

CIVIL CASES

**ELECTRONIC FILING POLICIES AND
PROCEDURES MANUAL FOR
THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

ELECTRONIC FILING POLICIES AND PROCEDURES MANUAL

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ELECTRONIC FILING POLICIES AND PROCEDURES MANUAL

I. THE ELECTRONIC FILING SYSTEM

A. IN GENERAL. Unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge (See request not to file electronically attached to Notice of Placement in CM/ECF Docketing System, copy annexed), all documents submitted for filing in this district after September 1, 2003, in civil cases, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“System”) or shall be scanned¹ and uploaded to the System.² Documents may also be submitted for filing to the Clerk’s Office on 3.5" disks or CD-ROM as .pdf (“Portable Document Format”) files.³

1. Parties proceeding pro se shall not file electronically.

¹When scanning documents to be subsequently filed electronically, filing parties should make certain their scanners are configured for 200 dpi and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document. If for any reason a document cannot be easily read after scanning, the filing party should not electronically file the document. Instead, the filing party must conventionally file it with the Clerk’s Office.

As used in these policies and procedures, a “conventionally” filed or submitted document or pleading is one presented to the court or a party on paper.

²“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.”**

³A 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, users may visit the websites of .pdf vendors, such as <http://www.adobe.com/products/acrobat/> or <http://www.fineprint.com/>.

2. Social Security cases shall be subject to the limitations imposed in III(C) of these procedures.
3. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using the System.
4. 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 Clerk may also amend these procedures at any time without prior notice.

B. PASSWORDS. Each attorney admitted to practice in the Southern District of Ohio shall be entitled to one System password from the District Court. The password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause his or her password to be utilized by anyone other than an authorized employee of his or her office.

2. The attorney shall be responsible for all documents filed with his or her password.
3. An attorney admitted pro hac vice must register for a password in accordance with these Policies and Procedures.

C. REGISTRATION.

1. Each attorney filing electronically must complete the Attorney Registration Form available on the court's web site at www.ohsd.uscourts.gov. The court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in S.D. Ohio Civ. R. 83.3 and 83.4.⁴
2. To ensure that the Clerk's Office has correctly entered a registering attorney's Internet e-mail address in the System, the Clerk's Office will send the attorney an Internet e-mail message after assigning the attorney a password. The Clerk's Office will then either mail password information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her password at the Clerk's Office.
3. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing password has been compromised, the attorney must change his or her password immediately.

⁴General Order 00-1 exempts from payment of PHV fees all attorneys employed by a U. S. governmental entity or the State of Ohio.

4. An attorney whose e-mail address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties.
5. Once registered, an attorney may withdraw from participating in the System by providing notice of withdrawal. Such notice must be in writing, and mailed or delivered to Office of the Clerk, United States District Court, Systems Department, Room 260, 85 Marconi Blvd., Columbus, OH 43215, and served upon all counsel of record or unrepresented parties in each open case in which the attorney has appeared, not less than ninety (90) days prior to the effective date of revocation. The Clerk's Office will cancel the attorney's password and delete the attorney's name from any applicable electronic service list on the effective date. An attorney's withdrawal from participation in the System does not constitute authorization to file cases or documents conventionally. Rather, withdrawing from the System means the attorney will not longer receive email notification of filings in his or her cases.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case shall be electronically filed on the System except as otherwise provided by these policy and procedures.
2. Each document filed after the complaint shall bear the assigned case number in the following format: 1:03cv12345. (The first digit represents the location of Court – 1 for Cincinnati, 2 for Columbus, 3 for Dayton. The second number is the year of initial filing. “CV” designates a civil case, “CR” designates a criminal case.)
3. E-mailing a document to the Clerk’s Office or to the assigned judge does not constitute filing the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives a System-generated “Notice of Electronic Filing” described in II(B)1 of these procedures.
2. Complaints.
 - a. The Clerk’s Office will accept complaints and civil cover sheets sent by United States mail, or delivered in person to the Clerk’s Office.
 - i. The filing party must submit the complaint and cover sheet in paper form. The Court requests that the complaint also be submitted electronically on a 3.5" disk or CD-ROM in .pdf format. New cases will not be

filed until the filing fee has been paid or *in forma pauperis* status has been granted. If at all possible the *in forma pauperis* documents should be submitted, along with the paper document, in .pdf format.

ii. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office. The Clerk's Office will upload the complaint from the .pdf file to the System, then discard the paper documents.

b. New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee or leave to proceed *in forma pauperis* is granted.

