

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**ADMINISTRATIVE PROCEDURES
FOR FILING DOCUMENTS**

FOR CIVIL AND CRIMINAL CASES

August 2018

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**ADMINISTRATIVE PROCEDURES
FOR FILING DOCUMENTS
IN CIVIL AND CRIMINAL CASES**

I. THE ELECTRONIC FILING SYSTEM - GENERAL REQUIREMENTS

A. **FILING REQUIREMENTS.** The U. S. District Court, Western District of Louisiana, began accepting filings electronically through the Case Management/Electronic Case Filing System (“System”) on April 1, 2005. The electronic record is now the official record of the court. **(LR5.7.01)** Unless otherwise authorized by a judge of this Court or by these procedures, documents are to be filed in the System in the following ways:

1. **ATTORNEY FILERS:** Attorneys who are members of the bar of the Western District or attorneys admitted *pro hac vice* (with local counsel) **shall** electronically file all documents into the CM/ECF system unless exempted by a judge of this court. Since January 1, 2008, this Court is a mandatory electronic filing court for attorneys filing into the system. The CM/ECF system requires attorneys to file documents in Portable Document Format (“PDF”). ¹
2. **PRO SE FILERS:** Pro se filers shall file all pleadings and documents in conventional paper form unless otherwise allowed by the court.
3. **SPECIAL EMAIL ADDRESSES FOR PARTICULAR**

¹A document created with most word processing programs can be converted to PDF. A document put in PDF form takes a “picture” of the original document and allows anyone to open the converted document across a broad range of hardware and software with the original format left intact. Please search the Internet for more information on PDF documents.

DOCUMENTS: In limited circumstances, the Court has designated the email addresses listed below for filers to submit certain documents in PDF format by email attachment. Any correspondence or other documents attempted to be filed through these email addresses will not be recognized and will not be filed into the CM/ECF system. Only the documents indicated below will be accepted through these e-mail addresses:

a. **Consents To Proceed Before Magistrate Judge:**

Consents to proceed before a magistrate judge **must not** be filed into the record but shall be sent to the court through this email address. Once consent has been obtained from all parties, consents to proceed before a magistrate judge shall be filed into the record by the clerk's office. The following email address should be used for consents:

lawdml_consents@lawd.uscourts.gov

b. **Emergency e-mail address:**

When the CM/ECF filing system is down and unable to accept filings, users with filing privileges may file their documents in PDF format through the following "emergency email address:"

lawdml_emergencyfiling@lawd.uscourts.gov

Note: This email address shall be used only in emergency situations when the court's CM/ECF system is down and a filing must be made. Any correspondence or other documents attempted to be filed through this email address will not be recognized and will not be filed into the CM/ECF

system. The file date is the date that the email is sent. The Clerk's Office will check this email address and then file the documents into the system. Filing is not complete until the party submitting the documents by email receives a System generated "Notice of Electronic Filing" which means the document has been filed into the record by the Clerk's Office. Please note that technical failures do not include problems on the filer's end. A filer who cannot file a document electronically must seek an exemption from e-filing from this Court.

c. **Criminal Charging Instruments:**

lawdml_criminal@lawd.uscourts.gov

This email shall be used only by the Office of the United States Attorney.

d. **Sealed Cases Email address:** For documents that need to be filed in sealed cases, please file documents using this email address:

sealedcases@lawd.uscourts.gov

4. **EXCEPTIONS TO FILING DOCUMENTS ELECTRONICALLY:**

Only the following documents may be filed in paper:

- a. Documents filed by pro se litigants.
- b. Documents filed by attorneys exempted by the court for filing in the CM/ECF system.

B. GENERAL FILING INFORMATION

- 1. **FORMAT.** Attorneys must file documents electronically unless exempted from electronic filing by the court. Pro se filers must file documents in

paper format unless the court has allowed the pro se filer to file electronically. However, a judge of this Court may order that any document presented to this Court be maintained in either paper or electronic form, regardless of any other provision of these Administrative Procedures.

