

CIVIL AND CRIMINAL CASES
ADMINISTRATIVE PROCEDURES
FOR
ELECTRONIC CASE FILING AND SERVICE
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

February 1, 2008

Table Of Contents

I. The Electronic Filing System	1
A. Authorization for Electronic Filing	1
B. Mandatory Electronic Filing	1
C. The Electronic Record	2
D. Definitions and Instructions	2
E. System Requirements	3
F. System Availability	4
II. Registration, Login and Password	4
A. Registration	4
B. Login and Password	5
C. Change of Contact Information	6
D. Pro Hac Vice	6
III. Electronic Filing and Service of Documents	6
A. Filing Requirements	6
1. Filing Defined	6
2. Format	7
3. Accuracy Verification	7
4. Title of Docket Entries	7
5. Filing Deadlines	7
6. Confirmation of Filing	7
7. Pleadings Requiring Leave of Court	7
8. Voluminous Exhibits	7
9. Transcripts	7
10. Notice of Appearance	7
B. Civil Case Initiating Documents	8
C. Criminal Case Initiating Documents	9
D. Summons	10
E. Service	10
1. Notice of Electronic Filing	10
2. Paper Copy	10
3. Certificate of Service	10
4. Three-Day Mailing Rule	11
5. Viewing Electronically Filed Document	11
F. Signatures	11
1. Lawyer Signature	11
2. Multiple Signatures	11
3. Defendant's Signature in Criminal Case	12
4. Non-Lawyer Signature	12
5. Challenge to Signatures	12
G. Orders and Judgments	12
H. Proposed Orders	13
I. Trial Documents	14

J. Transcripts	14
K. Character Letters in Support of Sentencing	14
L. Correct Filing Errors	14
M. Technical Failures	15
N. Hyperlinks	16
IV. Privacy	16
A. General Information	16
B. Mandatory Redaction of Filed Documents	17
1. Social Security numbers	17
2. Names of minor children	17
3. Dates of birth	17
4. Financial account numbers	17
5. Home addresses	17
C. Discretionary Redaction of Filed Documents	17
D. Responsibility for Redaction	18
V. Conventional Filing of Documents	18
A. Pro Se Parties	18
B. Service of Conventional Filings	18
VI. Social Security Cases	18
VII. Habeas Corpus Cases	19
VIII. Exhibits	19
A. Trial Exhibits	19
B. Exhibits Filed as Part of Pleadings	20
IX. Documents Filed Under Seal and Ex Parte Submissions	21
A. Motion to Seal	21
B. Sealed Document	21
C. Ex Parte Submissions	22
X. Public Access to the System	22
A. Public Access to the Court	22
B. Internet Access	22
C. Conventional Copies and Certified Copies	22
XI. Payment Online and through CM/ECF	23
A. Fees Payable to the Clerk	23
B. Electronic Filing of Pleadings Requiring a Fee	23

ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, VERIFYING AND SERVICE OF DOCUMENTS BY ELECTRONIC MEANS IN CIVIL AND CRIMINAL CASES

INTRODUCTION

The U.S. District Court for the Western District of Wisconsin welcomes you to its Case Management/Electronic Case Filing (CM/ECF) system, hereinafter referred to as the "System." The System allows documents to be filed electronically from any location over the Internet. As of January 22, 2008, the court requires all registered users to file documents electronically absent a showing of good cause, or as otherwise excused by the procedures set forth below, or by order of the court.

The following procedures govern electronic filing in this district. Any judge of this court or the clerk of court may deviate from these procedures in specific cases, without prior notice, if doing so is appropriate, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

I. THE ELECTRONIC FILING SYSTEM

A. AUTHORIZATION FOR ELECTRONIC FILING

Pursuant to Federal Rule of Civil Procedure 5(e), Federal Rule of Criminal Procedure 49(b), and Local Rule 5, the clerk's office will accept papers filed, signed or verified by electronic means that comply with the Administrative Procedures established by this court. All civil, criminal and miscellaneous cases shall be assigned to the System unless otherwise specified in these procedures.

B. MANDATORY ELECTRONIC FILING

Beginning on January 22, 2008, all documents in all civil and criminal cases currently pending and newly filed shall be filed electronically using the System unless otherwise permitted by these administrative procedures.

The following exceptions may apply:

1. Parties proceeding pro se, see section V.A.;
2. Charging documents in criminal cases, see section III.C.;
3. Trial exhibits, see section VIII; and
4. Juvenile criminal matters, which shall not be filed electronically unless, after hearing, the court rules that the juvenile shall be tried as an adult.

C. THE ELECTRONIC RECORD

The official record of the court shall be the electronic file maintained on the court's servers. The filing party is bound by the document as filed. This includes information transmitted to the court in electronic format as well as documents filed in paper form, scanned, and made a part of the electronic record. The official record shall also include any conventional documents or exhibits that may be impractical to scan. Filings of this nature will be identified on the docket as maintained in the clerk's office only.

D. DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply to these administrative procedures:

Case Management / Electronic Case Filing (CM/ECF) means the automated system for receipt, retention and retrieval of documents filed in electronic form in the District Court for the Western District of Wisconsin.

Conventional filing means submission of documents to the court or party in paper or other non-electronic format. Documents filed conventionally will be scanned, uploaded, docketed and maintained in the System.

Document includes but is not limited to pleadings, motions, exhibits, declarations, affidavits, briefs, papers, orders, notices and any other filing by or to the court.

ECF Web site refers to the official Internet site of the Western District of Wisconsin at ecf.wiwd.uscourts.gov

Electronic filing means uploading a document directly from the registered user's computer in PDF format using the court's Internet-based System to file that document in the court's case file. Sending a document to the court via e-mail does not constitute "electronic filing."

E-Mail Address of Record is the Internet e-mail address of each party to the case as maintained by the clerk's office.

Filing User is a lawyer who has a court-issued login and password to file documents electronically in this court. See section II.A. for registration criteria.

Help Desk Number 866-241-7123

Hours stated shall be Central Time. The business hours of the clerk's office are 8:00 a.m. to 4:30 p.m.

Initiating documents includes civil complaints, notices of removal, civil cover sheets, criminal indictments, superseding indictments, informations, complaints, petitions, notices to appear, summons and warrants.

Notice of Electronic Filing (NEF) is the e-mail notice that is automatically generated by the System at the time a document is filed by a lawyer or an order is entered or notice issued by the court. The NEF constitutes service when e-mailed to the addresses of record in the case. The NEF sets forth the time the document is filed or issued, the type of document filed, the text of the docket entry, the name of the lawyer(s) receiving notice and an electronic link (hyperlink) to the document to allow the recipient to view the document filed.

PACER (Public Access to Court Electronic Records) is an electronic public access service established by the Administrative Office of the United States Courts that allows access to federal court records, including those filed through the System. Any person establishing a PACER account will be able to view, print and download information filed with the System over the Internet. Under the PACER system, counsel of record are entitled to one free copy of each document filed in their case so long as they retrieve the document within 15 days of filing. Subsequent access to those documents or access to documents in other cases are subject to PACER billing fee of eight cents per page.

PDF refers to a document in Portable Document Format. A document created from a word processing system (Word, WordPerfect) or a paper document that has been scanned must be converted to PDF before it can be electronically filed with the Court. Converted files contain the extension “pdf.” These documents cannot be password protected or encrypted because the System will reject them.

Technical Failure means a malfunction of the court’s System or the telecommunications facilities through which the System is accessed that prevents a Filing User from filing a document electronically. Technical Failure does not include a malfunction of a Filing User’s computer and/or telecommunications facilities that prevents a Filing User from electronically filing a document. See section III.M.

E. SYSTEM REQUIREMENTS

The following hardware and software are needed to electronically file and view documents in the System and to receive electronic notice of case activity. Other specifications are also indicated for optimum performance.

1. Computer running a Windows or a Macintosh operating system.
2. Software used to create PDF documents from a word processing system, such as Adobe Acrobat

3. A PDF viewer, such as Adobe Acrobat Reader (free download available at www.adobe.com). Note: To view dockets and electronically filed documents through the PACER system, users must access the System through a PACER login and password. Register for a PACER account at www.pacer.psc.uscourts.gov or call 1-800-676-6856.
4. An Internet browser, such as Netscape or Internet Explorer.
5. Internet access.
6. E-mail address to receive Notices of Electronic Filing.
7. Access to a scanner if non-computerized documents must be imaged.
8. When scanning documents to be subsequently filed electronically, filing parties should use scanners configured for 200 dpi and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document.
9. The current size limitation for electronically filed documents, including exhibits, is 10 megabytes. It is unlikely this limitation will affect electronically created documents. For scanned documents it would be the equivalent of approximately 200 pages. Larger documents must be separated into 10 megabyte sections.

F. SYSTEM AVAILABILITY

The System is designed to be available 24 hours a day, seven days a week. The parties are encouraged to file documents in advance of filing deadlines and during normal business hours when technical support is available.

The clerk of court has established a Help Desk (866-241-7123) to respond to questions regarding the System and the registration process. The Help Desk will be staffed on business days from 8:00 a.m. to 4:30 p.m.

II. REGISTRATION, LOGIN AND PASSWORD

A. REGISTRATION

1. Each lawyer admitted to the bar of this court, including those admitted pro hac vice and lawyers authorized to represent the United States, must register as a Filing User of this court's System. Only a registered Filing User may file documents electronically with the System. A law firm may not register as a Filing User, each individual lawyer must register.

