

ELECTRONIC FILING PROCEDURES

*FOR THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WISCONSIN*

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ELECTRONIC FILING PROCEDURES IN CIVIL AND CRIMINAL CASES

INTRODUCTION

The U.S. District Court for the Western District of Wisconsin welcomes you to its Electronic Case Filing system (ECF). ECF allows documents to be filed electronically over the Internet.

These 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. DEFINITIONS

The following definitions apply to these electronic filing procedures:

Document includes 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 for electronic filing in the Western District of Wisconsin at <https://ecf.wiwd.uscourts.gov>.

Electronic Filing means uploading a document directly from the Filing User's computer in PDF format using ECF to file that document in the court's case file.

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

Filing User is a lawyer or pro se party who has a registered username and password to file documents electronically in this court.

Help Desk Number is (866) 241-7123.

Initiating Documents include civil complaints, notices of removal, civil cover sheets, criminal indictments, superseding indictments, informations, criminal complaints, petitions, summons and warrants.

NEF (Notice of Electronic Filing) is the e-mail notice that is automatically generated at the time a document is filed on ECF. The NEF constitutes service when e-mailed to the addresses of record in the case. The NEF provides an electronic link to the document to allow the recipient to view the document filed. The NEF is confirmation of the electronic filing.

PACER (Public Access to Court Electronic Records) is an electronic public access service that allows access to federal court records. Any person establishing a PACER account will be able to view, print and download electronically filed documents. Register for a PACER account at <http://www.pacer.gov/register.html> or call 1-800-676-6856.

Counsel of record are entitled to one free copy of each document filed in the case if the document is retrieved within 15 days of filing.

II. ELECTRONIC FILING MANDATE

A. Authorization for Electronic Filing

Pursuant to Rule 5(e), Fed. R. Civ. P.; Rule 49(b), Fed. R. Crim. P. and Local Rule 5, the clerk's office will accept documents filed, signed or verified by electronic means that comply with these electronic filing procedures. Electronic filing 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 Rules 58 and 79, Fed. R. Civ. P. and Rules 49 and 55, Fed. R. Crim. P.

B. Mandatory Electronic Filing

All documents in all civil and criminal cases must be filed electronically unless otherwise permitted or required by these electronic filing procedures.

C. Exceptions to Electronic Filing

The following are exceptions to mandatory electronic filing and may be filed on paper:

1. Administrative records;
2. State court records and transcripts;
3. Case initiating documents in criminal cases (complaint, indictment, information, warrants);
4. Trial exhibits, see section V.B.;
5. Documents filed by pro se parties who are not Filing Users; and
6. Documents filed in juvenile criminal matters.

D. The Official Court Record

The official record of the court is the electronic file maintained on the court's servers. This includes information transmitted to the court electronically as well as paper documents filed and made a part of the electronic record. The official record also includes any paper 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.

E. ECF Requirements

The following hardware and software are needed to electronically file and view documents in ECF and to receive NEFs.

1. A computer running a Windows or Macintosh operating system.

2. Software to create PDF documents from a word processing program, 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 PACER, Filing Users must access ECF through a PACER login and password.
4. An Internet browser, such as Internet Explorer or Firefox.
5. Internet access.
6. An e-mail address to receive NEFs.
7. A scanner if non-computerized documents must be imaged. Scanners should be configured for 300 dpi or higher and black and white.

F. ECF Availability

ECF is designed to be available 24 hours a day, seven days a week.

A Help Desk (866-241-7123) is available to answer questions regarding ECF and the registration process on business days from 8:00 a.m. to 4:30 p.m.

III. GENERAL GUIDANCE

A. Format

Documents filed electronically must be submitted in Portable Document Format (PDF). A document created in a word processing program (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 they will be rejected by ECF. If a PDF file is larger than 35 megabytes, it must be filed in pieces, each less than 35 Mb.

