

CM/ECF Civil and Criminal User Manual

Electronic Means for Filing, Signing and
Verification of Documents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA



(Revised April 23, 2004)

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INTRODUCTION

Welcome to Northern District of Indiana Case Management/Electronic Case Filing (CM/ECF), hereinafter referred to as the “System”. The System permits attorneys to file documents with the court from any location over the Internet. While all parties, including those proceeding pro se, may register to receive “read only” PACER accounts, only registered attorneys, as officers of the court, are permitted to file electronically at this time.

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM (“System”)

A. Designation of Cases

Beginning November 1, 2003, the U.S. District Court for the Northern District of Indiana will begin using the CM/ECF electronic filing system for all civil and criminal cases. “Electronic filing” means uploading a pleading or document directly from the registered user’s computer, using the court’s System, to file that pleading or document in the court’s case file. **Sending a document or pleading to the court via e-mail or facsimile does not constitute “electronic filing.”**

B. Registration

1. An **Attorney Registration Form**, attached as **Form 1**, shall be submitted for each attorney. The attached form may be duplicated for use. This form is also available on our web site at: www.innd.uscourts.gov. All Attorney Registration Forms shall be mailed or delivered to:

United States District Court
Office of the Clerk
204 South Main Street, Room 102
South Bend, IN 46601

Attention: CM/ECF Registration.

2. Each attorney registering for the System will receive an internet e-mail message after their password has been assigned. This is to insure that the attorney’s internet e-mail address has been entered correctly in the System. Login and password information will then be mailed to the attorney by regular, first-class mail.
3. An attorney’s registration will constitute a waiver of conventional service of documents and the attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.

4. Attorneys are responsible for notifying the court when their mailing address or e-mail address changes, by filing a Notice of Change of Address in the appropriate case(s) through the System.

C. Passwords

Each attorney admitted to practice in this Court and currently in good standing shall be entitled to one System password to permit the attorney to participate in the electronic retrieval and filing of pleadings and other documents using the System. Attorneys will be able to change their own passwords.

Pursuant to Fed. R. Civ. P. 11, every pleading, motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's/participant's password issued by the court combined with the user's identification, serves as and constitutes the attorney/participant's signature for Rule 11 and other purposes. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the court by calling the CM/ECF Help Line between 9:00 a.m. and 4:00 p.m. local time in order to prevent access to the System by use of the old password. (See Section V. below for help line numbers) In the event of the resignation or reassignment of the person with authority to use the password, the attorney/participant should change the password immediately.

No attorney shall knowingly permit his or her password to be utilized by anyone other than an authorized employee of his or her office. Once registered, the attorney shall be responsible for all documents filed with his or her password.

Attorneys/participants may be subject to sanctions for failure to comply with the above provisions.

Registration for a password is governed by Paragraph I(B).

An attorney admitted *pro hac vice* must register for a password in accordance with this User Manual.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Unless otherwise permitted by these procedures or otherwise authorized by the assigned judge, all documents¹ submitted for filing in this district in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the System or shall be scanned and uploaded to the System.
2. Electronically filed documents must meet the same requirements of format and page limits as documents “conventionally filed” (as defined in Section III A) pursuant to the Federal Rules of Civil and Criminal Procedure and this court’s Local Rules.
3. All documents which form part of a single pleading and which are being filed at the same time and by the same party may be electronically filed together under one document number, e.g., the motion and a supporting affidavit, with the exception of memoranda in support. Memoranda in support shall be electronically filed separately and shown as a related document to the motion.
4. In order to file a document which requires leave of court such as an amended complaint or a document to be filed out of time, the proposed document shall be attached as an exhibit to a motion. If the motion is granted, it is the filing attorney’s responsibility to electronically file the document with the court.

B. Filing a Civil Complaint:

1. All new civil complaints must be filed on a separate 3½ inch floppy diskette or CD-ROM containing a .pdf image of the Civil Cover Sheet (JS-44c), the complete complaint and any attachments thereto. Any additional documents to be filed simultaneously with the complaint may also be included on this diskette or CD-ROM. The court will upload these documents into the System. Instructions on how to save a document in PDF format are located on the court’s web site at www.innd.uscourts.gov.²

¹The requirement that “all documents” be filed electronically includes briefs, and attachments and exhibits used in support of motions.

²Documents filed in the CM/ECF must be in .pdf format. A document created with almost any word-processing program can be converted to .pdf format. 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

A scanner will be located in the public area in each Clerk's Office for use by the bar in scanning and saving image files on diskette if needed.

