

## **Frequently Asked Questions**

### **What is case management/electronic case filing (CM/ECF)?**

- CM/ECF is a document management and electronic filing system. The system provides an easy-to-use electronic filing feature that allows attorneys to file and view documents over the Internet.

### **What are the benefits of CM/ECF?**

- Users can file and view documents over the Internet from anywhere they have access to the Internet.
- Allows remote document filing and electronic service of documents.
- Parties and the Panel receive immediate email notification of case activity.
- Secure electronic storage of documents (eliminating misplaced files).

### **What equipment do I need to use ECF?**

- A personal computer running a standard platform such as Windows or Macintosh.
- Word processing software.
- Software to convert documents into PDF (portable document format).
- Internet access and browser.
- The system has been certified to work with Microsoft Edge versions 138.0.3341.83 – 142.0.3595.80; Firefox versions 140.0.4 – 143.0.4; Chrome versions 139.0.7258.31 – 141.0.7390.77; and Safari. You will have faster service with high-speed Internet access.
- Scanning equipment is required for documents that are not in electronic format.

### **How do I get started with ECF?**

- You must be a member in good standing of any district court of the United States to practice before the United States Judicial Panel on Multidistrict Litigation.

- You must be registered to file electronically. To register, visit the JPML's website at [www.jpml.uscourts.gov](http://www.jpml.uscourts.gov).
- You may want to obtain a PACER (Public Access to Court Electronic Records) account to view documents in CM/ECF.
  - Apply for a PACER account by visiting <http://pacer.psc.uscourts.gov>. The PACER account does not need to be an individual account; one account shared by a firm would work fine. There is a fee associated with access to PACER, unless you are a government attorney or appointed under the Criminal Justice Act. For more information on PACER access fees, please see the PACER website.
- Download the ECF Administrative Policies and Procedures and the CM/ECF Attorney User's Guide from the Panel's website.

### **How do I file electronically?**

- Create your document using any word processing software.
- Save the document in portable document format (PDF).
- Log onto the Panel's CM/ECF system using the login and password you selected when registering.
- Follow the prompts to provide information about the case, party, and document to be filed.
- Attach the PDF document and submit it to the Panel for filing by pressing the submit button.
- Save or print the CM/ECF Notice of Electronic Filing (NEF) from the Panel confirming that the document was filed.

### **What about the requirement for a signature? How do I sign documents in ECF?**

- Your JPML CM/ECF login and password together will constitute your signature.
- There is no added fee for filing documents over the Internet using CM/ECF; existing filing fees still apply.

- Attorneys receive one free view of documents filed electronically in their cases; during this view you may download and save the document. You also may print a copy.
- Public Access to Court Electronic Records (PACER) makes court records available to attorneys, parties, and the general public at a cost of ten cents per page, with a \$3.00 cap on the charge for any single document (no cap for transcripts).
- Congress directed the Courts to fund electronic access through user fees. The judiciary has set the fee at the lowest possible level sufficient to recoup program costs.

### **What happens once the document is filed electronically?**

- CM/ECF will send a receipt to the filer verifying that the document has been received.
- CM/ECF will file the document and automatically update the docket sheet
- CM/ECF will send, by email, a notice of the filing to all parties who have agreed to receive electronic notices.
- The email notification will contain a hyperlink to an electronically filed document. If the document number is hyperlinked, you may click on it to receive your one time free access to the document. Since electronic notices are sent whenever there is case activity, you may receive a notification that does not contain a hyperlink to a document. In these instances, the document does not exist in electronic form.

### **How secure is CM/ECF?**

- CM/ECF has many security features and has passed an evaluation by the National Security Agency. You must maintain the security of your login and password.

### **What can be expected as far as system availability? How can it be expected to be operational 24 hours a day/7 days a week? Won't the system have to be down for maintenance and upgrades?**

- System downtime has proved to be very minimal. For scheduled maintenance and periodic software upgrades, notices are posted on the website advising of anticipated downtime and attempts are made to do this work during periods of lower activity (*i.e.*, early mornings and weekends). If there are technical difficulties, obviously, alerts may not be possible and length of time estimates may be difficult.

#### **What if our computer system crashes and we have waited until the 11th hour to file?**

- You will proceed in much the same manner as you did before if your computer crashed and you could not print your document so that it could be filed, *i.e.*, submit a request for extension of time.
- One of the benefits of the system is that electronic filings can be made from practically any location with Internet access so that if all that is down is your Internet access you can save your document to a disk, drive, or cloud service and file from home or a commercial establishment that provides Internet service.

#### **Can I add email addresses to my account? Can I change my password?**

- Yes, you can change your email address and other contact information. Click on Utilities, Maintain Your Account and then E-mail information. You may then change your e-mail address, add additional email addresses to receive notification that a document has been filed, sign up to receive notification that documents have been filed in cases where you are not counsel of record, choose whether to receive a separate notification of each instance of docket activity in your cases or a single notice of all activity in all of your cases that day, and choose whether the notification is sent in HTML or text format. Once you have made changes, click Return to Account Screen, and then Submit.
- Yes, you can change your password. This function is discussed in the CM/ECF Attorney User's Manual, Section 6, Maintaining Your Account Information. You may change your physical address, email address, phone and fax numbers as necessary to maintain a good address with the Panel as required by our Local Rules. However, if you wish to change how your name appears in the system, you should contact our Help Desk at (202) 502-2800.

#### **How is service made?**

- The filer remains legally responsible for effecting service.

- Fed. R. Civ. P. 5 permits service by electronic means. When a document is filed electronically using CM/ECF, an email notification is automatically sent to all attorneys in the case who are registered users of the system, unless the document is filed under seal. This constitutes service on attorneys who are registered users. Documents filed under seal must be served by mail or other means permitted by the Federal Rules of Civil Procedure.

When you are filing a paper electronically, the last screen the filer sees is the electronic notice of filing. The notice will list the attorneys who have been served electronically. For them, the electronic notification will constitute service and no separate certificate of service is required.

- The electronic notification also identifies parties and/or attorneys that are NOT registered users of the system. The filer is responsible for serving copies of pleadings on unregistered users by other means. **A certificate of service should be electronically filed with the Panel anytime a document must be served by other than electronic means. Consult *Electronic Case Filing Administrative Policies and Procedures* on the Panel's website if you need additional information regarding service on parties.**

#### **Will non-parties be able to access files over PACER? If not, how will a non-party obtain access to public records?**

- Yes, non-parties are eligible to register for PACER and are able to access non-sealed files through PACER.

#### **What other information should I be aware of?**

- Microsoft Edge versions 138.0.3341.83 – 142.0.3595.80; Firefox versions 140.0.4 – 143.0.4; Chrome versions 139.0.7258.31 – 141.0.7390.77; and Safari have been certified to be fully compatible with CM/ECF. If you have any other Internet browser, either newer or older, you may have problems using the system. To obtain a browser that works with CM/ECF, visit the PACER website.
- CM/ECF sends out email notification of all docket activity regardless of whether the document was filed electronically. If the document was not filed electronically, you will not be able to view it through a link in the email nor by using your PACER account. When a document is not filed electronically the filing party is responsible for serving copies by mail or other means permitted by the Federal Rules of Civil

Procedure. When a Panel document is not filed electronically, copies will be mailed to parties entitled to notice.

- If you have questions or comments, please contact the United States Judicial Panel on Multidistrict Litigation at (202) 502-2800.

### How will filing fees be paid?

- The U.S. Judicial Panel on Multidistrict Litigation does not charge filing fees.

### How will affidavits be filed? Scanned? Should there be a Local Rule covering the verification of signatures on affidavits?

- Documents that are required to be signed by persons who are not counsel of record in a particular case, such as verified pleadings, affidavits, etc., may be submitted in electronic format in any of several ways so long as counsel has and maintains the signed original.
- An electronic version bearing an “/s/” can be filed along with a statement by counsel below the signature line that he or she has the signed copy.
- An electronic version bearing an “/s/” can be filed with a scanned copy of the signature page as an attachment.

### What about filings under seal?

- Motions to file a document under seal and the provisionally sealed document may now be filed electronically.
- Please refer to the Panel’s ***Electronic Case Filing Administrative Policies and Procedures*** and ***E-Filing Sealed Documents*** for instructions.

### What happens if a document is filed in the wrong case?

- **Please notify the Clerk's Office immediately.** Once we’re contacted, the docket entry will be marked "FILED IN ERROR IN WRONG CASE" and the link to that document will be disabled so that the document will only be accessible to Panel users only.

- The Clerk's Office will request that the document be re-filed by counsel in the correct case.

### **Can I combine a motion and a response/reply in a single electronic filing?**

- No. You must docket two separate events.

### **How many times will I be able to view my case documents as an attorney of record?**

- Even as an attorney of record, you are only allowed one “free look” through CM/ECF. Click on the document link on the Notice of Electronic Filing (NEF) for your case and you will not be charged the first time you view a document.
- However, the next time you view the same document, you will be charged \$0.10 per page, as approved by the Judicial Conference of the United States.

### **What do I do when I receive a "Page Cannot Be Displayed" error when accessing documents from the e-mail notification?**

- Things to try when you cannot access a pdf document from an e-mail message:
  - Close and re-open the browser.
  - Reboot the computer.
  - Clear temporary internet files and then close and re-open the browser.
  - Change cache setting.
  - Delete all .pdf files from C:\documents and settings\your name\local settings\temp

### **The attorney is not receiving his e-mail notification and we are not getting a returned e-mail. We verified that the e-mail address on file is correct.**

- Check with your IT department first to determine if a spam filter is attached to your email account. Sometimes when e-mail notifications are sent, the attorney's e-mail address is in the bcc field and is therefore mistaken for "spam" by some filters. If the user has a Hotmail account, Hotmail will automatically delete suspected spam

unless a setting is changed. Attorneys will need to add “www.jpml.uscourts.gov” as an accepted domain in their “spam” filter.

### **If I am from a large law firm, does each attorney need to register for CM/ECF?**

- Yes. Each attorney must have his/her own login and password to file documents in CM/ECF.
- The login and password, along with the “/s/” on a document, constitute the attorney’s signature.

### **How do I find out who is receiving electronic notices so I can prepare my Certificate of Service accordingly?**

- Log into CM/ECF and click on Utilities->Mailings->Mailing Info for a Case

### **What is the difference between a PACER account and a CM/ECF Account?**

- PACER allows for viewing previously filed documents, searching for cases and case activity, and generating docket sheets.
- CM/ECF allows you to electronically file a document with the Panel.

### **I am changing firms. Do I need to establish a new e-filing login and password?**

- You do not need to register for CM/ECF more than once. Even if you change firms, your login remains valid. However, you must update your address and e-mail information in the "Utilities" option of the CM/ECF.
- It will also be necessary to establish a new PACER login and password. A PACER account may be obtained at: <http://pacer.psc.uscourts.gov/register.html>.

### **Can pro se litigants file documents in a case electronically?**

- No, only attorneys can file electronically unless otherwise permitted by the Panel.
- Pro se filers should submit documents to the Clerk’s Office and staff will electronically file the document for them.