and that all such persons consent to having their signatures appear on the document.
2. The filer then must do one of the following: (a) scan the original document, with all of the signatures attached (facsimile and electronic signatures are permissible), and file the document electronically; (b) have the Clerk scan a copy of the document (with all of the signatures attached), and upload the document into the ECF system; or (c) electronically file the document in .pdf format, using either the "s/ signature" format or a digitized signature for the required signatures.

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

V. SERVICE.

- A. NOTICE OF ELECTRONIC FILING. Whenever a document in a case is filed electronically in accordance with these Procedures, the ECF system will generate a Notice of Electronic Filing (NEF), which will be sent via e-mail both

to the filing party and, if they are registered users of the ECF system, to the attorneys for the other parties.<sup>1</sup>

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

- B. **NON-REGISTERED PARTICIPANTS.** Filers must serve a paper copy of any electronically-filed document on all persons entitled to service who are not participants in the ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving paper copies of documents that have been filed electronically, the filer must include a copy of the NEF.
- C. **CONVENTIONALLY-FILED DOCUMENTS.** Pro se parties filing paper documents and other filers electing to bring a document to the Clerk for scanning and uploading into the ECF system must serve a paper copy of the document on all persons entitled to service who are not participants in the ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving a paper copy of the document, the filer must include a copy of the NEF. Such filers should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, such filers should consider paper service or, with respect to parties registered to participate in the ECF system, service by e-mail or fax.
- D. **CERTIFICATE OF SERVICE REQUIRED.** A certificate of service is required when a party files a document and there are persons entitled to service who are not listed as served on the NEF. The certificate must state the manner in which service was accomplished on the persons not listed as served on the NEF. Sample language for a certificate of service is attached to these Procedures as Form B.
- E. **FEDERAL RULE OF CIVIL PROCEDURE 6(e) AND FEDERAL RULE OF CRIMINAL PROCEDURE 45(e).** The three-day mailing rule in Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(e) applies

---

<sup>1</sup>To determine whether another party is a registered user, enter the ECF system and select the system's "Utilities" category. Click on "Mailing Information for a Case" on the pull-down menu, and enter the case number. A screen will appear, indicating which parties in the case are and are not registered users.

to documents served electronically. See Local Rule 6.1 and Local Criminal Rule 45.1.

VI. OBTAINING PASSWORDS AND REGISTRATION.

A. PASSWORDS. Each attorney admitted to practice in the Northern District of Iowa is entitled to one ECF system password from the district court. The password permits the attorney to participate in electronic filing and the retrieval of documents from the ECF system. Pro se parties will not be given passwords or allowed to file electronically unless the court so orders in writing.

1. No attorney should knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
2. Once registered, the attorney will be responsible for all documents filed with his or her password.
3. An attorney admitted pro hac vice must register for a password in accordance with these Procedures.

B. REGISTRATION.

1. Each attorney filing electronically must complete and sign an Attorney Registration Form, attached to these Procedures as Form A. The form also is available on the court's web site at [www.iand.uscourts.gov](http://www.iand.uscourts.gov).

The court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.2.

2. All signed original Attorney Registration Forms must be mailed or delivered to the Clerk's Office, United States District Court, P.O. Box 74710, Cedar Rapids, Iowa 52407.
3. After assigning a password, the Clerk will mail password information to the attorney via regular, first-class mail, or the attorney may arrange to pick up the password at the Clerk's office.
4. Once registered, an attorney may withdraw from participating in the ECF system by providing the Clerk with notice of withdrawal. Such notice must be in writing and mailed or delivered to the Clerk's Office, United States District Court, P.O. Box 74710, Cedar Rapids, Iowa 52407. Upon receipt, the Clerk's office immediately will cancel the attorney's password and delete the attorney's name from any

applicable electronic service list. An attorney's withdrawal from participation in the ECF system will not be construed as authorization for the attorney to file cases or documents conventionally.

