



**CM/ECF**

**PROCEDURES GUIDE**

Revised 07/2019

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## Summary of changes to the 2016 CM/ECF Procedures Guide

- Section 1.2. Updated to become consistent with the practices with regards to CM/ECF Registration.
- Section 1.2. Emphasis on the difference between a CM/ECF Account and a PACER Account.
- Section 1.2 and 1.3. Updated areas which previously included only filing and responsibilities of attorneys to now include pro se filers when they have been given filing rights.
- Section 1.3.2. Updating certificate of service information to comply with the December 2018 changes to Fed. R. Civ. P. 5.
- Section 2.1. Attorneys are required to file new miscellaneous cases electronically.
- Section 2.4. Clarification that proposed orders should be emailed to chambers or attached to the motion.
- Section 2.4. Stipulations requiring Judicial Officer's signature should be submitted to chambers and not filed.

# 1 ELECTRONIC FILING SYSTEM

## 1.1 In General

Unless permitted by these procedures or otherwise authorized by the assigned Judicial Officer or other rule, all documents submitted for filing in this District shall be electronically filed using the Case Management/Electronic Case Filing system (“CM/ECF”) by converting each document into a searchable text PDF document and uploading it into CM/ECF. In addition to this Procedures Manual, the Southern District of Ohio also has FAQs, How to Guides, and Training Modules on the CM/ECF page on the Court’s website.

**The Court does not accept e-mailed or faxed documents for filing.**

Users can access the CM/ECF system via the Internet by going to <http://ecf.ohsd.uscourts.gov>. The OHSD Website lists the [hardware/software](#) requirements necessary to utilize CM/ECF.

An electronically submitted document shall not be considered filed for purposes of the Federal Rules of Civil or Criminal Procedure until the filing party receives a system-generated “Notice of Electronic Filing” (“NEF”) described in [Section 1.3](#) of these procedures.

A document will be deemed timely filed if electronically filed prior to midnight on the due date, unless the assigned Judicial Officer has ordered the document to be filed by an earlier time on that date. The Eastern Time Zone governs the filing time for the Southern District of Ohio, rather than the time zone from which the filing is made.

We recommend filing parties configure their scanners to scan documents at 300 dpi and in black and white rather than in color as uploading documents in color takes longer and may cause the system to time out and not accept the filing. Documents appearing in color in their original form, such as color photographs, may be scanned in color and then uploaded to CM/ECF. The filing party is responsible for the legibility of the PDF document.

Parties proceeding pro se are not permitted to file electronically. A pro se individual may apply to the assigned Judicial Officer for permission to electronically file documents. (A sample form is available on the CM/ECF Information page on the Court’s website.)

The official court record will be the electronic file maintained in CM/ECF. The official record will include, however, any paper documents or exhibits filed in accordance with these procedures. The Clerk’s Office will discard all paper documents after they are scanned and uploaded to CM/ECF unless directed by the Court to return to the filing party.

A party who wishes to have a paper document returned after the Clerk’s Office scans and uploads it to CM/ECF shall provide a means for its return at the time of filing.

Anyone disputing the authenticity of an electronically filed document or the authenticity of a signature on an electronically filed document must file an objection within 10 (ten) days of receiving notice of the filing of that document.

Any order signed electronically has the same force and effect as if the Judicial Officer had signed a paper copy in ink.

The Clerk's Office or any Judicial Officer of this Court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, taking into consideration the need for the just, speedy, and inexpensive determination of matters pending before the Court.

## 1.2 CM/ECF Registration

An attorney admitted to practice before this Court pursuant to S.D. Ohio Civ. R. 83.3 will automatically become a filing user of the Court's CM/ECF System and will be required to file documents electronically. After admission the attorney will receive login credentials from the Court.

After making a first appearance, non-incarcerated pro se parties may seek leave of Court to file electronically (e-file) with CM/ECF. In order to file documents, a pro se party must first demonstrate to the Court that he/she meets all the technical requirements necessary to access and utilize the CM/ECF system. After a Judicial Officer grants permission to electronically file, login credentials will be issued.

A filing user is responsible for securing their login credentials and for all documents filed using those credentials. If a filing user believes the security of an existing account has been compromised, the user must immediately change the password through the CM/ECF System.

The CM/ECF System will only allow a party to file documents. The PACER System allows parties to view documents. **BOTH A PACER ACCOUNT AND A CM/ECF ACCOUNT ARE NECESSARY TO FULLY UTILIZE THE CM/ECF System.**

By registering for electronic filing, an attorney or pro se filer consents to service by electronic means pursuant to Fed. R. Civ. P. 5(b)(2)(E) to his/her e-mail address on file with the Court.

