

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

**Electronic Case Filing (“ECF”)**

**PROCEDURAL ORDER**

**Introduction**

Federal Rules of Civil Procedure 5(e) authorizes this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means. All civil and criminal cases filed on or after October 1, 2003, will be designated for Electronic Case Filing (ECF). The only exclusions from ECF shall be: criminal juvenile cases and cases filed by either a prisoner or a pro se party. The following procedures apply to all cases designated for ECF:

**1. Scope of Electronic Filing**

Those civil and criminal cases filed in this court on or after October 1, 2003, and designated for ECF, will be entered into the court’s ECF system in accordance with this Procedural Order on Electronic Case Filing (“Procedural Order”). Except as expressly provided in this Procedural Order, all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court in connection with an ECF assigned case, will be maintained in electronic format.

The filing of all initial papers in civil cases, such as the complaint and the issuance and service of the summons, and in criminal cases, the indictment or information, warrant for arrest or summons, will be accomplished in the traditional manner on paper rather than electronically. If the case is assigned to the ECF system, these filed documents will be converted to electronic format.

**2. Eligibility, Registration, Passwords**

Attorneys admitted to the bar of this court, including those admitted pro hac vice, may register as ECF Users of the Court's ECF system. Registration is in a form prescribed by the clerk and requires the ECF User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this court and is a member in good standing.

Registration as an ECF User constitutes agreement to receive and consent to make electronic service of all documents as provided in this Procedural Order in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and in Rule 49(b) of the Federal Rules of Criminal Procedure. This agreement and consent is applicable to all future cases until revoked by the ECF User.

Once registration is completed, the ECF User will receive notification of the user login and password. ECF Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. ECF Users may be subject to sanctions for failure to comply with this provision.

No ECF User shall knowingly permit or cause to permit his or her login and password to be used by anyone other than an authorized employee of his or her law firm or organization.

### **3. Consequences of Electronic Filing**

Electronic transmission of a document to the ECF system consistent with this Procedural Order, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this court, and constitutes entry of the document on the docket maintained by the clerk pursuant to Rules 58 and 79 of the Federal Rules of Civil Procedure and Rules 49 and 55 of the Federal Rules of Criminal Procedure.

A document that has been filed electronically is the official record, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Section 1 above, a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not change any filing deadline set by the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Local Rules of this court, or an order of the judge.

Documents filed electronically must be submitted in PDF format. Documents which the filer has in an electronic format other than PDF must be converted to PDF from the word processing original, not scanned, to facilitate transmission and retrieval. Only documents of which the filer possesses only a paper copy may be scanned to convert them to PDF format.

### **4. Entry of Court Orders**

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules which will constitute entry on the docket kept by the clerk under Rules 58 and 79 of the Federal Rules of Civil Procedure, and Rules 49 and 55 of the Federal Rules of Criminal Procedure. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge 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 in a conventional manner.

An ECF User submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

### **5. Attachments and Exhibits**

ECF Users must submit in electronic form all documents referenced as attachments or exhibits, unless the court permits conventional filing. An ECF User must submit as attachments or exhibits only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. ECF Users who file excerpts of documents as attachments or exhibits pursuant to this Procedural

Order, do so without prejudice to their right to timely file additional excerpts or the complete document, provided however, that the size of the document does not exceed two megabytes. Attachments or exhibits exceeding two megabytes may be broken down into separate sections, each not exceeding two megabytes, or filed on paper in the traditional manner. Responding parties who choose to file attachments or exhibits electronically may also timely file additional excerpts or the complete document, subject to the same size limitations as set forth above.

## **6. Retention Requirements**

Documents that are electronically filed and require original signatures other than that of the ECF User must be maintained in paper form by the ECF User until one year has passed after the time period for appeal expires. The ECF User must provide original documents for review upon request of the judge.

