

CM/ECF Civil and Criminal Administrative Procedures Manual

*Electronic Means for Filing, Signing,
and Verification of Documents*

Version 1.0
April 1, 2004

United States District Court
Northern District of Texas
Office of the Clerk

TABLE OF CONTENTS

I.	REGISTRATION FOR THE ELECTRONIC FILING SYSTEM	
A.	In General	1
B.	Passwords	1
C.	Registration Requirements	1
II.	ELECTRONIC FILING AND SERVICE OF DOCUMENTS	
A.	Filing	3
B.	Service	4
C.	Signatures	4
D.	Fees Payable to the Clerk	6
E.	Orders	6
F.	Proposed Orders	6
G.	Title of Docket Entries	6
H.	Correcting Docket Entries	7
I.	Technical Failures	8
J.	Privacy	8
III.	CONVENTIONAL FILINGS OF DOCUMENTS	
A.	Initial Papers and Charging Documents	9
B.	Documents to be Filed Under Seal	9
C.	Pro Se Filers	9
D.	Social Security Transcripts; State Court Records	9
E.	Exhibits	10
F.	Limit on Electronic Document Size	10
G.	Documents Issued by the Clerk	10
IV.	PUBLIC ACCESS TO THE SYSTEM DOCKET	
A.	Internet Access Without a Password	11
B.	Electronic Public Access at the Court	11
C.	Conventional Copies and Certified Copies	11
V.	CHANGES TO THESE ADMINISTRATIVE RULES	12
VI.	Help Line	12
FORMS		
	Form A - Attorney / User Registration Form	13
	Form B - Certificate of Service	15
	Form C - Notice of Manual Filing	16

ADMINISTRATIVE PROCEDURES

I. THE ELECTRONIC FILING SYSTEM (“System”)

A. In General

All documents submitted for filing in this district in a civil or criminal case designated for electronic case filing, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“System”), except as otherwise expressly provided in these Administrative Procedures. Use of the System is governed by the applicable federal rules, local rules, and Miscellaneous Order No. 61. All case information will be available electronically at <https://ecf.txnd.uscourts.gov>.

B. Passwords

An attorney admitted to practice and currently in good standing in the Northern District of Texas, including an attorney admitted pro hac vice, may register and receive a login and password to electronically file documents in the System. Use of the password permits the attorney to participate in the electronic filing of pleadings and other documents and will allow one free look at any electronic image of a document in which the attorney receives a Notice of Electronic Filing.

1. The attorney shall be responsible for all documents filed with this court using the attorney’s password in the same fashion as the attorney is responsible for all paper documents filed with this court under the attorney’s signature.
2. The process for receipt of a password is governed by the registration requirements of paragraph I.C.

C. Registration Requirements

1. In order to file documents electronically, an attorney must complete and sign a user registration form. This form is attached to these procedures as Form A. This form is also available at the website for the district court clerk at www.txnd.uscourts.gov.

Note: *The user registration form includes a consent by the attorney for the clerk of court to serve notice of entries of judgments and orders to the attorney by electronic transmission in any case in which this capability exists and the undersigned appears as attorney of record, whether or not the case has been designated for electronic case filing.*

Note: *The user registration form serves as consent by the registered user to accept the e-mailing of a Notice of Electronic Filing as service of the pleading or other document by the filing party.*

2. The completed registration form must be mailed or delivered to the clerk's office, directed to:

Clerk, U.S. District Court
1100 Commerce Room 1452
Dallas TX 75242-1003
ATTN: Attorney Admissions
3. Upon receipt of a completed registration form, the clerk's office will verify that the attorney is admitted to practice and currently in good standing in the U.S. District Court for the Northern District of Texas. Upon verification, the clerk's office will issue a password to the attorney, and the attorney will become a registered user of the System.
4. Upon issuance of a password, the clerk's office will verify that it has correctly entered the attorney's primary e-mail address into the System by sending the attorney an e-mail message using the Internet.
5. The password issued to the attorney will either be mailed to the attorney by regular, first-class mail at the address specified on the registration form; or the attorney may arrange to pick up the password at the clerk's office by contacting the Attorney Admissions clerk at 214-753-2190.
6. After initial assignment of a password, an attorney is encouraged to change the attorney's password.
7. If an attorney believes that the security of the attorney's password has been compromised, the attorney should change the attorney's password immediately. To be safe, the attorney should also notify the Quality Assurance Manager (214-753-2161) and / or the Systems Manager (214-753-2223) for the clerk's office by telephone, and then confirm by facsimile (214-753-2266) that the prior password has been compromised and should be disabled.
8. Once registered, an attorney may withdraw from participation in the System by providing the clerk's office with a notice of withdrawal. The notice must be mailed or delivered to the headquarter's office of the clerk in Dallas, Texas and addressed to:

Clerk, U.S. District Court
1100 Commerce Room 1452
Dallas TX 75242-1003
ATTN: Attorney Admissions

Upon receipt, the clerk's office will cancel the attorney's password and remove the attorney's e-mail address from the System, thereby disabling electronic service to the attorney.

