



**ELECTRONIC FILING
REQUIREMENTS AND PROCEDURES
FOR CRIMINAL CASES
(CM/ECF version 4.0)**

November 23, 2009

Check our website: www.mdd.uscourts.gov for updates

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Introduction

This Manual has been prepared by members of the Clerk's office under the oversight of an ad hoc CM/ECF Criminal Case Implementation Committee. It is primarily designed to provide practical guidance to lawyers, paralegals, and legal assistants as they wend their way through the electronic filing process. Thus, it focuses upon the ways and means of filing documents in an electronic world rather than upon broad issues of policy and procedure that electronic filing raises. However, we have concluded that at the outset it would be helpful to briefly answer six general questions that practicing lawyers might ask.

1. *What documents are to be electronically filed?*

Unless otherwise ordered by the presiding judge in a particular case, all documents are to be electronically filed in criminal cases except "come-up memos," requests for pre-plea record checks, pre-sentence reports, and any documents in sealed cases.

2. *Are plea agreements to be electronically filed?*

Yes. In all cases plea agreements will consist of two separate documents: the main body of the agreement and a supplement setting forth whether the defendant has agreed to cooperate and, if so, the terms of the cooperation agreement. Unless otherwise ordered by the presiding judge, the main body of the agreement shall be publicly accessible but the supplement will be a sealed document.

3. *Are there certain types of electronically filed documents that will be sealed?*

Yes. As just stated in the preceding section, supplements to plea agreements shall be sealed unless otherwise ordered by the presiding judge. Presentence reports (when they are placed in the record for appeal) also shall be sealed unless otherwise ordered by the presiding judge. Requests for Rule 17 subpoenas shall be restricted to court users only. Any document with a juror's name shall be restricted to court users only. If a party wants any other document to be sealed, he/she must electronically file a motion to seal the document. The document shall be under seal until the presiding judge rules upon the motion to seal.

4. *Can docket entries pertaining to court proceedings be sealed if there is good cause to prevent them from appearing on the public record?*

Upon the request of a party or on his/her own motion, the presiding judge may enter an order sealing a particular court proceeding and docket entries referring to that proceeding when deemed appropriate by the presiding judge.

5. *Will access to certain electronically filed documents be restricted even if the documents are not sealed?*

Yes. For example, unless otherwise ordered by the presiding judge, financial affidavits will not be accessible.

Unless otherwise ordered by the presiding judge, the fact that a financial affidavit has been filed will appear on the public record, and all parties will be electronically noticed of the filing of the document. However, the document itself will not be viewable.

Many other documents have other restrictions. For example, sentencing memos are restricted to case participants and those using public terminals at the Clerk's office, unless otherwise ordered by the presiding judge.

Some documents have added security which allows them to be viewed only by case participants. In this situation, when the NEF is received the recipient must login using the CM/ECF password then the PACER login to view the document. This is a security feature so that PACER recognizes the user as a case participant.

If any party or member of the public believes a document filed in a particular case to which access is restricted should be made publically accessible, she/he must make a motion to that effect. Access to the documents will remain restricted unless and until the presiding judge grants the motion.

6. *Do I still have to serve paper copies?*

Generally, no. However, you must still serve a paper copy of (1) any sealed document (only upon counsel for the party or parties entitled to receive a copy) and (2) any document upon a person who is appearing *pro se* (and thus not permitted to engage in electronic filing).

When the number of pages for the main document plus attachments total 15 pages or more, one paper copy of all the documents must be submitted to the Clerk's Office as a courtesy copy for the presiding judge.

These preliminary questions having been answered, it is now time to begin the process of learning how to file documents in the CM/ECF system.

New Features in Version 4.0 of CM/ECF

Several new features have been added to the current version of CM/ECF. Refer to the pages below for more information about these updates:

1. The interface has changed for selecting the filer (page 10).
2. Attaching documents – Users can now add all documents on the same screen (pages 11-14).
3. E-mail configuration (pages 48-50) – You may now indicate whether:
 - your e-mail address receives Notices of Electronic Filing (NEFs)
 - NEFs should be sent per filing or via a daily summary report
 - NEFs are in html format or text format
 - your e-mail address should receive general announcement notices from the Court
 - to display all cases for which you will receive electronic notices

Frequently Asked Questions and Common Problems

Certain areas tend to be more problematic than others. Below is a list of filings for which the court receives a lot of questions and/or detects frequent errors. Before doing any electronic filing, please review this list to see if any items will affect your filing. If so, please read more about it.

Documents/Attachments:

- when filing more than one document for a filing (pages 11-14)
- scanned documents exceeding 50 pages (page 17)
- scanned documents 15 pages or longer (pages 17-18)

Entering Appearance – you cannot enter an appearance for another attorney (pages 22-24).

Ex parte (pages 27-30)

Private Information – certain information must be redacted (page 43).

Responses and Replies (pages 25-26)

Signatures – electronic signatures must meet specific criteria (pages 18-19).

Transcript – availability of transcripts and redaction of transcripts (go to <http://www.mdd.uscourts.gov/cmecf/PDF/3.2noticetobar.pdf>).

I. Scope

A. Cases in Which Electronic Filing Will Be Used

Electronic filing is to be used in:

- all criminal cases assigned to District Judges
- all Class A misdemeanors and other cases assigned to Magistrate Judges that are initiated by a complaint
- all preliminary proceedings before a Magistrate Judge that occur in cases ultimately assigned to District Judges. When preliminary proceedings before a Magistrate Judge occur in a case ultimately assigned to District Judges, the magistrate judge case will be merged when the criminal case is opened.

Unless otherwise ordered by the presiding judge, electronic filing is required for all documents filed on or after August 8, 2008, in all covered cases. Documents filed in those cases prior to August 8, 2008 need not be electronically re-filed unless otherwise ordered by the presiding judge.

B. Requesting an Exemption from Electronic Filing

Counsel in a case which is subject to electronic filing may request that the case be exempted from the electronic filing requirements and procedures by filing a motion in paper format setting forth the grounds for the request. Requests for exemptions will be granted only for good cause. The docket sheet in exempt cases will be publicly available through PACER.

When filing documents in a case which is exempt from electronic filing, make a parenthetical notation in the caption under the case number “Exempt from ECF.”

C. Sealed Cases

Attorneys may not electronically file documents in sealed cases. All filings in sealed cases should be submitted to the Clerk’s Office for electronic filing, on CD, and accompanied by the original paper copy of that document which will be submitted to the judge.

II. Use of Electronic Filing System

A. Registration

1. General Requirements

There is no charge for registering to use the electronic filing system. You must be an attorney in good standing with the bar of any state. Logins and passwords will not be issued to paralegals, secretaries, or other paraprofessionals.

2. How to Register

You may register for electronic filing by going to the court's web site:

- If you are an active member of this court in good standing, go to <https://www.mdd.uscourts.gov/attyregB/inputAttorneyJS.asp> and complete the on-line registration form.
- If you are not a member of this court but would like to enter your appearance in a criminal case, go to <http://www.mdd.uscourts.gov/publications/DisplayFormsAll.asp>, click "Entry of Appearance in a Criminal Case" to obtain two forms – Entry of Appearance in a Criminal Case and the ECF Registration Form. Complete both forms and mail them to the court. After your entry of appearance has been approved, you will be sent a CM/ECF user ID and password via e-mail.

3. Effect of Registration

Registration as an electronic filer constitutes consent to receive and make electronic service under Fed. R. Crim. P. 49(d) of all documents governed by this manual. This consent is applicable to all cases, present and future, where the registered user is counsel of record.

4. Checking Your Login and Password

When you receive your login and password, you should log into the system to ensure that they work. The login and password fields are case sensitive so you must type them exactly as they appear in the e-mail. If you are unable to log into the system, you should contact the court's I.T. Help Desk at (410) 962-4058.

5. 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 cases may be viewed over the Internet by using PACER.

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

Fees are currently set at \$.08 per page for access through PACER, with a billing cap of 30 pages per document. The cap applies to case specific reports and documents in the case file with one exception: transcripts of court proceedings are exempt from the cap.

If you are appointed in CJA cases, you can access PACER at no charge (for those cases only). If you do not have an existing account, register at PACER's home page. Click on Register for PACER. In the firm name field and in the contact name field, enter CJA - followed by your name. PACER will set up an account specifically for use with CJA cases. You must create a second fee-incurring PACER account for any private, non-court appointed work. Contact PACER Service Center at: <http://pacer.psc.uscourts.gov/> or at 1-800-676-6856.

You may wish to review the following PACER web sites to access answers to frequently asked questions, as well as information regarding your account:

<http://pacer.psc.uscourts.gov/faq.html> and/or
<http://pacer.psc.uscourts.gov/cgi-bin/psclogin.pl>

6. 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 may have CM/ECF accounts.

A PACER account allows you to view docket sheets and documents which have been filed electronically. 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.

Some documents have added security which allows them to be viewed only by case participants. In this situation, when the NEF is received the recipient must login using the CM/ECF password then the PACER login to view the document. This is a security feature so that PACER recognizes the user as a case participant.

B. Passwords

1. Security

An attorney's login and password constitute his or her signature on all documents filed using that 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.

2. Changing Your Password

Your initial password is computer generated. Once you have 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.

- a) After logging into the electronic filing system click Utilities on the blue menu bar. Then click Maintain Your Account.
- b) The Maintain User Account Screen will be displayed. Click More user information at the bottom of the screen. This displays the More User Information screen.
- c) Enter your new password in the password field, then click Return to Account Screen. Click Submit. Click Submit again. You must follow these steps for the change to be made.
- d) Click 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.

3. Oops, I Forgot My Password

If you forget your password, do not submit another registration form.

Go to our website at <https://ecf.mdd.uscourts.gov/cgi-bin/lostPassword.pl>. Enter your login ID and click Submit. An e-mail will be sent to the address on file with the court. Click on the link and you will be able to create a new password.

4. 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.

C. Hardware and Software Requirements

1. 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 Internet Explorer 6.0 and 7.0 and Firefox 3.0.
- Software to convert documents from a word processor form into portable document format (PDF).
- Software for viewing PDF documents. Adobe Acrobat Reader is available free of charge at: <http://www.adobe.com/>.

2. Optimizing Usage

- A scanner to create electronic images of documents not in your word processing system. *Be sure your scanner is set to 300 pixels per inch or higher.*
- A PACER account for viewing docket sheets and documents.

3. Equipment Available at the Courthouse

The Clerk's Offices in Baltimore and Greenbelt are equipped with public access terminals which may be utilized by registered users to electronically file documents. Scanners also are available.

III. General Procedures for Electronic Filing

A. Electronic Filing Step by Step

This section of the User's Manual describes the process for filing a criminal motion in CM/ECF; however, the process is similar for filing most other documents in CM/ECF. Documents that require different procedures will be discussed in other sections.

1. Convert your Document to PDF Format

Convert the document(s) you are filing to PDF format. The system will not accept documents in WordPerfect or Word format, nor does it automatically convert such documents to PDF.

HELPFUL HINT:

When converting your document to PDF format, make sure the filename ends in .pdf. This will ensure that others will be able to easily download and view it.

a) *Converting a WordPerfect Document*

- 1) click File on the toolbar
- 2) select Publish to and then PDF OR select Publish to PDF (the selection depends on the version of WordPerfect you are using)
- 3) save the PDF document on your computer

b) *Converting a Word Document*

If you are using Word 2007, you can easily convert your Word document to PDF while in Word 2007. If you are using an earlier version of Word, you must use the Adobe Acrobat application to convert your Word document.

Word 2007

To convert to PDF format:

- 1) Click the Office button (the round button in upper, left corner of screen)
- 2) Select Save As
- 3) Select Adobe PDF
- 4) The Save Adobe PDF File As window opens. Type the name of the file and click Save.

Versions Prior to 2007

To convert the Word document to PDF format, the Adobe Acrobat application must be used. The Word file must be closed before converting it to PDF. Then:

- 1) Open the Adobe Acrobat application. Click on File in the toolbar and select Create PDF and then From File...
- 2) A navigation window opens. Navigate, if necessary, to the directory/folder where the Word document is stored. Select the document and click the Open button.
- 3) A series of windows open as the document is converted. When the conversion is completed, the document is displayed in an Adobe Acrobat window. (The hyperlink is converted automatically.)
- 4) Close the Adobe file. Respond Yes to the save changes message and save the PDF document in the appropriate directory/file.

2. Log on to the Court's Website

Go to the court's electronic filing site on the Internet:

<http://www.mdd.uscourts.gov/>

- a) Click the CM/ECF button
- b) Click Electronic Case Filing
- c) Click District of Maryland - Document Filing System (you may want to bookmark this page for direct access in the future)

3. Enter Login and Password

Log into the CM/ECF system with your court issued login and password. The login and password fields are case sensitive.

The client code field is optional. It serves no purpose if you are logging into CM/ECF. If you are logging in as a PACER user, the client code field may be used for billing purposes. It will appear on your PACER billing reports so that you may track usage on behalf of particular clients.

CM/ECF Filer or PACER Login

Notice

This is a **Restricted Web Site** for Official Court Business only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Instructions for filing:

Enter your CM/ECF filer login and password if you are electronically filing something with the court.

If you received this login page as a result of a link from a Notice of Electronic Filing email:

Enter your CM/ECF filer login and password. The system prompts customers for a CM/ECF login and password when attempting to view certain types of documents.

If you have trouble viewing a document:

After successful entry of your CM/ECF login, you should be able to view the document. If you receive the message "You do not have permission to view this document," viewing the document is restricted to attorneys of record in the case and the system does not recognize you as such. If the login prompt appears again, after you have entered your CM/ECF login and password, it means that the "free look" link has expired. You will need to enter your PACER login and password to view the document.