5. After registering, attorneys may change their passwords. If an attorney comes to believe that the security of an existing password has been compromised and that a threat to the ECF system exists, the attorney must change his or her password immediately.
6. An attorney whose e-mail address, mailing address, telephone or fax number has changed from what the attorney submitted on the original Attorney Registration Form must serve upon all other parties and file a timely notification of the changes.

## VII. ORDERS.

- A. ELECTRONIC FILING OF ORDERS. The Clerk or a federal judge will electronically file all signed court-generated documents, including orders, decrees, judgments, and records of proceedings of the court. All court-generated documents will be uploaded into the ECF system, which will constitute entry on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Any court-generated document signed electronically and uploaded to the ECF system has the same force and effect as if the Clerk or the judge had affixed his or her signature to a paper version of the document and the document had been entered conventionally on the court docket.
- B. SUBMISSION OF ORDERS. Proposed orders may be submitted to the court by e-mailing the proposed order to [iand.ecfmail@iand.uscourts.gov](mailto:iand.ecfmail@iand.uscourts.gov) or by mailing or delivering to the Clerk's office a 3.5" disk containing the proposed order. All such proposed orders must be submitted in a format compatible with WordPerfect, which is a "Save As" option in most word processing software. The court will not accept proposed orders in .pdf format. The e-mail or disk must identify clearly the motion to which the order relates.
- C. NON REGISTERED PARTIES. When mailing paper copies of an electronically-filed order to a party who is not a registered participant of the ECF system, the Clerk will include a copy of the NEF.
- D. TEXT-ONLY ORDERS. The Clerk or the court may grant routine orders by a text-only entry upon the docket or by placing a .pdf stamp on the motion. In such cases, no additional .pdf document will issue; the text-only entry or stamp will constitute the court's only order on the matter. The ECF system will generate an NEF for each text-only order filed in the system.

## VIII. DOCKET ENTRIES.

- A. DOCKET TEXT. The party electronically filing a document is responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.<sup>2</sup>
- B. CORRECTING DOCKET ENTRIES.
1. Once a document is submitted and docketed into the ECF system, corrections to the docket can be made only by the Clerk.
  2. If a filer discovers an error in the electronic filing or docketing of a document, the filer should contact the Clerk as soon as possible. The filer should have the case number and docket number of the document that was filed or docketed erroneously. The Clerk will research the error and advise the filing party of how the error will be addressed by the Clerk and what further action by the filer, if any, is required to address the error. A filer *should not* refile or attempt to re-docket a document that has been filed or docketed erroneously unless specifically directed to do so by the Clerk.
  3. If errors in the filing or docketing of a document are discovered by the Clerk, the Clerk will notify the filer of the error by e-mail, and will advise the filer of what further action, if any, is required to address the error. If the error is a minor one that can be corrected by the Clerk, the Clerk may correct the error without notifying the parties.

## IX. FILING OF DOCUMENTS AND TECHNICAL FAILURES.

- A. TIMELY FILING. Unless contrary to the specific requirements of a Local Rule or an order of the court, an electronic filing can be made on any day of the week, including holidays and weekends, and at any time of the day or night. The NEF produced by the ECF system when the document is filed and docketed will record the date and time of filing of the document in local time for the Northern District 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

---

<sup>2</sup>Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site, [www.iand.uscourts.gov](http://www.iand.uscourts.gov), or by clicking on the "?" on the main menu for civil or criminal.

is timely filed if it is filed before midnight in the Northern District of Iowa on the date on which the filing is due.

2. E-mailing a document to the Clerk's office or to the court does not constitute "filing" of the document. A document is not filed electronically for purposes of the Federal Rules of Civil, Criminal, or Appellate Procedure until the filing party receives an ECF system-generated NEF.