Because a withdrawal also affects the manner by which service is to be provided by other parties to the withdrawing attorney, a copy of the notice of withdrawal from participation in the System must also be served by the withdrawing attorney on each party in every case before this court in which the withdrawing attorney is an attorney of record.

9. If a registered user's e-mail address changes, the attorney must inform the clerk's office in writing.

Note: *The requirement in local rule 83.13 to timely file a notice of a change of address with the clerk's office continues in full force and effect.*

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. Filing

Except as expressly provided in III., below, all documents in a case designated for electronic filing shall be electronically filed on the System.

1. A document will be deemed timely filed on any day if filed prior to midnight central time on that day. However, if the time of day is of the essence, the presiding judge may order that a document be filed by a time certain.
2. If a document an attorney wishes to file requires leave of court, such as an amended complaint or a document to be filed out of time, the attorney shall attach the proposed document as an exhibit to the motion, according to the procedures in III.E. If the court grants the motion, the document must then be electronically filed by the attorney.
3. The official record for any document filed electronically shall be the electronic file maintained on the System. The court will not maintain a paper copy of any electronically filed document, except as otherwise expressly provided in these Administrative Procedures. The official record shall also include any paper

document or exhibit filed conventionally in accordance with these procedures.

4. E-mailing a document to the clerk's office or to the presiding judge shall not constitute "filing" of the document. A document is filed only by electronically filing the document using the System.
5. The presiding judge may require an ECF user to provide the judge with a courtesy paper copy of any document filed in a particular case.

B. Service

1. Whenever a document or other paper is filed electronically according to these procedures, including a document brought to the clerk's office, scanned, and then electronically filed, the System will generate a "Notice of Electronic Filing." This Notice will be e-mailed by the System to each attorney entitled to notice who is a registered user of the System. By becoming a registered user, an attorney agrees that the e-mailing of the "Notice of Electronic Filing" by the System constitutes service of the filed document on that attorney.
2. A certificate of service on all parties entitled to service or notice is required even though a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party. Sample language for a certificate of service is attached to these procedures as Form B.
3. A paper copy of any electronically filed pleading or other document must be served on:
 - a. any party proceeding pro se;
 - b. any party whose attorney is not a registered user of the System.

C. Signatures

1. Non-Attorney Signature. A document that is required to bear the original signature of a party or any other person other than the attorney for a party, or that requires either verification or an unsworn declaration under any rule or statute, shall be filed electronically by:
 - a. submitting a scanned copy of the document containing each necessary signature;

- b. representing the consent of the other party(ies) on the document; or
- c. in any other manner permitted or required by the court.

A non-filing signatory or party who disputes the authenticity of a non-attorney signature on an electronically filed document must file an objection to the signature upon receiving the "Notice of Electronic Filing."

The originally executed copy of the document must be maintained by the filing party for at least five (5) years after final resolution of the action, including final disposition of all appeals.

2. Criminal Defendant Signatures

Any document containing the signature of a defendant in a criminal case must be filed in paper form, retained by the clerk, and served conventionally.

3. Attorney Signature

A pleading or other document requiring an attorney's signature shall be signed: "s/ (attorney name)," whether filed electronically, scanned and docketed by the attorney at the clerk's office, or submitted on computer disk to the clerk's office. Alternatively, the attorney may submit a graphical representation of the attorney's signature in the space where the signature would otherwise appear.

The preferred format for a signature block is as follows:

s/ John Doe
Bar Number: 12345
Law Office of John Doe
123 Main Street
Dallas, TX 75201
Telephone: (214) 123-4567
Fax: (214) 123-4567
E-mail: john_doe@lawfirm.com
Attorney for (Plaintiff/Defendant)

A document that is required to bear the signature of an attorney other than the filing attorney, such as a joint or consent motion, shall be filed electronically by:

- a. submitting a scanned copy of the document containing each necessary signature;

- b. representing the consent of the other party(ies) on the document; or
- c. in any other manner permitted or required by the court.

