

Guide to E-Filing with “Searchable” Portable Document Format (PDFs) in Minnesota District Courts

This guide responds to common questions about e-Filing with PDF documents.

Change to Searchable PDF

Rule 14 of the Minnesota General Rules of Practice governs E-Filing and E-Service. Previously, Rule 14 allowed documents to be e-filed in four different file formats (Word, WordPerfect, PDF and TIFF), but required that “no Optical Character Recognition (OCR) data shall be contained in or associated with the document.” Effective September 16, 2013, rule 14 will require that e-filed documents “be submitted in searchable PDF format only.” So what does this new requirement mean?

- Do all documents and exhibits submitted need to be text-searchable?

Rule 14 attempts to draw a distinction between electronically converted PDFs created from electronic document formats such as word processing documents (MS Word®, WordPerfect®, etc.), and scanned PDFs created from paper documents processed through an optical scanner. The former are to be submitted in text-searchable PDF format, while the latter need not be submitted in text-searchable PDF format, just in ordinary PDF format.

Part of the rationale for this distinction is that file size of documents that are scanned from a paper-scanner can be large. Some paper scanners are capable of producing OCR, or Optical Character Recognition, PDF formats, but the size of the resulting PDF file can be large. Thus rule 14 does not want OCR used for paper-scanned PDF documents.

To summarize, all documents electronically generated by attorneys/parties or support staff (e.g., notices, complaints, motions, memoranda, etc.) should be submitted in text-searchable PDF format. Certain submissions to the Court do not need to be e-filed in text-searchable format. For example, if a party was attaching a paper document to a motion as an exhibit and needed to electronically scan that document, and that attachment should be e-filed without being “text-searchable.”

Other documents that would not carry an expectation of being e-filed in text-searchable PDF format include: hand-written documents, photographs, and portions of documents that contain charts, graphics, signatures, or handwritten items (such as fill in the blank spaces on pre-printed forms).

- How do I create a text-searchable PDF from an electronic word processing or spreadsheet document?

Searchable PDFs may be created by many common word processing and spreadsheet programs. For example, Microsoft Word 2010 creates a text-searchable PDF when saving as a PDF. Contact your support staff for additional assistance and details.

- Will my current PDF software be adequate to produce text-searchable PDFs?

Your software must be able to create a PDF document that is PDF Version 1.0 – PDF Version 1.7, or higher. If you have further questions about the capabilities of your PDF software, contact your internal technical support team or the software vendor.

- How do I know if my PDF is text-searchable?

Try to search your PDF using the Ctrl + F keys (or click on Edit -> Find) within your document and search for a word you know is present.

- What about Macs?

Apple computers have the capability to create text-searchable PDFs. Contact your support staff, Apple customer support, or Apple's support website for additional assistance/details.

- What about PDF/A?

The federal courts are planning to move to PDF/A as the standard for e-filing because that standard supports longer term archiving. As long as PDF/A produces a readable PDF scanned image, or a text-searchable converted PDF image, whichever is applicable, it would suffice for e-filing purposes in Minnesota state district court.

- What about signatures and notary stamps?

General Rule of Practice 14.04(c) permits a “/s/Pat Smith” type signature as a typographical signature, and it also expressly permits a typographical notary stamp (e.g., typed notary name and date commission expires).

Effective Date

- When will the PDF format become mandatory for e-filing?

September 16, 2013.

Dots Per Inch Setting for Scanning PDFs

- What is the maximum and minimum dots-per-inch (DPI) for scanning?

200 is the minimum DPI, and 300 is the maximum and recommended DPI for e-Filing. Check your hardware and software for DPI setting information and contact your internal technical support team or the software vendor with any questions.

Black and White, Not color

- Is color allowed?

Color is allowed by leave of the court. See General Rule of Practice 14.03(d). Normally, documents should be scanned in black and white. Scanning a document in color significantly increases the size of a document. Please review color documents before e-Filing to make sure the colors appear as intended. Greyscale, which may appear to be black and white, also increases the size of the documents and should not be used except where necessary to produce a readable image (e.g., scanning of a hard-to-read handwritten document).

No Password Protected Files

EFS will not accept password protected documents. See General Rule of Practice 14.03(b)(5).

No Hyperlinks

Internal hyperlinks, which point to other places within the same document, are permissible and are accepted by EFS. However, external hyperlinks, which point to other documents, websites, or other legal sources, are not supported and must be avoided in documents submitted to the court. Use of external links can result in format errors preventing your document from being accepted. See General Rule of Practice 14.03(b)(7).

Sanctions

- What will happen to an electronically filed document if it is not submitted as a text-searchable PDF, or if scanned, as a non-text-searchable PDF after September 16, 2013?

At some point in the near future the e-filing system will be modified so that only PDF format documents can be e-filed. Until that happens, failure to submit a document in PDF format may mean that the judge is unable to review your submission electronically or is unable to review it efficiently, and you may also be subject to sanctions (including, without limitation, costs for staff to convert the document to PDF format, see, e.g., General Rule of Practice 14.01(d)), or a directive to resubmit in PDF format).

Bookmarking PDFs

Some PDF programs allow a user to “bookmark” PDF documents to mark a place in a document that you want to highlight. Check your software manual or contact your own information

technology staff for particulars. Whether you should bookmark items for the benefit of the judge or judicial officer may depend on the particular judge or judicial officer, and you may want to check with them. Your bookmarks in a PDF document that is e-filed will be viewable by judicial officers and court staff.

Document Best Practices: Start with a Good Document to Convert into PDF Format

For best results when preparing electronic documents that you will eventually be converting to text-searchable PDF for e-Filing, ensure your original documents meet the best practices listed below:

- Use a standard font in the document being converted
 - Times New Roman
 - Arial
 - Courier New
- Avoid using special characters in order to keep the file size down and ensure accurate conversion:
 - Bullet points
 - Checkboxes
 - Symbols
- Avoid embedding images in the document when at all possible; submit images in a separate file document.
- Each document should be no larger than 5 MB and no single envelope should be larger than 25 MB.

Other Resources

If you need further assistance, you may do an internet search for websites that can provide PDF assistance to lawyers.