

REVISED May 14, 2004

**ELECTRONIC CASE FILING PROCEDURES
FOR THE DISTRICT OF MINNESOTA**

CRIMINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ELECTRONIC CASE FILING PROCEDURES - CRIMINAL

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ELECTRONIC CASE FILING PROCEDURES - CRIMINAL

I. THE ELECTRONIC FILING SYSTEM AND REQUIREMENTS.

A. IN GENERAL. Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned District Judge or Magistrate Judge, all documents¹ submitted for filing in criminal cases in this district on or after May 17, 2004, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“ECF”). Documents may also be submitted to the clerk’s office for filing on 3.5 disks or CDs as PDF (“Portable Document Format”) files.² However, the following exceptions shall apply.

1. Charging instruments are governed by Section II, Part A, Subpart 2 of these procedures.
2. Parties proceeding non-prisoner pro se may file electronically.
3. Juvenile criminal matters are sealed and shall not be filed electronically unless, after hearing, the court rules that the juvenile shall be tried as an adult (see Section IV, Part B, Subpart 2).
4. Documents filed ex parte and/or under seal will be maintained in conventional³ form and will not be placed on ECF unless the assigned District Judge or Magistrate Judge orders the case unsealed.
5. Documents containing original signatures of defendants and certain non-parties are governed by Section II, Part C of these procedures.

¹ The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, etc. It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court (*see* LR 5.1).

² 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 the layout, format, links, and images intact. For more information on PDF, visit the websites of PDF vendors such as www.adobe.com/products/acrobat/ or www.fineprint.com/.

³ As used in these procedures, a conventionally filed document is one presented in traditional paper or other non-electronic, tangible format.

6. A party may apply to the assigned Magistrate Judge for permission to file documents conventionally (see Section IV). However, even if the assigned District Judge or Magistrate Judge initially grants permission to file documents conventionally, that permission may be withdrawn at any time and the party may be required to file documents electronically using ECF. A form for leave to file conventionally is available on the court's web site at: http://www.mnd.uscourts.gov/FORMS/court_forms.htm or at the front counter of all clerk's offices. Applications should be filed in paper with the Clerk, then will be scanned and posted to ECF by clerk's office staff, and will be reviewed by the assigned Magistrate Judge.
7. The Clerk or any District Judge or Magistrate Judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.
8. The Clerk's Office will retain all original indictments, petitions to enter plea of guilty and plea agreements after they are scanned and uploaded to ECF.
9. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, and officer from Pretrial or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and post to ECF and retain the original in a paper file. The electronically filed document as it is maintained on the court's servers shall constitute the official court record of the document.

B. SYSTEM AVAILABILITY

1. The Electronic Case Filing System (ECF) will be available 22 hours a day, seven days a week. ECF will be unavailable from 1:00 a.m. to 3:00 a.m. for maintenance. If maintenance or repairs require an additional temporary period of down-time, advance notice will be provided on the District Court's website. A document will be deemed to be timely filed if filed prior to midnight on its due date unless a specific time is designated by a Judge (e.g., 5:00 p.m. deadline) in their scheduling order.
2. Please note the District Court's Help Desk is only supported between the hours of 8:00 a.m. and 5:00 p.m. Central time. Contact the District Court's Help Desk between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, if you need assistance using ECF.

Toll Free Help Desk

1-866-325-4975 or 612-664-5155

OR

E-mail:

ecfhelpdesk@mnd.uscourts.gov

C. PASSWORDS.⁴

1. In General.

- a. No attorney 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.
- b. Once registered, an attorney is responsible for all documents filed using his or her password and is subject to Rule 11 sanctions. (Fed.R.Civ.P.11).

2. Attorneys Admitted to Practice in This Court. Each attorney admitted to practice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.

3. Attorneys Admitted Pro Hac Vice. Attorneys admitted to practice Pro Hac Vice in the District of Minnesota shall be entitled to one ECF password, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing. All Local Rules apply including the need for association of an active Minnesota resident member in good standing of the bar of this Court who shall participate in the preparation and trial of the case or presentation of the matter involved and on whom service of all papers may be made.

