

NEWS FROM U.S. DISTRICT COURT June 12, 2020

In February, we told you about a new procedure going into effect May 1, 2020, regarding electronically filing trial and hearing exhibits in CM/ECF. This month we explain how this procedure works. For more information, see the [CM/ECF User Manual](#) and [Standing Order 20-01](#) located on the district court's website at www.sdd.uscourts.gov.

E-filing Trial and Hearing Exhibits Pursuant to Standing Order 20-01: At the conclusion of a trial or evidentiary hearing, the Clerk's Office will electronically file each party's documentary exhibits offered and/or received into evidence (except for sealed exhibits) in CM/ECF using the **Restricted Trial/Hearing Exhibits** event. These exhibits will be restricted for a minimum of 21 days. During this time the exhibits will be accessible by court users and case participants; they will not be accessible by the general public.

The Clerk's Office will also separately e-file each party's sealed documentary exhibits (sealed exhibits) offered and/or received into evidence using the **Sealed Trial/Hearing Exhibits** event. These exhibits will be sealed, and they will remain sealed; they will not be accessible by case participants or the general public.

After filing the exhibits in CM/ECF, the Clerk's Office will return all original documentary exhibits to the offering party. Upon order of the court, the Clerk's Office will also return all physical exhibits, including recordings, to the offering party for retention consistent with D.S.D. Civ. LR 5.2, or D.S.D. Crim. LR 49.1.1.

Responsibility of Counsel/Party: Each party is responsible for reviewing its exhibits to determine if any exhibit should be redacted pursuant to D.S.D. Civ. LR 5.2 or D.S.D. Crim. LR 49.1.1. If redactions are required, the offering party must make the necessary redactions and within 21 days electronically file all of its trial or hearing exhibits in CM/ECF using the **Redacted Trial/Hearing Exhibits** event located under **Other Filings → Trial Documents**. This includes redacted exhibits and exhibits that do not require redaction. This does not include sealed exhibits.

When electronically filing exhibits in CM/ECF using the **Redacted Trial/Hearing Exhibits** event, it is not necessary to scan and attach each exhibit separately. The exhibits may be scanned and attached in groups not to exceed 40MB in size. If the exhibits total more than 82MB, the **Supplement** event must be utilized.

If, within 21 days, a party has redacted and electronically filed its trial or hearing exhibits using the **Redacted Trial/Hearing Exhibits** event, that party's previously e-filed exhibits will remain restricted and will never be accessible by the general public. If, on the other hand, a party has not redacted and electronically filed its trial or hearing exhibits in CM/ECF, the Clerk's Office will remove the restrictions on that party's previously e-filed exhibits, thereby making them accessible by the general public. The Clerk's Office will notify counsel of this by filing a **Notice of Unrestricting Trial/Hearing Exhibits**. In all instances, sealed exhibits e-filed by the Clerk's Office will remain sealed.