

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 an “**s/your typed name**”, and saves 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 document you intend to file.
- ! Your document is in PDF format.
- ! Your “s/your typed name” is on the signature line, with your typed name, State Bar number, firm name, address, telephone number, fax number and e-mail address below the signature line.
- ! 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.

1. Signature Blocks

From time to time, filers will forget to add their “**s/your typed name**” to the signature block of the document as set out in the *Administrative Procedures for Electronic Case Filing*. In other instances, the name in the signature block does not match the login for the attorney actually filing the document. The two must match since it is the login and password that serve as the signature on the document for Rule 11 purposes.

2. Documents must be filed in segments no larger than five megabytes

Documents over five megabytes will be rejected by CM/ECF. As a rule of thumb, the five megabyte limit will not likely affect Word or Word Perfect documents containing double-spaced, plain, typed text that have been converted to PDF. Imaged

or scanned documents, however, may be the equivalent of approximately 75 pages. For more detailed information, refer to “Checking Document Size and Reducing Documents During Conversion” posted on this court’s web site at www.wvsd.uscourts.gov. Documents larger than five megabytes must be broken into separate PDF’s of five megabytes or less. With a single document, such as a memorandum or brief, the first five megabyte increment would be filed as the **main document**, and each five megabyte increment remaining will be filed as **attachments** to the main document. Conversely, attachments may be combined into increments of five megabytes 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.

3. 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.
- ! Update the docket sheet.
- ! Make the updated docket sheet and the document available to anyone with access to the system.
- ! Send 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 **uncheck the box in front of any party named that you do not represent** 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* category, you must scan all documents related to the service, including any affidavits completed by the process server and any green return receipt cards from certified mailings.

4. What Attorneys Cannot Accomplish Alone

! Attorneys cannot add new parties to cases, therefore, they must work with a deputy clerk in 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.

! Attorneys cannot correct any mistakes or errors made once the filing has been completed and an NEF has been produced.

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

a. For electronically filing (in a shell case) a civil case that originates with a **complaint**, you will need the following:

! **Main Document:** The complaint.

- ! **As an Attachment:** the summons prepared for each defendant named in the Complaint. Go to the Court’s web site and click on “District Court Forms” at <http://www.wvsd.uscourts.gov> to obtain the form.
- ! **As an Attachment:** A completed Civil Cover Sheet. Go to the Court’s web site and click on “District Court Forms” at <http://www.wvsd.uscourts.gov> to obtain the form.
- ! **A credit card** for the electronically-paid filing fee. Go to the Court’s web site and click on “District Court Fees” at <http://www.wvsd.uscourts.gov> to obtain a list of current fees.
- ! **As an Attachment:** If proceeding without paying the filing fee, an appropriate **affidavit to proceed without prepayment of the fee** must be filed as an attachment. Go to the Court’s web site and click on “District Court Forms” at <http://www.wvsd.uscourts.gov> to obtain the form.

Upon initial receipt, the Clerk’s office will complete the process of opening the case and will e-mail the filing attorney the filed date, the assigned case number, and the receipt number for the filing fee. The Clerk’s Office will sign and seal the summons forms, which will be available for pick-up or may be mailed to you for service.

- b. For electronically filing (in a shell case) a civil action that originates with a **Notice of Removal**, you will need the following:

- ! **Main Document:** The **Notice of Removal** document
- ! **As Attachments:** (1) a copy of the summons, (2) any complaints, (3) any answers, (4) any pending motions with associated memoranda, and (5) the circuit court docket sheet. Also include any orders as additional attachments that dismissed parties from the action.
- ! **As an Attachment:** A completed Civil Cover Sheet. Go to the Court’s web site at <http://www.wvsd.uscourts.gov> and click on “District Court Forms” to obtain the form.
- ! A credit card for the electronically-paid filing fee. Go to the Court’s web site and click on “District Court Fees” at <http://www.wvsd.uscourts.gov> to obtain a list of current fees.