4. Non-Prisoner Pro Se. Each pro se filer must complete and sign an ECF Registration Form. They may then retrieve documents electronically through PACER, will receive System-generated notices of electronic filing and be able to file electronically. If the court becomes aware of misuse of ECF, it will be deactivated by the court without advance notice.

⁴ Registration for a password is governed by paragraph I(D) of these procedures.

5. Prisoner Pro Se. Prisoner pro se parties may not register to use ECF and must file their documents in paper. Their documents will be scanned and uploaded to ECF by clerk's office staff.

D. REGISTRATION.

1. The court will issue ECF passwords only to attorneys who are members of the bar of this court and who are in good standing. To be in good standing, an attorney must comply with the requirements of Local Rule 83.6, including timely payment of the registration fee due every third year during the court's re-registration process.
2. The clerk's office will either mail the password to the attorney by first-class mail or send the password to the attorney's e-mail account.
3. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
4. All attorneys have been or will be entered into the database with read-only access to ECF. In order to actively file, they will need to change their access to "active user" by submitting an on-line registration. They will do so upon their first entry into the civil or criminal menus on or after May 17. A one-time registration will be required, including agreeing to service through ECF, maintaining a current e-mail address, etc. The submission of this registration is necessary only once. By pressing the submit button, the attorney's status will change from read-only to active, allowing them to file in ECF.
5. Once registered, an attorney may withdraw from participating in ECF by providing the clerk's office with notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the clerk's office. Upon receipt, the clerk's office will immediately cancel the attorney's password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in ECF will not be construed as an authorization to file cases or documents conventionally.
6. After registering, attorneys should change their passwords. If an attorney believes that the security of an existing password has been compromised and that a threat

to ECF exists, the attorney must change his or her password immediately. Directions on how to do so are posted on the court's web site, or call the helpdesk for assistance. If your account has been misused, contact the helpdesk.

7. An attorney whose e-mail address, mailing address, telephone number, or fax number has changed, shall login into the ECF system and change their personal information in the account maintenance link in ECF. It is the responsibility of the attorney to change this information in a timely matter.
8. Registration as a participant in the Electronic Filing System shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Civil and Criminal procedure.

E. COURTESY COPIES.

When an attorney files motions, responses, or reply briefs on ECF, they must also provide one (1) paper courtesy copy of the motion and all supporting documents (affidavits and exhibits) to the Judge hearing the motion.

The courtesy copies should be mailed or delivered to the District Judge or Magistrate Judge in an envelope addressed to the Judge's calendar clerk contemporaneously with the documents being posted on ECF. This rule will apply to dispositive and non-dispositive motions.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. In General.
 - a. All motions, pleadings, applications, briefs, memoranda of law, or other documents shall be electronically filed on ECF except as otherwise provided by these procedures, by local rule, or court order.
 - b. E-mailing a document to the clerk's office or to the assigned District Judge or Magistrate Judge does not constitute filing the document. **A document shall not be considered filed until ECF generates a Notice of Electronic Filing.**
2. New Cases. The clerk's office will scan and upload all charging instruments (e.g., indictments, superseding indictments, complaints, informations, etc.).

3. Entry of Appearance and Substitution of Counsel

- a. An attorney shall file an entry of appearance on his or her own behalf in ECF.
 - b. If substituting an attorney, the attorney entering his/her appearance shall:
 - i. obtain the withdrawing attorney's signature on a Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see LR 83.7, then,
 - ii. affix the s/signatures (see Section II, Part C, Subpart 3) for both attorneys to the electronic document,
 - iii. convert the document to PDF and file it in ECF.
 - c. Use ECF to file a substitution of attorney. A document will need to be attached to the posting including "s/" signatures for both attorneys, whenever possible.
4. Unless otherwise specified by the Judge, a document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned District Judge or Magistrate Judge will order that document filed by a time certain.
5. The official court record shall be the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.
6. The Court encourages attorneys to retain the originals of documents filed electronically with intrinsic value (e.g., documents scanned and posted to ECF).
7. Transcripts shall be filed with the clerk's office in accordance with 28 U.S.C. 753(b) in conventional format unless otherwise ordered by the Court.

