

GENERAL

What is CM/ECF?

In January 1996, the Administrative Office of the U.S. Courts began development of the Case Management/Electronic Case Filing (CM/ECF) system. CM/ECF is a comprehensive case management system that will allow courts to maintain electronic case files and offer electronic filing over the Internet. Courts can make all case information immediately available electronically through the Internet. Eventually, CM/ECF will replace the current case management systems used by the federal courts across the country.

The electronic filing system streamlines the process of creating, filing and noticing legal documents by permitting attorneys in selected civil cases to file documents with the Court and deliver them to opposing parties directly from their computers using the Internet. It has the potential to provide substantial savings to attorneys, their clients and the Court while improving access to Court records. Benefits include:

- ◆ Courts can allow registered attorneys to file documents 24 hours a day, 7 days a week.
- ◆ 24-hour access to file or view documents.
- ◆ Immediate access to updated docket sheets and to the documents themselves.
- ◆ Full case information is available immediately to attorneys, parties, and the general public through the Internet. This includes the ability to view the full text of all filed documents.
- ◆ Attorneys on the system will receive e-mail notices electronically in CM/ECF cases. This greatly speeds delivery and eliminates the costs to both the court and attorneys of handling paper notices.
- ◆ Multiple parties can view the same case files simultaneously.
- ◆ Potential elimination of paper files that can be misplaced or lost.
- ◆ Potential savings in copying, courier and noticing costs.
- ◆ The ability to store and search documents electronically.

The Administrative Office of the U.S. Courts has produced a short video describing some of the virtues of e-filing from the perspectives of attorneys who use the system. The video is available online at <http://www.uscourts.gov>.

Why Electronic Case Files?

Judges, court staff, and the public now have the capability to access electronic docket information, case management data and legal research materials. As most documents are now initially created first in electronic form, the federal courts can further reduce the reliance on paper records by establishing electronic case file systems. These systems should enhance the accuracy, management and security of records, reduce delays in the flow of information and achieve cost savings for the judiciary, the bar and litigants.

What are the benefits and features of using CM/ECF?

There are a number of significant benefits and features:

- ◆ Registered attorneys can file documents 24 hours a day, 7 days a week.
- ◆ Reduction of paper, photocopy, postage and courier costs.
- ◆ Full case information is available immediately to attorneys, parties, and the general public through the Internet. This includes the ability to view the full text of filed documents.
- ◆ Attorneys on the system will receive email notices electronically in CM/ECF cases. This greatly speeds delivery and eliminates the costs to both the court and attorneys of handling and mailing paper notices.
- ◆ Multiple parties can view the same case files simultaneously
- ◆ Since CM/ECF uses Internet standard software, the out-of-pocket cost of participation for attorneys is typically very low.

What is the cost of using CM/ECF?

There is no additional fee associated with the filing aspect of the CM/ECF system. The Judicial Conference of the United States approved an Internet access fee of \$.07 per page in 1998. This access fee will apply to information retrieved through the system for all users. Attorneys of record receive one free electronic copy of all documents filed electronically. No fee is owed until an account holder accrues charges of more than \$10 in a calendar year.

What Cases are included in Electronic Filing?

The Western District of New York will maintain electronic files in both civil and criminal cases. Sealed cases and sealed documents are excluded from the e-filing program. Some other types of documents, such as transcripts and submissions from pro se parties, will be filed conventionally in accordance with the Court's Administrative Procedures. Beginning January 1, 2004, all judges in the Western District are participating in e-filing.

What do I need to file electronically?

System requirements are minimal and inexpensive. You will need a personal computer running a standard platform such as Windows or Macintosh and a PDF-compatible word processor like WordPerfect or Word. Document management systems that allow the generation of PDF documents should work as well.

Additionally, you will need a reliable internet service, preferably with broadband or high speed connections, and an Internet browser such as Netscape Navigator 4.6 or 4.7 (Netscape 6 is not recommended for use with CM/ECF) or Internet Explorer 5.5.

You will also need software to convert documents to portable document format (PDF). Adobe Acrobat PDF Writer is recommended. Acrobat Writer or pdfFactory will work. Versions 9 and higher of WordPerfect have Adobe Writer built in. A scanner may be necessary to create electronic images of documents that are not in your word processing system. Adobe Acrobat Reader, which is available for free, is needed for viewing PDF documents.

Adobe's portable format (PDF) is the key to the system because it makes all documents viewable in their original format on any computer regardless of whether they were scanned or created by a word processor and irrespective of the type of computer or word processing software used by the individual who created them or by others who wish to view them.

Lastly, to view docket sheets and run certain reports from ECF you must have a **PACER** account. To sign up for **PACER**, contact the **PACER** Service Center at 1-800-676-6856 or visit their website at <http://pacer.psc.uscourts.gov>.

How does electronic filing work?

To file electronically, attorneys create their documents on their computers just as they normally do. Instead of printing the document on paper, however, attorneys save it in a portable document format that can be read by others with all formatting intact regardless of the type of computer or word processor they use. Attorneys then access the electronic filing system through their Internet provider over the World Wide Web (WWW). After establishing their identity by providing a Court assigned user identification name and password that serves as their signature for electronically filed documents, attorneys indicate the case number that their document applies to, the party the document is being filed on behalf of and the type of document (answer, motion, etc.) being filed. The document is then sent over the Internet to the Court's computer which immediately sends a receipt back to the attorney's screen verifying that the document has been received. The receipt can be printed or saved to disk for future reference. Additionally, the system automatically creates a docket entry and makes both the updated docket sheet as well as the document itself instantly available to anyone with access to the Internet. The system also sends e-mail notification of the filing to all the parties who desire electronic notice of the filing.

How are cases selected for electronic filing?

