

## **CRIMINAL CASES**

# **ADMINISTRATIVE PROCEDURE FOR FILING, SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS**

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## I. THE ELECTRONIC FILING SYSTEM.

**A. IN GENERAL.** Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, or unless otherwise specifically authorized by the assigned judge, all documents<sup>1</sup> submitted for filing in criminal cases in this district on or after May 20, 2003, no matter when a case was originally filed, shall be filed electronically<sup>2</sup> using the Electronic Filing System (“System”). However, the following exceptions shall apply.

1. Charging instruments are governed by paragraph II(A)(2) of these procedures.
2. Parties proceeding pro se shall not file electronically (see paragraph III(A)).
3. Documents containing original signatures of defendants and certain nonparties are governed by paragraph III(B) of these procedures.
4. The filing of fee matters is governed by paragraph II(L) of these procedures.
5. Registered attorneys of record will have remote access to documents in criminal cases filed prior to November 1, 2004, but no public remote access will be available. Public access will be available to docket sheets in criminal cases and documents filed after November 1, 2004. Also, members of the public may view electronic criminal files at the public terminals in the clerk’s office.
6. A party may apply to the assigned judge for permission to file documents

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<sup>1</sup> The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, etc. It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court (*see* [D. Kan. Rule 30.2](#)).

<sup>2</sup> When scanning documents that will be filed electronically, filing parties should configure their scanners at 300 dpi. Filing parties are responsible for ensuring that scanned documents are legible. If a scanned document is not legible, the filing party should seek leave to file the document with the clerk’s office conventionally, rather than electronically.

Because large documents may not upload properly to the System or download within a reasonable amount of time, the System will reject documents that exceed 30 megabytes. Accordingly, excessively large documents must be filed in components, each of which must be less than 30 megabytes, or may be filed conventionally with leave of the court. **It is required to OCR (Optical Character Recognition) scanned documents so they are text searchable.** Sending a document or pleading to the court via e-mail does not constitute electronic filing unless otherwise ordered by the court or permitted by these rules.

conventionally.<sup>3</sup> However, even if the assigned judge initially grants permission to file documents conventionally, that permission may be withdrawn at any time and the party may be required to file documents electronically using the System.

7. The clerk or any judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.

## **B. PASSWORDS.<sup>4</sup>**

### 1. In General.

- a. No attorney shall knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.
  - b. Once registered, an attorney shall be responsible for all documents filed with his or her password.
2. Attorneys Admitted to Practice in This Court. Each attorney admitted to practice in the District of Kansas shall be entitled to one System password, to be created through [pacer.gov](http://pacer.gov), which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing (NEFs).
  3. Attorneys Admitted Pro Hac Vice. Each attorney admitted pro hac vice must complete and sign an Electronic Filing Registration Form (available at <http://www.ksd.uscourts.gov/attorney-electronic-filing-registration-form>).. The attorney may then retrieve documents electronically through PACER and will receive System-generated notices of electronic filing. However, attorneys admitted pro hac vice are not permitted to file documents electronically.

## **C. REGISTRATION.**

1. Effective August 10, 2015, any attorney who wishes to e-file in the District of

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<sup>3</sup> As used in these administrative procedures, a conventionally filed document is one presented in traditional paper or other non-electronic, tangible format

<sup>4</sup> Registration for a password is governed by paragraph I(C) of these procedures.

Kansas must have a PACER account and must request filing privileges for this court through the PACER Service Center. This new method for providing CM/ECF access is referred to as Central Sign-On and allows all PACER users to use the same login and password in all NextGen courts<sup>5</sup> in which they have been granted access to file. Detailed instructions for this process are available at [ksd.uscourts.gov](http://ksd.uscourts.gov).

