

ECF Policies and Procedures

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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN ELECTRONIC CASE FILING POLICIES AND PROCEDURES MANUAL

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I. THE ELECTRONIC CASE FILING SYSTEM

A. IN GENERAL. Unless otherwise permitted by the local rules, these policies and procedures, or unless otherwise authorized by the assigned judge, all documents submitted for filing in this District must be filed electronically using Electronic Case Filing (“ECF”).

“Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the Court’s Internet-based system, to file that pleading or document in the Court’s case file. Sending a document or pleading to the Court via e-mail does not constitute “electronic filing.”

Documents must be submitted for filing in Portable Document Format (“PDF”).

A document created with almost any word-processing program can be converted to PDF. The PDF program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact. For information on PDF, refer to the ECF User Manual, Appendix D.

Documents must be converted to PDF directly from the filer's word processing software rather than scanned. Documents must be submitted in text searchable format, whenever possible.

1. Parties proceeding pro se cannot file electronically unless authorized by the court.
2. An attorney must file documents electronically using ECF unless nonelectronic filing is allowed by the Court for good cause. Fed.R.Civ.P. 5(d)(3)(A).
3. The Clerk’s Office or any judge of this Court may deviate from these procedures in specific cases without prior notice, if deemed appropriate in the exercise of discretion, 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.
4. Attorneys must check the Court's website at www.wied.uscourts.gov (under the tab “Judges”) for any standing orders or specific instructions entered by the assigned judge with respect to electronic filing or the submission of courtesy copies.

B. REGISTRATIONS, LOGINS AND PASSWORDS.

1. Each attorney must complete the ECF Registration Section on the PACER website (<https://pacer.uscourts.gov/>). PACER will issue a login and password to any attorney who is admitted to practice in this District and in good standing.
2. After registering, an attorney may change his or her password in PACER. An attorney must immediately change his or her current password if there is reason to

believe that the security of that password has been compromised and a threat to ECF exists.

3. No attorney must knowingly permit or cause to permit his or her login and password to be utilized by anyone other than an authorized employee of his or her office. The attorney is responsible for all documents filed with his or her login and password.

4. The login used to electronically file a document must be that of the attorney whose electronic signature (s/Attorney Name) appears on the document.

5. Each attorney is responsible for maintaining current contact information with PACER and the Court. An attorney can update his or her e-mail in the "Manage My Account" section of the "Maintenance Folder" in PACER. In addition to updating contact information with PACER, notification of a change of firm and/or change of address is to be electronically filed with the Court and served on all other parties in accordance with Section II.B of these policies and procedures.

6. Additional or secondary e-mail addresses for e-filers can only be added through the CM/ECF "Maintain Your Account" utility.

C. PAYMENT OF FEES. Payment of filing fees may be made from a checking account, savings account, or by credit card through Pay.gov. The option to use Pay.gov for payment is offered to the filer during the filing of the document. The court may expand the usage of Pay.gov for payment of other fees in its discretion. Any fee required may be paid at the Office of the Clerk of Court by credit/debit card, check, or money order. Payments in cash are accepted in the Milwaukee Division only.

II. ELECTRONIC CASE FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. An electronically filed document is considered filed for purposes of the federal rules when the filing party receives an ECF-generated "Notice of Electronic Filing" as described in Section II.B.1 of these policies and procedures.

2. Documents that originate with the filer must be directly extracted from the filer's word-processing software and not scanned. If a document cannot be extracted and a scanned document is filed, the filing attorney is required to verify the legibility of the document before electronically filing it with the Court.

3. Unless the assigned judge orders a document to be filed by a specific time, documents are timely if filed before midnight on the day they are due.

4. A megabyte limit for documents has been set by the Court. This limit applies

individually to each main document, attachment, or exhibit. The current megabyte limit can be found in CM/ECF by clicking on the CM/ECF logo in the menu bar.



From the pop-up Court Summary box, click on **Further court information**. The maximum PDF file size is shown in the Court Details section.