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

**B. TECHNICAL FAILURES.**

1. Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. See, for example, Fed. R. Civ. P. 6(b). It is the responsibility of the filer to ensure, by whatever means necessary, that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the ECF system will not excuse the filer from compliance with a jurisdictional filing deadline.
2. If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer must, by the earliest available conventional or electronic means, file the document. The filing of the document will be accepted by the court as timely unless the presiding judge determines that the untimely filing of the document should not be excused.
3. **A filer is not excused from missing a filing deadline** because of (a) problems attributable to the court, or (b) problems attributable to the filer (such as phone line problems, problems with the filer's Internet Service Provider, hardware problems, or software problems). If the Clerk determines that the ECF system is unable to accept filings continuously or intermittently for more than one hour during the Clerk's regular office hours, the clerk may, but is not required to, notify potential filers of the problem by e-mail or by posting notice of the problem on the court's web site.

**X. PRIVACY.**

- A. **PERSONAL DATA IDENTIFIERS.** To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, and Local Rule 10.1(h), unless otherwise ordered by the court

or required by law, a filer of a document containing personal data identifiers must, unless the document is filed under seal, modify or partially redact the document to prevent the disclosure of the identifiers. Personal data identifiers include the following:

1. Social Security numbers;
2. Financial account numbers;
3. Dates of birth; 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.

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; and
5. Proprietary or trade secret information.

B. **UNREDACTED DOCUMENTS**. With leave of court pursuant to Local Rule 5.1(e) and Local Criminal Rule 47.1(b), a party may file under seal a document containing unredacted personal data identifiers.

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

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

- A. **DOCUMENTS TO BE FILED EX PARTE OR UNDER SEAL.** Documents filed *ex parte* and documents to be filed under seal cannot be filed using the ECF system, but must be filed in paper form. The filer is responsible for insuring that all such documents are filed in paper form. The documents will be kept in a paper file unless they are unsealed by the court (unless the court implements procedures for the Clerk to scan and upload sealed documents into the ECF system, with access to the documents limited to authorized individuals).

A filer can file a document under seal only pursuant to the procedures set out in Local Rule 5.1(e) and Local Criminal Rule 47.1(b). A motion to seal generally is required to file a document under seal, unless filing under seal is permitted specifically by Administrative Order 03 AO-0010-P (which is available on the court's web site at [www.iand.uscourts.gov](http://www.iand.uscourts.gov)). If a party attempts to file a document under seal but does not comply with the procedures set out in the Local Rules or the court's Administrative Orders, then the Clerk is authorized to file the document in the public ECF system, and not under seal, even if the document is denoted as being filed under seal.

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

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

- A. **ADMINISTRATIVE RECORD.** The administrative record must be filed in paper form. The Clerk will docket a "text-only event" stating that the transcript is available in paper form at the Clerk's office.
- B. **OTHER DOCUMENTS.** All other documents filed in Social Security disability review cases, including the complaint, answer, briefs, motions, and orders, must be filed electronically and served according to these Procedures. Filers are cautioned to comply with the privacy and redaction requirements in section X of these Procedures.

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

XIII. PUBLIC ACCESS TO THE ECF SYSTEM DOCKET.

- A. PUBLIC ACCESS AT THE COURT. Electronic access to the electronic docket and documents filed in the ECF system is available at no charge at the Clerk's office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

B. INTERNET ACCESS.

1. Civil Cases. 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 has ruled that a user fee must be charged for remote access to certain detailed case information, such as filed documents and docket sheets in civil cases, but not for reviewing calendars and similar general information.<sup>3</sup>
2. Criminal Cases. In a criminal case, until otherwise ordered by the court, only attorneys of record in the case may view the electronic case file remotely. Public remote access to electronic criminal case files is limited to docket sheets.

An exception to the prohibition on public remote access to criminal case files is authorized in high-profile criminal cases where the demand for documents could impose extraordinary demands on the court's resources. In such cases, the court may direct the Clerk to provide Internet access to such case files if all parties consent and the presiding judge finds such access is warranted.

---

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

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

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

IT IS SO ORDERED.

*Mark W. Bennett*

---

MARK W. BENNETT  
CHIEF JUDGE, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA