

SECTION 2.0 - BASIC PROCEDURES

2.1 Retention and Signature Requirements (See Also Electronic Filing Rules 7 and 8)

Civil Cases

A Filing User may represent his or her own signature on any electronically filed civil document by typing “s/” followed by that Filing User’s name on the signature line. For example:

s/Jane Doe _____
Jane Doe
Doe, Doe & Doe, Attorneys at Law
302 South Main Street
Anytown, IL 12345
(618) 123-4567

The “s/” name on the document and the filer’s login and password must be identical or the document may be stricken.

Documents requiring multiple signatures may be electronically filed either by: (1) representing the filer’s own signature with the “s/” and certifying that each of the other signatories has expressly agreed to the form and substance of the document; or (2) submitting a scanned document containing the original handwritten signatures. For example:

s/Jane Doe _____ s/John Smith (with consent) _____ *N. E. Signature* _____
(Scanned original signature;
original retained by filer)

A non-filing signatory or party who disputes the authenticity of an electronically filed document must file an objection to the document within 10 days of service.

<p>Note: Manually signed original documents scanned into the system must be maintained by the filer for five years after final resolution of the action, including final disposition of all appeals. The original hard copy must be produced at any time when ordered by the court.</p>
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Criminal Cases

A Filing User may represent his or her own signature on any electronically filed criminal document by typing “s/” followed by that Filing User’s name on the signature line. For example:

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s/Jane Doe _____
Jane Doe
Doe, Doe & Doe, Attorneys at Law
302 South Main Street
Anytown, IL 12345
(618) 123-4567

The "s/" name on the document and the filer's login and password must be identical or the document may be stricken.

Documents requiring multiple signatures may be electronically filed either by: (1) representing the filer's own signature with the "s/" and certifying that each of the other signatories has expressly agreed to the form and substance of the document; or (2) submitting a scanned document containing the original handwritten signatures. For example:

s/Jane Doe _____ s/John Smith (with consent) *N. E. Signature* _____
(Scanned original signature;
original retained by filer)

A non-filing signatory or party who disputes the authenticity of an electronically filed document must file an objection to the document within 10 days of service.

Note: Manually signed original documents scanned into the system must be maintained by the filer for five years after final resolution of the action, including final disposition of all appeals. The original hard copy must be produced at any time when ordered by the court.

In the following exceptional instances, a document bearing an original signature(s) is scanned and electronically filed, and the original document is mailed to the Clerk of Court for retention:

- A. Any affidavit or document containing an oath or a declaration, certification, verification, or statement under the penalty of perjury by any person other than an attorney of record in the case;
- B. Any document setting forth any stipulation by any person other than an attorney of record in the case;
- C. Any document containing the signature of a defendant; and
- D. Certified copies of judgments or orders of other courts.

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2.2 Notice of Manual Filing

(See Appendix C)

The Notice of Manual Filing **SHOULD NOT** be the event selected to electronically file a document. The Notice of Manual Filing **SHOULD BE** the Portable Document Format (PDF) document attached to the electronically filed event. The electronic filer should then immediately forward the original document, a copy of the Notice of Manual Filing, and a copy of the Notice of Electronic Filing (NEF) to the Clerk's Office for processing. The Notice of Manual Filing **SHOULD NOT** be sent to Chambers.

2.3 Notice of Electronic Filing (NEF)

(See Also Electronic Filing Rules 3 and 8)

Electronic transmission of a document to the Electronic Case Filing (ECF) system, together with the transmission of a NEF from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and constitutes entry of the document on the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58, Fed. R. Civ. P. 79, and Fed. R. Crim. P. 55.

2.4 Service of Document by Electronic Means

(See Also Electronic Filing Rules 3, 6, and 8)

Whenever a pleading or other document is filed electronically, the ECF system will automatically generate and send a NEF to the Filing User and registered users of record. It is recommended that the user filing the document retain a paper or digital copy of the NEF, which shall serve as the court's date-stamp and proof of filing.

Transmission of the NEF shall constitute service of the filed document and must be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(D), Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49(b). Nevertheless, all documents filed using the ECF system must include a certificate of service (except ex parte matters) 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 the service on each party was accomplished.

Attorneys who have not registered as users with ECF and non-prisoner *pro se* litigants who have not registered with ECF shall be served a paper copy of any electronically filed pleading or other document in accordance with the provisions of Fed. R. Civ. P. 5.

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Service by electronic means shall be treated the same as service by mail for the purpose of adding three days to the prescribed response period.

2.5 Certificate of Service

(See Appendix B)

A certificate of service in accordance with Fed. R. Civ. P. 5(d) is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party, the date of service, and should be included as the final page of the document. You may use the "Mailing Info for a Case" feature in ECF under the **Utilities** Menu to obtain information regarding which parties are registered users of ECF and which parties require service by regular mail. See Appendix B for a sample certificate of service.

2.6 Transcripts

Proceedings of this Court. Transcripts of proceedings of this court shall be filed in hard copy and available for review in the Office of the Clerk.

Transcripts from other Courts. Transcripts of proceedings of other courts shall be filed electronically as a PDF document, if so available, otherwise shall be filed on paper.

2.7 Privacy

(See Also Electronic Filing Rule 6 and Local Rule 5.1(d))

To address the privacy concerns created by Internet access to court documents unless otherwise ordered by the court, the filing attorney shall modify certain personal data identifiers in pleadings and other papers as follows:

1. Minors' names: Use minor's initials only;
2. Social Security numbers: Use last four numbers only;
3. Dates of birth: Use year of birth only;
4. Financial account numbers: Identify the type of account and the financial institution, but only the last four numbers of the account number;
5. Drivers License numbers: Use the last four numbers only.