Any attorney challenging the authenticity of their own or another attorney's signature on an electronically filed document must promptly file an objection to the filing of the document.

D. Fees Payable to the Clerk

Any fee required for filing a pleading or other paper with the court must be made payable to the "Clerk, U.S. District Court." Acceptable forms of payment include checks, money orders and cashier checks, as well as cash. The Dallas division also accepts major credit cards for most payments.

E. Orders

The presiding judge, or the clerk's office pursuant to the direction of the presiding judge, may electronically file any order. 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 conventionally.

F. Proposed Orders

If a proposed order is required to be submitted to the court, the proposed order should not be electronically filed as a separate document, nor as a part of a motion or other document filed with the proposed order. The following rules govern the submission of a proposed order:

1. The motion or other document filed with the proposed order must be electronically filed prior to submitting the proposed order to the presiding judge.
2. An electronic copy of any proposed order must be e-mailed to the presiding judge using the Proposed Order docket event within CM/ECF. The proposed order must be submitted in a format compatible with WordPerfect, version 9.0 or higher, and not in pdf format. This is a "Save As" option in most word processing software.

G. Title of Docket Entries

The person electronically filing a pleading or other document will be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.

H. Correcting Docket Entries

Once a document is electronically filed by a registered user and becomes part of the official record, corrections to the docket may be made only 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 completed. The clerk's office may correct a docketing error made by a registered user, but may not alter the document that has been filed or determine the sufficiency of the document filed.

1. A document may be incorrectly filed or docketed in a case in any number of ways. The most common errors include attaching an incorrect pdf file to the docket entry, failing to attach any pdf file to the docket entry, selecting the wrong document type from the docket menu, or entering the wrong case number when docketing. Whenever possible, these errors should be caught by the filer prior to finalizing the transaction in the System.

NOTE: *If the error is not caught prior to finalizing the transaction in the System, the filing party should not attempt to refile the document absent specific instruction from the clerk's office or the court.*

2. As soon as possible after an error is discovered, the filing party should contact the clerk's office with the case number and document number for which the correction is being requested.
3. If the error is a docketing error, such as selecting the wrong document type from the menu, the clerk's office will correct the error and make an entry explaining any corrective action taken.
4. If the error is substantive, such as failure to attach a pdf file to the docket entry, attaching the wrong document with the docket entry, or attaching the right document but filing it in the wrong case, the filing party must file a motion to unfile the document, or take other appropriate action to correct the error.
5. On occasion, an error may involve the inadvertent disclosure of confidential information, including the electronic filing of a sealed document, or the electronic filing of a document in a sealed case.

Note: *See III. B. for information on filing documents under seal*

- a. Upon request of the filing party (this request may be in the form of a letter, fax or e-mail from the filing party after contacting the ECF Help Desk) the clerk's office will temporarily seal the document so that it is not remotely accessible using the electronic public record.

- b. A motion to unfile the document or otherwise correct the error must be filed within one (1) business day after the request in writing of the filing party has been received by the clerk's office. If such a motion has not been filed within one (1) business day, the document will be made remotely accessible using the electronic public record.
6. If a motion to unfile a document or to otherwise correct an error is filed, the clerk's office will maintain the remote inaccessibility of the document until the presiding judge renders a decision on the motion and will then follow the order of the presiding judge with respect to the motion.

I. Technical Failures

Due to the possibility of a technical failure of the System or the equipment of the registered user, a registered user is cautioned not to attempt to electronically file a document on a due date after the clerk's office has closed for that day. The clerk's office shall deem the System to be subject to technical failure on any given day if the System is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. on that day. Known System outages will be posted on the website for the district court clerk at www.txnd.uscourts.gov.

1. Technical failures on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, do not constitute a technical failure of the System, nor do they excuse an untimely filing. A filer who cannot file a document electronically because of a technical failure on the filer's end must find another way to file the document, including bringing a document to the clerk's office for scanning and electronic filing in the System.
2. A filing party whose filing is made untimely as the result of a technical failure of the System may seek appropriate relief from the court in accordance with Miscellaneous Order Number 61.

J. Privacy

Users should review the "Court Policy on Availability of Private and Sensitive Case Information on the Internet" for the Northern District of Texas (the "privacy notice"), and Miscellaneous Order Number 61, Rule 12. Both the privacy notice and Miscellaneous Order Number 61 may be found at the website of the district court clerk at www.txnd.uscourts.gov. The privacy notice may be found under Filing Info, Filing Procedures, and then under the heading: Sensitive or Confidential Information.

