

## ATTORNEY FAQs

### **My CM/ECF password is not working. How can I have it reset?**

First, be sure you are using the proper username/password. CM/ECF and PACER are separate systems, although their respective login pages look the same. The CM/ECF password is used to e-file documents, whereas the PACER password is used to research and review documents. Make sure you are entering the proper login credentials for the system you are accessing. It may help if you close out of all of them and clear your computer's cache. Then try to log in again.

If you definitely need to have the CM/ECF password reset, the fastest way to accomplish this is to [submit the request online](#). You simply need the primary email address used on the system for the filer.

If the primary email address changed and was never updated in the system, the online request may not work, since the password reset will be sent to the email address in the system (which may no longer be valid). Under these circumstances, notify the Clerk's Office in writing, indicating the changed email address and a request to reset the password. Send the request by fax or mail as follows:

Fax: 716-551-1705 (Buffalo)

Mail: Clerk, U.S. District Court, 2 Niagara Square, Buffalo, NY 14202

If you have concerns about meeting a filing deadline, please note that the file date for e-filing does not expire when the Clerk's Office closes. You have until midnight to e-file, before the date changes.

### **My PACER password is not working. How can I have it reset?**

First, be sure you are using the proper username/password. CM/ECF and PACER are separate systems, although their respective login pages look the same. The CM/ECF password is used to e-file documents, whereas the PACER password is used to research and review documents. Make sure you are entering the proper login credentials for the system you are accessing. It may help if you close out of all of them and clear your computer's cache. Then try to log in again.

If you definitely need help logging into PACER, you must contact PACER directly: (800) 676-6856. You may also initiate a password reset online at <https://pacer.psc.uscourts.gov>.

## **I am not receiving e-filing notifications on my cases, or I need to add or remove secondary recipients. How do I correct this?**

If you are not receiving e-filing notifications, it is usually an indication that your email address has changed and needs to be updated in the system. You can perform this update yourself, as well as add or remove any secondary email addresses through your account.

Log into your CM/ECF account.

Go to the Utilities tab.

Click on "Maintain Your Account."

Near the bottom of the page, click the "Email information" button.

From there, you can review your primary and secondary email addresses. Clicking on either one will open a window to the right, which will allow you to make changes.

If you wish to receive notifications for a case in which you are not representing a party, you may do so through the same process. When you click on the primary email address for your account, you will see a section for "case-specific options," in which you can enter specific case numbers for noticing.

Once you are finished, click on "Return to Person Information Screen" and then you can exit the program.

## **I am unable to e-file documents because the Civil or Criminal tab is not there when I log into the system. Where did the missing tabs go?**

If your banner begins with the tab "Query" and you do not see the Civil or Criminal tabs to initiate a filing, it is likely you are logged into PACER and not CM/ECF. They are two separate systems, with two separate sets of login credentials.

Try logging out of PACER and then log into CM/ECF with the proper login credentials for that system. If you keep seeing the Query tab, you are using the login for PACER. You need to login with the CM/ECF credentials.

If you cannot locate your CM/ECF password, you may need to request a new password. Instructions for doing so can be found in [that section of this FAQ](#).

## **I need to update my address and/or firm name. What should I do?**

When an attorney changes name, address, or firm name, a 2-step notification process is required.

### Step 1)

Send a signed notification, explaining the changed information to the Clerk's Office in Buffalo, by mail or fax. The notice should also indicate which pending cases, if any should stay with the attorney and which pending cases, if any will remain with the former firm. There is a form available for this purpose, on the [CM/ECF Information page](#), found in the Clerk's Office tab of our website.

Fax: 716-551-1705 (Buffalo)

Mail: Clerk, U.S. District Court, 2 Niagara Square, Buffalo, NY 14202

### Step 2)

Properly file a notice of change of address (or other change) on the docket for each pending case, so that the other parties are advised of the change. You may file utilizing the "Notice of Change of Address" event or the "Notice (Other)" event for a name change.

## **Am I required to file a certificate of service when all parties are e-filers?**

Pursuant to the Administrative Guide, the Notice of Electronic Filing effectuates service for all registered users and no certificate of service is required when all filers on an action are registered users. A certificate of service is required when: a document is manually filed, when a pro se filer (who is not authorized to e-file) is a party, or if an attorney is exempt from e-filing. Refer to the [Administrative Guide](#), Section 2.f for further details.

## **How do I get an appeal record certified by the Clerk?**

The attorney who files the Notice of Appeal should file the Index, utilizing the "Designation to Record on Appeal" event, which is located within the Appeals category for both Civil and Criminal actions. The Court of Appeals will receive electronic notification of this filing, which will satisfy the requirement to file the record. The filing of the index will also prompt the Clerk to certify the index, which will be done in a subsequent entry, usually the next business day.

The content of the index is at the discretion of the attorney. It may contain a listing/description of all of the documents filed on the case (such as an entire docket

sheet) or it may contain a listing/description of only certain documents (such as a modified docket sheet).

## **How do I access the sealed Presentence Investigation Report for a defendant I represent?**

Parties or attorneys cannot access most sealed or restricted documents, unless the judge grants such access. When permitted, an attorney must access the restricted document within 15 days, via the NEF (or the “webmaster” email generated when the document is filed). The document CANNOT be accessed through PACER.

To view it, click on the document number in the NEF (email). When prompted with the login screen, **enter the CM/ECF login and password**. Click on View Document on the warning screen. Remember to save or print the document, as you will not be able to view it again for free via the NEF.

Detailed instructions are available on the CM/ECF Information page, located under the Clerk’s Office tab of our website. Look for the link to “[Viewing Restricted Documents](#).”

## **My client’s in forma pauperis application was denied. How do I pay the fee?**

We do not accept online payments for filing fees after the initial complaint has been filed. Please mail or otherwise deliver payment to the Clerk in the form of a check or money order, payable to Clerk U.S. District Court.

Mail: Clerk, U.S. District Court, 2 Niagara Square, **Buffalo**, NY 14202  
Clerk, U.S. District Court, 100 State Street, **Rochester**, NY 14614

## **What is required to have a subpoena issued by the Clerk?**

**CIVIL:** Pursuant to FRCP, Rule 45, a subpoena must issue from the court where the action is pending. The clerk must issue a subpoena, signed but otherwise blank, to a party who requests it. That party must complete it before service. An attorney may also issue and sign a subpoena if the attorney is authorized to practice in the issuing court. Refer to the Federal Rules for further detail.

**CRIMINAL:** Pursuant to FRCrP, Rule 17, a subpoena must state the court’s name and the title of the proceeding, including the seal of the court, and command the witness to attend and testify at the time and place the subpoena specifies. The clerk must issue a blank subpoena—signed and sealed—to the party requesting it, and that party must fill in the blanks before the subpoena is served. Refer to the Federal Rules for further detail.