It is the attorney or pro se filer's responsibility to maintain his/her e-mail address, mailing address, telephone number and fax number by using "Maintain Your Account" on the Utilities page. A guide to changing your password can be found on the CM/ECF Information page on the Court's website.

## 1.3 Service of Documents

Whenever a document is filed electronically CM/ECF will serve the document on all registered counsel of record, or approved pro se filers, and will generate a "Notice of Electronic Filing" (NEF). The NEF indicates whether the document has been served by electronic or other means. The filer is responsible for serving hard copies of the pleadings and the NEF to attorneys and parties who do not have a CM/ECF account.

Individuals who receive electronic notification of filing are permitted to view the document one time at no cost by clicking on the associated hyperlinked document number embedded in the NEF.

The Court strongly urges registered counsel of record and pro se filers to electronically store the NEF and associated pleadings for future access. Subsequent retrieval of the case docket sheet and pleadings from CM/ECF must be made through the filer's PACER account and is subject to any PACER fees.

### **1.3.1 Initiating Documents**

A party may not serve a complaint electronically, but must instead serve the summons and complaint or other appropriate pleading and process as provided for in Fed. R. Civ. P. 4 (including the service procedure found in S.D. Ohio Civ. R. 4.2), the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, or any other applicable rule or statute.

### **1.3.2 After Initiating Documents**

In accordance with Fed. R. of Civ. P. 5 no certificate of service is required when a document is served on all parties by filing it with the Court's electronic filing system.

The filing party must serve any party not registered in CM/ECF with the document as provided in Fed. R. Civ. P. 5. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" as proof of the filing.

A filer who brings a document to the Clerk's Office for filing in CM/ECF must serve all parties not registered in CM/ECF as provided in Fed. R. Civ. P. 5.

## **1.4 Signatures**

In general, the Clerk's Office will scan and file into CM/ECF the following types of documents:

- Original documents with original signature of a pro se litigant
- Original documents with original signatures of non-parties or other federal agencies

Any document that is filed electronically that requires an attorney's signature shall be signed in compliance with S.D. Ohio Civ. R. 83.5.

## **2 ELECTRONIC FILING**

### **2.1 Electronically Filing a Civil or Miscellaneous Case**

All registered attorneys are required to file new civil cases electronically. The initiating document must include the following attachments: the civil cover sheet, and if applicable, summons forms, and Service of Process by U.S. Marshal (USM-285) forms. When a case is removed from state court, the notice of removal must comply with Title 28 U.S.C. Section 1446(a) and be accompanied by both a civil cover sheet and a supplemental civil cover sheet. All registered attorneys are also required to file new miscellaneous cases electronically. For assistance, see the new case filing guide on the Court's CM/ECF webpage.

## 2.2 Summons

A party may request the issuance of a summons by the Clerk of Court in one of the following ways:

- A summons mailed to the Clerk's Office
- A summons delivered to the Clerk's Office in person
- A request for issuance of summons filed in CM/ECF
- A summons attached to an initiating document

The Clerk's Office shall issue and electronically file the summons in CM/ECF.

## 2.3 Official Transcribers and Contract Court Reporters

In addition to submitting to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable, an official transcriber or contract court reporter must have the certified transcript of those proceedings electronically filed in CM/ECF by submitting to the Clerk's Office a storage device containing the certified transcript of the proceedings in a searchable PDF format. A transcriber or court reporter will not receive payment until the transcriber or court reporter has both returned the tape and notes, if applicable, of a proceeding to the Clerk's Office and submitted the transcript to the Clerk's Office electronically. (See the Electronic Availability of Transcripts policy on the Forms page of the Court's website.)

## 2.4 Proposed Orders/Stipulations

After filing a motion, the moving party may submit to the chambers e-mail of all assigned Judicial Officers, a proposed order in a word processing format granting the motion and setting forth the requested relief. Any proposed order submitted to chambers must cross-reference the docket entry number of the motion. Proposed orders should never be filed as the main document. Proposed orders should be submitted by email to chambers or filed as an attachment to the motion.

Any stipulation requiring a Judicial Officer's signature should not be filed on the docket. It should be submitted by email to chambers.