Electronic filing is appropriate for nearly all civil and criminal cases. All judges in the district are participating in the e-filing program as of January 1, 2004. Sealed cases and sealed documents are presently excluded from the e-filing program; they must be filed on paper. Some other documents, such as transcripts and submissions by pro se parties, will be filed conventionally in accordance with the Court's Administrative Procedures.

Are other Federal Courts using electronic filing?

E-filing is a national initiative for the Federal Judiciary. As of October 2003, twenty-eight district and sixty bankruptcy courts are using the e-filing software; another thirty district and another thirty bankruptcy courts are in the process of implementing the system. You can find a press release listing the e-filing courts on the CM/ECF web page of the **PACER** Service Center at <http://pacer.psc.uscourts.gov> where you will continue to find updates and information about electronic filing in the Federal Judiciary from a national perspective in the future.

How do I get started?

In order to file electronically, an attorney must be admitted to practice before the Court or be admitted pro hac vice and must have previously registered to file electronically. Attorney Registration forms can be obtained from the Clerk's Office at either Court location or from the Western District of New York's Main Home Page at www.nywd.uscourts.gov.

In addition, you will need a **PACER** account to access certain information from the system. Note that the **PACER** account does not have to be individual; one account shared by an entire firm could work fine. If you do not already have a **PACER** account, you may request one by calling the **PACER** Service Center in San Antonio, Texas at 1-800-676-6856, or by visiting <http://pacer.psc.uscourts.gov>

How do I get Help?

For help using CM/ECF visit the PACER Service Center web site at <http://pacer.psc.uscourts.gov>, send email to the PACER Service Center at pacer@psc.uscourts.gov or call (800) 676-6856 between 8 a.m. and 5 p.m. Central Time.

You may also contact the Western District of New York Help Desk at:

Buffalo: (716) 332-1775
Rochester: (585) 613-4036

This Help Desk will be available after January 1, 2004 from 8:30 - 4:45 p.m. on all regular business days. Callers needed assistance outside of those hours may leave a voice mail message which will be returned by the end of the next business day.

How do I learn to use the system?

The Court is offering live training, self-training tutorials and written materials to assist you in learning the system. Check our website or call the Clerk's office for specific offerings.

Is the system available around the clock?

The system is generally available around the clock. However, there will be times when we need to do maintenance or upgrades on the system. We'll announce those in advance on the e-filing home page.

Why is it that only attorneys may register to e-file?

The e-filing login and password together constitute one's signature for all the purposes of Rule 11 of the Federal Rules of Civil Procedure. Just as paper pleadings had to have counsel's signature, electronically filed documents must bear counsel's "e-filing signature."

Please note that you do not need to register more than once. Even if you change firms, your e-signature remains valid; you must update your address and e-mail information, but you need not re-register.

Can I e-file if I am admitted pro hac vice?

Yes. Submit your registration form and on it note that your admission is pro hac vice; include the case number in which you have been admitted.

Why do I have to pay to retrieve documents, including the ones I filed?

In 1991, the Congress mandated that the Judiciary charge for retrieval of information from its electronic systems so that those systems would be self-supporting. (Judiciary Appropriations Act of 1991, P.L. 101-515 § 404 (November 5, 1990)) The PACER Service Center has posted a history of Judiciary electronic public access that describes the evolution of the electronic public access program.

It should be noted that the trend for public access charges has been steadily downward since they were first imposed in 1990. The fee for retrieval is presently \$.07 per page, where a page is defined as 54 lines of data. As of 10/11/2003, the maximum charge for retrieval of any document, no matter how long, was fixed at \$2.10.

What am I charged for in CM/ECF?

You will receive one free look at documents for which you receive an e-mail notification from the court.

Public users of the CM/ECF system are charged 7 cents per page for the results of your search on case specific information. Examples of case specific information are the docket sheet, the PDF copies of filed documents, and the cases report. Public users are not charged for filing documents using CM/ECF or for viewing calendar information. There is a cap of \$2.10 (30 pages) for a single document; however, this cap does not apply to docket sheets or reports. Each attachment in CM/ECF is considered a separate document. Therefore the cap will apply to each attachment over 30 pages separately.

How do I get my free copy of newly filed documents?

Attorneys of record receive one free look at all documents filed electronically. Attorneys and parties will receive an email message containing a hyperlink to the document filed. Use the hyperlink to view the document. The hyperlink will expire after the earlier of these two events: the first use or 30 days. Any time that same hyperlink is accessed after it has expired, the user will be asked for a PACER login and will be charged to view the document. All users are advised to print or save the document during the initial viewing period in order to avoid future charges.

How do I start receiving e-mail notices from CM/ECF?

After you submitted your attorney registration form to the Court, you will be assigned a login and password. These will be sent to you by first-class mail. Once you receive this, you should begin receiving e-mail notifications.

To update your e-mail address or modify how you receive e-mail notifications, click on "Utilities", then click on "Maintain User Account". On the screen titled Maintain User Account, click on 'Email Information' at the bottom of the page. Enter your email address in the box for 'Primary e-mail address'. You can send additional notices to other email addresses by checking the box 'to these additional addresses' and listing other email addresses in the box to the right. You can receive notices in other cases by checking the box 'Send notices in these additional cases' and listing the case numbers in the box to the right. You can choose to receive an individual notice for each filing or a summary notice with all the filings each day. Either the individual or the summary notice will contain hyperlinks back to the documents. You can choose to receive the email notices in HTML or text format. You should choose the format based on the type of email program you use on your end. After completing the information requested on the screen, click on "Return to Account Screen." Click on 'Submit.' Then, click on 'Submit' again. You should receive a confirmation message on the screen that your email preferences were successfully updated. Make sure you keep your email address current, so you don't miss notices.

The electronic notice I received has a link to the docket sheet. Am I charged to view the docket sheet?

The fee is applied for accessing a docket sheet and any documents accessed from the link on the docket sheet.

Are there any things which should not be filed electronically?

First, anything under seal should not be filed electronically. Until the system is more fully developed in terms of its abilities to provide encryption and to differentiate access, all matters under seal will be excluded from the e-filing system.

In conformance with the privacy policy of the Judicial Conference of the United States, and the E-Government Act of 2002, the court's Administrative Procedures require redaction of certain personal information (including Social Security numbers, names of minor children, birth dates, and financial account numbers) in all filings, both electronic and paper.

Complaints, Charging Instruments, and Notices of Appeal (those filings which must be accompanied by payment) are also filed in hard copy, although you must also supply a disk containing a PDF copy of the complaint, charging instrument, or notice of appeal.

Pro hac vice applications will be filed in paper format, since the filer likely won't be a registered e-filer in the Western District of New York.

Lastly, exhibits which are physical objects rather than documents are certainly unsuited to filing in any manner other than the old-fashioned one.

When in doubt, consult the judge in your case.

ACCESS RELATED

Can the general public view CM/ECF cases and the documents in those cases?

Yes, the public can access most civil case data in CM/ECF remotely unless it has been sealed by the court. The public access component of CM/ECF will require a user to enter a PACER login and password. Because the PACER login and CM/ECF filing login will be different, a filing attorney will need both. Established PACER users will automatically have access to these sites; a new account does not need to be created. For those currently not registered with PACER, a PACER account may be obtained at: <http://pacer.psc.uscourts.gov/register.html>

Remote public access is limited to counsel and court staff in criminal cases and in Social Security Appeal cases.

The public can view all documents, other than those filed under seal, on public terminals available in the Clerk's office.

Can any member of the public use CM/ECF to file documents with the court?

No. Access to the filing portion of CM/ECF is available to authorized attorneys only.

How does an attorney become an authorized CM/ECF user?

In order for an attorney to be authorized to file documents electronically and to receive e-mail notices of documents that are filed, he/she must be admitted to practice and must submit a completed Attorney Registration form. Upon registration with the court, attorneys will be provided with an identification name and password that will allow access for the filing aspect of the system. Attorneys will also need to register with the PACER Service Center to obtain a login and password for the querying component of the system.

What are the rules and procedures regarding filing electronically?

The rules for the U.S. District Court for the Western District of New York are contained in its Local Rules of Civil and Criminal Procedure and in the Administrative Procedures Guide. These are available on the Court's website at www.nywd.uscourts.gov.

What type of training will be available?

An array of training opportunities is available. You may get information by clicking on the training link on our CM/ECF page.

I understand I need a PACER account to use the e-filing system. How do I and E-filing fit together?

Besides your e-filer login, a PACER (Public Access to Court Electronic Records) account is also required to retrieve documents from the e-filing system. If you do not already have a PACER account, you may request one by calling the PACER Service Center in San Antonio, Texas at 1-800-676-6856, or by visiting <http://pacer.psc.uscourts.gov>.

The PACER service center can also provide phone support for e-filing users; specifically, the PSC staff can assist with browser issues, Adobe Acrobat installation and use, general navigation around a Judiciary e-filing site like ours, etc.

A separate ECF login is required to file documents. Only attorneys may register to become e-filers, but anyone can sign up for a PACER account.

When you receive a Notice of Electronic Filing in your email, you'll note that the case number and document number are both hyperlinks. You can click through from the document number to retrieve the pleading. That first retrieval from the e-mailed Notice of Electronic filing is free. Subsequent retrievals, even of documents which you have posted, will be charged at standard PACER rates (currently \$.07 per page, with a maximum of \$2.10 per document).

My firm already has a PACER login and password. Do I need to establish a separate PACER account, or can I use the firm account?

The firm PACER account can be used for the query component of CM/ECF. However, if you would like to keep the billing separate from the firm's, you will need to establish a new PACER account. A PACER account may be obtained at:
<http://pacer.psc.uscourts.gov/register.html>

How do I change my e-filing password?

1. Once logged in, go to Utilities on the dark blue toolbar.
2. Click on Maintain Your Account in the Your Account section.
3. Click on the More User Information button at the bottom of the screen.
4. Highlight the row of asterisks in the password box and type your new password in their place.
5. Click on Return to Account screen at the bottom of the page.
6. Click on Submit at the bottom of the page.

You will see a list of cases in which you participate. You may spread the changes to all of them by selecting Update All and then clicking Submit. You'll see some chat back from the system as it makes the various updates by way of confirming that you've succeeded in having it register your change.

I've lost my password. Do I need to register again?

No. Call the Help Desk at 716-332-1775 to report that you've lost your password. For security reasons, we will then send you an e-mail (to the e-mail address we have on record for you) asking you to confirm your request for a new password. Once we receive your confirmation, we will reset your password and you can either pick it up at the Clerk's Office or we will mail it to you in accordance with the Administrative Procedures.

Once you have registered, there is no need to re-register for any reason.

I have changed firms. How do I get my information updated?

You can maintain your own account information. You ought not to register again. Your e-filing login is your signature equivalent, and it doesn't change when you change firms any more than your handwritten one does.

1. Once logged in, go to Utilities on the dark blue tool bar.
2. Click on Maintain Your Account in the Your Account section.
3. Update your address information, including phone number.
4. At the bottom of the main screen, click on the EMail Info button.
5. Change your email address, and also change any secondary addresses that may be associated with your account.
6. Click on Return to Account screen at the bottom of the page.
7. Click on Submit at the bottom of the page.

You will see a list of cases in which you participate. You may spread the changes to all of them by selecting Update All and then hitting Submit. You'll see some chat back from the system as it makes the various updates by way of confirming that you've succeeded in having it register your change.