2. A party may either deliver in person or send to the Clerk's Office by United States mail "hard copy" summonses or digital summonses (in .pdf format only) saved on a 3½ inch floppy diskette or CD-ROM. The party requesting the summons must complete the top portion of the summons form. The Clerk's office will return via United States mail the completed hard copy summons to counsel only if counsel supplies a stamped, self-addressed envelope.

C. Filing Criminal Charges

All criminal complaints, informations, indictments and requests for issuance of warrants shall be filed conventionally on paper with the court, accompanied by a 3½ inch floppy diskette or CD-ROM containing a .pdf image of the document.

D. Service of Filed Documents on Parties

1. The System will generate a "Notice of Electronic Filing" when any document is filed. This notice represents service of the document on parties who are registered participants with the System. Except as provided in Paragraph III.B, the filing party shall not be required to serve any pleading³ or other documents on any party receiving electronic notice.
2. The filing party shall also serve those parties not designated or able to receive electronic notice but nevertheless are entitled to notice of said pleading or other document in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Indiana. If such service of a paper copy is to be made, it shall be done in the manner provided in the Federal Rules of Civil Procedures and the Local Rules of the Northern District of Indiana.
3. A party may not electronically serve a summons and complaint, but instead must perfect service according to the Fed. R. Civ. P. 4.

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/>.

³ The term "pleading" refers only to those documents listed in Federal Rules of Civil Procedure 7(a).

E. Signatures

1. **Civil cases:** Documents which must be filed and which must contain original signatures or which require either verification or an unsworn declaration under any rule or statute, shall be filed electronically, with originally executed copies maintained by the filer. The pleading or other document electronically filed shall indicate a signature, e.g., "s/Jane Doe".
2. **Criminal cases:** All documents which must contain original signatures other than those of a participating attorney or which require either verification or an unsworn declaration under any rule or statute, shall be filed conventionally on paper and maintained in the Clerk's office, and shall also be accompanied by a 3 ½ inch floppy disk or CD-ROM containing a .pdf version of the document and shall indicate a signature, e.g., "s/Jane Doe".
3. In the case of a stipulation or other document to be signed by two or more attorneys, the following procedure should be used:
 - (a) The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all attorneys on the document.
 - (b) The filing attorney then shall file the document electronically, indicating the signatories, e.g., "s/Jane Doe," "s/John Doe," etc.
 - (c) The filing attorney shall retain the hard copy of the document containing the original signatures.
 - (d) Each attorney required to sign the document, other than the attorney filing it electronically, shall file a Notice of Endorsement of the document. A sample **Notice of Endorsement** is attached as **Form 2**.

F. Orders

All signed orders shall be filed electronically by either the office of the clerk or a judge. The assigned judge or the clerk's office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no .pdf document will issue and the entry will contain language that no further written order will issue from the court. The text-only entry shall constitute the court's only order on the matter, is in fact an order from the judge and carries the same weight and authority as a written order signed by the judge. The System will generate a Notice of Electronic Filing for text-only entries as described in these procedures.

PROPOSED ORDERS PROCEDURE

Proposed orders shall not be filed electronically either as a separate document or as an attachment to the main pleading or other document. Instead, all proposed orders must be e-mailed to the chambers of the appropriate judicial officer for the case. The proposed order must be in WORDPERFECT FORMAT.⁴ Proposed orders should be attached to an e-mail and sent to the appropriate judicial officer at the address listed below. The subject line of the e-mail message should indicate the case title, cause number and document number of the motion, e.g., *Smith v. Jones 1:02-cv-1234, motion#__*.

Chief Judge Robert L. Miller, Jr.	miller_chambers@innd.uscourts.gov
Judge Allen Sharp	sharp_chambers@innd.uscourts.gov
Judge William C. Lee	lee_chambers@innd.uscourts.gov
Judge James T. Moody	moody_chambers@innd.uscourts.gov
Judge Rudy Lozano	lozano_chambers@innd.uscourts.gov
Judge Philip P. Simon	simon_chambers@innd.uscourts.gov
Judge Theresa L. Springmann	springmann_chambers@innd.uscourts.gov
Magistrate Judge Andrew P. Rodovich	rodovich_chambers@innd.uscourts.gov
Magistrate Judge Roger B. Cosbey	cosbey_chambers@innd.uscourts.gov
Magistrate Judge Christopher A. Nuechterlein	nuechterlein_chambers@innd.uscourts.gov
Magistrate Judge Paul R. Cherry	cherry_chambers@innd.uscourts.gov

PROPOSED DISCOVERY PLANS/SCHEDULING ORDERS AND FINAL PRETRIAL ORDERS

Unlike proposed orders, Proposed Discovery Plans/Scheduling Orders and proposed Final Pretrial Orders should not contain a signature line for the Judge. The document shall include the electronic signature of the filing counsel. The non-filing party shall file a Notice of Endorsement pursuant to the guidelines in paragraph E.3.(d) of this manual.