Judicial Officer e-mail addresses for proposed orders/stipulations are in the following format: [Judge'sLastName\\_chambers@ohsd.uscourts.gov](mailto:Judge'sLastName_chambers@ohsd.uscourts.gov).

## 2.5 Document Style and Title

### 2.5.1 Case Number Format

Each document filed after the complaint or other initial document shall bear the assigned case number in the following format: 1:03cv12345 or 2:05cr23(4).

- The first digit represents the location of Court:
  - 1 for Cincinnati
  - 2 for Columbus
  - 3 for Dayton
- The next two numbers are the year of initial filing
- The two alpha character field represents:
  - CV is a civil case
  - CR is a criminal case
  - MD is a Multidistrict Litigation case

- MJ is Magistrate Judge case
- MC is a miscellaneous case
- PO is a petty offense case.
- The third set of numbers is a sequential number assigned by the Court.
- The final number, in parenthesis, indicates the number assigned to a particular defendant in a multi-defendant criminal case.

### **2.5.2 Title of Documents**

The party electronically filing a pleading or other document is responsible for ensuring that the title of the document corresponds to a CM/ECF docket event.

## **2.6 Social Security Administrative Records**

Only the Social Security administrative record may be filed in paper format without leave of court. If the Social Security administrative record is filed manually:

- the filing party will docket a notice of manual filing,
- the Clerk's Office shall place a notation on the docket regarding receipt of the manual filing, and
- the Clerk's Office will not scan or file the document electronically.

## **3 FILING OF DOCUMENTS WITH SPECIAL CONSIDERATIONS**

### **3.1 Documents to be Filed Under Seal and/or Ex Parte**

In accordance with S.D. Ohio Civ. R. 5.2.1, documents may be filed under seal only with prior Judicial Officer approval. Once the Court has granted leave to file sealed documents, the parties shall electronically file the sealed document. A [reference guide](#) for filing sealed and/or ex parte documents can be accessed from the Court's CM/ECF login page.

### **3.2 Documents Requiring Leave of Court (excluding sealed documents)**

Before a document requiring leave of court may be filed, it must be attached as an exhibit to the motion seeking leave to file, unless the motion is one seeking leave to file a document manually. If the Court grants the motion, the attached document will be filed as specified in the order.

### **3.3 Documents Larger Than the Electronic File Size Limit**

In the event that any document, including attachments and/or exhibits, exceeds the maximum file size of 20 megabytes per file, the attorney should attempt to reduce the file size or split the PDF document into multiple files.

In the event a filing party is not able to reduce the size of the PDF files for electronic filing in accordance with this section, the party must seek leave of court to manually file the document. If the Court grants the motion, counsel shall file a notice of manual filing and submit the attachments or exhibits unbound to the Clerk's Office in both electronic PDF format and paper form. Any manual filings must be served on all parties in accordance with Fed. R. Civ. P. 5.

Documents filed manually will be maintained in the Clerk's Office and the Clerk will indicate the manual filing on the docket of the Court.

### **3.4 Multiple Attachments and Exhibits Filed as a Single PDF File**

Multiple attachments and exhibits may be combined into a single PDF file. Each attachment or exhibit in the PDF must be bookmarked in Adobe Acrobat to provide the reader with an electronic index of the document.

In the event you need to split a PDF due to file size limitations, you must split the file at the beginning of an attachment or exhibit. A single attachment or exhibit should not be spread across multiple PDFs unless it is only a single exhibit, i.e. (Exhibit 1, Part 1), (Exhibit 1, Part 2).

## **4 FEES PAYABLE TO THE CLERK'S OFFICE**

### **4.1 Electronic Payment of Fees**

Filing fees may be paid electronically through CM/ECF via pay.gov. The receipt of the electronically paid fee will be indicated in the text of the docket entry.

### **4.2 Other Than Electronic Payment**

Filing fees may also be paid by delivering the payment to the Clerk's Office. The Clerk's Office will document the receipt of fees on the docket with a text-only entry.

### **4.3 Refund of a Fee**

A refund of a fee collected upon filing is generally prohibited. In the event a fee is erroneously collected a refund will be processed electronically.

### **4.4 Payment Verification**

Any payment made by credit card may be verified through CM/ECF under the Utilities – Internet Payment History.

## **5 CORRECTING DOCKET ENTRIES**

CM/ECF will not permit the filing party to make changes to any document or docket entry once the transaction has been submitted. As soon as an error is discovered, the filing party shall contact the Clerk's Office with the case number and document number for which the correction is being requested.