Miscellaneous Order Number 61 may be found under Rules, Misc. & Special Rules.

III. CONVENTIONAL FILING OF DOCUMENTS

The documents identified in this section shall be filed conventionally and not electronically unless electronic filing of a document is specifically directed by the court.

A. Initial Papers and Charging Documents

The filing of the initial papers in a civil case, including the complaint or notice of removal, documents required to be filed with the complaint or notice of removal, and the issuance and service of summons, will be accomplished in the conventional manner on paper rather than electronically.

In a criminal case, the charging documents, including the complaint, information, indictment, and any superseding indictment, and any documents required to be filed with the charging instrument, shall be filed in the conventional manner on paper rather than electronically.

B. Documents to be Filed Under Seal

Although a motion to file a document under seal may be filed electronically, the actual document to be filed under seal must be submitted in paper form. Any document for a case filed under seal shall be filed in paper form unless or until the presiding judge orders the case unsealed. The order authorizing the filing of a document under seal may be filed electronically.

C. Pro Se Filers

A party proceeding pro se shall not file any document electronically. Pro se filers shall file paper originals and copies of all complaints, pleadings, motions, affidavits, briefs, and other documents which must be signed or that require either verification or an unsworn declaration under any rule or statute. The clerk's office will scan each of these original documents into an electronic file and attach them to the System, but will also maintain the original of the filed document in a paper file.

D. Social Security Transcripts; State Court Records

Social security transcripts, and state court records in habeas cases, must be conventionally filed and served since scanning that set of documents and retrieving them electronically is impractical at this time. Because these documents will not be scanned or otherwise placed into the System,

the clerk's office will docket a text-only event stating that the transcript or state court record is available in paper form in the clerk's office.

E. Exhibits

LR 5.2. provides that a motion that relates to a discovery proceeding must only contain the portions of the discovery materials in dispute. Whenever possible a registered user should scan the relevant portions of a document and electronically file the scanned portions of the document as an exhibit. However, if the scanned image of an exhibit would still exceed the size limit imposed by III.F, or the exhibit is a physical object that cannot be scanned, then the exhibit may be filed conventionally. If a registered user files an exhibit conventionally, the registered user must electronically file a Notice of Manual Filing for the exhibit in question. Sample language for a Notice of Manual Filing is attached to these procedures as Form C. Conventional service of the document must be made on all other parties to the case.

NOTE: *Volumes of exhibits or attachments to any documents, whether filed electronically or conventionally, must contain a cover page on each volume which bears the court caption and style, the case number, and the title of the document to which it relates.*

F. Limit on Electronic Document Size

Electronic document size for any one document is limited to a maximum of two megabytes. A document that exceeds this file size limitation may be submitted in paper form to the clerk's office. All paper documents submitted to the clerk's office must comply with the conventional filing requirements of the local rules of this court, including conventional service of the document on all other parties to the case.

NOTE: *An electronic version of an exhibit to be filed with the court that would otherwise be larger than two megabytes may still be filed electronically. This may be done by separating portions of the exhibit into multiple documents no one of which exceeds the size limit. Multiple documents may be attached to a single docket entry.*

NOTE: *A file created by conversion directly from a word processing file to pdf format is significantly smaller in size than a file created by conversion of a scanned image of the same document.*

G. Documents Issued by the Clerk

If a party wishes to present a bill of cost, entry of default, clerk's judgment of default or other document to be issued by the clerk, requiring the review and signature of the clerk, the document should not be electronically filed.

The document must be filed conventionally in paper form at the clerk's office.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. Internet Access without a Password

1. Civil cases:

Public remote 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 docket sheets and filed documents. Any person or organization with a PACER login and password may access the System at the website of the district court clerk at <https://ecf.txnd.uscourts.gov>. Access to the System through the website will allow retrieval of the docket sheet and electronically filed documents. Except for a registered user of the System, access to the System will be on a "read only" basis.

2. Criminal Cases

Until further direction from the Judicial Conference of the United States, no one but an attorney of record may remotely view electronic images of documents in a criminal case. Public remote access in a criminal case is limited to the query feature and viewing of the docket sheet.

B. Electronic Public Access at the Court

The public will have electronic access to images of civil and criminal documents filed in the System and to civil and criminal docket sheets filed in the system in the clerk's office, for viewing and printing during regular business hours, Monday through Friday. The per page copy fee for printing a copy of a document accessed electronically at a public terminal in the clerk's office will be at the rate established by the Judicial Conference pursuant to the authority granted in 28 U.S.C. § 1914.

