

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

**GENERAL ORDER
(Electronic Filing Procedures)**

Federal Rule of Civil Procedure 5(e) authorizes this Court to establish practices and procedures for the filing, signing and verification of documents by electronic means. This order provides direction for the filing and maintenance of documents electronically. This Court maintains court files in an electronic format. The electronic file constitutes the original of all documents.

1. **Logins and passwords.** Access to the ECF system may be obtained as follows:
 - a. Each attorney in good standing in this Court shall be entitled to an ECF system login and password to permit the attorney to electronically file and retrieve pleadings and other documents.
 - b. Login and password application forms are available through the court web site at www.mow.uscourts.gov or in the Office of the Clerk.
 - c. No attorney shall knowingly permit or cause to permit his/her password/login to be used by anyone other than an authorized employee of his/her law firm or organization.
 - d. No person shall knowingly use or cause use of a password by anyone other than an authorized employee of his/her law firm or organization.

2. Electronic filing of documents.

a. Except as expressly provided in paragraph 6a below, or as ordered by the Court, all motions, pleadings, legal memoranda or other documents required to be filed with the Court shall be electronically filed.

b. The electronic filing of a pleading or other document in accordance with these procedures shall constitute filing of the document for all purposes under the Federal Rules of Civil Procedure and the Local Rules of this Court and shall constitute entry of that pleading or other document on the docket kept by the Clerk under FRCP 79(a).

c. All orders, decrees, judgments, and proceedings of the Court will be entered in accordance with these procedures and shall constitute entry of the order, decree, judgment or proceeding on the docket kept by the Clerk under FRCP 79(a).

d. The person electronically filing a pleading or other document must title the document using one of the categories contained in the ECF Procedures Manual, which is available online or in the Clerk's Office.

e. For filings that require a fee to be paid to the Office of the Clerk, authorization for credit card payment may be obtained from the financial officer of the Office of the Clerk or presentation of check or money order made to the clerk's office.

3. Signatures.

a. Use of the attorney's password/login to electronically file a pleading, affidavit or other document constitutes the attorney's signature for all purposes.

b. It is preferred that any pleading, affidavit or other document containing original signatures indicate on the electronically filed document a signature, e.g., “s/Jane Doe”. The originally executed copy must be maintained by the filer for two (2) years after final resolution of the action, including final disposition of all appeals.

c. A non-filing signatory or party who disputes the authenticity, or their alleged endorsement, of an electronically filed document must file an objection to that document within 12 days of the generation of the Notice of Electronic Filing by the CM/ECF system.

4. Service.

a. The CM/ECF automatically notifies all parties of record upon the entry of information into the system. Parties are relieved, absent order of the court, of the responsibility to separately notice any party who is listed as receiving electronic notice.

b. Each person, including the Office of the Clerk, electronically filing a pleading, order, decree, judgment or other document shall serve a paper copy of said filing, along with a copy of the “Notice of Electronic Filing” generated by the CM/ECF system, on those parties not designated to receive or not able to receive electronic notice. If such service of a paper copy is to be made, it shall be made pursuant to the Federal Rules of Civil Procedure and the Local Rules.

c. Participants in CM/ECF agree to receive notice and service as provided herein.

d. Pleadings or other documents which are not filed electronically shall be served in accordance with the Federal Rules of Civil Procedure and the Local Rules except as otherwise provided by Order of the Court.

5. Conventional filing of documents.

a. The following documents shall only be filed conventionally and not electronically unless specifically authorized by the Court.

(1) Attachments to a motion or pleading which are not available in an electronic format and are unsuitable for scanning due to file size. The filer should also extract and file electronically any part of the attachment which the filer has in an electronic format.

(2) Transcripts.

(3) Supporting records from state court proceedings if these records are of such a size as to be impractical for scanning (the petition, itself, should be entered electronically as an attachment to the Notice of Removal) .

6. Hyperlinks

1. Electronically filed documents may contain the following types of hyperlinks:

1. Hyperlinks to other portions of the same document ; and

(2) Hyperlinks to a location on the Internet that contains a source document for a citation.

2. Hyperlinks to other documents filed within the CM/ECF system are not permitted. Hyperlinks to personal web sites, inclusive of law firms, is strictly forbidden.

3. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.
4. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

7. Misuse of CM/ECF system

1. Any party who intentionally, maliciously, or negligently causes to be filed, or attempts to cause to be filed, any submission which violates the integrity of the system is subject to full disciplinary actions, inclusive of Rule 11 sanctions and/or criminal prosecution.

s/ Dean Whipple
Dean Whipple, Chief District Judge

s/ Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr., District Judge

s/ Ortrie D. Smith
Ortrie D. Smith, District Judge

s/ Gary A. Fenner
Gary A. Fenner, District Judge

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s/ Nanette K. Laughrey

Nanette K. Laughrey, District Judge

s/ Richard E. Dorr

Richard E. Dorr, District Judge

Kansas City, Missouri

September 20, 2004