ELECTRONIC CASE FILING

CM/ECF

Filing User's Manual
Western District of Virginia
(Revised June 2004)

Summary of Changes

Original Version... March 2004

Change 1.. June 2004

      Page 32 has been revised to reflect that an attorney's e-mail address is not required as part of the signature block. This information may be included at the attorney's discretion. Registered users have access to attorney e-mail address using the CM/ECF utilities menu.

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Preface

On February 9, 2004, the United States District Court for the Western District of Virginia began using a new case management system that will also permit attorneys and other subscribers to the courts' Public Access to Court Electronic Records ("PACER") system to electronically access most unsealed civil case documents via the Internet twenty-four hours a day. Registered attorney users will also be able to file case documents electronically from their own computer beginning in March 2004. The new system, which was developed by the Administrative Office of the United States Courts, is known as the Case Management/Electronic Case Files system or CM/ECF. This system is currently available in a majority of bankruptcy courts and a growing number of district courts. This technological advance will move the federal judiciary toward a paperless environment.

The Court and Clerk's Office are committed to making the transition to this new system as convenient and easy to use as possible. As you begin using CM/ECF, your input as to how we may improve our procedures is important to us. If you have any comments or suggestions, please e-mail them to: ecf@vawd.uscourts.gov.

Samuel Grayson Wilson
Chief United States District Judge

John F. Corcoran
Clerk of Court

Electronic Case Filing
CM/ECF
User's Manual
(March 2004)

Getting Started

Introduction

This manual provides instruction on how to use the court's CM/ECF electronic filing system. It explains how to file documents with the court, view and retrieve docket sheets and documents for all cases assigned to this system. Users should have a basic knowledge of personal computers, Internet usage, and Portable Document Format (.pdf) documents.

Help Desk

The Clerk's Office staff is available to help CM/ECF filing users between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday (except federal holidays and days on which the court is closed), if you need assistance using CM/ECF, please call the deputy clerk assigned to your case:

Abingdon	(276) 628-5116
Big Stone Gap	(276) 523-3557
Charlottesville	(434) 296-9284
Danville	(434) 793-7147
Harrisonburg	(540) 434-3181
Lynchburg	(434) 847-5722
Roanoke	(540) 857-5100

Definitions

A. "Electronic Filing" is the process of uploading a document from the registered filing user's computer, using the court's Internet-based Case Management/Electronic Case Files (CM/ECF) system to file the document in the court's case file. The CM/ECF system only accepts documents in a portable document format (.pdf).

B. "Filing User" is an individual who has a court-issued login and password to file documents electronically.

C. "Notice of Electronic Filing" is a notice automatically generated by the CM/ECF system at the time a document is filed electronically, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and electronic links (hyperlinks) to the filed document and the docket report.

D. "PACER" (Public Access to Court Electronic Records) is an automated system that allows subscribers to view, print and download court docket information and documents over the Internet.

E. ".pdf" refers to Portable Document Format. There are two types of PDF documents:

> ELECTRONICALLY CONVERTED .pdf documents, which are created from word processing documents (MS Word, WordPerfect, etc.) using Adobe Acrobat or similar software and,
>
> SCANNED IMAGE .pdf documents, which are produced using an optical scanner.

Electronically converted .pdf documents are text searchable and their file size is small. Scanned image .pdf documents are created from paper documents run through an optical scanner. Scanned image .pdf documents are not searchable and have a large file size.

Hardware and Software Requirements

A. **The Basics**

- A personal computer running a standard platform such as Windows or Macintosh.
- A .pdf-compatible word processor like Macintosh or Windows-based versions of WordPerfect or Word.
- Internet access.
- CM/ECF has been certified to work with Netscape Navigator versions 4.6 or 4.7 and Internet Explorer 5.5. The system may work with other browsers but the court will not be able to offer any support to persons using other browsers who run into difficulties. Some users of AOL have reported problems using the CM/ECF system.
- Software, such as Adobe Acrobat Writer or pdfFactory, to convert documents from a word processing format to portable document format (.pdf). WordPerfect versions 9 and newer and Microsoft Word versions XP and newer incorporate the ability to convert documents to .pdf without additional software.
- Software for viewing .pdf documents. Adobe Acrobat Reader is available free of charge at: http://www.adobe.com.
- A PACER account for viewing docket sheets and documents.

B. **Optimizing Usage**

- A scanner to create electronic images of documents not in your word processing system. A scanner is helpful, but not necessary, when filing electronically. Use a scanner ONLY if you cannot electronically prepare your documents with a word processing software package and convert them to .pdf format. When scanning documents for CM/ECF, scan at a resolution of 200 to 250 dpi. All documents should be scanned with a "black and white" setting.

C.   **Equipment Available at the Courthouse**

          The Clerk's Office in each division is equipped with a public access
          terminal which may be utilized by the public to view documents and by
          filing users to electronically file documents. Scanners are also available.

Registration

A.   **General Requirements**

          There is no charge for registering to use the court's CM/ECF system. You
          must, however, be a member in good standing of the bar of this court or
          entitled by statute or admitted *pro hac vice* to practice before our court.
          Logins and passwords will not be issued to paralegals, secretaries or other
          paraprofessionals. Non-lawyer pro se litigants will be issued logins and
          passwords when authorized by the assigned judge and only during the
          pendency of that case.

B.   **How to Register**

          You may register to use CM/ECF by completing the registration form
          available at the court's website, www.vawd.uscourt.gov, or attached
          hereto as **Form A**. The completed registration form should be mailed to:

                    Office of the Clerk
                    Attn: CM/ECF Attorney Registration
                    P.O. Box 1234
                    Roanoke, VA 24006-1234

          or delivered to any divisional Clerk's Office. Once we verify that you are
          eligible to participate in CM/ECF, you will be sent a login and password
          via e-mail.

C.   **Effect of Registration**

Registration as a CM/ECF filing user constitutes consent to receive and make electronic service under Fed.R.Civ.P 5 of all documents governed by this manual.

D.   **Checking Your Login and Password**

When your login and password are received, you should log into the system to ensure that they work. The login and password fields are case sensitive and must be typed exactly as they appear in the e-mail from the court. If you are unable to log into CM/ECF, you should contact the Clerk's Office staff.

Public Access to Court Electronic Records (PACER)

PACER is a fee-for-use service offered by the Administrative Office of the United States Courts. It offers electronic access to records of most federal district, appellate and bankruptcy courts. The types of records available electronically will vary from court to court. In almost all jurisdictions docket sheets may be accessed. Most documents electronically filed in civil cases may be viewed over the Internet by using PACER. When you access docket sheets or other documents over the Internet using PACER there is a fee of $.07 per page. This fee applies regardless of whether you simply view the document or download and save it. There is a maximum charge of $2.10 per document.

For information on how to register for a PACER account go to: http://pacer.psc.uscourts.gov .

CM/ECF Accounts and PACER Accounts Are Different

A CM/ECF account allows you to file documents electronically and provides you with e-mail notification of docket activity in any cases where you are counsel of record or have signed up for electronic notification. It does not allow you to view docket sheets or court documents except

through the one time link in the e-mail notification. Only attorneys and approved pro se litigants may have CM/ECF accounts.

A PACER account allows you to view docket sheets and documents which have been filed electronically and are available for public view. You cannot file any documents using a PACER account. Anyone can sign up for a PACER account. When you go to the Court's electronic filing site you may enter either your <CM/ECF login and password> or your <PACER login and password>. Because the accounts allow you to do different things, the options on the main menu bar are different. If you are logged in with your CM/ECF login and password and click on an option that requires a PACER account, such as viewing a docket sheet, the system will prompt you to enter your <PACER login and password>.

Passwords

A.   **Security**

A CM/ECF filing user's login and password constitute his or her signature on all documents filed using the login and password. It is very important to protect your login and password from unauthorized use. If you discover that someone has used your login and password without your permission, you should immediately notify the court.

B.   **Changing Your Password**

Your initial password is computer generated. Once you receive your login and password you can change your password to one which is easy for you to remember. To change your password, take the following steps.

Step 1: After logging into the electronic filing system click on [**Utilities]** on the upper right side of the screen. Then click on [**Maintain Your Account**].

Step 2: This brings up the Maintain User Account Screen. Click on [**More user information**] at the bottom of the screen. This brings up the More User Information Box.

Step 3: Enter your <new password> in the password box, then click on [**Return to Account screen**]. Click on [**Submit**]. You may be prompted to do this again. It is easy to miss the submit button. You must click on this button for the change to be made.

Step 4: Click on [**Logout**]. You may now log back in using your new password. It is very important that you record your new password and keep it in a safe place. The court does not maintain a record of your password. If you lose or forget your password the court will have to issue you a new one.

C. **What if You Forget Your Password**

If you forget your password call the CM/ECF Help Desk during regular business hours to have a new password issued. You will be asked for the last four digits of your Social Security number to verify your identity. You must personally make the call. Passwords will not be reissued at the request of others calling on your behalf. Do not submit another registration form.

D. **Delegation of Authority to Use Login and Password**

An attorney may allow a secretary, paralegal, or other person in the attorney's office to use his or her login and password to file documents on the attorney's behalf. It is important to remember that your login and password constitute your signature, regardless of whether you personally use it or delegate that authority to someone else. Approved pro se filing users may **not** allow any other person to use his or her login and password to file documents on their behalf.

How to Use the CM/ECF System - Step by Step:

Below is a step-by-step guide for entering the system, preparing a document for filing, filing a motion or application, and displaying a docket sheet. We suggest that you make use of the Court's training materials posted on the website before trying to actually file a document.

User Interactions
    There are three general types of user interactions employed in CM/ECF:
    •   Entering information in data fields;
    •   Using command buttons to direct system activities; and
    •   Clicking on hyperlinks.

Conventions used in this Manual
    •   Data to be entered by the user is shown enclosed in angle brackets:
        <data to be entered>.

- Command buttons are represented in this manual in **[bracketed boldface type].**
- Hyperlinks are represented in **<u>underlined boldface type</u>**

How to Access the System

Users can get into the system via the Internet by going to the website located at:

<u>https//ecf.vawd.uscourt.gov</u>
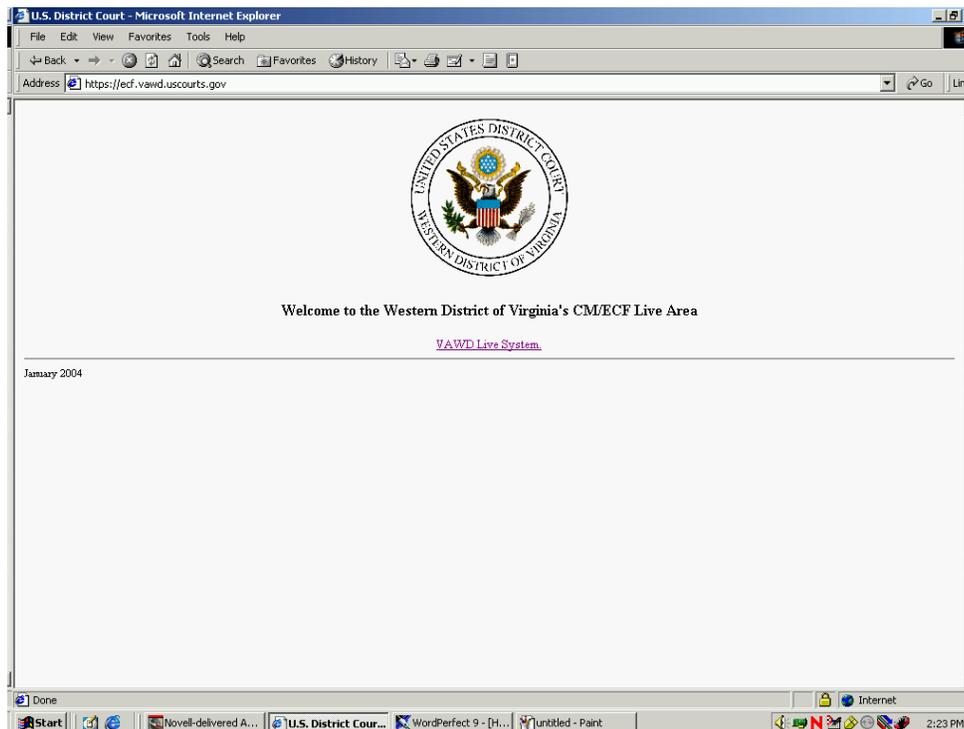
Or, you may go to the Western District of Virginia's public website at <u>www.vawd.uscourts.gov</u> and click on the CM/ECF hyperlink.

Logging In

The screen below is the Login screen.
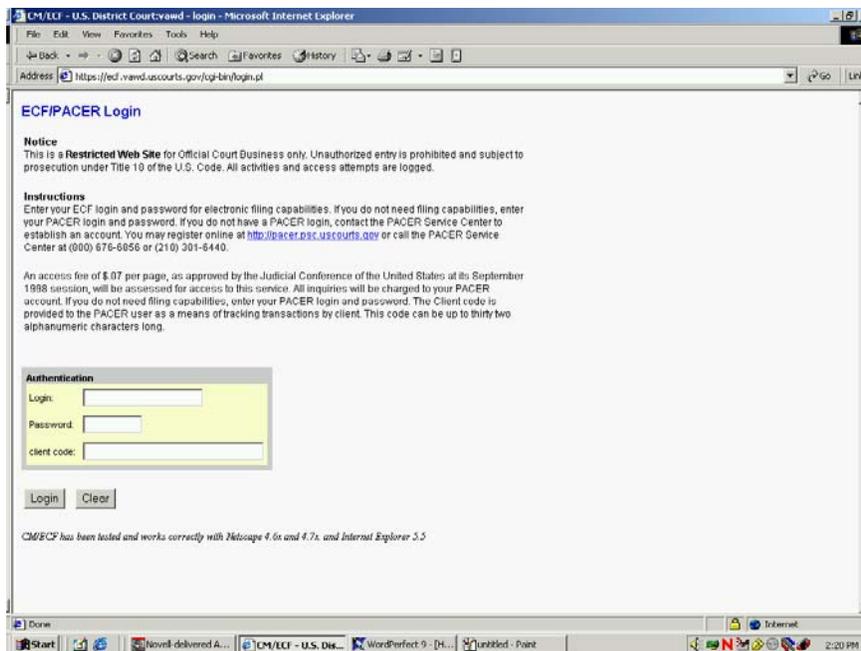
Enter your <CM/ECF Login and Password> in the appropriate data entry fields. All CM/ECF login names and passwords are case sensitive.

Note: Use your CM/ECF login and password if you are entering the system to file a pleading or to maintain your account. If you only wish to enter CM/ECF to query the database for case information or to view a document, enter your <PACER login and password>.

Verify that you have entered your <CM/ECF login and password> correctly. If an error is made before you have submitted the screen, click on the **[Clear]** button to erase the Login and Password entries and re-enter the correct information. After you enter the correct login and password information, click on the **[Login]** button to transmit your user information to the CM/ECF system.

If the CM/ECF system does not recognize your login and password, it will display the following error message on a new screen:

Login failed either your login name or key is incorrect

Click on the **[Back]** button in your browser and re-enter your correct login and password.

The entry of a valid login ID/password combination prompts the system to display the Main Menu.

Select the Appropriate CM/ECF Feature on the Menu Bar

The screen below is the **Main Menu** screen.
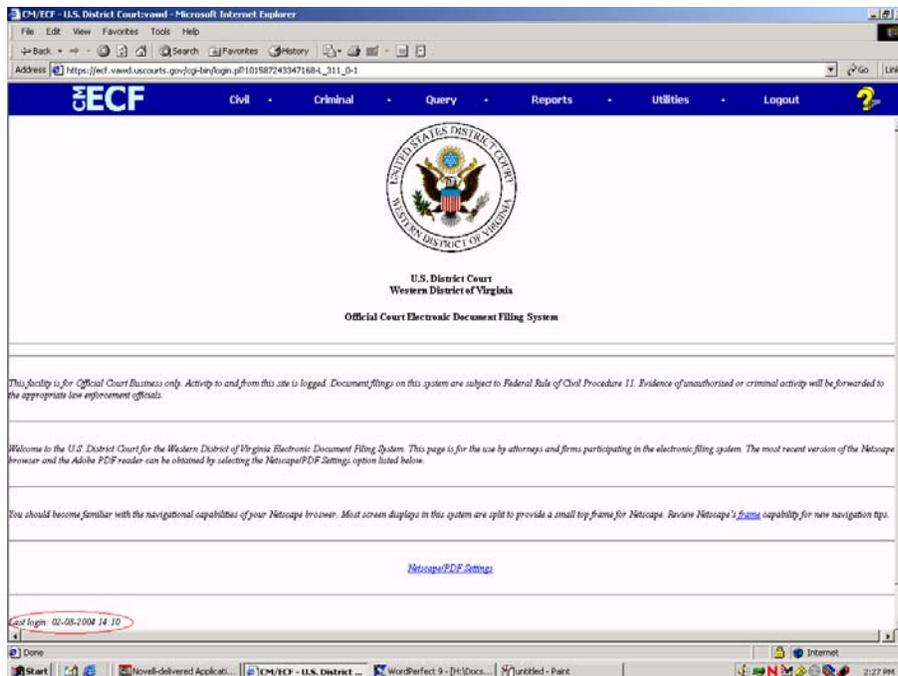
Note**:** The date *you last logged into the system* appears at the bottom left corner of this screen. You should review this information each time you login for security reasons. If you believe your last login date and time are incorrect, or suspect an unauthorized party is using your login and password, please change your password immediately.

CM/ECF provides the following features that are accessible from the blue menu bar at the top of the opening screen.

Civil   Select Civil to electronically file pleadings and other documents in civil or miscellaneous cases. Be sure to select case type "cv" for civil filings and "mc" for miscellaneous filings.

Criminal Select Criminal to electronically file pleadings and other documents in criminal or magistrate cases. Be sure to select case type "cr" for criminal filings, "mj" for magistrate filings, and "po" for petty offense filings.

Query   Select Query to obtain information by specific case number, party name, or nature of suit. You must login to PACER before you can query CM/ECF.

Reports   Select Reports to retrieve docket sheets and cases-filed reports, as well as a listing of civil and criminal events. You must login to PACER before you can view certain CM/ECF reports.

Utilities Select Utilities to maintain your account, view all the transactions CM/ECF has processed with your login and password, view mailing information for a case, and/or verify a document.

Logout   Select Logout to exit from CM/ECF and prevent any further filing with your password until the next time you log in.

Manipulating the Screens

Each screen has the following two buttons: Next   and Clear

The Clear button clears all characters entered in the boxes on that screen.

The Next button accept the entry just made and displays the next entry screen, if any.

Correcting a Mistake
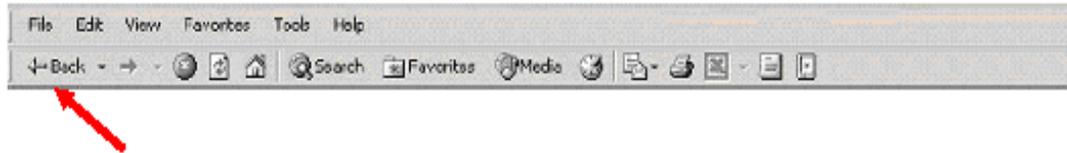
Use the [**Back**] button on the Netscape or Internet Explorer toolbar to go back and correct an entry made on a previous screen. However, once the document is transmitted to the Court, only the Court can make changes or corrections.

Filing Documents in CM/ECF

After logging in, there are eleven basic steps involved in e-filing a document:

1)   Select the Case Type from the blue menu bar at the top of your screen (Civil or Criminal).
2)   Select the type of document to file (e.g., motion, etc.).
3)   Enter the <Case Number> in which the document is to be filed.
4)   Select the Defendant (in criminal filings only).
5)   Select the party or parties for whom the pleading or document is being filed.
6)   Select the PDF document to be filed.
7)   Add attachments, if any, to the document being filed.
8)   Modify docket text as necessary.
9)   Submit the document to CM/ECF.
10) Retain Notification of Electronic Filing (NEF).
11) Mail paper copies of pleading to any non-registered party.

For purposes of describing the Electronic Filing process and the CM/ECF screens, this section of the User Manual describes the process for filing a Civil Motion in CM/ECF.

After successfully logging into CM/ECF, follow these steps to file a pleading.

Select the Case Type

Note: This section of the User Manual describes the process for filing a **Civil Motion** in CM/ECF. The process is similar for filing other pleadings in CM/ECF.

Select **Civil** from the blue menu bar at the top of the CM/ECF screen. The Civil Event window opens displaying all of the events from which you may choose for your filing.

Select the Type of Document to File.

Click on [**Motions]**, under Motions and Related Filings.

The **Motions** screen appears and displays a motion selection field with a scroll bar next to it. Scroll through the menu until you find the type of motion or application you wish to file. If the type of motion you are filing is not listed, you may select **Miscellaneous Relief** and text in the type of motion.

Note: To select more than one motion, press and hold down the Ctrl key, and click on each of the desired multiple forms of relief.

For demonstration purposes, highlight **Compel** and click on **[Next]**.

Note: A Filing User who wishes to file a document other than a motion or application should make the appropriate selection from the Civil Events menu. The process for other filings is very similar to what has been described in this manual for filing a motion.

Enter the Case Number in which the Document is to be Filed.

A new Motions screen opens with a **Case Number field**. Enter the <number of the case> for which you are filing a motion.

If the number is entered incorrectly, click the **[Clear]** button to re-enter the case number, then click the **[Next]** button.

The case number can be entered in two different formats.