Finally, you should change the PACER login associated with your e-filer account, assuming that you have set up such an association. On the Utilities menu you can find a link called Change Your Pacer Login. Replace your old firm's login with that of your new firm, and check the box to make the new PACER login your default one.

How do I remove or substitute an attorney on a given case?

An attorney has left our firm, what do I do?

I'm an attorney and I have changed firms or need to be removed from a case. What do I do?

How do I substitute any attorney on a given case?

A document explaining who is being removed or substituted, and why, must first be created and turned into a PDF document. Since all changes in representation need to be approved by the court, a Motion to Withdraw as Attorney or Motion to Substitute Attorney (if there is a new attorney taking over) needs to be submitted. Then, log into the CM/ECF system and select:

Civil, Motions and Related Filings, Motions

Then choose either Withdraw as Attorney or Substitute Attorney and click SUBMIT. You will be prompted through the rest of the CM/ECF process to upload the PDF document.

When the docket clerks see that this submission has been approved by the court, they will remove the attorney from the case. Until all this is complete, the court will still consider the attorney as a participant in the case and the system will still send emails to the attorney's last known email address.

All attorney information needs to be kept up to date, or the CM/ECF system, which relies on email notifications, cannot function effectively. When an attorney leaves a firm, email notices start bouncing back and the ECF support staff are required to hunt down each bounced email to determine the reason and resolve the situation. Keeping the information up to date helps us tremendously.

How do we add another e-mail address so someone besides the attorney will get Notices of Electronic Filing when they are sent?

Once an attorney is logged in, here are the steps to follow:

1. Go to Utilities -- Maintain Your Account.
2. At the bottom of the main screen, click on the EMail Info button.
3. Check the box that says to these additional addresses next to the 2nd text box on the email screen
4. Add the email address(es) in the text box.
5. Click on Return to Account screen at the bottom of the Email Info page.
6. Click on Submit at the bottom of the primary Maintain User Account screen.

You will see a list of cases in which you participate. You may spread the changes to all of them by selecting Update All and then hitting Submit. You'll see some chat back from the system as it makes the various updates by way of confirming that you've succeeded in having it register your change.

For another option on having the Notices of Electronic Filing sent to email addresses other than that of the attorney, see the FAQ titled Who is the sender of Notices of Electronic Filing?

Technical – General Web Issues

How can I search for a word or phrase on a web page?

Once you select a document to review, you can perform a word search by clicking on EDIT, then clicking on either "Find and Replace," or "Find in Document" (or pressing Ctrl+F), and entering the word(s) you wish to locate in the document. For documents in PDF format (viewable using Adobe Acrobat Reader) search by clicking on "TOOLS," then "FIND" (or Ctrl+F), and proceed the same way. Note, if the PDF document is an image file, as opposed to a text file, searching the document is not possible. As the names imply, a text file is one created in the first instance using a word processing, spreadsheet, or similar program, while an image file is created by scanning a document using a document scanner or fax machine.

What is a "link" or "hyperlink"?

A "link" or "hyperlink" is a shortcut to another website or web page. These are represented by a word or phrase underlined in blue. For example, if you ""CLICK" on one of the items on the "What's New?" section of this website, you will be taken to the item described by the"link".

What is a plug-in?

A plug-in is a small add-on piece of software that extends the capabilities of your web browser, such as Netscape Navigator or Microsoft Explorer. A plug-in may, for example, enable you to view files written in a format other than HTML, the language used to create Internet web sites, or to listen to audio files or view videos.

How can I create a shortcut icon on my desktop that will take me directly to CM/ECF?

While on the Desktop screen, right click the mouse and then click on "new", followed by "shortcut." The next screen will ask for a command line. For example, to setup a shortcut to the CM/ECF system for a court, type "<http://www.nywd.uscourts.gov>" in the space and then click "next." Change the name of the shortcut to CM/ECF-Court or some other designation of your choosing and then click on "Finish."

Where do I get Netscape or Adobe Acrobat?

Netscape Navigator versions 4.5, 4.7, 4.76 and 7.0, which have proved to work well with the CM/ECF system are available for free at <http://www.netscape.com/download/archive.html>.

Internet Explorer is available at: <http://www.microsoft.com>. Select downloads and then choose Internet Explorer 5.5 (version 6.0 is currently under testing to determine whether it is functional in CM/ECF).

Adobe also has a web site: <http://www.adobe.com>. On the site there is a "button" to "Get Adobe Reader".

Technical – CM//ECF Related

What hardware and software will attorneys need to participate in CM/ECF?

Attorneys will need the following hardware and software to electronically file, view, and retrieve documents in the electronic filing system.

- A personal computer running a standard platform such as Windows or Macintosh.

- Access to the Internet, preferably through a broadband (cable or DSL) or digital (T1, fractional T1, etc.) means. Although dial-up service will work, it is not recommended given the size of documents and attachments typically submitted to the court.
- Web browsing software such as Netscape Navigator version 4.5, 4.76, or 7.0 (version 6.x will not work) or Internet Explorer 5.5 (version 6.0 is currently under testing).
- Software such as Adobe Acrobat Writer or pdfFactory, to convert documents from a word processing format to portable document format (PDF).
- A scanner to transmit documents that are not in your word processing system. **Note: This should only be used for documents that cannot be produced electronically. Scanned documents lessen the level of service we provide by slowing down the entire system. Additionally, PDF documents have word searching capability whereas scanned documents do not, thus making PDF documents much more useful for parties to cases and to the court. We are moving away from the utilization of scanned documents inside the court and are asking all users to do the same whenever possible.**

Due to security issues, a session can only be established using a browser as noted above. **DO NOT USE** America On-Line's version of Netscape Navigator, or a version of Netscape lower than 4.5.