**DO NOT RE-FILE. THE FILING PARTY SHALL NOT ATTEMPT TO RE-FILE THE DOCUMENT UNLESS INSTRUCTED TO DO SO BY THE CLERK'S OFFICE OR BY ORDER OF THE COURT.**

## **6 TECHNICAL FAILURES**

### **6.1 On the Part of the Court**

The Clerk's Office shall deem the Southern District of Ohio CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour during normal business hours. Known system outages will be posted on the Court's website when possible.

## 6.2 On the Part of the Filer

A filer who experiences a technical difficulty with his/her own system must deliver the document to the Clerk's Office in both electronic PDF format and paper copy for filing. E-mail delivery is not accepted.

## 6.3 After Hours

In the event that a filer experiences technical difficulty after regular business hours, and the document is one that must be filed before the Clerk's Office reopens the next business day the filer should follow these instructions:

LOCAL ECF SUPPORT	
Hours:	9:00 to 4:00* ET, Monday through Friday
Cincinnati:	513-564-7500
Columbus:	614-719-3000
Dayton:	937-512-1400
*For non-business hours, calling the number will allow you an emergency option to leave a message with court staff. That voice mail box is monitored 24 hours a day.	

## 6.4 Seeking Relief

A party who experiences an untimely filing resulting from a technical failure on the part of the Court or on the part of the filer may seek appropriate relief from the Court.

# 7 PRIVACY AND CONFIDENTIALITY

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 or redact documents, whether filed electronically or on paper (see Fed. R. Civ. P. 5.2 Advisory Notes, 2007 Adoption). Upon Judicial Order, the Court may seal any unredacted document to protect privacy interests.

## 7.1 Redacted Documents

Filing parties shall redact private personal information from filings in accordance with Fed. R. Civ. P. 5.2.

## 7.2 Unredacted Documents

With leave of court, a party may file under seal a document containing the unredacted personal data identifiers listed in Fed. R. Civ. P. 5.2(a).

The party seeking to file an unredacted document shall file electronically a motion to file the document under seal pursuant to Fed. R. Civ. P. 5.2. In granting the motion or application to seal, the assigned Judicial Officer may require the party to file a redacted copy for the public record.

## **8 PAPER FILINGS**

The following procedures govern the filing of paper documents. The Court, upon application and for good cause shown, may also authorize filing of other paper documents not otherwise subject to these procedures.

### **8.1 New Civil Cases**

The Clerk's Office will accept paper filings of the following types of new civil actions:

- The filer is a non-registered attorney
- The filer is pro se
- Sealed cases

A new civil action filed on paper by an attorney not registered in CM/ECF shall also be submitted in PDF format. Each exhibit attached to a document must consist of a separate PDF file and be labeled as such, e.g., Ex. A to Complaint, Ex. B to Complaint. All documents to be filed must comply with the signature requirements of S.D. Ohio Civ. R. 83.5.

Each new action must be accompanied by the appropriate filing fee or motion for leave to proceed *in forma pauperis*.

The Clerk's Office will upload any initiating document(s) submitted in PDF to CM/ECF and scan/upload any paper documents, which will then be discarded.

### **8.2 New Criminal Cases**

All charging documents in criminal cases, along with the AO257, must be delivered to the Clerk's Office for scanning and docketing.

### **8.3 Other Electronic Filing Exceptions**

Other than the above mentioned initiating documents, the Court will allow the filing of all pleadings and documents filed by pro se litigants who are incarcerated or who are not registered participants in CM/ECF.

A filer who brings a document to the Clerk's Office for filing in CM/ECF must serve all parties as provided in Fed. R. Civ. P. 5.

### **8.4 Waiver of Electronic Filing**

An attorney may apply for an exception to S.D. Ohio Civ. R. 5.1(c) with the Court for permission to file paper documents manually with the Clerk's Office. Even if the Court initially grants an attorney permission to file paper documents manually, the Court may withdraw that permission at any time during the pendency of a case.

## **9 PUBLIC ACCESS**

### **9.1 At the Court**

Access to the non-sealed electronic docket and documents filed in CM/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 reproduction is required by 28 U.S.C. § 1914. Rates can be found on the Court's Fees and Payment page on the Court's website.

## **9.2 Internet Access (PACER)**

Access to CM/ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States requires that a user fee be charged for remotely accessing certain detailed case information. For more information on PACER visit <http://www.pacer.gov> or call 1-800-676-6856. PACER is available Monday-Friday, 8:00 a.m. to 6:00 p.m. Central Time.