

NEWS FROM U.S. DISTRICT COURT
February 14, 2013

SEALED ORDERS IN NON-SEALED CASES: Confusion persists about who gets copies of sealed orders. When a sealed order is entered in a non-sealed case, attorneys for all parties receive a Notice of Electronic Filing (NEF) e-mail that a sealed order has been entered. Because sealed documents including sealed orders cannot be accessed through CM/ECF, the Clerk's Office mails copies of sealed orders to counsel for all parties. The only orders that are not mailed are Ex Parte Orders. The attorney filing the Ex Parte Motion will receive electronic notice and will be able to access the Ex Parte Order in CM/ECF.

ORDERS IN SEALED CASES: Attorneys do NOT receive a Notice of Electronic Filing (NEF) e-mail when an order (or anything else) is entered in a sealed case. The Clerk's Office mails copies of orders in sealed cases to counsel for all parties, unless the order is an Ex Parte Order or an order in a juvenile case. When an Ex Parte Order is entered in a sealed case, the Clerk's Office mails a copy of the Ex Parte Order to just the attorney who filed the Ex Parte Motion to which the order relates. In sealed juvenile cases with multiple juvenile defendants, the Clerk's Office mails copies of orders to just the attorneys who represent defendants to whom the order applies.

SERVICE OF PROCESS FILINGS: Electronic filing has been mandatory in the District of South Dakota for two years. There are some exceptions, which can be found in Civ. LR 5.1(B)(2)(c) and Crim. LR 49.1(B)(2)(c). Service of process filings are not an exception, although some attorneys continue to mail these to the Clerk's Office for filing. Please remember that you can and should electronically file service of process documents.

CJA ATTORNEYS: If you've been court-appointed as counsel in a criminal case, most of you know to file ex parte motions for issuance of subpoenas and subpoenas duces tecum so that government counsel doesn't receive notice. Remember you must include a physical address in your motion for service by the U.S. Marshals Service. The Clerk's Office appreciates your attaching proposed subpoenas to your motion.

REQUEST: Please share these newsletters with anyone in your office who electronically files documents on your behalf. As always, if you have any filing questions, please contact the Clerk's Office.