

# CM/ECF Things to Remember

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## When electronically filing documents utilizing CM/ECF

Electronic filing is not allowed in sealed cases, including criminal cases involving juvenile defendants. Otherwise, electronic filing is mandatory for attorneys, except for the following types of documents:

- Criminal charging documents
- Civil case initiating documents
- Sealed documents (with the exception of some sentencing-related documents filed in criminal cases)
- Motions to seal (and the documents to be sealed)

All electronically filed documents must be in PDF format. Converting documents created using word processing software to PDF format is better than scanning documents to PDF format. Documents that must be scanned to PDF format should have Optical Character Recognition (OCR) functionality so that they can be searched for words and phrases and sections can be highlighted and/or copied.

See also, [CM/ECF User Manual and Administrative Procedures](#).

All electronically filed documents must be signed by the attorney who filed them. The signature block for the filer must contain either (1) the filer's typed name preceded by an "/s/" in the space where the signature would otherwise appear, or (2) a facsimile of the filer's signature. It is not appropriate to sign a document for someone other than the electronic filer by inserting an "/s/" and a typed name in the document. See, [D.S.D. Civ. LR 5.1](#) and [D.S.D. Crim. LR 49.1](#).

Choose the most accurate event when filing a document. For example, when filing a response to a motion, choose the "Response to Motion" event rather than the more generic "Response" event.

A brief in support of a motion should be filed using the "Memorandum in Support of Motion" event and a brief in opposition to a motion should be filed using the "Memorandum in Opposition to Motion" event.

Create a link to an existing docket entry when given the opportunity to do so and it is appropriate. Memoranda, responses, and replies should all be "linked" to the original motion to which they relate.

Attachments to electronically filed documents must be attached separately and properly described. "Exhibit A - Letter from Shane Brown" and "Exhibit 10 - Appraisal Report (Part 1)" are examples of properly described attachments. See *Large Documents*.

Personal identifiers must be partially redacted from all filed documents, including attachments. See, [D.S.D. Civ. LR 5.2](#) and [D.S.D. Crim. LR 49.1.1](#).

## CM/ECF Things to Remember, continued

Discovery requests and responses and [Fed. R. Civ. P. 26\(a\)\(1\) and \(2\)](#) materials should not be filed in CM/ECF, unless ordered by the court. If discovery materials are necessary for the disposition of a motion, the relevant portions should be attached to a supporting memorandum or affidavit. See, [D.S.D. Civ. LR 26.1](#).

Consider electronically filing an ex parte motion rather than manually filing a motion to seal.

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### When receiving a Notice of Electronic Filing (NEF)

Your first look at an electronically filed document within 15 days of receiving a Notice of Electronic Filing (NEF) is free, except as noted below.

Click only once on the document number hyperlink in an NEF to open and look at a document.

Print or save a document the first time you look at it to avoid future PACER charges.

To look at a restricted document (such as an ex parte document, most documents filed in a Social Security appeal case, and PSR-related documents filed in criminal cases), you must be logged into CM/ECF before clicking on the document number hyperlink in the NEF, otherwise you will see a message that says “You do not have permission to view this document.” In addition, only the first person who looks at these types of documents on behalf of a particular attorney will be able to look at the document for free. Anyone else who subsequently tries to look at the document on behalf of the same attorney by clicking on the document number hyperlink in an NEF will be routed to a CM/ECF Filer or PACER Login screen. This person must then enter the particular attorney’s CM/ECF login and password and pay the applicable PACER fees to look at the document.

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### Other important information

All attorneys, except attorneys admitted pro hac vice, are required to maintain a secure password and valid email addresses on their CM/ECF account. Changes to law firm information, however, must be communicated to the Clerk's Office and made by the Clerk's Office.

Documents that are manually filed must contain the attorney’s original wet signature and must be manually served.

The district court’s server is located in Sioux Falls, in the Central Time Zone. Electronically filed documents must be filed by 11:59 p.m. Central Time, regardless of the location of the filer, to be considered timely filed that day.

If you have electronic filing questions, please call the nearest Clerk’s Office before you file to prevent electronic filing errors – Pierre (605-945-4600), Rapid City (605-399-6000), Sioux Falls (605-330-6600).