Instructions for viewing filed documents and case information:

If you do not need filing capabilities, enter your PACER login and password. If you do not have a PACER login, you may register online at <http://pacer.psc.uscourts.gov>.



IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer-identification numbers; dates of birth; names of minor children; financial account numbers; and, in criminal cases, home addresses, in compliance with [Fed. R. Civ. P. 5.2](#) or [Fed. R. Crim. P. 49.1](#). This requirement applies to all documents, including attachments.

I understand that, if I file, I must comply with the redaction rules. I have read this notice.

Notice

An access fee of \$0.08 per page, as approved by the Judicial Conference of the United States, will be assessed for access to this service. For more information about CM/ECF, [click here](#) or contact the PACER Service Center at (800) 676-6856.

CM/ECF has been tested and works correctly with Firefox 3.0, and Internet Explorer 6 and 7.

4. [Select Category of Filing](#)

Once you are logged in, you can either click [Criminal](#) on the blue menu bar, or you can click on the arrow on the right hand side of the word Criminal. A criminal events screen will appear. You can make a selection from the Criminal sub-menus. In this example, under Motions and Related Filings we will click [Motions](#).



5. Enter Case Number

You will be prompted to enter your case number. The system will automatically display the case number of the last case you accessed during the session. If it is the case number you are now filing under, click Next and go to Step 6. Otherwise, enter the case number in one of the formats displayed on the screen. Click Find this Case.

You will be prompted to select a case. The system may display multiple case numbers with different case types. Be sure to pick the appropriate case type: either **cr** (criminal case) or **mj** (magistrate judge case). If you are filing in a specific defendant's case, select that individual defendant's case name with corresponding defendant number. If you are filing in the main case as to all defendants, select the main case number which is located above the individual defendant's case numbers and which is identified with the short case title having the extension *et al.* Click Next.

6. Verify Case

The system will display a case number screen which includes the judge's initials and short case title. If this is the correct case, click Next. If it is not the correct case, click Criminal located on the blue menu bar and start over again.

7. Select Event

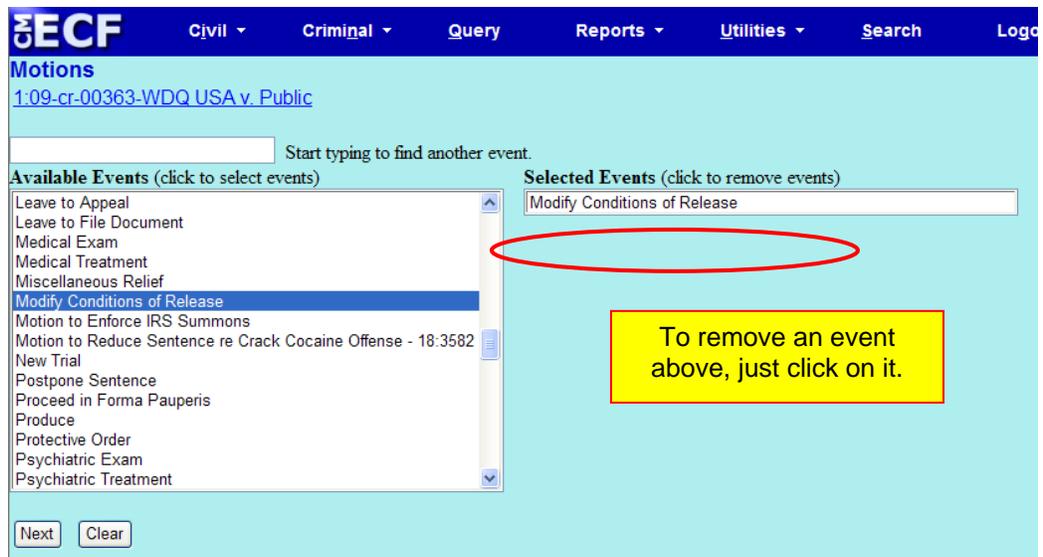
A window will be displayed containing Available Events with a scroll bar next to it. Scroll through the menu until you find the type of motion or application you wish to file. Select miscellaneous relief *ONLY* if you do not find an appropriate type of relief that corresponds to the relief you are requesting in your motion.

To select the appropriate type of relief (what you are requesting in the motion), locate the relief and click on it. To select multiple reliefs, click on your first relief type. This relief will appear in the Selected Events field. Continue selecting any additional reliefs identified in your motion. All selected reliefs will appear in the Selected Events field.

HELPFUL HINT:

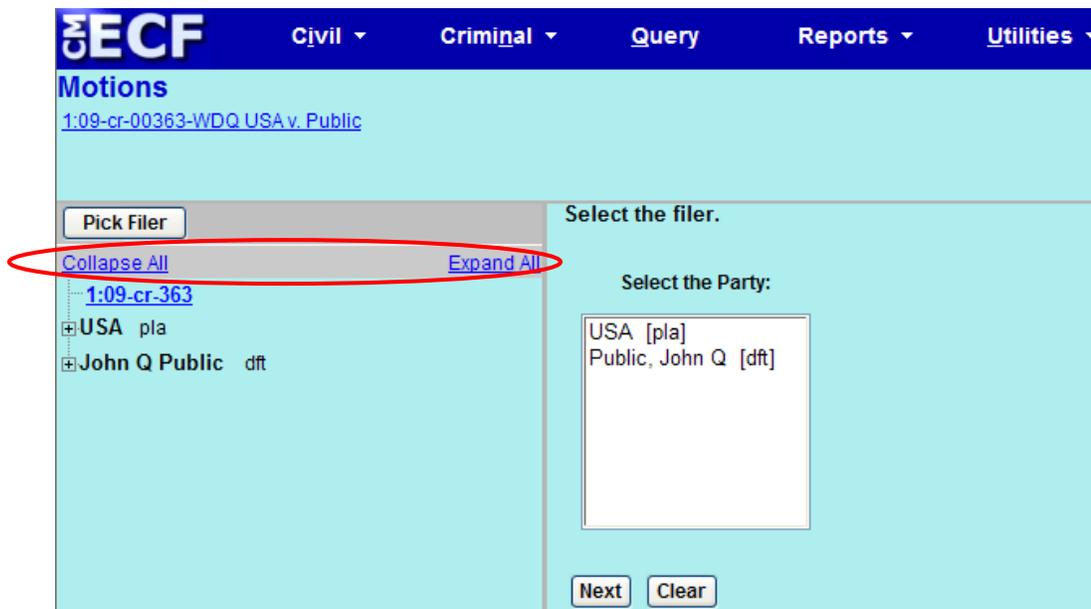
A complete list of events in each category is contained in Appendix A.

Review your selection before clicking Next. If you find an error, click on that specific relief in the Selected Events field to remove that relief. When you are satisfied with your selections, click Next.



8. Party Information Screen

The party information screen will be displayed. The left side of the screen shows parties and case participants. To display all case participants, click Expand All. Click Collapse All, and only the parties will show.



You will be prompted to select the filer using the right side of the screen. If filing on behalf of the United States, select USA [pla]. If filing on behalf of a single defendant, select that defendant's name. If filing on behalf of multiple defendants, select the first defendant, hold down the CTRL key, and select each additional defendant.

Click Next.

9. Attorney Party Association Screen

If you have not previously entered your appearance, an Attorney/Party Association screen will be displayed.

- If you are representing the party, make sure the box in front of the party's name is checked. By doing so, there is no need to file a separate Notice of Appearance.
- *If* you are the lead attorney, check the box in front of "Lead".
- Check the box in front of "Notice". If the Notice box is not checked, you will not receive notices of anything filed electronically.

If you are *not* creating the Attorney/Party Association, uncheck all boxes and click Next.

The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there are navigation tabs for 'Civil', 'Criminal', 'Query', and 'Reports'. Below this, the page title is 'Motions' and the case name is '1:09-cr-00363-WDQ USA v. Public'. The main content area contains the following text: 'The following attorney/party associations do not exist for the above case(s). Please check the box on the left of the screen for associations which should be created. If the association should not be created, be sure the box is unchecked'. Below this text, there is a list of associations with checkboxes: 'John Q Public (pty:dft) represented by Mary Doughney (aty)' with a checked box, 'Lead' with an unchecked box, and 'Notice' with a checked box. At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

If you are filing a document jointly with another party such as a joint motion for extension of time, be sure all of the boxes are unchecked so that you do not unintentionally enter your appearance on behalf of an opposing party.

Please refer to Section III.E. regarding procedures applicable to signatures.

10. Add PDF Documents

The system will then display a screen where you can add your PDF documents. The system will not allow you to proceed unless you attach a main document. The document must be in PDF format. If it is in a different format, you will receive an error message

REMINDER:
When filing more than one document, each document must be a separate PDF.

when you try to proceed to the next screen.

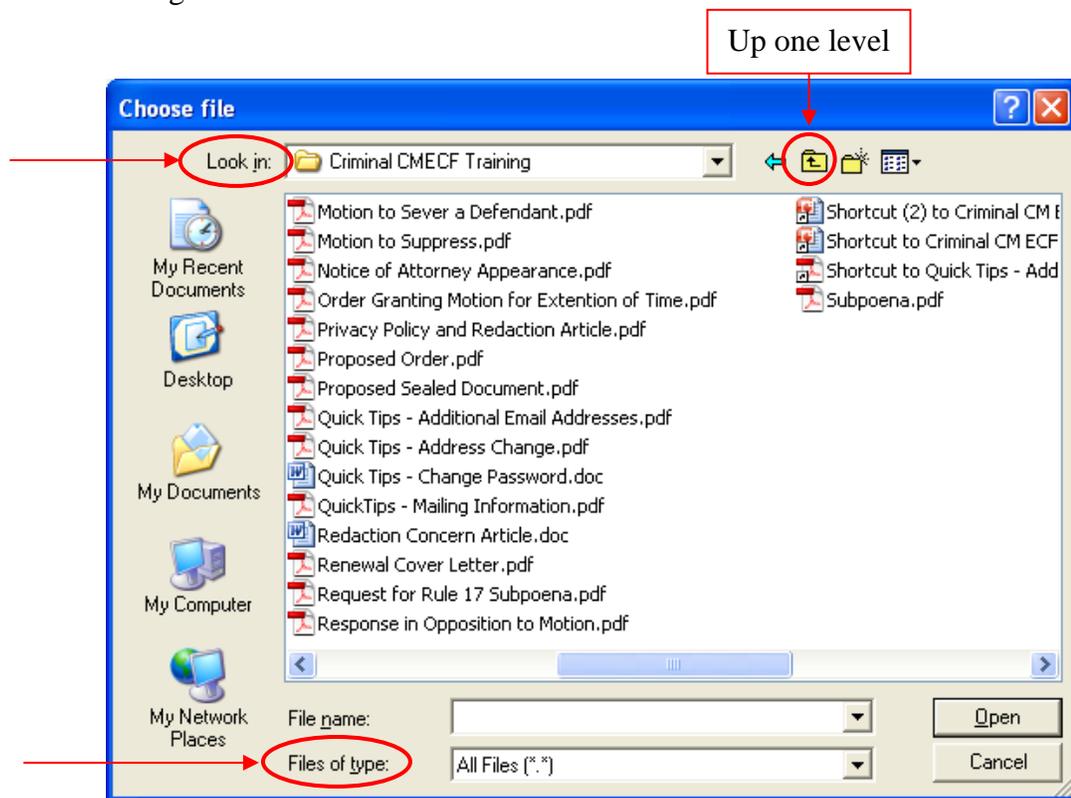
If you are filing more than one document, the other documents must be added as attachments, and each document must be a separate PDF file. For example, you must have a separate PDF file for each of the following:

- Motion to Dismiss
- Exhibit 1
- Exhibit 2
- Proposed Order

To select a PDF document you can either enter the path and filename of the document using the .pdf extension in the Filename field, or you can click on the Browse... button and follow the instructions below.

a) Add Main Document

- 1) Clicking on the Browse button under Main Document will cause the system to display the Choose file window.
- 2) Change the Files of type field at the bottom of the window to “All Files (*.*)” or “Acrobat (*.pdf)” so that you can view PDF documents.
- 3) Navigate through your directories and folders by clicking on either the down arrow at the right of the Look in field or the up one level icon to the right of the field.



- 4) Once you have located the PDF document you wish to file, click on it to select it.
- 5) You should view the document to verify that it is the correct one by right clicking on the file name. A menu will open. Click either Open or Open with Acrobat.
- 6) This will cause the system to launch Adobe Acrobat Reader and display the contents of the document. Close Acrobat Reader by clicking on the X in the upper right corner. This will return you to the Choose file window.
- 7) Once you have located the correct document, click Open in the Choose file window or double click on the file name. The system will then insert the path and file name next to the Browse button.

b) Add Attachments (Memoranda, Exhibits, Proposed Orders, etc.)

If you are submitting a memorandum, exhibits, a proposed order, or any other supporting documents, each document must be filed as a separate attachment and should not be e-filed as separate entries.

If there are no attachments to the document, click Next and skip to Step 10 (Response Deadline). If there are attachments to the document:

REMINDER:
When filing more than one document, each document must be a separate PDF.

- 1) Click the Browse button under Attachments and follow steps 2) through 7) above.
- 2) After adding an attachment, you must choose a Category from the drop down list and/or enter a description of the attachment. This can be useful, especially where there are multiple attachments. If you are attaching an exhibit, select Exhibit from the Category drop down list *and* type an identifying number or letter in the Description field.
- 3) If you make a mistake and add the wrong attachment, click the Remove button to remove it.

- 4) Continue doing this until you have added all attachments. Then click Next.

