

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT *of* NEW YORK

cm/ECF User's Guide

(Revised June 2010)

Electronic Filing Is Mandatory

See Administrative Order No. 204-08

Our Website: <http://www.nyed.uscourts.gov>

Honorable Raymond J. Dearie
Chief, United States District Judge

Robert C. Heinemann
Clerk of Court

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Introduction

This Manual provides a general guide on how to use the Eastern District of New York's electronic database. Registration instructions are included.

The Eastern District of New York has an electronic database of cases. All filings, either by counsel or by the Court, are done electronically via the Internet. Paper documents will be filed only rarely; see individual judge's rules. Electronic Filing Procedures are available on our Website <http://www.nyed.uscourts.gov>.

All documents must be filed electronically

Electronic Filing is Mandatory

See Administrative Order No. 2004-08

Courtesy copies of *all* electronic filings shall be submitted to the judicial officer in hard copy, and be labeled **“Courtesy Copy - Original was electronically filed and assigned document number X”**. **Exceptions** to this policy may be listed on the judicial officer's Motion Practices.

Confirm chamber's specific electronic filing requirements by clicking on the judicial officer's **Motion and Individual Practices** on our website. This is found by clicking on General Information, then Court Directory, then either Active Article III Judges, Senior Article III Judges or Magistrate-Judges.

Requests by attorneys for an exemption to the mandatory policy will be considered for good cause hardship reasons only, and will be reviewed on an individual basis by the assigned United States Magistrate Judge. The Clerk's Office provides an electronic filing training program to assist attorneys filing electronically. **Before seeking a hardship exemption**, attorneys are required to participate in the training program or otherwise seek the assistance of the Clerk's Office.

To schedule ECF training in Brooklyn, contact Evelyn Levine at 718-613-2312 or by e-mail at Evelyn_Levine@nyed.uscourts.gov .

To schedule ECF training in Central Islip contact Cinthia Mahon at 631-712-6011 or by e-mail at Cinthia_Mahon@nyed.uscourts.gov .

To file electronically you need the following:

1. Adobe Acrobat - for converting documents to a PDF format.
[To obtain contact any retail computer software vendor.]
[Documents created in a Word Processor, such as WordPerfect, Word, should be printed to pdf; not printed, signed and scanned. Your login and password are your electronic signature. Every attorney needs their own login / password.]
2. Firefox 3.0, or Internet Explorer 6 or 7.
3. An Internet connection.
4. *On-line ECF Registration* is available on our website, and should be done as soon as possible.

To view online docket sheets or *to view electronically filed documents* you need the following:

1. An Internet connection.
2. Adobe Acrobat Reader (free download from www.adobe.com) to view electronically filed documents.
3. Firefox 3.0 or Internet Explorer 6 or 7.
4. A PACERNet account. (A Pacer Account is needed *to view* docket sheets or electronically filed documents. You may call 1-800-676-6856 to register or online at <http://pacer.psc.uscourts.gov> .

Registering for Access

Once your **ECF Registration online application** is processed you will be issued a login and password for your use in electronically filing documents into our ECF Live Database. You will receive this information by e-mail. (Use your firm's Pacer login/password to view docket sheets or to view previously e-filed documents. There is only the one login screen, so enter the appropriate login accordingly.) Counsel are encouraged to include their firm's e-mail address, as well as their personal e-mail address, on their registration form to ensure notification of any case activity. **Your login and password are your electronic signature.** *Every attorney* needs their own login and password. Each login and password **is** case sensitive. Keep your login and password in a secure place. If compromised, contact the Court immediately and a new password will be issued. If you have forgotten your login or password, please re-register for a new password. You may also request a login and password for our Training Database.

Step-by-step instructions for ECF registration is located on **page 14** of this guide.

Login Screen

On our website, <http://www.nyed.uscourts.gov>, click on **cm/ECF**, then **Electronic Access**, then (**ecf.nyed.uscourts.gov**). **Live**, then on **Eastern District of New York - CM/ECF LIVE Database**, and there you will see our login screen.

There is only one login screen. You have two options.

1. By entering the **login and password the Court has assigned to you**, you are proceeding **to electronically file** a document.
2. By entering **your firm's Pacer login and password**, you are proceeding to either **view** a docket sheet or **view** a previously electronically filed document. To obtain a Pacer login and password contact the PACER Service Center at 1-800-676-6856 or (210) 301-6440, or online at <http://pacer.psc.uscourts.gov>.