2. **FILE DATE.** A document filed by an attorney through the electronic filing system is deemed filed the day it is entered into system as noted on the “Notice of Electronic Filing.” Filings must be completed prior to midnight (Central Time) to be considered timely filed. A document filed in paper form by a pro se filer is deemed filed as of the date it is received in the clerk’s office. A document sent to the special e-mail addresses noted above is deemed filed the day the filer sends the e-mail.
3. **SUMMONS.** Upon filing a new civil action or a document adding a new party (e.g., amended complaint or third party complaint), summons will automatically be issued electronically pursuant to **Standing Order 1.14** and sent to counsel through the system by the “Notice of Electronic Filing.” Filing counsel will print and serve the complaint and summons according to Federal Rule Civil Procedure 4. Summons with an original signature and raised seal will no longer be issued. Attorneys who wish to have summons issued on demand may do so by filing a “Proposed Summons/Request for Summons” within the ECF System. Please note that cases exempt from this process include: notices of removal, transfers from other United States District Courts and bankruptcy appeals.

4. **DOCUMENTS REQUIRING LEAVE OF COURT.** When electronically filing a document requiring leave of court, the attorney shall attach a copy of the proposed pleading in PDF format as an attachment to the motion for leave of court to file the document. If the Court grants the motion, the Clerk's Office shall file the proposed pleading.
5. **HYPERLINKS.** Electronically filed documents may contain hyperlinks to other portions of the same document or hyperlinks to a location on the Internet that contains a source document for a citation. Hyperlinks to a cited authority may not replace standard citation form. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. **Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. The Court accepts no responsibility and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which the site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.**

C. **REGISTERING TO ELECTRONICALLY FILE**

1. **ATTORNEY REQUIREMENTS:**
 - a. **ATTORNEYS ADMITTED IN THE WESTERN DISTRICT.**

An attorney admitted to practice in this court must either complete electronic filing training provided by this court, another district or bankruptcy court or be using electronic filing in another district or

bankruptcy court. Training classes are available in the Western District of Louisiana by signing up online at www.lawd.uscourts.gov. Attorneys who attend a training class in the Western District will receive their login and password at the end of class. Staff may also attend in the class with the attorney or in lieu of the attorney. If the attorney personally attends the training class, the attorney may receive CLE credit hours from the Louisiana State Bar if the attorney is licensed to practice in Louisiana.

b. **ATTORNEYS ADMITTED IN OTHER COURTS.**

Attorneys who are not admitted to the bar of the Western District but are admitted in other courts may waive training in the Western District if the attorney certifies that the attorney has attended training in another district or bankruptcy court and/or is using the e-filing system in another court. The attorney must complete the **registration form and a waiver of training form** (found on the website) to receive a login and password from the Western District of Louisiana. Attorneys should allow at least 48 hours for the staff to process these forms. The login and password will be emailed to the attorney's email addresses for noticing.

c. **EXEMPTIONS FROM ELECTRONIC FILING.** For good cause shown, an attorney may be granted an exemption from mandatory electronic filing. An attorney seeking an exemption must

file a motion with the court. The court will review the motion and make a determination on a case-by-case basis. An attorney granted an exemption may file documents in conventional paper format with the court. All documents filed with the court in paper format shall be converted into electronic form by the Clerk's Office

2. **PRIVILEGES OF E-FILING USERS.** Attorneys receive the following privileges for filing documents over the system:

- a. Receive notice electronically and waive right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D);
- b. Receive electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil procedure 5(b)(2)(D), except with regard to service of a summons and complaint under Federal Rule of Civil Procedure 4. Notice by electronic means is complete as forth in Federal Rule of Civil Procedure 5(b)(2)(D) and 5(b)(3).

D. **LOGINS AND PASSWORDS TO ELECTRONICALLY FILE.**

Each attorney that is eligible to electronically file receives a unique login and password and should be mindful of the following rules:

1. **LOGIN IS SIGNATURE.** Under **Fed.R.Civ.P. 11 and LR5.7.08**, the attorney's login and password is considered their signature. Attorneys shall be responsible for all documents filed with their login and password.