- a. Attorneys who have PACER accounts issued BEFORE August 11, 2014:** Accounts issued prior to August 11, 2014 are classified as “legacy” accounts by the PACER Service Center. These accounts must be upgraded prior to requesting e-filing privileges with this court. Detailed instructions for upgrading a legacy PACER account are available on the court’s website at [ksd.uscourts.gov](http://ksd.uscourts.gov). Once the PACER account has been upgraded, attorneys may request e-file registration via PACER at [pacer.gov](http://pacer.gov). The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.
  - i. To be in good standing, an attorney must comply with the requirements of [D. Kan. Rule 83.5.3](#), including timely payment of the annual registration fee.
- b. Attorneys who have PACER accounts issued AFTER August 11, 2014 or who have already upgraded a “legacy” account:** Attorneys who have upgraded PACER accounts should request access to e-file in this district by signing into the PACER account and submitting an e-file registration request to this court. The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this court and are in good standing.
- c. Attorneys who do not have an existing PACER account:** Attorneys who do not have an existing PACER account should go to [pacer.gov](http://pacer.gov) and register for BOTH a PACER account and e-filing privileges with this court. The PACER application will be processed by PACER as a separate action from the e-filing application, even though they are submitted together. The request will be reviewed and processed by the local court and filing privileges will be granted to all attorneys who are members of the bar of this

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<sup>5</sup> NextGen CM/ECF is an updated filing system that includes Central Sign-On for attorneys. Central Sign-On is new functionality that will allow filers to maintain one account across all courts (district, appellate, and bankruptcy) and to sign in one time to access all courts where the filer has permission to file (each court must be upgraded to NextGen). The District of Kansas will be the first district court to implement NextGen.

court and are in good standing.

**d. Pro se parties** – Parties proceeding pro se shall not file electronically.

2. Once e-filing privileges have been granted, the filer will use his/her PACER login and password to access CM/ECF and electronically file documents.
3. Once registered, an attorney may withdraw from participating in the System by providing the clerk's office with notice of withdrawal. The notice must be in writing, and must be mailed or delivered to the clerk's office. Upon receipt, the clerk's office will immediately cancel the withdrawing person's password and delete the person's name from any applicable electronic service list. An attorney's withdrawal from participation in the System will not be construed as an authorization to file cases or documents conventionally.
4. After registering, attorneys may change their passwords at [pacer.gov](http://pacer.gov). If an attorney comes to believe that the security of an existing password has been compromised and that a threat to the System exists, the attorney must change his or her password immediately.
5. An attorney whose e-mail address, mailing address, telephone number, or fax number changes shall timely file a notice of a change of address and serve a copy of the notice on all other parties. (*see* [D. Kan. Rule 5.1\(c\)\(3\)](#)). His/her address should also be changed at [pacer.gov](http://pacer.gov).

## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING.**

1. In General.
  - a. All motions, pleadings, applications, briefs, memoranda of law, transcripts of proceedings, or other documents shall be filed on the System electronically except as otherwise provided by these administrative procedures, by local rules, or by court order.
  - b. E-mailing a document to the clerk's office or to the assigned judge does not constitute filing the document. A document shall not be considered filed until the System generates a notice of electronic filing.
2. Charging Instruments. Charging instruments will be presented to the

clerk's office electronically, either by email or encrypted flashdrive. Any charging instruments processed conventionally by a judge's chambers will be scanned and uploaded to CM/ECF by chambers or the clerk's office. Charging instruments include, indictments, superseding indictments, complaints and informations.

3. Pleadings that Add or Delete Attorneys.

a. The System is only capable of recognizing an entry of appearance on behalf of the attorney who files an entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorney(s), then the attorney who files the entry of appearance shall call the clerk's office before filing the entry of appearance in order to have the other attorneys added to the case in the System.

b. A Withdrawal of Counsel and Entry of Appearance of Substituted Counsel, see [D. Kan. Rule 83.5.5\(c\)](#), may only be filed by the attorney entering his or her appearance, not by the withdrawing attorney.

4. A document will be deemed timely filed if filed prior to midnight. However, if the time of day is of the essence, the assigned judge will order that the document be filed by a time certain.

5. If filing a document requires leave of the court, the attorney shall attach the proposed document to the motion as an exhibit. If the court grants the motion, the order will direct the attorney to file the document with the court electronically.