C. Conventional Copies and Certified Copies

Conventional copies and certified copies of the electronically or conventionally filed documents may be purchased at the clerk's office, during regular business hours Monday through Friday. The per page copy fee for a clerk's office employee to make a copy of a document, and the certification fee for a clerk's office employee to certify a document, will be at the rate established by the Judicial Conference pursuant to the authority granted in 28 U.S.C. § 1914.

V. CHANGES TO THESE ADMINISTRATIVE RULES

The presiding judge may change these procedures at any time in a specific case, without prior notice, if deemed appropriate in the exercise of the judge's discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the judge. The clerk's office may also amend these procedures at any time without prior notice.

VI. HELP LINE

If assistance is needed relative to this Administrative Procedures Manual please contact your local clerk's office, or contact the ECF Help Desk at 1-866-243-2866, or 214-753-2633.

United States District Court
Northern District of Texas

Case Management / Electronic Case Files
Attorney / User Registration Form

This form is used to register for an account in the U.S. District Court's Case Management / Electronic Case Files system (the "System"). Registered attorneys will have the privilege to electronically submit documents and to receive electronic notice of documents filed in the System. The following information is required for registration:

First/Middle/Last Name: _____

Last four digits of Social Security Number: _____

Attorney Bar No: _____ State admitted to practice: _____

Firm Name: _____

Firm Address: _____

Phone Number: _____

FAX Number: _____

Primary Internet E-Mail Address: _____

The following additional E-Mail addresses should receive courtesy copies by electronic transmission (no more than three):

Courtesy E-Mail Addresses: _____

By registering as a user, the undersigned agrees to abide by the following rules:

1. This electronic filing system is for use only in cases designated by the presiding judge or the court of the U.S. District Court for the Northern District of Texas. It may be used to file and view electronic documents, docket sheets, and notices.
2. At this time, the minimum requirements for filing, viewing, and retrieving case documents are: (a) a 486 personal computer running a standard platform such as Windows 95 or higher, or a Macintosh computer; (b) an Internet service provider using Point to Point Protocol (PPP); (c) Netscape version 4.5, or higher, or Internet Explorer version 6.0, or higher; and (d) Adobe Acrobat Writer version

3.0, or higher, or Adobe Acrobat 4.0, or higher, (used to convert documents to a portable document format (PDF)), or a word processing program capable of creating documents in portable document format.

3. Pursuant to Federal Rule of Civil Procedure 11:

“Every pleading, written motion, and other paper (except lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record in the attorney’s individual name, or, if the party is not represented by an attorney, all papers shall be signed by the party.”

When using the electronic case filing system, the password issued to an attorney by the court, combined with the user’s login identification, 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, it is the duty and responsibility of the attorney to immediately notify the district court clerk’s office. The attorney should change the compromised password immediately.

4. This registration as a user constitutes consent to the Clerk of Court to transmit notice of entries of judgments and orders to the undersigned attorney under Fed.R.Civ.P. 77, Fed.R.Crim.P. 49, LR 77.1 and LCrR 49.4 by electronic transmission in any case in which this capability exists and the undersigned appears as attorney of record. By becoming a registered user, an attorney agrees that the e-mailing of the "Notice of Electronic Filing" by the System constitutes service of the filed document on that attorney in accordance with Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure.

5. The undersigned attorney agrees to abide by the most current local rules, Miscellaneous Orders, and Administrative Procedures Manual for Electronic Case Filing, along with all technical and procedural requirements set forth in these rules, orders and manuals.

Please return to: Clerk, U.S. District Court
1100 Commerce Room 1452
Dallas TX 75242-1003
ATTN: Attorney Admissions

Applicant Signature

Last Name followed by Last 4 Digits of SS#

Subscribed and sworn to before me this _____ day of _____,
20__.

Notary
My Commission expires _____

Form B

S A M P L E F O R M A T

Certificate of Service

I hereby certify that on ____ (Date) ____ I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means: _____
_____.

I hereby certify that I have served the foregoing document by mailing a copy to the following individuals: _____.

s/ _____

SAMPLE FORMAT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DIVISION

Plaintiff(s),
vs.
Defendant(s).
Case No.

NOTICE OF MANUAL FILING

Exhibit, which is an attachment to
is not able to be converted to a file in pdf format. It has therefore
been filed with the clerk of court in the conventional manner on paper rather than
electronically.

Attorney for (Plaintiff or Defendant)
Address:

Date: