

## **ELECTRONIC CASE FILING PROCEDURES**

Revised 01/19/2021

### **ELECTRONIC CASE FILING PROCEDURES**

#### **(a) Scope of Electronic Filing**

- (1) The court has adopted a Case Management/Electronic Case Filing (CM/ECF) system. The system enables the filing of documents submitted, signed or verified by electronic means that comply with procedures established by the court. Participation is mandatory for attorneys practicing in this court.
- (2) Except as otherwise prescribed by local rule or order, all cases are assigned to the court's electronic filing system.
- (3) Except as otherwise prescribed by local rule or court order, all briefs, appendices, motions, petitions for rehearing, and other documents filed in any case with the court by an Attorney Filing User registered as set forth under Circuit Rules / Electronic Case Filing (ECF) procedures, must be filed electronically using the electronic filing system.
- (4) Paper copies are required for briefs, appendices and petitions for rehearing as provided in Paragraph (i)(2) of these procedures, but not for other pleadings unless specifically requested by the Court.
- (5) Upon the court's request, an Attorney Filing User must promptly provide the Clerk, in a format designated by the court, an identical electronic version of any paper document previously filed in the same case by that Attorney Filing User.

#### **(b) Eligibility, Registration, Passwords**

- (1) Attorneys who intend to practice in this court, including those regularly admitted or admitted pro hac vice to the bar of the court and attorneys authorized to represent the United States without being admitted to the bar of this court, must register as Attorney Filing Users of the court's electronic filing system.
- (2) Registration requirements are defined in the Electronic Case Filing (ECF) User Manual.
- (3) Registration as an Attorney Filing User constitutes consent to electronic service of all documents as provided in these ECF Procedures and the Federal Rules of Appellate Procedure.

(4) Attorney Filing Users agree to protect the security of their passwords and immediately notify the PACER Service Center and the Clerk if they learn that their password has been compromised. Attorney Filing Users may be sanctioned for failure to comply with this provision.

(5) The court may terminate or sanction an Attorney Filing User's electronic filing privileges for abusing the system by an inordinate number of filings, filings of excessive size, or other failures to comply with the electronic filing procedures and standards.

(c) Implications of Electronic Filing

(1) Electronic transmission of a document to the electronic filing system consistent with these procedures, together with the transmission of a Notice of Docket Activity from the court, constitutes filing of the document under the Federal Rules of Appellate Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. App. P. 36 and 45(b).

(2) If the court requires a party to file a motion for leave to file, both the motion and document at issue should be submitted electronically. The underlying document should be tendered as an attachment to the motion and will be filed if the court so directs.

(3) Electronic documents must be in Portable Document Format (PDF). All documents must be generated by printing to PDF from the original word processing file, so that the text of the digital document is searchable. PDF images created by scanning paper documents are not searchable and may be used only for appendix or reference materials not available in PDF format.

(4) When a document has been filed electronically, the official record is the electronic document stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under these procedures, a document filed electronically is deemed filed at the date and time stated on the Notice of Docket Activity from the court. Filing must be completed before midnight, Central Time, to be considered timely filed, unless otherwise ordered by the court.

(d) Service of Documents by Electronic Means

(1) The Notice of Docket Activity that is generated by the court's electronic filing system constitutes service of the filed document on all Attorney Filing Users. Parties who are not Attorney Filing Users must be served with a copy of any document filed electronically in accordance with the Federal Rules of Appellate Procedure and the local

rules. If the document is not available electronically, the filer must use an alternative method of service.

(2) The Notice of Docket Activity generated by the court's electronic filing system does not replace the certificate of service required by Fed. R. App. P. 25.

(e) Entry of Court-Issued Documents

(1) Except as otherwise provided by local rule or court order, all orders, decrees, judgments, and proceedings of the court relating to cases filed and maintained in the CM/ECF system will be filed in accordance with these procedures, which will constitute entry on the docket kept by the Clerk under Fed. R. App. P. 36 and 45(b).

