

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

**ADMINISTRATIVE PROCEDURES
FOR FILING
ELECTRONIC DOCUMENTS**

FOR CIVIL AND CRIMINAL CASES

REVISIONS TO ADMINISTRATIVE PROCEDURES AS OF NOVEMBER 2019

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING, AND VERIFYING PLEADINGS
AND PAPERS BY ELECTRONIC MEANS
IN CIVIL AND CRIMINAL CASES**

I. THE ELECTRONIC FILING SYSTEM - GENERAL REQUIREMENTS

A. FILING REQUIREMENTS. The Court began accepting filings electronically through the Case Management/Electronic Case Filing system (CM/ECF) on August 1, 2005. Effective March 1, 2007, all documents¹ submitted for filing in this Court in all civil and criminal cases, except those documents specifically exempted in Subsection A(3) of these procedures, must be filed electronically in the court’s CM/ECF system. Unless otherwise authorized by a judge of this Court or by these procedures, documents to be filed in the System may be submitted in the following ways:

1. **IN ELECTRONIC FORM.** A PDF² (“Portable Document Format”) document may be uploaded to the System³ by a registered attorney.
2. **PRO SE FILERS.** Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute, unless otherwise authorized by the court. The Clerk’s Office will scan these original documents into an electronic file in the System.
3. **DOCUMENTS REQUIRED TO BE FILED IN PAPER.** The following documents shall be filed in paper, referred to as “conventionally,” and not filed electronically unless specifically authorized by the Court:
 - a. Documents filed by pro se litigants shall be filed conventionally, unless otherwise authorized by the Court.
 - b. All charging documents in criminal cases such as indictments, superseding indictments, criminal complaints, and bills of information shall be filed conventionally.

¹ Documents include complaints, petitions, pleadings, motions, memoranda, briefs, exhibits, etc.

² A document created with almost any word-processing program can be converted to PDF. The PDF program, in effect, takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software with the layout, format, links, and images intact. For more information on PDF, visit the websites of pdf vendors such as www.adobe.com/products/acrobat/ or www.fineprint.com/, or www.primopdf.com

³ Electronic filing means uploading a document directly from the registered user’s computer and filing that document with the Court by using the Court’s Internet-based System.

- c. Original Bench Books shall be filed conventionally, unless otherwise ordered by the Court. Parties who are ordered to file Bench Books are to only file the list of exhibits electronically. The original Bench Book shall be promptly delivered to the clerk's office.
- d. Sealed documents in sealed cases must be filed in paper since electronic access to sealed cases is unavailable.

B. GENERAL FILING INFORMATION

1. **Filing.** Documents filed electronically must be filed by the party's attorney or an authorized employee of the attorney's office. Documents filed by anyone else on behalf of a party may be stricken from the record.
2. **Format.** Any Judge of this Court may order that any document presented to this Court be maintained in either paper or electronic form, regardless of any other provision of these Administrative Procedures.
3. **File Date.** Electronically filed documents will be deemed to be filed as of the date and time stated on the Notice of Electronic Filing issued by the System. Filing must be completed prior to midnight, central time, to be considered timely filed. If the time of day is of the essence, the assigned Judge will order that document filed by a time certain. Although parties may file documents electronically 24 hours a day, filers are strongly encouraged to file all documents during the regular business hours of the Clerk's Office, when assistance is available.
4. **Civil Complaints and Removals.** Civil Complaints, Notices of Removal, and Civil Case Cover Sheets shall be filed through CM/ECF, and accompanied by the applicable fee, payable by credit card on-line. The Civil Case Cover Sheet shall be submitted in PDF format as an attachment to the Complaint or Notice of Removal. When filing a Notice of Removal, the copies of the State Court documents are to be filed electronically as attachments to the Notice of Removal. Each pleading is to be added as a separate attachment. Instructions for paying by credit card are provided in Section H. A Notice of Removal may not be served utilizing the Court's CM/ECF system due to a limitation in the opening process which limits the ability of the filer to associate email addresses for service at the time of filing. The filer must serve conventional copies on all parties to the case. **NOTE:** The filing date of a new civil action occurs when the "Complaint" or "Notice of Removal" is filed into CM/ECF using the proper filing event.
5. **Summonses.** When initiating a new Civil proceeding, and upon filing an amended complaint, a Registered Participant shall electronically prepare the standard Summons for a civil proceeding and electronically file it as an attachment to the electronically filed Complaint or amended complaint. Thereafter, the Clerk will electronically issue the summons and return it to the party who submitted it.