6. The clerk's office shall maintain a paper court file in any case on or after May 20, 2003, only to the extent provided by court order, local rule (*see, e.g.,* [D. Kan. Rule CR 49.1](#)), and these procedures. The official court record shall be the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.

a. Except as otherwise provided by court rule or these administrative procedures, the clerk's office will discard all documents brought to the clerk's office for filing after those documents are scanned and uploaded to the System.

b. Because the clerk's office will discard all documents brought to the

clerk's office for filing, the court encourages attorneys to retain the originals of documents with intrinsic value. Alternatively, prior to submitting the document to the clerk's office, an attorney may seek a court order directing the clerk's office to either

- i. return the document to the attorney, or
- ii. retain the original document in the court's file in conventional paper format.

Such orders, however, will be granted only in exceptional circumstances and only on a case-by-case basis. No such standing authorizations will be allowed.

7. Transcribers and Court Reporters. Transcribers and court reporters must either file certified transcripts of proceedings electronically on the System or submit to the clerk's office for uploading to the System. In addition, contract court reporters must promptly submit original paper notes to the clerk. If a transcript is ordered in a case in which the notes have been submitted to the clerk, the court reporter shall retrieve the notes and resubmit them to the clerk when the transcript is filed. A transcriber or court reporter will not receive payment until the transcript has been filed and the notes (or tape, if applicable) have been returned to the clerk's office.

## **B. SERVICE.**

1. Whenever a pleading or other paper other than a sealed document or document in a sealed cases is filed electronically in accordance with these procedures, the System will generate a "Notice of Electronic Filing" to the filing party, to any other party who is a registered user and has requested electronic notice in that case, and to the assigned judge.
2. If the recipient is a registered participant in the System, the System-generated notice of electronic filing shall constitute service of the document by first class mail, postage prepaid.
3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form A.

4. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Criminal Procedure. See [Fed. R. Crim. P. 49](#). When mailing paper copies of documents that have been electronically filed, the filing party shall also include a copy of the notice of electronic filing to provide the recipient with proof of the filing.
5. The three-day rule of [Fed. R. Crim. P. 45\(c\)](#) for service by mail shall also apply to service by electronic means. System-generated briefing deadlines (*e.g.*, those that appear when a motion is electronically filed or when querying deadlines) are for court use only and should not be relied upon as accurate briefing deadlines.
6. A filer who brings a document to the clerk's office to scan and upload to the System must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and electronic noticing of the document. If time is an issue, filers should consider paper service or service by an alternate means on registered parties, such as e-mail or fax.
7. Access to sealed documents and cases is limited to court users. Therefore, when a party files a sealed document in either a sealed or unsealed case, the party is responsible for serving the document outside of the System. The party must use an alternative method of service, such as by conventional means or by password-protecting the document and attaching it to an email. The court will also serve sealed documents by conventional methods or through the court's secured messaging system.

## C. SIGNATURES.

1. Non-Attorney Signature, Generally. Subject to paragraph III(B) of these administrative procedures, if an original document requires the signature of a non-attorney, the filing party or the clerk's office shall scan the original document, and then file it on the System electronically.
  - a. This rule includes, but is not limited to, notarized documents.
  - b. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record. The

court will not maintain a paper copy of the original document except as stated in paragraph III(B).

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within eleven days of service of the document.

2. Attorney Signature.

- a. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk to the clerk's office: "s/ (attorney name)." The correct format for an attorney signature is as follows:

**s/ Pat Attorney**

Pat Attorney  
Bar Number 12345  
Attorney for (Plaintiff/Defendant) XYZ Company  
ABC Law Firm  
123 South Street  
Kansas City, KS 66101  
Telephone: (913) 123-4567  
Fax: (913) 123-5678  
E-mail: pat\_attorney@law.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within eleven days of service of the document.

3. Multiple Attorney Signatures. The following procedure applies when a stipulation or other document (*e.g.*, a joint motion) requires two or more attorney signatures:

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all attorneys required to sign the document and shall obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.