G. Title of Documents

The person electronically filing a pleading or other document will be responsible for designating a title for the pleading or other document by using one of the categories contained in the Events Lists on the court's website at www.innd.uscourts.gov.

⁴ MS Word will allow a document to be saved in WordPerfect format.

H. Certificate of Service

A Certificate of Service is still a requirement when filing documents electronically. A sample **Certificate of Service** is attached as **Form 3**.

I. Filing Deadlines

Filing documents electronically does not alter any filing deadlines or any time computation pursuant to Fed. R. Civ. P. 6. The counties of Lake, Porter and LaPorte observe Central Daylight Savings Time in the summer, when their local time is the same as the remainder of the district. In the winter, the counties of Lake, Porter and LaPorte observe Central Standard Time, when their local time is one hour earlier than the remainder of the district. Nevertheless, all electronic transmissions of documents must be completed (*i.e.*, received completely by the clerk's office) prior to **midnight Eastern Standard Time**, (South Bend/Fort Wayne/Lafayette time) in order to be considered timely filed that day, **regardless of the local time in the division where the case is pending**. Although documents can be filed electronically 24 hours a day, filers are strongly encouraged to file all documents during hours when the CM/ECF Help Line is available, from 9:00 a.m. to 4:00 p.m. local time. (See Section V. below for help line numbers)

III. CONVENTIONAL FILING OF DOCUMENTS

A. **Conventional Filings.** As used in these procedures, a “conventionally” filed or submitted document or pleading is one presented to the Clerk or a party in paper or other non-electronic, tangible format. The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Document(s) to be filed under seal, including motions for leave to file documents under seal, any supporting documentation and proposed orders.
2. Exhibits and other documents which cannot be converted to a legible electronic form. Whenever possible, counsel is responsible for converting filings to an electronic form. However, if that is not possible, counsel shall electronically file a .pdf document titled **Notice of Manual Filing** as a notation on the docket sheet that filings are being held in the clerk's office in paper. A sample **Notice of Manual Filing** is attached as **Form 4**. If documents are filed in paper format, counsel must provide an original for the clerk's office, a copy for the judge and a copy must be served on all parties in the case.
3. Certain documents filed in criminal cases, and which are listed in II. C. and II. E. 2. above.

4. Documents filed by pro se litigants.
5. Social Security administrative records.

B. Service of Conventional Filings

Pleadings or other documents which are filed conventionally rather than electronically shall be served in the manner provided for in the Federal Rules of Civil Procedure and the Local Rules of the Northern District of Indiana, except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Public Remote Access Through Pacer

Civil cases: Public remote 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 has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as docket sheets and filed documents. PACER users may access the System at the Court’s Internet site at www.innd.uscourts.gov. Such access to the System through the Internet site will allow retrieval of the docket sheet and documents on a time delayed basis. Unless a user has a CM/ECF filing level account, access to the System will be on a “read only” basis.

Social Security and Criminal cases: Until further order of the court, only an attorney of record may remotely view records in social security and criminal cases. Public remote access will be limited to viewing docket sheets only.

B. Public Access at the Court

The public will have electronic access to civil and criminal documents filed in the System and to the System dockets in the Office of the Clerk, for viewing during regular business hours, from 9:00 a.m. to 4:00 p.m. (local time) Monday through Friday. A copy fee for reproduction is still required in accordance with 28 U.S.C. §1914.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk, during business hours listed in Paragraph B above. A list of fees is available on the court’s website at www.innd.uscourts.gov.

V. TECHNICAL FAILURES

A. The Court's System

The Clerk shall deem the Public Web site for the Northern District of Indiana 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 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay due to such technical failure. Questions about CM/ECF may be directed to our Help Line at the one of the following numbers between 9:00 a.m. to 4:00 p.m. local time:

Fort Wayne	800-745-0265
Hammond	800-473-0293
South Bend	866-217-5925
Lafayette	877-377-1219

B. The Attorney's System

If the attorney is unable to file a document in a timely manner due to technical difficulties in the user's system, the attorney must file a document with the court as soon as possible notifying the court of the inability to file the document. A sample document entitled **Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties** is attached hereto as **Form 5**.

VI. PRIVACY

Counsel should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. Any personal information not otherwise protected will be made available over the Internet via PACER. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and names of minor children:

1. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.
2. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

3. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.
4. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal if maintenance of the unredacted material in the court file is critical to the case. However, counsel **must electronically file** a redacted copy for the public file, absent order of the court. If it is determined that the submission of an unredacted version is crucial to the case, the filer shall print a copy of the Notice of Electronic Filing, seal the unredacted document in a separate envelope, attach the Notice of Electronic Filing to the outside of that envelope and label the envelope "Unredacted Version of Previously Filed Document-SEALED." When the clerk's office receives an unredacted copy of a document that was electronically filed, the clerk will edit the original entry by adding the following language: "SEALED unredacted version received by the court on (*insert date*)."