Training

Training is offered **free** of charge at both the Brooklyn courthouse and the Central Islip courthouse. To schedule training in Brooklyn call (718) 613-2312. To schedule training in Central Islip call (631) 712-6011.

Computer Based Training, CBT's, is offered by logging on to our website <http://www.nyed.uscourts.gov>, clicking on the cm/ECF button, and then in the Training paragraph, click on CBT Training.

When you register for electronic filing you will be sent a login and password for our Live Database. You may also request a login and password for our Training Database. The Training Database contains *a few sample cases* that will allow you to practice filing documents. To see the listing of cases in our Training Database, you will need to enter your PACER account information, then: click on Reports; then, under Civil Reports, click on Civil Cases; and Run Report. T

In addition, the website <http://pacer.psc.uscourts.gov/ecfcbt/dc/> has a host of cm/ECF information, including self-paced online training materials for attorneys.

Contacts

1. **Technical Help** Desk 718-613-2290
2. Questions regarding **ECF Registration** 718-613-2312 in Brooklyn
631-712-6036 in Central Islip
3. Questions regarding **Filing** 718-613-2610 in Brooklyn
631-712-6010 in Central Islip
4. To Schedule **Training** 718-613-2312 in Brooklyn
631-712-6011 in Central Islip

How To File Documents Electronically

Only documents in PDF format may be filed electronically. To view these documents users must install a PDF Reader. The PDF Reader is free of charge. When installing this product, review and follow the provider's directions. (Note: If you have Adobe Acrobat installed, you should not install the adobe reader.)

To convert documents into PDF format you need to purchase the Adobe Acrobat Writer. To obtain the Writer please call (800) 833-6687. **Once your document is in PDF format**, click on Civil or Criminal, depending on your case, then click on the Event that best describes the document you are filing.

See **Page 15** of this User Guide for information on scanning pdf documents.

A list of **civil events** are listed at the website:
http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cvatyevents.pdf

A list of **criminal events** are listed at the website:
http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cratyevents.pdf

You will be guided through your filing by a series of prompts, including a prompt for your case number. There may be drop boxes or free text boxes for the option of further describing the document being filed. Filing a document with supporting, or opposition documents, may be made with one electronic filing **which would include attachments**. Electronic filing, or viewing docket sheets, or viewing electronically filed documents can be done 24 hours a day, seven days a week.

Frequently Asked Question Topics:

Linking Counsel to a Party/E-Notifications: During the first electronic filing an attorney makes after receiving a login and password, ECF may note that it does not have a link between the filing attorney and the filing party. ECF will, at this point, allow counsel to make the link. Making a link between counsel and a party to a case will add counsel's name and address to the front of the docket sheet. **NOTE:** **Some events will *not* give counsel the option of linking themselves to a party. In these instances, you must file a Notice of Appearance. The filing of a notice of**

Appearance will not only link your name to specific parties but will add your appearance to the docket sheet enabling you to receive e-mails when electronic filings are made, either by the Court or counsel.

Counsel may receive individual **e-mails** every time there is an activity on one of your cases, or counsel may receive one summary e-mail, daily, which lists all activity that transpired the day before in all of your cases.

When electronically filing **documents that add new parties** to a case, such as an amended complaint, you will receive a prompt when to add them. For the present, if a summons is required for service upon a new party, you will need to come to the Clerk's Office in Brooklyn or in Central Islip.

Fees may be paid in person or by mail. Fees for **notices of appeal** and for ***pro hac vice* motions** and **requests for Trial De Novo** may be paid on-line while e-filing the document.

When electronically filing **Pro Hac Vice motions**, the attorney must pay the filing fee via credit card as part of the filing. The filing fee is \$25.00 per each motion for one attorney.

If the motion to appear pro hac vice is granted, then the new attorney should file a Notice of Appearance. During the e-filing of the Notice of Appearance, the attorney will see a prompt that reads "The following attorney/party associations do not exist for this case." The attorney should **click on the box at the beginning of the sentence and put a check mark so that an association between the attorney and the party represented can be created**. Under ***no*** circumstance should the check mark be removed on the "Notice" box.

Upon completion of an electronic filing the last screen you see is a **Notice Of Electronic Filing screen**. This screen will tell you, among other things, the document number assigned to your document; will contain your electronic file stamp; and, at the bottom of the page, will notify you that a notice will be, or will not be, electronically mailed to counsel. If a notice ***will not*** be electronically mailed to counsel you are required to **mail a hard copy** of the document you are filing to said party. See Page 14 for a sample of Certificate of Service that should be attached to your electronic filing.

