

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

**ADMINISTRATIVE PROCEDURES
FOR FILING DOCUMENTS**

FOR CIVIL AND CRIMINAL CASES

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20th Edition

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

I. THE ELECTRONIC FILING SYSTEM - GENERAL REQUIREMENTS

A. **FILERS.** 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 has been a mandatory electronic filing court for attorneys filing into the system. As of November 4, 2019, PACER registration is required for an attorney to electronically file pleadings and other papers in this court. 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.

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.

B. GENERAL FILING INFORMATION

1. **FORMAT.** The electronic record is the official record of the court. 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 one of the special e-mail addresses as shown in Section B.6 of this document 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.” Counsel will then print and serve the complaint and summons according to Rule 4 of the Federal Rules of Civil Procedure. 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. **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.

6. **SPECIAL EMAIL ADDRESSES FOR PARTICULAR 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 shall not be filed into the record but rather 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 will be filed into the record by the Clerk's office. The following email address should be used for consents to proceed:

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 in emergency situations **only when the court's CM/ECF system is down and a filing must be made. 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. 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 of documents sent to this address will be the date the email was sent. The Clerk's Office will file the documents into the system if appropriate. 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.

c. **Criminal Charging Instruments:**

lawdml_criminal@lawd.uscourts.gov

This email shall only be used 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 in PDF form using this email address:

sealedcases@lawd.uscourts.gov

7. **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. REQUIREMENTS FOR ATTORNEYS TO ELECTRONICALLY FILE

1. PACER registration is required for electronic filing of pleadings and other papers in this court. Registration is available at www.pacer.uscourts.gov.
2. Any attorney who intends to e-file must have his or her own PACER

account because PACER accounts are now linked to e-filing accounts.

Shared PACER accounts can no longer be used for electronic filing.

3. Attorneys registered to e-file in this court prior to November 2019 should check their existing PACER accounts to verify that they have been upgraded. An upgraded PACER account is necessary for electronic filing in this court. If your existing PACER account username is at least 8 characters, then it is upgraded. If your existing PACER account username is 6 characters, then you do not have an upgraded account and must upgrade it at www.pacer.uscourts.gov.
4. An attorney with an upgraded PACER account must link any prior e-filing privileges in this court to that upgraded PACER account by logging into this court's ECF website using upgraded PACER credentials and then clicking the appropriate link.
5. Once your upgraded PACER account has been linked to your e-filing account in this court, you may use your upgraded PACER account credentials to log into the ECF system to electronically file documents.
6. An attorney who has not previously established e-filing privileges in this court must log into www.pacer.uscourts.gov and submit a new e-file registration request to the court. Once the court processes and approves that request, the requesting attorney's electronic filing privileges in this court will be activated.
7. All issues or concerns relating to PACER login and password information

should be directed to the PACER Service Center at

pacer@psc.uscourts.gov or (800) 676-6856. **Local court personnel**

cannot obtain or change PACER logins and passwords.

8. No attorney shall knowingly permit or cause to permit his or her PACER login credentials to be utilized by anyone other than an authorized agent or employee.
9. Once registered, an attorney shall be responsible for all documents filed in this court using his or her PACER credentials. Under **Fed.R.Civ.P. 11 and LR5.7.08**, the attorney's login and password through PACER is their signature for all purposes.
10. An attorney admitted *pro hac vice* for the first time in this court, must apply for e-file privileges by logging into www.pacer.uscourts.gov and submitting an e-file registration request.
11. An attorney can add additional secondary email addresses for electronic noticing by logging into the CM/ECF system using the attorney's PACER login and password, clicking on the Utilities link and then clicking "Maintain Your Email." The attorney's primary email address for noticing is maintained through the PACER website.
12. 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 which shall then be converted into electronic form by the Clerk's Office.

13. Effective November 1, 2020, the court began charging a *triennial* fee of \$45.00 for attorneys in the bar of the Western District. This fee is applicable to attorneys (excluding government, public defenders, and pro hac vice) who have been admitted for at least three years. The renewal fee will be charged every three years from the date of admission.

D. 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 any party who has consented to receive notice by electronic means.² This "Notice of Electronic Filing" sent to an attorney satisfies the requirement of notice under **Rule 5 and Rule 77(d) of the Federal Rules of Civil Procedure**.
2. No certificate of service is required when a paper is served by filing it with the court's electronic filing system. However, when a paper that is required to be served is served by other means, such as if the paper is filed, a certificate of service must be included with it or filed within a reasonable time after service. (See December 1, 2018, amendments to

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.

Federal Rule Civil Procedure 5(d)(1)(B)).