(2) Any order or other court-issued document filed electronically without the original signature of a judge or authorized court personnel has the same force and effect as if a judge or the Clerk had signed a paper copy of the order.

(3) Orders also may be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

(f) Attachments and Exhibits to Motions and Original Proceedings

(1) Attorney Filing Users must submit all documents referenced as exhibits or attachments in electronic form within any file size limits the Clerk may prescribe, as well as any paper copies the Clerk specifies. See ECF User Manual for specifics.

(2) An Attorney Filing User must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such.

(3) The court may require parties to file additional excerpts or the complete document.

(g) Sealed Documents

(1) A motion to file documents under seal must be filed electronically unless prohibited by law, local rule, or court order.

(2) Proposed sealed materials must be filed electronically by following the directions provided with the electronic filing system. Failure to follow these directions will result in public disclosure of sensitive material. Attorney Filing Users are responsible for ensuring that sealed materials are filed appropriately.

(3) If the court grants the motion, the order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law.

(4) Documents ordered placed under seal may be filed traditionally in paper or electronically, as authorized by the court. If filed traditionally, a paper copy of the authorizing order must be attached to the documents under seal and delivered to the Clerk.

(h) Highly Sensitive Documents [amended 01/19/2021]

(1) District Court Designated Highly Sensitive Documents (HSD).

(a) District court-designated HSDs will be accorded the same treatment in the court of appeals and do not require a motion in this Court. The district court Clerk's Office must identify any HSD and transmit it to the court of appeals in paper form in a secure envelope via hand delivery or a trackable delivery service. The envelope must clearly indicate on the front that it contains HSD material.

(b) The HSD will be maintained in this Court in a secure location.

(c) The docket clerk shall upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry.

(2) HSD material filed by attorneys and parties in the Seventh Circuit in the first instance.

(a) Active/pending cases: An attorney or party seeking to designate an HSD in the Seventh Circuit in the first instance (i.e., a document that has not been deemed an HSD by the district court) must do so by motion. Prior to submitting any motion, the party must first submit a notice of intent to file HSD material using the CM/ECF system. The corresponding entry on CM/ECF will be text only and will direct the party to follow the website's "Electronic Case Filing" procedures for filing the motion, which must be in paper format. When filing the motion, the caption shall clearly indicate that the motion pertains to an HSD, and the proposed HSD material must be appended to the motion. If the proposed HSD material is voluminous, the party may call the Clerk's Office for instructions on how to append the material to the motion. An original and three

paper copies must be filed in a secure envelope via hand delivery to the Clerk's Office or via a trackable delivery service. This motion shall not be filed electronically on CM/ECF. The motion, with the proposed HSD material attached, must be served on opposing parties in paper form and transmitted via hand delivery or a trackable delivery service, and must include a certificate of service. All envelopes should clearly indicate on the front that they contain HSD material. If the motion is granted, the docket clerk shall upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry. The HSD material will be kept in a secure location. If the motion is denied, the attorney or party shall then refile the motion and accompanying proposed HSD material via CM/ECF following regular filing procedures. The docket clerk will enter the denial order accordingly.

(b) Inactive/closed cases: An attorney or party seeking to redesignate a previously filed sealed document as an HSD must do so by motion. This motion shall be filed and served pursuant to standard electronic filing procedures. It should identify the proposed HSD material by Seventh Circuit docket number with no other identifying information, and the attorney or party should not attach a copy of the proposed HSD material to the motion. If the motion is granted, the docket clerk shall remove the document from the CM/ECF system and upload a placeholder notice with a generic description of the item (e.g., motion, order, transcript) onto CM/ECF and provide contact information for those who may have questions about the entry. The Court's order will then specify whether and how paper copies of the HSD material should be transmitted to the Court. The envelope should clearly indicate on the front that it contains HSD material. Any hard copy HSD materials will be kept in a secure location.

(3) Court-Designated HSD order or opinion.

