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NORTHERN DISTRICT OF IOWA

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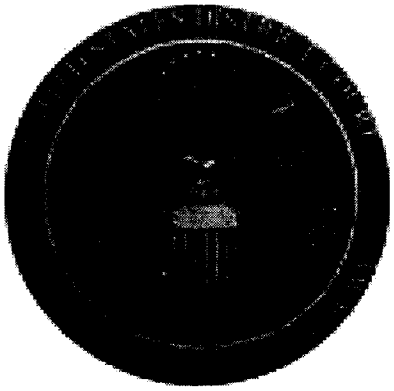
By: ~~LY SERVING~~ Deputy

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

THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF IOWA



May 2004

Administrative Order Number 04 - AO - 00 01 -P

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

PROCEDURES FOR ELECTRONICALLY SERVING, FILING, IMAGING AND ACCESSING DOCUMENTS

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IT IS ORDERED

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

I. INTRODUCTION. These Procedures, together with the court's Local Rules, govern the procedures for electronic filing of cases and documents and the maintenance of electronic case files in the United States District Court for the 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.iand.uscourts.gov.

II. ELECTRONIC CASE FILING SYSTEM. The Clerk of Court (Clerk) is responsible for maintaining electronic case files for all civil and criminal cases, receiving civil and criminal case filings by electronic transmission, and scanning and uploading paper filings in civil and criminal cases into the electronic file.

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

B. CASES SUBJECT TO ELECTRONIC FILING. Unless otherwise required or authorized by these Procedures, or by the Clerk or the court, all documents submitted for filing in all civil or criminal cases must be filed electronically using the ECF system.

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

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

C. DOCUMENTS FILED BY PARTIES PROCEEDING PRO SE. Unless otherwise authorized by the court, all documents submitted for filing to the Clerk by parties proceeding pro se must be in paper form. With respect to all such documents, if a party represented by an attorney would have been

required to file the document electronically under these Procedures, then the Clerk will scan and upload the document into the ECF system.

D. DOCUMENTS FILED BY THE UNITED STATES ATTORNEY TO INITIATE PROSECUTIONS IN CRIMINAL CASES. 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 scan and upload into the ECF system.

E. DOCUMENTS FILED IN CIVIL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM. 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 has, however, implemented 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 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. Summary judgment appendices more than 30 pages in length.

7. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

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

F. DOCUMENTS FILED IN CRIMINAL CASES THAT ARE REQUIRED TO BE FILED IN PAPER FORM. 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 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 has, however, implemented 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 and other documents relating to pen registers, traps and traces, and wire taps.

6. Filings totaling more than 200 pages in length.

7. Any other document or filing that a federal judge orders not to be electronically filed, imaged, or maintained in the ECF system.

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

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, 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. If the summonses are to be returned to the requesting attorney or 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.

   d. After a summons has been served, the serving attorney or party promptly must scan the return of service and electronically file it into the ECF system, or have the Clerk scan a *copy* of the return of service and upload it into the ECF system.

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. 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).

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: 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.

9. Documents Filed in Paper Form. The Clerk will note on the docket when a document has been filed in paper form and not uploaded into the system electronically.

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 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 ATTORNEY OR PARTY. If an attorney or a party wants to retain the original of a document that is to be filed, the attorney must scan the original document and electronically file it into the ECF system, or mail or deliver a *copy* of the document to the Clerk's office for scanning and uploading.

The filer of a document that (1) contains the signature of a non-attorney, or (2) has evidentiary value must scan the original document and electronically file it into the ECF system, or 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 5 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.

An attorney or a party who disputes the authenticity of a filer's signature on an electronically-filed document must file an objection to the document within ten days after the attorney or party receives the Notice of Electronic Filing (NEF).[1] If no timely objection is filed, the court will presume the signature to be authentic.

B. NON-ATTORNEY SIGNATURE, GENERALLY. If a document contains an original signature of a non-attorney, the filer must scan the original document and electronically file it into the ECF system, or mail or deliver a *copy* of the document to the Clerk's office for scanning and uploading.

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

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

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 **must be signed**, either with the symbol "/s/" or with a digitized signature. The correct format for an attorney signature block is as follows:

"/s/" **or** digitized signature
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
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.

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

V. SERVICE.

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

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

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

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

B. NON-REGISTERED PARTICIPANTS. Filers must serve a paper copy of any electronically-filed document on all persons entitled to service who are not participants in the ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving paper copies of documents that have been filed electronically, the filer must include a copy of the NEF.

C. CONVENTIONALLY-FILED DOCUMENTS. Pro se parties filing paper documents and other filers electing to bring a document to the Clerk for scanning and uploading into the ECF system must serve a paper copy of the document on all persons entitled to service who are not participants in the ECF system. Service must be in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b). When serving a paper copy of the document, the filer must include a copy of the NEF. Such filers should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, such filers should consider paper service or, with respect to attorneys registered to participate in the ECF system, service by e–mail or fax.

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

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

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users.

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.

4. The Clerk may issue a password to attorneys who are not admitted to practice before this court but who are admitted to practice in another state or federal court. However, these attorneys must not use the password to file any documents electronically with the court without first being admitted to practice before the court under Local Rule 83.2.

B. REGISTRATION.

1. For an attorney to file documents with the court electronically, the attorney must complete and sign an Attorney Registration Form, attached to these Procedures as Form A, and obtain a password for the ECF system. A copy of the form also is available on the court's web site at www.iand.uscourts.gov.

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

2. All signed original Attorney Registration Forms must be mailed or delivered to the Clerk's Office, United States District Court, P.O. Box 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.