B. Accuracy Verification

Before electronically filing a document, the Filing User must verify the accuracy and legibility of the document. If paper documents are filed under an exception to mandatory electronic filing, it is the responsibility of the Filing User to ensure that the paper document can be scanned as a legible image. Documents should be single sided with black print on white paper for maximum contrast.

C. Documents Requiring Leave of the 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 must file the proposed document as an attachment to the motion requesting leave. If the court grants the motion, the Filing User must then electronically file the document as a separate docket entry. This does not include proposed orders, see section V.A.

D. Service

Service of a Summons. A summons may not be served electronically, but must be served in accordance with Rule 4, Fed. R. Civ. P.

Service on a Filing User. Receipt of the NEF constitutes service of filed documents upon each party in that case who is registered as a Filing User. To determine whether a party is a Filing User for electronic service purposes, the Filing User can log into ECF and select “Utilities” then click on “Mailings” and “Mailing Information for a Case.” After entering the case number, the notification information will appear, indicating whether the Filing User must serve by other means or whether ECF will serve electronically.

Service on a Party Who is Not a Filing User. A Filing User may not rely on ECF for service of a non-Filing User, but must serve the document by other means in accordance with Rule 5, Fed. R. Civ. P.

Certificate of Service. A separate certificate of service is not required for documents filed electronically on ECF and served on Filing Users by an NEF. The NEF is deemed the certificate of service for purposes of Rule 5(d)(1), Fed. R. Civ. P. A separate certificate of service is required only for documents filed with the court and served other than electronically through ECF.

E. Signatures

A Filing User’s login and password serves as the Filing User’s signature on electronically filed documents for all purposes under the Federal Rules of Civil, Criminal and Appellate Procedure.

All documents filed electronically must include a signature block. A document requiring a Filing User’s signature must include an s/ and the complete name of the signing party, the signer’s address, e-mail address and telephone number.

Multiple Signatures. When filing a document such as a stipulation, joint motion, joint exhibit list or rule 26(f) report that requires two or more signatures, the Filing User must assure that the content of the document is acceptable to all required to sign the document. The following procedure applies:

1. The Filing User electronically files the document by either typing “s/ full name” of the signer in place of the signature line or by filing a scanned document containing all necessary signatures, and
2. The Filing User retains the hard copy of the document containing the original signatures or other documentation of each signer’s acquiescence in the filed document for two (2) years after final resolution of the action, including the final disposition of all appeals.

Defendant’s Signature in a Criminal Case. A document containing the signature of a defendant in criminal case must be electronically filed as a PDF document with an image of the defendant’s signature. The Filing User retains the hard copy of the document with

the original signature for two (2) years after final resolution of the action, including final disposition of all appeals.

Signature of Someone Other Than a Filing User. A document requiring the signature of a person who is not a Filing User is filed as follows:

1. The Filing User obtains the signature on the original document,
2. The Filing User electronically files the document by either typing “s/ full name” of the signatory or by scanning the signed document, and
3. The Filing User retains the hard copy of the document containing the original signature for two (2) years after final resolution of the action, including the final disposition of all appeals.

F. Correcting Filing Errors

ECF will not permit the Filing User to make changes to a document or docket entry once the transaction has been accepted.

The Filing User who discovers an error should not attempt to re-file the document. As soon as an error is discovered, the Filing User should contact the clerk’s office Help Desk (866-241-7123) and provide the case number. If appropriate, the clerk’s office staff will make an entry indicating that the document was filed in error. Clerk’s office staff will provide instructions and advise whether the document needs to be re-filed.

G. Technical Failures

A Filing User whose filing is made untimely as the result of a technical failure of the ECF website may seek appropriate relief from the court by filing a declaration that the Filing User was unable to file in a timely manner because of technical difficulties. The Filing User should print, if possible, a copy of the error message received and submit it with the declaration. Known ECF outages will be posted on the court’s website and announced via e-mail to Filing Users.