1)   If the entire case number is known it may be entered in the format <division>:<case year><hyphen optional><case type><hyphen optional><case number> (i.e., 1:03-cv-33) where:

    1: = **A**bingdon cases
    2: = **B**ig Stone Gap cases
    3: = **C**harlottesville case
    4: = **D**anville cases
    5: = **H**arrisonburg cases
    6: = **L**ynchburg cases
    7: = **R**oanoke cases

    Case Type:
    cv = civil cases
    mc = miscellaneous cases
    cr = criminal cases
    mj = magistrate judge cases
    po = petty offense cases

2)   Enter the <case year–case number> (i.e., 04-888). The system may identify more than one case with that number. Select the appropriate case by clicking on the box next to the case number.

If the computer prompts that you entered an invalid case number, click on the **[Back]** button to re-enter. When the case number is correct, click the **[Next]** button.

Select the Defendant (in criminal cases only).

Very Important: If there is more than one defendant in the case, the system will display a Select Defendant screen. Select the defendant for whom the motion applies. The defendant for whom the motion applies may not necessarily be the same as the filer of the motion. For example, in a multi-defendant case, the Government may file a motion for a psychiatric examination as to one of the defendants.

Click **[Next]**.

Select the Party or Parties for whom the Document is being Filed.

Highlight the name of the party or parties for whom you are filing the motion. If you represent all defendants or all plaintiffs you may select the entire group by holding down the control key while pointing and clicking on each party of the group.

After highlighting the parties to the motion, click on the **[Next]** button.

Note: If your party does not appear, see the section of this manual titled **Add/Create New Party**.

Select the PDF Document to be Filed

CM/ECF accepts the party or parties you selected and refreshes the screen to display a new Motions screen. CM/ECF displays a field for locating and entering the PDF file of the document (pleading) you are filing in CM/ECF.

Note: It is imperative that you attach an electronic copy of the actual pleading when prompted by the system. Each document that you intend to file **MUST** be in PDF format with a .pdf extension. Otherwise, CM/ECF will not accept the document.

Click on the **[Browse]** button.
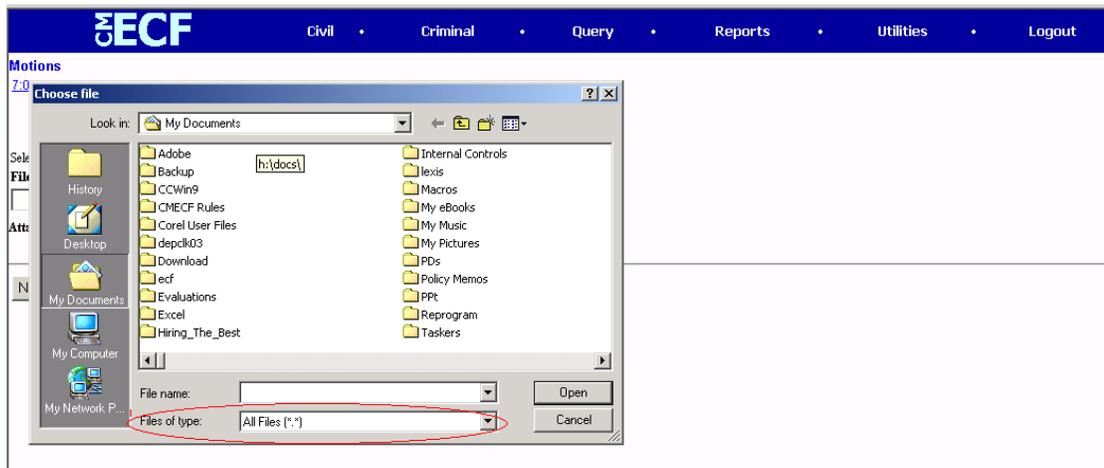
Change the **Files of type**

from:

to:

Navigate to the appropriate directory and file name to select the PDF document you wish to file.

Highlight the file to upload to CM/ECF.

Note: In order to verify that you have selected the correct document, *__right__* mouse click on the highlighted file name to open a **quick menu** and left click on **[open]**. Adobe Acrobat or Acrobat Reader will launch and open the PDF document that you selected. You should view it to verify that it is the correct document that you wish to file.
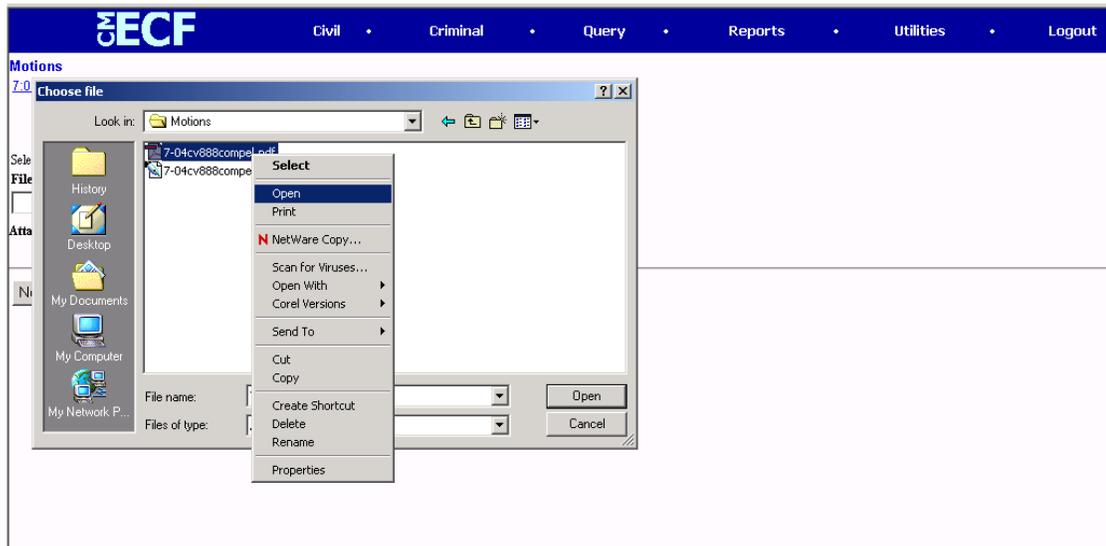
Once you have verified the document is correct, close Adobe Acrobat and click on the **[Open]** button. CM/ECF closes the **File Upload** screen and inserts the PDF file name and location in the Motions screen.

If there are no attachments to the motion, click on **[Next]**. A new Motions window opens. Go to Section 7, "Modify the docket text as necessary," to proceed with your filing.

If you have attachments to your motion, you will select **[Yes]** on the screen depicted above. Click on **[Next]** and proceed to the first step in Section 6, "Add attachments, if any, to the document being filed."

In the event you selected and highlighted a file that is not in PDF format, CM/ECF will display the following error message after you click on the **[Next]** button.

CM/ECF will not permit you to select a file for your pleading that is not in PDF format.

Click on the [**Back**] button and CM/ECF will return to the Motions screen. Select and highlight the PDF file of your pleading and proceed as before.

