UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

# Administrative Procedures for
# Electronic Case Filing

ECF Version

**6.1**

Effective
September 7, 2013

# CIVIL CASES

REVISED 6/25/2014

## CHANGES TO ECF ADMINISTRATIVE PROCEDURES:

| | | |
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| 12/22/04 | The U.S. Judicial Conference raised the PACER Internet access fee from seven cents per page to eight cents per page. The 30 page cap on case-related documents and reports (excluding transcripts) will remain in effect; however, the maximum cost will be $2.40. The fee increase is effective on January 1, 2005. | Pg 19 |
| 12/22/04 | Documents, including exhibits and attachments, shall be sequentially paginated in their entirety, with the page numbers appearing in the lower left margin of the document. *Changed from documents over 100 pages to all documents.* | Pgs 7, 11 |
| 2/24/05 | The size of documents that can be filed was increased from 2 megabytes per file to 5 megabytes per file. | Pgs 10, 11 |
| 2/8/06 | Proposed orders that are emailed to the judge's email address can be in Word or WordPerfect format. | Pg 15 |
| 2/8/06 | Changed to *All* documents, including exhibits and attachments, shall be sequentially paginated in their entirety, with the page numbers appearing *at the bottom of each page*. | Pg 7 |
| 7/25/06 | Added procedures for e-filing exhibits. It is preferred that each exhibit is a separate PDF attachment to the main document. Each exhibit shall have a face sheet identifying the exhibit number/letter. Also, the exhibit numbers should be clearly marked on each PDF document. | Pg 10, 11 |
| 11/6/06 | Motions to Seal will be e-filed by attorneys. If the Motion to Seal is granted, the attorney will e-file the sealed document. The docket entry is public even though the sealed document is not. Therefore, the docket will reflect, "Motion to Seal", "Sealed Document", but neither counsel nor the public will be able to view the document electronically. Counsel must be served in paper.<br><br>Ex parte filings will continue to be e-filed. However, the docket entry will now be public and will reflect "Ex Parte Motion", "Ex Parte Document". The party filing the ex parte document will have electronic viewing rights, but opposing counsel and the public will not have electronic access to the document itself.<br><br>When emailing a courtesy copy of proposed orders to the assigned judge, the case name and number must be included in the email subject line.<br><br>Format and section numbers of the ECF Administrative Procedures have also changed. | Pgs 9, 10, 12, 15, 17 |
| 12/1/07 | Revised privacy policy. LR 10.1(j) omitted effective 12/1/07 when new Fed.R.Civ.P. 5.2 takes effect. | Pg 16 |

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| 12/1/07 | Effective 12-1-07, orders and opinions are available over the Internet to non-parties in Social Security Cases. | Pg 18 |
| 1/22/08 | Updated ECF Admin Procedures to reflect upgrade to CM/ECF V3.1.<br><br>Cross-document hyperlinks can be inserted in documents in V3.1. Added citation requirements for cross-document hyperlinks.<br><br>Pro Se Litigants – added new policy and procedures for non-prisoner pro se litigants who wish to e-file. | Cover<br><br>Pg 7<br><br>Pg 17 |
| 2/6/08 | Amended language to provide clarification that a copy of the proposed order must be emailed to the judge who is handling the motion. | Pg 14 |
| 3/24/08 | Effective 3/25/08, the Eastern District of Washington, in accordance with Judicial Conference Policy and Fed.R.Civ.P. 5.2 and Fed.R.Crim.P. 49.1, implements a New Transcript Policy. The Court will go live on ECF V3.2 which was developed to implement the new transcript policy. | Pg 17 |
| 5/1/08 | Any motion to appear pro hac vice must be e-filed by counsel after the complaint or other initiating document is filed to open the case. | Pg 8 |
| 5/1/08 | The administrative record in Social Security cases can be filed on paper or e-filed | Pg 18 |
| 5/19/08 | The Judicial Conference expanded the time within which attorneys must notify the court that they will seek redactions from 5 to 7 calendar days after the transcript is delivered to the court. | Pg 17 |
| 11/12/08 | Amended for clarification. Motions and other documents, (e.g., notices of hearing, memoranda of law), being submitted in response to, in support of, or in opposition to other documents, shall be separately filed. | Pg 7 |
| 1/16/09 | Amended for emphasis. A courtesy copy of proposed orders must be emailed to the judge hearing the motion. This is required, and provides notice to a magistrate or district judge hearing the motion who is not assigned to the case. | Pg 14 |
| 7/24/09 | Maximum size of PDF file increased from 5 megabytes to 10 megabytes. For a higher quality image, scanners should be adjusted to 300 pixels per inch (ppi) or 300 dpi (was previously 200 dots per inch (dpi)). | Pgs 10-11 |
| 8/4/09 | Added instructions for e-filing Notice of Hearing when oral argument is not requested. | Pg 6 |
| 1/29/2010 | Add Judge Peterson's Orders email box | Pg 14 |
| 2/8/2010 | Amended cover to reflect update to Version 4.0 | |