## **7. Signatures**

The user login and password required to submit documents to the ECF system serve as the ECF User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Rule 11(a) of the Federal Rules of Civil Procedure and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's state bar registration number, if applicable. In addition, the name of the ECF User under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

Documents requiring multiple signatures, such as stipulations, shall be electronically filed as follows: (1) the ECF User shall obtain the signatures of all parties on the document; (2) the ECF User shall electronically file the document indicating the signatories in the format as described above; and (3) a non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

## **8. Service of Documents by Electronic Means**

When an ECF User electronically files a pleading or other document using the ECF system, a Notice of Electronic Filing shall automatically be generated by the system, and shall be sent automatically to all parties entitled to service under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure and who have consented to electronic service. Electronic service of the Notice of Electronic Filing constitutes service of the filed document to all such parties and shall be deemed to satisfy the requirements of Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Rule 49(b) of the Federal Rules of Criminal Procedure.

All documents filed using the ECF system shall contain a Certificate of Service stating that the document has been filed electronically and is available for viewing and downloading from the ECF system. The Certificate of Service must identify the manner in which service on each party was accomplished, including any party who has not consented to electronic service.

Parties who have not consented to electronic service are entitled to receive a paper copy of any electronically filed pleading or other document. Service of such paper copy must be made according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

In accordance with Rule 6(e) of the Federal Rules of Civil Procedure, service by electronic means is treated the same as service by mail.

## **9. Technical Failures**

A filing party whose filing is made untimely as the result of the technical failure of the court's ECF system may seek appropriate relief from the presiding judge.

## **10. Public Access**

The Office of the Clerk is now accepting electronically filed pleadings and making the content of these pleadings available on the court's Internet website via WebPACER. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

Any person or organization, other than one registered as an ECF User under Section 2 of this Procedural Order, may access ECF at the court's Internet site, [www.wied.uscourts.gov](http://www.wied.uscourts.gov), by obtaining a PACER login and password. Those who have PACER access, but who are not ECF Users, may retrieve docket sheets and those documents which the court makes available on the Internet for the fee normally charged for this service as set by the fee schedule authorized by the Administrative Office of the United States Courts, but they may not file documents.

With the exception of Social Security Appeals, documents in civil cases will be made available electronically to the same extent that they are available for personal inspection in the Office of the Clerk of Court at the U.S. Courthouse. Public remote access to documents in Social Security Appeals and to documents in criminal cases will be limited to attorneys of record

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified below in an ECF case, may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

Exercise caution when filing documents in an ECF case that contain the following:

- 1) Social Security numbers
- 2) financial account numbers
- 3) dates of birth
- 4) names of minor children
- 5) personal identifying numbers, such as a driver's license number
- 6) medical records, treatment and diagnosis
- 7) employment history

- 8) individual financial information
- 9) 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. **The clerk will not review each pleading for redaction.**

**11. Record on Appeal**

Until such time as the United States Court of Appeals for the 7th Circuit and the Federal Circuit institute rules and procedures to accommodate ECF, notices of appeal to those courts shall be filed, and fees paid, in the traditional manner on paper rather than electronically. All further documents relating to the appeal shall be filed pursuant to the Federal Rules of Appellate Procedure and the Local Rules of the 7th Circuit. Appellant’s counsel shall provide paper copies of the documents that constitute the record on appeal to the District Court Clerk’s Office.

**12. Excluded Documents and Cases**

The following types of documents and categories of cases are presently excluded from the provisions of this Procedural Order. This list may be amended from time to time.

Excluded Documents

- Civil Complaint
- Criminal Indictment or Information
- Notice of Appeal
- Criminal Plea Agreement
- State Court Records
- Social Security Transcripts
- Bankruptcy Appeal Transcripts
- Documents exceeding two megabytes
- Documents unavailable in ECF format

Excluded Cases

- Criminal Juvenile
- Prisoner
- Pro se

**IT IS SO ORDERED.**

Dated at Milwaukee, Wisconsin, this 29th day of September, 2003.

  
RUDOLPH T. RANDA  
Chief Judge