

Crim. LR 49 - Rules Governing Electronic Filing, Service, and Records

Crim. LR 49-1 CM/ECF - Case Management and Electronic Case File System

The District of Oregon uses the federal judiciary's electronic case management and electronic files system (CM/ECF) to support electronic filing and service in criminal cases and to provide electronic access to Court records. To the extent that they are not inconsistent with the Federal Rules of Criminal Procedure, Local Rules of Civil Procedure referred to in this rule provide guidance for filing practices in criminal cases.

Crim. LR 49-2 Mandatory Electronic Filing; Format of Filing

Unless otherwise limited by these rules, Registered Users must file all pleadings, documents (including attachments and exhibits), and other papers electronically through CM/ECF. All pleadings and documents, including attachments and exhibits, must be filed as text-searchable PDF files, unless otherwise directed by the Court.

Crim. LR 49-3 CM/ECF User Manual

Registered Users must follow the electronic filing requirements as described in detail in the CM/ECF User Manual on the Court's website at ord.uscourts.gov. This manual may be updated periodically to conform to new releases or features of CM/ECF. Notice of any updates will be posted on the Court's website.

Crim. LR 49-4 CM/ECF Users (See also LR 5)

(a) Registered Users

Attorneys admitted to the bar of this Court pursuant to LR 83-1, LR 83-3, and LR 83-4 must register and maintain active accounts with PACER (pacer.gov), and register to e-file in CM/ECF. Upon registration, attorneys are deemed to be Registered Users for purposes of these Local Rules.

(b) ~~Pro Se~~Self-Represented Party Litigants

A ~~pro se~~self-represented party who is not incarcerated may apply to the assigned judge for permission to become a Registered User in his or her specific case. Upon application, a ~~pro se~~self-represented party consents to electronic service via CM/ECF. If approved as a Registered User, that individual will become a Registered User in the specific case only, subject to all of the requirements of Crim. LR 49 ~~49~~ and any other applicable rules.

Crim. LR 49-5 Official Case Record

(a) Documents That Must be Filed in Paper

The following documents cannot be filed electronically and must instead be filed in paper:

- (1) **Case Initiating Documents.**
- (2) **Consent to Proceed Before a Magistrate Judge in a Misdemeanor Case.**
- (3) **Individually identifiable health information protected under HIPAA. (See also 45 C.F.R. § 160.103.)**

(b) Demonstrative or Oversized Exhibits

Demonstrative or oversized exhibits need not be filed electronically.

(c) Trial Exhibits

Electronic trial exhibits are to be submitted to the Clerk's Office per the requirements and procedures as described in "Submission Requirements for Electronic Trial Exhibits" found on the Court's website. Physical exhibits are to be handled in accordance with the trial judge's instructions.

(d) Documents Filed Electronically

In accordance with Fed. R. Crim. P. 49(e), the electronic filing of a document (together with CM/ECF transmission of the Notice of Electronic Filing) constitutes filing of that document, the official record for all purposes of the Federal Rules of Criminal Procedure and the Local Rules of this Court, and entry of the document on the docket kept by the clerk.

Crim. LR 49-6 Clerk's Conversion of a Paper Filing into an Electronic Replacement

The clerk will scan and convert a paper filing in its entirety to an electronic replacement for docketing in CM/ECF. Subsequently, the paper filing will be disposed of in accordance with guidance from the Administrative Office of the U.S. Courts.

Crim. LR 49-7 Judge's Paper Copy Requirements (See LR 5-8 and LR 10-1 and Practice Tips)

Unless otherwise ordered by the Court, a paper copy, properly fastened pursuant to LR 10-1(f), of motions in limine, motions to dismiss, suppression motions, motions for injunctive relief (including all related documents), and any documents in excess of ten pages, and accompanied by the Notice of Electronic Filing, must be marked as a "JUDGE'S COPY" and delivered to the Clerk's Office within three business days after the electronic filing.

Crim. LR 49-8 Service (See also Crim. LR 49-1 and 49-2)

(a) CM/ECF Electronic Service

- (1) **Completion of Service:** Electronic service is complete upon transmission of the Notice of Electronic Filing, but is not effective if the serving party learns that it did not reach the person to be served.

- (2) Notice of Electronic Service: The Notice of Electronic Filing will be transmitted to all Registered Users who have appeared in the case, and confirmation of receipt of the Notice of Electronic Filing fulfills the notice requirements of Fed. R. Crim. P. 49.

(b) Paper Service

The filing party is responsible for perfecting paper service in any manner permitted by the Federal Rules of Criminal Procedure (and for filing a Certificate of Service with the Clerk's Office) for every:

- (1) Document permitted by these rules to be filed in paper instead of electronically; and
- (2) Electronic filing that could not be electronically served upon a party or Registered User who appeared in the action.

Crim. LR 49-9 Hyperlinks

(a) Authorization

Electronically filed documents may contain hyperlinks to other portions of the same document and/or hyperlinks to a location on the Internet that contains a source document for a citation.

(b) Citation Format

Hyperlinks to cited authority do not replace standard citation format. Complete citations must be included within the text of the document. Neither a hyperlink, nor any site to which it refers, is considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in an electronically filed document.

(c) Disclaimer

The Court neither endorses nor accepts responsibility for any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked.

Crim. LR 49-10 Court Orders and Judgments

Every order or other Court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner. Orders may also be issued as "text only" entries on the docket, without an attached document.

Practice Tip

In accordance with Fed. R. Crim. P 49(e), the Clerk's Office does not mail a paper copy of electronically filed judgments to Registered Users who have been electronically served.

Crim. LR 49-11 Retention Requirements (See LR 10-3)

(a) Documents Containing Original Signatures of Non-Registered Users

Electronically filed documents such as affidavits or declarations under penalty of perjury that contain original signatures of persons who are not Registered Users must be maintained in their original paper form by the Registered User until the later of:

- (1) The final disposition of the case, including appeal or expiration of the time for appeal; or
- (2) The expiration of any relevant statute of limitations.

(b) Production of Original

On request of the Court or a party, the Registered User must provide the document for review.

Crim. LR 49-12 Personal Privacy Issues

Information posted on CM/ECF may not be downloaded for uses inconsistent with the privacy concerns of any person.

Amendment History to Crim. LR 49	
March 1, 2014	
LR 3001-1	Former rule title ("Application (See LR 100)") stricken. Former rule text that, "Unless otherwise directed by the Court, the provisions of LR 100 apply to all criminal cases pending within the District of Oregon, or after March 1, 2004" stricken.
LR 3001-1	New rule titled "CM/ECF – Case Management and Electronic Case File System" based on former civil LR 100-1.
LR 3001-2	New rule titled "Mandatory Electronic Filing; Format of Filing" and Practice Tips based on former civil LR 100-2.
LR 3001-3	New rule titled "CM/ECF User Manual" and Practice Tips based on former civil LR 100-3.
LR 3001-4	New rule titled "CM/ECF Users (See also LR 83)" based on former civil LR 100-4.
LR 3001-5	New rule titled "Official Case Record" based on former civil LR 100-5.
LR 3001-6	New rule titled "Clerk's Conversion of a Paper Filing into an Electronic Replacement" based on former civil LR 100-6.

LR 3001-7	New rule titled "Judge's Paper Copy Requirements (See LR 5-9 and LR 10-1(e), (g) and Practice Tips)" based on former civil LR 100-7.
LR 3001-8	New rule titled "Service (See also LR 2001-1 and 3001-2)" based on former civil LR 100-8.
LR 3001-9	New rule titled "Hyperlinks" based on former civil LR 100-9.
LR 3001-10	New rule titled "Court Orders and Judgments" based on former civil LR 100-10.
LR 3001-11	New rule titled "Retention Requirements (See LR 100-3)" based on former civil LR 100-11.
LR 3001-12	New rule titled "Personal Privacy Issues (See also LR 3-7)" based on former civil LR 100-12.
August 1, 2019	
Crim. LR 49	Renumbered from LR 3001 to Crim. LR 49 to correspond with Federal Rules of Criminal Procedure. Renamed rule from "Rule Governing CM/ECF: Case Management and Electronic Filing – Practices" to "Rules Governing Electronic Filing, Service and Records."
Crim. LR 49-1	Renumbered from LR 3001-1 to Crim. LR 49-1. Deleted "CM/ECF" from rule title and added "s" to "File." Added "electronic case management and electronic files system" after "judiciary's" and added parentheses around "CM/ECF."
Crim. LR 49-2	Renumbered from LR 3001-2 to Crim. LR 49-2. Deleted "the" preceding and "system" following "CM/ECF."
Crim. LR 49-3	Renumbered from LR 3001-3 to Crim. LR 49-3. Deleted "on the For Attorneys page under the E-Filing tab" following ord.uscourts.gov . Deleted "the" preceding and "system" following "CM/ECF."
Crim. LR 49-4	Renumbered from LR 3001-4 to Crim. LR 49-4. Crim. LR 49-4(a): added "CM/ECF" before "User" and deleted "in the CM/ECF system" after "Account." Crim LR. 49-4(b): deleted "the CM/ECF" before "electronic." Crim LR 49-4(c): updated reference to Crim. LR 49 from LR 3001. Deleted "the" preceding and "system" following "CM/ECF."

Crim. LR 49-5	Renumbered from LR 3001-5 to Crim. LR 49-5. Crim. LR 49-5(d): deleted "the" preceding and "system's" following "CM/ECF."
Crim. LR 49-6	Renumbered from LR 3001-6 to Crim. LR 49-6. Deleted "the" preceding and "system" following "CM/ECF."
Crim. LR 49-7	Renumbered from LR 3001-7 to Crim. LR 49-7. Updated references to local rules of civil procedure.
Crim. LR 49-8	Renumbered from LR 3001-8 to Crim. LR 49-8. Updated "see also" references to renumbered Crim. LR 49-1 and 49-2.
Crim. LR 49-9	Renumbered from LR 3001-9 to Crim. LR 49-9.
Crim. LR 49-10	Renumbered from LR 3001-10 to Crim. LR 49-10.
Crim. LR 49-11	Renumbered from LR 3001-11 to Crim. LR 49-11.
Crim. LR 49-12	Renumbered from LR 3001-12 to Crim. LR 49-12. Inserted "in" and deleted "on the" preceding and "system" following "CM/ECF."
January 21, 2020	
Crim. LR 49-2 Practice Tips	Deleted.
Crim. LR 49-3	Replaced "are to" with "must."
Crim. LR 49-3 Practice Tips	Deleted.
Crim. LR 49-4	Updated reference to local rules of civil procedure.
Crim. LR 49-4(a)	Replaced "Attorneys" with "Users" in rule heading. Amended to "Attorneys admitted to the bar of this Court pursuant to LR 83-1, 83-3, and LR 83-4 must register and maintain active accounts with PACER (pacer.gov), and register to e-file in CM/ECF. Upon registration, attorneys are deemed to be Registered Users for purposes of these Local Rules."
Crim. LR 49-4(b)	Deleted.
Crim. LR 49-4(c)	Renumbered to Crim. LR 49-4(b). Amended to "A pro se party who is not incarcerated may apply to the assigned judge for permission to become a Registered User in his or her specific case. Upon application, a pro se party consents to electronic service via

	CM/ECF. If approved as a Registered User, that individual will become a Registered User in the specific case only, subject to all of the requirements of Crim. LR 49 and any other applicable rules."
Crim. LR 49-6	Replaced "may" with "will" after (1) "clerk" and (2) "filing." Replaced "posting to" with "docketing in." Replaced "If the clerk does so" with "Subsequently." Deleted "returned to the filing party or" before "disposed."
Crim. LR 49-7	Updated references to local civil rules. Added "accompanied by" before "the Notice."
December 1, 2020	
Crim. LR 49-5(a)(2)	Deleted. Renumbered from LR 49-5(a)(3).
Crim. LR 49-5(a)(3)	Renumbered from LR 49-5(a)(4).
Crim. LR 49-12	Deleted reference to LR 3-7 after rule heading.
<u>September 3, 2024</u>	
<u>Crim. LR 49-4(b)</u>	<u>Replaced "Pro Se" with "Self-Represented" in the rule subheading and replaced "pro se" with "self-represented" in the body of the rule.</u>