(a) If the assigned panel designates an opinion or order as an HSD, chambers should consult with the IT department regarding protective measures to be used during the drafting process. The opinion or order shall be printed on a secure, non-network printer, and provided in hard copy form to the Clerk's Office in a secure envelope.

(b) The docket clerk shall make the appropriate corresponding entry onto CM/ECF and upload a placeholder notice to identify the item generically (e.g., opinion, order) and provide the reason for its non-inclusion and contact information for those who may have questions about the entry.

(c) The Court will serve HSD opinions or orders on the parties via trackable delivery service and will retain any hard copies in a secure location.

(i) Briefs, Appendices and Petitions for Rehearing

(1) A brief, appendix and petition for rehearing (and any answer filed thereto) will be considered timely once it is submitted to the court's electronic filing system. It will be considered filed on the court's docket only after a review for compliance with applicable rules, acceptance by the Clerk, and issuance of a Notice of Docket Activity.

(2) Filers are also required to submit the necessary number of duplicate paper copies of briefs, appendices and petitions for rehearing, in accordance with Fed. R. App. P. 30(a)(3) and Circuit Rules 31(b) and 40(b). Duplicate paper copies must be received by the Clerk within seven days of the Notice of Docket Activity generated upon acceptance of the electronic brief or appendices. Duplicate paper copies of petitions for rehearing must be submitted within three days of the Notice of Docket Activity. [amended 05/24/2011]

(j) Signatures

(1) The user log-in and password required to submit documents to the electronic filing system serve as the Attorney Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of the Federal Rules of Appellate Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before this court.

(2) The name of the Attorney Filing User under whose log-in and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear.

(3) No Attorney Filing User or other person may knowingly permit or cause to permit an Attorney Filing User's log-in and password to be used by anyone other than an authorized agent of the Attorney Filing User.

(4) Documents requiring signatures of more than one party must be electronically filed either by:

- (a) submitting a scanned document containing all necessary signatures;
- (b) representing the consent of the other parties on the document;

(c) identifying on the document the parties whose signatures are required and submitting a notice of endorsement by the other parties no later than three business days after filing; or

(d) in any other manner approved by the court.

(5) Electronically represented signatures of all parties and Attorney Filing Users as described above are presumed to be valid signatures. If any party, counsel of record, or Attorney Filing User objects to the representation of his or her signature on an electronic document as described above, he or she must, within 14 days, file a notice setting forth the basis of the objection.

(k) Notice of Court Orders and Judgments

(1) Immediately upon the entry of an order or judgment in a case assigned to the electronic filing system, the Clerk will electronically transmit a Notice of Docket Activity to Attorney Filing Users in the case.

(2) Electronic transmission of the Notice of Docket Activity constitutes the notice and service of the opinion or order required by Fed. R. App. P. 36(b) and 45(c).

(3) The Clerk must give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Appellate Procedure.

(l) Technical Failures

An Attorney Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the court by filing a motion.

(m) Public Access

(1) Parties must refrain from including, or must partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

(a) *Social Security numbers.* If an individual's Social Security number must be included, only the last four digits of that number should be used.

(b) *Names of minor children.* If the involvement of a minor child must be mentioned, only the initials of that child should be used.

- (c) *Dates of birth.* If an individual's date of birth must be included, only the year should be used.
- (d) *Financial account numbers.* If financial account numbers are relevant, only the last four digits of these numbers should be used.
- (e) *Home addresses.* In criminal cases, if a home address must be included, only the city and state should be listed.

(2) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may:

- (a) File an un-redacted version of the document under seal, or
- (b) File a reference list under seal.
  - (i) The reference list must contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing.
  - (ii) All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier.
  - (iii) The reference list must be filed under seal, and may be amended as of right.

(3) The un-redacted version of the document or the reference list must be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(4) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

(n) Hyperlinks

- (1) Electronically filed documents may contain the following types of hyperlinks:
  - (a) Hyperlinks to other portions of the same document; and
  - (b) Hyperlinks to a location on the Internet that contains a source document for a citation.



(2) Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. A hyperlink, or any site to which it refers, will not be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

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