The screenshot shows the ECF Motions interface for case 1:09-cr-00363-WDQ USA v. Public. The 'Attachments' section contains a table with the following data:

Attachments	Category	Description
1. S:\Criminal CMECF Training\Exhibit.pdf	Exhibit	1
2. S:\Criminal CMECF Training\Proposed Or	Text of Proposed Order	
3. [Empty]		

11. Response Deadline

The system will display a Response Deadline. You cannot modify this information. The response deadline is set by default through CM/ECF and does not modify or supplant any deadlines set by the court.

If you selected multiple relief requests within your motion, you will receive multiple response deadline screens relating to the relief requested. Click Next after each response deadline.

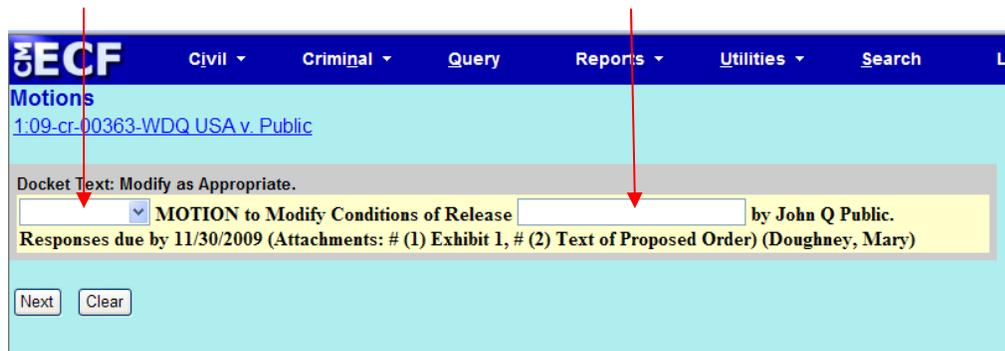
12. Docket Text

The system will display the text of the docket entry which will be made.

You may not modify the language inserted by the system. However, certain events such as motions allow you to add modifiers from the drop down list at the beginning of the entry and free text up to 250 characters in the text box provided. Other events do not provide this opportunity. If you are requesting a hearing on your motion, enter the following text: *and request for hearing* in the last text box. Click Next.

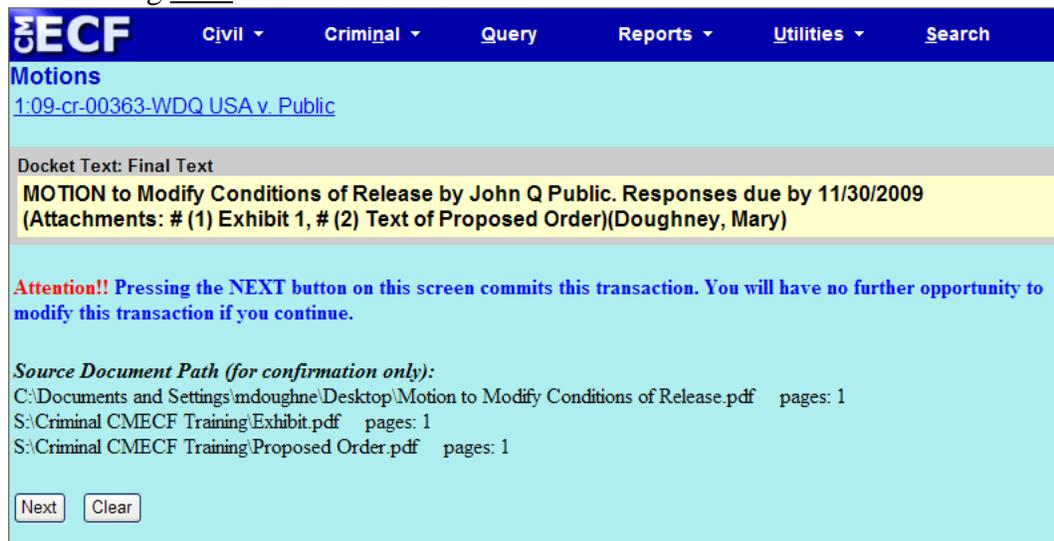
Modify text using drop down list.

Modify text by typing in the text box.



13. Final Docket Text

The system now displays the final text of the docket entry along with a warning that clicking Next will file the document.



Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide that you do not wish to file the document, you may simply log out of the system. If you wish to change something, you may click on your browser's Back button until you reach the point where you wish to make the change. If you receive a Warning Page Expired message, it will be necessary for you to click Criminal on the blue menu bar and start this process again from the beginning.

If you are sure you want to file the document with the docket entry text displayed, click Next. This will commit this transaction.

14. Notice of Electronic Filing (NEF)

The system will now display a Notice of Electronic Filing (NEF). This is proof the document has been filed and you should save a copy of this notice. You can print a copy by clicking on your browser's print button. You can save an electronic copy by clicking on File and then Save As on your browser's menu bar.

If at this point, you determine there was an error in your filing, please contact the Clerk's Office immediately.

The screenshot shows the ECF system interface. At the top is a navigation bar with links for Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below this is the 'Motions' section for case 1:09-cr-00363-WDQ USA v. Public, filed in the U.S. District Court, District of Maryland. A red box highlights the 'Notice of Electronic Filing' section, which contains the following information: The following transaction was entered by Doughney, Mary on 11/9/2009 at 5:06 PM EST and filed on 11/9/2009. Case Name: USA v. Public; Case Number: 1:09-cr-00363-WDQ; Filer: Dft No. 1 - John Q Public; Document Number: 3. Below this, the Docket Text reads: MOTION to Modify Conditions of Release by John Q Public. Responses due by 11/30/2009 (Attachments: # (1) Exhibit 1, # (2) Text of Proposed Order)(Doughney, Mary). Another red box highlights the section: 1:09-cr-00363-WDQ-1 Notice has been electronically mailed to: Mary Doughney mary_doughney@mdd.uscourts.gov. A third red box highlights: 1:09-cr-00363-WDQ-1 Notice will not be electronically delivered to: Virginia zahner. A final red box highlights the section: The following document(s) are associated with this transaction: Document description: Main Document; Original filename: n/a; Electronic document Stamp:

Be sure to read the notice of electronic filing.

- For all parties whose counsel is listed beneath the language “*Notice has been electronically mailed to:*” this notice constitutes a certificate of service and a copy of the document need not be sent to those attorneys by other means unless the filing was a sealed document.
- For all parties or counsel listed beneath the language “*Notice will not be electronically delivered to:*” it is your responsibility to serve a copy of the document (where required by the Federal Rules or Local Rules of this court) on that party by other means permitted by the Federal Rules. A sample Certificate of Service is included in this manual as Appendix C.

B. Lengthy Documents and Other Attachments

CM/ECF limits the size of documents which can be attached.

As a rule, scanned documents usually should not exceed 50 pages, but this is flexible. Depending on the contents of the document and the type of scanner and software used, you may be able to scan and electronically file larger documents. However, if the document contains pictures, spreadsheets, graphs, etc., the system may accept less than 50 pages.

Documents converted from word processing to PDF format use less memory space than scanned documents. Usually there is no page limit on filing converted documents.

REMINDER:
Scanned documents exceeding 50 pages must be filed as a lengthy document in paper format.

If you are filing a document that cannot be electronically filed due to its size, you must file a Notice of Filing of Lengthy Document in substantially the same form as Appendix B to this manual. This notice serves as a placeholder for the document that cannot be electronically filed.

Within 24 hours (not counting intervening weekends and holidays), you must serve the document in paper format along with:

- a traditional Certificate of Service
- a paper copy of the Notice of Filing of Lengthy Document
- a paper copy of the Notice of Electronic Filing (NEF)

In addition, the Clerk's office must receive a paper copy of any document that cannot be electronically filed in the system. This copy will be used as the official record of the court. The copy for the Clerk's office is in addition to any courtesy copy which you are required to provide to chambers.

C. Service of Paper Copies

1. Entire Document Electronically Filed

Electronically filing a document through the CM/ECF system constitutes filing with the Court under Fed. R. Crim. P. 49(d). When the number of pages for the main document plus attachments total 15 pages or more, one paper copy of all the documents must be submitted to the Clerk's Office as a courtesy copy for the presiding judge. The paper copy should be printed after the document is converted to PDF so the pagination matches the version filed electronically. A paper copy of the Notice of Electronic Filing (NEF) must be attached to the front of the copy. The copy should be received by

REMINDER:
You must submit a paper copy to chambers for scanned documents which are 15 pages or longer. The printed NEF should be placed on top.

3. Identifying Information

The requirements of Local Rule 102.b that counsel state their name, physical address, email address, telephone and fax number at the bottom of all court papers apply to documents filed electronically.

4. Non-Attorneys

Documents which are required to be signed by persons who are not counsel of record in a particular case (verified pleadings, affidavits, etc.), may be submitted in electronic format in any of the following ways so long as counsel has and maintains a signed copy.

- If the document is less than 15 pages, it can be scanned and then filed electronically.
- An electronic version of the document bearing a “/s/” can be filed along with a statement by counsel that he or she has a signed copy, as in the following example.

/s/*
Polly Plaintiff

**Counsel hereby certifies that he or she has a signed copy of the foregoing document available for inspection at any time by the court or a party to this action.*

- An electronic version of the document bearing a “/s/” can be filed with a scanned copy of the signature page as an attachment.

/s/*
Polly Plaintiff

**A copy of the signature page bearing an original signature is attached hereto.*

E. Consequences of Electronic Filing

1. What Constitutes Filing

Electronic transmission of a document to CM/ECF along with transmission of a Notice of Electronic Filing (NEF) constitutes filing of the document and entry of the document on the docket.

2. Time of Filing

A document is “filed” at the time the NEF states it was entered. Thus, if you begin the process of electronically filing a document on December 20 at 11:55 p.m. and do not complete it until December 21 at 12:05 a.m., the NEF will state the document was entered on December 21 at 12:05 a.m., and this will be the date the document was filed. The availability of electronic filing after normal business hours and on weekends and holidays does not extend any deadlines imposed by statute, rule, or court order.

F. Service of Document

1. Registered Users

If the Notice of Electronic Filing (NEF) lists counsel for a party under the heading: “Notice has been electronically mailed to” this is the equivalent of service by first class mail, postage prepaid, subject to the provisions of Fed. R. Crim. P. Rule 49(d). If all parties are represented by counsel to whom the system sends an NEF, it is not necessary to file a separate Certificate of Service.

2. Parties Not Registered Users

If the NEF lists a party or counsel under the heading: “Notice will not be electronically delivered to” it is the responsibility of the filing party to serve the document in accordance with the Federal Rules of Criminal Procedure within 24 hours of the electronic filing. The filing party must serve a copy of the NEF with the document. For any document served on a party by means other than the CM/ECF system, the filing party must file an electronic version of the Certificate of Service attached to the document. A sample Certificate of Service is attached as Appendix C.

3. Sealed Documents

At the same time, or immediately after filing the sealed document, you must serve a copy of the sealed document on any party required to be served by the Federal Rules of Criminal Procedure. Service may be made in paper format or in any other format/means agreed to by the parties. Your electronic filing with the court must include a Certificate of Service reflecting service by other means.

G. Electronic Notification

If you are a registered CM/ECF user, you will receive e-mail notification of almost all docket activity. Examples of entries that do not have a document associated with them are:

- entries that relate to court or chambers proceedings (trials, hearings, conferences)
- entries that relate to case management (setting/clearing flags and deadlines)
- entries that are made to add or terminate parties, attorneys or judges.

You will receive the e-mail notification of many of these events but there will be no link to a document.

You may receive a Notice of Electronic Filing (NEF) of a document that exists only in paper format. There will, however, be no link to a document. The document will be served by traditional means.

You will receive electronic notification in all cases where your appearance was entered and never officially stricken. If you receive e-mail notification in a case where you are no longer representing a party, you must file a Motion to Withdraw as Attorney or a Motion to Substitute Attorney. The Clerk's Office is not permitted to remove you from the case based on either an oral request or an e-mail request.

Do not reply to an NEF. You cannot send documents to the court for filing by attaching them to a reply to an NEF. You should not attempt to communicate with other parties or staff within your office by replying to an NEF.

H. Effects of Non-Compliance

If the court receives a paper document which should have been filed electronically, the presiding judge may direct that it be returned without being docketed. If the document is accepted and scanned by Court staff, the paper version will be sent to the presiding judge as a courtesy copy and a warning letter will be sent to the filing party.

IV. Special Procedures for Particular Documents

A. Notice of Attorney Appearance

When filing a Notice of Attorney Appearance, follow the general filing instructions in Section III.A. of this manual and pay particular attention to the following:

1. Select Event

Click Criminal. Under Other Filings, click Notices. If you are filing on behalf of the defendant, select Notice of Attorney Appearance – Defendant from the list of Available Events. If filing on behalf of the government, select Notice of Attorney Appearance - USA. Your selection will appear in the Selected Events field. Click Next.

REMINDER:
Attorneys cannot enter the appearance of another attorney.

2. Add PDF Documents

Depending on whether you are filing on behalf of the defendant or the government, one of the following screens will be displayed in the course of the filing. When one of the screens is displayed, you should attach your Notice of Attorney Appearance.

ECF Civil Criminal Query Reports Utilities

Notices
1:09-cr-00363-WDQ USA v. Public

Select the pdf document and any attachments.

Main Document

Attachments	Category	Description
1. <input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>

ECF Civil Criminal Query Reports Utilities

Notices
1:09-cr-00363-WDQ USA v. Public

Be sure cases as to all affected defendants have been selected.

Select the pdf document and any attachments.

Main Document

Attachments	Category	Description
1. <input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>

3. Designation Status

During the filing, the system will display a designation status screen. (If filing on behalf of the government, you will not get this screen). Select the appropriate attorney type and click Next.