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

2. **ATTORNEYS ADMITTED TO THIS COURT AND *PRO HAC VICE*.** The court will only issue logins and passwords to attorneys admitted to this court who are in **good standing** and to attorneys admitted *pro hac vice* as appropriate.
3. **DISBARMENT.** If an attorney has been disbarred from practice in the Western District, the attorney's login and password to e-file will be disabled. The attorney must re-apply to receive the login and password. If a disbarred attorney uses their login and password before the staff has had a chance to disable the login and password, that attorney may face discipline and/or possible sanctions as determined by the court.
4. **COMPROMISED SECURITY OF LOGIN OR PASSWORD.** If an attorney feels that the security of their password has been compromised, the attorney has an obligation to promptly notify the court either in writing or by calling the clerk's office **Help Desk at 1-866-323-1101**. Attorneys are encouraged to change their own passwords if the attorney feels that security has been compromised.

E. SERVICE

1. Whenever a pleading or other document is filed electronically in accordance with these procedures, the System generates a "Notice of

Electronic Filing” to the filing party and to any other party who has consented to receive notice by electronic means.² This “Notice of Electronic Filing” sent to a party who has consented to receiving electronic notice satisfies the requirement of notice under **Rule 5 and Rule 77(d) of the Federal Rules of Civil Procedure.**

2. A certificate of service on all parties entitled to service or notice **is still required** when a party files a document electronically after the initial complaint. **Federal Rule Civil Procedure 5.** The certificate must state the manner in which service or notice was accomplished. (**Note: Please see the Appendix at the end of these procedures for examples of a certificate of service.**)
3. A party who is not a registered participant of the ECF system (i.e., pro se party, exempt attorney, attorney not yet signed up for electronic noticing) is entitled to service of a paper copy of any electronically filed pleading, document or order under **Rule 5(b)(2)(A)(B) or (C) of the Federal Rules of Civil Procedure.** When mailing paper copies of documents that have been electronically filed, the filing party should include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.
4. Service of electronically filed sealed documents must be made by

²To determine whether a party has consented to electronic notice, the filer can select the System’s “Utilities” category, click on “Mailing Information for a Case” on the pull-down menu, and enter the case number. The System will then list the registered users in the case.

conventional paper means rather than through the electronic filing system.

Please note that the system does not notice sealed documents!

5. Pro Se filers only with special permission from the court and **in very limited circumstances** may receive electronic noticing.

F. SIGNING DOCUMENTS

1. **ATTORNEYS AND PRO SE LITIGANTS ALLOWED TO FILE IN THE SYSTEM.** An attorney filing a document electronically shall use the following format for their signature in the document:

s/ Name

Attorney Name

Bar Number

Law Firm Name

Address (street or box number, city, state & zip code)

Telephone Number

FAX number

Email address

2. **PRO HAC VICE ATTORNEYS.** LR83.2.6 requires that documents filed by a *pro hac vice* attorney **MUST** be “signed” by local counsel. As noted above, the login and password is the signature for attorneys, whether local counsel or *pro hac vice*. (See also LR5.7.08 and Section 4 below for **more guidelines on multiple signatures.**)
3. **PRO SE FILERS WHO FILE IN PAPER.** Non-attorneys who file a document in paper with the Court must physically sign the document in compliance with **Rule 11 of the Federal Rules of Civil Procedure.**
4. **MULTIPLE SIGNATURES.** Documents requiring signatures of more than attorney must be electronically filed either by: 1) submitting a

scanned document containing all necessary signatures; 2) indicating the consent of the parties who did not electronically file the document.

Consent may be indicated by the filer by including an “s/ and the name of the consenting attorney(s)” on the document to be filed electronically (e.g. “S/John Doe, “ S/Jane Smith,” etc.). By using the “s/ and another attorney’s name” the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, until one (1) year from the expiration of all time periods for appeals. 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 filing of the document within 10 days from the service of the document. **(LR5.7.08)**

5. **DEFENDANT IN CRIMINAL CASE.** A document containing the signature of a defendant in a criminal case may, at the court’s option, be filed either: 1) In paper form with an original written signature or 2) In a scanned format that contains an image of the defendant’s signature.

G. FILING IN A CRIMINAL CASE

1. All charging documents including the complaint, information, indictment and superseding information or indictment and all documents related, shall

be filed electronically in the System.

2. Plea packages in criminal cases that are submitted in paper form shall be scanned into the System.
3. Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User for one year after all time periods for appeals expire. On request of the court, the Filing User must provide original documents for review.
4. The “Notice of Electronic Filing” that is automatically generated by the Court’s Electronic Filing System, except as provided, constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and the local rules. In addition, along with the copy of the pleading or other document, a copy of the Notice of Electronic filing must also be served on the party who is not a Filing User.
5. A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.
6. Filings that are sealed do not notice out the attached PDF document.