Failure to Select a Document to File

If you fail to select a document to file with your pleading, CM/ECF will display the error message depicted below.
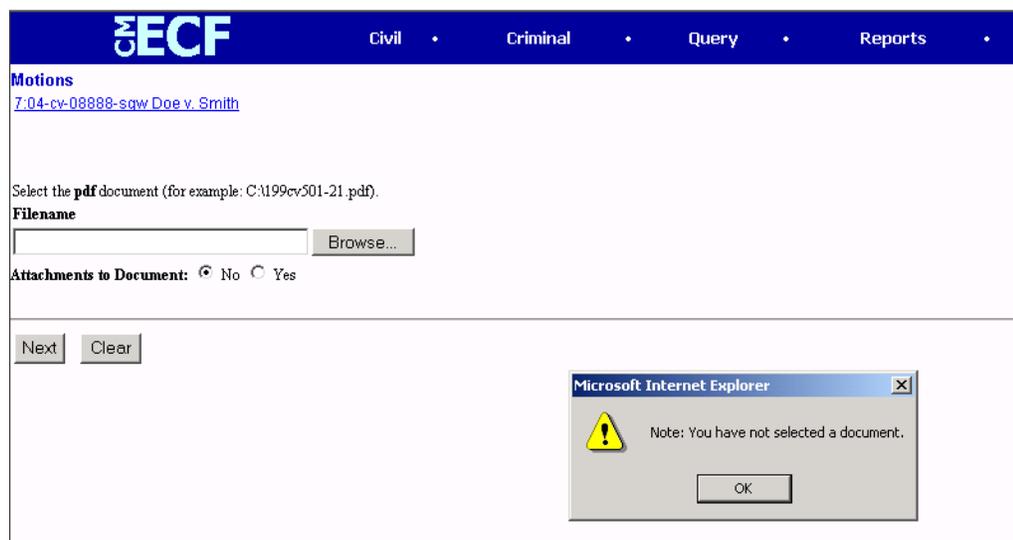
If you click [**OK**] from the screen depicted above CM/ECF will return you to the Motions screen. You cannot proceed without attaching a PDF document.

Adding Attachments to Filings and Exhibits

A filing user will submit, in electronic format, all documents referenced as exhibits or attachments to filings as outlined below, unless otherwise ordered by the court.

Each referenced exhibit must be filed as a separate attachment.

A filing user must submit as attachments and non-trial exhibits only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Users who file excerpts of documents do so without prejudice to their right to timely file additional excerpts or the complete document, as may be allowed by the court. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.

Filers must not attach as an exhibit any pleading or other paper already on file with the Court, but shall merely refer to that document.

Attachments and exhibits must be filed according to the following guidelines.

IF THE ATTACHMENT OR EXHIBIT IS:	THEN IT SHOULD BE:
A word processing document of any length converted to PDF	Divided into 100 page attachments and filed using CM/ECF
A scanned document up to 100 pages in length	Create attachment files of 25 pages each and file using CM/ECF
A scanned document exceeding 100 pages	Filed in paper form with the Clerk's Office
Non-scanned exhibits (e.g. videotapes, demonstratives, photographs, color documents, etc.)	Filed with the Clerk's Office and a text entry made in CM/ECF
Pre-trial and post-trial hearing exhibits and trial exhibits.	Filed in paper form
If no access to scanner	Filed in paper form

Note: No PDF document filed via the CM/ECF system may exceed 2MB in size. Following the attachment and exhibit guidelines above should assure that each PDF document is below the maximum file size. However, paper documents scanned at high resolution may exceed the 2MB limit even if kept within the page limitation outlined in the guidelines. We recommend a scanning resolution of no more than 250 dpi to maintain acceptable file size limits.

Non-scanned Exhibits

All attachments and exhibits that are referenced in a document and are filed with the Clerk's Office (i.e., video tapes, demonstratives, pre-trial hearing exhibits, large documents, etc.) must have notice of their filing recorded in CM/ECF.

The filer must create a descriptor PDF document that contains the name and a description of the attachment/exhibit (see below).
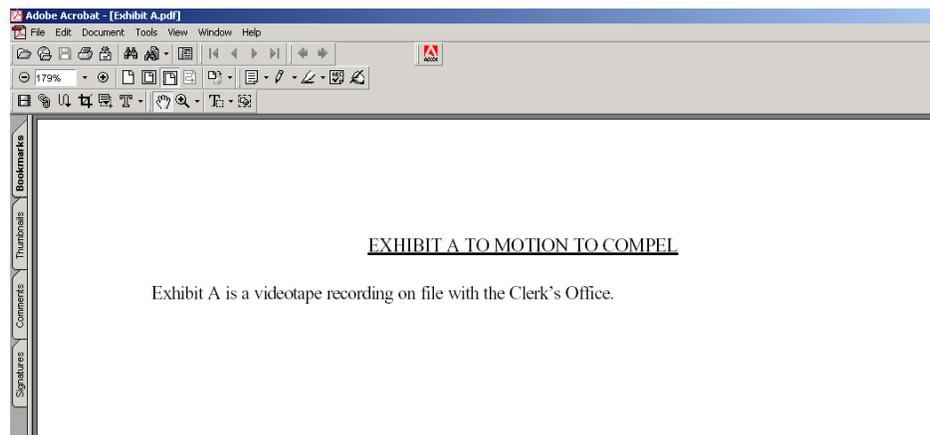
During the filing of the referencing document, answer "yes" to the attachment question and upload the descriptor PDF document.

If you have multiple non-scanned exhibits you may include them all in a single descriptor PDF document.
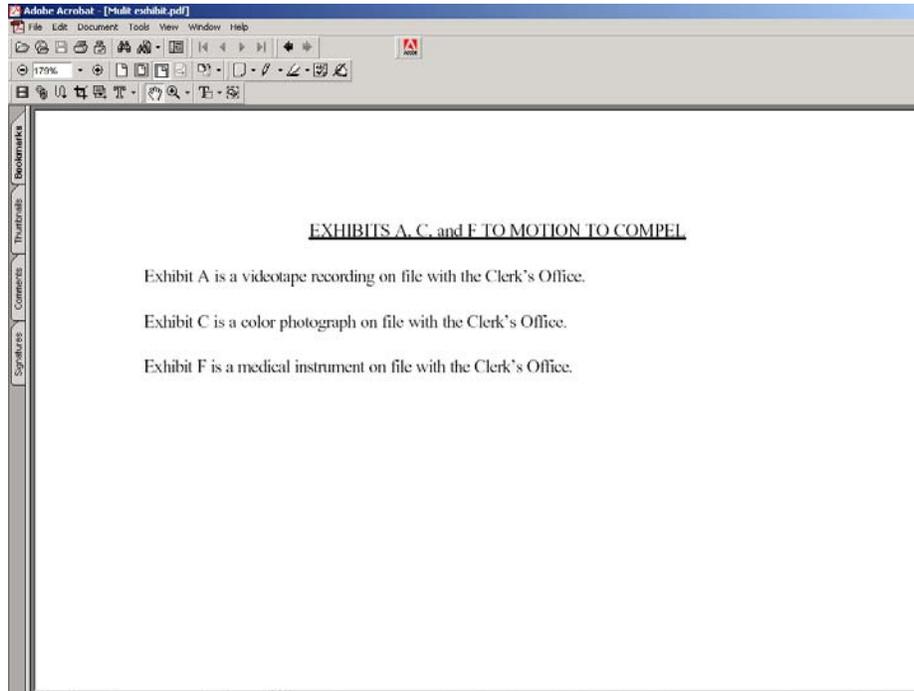
If you acknowledged the need to attach documents to your motion during the previous step, a new Motions screen appears.

Click on [**Browse**] to search for the document file name of the attachment.

Next to the field for attachment **Type**, click on the arrow and CM/ECF opens a pulldown screen. Highlight the type of attachment from the displayed selection.

To describe the attachment more fully, click in the **Description** box and type a clear and concise description of the attachment, as shown below.

Click on [**Add to List**].

CM/ECF adds the selected document as an attachment to the pleading. A new Motions screen opens to display the file name of the newly attached document.

Repeat the sequence for each additional attachment.

After adding all of the desired PDF documents as attachments, click on [**Next**].

Modify Docket Text as Necessary

Click on the button shown here to open a modifier drop-down list. Select a modifier if appropriate.

If necessary, click in the open text area to type additional text for the description of the pleading (up to 250 characters may be added).

Submit the Document

Click on the [**Next**] button. A new Motions window, the final approval screen, appears with the complete text for the docket entry.

Review the docket text and correct any errors. If you need to modify data on a previous screen, click the [**Back**] button on the browser toolbar to find the screen you wish to modify.

If the text is correct, click on the [**Next**] button to file the document.

Note: The screen depicted above contains the following warning.

"Pressing the [**Next**] button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue."

THIS IS THE POINT OF NO RETURN!

At any time prior to this step, you can abort the CM/ECF filing or return to previous screens by:

(a) clicking on any hyperlink on the blue CM/ECF menu bar to abort the current transaction. CM/ECF will reset to the beginning of the process you just selected; or

(b) clicking on the Web Browser [**Back**] button until you return to the desired screen.

Retain Notification of Electronic Filing (NEF)

After a pleading is electronically filed, CM/ECF will electronically transmit the **Notice of Electronic Filing** to the filing user and users of record who have registered as CM/ECF Filing Users.

The screen depicted below provides confirmation that CM/ECF has registered your transaction and the pleading is now an official court document. It also displays the date and time of your transaction and the number that was assigned to your document. You should note this number on the document's PDF file on your system.

U.S. District Court

Western District of Virginia

Notice of Electronic Filing

The following transaction was received from lawyer, ima G. entered on 2/20/2004 at 11:28 AM EST and filed on 2/20/2004
Case Name: Doe v. Smith
Case Number: 7:04-cv-8888
Filer: John Q Doe
Document Number: 5

Docket Text:
MOTION to Compel *Discovery* by John Q Doe. (Attachments: # (1) Exhibit Request for Discovery)(lawyer, ima)

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1052918722 [Date=2/20/2004] [FileNumber=81903-0]
[296e2b1ea4a73923193df700be4bf5a2560692c3d95aa8d80020fcfdd67ba1c2b08eb
be9805e8cee8dadf160fd5961389dac72a349e69c4547b242a434793e5e]]
Document description: Exhibit Request for Discovery
Original filename:n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1052918722 [Date=2/20/2004] [FileNumber=81903-1]
[0c2d78bdf91001f101334ae54a44a81851a9de965a90f6a801d989146196eec983ab4
53ff2e09efa3477c58a34f79b116f46a5829234d752060a87c02d789f3a]]

7:04-cv-8888 Notice will be electronically mailed to:

ima G. lawyer   ecf@vawd.uscourts.gov,

7:04-cv-8888 Notice will not be electronically mailed to:

William Slick
William Slick, P.C.
P.O. Box 1340
Roanoke, VA 24002

Note: The example above is one screen. However, you may have to scroll down to view all the information available.

It is strongly recommended that you copy the Notice of Electronic Filing to a file on your computer hard-drive, print it and retain a hard copy in your personal files.

● Click [**Print**] on the browser toolbar to print the document receipt.

- Click [**File**] on the browser menu bar, and choose **Save As**…from the drop-down window to save the receipt to a file on the hard drive of your computer.

Case participants who receive electronic notification of the filing are permitted one "**free look**" at the document by clicking on the associated hyperlinked document number embedded in the Notice of Electronic Filing. The first additional e-mail addressee to click on the associated hyperlinked document number also receives one "free look." Viewing the case docket sheet or subsequent retrieval of the document from CM/ECF must be made through your PACER account and is subject to regular PACER fees.

In a criminal case, only attorneys of record can view documents via the Notice of Electronic Filing. Individuals who receive electronic notification of a filing in a criminal case are permitted one "**free look**" at the document by clicking on the associated hyperlinked document number embedded in the Notice of Electronic Filing. Clicking on the link will prompt the user to enter first their CM/ECF login and password, then their PACER login and password, to confirm their status as attorney of record. Once this authentication has been completed, the document will be displayed.

Counsel who have registered on the CM/ECF system will receive a Notice of Electronic Filing (NEF) for all filings, including new filings made in cases filed prior to February 9, 2004.

Mail Paper Copies of Pleading to any Non-Registered Party

The CM/ECF filing report also displays the names and addresses of individuals who will **not** be electronically notified of the filing. **It is the filer's responsibility to serve hard copies** of the pleading to attorneys and pro se litigants who are not yet registered for electronic notification.

Certificate of Service

A certificate of service in accordance with F.R.Civ.P. 5(d) is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party and should be included as the final page of the document. You may use the "Mailing Info for a Case" feature in CM/ECF under "Utilities," "Mailings" to obtain information regarding which parties are registered users of CM/ECF and which parties require service by regular mail.

Sample A

I hereby certify that on (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:_____.

Sample B

I hereby certify that on (Date), I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following: _____, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:_____.

s/_____
Attorney's Name and Bar Number
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
[Attorney's E-mail Address] - optional

Add/Create a New Party

In rare cases you may need to add a party to the CM/ECF system. If the party you represent is not listed in the "Select a Party" screen, click on **[Add/Create New Party]**. The screen depicted below will appear.

Before adding any party, you must search for the party name to see if your party is already on the CM/ECF system. Type a wildcard **(*)** and the first few letters of the party's last name or the first few letters of the company name in ALL CAPS. Click [**Search**].

If a match is found, CM/ECF will display a list of party names. If the name of the party you represent appears in the list, click on it and then click [**Select name from list**]. Review the party information and select the party's role in this filing. Click [**Submit]**. If a match is not found, or your party does not appear in the list, click [**Create new party**].

CM/ECF displays the following screen.

For a company, enter the <entire company name> in the Last Name field. Choose the appropriate Role from the drop down list. Leave all other fields blank. Click [**Submit**].

For an individual, fill out the Last Name, First Name, Middle Name, Generation and Title fields as appropriate. Choose the appropriate Role from the drop down list. Leave all other fields blank. Click [**Submit**].

When entering party information, please note that:

• Parties should be entered in the manner in which they are captioned on the document being filed.

• Never start the last name field with "THE."

- DO NOT use PUNCTUATION when adding parties with the exception of hyphens, apostrophes and commas (i.e., do not include a period after the middle initial).

- When entering a state, county, or city name in the Last Name field, enter the STATE, COUNTY, or CITY first (i.e., VIRGINIA, CITY OF SALEM or ROANOKE COUNTY).

Linking Documents (Refer to existing event)

Some pleadings such as Briefs should be "linked" to their related documents in the case. When filing these documents you will be presented with the following screen.

An "event" in CM/ECF is anything that has been filed in a case. To link the document you are currently filing to a previously filed document, check the box in front of "Refer to existing event(s)?" and click [**Next**].

You are now presented with a list of documents to link to. In this example, we have linked to the Motion to Compel Discovery.

QUERY FEATURE

Registered participants should use this feature to query the CM/ECF system for specific case information. To enter the Query mode, click on **[Query]** from the blue menu bar of CM/ECF.

Note: CM/ECF opens the PACER Login screen. Remember you must enter your <PACER login and password> before CM/ECF permits you to query the CM/ECF database. Your PACER login and password are different from your CM/ECF login and password. You must have a PACER account in order to retrieve, view, and print certain documents. You will be charged a fee of $.07 per page up to a maximum of $2.10 per document to access documents, docket sheets, etc. from CM/ECF.

After you enter your <PACER login and password>, CM/ECF opens a Query data entry screen.

If you know the number that the Court has assigned to the case, enter it in the Case Number field and click on the [**Run Query**] button.

You may also query the CM/ECF database by the name of a party or an attorney to the case. Enter the <last name of the party or attorney> in the appropriate field. If more than one person with that name is in the database, CM/ECF returns a screen from which to select the correct name. If the individual is a party to more than one case, CM/ECF will open a screen listing all of the party's cases. Click on the **case number** hyperlink.

You may also query a case by "Nature of Suit." You must enter a range for either the filed date or the last entry date in order for the query to run. To search for all cases of a certain type, use the date 1/1/1970 as the "beginning of time."

After querying the database by case number, name, or nature of suit, CM/ECF opens the Query window for the specific case you selected.

7:04-cv-08888-sgw Doe v. Smith
Samuel G. Wilson, presiding
Date filed: 02/09/2004 **Date of last filing:** 02/20/2004

Query

Alias
Associated Cases
Attorney
Case Summary
Deadlines/Hearings...
Docket Report ...
Filers
History/Documents...
Party
Related Transactions...
Status

At the top of the window, CM/ECF displays the case number, the case title, presiding Judge, date that the case was filed, and date of last filing for the case. You may choose specific case information from a large list of query options by clicking on the appropriate hyperlinked name on the screen. The following paragraphs describe several of the available case-specific query options.

Attorney

Displays the names, addresses, and telephone numbers of the attorneys who represent each of the parties to the case.

Deadlines/Hearings

Produces a screen that allows you to query the database by various means to obtain hearing and other schedule deadlines. If you query as illustrated below, CM/ECF opens the Deadlines/Hearings screen depicted below.

Click on [**Run Query**] to display the Deadlines/Hearings information screen.

If the document number is blue and underlined, clicking on that number, will display the actual document that created the deadline.

If you click on the silver button to the left of the event, CM/ECF will display the Notice of Electronic Filing (NEF).

Docket Report

When you select Docket Report, CM/ECF opens the Docket Sheet screen as depicted below.

You may select a date range for your docketing report as well as a range of docketing numbers. If you leave the range fields blank, CM/ECF will default to print the entire docketing report. Place a check mark in the box to Include links to Notice of Electronic Filing if you wish to view them from the docket sheet. After you have selected the parameters for your report, click on the [**Run Report**] button. CM/ECF will run your custom docketing report and display it in a window as depicted.

Filing Date	#	Docket Text
02/09/2004	🔵1	COMPLAINT against Jane R. Smith (Filing fee $ 150.) , filed by John Q Doe.(edc)
02/09/2004	🔵2	Summons Issued as to Jane R. Smith. (edc) Modified on 2/10/2004 (edc). (Entered: 02/10/2004)
02/10/2004	🔵3	SUMMONS Returned Executed by John Q Doe. Jane R. Smith served on 2/10/2004, answer due 3/01/2004. (edc) Modified on 2/10/2004 (edc).
02/10/2004	🔵4	ANSWER to Complaint with Jury Demand by Jane R. Smith.(edc)
02/20/2004	🔵5	MOTION to Compel *Discovery* by John Q Doe. (Attachments: # 1 Exhibit Request for Discovery)(lawyer, ima)

The document numbers in the middle column are hyperlinks to PDF files of the actual documents. Place your pointer on the silver button next to the document number and click to display the Notice of Electronic Filing for the document.

History/Documents

This selection queries the database for case event history and documents associated with the case. After you click on the **History/Documents** hyperlink, CM/ECF opens the screen depicted below. You may select the sort order for the query report and choose to exhibit all events or only those with documents attached. CM/ECF also offers you the option to display the docket text in the report.

After making your selections, click on the [**Run Query**] button. CM/ECF queries the database and builds your report. The screen below depicts a portion of a History/Documents report. This particular report lists all of the events and documents associated with the case in reverse chronological order.

You may view a PDF file of actual documents by clicking on the document number in the far-left column of the onscreen report.

REPORTS FEATURE

The Reports feature of CM/ECF provides the user with several report options. After clicking on [**Reports]** on the blue menu bar, CM/ECF opens the **Reports** screen depicted below.

If you select **Civil Cases**, **Criminal Cases** or **Docket Sheet** from the Reports screen, CM/ECF will ask you to login to PACER. You may view **Attorney Civil Events** and **Attorney Criminal Events** without logging into PACER.

Docket Sheet

Click on the **Docket Sheet** hyperlink and CM/ECF opens the PACER login screen.

Enter your <PACER login and password>. Click on the [**Login**] button and CM/ECF will open the Docket Sheet report query window depicted below.

Enter the <case number> for your docket sheet in the Case Number field. Select parameters for the remainder of the data entry fields and click on the [**Run Report**] button. CM/ECF will display a full docket sheet for the case you selected. If you do not need a complete docket sheet, you can narrow the query using the date filed/entered fields. CM/ECF also offers various sorting options from the Docket Sheet query screen.

Civil Cases Report

The Civil Cases report provides you with the flexibility to query the ECF database to locate cases electronically filed within a specific date range, or by Nature of Suit and Cause Code. When you click on the **Civil Cases** hyperlink, CM/ECF displays a query screen as depicted here.

Note: If you are not logged into PACER, CM/ECF will display the PACER login screen. Login to PACER and CM/ECF will open the Civil Cases Report screen.

Enter the <range of case filing dates> for your report and select a Nature of Suit or Cause Code, if you wish to narrow your search.

The far-left column of the Cases Filed report contains hyperlinked case numbers. If you click on a particular case number, CM/ECF opens the Docket Sheet report window from which you can retrieve the docket sheet for the selected case. Follow the instructions in the previous section for a Docket Sheet report.

Criminal Cases Report

The Criminal Cases Report provides you with the flexibility to query the CM/ECF database to locate cases electronically filed within a specific date range, or by Case flags. When you click on the **Criminal Cases** hyperlink, CM/ECF displays a query screen as depicted here.

Note: If you are not logged into PACER, CM/ECF will display the PACER login screen. Login to PACER and CM/ECF will open the Criminal Cases Report screen.

Enter the <range of case filing dates> for your report and select a Case type or Office, if you wish to narrow your search.

The far-left column of the Cases Filed report contains hyperlinked case numbers. If you click on a particular case number, CM/ECF opens the Docket Sheet report window from which you can retrieve the docket sheet for the selected case. Follow the instructions in the previous section for a Docket Sheet report.

UTILITIES FEATURE

The Utilities feature provides the means for registered users to maintain their account in CM/ECF, view all of their CM/ECF transactions and access mailing information for cases (i.e., who is registered for electronic notification and who is not).

Your Account

This section of the Utilities feature provides you the capability to maintain certain aspects of your CM/ECF account with the Court and to view a log of all your transactions within CM/ECF.

Maintain Your Account

Click on the **Maintain Your Account** hyperlink to open the Maintain User Account information screen.

This screen displays all of the registration information that is contained within the CM/ECF database for your account with the Court. This includes Bar Identification and Bar status. **NO CHANGES SHOULD BE MADE TO THIS SCREEN. CONTACT THE CLERK'S OFFICE TO REQUEST A CHANGE OF ADDRESS, NAME CHANGE OR OTHER NECESSARY MODIFICATIONS.**

Clicking on the [**Email information**] button opens the following screen.

CM/ECF will e-mail to filing users Notices of Electronic Filing based upon the information entered in this screen. If desired, registered attorneys can also receive Notice of Electronic Filing in cases in which they are not counsel. Perform the following steps to enter additional e-mail addresses for individuals that you wish to receive a Notice of Electronic Filing (NEF).

Enter a <check mark> by clicking on the box to the left of the line, which reads "**to these additional addresses.**"

Enter the <e-mail addresses> of those individuals you wish to notify concerning CM/ECF activity. This data entry field has a capacity of 250 characters for approximately ten e-mail addresses.

Perform the following steps to configure CM/ECF to send e-mail notification in cases to which **you are not counsel of record**.

Enter a <check mark> by clicking on the box to the left of the line, which reads "**Send notices in these additional cases**."

Enter the <case number(s)> of the case(s) regarding which you wish to receive notification.

Stipulate the format of the ECF notices by selecting your choice from the bottom of the screen.

If you wish to enter completely new information about your account, use the [**Clear**] button to clear the fields on this screen.

After updating your account information, click on the [**Return to Account screen**] button to return to your **Maintain User Account** screen.

To edit or view login information about your account, select the button labeled [**More User Information**], from the **Maintain User Account** screen. CM/ECF opens the screen.

This screen displays user login information and provides the means to change your CM/ECF password. Login names must not be changed by Filing Users. **Although Filing Users have the ability to change their login name at this screen, it is imperative that they <u>not make any change</u> to the login name issued by the court**.

Notice that CM/ECF displays a string of asterisks in the Password field. To change your CM/ECF password, place your cursor in the Password field and delete the asterisks. Type in your new password.   CM/ECF displays the actual characters of your new password as you type.

When you have completed your interface with CM/ECF from this screen, click on the [**Return to Account screen**] button to reopen the **Maintain User Account** screen.

When you are satisfied that all of your account information is accurate and up-to-date, click on the [**Submit**] button at the bottom of the **Maintain User Account** screen to submit your changes to CM/ECF. At the subsequent screen press the [**Submit**] button a second time. CM/ECF will then notify you onscreen that your updates were accepted. If you changed passwords, you may begin using the new password during your next CM/ECF session.

View Your Transaction Log

From the **Utilities** screen, click on the [**View your Transaction Log**] button. CM/ECF opens a screen with two fields for entering the Date Selection Criteria for

a Transaction Log Report. Enter the <date range> for your report and click on the [**Submit**] button. CM/ECF displays a report of all your transactions in CM/ECF within the date range you specified for Date Selection Criteria. Below is a sample transaction log report.

Use this feature of CM/ECF to review your transactions and to verify that:

- all of the transactions you entered are reflected in the Transaction Log; and

- no unauthorized individuals have entered transactions into CM/ECF using your login name and password.

Miscellaneous

CM/ECF provides three **Miscellaneous** functions within the Utilities feature of the system.

- *Legal Research*

- *Mailings*

- *Verify a Document*

When you click on the **Legal Research** hyperlink from the **Miscellaneous** screen, CM/ECF opens a new screen that contains hyperlinks to a Law Dictionary, a Medical Dictionary, and Westlaw via the Internet.

When you click on the **Verify a Document** hyperlink, CM/ECF opens a query screen. Enter data in the screen fields to locate a particular document attached to a specific case number.

Clicking on the **Mailings** hyperlink from the **Miscellaneous** screen provides access to mailing information for cases (i.e., who is registered for electronic notification and who is not).

Clicking on the **Mail Notification Requests** hyperlink provides information about an individual registered user's e-mail preferences, as depicted below:

Clicking on the **Mail Info for a case** hyperlink provides information about the participants' e-mail preferences in a particular case, as depicted below:

Clicking on the **Mailing labels by case** hyperlink provides formatted addresses for the participants in a particular case, which may be copied into your word processing program to create labels, as depicted below:

Logout

After you have completed all of your transactions for a particular session in CM/ECF, you should exit from the system.

Click on the **Logout** hyperlink from the CM/ECF blue menu bar. CM/ECF will log you out of the system and return you to the CM/ECF login screen.

Form A

Electronic Filing for Attorneys begins March 15, 2004, and will be Required after December 13, 2004

U. S. DISTRICT COURT

Western District of Virginia

Electronic Case Filing Registration

This form shall be used to register as a Filing User for the court's Electronic Case File (ECF) system. A Filing User will have privileges to submit documents with the court through the court's ECF website, view and retrieve docket sheets and case documents electronically, and receive electronic notice of documents filed in the ECF system. By signing this form, you certify that you have completed an approved ECF training program or the ECF tutorial on the court's website (www.vawd.uscourts.gov), and have a Public Access to Court Electronic Records (PACER) account. Visit the PACER website at http://pacer.psc.uscourts.gov to establish a PACER account.

Please complete the following required information to register for ECF: (Please type or print neatly)

Last Name: _____ First Name: _____ Middle Name: _____

Firm Name: _____

Address: _____

City, State: _____ Zip Code: _____

Telephone Number: ( ) _____ Fax Number: ( ) _____

Internet E-Mail Address: _____

State Bar Information: State: _____ ID Number: _____

Last Four Digits of Social Security Number: _____ (for security purposes).

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Western District of Virginia and must be in good standing, or permitted by statute or admitted *pro hac vice* in a particular case, to file papers electronically.

Date admitted to practice in this Court: _____

If United States Department of Justice Attorney appearing pursuant to 28 U.S.C. § 517 check here: _____

If admitted *pro hac vice*: Date motion for *pro hac vice* granted: _____ in case number: _____

By signing this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the electronic filing system. The undersigned further certifies that he/she has read and understands the Court's Standing Order on "Redaction of Personal Data Identifiers from All Pleadings" entered on January 5, 2004, and acknowledges his/her responsibility for redacting these personal identifiers. The undersigned also consents to receiving notice of filings pursuant to Fed.R.Civ.P. 5(b) and 77(d) and Fed.R.Crim.P. 49(b) and (c) via the Court's electronic filing system only. The combination of user identification and password shall constitute the signature of the attorney filing the documents for purposes of Fed.R.Civ.P. 11. Attorneys must protect the security of their passwords. It is the duty and responsibility of the attorney to immediately notify the court if they learn that their password has been compromised. Electronic filing is only permitted in cases approved by the Court.

_____   _____
Signature of Registrant   Date

YOUR LOGIN AND PASSWORD WILL BE E-MAILED TO YOUR INTERNET E-MAIL ADDRESS ABOVE.

Return this form **via hand delivery or U.S. mail** to:

Clerk, U.S. District Court
Electronic Filing Registration
P.O. Box 1234
Roanoke, VA 24006-1234