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| 6/16/2010 | Amended reference to the 3-day service rule to make consistent with Federal Rule changes that took effect December 2009. Fed.R.Civ.P. 6(e) no longer exists. | Pg 12 |
| 8/5/2010 | Amended section C.2 re attorney's electronic signature to provide that the same procedure is used by pro se e-filers approved by the Court to file electronically in CM/ECF. | Pg 12 |
| 12/4/2011 | Amended cover to reflect upgrade to CM/ECF V 5.0 | |
| 3/30/2012 | Added Judge Rice's Orders email box<br><br>The U.S. Judicial Conference raised the PACER Internet access fee from eight cents per page to ten cents per page. The fee increase is effective on April 1, 2012. | Pg 14<br><br>Pg 19 |
| 12/5/2012 | Effective 12-5-12, attorneys will have electronic access to sealed documents they file. | Pgs 9, 11 |
| 2/1/2013 | Effective 2-1-13, amendments to LR 7.1. The motion serves as the memorandum and must set forth supporting factual assertions and legal authority. The motion also serves as the notice of hearing. | Pg 6 |
| 7/1/203 | Amended to reflect new attorney case opening policy and procedures effective July 1, 2013. | Pgs 7-8 |
| 9/1/13 | Added Judge Rodgers' Orders email box. Removed Judge Imbrogno's Orders email box. | Pg 14 |
| 9/9/2013 | Amended cover to reflect update to Version 6.0 | Cover |
| 10/21/13 | Amended cover to reflect update to Version 6.1 | Cover |
| 1/27/2014 | Effective 1-27-14, when a Motion to Seal is granted, the Clerk's Office will be directed to file the proposed sealed documents electronically. | Pg 9 |
| 5/15/2014 | Added Judge Bastian's Orders email box. | Pg 14 |
| 6/25/2014 | Added Judge Mendoza's Orders email box. | Pg 14 |

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Forms Attached:

Form A Registration Form
Form B Sample Format - Certificate of Service

# Procedures for Electronic Case Filing

## I. The Electronic Filing System

**A. In General.** Beginning October 12, 2004, the Clerk of Court will maintain an electronic case file for all civil and criminal cases, receive civil and criminal case filings by electronic transmission, and scan and upload paper filings, filed pursuant to these procedures, into the electronic file.

**B. Electronic Filing Required.** Unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge, all documents filed in civil and criminal cases on or after April 5, 2005, shall be filed electronically in a portable document format (PDF) using the Court's Electronic Case Filing System (ECF). Exceptions are covered in Section III.

**C. Logins and Passwords.** The user login and password required to file documents in ECF serve as the attorney's signature on all electronic documents filed with the Court. Please refer to *Signatures*, Section II.C of these Administrative Procedures.

Each attorney admitted to practice in the Eastern District of Washington shall be entitled to one ECF system login and password from the District Court. The login and password permit the attorney to participate in electronic filing. Attorneys shall renew passwords every three years.

1. Authorization to Use Login and Password. No attorney shall knowingly permit or cause to permit his or her login and password to be utilized by anyone other than an authorized employee of his or her office.

2. Responsibility for Documents Filed. Once registered, the attorney shall be responsible for all documents filed with his or her login and password.

3. Registration. Registration for a login and password is governed by Paragraph I.C.

**D. Registration.** Registration with ECF, and receiving a login and password, constitutes consent to electronic service of all documents as provided in Fed.R.Civ.P. 5(b).

1. Registration Form. Each attorney filing electronically must complete and sign an Attorney Registration Form, attached to these procedures as "Form A." The form is also available on the Court's web site at www.waed.uscourts.gov.

The Court will issue logins and passwords to attorneys in good standing who have completed, signed and submitted the Registration Form pursuant to these Administrative Procedures for Electronic Filing.

2. Submission of Forms. All signed original Attorney Registration Forms shall be mailed or delivered to the United States District Court:

Mail Registration Forms to:

United States District Court
Attn: ECF Registration
P.O. Box 1493
Spokane, WA 99210

Or, Registration Forms can be delivered to:

United States District Court

920 West Riverside, Room 840
Spokane, WA 99201; or

825 Jadwin, Suite 174
Richland, WA 99352; or

25 South 3rd Street, 2nd Floor
Yakima, WA 98901

3. Verification of Email Address. To ensure that the Clerk's Office has correctly entered a registering attorney's Internet email address in ECF, the Clerk's Office will send the attorney an Internet email message. Once the address is verified, the Clerk's Office will email the login and password information to the attorney.

4. Pro Hac Vice. An attorney admitted pro hac vice must register for a login and password in accordance with these Administrative Procedures within ten days of his/her Motion to Appear. In the event an attorney appearing pro hac vice has more than one case, the attorney must submit a motion, and pay the application fee, to appear pro hac vice for each individual case pursuant to LR 83.2(c).

5. Email Storage Capacity. It is the responsibility of the filing party to maintain an electronic mailbox sufficient to receive the orders and other papers transmitted electronically to counsel.

6. Attorneys No Longer Practicing in this Court. An attorney no longer practicing in this court shall withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal from ECF. Such notice must be in writing, and mailed or delivered to the United States District Court at the addresses listed in subsection (2) above. Upon receipt, the Clerk's Office will immediately cancel the attorney's login and password and delete the attorney's name from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file paper documents.

7. Changing Password/Security of System. After registering, attorneys may change their passwords. However, if an attorney comes to believe that the security of an existing login and/or password has been compromised and that a threat to the ECF system exists, the attorney must change his or her password immediately. In addition, the attorney shall immediately notify the Clerk's Office, by telephone and with a follow-up letter, of the system compromise and/or threat.

8. Name and Address Changes. An attorney whose name, email address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of change of address and serve a copy of the notice on all other parties, and also update their account in ECF.

**E. Official Record.** The Clerk's Office shall not maintain a paper court file in any case filed after October 12, 2004, except as otherwise provided in these procedures. The official court record shall be the electronic file maintained on the Court's servers. The official record shall include, however, any paper documents or exhibits filed in accordance with these procedures.

**F. System Availability and ECF Help Desk.**

1. Schedule. ECF will be available 24 hours a day, seven days a week. If maintenance or repairs require a period of downtime, advance notice will be provided on the court's web site.

2. ECF Help Desk. The ECF Help Desk is supported between the hours of 8:00 a.m. and 5:00 p.m. Pacific Time. The ECF Help Desk Phone Number is: 1-866-236-5100.

**G. Requests to File Paper Documents.** After April 5, 2005, an attorney may apply to the assigned judge for permission to file paper documents. Even if the assigned judge initially grants an attorney permission to file paper documents, the assigned judge may withdraw that permission at any time during the pendency of a case and require the attorney to file documents electronically using ECF.

**H. Deviation from Procedures.** Any Judge of this Court or the Clerk may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the Court. The Court may also amend these procedures at any time without prior notice.

## II. Electronic Filing and Service of Documents

### A. Filing.

1. Motions and other Documents. All motions, pleadings, applications, briefs, memoranda of law or other documents in a case shall be electronically filed in ECF except as otherwise provided by these administrative procedures.

   a. Emailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules until the system generates a "Notice of Electronic Filing" described in II.B.1 of these procedures or a restricted entry is posted.

   b. Motions and other documents being submitted in response to, in support of, or in opposition to other documents shall be separately filed and clearly labeled with the reference to the motion or response included in the caption.

      The motion serves as the memorandum and must set forth supporting factual assertions and legal authority. The motion also serves as the notice of hearing. Pursuant to LR 7.1(h), any party filing a motion shall insert the date, time, and place (or phone number if by telephone) for the hearing in the motion's caption. If the motion is to be heard without oral argument, the default time for setting the hearing is 6:30 p.m. When e-filing a motion and no oral argument is requested, the filer should select "Without Oral Argument" from the location drop-down box and enter 6:30 p.m. as the hearing time. If the motion is to be heard with oral argument, follow the procedures described in LR 7.1(h).

c. All documents, including any exhibits and attachments to the documents, shall be sequentially paginated in their entirety, with the page numbers appearing at the bottom of each page.

d. Hyperlinks – In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. When cross-document hyperlinks are inserted, the title of the document, the court record number and, if applicable, the page number must be cited. The Judiciary's policy on hyperlinks is that a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document. A hyperlink reference is extraneous to any filed document and is not part of the court's record.

2. Complaints and Other Case Initiating Documents.

a. All complaints and other case initiating documents, e.g., notices of removal, disclosure of corporate interest statements, motions for temporary restraining order or preliminary injunction (if applicable), summonses and civil cover sheets, shall be filed electronically in ECF, except those case types identified in II(A)(2)(b) below.

i. The fee to file a new civil case shall be paid online through ECF (pay.gov) by using a debit/credit card or by ACH payment (like an online check). New cases are not filed until the filing fee has been paid.

b. For new Sealed Civil Cases, Miscellaneous Cases and Petitions for Habeas Corpus pursuant to 28 USC § 2254:

●Case initiating documents are not e-filed in ECF by attorneys;
●Case initiating documents will be accepted, by the Clerk's Office, sent by email, sent by First Class mail, or delivered in person to the Clerk's Office.

i. If using email, the filing party must submit the complaint, cover sheet and any other originating documents in PDF[1] format. Once the complaint and cover sheet has been emailed to the Clerk's Office,

[1]A document created with almost any word processing program can be converted to Portable Document Format (PDF) which can be opened across a broad range of hardware and software, with layout and format intact.

the filing party shall contact the Clerk's Office to provide a credit card number for payment of the filing fee.[2] New cases will not be filed until the filing fee has been paid.

ii. The filing fee must accompany a complaint sent through the United States mail or personally delivered to the Clerk's Office.

c. The email address for submitting complaints by email is: newcases@waed.uscourts.gov

d. Any motion to appear pro hac vice must be e-filed by counsel after the complaint or other initiating document is filed to open the case. The pro hac vice admission fee can be paid using a credit card online when e-filing the motion.

e. Only documents identified in II(A)(2)(b) above and II(A)(3) below may be sent to the email address listed in subsection II(A)(2)(c) above. If an attorney sends other documents to the email address, the Clerk's Office will call the attorney and explain that the document must be electronically filed in ECF.

f. A party may not electronically serve a complaint, but instead must effect service according to Fed.R.Civ.P. 4.

3. Summonses.

a. The Clerk's Office will receive summonses to be issued e-filed pursuant to II(A)(2)(a) above, sent by email, sent by United States mail, or delivered in person to the Clerk's Office.

b. Email summonses may be sent to the "newcases" email address, newcases@waed.uscourts.gov.

c. The party requesting the summons must complete the top portion of the summons form and, if sent by United States mail, also provide a stamped, self-addressed return envelope. Once a summons has been issued, the Clerk's Office will return the summons to the attorney or party.

d. A party may not electronically serve a summons, but instead must perfect service according to the Fed.R.Civ.P. 4.

[2]Information on the use of credit cards to pay fees can be found on the Court's web site at www.waed.uscourts.gov under Court Information.

4. Sealed and Ex Parte Documents. In cases that are not sealed, Motions to seal documents, sealed documents and ex parte documents shall be e-filed using ECF. To ensure sealed documents are filed accurately, please contact the ECF help desk 1-866-236-5100 and utilize detailed instructions that will be emailed to you.

   a. Most sealed documents require leave of the court before being filed. Therefore, a Motion to Seal is e-filed and the proposed sealed documents are e-filed using a special proposed sealed document event. Once the Court rules on the Motion to Seal, the sealed document can be e-filed.

   b. When a sealed document is filed, an NEF is generated. Only counsel for the filing party will be able to view the document PDF. Accordingly, parties may not use the court's electronic notice facilities to serve sealed documents. Service must be in paper.

   c. When an ex parte motion or document is filed, an NEF is generated. Only counsel for the filing party will be able to view the document PDF.

   http://www.waed.uscourts.gov/CMECF.

5. Timely Filing. A document will be deemed timely filed if filed prior to Midnight Pacific Time. However, if the time of day is of the essence, the assigned judge will order that document filed by a time certain.

6. Documents Requiring Leave of the Court. If filing a document requires leave of the Court, such as an amended complaint or an over-length brief, the attorney shall attach the proposed document as a PDF attachment to the motion. *Exception*: do not attach the proposed sealed document as a PDF attachment when e-filing motions to seal (see II.A.4). If the Court grants the motion, the order will direct the Clerk's Office to file the document electronically.

7. Exhibits to Documents.

   Effective April 5, 2005, all documents, including exhibits to documents, shall be filed electronically.

   a. Attorneys shall submit only those excerpts of the referenced exhibits that are directly germane to the matter under consideration. Excerpted material must be clearly and prominently identified as such. Parties who file excerpts do

so without prejudice to their right to timely file additional excerpts of the exhibit. Responding parties may also timely file additional excerpts of the exhibit that they believe are directly germane.

b. Paper exhibits shall be scanned with the document being filed. The PDF file must be separated into segments that are not over ten megabytes each, and it is preferred that each exhibit is a separate PDF attachment to the main document. The filer shall identify each segment by document page numbers (*See* II.A.1.c) and exhibit number. Each exhibit shall have a face sheet identifying the exhibit number. The face sheet is also numbered. The exhibit number should be clearly marked on each PDF document.

*Example*: Document including exhibits is 95 pages.

| | |
|---|---|
| Main document | Motion pg 1-10 |
| 1st attachment | Exhibit 1 pg 11-30 |
| 2nd attachment | Exhibit 2 pg 31-45 |
| 3rd attachment | Exhibit 3 pg 46-95. |

Please note that scanned documents are much larger than PDF files created with a word processor. Consequently, a 5 MB scanned document will have far fewer pages than a 5 MB document created with WordPerfect or Word.

c. Because documents scanned in color or containing a graphic take much longer to upload, filing parties are encouraged to configure their scanners for black and white at 300 dpi rather than color scanning, unless color is an important aspect of the document. The filing party is responsible for the legibility of the scanned image.

d. The filing party is required to verify the readability of scanned documents before filing them electronically with the Court.

e. All paper documents filed shall be two-hole punched and, if over 100 pages including exhibits, submitted as described in (8) below.

f. All paper documents filed shall be served on other parties as if not subject to these procedures.

8. Filing Large Documents. Documents must be paginated as described in II.A.1.c above. A document larger than ten megabytes in size must be filed in separate segments, with each segment less than ten megabytes in size.

For documents, including exhibits, over 100 pages in length, a courtesy paper copy for the judge must be filed with the Clerk. The courtesy copy shall be clearly marked, "Judge's Courtesy Copy of Electronic Filing," and must be three-hole punched and tabbed (if applicable).

**B. Service.**

1. Notice of Electronic Filing. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF generates a "Notice of Electronic Filing" to the filing party, any other party who is a registered user and has requested electronic notice in that case,[3] and the assigned judge if he or she has elected to receive notice. Exception: Restricted entries do not generate an NEF, and service on other counsel must be accomplished in paper.

   a. If the recipient is a registered participant in ECF, the system's emailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid. Exception: Service of sealed documents – see II.B.3 below.

   b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in ECF may be accomplished by email, subject to the additional service requirements of II.B.3 below.

2. Certificate of Service. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as "Form B."

3. Sealed Documents. When a sealed document is filed, an NEF is generated. Only counsel for the filing party will be able to view the document PDF. Accordingly, parties may not use the court's electronic notice facilities to serve sealed documents. Service must

[3]To determine whether another party is a registered user, the filer can select CM/ECF's "Utilities" category, and then click on "Mailing Information for a Case" on the pull-down menu. The filer then enters the case number and the system information will appear, stating whether or not the filer must mail a copy or if CM/ECF will electronically generate one.

be in paper and a certificate of mailing must be attached to the filed document.

4. Paper Copies for Those Not Registered. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to 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.
5. Three-Day Service Rule. The three-day rule of Fed.R.Civ.P. 6(d) applies to service by electronic means. See also: Fed.R.Civ.P. 5(b).

**C. Signatures.** The login and password required to file documents in ECF serve as the attorney's or Court-approved pro se filer's signature on all electronic documents filed with the Court, and for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the local rules of this Court.

1. Non-Attorney Signature. If the original document requires the signature of a non-attorney, the filing party shall scan the original document, then electronically file it in ECF.

   The electronically filed document as it is maintained on the Court's servers shall constitute the official version of that record. It is suggested that the filing party maintain a paper copy of the original document until two years after all time periods for appeals expire.

