

PARALEGAL TIP SHEETS

Steps for E-Filing a Motion or Motion Response in Federal Court

Do you need to assist your attorney with e-filing motion, motion response, or reply papers in federal court? Here are some tips.

1. *Verify your e-filing deadline with court, attorney and/or co-counsel.* Most district courts require that electronic transmission be completed before midnight of the due date, local time where the court is located, unless otherwise stipulated or ordered by the assigned judge. Be sure you know the deadline in your jurisdiction.
2. *Check your local court rules.* Do you know your jurisdiction's local rules for filing motions or responses, and specifically, your local Electronic Case Files (ECF) rules? You can find your court's ECF rules [here](#).
3. *Prepare any supporting documents, as requested by your attorney.* There may be a motion, declaration, request for judicial notice or proposed order you can draft for your attorney's review.
4. *Gather and quality check all exhibits.* Exhibits to any declarations or requests for judicial notice must be gathered in PDF format (see item 7 below). Check each exhibit to assure there are no missing pages, and no annotations, comments or markings that need to be removed.
5. *Proofread and verify all citations to declarations, exhibits, and other supporting documents in the brief.* It is important that all evidence citations be accurate. Check each citation in the brief to assure that the correct paragraph, exhibit or page number is referenced.
6. *Prepare appropriate proofs of service.* Most federal courts require a proof of service showing the alternate method of service when any party has not agreed to, or is otherwise not able to accept ECF service. Alternatively, a proof of service will be required in any case where hand service is necessary, such as when filing past any [Fed. R. Civ. P. 6\(d\)](#) requirement that three days be added to the filing and service deadline. (Check your local rules for this.) However, even in instances where all parties are served timely via the court's ECF system, follow your firm's or attorney's practice in preparing proofs of service for your filing.
7. *Prepare PDF versions of all documents to be e-filed with the court.* Each document to be e-filed must be converted to PDF format, including the motion (if applicable), brief, all supporting documents, and all exhibits. Convert to PDF rather than scanning to PDF, because it creates a smaller file, and many district courts specifically require this. Some courts require PDFs to be searchable. In addition, some district courts require [PDF/A](#) format. Know the requirements of your jurisdiction. Further, most court ECF systems have file size limits. For example, Northern District of California limits any individual PDF or grouped submission of PDFs to 50MB, while in the Southern District of New York, no single PDF may be larger than 4MB. Thus, you may have to divide a declaration with exhibits into multiple sections for e-filing.
8. *Redact for privilege or other sensitive information.* [Fed. R. Civ. P. 5.2](#) requires redaction of personal identification information, such as social security numbers, birth dates, names of minor children, and financial account numbers from documents filed with the court. Further, if any portion of your filing contains privileged information, follow the court's instructions for filing documents under seal. Typically, a party must e-file an administrative motion to file under seal, with a declaration and proposed order. Then the document containing privileged information must be manually served upon all parties, and lodged with the court with the administrative motion, following the court's local procedures. If the administrative motion is granted, follow the court's instructions. Some jurisdictions (such as the Northern District of California) have a procedure for e-filing documents under seal such that they are accessible by the court but not by counsel or the public.

9. *Use attorney login to upload brief, all supporting documents and exhibits to the court's ECF system.* Most district courts allow an ECF User (i.e., attorney of record) to authorize another person to file documents on his or her behalf, using his or her log-in; obviously the attorney user retains full responsibility for any document filed by another. It is helpful to have training on how to navigate the ECF system prior to filing day, as unfamiliarity with the ECF steps can cause delay. Begin upload early enough to allow for e-service in time for the filing deadline. Most courts require that your e-filing be *completed* by midnight local time in order for your filing to be considered timely.
10. *Assist your attorney in complying with any agreements among counsel regarding email or fax service of e-filed documents.* Parties sometimes negotiate an agreement to email all filed documents to all parties, in addition to the electronic service provided by the court's ECF system. This may be particularly important if any portion of your filing has been redacted for privilege with a motion to file under seal, and there is an agreement in place that unredacted versions be supplied to all counsel via email.
11. *Comply with Local Rules and/or Judge Standing Orders regarding lodging the judge's courtesy copy of all documents filed.* Many jurisdictions require that chambers' copies be submitted. For example, Central and Northern Districts of California require that courtesy paper copies of all electronically filed documents be delivered to the assigned judge's chambers no later than noon of the following business day, unless otherwise ordered by the assigned judge. However, you should review your assigned judge's standing orders as well. For example, certain Central District judges require multiple courtesy copies, and some still require that their courtesy copies be blue-backed.
12. *Comply with Local Rules and/or Judge Standing Orders regarding the handling of any proposed orders.* Many judges require that a Word or WordPerfect version of any proposed order be submitted to chambers via a specified email address. In addition, some judges still require that sufficient hard copies of any proposed order must be provided for conforming, together with a self-addressed, stamped envelope.