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

3. Summonses.

a. The Clerk's Office will receive summonses to be issued sent by United States mail, or delivered in person to the Clerk's Office.

b. The party requesting the summons must complete the top portion of the summons form and, if sending the summons by United States mail, also submit a stamped, self-addressed

return envelope. Once a summons has been issued, the Clerk's Office will scan it, upload it to the System, then return the summons to the attorney or party.

c. A party may not electronically serve a summons, but instead must perfect service according to the Federal Rule of Civil Procedure 4.

4. A document will be deemed timely filed if filed prior to midnight on the due date, unless the assigned judge has ordered the document filed by an earlier time on that date. The time at the Court (Eastern Standard or Eastern Daylight) governs, rather than the time zone from which the filing is made.
5. If filing a document requires leave of the court, such as an amended complaint, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.
6. Attachments and exhibits are to be filed electronically. However, large attachments or exhibits that cannot be filed electronically may be submitted in conventional format with conventional copies served on all other parties to the case.
7. The Clerk's Office shall not maintain a paper court file in any case begun after September 1, 2003, except as otherwise provided in

these procedures. The official court record shall be the electronic file maintained on the Court's servers. The official record shall include, however, any conventional documents or exhibits filed in accordance with these procedures.

- a. The Clerk's Office will discard all original documents brought to the Clerk's Office for filing after they are scanned and uploaded to the System.
- b. However, if an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to the System shall provide a self-addressed stamped envelope for return of same. If said envelope is not provided, the paper document will be discarded.

8. Official Transcribers and Contract Court Reporters. In addition to submitting to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable, an official transcriber or contract court reporter must have the certified transcript of those proceedings electronically filed on the System by submitting to the Clerk's Office a 3.5" disk or CD-ROM containing the certified transcript of the proceedings in .pdf format. A transcriber or court reporter will not

receive payment until the transcriber or reporter has both returned the tape and notes, if applicable, of a proceeding to the Clerk's Office and submitted the transcript to the Clerk's Office electronically.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System will generate a "Notice of Electronic Filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case,⁵ and the assigned judge if he or she has elected to receive notice.
 - a. If the recipient is a registered participant in the System, the System's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
 - b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in the System may be accomplished subject to the additional service requirements of B(3) below.
2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate

⁵To determine whether another party is a registered user, the filer can select the System's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the System information will appear, stating whether or not the filer must mail a copy or if the System will electronically generate one.

must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form A.

3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.⁶
5. A filer who elects to bring a document to the Clerk’s Office for scanning and uploading to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.

⁶Attorneys 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.

C. SIGNATURES.

1. Non-Attorney Signature, Generally. If an original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on the System.
 - a. The electronically filed document as it is maintained on the Court's servers constitutes the official version of that record. The court will not maintain a paper copy of the original document.
 - b. An Affidavit signed by a third-party must be scanned and uploaded to the system by the Clerks Office. The filer must maintain said document in accordance with Local Rule 7.2(f).
 - c. A 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 ten days of receiving the Notice of Electronic Filing.
2. Attorney Signature. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk to the Clerk's Office: "s/

(attorney name) ." The correct format for an attorney signature is as follows:

s/ Judith Attorney

Judith Attorney Bar Number: 12345

Attorney for (Plaintiff/Defendant)

ABC Law Firm

123 South Street

Dayton, OH 45402

Telephone: (937) 123-4567

E-mail: judith_attorney@law.com

- a. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

3. Multiple Signatures. The following procedure applies when a stipulation or other document requires two or more signatures:

- a. The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
- b. The filing party or attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, e.g., "s/ Jane Doe," "s/ John Smith," etc. The correct format for a signature is as follows:

s/ Judith Attorney

Judith Attorney Bar Number: 12345
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Street
Dayton, OH 45402
Telephone: (937) 123-4567
E-mail: judith_attorney@law.com

- 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 ten days of receiving the Notice of Electronic Filing.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by check drawn on the attorney's account, money order, or cash. No personal checks will be accepted. 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.

E. ORDERS.

1. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically has the same force and effect as if the judge had affixed the judge's signature to a paper copy of the order and it had been entered on the docket conventionally.
2. Proposed orders may be submitted as outlined below.