2. Attorney or Court-Approved Pro Se E-Filer Signature.

   An electronically filed pleading or other document requiring an attorney's or Court-approved pro se e-filer's signature shall be signed in the following manner: "s/ (attorney or Court-approved pro se filer's name)." The correct format for an attorney or Court-approved pro se e-filer signature is as follows:

   s/ Attorney's Name or Court-Approved Pro Se E-Filer Name
   Attorney's Name and Bar Number
   Attorney for the (Plaintiff/Defendant)
   Law Firm Name (if applicable)
   123 South Street
   Spokane, Washington 99201
   Telephone: (509) 123-4567
   Fax: (509) 123-4567
   Email: susan_attorney@law.com

3. Multiple Signatures. The following procedure applies when a stipulation or other document requires two or more signatures:

   a. The filing party or attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain either the physical signatures or authorization for the electronic signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.

   b. The filing party or attorney may then file the document electronically, indicating the signatories, e.g. "s/ Jane Doe" "s/ John Smith," etc. The correct format for a signature is as follows:

      s/ Attorney's Name
      Attorney's Name and Bar Number
      Attorney for the (Plaintiff/Defendant)
      Law Firm Name
      123 South Street
      Spokane, Washington 99201
      Telephone: (509) 123-4567
      Fax: (509) 123-4567
      Email: susan_attorney@law.com

4. Retention of Original Documents (original signatures). It is suggested that documents electronically filed and requiring original signatures other than that of the filing attorney be maintained in paper form by the filing attorney until two years after all time periods for appeals expire. The filing attorney must provide original documents for review upon request of the judge.

**D. Fees Payable to the Clerk.** Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by credit/debit card, check, money order, or cash.

**E. Orders.**

1. Court Orders Electronically Filed. The assigned judge or the Clerk's Office shall electronically file all signed orders. Any order signed electronically 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 by the Clerk's Office.

2. Text-Only Orders. The assigned judge or the Clerk's Office, if appropriate, may enter routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue, and the text-only entry shall constitute the Court's only order on the matter. The ECF system will generate a "Notice of Electronic Filing" in II.B.1 above.

3. Copies for Parties Not Registered in ECF. When mailing paper copies of an electronically filed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing to provide the non-participant with proof of the filing.

4. Proposed Orders.

   a. A proposed order shall be filed with the motion or stipulation as a PDF attachment when submitted electronically (except with regard to sealed documents – See II.A.4), and may not be combined with the motion or stipulation into one document. This will provide service of the proposed order to all registered parties.

   b. Additionally, a courtesy copy of the proposed order must be emailed to the judge hearing the motion. This is required, and provides notice to a magistrate or district judge hearing the motion who is not assigned to the case. The email must include the case name and number in the subject line. The attachment shall be submitted as a Word or WordPerfect file.

   c. The judges' email addresses **for proposed orders only** are as follows:

      BastianOrders@waed.uscourts.gov
      HuttonOrders@waed.uscourts.gov
      MendozaOrders@waed.uscourts.gov
      NielsenOrders@waed.uscourts.gov
      PetersonOrders@waed.uscourts.gov
      QuackenbushOrders@waed.uscourts.gov
      RiceOrders@waed.uscourts.gov
      RodgersOrders@waed.uscourts.gov
      SheaOrders@waed.uscourts.gov
      SukoOrders@waed.uscourts.gov
      VanSickleOrders@waed.uscourts.gov
      WhaleyOrders@waed.uscourts.gov

d. Proposed orders on motions for default shall be submitted as Word or Wordperfect files as identified above and attached to an Internet email sent to the Clerk's Office at the following email address:

WAEDClerk@waed.uscourts.gov

No other documents or pleadings may be sent to the Clerk's Office at this email address.

**F. Title of Docket Entries.** The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court.[4]

**G. Correcting Docket Entries.**

1. Corrections Made by Clerk's Office Staff Only. Once a document is submitted and becomes part of the electronic case file, corrections to the docket can only be made by the Clerk's Office. The ECF 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.

2. Document Incorrectly Filed. A document incorrectly filed in a case may be the result of posting the wrong PDF to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. **The filing party should not attempt to refile the document.**

3. Contact the Clerk's Office with Error. As soon as possible after an error is discovered, the filing party should contact the ECF Help Desk with the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. The filing party will be advised if the document needs to be re-filed.

**H. Technical Failures and Filings.**

1. On the Part of the Court. A party whose filing is untimely as the result of a technical failure of the Court's ECF system site may seek appropriate relief from the Court. The Court shall consider the system subject to a technical failure on a given day if the site is

[4] See "CM/ECF Civil Menu for Attorneys" on the Court's web site at: www.waed.uscourts.gov.

unable to accept filings continuously or intermittently for more than one hour after 10:00 a.m. that day. Known system outages will be posted on the Court's web site, if possible.

