

CM/ECF Administrative Guide



United States District Court
For the Eastern District of Oklahoma

Revised July, 2023

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INTRODUCTION

It is the policy of the United States District Court for the Eastern District of Oklahoma to require attorneys and other permitted registrants to file documents with the Court electronically over the Internet except as may be stated in these policies. Parties will be able to view dockets and most documents electronically through the PACER system, regardless of their participation in the Electronic Case Filing (“CM/ECF”) System. LCvR5.1 and LCrR49.1 authorize electronic case filing in accordance with Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d). The following policies and procedures govern electronic filing in this District unless, due to circumstances in a particular case, the assigned judge determines that these policies and procedures should be modified.

REGISTRATION PROCESS

To practice in the Eastern District of Oklahoma, an eligible attorney must apply for full admission electronically through PACER. The applicant is required to read and acknowledge the Oath and pay the prescribed fee. Once the clerk has reviewed the attorney’s admission information, confirmed fee payment, verified training requirements and acknowledged that the Certificate of Good Standing meets all requirements, the clerk will issue a certificate of admission. The admission fee may be waived for attorneys with federal agencies. They are, however, still required to apply for full admission to the court’s bar. **Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with the General Orders and Local Rules of this Court, the Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure.**

Eligibility

Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar

of the highest court of any state of the United States, is eligible for admission to the Eastern District of Oklahoma.

Attorneys admitted to the bar of this Court, including those admitted pro hac vice and those authorized to represent the United States, may request e-filing access in the Court's CM/ECF system in accordance with these Policies and Procedures.

Instructions and Training

All attorneys seeking admission must first review the admission information available on the Court's public website at <https://www.oked.uscourts.gov/attorney-admissions>. To request admission to the Eastern District of Oklahoma and obtain filing privileges with the Court, an attorney must complete the on-line registration process using their individual, upgraded PACER account. After all requirements have been met, the applicant may be admitted. The steps for admission and e-filing registration are as follows:

- a. All attorneys must read and be familiar with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, Federal Rules of Evidence and the Local Rules of this Court, including the CM/ECF Administrative Guide. Registration as a Filing User constitutes certification by the attorney that he/she has read and is familiar with these documents.
- b. Using PACER, the attorney completes the on-line registration screens, answering each question and accepting the following Oath/Admission:

"I do solemnly swear (or affirm) that as an attorney and as a counselor of this Court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States."

- c. During the application process, the attorney uploads a Certificate of Good Standing (dated within 30 days) from one of the entities listed in the Eligibility section above.

- d. Each applicant for admission shall pay the applicable admission fee upon receipt of the e-mail requesting payment of such fee. The admission fee may be waived for attorneys with federal agencies.
- e. The attorney must successfully complete a CM/ECF training program or produce documentation to the Clerk's Office showing proof of such prior training in another court.
- f. **Pro Hac Vice Admission:** If the attorney requesting pro hac vice admission is new to the Eastern District of Oklahoma, they must submit a request electronically through PACER. In addition, before they can be approved for filing electronically, local counsel must file a Motion for Admission Pro Hac Vice (attaching the PHV requestor's completed **Application for Admission - PHV** form) and pay the PHV filing fee via pay.gov during docketing of the motion event. Once the PHV attorney is in the OKED CM/ECF system, they need only submit their application as an attachment to local counsel's PHV motion in other cases.
- g. **Training Prerequisites:** Prior to participating in CM/ECF training, users are required to:
 - Possess basic personal computer skills, including a working knowledge of the internet, browser usage, ability to prepare and attach PDF'S, e-mail usage and scanning.
 - Establish an individual PACER Account, if not previously established.
 - Ensure their hardware and software are sufficient to file electronically.
- h. **Training Class:** The staff of the Clerk's Office will teach a basic course consisting of lecture, overhead presentation and hands-on instruction. Personalized instruction will be offered for those requiring additional assistance. Attorneys may arrange for training by going to the CM/ECF link on the Court's website at www.oked.uscourts.gov.
- i. **Non-Attorney Law Office Staff:** Law office staff and non-attorneys are not eligible for their own filing account, but they may attend CM/ECF training.

E-mail Address

The attorney's PACER e-mail address will be the primary address for service required by Fed. R. Civ. P. 5, Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49 for service. Transmission of a Notice of Electronic Filing (NEF) through the CM/ECF System to the PACER primary email address will constitute service. An attorney may also provide secondary e-mail addresses to which courtesy copies of CM/ECF notices will be sent. It is the responsibility of any attorney who has e-filing access to keep all contact information, including email addresses, updated and current. Primary email addresses must be updated through PACER. Secondary email addresses are managed through CM/ECF. For detailed instructions on how to update email information, review the *Maintaining Your Account* section at <https://www.oked.uscourts.gov/nextgen-cmecf-information>.

Change of Contact Information

If an e-mail address, mailing address, telephone, or fax number changes, the Filing User must immediately update their user information in PACER and push the updates to the Court. **Note:** The user is still required to file and serve a notice of the change in each of their open cases.

PASSWORDS

Assignment

Once registration is completed, the Filing User will use their PACER Login and Password to begin filing electronically with the Court. After registration is complete, an attorney may change their Passwords as necessary through the *Maintain User Account* section of their PACER account.

Rules for Use

The combination of a User Login and Password will serve as the official signature for purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and any applicable statute or regulation of the United States.

No registrant shall permit their PACER Login and Password to be utilized by anyone other than persons specifically authorized by the registrant. Once registered, the registrant is responsible and accountable for all documents filed with their PACER Login and Password. Users may be subject to sanctions for failure to comply with this provision.

Security

Filing Users agree to protect the security of their Passwords and immediately notify the clerk if they learn that their Password has been compromised. If a Password is believed to be compromised, the registrant must immediately change their PACER password and notify the Clerk's Office at (918) 684-7920 or by e-mail at CM-ECFIntake_OKED@oked.uscourts.gov.

Revocation of Password

The Court may revoke a filing user's account access and therefore, his or her authority and ability to electronically file documents under any of the following conditions:

- a. Failure to comply with any provision of the agreement contained in the filing user's application information.
- b. Failure to adequately protect his or her password.
- c. Failure to comply with the provisions of these Administrative Procedures for electronically filed cases.
- d. Failure to pay fees required for documents filed electronically.
- e. Misuse of the System.
- f. As a sanction ordered by the Court after notice and an opportunity for hearing.
- g. Upon any disciplinary proceedings as listed in Local Civil Rule 83.6.

MODIFICATIONS AND AMENDMENTS OF CM/ECF SYSTEM PROCEDURES

The assigned judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to CM/ECF procedures will be posted on the Court's website at www.oked.uscourts.gov.

ELECTRONIC FILING AND SERVICE OF DOCUMENTS

General Rules for Filing

All motions, pleadings, briefs, or other documents in civil and criminal cases, except those specifically prohibited, shall be electronically filed in the CM/ECF System.

Electronic transmission of a document to the Electronic Filing System consistent with this guide, together with the transmission of a Notice of Electronic Filing (NEF) from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79. E-mailing a document to the Clerk's office shall not constitute "filing" of the document.

When a document has been filed electronically, or filed conventionally and imaged by the court, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

CM/ECF registrants may file documents 24 hours a day, seven days a week. **Filing must be started before midnight local time where the court is located in order to be considered timely filed that day (as indicated by "Time Started" on the Notice of Electronic Filing).** Filing a document electronically does not, however, alter the filing deadline for that document. If

the assigned judge has ordered the pleading or other document to be filed by a time certain, it must be filed by that time.

Filing a Sealed Pleading

Leave of court is required to file a document under seal. An applicant shall request such leave by filing in CM/ECF a Motion to Seal Document(s), attaching a copy of the document sought to be sealed as an exhibit, and submitting a proposed order granting the relief to the Court's intake box at CM-ECFIntake_OKED@oked.uscourts.gov. At the same time, the motion and attachment(s) must be served outside the CM/ECF system on all other parties. The Certificate of Service on sealed filings should accurately reflect how the parties in the case are being served. No Notice of Electronic Filing (NEF) will be emailed to the parties. **If the filing attorney wants a copy of the NEF, they must print the one which appears on screen after the filing of the Motion to Seal Document(s) is completed.**

If a document to be filed under seal is only one part of a larger document or series of documents, the party must file all portions the party does not seek to have sealed in accordance with any deadlines, indicating where any portion to be sealed would be inserted. The Motion to Seal Document(s) requesting leave to file under seal must also be filed in accordance with any deadlines.

If leave to file under seal is granted, the filing party shall upload the sealed pleading into CM/ECF using one of the provided sealed events. Instructions regarding the filing and service of sealed pleadings are located at www.oked.uscourts in the *CM-ECF Information* section. Titles of sealed pleadings will be docketed and open to the public. Therefore, parties should take every precaution to remove confidential material from the title of sealed pleadings and exhibits.

Documents Filed Under Seal in Civil Cases

In civil cases, the Judge may direct the clerk's office to grant all attorneys who have entered an appearance (and whose appearance has not been terminated) the ability to view sealed documents in that case (assuming sealed access has not previously been granted). Sealed documents will be viewable by participating counsel in CM/ECF and through NEF links sent from CM/ECF during the filing process. Once access to sealed documents has been granted to an attorney in a case, it will be the responsibility of that attorney to notify the clerk's office if he or she is terminated from the case and the parties wish that terminated attorneys no longer have access to sealed documents in that case.