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

VII. ORDERS.

A. ELECTRONIC FILING OF ORDERS. The Clerk or a federal judge will electronically file all signed court-generated documents, including orders, decrees, judgments, and records of proceedings of the court. All court-generated documents will be uploaded into the ECF system, which will constitute entry on the docket kept by the Clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Any court-generated document signed electronically and uploaded to the ECF system has the same force and effect as if the Clerk or the judge had affixed his or her signature to a paper version of the document and the document had been entered conventionally on the court docket.

B. SUBMISSION OF ORDERS. Proposed orders may be submitted to the court by e–mailing the proposed order to 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. A party electronically filing a document is responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.[3]

B. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and docketed into the ECF system, corrections to the docket can be made only by the Clerk.

2. If a filer discovers an error in the electronic filing or docketing of a document, the filer should contact the Clerk as soon as possible. The filer should have the case number and docket number of the document that was filed or docketed erroneously. The Clerk will research the error and advise the filing party of how the error will be addressed by the Clerk and what further action by the filer, if any, is required to address the error. A filer ***should not*** refile or attempt to re-docket a document that has been filed or docketed erroneously unless specifically directed to do so by the Clerk.

3. If errors in the filing or docketing of a document are discovered by the Clerk, the Clerk ordinarily will notify the filer of the error by e–mail and advise the filer of what further action, if any, is required to address the error. However, if the error is a minor one, the Clerk may, with or without notifying the parties, either correct or disregard the error.

[3]Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site, www.iand.uscourts.gov, or by clicking on the "**?**" on the main menu for civil or criminal.

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, and will constitute the "file stamp" for all purposes. This date and time will be the official filing date and time of the document regardless of when the filer actually transmitted the document to the Clerk.

1. Unless contrary to an order entered by the court establishing a time of day as part of a deadline for filing a document in a case, a document is timely filed if it is filed before midnight in the 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 NEF.

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

B. TECHNICAL FAILURES.

1. Some deadlines in the Federal Rules of Civil, Criminal, and Appellate Procedure are jurisdictional and cannot be extended. *See, for example,* Fed. R. Civ. P. 6(b). It is the responsibility of the filer to ensure, by whatever means necessary, that a document is timely filed to comply with jurisdictional deadlines. A technical failure of the ECF system will not excuse the filer from compliance with a jurisdictional filing deadline.

2. If a filer is unable to meet a nonjurisdictional filing deadline because of a technical failure, the filer must, by the earliest available conventional or electronic means, file the document. The filing of the document will be accepted by the court as timely unless the presiding judge determines that the untimely filing of the document should not be excused.

3. **A filer is not excused from missing a filing deadline** because of (a) problems attributable to the court, or (b) problems attributable to the filer (such as phone line problems, problems with the filer's Internet Service Provider, hardware problems, or software problems). If the

Clerk determines that the ECF system is unable to accept filings continuously or intermittently for more than one hour during the Clerk's regular office hours, the clerk may, but is not required to, notify potential filers of the problem by e–mail or by posting notice of the problem on the court's web site.

X. PRIVACY.

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

1. Other personal identifying numbers, such as driver's license numbers;

2. Information concerning medical treatment or diagnosis;

3. Employment history;

4. Personal financial information; 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), an attorney or 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). If an attorney or a party attempts to file a document under seal but does not comply with the procedures set out in the Local Rules or the court's Administrative Orders, then the Clerk is authorized to 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 submitted to the Clerk for filing. The Clerk will scan these documents and upload them into the ECF system, and also will maintain the documents in a paper file. A pro se filer must serve a paper copy of filed documents on all persons entitled to service, in the manner required by Local Rule 5.1(a) and Federal Rule of Civil Procedure 5 or Federal Rule of Criminal Procedure 49(b).

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

A. ADMINISTRATIVE RECORD. The administrative record must be filed in paper form. The Clerk will docket a "text-only event" stating that the transcript 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.[4]

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 the attorneys for all of the

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[4] 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.

parties consent and the presiding judge finds such access is warranted.

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
Chief Judge, United States District Court
Northern District of Iowa

Copies disbursed on 5/26/2004 to:

Chief Judge Mark W. Bennett,
District Judge Linda R. Reade,
Senior Judge Edward J. McManus,
Senior Judge Donald E. O'Brien,
Chief Magistrate Judge John A. Jarvey,
Magistrate Judge Paul A. Zoss,
Clerk, James D. Hodges, Jr.,
Clerk's Divisional Office, Sioux City, Iowa,
Bryan Woodward, Systems Administrator (for posting on NDIA Web Page),
Administrative Order Book RE: Public Administrative Orders

Debra S Lataj

Deputy Clerk

FORM A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

ELECTRONIC CASE FILING SYSTEM
ATTORNEY REGISTRATION FORM
PLEASE TYPE

This form must be used to register for an account on the court's ELECTRONIC CASE FILING (ECF) system in the United States District Court for the Northern District of Iowa. Registered attorneys 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 ECF system. The following information is required to register:

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 N.D. of Iowa Bankruptcy Court? Yes___ No___
If you currently have a login for the Bankruptcy Court, and wish to use the same login id in the district court, indicate the login here: _____. NOTE: Only the login will be remain the same – You will be issued a new password with your district court login.

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

1. The ECF system is only for use in cases designated by the U.S. Court for the Northern District of Iowa. The ECF system may be used to file and view electronic documents, docket sheets and notices.

2. Each attorney desiring to file documents 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 a person with authority to use the password, it is the duty and responsibility of the attorney/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 an attorney, all papers must be signed by the party. The electronic filing of a document by an attorney who is a registered participant in the ECF system will 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. 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
P.O. Box 74710
Cedar Rapids, IA 52407

_____ _____

Date Attorney/Participant Signature

Your login and password will be sent to you by the Office of 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: _____

_____