- a. A moving party may, after filing a motion, submit to the judge a proposed order granting the motion and setting forth the requested relief. The proposed order shall be e-mailed to the assigned judge at the address listed in 2(d) below.
- b. Electronically submitted proposed orders may not be combined with the motion into one document. The motion must be docketed prior to submitting the proposed order to the judge, and the proposed order must refer to the resulting docket entry number for the motion.
- c. All proposed orders must be submitted in a format compatible with WordPerfect, which is a “Save As” option in most word processing software. Judges will not accept proposed orders in .pdf format.
- d. A proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges’ e-mail addresses for proposed orders are in the following format:

Judge’s Last Name_Chambers@ohsd.uscourts.gov.

3. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk’s Office

will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

4. The assigned judge may grant routine motions by a text-only entry upon the docket. In such cases, no .pdf document will issue; the text-only entry shall constitute the court's only order on the matter. The System will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures.

F. TITLE OF DOCKET ENTRIES. The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.⁷

G. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. The System will not permit the filing party to make changes to the document(s) 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 file to a docket entry, or selecting the wrong document type

⁷Readers may view the "Civil Events in ECF for Attorneys" on the court's web site, <http://www.ohsd.uscourts.gov/cmecf.html>.

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 possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. If appropriate, the court will make an entry indicating that the document was filed in error. The filing party will be advised *if* the document needs to be refiled.

H. TECHNICAL FAILURES.

1. The Clerk's Office shall deem the Southern District of Ohio 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 one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.
2. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, may also prevent timely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally on paper and in .pdf format on a 3.5" disk or CD-ROM.

3. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site or at the filer's end may seek appropriate relief from the court.

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise.
 - a. Minors' names: Use the minors' initials;
 - b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
 - c. Social Security numbers: Use only the last four numbers;
 - d. Dates of birth: Use only the year; and
 - e. Other data as permitted by order of the court.

In addition, the filing party may omit or, where inclusion is necessary, partially redact the following confidential information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. Personal identifying number, such as driver's license number;

- b. Medical records, treatment and diagnosis;
- c. Employment history;
- d. Individual financial information; and
- e. Proprietary or trade secret information.

2. Unredacted Documents. With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed above.

- a. The party seeking to file an unredacted document shall file electronically a motion to file the document under seal pursuant to the E-Government Act of 2002, Pub. L. No. 107-347, §205(c)(3)(iv).
- b. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.

3. 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.

III. CONVENTIONAL FILING OF DOCUMENTS. The following procedures govern documents filed conventionally. The court, upon application and for good cause

shown, may also authorize conventional filing of other documents otherwise subject to these procedures.

A. PRO SE FILERS. Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or which require either verification or an unsworn declaration under any rule or statute. The Clerk's Office will scan these original documents into an electronic file in the System, but will also maintain a paper file.

B. SOCIAL SECURITY CASES. All documents, notices, and orders in Social Security cases filed after September 1, 2003, 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 filed initially will be filed electronically and served according to II(A) of these procedures.
2. Social Security transcripts will be filed in paper format and served because scanning that set of documents and filing or retrieving them electronically is impractical at this time. Because Social Security transcripts will not be scanned or otherwise placed into the System, the Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office.

IV. EXHIBITS.

A. EXHIBITS NOT IN SUPPORT OF A MOTION. This section applies to exhibits other than those submitted in support of a motion, *e.g.*, an attachment to a complaint. Exhibits submitted in support of a motion are governed by IV(B) of these procedures.

1. A party may conventionally submit exhibits which are not available in electronic form or which are too lengthy to scan. Lengthy documents submitted to the Clerk's Office in paper form should not be bound. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry.
2. If possible, however, a filing party should scan a paper exhibit and submit the exhibit as a .pdf file. Because .pdf files containing scanned documents take up considerably more space on the System than .pdf files containing electronically-generated documents, the Clerk recommends that filing parties submit .pdf files containing scanned documents of more than two megabytes in separate two-megabyte segments.
3. 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.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.
5. Exhibits submitted conventionally shall be served on other parties as if not subject to these procedures.

B. EXHIBITS IN SUPPORT OF A MOTION. In general, exhibits in support of a motion should not be filed conventionally, but rather, be filed electronically.

1. A filing party should scan a paper exhibit and submit the exhibit as a .pdf file. Because .pdf files containing scanned documents take up considerably more space on the System than .pdf files containing electronically-generated documents, the Clerk recommends that filing parties submit .pdf files containing scanned documents of more than two megabytes in separate two-megabyte segments.
2. 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.
3. The filing party is required to verify the readability of scanned documents before filing them electronically with the court.