General Order 2005-03 states that the Court may sign, seal, and issue a summons electronically, although a summons may not be served electronically. Service of the Summons and Complaint shall be in accordance with Rule 4 of the Federal Rules of Civil Procedure.

6. **Leave of Court.** If filing of a document requires leave of Court, the attorney shall submit a copy of the proposed document as an attachment to the motion for leave of court to file the document. If the Court grants the motion, the Clerk shall file the submitted document as ordered. No further action is required by the attorney.
 7. **Consents to Proceed Before the Magistrate Judge.** Consents to Proceed Before the Magistrate Judge shall be filed electronically, unless proceeding pro se or specifically exempted by order of the Court, and provided consent of all parties has been obtained and is so indicated by utilizing the procedures set forth in Section F(3) relating to multiple signatures. Electronically filed partial consents will be stricken from the record and partial consents received conventionally will not be filed in the record.
 8. **Official Court Record.** The official Court record shall be the electronic file, which shall be maintained on the Court's servers.
 9. **System Generated Briefing Deadlines.** System generated briefing deadlines (i.e., those that appear when a motion is electronically filed or when querying deadlines) are for Court use only and should not be relied upon as accurate briefing deadlines.
 10. **Hyperlinks.** Electronically filed documents may contain hyperlinks to other portions of the same document or hyperlinks to a location on the Internet that contains a source document for a citation. Hyperlinks to a cited authority may not replace standard citation form. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document. The Court accepts no responsibility and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which the site may be linked. The Court accepts no responsibility for the availability or functionality of any hyperlink.
 11. **Amendment of Procedures.** The Court may amend these procedures at any time without prior notice.
- C. **PASSWORDS.** The U.S. District Court for the Middle District of Louisiana upgraded to NextGen CM/ECF effective Monday, July 30, 2018. Attorneys must link their CM/ECF account to their Individual PACER account in order to E-file in the Court's CM/ECF system.

1. An attorney shall be responsible for all documents filed with his or her password and may file such documents only on behalf of the party he or she represents.
2. No attorney shall knowingly permit or cause his or her password to be utilized by anyone other than an authorized employee of his or her office, and only on behalf of his or her client.
3. If an attorney feels that the security of his or her password has been compromised and the security of the System has been put at risk, the attorney must contact PACER and change the password through PACER immediately.
4. Registration for a password is governed by Section D below.

D. REGISTRATION

1. Attorneys admitted to the Middle District of Louisiana will receive instructions on how to register to electronically file with the district through PACER.
2. System training may be obtained from the Court's website at www.lamd.uscourts.gov.utilizing the on-line training tutorial.
3. An attorney may, for good cause shown, request by written motion a temporary exemption from mandatory electronic case filing. If the exemption pertains to a specific case, the motion should be filed in that case. If the exemption pertains to all cases before the Court, current and future, said motion should be filed and will be submitted to the Chief Judge.

E. SERVICE

1. When a document filed after the initial complaint is served by filing it with the Court's electronic filing system, no certificate of service is required when all parties are electronic filers.
2. When a document that is required to be served is served by means other than the Court's electronic filing system, the document must include a certificate of service indicating the document has been served on all parties contemporaneously with its filing with the Court. The certificate of service must list each party on which the document has been served and must identify the method of service upon each party.
3. As provided by FRCP 5(b)(2)(E), if a recipient is a registered filer in the Court's Electronic CM/ECF filing System⁴, service is complete when the document is

⁴ To determine whether another party is a registered user, the filer can select the System's "Utilities" category, click on "Mailing Information for a Case" on the pull-down menu, and enter the case number. The System will then list the registered users in the case.

electronically filed or uploaded to the Court's system. If the recipient is not a registered filer in the Court's system, the filer must effect service on all parties in accordance with the Federal Rules of Civil Procedure.

4. Whenever a pleading or other document is filed conventionally, the filer must serve conventional copies on all parties to the case.
5. Most sealed filings do not produce a Notice of Electronic Filing, and therefore service by the filer of any sealed document must be in a conventional manner and in accordance with the Federal Rules of Civil and Criminal Procedure and the Local Rules.
6. Service of electronically filed sealed documents must be made by other means than through the Court's electronic filing system since sealed documents cannot be electronically accessed.

F. SIGNATURES

1. Attorney Signatures

- a. The user log-in and password required to submit documents to the Electronic Filing System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Federal Rule of Civil Procedure 11, the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, the local rules of this Court, and any other purpose for which a signature is required in connection with proceedings before this Court.
- b. An attorney filing a document electronically shall use the following format for their signature "**s/Attorney Name.**" Alternatively, the attorney may submit a graphical representation of the attorney's signature in the space where the signature would otherwise appear.