My machine locks up at the login screen, but other attorneys at my firm don't have that problem, why am I?

If you get to the login screen and the system hangs when you try to complete your login, something is blocking the Secure Socket Layer (SSL) port 443 (that's the point where we transition from web port 80 to SSL port 443). The systems person at your firm needs to look at the router and any firewalls the firm has set up to determine where the blocking is taking place. Attorneys at a firm may experience this problem while other attorneys at the same firm do not because they may be directed to different proxy servers.

Why does my session freeze?

If you find your session freezing after you have hit SUBMIT, try using the BACK button to return to the previous screen and click on SUBMIT again. It may be the case that the session has not really halted, but this kind of misbehavior is endemic to browser based applications.

Remember the e-filing motto: If at first you don't succeed, hit BACK and try again.

**My session still freezes; no amount of BACKING UP seems to help.
Now what?**

Sometimes you need to give your browser a fresh start: clear out its cache and start a new session, and that might help. You might also delete the files in c:\temp and/or c:\windows\temp.

To clear your Netscape cache, go to Edit -- Preferences -- Advanced -- Cache, and click on both Clear Memory Cache and Clear Disk Cache.

In Internet Explorer, go to Tools -- Internet Options and delete Temporary Internet Files. While you're there, you might also check the Settings, and set it to check for newer versions of stored pages on every visit to the page.

Why can I not access a previous page viewed by clicking on the "Back" button on the browser after selecting a link?

Unlike most programs, a web browser will open multiple windows. In other words, two or more windows in which the browser appears may be active at the same time. Look at the tool bar at the bottom of the screen, this is the same bar where the start button is located. If the browser logo appears on two different buttons, you have more than one window open. Click on the button that is not active (not highlighted) to open the previous window. If there is only one window open, click on the "GO" menu item at the very top of the screen; a drop down menu will appear where you can click on the address of the page to which you wish to return.

Why can I not view a document from an e-mail notifying me that something was filed?

Make sure your email system is set to open links with the Internet Browser. If you get a login screen when you request the document, make sure you enter your PACER login not your filing CM/ECF login id and password. The first time you view the linked document in an email notice, it will be free. Anytime after the first viewing, you will be charged to view the document. The document should be saved to your local hard drive during your first view.

If I forward an e-mail notification I received to another individual, will that individual be charged for the document?

The document within an email notification is accessed by a hyperlink. This hyperlink takes you to a site which will allow the first viewing to be free. The first individual to view the linked document will not be charged. If you forward the email notification without viewing the document, the recipient of the email will be able to view the document for free. Anytime after the first viewing, a charge will be incurred to view the document. The document should be saved to a local hard drive during the first viewing.

I receive a "Data Missing" error when I try to print reports from CM/ECF?

Some users have reported when trying to print large dockets or other reports from the CM/ECF system that they received an error message stating: "Data Missing - This document resulted from a POST operation and has expired from the cache. If you wish you can repost the form data to recreate the document by pressing the reload button." To fix this problem, we recommend increasing the size of your cache dramatically.

I can get a docket sheet, but when I try to retrieve a document I couldn't read the file -- what gives?

You do not need Acrobat software to view a docket sheet, but you do need it to view documents. You might have Acrobat PDF on your machine, but have not connected it to Netscape. The solution -- open Netscape: Options, General Preferences, and in the dialog box add application/pdf; extension pdf and indicate the path to the Acrobat.exe file.

When I log in, I don't get the dark blue toolbar. Instead It just says ECF/PACER Login at the top left of my screen. What's wrong?

This happens most often to people using Internet Explorer. It seems that the information the browser caches from a previous session makes it think that when you return to our page there is no need to re-run the bit of Javascript that paints the toolbar. Sometimes clearing the cache and restarting the browser will help Use Tools/Internet Options/Delete Temporary Internet Files. In the same Temporary Internet Files section, under Settings, you can also make sure that you have picked the option to Check for Newer Versions of Stored Pages on every visit to the page.

If that doesn't work, you can disable IE's ability to accept cookies (the files stored on your PC that are used to remember characteristics of a previous session.) Go to Tools/Internet Options/Security/Internet/Custom Level/Disable Cookies to do this. You may very well find that this has an impact on other things you do on the web, so you may want to re-enable cookies again after your session on our site.

Lastly, if you have a copy of one of the versions of Netscape that we recommend handy, you can use that for your session with the e-filing site.

When I log in, my blue toolbar is missing the Civil option that allows me to e-file. How can I get the option to file.

The Civil and Criminal options that allow one to e-file only appear when you use a valid e-filer login. They will not show up in the blue toolbar if you have logged on with a PACER login.

Sometimes you won't see the Civil and Criminal options even when you have logged in using an e-filer login if the same browser session was previously used for a PACER login. Your browser remembers what the toolbar looked like, and in an attempt to be

efficient, does not re-run the script that creates the toolbar. If you close the browser completely and open a fresh session, and then use your e-filer login, the Civil and Criminal options should appear. You might also try clearing your browser cache to try to make it more completely forget the previous session.

I have a Notice of Electronic Filing that was e-mailed to me but there's no hyperlink or URL for the document, just one for the docket. Why can't I get the document on-line?

The Notices of Electronic Filing are generated whenever there is activity in a case. Sometimes if a deadline is being set, or a text-only event is entered, you'll receive a Notice of Electronic Filing without a document attached. The text of the docket entry on the Notice of Electronic Filing will alert you to the nature of the filing activity in the case.

When I try to get my document from a Notice of Electronic Filing I get an "Internal Server Error" message. Is your server having trouble?