2. On the Part of the Filer. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file a paper document.

**I. Privacy Protection for Filings Made with the Court.** Refer to the Federal Privacy Rule, Fed.R.Civ.P. 5.2, effective 12/1/07 posted at www.waed.uscourts.gov under Reference Materials. Unless the court orders otherwise, in a filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, a financial-account number, a party or nonparty making the filing may include only:

1. the last four digits of the social-security number and taxpayer-identification number;
2. the year of the individual's birth;
3. the minor's initials; and
4. the last four digits of the financial-account number.

Parties must remember that any personal information not otherwise protected by sealing or redaction will be made available over the internet. Counsel should notify clients of this fact so that an informed decision may be made on what information is to be included in a document filed with the court.

The clerk is not required to review documents filed with the court for compliance with this rule. The responsibility to redact filings rests with counsel and the parties.

**J. Transcripts.** Transcripts, prepared by court reporters (court staff and contract reporters), will be electronically filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied nor reproduced by the Clerk's Office for a period of 90 days. Registered users who have purchased the transcript during the 90-day period will be provided remote electronic access to the transcript in ECF. The Court Reporter will notify the Clerk's Office when a registered user in a case has purchased the transcript so that access to the transcript can be given to the purchaser through the court's ECF system.

Within 7 business days of the filing of an official court transcript, each party wishing to redact a transcript must inform the court by filing a Notice of Intent to Redact Transcript (sample form on our website).

Each party shall have 21 calendar days from the date the transcript is filed to electronically file a Transcript Redaction Request (sample form on our website) indicating by page and line where personal identifiers appear in the transcript and how they are to be redacted. The responsibility for redacting personal identifiers rests solely with counsel and the parties. Personal data identifiers are Social Security numbers, taxpayer identification numbers, financial account numbers, names of minor children, dates of birth, and in criminal cases, home addresses.
If a Notice of Intent to Redact Transcript is not filed, the Court will assume redaction of personal identifiers is not necessary and the transcript will be available electronically 90 days after the filing of the transcript.

If an attorney files a Notice of Intent to Redact but fails to timely file a Transcript Redaction Request or Motion to Extend Time, no redaction will be made and the original transcript will be publicly available after 90 days.

Individuals who wish to order a transcript or obtain a copy before it is available electronically shall order directly from the court reporter.

## III. Exceptions to Electronic Filing and Access

**A. Sealed Cases.** Documents in sealed cases must be filed in paper. Parties may not use the court's electronic notice facilities to serve sealed documents. Service must be in paper.

**B. Pro Se Litigants.** Unless otherwise authorized by the Court, all documents submitted for filing to the Clerk by parties proceeding pro se must be in paper form.

A non-prisoner who is a party to a civil action and who is not represented by an attorney may file a motion to obtain an Electronic Case Filing (ECF) login and password on a form[5] prescribed by the clerk's office. Only after the court has granted such a motion may a pro se party attempt to register for ECF. If during the course of the action the pro se litigant retains an attorney who appears on their behalf, the clerk's office shall terminate the pro se party's registration in that case upon the attorney's appearance.

**C. Social Security Cases.** Absent a showing of good cause, all documents, notices, and orders in social security cases shall be filed and noticed electronically, except as noted below:

[5]The Motion Form is posted on the public website, under Forms. www.waed.uscourts.gov

1. Complaint. The complaint and other documents typically submitted at the time a social security case is filed initially will be filed electronically and served according to II.A of these procedures.

2. SSA Administrative Record. The Administrative Record in Social Security cases will be filed on paper or e-filed. If the record is filed on paper, it is not scanned nor otherwise placed into the ECF system. The Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office. If the record is e-filed, a CD containing the record shall be submitted to the Clerk's Office with a paper courtesy copy clearly marked "Judge's Courtesy Copy of Electronic Filing" and a copy of the NEF. If the administrative record is e-filed, the PDF record is split into parts so that each part is no larger than 5 MB. The first PDF attached is called the "main document", and each additional part of the PDF is e-filed as an attachment. Each attachment must be named noting the page numbers (e.g., first attachment "Pages 93-163", second attachment "Pages 164-236").

   The entire entry cannot be larger than 20 MB. If the administrative record is larger than 20 MB, the filing party will use a second event to docket the next portion of the record.

3. Briefs and other Documents. All other documents in the case, including briefs, will be filed and served electronically unless the Court otherwise orders.