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 conventional paper means rather than through the electronic filing system.
Please note that the system does not notice sealed documents!
5. Pro Se filers may receive notice electronically by filling out the appropriate form showing their consent to receive notice in that way.

E. SIGNING DOCUMENTS

1. ATTORNEYS AND PRO SE LITIGANTS ALLOWED TO FILE IN THE SYSTEM.

Attorneys filing a document electronically shall use the following format for their signature in the document: (Pro se litigants may use a similar format without the bar number or firm.)

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 become 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 one 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.

F. 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 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 Criminal 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. No certificate of service is required when a paper is served by filing it with the court's electronic filing system. However, when a paper is served by other means, a certificate of service must be filed with it or filed within a reasonable time after service or filing. (See **December 1, 2018 Amendments to Federal Rules of Criminal Procedure 49(b)(1)**).
6. Filings that are sealed do not notice out the attached PDF document.
Counsel must mail opposing counsel a copy of the document filed.

G. 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 sheet. In such instances, a PDF will not be attached. A text-only docket entry shall constitute the Court order. This entry may or may not be numbered. A “Notice of Electronic Filing” will be sent by the e-filing system to all parties in these instances.

H. 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). Non-electronic filers may pay in cash, money order, or credit/debit cards in the Clerk’s Office.
2. Payments for criminal debt, attorney certificates or miscellaneous fees, such as copy work and certifications, may be paid in the Clerk’s Office. If paying for copy work or certifications, please contact the appropriate intake department either in Lafayette at (337)-593-5000 or in Shreveport at (318) 676-4273 to confirm the correct amount owed prior to submitting payment.

I. 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 50 megabytes. Therefore, PDF files larger than 50 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. PROCEDURES GOVERNING HIGHLY SENSITIVE DOCUMENTS

Wide-spread breaches of both private sector and government computer systems have been disclosed, including an apparent compromise of the confidentiality of the

Judiciary's CM/ECF system. In response to these disclosures, the Judicial Conference has directed all federal courts to issue new security procedures to protect materials that contain highly sensitive information (referred to hereafter as "highly sensitive documents" or HSDs"). If a filing contains a highly sensitive document(s) as defined below, the filing party shall notify the Clerk's Office by contacting one of the employees designated to receive such documents as indicated in General Order 0001-2021. (Please see the Court's website at www.lawd.uscourts.gov, "News & Announcements," Announcement dated 2/11/2021, General Order 001-2021.) Highly sensitive documents are defined as documents containing information that is likely to be used by a hostile foreign government or its intelligence service to harm the interests of the United States of America, or likely to be used to commit foreign or domestic crimes, so that the disclosure of such information would cause significant harm; and any other information which, if disclosed, would pose a risk to national security, a clear and present danger to life and safety, or result in grave or extreme harm. A highly sensitive document is not defined as merely a document containing sensitive information, personal information, personal identifiers, financial or confidential information.

V. **PUBLIC ACCESS TO THE ELECTRONIC FILING SYSTEM.**

A. **PUBLIC ACCESS AT THE COURT.** Electronic access to the docket sheet is available to the public at no charge in the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1914.

B. **INTERNET ACCESS.** Remote electronic access to the Electronic Filing

System 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 viewing case information, such as filed documents and docket sheets in cases.³

- C. **PAPER COPIES AND CERTIFIED COPIES.** Paper copies and certified copies of electronically filed documents may be purchased at the Clerk’s Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

VI. **COURT PROCEDURES**

- A. **CONTINUE TO PRACTICE LAW.** Even though the electronic filing system is now being used to file documents, attorneys should continue to practice like they have always done following all the rules and procedures of the Court including the Uniform Local Rules, Federal Rules, scheduling orders, and Standing and General orders.
- B. **QUALITY CONTROL BY CLERK’S OFFICE.** The Clerk’s office reviews all documents filed electronically verifying that the correct PDF document and that the right event was chosen. The attorney may be contacted if corrections are

³Users will be charged ten cents per page to access electronically filed data with a cap of \$3.00 per document. The access fee does not apply to official recipients of electronic documents such as a party in a case who receives a Notice of Electronic or Notice of Docket Activity, a person who accesses case information at the courthouse, a person or group granted a fee exemption or someone who obtains a court opinion. Official recipients will receive the initial electronic copy of a document free. If usage does not exceed \$30 per quarter, fees will be waived by PACER.

needed to be made.

- C. **HELP DESK.** The Help Desk is available during normal business hours of the Court from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. - 5:00 p.m. The Help Desk may be reached by phone at **1-866-323-1101** or by email at:

CMECF_HelpDesk@lawd.uscourts.gov.

- D. **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 one (1) year after they are filed, after which they are subject to destruction.

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