It is not the responsibility of the Clerk's Office to review each document to determine if pleadings have been modified and are in proper form.

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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. The court may, however, still require the party to file a redacted copy for the public file.

2.8 Sealed Document

(See Also Electronic Filing Rule 6)

Unless otherwise ordered by the Court, sealed documents shall be electronically filed by attorneys and pro se users. Leave of court is not necessary to file a sealed document. The proper event should be selected when filing a sealed document. The PDF document should be attached to the event and the system will automatically seal the document. Once electronically filed, a sealed entry may only be viewed by authorized court users and authorized attorneys for a particular document.

The ex parte motion event requires the attachment of the PDF document for e-filing into a criminal case. A NEF is generated for file-stamp purposes **ONLY but WILL NOT** be transmitted to counsel of record or the court. Any non-court user who accesses the docket sheet, including the e-filer, will not see the docket entry and, thus, cannot have access to the ex parte document. Upon querying the criminal case, the document number will appear “missing” to non-court users. Ex parte motions can only be viewed by court users.

When the e-filer completes the e-filing of an ex parte motion, the NEF will generate for file-stamp purposes only, but the e-filer must forward the proposed ex parte motion and order by e-mail to the judge’s e-mail address for proposed orders as set out on page 2.6 of the User’s Manual.

When an ex parte order is e-filed, a NEF is generated for file-stamp purposes only. The NEF and Ex parte Order must be distributed in paper form by the e-filer. The Ex parte Order will only be distributed to counsel that e-filed the motion.

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2.9 Special Filing Requirements and Exceptions

The following documents shall be filed on paper, which will be electronically filed by the Clerk's Office and may also be scanned into ECF by the Clerk's Office:

1. Administrative records in social security cases and in other administrative review proceedings;
2. Pretrial hearing and trial exhibits;
3. Consent/NonConsent to Disposition before U.S. Magistrate Judge;
4. State court records and other Habeas Corpus Rule 5 materials;
5. Pleadings and documents filed by *pro se* litigants who are incarcerated or who are not registered filing users in ECF;
6. Charging documents in a criminal case, such as the complaint, indictment, or information;
7. Affidavits for search and arrest warrants and related papers;
8. Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 (formerly Rule 40) papers received from other courts;
9. Pleadings or documents in a criminal case containing the signature of a defendant, such as a waiver of indictment, plea agreement, or Notice of PSI; and
10. Petitions for violations of supervised release.

2.10 Submitting a Proposed Document

Some documents are technically not to be "filed." Rather, they are to be "submitted." For example, a proposed order, proposed amended complaint, proposed documents to be filed out of time, writ, post-judgment notice, and certain stipulations require court approval before actually being filed and given full effect. Because in the ECF system docket entries themselves have the full force of a court order, to prevent confusion, such documents must be attached to an e-mail sent to the e-mail address of the assigned judge. The subject line of the e-mail must include the case number, the corresponding document number, and brief description of the proposed document as indicated on the NEF. All such documents must be submitted to the court in a format compatible with WordPerfect. Such proposed documents should also be served on all parties. The judges' e-mail addresses for such documents are as follows:

Chief Judge David R. Herndon	DRHpd@ilsd.uscourts.gov
Judge J. Phil Gilbert	JPGpd@ilsd.uscourts.gov
Judge G. Patrick Murphy	GPMpd@ilsd.uscourts.gov
Judge Michael J. Reagan	MJRpd@ilsd.uscourts.gov
Judge William D. Stiehl	WDSpd@ilsd.uscourts.gov
Judge Philip M. Frazier	PMFpd@ilsd.uscourts.gov

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Judge Clifford J. Proud
Judge Donald G. Wilkerson

CJPpd@ilsd.uscourts.gov
DGWpd@ilsd.uscourts.gov

If the motion is granted, you will be directed to electronically file the document with the court.

2.11 Submitting Ex Parte Motions and Orders

Since the NEF is NOT transmitted upon the filing of an ex parte motion, the filer must **e-mail** the ex parte motion and proposed order to the appropriate judicial officer's e-mail address listed above.

2.12 Submitting Ex Parte Settlement Statements

Settlement statements, by their very nature, are ex parte and, therefore, are never filed. See the assigned magistrate judge's web page for that judge's requirements.

2.13 Submitting a "Joint Report of Parties and Proposed Scheduling and Discovery Order"

A completed form "Joint Report of Parties and Proposed Scheduling and Discovery Order" shall be submitted, not filed, to the assigned magistrate judge's e-mail address for proposed documents (listed above). The subject line of the e-mail must include the case number and reference "Joint Report."

2.14 Filing Other Types of Documents

To file a document other than a motion or application, make the appropriate selection from the appropriate menu. The screens that follow will be very similar to those described for filing a motion. See Appendix C.

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2.15 Technical Failures

(See Also Electronic Filing Rule 10)

Scheduled service outages will be posted on the court's website at www.ilsd.uscourts.gov. Unscheduled service outages will be dealt with on an individual basis.

2.16 Hyperlinks

(See Also Electronic Filing Rule 13)

Electronically filed documents may contain the following types of hyperlinks:

1. Hyperlinks to other portions of the same document; and
2. Hyperlinks to a location on the Internet that contains a source document for a citation.

~~Hyperlinks to other documents filed within the ECF system are not permitted.~~ Hyperlinks to personal websites, inclusive of law firms, are strictly forbidden.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither hyperlink nor any site to which it refers shall be considered part of the record. Hyperlinks are simply convenient mechanics for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability of any hyperlink.