4. Privacy. To address the privacy issues inherent in a social security review, Internet access to individual documents, except orders and opinions, will be limited to counsel and court staff. Docket sheets, and effective 12-01-07, orders and opinions, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

**D. Administrative Records.** Administrative records shall not be filed electronically, although other documents and pleadings filed in cases with administrative records may be filed electronically. The administrative record will not be scanned by the Clerk's Office. (Refer to C above for procedures pertaining to the Administrative Record in Social Security cases.)

**E. State Court Records.** The record of state court proceedings in habeas corpus cases filed under 28 U.S.C. § 2254 shall not be filed electronically, although the petition, responsive pleading, briefs, motions and orders in such cases will be maintained in ECF.

**F. Magistrate Judge Consents.** Parties must file their consent forms in paper because electronic filing of a Magistrate Judge consent form will create a public document. If all parties consent to the jurisdiction of the Magistrate Judge, the Clerk will scan and file the consent form which will then become a public document.

## IV. Public Access to the Docket Information

**A. Public Access at the Court.** Electronic access to the electronic docket and documents filed in ECF 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 or paper copy is required in accordance with 28 U.S.C. § 1930.

**B. Public Access Through the Internet.** Logins and passwords for remote electronic access to civil and criminal dockets and to documents are provided through Public Access to Court Electronic Records (PACER).

To register for a PACER Account, go to: http://pacer.psc.uscourts.gov.

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.[6]

**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.

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[6]The Administrative Office of the U.S. Courts has advised that non-judiciary CM/ECF users will be charged a fee of ten cents per page, to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. Fees are capped at thirty pages per document.

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 to download as they see fit. However, if they remotely access the document again, they will be charged ten cents per page.

**Form A**

U.S. DISTRICT COURT • EASTERN DISTRICT OF WASHINGTON

**Electronic Case Filing System Attorney Registration Form**

(Please Type)

This form shall be used to register for an account on the Court's Case Management/Electronic Case Filing (CM/ECF) System. Registered attorneys will have privileges to electronically submit documents and to view electronic documents, as available, in the CM/ECF system.
The following information is required for registration:

First/Middle/Last Name:_____
Last Four Digits of Social Security Number: _____
Attorney Bar # and State: _____

Firm Name: _____

Firm Address: _____

_____

Voice Phone Number: _____ FAX Phone Number:_____

Internet Email Address: _____
(Attorney's email for electronic service)

Additional Email Address: _____
(Central Repository, Secretary, etc.)

Does your Email Software support HTML messages? Yes_____ No_____

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□ I already have an ECF login that I use at another Court, which is _____.
Please assign the same login.

***By submitting this registration form, the undersigned agrees to abide by the following:***

1. The CM/ECF System is for filing and reviewing electronic documents and notices.

2. Beginning August, 2004, please contact the Clerk's Office at 509-353-2150 (Spokane), 509-575-5838 (Yakima) and 509-376-7262 (Richland) to schedule training.

3. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. An attorney's password issued by the Court combined with the user's identification (login), serves as and constitutes the attorney's signature. Therefore, an attorney must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, such as resignation

or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney to immediately notify the Court.

4. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in CM/ECF shall constitute the signature of that attorney under Fed.R.Civ.P. 11.

5. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Fed.R.Civ.P. 5(b)(2)(D); (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Fed.R.Civ.P. 5(b)(2)(D), except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in the Court's Administrative Procedures for Electronic Case Filing.

6. A user accesses case information via the Court's Internet site or through Public Access to Court Electronic Records (PACER) Service Center. Although the Court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required in addition to the login and password issued by the Court. To register for PACER, a user must complete the online form or submit a registration form available on the PACER web site through a link on the Court's site or at http://pacer.psc.uscourts.gov.

7. By this registration, the undersigned agrees to abide by the Court's Local Rules and Administrative Procedures for Electronic Case Filing currently in effect and any changes or additions that may be made in the future.

Please return to: U.S. District Court
Attn: CM/ECF Registration
P.O. Box 1493
Spokane, WA 99210

_____ _____
Date Attorney/Participant Signature

**Your login and password will be emailed to you by the Office of the Clerk.** If you prefer to have your login/password mailed, please write the address in the space provided below:

Alternate address: _____
_____

**Form B**

**Sample Format - Certificate of Service**

I hereby certify that on ___(Date)___, I electronically filed the foregoing with the Clerk of the Court using 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 (or Legal Secretary's Name)
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's Email Address