- b. The filing attorney then shall file the document electronically indicating the signatories, (*e.g.*, “s/ Jane Doe,” “s/ John Smith,” etc.) for each attorney.
- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within eleven days of service of the document.

**D. FEES PAYABLE TO THE CLERK.** Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. Payment may also be made during the filing of certain events (Motion to Appear Pro Hac Vice, Notice of Appeal) through Pay.gov from a checking or savings account or by credit card. The clerk’s office will document the receipt of fees on the docket with a text-only entry. The court will not maintain electronic billing or debit accounts for lawyers or law firms.

**E. ORDERS.**

- 1. The assigned judge or the clerk’s office shall electronically file all signed orders.
- 2. Proposed orders shall be submitted as outlined below.
  - a. Electronically submitted proposed orders shall not be combined with the motion into one document. Rather, the motion must be filed first, then the proposed order must be submitted by e-mail. The proposed order must refer to the document number that the System assigns to the motion when the motion is electronically filed.
  - b. So that the court can have the flexibility to edit proposed orders, all proposed orders must be submitted in a format compatible with Microsoft Word or WordPerfect. Judges will not accept proposed orders in PDF format.
  - c. A proposed order should be attached to an Internet e-mail sent to the e-mail address of the assigned judge. The judges’ e-mail addresses are as follows:

ksd\_belot\_chambers@ksd.uscourts.gov  
ksd\_birzer\_chambers@ksd.uscourts.gov  
ksd\_crabtree\_chambers@ksd.uscourts.gov

ksd\_crow\_chambers@ksd.uscourts.gov  
ksd\_gale\_chambers@ksd.uscourts.gov  
ksd\_james\_chambers@ksd.uscourts.gov  
ksd\_lungstrum\_chambers@ksd.uscourts.gov  
ksd\_marten\_chambers@ksd.uscourts.gov  
ksd\_melgren\_chambers@ksd.uscourts.gov  
ksd\_murguia\_chambers@ksd.uscourts.gov  
ksd\_ohara\_chambers@ksd.uscourts.gov  
ksd\_robinson\_chambers@ksd.uscourts.gov  
ksd\_rushfelt\_chambers@ksd.uscourts.gov  
ksd\_sebelius\_chambers@ksd.uscourts.gov  
ksd\_vratil\_chambers@ksd.uscourts.gov  
ksd\_waxse\_chambers@ksd.uscourts.gov

d. Proposed orders for sealed motions should be sent via the court's secured messaging system.

3. When the clerk's office mails paper copies of an electronically filed order to a party who is not a registered participant of the System, the clerk's office will include a copy of the notice of electronic filing to provide the non-participant with proof of the filing.
4. The assigned judge or the clerk's office, if appropriate, may grant routine orders by a text-only docket entry, for which the system will generate a notice of electronic filing. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter.

**F. TITLE OF DOCKET ENTRIES.** The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court.

**G. CORRECTING DOCKET ENTRIES.**

1. Once a document is filed electronically, corrections to the docket can only be made by the clerk's office. The System will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.
2. A document may be filed incorrectly as the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, entering the wrong case number and not catching the error before the transaction is completed, etc. **The filing party should not attempt to**

**refile the document.** Rather, as soon as possible after an error is discovered, the filing party should contact the clerk's office with the case number and document number that needs to be corrected. If appropriate, the court will make an entry indicating the document was filed in error. The clerk's office will advise the filing party if the document needs to be refiled.

3. If a filing party discovers that he or she erroneously filed a document containing certain personal data identifiers pursuant to section II(I) of these Administrative Procedures, the filing party should contact the clerk's office. By e-mail, the filing party should provide the clerk's office with a redacted document. The clerk's office will seal the original document and will attach the redacted document to the same docket entry. This correction procedure applies only to documents containing the personal data identifiers specified in section II(I). Requests to redact or seal previously filed documents containing other sensitive information will require a motion.

**H. TECHNICAL FAILURES.** The clerk's office shall deem the District of Kansas CM/ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible.