Follow the directions as outlined in Section III. A. of this manual.



The screenshot displays the ECF (Electronic Case Filing) interface. At the top, there is a dark blue header with the 'ECF' logo and four navigation tabs: 'Civil', 'Criminal', 'Query', and 'Reports'. Below the header, the page title is 'Notices'. A blue link is provided for the case: '1:09-cr-00363-WDQ USA v. Public'. The main instruction reads: 'Please select the option indicating your designation status.' There are four radio button options listed: 'CJA Appointment', 'Pro bono Appointment', 'Public Defender', and 'Retained Counsel'. At the bottom of the form, there are two buttons: 'Next' and 'Clear'.

B. Charging Documents

All documents initiating new criminal cases will be electronically filed by Clerk's office staff. This includes:

- complaints
- informations
- indictments
- sealed indictments and Motion to Seal
- superseding indictments
- Rule 20 transfers
- juvenile proceedings
- appeals of a magistrate judge decision to the District Court

Counsel who have been entered into the case will be notified of the filing electronically if they are registered CM/ECF users, unless the case is sealed.

A copy of any indictment (sealed or unsealed), superseding indictment, and a completed speedy trial form for each defendant, must be submitted to the Clerk's Office on the day of presentation to the Grand Jury. All superseding indictments must be accompanied by

a redline version pursuant to Local Rule 202.2. The speedy trial form must list any associated magistrate judge case numbers for each defendant.

If the indictment is sealed, a Motion to Seal and a proposed order must accompany your filing. Language such as “this motion is sealed until all defendants have been arrested” should not be included in the motion or proposed order. Instead, after all defendants have been arrested you must file a Motion to Unseal and a proposed order.

All informations must be submitted to the Clerk’s Office, along with a copy of the speedy trial form, and must list any associated magistrate judge cases.

Once the indictment is returned, a case number will be assigned, the case will be opened and the indictment will be electronically filed in CM/ECF. The page containing the grand jury foreperson’s signature, along with the speedy trial form, will be electronically filed as a separate and restricted entry and will be inaccessible to the public and counsel. The original indictment will be returned to the Assistant U.S. Attorney.

C. Responses and Replies

1. Select Event

a) Response to a Motion

To file a response to a motion, follow the general filing instructions in Section III. A.

Click Criminal on the blue menu bar, then click Responses and Replies, and then select one of the following, as appropriate:

- Response
- Response in Opposition
- Response in Support
- Response to Motion

After attaching your document, the system will show a list of all pending motions. Check the *motion(s)* to which your response relates and continue as you would for filing any document.

b) Reply to a Response to a Motion

To file a reply to a response to a motion, follow the general filing instructions in Section III. A. Click Criminal on the blue menu bar, then click Responses and Replies, and then select Reply to Response.

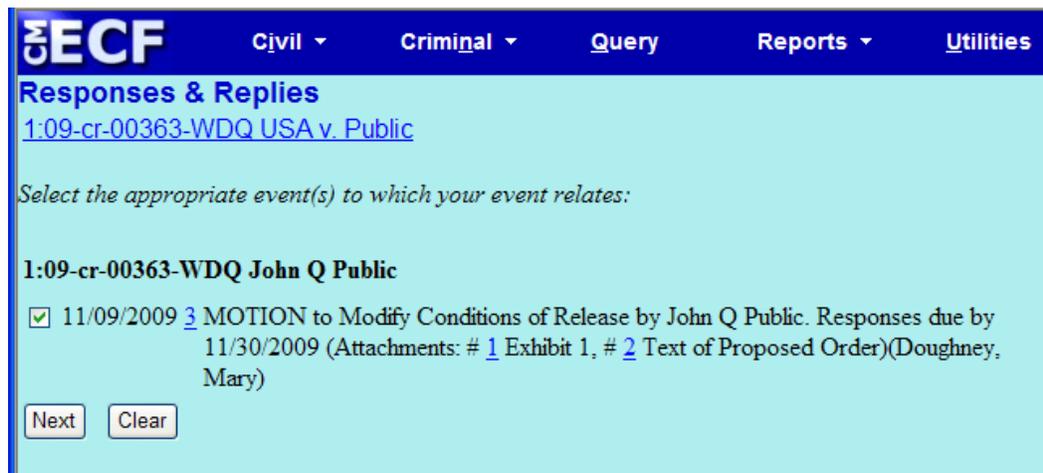
After attaching your document, the system will show a list of all pending motions. Check the *motion(s)* to which your reply relates – *do not link to the Response*.

2. Select Motion(s) to which Response or Reply Relates

All motions will appear on your screen. Whether you are filing a response or a reply, select the original motion(s) to which your document applies. If you are filing as to multiple defendants, select the original motion for each defendant. Click Next.

REMINDER:
Responses to motions and subsequent replies must be linked to the motion.

Continue as you would for filing any document.



D. Discovery

All discovery motions are to be electronically filed in accordance with procedures set forth in Section III. A. of this manual.

Any discovery letter that is sent by the government to counsel for the defendant, setting forth conditions for discovery, shall be electronically filed with the court.

- From the blue menu bar, click Criminal. Select Discovery Documents, under Other Filings. The Available Events screen will appear. Select Discovery Material.
- Follow the directions as outlined in Section III. A. of this manual.

REMINDER:
A Certificate of Service should not be filed with the court for Discovery filings.

of

E. Ex Parte Matters

Attorneys can electronically file *ex parte* motions, responses, and replies. *Ex parte* documents can be viewed by attorneys for the filing party, but cannot be viewed by:

- attorneys for other parties (unless selected by the filer as an *ex parte* recipient)
- those using public terminals
- PACER users

An *ex parte* filing is not a substitute for filing a Motion to Seal.

There are two options that are available to be used in conjunction with the selected motion or response event: 1) you can file your motion or response as an *ex parte docket entry and document* or 2) you can file it just as an *ex parte document*.

- The *ex parte docket entry and document* event along with your motion or response, allows you to select who will see the docket entry and document. Other parties not selected will not receive a Notice of Electronic Filing (NEF) or be able to view the docket entry or document. Neither the docket entry nor the document will be viewable to the public or through PACER.
- When using the *ex parte document* event along with your motion or response, all parties will receive an NEF. This docket entry will be on the docket and thus viewable through PACER. However, the document can only be accessed by the filer and the party the filer selects.

1. [Select Category of Filing](#)

From the blue menu bar, select Criminal. Under Motions and Related Filings, select Motions or Responses and Replies.

2. [Enter Case Number](#)

You will be prompted to enter your case number.

The system will automatically display the case number of the last case you accessed during the session. If it is the case number you are now filing under, click Next and go to Step 3. Otherwise, enter the case number in one of the formats displayed on the screen. Click Find this Case.

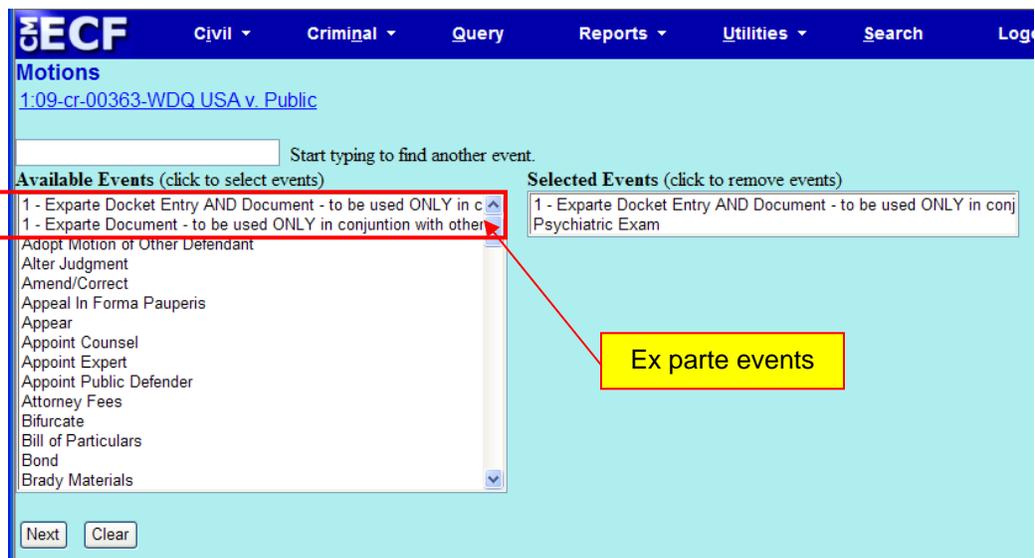
You will be prompted to select a case. The system may display multiple case numbers with different case types. Be sure to pick the appropriate case type: either **cr** (criminal case) or **mj** (magistrate judge case). If you are filing in a specific defendant's case, select that defendant's name and defendant number. If you are counsel for the government and filing in the case as a whole, select the main case number which is located above the single defendant's case numbers and which is identified with the short case title having the extension *et al.* Click Next.

3. Verify Case

The system will display a case number screen which includes the judge's initials and short case title. If this is the correct case, click Next. If it is not the correct case, click Criminal located on the blue menu bar and start over again.

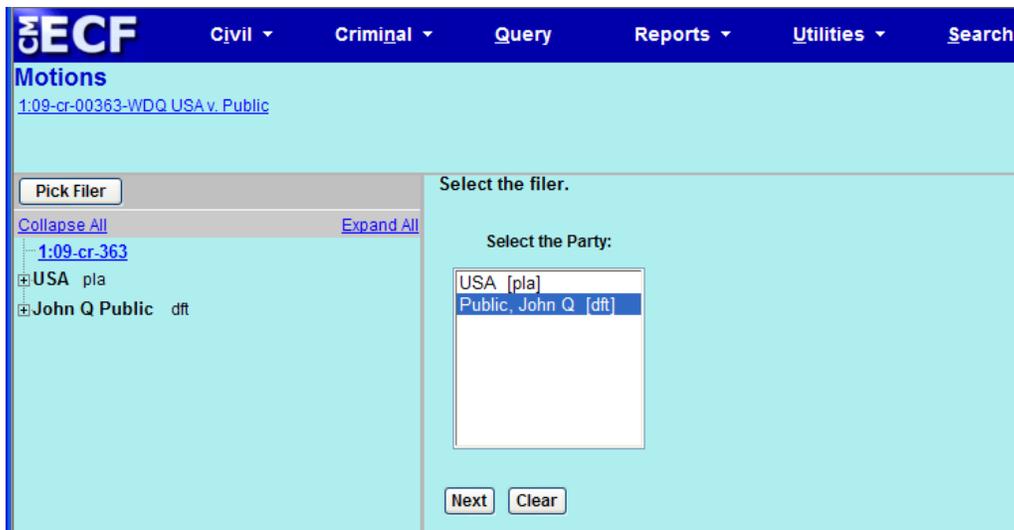
4. Select Events

- a) From the menu, **carefully** select one of the following:
 - 1 – *Ex parte Docket Entry AND Document – to be used ONLY in conjunction with other selection – to restrict access to both the docket entry and the document*
 - 1 – *Ex parte Document – to be used ONLY in conjunction with other selection – to restrict access to only the document*
- b) After selecting the ex parte event, you must also select the appropriate motion, response, or reply.
- c) Be sure the ex parte event appears as the first event in the list of selected events.
- d) Click Next.



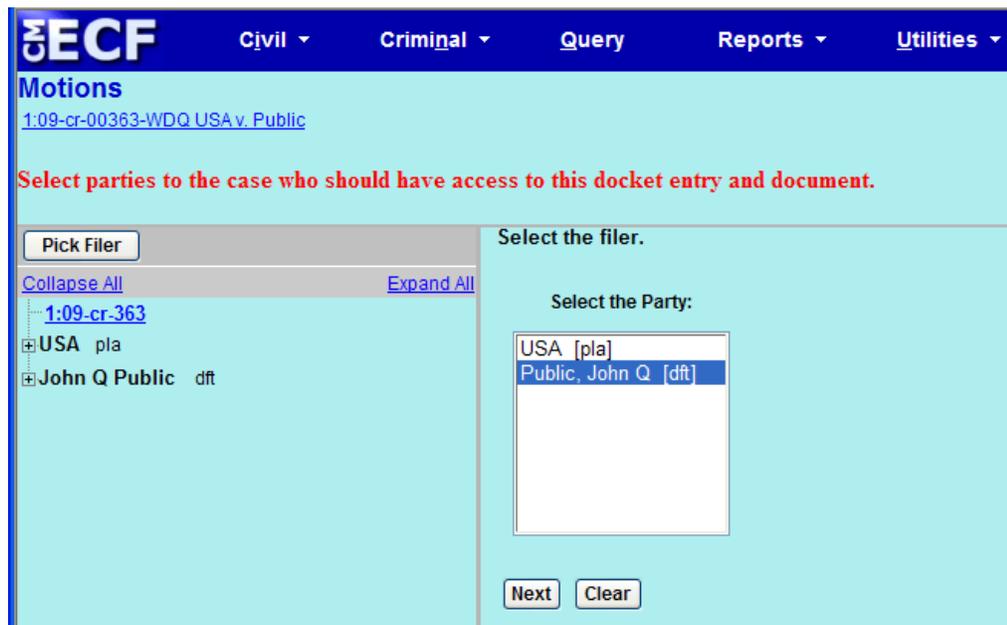
5. Select a Filer

You will be prompted to select a filer. If filing on behalf of the United States, on the right side of the screen, select USA [pla]. If filing on behalf of a single defendant, select that defendant's name. If filing on behalf of multiple defendants, select the first defendant, hold down the CTRL key, and select each additional defendant. Click Next.



6. Select Party(ies) who Should Have Access

Select the parties to the case who should have access to this docket entry and or document. **Don't forget to select yourself in addition to any other party you wish to have access.**



7. Complete the Filing

Attach your document and complete the filing by following the directions outlined in Section III.A. of this manual.

F. Certificates of Service

When you are required by statute or federal or local rule to serve a document, other than original process, on a party who is not a registered CM/ECF user, you are required to serve it in accordance with Fed. R.Crim.P.49(d), and to electronically file a Certificate of Service with the court.

Any party to a case subject to electronic filing who is represented by counsel is expected to have at least one attorney who is a registered user of CM/ECF. In cases subject to electronic filing the court will not mail paper copies of documents to attorneys.

If a party is represented by at least one attorney who is a registered user of CM/ECF, electronic service on that attorney constitutes service on the party. As long as a document is electronically served on at least one attorney for a party, service need not be made on any other attorney for that party who is not a registered user of CM/ECF.

Pro-se parties must be served by paper as they cannot be registered users of CM/ECF.

The Certificate of Service may be filed as a part of the document or as a separate document.

1. As a Part of the Document

Before converting your document to PDF and filing it electronically, check to see which parties will not be electronically noticed. Click on Utilities, Mailings, Mailing Info for a Case, and enter your case number. The system will show who will be electronically noticed and who will not be noticed.

Add a traditional Certificate of Service to your document, stating specifically to whom copies were mailed (or served by other means). It is not sufficient to state that copies will be mailed to any party not electronically noticed. Then file your document as outlined in Section III. A. of this manual.

2. As a Separate Document

If you do not know that a party will not be electronically noticed until after you file your document and see the Notice of Electronic Filing (NEF), you can create and file a separate Certificate of Service. A sample Certificate of Service is contained in Appendix C.

Create a Certificate of Service in your word processing program and convert it to PDF format. To file the Certificate of Service, click on Criminal, Service of Process, and choose Certificate of Service from the menu.

G. Sealed Documents

Requests for Rule 17 subpoenas and supplements to plea agreements are automatically sealed. If a party wants any other document to be sealed (including a notice of a court proceeding), he/she must file a motion to seal the document. The document shall be temporarily placed under seal until the court rules upon the motion to seal. Electronic access to sealed documents is limited to specific court users that have sealed access.

To file a sealed document that requires leave of court, you must have a motion to seal, a proposed order to seal, and the proposed sealed document.

A party filing a proposed sealed document must serve a paper copy of the document upon any other party who is entitled to receive it and should retain a copy for their own use.

Attorneys can file the required documents through CM/ECF. The docket entry will appear on the public docket. You can choose whether the motion to seal itself can be viewable to the public (unsealed) or not (sealed).

Once the court grants the motion to seal, Clerk's Office staff will modify the docket entry from "Proposed Sealed Document" to "Sealed Document". When this modification is made, the document is deemed filed. An NEF will not be generated for the sealed document modification. The docket entry is viewable. However, the document itself will not be accessible.

1. Filing your Motion to Seal

a) Select Event

If you are requesting leave of court to file a sealed document, click Criminal on the blue menu bar, then click Motions. Enter your case number and select Seal (to Seal – requesting leave to file sealed materials) from the list of events.

The screenshot shows the CMECF Motions interface for case 1:09-cr-00363-WDQ USA v. Public. It features a search bar with the prompt "Start typing to find another event." Below this are two columns: "Available Events (click to select events)" and "Selected Events (click to remove events)". The "Available Events" list includes items like "Return of Property/PreTrial", "Return of Surety", "Review of Release or Detention Order", "Revoke", "Sanctions", "Seal (to Seal - requesting leave to file sealed materials)", "Seal Case", "Separate Trial on Counts", "Service by Publication", "Set Aside Forfeiture", "Sever Defendant", "Shorten Time", "Show Cause", "Show Cause re Revocation of Probation", and "Show Cause re Revocation of Supervised Release". The "Seal (to Seal - requesting leave to file sealed materials)" option is highlighted in blue. The "Selected Events" column contains the same option. At the bottom are "Next" and "Clear" buttons.

b) Attach Documents

When the screen to attach documents is displayed, attach your Motion to Seal as the main document, and add your proposed order as an attachment to your motion.

The screenshot shows the CMECF Motions interface for case 1:09-cr-00363-WDQ USA v. Public. It features a red instruction: "Attach only the PDF of the motion to seal as the main document and the proposed order as an attachment to the main document. DO NOT attach the proposed sealed document to the motion. Select the pdf document and any attachments." Below this is the "Main Document" section with a file path "S:\Criminal CMECF Training\Motion to Se" and a "Browse..." button. Below that is a table for attachments:

Attachments	Category	Description
1. S:\Criminal CMECF Training\Proposed Or <input type="button" value="Browse..."/>	Text of Proposed Order	<input type="text"/> <input type="button" value="Remove"/>
2. <input type="text"/> <input type="button" value="Browse..."/>	<input type="text"/>	<input type="text"/>

At the bottom are "Next" and "Clear" buttons.

c) Do you want to Seal the Motion to Seal?

Your docket entry will appear on the public docket. You can choose if your motion to seal itself should be sealed or unsealed. Select either the Sealed or the Unsealed radio button.

If you select “Sealed”, your motion to seal will appear on the public docket as “-SEALED-Motion to Seal”. Your motion and any attachments will be sealed.

If you select “Unsealed” your motion to seal will appear on the public docket as “Motion to Seal”. Your motion and any attachments will *not* be sealed.

Complete the filing as described in Section III.A.

d) *File Proposed Sealed Document(s)*

Now you must file your proposed sealed documents for the court’s review. After you have completed filing your Motion to Seal, click Criminal on the blue menu bar, then click Other Documents. Select the event Proposed Sealed Document, from the list of events. When the screen to attach documents is displayed, attach your proposed sealed document(s).

Complete the filing as described in Section III.A. The main document and any attachments will be sealed.

This event is only to be used for submitting proposed sealed materials for review by the court in conjunction with a Motion to Seal. The docket text will read as “Proposed Sealed Document”.

- If your Motion to Seal is granted, the order will link to the underlying motion and the proposed sealed document. Clerk’s Office staff will modify the “Proposed Sealed Document” entry to “Sealed Document,” and the document and attachments will maintain the same sealed security and will be deemed filed.
- If your Motion to Seal is denied, you must electronically *refile* your document as an unsealed document using the proper event. This refile

must be done within 24 hours if you wish it to be considered as part of the record.

H. Motion to Withdraw as Attorney with Sealed Supporting Memoranda

Approval of the court is not required to file sealed memoranda in support of a Motion to Withdraw as Attorney.

When filing a Motion to Withdraw as Attorney with sealed supporting memoranda in a criminal case, you should:

- 1) File your motion to withdraw as attorney pursuant to Section III.A. *Do not attach any sealed supporting memoranda to the Motion to Withdraw as Attorney.* The motion will appear on the public record and electronic notification will be sent to case participants. Access to the document will be available to all parties associated with the case, persons using the public terminal at the courthouse, and PACER users.
- 2) After you have completed filing your Motion to Withdraw as Attorney, from the blue menu bar select Criminal. Under the category Other Filings, select Other Documents. From the list of events, select Sealed Supplement re: Motion to Withdraw as Attorney to electronically file your sealed supporting memoranda. Electronic notification will be sent to case participants; however the document itself is sealed and will not be accessible. Electronic access of the sealed supporting memoranda is limited to assigned chambers staff and specific court personnel.
- 3) Service of the sealed supporting memoranda may be made in paper format or in any other format/means agreed to by the parties. In addition, counsel must retain a copy of the document because the clerk's office can only provide copies of sealed documents when directed by a court order.

I. Procedures Applicable to all Sealed Documents

1. Release of Sealed Information

If you want permission to release sealed information or to obtain copies of sealed documents, you must make a written request either in the Motion to Seal (and clarify who may have copies) or by a separate motion such as Motion for Miscellaneous Relief. Even if you represent the party who filed the sealed document, you must have a court order to obtain a copy from the court.

For example, if the U.S. Attorney's Office wants a certified copy of a sealed indictment, either the order sealing the indictment or a separate order must give the Clerk's Office permission to provide them with a copy.

2. Unsealing Indictments

When a sealed indictment is filed, all documents in the case are sealed. *When the indictment is unsealed, all the documents in the case are unsealed unless otherwise ordered by the presiding judge.* Therefore, if the Government moves to unseal an indictment but wants certain other documents in the case to remain sealed, counsel must file a motion to unseal and counsel must specify the document(s) that are to remain under seal.

3. In-Court Proceedings

When scheduling a proceeding in court, you must advise chambers if the matter will be sealed. If you fail to do so, the proceeding will appear on the public calendar with the case number, case title, and type of proceeding.

Be specific about what you want sealed. If it is just the testimony of one witness, specify 'only the testimony of John Doe.'

If you want any documents produced at the hearing or as a result of the hearing to be sealed (i.e., exhibits, the criminal memo, sentencing order, etc.), you must specify them. It is not sufficient to say 'all related documents.'

When in doubt, talk with the courtroom deputy before the proceeding.

J. Proposed Voir Dire Questions, Jury Instructions, and Special Verdict Forms

All proposed voir dire questions, jury instructions, and special verdict forms must be submitted electronically. Please remember a paper courtesy copy of any of these documents that is 15 pages or more in length must be submitted to chambers through the Clerk's Office.

K. Authenticated Documents

Documents which are certified, notarized, or authenticated by other means should be scanned and electronically filed. The filer is responsible for maintaining the original and making it available for inspection upon request by the court or another party. The original should be maintained at least until all appeals have been completed or the time for filing an appeal has expired.

L. Appeals

1. Filing

a) *Select Event*

REMINDER:
A Notice of Appeal
cannot be filed until
after the Judgment
has been filed.

A Notice of Appeal should be filed electronically as outlined in Section III. A. It is not necessary to provide the court with paper copies of the Notice of Appeal for service on the other parties. The Notice of Electronic Filing (NEF) constitutes the copy the clerk is required to serve under Fed. R. App. P. 3(d).

On the blue menu bar, click Criminal, then Appeal Documents. (Do not use Notices to file a Notice of Appeal or the filing will be marked “Filed in Error.”)

Select the appropriate appeal event:

- Notice of Appeal - Final Judgment
- Notice of Appeal - Conditions of Release
- Notice of Appeal - Interlocutory

Click Submit.

b) *Attach Documents*

When prompted, click Browse to attach your appeal PDF document. If there are attachments to the document, attach them also. Please refer to Section III.A. for detailed instructions on how to file documents.

Click Next.

c) *Select Order being Appealed*

After you are prompted to select the filer, the system will display the “Select order being appealed” screen. Place a check in the box next to “Should the document you are filing link to another document in this case?” This will allow you to link your Notice of Appeal to the appropriate Order/Judgment being appealed. Click Next.

Select the Order/Judgment you are appealing. Click Next.

Depending on which appeal event you select, the following screen *may* be displayed. Do not enter any Appeal Record Deadline dates.

d) Will you Make an Electronic Payment?

The system will ask whether you will be making an electronic payment during the filing. If you are filing in forma pauperis, on behalf of the United States Attorney's Office, or you are a CJA attorney, click the Non Payment button. Otherwise, click the Payment button.

ECF Civil Criminal Query Reports Utilities Search Logout

Appeal Documents
1:09-cr-00363-WDQ USA v. Public

You must select if you will be making an electronic payment during this transaction. If you are filing in forma pauperis, the attorney for the United States or a CJA attorney please select the NonPayment button.

Please select carefully

Payment
 NonPayment

Next Clear

e) Non Payment Selected

- 1) If you select "Non Payment", the system will automatically direct you to the procedural intervals screen. From the drop down menu select P7 - Appeal for the count the defendant was sentenced. Do not select any counts that were dismissed or those for which the defendant was not sentenced.

ECF Civil Criminal Query Reports Utilities Search Logout

Appeal Documents
1:09-cr-00363-WDQ USA v. Public

PROCEDURAL INTERVALS
Move appealed counts to P7.

1:09-cr-00363-WDQ-1 - John Q Public

1 CONTROLLED SUBSTANCE - SELL, DISTRIBUTE, OR DISPENSE (P6 11/10/2009) - Move to

Next Clear

- P0 - Charges Filed
- P1 - Awaiting Indictment
- P2 - Awaiting Trial
- P4 - Trial
- P5 - Awaiting Sentencing
- P6 - Post Sentencing
- P7 - Appeal
- P8 - Probation/Supervised Release Violation
- P9 - Disposed

- 2) Click Next.
- 3) Click Next again.
- 4) Click Next for the third time.

- 5) The system now displays the final text of the docket entry along with a warning that clicking Next will file the document. Up to this point, no information has been entered into the system and no notice has been sent to any party. If you decide that you do not wish to file the document, you may simply log out of the system. If you wish to change something you may click on your browser's Back button until you reach the point where you wish to make the change. If you receive a Warning Page Expired message, it will be necessary for you to click Criminal on the blue menu bar and start this process again from the beginning. If you are sure you want to file the document with the docket entry text displayed, click Next.
- 6) The system will now display a Notice of Electronic Filing (NEF). This is proof the document has been filed. You should save a copy of this notice. You can print a copy by clicking on your browser's print button. You can save an electronic copy by clicking on File and then Save As on your browser's menu bar.
- 7) If at this point, you determine there was an error in your filing, please contact the Clerk's office immediately. Be sure to read the NEF. For all parties whose counsel is listed beneath the language "Notice has been electronically mailed to," this notice constitutes a certificate of service and a copy of the document need not be sent to those counsel by other means. For all parties whose counsel is listed beneath the language "Notice will not be electronically delivered to," it is your responsibility to serve a copy of the document (where required by the Federal Rules or Local Rules of this court) on that party by other means permitted by the Federal Rules and file the required certificate of service.

f) Payment Selected

- 1) If you select "Payment", the system will automatically display the filing fee amount. Click Next.
- 2) The system will take you to the Pay.gov screen where you will be able to enter your payment for this filing. Please refer to the Pay.gov instructions in Section IV.O. for more details regarding how to enter your payment.