Counsel must mail opposing counsel a copy of the document filed.

H. ORDERS FILED IN THE ELECTRONIC FILING SYSTEM

1. **SIGNATURE BY THE JUDGE.** Any order signed electronically by a judge shall have the same force and effect as an order signed physically by a judge.
2. **PROPOSED ORDERS.** Proposed orders must be filed in PDF as an attachment to the main document in the electronic filing system.
3. **MAILING TO NON-PARTICIPANTS.** When mailing paper copies of an electronically filed order to an attorney or party who is not a registered participant of the System, the Clerk's Office shall include the "Notice of Electronic Filing" to provide the non-participant with proof of filing.
4. **TEXT-ONLY ORDERS.**

The assigned judge may grant routine orders by a text-only entry upon the docket. In such instances, no PDF will be attached, no document number issued and a text-only docket entry shall constitute the court's order. A "Notice of Electronic Filing" will be sent by the e-filing system to all parties in these instances.

I. FEES.

1. As of August 1, 2010, the Clerk's Office requires electronic filers to pay all court fees by credit card or ACH debit (utilizing your checking account information).
2. Non-electronic filers may pay in cash, money order or credit/debit cards in

the Clerk's Office.

J. CORRECTING FILING ERRORS.

1. Once a document is submitted to the Court, it becomes part of the case docket and corrections to the docket can only be made 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 and the "Notice of Electronic Filing" has been sent. The Clerk's Office may correct a docketing error made by a filing party, but may not alter the document that has been filed.
2. As soon as a filing party discovers that an error has been made, the filing party should contact the **Clerk's Office Help Desk at 1-866- 323-1101**. The party should provide the case number, document number for which the correction is requested and a description of the error.
3. **A filing party should not attempt to re-file the document absent specific instructions from the clerk's office or the court.**

II. DOCUMENTS UNDER SEAL. A party shall electronically file a motion or application to file documents under seal. A motion to seal the document filed by the court or electronically by the attorney will be automatically sealed unless the Court finds that such matter should not be sealed. ****NOTE: Documents filed under seal do not notice out automatically from the system and must be mailed to opposing counsel.**

III. ATTACHMENTS AND EXHIBITS. This section applies to exhibits electronically filed with a document other than those submitted at trial or a hearing:

1. A filing user must submit in electronic PDF form all paper-based documents referenced as exhibits or attachments, and should include only those excerpts of the **referenced** documents that are directly germane to the matter under consideration by the court.
2. The system accepts only PDF files for upload, and will not accept any single PDF file larger than 25 megabytes. Therefore, PDF files larger than 25 megabytes must be separated into multiple PDF files by the filer before attempting to upload.
3. The filing party should preview the PDF file before filing to verify the document looks correct and can be read.
4. In very limited circumstances, the Clerk's Office will accept attachments and exhibits over the counter that an attorney is unable to scan either due to their size or composition. To do so, the attorney must file the pleading and then file as an attachment a one-page document called the "Notice of Manual Attachment." **The pleading will not be referred until the manual attachment is received.** The Clerk's Office will note on the docket receipt of the document(s) and/or exhibit(s) with a text-only entry. If possible, manual attachments shall be converted by the Clerk of Court to electronic form. Please note that a sample "Notice of Electronic Filing" attachment is included in the forms of these Administrative Procedures. Attorneys may also call the **Help Desk at 1-866-323-1101** for assistance in filing.

****NOTE: Exhibits submitted manually to the court ARE NOT noticed out by the System and MUST be served on other parties.**

IV. PUBLIC ACCESS TO THE ELECTRONIC FILING SYSTEM.

- A. **PUBLIC ACCESS AT THE COURT.** Electronic access to the 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 in accordance with 28 U.S.C. §1930.
- 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 has ruled that a user fee will 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.³
- C. **PAPER COPIES AND CERTIFIED COPIES.** Paper copies and certified copies of electronically filed documents may be purchased at the

³A memorandum from the Administrative Office of the United States Courts dated April 9, 2002, states that non-judiciary CM/ECF users will be charged a fee of ten cents per page to access electronic filed data such as docket sheets and case documents obtained remotely through the PACER system. A cap of thirty pages 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 the Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free, but if they remotely access the document again, they will be charged eight cents a page.

Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

V. COURT PROCEDURES

- A. CONTINUE PRACTICE OF LAW.** Attorneys should continue to follow scheduling orders, standing and general orders, Uniform Local Rules, Federal Rules and other procedures as designated by the Court.
- B. QUALITY CONTROL.** The Clerk's office does "quality control" or reviews all documents filed electronically. Attorneys should always verify that the correct PDF document was submitted in the right case and that the right "event" has been chosen. The attorney will be contacted by the Clerk's Office if corrections need to be made.
- C. HELP DESK.** The Help Desk is available during the normal business hours of 8:00 a.m. to noon and 1:00 - 5:00 p.m. to answer any electronic filing questions. Please call **1-866-323-1101** to reach the Help Desk. Filers may also send questions to the Help Desk email address at: CMECF_HelpDesk@lawd.uscourts.gov. A response to the email will be sent during business hours.
- D. PACER INFORMATION.** The PACER login and password is issued by PACER and not the Court. PACER existed before electronic filing and is used to access reports and other items. The PACER login is different from the e-filing login attorneys receive from the court. For more information on PACER and to obtain a PACER login and Password, please call **PACER at 1-800-676-6856** or

email them at: <http://pacer.psc.uscourts.gov>.

- E. PAPER DOCUMENT RETENTION.** In accordance with the authority of the Administrative Office of the U. S. Courts, the clerk shall retain paper documents for a period of six (6) months after they are filed, after which they are subject to destruction.

Forms

FORM A : ATTORNEY REGISTRATION FORM

United States District Court
Western District of Louisiana
ELECTRONIC CASE FILING SYSTEM
Attorney/Participant Registration Form

This form shall be used to register for an account on the Western District of Louisiana's Electronic Filing System. Registered attorneys will have privileges to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for cases assigned to the Electronic Filing systems. The following information is required for registration:

Please Print or Type

First/Middle/Last Name: _____

Attorney Bar # and State: _____

Firm Name: _____

Firm Address: _____

Telephone Number: _____

FAX number: _____

E-Mail Address: _____
(Attorney's email for electronic service)

Additional E-Mail Address: _____
(Secretary, central repository, etc.)

****Note: Attorneys seeking to file documents electronically must first be admitted to practice in the United States District Court, Western District of Louisiana pursuant to LR83.2.3 or admitted *pro hac vice*.**

****By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned also consents to receiving notice of filings pursuant to Fed.R.Civ.P. 5(b) and 77(d) via the Court's electronic filing system. The combination of user id and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their passwords and immediately notify the court if they learn that their password has been compromised.**

Date

Attorney/Participant Signature

**Please return with your signature to:
U.S. District Court, Western District of Louisiana
300 Fannin, Suite 1167, Shreveport, LA 71101
or fax to: 318-676-3962**

FORM B - CERTIFICATE OF SERVICE - SAMPLE FORMAT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

Sample A

I hereby certify that on [date], a copy of the foregoing [name of document] was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to _____ by operation of the court's electronic filing system. I also certify that I have mailed by United States Postal Service this filing to the following non-CM/ECF participants: _____.

s/

Attorney Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

Sample B

I hereby certify on 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
Address
City, State, Zip Code
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
E-mail: xxx@xxx.xxx

FORM C - SAMPLE NOTICE OF MANUAL ATTACHMENT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
_____ DIVISION

Plaintiff

vs.

Defendant

Civil Action No. _____

Judge _____

Magistrate Judge _____

NOTICE OF MANUAL ATTACHMENT

ATTACHMENTS TO: _____

DESCRIPTION: _____

FILED BY: _____

FILE DATE: _____

*****NOTICE*****

The attached document is an *original* manual attachment that could not be converted into PDF and uploaded to CM/ECF. A PDF version of this notice should accompany the related e-filing as an attachment.

The original manual attachment will be maintained in the division of the presiding judge until expiration of appeal delays.

Chambers Personnel: When finished reviewing the manual attachment, please return to the Clerk's Office.

Attachment sent to _____ DIVISION.

Prepared by: _____