1. 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 nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the as set forth in [D. Kan. Rule 77.1](#) if compelling circumstances exist.
2. In the event of a technical failure of the court's CM/ECF site, documents may be submitted to the clerk's office e via e-mail to the appropriate clerk's office account, as follows:

ksd\_clerks\_kansascity@ksd.uscourts.gov  
ksd\_clerks\_topeka@ksd.uscourts.gov  
ksd\_clerks\_wichita@ksd.uscourts.gov

3. A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court.

**I. PRIVACY.** In accordance with [Fed.R.Crim.P. 49.1](#) and to address the privacy concerns created by Internet access to court documents, except as set forth in [Fed.R.Cr.P. 49.1\(b\)](#), litigants shall modify or partially redact the following personal data identifiers appearing in documents filed with the court:

1. Social Security numbers: Use only the last four numbers; and
2. Minors' names: Use the minors' initials;
3. Dates of birth: Use only the year;
4. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number; and
5. Home addresses: Use city and state.

In addition, parties may modify or partially redact other confidential information as permitted by the court (*e.g.*, 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) . Consistent with [the E-Government Act of 2002, Pub. L. 107-347](#)(Dec. 17, 2002), a party that files a document with such personal data identifiers or other confidential information redacted may file an unredacted version of the document under seal 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 personal data identifier. The reference list must be filed under seal and may be amended as of right. The unredacted version of the document or 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.

**J. DOCUMENTS TO BE FILED UNDER SEAL.** A party filing a motion for leave to file document(s) under seal shall file that motion electronically, under seal, in the Electronic Filing System. The motion for leave to file under seal shall attach as sealed exhibits the document(s) the party wishes to be filed under seal. Further, if required, the party shall submit, via e-mail to [KSD\\_<Judge'sLastName>\\_chambers@ksd.uscourts.gov](mailto:KSD_<Judge'sLastName>_chambers@ksd.uscourts.gov), a proposed order. 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 should be inserted upon an order granting leave to file under seal. The motion for leave to file under seal must also be filed in accordance with any deadlines, with the proposed sealed documents attached. Finally, if required, the party shall provide the motion and document(s) it wishes to be filed under seal to all other parties in the case.

If the motion for leave to file under seal is granted, the assigned judge will enter electronically the order authorizing the filing of the documents under seal. The filing party shall then file its document(s) electronically under seal, and, if required, provide them to other parties in the case.

If the motion for leave to file under seal is denied, the assigned judge will enter electronically an order denying the filing of the document(s) under seal.

**K. DOCUMENTS TO BE FILED IN SEALED CASES.** A party who wishes to file a document in a sealed case must submit the document to the clerk's office in electronic format by password-protected email. If required, the party shall provide the document to all other parties in the case.

**L. CJA FEE MATTERS.** All fee matter documents should be forwarded directly to the CJA Coordinator in the Federal Public Defender's Office. These documents are not filed in the System.

**III. CONVENTIONAL FILING OF DOCUMENTS.** The following procedures govern documents filed conventionally. The court, on motion, may also authorize conventional filing of other documents otherwise subject to these procedures.

**A. PRO SE FILERS.** Pro se filers shall file paper originals of all pleadings, motions, affidavits, briefs, and other documents that must be signed or that require either verification or an unsworn declaration under any rule or statute. The clerk's office will scan these original documents into an electronic file in the System.

**B. DOCUMENTS CONTAINING CERTAIN ORIGINAL SIGNATURES.** Documents in criminal cases containing the signature(s) of a defendant, a surety, and/or a third-party custodian shall be filed conventionally. The clerk's office will scan these original documents into an electronic file in the System.

**IV. ATTACHMENTS.**

**A. IN GENERAL.**

1. A filing party should scan a paper attachment to a pleading and submit the exhibit as a PDF file. Filing parties may submit PDF files containing scanned documents of more than 30 megabytes only if they are filed in separate 30-megabyte segments. It is required to OCR (Optical Character Recognition) scanned documents so they are text searchable.
2. Filing users are required to verify that scanned documents are legible before the documents are filed electronically with the court.

**B. VOLUMINOUS EXHIBITS.** If the exhibit(s) attached to any particular document exceed a total of 30 megabytes, then the document and exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index and file the index as an attachment to the main document.
2. Each separate exhibit must be filed as a separate attachment to the main document. Titles and descripts should accurately reflect the contents of the document.
3. If any particular exhibit exceeds 30 megabytes, then that exhibit must be broken down into separate components of 30 megabytes or less, and each component must be filed as a separate attachment.
4. Following is a sample exhibit index, for which each exhibit must be filed as a separate attachment to the main document. The exhibit index should be the last attachment in the filing.

<u>Exhibit</u>	<u>Description</u>
A	Affidavit of John Smith
B	Excerpts from Jane Doe's Deposition
C-1	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
C-2	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
D	XYZ Company General Ledgers

**C. CONVENTIONAL FILING OF EXHIBITS.** A party may seek a court order allowing the party to conventionally file exhibits that are not available in electronic form or that are too lengthy scan. If the court grants a party leave to file exhibits conventionally, then the exhibits must be filed according to the following procedure.

1. The filing user must prepare an exhibit index. This exhibit index must be filed as an attachment to the main document and must state that the exhibits are being filed conventionally with the court's permission rather than electronically.
2. The filing user shall file the pleading containing the exhibits conventionally. The pleading's caption shall identify the document to which the exhibits relate (*e.g.*, "Exhibits in Support of Defendant Joe Smith's Memorandum in Support of Motion to Suppress"). The exhibits must be tabbed and bound. The clerk's office will note on the docket its receipt of the pleading containing the exhibits with a text-only entry. . The clerk's office retains the right to scan and upload the documents after they have been received conventionally.
3. A party must serve conventionally filed materials on other parties as if not subject to these electronic filing procedures.

## **V. PUBLIC ACCESS TO THE SYSTEM DOCKET**

**A. PUBLIC ACCESS AT THE COURT.** Electronic access to the System is available for viewing to the public at no charge at the clerk's office during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 U.S.C. § 1914. A current schedule of clerk's office fees is available at [www.ksd.uscourts.gov/clerks-office-fees](http://www.ksd.uscourts.gov/clerks-office-fees).

### **B. INTERNET ACCESS.**

1. Remote electronic access to the System for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in criminal cases, but excluding review of calendars and similar general information.<sup>6</sup>

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<sup>6</sup> Non-judiciary CM/ECF users will be charged a fee of 10 cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of 30 pages per document (excluding transcripts) has been approved.

The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Criminal Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged 10 cents a page.

2. No one except an attorney of record may remotely view records in criminal cases filed prior to November 1, 2004. Public remote access will be available on documents filed on or after November 1, 2004.

**C. CONVENTIONAL COPIES AND CERTIFIED COPIES.** 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](#). A current schedule of clerk's office fees is available at [www.ksd.uscourts.gov/clerks-office-fees](http://www.ksd.uscourts.gov/clerks-office-fees).

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**SAMPLE FORMATS - CERTIFICATE OF SERVICE**

**Sample A**

I hereby certify that on \_\_\_\_ (date) \_\_\_\_, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following: \_\_\_\_\_. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:\_\_\_\_\_.

**s/ Attorney's Name**  
Attorney's Name  
Attorney's Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Phone Number  
Fax Number  
Attorney's E-mail Address

**Sample B**

I hereby certify that on \_\_\_\_ (date) \_\_\_\_, I presented the foregoing to the clerk of the court for filing and uploading to the CM/ECF system which will send a notice of electronic filing to the following: \_\_\_\_\_. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM/ECF participants:\_\_\_\_\_.

**s/ Attorney's Name**  
Attorney's Name  
Attorney's Bar Number  
Attorney for (Plaintiff/Defendant)  
Law Firm Name  
Law Firm Address  
Phone Number  
Fax Number  
Attorney's E-mail Address