2. Briefs

If you are appealing to the United States Court of Appeals for the Fourth Circuit, do **not** electronically file copies of your brief with this court. Briefs may be electronically filed with this court only in cases where the appeal is to a district judge.

M. Requests for Rule 17 Subpoenas

Counsel will electronically file this document using the Request for Rule 17 Subpoena event by clicking on Criminal on the blue menu bar, then clicking Other Documents and selecting the event Request for Rule 17 Subpoena.

This document is automatically sealed. The proposed order and proposed subpoenas will be individual attachments to your main document. You must also submit a paper copy of the filing. This paper copy will be forwarded to chambers for ruling or signature. All parties will be noticed of the filing of this document and the docket entry is viewable. However, the document will not be accessible. The subpoena will be processed by the Clerk's Office according to the request.

N. Sentencing Memorandum

The sentencing memorandum is not a sealed document; however, the document and the docket entry will only be accessible by the parties within the case and at the Clerk's Office public terminal.

To select the event, click Criminal on the blue menu bar, then click Other Documents and select Sentencing Memorandum. If the sentencing memorandum and/or attachments contain sensitive material such as cooperation, psychological evaluation, PSI etc., the filer should request that the sentencing memorandum and/or the attachments be filed under seal. The procedures for requesting to file a document under seal can be found in Section IV. G of this manual.

A paper copy of the Sentencing Memorandum must be sent to the Clerk's Office, who will forward it to Chambers. *This is required regardless of the number of pages.*

O. Pay.gov Instructions

When you see the following screen, you will know you have reached the Pay.gov website:

System Message

- The system has populated the Payment Date with the next available payment date.

Online Payment [Return to your originating application](#)

Step 1: Enter Payment Information 1 | 2

This item is payable by [Bank Account Debit \(ACH\)](#) or [Plastic Card \(ex: VISA, Mastercard, American Express, Diners Club, Discover\)](#)

Option 1: Pay Via Bank Account (ACH) [About ACH Debit](#)

Required fields are indicated with a red asterisk *

Account Holder Name: *

Payment Amount: \$350.00

Account Type: *

Routing Number: *

Account Number: *

Confirm Account Number: *

Check Number:

Routing Number Account Number Check Number

⑆0 26946763⑆ 9243767390⑆ 1234

Payment Date: 09/23/2009

Select the "Continue with ACH Payment" button to continue to the next step in the ACH Debit Payment Process.

Once you reach this site it is strongly recommended that you not click the Back button on your browser.

If you do not wish to remit payment online via Pay.gov, then you must submit your entire filing in the traditional manner.

There are two ways to pay from this website. Pay.gov allows for payment via bank account debit (Option 1) or credit card (Option 2). If paying by credit card, you may use Visa, MasterCard, American Express, Diner's Club, or Discover.

1. [Option 1 - Payment via Bank Account Debit](#)

Your name and the payment amount will be displayed. You will need to do the following:

- From the drop down list choose an account type
- Enter the routing and account numbers
- Retype the account number for verification
- You may, but are not required to, enter a check number

Click Continue with ACH Payment.

2. [Option 2 - Payment via Credit Card.](#)

The name and address of the attorney whose login and password were being used in CM/ECF are automatically imported into the billing information screen. If you

are using a firm credit card or one with a different name and/or billing address, you will need to change that information. Then:

- 1) From the drop down list, select the type of credit card you are using.
- 2) Enter the credit card number, security code and expiration date.

Click Continue with Plastic Card Payment.

3. Authorize Payment

Regardless of which type of payment you choose, the next screen will show a summary of the payment and allows you to enter an email address where confirmation of the transaction may be sent. It is strongly recommended that you enter an email address.

In order for the transaction to go through, you **must** indicate your authorization by clicking on the box next to one of the following:

- “I authorize a charge to my card account for the above amount in accordance with my card issuer agreement”
- “I agree to the authorization and disclosure language”

Click Submit Payment.

If you entered an email address, you will receive an email confirmation of the transaction.



Pay.Gov Payment Confirmation
paygovadmin

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

Your transaction has been successfully completed.

Payment Summary

Application Name: MDD CM ECF
Pay.gov Tracking ID: 3FOED1QA
Agency Tracking ID: 0416-2160897

Account Holder Name: Bertha Williams
Transaction Type: Sale
Billing Address: 101 W. Lombard Street
Billing Address 2: Fourth Floor
City: Baltimore
State/Province: MD
Zip/Postal Code: 21201
Country: USA
Card Type: Master Card
Card Number: *****5100
Payment Amount: \$350.00
Transaction Date: Sep 22, 2009 9:36:08 AM

You will know the transaction has been processed when the system returns you to the CM/ECF site. Your credit card will be billed regardless of whether you finish filing your document.

If for any reason you are unable to complete filing the document once the Pay.gov transaction has been completed and have to start the filing process over, you will be charged a second fee. To have the first fee removed from your credit card account or bank account, you must contact the court. You will need the Agency Tracking ID and Pay.gov Tracking ID from the confirmation email you receive as well as the date of the transaction and the name of the attorney whose CM/ECF login and password were used.

V. Privacy Policy

In accordance with the policy of the Judicial Conference of the United States and Fed. R.Crim.P.49.1, the parties shall refrain from including or shall redact the following information from all documents not submitted under seal:

- Full Social Security numbers and/or taxpayer identification. If an individual's Social Security number must be included in a document, only the last four digits of the number should be used.
- Names of minor children. If a minor child must be mentioned, only the initials of the child should be used.
- Full dates of birth unless essential to a claim or defense. It is acceptable to disclose an age or year of birth if relevant.
- Full financial account numbers. If financial account numbers are relevant, only the last four digits of the number should be used.
- Full home addresses. The city and state of the home address may be used.

It is the responsibility of counsel and the parties to redact the personal identifiers listed above. The Clerk will not screen documents and will not reject them solely on the basis that they contain personal identifiers. The court may however, on its own initiative or at the request of a party, strike the document or direct other corrective action, and/or impose sanctions on any party failing to redact such information.

Certain criminal documents are not to be publicly available either remotely or at the courthouse due to security and law enforcement issues unique to criminal case files, including:

- Unexecuted summonses or warrants of any kind
- Pretrial bail or presentence investigation reports
- Statements of reasons in the judgment of conviction
- Juvenile records
- Documents containing identifying information about jurors or potential jurors
- Financial affidavits filed pursuant to the Criminal Justice Act
- Ex parte requests for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act
- Sealed documents

VI. Orders

A. Entry on Docket

Electronic filing by the court or court personnel of any orders, decrees, judgments, or proceedings of the court shall constitute entry on the docket.

B. Judicial Signatures

Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

C. Paperless Orders

At his or her discretion, a judge may rule upon a motion or correspondence by having a text only entry made on the docket. There will not be a PDF document attached to the entry. The system will, however, generate a notice of the entry. Such entries shall have the same force and effect as any other type of order. You will receive electronic notice of the filing of the order, but the notice will not have a link to a document.

VII. Query

The Query option on the blue menu bar allows you to search for cases. To utilize this option, you must have a PACER account.

You may log into the CM/ECF system using your PACER account. This will allow you access to PACER functions, but not electronic filing. If you are already logged in as a CM/ECF user, when you click on Query you will be prompted to enter your PACER login and password. This will bring up the search screen.

You can search by case number, party, or attorney name, or a combination of a range of case filing dates, range of document filing dates, and type of case. If you search by case number and it is a criminal (cr) or magistrate judge (mj) case that has multiple defendants, you may select one defendant, multiple defendants, or all defendants. If so desired, you may produce a docket sheet from this function.

ECF Civil Criminal Query Reports Utilities

Query

Search Clues

Case Number

or search by

Case Status: Open Closed All

Filed Date to

Last Entry Date to

Nature of Suit

Cause of Action

Last/Business Name (Examples: Desoto, Des*t)

First Name Middle Name

Type

VIII. Reports

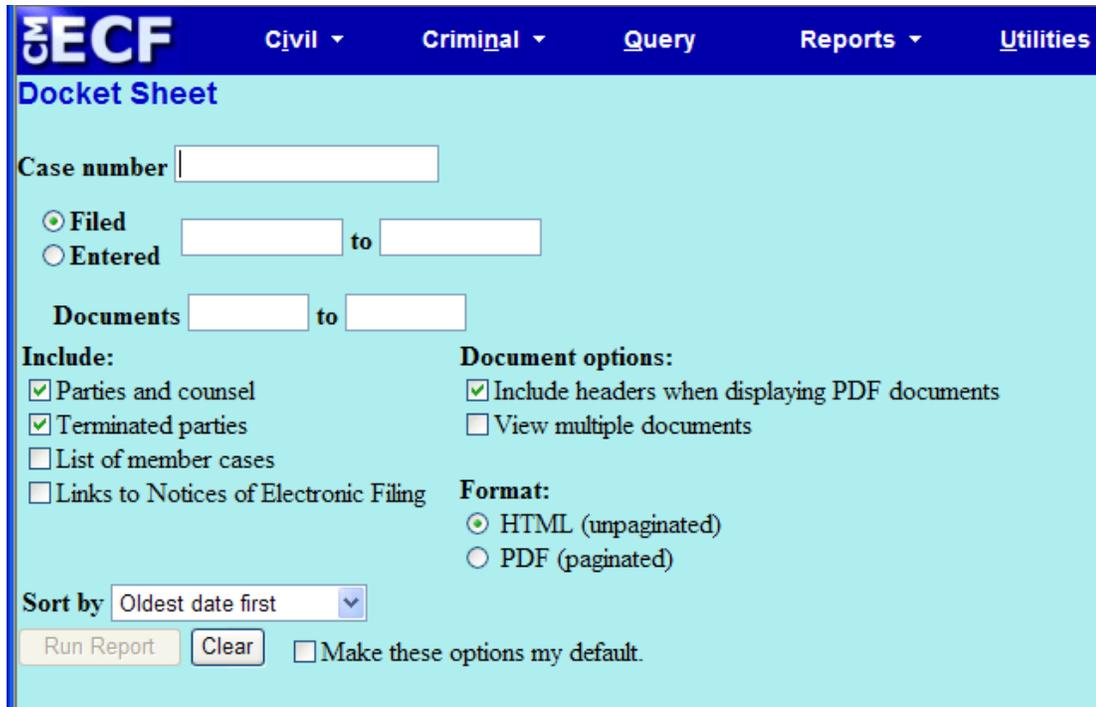
The Reports option on the blue menu bar will allow you to run several reports through PACER without having to go to the PACER website. You will need a PACER login and password to access the docket sheet and case reports. PACER fees will apply.

You may log into the CM/ECF system using your PACER login and password. This will allow you to access the PACER functions, but not electronic filing. If you are already logged in as a CM/ECF user, you will be prompted to enter your PACER account information when you click on one of the reports.

The calendar events report may be accessed with your CM/ECF login. Because the court will not be entering all hearing dates into the system, the information in the report will not be accurate. Dates are generally set by chambers.

A. Docket Sheet

This report allows you to access the docket sheet for a particular case. You may choose to view the documents in either chronological or reverse chronological order. You may limit the portion of the docket sheet you are viewing by entering either a date range or range of paper numbers. Limiting the amount of the docket you want to view will reduce the PACER fee and in cases where the docket sheet has many entries, can reduce the amount of time it takes to access the docket.



The screenshot shows the ECF (Electronic Case Filing) interface for the Docket Sheet. At the top, there is a blue navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, and Utilities. Below the navigation bar, the page title is "Docket Sheet". The form contains several input fields and checkboxes:

- Case number:** A text input field.
- Filed/Entered:** Radio buttons for "Filed" (selected) and "Entered", followed by two text input fields for a date range.
- Documents:** Two text input fields for a document range.
- Include:** Checkboxes for "Parties and counsel" (checked), "Terminated parties" (checked), "List of member cases" (unchecked), and "Links to Notices of Electronic Filing" (unchecked).
- Document options:** Checkboxes for "Include headers when displaying PDF documents" (checked) and "View multiple documents" (unchecked).
- Format:** Radio buttons for "HTML (unpaginated)" (selected) and "PDF (paginated)" (unchecked).
- Sort by:** A dropdown menu set to "Oldest date first".
- Buttons:** "Run Report" (highlighted), "Clear", and "Make these options my default" (checkbox).

To obtain a docket sheet, click Reports on the blue menu bar, then click Docket Sheet. Enter the case number, then click Find This Case. Depending on how much of the docket you would like to view and in what order, select your options and then click Run Report.

B. Criminal Cases Report

This report is similar to Query but allows a few more options for limiting your search, i.e., the type of case, certain case flags, the division the case is assigned to, etc.

To obtain a report of Criminal Cases, click Reports on the blue menu bar, then click Criminal Cases. Enter the criteria for your report, and then click Run Report.

This report is not subject to the 30 page billing cap. You will be billed for the total number of pages. If you want to run a report for a single case, you can use the Query Menu or the Docket Report.

IX. Utilities

Clicking on Utilities on the blue menu bar allows you access to a number of functions.

A. Maintain Your Account

Changing your password is discussed in Section II.B. However, you may also change your physical address, email address, phone and fax numbers as necessary to maintain a good address with the court as required by our Local Rules.

1. Name and Address

You may change your address, phone and fax numbers as necessary to maintain a good address with the court as required by Local Rule 701.3.