The first time you use the link or URL in a Notice of Electronic Filing to reach for a document, you use up the free look you get. Every subsequent time you use the link in the e-notice, you'll get a PACER login screen. If you use an e-filer login at that point, instead of a PACER login, you may provoke the Internal Server Error message.

Just hit BACK and try a PACER login and password instead.

Why do I get error messages caused by apostrophes?

The use of apostrophes in certain fields in the CM/ECF system has been known to cause problems which the developers are attempting to fix as soon as they are discovered. There is little indication that the cause of the problem is the use of an apostrophe in the error messages that you receive; they are typically cryptic. If you get an error after you have been editing docket text, for example, check to see if you used an apostrophe. Until this type of problem is completely eliminated, just note that apostrophes may cause problems and their use should be avoided if possible. (This does not, of course, apply to the contents of the PDF documents you e-file, only to entries made in the fields on the screens with which you interact as you're doing a posting.)

Technical – Adobe Related

What is a PDF document?

Documents in Portable Document File (PDF) format do not require a copy of the word processing program used to create them in order to be viewed. They can be viewed by anyone with a free Acrobat Reader, a product of Adobe Systems, Inc. In addition to its cross platform advantage, a PDF document matches very closely the format of the original document in which the PDF document was created. All of the pleadings in the CM/ECF system are stored in PDF format. To view PDF files, you must have a copy of

Acrobat Reader software, which you may download free from the Adobe Systems Internet website <http://www.adobe.com/products/acrobat/readstep.html> You will view PDF documents the way they were created, and you may save and print them in that format.

What is Adobe Acrobat?

Adobe Acrobat is a commercial software product from Adobe that allows you to save documents in PDF (portable document format). All documents filed in CM/ECF must be in PDF format.

I see I can get Acrobat for free at Adobe's web site; why should I pay for it?

Adobe provides a PDF Reader for free on its web site and that works fine for viewing documents. However, in order to create and subsequently file PDF documents, you will need to obtain software that can create PDF.

How do I make a PDF document?

There are several ways in which you can get a document from a word processing program into the PDF format.

The newer versions of some word processing software include the ability to publish a document to PDF built right into the word-processing software. In WordPerfect 9 and subsequent versions the Publish to PDF option is on the File menu.

Adobe, the inventors of the format, can be found at www.adobe.com, where you can find both the free reader version of the software, which can be used to retrieve documents from our e-filing system, and the writer version, which can create documents for posting.

When you've installed the full version of Adobe Acrobat, you can make PDF files right out of your word-processing software simply by printing the document, and selecting the printer called Acrobat PDFWriter from the drop down list of available printers. You are not actually printing your document to a printer, but instead the process will actually save a file in PDF format, with a .pdf file extension on your hard drive. This .pdf file is what you will electronically submit to the court.

I tried to scan my document into PDF but a lot of errors appeared.

You are probably trying to scan the document using optical character recognition (OCR) -- don't do this. PDF can handle both text and scanned documents. It can also take scanned documents and perform OCR on them, turning the image back into editable text; but this process has many problems and should not be done before e-filing them. It is permissible to perform OCR on PDF documents after they are in the e-filing system, since any OCR errors will not be placed in the official documents at the court.

How do you start the Adobe Acrobat Reader Program in order to view a PDF document on a web site?

Adobe Acrobat Reader is a plug in that Netscape will automatically launch when you try to access a document stored in PDF format. If you do not have the Adobe Reader, your computer will show you a set of applications from which to choose a program that will read the file. None of them will work, which is why you must download the Adobe Reader from Adobe Systems' website. To download a free copy of Acrobat Reader, click on <http://www.adobe.com/products/acrobat/readstep.html>

Is it possible to have the Adobe Acrobat Reader open in a separate window, one not a part of Netscape Navigator, or alternatively, if the Adobe Reader opens on my pc as a separate window, is it possible to make it open within the browser?

The answer to both question is "yes." In Adobe Acrobat or the Adobe Reader, click on "File", then "Preferences", then "General". In the Options section at the bottom of the window labeled "General Preferences," check the box (by clicking on it if it is blank) beside "Web Browser Integration" to make a PDF document open within the browser. Uncheck that box (by clicking on it if it is checked) to cause Acrobat or the Adobe Reader to open in a separate window. In most instances, a user will prefer the Adobe program to open in its own window. This allows access to the Adobe banner menu across the top of the screen and many more lines of the document will be displayed than if the document were displayed in the browser. Alternatively, one can make Acrobat or the Reader display PDF files in a separate window by moving a plug-in file called Nppdf32.dll from the Netscape\Navigator\Programs\Plug ins directory or the Netscape\Communicator\Program\Plug ins directory to the Acrobat\Reader\Browser or Acrobat\Exchange\Browser directory. To cause the Reader to open in Netscape, put a copy of Nppdf32.dll in both plug-in directories. Exit the browser and recall it for the change to take effect.

Is the optimum way of viewing PDF files within Netscape Navigator or in a separate window?

This is more of a matter of personal preference. Some of the functionality of the Reader is lost when the PDF document is opened in a browser window. For example, in the browser window, you do not have the Adobe Reader menu line and cannot use control + various keys to operate the Reader software. Additionally, direct connection to Adobe's online help is not available when the Reader opens within the browser. Nonetheless, most of the functions accessible either using the menu or shortcuts when the Reader opens in its own window can be accessed using the various button icons that remain available when the Reader is opened within the browser. To save a PDF file opened in the browser window, click on the browser file menu at the top of the screen and then on "Save Frame As."

When I print an image from CM/ECF, the right edge gets cut off.

After you click the print icon, click the 'shrink to fit' box on the printer setup screen. Once the setting has been changed, it should remain this way for all PDF documents.

How do I copy a PDF text file?

If a PDF document contains text, as opposed to an image, you can select text and do a normal copy and paste. Using the Acrobat Reader, one can select no more than a page at a time. To copy a large text file in PDF format, it may be easier to use Adobe Acrobat to save the PDF document to a file. (If the Adobe Reader is embedded in Netscape so that it opens up within Netscape instead of a separate window, use the Save Frame option under File. You may also save a PDF document by right-clicking on the link to that document and then clicking on "Save Link As."). After noting or choosing the directory in which you save the PDF file, open the document in Acrobat. Under "Edit", there is a menu pick called "Copy To Clipboard". Once the document is copied to the Windows Clipboard, open your word processing program and paste the document in a new document. You can select, copy and paste text in Acrobat, but you must first select the text tool (look for the T on the toolbar) instead of the hand. Then select the text, and either right-click and choose copy, or use the Acrobat copy icon (to the left of the Text tool on the Acrobat toolbar).

What is "too big"?

Some documents, particularly scanned documents, will be of a size that makes it impracticable to upload them. Here are a couple of rough approximations of what you might expect for upload or download time for different kinds of connections for a megabyte of data (approximately one million characters, spaces included). These are only approximations. Your mileage will almost certainly vary!

T1 line with little traffic: 1 megabyte per second
DSL or cable: 2-5 seconds per megabyte
56K modem: 3-7 minutes per megabyte

Note that documents exceeding 5 megabytes in size need to be filed in segments of 5 megabytes or smaller.

How do I tell how big my file is?

When you have the file open in Acrobat, you can get a document summary that will tell you a number of things about the file including its size. Click File/Document Properties/Summary, or type a CONTROL-D to open the Document Summary dialog box. File sizes are listed in KB (kilobytes); a thousand KB equals a megabyte(MB).

I tried to file a document but it says "format not recognized" -- what am I doing wrong?

All documents must be submitted in Adobe PDF (portable document format) with an extension of .pdf. Two common errors occur.

First, a user thinks that he or she saved the document in PDF. The user then tries to file the word-processing version of the document, not the saved PDF version.

Second, a user fails to indicate the full path name for the PDF file he or she wants to upload. Because the system could not find the file, it responded with the format not recognized message. The solution -- provide the full path name when identifying the file (example: c:\documents\motion.pdf) during the upload process.

My document seems to change when I make it into PDF; what's happening?

Adobe calls this flowing. Depending on the font, the printer selected, and other characteristics of the context, a document may undergo some changes when it's rendered into PDF. Using Distiller instead of PDFwriter is supposed to better preserve the document's original appearance, according to Adobe. Adobe has a good set of technical documents at their web site. There is one that speaks directly to ways in which you may attempt to address flowing problems.

I'm trying to e-file a PDF document and the system won't take it. I get an error message that says "ERROR: This document has security measures in effect, such as password protection or access restrictions. This PDF document cannot be accepted." What's up?

As the unusually clear computer error message says, the system will not accept documents which have any of Adobe's own document security measures on, including password protection. Remove the security features from the document and try again to e-file it.

Case Related

I'm trying to docket an event and it tells me that this transaction has already been posted, but I look on the docket and it's not there.

What has probably happened is that you docketed an event for a case, and then clicked on the browser back button a few times to get to a point where you could enter another case number and then docketed another event. By clicking the back button, instead of clicking on the Civil or Criminal on the blue bar at the top of your screen you are keeping the information pulled for the last case you e-filed. As long as you click on the menu item instead of clicking on Back you'll be fine - only use the back button to correct a mistake on an event you are in the process of making an entry, not to change cases.

How can I verify whether or not all the documents I filed electronically were posted?

To ensure the documents transmitted arrive in their entirety, it is important to examine the document after it is received by the court. This can be done by viewing the docket sheet for the case and selecting the transmitted document. The number of the transmitted documents appears on your electronic filing receipt. .

When I query a case in CM/ECF, it gives me the previous case I looked at instead.

Check your Cache settings in your browser. The "verify documents" entry should have the 'once per session' or 'every time' entry checked, but not the 'never' entry.

I tried to file a document but it says "format not recognized" -- what am I doing wrong?

All documents must be submitted in Adobe PDF (portable document format) with an extension of ".pdf". Two common errors occur. First, a user thinks that he or she saved the document in PDF. The user then tries to file the WordPerfect version of the document; not the saved PDF version. Second, a user fails to indicate the full path name for the PDF file he or she wants to upload. Because the system could not find the file, it responded with the "format not recognized" message. The solution--provide the full path name when identifying the file (example: "c:\documents\motion.pdf") during the upload process.

How do we add counsel to a case?

There are two ways to accomplish this. When you e-file for the first time on behalf of a client, the system will present a screen which asks if the current e-filer should be associated with that party. If you check the box, the system will automatically add you to the case.

A second way to add counsel in a case is to e-file a Notice of Appearance. The Clerk's office staff routinely looks for counsel to add when a complaint or an answer (or other first responsive pleading) is filed, but we don't look for additional counsel in other contexts. Filing a Notice of Appearance will ensure that counsel will be added to the case. In the course of e-filing the Notice of Appearance you will also be presented with an opportunity to associate the counsel making the filing with the party they've selected.

How do I file a complaint?

Complaints are still filed the old-fashioned way, on paper, but you should also deliver a disk containing a PDF version of your complaint. If you do not provide a disk, the Clerk's office will scan your complaint and upload it to the system.

Note that you should not attempt to e-file the PDF complaint: there will already be a complaint entry in the case, and if you e-file it later, you will improperly produce a second one.

Any other documents which accompanied the complaint at filing should also be provided to us in PDF format along with the complaint.

How do I file a notice of removal from state court?

The process of initiating a removal case is much like that of an original proceeding. As with an original proceeding, the case will be initiated on paper. You should also provide a disk containing a PDF version of the documents filed. If you do not supply a disk, the Clerk's office staff will scan your documents and upload them to the system.

What about a declaration that has someone else's signature? Must it be scanned?

A declaration or similar pleading which is signed by someone other than the attorney who e-files should have a signature in of the form "s/Name". The original document containing the original signature should be kept by the filing attorney for subsequent production for the court if so ordered or for inspection upon request by a party until five years after all appeal deadlines expire.

How do I file a dismissal?

Follow Fed. R. Civ. P. 41(a), either by filing a Notice of Dismissal pursuant to Fed. R. Civ. P. 41(a)(1), or by submitting a stipulation and proposed order pursuant to Fed. R. Civ. P. 41(a)(2). See Administrative Procedures Guide for the proper procedure for submitting a proposed order.

Also see the FAQ, How do I file a proposed order?

How do I e-file a stipulation and proposed order?

Your stipulation can be e-filed, and the proposed order attached to it. You can attach a PDF copy of a proposed order to a motion or stipulation filing; use the attachment type Text of Proposed Order.

However, the proposed order must be e-mailed to the presiding judge in accordance with the Administrative Procedures.

Also see the FAQ, How do I file a proposed order?

How do I file a proposed order?

You must e-mail a copy of your proposed order to the presiding judge at the e-mail addresses listed in the Administrative Procedures Guide. All proposed orders must be in a format compatible with WordPerfect, not in PDF format.

What if my due date falls on a holiday? Since ECF is "open" everyday, but the court is not, could my e-filing deadline actually fall on a court holiday?

No. Unless specified otherwise, the scheduling and timing of filings made electronically adheres to the same rules as paper-filing. Therefore, if the court is closed on a holiday and you could not paper-file until the next business day, your CM/ECF deadline is also extended until the next business day.

Example: A motion is filed and the deadline for filing the opposition would fall on December 25, when the court is closed. In the case of either a paper or an electronic filing, the opposition deadline would be the next business day.

To your benefit however, the FAQ regarding 24-hour access is still true. The court closes for paper-filing at the end of the business day, but unless stated otherwise, you can still e-file after the court building is closed; as long as your e-filing is complete before midnight, the filing is timely. We do, however, strongly recommend that you e-file during business hours if possible, since no assistance is available after the office closes.

If the system is up 24 hours a day, does that affect deadlines for filing?

Yes, with a couple of caveats: If your deadline specifies a time, then nothing changes because the case is maintained electronically; your filing is still due at that time. If your deadline specifies the close of the business day, the business day is considered to be the one experienced by human beings, not the one experienced by computer servers.

If your deadline specifies only a date, then your filing is timely as long as it is completed before midnight on that day. Note that the filing must be complete: that means that the Notice of Electronic Filing that appears at the successful conclusion of your e-filing, and that contains a time stamp, must show up with a time prior to midnight on the date of your deadline. This is one of the reasons that we discourage making a practice of filing late at night. The behavior of the Internet is not entirely predictable. And, if you are experiencing a problem with your e-filing in the late evening there will not be anyone at the court for you to talk to.

How do I select more than one person from a list of parties? The pleading I am filing is on behalf of several parties, and they aren't all together in the list.

Hold down the CONTROL key as you click on each of the parties you wish to select from the list. That will let you pick as many individual items from a list as you need to.

I filed an incorrect document. How can I get it fixed?

If you realize that you incorrectly filed a document, DO NOT ATTEMPT TO REFILE THE DOCUMENT. Call the Help Desk for assistance.

The Help Desk numbers are:

Buffalo: (716) 332 1775
Rochester: (585) 613-4036

I am trying to connect my document to a previously filed document. When I try, I get a list to choose from which is not entirely intelligible. What is going on?

When the system prompts you with Does this filing refer to an existing document in this case (If yes, click on the box) and you do, a list of codes for the categories of events appear. These correspond to the lists you choose from the main Civil menu. Some of them are in actual English, like motion, answer, appear, notice, or order. Others are represented by less intelligible abbreviations. Note also that some of the items that appear in the list of event categories will not necessarily appear to public users on the Civil menu.

Here are translations of the more obscure items on the list:

adr - Alternative Dispute Resolution events
bkappeal - Bankruptcy appeal events
cmp - Complaints and other initiating documents
discov - Discovery documents (not used)

What does "terminate deadlines" mean when it comes up as I'm doing a filing?

When you see this appear, it means that the transaction you are posting might represent the satisfaction of a deadline previously established. For example, in the initial stages of a case, a deadline is set for the filing of an amended complaint. When you e-file your amended complaint, the system gives you the opportunity to satisfy that pending deadline. The screen that says Terminate Deadlines is there for informational purposes; on the following screen you may well see an item that represents the setting

of that pending deadline, with a check box next to it. If you check the box, it will let the system know that deadline is no longer pending. If you fail to do this, someone here at the court should catch it later and take care of the deadline.

How does service work? Do I have to serve paper copies of e-filed documents?

If everyone in your case is a registered e-filer, then the e-mailed Notice of Electronic Filing takes care of service for them all.

If not everyone in the case has registered, then service for those who are not getting email Notices of Electronic Filing takes place exactly as it always did prior to the advent of e-filing. All the Federal and Local Rules apply.

You can consult the system to establish in advance of your e-filing whether there is someone in the case whom you will have to serve the old-fashioned way. If there is, you can prepare your paper proof of service, make it the last page of your pleading, and PDF the whole thing. E-file the PDF document that includes the proof of service page, and print a copy to serve on the party who has not registered.

To do this, click on "Utilities" on the dark blue bar at the top of your screen. Then choose "Mailings" and select "E-Mail Info for a Case". You will then be prompted to enter your case number. You will then see a list of parties who will and parties who will not be notified electronically for filings made in the case.