Exhibits must also be electronically filed. If, for some reason, the exhibits cannot be electronically filed, they may be filed in hard copy. Warning: before filing exhibits in hard copy, you must check your judicial officer's rules to see if leave of court is required.

The exhibits filed in hard copy should have a cover sheet containing the case caption, the assigned judge and docket number, and a label that the documents are "Original Exhibits to [name of ECF filed document]."

When e filing the document that the exhibits are supporting, note in that filing that your exhibits will be filed in hard copy.

Attached to this Guide is a sample form that may be attached to the documents you are filing in hard copy. This form may also be filed. This form will advise the court and parties that such exhibits are **being filed in paper form.**

Documents in excess of 100 pages should be broken down into 100 page documents then filed electronically. For example a 300 page brief should be filed as Brief - Pages 1-100; the first attachment would be Brief - Pages 101-200; and the last attachment would be Brief - Pages 201-300. The current limit for a PDF to be uploaded is 4 megabytes. If your document exceeds that size, you are presented with this message: "You cannot load this file, it is over 5.0MB. To continue, divide the document into separate parts."

Sealed / sensitive documents, filed in hard copy, must be so labeled. They should be presented for filing in a sealed envelope with the sealing cover sheet (attachment to Administrative Order 2004-5) and should be properly labeled. These envelopes should also contain the words *Sealed Document*. Regarding the **Privacy Policy and Public Access** to electronic case files, redacted documents are to be filed with the Court. All personal data identifiers are to be removed from all pleadings including exhibits. **Please see Administrative Order 2004-09 regarding the 8/2/2004 amendments to the E-Government Act of 2002.** This administrative order is available on our web site. On the login screen, you will need to certify that you understand and will comply with the redaction rules.

Sealed / sensitive documents may be electronically filed by the attorney, with permission of the court. See *Appendix A* for more instructions on e-filing Sealed or Ex Parte Documents.

Document numbers on docket sheets that are underlined are hyperlinked to a document, and the document will appear in total when double clicked. Document numbers *without* the underline indicate that the document was filed in hard copy and that it will not be viewable online.

Motion filing. For judges requiring motions to be fully briefed before filing, it will be the movants responsibility to electronically file *all* documents, including their adversary's document. The adversary shall provide movant with a pdf version of their opposing document(s). These documents may be filed in one electronic filing, with attachments. File the motion electronically with the supporting and opposing documents as the attachments.

See: <http://www.nyed.uscourts.gov/pub/Demos/motionOne.exe> - to view a training demo on filing Motions with Attachments.

Filing affidavits of individuals who are not counsel of record. These affidavits may either be scanned and electronically filed, or counsel of record may e-file their own affidavit stating that said individual's original affidavit will be kept in their file should the Court or counsel wish to see it.

Initiating documents in civil and criminal cases (complaints, indictments, informations, etc.) shall continue to be filed in hard copy. The Clerk's Office will then scan and e-file these documents. Thereafter, counsel are required to electronically file all further documents.

Technical Failures: The Clerk shall deem the E.D.N.Y. Public Web Site to be subject to a technical failure on a given day if the Site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day, in which case filings due that day which were not filed due solely to such technical failures shall become due the next business day. Such delayed filings shall be rejected unless accompanied by a declaration or affidavit attesting to the filing person's failed attempts to file electronically at least two times after 12:00 p.m. separated by at least one hour on each day of delay due to such technical failure. The Clerk shall provide notice of all such technical failures on the E.D.N.Y. Public Web Site, and by means of an E.D.N.Y. Public Web Site status line which persons may telephone in order to learn the current status of the Site.

Change of Firm / Address: :

If your law firm affiliation has changed AND *if you are continuing to appear* on an active EDNY cases, you will need to e-file a **Notice of Change** in each such active case.

If your law firm affiliation has changed, you are *not appearing* on any active EDNY case, then you should re-register on our website (www.nyed.uscourts.gov).

This will update your ECF information and issue you a new password.

Also, for firm change, you will need to remove the firm's PACER account, as the default on your account, through the "Utilities" function.

You can also re-register to update your information if you are remaining with the same firm and the firm has changed address, phone, or e-mail.

Logging Out

To exit ECF or Pacer click on Logout, which is located on the blue or green tool bar located near the top right of your screen. Failure to do so will result in error messages the next time you try to login.

Sample Form

Certificate of Service

I hereby certify that on _____, 200__, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service upon the following parties and participants:

Attorney's Name and Address

Sample Form

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

Vs.

Civil Action No.

Judge

-----X

Notice Regarding the Filing of Exhibits in Paper Form

Exhibits, labeled / numbered _____, in support of _____, which was electronically filed on _____, 200__, and assigned Document Number ____, are being filed in hard copy and will be maintained in the case file in the Clerk's Office.

Counsel's Name and Address

Date:

To register for a ECF filing login/password to e-file documents in the Eastern District of New York:

Step One:

Goto: www.nyed.uscourts.gov (NYED homepage)

Fill out the online registration from located on the lower right of the homepage - under *Electronic CM/ECF Attorney Registration*.

Step Two:

A confirmation e-mail will be immediately sent to your primary e-mail address. You need to confirm by clicking on the LINK in the e-mail. If you cannot click it directly, try copying and pasting the address into a browser. A screen will appear notifying you that your information is confirmed.

Step Three:

Within 1-3 business days, you will be e-mailed your ECF login and password. This is to be used for e-filing documents in the Eastern District of New York.

Once you are associated with a case, which is done by e-filing a Notice of Appearance in that case, you will automatically receive ecf bounces of any case activity. The bounce will contain a link to any document filed. You have ONE FREE LOOK to view, save, and/or print the document. After this, you will need to use your PACER login information to access the document.

Pro hac vice Filers:

You may register for a login and password in order to e-file your PHV motion online. You will have the option to pay online or mail in payment.

On the initial ECF Registration Screen, be sure to click on “Are you admitted pro hac vice or filing a motion to be admitted pro hac vice?” You will be asked for the case number on the next screen.

Scanned documents filed via CM/ECF must meet the following National Archives and Records Administration (NARA) Specifications:

Scanned images of textual records transferred to NARA must meet the following minimum requirements for scanning resolution and pixel (bit) depth to support archival preservation and continued use.

Bitonal (1-bit) scanned at 300-600 dpi. This is appropriate for documents that consist exclusively of clean printed type possessing high inherent contrast (e.g., laser printed or typeset on a white background). Scanning at 600 dpi is recommended.

Gray scale (8-bit) scanned at 300-400 dpi. This is appropriate for textual documents of poor legibility because of low inherent contrast, staining or fading (e.g., carbon copies, thermofax, or documents with handwritten annotations or other markings), or that contain halftone illustrations or photographs. Scanning at 400 dpi is recommended.

Color (24-bit RGB [Red, Green, Blue]) scanned at 300-400 dpi. Color mode (if technically available) is appropriate for text containing color information important to interpretation or content. Scanning at 400 dpi is recommended.

If your document was created using a word processor, then it should be printed to pdf. Do not print, scan and pdf your document.

You do not need to sign your document. Your ecf login and password is your signature.

The scanned pdf must be text-searchable (OCR).

Sealed/ Ex Parte Documents ~ Steps for E-filing

1. Attorney e-files a **Motion for Leave to Electronically file a Sealed Document**
Or, a Motion for Leave to Electronically file an Ex Parte Document.

2. **If the Leave is granted-**

The attorney would then e-file the Sealed - or Ex Parte- document by selecting one of the following, plus the specific event:

For Sealed Documents

- A. 1 - Sealed Docket Entry AND Document - to be used **ONLY** in conjunction with other selection
- B. 1 - Sealed Document - to be used **ONLY** in conjunction with other selection*

***Please Note:** By **selecting 1- Sealed Document - to be used ONLY in conjunction with other selection** you will have chosen to have the docket entry on the public docket sheet and the Notice of Electronic Filing (NEF) to be sent to all counsel and participants on this case. Only the document will be sealed. If you do not want the docket text to be on the public docket sheet and all counsel and participants to receive notification of the filing you should select **1- Sealed Docket Entry AND Document - to be used ONLY in conjunction with other selection.**

For Ex Parte Documents:

- A. Exparte Docket Entry AND Document - to be used **ONLY** in conjunction with primary event selection
- B. Exparte Document - to be used **ONLY** in conjunction with primary event selection.

[Only attorneys who have been granted permission to electronically file a Sealed document on a specific case will be able to do so. Otherwise, the attorney will receive a message that they are not authorized to proceed. Separate permission will be needed from the Judge for the attorney to view sealed documents in the case).