Counsel is advised to exercise caution when filing documents that contain the following:

- 1) personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The clerk **will not** review each pleading for redaction. Counsel and the parties are cautioned that failure to redact personal identifiers and/or the inclusion of irrelevant personal information in a pleading or exhibit filed electronically with the court may subject them to the full disciplinary and remedial powers of the court, including sanctions pursuant to Fed.R.Civ.P. 11.

SPECIAL NOTICE TO SOCIAL SECURITY ATTORNEYS

It is the responsibility of counsel for plaintiff to provide the U.S. Attorneys' office with the social security number of the plaintiff upon the filing of a new social security case.

**United States District Court
Northern District of Indiana**

**Case Management/Electronic Case Files
Attorney Registration Form**

LIVE SYSTEM

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) System. Registered attorneys will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents for all cases assigned to the CM/ECF System. The following information is required for registration:

First/Middle/Last Name _____

Last four digits of Social Security Number _____

Are you admitted to practice and in good standing in the Northern District of Indiana? _____

Attorney Bar #: _____ State: _____

Firm Name _____

Address _____

Voice Phone Number _____

FAX Phone Number _____

Internet E-Mail Address _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This System is for use only in cases permitted by the U.S. Courts for the Northern District of Indiana. It may be used to file and view electronic documents, docket sheets, and notices.
2. At this time, the requirements for filing, viewing, and retrieving case documents are: a personal computer (486 minimum) running a standard platform such as Windows, Windows 95, or Macintosh, an Internet provider using Point to Point Protocol (PPP), Netscape Navigator software version 4.5, 4.7 or 4.76 or Internet Explorer 5.5 and software program(s) that produce and/or convert digital and/or hard copy documents into Adobe Acrobat .pdf format versions 3.0 or 4.0.

3. Pursuant to Federal Rule of Civil Procedure 11, Every pleading, motion, and other paper (except list, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney's password issued by the court combined with the user's identification, serves as and constitutes the attorney signature. Therefore, an attorney must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney to immediately notify the court. This should include the resignation or reassignment of the person with authority to use the password. The attorney should change the password immediately.

4. An attorney's registration will constitute a waiver of conventional service of documents, the attorney agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail.

5. The undersigned attorney agrees to abide by the most recent General Orders, User Manual for Electronic Case Filing and all technical and procedural requirements set forth therein.

Please return to : U.S. District Court
 Northern District of Indiana
 Office of the Clerk
 204 South Main Street, Room 102
 South Bend, IN 46601

Attention: CM/ECF Registration.

 Applicant Signature

 Initial of First Name + Last Name + Last 4 Digits SS#

Subscribed and sworn to before me this _____ day of _____, 20 ____ .

Notary _____

My commission expires _____

SAMPLE FORMAT

***IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
DIVISION***

_____,)
)
Plaintiff(s),)
)
vs.) Case No. _____)
)
_____,)
)
Defendant(s).)

NOTICE OF ENDORSEMENT

Pursuant to the ECF Procedures Manual, _____ (Name of signator) _____
hereby certifies that my original signature was placed on the following document which was filed
electronically on _____:

(Title of document)

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

SAMPLE FORMAT

***IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
_____ DIVISION***

_____,)
)
Plaintiff(s),)
)
vs.) Case No. _____)
)
_____,)
)
Defendant(s).)

NOTICE OF MANUAL FILING

is in paper form only and is being maintained in the case file in the Clerk's office.

Attorney for (Plaintiff or Defendant)
Address: _____

Date: _____

SAMPLE FORMAT
IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF INDIANA
_____ **DIVISION**

_____,)
)
Plaintiff(s),)
vs.) Case No. _____)
_____,)
)
Defendant(s).)

DECLARATION THAT PARTY WAS UNABLE
TO FILE IN A TIMELY MANNER

Please take notice that _____ was unable to file _____
_____ in a timely manner due to technical difficulties. The deadline for filing
the _____ was _____. The reason(s) that I was unable to
file the _____ in a timely manner and the good faith efforts I
made prior to the filing deadline to both file in a timely manner and to inform the court and the
other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/[Name of Password Registrant] _____
Name of Password Registrant
Address
City, State, Zip Code
Phone: XXX-XXX-XXXX
Fax: XXX-XXX-XXXX
E-mail: XXX@XXX.XXX