Documents Filed Under Seal in Criminal Cases

The filing attorney must serve their sealed pleadings and attachments to opposing counsel through means outside of CM/ECF. The Certificate of Service on the sealed filing should accurately reflect how the parties in the case were served. Court Orders will be forwarded through the CM/ECF system and require the attorney's login and password to view the PDF.

If permission to view sealed pleadings is granted by the Court, Presentence Reports, Statements of Reasons, Violation Reports and other restricted documents filed in criminal cases may be remotely accessed only by counsel for the government and counsel for the applicable defendant.

Viewing Sealed and Restricted Pleadings

If an attorney has been granted sealed access by the Court to a case and/or individual pleadings in a public case, they must use their PACER login and password to access those sealed and restricted documents. Counsel should use a secure network connection when accessing sealed documents rather than a public network to ensure sealed information is seen only by authorized persons.

Cases Filed Under Seal

A PACER login and password is also required to view and/or file in sealed cases in which the attorney has been granted access. When filing in a sealed case use the regular CM/ECF events rather than sealed document entries.

Ex Parte Submissions

Ex parte submissions shall be filed electronically in the CM/ECF System. Ex parte docket entries and documents will not be available to the public. Only the attorney for the filing party will receive a NEF. The filing party attorney must use their PACER login and password to access ex parte document(s). Instructions regarding the filing and service of ex parte pleadings are located at www.oked.uscourts in the *CM-ECF Information* section.

ELECTRONIC FILING OF PLEADINGS REQUIRING A FEE

E-filers may pay by check or credit card through the CM/ECF Pay.gov system.

Filing Complaints and Paying Electronically

Attorneys must electronically submit the appropriate case opening documents (i.e., complaints, notices of removal, applications to proceed in forma pauperis, miscellaneous proceedings, and civil cover sheets) to the clerk's office at CM-ECFIntake_OKED@oked.uscourts.gov.

- a. The clerk's office shall file the case opening pleadings as of the date of receipt of the email containing the case opening documents.
- b. In accordance with LCvR 3.2, the party initiating the action must pay a filing fee or file a motion to proceed in forma pauperis within seven (7) calendar days of the filing of the case opening documents. Failure to comply with this provision will subject the action to immediate dismissal by the court without prejudice to refiling. A minute order to that effect will be sent by the clerk's office to counsel for the initiator of the action. Filing fees can be

paid electronically by docketing the appropriate filing fee event in CM/ECF which utilizes the Pay.gov functionality for the collection of fees.

- c. After payment of the filing fee or filing of an order to proceed in forma pauperis, Summons may be submitted to CM-ECFIntake_OKED@oked.uscourts.gov for issuance. Summonses must be submitted using the form provided on the Court's website www.oked.uscourts.gov and must be complete. The Court will issue the summons and docket the summons issued event in the CM/ECF system. Upon receipt of the Notice of Electronic Filing indicating issuance, the attorney should print a copy of the issued Summons for service. The issued Summons should be printed from the docket sheet and be free of headers. To obtain a document without headers, deselect the "Include headers when displaying PDF documents" option when running the docket report. A party may not electronically serve the summons and complaint, but instead must perfect service according to Fed. R. Civ. P. 4. If subsequent summons are needed after a case has been opened, the additional summons should be sent to the Court's intake box.
- d. Should the action be resolved prior to the required filing fee being paid, that filing fee nonetheless remains due and owing. The judge assigned to the action will be advised of the party's failure to pay a required filing fee.
- e. If the action is later re-filed and assigned a new case number, the filing party shall file a notice of related case advising of the earlier filing. These procedures are implemented to maintain the integrity of random case assignment and to enhance compliance with judiciary auditing procedures.

Filing Applications for Pro Hac Vice and Paying Online

Any attorney who is eligible for admission to the bar of this Court may, in the discretion of a judge of this Court, be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to apply for Pro Hac Vice status in PACER prior to Court approval. Local counsel shall file a Motion to Appear Pro Hac Vice, paying the \$100.00 application fee online using Pay.gov during the docketing process. A Request for Admission Pro Hac Vice completed by the attorney requesting PHV status, should be attached as an exhibit to the Motion for PHV. Use the [Application for Admission - PHV](#) form provided by the Court Clerk's office.

An Attorney who has previously been approved to practice Pro Hac Vice in the Eastern District of Oklahoma does not need to re-apply for subsequent PHV appearances through PACER; however, local counsel for the requesting attorney must file a Motion to Appear Pro Hac Vice in each new case in which the requesting attorney seeks to appear. A completed [Application for Admission - PHV](#) should be attached to every Motion to Appear Pro Hac Vice.

Detailed Instructions for Using Pay.gov

The clerk has detailed instructions for using Pay.gov available separately from the Administrative Procedures. Counsel should consult these instructions for updates and changes in procedures before e-filing pleadings requiring payment. Pay.gov instructions are available on the Court's website www.oked.uscourts.gov.

OVERSIZED DOCUMENTS

If an electronically filed document, together with attachments, exhibits, or appendices, exceeds 100 pages, the filer shall deliver one (1) paper copy of the document to the Clerk's Office within three (3) business days of the date of filing. If the document is too large to staple, it should be

bound at the left-hand margin in a manner that will permit it to be opened flat. A courtesy copy of all Social Security transcripts shall be provided to the appropriate chambers at the time of electronic filing. Additionally, if requested, one (1) paper copy of any other electronically filed document shall be delivered to the Clerk's Office within three (3) business days of the date of filing.

GENERAL RULES FOR SERVICE

The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users or who are not represented by Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and the Local Rules.

If any procedure requires a party to reflect the date of filing on a document, the party shall provide either a file-stamped copy or attach a copy of the Notice of Electronic Filing to the document.

A certificate of service must be included with documents filed electronically when service is accomplished on any party or counsel who is NOT a Filing/Registered User. Counsel may serve any electronically filed pleading or document on a party who is not a registered participant by e-mail, if the recipient has consented to such service in writing.

SIGNATURES

Filing Attorney Signature

The User Login and Password required to submit documents to the Electronic Filing System function as the Filing User's signature on all electronic documents filed with the court. They also function as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the

Local Rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that it has been electronically filed.

The name of the Filing User under whose Login and Password the document is submitted must be preceded by an “s/” and typed in the space where the signature would otherwise appear. In addition, electronically filed documents must include a signature block and must set forth the name, the name of the party represented, address, telephone number and the attorney’s [name of state] bar registration number, if applicable and email address. The correct format is as follows:

s/ Lawyer Name
Lawyer Name
[State abbrev.] Bar Number: xxxx (e.g. OK Bar Number: 12345)
Email Address
Attorney for (Plaintiff/Defendant)
ABC Law Firm
123 South Main Street
Muskogee, OK 74401
Telephone: (918) xxx-xxxx

Non-Filing Attorney Signature

Documents containing the signature(s) of non-Filing Attorneys (i.e. attorneys not registered for CM/ECF or attorneys who are registered, but are not the filer of the document) are to be filed electronically with the signature represented by an “s/” and the name typed in the space where a signature would otherwise appear, or as a scanned image. Such approval shall be indicated as follows:

s/ Plaintiff Attorney
s/ Filing Attorney

(Signed by Filing Attorney with permission of Plaintiff Attorney) or,

(Signed copy of document bearing signature of Plaintiff Attorney is being maintained in the office of Filing Attorney)

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name until all appeals have been exhausted or the time for seeking appellate review or any other post-conviction relief has expired.

The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review or any other post-conviction relief has expired.

The filing attorney may obtain original signatures, scan the signature page only, and file it as an attachment to the pleading or other document. The filing attorney shall maintain the signed original until all appeals have been exhausted or the time for seeking appellate review or any other post-conviction relief has expired.

Non-User Signature

Documents signed by persons who are not counsel of record (e.g., verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways, so long as the filer has and maintains the signed original until all appeals have been exhausted or the time for seeking appellate review or any other post-conviction relief has expired:

- a. An electronic version of the document bearing "s/ (name)" can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith*

**I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

s/ Filing Attorney

- b. An electronic version of the document bearing "s/ (name)" can be filed with a scanned copy of the signature page as an attachment.

- c. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.

Note: Anyone who disputes the authenticity of any signature must file an objection to the pleading or other document within ten (10) days of service.

AMENDED PLEADINGS.

Original proposed amended pleadings shall be signed and attached to any motion for leave to amend the pleading. Unless otherwise permitted by the Court, every pleading to which an amendment is permitted as a matter of right or has been allowed by order of the Court must be retyped or handwritten and filed so that it will be complete including exhibits, without reference to the superseded pleading. Each amended pleading shall contain copies of all exhibits referred to in the amended pleading.

The party shall file the motion for leave to amend and attach a signed copy of the amended pleading to the filing. The party shall also submit the signed amended pleading to the Clerk via the designated mailbox at CM-ECFIntake_OKED@oked.uscourts.gov. Finally, if the amendment is not permitted as a matter of right, the party shall also submit a proposed Order granting the motion for leave to amend to the Clerk via the designated mailbox listed above. The proposed Order shall refer to the docket entry number for the motion for leave to amend.

TITLES OF DOCKET ENTRIES

The party electronically filing a pleading or other document shall be responsible for designating a title for the document by using one of the docket event categories prescribed by the Court. The docket event categories are contained in the CM/ECF Event Lists, which can be found on the Court's website at www.oked.uscourts.gov.

