

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

**cm/ECF User's Guide**

(Revised May 2007)

***Electronic Filing Is Mandatory***

See Administrative Order No. 204-08

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

**Honorable Raymond J. Dearie**  
Chief, United States District Judge

**Robert C. Heinemann**  
Clerk of Court

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## Introduction

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

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

**All documents must be filed electronically**

See Administrative Order No. 2004-08

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

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

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

To schedule ECF training in Brooklyn, contact Evelyn Levine at 718-613-2312 or by e-mail at [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov) .

To schedule ECF training in Central Islip contact Cinthia Mahon at 631-712-6011 or by e-mail at [Cinthia\\_Mahon@nyed.uscourts.gov](mailto:Cinthia_Mahon@nyed.uscourts.gov) .

**To file electronically you need the following:**

1. Adobe Acrobat - for converting documents to a PDF format.  
[To obtain contact any retail computer software vendor.]  
[Documents created in a Word Processor, such as WordPerfect, Word, should be printed to pdf; not printed, signed and scanned. Your login and password are your electronic signature. Every attorney needs their own login / password.]
2. Netscape Navigator version 4.79 or later, Mozilla 1.6 or later, or Internet Explorer 5.5sp2 or later.
3. An Internet connection.
4. *On-line ECF Registration* is available on our website, and should be done as soon as possible.

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

1. An Internet connection.
2. Adobe Acrobat Reader (free download from [www.adobe.com](http://www.adobe.com)) to view electronically filed documents.
3. Netscape Navigator version 4.79 or later, Mozilla 1.6 or later, or Internet Explorer 5.5sp2 or later.
4. A PACERNet account. (A Pacer Account is needed *to view* docket sheets or electronically filed documents. You may call 1-800-676-6856 to register or online at <http://pacer.psc.uscourts.gov> .

## Registering for Access

**You can either register on-line or return your completed ECF registration form, which is contained in this Guide, by mail, fax or e-mail to one (1) of the following staff members:**

**Ms. Evelyn Levine**

Training Specialist  
225 Cadman Plaza East, Room 105  
Brooklyn, New York 11201  
Telephone No.: (718) 613-2312  
Fax: (718) 613-2333  
E-mail: [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov)

**Ms. Carol McMahon**

Administrative Supervisor  
United States Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438  
Telephone No.: (631) 712-6031  
Fax: (631) 712-6043  
E-mail:  
[Carol\\_McMahon@nyed.uscourts.gov](mailto:Carol_McMahon@nyed.uscourts.gov)

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

An ECF Registration form is included in this Guide, or can be completed on-line. See Electronic CM/ECF Attorney Registration on our home page:  
<http://www.nyed.uscourts.gov>.

It is the responsibility of counsel to notify the Clerk's Office of **any** change of address. Changes may be mailed to the Clerk's Office, or e-mailed to [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov).

## **Login Screen**

On our website, <http://www.nyed.uscourts.gov>, click on **cm/ECF**, then **Electronic Access**, then ([ecf.nyed.uscourts.gov](http://ecf.nyed.uscourts.gov)). **Live - Version 3.0**, then on **Eastern District of New York - CM/ECF Version 3.0LIVE Database**, and there you will see our login screen.

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

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

## **Training**

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

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

paragraph, click on CBT Training.

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

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

## Contacts

- |          |   |  |
|----------|---|--|
| _____ 1. | <b>Technical Help</b> Desk                  | 718-613-2290   |
| 2.       | Questions regarding <b>ECF Registration</b> | 718-613-2312 in Brooklyn<br><br>631-712-6036 in Central<br>Islip |
| 3.       | Questions regarding <b>Filing</b>           | 718-613-2610 in Brooklyn<br><br>631-712-6010 in Central<br>Islip |
| _____ 4. | To Schedule Training                        | 718-613-2312 in Brooklyn<br><br>631-712-6011 in Central<br>Islip |

## How To File Documents Electronically

**Only documents in PDF format may be filed electronically.** To view these documents users must install a PDF Reader. The PDF Reader is free of charge. When installing this product, review and follow the provider's directions.