4. A party submitting exhibits in conventional format shall file in conventional format an index of evidence listing each exhibit then being filed and identifying the motion to which it relates.
5. Copies of conventionally filed supporting materials shall be served on other parties as if not subject to electronic filing procedures.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. PUBLIC ACCESS AT THE COURT. Access to the electronic docket and documents filed in the System is available for viewing to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required by 28 U.S.C. § 1930 and is presently 10¢ per page.

B. INTERNET ACCESS. Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States requires that a user fee be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.⁸

⁸According to a memorandum from the Administrative Office of the United States Courts dated April 9, 2002, non-judiciary CM/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 for printing or viewing.

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 and is presently 50¢ per page plus any certification fee.

FORM A

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

SAMPLE FORMATS - CERTIFICATE OF SERVICE

Sample A

I hereby certify that on ____ (Date) ____, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____.

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

Sample B

I hereby certify that on ____ (Date) ____, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: _____.

s/ _____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's E-mail Address

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

**NOTICE OF PLACEMENT IN
CM/ECF DOCKETING SYSTEM**

Case No.

JUDGE

MAGISTRATE JUDGE

At the regular meeting of judges conducted on August 26, 2003, the Court agreed that this NOTICE be issued in all cases as they are placed into the Court's new docketing system.

The United States District Court for the Southern District of Ohio is converting from its old Integrated Case Management docketing system to its new Case Management/Electronic Case Files System (CM/ECF) docketing system. The CM/ECF system provides the bench, the bar and the public with unprecedented electronic access to up-to-the-minute docket sheets as well as to the documents themselves.

This action has now been entered into the CM/ECF system. Access to the docket sheet and documents filed in this matter on or after September 1, 2003, are available on the Court's electronic case files web site (<http://ecf.ohsd.uscourts.gov>).

Electronic Filing

The CM/ECF system is capable of accepting electronic filings over the Internet. All documents that are filed on paper will be scanned by the Clerk's Office and placed into the CM/ECF system for electronic access.

The Court strongly encourages counsel to take advantage of the benefits of filing electronically. Counsel who file documents electronically in a case are required to have the e-mail noticing feature of their user account activated and agree to accept electronic notices from the Court and the other parties. It is the Court's expectation that, absent a showing of good cause, all counsel who regularly practice in this district will be prepared to file electronically and accept electronic notice of filings in any civil case before this Court no later than September 1, 2003.

Court Orders and Notices

The Court will issue its orders and notices electronically to all registered counsel. The court will send its orders and notices to all counsel, through regular U.S. mail, who have not so registered; however, due to the speed of e-mail, counsel will receive notices sooner if they register. Counsel should also check the electronic docket sheets on a regular basis. Parties who are not represented by counsel will be sent Court orders and notices through regular U.S. mail.

Service of Documents Filed by the Parties

Documents filed on Paper. All documents filed with the Court on paper must be served on the other parties on paper in the traditional manner pursuant to the applicable Federal and Local Rules.

Documents filed Electronically. When a document is filed electronically, the receipt of the filing will indicate which counsel have been notified electronically of the filing by the CM/ECF system and which counsel have not. The filing party must serve the documents on paper in the traditional manner, pursuant to the applicable Federal and Local Rules, upon the counsel who were not sent electronic notification. The filing party need not serve Counsel who have been sent electronic notification. In instances where a party is not represented by counsel, all documents must be served on that party on paper in the traditional manner pursuant to the applicable Federal and Local Rules.

Electronic Filing of Proposed Documents

If the document you wish to file electronically requires leave of Court, such as an amended complaint or a document to be filed out of time, the proposed document should be attached as an exhibit to a motion. If your motion is granted, you may then file your document electronically; however, you may not file the document on its own, unless and until the motion is granted.

If you wish to submit a proposed order for consideration by the Court, you must contact the courtroom deputy of the judicial officer assigned to the case, and arrange to e-mail a copy of the proposed order in WordPerfect format to her/him to assist the Court in instances where it desires to modify the proposed order.

Help Desk

The Clerk's Office has established an Electronic Filing Help Desk at 1-866-261-1680 in Columbus, 1-888-743-2126 in Cincinnati, and 1-800-496-3857 in Dayton to answer questions and provide assistance should difficulties arise.