FILING ERRORS

Once a pleading or other document is submitted and becomes part of the case, the CM/ECF System will not permit the filer to change the pleading or other document or the docket entry. Filers should make every effort to ensure that they do not file a pleading or document other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been redacted or filed under seal. The Clerk's Office should be notified of mistakes by telephone at (918) 684-7920 or by e-mail at [CM-ECFIntake OKED@oked.uscourts.gov](mailto:CM-ECFIntake_OKED@oked.uscourts.gov). The notifier should provide the Clerk's Office with the case number and docket number of the erroneous entry. The filer may file a motion to withdraw but should not file the replacement document unless directed to do so. If a document containing personal identifiers is filed erroneously, a Motion to Seal Document(s) should be filed.

Refund of Electronically Paid Fees

The Judicial Conference generally prohibits refunds of fees due upon filing, even if a party filed the case in error, or the court dismissed the case or proceeding. This policy remains in effect. However, the Judicial Conference allows limited refund authority related specifically to electronic payments and has provided guidance to the courts in addressing such errors.

- a. The authority to approve a refund has been delegated by the Court to the Court Clerk. The Court will refund a fee paid electronically by a CM/ECF User when the CM/ECF User has used CM/ECF to pay by credit card and the fee was paid erroneously in the following situations:
 - A fee payment was erroneously submitted two or more times related to the submission of a single document.
 - A fee was paid when no fee was due (i.e., when no document was attached to a submission, or the submission did not require payment of a fee).

- b. Requests for refunds should be made by motion using the motion for Refund of Fees Paid Electronically event (Civil or Criminal) in CM/ECF.
- c. Refunds will only be issued to the credit card that was originally charged.
- d. If a CM/ECF User makes an erroneous filing for which a fee payment was submitted, but the fee has not yet been fully processed, the Court may correct the erroneous filing administratively and void the payment without the need to file a motion.
- e. If a CM/ECF User continues (or CM/ECF Users from the same firm continue) to make repeated mistakes when submitting fees electronically, the Court may consider remedial action, such as issuing an order to show cause why further requests for refunds should be considered.

ORDERS

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules, which will constitute entry on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

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

When mailing or faxing a copy of an electronically filed order to a party who is not a registered participant of the CM/ECF System, the Clerk will include the Notice of Electronic Filing to provide the recipient with proof of filing.

Proposed Orders

When filing a motion for which no supporting brief is required in accordance with LCvR7.1, the moving party shall submit a proposed order granting the requested relief. The motion, which shall comply with LCvR7.1, must be filed prior to submitting the proposed order, and the proposed order must refer to the docket entry number for the motion.

All proposed orders shall be in a text format compatible with Word, which is a “Save As” option in most word processing software; proposed orders in .pdf format will not be accepted.

All proposed orders shall be submitted to the Clerk via the designated mailbox at CM-ECFIntake_OKED@oked.uscourts.gov.

A party moving for issuance of a writ or summons shall attach the writ or summons in .pdf format to the proposed order (if one is needed).

A party moving for entry of default shall, after filing a motion for default, submit the entry of default and the proposed judgment of default to the Clerk via the designated mailbox at CM-ECFIntake_OKED@oked.uscourts.gov. Any proposed judgment shall include the docket entry number of the motion for entry of default.

Proposed Consents to Magistrate Jurisdiction/District Judge Option

- a. In the event an action is assigned to a United States Magistrate Judge, Miscellaneous Order 03-08 and LCvR40.1(c) provide that a consent form be disseminated to the individual filing the case. Consent may be given to the jurisdiction of a United States Magistrate Judge by signing the consent section of the form. If all parties consent, the case will remain with a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). If any party chooses the United States District Judge Option, the case will be reassigned to a United States District

Judge by random selection. To elect the “District Judge Option” and have the case heard before a United States District Judge, the reassignment section of the consent form must be completed.

b. The party filing the case is responsible for serving all parties with the consent form.

Additionally, the party filing the case is required to file a certificate of service with the court reflecting the names and addresses of the parties served with the consent form. Each party shall execute and present to the Office of the Clerk within twenty (21) days after service a completed form indicating either consent to the exercise of authority by a Magistrate Judge under 28 U.S.C. § 636(c), OR election to have the action re-assigned to a United States District Judge.

- c. When an action is assigned to a United States District Judge, a party who wishes to consent to trial before a magistrate judge should confer with the other parties in the case and, if all parties consent, forward a consent form electronically complete with “s/signatures” to the Office of the Clerk. **DO NOT E-FILE CONSENTS and/or DISTRICT JUDGE OPTION FORMS ELECTRONICALLY.** Completed forms should be submitted to the Court’s consent e-mail box at Consents_OKED@oked.uscourts.gov. Additional copies of the forms can be obtained from the Court’s Forms page at www.oked.uscourts.gov.

Pretrial Orders

The proposed pretrial order shall contain the signatures of all counsel of record. The party responsible for submitting a proposed pretrial order shall forward the proposed document in text format to the Clerk via the designated mailbox at CM-ECFIntake_OKED@oked.uscourts.gov.

EXHIBITS, ATTACHMENTS, AND APPENDICES

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, unless the court permits conventional filing.

