

1.3 Access to Court Proceedings and Records.

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(b) Records of the Court.

- (1) *Fees.* The Judicial Conference of the United States establishes fees for records or services provided by the clerk of court. The current fee schedule is available on the court's website.
- (2) *Case Files.* Unless access is restricted, documents and items filed in the record may be viewed at no cost at the clerk's office. Where feasible, copies may also be obtained for a fee. The electronic record is available to remote access for a fee.
- (3) *Verbatim Record.* The court will take the record by either stenotype reporting or electronic sound recording. The clerk may provide electronic sound recordings of hearings not attended by a court reporter. A recording is not an official record of the court.
- (4) *Transcripts.*
 - (A) *Official Record.* Only certified transcripts filed by the individual designated to produce the record are official records of the court.
 - (B) *Obtaining Transcripts.* Policies regarding compensation to court reporters and the availability of transcripts, as well as forms for requesting transcripts, may be found on the court's website, or by contacting the clerk's office.
 - (C) *Realtime.* Attorneys of record may order and receive Realtime transcription of court proceedings. A Realtime unedited transcripts may only be distributed to ordering parties, their co-counsel, experts, and staff. It is not to be made available to the public, including news organizations or other nonparticipants, and it may not be cited or used in the manner of a certified transcript.
- (5) *Stricken Documents.* A stricken document remains in the public

record if originally filed there, unless the judge orders it sealed to protect privacy or security interests. A stricken document remains under seal if it was sealed when stricken.

(6) *Items Not Available in Electronic Record.*

(A) Documents. Documents not filed in the electronic record will be kept in the clerk's custody until archived. The docket must reflect the date of their filing, a brief description, and their location.

(B) Exhibits.

(i) If it is not practical to file an exhibit in the electronic record, the court will not permanently retain the exhibit.

(a) At the conclusion of a trial or hearing, each party is responsible for reclaiming any unfiled exhibits, unless the presiding judge orders otherwise.

(b) If an exhibit pertinent to a motion is not electronically filed, it must be reclaimed within seven days after the motion is terminated.

(ii) In the event an exhibit not electronically filed is required by this or another court, the parties will be notified and must resubmit the exhibit as the clerk directs.

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1.4 Means of Filing.

(a) General Rules.

(1) Except as otherwise provided by these rules, nothing may be filed with the court by means other than use of the court's electronic case filing system ("ECF"), mail directed to the clerk of court's address for postal service, or in-person delivery to the clerk's office.

- (2) To the greatest extent possible, the record of each case, including exhibits, will be maintained in ECF and available to remote public access. All filers must follow the guidance of the clerk's office to facilitate electronic filing and to make the record legible and complete.

(b) Electronic Filing.

- (1) A Guide for Filing in the District of Montana is available on the court's website.
- (2) Use of a registered user's log-in and password to obtain access to ECF constitutes use by the registered user. The clerk is authorized to require registered users to take action, such as additional training, to correct habitual filing errors.
- (3) *Technical Problems.*
 - (A) **User's Problem.** Technical problems on the user's end will not excuse untimely filing. Attorneys must consult the Guide for Filing in the District of Montana or call the help desk during business hours.
 - (B) **Court's Problem.**
 - (i) The clerk of court will deem the ECF filing site to be subject to a technical failure on a given day if the site is unable to accept filings for at least one hour after 10:00 a.m. that day. Known system outages will be posted on the court's website, if possible. Registered users are authorized to file nonelectronically, or by email to an address posted on the website, until 5:00 p.m. of any day the clerk posts notice of an outage.
 - (ii) The clerk may post notice on the court's website extending filing deadlines for registered users to 9:00 a.m. the following business day. Registered users unable to meet the extended deadline may seek appropriate relief from the presiding judge.

- (4) *Judges' Requirements.* A judge may require any filer to submit paper or another form of any filing in addition to filing in ECF.

(c) Nonelectronic Filing.

- (1) *Unscannable Documents or Items.* Documents or items that cannot be scanned must be filed in the division of venue. If the document or item is presented to the clerk in another division, the clerk may reject filing and note in the docket the party's attempt to file it. The party must present the document or item in the correct venue within three business days.
- (2) *Self-Represented Litigants.* Except for attorneys admitted to the bar of this District, a self-represented litigant may not file electronically. Filing by email may be permitted under L.R. 83.8(c).
- (3) *Attorney Exemption.* An attorney may seek leave to file nonelectronically by filing Form G at the first appearance in the case. The clerk will not serve an attorney by mail unless leave is granted.