The correct format for an attorney signature is as follows:

s/ Attorney Name
Attorney Name
Attorney Bar Number
Law Firm Name
Address (street or box number, city, state & zip code)
Telephone Number
FAX number
Attorney's E-Mail Address

- c. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the filing of the document within fourteen (14) days from service of the document.
2. **Non-Attorney Signatures, Generally.** If the original document requires the signature of a non-attorney, the filing party may scan the original document, and then file it on the System electronically.
 - a. This rule includes all notarized documents.
 - b. Documents electronically filed which require original signatures other than that of the User must be maintained in paper form by the User for 1 year from the expiration of all time periods for appeals.
 - c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the filing of the document within fourteen (14) days from service of the document.
 - d. A document containing the signature of a defendant in a criminal case may at the Court's option be filed either: 1) in paper form with an original written signature or 2) in a scanned format that contains an image of the defendant's signature.
3. **Multiple Signatures.** The following procedure applies when a stipulation or other document (e.g., a joint motion) requires two or more attorney signatures:
 - a. The filing attorney of any document requiring more than one signature shall file the document electronically indicating the signatories, (e.g., "s/Jane Doe," "s/John Smith,") for each attorney's signature or by scanning the document containing the original signatures and uploading the scanned PDF document .
 - b. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, until 1 year from the expiration of all time periods for appeals.
 - c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the filing of the document within fourteen (14) days from service of the document.

G. ORDERS

1. Signature by the Judge

- a. Any order signed electronically by a judge shall have the same force and effect as an order signed physically by the Judge. (See General Order 2005-03).
- b. When mailing paper copies of an electronically filed order to a party who is not a registered participant of the System, the Clerk's Office shall include the "Notice of Electronic Filing" to provide the non-participant with proof of filing.

2. Text-Only Orders. The assigned Judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such instances, no PDF document will issue, and a text-only docket entry shall constitute the Court's order. A "Notice of Electronic Filing" will be provided to all parties in these instances.

3. Proposed Orders

- a. A proposed order must bear a heading in compliance with **Rule 10** of the **Federal Rules of Civil Procedure** and **LR 10(a)(2)** and submitted as the last page of the electronically filed motion or submitted as an attachment to the electronically filed motion.
- b. Proposed orders must also be e-mailed, in an editable word processing format, and sent to the appropriate District Judge or Magistrate Judge assigned to the case. The e-mail subject line should contain the case number of the motion filed electronically, which is the subject of the proposed order. For example, "**06-451.**"
- c. If a Judge orders parties to submit a proposed judgment, it must be e-mailed, in an editable word processing format, and sent to the appropriate District Judge or Magistrate Judge assigned to the case. It is not to be filed in CM/ECF. The e-mail subject line should be entitled Proposed Judgment and contain the case number and Judge's initials. For example, "**Proposed Judgment - 06-451 RET.**"
- d. The "Proposed Orders" e-mail addresses for District Judges and Magistrate Judges are as follows:

Chief Judge Shelly D. Dick:	sdd_orders@lamd.uscourts.gov
Judge Brian A. Jackson:	baj_orders@lamd.uscourts.gov
Judge John W. deGravelles:	jwd_orders@lamd.uscourts.gov

Mag. Judge Richard L Bourgeois: rlb_orders@lamd.uscourts.gov
Mag. Judge Erin Wilder-Doomes ewd_orders@lamd.uscourts.gov
Clerk's Office: clerks_orders@lamd.uscourts.gov

- e. Communication or inquiries may not be submitted to the "Proposed Orders" e-mail addresses for the District Judges, Magistrate Judges, or Clerk's Office. Any correspondence other than orders submitted to these e-mail addresses shall be deleted.

H. FEES

1. All ECF transactions that require a payment shall be paid on-line on the same day that the transaction is docketed.
2. Visa, Mastercard, American Express, and Discover credit cards will be accepted. Automated Clearing House (ACH), also known as DirectDebit is also available.
3. Users will be automatically directed through the Department of the Treasury's Internet payment process when filing any pleading which requires a fee. Once the payment has been successfully completed, users will automatically return to the filing process.