2. Registration as a Filing User constitutes consent to electronic service of all documents as provided in these procedures and in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Rule 49(b) of the Federal Rules of Criminal Procedure.
3. Each lawyer filing electronically must complete and sign a Lawyer Registration Form. This must be done electronically at <http://attorneyreg.wiwd.uscourts.gov>. The registration form requires the Filing User's name, address, telephone number and internet e-mail address.
4. Upon completion of the electronic registration form, the lawyer is to print a copy, sign the form and mail it to the clerk's office.
5. To ensure that the clerk's office has correctly entered a registering lawyer's e-mail address in the System, the clerk's office will send the lawyer an e-mail message that will include a login and password.
6. **A PACER login is required in addition to the user ID and password issued by the court for CM/ECF.** 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>

B. LOGIN AND PASSWORD

1. Each lawyer admitted to practice in the Western District of Wisconsin shall be entitled to one login and password from the District Court. The court will issue logins and passwords only to lawyers in good standing. To be in good standing, a lawyer must meet the requirements of Local Rule 1. The login and password permits the lawyer to participate in the electronic filing and retrieval of pleadings and other papers.
2. Once registered, the lawyer shall be responsible for all documents filed with his or her password.
3. No lawyer shall 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.
4. After registering, lawyers may change their passwords by submitting a written request to the Help Desk at wiwd_ecfhelp@wiwd.uscourts.gov.
5. If a lawyer believes that the security of an existing password has been compromised and that a threat to the System exists, the lawyer shall immediately notify the clerk's office that his or her password has been compromised.

C. CHANGE OF CONTACT INFORMATION

1. A Filing User whose e-mail address has changed from that of the original Lawyer Registration Form may change the e-mail address or add e-mail addresses by selecting Utilities, Maintain Your E-mail. After modifying an email address, the Filing User will be prompted to select whether the address should be changed in all Active cases.
2. A Filing User whose mailing address has changed from that of the original Lawyer Registration Form shall timely file a notice of a change of address and provide a list of cases in which the address should be updated. The Filing User shall serve a copy of the notice on all other parties.
3. A Filing User may withdraw from participation in the System by providing the clerk's office with written notice of the withdrawal. Withdrawal from participation in the System shall not be construed as authorization to file cases or documents conventionally.

D. PRO HAC VICE

1. Local counsel may electronically file the motion for pro hac vice. An electronic filing registration form for the pro hac vice lawyer should be attached if the pro hac vice lawyer does not already have a CM/ECF login and password for the Western District of Wisconsin.
2. A proposed order of admission shall be emailed to the appropriate chambers pursuant to section III. H., Proposed Orders.

III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING REQUIREMENTS

1. **Filing Defined.** Electronic transmission of a document to the System together with receipt of the NEF from the court (with the exception of sealed documents for which an NEF is not transmitted), constitutes "filing" of the document for all purposes under the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk of court under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

Only electronic documents submitted through the System will constitute "filing" of the document. E-mailing a document to the clerk's office or a judge does not constitute "filing" of the document. A document shall not be considered "filed" until the System generates an NEF.

2. **Format.** Documents filed electronically must be submitted in PDF (portable document format). These documents cannot be password protected or encrypted because the System will reject them.
3. **Accuracy Verification.** Before electronically submitting a document to the System, the Filing User must verify the accuracy and legibility of the document. If pleadings are filed in paper form under an exception to our mandatory filing policy, it is the responsibility of the Filing User to ensure that the paper document can be scanned as a legible image. The court encourages such documents to be in black print on white paper for maximum contrast.
4. **Title of Docket Entries.** The Filing User electronically filing a pleading or other document is responsible for designating a docket entry title for the document by using one of the events listed in the categories provided by the court. A complete list of civil and criminal events is available on the court web site at ecf.wiwd.uscourts.gov and can be found through the System by selecting **Reports** and clicking the appropriate selection under **Event Lists**. If the Filing User is in doubt, please contact the Help Desk (866-241-7123) for assistance.
5. **Filing Deadlines.** Filings must be received by the System before midnight Central Time to be considered timely filed that day. If the assigned judge has ordered the pleading or other paper filed by a time certain (e.g., noon), it must be filed by the time designated by the judge.
6. **Confirmation of Filing.** The NEF generated by the System is confirmation of the electronic filing.
7. **Pleadings Requiring Leave of Court.** If a document to be filed requires leave of the court, such as an amended complaint or a document to be filed out of time, the Filing User shall file the proposed document as an attachment to the motion. If the court grants the motion, the Filing User must then electronically file the document in the System as a separate document. This does not include proposed orders, see section III.H.
8. **Voluminous Exhibits.** Attachments and exhibits larger than ten (10) megabytes must be filed electronically in separate ten (10) megabyte segments.
9. **Transcripts.** Transcripts of this court's proceedings shall be filed conventionally.

10. **Notice of Appearance.** The filing of a notice of appearance establishes the filing lawyer as the lawyer of record representing a designated party in a particular cause of action.

B. CIVIL CASE-INITIATING DOCUMENTS

Filing Users shall file their case-initiating documents in the System as provided below. The clerk's office will **not** accept pleadings sent by e-mail or facsimile.

1. Filing User calls the clerk's office (866-241-7123) during business hours with a request to electronically file the complaint or other case initiating documents. At this time the Filing User informs the clerk's office
 - a. of the method of payment of the filing fee, see Section XI.;
 - b. that the case initiating documents are ready to be filed; and
 - c. whether the Filing User intends to file a motion for preliminary injunction with the complaint.
2. Filing User e-mails the case opening information (civil cover sheet and **complete listing of parties**) to: wiwd_newcases@wiwd.uscourts.gov. These documents are for informational purposes only for the purpose of opening a shell case. The Filing User must electronically file all case-initiating documents after the shell case is opened.
3. Clerk's office opens a shell case but does not assign the case to a judge.
4. The clerk's office sends the Filing User an e-mail with case number.
5. Filing User electronically files the civil cover sheet (JS-44), summons, and complaint and pays the filing fee through Pay.gov. (Alternative methods of payment are same day delivery of check, cash or money order to the clerk's office.) If Filing User seeks waiver of the filing fee, a Motion to Proceed IFP (in forma pauperis) shall be filed with the complaint. **NOTE:** In order to preserve the filing date, the electronic filing of the case-initiating documents and payment must occur on the same day the shell case is opened.
6. Case-initiating documents are deemed filed the day the clerk's office receives the e-filed complaint and the filing fee.
7. After the complaint is filed and fee collected, the clerk's office assigns the case to a judge.

8. A party may not serve a complaint electronically, but must effect service according to Federal Rule of Civil Procedure 4.

C. CRIMINAL CASE-INITIATING DOCUMENTS

Filing Users shall arrange to file their case-initiating documents in the System as identified below. The clerk's office will **not** accept pleadings sent by e-mail or facsimile.

1. Complaints, warrants and documents that must be presented to a judge for signature may be filed on paper. The clerk's office will scan the signed document and open the criminal case.
2. The U.S. Attorney's Office will submit the original indictment signed by the foreperson to the presiding judge or magistrate judge in open court at the conclusion of the grand jury session. The clerk's office will scan the documents and open the criminal case. The clerk's office retains the original indictments.
3. An information may be filed on paper. The clerk's office will scan the information and open the criminal case.
4. When submitting an indictment or information, the U.S. Attorney's Office shall simultaneously file the criminal cover sheet (JS-45). The cover sheet will not be filed as an attachment to an initiating document because the criminal cover sheet contains personal identifiers and is considered a restricted document.
5. New criminal cases are deemed filed the day the clerk's office receives the initiating document. The U.S. Attorney's Office will be notified when the new case has been opened.

OTHER CASE-INITIATING DOCUMENTS SUCH AS GRAND JURY MOTIONS SHALL BE FILED ELECTRONICALLY FOLLOWING THE PROCESS SET FORTH BELOW:

1. Filing User calls the clerk's office (866-241-7123) during business hours with request to electronically file the case-initiating documents. At this time the Filing User informs the clerk's office:
 - a. of the identity of DOJ staff to whom order should be emailed, and
 - b. that the case initiating documents are ready to be filed.
2. Clerk's office opens a shell case and provides case number to Filing User.
3. The Filing User must electronically file all case-initiating documents. The proposed order may be filed as an attachment to the motion.

4. Case-initiating documents are deemed filed the day the clerk's office receives the e-filed documents.

D. SUMMONS

1. A Filing User shall complete the summons and electronically file it as an attachment to the complaint. The clerk's office will issue the summons electronically and return it to the filing party for service.
2. The court may sign, seal and issue a summons electronically. A party may not electronically serve a summons. Service must be in accordance with Federal Rule of Civil Procedure 4.
3. An interactive summons form is available on the court's web site, www.wiwd.uscourts.gov

E. SERVICE

Registration as a Filing User constitutes consent to electronic service of documents through the System. Receipt of the NEF generated by the System constitutes service of the filed document upon each party in that case who is registered as a Filing User of the System.

1. **NEF.** Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System will generate an NEF to the filing party as well as any other party who is registered as a Filing User.
To determine whether another party is a Filing User for electronic service purposes, the filer can select the System's "Utilities" category, then click on "Mailings" and "Mailing Information for a Case." Upon entry of the case number, the notification information will appear, stating whether the filer must mail a copy or whether the System will serve electronically.
2. **Paper copy.** A party who is not a registered participant of the System is entitled to service of a paper copy of any electronically filed pleading, document or order. The filing party must provide the non-registered party with the pleading, document, or order according to the Rules of Federal Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the NEF to satisfy the certificate of service requirement.
3. **Certificate of Service.** A certificate of service on all parties entitled to service or notice is required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each

party. The certificate may be signed as “s / full name” by a paralegal, secretary or other authorized assistant who made the service.

4. **Three-Day Mailing Rule.** The three-day rule prescribed by Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(c) for service by mail shall apply to service by electronic means. Accordingly, lawyers should be aware that the response deadlines which appear in docket text or when querying deadlines are for court use only and should not be relied upon as an accurate computation of the due date.
5. **Viewing Electronically Filed Document.** The NEF will contain a hyperlink that will provide recipients with one “free look” at the electronically filed document. Recipients may print or save a copy of the document during the “free look” to avoid incurring PACER charges for additional viewing of documents. The ability to view one time at no cost expires fifteen days after the document is filed.

F. SIGNATURES

Use of the lawyer’s login and password required to electronically submit documents to the System serves as the lawyer’s signature on that document for all purposes under Federal Rules of Civil, Criminal and Appellate Procedure. All documents filed electronically shall include a signature block.

1. **Lawyer Signature.** A pleading or other document requiring a lawyer’s signature shall be signed by inserting s/ followed by the complete name of the signing party in place of the signature line.

The correct format for an lawyer signature is as follows:

s/ **[Name of Filing Lawyer]**
Lawyer for (Plaintiff/Defendant)
Law Firm Name
Mailing Address
City, State, Zip Code
Telephone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxxxx@xxx.xxx

2. **Multiple Signatures.** When filing a document such as a stipulation, joint motion, joint exhibit list or rule 26(f) report that requires signatures of two or more parties, the filing lawyer must assure that the content of the document is acceptable to all persons required to sign the document. The filing lawyer shall obtain the signatures on the original document. The following procedure applies:

- a. The filing lawyer shall electronically file the document either typing “s / full name” of the signing party in place of the signature line OR filing a scanned document containing all necessary signatures; AND
 - b. The filing lawyer shall retain the hard copy of the document containing the original signatures for two (2) years after final resolution of the action, including final disposition of all appeals.
3. **Defendant’s Signature in Criminal Case.** A document containing the signature of a defendant in criminal case shall be electronically filed as a PDF document that contains an image of the defendant’s signature. The filing lawyer shall retain the hard copy of the document containing the original signature for two (2) years after final resolution of the action, including final disposition of all appeals.
4. **Non-Lawyer Signature.** A document requiring the signature of a non-lawyer may be filed as follows:
- a. The filing lawyer shall obtain the signature of the non-lawyer on the original document, AND
 - b. The filing lawyer shall electronically file the document either typing “s / full name” of the signatory OR scanning the signed document, AND
 - c. The filing lawyer shall retain the hard copy of the document containing the original signature for two (2) years after final resolution of the action, including final disposition of all appeals.
5. **Challenge to Signatures.** A non-filing signatory or party who disputes the authenticity of an electronically filed document or signature must file an objection to the document within seven (7) days of service of the document.

G. ORDERS AND JUDGMENTS

1. All signed orders will be filed electronically. Any order signed electronically has the same force and effect as that bearing a handwritten signature and filed conventionally.
2. When mailing a paper copy of an electronically filed order to a party who is not a registered participant of the System, the clerk’s office will include the NEF to provide the non-participant with proof of the filing.
3. A judge or authorized member of court staff may issue orders by a text-only entry upon the docket. In such cases, no PDF document will be attached to the

docket entry. The text-only entry shall constitute the court's only order on the matter and such orders are official and binding. Registered users will receive an NEF. The clerk's office will send a copy of the NEF to any non-registered user.

H. PROPOSED ORDERS

1. The motion related to the proposed order must be filed with the System before e-mailing a proposed order to a judge.
2. A proposed order shall be e-mailed as an attachment in WordPerfect or Word format to chambers. (See 6., below or Exhibit A for e-mail address information for chambers.)
3. A courtesy copy of the motion related to the proposed order should also be attached to the email sent to chambers.
4. The subject line of the e-mail sent to chambers must include the case number, the phrase Proposed Order, and the related motion. (Example: 06-534 Proposed Order - Motion for Extension of Time) The name of the attachment must include the case number followed by .wpd for a WordPerfect file or .doc for a Word file. (Example: 06-534.wpd or 06-534.doc) Do not include the word "proposed" in the body or caption of the order.
5. The text of the e-mail must refer to the document number assigned to the motion by the System when it was electronically filed (e.g., This proposed order relates to motion # ____).
6. Proposed orders are not filed in the System; therefore, a Filing User shall serve proposed orders on all parties in the manner agreed by each party.

These e-mail addresses are not to be utilized to communicate with the Court unless otherwise permitted or when communications are solicited by the Court.

wibd_bbc@wibd.uscourts.gov

Chief Judge Barbara B. Crabb

wibd_jcs@wibd.uscourts.gov

District Judge John C. Shabaz

wibd_slc@wibd.uscourts.gov

Magistrate Judge Stephen L. Crocker

7. Documents prepared for the signature of the clerk of court, such as entry of default or taxation of costs, shall be e-mailed to:

wibd_tmo@wibd.uscourts.gov

Clerk of Court

I. TRIAL DOCUMENTS

1. Trial documents such as proposed jury instructions, voir dire questions and exhibit lists shall be filed electronically in the System.
2. In addition, following the electronic filing of the documents in the System, the Filing User shall e-mail a copy of the proposed jury instructions in WordPerfect or Word format to chambers. (See Exhibit A for e-mail address information for chambers).
 - a. The subject line of the e-mail must include the case number and a short description of the attachment. (Example: 06-126 Plaintiff Proposed Instructions)
 - b. The name of the attachment must include the case number followed by .wpd for a WordPerfect file or .doc for a Word file. (Example: 06-126.wpd or 06-126.doc)

J. TRANSCRIPTS

1. Parties who wish to order a transcript shall complete the Transcript Order Form (AO 435) and file the form electronically as a PDF document.
2. Parties who wish to order a transcript for purpose of appeal shall complete the Seventh Circuit Transcript Information Sheet and file the form electronically as a PDF document.
3. If the ordering party is a CJA panel attorney, a CJA Form 24 must be completed and filed as an attachment to the appropriate transcript request form.
4. The Transcript Order Form, Seventh Circuit Transcript Information Sheet and CJA Form 24 are available on our website, www.wjwd.uscourts.gov

K. CHARACTER LETTERS IN SUPPORT OF SENTENCING

Original character letters in support of a sentencing memorandum must be submitted in paper form with the original sent to the U.S. Probation Office and copies to the sentencing judge and opposing counsel. The letters may not be filed electronically with the court unless otherwise ordered by a judge.

L. CORRECTING FILING ERRORS

1. Once a document is submitted and becomes part of the case docket, corrections to the docket text can be made by the clerk's office only. The System will not

permit the filing party to make changes to the document or docket entry filed in error once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong PDF document to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**
3. As soon as an error is discovered, the filing party should contact the clerk's Help Desk (866-241-7123) and provide the case number. If appropriate, the clerk's staff will make an entry indicating that the document was filed in error. Staff of the clerk's office will provide instructions and advise the filing party if the document needs to be re-filed.

M. TECHNICAL FAILURES

1. The clerk's office shall deem the Western District of Wisconsin CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than two hours after 10:00 a.m. that day. Known system outages will be posted on the web site, if possible.
2. A filing party whose filing is made untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the court by filing a declaration that the party was unable to file in a timely manner because of technical difficulties. The filing party should print, if possible, a copy of the error message received and submit it with the declaration.
3. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), hardware or software problems, will neither constitute a technical failure under these procedures nor excuse an untimely filing. The filer must use an alternative means of filing such as the court's scanning/computer equipment in the clerk's office to electronically file the document.

The documents must be filed no later than 10:00 a.m. on the first day on which the court is open for business following the original filing deadline.

N. HYPERLINKS

1. Hyperlinks are allowed in documents filed with the Court only for the purpose of providing a convenient mechanism for accessing material cited in the document. Electronically filed documents may contain the following types of hyperlinks:
 - a. hyperlinks to other portions of the same document; and
 - b. hyperlinks to a location on the Internet that contains a source document for a citation.
2. Hyperlinks to cited authority shall not replace standard citation format. Filing Users must include complete citations in addition to the hyperlink.
3. Hyperlinks to other documents filed within the CM/ECF System are permitted.
4. Hyperlinks to advertisements or personal web sites, inclusive of law firms, are prohibited.
5. The judiciary does not exercise any responsibility over the content at its destination.
6. The hyperlink reference is extraneous to any filed document and is not part of the Court's record.
7. The Court accepts no responsibility for and does not endorse any product, organization, or content at any hyperlinked site or at any site to which that site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.

IV. PRIVACY

A. GENERAL INFORMATION

1. In compliance with the policy of the Judicial Conference of the United States and Federal Rule of Civil Procedure 5.2 and Federal Rule of Criminal Procedure 49.1, filing parties should not include certain types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case (E-Government Act of 2002, Pub. L. 107-347).
2. The unredacted version of a document shall be retained by the filing party for two (2) years following the expiration of all time period for appeals.

B. MANDATORY REDACTION OF FILED DOCUMENTS

The following personal data identifiers must be redacted from the filed document, whether it is filed electronically or on paper:

1. **Social Security numbers.** If a social security number must be included in a document, only the last four digits of the number should be used.

SPECIAL NOTICE TO LAWYERS INVOLVED IN SOCIAL SECURITY CASES: It is your responsibility to provide the U.S. Attorney's Office with the social security number of the plaintiff upon the filing of a new social security case.

2. **Names of minor children.** If a minor child must be mentioned in a document, only the initials of the child should be used.
3. **Dates of birth.** If a date of birth must be included in a document, only the year of birth should be used.
4. **Financial account numbers.** If a financial account number is required, only the last four digits of the account number should be used.
5. **Home addresses.** If an individual's home address is required in criminal case filings, only the city and state of residence should be used.

C. DISCRETIONARY REDACTION OF FILED DOCUMENTS

In addition to documents containing personal data identifiers, parties should exercise caution when filing documents that contain the following:

1. Personal identifying numbers, such as driver's license number;
2. Medical records, including treatment and diagnosis records;
3. Employment history;
4. Proprietary or trade secret information;
5. Information that may identify an individual cooperating with the government;
6. Information regarding the victim of any criminal activity; and
7. Sensitive security information as described in 49 U.S.C. § 114(s).

D. RESPONSIBILITY FOR REDACTION

The responsibility for redacting personal data identifiers rests solely with counsel and the parties. **The clerk's office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers or redact documents, whether filed electronically or on paper.**

V. CONVENTIONAL FILING OF DOCUMENTS

The following types of documents shall be filed conventionally:

1. Administrative records;
2. State court records and transcripts;
3. Charging documents in criminal cases (complaint, indictment, information), see section III.C.;
4. **Criminal Justice Act vouchers;** and
5. Trial exhibits, see section VIII.

A. PRO SE PARTIES

Pro se parties must file conventionally all original, signed paper documents. The clerk's office will scan and docket these filings into the System. The scanned PDF image will become the official court record.

B. SERVICE OF CONVENTIONAL FILINGS

Pleadings or other documents which are filed conventionally shall be served pursuant to Federal Rules of Civil, Criminal and Appellate Procedure except as otherwise provided by order of the Court.

VI. SOCIAL SECURITY CASES

- A. All documents, notices and orders filed in social security cases shall be filed and noticed electronically, except as noted below:
 1. The complaint and other documents typically submitted at the time a social security case is initiated should be filed electronically **in compliance with the redaction provisions in Section IV of these procedures.** Service must be in accordance with Federal Rule of Civil Procedure 4.

2. The administrative record, including transcripts and exhibits, which are normally filed with the answer in social security cases, may be conventionally filed and served.
3. All other documents in the case, including briefs, should be filed and served electronically **in compliance with Section IV of these procedures**.
4. Pursuant to the Judicial Conference of the United States and to address privacy concerns inherent in social security cases, Internet access to electronically filed documents will be limited to counsel and court staff. Docket entries will be available over the Internet to non-parties. The public will have direct access to conventionally filed documents on file at the clerk's office.

VII. HABEAS CORPUS CASES

- A. All filings in a Habeas Corpus case brought under 28 U.S.C. § 2241 or 28 U.S.C. § 2254 should be filed electronically, except as noted below:
 1. Pro se prisoner filings will be filed conventionally and will be scanned into the System.
 2. State court records, federal court records, transcripts or any administrative proceedings in the case may be filed conventionally.
 3. Any motions, briefs, memoranda or other new documents prepared by respondent specifically for the habeas corpus case shall be filed electronically.
- B. After a case initiating petition is docketed in the System, the petition is transmitted electronically to the Attorney General for the State of Wisconsin for a determination of service. (Memorandum of Understanding dated _____).

VIII. EXHIBITS

A. TRIAL EXHIBITS.

Exhibits for use at trial are not subject to these electronic filing procedures but are to be filed conventionally. Counsel are to retain the original exhibits following trial.

B. EXHIBITS FILED AS PART OF PLEADINGS

Exhibits filed as part of pleadings, including motions, affidavits and briefs, shall be electronically filed in PDF format, subject to the following guidelines:

1. If the Filing User is uploading each document separately, enter a detailed description of each attachment and the number of pages of each exhibit. The court prefers this method.

EXAMPLE of DOCKET ENTRY

EXPERT REPORT of *Name* (Attachments: #1 *detailed description of exhibit, 54 pp.* #2 *detailed description of exhibit, 101 pp.*)

2. If the Filing User is uploading multiple documents as a single attachment, include a table of contents which provides a detailed description of each exhibit, the number of pages of each exhibit, and the page on which each document is located. Ideally, the table of contents will have hyperlinks to the exhibits, but this is not a requirement.

EXAMPLES: TABLE OF CONTENTS

<u>Exhibits</u>	<u>Pages</u>
Contract	1 - 46
Letter from <i>name</i>	47 - 50
.	.
.	.
.	.

DOCKET ENTRY

EXPERT REPORT of *Name* (Attachments: #1 Table of Contents to Expert Report #2 *Contract, 46 pp.* #3 *Letter from name, 4 pp.*)

3. The table of contents shall not list Bates numbers in the absence of a detailed description of the attachment(s). Note: A table of contents will provide little help to the court if it consist of only the Bates numbers of documents without description.
4. The filing party shall verify the readability of scanned documents before filing them electronically with the court. Text PDF files are preferred but imaged PDF documents will be accepted.

5. A filing party should electronically image (scan) a paper exhibit that is less than ten (10) megabytes and submit the exhibit as a PDF file. However, because PDF files containing scanned documents take up considerably more space on the System than PDF files containing electronically generated documents, filing parties may submit PDF files containing scanned documents of more than ten (10) megabytes only if the files are submitted in separate ten (10) megabyte segments.
6. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to the System.
7. A party may conventionally file exhibits that are not readily available in electronic form (blueprints, large maps, books). The clerk's office will note on the docket its receipt of such conventionally filed exhibits with a text-only entry and will maintain such exhibits conventionally.
8. Exhibits submitted conventionally (in paper) must be served on other parties.

C. DEPOSITION TRANSCRIPTS

The requirement that all documents be filed electronically includes deposition transcripts if they are filed with the court. A paper courtesy copy shall be submitted prior to trial when an attorney intends to use a deposition transcript for purposes of an unavailable witness, impeachment, or in support of a narrative summary. Both the electronic version and courtesy copy of a deposition transcript must be in compressed format.

IX. DOCUMENTS FILED UNDER SEAL AND EX PARTE SUBMISSIONS

A. MOTIONS TO SEAL

A motion to seal shall be filed and served electronically using the appropriate event (Motion to Seal). The Filing User is provided the option to file the motion under seal; however, the court discourages sealing the motion. Documents related to the motion to seal shall be filed separately as a sealed document. If the court denies the motion to seal, these related documents will be unsealed and be made available electronically to the public.

If a protective order has been filed, a Filing User should not file a motion to seal with a document covered by the protective order.

B. SEALED DOCUMENTS

Sealed documents shall be filed electronically. The ability to file a sealed document is provided in various areas of the System.

Documents filed electronically under seal **are served upon opposing counsel** through the System. Ex parte documents are not served upon opposing counsel. See section VII.C., Ex Parte Submissions.

Sealed documents are not accessible via the Court's PACER System to the public. However, if the court determines the documents should not be sealed, the documents will be unsealed and be made available electronically to the public.

C. EX PARTE SUBMISSIONS

Ex parte documents must be filed electronically. All ex parte filings must be submitted by selecting an appropriate Ex Parte event. PDF documents associated with an electronic filing created using an EX PARTE filing event are not posted on the Court's public docket and cannot be accessed via the PACER system. Docket text will be available to the public on PACER.

When an ex parte filing is submitted electronically, a NEF is distributed via email only to **lawyer of record**. If a motion remains ex parte at the time of the court's ruling, any order issued referencing the EX PARTE motion will generate and distribute an NEF only to **counsel for the applicable party**.

XI. PUBLIC ACCESS TO THE SYSTEM

A. PUBLIC ACCESS AT THE COURT

Access to the electronic docket and documents filed in the System is available to the public 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. § 1914.

B. INTERNET ACCESS

Public remote electronic access to the System for viewing purposes is limited to subscribers to PACER. Further PACER information is available on the court web site. The Judicial Conference of the United States has ruled that a user fee of eight cents per page will be charged for remotely accessing certain detailed case information, such as filed documents, docket sheets and reports. The maximum charge for electronic access to any single document is \$2.40, the equivalent of 30 pages. The \$2.40 cap applies to all documents, including docket sheets and case-specific reports; however, the cap does

not apply to name searches, reports that are not case-specific and transcripts of federal court proceedings.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying is governed by 28 U.S.C. § 1914.

XI. PAYMENT ONLINE THROUGH CM/ECF

A. FEES PAYABLE TO THE CLERK

Any fee required for filing a pleading or paper with the court is payable to: Clerk, U.S. District Court by Pay.gov, check, money order, cash, or credit card. The clerk's office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

B. ELECTRONIC FILING OF PLEADINGS REQUIRING A FEE

1. Filing Users may pay the filing fee for district court case initiating documents and notices of appeal through Pay.gov.
2. Alternatively, lawyers may **prepay** district court filing fees at the clerk's office on the same date of filing and then electronically file the pleading requiring the fee, enter the receipt number given by the clerk, and bypass the online payment.
3. If Pay.gov does not appear to be working, contact our Help Desk (866-241-7123) for information on alternate payment methods.

EXHIBIT A

E-Mail addresses for chambers

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wiwd_slc@wiwd.uscourts.gov

Chief Judge Barbara B. Crabb
District Judge John C. Shabaz
Magistrate Judge Stephen L. Crocker