

CM/ECF Things to Remember

When electronically filing documents utilizing CM/ECF

Electronic filing is mandatory for attorneys, except for the following types of documents:

- Criminal charging documents
- Sealed documents (except for some sentencing-related documents filed in criminal cases)
- Motions to seal (and the document(s) to be sealed)

Electronic filing is not allowed in sealed cases, including criminal cases involving juvenile defendants.

Attorneys are encouraged to electronically file a new civil complaint in a divisional shell case using the events located under **CIVIL > Case Initiating Documents – SHELL CASE**. The associated filing fee can be paid during the e-filing process.

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 they can be searched for words and/or phrases and sections can be highlighted and/or copied.

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 never 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 specific event when electronically 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 during the e-filing process 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" are examples of properly described attachments. "Exhibit A" is not a proper description.

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

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](#). Otherwise, discovery requests and responses and [Fed. R. Civ. P. 26\(a\)\(1\) and \(2\)](#) materials should not be filed in CM/ECF, unless they are ordered to be filed by the court.

Consider electronically filing an ex parte motion rather than manually filing a motion to seal. An ex parte motion is not visible on the public docket sheet, whereas a motion to seal is visible and accessible.

When receiving a Notice of Electronic Filing (NEF) email

Except as noted below, your first look at an electronically filed document within 15 days of receiving a Notice of Electronic Filing (NEF) email is free. You are encouraged to print and/or save a document the first time you look at it to avoid incurring future PACER access fees.

Click only once on the document number hyperlink contained in the NEF email to open and access an unrestricted document filed in CM/ECF.

To access a restricted document from an NEF email, an email recipient must be logged into CM/ECF using the username and password of the authorized case participant's PACER account prior to clicking on the active document number hyperlink contained in the NEF email. Otherwise, the person trying to access the restricted document will receive a message saying, "You do not have permission to view this document."

Only the first person who accesses a restricted document on behalf of a particular authorized case participant will be able to access the document for free. Anyone else who subsequently tries to access the document on behalf of the same authorized case participant by clicking on the document number hyperlink contained in an NEF email will be routed to PACER where they must enter the username and password of the authorized case participant's PACER account and pay applicable PACER access fees to look at the document.

Other important information

Documents that may be manually filed must contain the attorney's original ink signature. This includes signed attachments.

Document that may be manually filed must also be manually served on those parties entitled to service under the federal rules, regardless of whether the parties receive notice when the document is entered into CM/ECF.

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 electronically file a document to prevent filing errors – Pierre (605-945-4600), Rapid City (605-399-6000), Sioux Falls (605-330-6600).