5. The official Court record is the electronic file maintained on the Court's servers. The official record includes any paper documents or exhibits filed in accordance with these procedures.

6. The Clerk's Office will not retain original documents that have been submitted in accordance with these rules after they have been scanned and uploaded to ECF. Original documents are disposed of pursuant to the National Archives and Records Administration (NARA) Records Disposition Authority, effective May 12, 2006.

7. An official transcriber or contract court reporter must electronically file the certified transcript of a Court proceeding with the Clerk's Office in accordance with the policy adopted by the Judicial Conference in September 2007 regarding the availability of transcripts in electronic format (JCUS-SEP 07, p.12).

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate a "Notice of Electronic Filing" to the filing attorney, all registered case participants, and the assigned judge.

a. Registration as an ECF User constitutes the User's written consent to receive and make electronic service of all documents in accordance with Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Crim. P. 49(b).

b. A pro se party is entitled to a paper copy of any electronically filed pleading or document in accordance with the federal rules, together with the required certificate of service.

c. Any attorney who has been excused by the Court from the requirement of electronic filing is entitled to a paper copy of any electronically filed pleading or document in accordance with the federal rules, together with the required certificate of service.

d. In all cases where a party is represented by multiple attorneys, the attorney(s) who are registered ECF Users are responsible for service on any non-registered attorney(s) representing the same party.

2. A separate certificate of service is not required for papers served electronically if all parties were served through ECF. The Notice of Electronic Filing will be deemed

the certificate of service for purposes of Fed. R. Civ. P. 5(d)(1) and Fed. R. Crim. P. 49 (b). See Civil L.R. 5.

C. SIGNATURES.

1. **Attorney Signature, Generally.** The combination of the ECF User ID and Password serves as the signature of the attorney for all electronic documents, as well as for the purposes of the federal rules, and any other purpose for which a signature is required in connection with proceedings before the Court. The proper format for entering an attorney's signature on a pleading or other document is:

s/ [type attorney name here]
Attorney Name Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Milwaukee, WI 53202
Telephone: (414) 123-4567
Fax: (414) 123-4567
E-mail: attorneyname@law.com

2. **Non-Attorney Signature, Generally.**

a. If the original document requires the signature of a non-attorney, the filing attorney must:

- (1) obtain the signature of the non-attorney on the original document;
- (2) electronically file the document indicating the signatory in the following format: "s/Signatory Name";
- (3) maintain the original document in paper form until one year has passed after the time period for appeal expires; and
- (4) provide the original document for review upon request of the judge.

b. If the Clerk's Office receives documents contain the original signature of a criminal defendant, a third-party custodian, a United States Marshal, an officer from the U.S. Probation Office, or some other federal officer or agent, the Clerk's Office will scan the document, upload it into ECF, and except as otherwise provided, dispose of the document as described in II.A.6 of these policies and procedures.

3. **Multiple Signatures.** If the original document requires two or more signatures, the filing attorney must:

- a. confirm that the content of the document is acceptable to all persons required to sign the document;

- b. obtain the written authorization of each signatory for entry of their signature on the document;
- c. file the document electronically with the signatures of all persons entered in the format set forth in Section II.C.1 of these procedures;
- d. maintain the written authorization of each signatory until one year has passed after the time period for appeal expires; and
- e. provide the written authorization of each signatory for review upon request of the judge.

4. **Notary Signatures.** If the original document requires notarization, the filing attorney must:

- a. obtain the signature of the Notary Public on the original document; and
- b. electronically file the document indicating the Notary Public's Certificate of Notarial Acts with their signature typed in the following format: "s/Notary Name".

D. ORDERS.

1. All orders and judgments will be entered electronically by the Court.
2. The assigned judge may grant routine orders by a text-only entry upon the docket. In such cases, the text-only entry will constitute the Court's only order on the matter.

E. PROPOSED ORDERS

1. Proposed orders are to be electronically filed as an attachment to a motion or stipulation. The motion or stipulation is not to be combined with the proposed order into one document. The proposed order is not to be filed as a separate document.
2. In addition, the proposed order must be e-mailed, in a word-processing format (not PDF), to the assigned judge's chambers.
3. The judges' e-mail addresses for proposed orders only are:

AdelmanPO@wied.uscourts.gov
CallahanPO@wied.uscourts.gov
DriesPO@wied.uscourts.gov
DuffinPO@wied.uscourts.gov
GoodsteinPO@wied.uscourts.gov
GriesbachPO@wied.uscourts.gov
JosephPO@wied.uscourts.gov
LudwigPO@wied.uscourts.gov
PepperPO@wied.uscourts.gov
StadtmuellerPO@wied.uscourts.gov

F. DOCKET ENTRY EVENTS. The attorney electronically filing a pleading or other document is responsible for choosing the correct docket event from the docket event categories prescribed by the Court.

G. MODIFYING DOCKET ENTRIES.

1. Once a document is electronically filed and is part of the case record, modifications to the docket can only be made by the Clerk's Office.
2. If an error is discovered after an electronic entry has been completed, the filing attorney must contact the Clerk's Office for direction.
3. Documents that have been filed in an incorrect case may be re-filed in the correct case, with notification to the Clerk's Office of the error.
4. The Clerk's Office reserves the right to correct any docket entries that have been entered incorrectly.

H. TECHNICAL FAILURES. The Clerk's Office will deem the Eastern District of Wisconsin ECF site to be subject to a technical failure if the site is unable to accept filings continuously or intermittently during any period of time greater than one hour after 10:00 a.m. on any given day. Known systems outages will be posted on the web site, if possible. A problem on the filer's end, including problems relating to phone lines, the filer's Internet Service Provider (ISP), and hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filing attorney, whose filing is made untimely as the result of a technical failure, may seek appropriate relief from the presiding judge.

I. PRIVACY.

1. **Redacted Documents.** Attorneys are to comply with the redaction procedures set forth in the federal rules. The responsibility for redacting personal identifiers rests solely with counsel and the parties.
2. **Confidential Documents under General L.R. 79(d).** An attorney may file sealed or restricted documents in public cases under the following restriction levels:
 - a. **Restricted Level - civil cases only.** Documents filed using this restriction allow viewing by the filer, other case participants, and the Court. Documents filed using this restriction are not accessible by members of the public.
 - b. **Sealed Level - civil and criminal cases.** Documents filed using this restriction allow viewing by the Court, but are not accessible by the filer, any other case participant, or members of the public.
 - c. An attorney filing a document under this section must comply with the requirements of General L.R. 79(d).

d. All documents filed in sealed cases must be filed conventionally in accordance with Section III of these procedures.

3. Redacted and Restricted/Sealed Versions of the Same Document. Redacted and Sealed versions of the same document should be filed in a single docket entry. First, file a motion to seal or restrict. Then, file the redacted version of the document with no restriction as the main document and the unredacted version as a sealed or restricted attachment.

4. The clerk's office will not review documents for compliance with the federal rules, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

III. CONVENTIONAL FILING OF DOCUMENTS.

The following types of documents are to be filed in paper format. This list may be amended from time to time:

- All documents in sealed cases. Documents should be submitted in paper format together with a CD containing a PDF copy of the documents. Note: sealed documents in public cases should be filed electronically in accordance with Section II.I.2. of these procedures.

- Criminal indictments, informations, and waivers of indictment.

IV. PUBLIC ACCESS TO ELECTRONIC COURT RECORDS

A. PUBLIC ACCESS AT THE COURT. Access to electronic Court records is available to the public at no charge at the Clerk's Office during regular business hours. Fees are required for printing copies of any record or document accessed electronically. See Electronic Public Access Fee Schedule (issued in accordance with 28 U.S.C. § 1914),

B. INTERNET ACCESS. Remote electronic access to electronic Court records is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. Fees are required for searching and viewing any record or document accessed electronically through PACER. Attorneys of record and parties who are ECF registered users will receive one free electronic copy of all documents filed electronically. See Electronic Public Access Fee Schedule (issued in accordance with 28 U.S.C. § 1914).