

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

IN RE:
ELECTRONIC FILING RULES

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Fourth Amended
Administrative Order

FILED
SEP 09 2010

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST-ST. LOUIS OFFICE

ORDER ADOPTING REVISIONS
TO THE ELECTRONIC FILING RULES

Administrative Order 60, and the revisions thereto, is hereby amended to include the attached
revised Electronic Filing Rules 3, 7, 8, 9, and 11.

DATED this 9th day of September, 2010.



HONORABLE DAVID R. HERNDON
Chief United States District Judge

RULE 3 CONSEQUENCES OF ELECTRONIC FILING

Electronic transmission of a document to the ECF system consistent with these rules, 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, Federal Rules of Criminal Procedure, and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, 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 Rule 1, 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 alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day, unless a specific time is set by the court. Pursuant to Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(c), whenever something is served electronically, three days are added to the prescribed response period.

The filer is responsible for calculating the response time under the federal and/or local rules. The date generated by CM/ECF is a guideline only, and, if the Court has ordered the response to be filed on a date certain, the Court's order governs the response deadline.

RULE 7 RETENTION REQUIREMENTS

Civil Cases:

Manually signed original documents scanned into the system **by the attorney or party** must be maintained by the filer for 5 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.

Criminal Cases:

~~Manually signed original documents scanned into the system must be maintained by the filer for 5 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 a handwritten signature(s) is scanned and electronically filed, and the original document is mailed to the Clerk of Court for retention:~~

- ~~1. 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;~~
- ~~2. Any document setting forth any stipulation by any person other than an attorney of record in the case;~~
- ~~3. Any document containing the signature of a defendant; and~~
- ~~4. Certified copies of judgments or orders of other courts.~~

RULE 8 SIGNATURE

Upon registration, Filing Users automatically endorse their electronic signature for purposes of Federal Rule of Civil Procedure 11 specifically, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure generally, and the local rules. The Filing User's electronic signature also serves as a valid signature for purposes of unsworn declarations pursuant to 28 U.S.C. § 1746, service and filing pursuant to Federal Rule of Civil Procedure 5 and Federal Rule of Criminal Procedure 49, and establishing perjury pursuant to 18 U.S.C. §§ 1621-1623. **The "s/" name on the document and the filer's login id must be the same or the document will be stricken.**

RULE 9 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

All electronically filed documents, attachments, and exhibits should include a certificate of service in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules. Electronic service of the “Notice of Electronic Filing” constitutes service of the filed document and satisfies the certificate of service requirement, unless the filing party has actual knowledge of a technical failure resulting in non-receipt of a document.

A paper copy of any electronically filed document should be served upon attorneys who are exempted from utilizing the Electronic Case Filing system, as set out in Electronic Filing Rule 1, and pro se users not registered for electronic service. Service of any conventionally filed document must be made according to the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules, and a certificate of service must be included on the document, indicating the manner in which each party was served.

RULE 11 TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may move for appropriate relief from the court. Technical failures cannot extend jurisdictional deadlines. Problems on the filer's end such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware/software problems do not constitute a technical failure or excuse an untimely filing. If a party misses a filing deadline because of such problems, a motion for leave to file *instanter*, accompanied by a signed Declaration stating the reason for missing the deadline, must be filed no later than 12:00 noon of the first day on which the Court is open for business following the original filing deadline. The Court will consider the matters stated in the declaration and order appropriate relief.