A 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. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document.

Exhibits, attachments, and appendices that are filed electronically shall be submitted as separate attachments to the pleading or other document and shall be clearly labeled with the appropriate exhibit number and a brief description of the exhibit (i.e. Exhibit 1 - 1997 tax return of S&J, Exhibit 2 – 1997 W2 Form of S&J). Exhibits may **NOT** be grouped together for uploading into the system. Each exhibit must be scanned and identified separately.

The CM/ECF System automatically rejects filings that are greater than twenty (20) megabytes. Documents that exceed twenty (20) megabytes when converted to electronic form must be broken up into separate documents and identified with the exhibit number and part number (i.e. Exhibit 3, part 1; Exhibit 3, part 2).

PRIVACY

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002 (Pub. L. 107-347, which was enacted on December 17, 2002), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, 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 in paper, unless otherwise ordered by the court:

- **Social Security Numbers (in civil and criminal cases).** If an individual's Social Security number must be included in a pleading, only the last four digits of that number shall be used.
- **Names of Minor Children (in civil and criminal cases).** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.
- **Dates of Birth (in civil and criminal cases).** If an individual's date of birth must be included in a pleading, only the year shall be used.
- **Financial Account Numbers (in civil and criminal cases).** If financial account numbers are relevant, only the last four digits of these numbers shall be used.
- **Home Addresses (in criminal cases only).** If a home address must be included, only the city and state shall be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this general rule.

In addition, parties may refrain from including, or may partially redact where inclusion is necessary, the following confidential information: personal identifying numbers such as driver's license numbers; medical records; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. 114(s).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers or other confidential information listed above may:

- File an unredacted version of the document under seal, which shall be retained by the court as part of the record; **or**
- 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 identifier. The reference list must be filed under seal and may be amended as of right. The reference list shall be retained by the court as part of the record. The Court may, however, still require the party to file a redacted copy of the document for the public file.

A filer may file under seal a document containing the unredacted personal data identifiers or file a reference list without requiring a specific court order if said document indicates in the heading or style that it is an “UNREDACTED VERSION OR REFERENCE LIST pursuant to Local Rule”.

TRANSCRIPT REDACTION

At its September 2007 session, the U.S. Judicial Conference approved a new policy regarding the availability of transcripts of court proceedings. The policy only applies to transcripts of official court hearings, not depositions taken outside of court or proceedings of state courts or other jurisdictions. Counsel is to request redaction of specific personal data identifiers before the transcript is made remotely available to the general public. **The responsibility for redacting personal identifiers rests solely with counsel and the parties.** Neither the Clerk nor the Court Reporter will review transcripts for compliance.

Summary

- a. A transcript filed by the court will be available at the office of the Clerk of Court for inspection only, for a period of 90 days from filing.
- b. During the 90-day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. During the 90-day period the transcript will be available to court staff, at the public terminals in the clerk’s office, and remotely electronically available to any attorneys of record who have purchased a copy from the court reporter.

- c. After the 90-day period has ended, the transcript will be available for copying in the clerk's office, and for download through PACER if not redacted; or if redacted, the redacted version will be available.

Transcript Redaction Request

Redaction responsibilities apply to the attorneys even if the requestor of the transcript is another party, the judge or a member of the public/media. Unless otherwise ordered by the Court, the attorney (or, where there is a self-represented party, the party) must review the following portions of the transcript:

- opening and closing statements made on the party's behalf;
- statements of the party;
- the testimony of any witnesses called by the party;
- sentencing proceedings; and
- any other portion of the transcript as ordered by the court.

If any redaction is required, counsel must file with the court a Transcript Redaction Request (form available on our website) **within 21 calendar days from the filing of the transcript** indicating where the personal identifiers appear in the transcript by page and line. This procedure is limited to the redaction of the specific personal data identifiers listed below:

- social security numbers to the last four digits;
- financial account numbers to the last four digits;
- dates of birth to the year;
- names of minor children to the initials;
- home addresses to the city and state.

If an attorney fails to timely file a Transcript Redaction Request or Motion for Extension of Time to file Transcript Redaction Request, no redactions will be made, and the original transcript will be remotely publicly available after 90 days.

Requests for Additional Redactions

If counsel would like to request further redactions, in addition to those personal identifiers listed above, counsel must move the Court by filing a separate Motion for Additional Redaction of

Transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

Redacted Transcripts

The Court Reporter or transcriber must, within 31 calendar days of the filing of the original transcript, or longer if the court so orders, perform the requested redactions, and file a redacted version of the transcript with the Clerk of Court. The original unredacted transcript will be retained by the Clerk as a restricted document.

Remote Public Access to Transcripts

If a redacted transcript is filed with the Court, the redacted transcript will be electronically available through PACER after 90 calendar days from the date of filing of the original transcript. The original transcript will never be made remotely available to the public. If the original transcript is not redacted, that original transcript will be electronically available through remote PACER access after 90 calendar days.