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

A list of **civil events** are listed at the website:  
[http://www.nyed.uscourts.gov/CM\\_ECF/Learning\\_More\\_About\\_It/cvatyevents.pdf](http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cvatyevents.pdf)

A list of **criminal events** are listed at the website:  
[http://www.nyed.uscourts.gov/CM\\_ECF/Learning\\_More\\_About\\_It/cratyevents.pdf](http://www.nyed.uscourts.gov/CM_ECF/Learning_More_About_It/cratyevents.pdf)

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

## Frequently Asked Questions

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

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

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

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

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

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

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

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

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

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

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

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

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**Documents in excess of 100 pages** should be broken down into 100 page documents then filed electronically. For example a 300 page brief should be filed as Brief - Pages 1-100; the first attachment would be Brief - Pages 101-200; and the last attachment would be Brief - Pages 201-300. The current limit for a PDF to be uploaded is .5 megabytes. If your document exceeds that size, you are presented with this message: "You cannot load this file, it is over 5.0MB. To continue, divide the document into separate parts."

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

on our web site.

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

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

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

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

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

**Change of Firm / Address** counsel should either e-file a *Notice of Change in of Address* in each of your active EDNY case(s), or e-mail Evelyn Levine at [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov) advising *which of your cases remain with your old law firm, and which cases need to be updated with your new law firm's address.*

## Logging Out

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

United States District Court *for the* Eastern District of New York

**ECF**  
**Registration - Page 1**  
[Please type]

***Person Information:***

<b>Last Name:</b>	<b>Generation</b> (i.e. Jr., Sr., II, III):
<b>First Name:</b>	<b>Middle Name:</b>
<b>Title</b> (i.e. attorney):	<b>Date of Birth:</b>
<b>Last Four Digits of your Social Security Number:</b>	
<b>Are you admitted to the bar of the EDNY and, if so, are you a member in good standing?</b> _____ Yes                      _____ No	

***Office Information:***

<b>Office:</b>		
<b>Address 1:</b>		
<b>Address 2:</b>		
<b>Address 3:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>
<b>County:</b>	<b>Country:</b>	<b>Telephone No: ( )</b>

***User Information:***

<b>Law Firm E-mail Address:</b>
<b>Individual E-mail Address:</b>
<b>Telephone Number: ( )</b>
<b>Fax: ( )</b>

**United States District Court  
Eastern District of New York**

**ECF Registration - Page 2**

By submitting this form the undersigned agrees to abide by the following:

1. This System is for those cases designated by the Court for electronic filing. Use the login and password the Court issues to electronically file documents. Use your firm's Pacer login and password to view docket sheets or to view electronically filed documents.
2. Documents must be submitted electronically *only* in **Portable Document Format (PDF)**.
3. The combination of user identification and password will serve as the signature of the attorney/participant filing the document. Individuals must protect the security of their passwords and immediately notify the Court if they suspect that their password has been compromised.

\_\_\_\_\_  
**Applicant's Signature**

Dated: \_\_\_\_\_

**Return your completed form by mail, fax or e-mail to one (1) of the persons listed below:**

Ms. Evelyn Levine  
Training Specialist  
225 Cadman Plaza East, Room 105  
Brooklyn, New York 11201  
Telephone No.: (718) 613-2312  
Fax: (718) 613-2333  
E-mail: [Evelyn\\_Levine@nyed.uscourts.gov](mailto:Evelyn_Levine@nyed.uscourts.gov)

Ms. Carol McMahon  
Administrative Supervisor  
United States Federal Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438  
Telephone No.: (631) 712-6031  
Fax: (631) 712-6043  
E-mail:  
[Carol McMahon@nyed.uscourts.gov](mailto:Carol_McMahon@nyed.uscourts.gov)

**Sample Form**

**Certificate of Service**

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

Attorney's Name and Address

**Sample Form**

**Original Documents**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

Vs.

Civil Action No.

Judge

-----X

## **Notice Regarding the Filing of Exhibits in Paper Form**

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

Counsel's Name and Address

Date: