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

cm/ECF
[*case management / Electronic Case Filing*]

User's Guide
(Revised August 2, 2004)

Our Website: http://www.nyed.uscourts.gov
The **cm/ECF button** located on the left-hand side of this screen will direct you to our electronic filing page.

Honorable Edward R. Korman
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. Electronic Filing Procedures are available on our Website. Once an attorney registers for ECF in a particular case, the Court maintains a record of the attorney's e-mail address, and may use that address to notify the attorney of court events in other cases. Accordingly, even if a particular case has not been formally entered into the ECF system, yet counsel has previously registered for ECF in other cases, counsel should be aware that they may receive notification from the Court of court events or conferences by e-mail. The Court will expect counsel to respond to notifications sent to their e-mail addresses on file with the court. Our Website: http://www.nyed.uscourts.gov.

All documents must be filed electronically

Administrative Order No. 2004-08, states that beginning on August 2, 2004, **electronic case filing will be mandatory for all civil cases**, other than pro se cases, **and for all criminal cases**.

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 advised to participate in the training program or otherwise seek the assistance of the Clerk's Office. SO ORDERED. June, 2004.

Consult judicial officers **Motion and Individual Practices** on our website.

Courtesy copies of *all* electronic filings shall be submitted to the judicial officer in *hard* copy, and be *so labeled*, except for civil cases assigned to Judge Charles P. Sifton, who requires no courtesy copies.

All documents addressed to a Magistrate Judge are to be filed electronically with a courtesy copy forwarded to chambers.

To file electronically you need the following:

1. Adobe Acrobat Exchange - for converting documents to a PDF format. [To obtain contact any retail computer software vendor.]
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. ECF Registration Form can be found on our website. Registration should be done as soon as possible.

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

1. An Internet connection.
2. Adobe Acrobat Reader (free download from www.adobe.com) to view electronically filed documents.
3. 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

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) 260-2312
Fax: (718) 260-2264
E-mail: 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

Once your ECF Registration Form is processed you will be issued a log-in/user name and password for our ECF Live Database. You will receive this notification by e-mail. Counsel are encouraged to include their firm's e-mail address, as well as their personal e-mail address, to ensure notification of any case activity. **Your password is 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. You may also request a login and password for our Training Database.

An ECF Registration form is included in this Guide.

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 Terry_Vaughn@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**). **Live - Version 2.1**, then on **Eastern District of New York - CM/ECF Version 2.1 LIVE Database**, and you will see a login screen.

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

1. When entering the **login and password the Court has given you**, the computer will know that you want **to file** a document electronically.

2. When entering **your firm's Pacer login and password** the computer will know that you **want to** either **view** a docket sheet or **view** an 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) 260-2312. To schedule training in Central Islip call (631) 712-6011. Two **CLE credits** are offered to counsel upon completion of this training.

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.

Adobe Acrobat

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 (888) 502-5275. The conversion process is relatively simple and can be accomplished in one of two ways, depending on the word processing program you are using.

1. For WordPerfect:

Version 6.1, 7 and 8

- Open the document to be converted.
- Select the Print option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed.
- ***Select your PDF Writer***.
- Print the file. The file will not print out, instead the option to save the file in PDF format appears.
- Name the file.
- Accept the option and a PDF version of your WordPerfect document is made.

Version 9

Use above method, or open the document.

- ***Click on the File*** menu and ***Select your PDF Writer.***
- Save the file as a PDF document.
- The file is now in PDF format under the newly designated name. The original document remains in its original WordPerfect form under it's original name.

2. For Microsoft Word 95 or later:

- Open the document.
- ***Click on the File*** menu and select, ***Create PDF***.
- Save the file as a PDF file.
- The file is now in PDF format under the newly designated name, and the original document remains in its original form under the original name.

Other word processing programs:

- Open the document to be converted.
- ***Select the Print*** option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed.
- ***Select PDF Writer***.
- Print the file. The file should not print out, instead the option to save the file in PDF format appears.
- Name and save the file.

[Depending on the word processing program being used, it may be necessary to find the printer selection option elsewhere. At that point, change the printer to PDF Writer, and follow the directions above.]

RECOMMENDATIONS (HINTS) FROM PRELIMINARY ADOBE VERSION 6.0 and CM/ECF COMPATIBILITY TESTS

PREPARING THE DOCUMENT:

1. Reminder: do not use the PDF Creator that is a part of the Corel Suite.

2. Set Adobe PDF Writer as the default printer BEFORE opening the WordPerfect document.

3. Before printing, perform a "File --> Save As" and save the document as a normal WordPerfect document. This cleans the document and gets rid of any embedded code that might be lingering due to editing, but that is not visible in the actual document.

4. Minimize the number of different fonts used in the document. We suggest you set the default font to Courier (NOT Courier New or Times New Roman or any other TrueType font). So far, tests have shown that using True Type fonts drastically increases the size of the document. Set the default font by going to "File --> Document --> Default Font."

5. The CM/ECF Project Team recommends a 200x200 dpi resolution. A higher resolution appears to dramatically increase the file size. Because Adobe Acrobat is often used for publishing, some of the standard settings have a 1200x1200 resolution.

6. When you print the document, click on the "Details" tab in the "Print" window, change the "Resolution" to "200x200," then un-check the following check boxes (if they were checked when you entered the window): "Print in color" and "Print text only." Note: this hint does not apply to WordPerfect 10 users who do not have the "Details" tab. Don't worry, our initial tests have shown that WordPerfect 10 creates MUCH smaller PDF files than WordPerfect 9.

IN ADOBE ACROBAT 6:

1. To do the following from Adobe Acrobat 6.0, go into: Advanced --> Acrobat Distiller

2. From Acrobat Distiller, set the following: Default Settings: Smallest File Size

3. Changing the compatibility to Acrobat versions 4.0, 5.0, or 6.0 had no effect on the size of the saved file. In order to ensure the document is viewable in Acrobat 4.0, set the compatibility to Acrobat 4.0 (PDF 1.3). To change the compatibility, set the following from Acrobat Distiller: Settings --> Edit Adobe PDF Settings --> General --> Compatibility --> Acrobat 4.0 (PDF 1.3) [select this]

4. Embedding fonts is recommended so the PDF document is the same or very similar to the original WordPerfect document. Indications from our preliminary tests with the Courier font are that embedding fonts does not affect file size; however, the jury is still out on this. To enable font embedding, set the following from within Acrobat Distiller: Settings --> Edit Adobe PDF Settings --> Fonts --> Embed all fonts (check the check box)

Again, Adobe Acrobat Version 6.0 is compatible with the CM/ECF software....and as noted throughout this announcement, we are continuing to test how to best use Acrobat 6.0. We will provide more details and further clarification on the "hints" provided above within the upcoming weeks.

IMPACT ON SYSTEM PERFORMANCE: Text documents are much smaller than imaged documents. For a typical document, its PDF text version would be only 20% of the size of its imaged version. Therefore, whenever an imaged document is stored or viewed, it puts five to ten times more load on the network than it would as a text document. It also can take five to ten times as long to transfer.

How To File Documents Electronically

Once your document is in PDF format, click on Civil, then click on the Civil 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

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

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

Frequently Asked Questions

Linking Counsel to a Party: Counsel should file a **Notice of Appearance** to ensure that they are listed as counsel of record. During this ECF will allow counsel to link themselves to the party that they represent. 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.

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 need to be paid in person.

Notices of Appeal may be filed online, but the **filing fee** needs to be paid in person.

Upon completion of an electronic filing the last screen you see is a **Notice Of Electronic Filing screen**. This screen will inform you, among other things, of the document number assigned to your document; 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 Certificate of Service that may be attached, if needed, to your electronic filing.

Exhibits that are not in your computer and for some reason cannot be scanned, may be filed in hard copy.

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]."

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**.

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

Documents in excess of 100 pages should be broken down into 100 page

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

Sealed / sensitive documents should be filed in hard copy and be so labeled. They should be presented for filing in a sealed envelope and should be properly labeled. These envelopes should also contain the words *Sealed Document*.

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 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.

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.

Contacts

1.	Technical Help Desk	718-260-2290
2.	Questions regarding ECF Registration	718-260-2312 in Brooklyn 631-712-6036 in Central Islip
3.	Questions regarding Filing	718-260-2610 in Brooklyn 631-712-6011 in Central Islip
4.	To Schedule Training	718-260-2312 in Brooklyn 631-712-6011 in Central Islip

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

ECF
Registration - Page 1

[Please type]

Person Information:

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

Office Information:

Office:		
Address 1:		
Address 2:		
Address 3:		
City:	**State:**	**Zip Code:**
County:	**Country:**	**Telephone No: ( )**

User Information:

Law Firm E-mail Address:
Individual E-mail Address:
Telephone Number: ( )
Fax: ( )

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) 260-2312
Fax: (718) 260-2264
E-mail: 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

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: