

TIPS FOR FILING IN THE SOUTHERN DISTRICT OF WEST VIRGINIA

A. PREPARING DOCUMENTS FOR FILING ELECTRONICALLY

Attorneys create documents on their own computers just as they do now. However, instead of printing the documents on paper and delivering them to the Court, the attorneys sign the documents with their “s/” signature, and save the documents in a portable document format (PDF) that allows other system users to view the documents in their original format, regardless of the type of computer or word processing system that was used to create the documents or that is being used to view them.

NOTE: Documents not created on a computer may also be filed electronically, but must be converted to PDF format in a different way. Paper documents that did not originate in the attorney’s office may be converted to PDF format by using a scanner.

Review your PDF format document prior to filing to make sure:

- Your document is the proper document.
- Your document is in proper format.
- Your document is complete, especially those converted to PDF via the scanning process. Make sure all pages are present, legible and in the correct order.

Signature Blocks: From time to time, filers will forget to add their “s/typed name” to the signature block of the document as set out on pages 12 and 13 of the *Administrative Procedures for Filing, Signing and Verifying Pleadings and Papers by Electronic Means In the United States District Court for the Southern District of West Virginia*. In other instances, the name in the signature block does not match the login for the attorney actually filing the document. Ideally, the two should match since it is the login and password that serve as the signature on the document for Rule 11 purposes.

1. Documents must be filed in segments no larger than two megabytes

Double-spaced, typed documents roughly equal fifty pages. Documents larger than fifty pages must be broken into PDFs of fifty pages or less. If it is a single document, such as a memorandum or brief, the first fifty page increment would be filed as the main document, and the remaining pages will be attachments in fifty-page increments. Conversely, attachments may be combined into increments of fifty pages or less, with the attorney using the description section of the attachment page to set forth a full description of the collective attachments. Filing related attachments without combining them simply creates work for yourself and inflates PACER charges.

2. Do not combine documents

Do not file a motion and the memorandum in support as a single document. These are two separate filings. Do not combine an Answer to a Complaint and a Motion to Strike. You may file a motion with more than one relief sought, but be sure that you select each relief code from the relief code list. When done correctly, both relief codes will appear in your final docket text screen.

B. FILING ELECTRONICALLY

After logging onto the Court's web site, attorneys will access the Court's filing system (CM/ECF) by entering his or her own specific login and password for that particular district court. While logged into the database, the attorney communicates directly with the Court's computerized filing system rather than going through the Clerk's Office personnel. Once the document is received by the Court, the electronic filing system will:

- Send a receipt known as a Notice of Electronic Filing (NEF) to the sender, verifying that the document has been received.
- Updates the docket sheet.
- Makes the updated docket sheet and the document available to anyone with access to the system.
- Sends an NEF to all parties who have agreed to receive electronic notices.

1. Filing Joint Motions or Other Joint Documents

When filing a Joint Motion or other document on behalf of your client and other parties, remember to select the other parties who are joining as filers in addition to the party you represent. When done correctly, the attorney/party association screen will appear, which may confuse some filers. You need only navigate past this page and continue the filing process.

2. Certificate of Service in Lieu of Discovery

When filing the Certificate of Service in lieu of discovery, be sure to describe what discovery was served. In other words, "discovery material" alone is not sufficient. You may use one Certificate of Service to denote service of numerous discovery requests or response, just make sure you list them all in the text box when it displays.

3. Returns of Service

When filing any document in the Service of Process of category, make sure you scan all documents related to the service, including any affidavit completed by the process server and any green return receipt cards from certified mailings.

4. What Attorneys Cannot Accomplish Alone

- Attorneys cannot presently institute new civil actions in CM/ECF in the SDWV. (See #5 “Steps to Institute a New Civil Action” below)
- Attorneys cannot add new parties to cases, therefore, they must work with a representative of the Clerk’s Office to file a Motion to Intervene, a Third-Party Complaint, an Amended Complaint which adds parties, and any other pleading document which would require the addition of parties to the case. Call the Clerk’s Office prior to the time you will be filing these documents so the new party names may be added to the database.

5. Steps to Institution a New Civil Action

To file a new civil action in the Southern District of West Virginia, you may deliver your case opening documents to the Clerk in one of three ways:

- a. Hand delivery to the Clerk’s Office during regular business hours.
- b. By U.S. Postal Service.
- c. By e-mail during regular business hours.

6. What do I need to file a new civil action?

- a. For a civil action that originates with a **complaint**, you will need the following:
 - The original complaint.
 - An original summons prepared for each defendant named in the Complaint. Go to the Court’s web site at <http://www.wvsd.uscourts.gov> to obtain the form.
 - A completed Civil Cover Sheet. Go to the Court’s web site at <http://www.wvsd.uscourts.gov> to obtain the form.
 - A check made payable to the Clerk, U.S. District Court, for the filing fee. Go to the Court’s web site at <http://www.wvsd.uscourts.gov> to obtain a list of current fees.

- If proceeding without paying the filing fee, an appropriate affidavit to proceed without prepayment of the fee must be filed.

The Clerk will open the case and sign and seal the summons forms, which will be available for pick-up or may be mailed to you for service.

You may deliver all the case opening documents to the Clerk's Office by hand or by U.S. Postal Service. If you prefer to exercise option 5(c) above and e-mail the case opening documents, please refer to the section in the Attorney's Training Manual regarding E-mailing Case Opening Documents for step-by-step instructions. In this option, you or your firm must have a credit card authorization on file with the Clerk's Office.

b. For a civil action that originates with a **Notice of Removal**, you will need the following:

- The Notice of Removal document with a copy of the summons, any complaints, any answers, any pending motions with associated memoranda, and the circuit court docket sheet. Also include any orders that dismissed parties from the action.
- A completed Civil Cover Sheet. Go to the Court's web site at <http://www.wvsd.uscourts.gov> to obtain the form.
- A check made payable to the Clerk, U.S. District Court, for the filing fee. Go to the Court's web site at <http://www.wvsd.uscourts.gov> to obtain a list of current fees.