Technical problems with the Filing User’s facilities, such as phone line problems, problems with the Filing User’s Internet Service Provider (ISP), hardware or software problems, do not constitute a technical failure under these procedures or excuse an untimely filing.

A document that could not be timely filed due to a technical failure of the ECF website must be filed on the first day the court is open for business following the original filing deadline.

H. Hyperlinks

Hyperlinks are allowed in documents filed with the court to provide access to cited material. Electronically filed documents may contain hyperlinks to other portions of the same document, to other documents filed within ECF or to a location on the Internet that contains a source document for a citation.

Hyperlinks to cited authority do not replace standard citation format. Filing Users must include complete citations in addition to the hyperlink.

The hyperlink reference is extraneous to any filed document and is not part of the court's record. 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. CASE INITIATION

A. Civil Case Initiation

An attorney can open a civil case by (1) requesting a shell case from the clerk's office, or (2) using the self-serve option for attorneys in CM/ECF. The self-serve option is available 24 hours a day. However, the court does *not* provide after-hours support. If you attempt to open a case when the court is closed and you encounter technical problems, please consider waiting until the following business day, then call the ECF Help Desk at (866) 241-7123. If you must file your complaint today, send an e-mail to the Help Desk at wiwd_ecfhelp@wiwd.uscourts.gov and await further instructions.

1. To request a shell case from the clerk's office:

- a. Send an e-mail with a civil cover sheet and new case party information form to the following address: wiwd_newcases@wiwd.uscourts.gov;
- b. The clerk's office will provide you with a case number;
- c. Login to CM/ECF and electronically file your complaint or notice of removal. If you are filing a complaint, upload the complaint as the main document and attach separate PDFs for the civil cover sheet and summonses. If you are filing a notice of removal, upload the notice as the main document and attach separate PDFs for the summons and complaint from state court, any answers that were filed in state court, and any motions that are pending in state court.

Please note:

- i. Each summons must be completed with the caption, case number, and name of the defendant in the appropriate space. A fillable form is available [here](#).
- ii. The filing fee can be paid electronically or by same-day delivery of cash, check or money order. If you pay by cash, check or money order, you must pay first and obtain a receipt number from the clerk's office. If you wish to proceed without prepaying the fee, you must file a motion to proceed in forma pauperis without delay.

- d. Once your case has been filed, the clerk's office will assign a judge and issue summonses.
2. To use the self-serve option for attorneys in CM/ECF:
 - a. Prepare a civil cover sheet and summons form, as above.
 - b. Login to CM/ECF
 - c. Select **Civil Events > Open a Civil Case** and follow [these instructions](#). The attorney is responsible for entering party names, party roles, basis of jurisdiction, cause of action, nature of suit, and the citizenship of the parties (in diversity cases).
 - d. Electronically file your complaint or notice of removal, as above.

Please note: If you choose the self-serve option for attorneys, you will be required to pay the filing fee electronically. The payment process is built into the docketing events for complaints and notices of removal.

Also note: Opening a new civil case is **NOT** the same as filing a lawsuit. A lawsuit has not been "filed" until you have successfully delivered your documents to the court. In CM/ECF, delivery occurs when your complaint or notice of removal appears on the docket sheet.

B. Criminal Case Initiation

1. The U.S. Attorney's Office submits paper criminal case initiating documents to the judge.
2. When submitting an indictment or information, the U.S. Attorney's Office must simultaneously provide the criminal cover sheet (JS-45).
3. New criminal cases are deemed filed the day the clerk's office receives the initiating document. The clerk's office scans the document and opens the criminal case. The U.S. Attorney's Office will be notified when the new case has been opened.
4. Grand jury motions are filed as follows:
 - a. The Filing User calls the clerk's office (866-241-7123) during business hours with a request to electronically file the motion.
 - b. The clerk's office opens a shell case and provides a case number to the Filing User.
 - c. The Filing User must electronically file the motion. A proposed order must be filed as an attachment to the motion.

V. RULES FOR SPECIFIC DOCUMENTS

A. Orders and Judgments

All signed orders will be filed electronically. Any order filed electronically has the same force and effect as a paper order with a handwritten signature.

A judge or authorized member of court staff may issue orders by a text-only entry on the docket. In these cases, no PDF document will be attached to the docket entry. The text-only entry constitutes the court's only order on the matter and is official and binding. Filing Users will receive an NEF. The clerk's office will send a copy of the NEF to any party that is not a Filing User.

Proposed orders will be considered but are not required by the court. They may be filed as an attachment to the related document. Do not include the word "proposed" on the proposed order.

B. Trial Documents

1. Trial documents such as proposed *motions in limine*, jury instructions, *voir dire* questions, verdict and exhibit lists must be filed electronically.
2. In addition, the Filing User must e-mail a copy of the proposed jury instructions and verdict in WordPerfect or Word format to chambers. Chambers e-mail information is as follows:
 - Chief Judge William M. Conley wiwd_wmc@wiwd.uscourts.gov;
 - Judge James D. Peterson wiwd_jdp@wiwd.uscourts.gov;
 - Senior Judge Barbara B. Crabb wiwd_bbc@wiwd.uscourts.gov;
 - Magistrate Judge Stephen L. Crocker wiwd_slc@wiwd.uscourts.gov.
 - 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).
3. Courtesy copies of trial exhibits must be submitted in accordance with the parties' pretrial conference order. The District Court may retain, return or destroy courtesy copies at its discretion, including CDs, DVDs, flash drives and other electronic media. Counsel are responsible for any *original* trial exhibits before, during and after trial, and counsel shall be responsible for providing trial exhibits to the Court of Appeals if that court requests them.
4. Electronic evidence to be used by the jury must be provided to the court in accordance with the [Standing Order Governing Electronic Evidence to be Used by the Jury During Deliberations](#).

C. Briefs, Affidavits and Declarations

All briefs, affidavits and declarations must be filed as separate docket entries and not as attachments to motions.

D. Exhibits Filed as Part of Documents

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

1. The Filing User must upload each exhibit as a separate attachment with a descriptive title. For example, if you select Exhibit from the Category drop down menu, please insert descriptive text such as "1 - Patent No. 123,456,789" or "A - Letter from John Doe" in the description field.
2. If the attachment is fully described by the category, such as "Cover Letter," no additional information is necessary in the description field.
3. The Filing User must verify the readability of scanned exhibits before filing electronically with the court. Text PDF files are preferred, however imaged PDF exhibits will be accepted.
4. The Filing User must scan and electronically file paper exhibits.
5. Exhibits scanned in color or containing a graphic take much longer to upload. Filing Users should configure scanners to scan exhibits at 300 dpi and in black and white. Exhibits appearing in color in the original form, such as color photographs, may be scanned in color and then uploaded.
6. A Filing User may file exhibits on paper that are not readily available in electronic form (blueprints, large maps, books). The clerk's office will note on the docket receipt of these exhibits with a text-only entry and will maintain these exhibits on paper.
7. Exhibits submitted on paper must be served in hard copy on other parties.

E. Deposition Transcripts

Deposition transcripts to be filed with the court must be filed electronically in their entirety as individual docket entries. If a Filing User intends to use a deposition transcript at trial in place of unavailable witnesses, for impeachment or in support of a narrative summary, a paper courtesy copy must be submitted to the court. Both the electronic version and courtesy copy of a deposition transcript must be in condensed format.

Exhibits to deposition transcripts are discouraged. If a Filing User finds it necessary to include deposition exhibits, the Filing User must follow the guidelines listed in section V.D.

F. Character Letters in Support of Sentencing

Original character letters in support of a sentencing memorandum must be filed electronically.

G. Expert Reports

All expert reports must be filed electronically as individual docket entries. When including exhibits with expert reports, the Filing User must follow the guidelines listed in section V.D.

H. Social Security Hearing Transcripts

All Social Security Hearing Transcripts must be filed with functioning bookmarks to each exhibit in the record. If the record is large and it is necessary to break it into separate attachments, the descriptions should reflect what type of record the attachment contains, and which part, such as “Exhibit C, Medical Records Part 2.”

VI. DOCUMENTS FILED WITH REDACTION, UNDER SEAL OR EX PARTE

A. Mandatory Redaction in Filed Documents

1. **Information to be Redacted.** Pursuant to Rule 5.2, Fed. R. Civ. P. and Rule 49.1, Fed. R. Crim. P., Filing Users must redact or exclude the following types of sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case:

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. In social security cases, the Filing User is responsible to provide the U.S. Attorney’s Office with the social security number of the plaintiff.

Names of Minor Children. If a minor child must be mentioned in a document, only the initials of the child should be used.

Dates of Birth. If a date of birth must be included in a document, only the year of birth should be used.

Financial Account Numbers. If a financial account number is required, only the last four digits of the account number should be used.

Home Addresses. If an individual’s home address is required in criminal case filings, only the city and state of residence should be used.

2. **Responsibility for Redaction.** The responsibility for redaction rests solely with the Filing User. 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. An unredacted version of a document must be retained by the Filing User for two (2) years following the expiration of all time periods for appeals.

B. Sealed Documents

Documents may be filed under seal only in accordance with [Administrative Order #311](#) regarding the general rules for filing documents under seal.

1. **Filing Motions to Seal or for a Protective Order.** A motion for protective order may be filed under the “Motion for Protective Order” event if a Filing User contemplates filing several documents under seal in the case. A motion to seal a particular document or documents must be filed and served electronically using the “Motion to Seal” event. The motion itself may be sealed, if appropriate. Documents that are the subject of the motion to seal must be filed separately as sealed documents. If the court denies the motion to seal, these documents will be unsealed and made available electronically to the public. If a protective order has previously been entered, a Filing User should not file a motion to seal with a document covered under the protective order.
2. **Filing Documents Under Seal.** Documents are filed under seal in civil cases by selecting the "sealed" radio button during filing and in criminal cases by selecting an event in the "Sealed Documents" category. Documents filed electronically under seal are served on opposing counsel through ECF.

C. Ex Parte Submissions

Ex parte filings in criminal cases must be submitted by selecting an appropriate ex parte event. Ex parte filings in civil cases are filed by selecting the “ex parte” radio button during filing.

Documents filed using an ex parte filing event are not posted on the court’s public docket and cannot be accessed via PACER, however, docket text will be available on PACER to the public

Generally, when an ex parte filing is submitted electronically, an NEF is distributed via e-mail to all Filing Users; however, the PDF document(s) are accessible on ECF only by the Filing User and the court. NEFs of an order relating to an ex parte filing will be distributed to all parties registered as Filing Users. At the court’s discretion, the ex parte order is either accessible to only the Filing User or made available electronically to the public on PACER.

In criminal cases, for certain filings such as requests related to obtaining witnesses or investigative services, an NEF is distributed only to the Filing User. NEFs on orders issued in response to these requests are also only delivered to the Filing User.

D. Filing Redacted Documents

Once the Filing User identifies content to be redacted, either because it falls under a protective order or because redaction is required by the Rules of Civil or Criminal Procedure, the Filing User must file the redacted document in ECF using the event Other Filings>Other Documents>Redacted Document. If the filing consists of a main document with attachments, the Filing User must follow the guidelines listed in section V.D.

VII. PUBLIC ACCESS

A. Public Access at the Court

Access to the electronic docket and documents filed in ECF is available to the public at no charge at the clerk's office during regular business hours.

B. Internet Access

Public remote electronic access to ECF for viewing purposes is limited to subscribers to PACER. Further PACER information is available on PACER's website at <http://www.pacer.gov/>

C. Paper Copies and Certified Copies

Paper 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.