I. CORRECTING DOCKET ENTRIES

1. Once a document is submitted to the Court, it becomes part of the case docket and corrections to the docket **can only be made by the Clerk's Office**. The System will not permit the filing party to make changes to the document(s) or docket entry filed in error once the transaction has been accepted and the "Notice of Electronic Filing" has been sent. The Clerk's Office may correct a docketing error made by a filing party, but may not alter the document that has been filed.
2. As soon as a filing party discovers that an error has been made, the filing party should contact the **Help Desk at (1-866-558-6631 or 225-389-3552)** in the Clerk's Office with the case number and document number for which the correction is requested and a description of the error. Help Desk hours are 8:00 a.m. - 5:00 p.m., excluding weekends and Federal Holidays.
4. **A filing party should not attempt to re-file the document absent specific instruction from the clerk's office or the court.**

J. TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

K. PRIVACY

1. To comply with the policy of the Judicial Conference of the United States and E-Government Act of 2002 as amended on August 2, 2004, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or conventionally, unless otherwise ordered by the Court. (See General Order 2004-07).
 - a. **Social Security Numbers:** Use only the last four digits of the number.
 - b. **Names of Minor Children:** Use only the initials of the child.
 - c. **Dates of Birth:** Use only the year.
 - d. **Financial Account Numbers:** Use only the last four digits of the numbers.
 - e. **Home Addresses:** Use only the city and state.
2. In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal identifiers specified above may do either of the following:
 - a. **File an unredacted version of the document under seal.** This document shall be retained by the Court as part of the record.
 - b. **File a reference list under seal.** The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. 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. The reference list must be filed under seal, and may be amended. It shall be retained by the Court as part of the record.
3. In addition, the filing party may omit or, where inclusion is necessary, partially redact the following confidential information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned Judge orders otherwise.
 - a. Personal identifying numbers, such as driver's license number;
 - b. Medical records, treatment and diagnosis;
 - c. Employment history;

- d. Individual financial information; and,
 - e. Proprietary or trade secret information.
4. **The responsibility for redacting personal data identifiers rests solely with counsel and the parties.** The Clerk’s Office will not review documents for compliance with this rule, seal on its own motion documents containing personal identifiers, or redact documents, whether filed electronically or conventionally.

II. DOCUMENTS UNDER SEAL

Effective December 10, 2007 sealed documents shall be electronically filed **only in public cases**. Sealed documents in cases that are sealed must be filed conventionally. The following procedures govern the filing of sealed documents.

- A. Sealed documents require leave of Court before being filed. Therefore, a “Motion For Leave to File a Document Under Seal” is e-filed and the proposed sealed document is submitted as an attachment to the “Motion for Leave to File a Document Under Seal”. If the Court grants the motion, the Clerk shall file the submitted document as ordered using the sealed documents event (e.g. Sealed Motion, Sealed Brief, Sealed Document). No further action is required by the attorney. **NOTE:** In Civil cases the “Motion For Leave to File a Document Under Seal” docket entry and the other docket entries listed in B below are viewable on the docket sheet; however, the document is not viewable by attorneys, case participants or the public. In Criminal cases the “Motion For Leave to File a Document Under Seal” docket entry and the other docket entries listed in B below are not viewable on the docket sheet and the document is not viewable by the attorneys, case participants or the public.
- B. If leave of Court has been previously obtained, parties are to electronically file documents, under seal using a “Sealed Document” event (e.g. Sealed Motion, Sealed Brief, Sealed Document).
- C. Sealed documents cannot be electronically accessed by attorneys or the public. Electronic access is limited to the Judge and Court staff. In civil cases an NEF will be generated for the sealed document; however, the document cannot be accessed. In criminal cases an NEF will not be generated for the sealed document. Accordingly, parties may not use the system to serve sealed documents to opposing parties; service must be by conventional means.
- D. Detailed filing instructions may be obtained on the Court’s website.

III. EXHIBITS AND ATTACHMENTS. This Section applies to exhibits other than those submitted at trial or a hearing. Trial exhibits will not be scanned unless specifically ordered by the Judge presiding over the matter.

A. IN GENERAL

1. A filing user must submit in electronic PDF form all paper based documents referenced as exhibits or attachments, and should include only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court.
2. The system accepts only PDF files for upload, and will not accept any single PDF file larger than twenty (20) megabytes; therefore, PDF files larger than twenty (20) megabytes must be separated into multiple PDF files by the filer before attempting to upload.
3. The filing party should preview the PDF file before filing to verify the document looks correct and can be read. The filing party should scan at a resolution of three hundred (300) pixels per inch (ppi) or higher, which will support archival preservation, and avoid scanning in color unless absolutely necessary.

B. VOLUMINOUS EXHIBITS

1. If the exhibit(s) attached to any particular document exceed a total of twenty (20) megabytes, the filing party should attach all parts in the same order as if presenting the package conventionally. The “Description” box(es) should be filled out to identify the PDF exhibits/attachments accordingly. (e.g. “Exhibit A - Affidavit of Dr. Smith”; “Exhibit B - Deposition of Jane Doe”). If the filing party wishes to combine multiple exhibits into one PDF file (less than twenty (20) megabytes), the filer must include an **exhibit list**.
2. Filing large documents into the system is time consuming; therefore, **the total number of files for any one transaction should be limited to three to five (3-5)**. For a document with attachments larger than twenty (20) megabytes, the party must separate the attachments that exceed twenty (20) megabytes and file them using the event “Voluminous Exhibits - Additional Attachments to Main Document.”
3. **How to use *Voluminous Exhibits - Additional Attachments to Main Document***

As an example, if you have a Memo in Opposition to a Motion for Summary Judgment with ten (10) exhibits, each being close to the 20-megabyte limit, follow the instructions below:

- Docket your main document - e.g. Memo in Opposition to Motion for Summary Judgment.
- Upload 5 exhibits, using the attachments feature, keeping the total file size of the transaction to 20 megabytes. Complete the transaction. (5 exhibits are remaining).

- For the remaining exhibits, use the event “Voluminous Exhibits - Additional Attachments to Main Document.”
- Upload the remaining 5 exhibits and complete the transaction.

C. JUDICIAL EVIDENCE RECORDING SYSTEM (JERS)

1. IN GENERAL

- a. In accordance with the Local Civil and Criminal Rules for the Middle District of Louisiana, evidence offered during trial or proceedings other than trial shall be provided by each party in electronic format.
- b. Electronic evidence files (an Electronic Bench Book) shall be provided by each party, using the Court's Electronic Evidence Online submission tool through CM/ECF (Utilities / Evidence Upload), to the Courtroom Deputy for court proceedings where evidence presentation is required, or prior to the beginning of trial or proceeding (specified time will be referenced in the ORDER). These files will be utilized **BY THE COURT ONLY** and will not be provided to an opposing party.
- c. JERS is **NOT** used by counsel during trial to present evidence. Exhibits shall be presented to the jury or the Court by a laptop connection or by conventionally presenting exhibits using the electronic document camera. It is the responsibility of counsel to ensure that exhibits used during trial and all other proceedings, coincide in exhibit number and image as the exhibits electronically submitted to the Court, and to substitute any documents that have been altered.
- d. At the conclusion of a trial or proceeding, exhibits received into evidence shall remain in the custody of the offering party until appeal time has expired or appeal is resolved. Parties retaining custody shall make such exhibits available to opposing counsel for appeal preparation and are responsible for transmission of exhibits to the appellate court, if required.

2. EXHIBIT FILE TYPES

- a. Documents and Photographs: **.pdf, .jpg, .bmp, .tif, .gif**
- b. Video and Audio Recordings: **.avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav, .3gpp**
- c. Regarding the file size of electronic evidence, individual files should **not exceed five hundred (500) MB**. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. Note, PDF documents can often be reduced significantly in size by using tools such as

Adobe's "Reduce File Size" feature. Images can be significantly reduced in file size by lowering its resolution or dimensions, usually with minimal affect to viewing quality. Videos should be separated into 10 minute clips to satisfy the 500 MB threshold.

3. **EXHIBIT FORMATTING FOR BATCH IMPORTING**

Exhibit files can be formatted in a manner that permits them to be batch-imported into the JERS system.

4. **FILE NAMING METHOD**

- a. Using any software or method, exhibit files are renamed using a naming convention similar to:
 - (exhibit number)-(exhibit part)_(exhibit description).(file extension)
- b. The use of the “underscore” character is required when a description of the exhibit is included and cannot be used elsewhere in the exhibit name.
- c. Example listing of valid exhibit file names:
 - “1-a_photograph.jpg”, “12_2009 Tax Statement.pdf”,
“12(a)_camera footage.wmv”,
“13-a7_camera footage.wmv”.
- d. Sealed Exhibits: Exhibits submitted to the court as sealed should include “SEALED” in the exhibit description,
Example: “1-c_SEALED 2019 Tax Statement.pdf”.
- e. Personal Identifiers: Exhibits with personal identifiers should be redacted and noted as such in the exhibit description using “REDACTED” or “UNREDACTED” in the exhibit description. Please see Administrative Procedures Privacy Section I(K)(1) for more information on personal identifiers.
Example: “3_REDACTED Bank Statement.pdf” whereas “3-a_UNREDACTED Bank Statement.pdf”, the “Unredacted” version would include personal identifiers.