Clerk of Court

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

New Electronic Case Management System

Beginning September 1, 2003, all new civil and criminal cases filed in the United States District Court for the Southern District of Ohio will be placed in the Court's new Case Management/Electronic Case Files (CM/ECF) system.

Electronic Access: A key feature of the CM/ECF system is that it provides unprecedented access to up-to-the-second docket sheets as well as to the documents themselves over the Internet through the Court's electronic filing website (<http://ecf.ohsd.uscourts.gov>).

Electronic Filing: Another key feature of the CM/ECF system is that it accepts documents filed electronically over the Internet. While it is not mandatory that documents be filed electronically to have them entered into the CM/ECF system, the Judges of this Court expect counsel to participate in this new system.

Electronic Noticing: A third key feature of the CM/ECF system is that it provides immediate e-mail notices to all counsel involved in a case whenever a document is filed. To receive electronic notice of filings, attorneys must be registered to file electronically and must have the e-mail noticing feature of their Court account turned on.

Attorney Registration: In order to file documents electronically and to receive e-mail notices of documents that are filed, attorneys must be admitted to practice before the Court and must be registered to file electronically. Upon registration, attorneys will be provided with an identification name and password which will allow access to the system. This identification name and password will also serve as the attorney's signature for Fed. R. Civ. P. 11 purposes on all documents filed electronically. Attorney admission and electronic filing registration forms are available through the Clerk's Office and on the Court's web page (<http://www.ohsd.uscourts.gov>).

Public Access: Public access to the CM/ECF system without the need for a password is available through the Court's electronic filing home page (<http://ecf.ohsd.uscourts.gov>). Public access permits individuals to view docket sheets and documents stored within the CM/ECF system, but it does not permit individuals to file documents electronically or to receive e-mail notices.

System Requirements: System requirements are minimal and inexpensive. To view documents in the system, all that is needed is Internet access (through Netscape Navigator 4.0 or higher or Internet Explorer) and the Adobe Acrobat Reader 3.0 or higher. To file documents electronically, attorneys will also need pdf writer software. A scanner may also be needed for imaging documents that do not exist in electronic format. Adobe Acrobat Reader software is available for free.

Training: Training in the use of the CM/ECF system can be arranged for attorneys and law firm staff by registering on-line at www.ohsd.uscourts.gov. An online tutorial is available on the Court's web page (<http://www.ohsd.uscourts.gov>). Registered attorneys can also practice filing and retrieving documents using a test system.

Learning More About It: Additional information about the CM/ECF system and electronic filing can be obtained from the Clerk's Office or through the Court's web page (www.ohsd.uscourts.gov) under CM/ECF. Materials available include: attorney admission and electronic filing registration forms, an ECF Brochure, "Electronic Filing Policies and Procedures Manuals," and an "Attorneys' Manual."

Requirement that Counsel's Fax Number and E-Mail Address be Included on All Pleadings: Please be reminded that our Local Rules require that the signature block on all pleadings contain not only the name, address, telephone number and the attorney's Ohio Bar Registration Number, if applicable, but also Counsel's facsimile number and e-mail address, as well.

Questions Regarding the CM/ECF System: Please contact the Court's CM/ECF Help Desk at 1-866-261-1680 in Columbus, 1-888-743-2126 in Cincinnati, and 1-800-496-3857 in Dayton.

While the Judges of this court expect counsel to participate in this new Electronic Case Management System, we do realize that there may be situations, with a given attorney and/or in a given case, where such participation is impractical. If such a situation presents itself in this litigation, please review and complete the attached form and return it to the proper office of the Clerk of this Court. Any form so returned will be reviewed by the judicial officer to whom this case is assigned at or before the Rule 16 scheduling/pretrial conference.

The undersigned wishes to advise the Court that participation in the Electronic Case Management System is either impractical or impossible in this case for the following reason(s):

- Undersigned is proceeding *pro se* (without counsel) in this litigation
- Undersigned neither owns nor has ready access to the necessary automation equipment
- Other: _____

Name
Ohio Bar Registration Number (if applicable)
Address
Telephone
Fax
E-Mail Address (if applicable)

Please return this form to the Clerk of Court's Office in the location of Court where this matter is pending.

Columbus
Joseph P. Kinneary U. S. Courthouse
85 Marconi Blvd., Room 260
Columbus, OH 43215

Cincinnati
Potter Stewart U. S. Courthouse
100 E. Fifth Street, Room 324
Cincinnati, OH 45202

Dayton
Federal Building
200 West Second Street, Room 712

Dayton, OH 45402