CJA Panel Attorneys

An attorney who is serving as appointed "standby" counsel for a pro se litigant must review the transcript as if the pro se party were his/her client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill the obligation and for reimbursement of related reasonable expenses.

PACER Fees

PACER fees will be applied both during and after the 90-day restriction period. Charges will not be capped at 30 pages as they are for other court documents but will rather accrue for the entire transcript. The user will incur PACER charges for each time the transcript is accessed even though he/she may

have purchased it from the court reporter and obtained remote access through CM/ECF. There is no "free look" for transcripts.

CONVENTIONAL FILING OF DOCUMENTS

In addition to the items covered in the following sections, an assigned judge, upon application, may authorize conventional filing of other documents. The court will keep the paper copy of any document filed conventionally and imaged for a short period of time in order to assure the scanned image is legible. After a short retention period that will be determined by the court, the paper copy of the document will be discarded.

For those documents filed conventionally, but not scanned by the court as designated in these rules, the paper document filed with the court shall be deemed the original.

Initiating Documents in Criminal and Magistrate Cases

All complaints, informations, and indictments are filed conventionally, scanned by the Court and uploaded into the CM/ECF System.

Documents filed by Pro Se Litigants and Other Non-CM/ECF Users

Pro se litigants and other non-CM/ECF users shall file paper originals and one copy of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk will scan these original documents and upload to the CM/ECF System.

Criminal cases

Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, or an officer from Pretrial Services or Probation. In general, the Clerk will scan all documents signed by non-attorneys in a criminal case and upload them into the CM/ECF System.

Criminal Justice Act Vouchers

Criminal Justice Act Vouchers shall be filed conventionally. CJA documents will not be uploaded into the CM/ECF System but will be available for viewing upon request at the Clerk's office.

Other Conventional Filings

Certain documents, such as pictures, odd-sized originals, etc., that cannot be broken up into smaller files will not be imaged. For cause shown, an attorney may apply to the assigned judge for permission to file documents conventionally. Even if permission to file documents conventionally is granted, that permission may be withdrawn at any time during the pendency of the litigation.

PUBLIC ACCESS TO THE CM/ECF SYSTEM

Hours & Fees

Electronic access by the public to the electronic docket and documents filed in the CM/ECF System is available at no charge at the Clerk's Office during regular business hours (unless otherwise indicated, Monday through Friday, 8:00 a.m. to 4:30 p.m.). The business hours of the Court Clerk and the procedures for filing pleadings, motions, briefs, and other papers shall be determined by the Court from time to time. After business hours and on Saturdays, Sundays, and legal holidays, when good cause is shown, the Court Clerk may permit other filings.

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. 1914. Visit www.oked.uscourts.gov for a full fee schedule.

Public Access to Social Security Cases

Attorneys are allowed to electronically file documents in Social Security cases. Internet access to the individual documents will be limited to the case participants. This policy is based on Judicial Conference Committee recommendations, which state, “. . .Social Security cases warrant such

treatment because they are of an inherently different nature from other civil cases. Further, all Social Security disability claims, which are the majority of Social Security cases filed in district court, contain extremely detailed medical records and other personal information, which an applicant must submit in an effort to establish disability. Such medical and personal information is critical to the court and is of little or no legitimate use to anyone not a party to the case. Thus making such information available on the Internet would be of little public benefit and would present a substantial intrusion into the privacy of the claimant.” Docket sheets, however, will be available over the Internet to non-parties, who will continue to have direct access to the documents on file at the Clerk’s Office.

REMOTE ACCESS

Remote electronic access to the CM/ECF System is limited to subscribers to the Public Access to Court Electronic Records (“PACER”) system. The CM/ECF system is routinely available 24 hours a day, 7 days a week. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing detailed case information, such as filed documents and docket sheets. Such fees do not apply to the initial viewing of a document served via a Notice of Electronic Filing. If, however, the document is again remotely accessed through PACER, a fee will be incurred.

HYPERLINKS

According to the guidelines set forth by the Committee on Information Technology, allowing hyperlinks in electronic case filings does not inherently increase the security risk to the judiciary; therefore, hyperlinks are allowed in documents filed with the court. However, the judiciary should not require or encourage filers to choose any specific information source for a hyperlink reference. Additionally, the judiciary should not exercise any responsibility over the content at its destination. Also, because the availability and location of the information on the Internet is still highly volatile, the functioning of a hyperlink reference should not be guaranteed.

In short, attorneys should keep in mind that, in following the judiciary’s guidelines, the court shares the view that a hyperlink contained in filing is no more than a convenient mechanism for accessing material cited in the document, and a hyperlink reference is extraneous to any filed document and is not part of the court’s record. Further, in order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings should continue to use the traditional citation method for the cited authority, in addition to the hyperlink.