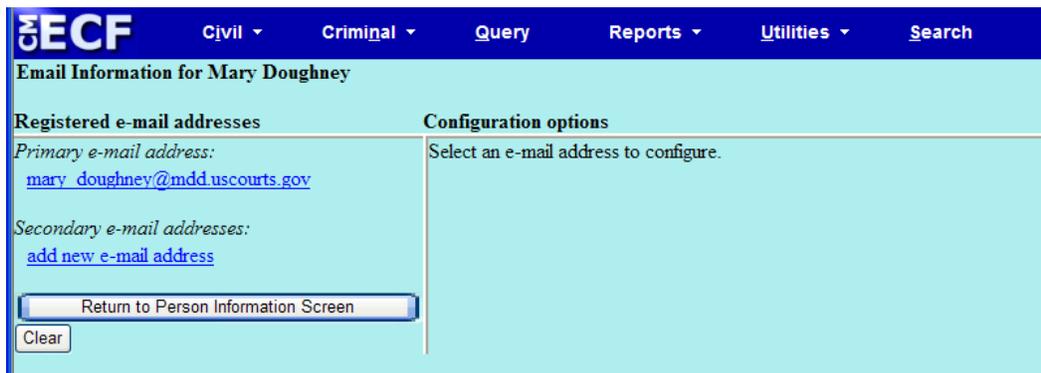
Instructions can be found on our website by clicking on <http://www.mdd.uscourts.gov/attorney/namechange.asp>

2. E-mail Information

You can make the following changes:

- change your e-mail address
- add additional e-mail addresses (your secretary for example)
- indicate whether your e-mail address receives Notices of Electronic Filing (NEFs)
- choose whether to receive a notification of everything that is filed in your cases as soon as it is filed -OR- receive a single daily notice of all activity in your cases
- indicate whether NEFs are in html format or text format
- indicate whether your e-mail address should receive general announcement notices from the Court
- indicate whether to display all your cases

To make any of the above changes, click Utilities, then Maintain Your Account. At the bottom of the screen, click the Email information button. The Email Information screen will be displayed.



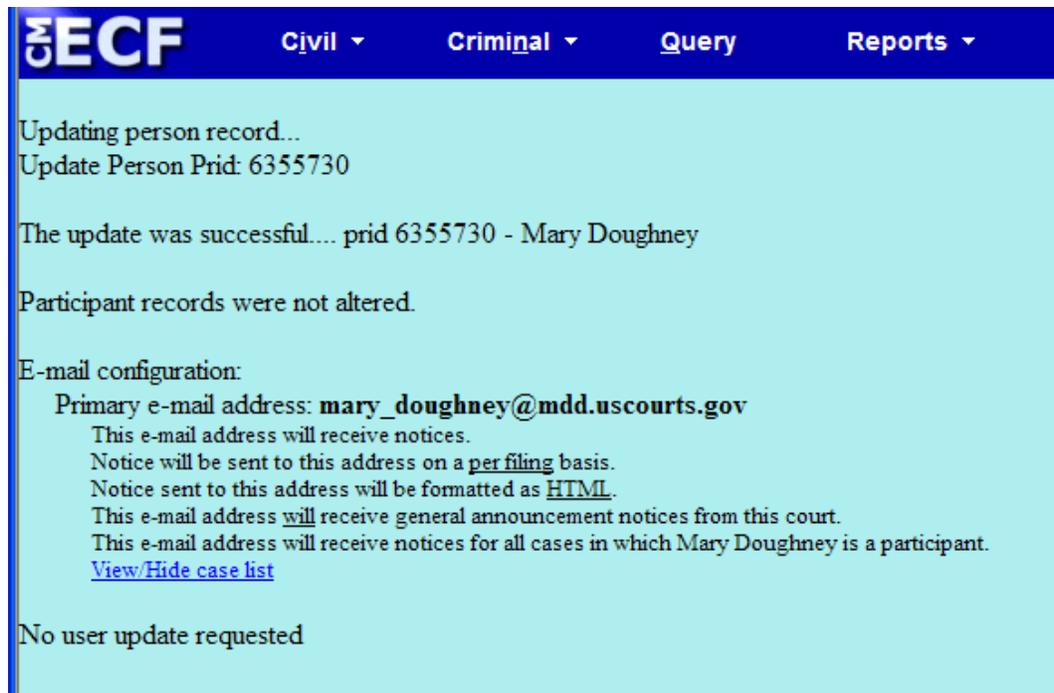
The screenshot shows the ECF (Electronic Case Filing) interface. At the top, there is a navigation bar with the ECF logo and several menu items: Civil, Criminal, Query, Reports, Utilities, and Search. Below the navigation bar, the page title is "Email Information for Mary Doughney". The main content area is divided into two columns. The left column is titled "Registered e-mail addresses" and contains the following information: "Primary e-mail address:" followed by a blue hyperlink "mary_doughney@mdd.uscourts.gov"; "Secondary e-mail addresses:" followed by a blue hyperlink "add new e-mail address"; a button labeled "Return to Person Information Screen"; and a "Clear" button. The right column is titled "Configuration options" and contains the text "Select an e-mail address to configure."

Your e-mail address(es) will be displayed on the left side of the screen. If you want to add a new e-mail address, click the link add new e-mail address. To change an existing e-mail address or the configuration options for an e-mail address, click the address you want to change. Your configuration options will be displayed on the right side of the screen.

Configuration Options	Explanation
Should this e-mail address receive notices?	For the primary email address, the default is Yes . To disable the primary address, select No . If set to No , the primary email address will not receive notices of electronic filing (NEFs).
How should notices be sent to this e-mail address?	Sets the default delivery method for notices sent to this address. If Per Filing , an email will be sent for each individual NEF. If Summary Report , one daily summary email notice that lists all the filings for that day will be sent. If this option is selected, an additional option is added to the screen: <i>Should this e-mail address receive a “no activity” notice when no summary noticing occurs?</i> If Yes , the Daily Summary Report email will include the message “no transactions found for this time period” if no activity occurs in the cases for which the user is configured to receive summary notices. If No , then no email will be generated when there is no activity in the cases.
In what format should notices be sent to this e-mail address?	Controls the format of the emails—either HTML or Text .

Configuration Options	Explanation
Should this e-mail address receive general announcement notices from this court?	If No , the user will not receive general court announcement email messages unless the court overrides the user's preference (e.g., the message is urgent and must be sent to all users). The default is Yes .
Show all cases for this e-mail address	Displays a list of all of the cases for which the user is configured to receive NEFs.

Once you have made changes, click Return to Person Information Screen, then Submit, then Submit again. A confirmation screen similar to the one below will be displayed.



3. [View Your Transaction Log](#)

This function allows you to review all documents filed using your login and password during a specified period. It is an easy way to monitor your account to ensure that it is not used without your permission.

4. [Change Your PACER Login](#)

If you have a PACER account, this option will allow you to change your login. If you wish, you can make it correspond to your CM/ECF login.

B. Legal Research

This option allows you to access on-line medical and legal dictionaries and access Westlaw. This is a pre-packaged option which came with the system. The court does not endorse any particular web sites or on-line services.

C. Mailings

This function is a quick way to check to see which parties in a case are electronically noticed and which are not. It also allows you to generate addresses in a format which can be easily copied to label printing software. Because service of documents is the filer's ultimate responsibility, it is very important for you to ensure that all parties in a case who are entitled to notice actually receive it by checking to make sure they are electronically noticed, and if they are not registered for electronic noticing, to serve them with a paper copy.

D. Verify a Document

This is a security feature installed to ensure that a document filed electronically has not been tampered with since it was filed.

X. Processing CJA Paperwork

A. CJA 20/21 and CJA 30/31 Forms

The CJA 20, 21, 30, and 31 forms will be created by the CJA staff and docketed by the Clerk's Office. The CJA 20/30 appointment of counsel form will be docketed as the main document. The CJA 21/31 will be an attachment to the main document and can be used if needed.

Within 45 days of the entry of judgment, completed CJA 20s and 30s must be mailed in paper to the CJA Supervising Attorney with the required supporting documentation. Final vouchers should *not* be filed electronically.

B. Budget Materials

All requests for funding for experts and other service providers or case budgets should be mailed directly to the CJA Supervising Attorney.

Funding materials should not be filed electronically.

The budgeting materials must be submitted via CD with one paper copy. After approval, the Clerk's Office will file these documents under seal and they will not be viewable by the parties or the public.

C. Order Authorizing Interim Payment to Counsel, Experts, and Service Providers

These orders will be electronically filed by the Clerk's Office and will be viewable by the parties and public, unless otherwise ordered.

D. CJA 23

The Clerk's Office will electronically file this document. The docket entry will be viewable by the parties and the public, but the document itself will be sealed.

E. CJA 24

This form will not be electronically filed.

XI. Troubleshooting

A. Cannot View Document Using Link in E-mail Notification

1. System Prompts to Enter PACER Login and Password

Each Notice of Electronic Filing (NEF) stating that a document has been filed electronically contains a link to the document which you may use one time to view, download and/or print the document without charge. If you click on that link and you are prompted to enter your login and password, it means that according to the system you have already had your one time "free look". Certain things will make the system act as if you have accessed the document when in fact you have not.

To avoid this problem, do **not** forward an e-mail notification to another e-mail address, and do **not** open the e-mail and close it without using the link to view, download and/or print the document.

2. The Link to the Document Does Not Work

Frequently you will receive an NEF of docket activity, but will be unable to link to a document. The most common reason for this is that there is **no** electronic document.

Many docket entries are made by the court without either a paper or electronic document. Such entries include ones related to court proceedings, entries made to update case or party information, and marginal or paperless orders by a judge. Also, because the NEF is linked to the case management software, NEFs are sent in cases that are exempt from electronic filing. There is no link to the document because it was filed in paper format.

B. System will not Allow you to Attach a Document

Occasionally you will try to attach a document, but when you click Next, you will receive the message: *ERROR: Document is not a well-formed PDF document.*

This means the system is not recognizing your document as a PDF. First, check to make sure you did not accidentally attach a document in another format. Second, try going back to your word processing version of the document, convert it again, save with a new name and attempt to file it. If this does not work, the problem is most likely with your software and you will need to contact your technical support or the software company.

If you cannot resolve the problem before a filing deadline, you may want to print the document from your word processing program and scan it. You also may bring a CD with the document on it in Word or WordPerfect format to the court, convert it to PDF on one of the public terminals in the Clerk's Office, and file it from there. (Please do not ask court staff to do this on your behalf).

XII. Help with Electronic Filing

Court staff will be available to answer questions Monday through Friday (excluding holidays and days when the court is closed) from 9:00 a.m. to 4:00 p.m.

If you need assistance, please contact the case administrator for your case. Case administrators are assigned to cases based on the last digit of the case number. For a listing of case administrators by digit, please go to our website at <http://www.mdd.uscourts.gov/courtinfo/directoryFindCaseAdmin.asp>.

XIII. Technical Issues

The court will make every effort to post the dates and times the system will be unavailable because of maintenance or upgrades on both its main web site and the

electronic filing site or will send an e-mail notification to all users.

In the event of unplanned system-wide down time, the Court will post or distribute detailed instructions to all users.

If you experience a technical problem, you may use one of the public terminals at the Clerk's Office.

XIV. Document/Docket Entry Restrictions

Oftentimes, documents and docket entries are restricted. Below is a list of the various types of restrictions and who may view documents and entries for each restriction type.

Public: Can be viewed by case participants, persons using public terminals at the courthouse, and PACER users.

Non-Public & Terminal: Can be viewed by case participants and persons using public terminals. Cannot be viewed by PACER users.

Non-Public: Can be viewed by case participants. Cannot be viewed from public terminals or by PACER users.

Ex Parte: Can be viewed by attorneys for the filing party. Can be viewed by attorneys for the party the user selects. Cannot be viewed by attorneys for other parties, persons using public terminals, or PACER users (there are two options - please refer to Section IV.E. for more detailed information).

Applicable Party: Court equivalent of an ex parte event. Can be viewed by attorneys for the party the user selects. Cannot be viewed by attorneys for other parties, persons using public terminals, or PACER users.

Private: Can only be viewed by court users.

Sealed: Can only be viewed by those court users who have been granted sealed access.

A docket entry and the attached document can have different restrictions. For example, the sealed document event will show on the public docket as Sealed Document and anyone can view the docket entry. However, if there is a document attached it will be sealed and only persons with sealed access will be able to view the document.

XV. Creating Document Hyperlinks

CM/ECF users can file a document that includes a hyperlink to a previously filed document

- in the same case
- in another case residing on the CM/ECF system where the filing is being entered
- on any other court's CM/ECF system

The hyperlink, as set by the filer, may link to the start of the document or to a specific page in the document. A filer can file a document that includes a hyperlink to a document that is being filed simultaneously (in the same docketing transaction) with the primary document. For example, a Memo in Support of Motion to Suppress may have hyperlinks to the attached documents that are part of the same docketing transaction.

Any document that includes a hyperlink must also include a description of the standard citation to the hyperlinked material. The hyperlink is a convenience, not a citation replacement.

Users should not copy hyperlinks from the Notice of Electronic Filing (NEF). The document hyperlinks in NEFs contain special information that allows them to provide one "free look" to qualified recipients of the NEF. Instead of copying hyperlinks in NEFs, users should run a report in CM/ECF, such as the Docket Report, and copy the document number hyperlink from the report.

Instructions for running a Docket Report may be found in Section VII.A.

A. Using WordPerfect to Create Hyperlinks to Existing CM/ECF Documents

1. Open CM/ECF Document

Access CM/ECF and run the docket report for the case that contains the document you want to link. Then locate the document among the docket entries. The document link displays after the Date Filed and is represented by a number with an underscore, e.g. 2. Open the document.

2. Copy URL to Clipboard

Copy the URL of the document to the clipboard:

- 1) place your mouse pointer on the URL (address)
- 2) click the right mouse button
- 3) select Copy or Copy Shortcut (Internet Explorer/Netscape) or Copy Link Location (Firefox) from the selection list.

3. Add Hyperlink to WordPerfect Document

Open the Word Perfect document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.

Click Tools on the menu bar and select Hyperlink from the drop down selection list. When the Hyperlink Properties window opens:

- 1) Paste the URL into the *Document/Macro* field (by clicking the right mouse button and selecting Paste or by using the Ctrl + V command).
- 2) Optional - add a specific page number within the document. To do this, enter **?page=<page number>** at the end of the URL. For example <https://usdc.uscourts.gov/doc1/00103032?incHeader=y?page=23>.
- 3) Click the OK button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.

Save the WordPerfect document.

4. Add PDF Document to Docket Entry

After saving the document, convert it to PDF format (see Section III.A.1). Docket an event in CM/ECF and add the PDF to the docket entry as usual.

B. Using Microsoft Word to Create Hyperlinks to Existing CM/ECF Documents

1. Open CM/ECF Document

Access CM/ECF and run the docket report for the case that contains the document you want to link. Then locate the document among the docket entries. The document link displays after the filed date and is represented by a number with an underscore, e.g. 2. Open the document.

2. Copy URL to Clipboard

Copy the URL of the document to the clipboard. To do this:

- 1) place your mouse pointer on the URL (address)
- 2) click the right mouse button
- 3) select Copy or Copy Shortcut (Internet Explorer/Netscape) or Copy Link Location (Firefox) from the selection list.

3. Add Hyperlink to Word Document

Open the Word document you want to add the hyperlink to and highlight the citation text for which you wish to create the hyperlink.

Click Insert on the menu bar and then select Hyperlink. When the Insert Hyperlink window opens:

- 1) Paste the URL into the *Address* field (by clicking the right mouse button and selecting Paste, or by using the Ctrl + V command).
- 2) Optional – add a specific page number within the document. To do this, enter **?page=<page number>** at the end of the URL. For example, <https://ap10-dev-dcn.td.ocads.ao.dcn/doc1/00103032?incHeader=y?page=23>.
- 3) Click the OK button and the dialog box will close. The hyperlink text now is underlined indicating a hyperlink has been created.

Save the Word document.

4. Add PDF Document to Docket Entry

After saving the document, convert it to PDF format (see section III.A.1). Docket an event in CM/ECF and add the PDF file to the docket entry as usual.

C. Creating Hyperlinks between Documents Filed in the Same Event

It is possible to link two or more documents to be filed in the same event - create a hyperlink from the main document to an attachment - even when those documents were not filed previously in CM/ECF.

1. Using WordPerfect to Create Hyperlinks between Documents Filed in the Same Event

- 1) Create the secondary WordPerfect document(s) (the attachment) to which the main document will be linked and convert it to PDF.
- 2) Create/open the main document (the document that will have the hyperlink to the secondary document).
- 3) Select the text in the main document that will be displayed as the hyperlink. Click Tools on the menu bar and select Hyperlink from the drop down selection list. The Hyperlink Properties window will open.
- 4) Click the Folder icon next to the *Document/Macro* field.
- 5) Navigate to the folder in which the secondary document you wish to link to is located. Highlight the file and click the Select button. (The file selected as the link must be in PDF format.) Optional: Add a specific page number within the document. To do this, enter **?page=<page number>**, e.g., [Exhibit 2.pdf?page=23](#).
- 6) Click OK in the Hyperlink Properties window. The hyperlink text will be underlined.

7) Save the main WordPerfect document and convert it to PDF.

2. Using Microsoft Word to Create Hyperlinks between Documents Filed in the Same Event

- 1) Create the secondary Word document(s) (the attachment) to which the main document will be linked and convert it to PDF.
- 2) Create/open the main document (the document that will have the hyperlink to the secondary document).
- 3) Select the text in the main document that will be displayed as the hyperlink. Click Insert on the menu bar and select Hyperlink.
- 4) Navigate to the folder in which the secondary document you wish to link to is located. Highlight the file and click the OK button. (The file selected as the link must be in PDF format.)
- 5) The name of the selected file displays in the *Address* field.
- 6) Click the OK button and the dialog box will close. The hyperlink text will be underlined.
- 7) Save the Word document and then convert it to PDF.

3. Add PDF Document to Docket Entry

Docket an event in CM/ECF and upload the main document and attachments as usual.

XVI. Documents Filed in Error

A. Errors Found During Quality Control Process

All documents filed by counsel will be reviewed by Clerk's Office staff to ensure they were docketed correctly and they comply with the Federal Rules of Criminal Procedure and the Local Rules of our court.

If a document is incorrectly filed with the court, you will be contacted by the Clerk's Office and/or an electronic letter will be sent to the parties indicating the document was filed in error.

The link to the document will be reset so the document may only be accessed by court users, not by counsel or PACER users. The original docket entry will remain with a notation "FILED IN ERROR" noted at the beginning of the entry.

If you file a document in the wrong case, it is your responsibility to refile it in the correct case and contact the Clerk's Office immediately to notify them of the error. If you electronically file a document in a case which is exempt from electronic filing, the link to the document will be reset so it cannot be accessed by non-court users. You are required to submit the original and appropriate number of paper copies within 48 hours.

B. Errors Reported by the Filing Party

If you notice you have made a mistake, you should immediately contact the court and ask for the case administrator handling the case. If circumstances warrant, the case administrator may temporarily reset the link to the document so it may only be accessed by court users, not by counsel or PACER users.

If you need assistance, please contact the case administrator for your case. Case administrators are assigned to cases based on the last digit of the case number. For a listing of case administrators by digit, please go to our website at <http://www.mdd.uscourts.gov/courtinfo/directoryFindCaseAdmin.asp>.

Appendix A – Criminal Event List

Motions and Related Filings

Motions

- 1 – Exparte Docket Entry AND Document – to be used ONLY in conjunction with other selection
- 1 – Exparte Document – to be used ONLY in conjunction with other selection
- Adopt Motion of Other Defendant
- Alter Judgment
- Amend/Correct
- Appeal In Forma Pauperis
- Appear
- Appoint Counsel
- Appoint Expert
- Appoint Public Defender
- Attorney Fees
- Bifurcate
- Bill of Particulars
- Bond
- Brady Materials
- Certificate of Appealability
- Certify
- Change Venue
- Compel
- Consolidate Cases
- Continue
- Copy work
- Declaration of Mistrial
- Defendant to Surrender
- Deferral of Prosecution
- Determine Competency to Stand Trial
- Disclosure
- Discovery
- Dismiss
- Dismiss/Lack of Jurisdiction
- Dismiss/Speedy Trial
- Disqualify Counsel
- Disqualify Judge
- Disqualify Juror
- Early Termination of Probation
- Exclude
- Expedite
- Extension of Time re Transcript
- Extension of Time to File Document
- Extension of Time to File Response/Reply
- Extension of Time to Indict
- File Amicus Brief
- File Excess Pages
- Forfeiture of Property
- Handwriting Exemplars
- Hearing
- In Limine
- Inspect
- Intervene
- Issuance of Warrant in Rem
- Joinder
- Judgment of Acquittal
- Judgment of Forfeiture
- Leave to Appeal
- Leave to File Document
- Medical Exam
- Medical Treatment
- Miscellaneous Relief
- Modify Conditions of Release
- Motion to Enforce IRS Summons
- Motion to Reduce Sentence re Crack Cocaine Offense - 18:3582
- New Trial
- Postpone Sentence
- Proceed in Forma Pauperis
- Produce
- Protective Order
- Psychiatric Exam
- Psychiatric Treatment
- Quash
- Quash Indictment/Information
- Reconsideration
- Recusal
- Redact Transcript

Motions (continued)

- Reduce Sentence
- Release Bond Obligation
- Release from Custody
- Release of Funds
- Remand
- Request for Writ - Post Judgment
- Return of Property/Post Trial
- Return of Property/Pre Trial
- Return of Surety
- Review of Release or Detention Order
- Revoke
- Sanctions
- Seal (to Seal – requesting leave to file sealed materials)
- Seal Case
- Separate Trial on Counts
- Service by Publication
- Set Aside Forfeiture
- Sever Defendant
- Shorten Time
- Show Cause
- Show Cause re Revocation of Probation
- Show Cause re Revocation of Supervised Release
- Speedy Trial
- Stay
- Strike
- Substitute Attorney
- Suppress
- Take Deposition
- Transfer Case
- Travel
- Unseal Case
- Unseal Document
- Unseal Indictment
- Vacate
- Vacate (2255)
- Victim Rights
- Warrant
- Warrant for Arrest of Property
- Withdraw
- Withdraw Document
- Withdraw Plea of Guilty

- Withdraw Plea of Nolo Contendere
- Withdraw as Attorney
- Writ of Habeas Corpus ad prosequendum
- Writ of Habeas Corpus ad testificandum

Responses and Replies

- Exparte Docket Entry and Document to be used ONLY in conjunction with other selection
- Exparte Document to be used ONLY in conjunction with other selection
- Memorandum in Opposition to Motion
- Memorandum in Support of Motion
- Reply to Response
- Response
- Response in Opposition
- Response in Support
- Response to Motion

Other Filings

Discovery Documents

- Demand for Alibi Witness
- Discovery Material
- Notice of Alibi
- Notice of Alibi Witness
- Notice of Insanity Defense
- Notice of Issue of Foreign Law
- Notice of Public Authority Opposition Witness
- Withdrawal of Alibi
- Withdrawal of Insanity Defense

Waivers

- Waiver of Counsel
- Waiver of Initial Appearance
- Waiver of Interstate Agreement on Detainers
- Waiver of Preliminary Hearing
- Waiver of Presence at Arraignment
- Waiver of Presentence Investigation Report

Waivers (continued)

- Waiver of Rule 5(c)(3) Hearing
- Waiver of Speedy Trial
- Waiver of Trial by Jury

Service of Process

- Affidavit in Support
- Application for Warrant
- Certificate of Service
- Judgment Return Executed
- Receipt of Agreement to Forfeit Property
- Search Warrant Return Executed
- Search Warrant Return Unexecuted
- Summons Return Executed
- Summons Return Unexecuted
- Warrant Returned Executed
- Warrant Returned Unexecuted

Notices

- Ex parte Docket Entry and Document to be used ONLY in conjunction with other selection
- Ex parte Document to be used ONLY in conjunction with other selection
- Deferral of Prosecution
- Nolle Prosequi
- Notice (other)
- Notice of Attorney Appearance - Defendant
- Notice of Attorney Appearance - USA
- Notice of Filing of Ex Parte Document
- Notice of Hearing
- Notice of Hearing by U.S. Attorney's Office
- Notice of Intent to Seek Death Penalty
- Notice of Violation – Pretrial Release
- Notice to Resume Prosecution

Correspondence

- Conference – requesting
- Hearing/trial date – requesting
- Miscellaneous
- Scheduling – requesting

Trial Documents

- Exhibit List
- Proposed Jury Instructions
- Proposed Verdict
- Proposed Voir Dire
- Request for Special Findings of Fact
- Trial Brief
- Witness List

Appeal Documents

- Amended Notice of Appeal – Final Judgment
- Appeal of Magistrate Judge Decision to District Court
- Defendant Brief
- Defendant Reply Brief
- Designation of Record on Appeal
- Government Brief
- Government Reply Brief
- Notice of Appeal - Conditions of Release
- Notice of Appeal - Final Judgment
- Notice of Appeal – Interlocutory
- Transcript Request - Appeal

Other Documents

- Affidavit
- Affidavit - Rule 5(c)(3)
- Consent to Inspection of PSI
- Consent to Magistrate Judge Disposition on Motion
- Consent to Trial Before US Magistrate Judge
- Corporate Disclosure Statement
- Financial Affidavit - CJA23
- Information to Establish Prior Conviction
- Notice of Intent to Request Redaction
- Objection to Presentence Investigation Report
- Petition on Probation/Supervised Release
- Presentence Investigation Report
- Pretrial Memorandum

Other Documents (continued)

- Proposed Protective Order
- Proposed Sealed Document
- Redacted Document
- Redacted Request - Transcript
- Redaction Index
- Refusal of Magistrate Judge Jurisdiction
- Request for Rule 17 Subpoena
- Response to Order to Show Cause
- Satisfaction of Judgment
- Sealed Supplement re: Motion to Withdraw as Attorney
- Sentencing Memorandum
- Status Report
- Status Report – Crack Amendment
- Status Report on Offender Under Supervision
- Supplemental
- Unredacted Document
- Unredacted Probation Form 22
- Withdrawal of Motion

Appendix B – Notice of Filing of Lengthy Document

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

*

vs.

*

Case No.

*

NOTICE OF FILING OF LENGTHY DOCUMENT

Exhibit _____, which is an attachment to _____

exists only in paper format and is longer than fifty pages or, if scanned will be larger than 1.5 MB. It will be filed with the Clerk's Office in paper format.

I certify that within 24 hours of the filing of this Notice, I will file and serve paper copies of the document identified above.

/s

Printed Name and Bar Number

Date

Address

City/State/Zip

Phone No.

Fax No.

Appendix C – Certificate of Service

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

vs.

*

*

Case No.

*

CERTIFICATE OF SERVICE

I hereby certify that on _____, 200_, a copy of _____
_____,
which was electronically filed in this case on _____, 200_, was mailed
via first class mail, postage prepaid, to _____.
_____.

_____/s_____

Printed Name and Bar Number

Date

Address

City/State/Zip

Phone No.