B. SERVICE OF PROCESS.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate a "Notice of Electronic Filing." If the recipient is a registered participant in ECF, the ECF-generated notice of electronic filing shall constitute service of the document.

2. A certificate of service on all parties entitled to service or notice must be filed when a party files a document electronically. This must be done even if all counsel of record are ECF participants. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Certificates of service can be filed as a separate filing in ECF or as an attachment to another filing. Sample language for a certificate of service is attached to these procedures as Form A.
3. Filers are required to serve copies of any electronically filed pleading, document, or order to parties not registered for ECF according to the Federal Rules of Civil Procedure.⁵ When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.
4. The three-day rule in Federal Rule of Civil Procedures 6(e) for service by mail shall also apply to service by electronic means.⁶
5. A filer who brings a document to the clerk's office to scan and upload to ECF must serve conventional copies on all parties to the case and should expect some delay in the uploading and electronic noticing of the document.

C. SIGNATURES.

1. Defendant Signatures. Documents requiring the defendant's signature must be filed conventionally (see Section IV) with the defendant's original handwritten signature. The exception to this rule is a defendant's affidavit, which does not need to be filed conventionally, but rather filed according to the procedure regarding Non-attorney/Third Party Signatures, Generally.
2. Non-Attorney/Third Party Signatures, Generally. If the original document requires the signature of a non-attorney, the filer must obtain the original ink

⁵ Attorneys can check ECF to see if a party is registered to receive e-mail noticing before posting a filing in ECF. This can be accomplished by clicking on the Utilities menu choice. Located under the Miscellaneous heading, click on the mailings link. Click on the Mailing Info for a Case link, enter the case number, and click on the submit button. If more than one case matches the case number a case verification window may appear. The Electronic Mail List and Manual Mail List appears.

⁶ Attorneys should be aware that the response due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

signature of the signatory before filing. The filer shall then sign the electronic version of the document using the “s/signature” of the signatory (see Section II, Part C, Subpart 3). **By filing the document, the attorney certifies that the document has been signed by all necessary people, including affiant and notary, if applicable, and the ink signed originals exist and will be available in their office for inspection.⁷ Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.**

- a. This rule includes all notarized documents.
- b. The electronically filed document as it is maintained on the court’s servers shall constitute the official version of that record.
- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.
- d. Upon request, the original document must be made available for review.

3. s/ Signature.

- a. A pleading or other document requiring a signature shall be signed in the following manner, whether filed electronically or submitted on disk to the clerk’s office: “s/ (signatory’s name).” The correct format for a signature is as follows:

s/ Pat Attorney
Pat Attorney
Bar Number 12345
Attorney for (Plaintiff/Defendant) XYZ Company
ABC Law Firm
123 South Street
Minneapolis, MN 55415

⁷ This rule applies when the third party document exists on the computer of the attorney, or their client. If so, after obtaining the ink signatures on a paper copy, the filer should affix the “s/” signature(s) to the word processing version, convert to PDF and post to ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

Telephone: (612) 555-5555

Fax: (612) 555-5554

b. Any party challenging the authenticity of an electronically filed document or the signature on that document must file an objection to the document within eleven days of service of the document.

4. Multiple Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion, joint exhibit list, and 26(f) report) requires two or more signatures:

a. The filer shall initially confirm that the content of the document is acceptable to all signatories by obtaining their original signatures on the document.

b. The filer then shall file the document electronically or submit it to the clerk's office on disk, initiating the signatories with an "s/signature" (*e.g.*, "s/ Jane Doe," "s/ John Smith," etc.) for each signatory. **By filing the document, the attorney certifies that the document has been signed by all necessary people, including affiant and notary, if applicable, and the ink signed originals exist and will be available in their office for inspection.⁸ Retention of these documents should be in conformity with retention rules required by the Eighth Circuit and Federal Circuit.**

c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The clerk's office will document the receipt of fees on the docket sheet. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

⁸ This rule applies when the third party document exists on the computer of the attorney, or their client. If so, after obtaining the ink signatures on a paper copy, the filer should affix the "s/" signature(s) to the word processing version, convert to PDF and post to ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

E. MOTION PRACTICE. Each motion shall be filed as a separate filing entry. Procedurally, attorneys should post their motions and related documents in the following order as separate filing entries (as it applies):

- (A) Motion (each motion must be filed as a separate filing entry)
- (B) Memorandum of Law in Support of Motion
- (C) Affidavits and Exhibits*
- (D) Proposed Orders - see Section II, Part F, Subpart 2 below.

*Filings of affidavits and exhibits can be combined into one filing entry or filed as separate entries. See Section VII regarding procedures for exhibits. See also the ECF Criminal User's Manual for step by step instructions on filing motions and related documents.

- a. **Withdrawing a Motion.** The moving party may withdraw their motion by filing a letter to withdraw a motion on ECF. These letters should not be sent in paper to chambers staff. The motion will be terminated by clerk's office staff upon receipt of the letter on ECF.

F. ORDERS.

- 1. The Court shall electronically file all signed orders.
- 2. Proposed orders shall be submitted as outlined below:
 - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be sent by e-mail to chambers and other parties. The proposed order must refer to the document number that ECF assigns to the motion when the motion is electronically filed.
 - b. So that the court may have the flexibility to edit proposed orders, all proposed orders must be submitted in a word processing format. Judges will not accept proposed orders in PDF format. Listed below is the word processing program each Judge requires the proposed order to be saved in. If you do not currently have the same word processing software you can select the "Save As" option in most word processing software.

- c. A proposed order shall be sent via Internet e-mail as an attachment to the e-mail address of the chambers of the Judge hearing the motion. When sending the document by e-mail, please include “Proposed Order - short case title” (e.g., Proposed Order - Jones v. Smith) in the subject line. The chambers’ e-mail addresses are as follows:

| | | |
|---------------------------|---|---------------------|
| Chief Judge Rosenbaum | rosenbaum_chambers@mnd.uscourts.gov | WordPerfect |
| Judge Kyle | kyle_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Judge Davis | davis_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Judge Tunheim | tunheim_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Judge Montgomery | montgomery_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Judge Frank | frank_chambers@mnd.uscourts.gov | WordPerfect |
| Judge Ericksen | joanericksen_chambers@mnd.uscourts.gov | WordPerfect |
| Sr. Judge Alsop | alsop_chambers@mnd.uscourts.gov | WordPerfect |
| Sr. Judge Magnuson | magnuson_chambers@mnd.uscourts.gov | WordPerfect |
| Sr. Judge Doty | doty_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Magistrate Judge Lebedoff | lebedoff_chambers@mnd.uscourts.gov | Word or WordPerfect |
| Magistrate Judge Noel | noel_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Erickson | raymonderickson_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Boylan | boylan_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Nelson | nelson_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Mayeron | mayeron_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Cudd | cudd_chambers@mnd.uscourts.gov | WordPerfect |
| Magistrate Judge Klein | klein_chambers@mnd.uscourts.gov | Word |

- d. Proposed orders shall be sent to either the District Judge or the Magistrate Judge who will hear the motion—i.e., **not to both Judges.**
- e. Proposed orders will need to be conventionally served upon opposing counsel, since it is not being posted in ECF.

3. Stipulations shall be filed in ECF by one attorney. The filing attorney must follow instructions for filing documents requiring multiple signatures in Section II, Part C, Subpart 4. The Stipulation shall not include a signature line for the Judge. The Judge will rule on the stipulation with an order. Filers should send a proposed order to the District or Magistrate Judge ruling on the stipulation in accordance with the Proposed Orders procedures listed in Section II, Part F, Subpart 2.
4. When the clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of ECF, the clerk's office will include a copy of the Notice of Electronic Filing to provide the non-participant with proof of the filing.
5. The assigned District or Magistrate Judge or the clerk's office, if appropriate, may grant routine orders or notices by a text-only docket entry, for which ECF will generate a Notice of Electronic Filing and e-mail notification to parties on ECF. In such cases, no PDF document will be attached and there will not be a document number. The text-only entry shall constitute the court's only filing on the matter. Copies of Notice of Electronic Filing for the text-only docket entry will be sent in hard copy to those not using ECF.
6. Certificates of Service or Affidavits of Service should still be posted in ECF for the proposed order.

G. TRIAL DOCUMENTS. Trial documents such as proposed jury instructions, exhibit lists, and voir dire questions should be electronically filed on ECF. The presiding Judge may also require that a Word or WordPerfect version of these documents be sent to the chambers e-mail address, listed in Section II, Part F, Subpart c, after the ECF posting. The additional request for a word processing version will be written in the pretrial order of the Judge or communicated informally to you.

H. TITLE OF DOCKET ENTRIES. The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. If the user is in doubt, they should contact the help desk (see Section I, Part B) for further assistance.

I. CORRECTING DOCKET ENTRIES.

1. After a document is filed electronically, corrections to the docket can only be made by the clerk's office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been submitted.
2. Documents filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain a part of the record as filed. Upon discovery of error, the filer shall:
 - a. Call the clerk's office helpdesk phone number listed in Section I, Part B identifying the error. Clerk's office staff will edit the docket text of the incorrect entry indicating "DOCUMENT FILED IN ERROR" in all caps at the beginning of the docket entry.
 - b. Filers should immediately post the correct document in the case on ECF, and modify the title of the pleading as appropriate (e.g.; "Amended", "Substituted", "Corrected").
3. If a document is filed in the wrong case, the filer should immediately call the help desk to notify the clerk's office of the error.
 - a. The document will be detached by clerk's office personnel and replaced with a form document entitled "DOCUMENT REMOVED - FILED IN WRONG CASE" and the docket entry will be edited to state the same.
 - b. E-mail notification recipients will not receive an e-mail notification of the edit, but when attempting to access the document after it has been removed they will get the "DOCUMENT REMOVED" form when they click on the hyperlink in their e-mail notification.
 - c. The filer shall file the document in the correct case.

- J. TECHNICAL FAILURES.** The clerk's office shall deem the District of Minnesota 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

one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site.

A filer who cannot file a document electronically because of a technical problem (e.g., Internet service is down, law firm server malfunction, etc.) must file the document in ECF as soon as possible once the problem is resolved. Attached to the filing should be the Technical Errors form provided on the Court's website. The form is required to explain what the technical difficulties were and why the filing is untimely.

III. PRIVACY POLICY

A. Information to be redacted. In accordance with the E-Government Act of 2002 (Pub. L. 107-347) and the policy of the Judicial Conference of the United States, unless otherwise ordered by the court, parties shall not include or shall redact the following information from all documents filed in ECF:

1. Social Security Numbers:
Use only the last four digits.
2. Names of minors:
Use the minor's initials.
3. Dates of birth:
Use only the year.
4. Financial account numbers:
Identify the name or type of accounts and the financial institution, but use only the last four digits of the account number.

B. Enforcement.

It is the responsibility of counsel and the parties to redact these personal identifiers. The Clerk will not screen documents and will not reject them solely on the basis that they contain personal identifiers.

C. Other confidential information.

Parties may modify or partially redact other confidential information as permitted by the Court (e.g., driver's license numbers, medical records, employment history, individual financial information, and proprietary or trade secret information).

D. Filing unredacted documents under seal.

According to the E-Government Act of 2002, (Pub. L. 107-347), a party may file a document containing the unredacted confidential information under seal (see Section IV, Part B), in addition to electronically filing a redacted version of the document . The redacted copy of the document must be posted on ECF.

IV. CONVENTIONAL FILING OF DOCUMENTS. The following procedures govern documents filed conventionally (i.e., in paper).

A. IN GENERAL.

1. A party may seek leave of the court to file a document conventionally if leave is not already so provided by these procedures.
2. Conventionally filed materials must be served conventionally by the filer on all other parties. The e-notice of the court's receipt of these documents shall not constitute service.

B. FILING UNDER SEAL.

1. Sealed Cases.
 - a. A **case** filed under seal will be maintained in conventional format until the assigned district judge or magistrate judge orders the case unsealed.
 - b. Any documents filed after the unsealing of the case shall be filed electronically.
 - c. Documents filed conventionally will remain in conventional format even after a case is unsealed.
2. Juvenile Criminal Matters.
 - a. All juvenile criminal matters are sealed and are not accessible via the internet.
 - b. Documents in juvenile criminal matters shall be filed conventionally unless, after hearing, the court rules that the juvenile shall be tried as an adult.

3. Sealed Documents.

c. The following documents shall be filed under seal:

1. All grand jury matters
2. Orders for tax returns, tax return and taxpayer information in Title 18 cases (for information on filing an Ex Parte Petition for Orders for tax returns, tax return and taxpayer information on Title 18 cases, see section VI regarding Ex Parte filings by counsel)
3. Tax information in Title 18 cases
4. Application and Orders for pen registers
5. Applications and affidavits with related attachments and exhibits and orders for authorization to intercept oral and electronic communications and orders to seal the recordings and all filings concerning reports and notices required by the statutes
6. Application, affidavits in support of application and order for authorization to use an electronic tracking device.
7. Applications and Orders for trap and trace device
8. Motions for a departure under Section 5K of the Sentencing Guidelines or under 18 U.S.C. 3553e
9. Exparte applications for determination concerning the disclosure of Brady/Giglio information (see section VI regarding Ex Parte filing procedures)
10. Motions to compel the testimony of a witness upon grant of use immunity
11. Applications and related documents and orders for use immunity
12. Motions for the appointment of a taint team to review privileged material
13. Joint motion to extend time for filing indictment
14. Application and Order for Writ of Habeas Corpus Ad Testificandum;
15. Order for issuance of subpoena on behalf of the defendant (for information on filing an Application for Order for issuance of subpoena on behalf of the defendant, see Section VI regarding Ex Parte filings by counsel)
16. Subpoena Duces Tecum
17. CJA Travel Authorization Applications and Orders

- d. Notwithstanding agreement of the parties, no documents other than those listed above shall be filed under seal unless the assigned District Judge or Magistrate Judge has first ordered such.
- e. To file documents pursuant to a protective order:
 - 1. Documents filed under seal shall be filed in paper with the clerk's office.
 - 2. Each ORIGINAL document must be clearly marked to file under seal.
 - 3. Each ORIGINAL document shall be submitted to the District Judge or Magistrate Judge in conventional format along with a proposed order listing all the documents to be filed under seal.
 - 4. One conventional courtesy copy of each document to be filed under seal shall be included with the originals.
- d. All documents filed under seal must clearly indicate the word "SEALED" on the document heading.

C. TRANSCRIPTS. Transcripts of this court's proceedings shall be filed with the clerk's office pursuant to 28 U.S.C. § 753(b) in conventional format in the clerk's office unless specifically ordered otherwise by the Court.

D. VOLUMINOUS DOCUMENTS. The size limit for documents (including exhibits) filed in ECF is two megabytes, or 2,097 KB⁹. To check the file size, locate the file in Windows Explorer, right click on the file and choose Properties.

- 1. Any document which exceeds two megabytes shall be broken down into separate components of two megabytes or less, and each component must be filed in ECF as a separate attachment with the component containing the first page attached as the "main document". The filer must label each component document clearly when attaching it in ECF (e.g., "Affidavit of John Doe pgs 100 - 200).
- 2. Filers are required to verify that scanned documents are legible before the documents are filed electronically with the court.

⁹ Two megabytes may be equivalent to approximately 60 pages of plain, typed text or 30-40 pages of scanned information.

3. A party may seek leave of the Court to conventionally file documents that are too lengthy to electronically image, *i.e.*, “scan.” If leave is granted, the filer shall file in accordance with the procedures in Section V, Part B.

V. EXHIBITS.

A. IN GENERAL.

1. Exhibit documents must not exceed two megabytes (2,097 KB) per PDF document.
2. Documents scanned in color or containing graphics take much longer to upload, so filers 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 ECF.
3. Filers are required to verify that scanned documents are legible before the documents are filed electronically with the court.
4. Searchable scanned PDF documents are preferred, but not required.
5. The filer must prepare and post to ECF an Exhibit Index. The index shall either be filed as the “main document” if filing under the “Exhibit” event code, or as the first attachment to the main document if filed as an attachment to the pleading. The following is a sample Exhibit Index:

Exhibit Index

| | |
|-----|---|
| A | Copy of Affidavit of John Smith |
| B | Excerpts from Jane Doe’s Deposition |
| C-1 | Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15) |
| C-2 | Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24) |
| D | XYZ Company General Ledgers |

6. Each exhibit may be attached as a separate attachment to the main document.

B. CONVENTIONAL FILING OF EXHIBITS. A party may conventionally file exhibits that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) without seeking leave to do so. A party may seek leave of the court to file exhibits

conventionally. Parties should allow for enough time (5 days) for the Judge to review the request to file conventionally, so that the filing may be done in a timely manner before the filing deadline. If approved, exhibits filed conventionally must be filed according to the following procedure.

1. The exhibit index (see Section V, Part A, Subpart 5) must state that the exhibits are being filed conventionally. The index must be filed in ECF as an attachment to the main document (e.g., the affidavit), or under the appropriate Exhibit event code.
2. The conventionally filed exhibits shall have a cover page containing the standard document headings and the caption shall identify the document to which the exhibits relate (e.g., “Exhibits in Support of Defendant XYZ Company’s Memorandum in Support of Motion for Summary Judgment”).
3. The conventionally filed exhibits must be tabbed, two-hole punched and fastened with tongs.
4. After filing the index in ECF, the filer shall file, with the clerk’s office, the conventional exhibits along with a copy of the Notice of Electronic Filing of the document containing the exhibit index.
5. The clerk’s office will note on the docket its receipt of the exhibits with a text-only entry.
6. The filer must serve the conventional exhibits on all other parties. The e-notice of the court’s receipt of these documents shall not constitute service.

VI. EX PARTE SUBMISSIONS AND IN CAMERA REVIEW

A. Ex Parte Submissions

A party who seeks to file a document without giving notice to other parties of record may present the document to the presiding District Court Judge or Magistrate Judge, on an *ex parte* basis, by either (i) causing the document to be mailed or hand-delivered to the judge’s chambers in a conventional, (i.e., paper), format, or (ii) transmitting the document via e-mail to the judge’s chambers e-mail box, (identified at section II.G., above).

Any document submitted pursuant to this subsection of the Procedures must be clearly labeled “*Ex Parte* Submission.” A judge who receives a document submitted *ex parte* may direct the party who submits it to file the document electronically, using normal

ECF procedures, or may otherwise handle and address the document as he or she deems most appropriate.

B. Documents Submitted For In Camera Review

A party who seeks to present a document to a judge for in camera review, whether acting on the party's own initiative or pursuant to a court order, shall present the document to the presiding District Court Judge or Magistrate Judge by either (i) causing the document to be mailed or hand-delivered to the judge's chambers in a conventional, (i.e., paper), format, or (ii) transmitting the document via e-mail to the judge's chambers e-mail box, (identified at section II.G., above).

Any document submitted pursuant to this subsection of the Procedures must be clearly labeled "For In Camera Review." A judge who receives a document submitted for in camera review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as he or she deems most appropriate.

VII. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. PUBLIC ACCESS AT THE COURT.** Electronic access to ECF is available to the public at no charge at the clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914.
- B. INTERNET ACCESS.** Remote electronic access to ECF 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 will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of documents filed in criminal cases, as well as calendars and similar general information.¹⁰
- 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 will be in accordance with 28 U.S.C. § 1914.

¹⁰ According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary ECF users will be charged a fee of seven cents per page starting on July 1, 2002, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap 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 Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

FORM A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SAMPLE FORMAT -CERTIFICATE OF SERVICE

****Sample****

I hereby certify that on (date), I caused the following documents:

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants:

Dated: _____, 20__

s/ Attorney's Name
Attorney's Typed Name