TECHNICAL FAILURES

A technical failure exists when the CM/ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours after 12:00 p.m. that day. Check the Court’s website for postings regarding any scheduled or other system outages or downtimes. Should a filing be made untimely as the result of a technical failure of the Court’s CM/ECF System, the filer may seek appropriate relief from the assigned judge.

Problems on the filer’s end, such as phone line problems, problems with the filer’s Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing.

GLOSSARY OF TERMS

Conventional Filing or Conventionally Submitted Document: a filing submitted in paper or other non-electronic, tangible format.

Electronic Case Filing or Electronic Filing: submitting a pleading or other document using the Court’s Internet-based system (the CM/ECF System) for filing in the Court’s case file. Sending a document to the Clerk or the assigned judge via e-mail does not constitute “electronic filing.”

ERISA: Employee Retirement Income Security Act, 29 U.S.C. 1001-1461.

Twenty (20) Megabytes (MB): Twenty million bytes. A byte is the basic unit of information in computer storage and processing. Documents that are computer generated require fewer bytes than the equivalent pages of a scanned document. Likewise, documents that are text only use fewer bytes than graphics or photographs. If your document is plain text, correspondence, pleadings, etc., 5 MB is approximately 75-115 pages. If the document contains tables, charts or graphics, 5 MB is around 30-40 pages.

Internet Service Provider (ISP): a company that provides access to the Internet. For a monthly fee, the service provider enables connectivity to the Internet.

Notice of Electronic Filing (NEF): the notice generated by the CM/ECF System when a document is filed. The NEF constitutes the official file stamp. The notice of electronic filing includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants who will receive e-mail notification of the filing and a list of those who will not. The notice of electronic filing contains a hyperlink to the filed document that permits the viewer to access the document **one time** through PACER without incurring charges. To do so, the recipient of the NEF **must** access the document **within 15 days of receipt** using the **document number hyperlink** rather than the hyperlink for the case number. Selecting the case number hyperlink will cause PACER charges to be incurred.

PACER: The Federal Judiciary's system for Public Access to Court Electronic Records. A PACER account is required to file pleadings and to retrieve documents and docket sheets from the CM/ECF System. To register for a PACER account, visit the PACER Service Center's website at www.pacer.psc.uscourts.gov.

Password: a series of letters and numbers which can be changed by the registrant using the PACER System.

Portable Document Format (.pdf) Files: a computer file that will look the same on the screen and in print, regardless of what kind of computer or printer is used and regardless of what software package was originally used to create it.

Pro Se Parties: parties proceeding without attorney representation.

Remote Access: offsite access to the Court’s CM/ECF System.

Scanned Documents: an image recorded by an electronic device (a “scanner”). For best results, scanners should be configured to 200 dots per inch (“dpi”) and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document.

Server: a computer or device on a network (two or more computers linked together) that manages network resources. For example, a file server is a computer and storage device dedicated to storing files.

Upload: the process of adding electronic information from an external source.

User Login: account name used to access a system or resource.

REVISION HISTORY:

- 05/03/2007 Exhibits/attachments/appendices to be scanned/identified separately
- 02/02/2008 Additional language regarding unredacted documents
- 09/18/2008 Revised to include information on transcript redaction
- 04/10/2009 Revised information on training classes; update information on filing of Social Security transcripts; indicate now filing transcripts of court hearings in cm/ecf
- 01/15/2010 Revise Pretrial Order section to remove docket requirement for proposed PTO
- 05/31/2011 Add Sections III G 3(a) and III G 3(b) on proposed consents to Magistrate Jurisdiction/District Judge Option
- 10/01/2012 Add Information on electronic payment of filing fees (Pay.gov). Pretrial Orders to be submitted in text format rather than as .pdf.
- 11/01/2012 Change number of days to submit oversized document from 2 to 3 business days pursuant to General Order 09-05
- 12/28/2012 Increase file size limit from 5 megabytes to 10 megabytes. Update per GO 12-5 which states filing date for all new cases submitted by e-mail shall be the date of the e-mail containing the initial pleading.
- 05/15/2013 Modified Section III B(1)(b) to reflect change in notification method from e-mail to minute order.
- 07/13/2016 Modify Sections III B(1)(a) through (e) to reflect updated procedure for initiating case and payment of initial filing fee pursuant to new local rules. Update information re training.
- 07/26/2017 Update Oversized Documents section to reflect paper copy due to Clerk's office if documents and attachments exceed 100 pages. Limit previously set at 250. Change made to match update to local rules.
- 03/04/2020 Update attorney admission sections to reflect new NextGen processing and rework sealed sections with information on new filing rights and viewing privileges re sealed civil filing.
- 02/14/2022 Update sealed filing section to reflect new processes regarding attorney docketing and service of pleadings.
- 07/01/2023 Update pro hac vice filing fee amount per GO 23-10.