

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

Revised 3/09

NOTICE REGARDING PUBLIC ACCESS

The United States District Court for the Western District of Michigan requires attorneys to file and retrieve documents electronically using the Court's Case Management/Electronic Case Files (CM/ECF) docketing system.

CIVIL CASES

The Court has determined that all civil cases filed on or after August 1, 2001 will be maintained electronically in the CM/ECF system. The CM/ECF system is capable of accepting electronic filings over the Internet. In addition, all documents that are filed on paper will be scanned by the Clerk's office and placed into the CM/ECF system for electronic access. Electronic filing and service is governed by Local Civil Rule 5.7.

Information on civil cases pending in 1989 and thereafter is available through Public Access to Court Electronic Records (PACER) or via the Court's web site (www.miwd.uscourts.gov). Any subscriber to PACER will be able to read, download, store and print the full content of all documents filed in those matters, whether they are filed on paper or electronically. The Court will not make electronically available documents that have been sealed or otherwise restricted by Local Rule or Court order.

CRIMINAL CASES

The Court has determined that all criminal cases filed on or after November 1, 2003 will be maintained electronically in the Court's Case Management/Electronic Case Files (CM/ECF) system. The CM/ECF system is capable of accepting electronic filings over the Internet. In addition, all documents that are filed on paper will be scanned by the Clerk's office and placed into the CM/ECF system for electronic file maintenance. Electronic filing and service is governed by Local Criminal Rule 49.10.

Current docket information on criminal cases pending in 1992 and thereafter is available through Public Access to Court Electronic Records (PACER) or via the Court's web site (www.miwd.uscourts.gov). Electronic access to the documents in criminal files that were filed prior to November 1, 2004 is available only to the participating registered attorneys, the U.S. Probation Office, the U.S. Marshal and the Court. On and after November 1, 2004, however, access to documents in criminal files is electronically available to the public over the Internet, in accordance with policies established by the Judicial Conference of the United States.

Any subscriber to PACER will be able to read, download, store and print the full content of all documents filed, whether they are filed on paper or electronically. In no event, however, will the Court make electronically available documents that have been sealed or otherwise restricted by Local Rule or Court order.

PERSONAL DATA AND IDENTIFIERS

In light of the current public access to civil and criminal files over the Internet, you should not include sensitive information in any document filed with the Court unless such inclusion is necessary and relevant to the case. Any sensitive information not otherwise protected may be available over the Internet via PACER. If sensitive information must be included in the filing, the following personal data and identifiers must be redacted from the pleading, whether it is filed traditionally or electronically:

- Social Security and tax-payer-identification number (redacted identifier is last four digits)
- financial account numbers (redacted identifier is last four digits)
- names of minor children (redacted identifier is initials)
- dates of birth (redacted identifier is year)
- in criminal filings, home addresses (redacted identifier is city and state)

Redaction of personal identifiers is not required for certain documents (see Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1).

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may a) file an unredacted document under seal, or b) 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 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 will be retained by the court as part of the record. The party is nevertheless required to file a redacted copy for the public file.

In addition, exercise caution when filing documents that contain the following:

- (1) personal identifying numbers, such as driver's license numbers;
- (2) medical records, treatment and diagnosis;
- (3) employment history;
- (4) individual financial information;
- (5) proprietary or trade secret information;
- (6) information regarding an individual's cooperation with the government;
- (7) information regarding the victim of any criminal activity;
- (8) national security information;
- (9) sensitive security information as described in 49 U.S.C. § 114(s)

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. **It is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the Federal Rules of Civil and Criminal Procedure requiring redaction of personal data identifiers.**

SERVICE

Court Orders and Notices The Court will issue its orders and notices electronically to all registered counsel. The Court will send its orders and notices through regular U.S. mail to all counsel who have not registered. Parties who are not represented by counsel will be sent Court orders and notices through regular U.S. mail.

Service of Documents

Documents filed on paper by non-registered attorneys and pro se parties. All documents filed with the Court on paper must be served on other parties on paper in the traditional manner pursuant to the applicable Federal and Local Rules.

Documents filed on paper by registered attorneys. When a registered attorney does not use the electronic filing capabilities of the system and instead files documents with the Court on paper, the attorney must serve those documents in the traditional manner pursuant to the applicable Federal and Local Rules. Scanning of your documents by the Court and the resulting electronic notice by the Court does not constitute service upon the other parties in the case.

Documents filed electronically. When a document is filed electronically, a Notice of Electronic Filing will be generated by the system and will indicate which counsel have been served electronically. If opposing counsel has registered, they will be served electronically and no further service upon them is necessary. If opposing counsel has not registered, or if you are filing paper documents, then the document must be served upon that counsel on paper in the traditional manner pursuant to the applicable Federal and Local Rules.

ELECTRONIC FILING INFORMATION

Help Desk The Clerk's Office has established an Electronic Filing Help Desk to answer questions and to provide assistance should difficulties arise. The Help Desk can be reached by phone at (616) 456-2206, toll free at (800) 290-2742, or via e-mail at ecfhelp@miwd.uscourts.gov. The Help Desk is staffed weekdays from 8:00 a.m. until 5:00 p.m., excluding Federal Holidays.

Additional Information Additional information and materials are available on the Court's website (www.miwd.uscourts.gov). On the website, you will find Local Civil Rule 5.7, Local Criminal Rule 49.10, an electronic filing registration form, an on-line tutorial, a User's Manual, FAQ's and more.

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